Today, the Texas Department of Transportation announces that it is giving up! It will submit to the Federal Highway Administration a “NO ACTION” alternative for the I-35 section of the Trans Texas Corridor.

Yesterday, a member of the Transportation Commission admitted that the people have blocked the project.

While Governor Perry will take credit for “listening” to the people in order to save his job against the hard charging competitor, Senator Kay Bailey Hutchison, in fact his path was blocked a determined group of mayors and citizens in Bell County, Texas. They formed the Eastern Central Texas Sub Regional Planning Commission and forced the Texas bureaucrats to the negotiating table under the “coordination” process which levels the playing field for local government.

Here is how it happened, and why. In mid 2006, Dan and Margaret Byfield set out to find a way to stop the I-35 project. They live near Taylor, Texas, and the quarter mile right of way would cut a swath through the countryside just a scant mile from their private property. The data collected even by the State itself showed that the noise from the massive highway-rail corridor would make their property uninhabitable, unless the state spent MILLIONS of dollars in some noise masking process which cannot even be explained in lay terms. Moreover, the ecosystem which lends the special character to
their land and the surrounding land would be destroyed. Their property rights would be reduced to nothing more than compensation for their land, compensation set by the State without any regard for the intangible losses connected with the property and what it means to the Byfields.

They began to research the statutes of Texas and found in the Local Government Code a requirement that all state agencies coordinate with local regional planning commissions. Because of their work as Directors and Executive officers of American Stewards of Liberty they were well aware of how successful the “coordination” process has been for local governments in dealing with federal agencies regarding federal lands. But, yet to be tested was a state requirement of coordination related to private lands only.

Dan spoke with the sponsor of the statutory language and learned that the intent had been to give local government some “say” in its dealings with the Texas Department of Transportation (TXDOT). He sponsored the statute because he was tired of seeing TXDOT run over local government and its citizens.

The Byfields also found a Texas appellate court decision that said that the words “coordinate”, “coordination”, “coordinated”, unless otherwise defined by the legislature, meant the common everyday usage of the words. Turning to a dictionary, the court said the terms meant “equal; not subordinate.” So, the Texas statute used the same word that Congress has used with regard to federal agencies, and the Texas courts had defined the word in the same way as it had been defined federally. Plus, they knew now that the sponsor of the legislation had intended that very meaning.
Dan and Margaret called a meeting of their neighbors and met Ralph Snyder, a local businessman from Holland, Texas. Ralph is a giant of a man in all ways—size, intellect, courage, and his “just do it” attitude which would fit perfectly into the Nike image. He immediately joined up with the Byfields and began to contact local elected officials. The “local regional planning commission” referred to in the statute could be formed by any two or more towns.

Strategically, they waited until the Texas legislature went out of session before they moved. Their fear was that the legislature, which was prone to give the Governor and TXDOT everything they asked for the Trans Texas Corridor, would amend the statute and remove the “coordination” requirement.

After the legislative session ended, Ralph contacted the mayors of four towns in Bell County, Texas and set up a meeting to discuss “coordination” and how it could work. The mayors of Holland, Bartlett, Little River, and Rogers attended, as did members of the school districts associated with the towns.

These local officials had opposed the corridor plans from the beginning, but they and their citizens were being ignored by TXDOT. Why did they oppose the corridor? The plan proposed would place a quarter mile wide right of way directly through prime farm ground which provides the economic backbone for the towns.

It would physically, geographically divide the towns. Their law enforcement, medical services, and fire services would be prevented from serving citizens effectively on both sides of the super highway. The TXDOT plan called for limited access to the highway, with exits to be no closer than seven miles. That
would literally mean that if an accident occurred directly across the superhighway from the site of emergency medical services in Holland, the EMTs would have to drive seven miles to cross the superhighway, then seven miles back to the accident, and then make the return fourteen mile trip.

Many of the residents of the towns commute to jobs outside the immediate area. They would move in order to avoid the inconvenience, and increase in fuel costs, that would result from the limited access superhighway. Not only would the economy of the towns be destroyed, so would the social cohesiveness of the towns and their people.

