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# **Exiting the Parkway**

## *The Transformation of Transportation Politics*

An honors thesis presented to the  
Department of Political Science,  
University at Albany, State University of New York  
in partial fulfillment of the requirements  
for graduation with Honors in Political Science  
and  
graduation from The Honors College

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## **Abstract**

Over the past two decades, there has been a decisive shift in how transportation policy is developed. For years, this policy area was viewed as one of the least combative arena in Washington. That is no longer the case. Theodore Lowi and James Q. Wilson's views on policy arenas and political types will provide the framework for a discussion of the shift that transportation politics have undergone. Additionally, R. Douglas Arnold's theory from "*The Logic of Congressional Action*" that reelection is the main force behind the votes of legislators will be used to gain an understanding of how individual legislators shifted their votes over time. A microcosm of this shift occurred in South Carolina, where there were great shifts in how legislators voted on the various policies that have been passed since 1991. This thesis will examine the legislation, and the way in which South Carolina's Congressional Delegation voted on them. Ultimately, it will show that transportation politics were distributive politics until after the SAFETEA-LU legislation of 2005, after which they became regulatory politics. Legislators always voted with reelection in mind, but their views on what would get them reelected changed over time.

## **Acknowledgements**

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## **Introduction to Theoretical Framework**

The phrase “politics as usual” is a great misnomer. Politics are anything but usual. There are many different types of politics, and many different ways to use politics. In today’s time of 24-hour news cycles and punditry, politics are seen as mere partisan bickering. There is more to politics than that. Politics and public policy can be seen sorted into different categories. According to Theodore Lowi, politics can either be distributive, regulatory, or redistributive. James Q. Wilson uses a cost-benefit framework to identify four political models: interest group, entrepreneurial, clientele, and majoritarian. This paper will explain all of these models and the politics that are associated with them. However, these models are not the ends of the discussion. These models have to operate in a real-world environment, where political, economic, and social climates are not always ideal for policy making. With that in mind, why do politics change as a result of these varying climates and constraints? As a case study, this paper will examine the federal transportation policy in the United States from 1991 through the present day, and examine how the politics involved became more and more distributive over time, only to hit a breaking point, after which they became more regulatory. Moreover, it will examine South Carolina’s Congressional delegation, as there was a significant shift in voting over this time period.

### **Lowi’s Models: Distributive, Regulatory, and Redistributive**

Before going into an analysis of the politics that surrounded federal transportation policy over the past two decades, it is important to have an idea of what the political models are. In his work “*American Business, Public Policy, Case Studies, and Political*

*Theory*", Theodore J. Lowi lays out three different models of politics: distributive, regulatory, and redistributive.<sup>1</sup>

### **Distributive Politics**

Lowi's first arena of power is the distributive arena. This arena is viewed as viewed as one where "billion dollar agreements" can be broken down into small issues, which minimizes conflict among actors.<sup>2</sup> The policy that is eventually passed is not a uniform policy; it is a collection of individual interests. In order to pass those interests, there must be "mutual non-interference", which essentially is the idea that politicians should mind their own business. From a transportation politics perspective, this would be akin to a member of Congress from Washington seeking funding for bike paths, while a member of Congress from North Dakota seeks funding to widen a highway. The idea of mutual non-interference suggests that in order to pass "policy", each politician must not oppose others desires. Ultimately, policy is passed by a coalition of politicians with nothing in common aside from the fact that they will refrain from getting in each other's way. Without any other factors, this arena can be seen as sustainable. However, as will be shown later in this paper, that is not always the case.

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<sup>1</sup> Lowi, Theodore J.. "American Business, Public Policy, Case-Studies, and Political Theory." *World Politics* 16, no. 4 (1964): 677-693. <http://www.jstor.org/stable/2009452> (accessed December 7, 2012).

<sup>2</sup> *Idem*, 692

## **Regulatory Politics**

The second political arena put forth by Lowi is the regulatory arena. This arena is described as one with conflict between the “indulged and deprived”.<sup>3</sup> With these two groups, there is inherent conflict. Unlike the distributive arena, where “coalitions” are formed on the basis of not getting in each other’s way, coalitions are formed in the regulatory arena along the lines of those seeking to regulate, and those being regulated. Another aspect that differentiates regulatory politics from distributive politics is the idea of stability. In distributive politics, if the issues change, or a politician’s stance on different issues change, the ability to pass “policy” is not endangered. Politicians will accept the shift, stay out of each other’s way, and take care of business as usual. Distributive politics are stable. Regulatory politics are very different in that respect. If the issues change, or a politician changes his/her mind, the coalitions might change, or even disintegrate. Regulatory politics are unstable.

## **Redistributive Politics**

Redistributive politics are an entirely different political arena. One might call it the “Robinhood” arena. Politics in this arena take from the well off and give to the less off. One aspect about this arena is that it is stable in the fact that there are two sides to the politics, and that for the most part, politicians will not be changing sides.<sup>4</sup> According to Lowi, the issues taken up in this arena are essentially levers that determine how much redistribution will take place. Developing upon that idea further, outcomes in this arena can be relatively

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<sup>3</sup> Idem, 695

<sup>4</sup> Idem, 711



predictable, as the coalition with more power will have the lever move towards their views, whichever ones those might be. Redistributive politics play a minimal role in transportation politics, as the role of redistributive politics is more of a geographic issue relating to urban vs. rural, rather than rich vs. poor.

### **Explaining Shifts: The Budget**

As will be discussed further in the case study, shifts in arenas do occur. In transportation politics specifically, following the 2005 SAFETEA-LU legislation, there was a shift from distributive politics to regulatory politics. Before explaining why this shift occurred, a simple question: In order to enhance the in-class experience of twenty five students, would it make more sense to provide each individual student with something that they will enjoy, or to upgrade one aspect of the classroom that all students can use? While the students might enjoy getting something that they individually want more than an overall upgrade, satisfying everyone individually is costly, in both effort and price. Ultimately, the experience of the class was not collectively enhanced; the individuals that make up the class had their in-class experiences enhanced. The same logic helps to explain why politics shift from distributive to regulatory. Distributive politics are stable, yet unsustainable. If a student is given a new pencil one day, they might want an iPad the next time. Politics work the same way. A member of Congress might be satisfied with having a road extension funded in one piece of legislation, but in the next, they might want a new bridge, or other projects.

Lowi does not address the long-term sustainability of these models in his work. In a time of budget surplus, it might be possible to continue log-rolling, and keep everyone a

“winner”, but when there are not enough resources to maintain that, it is necessary to shift to a more sustainable type of politics, although one that requires much more political skill: the regulatory arena. That is the shift seen in the most recent transportation legislation.

### **Cost-Benefit Policy Theory: James Q. Wilson**

Lowi’s three policy arenas are no the only way to view politics. Another way to examine politics is through James Q. Wilson’s cost-benefit lens. In Wilson’s view, costs and benefits are either concentrated among few, or distributed among many.<sup>5</sup> Altogether, four types of politics are put forth: interest group politics, entrepreneurial politics, clientele oriented politics, and majoritarian politics.<sup>6</sup> The following will explain these types of politics.

### **Four Types of Politics**

Interest group politics have both concentrated costs and benefits. These types of politics can have large implications among a small amount of actors. A small group of actors share costs, while a small group of actors reap benefits. The next type of politics discussed by Wilson is entrepreneurial politics. These politics involve concentrated costs along with distributed benefits. These politics benefit the public at large, while directing costs to those who would pay for those benefits. Wilson also discusses clientele-oriented politics, which have distributed costs and concentrated benefits. In this type of politics, the

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<sup>5</sup> Wilson, James Q.. "Introduction to the Paperback Edition." In *Political organizations*. Princeton, NJ: Princeton University Press, 1995. xvii-xxv.

