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NEWS | TRANSPORTATION

NTTA files \$8.6 million in suits targeting businesses over unpaid tolls

Little-known program focuses on service and construction industry operators with largest fleets of vehicles

By Yamil Berard, Amber Gaudet and José Luis Adriano
Staff Writers

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Fusion Waste & Recycling co-owners Hector Hernandez and wife Ann Marie have a fleet of trucks at their Wilmer, Texas based business that use local toll roads, December 9, 2024. Nearly \$125K were removed from Hernandez's bank account as part of a garnishment ordered by the 471st district court in Collin County. Hernandez owed \$54,000 in tolls, according to the North Texas Tollway Authority. NTTA sued him and his company, Fusion Recycling, for breach of contract on unpaid tolls on 14 of his vehicles.

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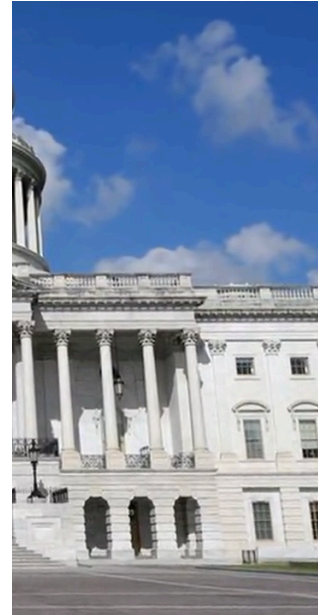
One intended purpose of toll roads is to spur economic development by making it easier for businesses to deliver goods and services in a timely manner.

But a monthslong *Dallas Morning News* investigation has uncovered a little-known program created by the North Texas Tollway Authority that potentially undermines that goal. The program allows the region's only public toll operator to sue small business owners for tens to hundreds of thousands of dollars for unpaid tolls that sometimes are erroneous or unproven in state court, and then seek tens of thousands more in attorney fees.

Why This Story Matters

Millions of Texans rely on toll roads daily in a state that has built more paid thoroughfares over the past two decades than almost all U.S. states combined. The affordability, safety and management of these roads impact us all, especially as some leaders admit more are likely coming to handle substantial growth through the state and in North Texas.

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The program has placed a financial burden over the last three years on dozens of North Texas business owners who are largely in the construction and service industries such as tow truck operators, landscapers and junk haulers — and even forced at least one to close.

At its core, the program, which the NTTA calls the “select entrenched violator business program” is a strategy used by the operator to bypass collections in administrative hearings or in traffic courts and instead sue businesses in [state district court](#) — specifically in Collin County, though the businesses are not necessarily located there.

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The reason? Money.

Suits resolved in administrative hearings or local traffic courts — used by all other Texas toll operators — are capped at \$20,000 in damages. Those same suits, though, when filed in a state

district court have no limit.

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NTTA says it is reasonable to go after those who have racked up bills that exceed the monetary threshold in local traffic courts. But a chorus of legal professionals, consumer advocates and the business owners themselves say it is a tactic that, though legal, “feels exploitative,” and not common in any other state.

The News’ data analysis of 74 lawsuits filed by NTTA in Collin County civil district court from January 2022 to October 2024 shows that the NTTA has successfully recouped \$2 million as a result of the litigation.

Among *The News*’ findings:

- More than 65 percent of cases ended in a judge granting the NTTA’s request for a default or summary judgment. In the case of a summary judgment, that means some defendants were denied an opportunity to present evidence.
- Legal professionals and attorneys representing businesses told *The News* the NTTA routinely files a pretrial motion for summary judgment that is intended when neither party is disputing issues of “material fact.” But courts signed summary judgments when indeed facts were under dispute.
- The 471st District Court, which is in Collin County, heard more cases than any other, and an overwhelming number of its cases — 81% — ended in a default or summary judgment.
- NTTA recouped attorney fees that some legal professionals described as “outrageous.” Those fees meant owners paid amounts that, in some cases, far exceeded the cost of tolls. For example, NTTA garnished the bank accounts of nine businesses, including one for \$124,775.84 just days before Christmas 2022. That amount was more than twice what NTTA claimed the business owed in tolls.