The school districts are among the best in the state. Their teacher-student ratios are low enough, and quality based enough, that they rank highly in state evaluations. The superhighway with its limited access points would disrupt school bus lines to the point of rendering the district alignments unworkable. The danger from that result was that the state would step in and re-assign district lines. The local control that had built these districts in stature would be lost.

All these concerns had been stated in public meetings, but the bureaucrats were not listening. Thousands of Texans were appearing and protesting the corridor plans, but Governor Perry’s response was “no is not an option”, the superhighways would be built.

The economy of the towns is agriculturally based. The TTC I-35 plans would destroy the agricultural use of 145 acres per mile through the entire county. Thousands of acres of the black lands farming ground would be lost to agriculture. These valuable lands soak
up rain water like a sponge, and the spring rain is slowly released throughout the dry summer that follows, making water intense crops possible and profitable. Those lands are considered the most sensitive and productive in the nation even by the same Texas government that planned to destroy them for a concrete superhighway.

After meeting with Snyder and the Byfields, the mayors, with approval from their city councils, formed the Eastern Central Texas SubRegional Planning Commission. Ralph Snyder became the citizen member of the Commission’s governing board. The Commission and its activities were joined by members of the school boards who could not vote because of particular provisions related to governing of school districts.

The Commission appointed “associates” who would assist the members with research, analysis and advice. Dan and Margaret Byfield became associates and worked closely with the Commission the rest of the way. Other associates were Marcia Snyder, Ralph’s boss, who is a master of internet research, Cindy Ross whose mastery of prior transportation plans inconsistent with what TXDOT was now saying was invaluable, and Mickey Burleson whose analysis of the natural environmental damage to be done by TXDOT was critical. Another associate who has always remained anonymous contributed with research as to virtually unknown and undiscoverable facts from the past.

Harold Kurtz, president of the Holland independent school district Board, and Kerry Owen, member of the Little River-Academy school board quickly and enthusiastically joined with the mayors. Joan Kurtz, Harold’s wife, became the recording secretary of the Commission’s governing board.
And the mayors? Those unpaid mayors who should today be considered Texas heroes were Mae Smith of Holland, Ronnie White of Little River, Arthur White of Bartlett and Billy Crow of Rogers. Mayor Smith was elected president of the governing board and has been the chief spokesman for the board from that time on. The population of the four towns taken together just barely exceeds 6,000.

This group had the temerity to serve notice on TXDOT that it was required to coordinate with them, and that coordination meant that it came to the table on an equal footing with the board, and had to use good faith efforts to resolve conflicts between state policy and plans and local policy and plans. The Commission let the Texas bureaucrats know that they expected the coordination to occur just as it did between federal agencies and local government under federal natural resource statutes: the state agency would sit equally with the local government and make all good faith efforts to resolve inconsistencies between state plans, policies and actions and local plans, policies, and actions.

The Commission set a meeting date, and after about a month’s delayed response (no doubt while TXDOT checked with the Attorney General to see what these “wacko” mayors were talking about) the Texas Department of Transportation agreed to send representatives to Holland, Texas for a meeting.

The mightiest of Texas state agencies was coming to Holland to meet with the four unpaid mayors and their school board cohorts.

At the time of that first meeting, nearly two years ago, the environmental impact statement being prepared
by TXDOT was due for delivery to the Federal Highway Administration for selection of the route for the superhighway—a route of destruction for these towns and their neighboring land owners.

In that first meeting, the bureaucrats learned that the members of this Commission knew what they were talking about—from all standpoints, economic, social, cultural, political—and were steadfast in their position: if you must build, do so along the already constructed Interstate 35 which would avoid destruction of productive farm land and the towns and districts themselves.

Of course, such a common sense approach did not fit the plans of the state of Texas. It had the grand scheme of turning over the new superhighway to a Spanish company which would collect the tolls FOREVER and which would have the exclusive right to establish all new businesses along the superhighway corridor: service stations, motels, restaurants. The profit motive for the Spanish company would not allow placement of the new roadway as a widening of the already existing interstate. The cost to the Company of condemning existing business property would be far greater than that of condemning farm land. The reason for carving the new superhighway through the most productive farm land in the State was greed—more bang for the buck.

