

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda—underwritten by global corporations—includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

ALEC's Corporate Board —in recent past or present

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- Kraft Foods, Inc.
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- Wal-Mart Stores, Inc.
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For more on these corporations, search at www.SourceWatch.org.

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

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ALEC's Recommendation for 2009 Transportation Reauthorization

Preamble: The federal government plays an important role in the operations and maintenance of the United States surface transportation system and must ensure that the system meets national defense needs, addresses fairly and equally the mobility needs of all Americans and facilitates the safe and efficient flow of interstate commerce. As discussion of the 2009 transportation reauthorization begins amidst a recession, it is more important than ever to focus on the importance of the transportation system to the health of the nation's economy and the mobility of its citizens. ALEC supports the continuation and preservation of a federal-aid surface transportation program. The federal program should direct spending to national priorities while allowing for state, local, and regional area flexibility to meet their needs.

ALEC urges Congress to increase funding for federal-aid surface transportation programs and provide states enhanced funding flexibility without additional responsibilities, preemption of state law, or unfunded mandates. The ability of states to maintain flexibility in decision making and comply with environmental and other mandates is dependent upon regulatory flexibility as well as adequate and reliable funding.

The national surface transportation system and legislative programs need new vision to guide it beyond the interstate highway era and into the 21st century if it is to meet the challenges it faces.

Congress should not re-enact SAFETEA-LU. It must see surface transportation in a national sense, authorizing a new program that better meets current and future needs for interstate mobility.

Congress must clearly articulate a new national vision for surface transportation. In doing so, Congress should consider the following as major federal objectives:

- Interstate commerce and freight mobility;
- Interstate movement of people;
- National defense and homeland security;
- Safety;
- Environmental and air quality preservation and improvements; and
- Research and innovation.

Congress should focus federal programs and funds on these interstate goals. In doing so, Congress should not intervene in or interfere with state-specific transportation priorities.

1. Financing and Funding Mobility: A federal trust fund, financed by user fees, should be retained as the primary method of financing federal-aid surface transportation programs; it must provide states a reliable source of transportation funding.

- a. It is important the Highway Trust Fund (HTF) have spending firewalls that ensure revenue is used on surface transportation and not on non-transportation federal spending. The interest paid on the revenues should be retained by the HTF.
- b. ALEC supports the current allocation of user fees from the HTF for mass transit, but given the large unmet needs in the national highway system, any increases in federal support for local mass transit should come from the General Fund.
- c. ALEC believes the current proportion of fuel tax receipts directed to the Mass Transit Account should be incorporated in any tax increase.
- d. Annual appropriations should equal authorized spending levels. Obligation ceilings should be set and maintained to reflect gross receipts, plus interest earned.
- e. Any federal user fee or freight fee assessed for transportation security or infrastructure should provide for state flexibility in project selection.

- f. The federal match should encourage state efforts in specific programs of national significance.
- g. While a funding increase may be needed in the short-term the focus must be on finding a long-term funding mechanism for surface transportation.
- h. The gas tax is a diminishing revenue stream due to inflation, new technologies, and alternative fuels. Congress must study and assess a new national user-based funding stream.
- i. Apart from the existing Highway Trust Fund flows for transit, ALEC discourages expansion of federal-local funding streams without appropriate coordination with state legislatures.
- j. The federal government should allow states to build and complete their transportation systems without unnecessary restrictions, including allowing the testing of use of tolling under the Interstate tolling pilot program and appropriate use of PPPs as long as states adequately address all important effects of their transportation policies and approach on the national network and interstate commerce.
- k. Federal guidelines should be designed to accommodate private-sector support. The level of private-sector participation is best determined by state and local authorities, and private participation should not be a prerequisite for receiving federal funds. Statutory or regulatory barriers to state and locally-granted revenues should be removed.
- l. Extensive categorization of programs reduces the flexibility of states and insular areas in addressing transportation needs and arbitrarily encourages expenditures according to the availability of federal funding. Categories should be reduced and states' and insular areas' flexibility increased. Barriers to transferability of funding should be eliminated.
- m. The federal government should serve as a reliable and dependable partner in highway construction and transit projects that involve shared financial responsibility and honor financial commitments made and approvals given to states for such projects.
- n. Congressional earmarks on transportation spending must be eliminated.

2. Performance Measures: ALEC encourages the federal government to establish a cooperative process through which performance measures can be crafted for gauging the success of transportation programs. Federal funding should not be directly linked to performance measures; instead, states should be incentivized to participate and to gain incentives such as additional funding or reduced regulatory burdens upon successful deployment and use of performance measures. Performance measures should be framed as goals for which states may determine specific measures and benchmarks.

3. Freight and Interstate Commerce: Promoting commerce and efficient, safe and timely movement of goods should be a priority for federal transportation reauthorization. Robust state-federal consultation should evaluate freight flows and collaboratively plan the routes and development necessary to maintain and expand the freight corridors.

Railroads are an important component for achieving the national goal of moving interstate freight commerce. To encourage railroads to maintain and expand their capacity, the federal government should provide an infrastructure investment tax credit. Rail capacity expansion must be coordinated with the states and federal government to ensure intermodal cooperation and maximum public benefit.

Trucks are an even greater component of the interstate and international freight commerce. New freight revenue should be dedicated to improving the safe and efficient and more productive movement of trucks through congested areas. The federal government should incentivize states to explore methods of separating highway freight traffic from passenger traffic for the purposes of efficiently moving interstate commerce and public safety.

Federal engagement with, and investment through, the states to ensure effective and efficient movement of freight through ports or other commerce choke-points is appropriate.

4. Environmental Issues: The federal government has a role to play in ensuring that national environmental policy meshes with national transportation policy while assuring efficient and cost-effective approaches to both goals.

- a. Efforts to streamline regulatory review processes must continue so that construction projects can again be realized on-time and on-budget.
- b. Incentives to states to achieve environmental quality standards through transportation projects should replace prescriptive federal regulation and punitive funding actions.

5. Safety: The federal government's role in transportation safety should emphasize coordination, cooperation and leadership. Cooperative research programs and pilot projects have proved effective and will continue to be so when combined with national performance and safety goals. Emerging safety issues

should be addressed through incentives and voluntary adoption rather than prescriptions for states and should apply equally to all states.

6. Research and Innovation: ALEC acknowledges that federal leadership and investment in transportation related research and innovation is needed and appropriate. In particular, ALEC supports federal research that promotes fuel efficiency, alternative fuels, high-mileage vehicles, safety, pavements, materials and technology. Findings and best practices identified through federal research should be shared fully with states in an unbiased, nonpartisan, and scientific manner.

Adopted by the Commerce, Insurance and Economic Development Task Force on December 5, 2008.

Approved by the ALEC Board of Directors on January 14, 2009.

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