Public Policy in Texas

The Public Policy Process

The public policy process is best described as a cycle that consists of five stages: (1) problem definition, (2) agenda setting, (3) policy adoption, (4) implementation, and (5) evaluation. Policymakers respond to political needs and problems. For example, serious traffic jams may lead to road improvements or perhaps development of a mass transit system. A lack of access to medical care may lead to a new community health center. Contaminated streams and rivers may lead to new environmental protection standards designed to curb pollution and clean up water sources.

Problem Definition

In order for any of these solutions to occur, policymakers must first be aware of a problem that needs to be addressed. When a problem is defined, an issue can be added to the policy agenda.

Agenda Setting

The policy agenda represents those problems to which policymakers are paying serious attention at any given time. A problem can emerge onto the policy agenda in different ways. An influential public official, such as a governor or legislator, may recommend that the government deal with a specific problem. At the beginning of every Texas legislative session, the governor lists his or her legislative priorities. The lieutenant governor, who presides over the Texas Senate, and the Speaker of the House may also identify priorities, and move an issue onto the policy agenda. Another way in which problems emerge onto the policy agenda is through the work of interest groups and their lobbyists. These persons represent the interests of groups and clients who have their own opinions on problems that need to be addressed in public policy. Lobbyists generally accomplish this work through elected officials and the bureaucracy by advocating for certain solutions to problems. Interest groups may also utilize the media or grassroots activism to further their cause.

Another avenue for setting the policy agenda is through the intergovernmental system and the
intragovernmental system. The intragovernmental system refers to relationships among federal, state and local governments. For example, the U.S. Department of Transportation, Texas Department of Transportation, and a city or county government have a relationship based on working with one another on issues such as roads, traffic safety, and mass transit. Information that is gained through this relationship can place a problem onto the policy agenda. The intragovernmental system refers to relationships that involve the different branches of government. A good example of this is criminal justice policy, which involves the governor, the attorney general, the legislature, several state boards and agencies, and the judiciary. Often, intergovernmental and intragovernmental relationships involve a mandate, in which an action from one branch or level of government requires others to act in a certain way. A federal program, such as the education program No Child Left Behind (NCLB), provides a good example of a mandate. Under this program, the federal government established new education standards that state and local governments had to implement. Texas government established state standards in line with the federal standards and works to ensure that local school districts meet the standards. By creating this mandate, the federal government moved a problem onto the state and local policy agendas.

Policy Adoption

Once a proposal has been added to the agenda, policy adoption begins. Policy is made in a variety of different ways. Legislation may be passed and signed into law by the governor. A state agency may change a rule or regulation. These can be complex processes; legislative committees and agency staff may hear testimony and sift through several different alternatives to address a problem. They may ask for reports to project the effects of a policy change before making a decision. The judiciary may issue a decision on a legal case that affects a policy. During this process, policymakers reach an agreement on whether and how a policy should be changed.

Implementation

After decision makers agree on a policy, it is up to the elected officials and the bureaucracy to execute the policy. Through the process known as implementation, government agencies carry out the policy as expressed by a legislative act, rule, regulation, or legal decision. This requires
action on the part of agencies. They must adopt the new policy. Sometimes this requires adjusting budgets in order to accomplish a new task or function, or building new facilities, or developing an infrastructure. Some policies are easily enacted, but others are more complex and require significant work.

**Evaluation**

The final stage of the policymaking process is evaluation. Several different groups and persons may take part in evaluating a policy once it has been implemented. Often, the agencies that implement the policy evaluate the results of their actions to determine whether goals have been met. Others evaluate their work, also. Legislators provide oversight of policy implementation. Through investigative reporting, the media evaluate the success or failure of public policy. Academic institutions help to evaluate policy through critiquing policy ideas and outcomes, and studying those impacted by policies. Citizens also provide an important evaluative function by responding to policies and news regarding policies through political participation.

**Public Policy and the Trans-Texas Corridor**

The process used to solve public issues has a major impact on whether policy succeeds or fails. Ideally, policymaking in Texas follows a multi-step process involving all branches of state government. But what happens if policymakers short-cut the process? This video follows the turbulent history of a landmark failure in public policy—the Trans-Texas Corridor.

**Video Focus Points**

Look for the answers to these questions when watching the video:

- What are the key steps followed in the public policy process?
- What role do the governor, legislature, and administrative agencies play in the public policy process?
- What mistakes made in the public policy process led to the failure of the Trans-Texas Corridor?
Video script:

Music introduction

Narrator: Public policy is the response, or lack of response, by government decision makers to a problem. The process used to solve public issues has a major impact on whether policy succeeds or fails. Ideally, formulation of public policy follows a roadmap of five steps: problem definition, agenda setting, policy adoption, implementation, and evaluation. But when policymakers take shortcuts during the process, even the most ambitious plan can hit a dead end.

Sound of car whizzing by

Narrator: The process begins when decision makers identify an issue or problem.