- An NTTA employee in the role of “customer care manager” is allowed to sign a written statement known as a “conclusory affidavit” stating that business owners have violated tolls when that employee doesn’t have first-hand knowledge of the violation. The employee instead relies on a Department of Motor Vehicles database that lists registered vehicle owners.
- In some cases, owners were sued for vehicles they didn’t own or that had not been used for years. In one case, the registered owner of a vehicle was a former business partner who was serving time in federal prison when NTTA said he was racking up tolls.
- In one instance, an owner was sued for toll violations incurred by the vehicle’s previous owner many years earlier. In other cases, vehicles in violation of the toll tag contract were driven by an owner’s ex-wife or adult child who were not involved in the business.[x] The NTTA on at least one occasion sued for years-old toll violations, exceeding the four-year statute of limitations for breach of contract suits.
- Andrea Bouressa, the district court judge who has heard the most cases that ended in a summary or default judgment, was previously a law partner at Scheef & Stone, the same Dallas law firm that was hired by NTTA to file the suits.
- Filing suit for unpaid tolls in a state district court is rare. Some states with many miles of toll roads have statutory laws to pursue frequent violators but none of those elevates the issue to a state district court.

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“It feels wrong and unfair and not how we should be engaging with our government,” said Carliss Chatman, associate professor of law at the Dedman School of Law at Southern Methodist University in Dallas. “For them to take that step and pursue us (the public) in civil court simply because they can get attorney’s fees, it just feels exploitative.”

\$8.6 million in unpaid tolls

For its review, which is part of an ongoing investigation into the state's toll roads titled "[Toll Trap](#)," *The News*' analysis examined \$8.6 million in unpaid tolls on NTTA accounts for thousands of vehicles. In addition to the landscapers and junk haulers, other businesses sued by NTTA include medical transportation companies, bus and limousine services, logistics and trucking and various construction-related firms.

To try to understand the issues associated with the disputes, *The News* spoke with a dozen legal professionals and consumer justice advocacy groups. *The News* reached out to toll operators in other states such as Florida, which has the most comprehensive tollway system in the nation.

The News contacted and sent certified letters to three state district court judges who handled most of the NTTA suits, including Bouressa, who did not respond to two certified letters sent to her home over the last 30 days. Only one judge responded, through her court coordinator who wrote in an email that NTTA's civil suits are filed and treated like any other civil lawsuit in the court system.

"They are randomly assigned to the next available court who presides over civil cases and they proceed as any other civil lawsuit would proceed," wrote Lori Belyus, court coordinator for 429th District Court Judge Jill Renfro Willis.

The News made calls, sent emails and certified letters to NTTA's board chair Scott D. Levine and its vice chair Mojoy Haddad. It also reached out via email to every member of NTTA's board of directors, who are individually appointed by elected officials of the four counties served by NTTA toll roads — Collin, Dallas, Denton and Tarrant.

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None of NTTA's board of directors responded. Instead, agency spokesman Michael Rey answered questions in writing.

Rey responded that NTTA's board of directors was briefed prior to the conception of the pilot program and was informed of the results after it implemented the initiative. It then approved the

pilot becoming the civil litigation program in 2022.

Rey said the program is an appropriate tool to recover unpaid tolls. He said NTTA makes multiple efforts to notify people of their unpaid tolls before suing. The large number of summary judgments, he argued, result from NTTA having provided evidence accepted by the court.

Further, he said businesses are not targeted by the program but rather the focus is on the size of the amount owed.

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The News' investigation showed the vast majority of suits named businesses or the owners of those businesses. Some suits named multiple businesses. The claims for recovery of unpaid tolls ranged between as little as \$12,912.70 to one suit for \$825,425.88.

Records show amounts varied from year to year. In 2022, when the program was launched, the suit amounts ranged from \$22,447.96 to \$280,485, the analysis showed. The suit seeking \$825,424.88 was filed this year.

The NTTA has repeatedly defended its collections processes as necessary in order to pay off a debt of more than \$9 billion it had to incur to build and maintain its toll roads.

That said, no other public tollway in Texas is suing in a state district court.

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“We do not pursue unpaid toll accounts in district courts,” the Austin-based Central Texas Regional Mobility Authority spokeswoman Jori Liu said.

The News also reached out to toll operators in Florida, but could not find any that sued in district court.

“No, we do not,” said Brian Hutchings, manager of community engagement for the Central Florida Expressway Authority in Orlando.

Joanna Weiss, co-founder and co-executive director of the Fines and Fees Justice Center, said she had not heard of other tollway authorities using a state court to collect hundreds of thousands of dollars in unpaid tolls.

