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# Lt. Gov. David Dewhurst to push Texas lawmakers to consider fee hike to pay for roads

By MICHAEL A. LINDENBERGER

Transportation Writer

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AUSTIN — A determined push in the 2011 Legislature by one of its most powerful figures is likely the only chance Texas has to find the money needed to tackle worsening traffic in Dallas and other big cities.

Despite an \$8 billion annual budget, the Texas Department of Transportation expects to run out of money for new construction in 2012. That could delay or doom critical projects, including Dallas's S.M. Wright Freeway reconstruction and the Margaret McDermott Bridge.

In three straight sessions since 2007, the Legislature has rejected bills that would have created new revenue sources for transportation, backing instead more tolls and more debt. But this year could be different.

In an exclusive interview last week, just after taking the oath of office for a third term as one of the Capitol's three most powerful chieftains, Lt. Gov. David Dewhurst said he would personally push lawmakers to embrace more revenue, and more highway spending, in the current session.

Dewhurst, who leads the Texas Senate, vowed to publicly press his colleagues to ask Texans to pay more so the state can spend more on highways, especially in its biggest and most traffic-clogged cities.

"I think most of the people in Texas know that we have severe congested road segments in most of our urban areas and folks in rural Texas want certain essential new roads to be built," he said. "Everyone understands that is going to cost money. I don't think anyone doesn't understand that."

He knows it won't be easy, especially with the Legislature already considering deep cuts in essential services like education and care for the elderly. And with a Texas House dominated by strong fiscal conservatives, including many elected just last fall amid loud calls to shrink government.

Dewhurst, a millionaire businessman and former CIA agent who is widely seen as all but certain to seek Sen. Kay Bailey Hutchison's seat next year, stressed repeatedly in the interview that he would not support a tax increase.

But other fees, including vehicle registration fees, could be increased, he said, to be reflect what it really costs the state to keep traffic moving, and to keep roads and bridges in good repair.

"It's a question of the people of Texas understanding that we are not going to be able to reduce congestion and not going to be able to build new roads unless we are to figure out a source of financing," he said.

Dewhurst said it's too soon to commit to a particular type of revenue scheme, but he said he and Sen. Tommy Williams, the chairman of the Senate transportation committee, have been discussing a possible increase to Texas' annual vehicle registration fee, which he said is among the lowest in the nation.

"If you look at data and all costs involved with normal car ownership, not just vehicle registration fee, but gas taxes that would accrue to that vehicle, all costs in, Texas rates 41st out of 50 states," he said.

An annual increase of, say, \$20 on a typical car, plus higher fees on 18-wheelers, may be palatable to Texans, he said.

He also said that before any fees would be raised, voters would have to vote on the proposal. And when they do, he said, they would be given a list of exactly which projects would be funded with the new money.

Despite those safeguards, Dewhurst will have some convincing to do. Some conservatives have already

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warned politicians away from raising fees in the current session.

"It's the same as raising gas taxes," Talmadge Heflin, director of the Center for Fiscal Policy at the Texas Public Policy Foundation, said when asked about higher registration fees on dallasnews.com's transportation blog. "As long as diversions continue, fees become a tax."

Sen. John Carona, R-Dallas, said last week he would oppose higher fees this session, too.

"No. The Legislature is not being honest with taxpayers when it pursues such a sleight of hand. This is nothing more than a disguised tax increase, it will not slow the costly proliferation of private toll road development, and creates a false sense that the problem has been adequately addressed," he said. He also said a flat fee is unwise, as drivers who use the roads frequently would pay the same as those who seldom drive.

The other chiefs in the Capitol, Gov. Rick Perry and Speaker Joe Strauss, declined requests to discuss the idea last week.

Still, some observers with deep ties to the current leadership say Dewhurst may be able to put his plan forward without running afoul of the anti-tax fervor.

Kris Heckmann, a lobbyist who was previously Perry's deputy chief of staff and transportation policy director, said even Perry, despite his strong stance against taxes, has agreed to higher vehicle fees in the past.

"I think it's possible" the idea would gain support, Heckmann said. "Most people don't remember this, but back in 2007 there was a bill passed and the governor signed it that raised the vehicle registration fee \$10 in Hildalgo County. So there is precedent for this idea."

Dewhurst and others who support higher fees would have to convince Texans, and the anti-tax lawmakers they have elected, that increasing a fee is different than raising their taxes.

"The distinction that has to be made is that it's not a general tax: Registration fees are constitutionally required to be used for roads," Heckmann said. "So you'd be able to say, 'Did we raise some fees? Yes, we did — but they are going to be used for the purpose for which they are intended. In this case, transportation.'"

Michael Morris, transportation director for the North Central Texas Council of Governments, said Dewhurst's willingness to talk about new funding for transportation is great news — even if it's not clear how much total revenue might be available if the fees were raised.

"I keep scratching my head," Morris said. "This was going to be the session we couldn't talk about transportation funding and now we are able to talk about it. It's a great development."

Dewhurst himself said he wanted to be cautious about committing to a particular strategy this early in the session. He said the exact shape of any funding proposal will evolve as the new legislature sorts itself out.

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