<sup>6</sup> Wilson, James Q.. "Organizations and Public Policy." In *Political organizations*. Princeton, NJ: Princeton University Press, 1995. 327-345.

public at large pays for a policy that benefits the few. The last of Wilson's typologies is majoritarian politics. In this type of politics, costs and benefits are both distributed amongst the public. While one cost might not pay for a corresponding benefit, costs and benefits are shared amongst the population at large.

### **Transportation Politics=Majoritarian Politics**

Majoritarian politics define transportation politics in the United States. The next question to examine is what happens when there is a shift in the ratio of costs to benefits. In the past two decades, transportation has seen many transformations. One transformation that did not occur was an increase in its "cost". Gas taxes, the main source of transportation funding, have not increased since 1997, when they the tax went up by 4.3 cents during the Clinton presidency.<sup>7</sup> Even with this increase, the gas tax used to be a more accessible policy tool, as the tax was raised in 1993 not to fund transportation, but to help reduce the federal deficit.<sup>8</sup>

Although the gas tax has not increased since 1997, the same cannot be said for the demand for transportation funding. Essentially, costs and benefits are distributed, but there would be enough costs to provide the desired amount of benefit. The simple solution to this problem would be to find a way to increase costs. However, that is far easier said than done, as seen from the failure to do so in the past sixteen years.

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<sup>7</sup> Weingroff, Richard. "When did the Federal Government begin collecting the gas tax? -Ask the Rambler - Highway History - FHWA." Federal Highway Administration. <http://www.fhwa.dot.gov/infrastructure/gastax.cfm> (accessed December 14, 2012).

<sup>8</sup> Idem

## Reelection: Because There Are No Martyrs in Congress

Why is increasing costs to help fund benefits easier said than done? Reelection. According to R. Douglas Arnold, legislators base their policy decisions by making decisions that will increase the likelihood that they are reelected.<sup>9</sup> Increasing taxes does not normally increase one's hopes to be reelected, unless one's district is solely located in Zucotti Park and McPherson Square. In addition, while it might be possible to get one legislator to vote for a tax increase, one legislator does not enact a policy. A coalition of legislators would be needed, which would involve many legislators sacrificing their reelection hopes for what some might call "the greater good".

The idea of geographic costs helps develop on Wilson's cost-benefit typology. While the majoritarian politics that make up transportation might have distributed costs and benefits, those costs and benefits are not equally distributed among all regions. Especially in transportation, some areas of the country pay more into transportation funds than they receive. This idea will be illustrated further in the case study. However, it is an issue that is important to the evolution of policy. Do those subsidizing the policy continue to subsidize more and more, or is there a trend towards bringing costs and benefits together? In transportation politics, there was a trend to bring costs and benefits together, but it went too far.

The amount of attention that the public pays to an issue influences how a legislator will vote as well. If the issue of gay marriage ever came onto the floor of Congress, a legislator would be extremely cautious about how he/she voted, as it could have a drastic

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<sup>9</sup> Arnold, R. Douglas. *Logic of congressional action*. S.I.: Yale Univ Press, 1992.

impact on their future. Gay marriage is a very visible issue, with vocal proponents and opponents. According to Arnold, on the issue of gay marriage, legislators would be dealing with an attentive public.<sup>10</sup> Transportation, however, involves inattentive publics. That is, unless something goes terribly wrong, or something that increased costs were to be implemented. Politicians in Minnesota were dealing with an attentive public after the collapse of the I-35 Bridge. If the media got wind that Congress was considering a proposal to raise the gas tax, the public would turn attentive very quickly.

Last, the legislator should weigh the levels of support and opposition of an issue. Arnold states that although there are some issues that will have both strong opposition and support, the legislator must dissect those groups to figure out which side is truly stronger, if the legislator is voting on the basis of reelection.<sup>11</sup> Ultimately, a legislator has to make decisions, and simply avoiding decisions is not a way to build support.

### **Tools in Action**

Using all of these tools, it is possible to see how legislators voted on various issues. For the purposes of this part of the paper, imagine a legislator voting on transportation policy after the 2005 SAFETEA-LU legislation. First, the bill created great benefit without great cost, something that would please most legislators, as well as the constituents that they serve. However, some of the provisions and “earmarks” in the bill, most notably the so-called “bridge to nowhere” activated a once-inattentive public. No longer would the public tolerate such legislation. Finally, there was both opposition and support to new

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<sup>10</sup> Idem, 74

<sup>11</sup> Idem, 83

legislation, as legislators would now have to fight over policy issues, rather than who gets what projects funded in their states and districts. There were urban vs. rural, environmental interests vs. industrial interests.

According to Arnold's line of thinking, all of these factors would combine to create gridlock. SAFETEA-LU brought benefits to everyone, and reducing those benefits could endanger a legislator's reelection hopes. The public was also more involved, as the state of the nation's infrastructure became more apparent with the aforementioned collapse of the I-35 Bridge in Minnesota, as well as the rejection of some of the previous policy. Legislators could no longer function without the public's attention. The opposing forces involved made the policy process even more difficult. Arnold's line of thinking would suggest that this policy would be difficult to come up with, due to all of the factors that were once in favor of transportation politics now going against those same politics. This line of thinking was proven true, as the 2005 SAFETEA-LU legislation was extended time and time again, before giving way to MAP-21 legislation in 2012.

### **Applying the Theories**

It has been shown that transportation politics have evolved over the past two decades, recently shifting away from distributive politics to a more sustainable, yet unstable form of regulatory politics. Transportation politics will continue to be majoritarian politics. The next step, however is to examine the politics of transportation in more detail, to gain an understanding of how they evolved from 1991-2005, and what changed after the fateful SAFETEA-LU legislation. To best accomplish this, I have conducted a case study on South Carolina's Congressional delegation. While the legislation

itself changes over the years, the votes of South Carolina's legislators changed as well, often shifting differently in the House and Senate. These shifts will be examined and explained using the framework discussed above.

### **Introduction to Transportation Policy**

Transportation policy is often an under-appreciated area of domestic policy. Most people do not pay much mind to the nation's transportation infrastructure unless it happens to fail, or if they happen to be involved in the process of building or maintaining it. This area of neglected policy lends itself well to an examination of how Congressional delegations vote on the issues. Unlike issues that get politicians and people alike riled up, such as taxes, internet privacy, abortion, or same-sex marriage, transportation policy, for better or worse, is left up to the whims of those in Washington. In Arnold's terms, transportation involves an inattentive public. South Carolina stands as a particularly interesting example, as its Congressional delegation has shifted the way it has voted on transportation policy from the introduction of ISTEA in 1991 up through today.

Looking through vote tallies on different pieces of legislation alone does not tell the complete story, however. The ultimate goal is to gain an understanding of why politicians voted a certain way, as opposed to just observing that vote. To help with this process, the votes will be examined through Arnold's framework. As stated earlier, R. Douglas Arnold postulates that legislators will make calculated votes on legislation in order to be reelected. As such, the forthcoming analysis will attempt to uncover what electoral benefits a vote had for a legislator.

This paper will discuss a number of issues surrounding transportation legislation, including a more detailed explanation as to why South Carolina was the state chosen for analysis. After that introduction, the votes on the major pieces of transportation legislation will be discussed, including an explanation of what the legislation did.

## **Crumbling Infrastructure**

While the area of policy may not get all that much attention, its importance is unquestioned. The US has been referred to as a “pothole nation”.<sup>12</sup> Roads and bridges are crumbling, transit systems are outdated, and the entire country’s transportation needs are underfunded. American infrastructure has not been able to keep up with the rest of the world. According to the American Society of Civil Engineers, the United States received grades of C, C-, D- and D for its Bridges, Rail, Road, and Transit Infrastructure, respectively.<sup>13</sup> The US also invests far less in its infrastructure than other countries. The US invests 2.4% of its GDP in infrastructure, whereas Europe and China invest 5% and 9% respectively.<sup>14</sup> The cost of bringing those grades up (according to the ASCE) is approximately \$2.2 trillion over five years.<sup>15</sup> Inaction will not provide a solution to this nationwide problem.

