



Out of Gas:

Congress Raids the Highway Trust Fund for Pet Projects While Bridges and Roads Crumble

United States Senate
111th Congress
Senators Tom Coburn, M.D. & John McCain

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Introduction

One of the many recent government bailouts consisted of \$8 billion for the bankrupt Highway Trust Fund (HTF) — a fund set up to support, through federal gasoline and other taxes, all federal transportation programs and projects.

However, the \$8 billion did not solve the problem. The Highway Trust Fund will go bankrupt (again) by the end of August 2009 unless Congress bails it out (again). This week the U.S. House of Representatives voted to spend \$7 billion of taxpayers' money, just to keep the Fund temporarily afloat, and the U.S. Senate is poised to do the same. Mere months ago, Congress provided over \$27 billion for highway and infrastructure projects as part of the American Recovery and Reinvestment Act of 2009.

Yet billion-dollar government bailouts are not the solution to protect our nation's infrastructure. Congress must begin by reprioritizing funds.

Flowers, bike paths, and even road-kill reduction programs, are just some of the many examples of extraneous expenditures (some of which are legally required) funded by Congress through federal transportation bills. Many of these projects are funded as earmarks, while others are born from legislators turning their private passions into public programs. Congress instead should allow states greater flexibility to allocate their highway dollars to their most pressing transportation needs. If Congress fails to reprioritize transportation spending, then crumbling bridges, congested highways, and poor road conditions will continue to deteriorate much to the detriment of all Americans.

Congress must also curb its addiction to earmarking and setting aside transportation funding for legislators' pet projects and programs. If history is any guide, though, the next highway bill will not be earmark free. Congress has increased significantly the earmarking of federal highway funding:

- The 1982 highway bill included 10 demonstration projects totaling \$386 million;
- The 1987 highway bill included 152 demonstration projects totaling \$1.4 billion;
- The 1991 highway bill included 538 location-specific projects totaling \$6.1 billion;
- The 1998 highway bill included 1,850 earmarked projects totaling \$9.3 billion; and
- The 2005 highway bill included over 5,634 earmarked projects totaling \$21.6 billion.

GAO Releases New Report

A new U.S. Government Accountability Office (GAO) report, compiled at the request of Senators Tom Coburn and John McCain, details how the U.S. Department of Transportation (DOT) has obligated \$78 billion over the last five years for “purposes other than construction and maintenance of highways and bridges.” This \$78 billion figure does not fully capture how much has been promised, or authorized, by Congress over the last five years for these “other purposes,” it just reflects how much has been released for spending, or obligated, so far.

The \$78 billion, five-year total for obligated expenditures for non-highway, non-bridge construction or maintenance projects includes:

- Over \$2 billion on 5,547 projects for bike paths and pedestrian walkways and facilities;
- \$850 million for 2,772 “scenic beautification” and landscaping projects;
- \$488 million for behavioral research;
- \$313 million for safety belt performance grants;
- \$224 million for 366 projects to rehabilitate and operate historic transportation buildings, structures, and facilities;
- \$215 million for 859 projects under scenic or historic highway programs;
- \$121 million on 63 projects for ferryboats and ferry terminal facilities;
- \$110 million for occupant protection incentive grants;
- \$84 million for 398 projects for safety and education of pedestrians and bicyclists;
- \$84 million for 213 road-kill prevention, wildlife habitat connectivity, and highway runoff pollution mitigation projects;
- \$28 million to establish 55 transportation museums;
- \$19 million for 25 projects to control and remove outdoor advertising;
- \$18 million for motorcyclist safety grants; and
- \$13 million on 50 projects for youth conservation service.

While some of these expenditures may merit funding, periodic congressional review is essential to determine if all merit continued funding, if measurable outcomes are demonstrating their success, and if their goals could be accomplished with fewer dollars.

Upon review, Congress may find some of these expenditures are unnecessary luxuries and others — such as establishing new transportation museums — simply cannot be justified while the Highway Trust Fund has insufficient funds for repairing dangerous roads and bridges.

Re-Examine Before Refilling

As Congress debates “refilling” (by deficit spending) the soon-to-be-empty Highway Trust Fund, it should first look at ways to reprioritize areas of current spending that may not reflect the realities of a decaying national transportation infrastructure. Many politicians are quick to defend spending millions in federal funds on their districts’ bike paths, transportation museums, road-side flowers, and even the “bridge to nowhere.” Yet, Congress needs to evaluate whether such projects merit federal funding in light of our current trillion-dollar deficit, the economic downturn, and the realities of a collapsing transportation infrastructure that literally is costing American lives.

The Status Quo Will Not Work

Critics of the GAO report and this report will claim these examples are but a small portion of overall transportation spending and do not begin to address the long-term Trust Fund shortfall.

Yet, we cannot continue to spend \$78 billion in areas other than crucial road and bridge construction and maintenance and beg Congress to steal from our nation’s children and grandchildren when the Highway Trust Fund runs dry. We cannot spend hundreds of millions

of tax dollars to renovate “historic facilities” such as gas stations and then complain that history will look poorly on a nation that let its vital interstate transportation system fall into disrepair.

We should not force states to spend approximately 10 percent of all their surface transportation program funds on “enhancement” projects like landscaping, bicycle safety, and transportation museums, when fixing a bridge or repairing a road would be a more practical and necessary use of these limited funds.

We have asked individuals and families across the country to examine their own budgets and start spending more responsibly. We should expect nothing less of our nation’s leaders in Congress.

Tom Coburn, M.D. and John McCain
U.S. Senators

Background

The Highway Trust Fund

Highways are built, repaired, and maintained largely with payments from the federal Highway Trust Fund. The Fund collects most of its revenues from motor fuel taxes paid when Americans buy gas.

The Trust Fund has teetered on the brink of insolvency over the past year. Congress approved legislation in September of 2008 transferring \$8 billion from the Treasury's general fund to the Highway Trust Fund to delay its bankruptcy. Since that time, Congress has done nothing to address the Fund's fiscal problems and the Trust Fund is expected to go bankrupt before the end of August. If this happens, there would be delayed or reduced reimbursements to the States for costs incurred under the Federal-aid Highway Program. To remedy this shortfall, both the White House and Congress are proposing billion-dollar bailouts.

The Department of Transportation says three cash shortfall amounts will need to be transferred into the Highway Account:

- “\$5.1 billion to pay anticipated bills through the end of FY 2009 and maintain a ‘prudent balance’ of \$4 billion.
- “\$7.0 billion to make payments through the week ending December 11, 2009, and maintain a \$4 billion cash balance.
- “\$14.6 billion to make payments through the end of FY 2010 and maintain a \$4 billion cash balance.”¹

This week the U.S. House of Representatives voted to transfer \$7 billion of taxpayers' money from general revenues to the Highway Trust Fund, just to keep the Fund temporarily afloat, and the U.S. Senate is poised to do the same. These actions come days after the chairman of the House Transportation and Infrastructure Committee publicly called for a \$3 billion transfer (to ensure funds remained available for the remainder of the year), while the chairman of the Senate Finance Committee called for a \$26 billion bailout (to extend the solvency of the trust fund by 18 months).²

All of these proposals are temporary and rely on the same shortsighted borrow-and-spend mentality that has bankrupted the Trust Fund to begin with and now threatens to bankrupt the nation. The DOT Inspector General notes, “transferring the minimum projected cash requirement into the Highway Account for FY 2009 will result in a new cash shortfall early in FY 2010.”³ This will likely require a third bailout of the Trust Fund in as many years.

