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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

FREDDIE LUIS LOPEZ,

Plaintiff, Pro Se

12289 County Road 800

Nevada, TX 75173

(214) 537-5287

Freddie1@freddieamerica.com

v.

NORTH TEXAS TOLLWAY AUTHORITY,

5900 W. Plano Parkway

Plano, TX 75093

TEXAS DEPARTMENT OF TRANSPORTATION,

125 E. 11th Street

Austin, TX 78701

GOVERNOR GREG ABBOTT (Official Capacity),

Office of the Governor

P.O. Box 12428

Austin, TX 78711

Defendants.

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§ Civil Action No.

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2-25 CV 2317-S

JURY TRIAL DEMANDED

COMPLAINT

PREAMBLE

This case is brought under the foundational principle that **"We the People"** are the final safeguard against governmental overreach. The Constitution begins with We the People, and the Tenth Amendment reserves to the people all powers not delegated to government. The Texas Constitution likewise provides that rights guaranteed therein shall remain "forever inviolate" (Tex. Const. art. I, § 29). Plaintiff challenges a tolling and penalty scheme that transforms essential travel into a privilege of wealth, generates surplus revenue under the

guise of user fees, and creates monopolistic control contrary to both the U.S. and Texas Constitutions.

I. JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 1331 because this action arises under the Constitution and laws of the United States, including the Fifth, Eighth, Tenth, and Fourteenth Amendments, and the Commerce Clause (Art. I, § 8, cl. 3).

2. Venue is proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events and omissions giving rise to the claims occurred in this District, namely the tolling and enforcement practices on the George Bush Turnpike in Dallas County.

II. PARTIES

3. Plaintiff is an individual and resident of Collin County, Texas, and a regular commuter on the George Bush Turnpike.

4. Defendant North Texas Tollway Authority (NTTA) is a political subdivision of Texas created under Tex. Transp. Code ch. 366.

5. Defendant Texas Department of Transportation (TxDOT) is a state agency responsible for oversight of toll operations.

6. Defendant Governor Greg Abbott is sued in his official capacity as Governor of Texas, responsible for executing state laws including tolling statutes.

III. FACTUAL BACKGROUND

7. NTTA charges commuters between \$10.39 and \$15.60 per day, amounting to approximately \$2,600–\$3,900 annually per driver.

8. In 2023, Texas reported a \$32.7 billion surplus, while NTTA reported a \$211.5 million surplus above maintenance and debt costs.

9. These surpluses demonstrate tolls are functioning as a hidden tax, not mere cost-recovery fees.

10. NTTA imposes escalating penalties and late fees far exceeding the underlying toll, turning minor unpaid amounts into hundreds of dollars of alleged debt.

11. Plaintiff has personally suffered financial hardship and threats of punitive enforcement under this scheme.

12. The burden of toll costs falls hardest on lower-income Texans who must commute daily, pricing them out of essential travel for work, school, and healthcare.

13. Increased tolls raise the cost of trucking and commerce, inflating the retail price of basic goods such as eggs, poultry, and groceries; these costs are passed directly to working families.

14. The tolling scheme therefore has a domino effect: surpluses enrich Defendants while ordinary Texans and Americans suffer compounding hardship.

IV. CLAIMS FOR RELIEF

Count I – Due Process (U.S. Const. amend. XIV; Tex. Const. art. I, § 19)

15. Defendants deprive citizens of property without adequate notice or hearing, violating *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Fuentes v. Shevin*, 407 U.S. 67 (1972); *Mullane v. Central Hanover Bank*, 339 U.S. 306 (1950).

Count II – Equal Protection (U.S. Const. amend. XIV; Tex. Const. art. I, § 3)

16. Tolls and penalties disproportionately impact working-class and low-income Texans, punishing inability to pay.

17. This violates principles articulated in *Bearden v. Georgia*, 461 U.S. 660 (1983); *Williams v. Illinois*, 399 U.S. 235 (1970); and *Harper v. Virginia Bd. of Elections*, 383 U.S. 663 (1966).

Count III – Excessive Fines (U.S. Const. amend. VIII; Tex. Const. art. I, § 13)

18. Escalating penalties are punitive ‘fines’ and are grossly disproportionate to the underlying tolls, violating *Timbs v. Indiana*, 139 S. Ct. 682 (2019); *Austin v. United States*, 509 U.S. 602 (1993); *United States v. Bajakajian*, 524 U.S. 321 (1998).

Count IV – Commerce Clause (U.S. Const. art. I, § 8, cl. 3)

19. Tolls and penalties impose burdens on interstate travel and commerce and, by inflating transportation costs, increase consumer prices; under *Pike v. Bruce Church, Inc.*, 397 U.S. 137 (1970), *Edwards v. California*, 314 U.S. 160 (1941), and *Crandall v. Nevada*, 73 U.S. 35 (1868), these burdens outweigh any legitimate local benefits.

Count V – Tenth Amendment / Reserved Rights (U.S. Const. amend. X)

20. Surplus tolls exceed delegated authority and function as taxation by an unelected monopoly, contravening limits recognized in *NFIB v. Sebelius*, 567 U.S. 519 (2012) and *United States v. Lopez*, 514 U.S. 549 (1995).

Count VI – Texas Constitutional Violations

21. Tex. Const. art. I, § 26 (ban on monopolies): NTTA’s exclusive control operates as an unlawful monopoly.

22. Tex. Const. art. VIII, § 1 (equal and uniform taxation): surplus tolls function as unconstitutional taxation.

23. Tex. Const. art. I, §§ 13, 19, and 29: excessive fines, denial of due course of law, and infringement of reserved rights.

Count VII – Takings Clause (U.S. Const. amend. V, via amend. XIV)

24. Surplus collections and disproportionate penalties constitute a taking of property without just compensation, violating *Chicago, Burlington & Quincy R.R. v. Chicago*, 166 U.S. 226 (1897), and *Lingle v. Chevron U.S.A., Inc.*, 544 U.S. 528 (2005).

Count VIII – Right to Travel (Fundamental Right)

25. Excessive tolls and penalties operate as barriers to intrastate and interstate travel, contrary to *Shapiro v. Thompson*, 394 U.S. 618 (1969), and *Saenz v. Roe*, 526 U.S. 489 (1999).

Count IX – Open Courts (Tex. Const. art. I, § 13)

26. NTTA's penalties and enforcement deprive citizens of meaningful remedies, rendering due course protections illusory and violating Texas' open courts guarantee.

Count X – Unjust Enrichment / Ultra Vires / Civil Conspiracy (pleaded in the alternative)

27. Defendants have been unjustly enriched by collecting tolls and penalties beyond lawful amounts; NTTA and TxDOT acted ultra vires and in concert to enforce the unconstitutional scheme.

V. PRAYER FOR RELIEF

- A. Declare Defendants' tolling and penalty regime unconstitutional under the U.S. and Texas Constitutions;
- B. Enjoin enforcement of unconstitutional tolls and penalties;
- C. Award damages and restitution for unlawful collections;
- D. Award costs and such other relief as the Court deems just and proper.

VI. JURY DEMAND

Plaintiff demands trial by jury on all issues so triable.


Respectfully submitted,

/s/ Freddie Luis Lopez

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