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But the strategy is consistent with enforcement trends across the U.S., said Weiss, who is based in New York.

“This feels like toll operators are going after more ways of collecting money,” Weiss said, “and if you can attach it to not just to an individual, but an entire business, there may be a way of actually getting more revenue.”

A business lost

The case of Sandra Maldonado illustrates the consequences caused by the NTTA program.

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Maldonado, 40, owner of a Dallas garbage collection company, received good news in October when NTTA dismissed claims against her that she personally owed \$92,251 in tolls on 16 vehicles.

But the damage had been done. The Waxahachie-based business owner shut down her company, Discount Waste, months before the suit was dismissed.

Her father's dream had always been to own a trucking business, she said, but none of her four brothers shared his enthusiasm. She, his oldest child and only daughter, wanted to show him she could do it. "I wanted to make him proud."



Sandra Maldonado was sued for \$100,000 by the North Texas Tollway Authority for unpaid tolls on trucks that she sold years ago when she owned a small business. She holds NTTA charges still being sent to her despite the fact she settled in court. Last month, she had her case dismissed in Collin County district court, but only after she had to hire an attorney to fight on her behalf. She is one of only a handful of small business owners that are being sued under a program launched by the North Texas Tollway Authority to pursue hundreds of thousands in what they say are unpaid tolls by some small business owners that don't pay up. Maldonado is photographed at her Waxahachie, Texas home, October 29, 2024.

TOM FOX / STAFF PHOTOGRAPHER

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She launched the business in 2011, purchasing from her then-boss a truck and 25 dumpsters. At the time, she was his bookkeeper.

Her problems with NTTA began about seven years ago.

Because she continued to use the same business name as the previous owner, the NTTA charged her for his old tolls and late fees.

To try to address the issue, she opened a corporate account.

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But she said the former owner's toll bill kept mounting. And the NTTA said she was responsible.

In addition, NTTA would withdraw \$1,000 to \$3,000 from her corporate account each week even on weeks when she did not run a load to a local landfill.

She was stunned — especially when the withdrawals continued during four months of the pandemic when construction work stopped. She said she also was billed for tolls on personal cars she no longer owned, presumably as the new owners racked up bills.

“It was ridiculous,” she said. “So imagine those four months and you’re still having to pay NTTA ridiculous amounts and they’re withdrawing money from your credit card and you have no work because you’re in construction. And then I had employees that were on salary so I was having to pay drivers even though we didn’t work.”

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Her Dallas attorney, Jeff Beltz, explained that often NTTA will begin to charge a minimum amount and it can increase exponentially. Once you have a credit card on file or bank account, Beltz said, NTTA withdraws based on the history of use of the client. “Those amounts,” he said, “can be quite high.”

Maldonado tried to verify toll charges and was told to go online and print her receipts. By then, NTTA had combined her personal account with her corporate account, she said.

In 2022, costs for daily operations continued to climb as the pandemic raged and she could not find drivers without a considerable hike in pay. Fuel costs and landfill fees also increased. She barely squeaked by, making just enough to pay her mortgage and get school supplies and clothes for her three children.

Her family was devastated, she said, when she was served with papers. The suit was filed on March 1, 2024, in the 493rd District Court of Judge Christine Nowak.

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“Telling my mother that I have a lawsuit against me for so much money, and her panicking like, ‘Oh my God, you’re going to go to jail.’ So I mean, I could end up in jail. I’m sure you could get in a lot of trouble and lose your house and your cars and everything.”

Evidence, however, showed she had been penalized for charges that exceeded the four-year statute of limitations, said Beltz, her attorney.

Business records she shared with *The News* also showed that she had been made liable for unpaid tolls that belonged to another company, Beltz said.

NTTA’s suit also named Maldonado as an individual. Had the claim not been defeated, her attorney noted, NTTA would have had access to her personal bank accounts, property and belongings.

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When asked about the Maldonado case, Rey, the NTTA spokesman, said that because the case was dismissed without prejudice, NTTA still considers her business liable for a total judgment of \$108,050.92, including \$91,160.37 in tolls and \$16,890.55 in attorney’s fees. The case against her as an individual, Rey added, could still be refiled in the future.

Maldonado plans to start another business in a few years.

