



Editor's Note: Last week we included a report with a somewhat negative slant about the proposed rail line between Duluth and the Twin Cities ('Proposed Rail Line Faces Hurdles'). Joe Gladke, Manager of Engineering and Transit Planning in Hennepin County, corrected this view with a more recent article showing the project actually has broad support. Thanks Joe.

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Texas Residents Sue to Block Highway

Dallas Morning News, TX - Dec 11, 2007

Texas - A grass-roots group from a Dallas suburb is suing to prevent the extension of FM2499, saying the four-lane highway will threaten the area's quality of life. Residents of Highland Village, located just north of the Dallas-Fort Worth Airport, say the route comes too close to homes and will damage the city's rural appeal.

The residents, who call themselves the Highland Village Parents Group, filed suit in federal court Monday, arguing that the environmental review process was incomplete because state and federal officials agreed to allow a less rigorous, more general review. The group claims developers did not adequately warn them about how close the road would come to their homes before they were built.

FM2499 has been in the planning stages for over 20 years, although the plans haven't kept developers from building subdivisions within yards of the highway's proposed route. Michael Morris, transportation director for the North Central Texas Council of Governments, sent a letter to the resident's group last month saying that Denton County purchased the land for the road in the early 1990s, at which time no homes were located within 2,000 feet of the property.

Highland Village Mayor Dianne Costas is in favor of the extension, saying the city's air quality would improve as the project breaks up the gridlock at the FM2499 and FM407 intersection. "If it's delayed, it's not only going to negatively affect the development out there, it will also affect the congestion and air quality and everything else," the mayor said. "The key goal in air quality is you keep things moving – not deadlock, standing still."



There is lots of blame to go around here: realtors and the nature of their disclosure, planning and zoning committees, elected officials and naïve homeowners. The homeowners should have worried about losing the rural nature of their community a few thousand homes ago. TW

PA Bridge Collapse Highlights Funding Problems

Altoona Mirror, PA - Dec 10, 2007

LANCASTER COUNTY, Pa. – The collapse of a 103-foot bridge in Dysart once again brings the issue of bridge safety to the forefront, as transportation officials continue to face the daunting task of fixing more than 6,000 structurally deficient bridges in the state with few funds. The 116-year-old bridge on State Route 1012 over Clearfield Creek collapsed December 6 after a PennDOT snow plow crossed it.

"We have not come face-to-face with the reality of the backlog of structurally deficient bridges," said PennDOT Secretary Allen Biehler at a transportation meeting Tuesday. "This is a real problem. If we don't solve it, it will choke us. We'll be closing bridges and weight-restricting bridges."

The state Transportation Funding and Reform Commission, of which Biehler is a member, recommended a \$1.7 billion spending increase each year for the next decade, according to the commission's November 2006 report. Gov. Ed Rendell signed Act 44 earlier this year to provide about half that, or an average of \$946 million over the next ten years.

Nearly five dozen local government leaders at Tuesday's meeting listened to Sen. Gibson E. Armstrong describe the issues facing the state's transportation system as "frightening and real." Armstrong, chair of the influential Appropriations Committee, said "It's a monumental problem we're facing. Every year it's worse than the year before."

Contractor to Pay \$8.2M in Asphalt Fraud Suits

Bizjournals.com, NC - Dec 10, 2007

Indiana - A paving company out of Clarksville, Ind. has been ordered to pay \$8.2 million in settling a lawsuit claiming the company falsely inflated fees for projects in Kentucky and Indiana between 1997 and 2006. The suit, filed by a former employee of the company, alleged that Gohmann Asphalt and Construction Inc. swapped asphalt samples to increase its compensation for highway paving projects paid for by the federal government, according to a news release from the office of David L. Huber, U.S. Attorney for the Western District of Kentucky.

The release stated Gohmann's compensation was partially dependent on meeting required levels of asphalt density – 40 percent of the payment in Kentucky projects and 35 percent in Indiana. In the lawsuit, former Gohmann employee Paul Roederer claimed employees switched good cores with the required density level for bad cores that would not meet the required levels.

Gohman has agreed to pay the Federal Highway Administration about \$6.7 million and the state of Indiana \$362,165 million in one settlement, according to the release. In the second settlement, Gohmann has agreed to pay the state of Kentucky \$1.2 million. As a federal whistleblower, Roederer has been rewarded \$1.2 million from the settlement with Indiana and the federal government. Gohmann has also agreed to extend the warranties on many of the highway projects for three additional years.

