

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**AQUIFER GUARDIANS IN URBAN)
AREAS, and PEOPLE FOR)
EFFICIENT TRANSPORTATION, INC.)**

Plaintiffs,

v.

No. Civ. SA-05-CA-1170-XR

**US FEDERAL HIGHWAY)
ADMINISTRATION, and MICHAEL W.)
BEHRENS, Executive Director, Texas)
Department of Transportation,)**

Defendants.

DECLARATION OF ROBERT P. MESHANKO

I, Robert P. Meshanko, hereby declare:

1. My name is Robert P. Meshanko. I am over the age of 21. I have never been convicted of a felony, and have no impediments that render me incapable of making this declaration. The facts stated in this declaration are within my personal knowledge and are true and correct.
2. I am a member of People for Efficient Transportation, Inc. in Texas.
3. I was born in Pittsburgh, Pennsylvania in 1937 and moved to make my retirement home in the San Antonio, Texas Area in September 2003.
4. Immediately after my arrival in Texas, I purchased, with my life's savings, five (5) brand new or nearly new single-family homes intended to provide my only monthly retirement income through rent checks.

5. My only other income is a check from the Social Security Administration for \$1,074 per month.
6. My wife is also retired, and, together, we have no other sources of income.
7. All five of the rental homes we purchased are located along the Route 281 Corridor, starting at Evans Road and North thereof, and within the sight and sound of traffic on Route 281.
8. At the time of purchase of these investment properties, we had no awareness that Texas Department of Transportation (“TxDOT”) was planning to turn over the valuable State infrastructure represented in Route 281 to a foreign consortium for the construction and management of a new toll road on Route 281.
9. The terms of the TxDOT contract for management of this new toll road will exceed by many decades my expected lifetime.
10. Currently, access to all five of my rental homes is totally reliant on the use of Route 281, and, in the future, via the planned 281 toll road.
11. My understanding is that Texas law precludes the confiscation of a Texas state-owned freeway for the purpose of erecting a toll road on the very same footprint of that public freeway.
12. As I consider other areas surrounding San Antonio, e.g. Boerne, and New Braunfels, I see marvelous and efficient highway surfaces leading to those communities which provide superior, and uninterrupted traffic flow, without costly toll use fees charged to motorists.
13. My current tenants will be forced to end the leases I have with them, and they will, instead, find homes to rent that are in areas where they are not faced with

- paying tolls to go home, to work, shopping, to school, for entertainment, or to get health care.
14. Future potential tenants will similarly look elsewhere, rather than face this added toll expense, which will grow at a rate to be decided by the foreign contractor and management firm to meet private profit goals.
 15. Should I come to sell off my rental investment property, the selling price will have to be discounted substantially due to toll road expenses which will impact both those who rent and those who own homes along the Route 281 Corridor.
 16. Since my personal residence is also within sight of Route 281, I can reasonably forecast that my most valuable asset, my retirement homestead, will similarly be less desirable and less valuable because of the unwillingness to future buyers to pay tolls to live and travel there.
 17. TxDOT has embarked upon a campaign to pressure and deceive the public and those who use Route 281 with misinformation, and by delaying already funded highway improvement to worsen congestion on Route 281. They have even deliberately slowed traffic flow to frustrate motorists with the manipulation of traffic signal timing.
 18. For my wife and I, moving thousands of miles to retire in Texas was the most expensive and difficult undertaking of our lives. We had no understanding of the damage that would be done to our future and to our life's savings by TxDOT's planned toll road, nor did we ever anticipate that the People of Texas would suffer such a serious injury without being allowed to voice their sentiments with a

democratic vote on this TxDOT scheme to give away our highway and empty our billfolds.

Pursuant to 28 U.S.C. 1764, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated this ____ day of December, 2005

ROBERT P. MESHANKO