Clearly, borrowing and bailouts are not providing the needed fix to ensure the long-term solvency of the Highway Trust Fund, which means Congress must eventually make tough choices to increase revenues or reduce spending. Are all of the projects being funded by the Highway Trust Fund essential priorities? If so, then motorists may be forced to sacrifice by

¹ Correspondence from Calvin L. Scovel III, Inspector General of the U.S. DOT, to Senator Judd Gregg, June 24, 2009, http://www.oig.dot.gov/StreamFile?file=/data/pdffdocs/HTF_Gregg_Letter_Final_6-24-09.pdf.

² Koss, Geof, “Oberstar Maps a Course for Full Highway Bill,” *Roll Call*, July 27, 2009, page 8, http://www.rollcall.com/issues/55_13/news/37201-1.html.

³ Correspondence from Calvin L. Scovel III, Inspector General of the U.S. DOT, to Senator Judd Gregg, June 24, 2009, http://www.oig.dot.gov/StreamFile?file=/data/pdffdocs/HTF_Gregg_Letter_Final_6-24-09.pdf.

paying higher taxes as some in Congress are proposing. If not, then Members of Congress may be required to sacrifice by eliminating or postponing funding for projects that are not necessary or are unaffordable at this time.

The Status of America's Bridges

On August 1, 2007, the Interstate 35 West bridge over the Mississippi River in Minneapolis, Minnesota, collapsed during rush hour, killing 13 people and injuring another 123.

This tragedy exposed both a nationwide problem of deficient bridges as well as misplaced priorities of Congress, which has focused more on funding politicians' pet projects than improving aging infrastructure.

According to the U.S. DOT, of the 601,396 bridges in the U.S. in 2008, 151,394 (25 percent) were deficient. This includes 71,461 (12 percent) "structurally deficient" bridges (those that show significant deterioration and have a reduced load-carrying capacity) and 79,933 (13 percent) "functionally obsolete" bridges (bridges that do not meet current design standards).⁴

According to the Congressional Research Service (CRS):

"The most recent [DOT] needs assessment shows that in 2004, \$70.3 billion was spent on capital improvements to the nation's highways and bridges. Of that amount, \$58.3 billion was spent on roadways and \$12.0 billion was spent on bridges. The expenditures on bridges are composed of \$10.5 billion on the rehabilitation of existing bridges and \$1.6 billion on the building of new bridges. . . . DOT estimates that it would cost a total of \$65.3 billion to fix all existing bridge deficiencies (in 2004 dollars), which is called the existing bridge investment backlog.⁵ This figure includes dealing with bridges classified as structurally deficient and functionally obsolete as well as other deficiencies, if the benefits outweigh the costs" (emphasis added).⁶

"Dozens of the nation's highway bridges that fell into disrepair 25 years ago still need overhauls to fix cracks, corrosion and other long-festering problems," according to a *USA TODAY* analysis of federal inspection records.

"At least 96 interstate highway bridges rated 'structurally deficient' by government inspectors in 1982 had the same rating [in 2006], suggesting they weren't fixed or had lapsed and again require repair, according to the records. Those spans carry 3.8 million cars and trucks every day."⁷

Repairing deficient roads is not just about money, substandard road conditions take the lives of more than 13,000 Americans every year, according to the American Society of Civil Engineers.⁸

⁴ Department of Transportation, Research and Innovative Technology Administration, Bureau of Transportation Statistics, National Transportation Statistics, "Conditions of U.S. Highway Bridges," 2008, Table 1-27, http://www.bts.gov/publications/national_transportation_statistics/html/table_01_27.html.

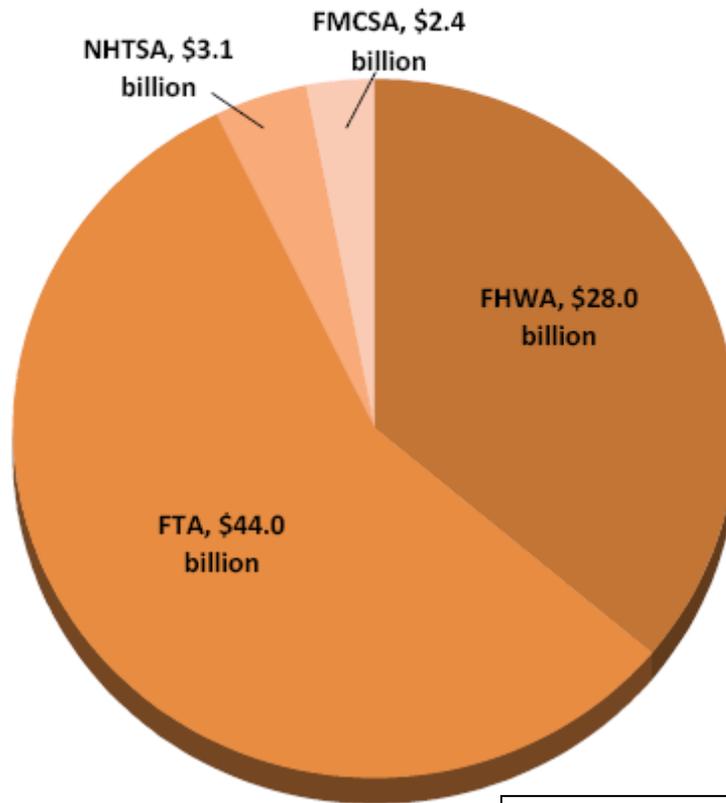
⁵ DOT, Conditions and Performance, 2007, 9-13.

⁶ Robert S. Kirk and William J. Mallett. "Highway Bridges: Conditions and the Federal/State Role," CRS, September 19, 2008, <http://apps.crs.gov/products/rl/html/RL34127.html>.

⁷ Heath, Brad, "Scores of bridges 'deficient' since '80s," *USA Today*, August 29, 2007; http://www.usatoday.com/news/nation/2007-08-29-bridges_N.htm?csp=34.

Summary of GAO Findings and Related Information⁹

\$78 Billion Obligated for Purposes Other Than Construction or Maintenance of Highways and Bridges



FHWA = Federal Highway Administration
FMCSA = Federal Motor Carrier Safety Administration
FTA = Federal Transit Administration
NHTSA = National Highway Traffic Safety Administration

“During fiscal years 2004 through 2008, four agencies within the Department of Transportation obligated about \$78 billion in Highway Trust Fund monies for purposes other than construction and maintenance of highways and bridges” (GAO Report, Page 2).

- The Federal Transit Administration (FTA) “obligated over \$44 billion for purposes other than construction and maintenance of highways and bridges” (Page 3);
- The Federal Highway Administration (FHWA) “obligated nearly \$28 billion for purposes other than construction and maintenance of highways and bridges” (Page 3);

⁸ Jim Davis, executive director and CEO of the American Society of Civil Engineers, <http://www.asce.org/reportcard/index.cfm?reaction=news&page=6>.

