

# Policies to Ensure Responsible Transportation Planning

## This is an Oklahoma Issue.

The Turnpike Authority must return to its original mandate, maintain its infrastructure, fulfill its obligations, and return its roadways to the state and its citizens.

Where does Oklahoma rank?

**#1**

Turnpike Miles per Capita

**#1**

Largest Toll System

**#3**

Total Toll Miles by State

**#28**

State Population

How large of a toll system can Oklahoma support?

### CREATE APPROPRIATE BOUNDARIES

- Each individual route in 69 O.S. § 1705(e)(1)-(35) must be retired and expressly reauthorized individually by the legislature (i.e., the sunset provision) and must be built by the Turnpike Authority (“OTA”) within 5 years of authorization.
- Authorized routes must be described with appropriate specificity to allow citizens to make informed decisions, including the intended starting point, ending point, and location.
- The roles of Secretary of Transportation, Executive Director of ODOT, and Executive Director of OTA must be three different persons to facilitate appropriate governance.
- OTA Board membership should be appointed by the House and Senate, not just the Governor.

### ENSURE DUE DILIGENCE

- A proper notice and input process for local governments and the public must be completed prior to obtaining authorization to proceed.
- Projects must not violate the land-use plans of the cities, municipalities, or counties they pass through.
- Project justifications must be based on feasibility and impact studies conducted within 5 years of the start of construction.
- Regular independent performance and investigative audits by the Oklahoma State Auditor and Inspector must be required.
- Full public disclosure of all real estate and right-of-way transactions must be required.

### ENABLE A TOLL-FREE FUTURE

- Remove the ability to cross-pledge toll revenue across the turnpike system, allowing each new project to stand on its own merit.
- Prevent the use of eminent domain to build new toll roads and require “true market price” to be paid for right-of-way acquisition.
- Require a vote of the citizens within municipalities and counties where projects are to be built.
- Require that OTA be held to the same standards as ODOT, which utilizes federal dollars. Standards of due diligence and public involvement should not differ based on funding source.

# Fall 2022 Interim Study Highlights for the 59<sup>th</sup> Legislative Session



Presentation Materials

## TURNPIKE ENABLING ACT

- The lack of guardrails in the Enabling Act allows the Oklahoma Turnpike Authority (“OTA”) to make a **final** decision to build a turnpike without any studies (impact, feasibility, environmental, etc.), public comment or input, local government input, or public meetings.
- When the OTA files a case in the Oklahoma Supreme Court for permission to issue bonds to build a turnpike, the OTA does not have to give actual notice of its intentions to impacted property owners.
- Oversight is needed because OTA is attempting to build turnpikes that are not legislatively authorized, including the South Extension, Tri-City Connector, and East-West Connector.
- OTA has previously requested legislative authorization for these projects which was denied.

## SOUND ENGINEERING POLICY & PROCEDURE

- Traffic projections used to justify projects are routinely over-inflated.
- A toll road will not alleviate congestion along I-35 that results from poor interchange planning and geometry.
- The proposed toll roads will not provide better freight routes from Dallas to Tulsa (and beyond) than those that already exist.
- OTA states they will not address flooding or other issues outside of their corridor that are commonly caused by and in the vicinity of toll roads.
- While communities continue to grow and change, OTA obligates future councils, commissions, and boards to its past decisions, even those made 35 years ago or more.

## FINANCIAL PRACTICES

- Cross-pledging of toll revenue allows for construction of unprofitable projects.
- No independent oversight leads to a lack of cost controls on projects (since at least 2015, the Turnpike Authority board has never voted “no”).
- OTA can borrow, spend (leading to unchecked debt), and increase tolls without limits.
- OTA takes more than \$350 million out of local economies every year through tolls, which will continue to increase as the turnpike system expands and toll rates are raised.

## CONSTITUENT PROPERTY RIGHTS

- Landowner negotiations under the threat of eminent domain are inherently unfair, commonly resulting in under-compensation.
- Oversight is needed since OTA currently determines fair market value, and landowners lack the resources commercial developers have, creating an inherent disadvantage.

## KEY STAKEHOLDER ENGAGEMENT

- OTA does not have to consult with key stakeholders prior to finalization of study corridors, including cities, municipalities, counties, impacted constituents or others (e.g., the Central Oklahoma Master Conservancy District, the Bureau of Reclamation, first responders).
- Lack of engagement prevents OTA from considering key impacts to the affected cities, counties, the watershed, the environment, the wildlife, the citizens, the property owners, and constituents.
- OTA puts city planning and the lives of citizens on hold.
- OTA expects stakeholders to react to its edicts, instead of listening to their concerns and adjusting accordingly.