

ISSUE BRIEF

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Next Highway Bill Should End the Transportation Alternatives Program

Emily Goff

Congress is preoccupied with how to pay for the federal highway program, due for reauthorization this year, because the Highway Trust Fund (HTF) that pays for it is projected to run short of cash this summer. Culling the program of its myriad local activities and those that have no relation to improving or maintaining the interstate system of highways and bridges should be Congress's first priority.

The Transportation Alternatives Program (TAP)—which pays for bicycle and walking paths, historic preservation, archaeology, and similarly local activities—can be the first to go. Ending TAP would free valuable federal highway money that states could redeploy to highway and bridge projects that alleviate traffic congestion and benefit the motorists, bus operators, and truckers who pay federal gas taxes in the first place.

What Is the Transportation Alternatives Program? Moving Ahead for Progress in the 21st Century (MAP-21), the current law governing the federal highway and transit programs, created TAP to replace a program dubbed Transportation Enhancements. Motorists pay federal gas taxes, which are sent to the federal government, and then each state receives its share in return according to

complicated formulas. MAP-21 requires the states to set aside 2 percent of these “formula funds” for TAP projects. A portion of the TAP funds must be dedicated to Recreational Trails Program activities unless states opt out.

State Departments of Transportation across the country are pressed for highway dollars just as Washington is, and this federal mandate, though seemingly minor, results in less money for them to dedicate to bridge maintenance or road improvements. For example, because Pennsylvania must set aside \$27.5 million of its gas tax money for TAP in fiscal year (FY) 2014, it has less to pay for maintenance and repairs to the 5,218 deficient bridges in the state.¹ Likewise, Texas must set aside \$78.9 million. Considering that the average Houston-area commuter wastes 52 hours annually sitting in traffic (45 hours annually in the Dallas–Fort Worth area)—well over a full work week²—it seems reasonable for Texas to be able to transfer these funds to projects that actually mitigate traffic congestion.

What Are Eligible TAP Projects? In FY 2014, \$819.9 million is designated for eligible TAP activities, which under MAP-21 include:³

- Provision for trail facilities for pedestrians and bicyclists, such as sidewalks and lighting;
- Provision for safety-related infrastructure projects for pedestrians and bicyclists;
- Conversion of abandoned railroad corridors to trails;
- Scenic overlook construction;

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The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(202) 546-4400 | heritage.org

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- Community improvement activities, including outdoor advertising removal, preservation of historic transportation buildings, vegetation management, junkyard screening, landscaping, and archaeological mitigation;
- Environmental mitigation;
- Recreational trails;
- Bicycle facilities and sidewalks for students and related promotional activities; and
- Planning, designing, or constructing boulevards.

Identifying a connection between these activities and a federal highway program concerned with interstate highway system construction and maintenance proves difficult. Indeed, there is nothing *federal* or *highway* about bicycle paths, landscaping, or any of these local activities.

Examples from Virginia and New York. Construction of the interstate highway system was largely complete several decades ago, but Congress has prolonged the federal highway program by repeatedly expanding its scope, inserting itself into purely state and local matters.

In New York, 63 projects with a \$67 million total cost were approved for FY 2014.⁴ They include a 0.75-mile bicycle path along the University of Rochester Medical Center campus (\$1,000,000); Williamsville’s “Picture Main Street” plan, which calls for “traffic calming techniques” and “refuge islands” for pedestrians (\$2,500,000); sidewalks and crosswalks in the town of Crawford (\$611,029); and walking and bicycle facility improvements around Pier 54 on the Hudson River (\$2,361,000).

In Virginia, 67 projects costing \$19.6 million received approval.⁵ Among them are improvements to the Cape Henry lighthouse (\$160,000); construction of a bicycle and foot trail in Fredericksburg (\$954,042); historic-style streetlamps, decorative brick sidewalks, and street trees in the town of Strasburg (\$491,257); construction of a trail to connect Pohick Bay Golf Course with Mason Neck State Park in Fairfax County (\$400,000); and the installation of 10 interpretive signs on the Dismal Swamp Canal Trail in the city of Chesapeake (\$265,000).

Opportunities for Lawmakers. The HTF’s impending cash shortfall stems from several factors, including the addition of programs and spending increases in past highway bills, higher fuel economy standards that reduce gasoline consumption, and inflation. Lawmakers can address the program’s expansive scope immediately by eliminating programs that are not federal responsibilities or can be transferred to the states or the private sector. The funding can then be redeployed to interstate highway system activities—or not collected by the federal government but left with the states.

Several Members of Congress have introduced proposals that would reform the highway program. Senator Mike Lee (R-UT) and Representative Tom Graves (R-GA) introduced the Transportation Empowerment Act, which would lower federal fuel tax rates over a period of five years to a modest level and fund a small set of federal programs that would remain. Representative Scott Garrett’s (R-NJ) Surface Transportation and Taxation Equity (STATE) Act would let states opt out of the highway program and retain control of their federal gas taxes. Under both plans, states and localities would see federal micromanagement decrease and onerous mandates lifted.

1. U.S. Department of Transportation, “Deficient Bridges by State and Highway System 2013,” updated April 7, 2014, <http://www.fhwa.dot.gov/bridge/nbi/no10/defbr13.cfm> (accessed April 23, 2014). *Deficient* refers to bridges that have outlived their design life (functionally obsolete) or have deteriorated in a significant way and require heavy maintenance (structurally deficient).

2. Data are for 2011. See Texas A&M Transportation Institute, *2012 Urban Mobility Report*, p. 24, <http://d2dtl5nnlpr0r.cloudfront.net/tti.tamu.edu/documents/mobility-report-2012.pdf> (accessed April 23, 2014).

3. U.S. Department of Transportation, Federal Highway Administration, “Transportation Alternatives Program,” <http://www.fhwa.dot.gov/map21/factsheets/tap.cfm> (accessed April 28, 2014).

4. All projects approved for FY 2014 can be found at the Transportation Enhancement Program page of the New York Department of Transportation website at <https://www.dot.ny.gov/programs/tep> (accessed April 28, 2014).

5. All projects approved for FY 2014 can be found at the Local Assistance Division page of the Virginia Department of Transportation website at http://www.virginiadot.org/VDOT/Business/asset_upload_file432_58707.pdf (accessed April 17, 2014).

The Road to Reform. In the next highway bill, Congress should:

- **End TAP.** Eliminating this program would begin refocusing the federal role in transportation policy. All federal gas tax dollars should be spent on *national* priorities, not diverted to local, non-general-purpose road activities.
- **Repeal costly, onerous federal regulations.** Congress should start by repealing the Davis-Bacon Act, which requires contractors to pay workers often above-market wages for federally funded transportation projects, thereby reducing the buying power of states' money. Congress should at least require the Labor Department to

stop using scientifically flawed methods to estimate Davis-Bacon wage rates and base them on statistically representative surveys instead.⁶

Reform the Highway Program. With the federal highway program's intended purpose completed, Congress should begin to decentralize those activities in the program that are best left to the states or private sector. The states know their transportation priorities better than Washington does. Congress should take the cue, start stepping aside in certain areas, and let the states assume more control.

—*Emily J. Goff* is a Policy Analyst in the Thomas A. Roe Institute for Economic Policy Studies at The Heritage Foundation.

6. James Sherk, "Davis-Bacon Prevailing Wage Determinations Need to Be Calculated Scientifically," Heritage Foundation Backgrounder No. 2111, March 3, 2008, <http://www.heritage.org/research/reports/2008/03/davis-bacon-prevailing-wage-determinations-need-to-be-calculated-scientifically>.