⁹ All GAO references refer to the GAO Report “GAO-09-729R Highway Trust Fund Expenditures on Purposes Other Than Construction and Maintenance of Highways and Bridges During Fiscal Years 2004-2008,” dated June 30, 2009 and restricted, released July 30, 2009, <http://www.gao.gov/>.

- The National Highway Traffic Safety Administration (NHTSA) “obligated \$3.1 billion in HTF monies for purposes other than construction and maintenance of highways and bridges” (Page 3); and
- The Federal Motor Carrier Safety Administration (FMCSA) obligated approximately \$2.4 billion “for purposes other than construction and maintenance of highways and bridges” (Page 3).

Billions Spent on Beautification and Enhancement Projects While Trust Fund Runs Dry

By law, and regardless of their other pressing transportation needs, states must spend a certain percentage of their Surface Transportation Program (STP) funding on Transportation Enhancement activities.¹⁰

As GAO states, “In FHWA’s Surface Transportation Program, 10 percent of each state’s annual apportionment must be set aside for transportation enhancement activities and made available for distribution toward enhancements” (Page 6).

The 12 eligible Transportation Enhancement categories are as follows¹¹:

1. Provision of pedestrian and bicycle facilities;
2. Provision of pedestrian and bicycle safety and education activities;
3. Acquisition of scenic or historic easements and sites;
4. Scenic or historic highway programs including tourist and welcome centers;
5. Landscaping and scenic beautification;
6. Historic preservation;
7. Rehabilitation and operation of historic transportation buildings, structures, or facilities;
8. Conversion of abandoned railway corridors to trails;
9. Control and removal of outdoor advertising;
10. Archaeological planning and research;
11. Environmental mitigation of highway runoff pollution, reduce vehicle-caused wildlife mortality, maintain habitat connectivity; and
12. Establishment of transportation museums.

According to GAO, between fiscal years 2004-2008, FHWA obligated \$3.7 billion in Transportation Enhancement funds for 10,857 projects¹² (Page 7, Table 2).

An additional \$833.5 million is authorized for Transportation Enhancement projects in fiscal year (FY) 2009.¹³

¹⁰ “Transportation Enhancement (TE) funds are apportioned to the States by formula, based on amounts made available from the Surface Transportation Program (STP) under 23 U.S.C. 104(b)(3), which includes several adjustments, such as adjustments for metropolitan planning, open container and driving while intoxicated laws, highway safety, and safety belt and motorcycle helmet laws,” “Transportation Enhancement Activities Apportionments, Rescissions, and Obligations,” Department of Transportation website, http://www.fhwa.dot.gov/environment/TE/app_resc_ob.htm.

¹¹ Department of Transportation website, <http://www.fhwa.dot.gov/environment/te/>.

¹² According to GAO, “Total [Transportation Enhancement] project count may be overstated because a single project may be listed under more than one project type,” GAO Report GAO-09-729R, Page 7, Table 2, footnote a.

¹³ “Transportation Enhancement Activities Apportionments for FY 1992-2009,” Department of Transportation website, <http://www.fhwa.dot.gov/environment/te/apportionments.htm>.

Congress Authorized \$4.1 Billion for Transportation Enhancement Set Asides

GAO reports the amount DOT agencies obligated in Transportation Enhancement funds for fiscal years 2004-2008, but that amount does not give the entire picture.¹⁴

Congress authorizes a certain level of funding and, in the case of transportation funding, sometimes it takes years for the authorized funds to be obligated and then paid out. The authorized funds essentially sit in a “pipeline” waiting to be obligated and drawn down when the projects are ready to break ground. For the last five years, from fiscal years 2005-2009, Congress has authorized (not obligated) \$4.1 billion for Transportation Enhancement funding, according to a report published by the National Transportation Enhancements Clearinghouse and funded by Department of Transportation.¹⁵

Fiscal Year of Authorization	Transportation Enhancement Funds
2005	\$803.2 million
2006	\$804.3 million
2007	\$815.3 million
2008	\$818.4 million
2009	\$833.5 million
Total	\$4.1 billion

Most of the Transportation Enhancement projects come out of a 10 percent set-aside requirement in FHWA’s Surface Transportation Program, but other programs also allow federal funds to be used for “enhancement-type projects,” according to the GAO. The Congestion Mitigation and Air Quality Improvement Program and the National Scenic Byways Program, for example, both also have projects focused on pedestrians and bicycles (Page 6).

\$2 Billion for 5,500 Enhancement Projects on Facilities for Pedestrians and Bicycles

According to GAO, from fiscal years 2004-2008, “FHWA obligated over \$2 billion in federal funds for pedestrian and bicycle facility projects, which can include trails for transportation purposes, sidewalk



¹⁴ As defined in the GAO report, “An obligation is a definite commitment that creates a legal liability of the government for payment. Once an obligation is made, the federal government must reimburse the states when they submit a voucher for completed work, which, because of the length of time it takes to complete projects, could be months or years after the obligation is made,” GAO Report GAO-09-729R, page 2, footnote 2.

¹⁵ “Transportation Enhancements Summary of Nationwide Spending as of FY 2008,” National Transportation Enhancements Clearinghouse, May 2009, http://www.enhancements.org/download/Spending_Report/TE_Spending_Report_FY08.pdf. The report notes the “material is based upon work supported by the Federal Highway Administration [FHA] under cooperative agreement No. DTFH61-02-X-00055 with Rails-to-Trails Conservancy.” The Conservancy is listed under www.usaspending.gov as having a seven-year grant with FHA regarding transportation enhancements starting in FY08 at \$100,000. If the grant is level funded over its seven-year course, the Department will spend \$700,000 in taxpayer funds for this one entity just to study projects such as flowers and bike paths, <http://www.usaspending.gov/faads/faads.php?federal%20award%20id=dtfh6108f00033&federal%20award%20mod=0000&agencyITcode=DOT%20-%20Federal%20Highway%20Administration&dollar%20tot=100000.0&fiscal%20year=2008&recipient%20name=Rails%20to%20Trails%20Conservancy&fromITSearch=true>.

construction and improvements, on-road bicycle lanes, and pedestrian lighting, among other activities.” These funds paid for 5,547 projects (Pages 6-7 and Table 2).



Minnesota’s Soo Line Trail overpass, an \$878,080 congressional earmark

One such project, funded by an earmark of over \$800,000 inserted by the then-ranking member on the House Transportation and Infrastructure Committee, was a “pedestrian and bicycle bridge” in Onamia, Minnesota, which had a population of 847 at the time of the earmark.¹⁶ This Soo Line trail overpass extends over Trunk Highway 169.¹⁷

The Chairman of the House Transportation Committee, himself an “avid cyclist,” has a “zest for cycling [that] is as great as his enthusiasm for funding public infrastructure,” according to one newspaper that noted “the two passions often merge.” The Chairman “estimated that he has helped win funding and approval for at least 60 trails nationwide.”¹⁸

In the 2005 federal highway funding bill, 70 percent of Members in the U.S. House of Representatives requested bicycling facilities.¹⁹ Ultimately, over \$17 million was spent on bike path earmarks in Fiscal Year 2005, according to the Office of Management and Budget’s earmark database.²⁰

Additional \$3.2 Billion Spent on Bike and Pedestrian Projects in Prior Thirteen-Year Period

A recent study, released in the *Journal of Public Health Policy* 2009, reports that from 1992 to 2004 (during the 13 years leading up to the GAO’s 2004-2008 reporting timeline), states and counties implemented 10,012 bicycle- and pedestrian-related projects costing taxpayers \$3.17 billion.²¹



Bicycle and pedestrian programs first became part of federal transportation funding with the 1991 passage of the Intermodal Surface Transportation Efficiency Act, the study reports. The Act “marked a shift” from the Federal Highway Administration’s original purpose to “focus on roads and highways[.]”²²

¹⁶ Office of Management and Budget, Earmark website, http://earmarks.omb.gov/authorization_earmarks/earmark_187435.html; Photo by nsteffenson, dated April 17, 2008, posted on <http://www.flickr.com/photos/natezone/2422847064/>; Carpenter, Amanda B., “Highway Bill Spends \$255 Million on Bike Paths,” *Human Events*, August 12, 2005, <http://www.humanevents.com/article.php?id=8536>.