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<sup>12</sup> "Welcome to the Pothole Nation - BusinessWeek." Businessweek - Business News, Stock Market & Financial Advice. [http://www.businessweek.com/magazine/content/11\\_08/b4216028344171.htm](http://www.businessweek.com/magazine/content/11_08/b4216028344171.htm) (accessed May 8, 2012).

<sup>13</sup> "Infrastructure Report Card." American Society of Civil Engineers. <http://www.asce.org/reportcard/> (accessed April 6, 2012).

<sup>14</sup> "Life in the slow lane." The Economist, August 28, 2011. <http://www.economist.com/node/18620944> (accessed April 30, 2012).

<sup>15</sup> Idem



## A Brief History of Transportation

Before diving into transportation issues in South Carolina, it is important to gain an understanding of transportation policy's evolution since ISTEA was passed in 1991. A good place to start is the most recent-passed legislation, SAFETEA-LU. Passed by Congress and signed into law in 2005, one might think that transportation policy might be easy to formulate and pass. One might see that only eight House members voted against the bill (not eight out of the T&I committee, but out of all representatives to conference the bill).<sup>16</sup> The Senate followed suit, as only 4 senators voted against the 2005 legislation.<sup>17</sup> However, these votes are deceptive. SAFETEA-LU was more of a project approval list than substantial policy. Sure, there were new policy ideas brought up that were passed, such as Safe Routes to School, that overarched all states.<sup>18</sup> More than anything, SAFETEA-LU was a collection of thousands of individual earmarks.<sup>19</sup> Members of Congress were not almost unanimously voting in favor of policy, they were individually voting for their own constituents.

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<sup>16</sup> "FINAL VOTE RESULTS FOR ROLL CALL 453." House of Representatives. [clerk.house.gov/evs/2005/roll453.xml](http://clerk.house.gov/evs/2005/roll453.xml) (accessed March 28, 2012).

<sup>17</sup> Name, Senator. "U.S. Senate: Legislation & Records Home > Votes > Roll Call Vote." U.S. Senate. [http://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=109&session=1&vote=00220](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=109&session=1&vote=00220) (accessed April 10, 2012).

<sup>18</sup> "SAFETEA-LU - Fact Sheets - Safe Routes to School." Home | Federal Highway Administration. <http://www.fhwa.dot.gov/safetealu/factsheets/saferoutes.htm> (accessed April 6, 2012).

<sup>19</sup> "Disappearmarks: Millions in SAFETEA-LU transit earmarks are unspent." Sunlight Foundation. <http://reporting.sunlightfoundation.com/2010/disappearmarks-millions-safetea-lu-transit-earmarks-are-unspent/> (accessed April 5, 2012).

## **Democrats, Republicans: What's the Difference?**

While T&I related policy tends to attract more yeas from Democrats than Republicans, it is not a one party issue. For instance, in 1991, 130 House Republicans representing 31 states voted in favor of ISTEA. In a Republican controlled House in 1998, 143 House Republicans representing 38 states voted in favor of TEA-21. These numbers show a large amount of bipartisan support, something that has become increasingly rare in today's politics. The political climate in Washington hardly stood still between 1991 and 2005.<sup>20</sup> Yet T&I legislation became increasingly bipartisan and developed a sort of unanimity rarely seen. Was it because both parties were so passionate about building up our nation's infrastructure? Was it because in each round of legislation, members saw more opportunities to take something home? In

## **A Partisan Fiasco: Kosher Transportation (Hold the Pork)**

Fast-forward seven years into the future, and the T&I policy is a completely different ballgame. Gone are earmarks and agreement, and in is bitter, partisan divide. In 2005, it did not matter to a conservative House member if a liberal from New England got a green transit project, as long as they were earmarked money for the highway extension and widening that they were looking for. Now, these decisions become overall policy decisions become part of a bundle, and are no longer "a la carte". Congress has now had the wonderful experience of debating actual policy, without earmarks, and it has been far from

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Note: All vote results are taken from votes on the final conferenced bill, not bills from the individual chambers, except when noted.

easy. Even as the Senate passed the bipartisan MAP-21 legislation 74-22, it still means that 18 more Senators voted against the bill this time around.<sup>21</sup> The fact that the House not only could not agree to vote on the deal not only shows how politicized the policy area has become, but how much more difficult it is to make decisions that affect everyone. While earmarks are not the ideal way to accomplish such a large policy area, they have: a) been passed in past legislation, and b) gotten funds directed to certain areas that need them.

### **Dark Side of Earmarks**

This is not to say that earmarks do not have a dark side. One of the most infamous earmarks to come out of the SAFETEA-LU legislation and debate was the earmark for the Gravina Island Bridge, otherwise known as the “bridge to nowhere”.<sup>22</sup> Although eventually it was defunded and not built, its legacy still haunts legislators today. In the 2012 primary season, Mitt Romney attacked former Senator Rick Santorum over his vote in favor of the bridge.<sup>23</sup> While Santorum defended the vote, it goes to show that any of the 412 representatives and 91 Senators who voted for SAFETEA-LU voted for the “bridge to nowhere” by association. Had the bridge been built as part of an umbrella policy that built

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<sup>21</sup>Name, Senator. "U.S. Senate: Legislation & Records Home > Votes > Roll Call Vote." U.S. Senate. [http://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=112&session=2&vote=00048](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=112&session=2&vote=00048) (accessed April 3, 2012).

<sup>22</sup> Post, The Washington, and The Associated Press. "The Seattle Times: Politics: Senators clash over "Bridge to Nowhere"." The Seattle Times | Seattle Times Newspaper. [http://seattletimes.nwsourc.com/html/politics/2002574136\\_spending21.html](http://seattletimes.nwsourc.com/html/politics/2002574136_spending21.html) (accessed April 8, 2012).

<sup>23</sup> "Santorum's "bridge to nowhere" attacked by Romney | GlobalPost." World News | Breaking US News and International News Headlines - GlobalPost. <http://www.globalpost.com/dispatches/news/politics/elections/santorum-bridge-nowhere-romney> (accessed April 6, 2012).

all sorts of less controversial other projects, it would be harder to pin one project on any one member.

### **Final Thoughts (Before Diving In)**

While this paper will discuss earmarks and other features of transportation (or highway, or infrastructure) legislation, the main goal is to dissect the votes made by members of Congress, and what the reasons for their votes were, and what type of issues may have led to changes in votes from one bill to the next. Specifically, it will look at members of Congress from South Carolina, as their votes have had interesting shifts over the past 20 years.

With the new age of federal transportation legislation coming about only recently, (with the first true legislation in the post-interstate era being ISTEA in 1991) the sample size of bills is small enough to document shifts not due solely to a bill applying to a different time, but due to policy issues. This paper would not be relevant if it were comparing legislation for horse-drawn-transportation to the multi-modal transportation systems of today. Seeing how these members voted over time across the three enacted bills: ISTEA, TEA-21, SAFETEA-LU, as well as the current debates over new legislation (known as MAP-21 in the Senate, H.R. 7, among other titles in the House) will help show how policy has progressed, where it needs to be, and how it needs to get there.