“I don’t want to be in bad standing with them,” she said, “but I do want them to offer a better system.”

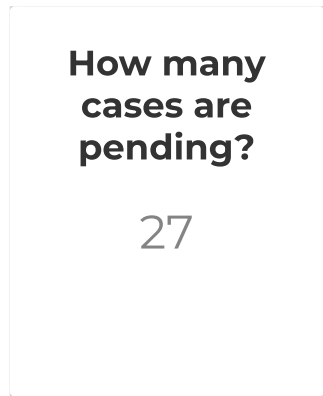
Not so lucky

For others, the battle is lost nearly before it starts.

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The News' review of court documents showed many lawsuits filed by NTTA were swiftly ruled in the agency's favor. In one court, four in five cases filed by the NTTA ended in a default or summary judgment. That means in some instances there was no opportunity for the defendant to challenge NTTA's evidence and the dispute had been largely decided without an attorney present at a courtroom hearing.

Among The News' findings:



SOURCE: Collin County District Court, January 2022 to October 2024
GRAPHIC: José Luis Adriano

The Dallas Morning News

Rey said default judgments are simply the result of defendants choosing “not to contest the lawsuit.”

“This does not mean the defendant was denied an opportunity to present evidence,” he wrote. “Rather, the defendant chose not to.”

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Legal professionals, however, told *The News* that many default judgments result from a defendant simply not wanting to engage in a costly protracted legal battle where the cards seem stacked against them — and the burden of proof seems to be on them.

Chatman, the SMU law professor, said many people, just to put the case behind them, will pay without investigating their rights.

“It’s very unfortunate,” she said. “But it feels especially wrong and it feels immoral. Unfortunately, the law is not about morality.” As for summary judgments, Rey said they are validation that NTTA carefully vets cases before filing lawsuits.

A summary judgment, Rey wrote, “ means that the business customer appeared in court and made arguments about why it should not have to pay the toll and the court decided, as a matter of law, that the business owes the toll.”

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Attorneys who spoke to *The News*, however, questioned the court's reliance on issuing summary judgments when facts were in dispute as well as the willingness to accept NTTA statements as fact without proof.

Four attorneys who represented clients, in addition to two others who reviewed the documents at the request of *The News*, said most of the work is done by phone and email.

A deferential process

It's a swift process.

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It begins with NTTA employee Robert Jacobsen declaring in court documents that he is "duly authorized to make a declaration that the evidence is accurate." Jacobsen, who describes himself as a customer care manager, says he manages and is responsible for the collection of unpaid accounts with NTTA, including collection of amounts.

"I have carefully reviewed the files and have personal knowledge of the facts stated in this declaration," Jacobsen attests in the court filing. The basis for Jacobsen's statement is a Department of Motor Vehicles database that lists registered vehicle owners.

But Jacobsen's statement doesn't necessarily make it true, said Stephen Le Brocq, an attorney in Carrollton who reviewed lawsuits at the request of *The News*.

"We have rules against hearsay because it's not reliable," Le Brocq said. "Normally, you go to trial and you have to prove stuff. You have to prove the (vehicle's) ownership and all that."

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Alone, most business owners won't know how to fight such a conclusory statement, he said, and will have to find an attorney to respond with a verified denial. But that doesn't happen when the court approves NTTA's motion for summary judgment. At that point, the judge depends on NTTA's declarations.

"NTTA is just making statements and the court is accepting them as true," Le Brocq said.

NTTA makes yet another standard claim that is also questionable, Le Brocq and others said. Businesses and owners agreed to pay tolls to the NTTA when they signed up for a toll tag. But that isn't the case for everyone, he said. People without toll tags have not signed NTTA's ZipCash agreement. As a result, no "proper contract" exists, Le Brocq said, and the claim is invalid.

Fort Worth attorney Michael Hassett is all too familiar with the process.

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He raised objections to NTTA's standard claims on behalf of a client in 2023.

He believed he'd have at least one objection sustained. He objected, for example, when NTTA did not include a copy of Department of Motor Vehicle records as evidence.

He was overruled every time. "The judge denied all of them," he said, "and granted their (NTTA's) motion for summary judgment."

Hassett had represented a commercial landscaping company with offices in Lewisville.

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Prior to the suit, Hassett said his client, Allstate Landscape, had tried to work out a payment plan with NTTA after facing some strong financial headwinds during the pandemic.