Politicians Fight over NH Highway Funds

Portsmouth Herald News, NH - Dec 9, 2007

New Hampshire - The fight for highway funds in New Hampshire is heating up as powerful lawmakers in the state are making plans with the money. The head of the Senate Transportation Committee, Sen. Bob Letourneau, R-Derry, plans to reinstate the full 19-mile project for I-93; widening it to four lanes in each direction, which was cut when the project dropped from \$4.1 billion to \$2.2 billion. The federal court has already given the state approval for the first several years of the huge project.

"The state highway plan has \$120 million in projects for Seacoast," Letourneau said. "Except for I-93, my district gets almost nothing. Yet most of the money raised for roads is from our part of the state. I'm absolutely going to fight for the entire I-93 project. We are going to build the whole thing." A 2001 law sponsored by Letourneau put widening I-93 at the top of the state's priority list.

In response to Letourneau, the Seacoast area is seeking to add revenue. Executive Councilor Bev Hollingworth, D-Hampton, organized a vote by the Special Commission to increase the cost of the ten-year plan from \$2.1 billion to \$2.2 billion by borrowing money. Another possible solution is passing HB 145 next term, which involves a 6-cent gas tax hike for road and bridge repairs.

At least one lawmaker is not looking to increase highway funding, however. Sen. Joe Kenney, R-Wakefield, is a gubernatorial candidate and is co-sponsoring HB 1365, which would take away the Executive Council's power to set tolls, and would reduce tollbooth fees before the council's Oct. 22 hike.

Truckers Threaten to Avoid Thruway if Tolls are Hiked

Newsday, NY - Dec 11, 2007

ALBANY, N.Y. – Truckers are threatening to avoid the New York State Thruway if the authority over the 641-mile highway raises tolls as planned to make up for lower-than-expected vehicle numbers. The New York State Thruway Authority is planning a 10 percent hike to begin next month, and last month suggested a plan to raise cash tolls by 5 percent in 2009 and again in 2010.

Thruway officials say the hikes are necessary because the low vehicle numbers are not generating enough revenue to pay for a \$2.1 billion highway and bridge repair plan. Trucks accounted for \$220.7 million of the \$554.4 million in tolls collected on the Thruway in 2006, according to the authority. Trucks paid \$200.1 million in Thruway tolls in 2005.

Todd Smith of Priority Transportation testified at hearings this week with Assembly Republicans on how the toll hikes would affect the state economy. Smith said many of his company's trucks would detour to alternative routes to avoid the cost increase. Terry Button, who delivers hay from his family's farm in western New York to race tracks and feed stores down the east coast, said he

has done his best to avoid the Thruway since a 35 percent toll increase for trucks in May 2005. Button said even though secondary routes take longer, they can end up being less costly, after figuring in an independent operator's cost of fuel and other expenses. "If they raise the tolls again, I'll avoid the Thruway altogether."

In Ohio, officials have been working to lure trucks back by lowering tolls by 25 percent and raising the speed limit for trucks on the Ohio Turnpike after a series of increases over five years brought tolls up 80 percent.

"We told them that the trucks would leave the turnpike and sure enough that's what happened," said Larry Davis, president of the Ohio Trucking Association. "All the parallel routes where it's free to drive just got crushed." Truck traffic is back up 23 percent since tolls were decreased and other changes were made in 2004, according to the Ohio Turnpike Commission.

Full Funding Grant Agreement for Northstar Rail

Coon Rapids Herald – December 11, 2007

MINNEAPOLIS - Northstar Commuter Rail supporters are celebrating after a full federal funding agreement of \$156.8 million will pay nearly half the cost of the \$317 million project. The 40-mile line between downtown Minneapolis and Big Lake will make six roundtrips each weekday, with stops in Elk River, Anoka, Coon Rapids and Fridley for a 40-minute end-to-end trip.

At a ceremony in Anoka, Gov. Tim Pawlenty and Adm. Thomas Barrett, U.S. Deputy Secretary of Transportation signed documents Tuesday guaranteeing the federal funding as well as releasing \$97.5 million in state bonds approved by the state legislature in 2005 and 2006. Barrett said the federal dollars awarded to make Northstar a reality is another example of the commitment of the federal government to assist the Twin Cities in the aftermath of the I-35W bridge collapse.

Anoka County Commissioner Dan Erhart, chairman of the Northstar Corridor Development Authority noted that in a recent survey, 82 percent of respondents said Northstar is a good idea. "Not only is this day a celebration for those who have kept the project on track, but for Minnesotans who will soon be riding the trains, employers who will have their workers on board and communities along the corridor," he said.

Toll Road Lease Helps Pay for County Road Projects

Gary Post Tribune, IN - Dec 10, 2007

Indiana - Work is complete on seven miles of county roads this year by the Porter County Highway Department since the state cut the county a \$14.4 million check last September after leasing the Indiana Tollway to a private firm. The \$3.8 billion, 75-year deal with a consortium of Spanish company Cintra and Australia's Macquarie Infrastructure was finalized with the state last summer.