### **Why South Carolina? A Quick Look**

This paper will focus on South Carolina. Why? Some interesting finds that will be discussed later in the paper: in 1991 legislation was that South Carolina had two of its

Republican House members, Representative Arthur Ravenel, Jr. and Representative Floyd Spence, voted yea on the ISTEA legislation, while both Senator Hollings (D) and Senator Thurmond (R) voted against it.<sup>24</sup><sup>25</sup> Even more interesting, both Senators would change their vote in 1998 on the TEA-21 legislation, as they both would vote in favor of the bill.<sup>26</sup> One line of reasoning, as far as ISTEA is concerned, one explanation could be that South Carolina was not yet ready to meet the demands of ISTEA with their limited state resources.<sup>27</sup> This makes some sense, as certain provisions of the bill might have benefitted individual districts, which explains the House votes it received, but it might have been a bit too much for the state to handle at first.

Exploring the history and voting patterns of South Carolina's Congressional delegation can provide a profound look as to where legislation has to go from here. Finding tidbits such as the South Carolina Governor stating that he wanted to get rid of the federal gas tax give perspective on where we were then and provide a contrast to where we are

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<sup>24</sup> "FINAL VOTE RESULTS FOR ROLL CALL 440." House of Representatives. <http://clerk.house.gov/evs/1991/roll440.xml> (accessed March 25, 2012).

<sup>25</sup> Name, Senator. "U.S. Senate: Legislation & Records Home > Votes > Roll Call Vote." U.S. Senate [http://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=112&session=2&vote=00048#state](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=112&session=2&vote=00048#state)

<sup>26</sup> U.S. Senate: Legislation & Records Home > Votes > Roll Call Vote [http://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=105&session=2&vote=00147](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=105&session=2&vote=00147)

<sup>27</sup> "IMPLEMENTING STATEWIDE ISTEA PLANNING WITH LIMITED RESOURCES: THE SOUTH CAROLINA EXPERIENCE." Regional Transportation Board of National Academies. [pubsindex.trb.org/view.aspx?id=452020](http://pubsindex.trb.org/view.aspx?id=452020) (accessed April 9, 2012).

now.<sup>28</sup> This is just the beginning of a journey to explore the journey transportation legislation has taken, and how we got to the impasse we are currently in.

### **South Carolina: A Survey of Transportation Issues**

Before jumping into the politics of transportation in South Carolina, it is important to have an understanding of the current standing of their infrastructure. Today, 13.1% of South Carolina's bridges have been deemed structurally deficient, which is the 15th highest percentage in the country.<sup>29</sup> According to the Federal Highway Administration, a bridge is deemed structurally deficient if upon inspection, it receives a rating of four or less on items such as its deck, superstructure, retaining walls, along with other components.<sup>30</sup> Its roads do not rank very well either. Its roads were ranked the 16th worst and 3rd deadliest. Moreover, its roads were ranked 2nd behind Montana for being the deadliest for DUI and 3rd behind Alabama and Mississippi for being the deadliest for speeding.<sup>31</sup> In more detail, Transportation For America shows that 7.4% of South Carolina roads are in poor condition,

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<sup>28</sup> The Baltimore Sun, "ISTEA or Hot Tea? A moving choice," January 13, 1997. [http://articles.baltimoresun.com/1997-01-13/news/1997013039\\_1\\_istea-highway-system-highway-builders](http://articles.baltimoresun.com/1997-01-13/news/1997013039_1_istea-highway-system-highway-builders) (accessed April 10, 2012).

<sup>29</sup> "Transportation For America » The Fix We're In For: The State of Our Bridges." Transportation For America . <http://t4america.org/resources/bridges/> (accessed April 6, 2012).

<sup>30</sup> "Additional Guidance on 23 CFR 650 D - Programs - Bridge - FHWA." Home | Federal Highway Administration. <http://www.fhwa.dot.gov/bridge/0650dsup.cfm> (accessed May 6, 2012).

<sup>31</sup> "The Best, Worst, and Deadliest Roads in America: The Rankings | Reader's Digest." Health Tips, Food and Recipes, Funny Jokes and Cartoons, and Sweepstakes | Reader's Digest. <http://www.rd.com/travel/the-best-worst-and-deadliest-roads-in-america-the-rankings/> (accessed April 2, 2012).

compared to the US Average of 5.8%.<sup>32</sup> According to the Daily Beast, the I-26 commute in Charleston, South Carolina ranks as the 43rd worst in the country, taking up 13 hours of congestion at its worst bottleneck.<sup>33</sup>

It must be noted that these numbers all reflect the current state of South Carolina's infrastructure, not what the state it was in before any of the legislation that will be mentioned in this paper was enacted. Nevertheless, these numbers help show that even though there has been legislation enacted in the past that has been aimed at solving the problems that South Carolina is currently experiencing, it has not been all that successful. South Carolina, just like the rest of the country, has crumbling bridges, unsafe roads, and politicians that have been unable to solve the problem.

## **ISTEA**

ISTEA, otherwise known as the Intermodal Surface Transportation Efficiency Act of 1991 was the first transportation bill (that became law) that reflected a more modern view of transportation. Long thought of as "a highway bill", ISTEA reflected the changing world when President George H. W. Bush signed it into law in December 1991.<sup>34</sup> For the years

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<sup>32</sup> "Transportation For America » State Facts — South Carolina." Transportation For America . <http://t4america.org/statefacts/southcarolina/> (accessed April 30, 2012).

<sup>33</sup> "America's 75 Worst Commutes - The Daily Beast." The Daily Beast. <http://www.thedailybeast.com/articles/2010/01/19/americas-75-worst-commutes.html> (accessed April 8, 2012).

<sup>34</sup> " Intermodal Surface Transportation Efficiency Act of 1991 - Summary." RITA | National Transportation Library. <http://ntl.bts.gov/DOCS/ste.html> (accessed April 5, 2012).

1992-1997, the bill allocated \$155 billion for transportation infrastructure investments (which equates to approximately \$261 billion in 2012 dollars).<sup>3536</sup>

It was a comprehensive bill, as it included titles on highways, transit, motor carriers, research, among standard taxes and Highway Trust Fund related language.<sup>37</sup> At first glance, it seems strange to think that our infrastructure has gotten to a point where it is in such a poor state, as the language of the bill seems quite promising. It includes a \$16.1 billion "Bridge Replacement and Rehabilitation Program", as well as appropriating \$725 million to study a Maglev high-speed rail program.<sup>38</sup> It brought the words "intermodal connectivity" from the mouths of city planners into the text of legislation, and identified the enhancement of transit systems as a national priority.<sup>39</sup> Beyond all of this, however, is the fact that ISTEA made transportation funds more easily accessible for states to use. States could use money not just for highways, but for transit as well. According to the Engineering News-Record, ISTEA provided such a sharp increase in transportation funds, that states were not even sure how to take advantage of it at the start, and once they had, Congress needed to pull back on the proverbial throttle.<sup>40</sup> Another key distinction of ISTEA was that MPO's or metropolitan planning organizations, rather than political insiders,

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<sup>35</sup> Idem

<sup>36</sup> "CPI Inflation Calculator." Databases, Tables & Calculators by Subject. <http://146.142.4.24/cgi-bin/cpicalc.pl?cost1=155&year1=1991&year2=2012> (accessed April 6, 2012).

<sup>37</sup> " Intermodal Surface Transportation Efficiency Act of 1991 - Summary." RITA | National Transportation Library. <http://ntl.bts.gov/DOCS/ste.html> (accessed April 5, 2012).

<sup>38</sup> Idem

<sup>39</sup> Idem

<sup>40</sup> "States gulp ISTEA at fast pace." Engineering News-Record. Date Accessed: 2012/04/29. [www.lexisnexis.com/hotttopics/lnacademic](http://www.lexisnexis.com/hotttopics/lnacademic).



would be making the key transportation decisions with the money put forth by the legislation. While this was a change that was intended to better-put transportation funds to work, there was some concern that these MPO's would not be prepared to handle the increased responsibility that ISTEA would put on them.<sup>41</sup> Finally, ISTEA was a six-year bill. The fact that it was a long-term bill rather than a short-term bill helped it change the way America conducts its transportation policy.