¹⁷ Minnesota Department of Transportation website, http://www.dot.state.mn.us/d3/newsrels/08/03/18_hwy169.html.

¹⁸ Sherman, Jake, “Cycling’s political tour de finance,” *Minnesota Star Tribune*, July 29, 2007; Kersten, Katherine, “Until I-35W disaster, Oberstar’s funding focus wasn’t on bridges,” *Star Tribune* (Minnesota), August 22, 2007, <http://www.startribune.com/local/11552401.html>.

¹⁹ Sherman, Jake, “Cycling’s political tour de finance,” *Minnesota Star Tribune*, July 29, 2007.

²⁰ Office of Management and Budget website, <http://earmarks.omb.gov/>, accessed September 9, 2007.

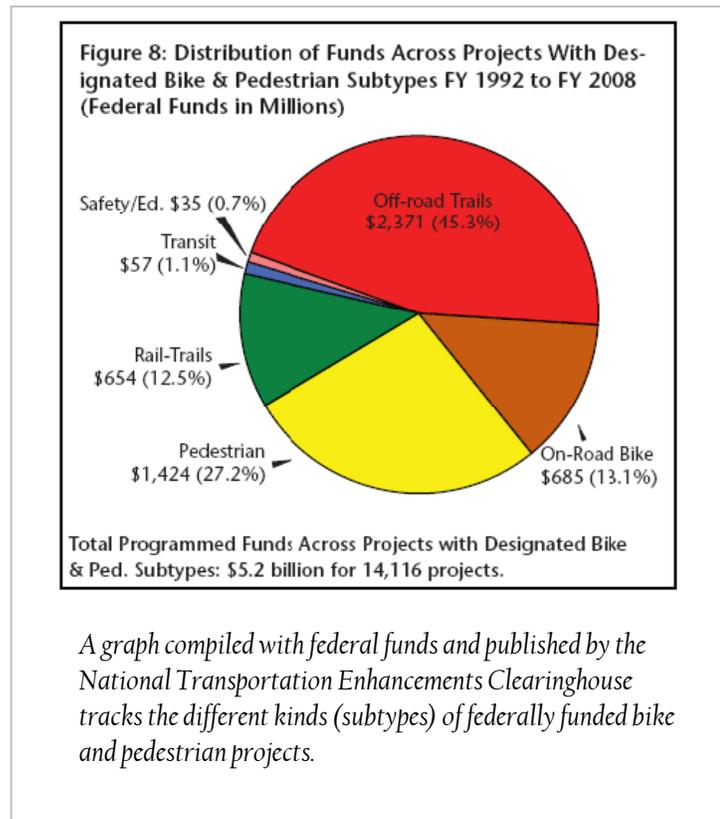
²¹ Cradock AL, Troped PJ, Fields B, Melly SJ, Simms SV, Gimmler F, Fowler M., “Factors associated with federal transportation funding for local pedestrian and bicycle programming and facilities,” *Journal of Public Health Policy*. 2009; 30 Suppl 1:S38-72, <http://www.palgrave-journals.com/jphp/journal/v30/nS1/pdf/jphp200860a.pdf>.

Surprisingly, some states do not even use the federally authorized transportation enhancement funds allocated to them for such projects as bicycle and pedestrian paths. Since 1991, Massachusetts “has only spent about 37 percent of its share of the funding designated by Congress for such projects . . . Massachusetts has been allocated \$135 million for bike and pedestrian funding since 1991, and has used \$51.1 million. Critics blame the gap on a cumbersome application process that requires cities and towns to pay for planning and engineering studies, submit applications to two state agencies, and then wait, sometimes for years,” *The Boston Globe* noted in a recent report.²³

How the \$5.2 Billion in Bike and Pedestrian Projects Was Distributed²⁴

According to the National Transportation Enhancements Clearinghouse, of the \$5.2 billion it reports was spent on bike and pedestrian projects between FY1992-2008:

- \$2.4 billion (45 percent) was spent on off-road trails;
- \$1.4 billion (27 percent) was spent on pedestrian trails;
- \$685 million (13 percent) was spent on on-road bicycle facilities;
- \$654 million (12.5 percent) was spent on rails-to-trails;
- \$57 million (1 percent) was spent on transit; and
- \$35 million (0.7 percent) was spent on safety and education.



²² Cradock AL, Troped PJ, Fields B, Melly SJ, Simms SV, Gimmler F, Fowler M., “Factors associated with federal transportation funding for local pedestrian and bicycle programming and facilities,” *Journal of Public Health Policy*. 2009; 30 Suppl 1:S38-72, <http://www.palgrave-journals.com/jphp/journal/v30/nS1/pdf/jphp200860a.pdf>.

²³ “\$80m in US funds for bike projects unspent in Mass.; State ranks last, tapping 37% of grants since 1991,” *The Boston Globe*, April 14, 2009, http://www.boston.com/news/nation/washington/articles/2009/04/14/80m_in_us_funds_for_bike_projects_unspent_in_mass/.

²⁴ “Transportation Enhancements Summary of Nationwide Spending as of FY 2008,” National Transportation Enhancements Clearinghouse, May 2009, http://www.enhancements.org/download/Spending_Report/TE_Spending_Report_FY08.pdf.

Share the Bike Path? 2009 Stimulus Funds Pay for Bike Path Along Deteriorating Road



Pennsylvania bike path improvements get \$2 million in federal stimulus funds

\$2 million in federal stimulus funds are going to a local Pennsylvania contractor to pave bicycle lanes along roadways that themselves are in dire need of repair, according to a local news report.²⁵ Pennsylvania's Lackawaxen Township Supervisor said some local roadways are in such need of repair that they are becoming downright dangerous. Supervisor Rich Krochta noted that the Pennsylvania Department of Transportation (PennDOT) is currently paving and improving the shoulders of Route 6 for a bicycle lane. "The bike lane is going to be a lot better than Route 6, maybe the cars will drive along the shoulder," he told a local newspaper.²⁶

According to the *Pike Country Press*:

"PennDOT awarded a \$1,997,235 contract to James D. Morrissey, Inc., Philadelphia, for the Pike County bike lane project which will connect areas where shoulders have been improved and widened two years ago. Krochta feels that funding would have been better spent repairing the many deteriorating roadways within the county. 'Considering the shape of our roads, a bike lane makes no sense to me at all,' said Krochta.

