



Transit tax shift could spark lawsuit

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San Antonio is using an “advanced transportation” tax to pave costly sidewalks and bike paths, and the diversion of funds from road projects is inviting a lawsuit from a taxpayer coalition.

“This is déjà vu all over again. It may be time to go back to court,” said Jeff Judson, a local businessman and senior fellow with the conservative Heartland Institute.

When voters approved an Advanced Transportation District in 2004, they added a quarter-cent to the local sales tax to fund transit, traffic safety and highway projects in Bexar County. The tax generates \$60 million annually.

Half the proceeds are supposed to go to road construction, but the city has been spending its share on sidewalks and bike paths.

San Antonio Mayor Ivy Taylor says, “We cannot build our way out of growth.” Judson says the city isn’t even trying.

“Their actions show a hostility to building road capacity,” he told Watchdog.org. “In the process, they’re leaving money on the table.”

ATD passed with the proviso that every \$20 spent on roads would be matched with \$80 from the state. Sidewalks and bike trails do not qualify.

After a decade of short-changing roads, the city is now considering redirecting \$10 million of its ATD funding to VIA, the regional bus system that already receives half the ATD revenue.

The shift would leave the city about \$5 million for sidewalks and other infrastructure ventures.

Putting that in context, San Antonio recently announced it will spend \$9 million widening a half-mile of sidewalk on Commerce Street downtown. The work includes ripping out a bus lane.

“There’s a lot of gold plating that goes on, so money is spent on things like bike paths rather than roads because they want to discourage driving,” said Randal O’Toole, a transportation expert with the market-oriented Cato Institute.

Meantime, city officials continue to plump for a light-rail system – even after voters twice rejected rail proposals.

A coalition of taxpayer groups sued to block a streetcar project and won passage of a 2015 charter amendment prohibiting the city from raising funds for rail without a voter referendum.

A new group composed of the Homeowner-Taxpayer Association, the San Antonio Tea Party and League of United Latin American Citizens is weighing a lawsuit over the city's diversion of road money.

“Using (ATD) to further subsidize VIA ... would be a violation of the promises made to taxpayers and would be subject to legal challenge,” Judson wrote in a June 23 letters to Taylor.

“If only 3 percent of local trips are taken on transit, but 93 percent are taken using our road system, why should a disproportionate share of scarce funding be dedicated to transit that has no hope of relieving congestion or adding the capacity we need?” he asked.

VIA spokeswoman Lorraine Pulido said the bus system “has not specifically requested ATD funding from the city.”

“The city's Ad Hoc ATD Committee is, however, discussing various options,” she told Watchdog. “These could provide travel time and capacity improvements.”

In a statement to Watchdog, Taylor said 25 percent of the ATD funds “were dedicated to streets, sidewalks and other mobility infrastructure, and to other advanced transportation or mobility enhancement purposes.”

“Any proposal to use ATD funds will help us achieve the purposes approved by the voters, and we will ensure that the citizen oversight component is also fully engaged before any changes are made,” the mayor said.

Judson isn't banking on Taylor's assurances or priorities.

Blasting what he calls a “flawed public engagement process,” the former Olmos Park city councilman said that “despite the long history, expertise and public influence of light-rail skeptics, none have been asked to participate in any substantive way in the discussion over ‘multi-modal’ transportation.”