While ISTEA presented a big change to the way transportation is funded, the fact that it was a 6 year bill gave all those affected by it time to get used to it, learn how to use it, and ultimately, take the next step forward. This is a stark contrast to where transportation legislation is today, but that will be brought up in more detail later.

### **SPOTLIGHT**

*Senators Ernest Hollings and Storm Thurmond  
Representatives Floyd Spence and Arthur Ravenel, Jr.*

While these changes had a great affect the way transportation policy was put together and implemented, some of these changes were not easy for some states. This difficulty can be seen in Congressional voting records. When looking at the voting records of House and Senate members, one state that stood out for having an interesting vote was South Carolina. On the 1991 ISTEA vote, two South Carolina House Republicans, Floyd Spence and Arthur Ravenel, Jr. voted in favor of ISTEA.<sup>42</sup> However, both of South Carolina's Senators, Ernest Hollings, a conservative-leaning Democrat, and Storm Thurmond a

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<sup>41</sup> Lewis, Paul George, and Mary Sprague. Federal transportation policy and the role of metropolitan planning organizations in California. San Francisco: Public Policy Institute of California, 1997.

<sup>42</sup> "FINAL VOTE RESULTS FOR ROLL CALL 440." House of Representatives. <http://clerk.house.gov/evs/1991/roll440.xml> (accessed March 25, 2012).

Republican, voted against the legislation.<sup>43</sup> This might seem strange, as one would think that they would see the legislation in a similar fashion. However, that was not the case.

The first thing one might think of is that the Senators were anti-infrastructure. This is not true. In 1991, Senator Hollings spoke in support of the “High Speed Rail Transportation Act of 1991”.<sup>44</sup> He was not supporting this bill because it would bring high-speed rail specifically to his home state of South Carolina, but because it would benefit the country as a whole. To quote the Senator:

*“High-speed rail is an important technology for our Nation's future. It offers the potential to relieve congestion, ease the burden on our crowded aviation and highway systems, and conserve energy relative to other modes of transportation.”<sup>45</sup>*

He was certainly not against infrastructure, as high-speed rail is one of the more progressive infrastructure projects one could undertake.

House members have a constituency to look after, while Senators have the whole state to represent. One of the first things to look at when trying to figure out this voting disparity is the “donor-recipient” system. While the national transportation system is indeed a national system, not every state receives \$1 for every \$1 it puts into the system. Some states put in more than they receive, while some get more than they put in. As a result, “donor” and “recipient” states form. Being a southern, non-metro state, South

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<sup>43</sup> Name, Senator. "U.S. Senate: Legislation & Records Home > Votes > Roll Call Vote." U.S. Senate [http://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=112&session=2&vote=00048#state](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=112&session=2&vote=00048#state)

<sup>44</sup> "Congressional Record - 102nd Congress (1991-1992) - THOMAS (Library of Congress)." THOMAS (Library of Congress). <http://thomas.loc.gov/cgi-bin/query/F?r102:12:./temp/~r10237SZIP:e19927>: (accessed May 7, 2012).

<sup>45</sup> Idem

Carolina was a “donor” state under ISTEA legislation. Not only that, South Carolina was the largest donor state, only receiving \$0.73 for every dollar it contributed.<sup>46</sup> It was for this reason that Senator Hollings stated his opposition to the bill. When discussing why he would not vote in favor of the conferenced bill, he said:

*“Madam President, I have been in contact with the highway department in the State. After trying to work with the numerous charts that are floating around and after many discussions with them, it is my belief that, at best, South Carolina will receive 82.5 percent of the money it pays into the trust fund - at best, 82.5 percent.*

*South Carolina is a growth State, a State dependent on highways to move goods to and from its ports and dependent on highways to facilitate its tourism industry. Yet, we cannot replace a \$400 million bridge that links two sections of Charleston. Replacement of this bridge is on the national priority list but, to date, we have not received any funding.”<sup>47</sup>*

Using Arnold’s framework, it can be seen that Senator Hollings voted in a manner that he believed would lead to reelection. By voting against a piece of legislation that would not provide sufficient funding to the state that he represented, Senator Hollings voted on the premise that the people of South Carolina would see his vote as not anti-infrastructure, but a vote that showed the rest of Congress that South Carolina deserved better.

Moreover, after hearing Senator Hollings’ explanation, it would make sense that all of South Carolina’s Congressional delegation would vote against ISTEA. What could have made the House Republicans Ravenel, Jr., and Spence vote in favor of the legislation? While

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<sup>46</sup> "Highway Funding Under ISTEA." ERS/USDA. [www.ers.usda.gov/publications/aib753/aib753d.pdf](http://www.ers.usda.gov/publications/aib753/aib753d.pdf) (accessed April 6, 2012).

<sup>47</sup> "Congressional Record - 102nd Congress (1991-1992) - THOMAS (Library of Congress)." THOMAS (Library of Congress). <http://thomas.loc.gov/cgi-bin/query/F?r102:5:./temp/~r10237SZIP:e270878>; (accessed May 7, 2012).

they did not make any remarks about the bill on the record, one has to look at this bill differently from a House perspective than a Senate perspective.

While none of the House members from South Carolina were thrilled that South Carolina would become an extreme donor state under the new legislation, the legislation looked different on a district level. Regarding their districts, Arthur Ravenel, Jr. Represented Congressional District 1, which, by population, was 78.44% urban and 21.56% rural.<sup>48</sup> Congressional District 2 was represented by Floyd Spence and was 66.06% urban and 33.94% rural.<sup>49</sup> Urban areas tend to receive more transportation funding than areas that are predominantly rural, as a higher concentration of people leads to a greater return on investments. This is even shown by the fact that the federal government has specific programs that target rural areas for transportation investments, such as "Formula Grants for Other Than Urbanized Areas"<sup>50</sup>. As a result, although South Carolina was a donor state in relation to the country, their districts were more likely to attract the funding that South Carolina did receive. Moreover, part of the ISTEA legislation focused on High Priority Corridors. One of these was Interstate 73, which conveniently ran from Michigan to Charleston, South Carolina, which was a large part of Representative Ravenel, Jr.'s district.<sup>51</sup>

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<sup>48</sup> SOUTH CAROLINA CONGRESSIONAL DISTRICTS BY URBAN and RURAL POPULATION and LAND AREA." United States Census Bureau. [www.census.gov/geo/www/cd109th/SC/ur\\_c9\\_45.pdf](http://www.census.gov/geo/www/cd109th/SC/ur_c9_45.pdf) (accessed April 6, 2012).

<sup>49</sup> Idem

<sup>50</sup> "FTA - Formula Grants - Formula Grants for Other than Urbanized Areas (5311)." The Federal Transit Administration. [http://www.fta.dot.gov/grants/13093\\_3555.html](http://www.fta.dot.gov/grants/13093_3555.html) (accessed April 6, 2012).

<sup>51</sup> "NHS High Priority Corridors - Planning - FHWA." Home | Federal Highway Administration. <http://www.fhwa.dot.gov/planning/nhs/hipricorridors/index.html> (accessed April 6, 2012).

If one even looks beyond the urban vs. rural issue, in addition to Republicans Ravenel Jr., and Spence voting in favor of ISTEA, the other four House Democrats from South Carolina; Butler Derrick, Liz J. Patterson, John M. Spratt, Jr., and Robin Tallon all voted for ISTEA. While there might have been other reasons behind the South Carolina representatives all voting in favor of the legislation, the fact that each representative's district could compete for funding has to be considered. From the Senate view, ISTEA was a loser, with South Carolina being a serious donor state. From the House view, the funds that were still there were certainly up for grabs. In Arnold's view, the House members voted in favor of the legislation with the expectation that it would bring results back to their districts to increase their chances of being reelected.<sup>52</sup> They were not concerned for how South Carolina would view the legislation, but how their own constituents would view the legislation. In their view, a vote in favor provided a greater chance of reelection than a vote not in favor.