"Some residents have pointed out that given the very deteriorated condition of Route 6 in many places where the new bike lanes will go, they may simply have to drive on the shoulders – a dangerous condition for cyclists, pedestrians and motorists alike."²⁷

\$850 Million of Enhancement Funds Went to 2,700 Landscaping and Other Scenic Beautification Projects

"Landscaping and other scenic beautification projects had obligations of \$850 million" from Federal Highway Administration funds for FY2004-2008, GAO found. These funds paid for 2,772 landscaping and beautification projects and were classified and funded as Transportation Enhancement projects under the FHWA (Page 6 and Table 2).

²⁵ Camuso, Pat, "Citizen Road Complaints Frustrate Supervisors," *Pike County Press* (Pennsylvania), July 23, 2009, <http://pikecountypress.com/wordpress/2009/07/23/citizen-road-complaints-frustrate-supervisors/>.

²⁶ Camuso, Pat, "Citizen Road Complaints Frustrate Supervisors," *Pike County Press* (Pennsylvania), July 23, 2009, <http://pikecountypress.com/wordpress/2009/07/23/citizen-road-complaints-frustrate-supervisors/>.

²⁷ Camuso, Pat, "Citizen Road Complaints Frustrate Supervisors," *Pike County Press* (Pennsylvania), July 23, 2009, <http://pikecountypress.com/wordpress/2009/07/23/citizen-road-complaints-frustrate-supervisors/>.

Flowers, Bike Trails, and Road-Kill Reduction Projects Enhance “The Transportation Experience”



The Department of Transportation says on its website, “Transportation Enhancement (TE) activities offer funding opportunities to help expand transportation choices and **enhance the transportation experience** through 12 eligible TE activities related to surface transportation, including pedestrian and bicycle infrastructure and safety programs, scenic and historic highway programs, landscaping and scenic beautification, historic preservation, and environmental mitigation” (emphasis added).²⁸

\$224 Million for 366 Projects to Rehabilitate and Operate Historic Transportation Buildings, Structures, and Facilities

GAO reports that the Federal Highway Administration obligated \$224 million on 366 projects for the “rehabilitation and operation of historic transportation buildings/structures/facilities” — a category of FHWA’s Transportation Enhancement projects (Page 7, Table 2).

According to the National Transportation Enhancements Clearinghouse, federal funds for historic transportation rehabilitation and operation are spent on structures including “historic streetscapes,” bridges, highways, lighthouses, “historic canal boats,” canals, docks, transit, and locomotives, maintenance shops, and the preservation and rehabilitation of railroad stations and depots.²⁹

\$215 Million for 859 Projects Under Scenic or Historic Highway Programs . . . Visitor Centers and Gas Stations Eligible

Scenic or historic highway programs obligated \$215 million on 859 projects from FY2004-2008, according to the GAO. These projects are classified and funded as Transportation Enhancement projects under the FHWA (Page 7, Table 2).

Visitor centers made up a third of the scenic or historic highway program projects funded from 1992-2008, the National Transportation Enhancements Clearinghouse noted in its 2009 report.³⁰

In its official guidance, FHWA clarifies that these federally funded visitor or welcome centers need not themselves be scenic or historic but they “could include efforts and materials to direct

²⁸ “Transportation Enhancement Activities,” Department of Transportation website, <http://www.fhwa.dot.gov/environment/te/>.

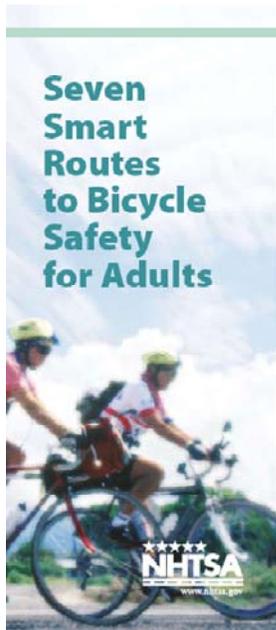
²⁹ “Transportation Enhancements Summary of Nationwide Spending as of FY 2008,” National Transportation Enhancements Clearinghouse, May 2009, http://www.enhancements.org/download/Spending_Report/TE_Spending_Report_FY08.pdf.

³⁰ “Transportation Enhancements Summary of Nationwide Spending as of FY 2008,” National Transportation Enhancements Clearinghouse, May 2009, http://www.enhancements.org/download/Spending_Report/TE_Spending_Report_FY08.pdf.

members of the traveling public to a specific local area site deemed to be of scenic or historic significance.”³¹ Taxpayer funds also may be used for visitor center parking areas, interior fixtures, and “to purchase and install items which support or interpret the scenic or historic highway program or site including brochure racks for interpretive materials or maps or kiosks.”³²

Other projects funded under this transportation enhancement category include those related to the “restoration of historic highway facilities such as gas stations, stagecoach inns, ferry landings, or other highway-related infrastructure.”³³

\$84 Million in Enhancement Projects for Safety and Education for Pedestrians and Bicyclists



Each year, more Americans are taking to the roads as bicyclists and pedestrians, with tens of thousands of them suffering tragic injuries and even death. While this may demonstrate a need for safety improvements, the size and scope of the federal government’s efforts toward pedestrian and bicycle safety also need to be examined.

GAO found \$84 million in taxpayer obligations for 398 “[s]afety and education for pedestrians/bicyclists” projects. These projects are classified and funded as transportation enhancement projects under the FHWA (Page 7, Table 2).



The bike safety efforts include a National Highway Traffic Safety Administration (NHTSA) brochure entitled “Seven Smart Routes to Bicycle Safety for Adults,” which has such tips as:

- “Ride straight and do not swerve in a lane or in and out of traffic”; and
- “Make eye contact, smile, or wave to communicate with motorists. Courtesy and predictability are a key to safe cycling[.]”³⁴

Efforts can be made to increase the safety of pedestrians and bicyclists, but do today’s transportation circumstances warrant 398 federally funded projects costing taxpayers \$84

³¹ “Guidance for Transportation Enhancement (TE) Activities: Establishment of Transportation Museums,” FHWA guidance, issued December 17, 1999 updated October 22, 2008, <http://www.fhwa.dot.gov/environment/te/1999guidance.htm#estab>.

³² “Guidance for Transportation Enhancement (TE) Activities: Establishment of Transportation Museums,” FHWA guidance, issued December 17, 1999 updated October 22, 2008, <http://www.fhwa.dot.gov/environment/te/1999guidance.htm#estab>.

³³ “Transportation Enhancements Summary of Nationwide Spending as of FY 2008,” National Transportation Enhancements Clearinghouse, May 2009, http://www.enhancements.org/download/Spending_Report/TE_Spending_Report_FY08.pdf.

³⁴ “Seven Smart Routes to Bicycle Safety for Adults,” NHTSA brochure, May 2007, <http://www.nhtsa.dot.gov/staticfiles/DOT/NHTSA/Traffic%20Injury%20Control/Articles/Associated%20Files/BikeSafetyforAdults.pdf>.

million? By reviewing the projects' impact, eliminating those that are not showing results, and consolidating similar or duplicative projects, safety for pedestrians and bicyclists as well as motorists driving on roads and bridges could be enhanced.

