Oppose the “Transportation Empowerment Act” and the Destructive Impacts of Devolution


Oppose H.R. 3486/S. 1702 because it:

- Substantially eliminates the federal government’s constitutionally mandated role in establishing and maintaining the national road network, which carries more than 73% of the 48 million tons of goods transported across the county daily.

- Reduces funding for the Federal-aid Highway Program by more than 80% by 2019 — from $45 billion to less than $8 billion. According to the U.S. Department of Transportation (U.S. DOT), at least $17 billion in annual investment is needed to maintain current, substandard performance levels for the national interstate highway system, and more than $33 billion per year is needed to improve the system.

- Continues many federal requirements often linked to increased project costs resulting in unfunded mandates; however, eliminating federal funds from a project does not automatically exempt a project from these requirements. For example, 32 states currently apply Davis–Bacon prevailing-wage laws to non-federal contracts. In addition, for many projects, federal environmental review requirements would continue even if no federal money is used.

- Saddles states with 90% of the fiscal responsibility for supporting highways that the federal government has an obligation to establish. Even if states would raise local motor fuel taxes to match the funds relinquished by the federal government (and there is no guarantee that they would), the diversion of funds to non-highway purposes is more extensive in many states than it is under the federal-aid program. Texas, for example, spent more than $1.8 billion of its 2012 revenue from fuel taxes and vehicle registration fees on education and other purposes unrelated to highways. Altogether, U.S. DOT reports states diverted $8 billion in highway user fee revenues to non-highway projects and programs during 2012.

A better approach is to reform the system, not risk the nation’s economic future by disinvesting in a highway system that is already under-funded. Decimating the Federal-aid Highway Program would prove disastrous to the states’ ability to maintain and improve their highways. This is particularly true for those states with a small tax base and an extensive highway network that is important to interstate traffic.

The Highway Materials Group opposes devolving federal surface transportation programs completely to the states. As always, we will work with Congress to promote state flexibility on investing adequately in infrastructure.