## **TEA-21**

In 1998, seven years after ISTEA was signed into law, there was a new transportation bill in town. This bill, known as the Transportation Equity Act for the 21st Century, or TEA-21, was very similar to ISTEA. It was another 6 year bill, just like ISTEA, and it funded transportation infrastructure at a level of \$198 billion over 6 years, which equates to approximately \$278 billion in today's dollars.<sup>53</sup><sup>54</sup> While it kept maintained most

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<sup>52</sup> Arnold, R. Douglas. *Logic of congressional action*. S.l.: Yale Univ Press, 1992.

<sup>53</sup> "TEA-21 Summary." Home | Federal Highway Administration. <http://www.fhwa.dot.gov/tea21/summary.htm> (accessed April 6, 2012).

of the structure of ISTEA, some notable aspects of the bill were incentive grants to encourage states to adopt .08 alcohol concentration standards, the TIFIA program, an advanced vehicles program, an increase in transit tax benefits, among many other provisions.<sup>55</sup><sup>56</sup> One major change in TEA-21, however, was how funding was distributed to the states. Under TEA-21, no state could receive less than a 90.5% return on the money it contributed to the Highway Trust Fund.<sup>57</sup> This was in stark contrast to the way ISTEA funding was distributed across states. While under ISTEA South Carolina received \$0.73 for every dollar it contributed, it now received \$0.91 for every dollar it contributed.<sup>58</sup> Would this change be reflected in how the South Carolina representatives voted on TEA-21?

### **SPOTLIGHT**

*Senators Ernest Hollings and Storm Thurmond  
Representatives Floyd Spence, Lindsey Graham, and Bob Inglis*

It would. While both South Carolina Senators Hollings and Thurmond voted against ISTEA in 1991, both found the TEA-21 legislation more fitting to their taste and voted in favor of it in 1998.<sup>59</sup> It made sense, as the new funding system was fair to South Carolina,

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<sup>54</sup> "CPI Inflation Calculator." Databases, Tables & Calculators by Subject. <http://146.142.4.24/cgi-bin/cpicalc.pl?cost1=171&year1=1998&year2=2012> (accessed April 6, 2012).

<sup>55</sup> *Idem*, 29

<sup>56</sup> "US DOT Transportation Infrastructure Finance and Innovation Act (TIFIA) rollout." M2 PRESSWIRE. Date Accessed: 2012/04/30. [www.lexisnexis.com/hottopics/lnacademic](http://www.lexisnexis.com/hottopics/lnacademic).

<sup>57</sup> "How Will the Recently Passed Highway Legislation Change Things?." ERS/USDA. [www.ers.usda.gov/publications/aib753/aib753e.pdf](http://www.ers.usda.gov/publications/aib753/aib753e.pdf) (accessed April 6, 2012).

<sup>58</sup> *Idem*

<sup>59</sup> Name, Senator. "U.S. Senate: Legislation & Records Home > Votes > Roll Call Vote." U.S. Senate. [http://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=105&session=2&vote=00147](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=105&session=2&vote=00147) (accessed March 29, 2012).

as well as other traditional donor states. The South Carolina Department of Transportation lauded their Congressional delegation for the increase in funding, saying "Thanks to the South Carolina Congressional delegation, we had a large increase in federal funds under the TEA-21 Act."<sup>60</sup>

The South Carolina Senators voted in favor of this legislation because due to the increased funding formulas, the legislation was better for South Carolina. Benefits to South Carolina increased. As such, voting in favor of the legislation would increase the likelihood that the Senators would be reelected.

This sentiment was not shared by the entire South Carolina Congressional delegation, however. While both South Carolina Senators voted in favor of TEA-21 and helped secure funding for South Carolina, members of the House were not as supportive.

None of the four South Carolina House Republicans voted in favor of the bill; Mark Sanford, Floyd Spence, and Bob Inglis all voted no, while Lindsey Graham did not vote.<sup>61</sup> In an article appropriately titled "Local priorities undercut in budget blueprint", it is written that Representative Spence, Chairman of the House National Security Committee was more focused on increasing defense spending for his committee, rather than supporting Rep. Shuster's request for a large increase in transportation funding.<sup>62</sup> This is supported by the

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<sup>60</sup> "SCDOT - Inside SCDOT - Highway Policy - Federal Funding." South Carolina Department of Transportation. <http://www.scdot.org/inside/HighwayPolicy/federalfunding.shtml> (accessed April 6, 2012).

<sup>61</sup> "FINAL VOTE RESULTS FOR ROLL CALL 192." House of Representatives. [clerk.house.gov/evs/1998/roll192.xml](http://clerk.house.gov/evs/1998/roll192.xml) (accessed March 26, 2012).

<sup>62</sup> "Local priorities undercut in budget blueprint; plan breaks commitment to balance. - Free Online Library." Free News, Magazines, Newspapers, Journals, Reference Articles and Classic Books - Free Online Library.

lack of explanation for Representative Spence's lack of comment on the transportation bill, but his abundance of testimony on the defense bills at the time.<sup>63</sup> As for the other representatives, Both Graham and Inglis both spoke in favor of an amendment that would reduce highway and transit funding in the bill.<sup>64</sup> The amendment failed by a 79-337 margin.<sup>65</sup> While none of the Representatives had any further comment on this bill after this amendment, it can be deduced that this amendment was a sticking point when Representative Inglis said:

*"Mr. Chairman, this is probably the most embarrassing night that I have ever spent in this Congress, to realize that we came here to change things and we are not. We are participating in the big old trough that has characterized this place in the past, and it is a terrible embarrassment to be part of the new majority and to stand here and have to support this amendment that would take care of that trough that we are seeing."*<sup>66</sup>

The lack of support for the legislation from the House chamber can be explained by the fact that transportation politics were encountering an inattentive public. Representatives believed that their constituents cared more about other issues, such as defense, as well as reducing federal spending. With this logic, focusing more on defense bills instead of transportation legislation was a strategy that would increase reelection chances.

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<http://www.thefreelibrary.com/Local+priorities+undercut+in+budget+blueprint%3B+plan+break+s+commitment...-a020630222> (accessed April 6, 2012).

<sup>63</sup> 105th Congress Congressional Record Search: Transportation Equity Floyd Spence  
<http://thomas.loc.gov/cgi-bin/query>

<sup>64</sup> "H.AMDT.549 to H.R. 2400." THOMAS (Library of Congress). [thomas.loc.gov/cgi-bin/bdquery/D?d105:4:./temp/~bdR\]bU::|/home/LegislativeData.php?n=BSS;c=105](http://thomas.loc.gov/cgi-bin/bdquery/D?d105:4:./temp/~bdR]bU::|/home/LegislativeData.php?n=BSS;c=105) (accessed May 7, 2012).

<sup>65</sup> Idem

<sup>66</sup> "Congressional Record - 105th Congress (1997-1998) - THOMAS (Library of Congress)." THOMAS (Library of Congress). <http://thomas.loc.gov/cgi-bin/query/F?r105:1:./temp/~r1052BDZvP:e1555104>: (accessed May 8, 2012).