\$28 Million to Establish 55 Transportation Museums

The Federal Highway Administration obligated \$28 million to establish 55 transportation museums between fiscal years 2004-2008, according to the GAO analysis of FHWA data. These projects are classified and funded as transportation enhancement projects under FHWA (Page 7, Table 2).

In its official guidance, FHWA notes that these “funds may be used to build a new facility, add on a transportation wing to an existing facility, or convert an existing building for use as a transportation museum.” Funds are not “intended to reconstruct, refurbish, or rehabilitate existing museums, nor portions of museums, that are not for transportation purposes” nor to cover operations or maintenance of the facility. The costs of the structure and “the purchase of artifacts necessary for the creation and operation of the facility” are allowable expenses under this category of funding, though displays, segments of buildings, or objects not directly related to transportation may not be funded with these federal enhancement museum funds.³⁵



The Day Peckinpaugh, tied up and in ice in a lock in Waterford, New York, will become a floating museum with \$3.1 million in federal stimulus funds.

In addition to the \$28 million GAO reported for transportation museum funding from FY2004-2008, in 2009 the New York State Museum received \$3.1 million in federal stimulus funds “to make mechanical upgrades to the Day Peckinpaugh,” a motorship put into service in 1921 that transported bulk cargoes between the Midwest and the port of New York. The millions in federal stimulus funds will be used for “paving the way for the historic canal boat’s transformation into a permanent floating museum,” according to the Museum’s press release.³⁶

\$19 Million for 25 Projects to Control and Remove Outdoor Advertising

GAO reports that FHWA obligated \$19 million on 25 projects from FY2004-2008 for the “control and removal of outdoor advertising.” These projects are classified and funded as transportation enhancement projects under the FHWA (Page 7, Table 2).

³⁵ “Guidance for Transportation Enhancement (TE) Activities: Establishment of Transportation Museums,” FHWA guidance, issued December 17, 1999 updated October 22, 2008, <http://www.fhwa.dot.gov/environment/te/1999guidance.htm#estab>.

³⁶ “\$3.1 Million Grant Will Pave Way for Canal/Boat Museum,” New York State Museum Press Release, April 3, 2009, <http://www.nysm.nysed.gov/press/releases/peckgrant.cfm>; Photo by chocolatepoint, uploaded January 19, 2008, http://www.flickr.com/photos/windy_valley/2204542017/.

In the 1991 transportation funding bill, Congress established a process whereby states could seek reimbursement from the federal government for removing any “sign, display, or device along the Interstate System or the Federal-aid primary system which was not lawfully erected.”³⁷

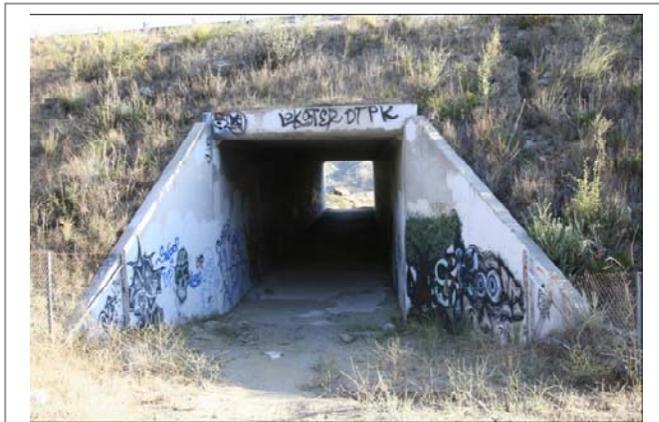
\$84 Million on 213 Projects for Road-Kill Prevention, Habitat Connectivity, and Highway Runoff Pollution Mitigation Projects

One eligible area of transportation enhancement projects includes the “environmental mitigation of highway runoff pollution,” the reduction of “vehicle-caused wildlife mortality” and the maintenance of “habitat connectivity.”³⁸

In response to congressional inquiry, the federal Department of Transportation reported that states are not required to report how many projects or funds are spent on each of these three project subtypes.³⁹ Because of this reporting method, it is not possible, according to DOT, to determine how many of the GAO’s reported 213 projects or how much of the \$84 million obligated in this funding area was specifically for road-kill reduction projects⁴⁰ (Page 7, Table 2).

In addition to the \$84 million in this category of spending from fiscal years 2004-2008, another \$3.4 million from the 2009 federal stimulus bill is being spent by the Florida Department of Transportation for wildlife crossings, otherwise known as “eco-passages.”⁴¹

One regional transportation official described the stimulus-funded project as three culverts (the retrofitting of an existing culvert and the construction of two large “box culverts”) along with “a specialized wall” of fencing for about a mile north and south of the tunnels, to make the animals move toward them. These eco-passages are intended to serve as underground wildlife road-crossings for turtles and other animals that live in Lake Jackson, Florida, in an effort to reduce vehicle-caused wildlife deaths, according to local news reports.⁴²



Two box-culvert eco-passages like the one above will be built under U.S.-27 in Florida with \$3.4 million in federal stimulus funds.

³⁷ “Removal of Illegal Signs,” Section 1046(b) of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 which amended 23 U.S.C. 131(r), as quoted in FHWA’s “Guidance for Transportation Enhancement (TE) Activities,” <http://www.fhwa.dot.gov/environment/te/1999guidance.htm#estab>.

³⁸ Department of Transportation website, <http://www.fhwa.dot.gov/environment/te/>.

³⁹ DOT e-mail correspondences from the Office of the Secretary of Transportation and FHA, dated July 22, 2009, in response to July 17, 2009 congressional inquiry from the Office of Senator Tom Coburn.

⁴⁰ DOT e-mail correspondences from the Office of the Secretary of Transportation and FHA, dated July 22, 2009, in response to July 17, 2009 congressional inquiry from the Office of Senator Tom Coburn.

⁴¹ “100 Stimulus Projects: A Second Opinion,” June 2009, http://coburn.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=59af3ebd-7bf9-4933-8279-8091b533464f.

⁴² “100 Stimulus Projects: A Second Opinion,” June 2009, http://coburn.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=59af3ebd-7bf9-4933-8279-8091b533464f; The Florida Office of Economic Recovery, “List of State of Florida Transportation Enhancement,” <http://flarecovery.com/resources/documents/fdot-hwys-enhancement-list-4-15-09.pdf>, accessed June 2, 2009;



Officials survey the existing culvert that connects an arm of Lake Jackson under U.S.-27

Over 60 species have become road kill on U.S.-27, the road that the eco-passage would go under, one local activist told a Tallahassee, Florida newspaper. Alligators, otters, snakes, lizards and even beavers have been killed on this stretch of road, he said.⁴³

Turtles seem to get “squished” more than any other species, according to one local group advocating for the eco-passage. The group reports the area has the highest road-kill mortality rate for turtles in the world — 2,070 turtles killed per mile per year.⁴⁴

But, even though they are getting millions in stimulus funds, the permanent eco-passage is only in the design stage, and is not fully funded. It needs at least an additional \$6 million and it is still unclear how long it will take to complete the project.⁴⁵

\$13 Million on 50 Projects for Youth Conservation Service

Fifty youth conservation service projects received \$13 million in federal transportation obligations between FY2004-2008. These projects are classified and funded as transportation enhancement projects under the FHWA (Page 8, Table 3).