David Prindle, Professor of Government, University of Texas at Austin: One of the major problems that is facing Texas, as it is facing the other states, is transportation. There are more and more people in Texas all the time and they want to get where they're going. So the question is: how do we get them to where they're going? In government there are three different strategies as to how to solve transportation problems. One is build more roads. Another is build public transportation as with rail lines and buses. And a third is make automobiles more efficient and safer. The great disadvantage of building more roads, is people don't want to pay taxes, and if people don't want to pay taxes, you're faced with the problem of how do we build more roads if we can't pay for them?

Narrator: Once a policy issue is defined…

Sound of car whizzing by

Narrator: Government officials propose solutions and should focus public attention on the problem before drafting legislation. In 2002, Governor Rick Perry proposed an ambitious plan to solve the state’s transportation dilemma.

Gov. Perry: We need a transportation system that meets the needs of tomorrow, not one that struggles to keep up with the needs of yesterday. If you'll look at this map, you'll see my blueprint for the Trans-Texas Corridor.
Andrew Wheat, Research Director, Texans for Public Justice: Mr. Perry comes out with this idea and begins to sell it to the legislature and to the public. This is not the highways that you and I know and drive every day. This is 4,000 miles long of highways that are a quarter mile wide. They would have six lanes for ordinary vehicles, six lanes for trains, four lanes for trucks, and they would be honeycombed with telecommunications wires, electrical wires, and pipelines for oil, gas, and water.

Narrator: With his agenda set, the governor's staff went to work on the next step in the process—convincing the legislature to pass a bill that would formally adopt the governor's policy solution.

David Prindle: Theoretically, the Texas legislature is the most important institution in Texas government. That's because the legislature makes the laws, but in fact things are more complicated than that. Because the legislature only meets every other year for 140 days, they're really part-time lawmakers, and because they're part-time lawmakers, they are subject to influences from outside - lobbyists, administrative agencies, the governor, and citizens groups.

Narrator: Near the end of the 2003 legislative session, the governor's handpicked Chairman of the House Transportation Committee waited until the final hours to unveil a massive transportation bill. Within it was a section authorizing the governor's Trans-Texas Corridor.

Ben Wear, Transportation Editor, Austin American Statesman: The situation though was that a lot of attention that session was not being focused on transportation or a whole lot of other state issues. It was being focused on redistricting. Meanwhile, this 300-page, as one person referred to it, mother of all bills transportation bill, worked its way through the legislature fairly quietly.

Narrator: Although lawmakers had little time to scrutinize its contents, the bill passed with overwhelming majorities in both Houses. With the governor's legislation now passed into law…

Sound of car whizzing by

Narrator: …it was time for the authorized policy to be implemented by a state agency.

David Prindle: The legislature makes the law, but when the law gets in to the administrative agencies, they have what is called administrative discretion. There are many different kinds of ways they can choose to implement or not implement a law.
Narrator: To implement the Trans-Texas Corridor, the legislature handed responsibility to the Texas Department of Transportation, known as TxDOT. Responsible for the construction and maintenance of all state highways, the agency is governed by the Texas Transportation Commission.

Ben Wear: The appointees to the Texas Transportation Commission are appointed by the governor, and so they were carrying out his will if you will.

Ric Williamson: We are close. And I do think a great deal of it...

Ben Wear: The Chairman of the Texas Transportation Commission at that point in time being Ric Williamson, who was a libertarian leaning Republican and intense believer in using the private sector, and so when they moved towards building this first segment of the Trans-Texas Corridor, he was an enthusiastic advocate for it, and he pretty much dominated that commission.

Narrator: The total price tag for the Trans-Texas Corridor was estimated as high as 185 billion dollars. But TxDOT faced a political roadblock: how to pay for the project without raising the gasoline tax, the primary source of highway revenue. The decision was made to construct the massive superhighway through a public-private partnership, financed by a statewide system of toll roads.

Ben Wear: TxDOT, which was in charge of this whole thing, went with a public-private partnership model because it became available. Private road building concerns were saying yeah, we will work with you on this. If you’ll give us a long-term lease, we will build it, operate it, finance it, and we will also profit from it. Of course, the downside was if the road was highly successful, then the profit of the toll road, rather than going to the state of Texas and being available for other roads, would go to the toll road builder.

Narrator: In late 2004, TxDOT signed a six billion dollar development agreement to build the first segment of the Trans-Texas Corridor. Known as the TTC-35 project, it extended from the Rio Grande north to the Red River, running parallel to Interstate 35. TxDOT awarded the contract to a private consortium headed by Cintra, a Spanish company that operates and manages toll roads, and Zachry, a San Antonio-based construction firm.

Andrew Wheat: Doubts lingered about the process, and one of the things that fed the doubts was this incredible revolving door where people that worked for the top lawmakers, people that
worked for the governor that was controlling the process and the appointees, were going to work for the very contractors that were bidding for the business, so it left people wondering what was going on behind closed doors to shape the formulas that determined who got the contract.