In Representative Spence's case, it did not appear as if he cared all that much about transportation policy. For Graham and Inglis, they were stuck up on one part of the bill. In a strange twist, however, when Lindsey Graham took over Strom Thurmond's Senate seat, he made it a point to bring home money for his state. On his website lies a press release titled "Transportation Earmarks Become Reality", which describes four earmarks worth a total of just under \$4 million dollars.<sup>67</sup> Although he did not vote for TEA-21 in 1998 as a House member, and was adamant about cutting funds, he was more than eager to show off how much he cares about his constituency by bringing home the "pork" in 2003. That is not to say that there is something wrong with looking out for the people who vote for you. It does help illustrate how easy it is to disagree with a policy on one hand, while reaping any benefits it brings on the other. It also shows how one views the prospect of reelection as a member of the House, and as a member of the Senate. One could say that Lindsey Graham saw transportation legislation as a bigger issue on the statewide stage than at the district level. As such, it became necessary to change his stance on the legislation, and support its outcomes.

## **SAFETEA-LU**

SAFETEA-LU. Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. Also known as the bill that (almost) everyone in Congress voted for. SAFETEA-LU was a transportation policy where everyone is a recipient. It was a transportation bill that is the equivalent of a pig roast: a little pork for everyone. The bill

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<sup>67</sup> "Transportation Earmarks Become Reality ." United States Senator Lindsey Graham, South Carolina : Home. [http://lgraham.senate.gov/public/index.cfm?FuseAction=PressRoom.PressReleases&ContentRecord\\_id=79285299-d5f1-4992-b44f-1aec18308bc4&Region\\_id=&Issue\\_id=c1395cb0-b54b-4412-9932-7cc41e89c9ce](http://lgraham.senate.gov/public/index.cfm?FuseAction=PressRoom.PressReleases&ContentRecord_id=79285299-d5f1-4992-b44f-1aec18308bc4&Region_id=&Issue_id=c1395cb0-b54b-4412-9932-7cc41e89c9ce) (accessed April 6, 2012).

included over 6,300 earmarks worth more than \$1,000,000,000.<sup>6869</sup> Out of the entire Congress, only 12 members voted against the bill: 8 in the House, and 4 in the Senate.<sup>7071</sup> That amounts to a mere 2% of Congress. Ultimately, this would not be such a big deal had the legislation been a success. While the earmarks that came out of it did start projects and did get things done, they were not done in a fiscally responsible manner. The bill put forth almost \$200 billion in funding over years 2005-2009.<sup>72</sup> However, the following map shows

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<sup>68</sup> "Committee on Transportation and Infrastructure, Republicans Press Release :: Committee Leaders Unveil Major Transportation & Jobs Bill ." Committee on Transportation and Infrastructure | Republicans. <http://transportation.house.gov/News/PRArticle.aspx?NewsID=1513> (accessed April 6, 2012).

<sup>69</sup> "SAFETEA-LU: Noteworthy Impacts and Provisions for Alaska." Alaska Department of Transportation. [http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&ved=0CDoQFjAD&url=http%3A%2F%2Fwww.seconference.org%2Fpdf%2FAK\\_Dot\\_Funding\\_Issues\\_Ottesen.pdf&ei=-uCdT4z5LOnJ0AGSus2SDw&usg=AFQjCNHSidua-817RVYrQ-i1n82pPKLqTw&sig2=zdykcXNNluPNMUF2L5Bs2w](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&ved=0CDoQFjAD&url=http%3A%2F%2Fwww.seconference.org%2Fpdf%2FAK_Dot_Funding_Issues_Ottesen.pdf&ei=-uCdT4z5LOnJ0AGSus2SDw&usg=AFQjCNHSidua-817RVYrQ-i1n82pPKLqTw&sig2=zdykcXNNluPNMUF2L5Bs2w) (accessed April 6, 2012).

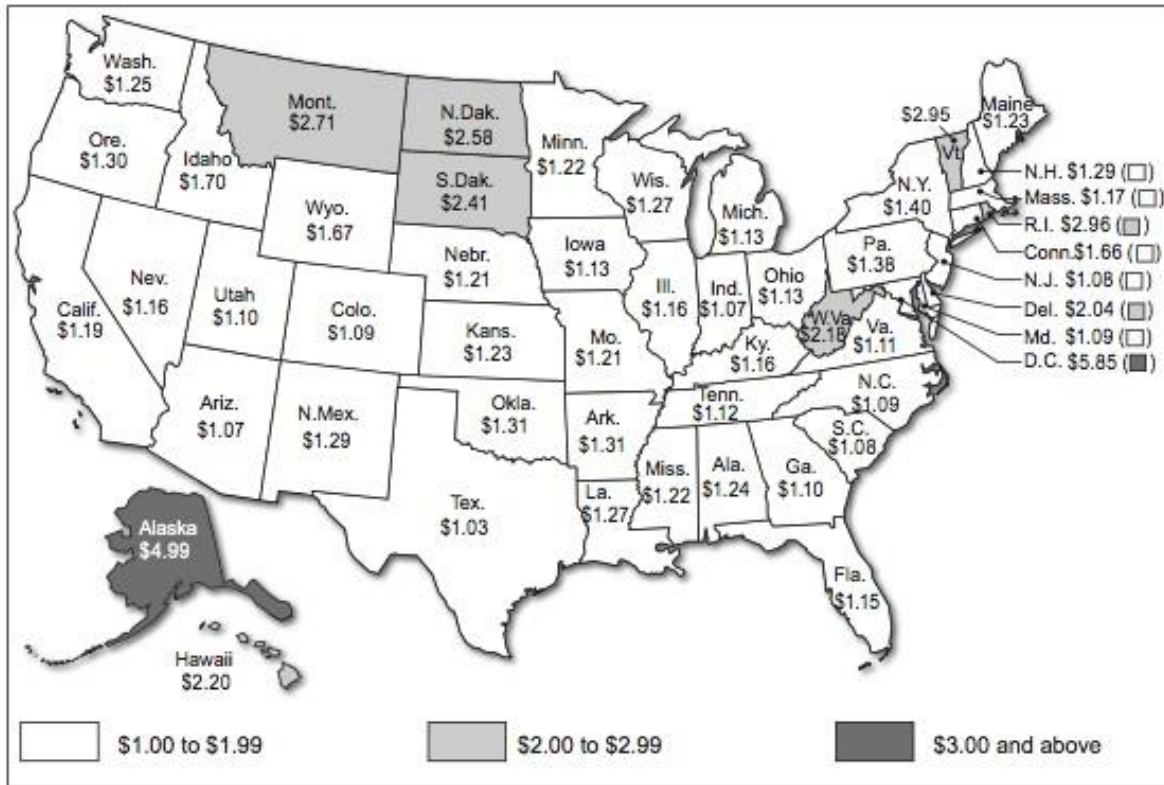
<sup>70</sup> "FINAL VOTE RESULTS FOR ROLL CALL 453." House of Representatives. [clerk.house.gov/evs/2005/roll453.xml](http://clerk.house.gov/evs/2005/roll453.xml) (accessed March 28, 2012).

<sup>71</sup> Name, Senator. "U.S. Senate: Legislation & Records Home > Votes > Roll Call Vote." U.S. Senate. [http://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=109&session=1&vote=00220](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=109&session=1&vote=00220) (accessed April 10, 2012).

<sup>72</sup> "SAFETEA-LU Funding Tables." US Department of Transportation. <http://ibrc.fhwa.dot.gov/safetealu/fy12authtables.pdf> (accessed April 6, 2012).

the Donor/Recipient numbers over that same time:

**States' Return per Dollar Contributed to the Highway Account of the Highway Trust Fund, Fiscal Years 2005-2009**



Sources: GAO analysis of FHWA data; Map Resources (map).

**SPOTLIGHT**  
(broken)

If it is difficult to see, there is one thing missing on this map: donors. Every state, between 2005 and 2009 received more money from the Highway Trust Fund than it put in. Even if one were to only look for High Priority Earmarks destined for South Carolina, one would still find 64 projects totaling over \$20 million federal dollars.<sup>73</sup> Of the House and Senate members who voted against it, none were from South Carolina, as all eight members

<sup>73</sup> "Public Review Earmarks." SCDOT. [www.centralmidlands.org/pdf/Public%20Review%20Earmarks.pdf](http://www.centralmidlands.org/pdf/Public%20Review%20Earmarks.pdf) (accessed April 6, 2012).

