

Appropriators' Move to Free Up Earmarks Shows Wonkiness of Transportation Spending

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[\\$2 Billion in Dead Transportation Earmarks Come Back to Life — a Boon for States](#)

State transportation departments will see extra dollars for roads and bridges, thanks to a move by appropriators in the fiscal 2016 omnibus to free up some \$2 billion in once-earmarked money left unused. The law (PL 114-113) gives cash-strapped transportation departments money that previously was designated by members of Congress for specific projects. The unused money demonstrates how earmarks reflected the priorities of individual lawmakers more than the planning priorities of state departments of transportation.

The Federal Highway Administration is expected to update the list of earmarks subject to the new provision in the coming weeks. But according to an FHWA spreadsheet provided to CQ and detailing old earmarks subject to the new provision, the amount is in the range of \$2 billion. That estimate is from June 2015. Joung Lee, policy director at the American Association of State Highway and Transportation Officials, said in most cases the kind of earmarks freed under the omnibus are typically related to a project that “just wasn’t able to move.” Earmarks subject to the provision must be more than 10 years old and less than 10 percent of the earmarked money can have been spent. Lee said that is usually due to funding reasons, or because the project wasn’t planned by state or local officials. The FHWA is combing through the old project money to get a full account of what’s unspent and make sure states are ready to put the funds to new use.

The result? “Dollars can actually be spent out rather than sitting indefinitely without benefiting transportation investment,” Lee said.

The FHWA puts constraints on how the money can be used. The provision stipulates the money has to remain in the state and be used on a project within 50 miles of the original earmark, according to the agency. Some funds have been sitting on the shelf for decades. The FHWA is updating its information on unused earmarks and will then start allowing the money to be used on other projects.

“This process is taking some time because we need to validate what is turning out to be a very long list of qualifying earmarks to ensure that we have an accurate, complete set,” said Doug Hecox, FHWA spokesman. “We expect to have the updated list to the states in the coming weeks, as well as guidance on notification and reporting.”

Earmarks Dead, But Still A Problem

Congress is repurposing earmarks roughly a decade since the dust-up over the Bridge to Nowhere, a \$223 million earmark to fund a bridge from Ketchikan, Alaska, to the tiny island of Gravina. That project was named in 2005, but Congress later stripped the earmark in clear embarrassment over the project. But simply booting support for that

project wasn't enough: In 2011, the House eliminated earmarks altogether when Republicans took control. As a practical matter, the Senate's banned congressionally directed spending since 2011, when then-Senate Appropriations Chairman [Daniel K. Inouye](#), D-Hawaii, agreed to impose a temporary moratorium on earmarks.

"The president has stated unequivocally that he will veto any legislation containing earmarks, and the House will not pass any bills that contain them. Given the reality before us, it makes no sense to accept earmark requests that have no chance of being enacted into law," Inouye said at the time.

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