But, in January 2023, NTTA sued the company for unpaid tolls. Despite receiving multiple notices of nonpayment in the last few years, including multiple notices per vehicle, the company “has failed to pay any of the amount it owes NTTA for this usage,” the suit stated.

As of Jan. 10, 2023, based on unpaid accounts for 14 vehicles, the owner owed \$66,820.03, according to the suit.

His client faced similar frustrations as Maldonado, Hassett said. He couldn’t understand why he had been billed for tolls on days he said his trucks were not on the road or for vehicles that he did not own or sat in the yard. Yet these same vehicles, he said, kept racking up toll charges.

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“One particular car that he said had just been sitting, it wasn’t running and it continued to rack up tolls somehow while it was sitting in his yard,” Hassett said. “And we objected to that, and my objection was just overruled by the judge. ‘Sorry, objection overruled, pay the tolls.’”

Other vehicles, he said, could not have reasonably collected tens of thousands per day.

Hassett said his client couldn't understand how his company was amassing that many tolls in one day. He wasn't even entirely sure if the truck that picked up the toll had been running that day.

On other days, eight to 10 trucks were transporting materials and serving clients all over North Texas. But his client was unable to quantify how much those trucks were collecting in tolls, he said.

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NTTA ultimately won.

Under the law, the NTTA also is allowed to recover attorney's fees, so lawyers hired by NTTA recovered \$21,838.

Hassett found it a peculiar process.

"They don't ever really try to settle a case with you," Hassett said. "They just say, you know, pay us everything. And by the way, the statute says we have to collect our attorneys' fees, too."

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Mounting legal fees

NTTA's law firm, Scheef & Stone, billed the NTTA over 36 hours to "review" the toll documents and draft the original lawsuit, court records show. Hassett filed a motion to oppose the fees that included a signed affidavit. The law requires that attorney fees be based on what is reasonable and necessary for the work performed.

"I'm certainly not the only one who finds it unreasonable for that law firm to bill 36 hours for the drafting of a cookie-cutter petition," Hassett said.

Some legal professionals also questioned the size of attorney's fees.

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"Outrageous," Le Brocq said.

"An attack on the system," Chatman, the SMU law professor, said.

A first-year law student could help litigate the suits, Le Brocq said.

"I guarantee you," he said, "they're just using templates and just changing people's names and it doesn't take that much work. A paralegal could do most of that."

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“I don’t think they should be able to get that much money in attorney fees, especially because they’re hiring these big law firms,” Le Brocq said. “They don’t need to be hiring big law firms like that.”

Chatman agreed.

“They are overwhelming a business owner,” she said, “with something that is going to cost them more money to fight than to pay.”

For small business owners, she said, “it’s horrible. Morally, I think it’s wrong.”

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Kate Valent, the attorney with Scheef & Stone who litigates on behalf of the NTTA, referred questions from *The News* to Rey, the NTTA spokesman.

Rey said NTTA is forced to bring litigation and spend money to pursue those who violate the law by not paying tolls.

“Attorney fees are damages for breach of contract,” he wrote. “We seek to recover this expense.”

A Christmas surprise

Hector Hernandez, owner of a Dallas mid-sized waste and recycling company, woke up one morning in late 2022 to learn that \$124,775.84 was missing from his business bank account.

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His bank had made a garnishment to collect on a default judgment for unpaid tolls. Of the 74 entities sued by NTTA over the last three years, nine have faced garnishments, court records show. While not common, garnishments do happen.

Six months before the garnishment, Hernandez and his company, Fusion Waste and Recycling, were sued for roughly \$54,476.53 in unpaid tolls on 14 vehicles, court records showed.



Fusion Waste & Recycling owner Hector Hernandez has a fleet of trucks at his Wilmer, Texas based business that use local toll roads, December 9, 2024. Nearly \$125K were removed from Hernandez's bank account as part of a garnishment ordered by the 471st district court in Collin County. Hernandez owed \$54,000 in tolls, according to the North Texas Tollway Authority. NTTA sued him and his company, Fusion Recycling, for breach of contract on unpaid tolls on 14 of his vehicles.

TOM FOX / STAFF PHOTOGRAPHER

Court documents show that attempts were made to serve Fusion with the lawsuit, but at least one wrong address was recorded for his company, which is based on Interstate 45 in Wilmer.