Through the past two years, the Commission expanded its coordinate process to include the Environmental Protection Agency which has ultimate oversight over the preparation of the environmental impact statement, the National Resource Conservation Service which has supplied valuable information to the Commission regarding protection of the blacklands, the Texas
Department of Environmental Quality, and the Texas Department of Parks and Wildlife.

The Commission filed a letter with TXDOT, and with the Federal Highway Administration requesting that the Draft Environmental Impact Statement be recalled and that the study begin anew in order to take into account the adverse impacts on the economy and social structure of the communities which had been woefully neglected in the Draft.

When that request was not approved, and it became clear that TXDOT had no intent to change its study or report which ignored all the adverse impacts pointed out by the Commission, the letter was followed with a Petition to reject the Draft Environmental Impact Statement. The Petition detailed the flaws in the environmental study, the manner in which the National Environmental Policy Act was being violated, and the failure of the Department to coordinate in accordance with Texas law.

The actions of the Commission held up submission of the Draft EIS to the federal government for approval for nearly twenty months. Only the Commission’s actions could have held up submission of the Study, because until the Commission stepped up, nothing was even slowing down the project.

As the Commission plagued the bureaucrats with its “coordination” process, other similar commissions were formed throughout the state along other portions of the I-35 corridor and the I-69 corridor. All other commissions demanded the same coordination process with the State that had been started by the folks in Holland, Bartlett, Little River-Academy and Rogers.
Finally, yesterday, the State did what no one would have bet good money on two years ago: announced the scrapping of the I-35 Trans Texas corridor. Today the Governor makes it official, and will take credit for “listening” to the voice of the people. That is just so much political claptrap.

The Eastern Central Texas SubRegional Planning Commission held up the project, and news of its actions spread through the state, resulting in formation of other commissions. As each new commission was formed, more and more publicity showed that the people of Texas had finally found a way to be heard. The political result was that the past session of the legislature refused to cave in to TXDOT and the Governor. So, Perry called a special session of the legislature which again refused to cave in. The people of Texas had been heard at least by their legislative representatives. Senator Kay Bailey Hutchison, who is running against Perry in the Texas gubernatorial primary, took up the cause against the Trans Texas Corridors, and is threatening the Governor at the polls.

So Perry has decided to stop the bleeding if he can. Mayors Mae Smith, Ronnie White, Arthur White and Billy Crow, at the instance of Ralph Snyder and the Byfields, started a process that brought TXDOT to the table and its knees and the Governor to a common sense decision. Along the way they were joined by Mayor Hal Senkel of Buckholtz as a voting member of the Commission’s governing board.

This group **DID what American Stewards of Liberty have been promoting and working for:** as local government they brought a powerful state agency
to the negotiating table on an equal footing, and were HEARD.

American Stewards of Liberty point out regularly that local government was the most important level of government when this Republic was formed, and can still be so today. It is the level of government through which the people can be heard. It is the level of government which can help the people take back their state and federal governments which have grown to the point at which they can ignore the people.

They took the first major step in making the coordination process work outside the public lands arena; they made it work for private lands, they made it work under a state, not federal, statute; they made it work for local government dealing directly with a powerful state agency determined to have its own way.

Today their victory for the people of Bell County opens the way for people in all states to deal with state agencies that refuse to listen to local concerns. In Texas history, their names should be remembered for this victory.

Remember their names as you give thanks for the continued vitality of the American spirit, for the continued belief that individual rights are too important to be sacrificed to and for powerful state officials: Mae Smith, Ronnie White, Arthur White, Billy Crow, Hal Senkel, Ralph Snyder, Harold Kurtz, Kerry Owen---and Marcia Snyder, Joan Kurtz, Cindy Ross, Mickey Burleson, and Dan and Margaret Byfield.
I hope they put a plaque on the wall of the Holland, Texas community center where the coordination meetings were regularly held: a plaque which reads “The Trans Texas Corridor Stopped Here.”