Since receiving the Major Moves money, county officials decided to invest it rather than spend it, according to county attorney David Hollenbeck. "(The county) decided it would invest the money and use the proceeds from the investment to supplement the money that is available to work on county road projects," Hollenbeck said.

Following a competitive bidding process, the county awarded Fifth Third Bank for a \$1.5 million loan earlier this year. Stretched over a two-year period, the entire \$1.5 million total is expected

to be paid off through the Major Moves investment during that time period, said Hollenbeck. The county has generated \$530,000 in interest so far, and the county highway officials say they have \$973,299 left to use in 2008.



This was one of the collateral benefits touted with the toll road deal the state cut last year. Local communities are benefitting from the tolls paid by users of the facility. The nature of the current discussion about tolling the interstate indicates an interest in retaining all those funds on the Interstate system. That may spell the doom of this concept. One of the reasons people are willing to pay tolls is because they will see these kinds of collateral benefits on other parts of their system. Restrict revenues collected to the facility and some public support goes away. TW

Nevada Panel Supports Private Highway Funding

Appeal Capitol Bureau – December 7, 2007

Nevada - Public-private partnerships may help build the future of Nevada highways, after a governor's study committee voted Thursday to recommend the idea for approval by the 2009 Legislature. The group was established because many lawmakers including Gov. Jim Gibbons are trying to avoid raising taxes, and there is no excess money to build additional roads.

Although lawmakers have generally been against the idea because it would result in tolls, Sen. John Lee, D-Las Vegas, made the motion, saying that with insufficient funding to build enough highways in the growing state, other options such as privately built highways must be considered.

Under the recommendation, a private company would build additional lanes in an area with extreme congestion, such as the I-15 or the Boulder City bypass. Drivers could pay for the privilege to use the new lanes in order to avoid congestion.

The group's recommendation will be sent to the Nevada Transportation Board, chaired by Gov. Gibbons, and if approval is obtained, it will be drafted as one of the transportation department's 2009 legislative proposals.

California Wins Right to Curb Emissions

USA Today – December 13, 2007

California - An auto industry lawsuit challenging California's cap on greenhouse emissions was rejected by a federal judge Wednesday, preserving the state's authority to regulate emissions from cars and trucks. This major defeat for the auto industry is the second of its kind this year, when a federal judge made a similar ruling in Vermont in August. Environmental groups applauded the California ruling. "It's time for the automakers to bench their lawyers and put their engineers to work," said Patricia Monahan with the Union of Concerned Scientists.

Greenhouse gases, primarily carbon dioxide, are said to be the main cause of global warming. Since the only way to cut carbon dioxide emission is to use less types of all fuels, the auto industry sees greenhouse gas regulations as barely disguised fuel-economy regulations, which is the province of the federal government.

Last year, California implemented a comprehensive law requiring a 25% reduction in greenhouse gases by 2020. The state also sued the federal government last month, demanding a decision about whether the state is allowed to impose the nation's first greenhouse gas emission standards for cars and light trucks. Numerous other states pledged to implement the standards.

The Alliance of Automobile Manufacturers, the industry's primary trade organization, is appealing the Vermont ruling. "We will study the [California] decision and consider the options, including an appeal to the 9th U.S. Circuit Court and the Supreme Court," said alliance spokesman Charles Territo.



You can ignore California, but they are setting the agenda for the future of transportation. (See our Tom Warne Report from December 3, 2007) This is a huge deal and the auto industry needs to wake up and figure out how to deal with it. (Hint: It won't be in court.) TW

Road Projects on Hold Till State Finds Funding

SouthCoastToday.com, MA - Dec 12, 2007

Massachusetts - New safety projects for Massachusetts roadways have been put on hold by federal agencies until the state can show it has the means to match federal funding.

With federal funding accounting for 80 percent of project costs, the state is unable to come up with the other 20 percent as no money is earmarked for transportation projects in fiscal 2008. The FTA and FHWA will not approve the STIP unless funds for the first two years are accessible or committed.

"They wanted to make a statement that, without firm financing, you can't operate, and you're not doing a good job because you're not providing any more money to keep up," said Roland Hebert, transportation planning manager and deputy director for the Southeastern Regional Planning & Development District. The state was scheduled receive \$13.3 million in federal funds through the STIP for four safety projects in the Fairhaven area.

Gov. Deval Patrick filed a transportation bill two weeks ago, authorizing borrowing to finance projects over the next three years. However, because the House of Representatives is not currently in session, Mr. Herbert predicts it will be two to three months before the bill is approved and signed by the governor. The federal government will likely approve the STIP at that point because state projects will already be funded.

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