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Rey said numerous attempts are made by NTTA to notify businesses of past due tolls and that lawsuits are a “last resort.”

After nearly a decade in business with customers such as Texas Motor Speedway, Goldman Sachs, as well as a fleet of 50 vehicles that each haul eight tons of plastics, waste and construction materials, Hernandez is heavily dependent on toll roads. He can’t run his business without them.

“To just sit there and say, ‘Oh, we’re not going to pay our tolls,’ it’s unheard of,” Hernandez said. “No one would do that.”

Had he been notified, “we would have been at the courthouse the next day and on the phone with our attorneys trying to find out why this is even occurring and what needs to happen for it to be resolved.”

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Most devastating, he said, the garnishment occurred days before Christmas.

“Everybody was in utter shock because they couldn’t believe that number one, we were delinquent,” he said. “And we didn’t think we were behind by \$100,000, shocking.”

Apparently, the amount owed was closer to \$54,000, however, the garnishment was increased to cover the costs of a potential appeal.

Hernandez hired a lawyer and filed an appeal within the six-month deadline and a portion of the funds were returned to him as part of a settlement agreement. However, by then, he had spent tens of thousands in court costs and toll fines.

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He is well aware that he must keep up payments, however NTTA is also accountable, he said. It should be better at warning owners before charges become unmanageable.

“I do feel that they have a duty to pick up the phone or send some emails when you have companies or people that are delinquent and give them notification,” he said, “versus letting it go further and further. Then, hiring an attorney or legal firm in Dallas and having them go to the courthouse to garnish your company money.”

NTTA said it followed the law.

“Once NTTA secures a judgment, whether through a default judgment or summary judgment, Texas law permits a judgment debtor to garnish assets that belong to the judgment debtor,” Rey, the NTTA spokesman, wrote. “NTTA secured a judgment against this business customer and the court gave NTTA permission to garnish this account.”

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The suit against Hernandez was notable for another reason. It was one of the 21 cases that landed before Judge Bouressa.

Her 471st District Court has handled more NTTA collection cases than any other. Of the 21 cases before her, a total of 13 resulted in a default judgment and four in a summary judgment. Bouressa dismissed one case and three were dropped by NTTA, court records show.

Rey said that so many cases are filed in the 471st District Court because it is “exclusively designed to handle business litigation matters.” The court administrator said cases are assigned randomly.

The volume of cases before Bouressa, however, has raised concerns because of her connection to Scheef & Stone where she was previously a partner in the firm before becoming a judge.

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Chatman, the SMU law professor, told *The News* the ties appear “improper” and Bouressa should have recused herself from cases involving NTTA.

Legislative action

But for some critics, the issue goes beyond any perceived conflict of interest or a particular program.

Weiss, co-founder of the Fair Fines and Justice Center, said toll operators such as NTTA embrace tactics that destabilize businesses and families.

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It can happen to anyone, Weiss said. Drivers with expired credit cards. Businesses with vehicles.

“There’s an equitable way of handling this and making it very easy for people to pay the tolls and resolve these issues,” Weiss said. “This is not how we should be using resources like roads, which are meant for the public.”

A number of Texas legislators told *The News* they hope to address some of the concerns raised by *The News*’ yearlong investigation into this issue and others about toll operators during the upcoming legislative session.

One is state Rep. Nate Schatzline, R-Fort Worth, former pastor of the church adjacent to a private toll road in Fort Worth, where one of Texas’ deadliest multi-vehicle accidents occurred — a 130-car pileup that killed six people and injured many others.

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“We’ve seen these toll roads come in,” he said, “but the problem is, it is destroying our small businesses and families with the amount of money they’re spending on tolls just to get to places on time.”

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By **Yamil Berard**

Much of Berard's work in California, Texas and Georgia has focused on trying to unwind complex financial topics, including public pensions, conduit bonds, hospital finance, tax incentives and public construction projects.

By **Amber Gaudet**

Amber is a staff writer for The Dallas Morning News. She's produced award-winning business and investigative work, including a housing series that led to a federal inquiry and Texas state law change in 2023. Amber holds a master's degree from the University of North Texas' Mayborn School of Journalism.

By **José Luis Adriano**

José Luis is a freelance contributor on the data team. He graduated with a MA in Data Journalism at the University of Missouri as a Fulbright grantee. José was born in Mexico City, where he worked as a technology reporter in different outlets.

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