The projects included such activities as paying AmeriCorps workers to “perform appropriate transportation enhancement activities” like building bike paths and removing outdoor advertising.⁴⁶

\$488 Million for Behavioral Research

The National Highway Traffic Safety Administration (NHTSA) obligated \$488 million over the last five years on behavioral research, according to the GAO (Page 10, Table 5).

NHTSA “conducts behavioral research to improve safe driving actions through such avenues as increasing knowledge and changing attitudes.”⁴⁷

Collette, Christopher, “\$3.4 million turtle ‘eco-passage’ designed to protect animals and people,” WTSP News, 10connects.com, June 21, 2009, <http://www.wtsp.com/news/local/story.aspx?storyid=108131&catid=8>.

⁴³ Hohmeister, Mark, “Lake Jackson Ecopassage Advances At A Turtle’s Pace,” *Tallahassee Democrat*, January 10, 2009, <http://www.lakejacksonturtles.org/tdo010909.htm>.

⁴⁴ Lake Jackson Ecopassage Alliance, Inc., <http://www.lakejacksonturtles.org/top5.htm>, quoting Aresco, M.J. 2003. “Highway mortality of turtles and other herpetofauna at Lake Jackson, Florida, USA and the efficacy of a temporary fence/culvert system to reduce roadkills.” In: C. L. Irwin, P. Garrett, and K. P. McDermott (eds.), 2003 Proceedings of the International Conference on Ecology and Transportation, pp. 433-449. Center for Transportation and the Environment, North Carolina State University, Raleigh, N. C.

⁴⁵ The Florida Office of Economic Recovery, “List of State of Florida Transportation Enhancement,” <http://flarecovery.com/resources/documents/fdot-hwys-enhancement-list-4-15-09.pdf>, accessed June 2, 2009.

⁴⁶ FHWA webpage, “Youth Conservation or Service Corps,” http://www.fhwa.dot.gov/environment/TE/gmemo_youth.htm; Washington State’s Statewide Transportation Enhancement Program Competition application, FY02-03, pdf pages 6-7, <http://www.psrc.org/projects/enhance/attachi.pdf>.

⁴⁷ Department of Transportation, NHSTA website, <http://www.nhtsa.dot.gov/people/injury/olddrive/pub/Chapter1.html>.

Much of the research NHTSA conducts helps to improve safety or track trends in motorists' behaviors, such as seat belt use or driving under the influence of drugs and alcohol.

NHTSA has, however, been criticized for being overly political by both making decisions based on calculations of how Congress would react and for supporting activities that give an appearance of lobbying.

The agency “decided not to make public hundreds of pages of research and warnings about the use of phones by drivers — in part, officials say, because of concerns about angering Congress,” according to *The New York Times*. Clarence Ditlow, director of the Center for Auto Safety, said putting fears of Congress ahead of public safety was an abdication of the agency’s responsibility. “No public health and safety agency should allow its research to be suppressed for political reasons,” and doing so “will cause deaths and injuries on the highways,” according to Ditlow. But this is what occurred according to the former head of the highway safety agency who claims he was “urged to withhold the research to avoid antagonizing members of Congress who had warned the agency to stick to its mission of gathering safety data but not to lobby states.”⁴⁸

NHTSA also has used federal resources on activities that would appear to be more legal, or even, political advocacy in nature than scientific. The agency, for example, sponsors American Bar Association (ABA) Fellows, who represent the National Conference of the Administrative Law Judiciary and the National Conference of Specialized Court Judges. “The fellows will serve as teachers, writers, **community outreach activists**, consultants, liaisons, reporters, and spokespersons. Their goal is to improve the delivery of justice and improve highway and pedestrian safety through education, collegiality, communication and community outreach activities,” according to the ABA (emphasis added).⁴⁹

Because NHTSA serves an important purpose, taxpayers and motorists need to be assured that the agency’s research and data is objective and useful. If the agency can afford to conduct studies that are never published or to sponsor fellows to serve as “community outreach activists,” perhaps some of its funding could be redirected toward repairing crumbling roads and bridges — thus ensuring the safety of more motorists.

\$313 Million for Safety Belt Performance Grants

NHTSA also obligated \$313 million on safety belt performance grants from fiscal years 2004-2008, according to GAO (Page 10, Table 5).

Under the law Congress passed and President Bush signed in 2005, these grants are “to encourage the enactment and enforcement of laws requiring the use of safety belts in passenger motor vehicles.”⁵⁰

⁴⁸ Richtel, Matt, “Driven to Distraction: U.S. Withheld Data on Risks of Distracted Driving,” *The New York Times*, July 20, 2009, <http://www.nytimes.com/2009/07/21/technology/21distracted.html>.

⁴⁹ American Bar Association website, “National Conference of Specialized Court Judges,” accessed July 27, 2009, <http://www.abanet.org/jd/nhtsa/home.html>.

⁵⁰ U.S.C. Title 23 Chapter 4, Section 406, http://www4.law.cornell.edu/uscode/23/uscode/23/usc_sec_23_00000406----000-.html.

According to a recent study, more than half of U.S. highway fatalities are related to deficient roadway conditions — a substantially more lethal factor than failing to use safety belts, drunk driving, or speeding.⁵¹ The study found the \$217 billion cost of deficient roadway conditions “dwarfs the costs of other safety factors,” including the \$60 billion cost for failing to wear a safety belt.

“Although driver factors are involved in most crashes,” the authors note, “avoiding those crashes through driver improvement requires reaching millions of individuals and getting them to sustain best safety practices [such as wearing seat belts]. That is not fail-safe. It is far more practical to make the environment more forgiving and protective.”⁵²

\$121 Million on Ferryboats and Ferry Terminal Facilities

The Federal Highway Administration obligated \$121 million for 63 projects for the “[c]onstruction of ferryboats and ferry terminal facilities” (Page 8, Table 3, Footnote k).

This includes a \$1.6 million earmark for the River Ferry Boat Transportation Program, in Oklahoma City, Oklahoma.⁵³



The program includes 65-foot-long, roofed ferries some of which feature sunset cruises every Friday and Saturday night and a Saturday morning children’s cartoon series cruise where “Bugs Bunny, Popeye and Wile E. Coyote chas[e] the Road Runner” on the ferry’s flat-screen TV’s.⁵⁴

\$110 Million for Occupant Protection Incentive Grants

NHTSA obligated \$110 million for occupant protection incentive grants, according to GAO (Page 10, Table 5).

This program of incentive grants was first funded in FY1999 “to encourage States to adopt and implement effective programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles.”⁵⁵

⁵¹ Miller, Ted and Zaloshnja, Eduard, “On a Crash Course: The Dangers and Health Costs of Deficient Roadways,” Pacific Institute for Research and Evaluation report, May 2009, <http://www.artba.org/mediafiles/pirestudy.pdf>; Pacific Institute for Research and Evaluation press release, July 1, 2009, <http://www.roadsbridges.com/Study-Deficient-roadways-are-a-major-contributor-to-highway-fatalities-NewsPiece18653>.

⁵² Miller, Ted and Zaloshnja, Eduard, “On a Crash Course: The Dangers and Health Costs of Deficient Roadways,” Pacific Institute for Research and Evaluation report, May 2009, <http://www.artba.org/mediafiles/pirestudy.pdf>.