Speaker: Once a specific route for a TTC-35 facility has been identified…

Narrator: TxDOT unveiled the TTC-35 project in a series of public hearings held in counties along the proposed route. When landowners were shown a concept map, with the superhighway cutting through their farms and ranches, the full impact of the Trans-Texas Corridor became apparent.

Andrew Wheat: Here was the state that was talking about building the biggest highway system ever known to humanity. You would need 600,000 acres of land which is equivalent to like 90% of the entire state of Rhode Island. So how can you in a conservative Republican state have a Republican initiative that's going to be really the biggest eminent domain project ever conceived in the state? How do you mesh your so-called respect for property rights with this unprecedented taking of land from ranchers all across the state of Texas?

Angry Citizen #1: Our Constitution allows us representation, and we’re not getting that.

Angry Citizen #2: It's unacceptable. It's intolerable. It's outrageous.

Narrator: The possibility of losing massive amounts of private property sparked a groundswell of grassroots opposition.

Ben Wear: There was a group called Corridor Watch started by a very politically active couple in Fayette County. There was a different set of activists that were purely sort of anti-toll activists and they were more focused in the Austin area and the San Antonio area. The Texas Farm Bureau, which had endorsed Perry in 2002, came out against him, came out against the Trans-Texas Corridor. So that created quite a stir. The Trans-Texas Corridor was not at all popular in rural Texas.

Narrator: Once a policy becomes law…

Sound of car whizzing by

Narrator: …decision makers should evaluate the policy to determine if it meets the original intent and if there are any unintended outcomes.
Angry Citizen #3: We will get this law changed, we will get our farms back.

Angry Citizen #4: There is no law ever passed that can't be repealed.

Narrator: In 2007, after years of heated debate, thousands of protestors stormed the State Capitol, demanding an end to the Trans-Texas Corridor. Bowing to public pressure, lawmakers began to question the scope of the authority they granted to TxDOT.

Ben Wear: During that 2007 session, a senator, who had formerly been a Texas Transportation Commissioner, proposed a moratorium on these private toll road agreements, and ultimately, that became law over Perry's objections. I think he ultimately signed it because he had no choice. So that combined with everything that had come before to basically send the message to TxDOT, we don't want you to do this Trans-Texas Corridor idea.

Narrator: By 2009, with Governor Perry's grandiose plan on life support, TxDOT declared the Trans-Texas Corridor officially dead. During the 2011 legislative session, the Texas Senate unanimously passed a bill, striking from state law, any language or reference connected to the Trans-Texas Corridor.

Music

Narrator: The insurmountable flaw that spelled doom for the Trans-Texas Corridor may not have been the concept, but rather, failures in the process used to execute the policy.

David Prindle: The Trans-Texas Corridor is a great example of a policy that failed. It was put through because really nobody except those who were interested in it had heard about it. The governor had a plan. Nobody really knew much about it. The governor lobbied the legislature, and the legislature passed it. But when it was passed, people started realizing that very large amounts of Texas were going to be covered in asphalt. They also started realizing that foreign companies were going to make a huge amount of money from taking Texas land, and if there's one thing that gets Texans riled up, it's the idea of government taking their land. And so there began to be a huge opposition, not only among various interest groups, but among the public at large. It was so huge that democracy worked. The people said no and the legislature canceled the program.

Narrator: Shaping public policy is a complex process. It involves the interplay of decision makers in all branches of government.
Angry Citizen: We shall prevail!

Narrator: But any policy proposal may be doomed to failure if decision makers ignore the most important player in the process—the public.

End of video.

Activity: Check Your Understanding

Covers the Trans-Texas Corridor project. Mentions that public officials hoped the Trans-Texas Corridor would allow the state to build a 4000-mile network of privately owned toll roads without raising the gasoline tax. Explains how the governor focused public attention on this issue during the agenda setting stage of the public policy process. Points out that the public opposed the project because they feared the state's use of eminent domain to seize thousands of acres of land. Also mentions that state agencies within the Texas’ bureaucracy are responsible for implementing public policy.

Additional Resources

Websites

The Texas Fact Book
http://www.texastransparency.org/moneygoes/

Download and read the latest data to find out how Texas ranks with other states in areas of public policy including education, social welfare, health care, transportation, and the environment.

Center for Public Policy Priorities
http://www.forabettertexas.org/

This progressive, non-profit policy institute is committed to improving public policies to better the economic and social conditions of low- and moderate-income Texans.
Texas Public Policy Foundation
http://www.texaspolicy.com/

This conservative, non-profit organization’s mission is to promote and defend liberty, personal responsibility, and free enterprise in Texas by educating and affecting policymakers and the Texas public policy debate with academically sound research and outreach.

Books

Lone Star Tarnished: A Critical Look at Texas Politics and Public Policy, by Cal Jillson. Professor Jillson examines seven substantive policy areas in Texas government, analyzing how policies have developed through Texas history and comparing Texas public policy choices and results with the other states.