

Texas Department of Transportation may last, but how is unclear

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Local officials are no more sure than anyone else in Texas on what to make of Monday night's meltdown in Austin, in which lawmakers managed to schedule the state Transportation Department for termination by 2010.

"You ask me where we stand in terms of transportation in the state of Texas? I can't tell you. I don't know," said Michael Morris, transportation director for the North Central Texas Council of Governments.

The Transportation Department issued a statement to say it isn't going anywhere, yet.

"The Texas Department of Transportation is open for business," said spokesman Chris Lippincott.

"TxDOT staff is working with the Texas Transportation Commission and the Office of the Governor to identify options for the department following the adjournment of the 81st legislative session, but we remain focused on our mission. We will keep Texas moving."

By Monday night, lawmakers had killed a bill that would have overhauled TxDOT and were poised to pass a safety measure that would have continued it as is for two years. That bill died, too, and without it, the department must cease operations by Sept. 1, 2010, according to the state "sunset law."

Not even the department's fiercest detractors in the Legislature want that to happen. After all, its 14,000 employees maintain tens of thousands of highway miles across Texas, and it spends billions each year to build more.

To avoid it, Gov. Rick Perry may have to call a special session for lawmakers to try again. He said Tuesday he's still reviewing his options.

He has plenty of time, and there's no reason why those employees need begin searching for new jobs just yet.

State law says the department can continue operating normally until Sept. 1, 2009, and then has 12 months to prepare to go out of business entirely.

Sunset Advisory Commission director Joey Longley said a special session will be needed. Trying to run parts of the agency through executive order, or turning over its

responsibilities to another agency, as the law requires, simply won't work with a department as big as TxDOT, he said.

"I just don't believe there is a receptacle big enough to absorb TxDOT. That kind of wind-down period was never envisioned for something like TxDOT," Longley said.

Even if the governor plans to call a special session, those plans won't by themselves change the fact that until a new law is actually passed, the agency still technically will be scheduled to close.

Morris said he's busy trying to find out what that could do to big transportation projects in North Texas.

For instance, he said, even if the department is permitted to operate normally, will a firm like Cintra, negotiating with the state to rebuild the LBJ Freeway, want to sign a final deal if it can't know the department will exist in its current form two years from now?

Lippincott said the agency is planning a statement for bondholders soon, but he would not provide details.

On the other hand, Morris said, there could be a silver lining: If Perry calls a special session, perhaps that will give lawmakers who want more transportation funding another shot to persuade their colleagues to support tax measures. It's a nice thought.

"It may be a long shot, but we'll take it," he said.