⁵³ Office of Management and Budget, Earmark website, Federal Highway Administration earmark, http://earmarks.omb.gov/2008-earmarks/earmark_352310.html, \$1,585,000 earmark inserted in the Transportation Appropriations section of the 2008 omnibus (H.R. 2764), see Joint Explanatory Statement to accompany H.R. 2764, Division K (Transportation and HUD), pdf page 5, http://earmarks.omb.gov/resources/2008_citations/citation_424.pdf; “FY 2008 Ferry Boat Discretionary (FBD) Awards (as of May 14, 2009),” FHWA website, <http://www.fhwa.dot.gov/DISCRETIONARY/fbawrd08.cfm>; Photo from Oklahoma River Cruises website, <http://www.okrivercruises.com/2009-launch>.

⁵⁴ Brus, Brian, “OKC-based Devon Energy gives \$2 million to fledgling river ferry,” *The Journal Record* (Oklahoma), July 20, 2007, http://findarticles.com/p/articles/mi_qn4182/is_20070720/ai_n19389801/; Oklahoma River Cruises webpage, “2009 Season Launches with More Cruise Options,” <http://www.okrivercruises.com/2009-launch>.

One occupant protection study involved trying to figure out why some people do not wear seat belts and how to gear campaigns to modify their behavior. According to the study's report entitled "Unconscious Motivators and Situational Safety Belt Use":

"NHTSA researchers hypothesized that these part-time wearers use unconscious defense mechanisms (i.e., repression, denial, rationalization, and fatalism) to suppress conscious thought of the consequences of being in a crash. . . . Both portions of this research suggest that unconscious motivators play an important role in situational belt wearing, and offer suggestions for how to address these unconscious motivators at a mass level to encourage full-time belt wearing."⁵⁶

The Congressional Research Service (CRS) reports that states "receive safety grants under these [incentive] programs without demonstrating progress toward the improving highway safety. Congress," CRS notes, "could choose to link the receipt of a grant, or the size of the grant, more closely to a state's performance."⁵⁷

\$18 Million for New Motorcyclist Safety Grants

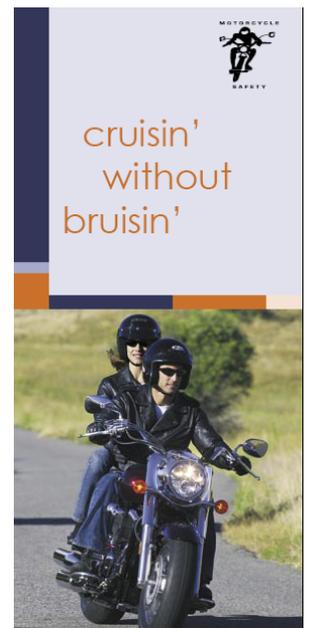
The National Highway Traffic Safety Administration obligated \$18 million to motorcyclist safety grants, according to the GAO (Page 10, Table 5).

The new program, started in the 2005 federal transportation bill, supports such projects as a "cruisin' without bruising" brochure for motorcyclists, which offers such tips as:

"Obey traffic lights, signs, speed limits, and lane markings; ride with the flow of traffic and leave plenty of room between your bike and other vehicles; and always check behind you and signal before you change lanes."⁵⁸

According to the Congressional Research Service, the motorcycle safety program does not include the promotion of helmets among the eligible uses for safety funding — an area CRS calls "the single most demonstrably effective motorcycle safety measure[.]" Grantees may fund efforts to make motorists "more aware" of motorcyclists, even though at least one evaluation found such efforts "unlikely" to be effective.⁵⁹

Congress authorized this program to receive an additional \$7 million in 2009.⁶⁰



⁵⁵ Occupant Protection Incentive Grants Fact Sheet, FHWA website, http://www.fhwa.dot.gov/Tea21/factsheets/n_405oc.htm.

⁵⁶ Christine Brittle, Ph.D., Michael Cosgrove, Ph.D., "Unconscious Motivators and Situational Safety Belt Use: Literature Review and Results from an Expert Panel Meeting," August 2006, The Media Network, Inc. and Low + Associates, NHTSA,

<http://www.nhtsa.dot.gov/people/injury/research/UnconsciousMotivators/images/UnconsciousMotivators.pdf>.

⁵⁷ CRS Report R40053, "Surface Transportation Program Reauthorization Issues for the 111th Congress," December 4, 2008, http://apps.crs.gov/products/r/html/R40053.html#_Toc232988027.

⁵⁸ "cruisin' without bruising" brochure, NHTSA, September 2004,

<http://www.nhtsa.dot.gov/people/injury/pedbimot/motorcycle/609CruisinWeb/images/Cruisin%27without.pdf>.

⁵⁹ National Cooperative Highway Research Program, Effectiveness of Behavioral Highway Safety Countermeasures, Report 622, 2008, p. 7, http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_rpt_622.pdf as cited in CRS Report R40053, "Surface Transportation Program Reauthorization Issues for the 111th Congress," December 4, 2008, http://apps.crs.gov/products/r/html/R40053.html#_Toc232988027.

Conclusion

Our country is literally running on empty. Future generations of Americans will inherit a multi-trillion dollar debt because Washington politicians have long relied on reckless borrowing to finance their wish lists of pet projects and programs. There seems to be no crisis facing our nation that Washington politicians believe borrowing or bailouts cannot solve.

Now the politicians want to be trusted with yet another bailout, this time of The Highway Trust Fund. Politicians will not make tough choices, so taxpayers must begin demanding them.

The choices faced today with the Highway Trust Fund are:

What is the best way to spend Highway Trust Funds: Is it to make roadways and bridges more scenic, or more safe?

What is the best way to pay for our nation's infrastructure needs: Is it to raise taxes on gasoline, borrow more money for yet another government bailout, or reduce spending on non-essential projects that do not strengthen roads or bridges?

GAO reports our nation obligated \$78 billion over five years to projects other than crucial bridge and highway maintenance and repair. Now, Congress is being asked to borrow \$7 billion from general tax revenues to only temporarily refill the Highway Trust Fund.

No one is saying our nation should be without flowers and ferries or bike paths and boat museums. But today's choices must be about priorities. Should those priorities include spending millions on programs that tell bikers to smile and making states use funds for the safety of their turtles instead of the safety of their citizens?

At a minimum, states should be given the flexibility to opt out of the federal Transportation Enhancement funding requirement.

The shortfall in the Highway Trust Fund could also be addressed without further deficit spending by shifting unused funds from the American Recovery and Reinvestment Act of 2009. Transferring unspent stimulus funds to ensure the Highway Trust Fund remains solvent would be consistent with a stated purpose of the Act to improve our transportation infrastructure to support job growth.

Congress should walk the fiscally responsible path. Each chamber should implement a moratorium on all transportation-related earmarks for the remainder of the 111th Congress.

Washington politicians should be required to sit down with the new GAO report, the transportation bailout request, and our red pens. From there, crossing out extraneous transportation spending should be our first priority. Lives depend on it.

⁶⁰ NHTSA Motorcycle Safety Program, State Motorcycle Safety Grants, <http://www.slideshare.net/deshabhishek007/nhtsa-motorcycle-safety-program>.