(six Representatives, and two Senators) voted in favor of it.<sup>74</sup> While these earmarks did bring back projects and jobs to constituents, it came at a price. As shown by the map above, the Highway Trust Fund has not been funded. There have not been donors. It is for this reason that many have bemoaned all the extensions that SAFETEA-LU has had (10, thus far).<sup>75</sup> The truth is, while SAFETEA-LU was fiscally irresponsible and stuffed with pork, it is something that many wish would have worked. In fact, some members of Congress say that part of the reason that the job is not fun anymore is that they cannot bring home pork and earmarks to their constituents to win reelection.<sup>76</sup> Sculpting policy can seem a lot less rewarding.

From the state perspective at this time, South Carolina recognized the mounting problems that it would be facing when it came to funding its transportation system. In 2008, (while SAFETEA-LU policy was in effect) the SCDOT released a report that said it still had a \$29.3 billion shortfall in their budget to address all of their transportation needs through 2030.<sup>77</sup> While the federal government cannot be expected to pay for every state's entire transportation needs, it was clear to South Carolina that something needed to be done to help prepare them to maintain their infrastructure in 2008 and much further

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<sup>74</sup> Idem 42, 43

<sup>75</sup> "House ignores veto threat, passes 10th transportation extension — Metropolitan Planning Council." Metropolitan Planning Council — Home. <http://www.metroplanning.org/news-events/blog-post/6394> (accessed April 25, 2012).

<sup>76</sup> "Being in Congress loses its thrill for some lawmakers - POLITICO.com." Politics, Political News - Election 2012 - POLITICO.com. <http://www.politico.com/news/stories/0312/73759.html> (accessed April 21, 2012).

<sup>77</sup> "South Carolina Statewide Comprehensive Multimodal Transportation Plan." SCDOT. [www.scdot.org/inside/multimodal/pdfs/MultimodalPlanExecutiveSummary.pdf](http://www.scdot.org/inside/multimodal/pdfs/MultimodalPlanExecutiveSummary.pdf) (accessed May 7, 2012).

beyond. What their Congressional delegation did in 2005 might have brought home projects and funds, but it led to an uncertain future of federal transportation funding.

South Carolina's legislators voted in favor of SAFETEA-LU because the benefits that the bill would bring would increase their chances of being reelected. The fact that the bill was not quite fiscally responsible did not keep the legislators from voting in favor of the bill. Had they voted against the bill, they might have appeared to be forsaking their constituents, which could have put their hopes of reelection in jeopardy. This not only helps to explain the actions of South Carolina's Congressional delegation, but the actions of Congress as a whole.

### **Present Legislation: MAP-21 and Beyond**

At a recent event held in the Rayburn House Office building, Gerald L. Baliles, Former Governor of Virginia and Director and CEO of the Miller Center at the University of Virginia, gave a description of the current state of politics, specifically transportation politics that was quite accurate: "Washington is more than polarized; it is paralyzed. How else can one explain nine extensions of a law that expired in 2009? And they're working on a 10th!".<sup>78</sup> Politics, let alone transportation politics, did not always move at the speed of rush hour traffic on the Cross Bronx Expressway.

Although slow moving, there has been some movement in both sides of Congress in an attempt to put forth new transportation legislation. Most notable of these attempts was the Senate's MAP-21 legislation (Moving Ahead for Progress in the 21st Century Act), which

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<sup>78</sup> Baliles, Gerald L.. "Selling America on Transportation." Speech, Are We There Yet? Selling America on Transportation from Miller Center, Washington, DC, April 23, 2012.

although with less support than the almost-unanimous SAFETEA-LU, still passed by bipartisan 74-22 margin.<sup>79</sup> Unlike the long transportation bills of the past, it was only a 27-month bill that invested \$109 in transportation infrastructure.<sup>80</sup> The past bills, ISTEA, TEA-21 and SAFETEA-LU were 6, 6, and 4-year bills respectively, without taking into account extensions. Some of the notable aspects of the legislation was the consolidation of an unruly set of 87 programs into a more manageable, flexible 30, the elimination of earmarks, as well as the acceleration of project delivery, among many other provisions.<sup>81</sup> Below is a map that shows these votes by state:<sup>82</sup>

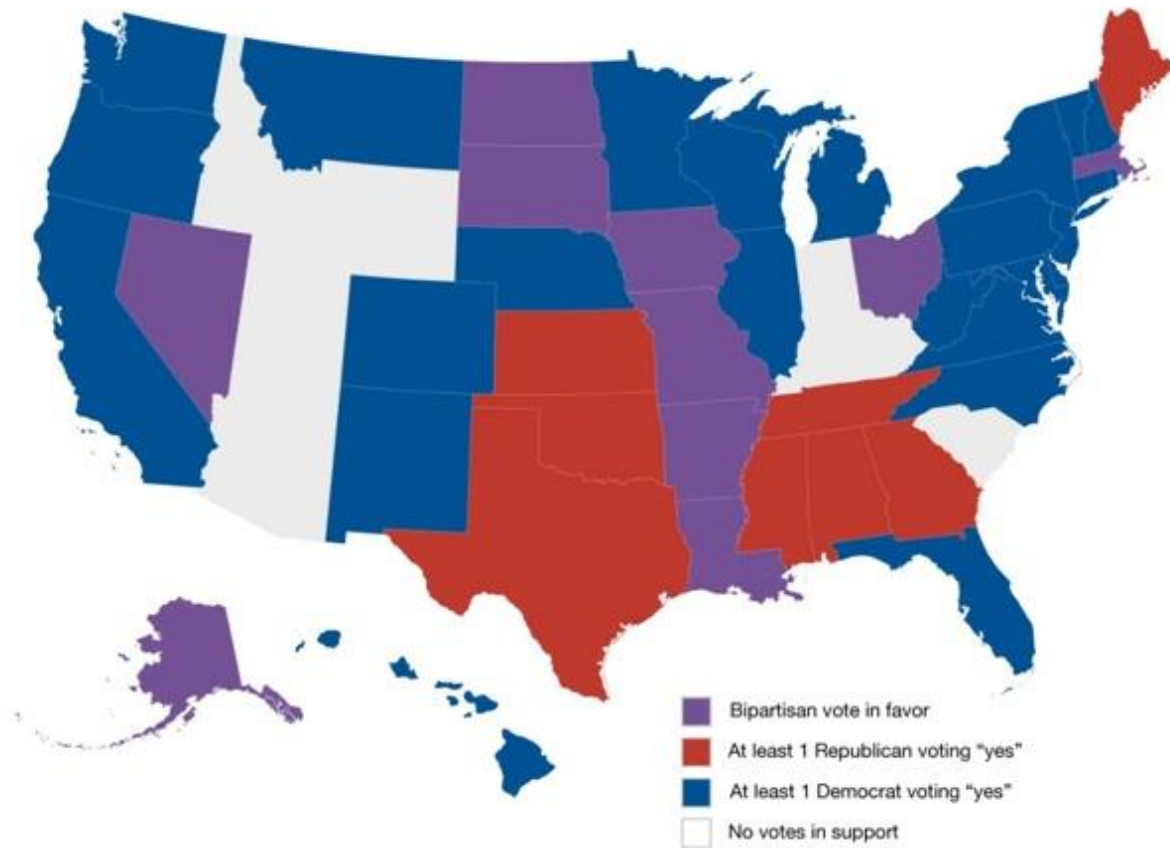
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<sup>79</sup> Name, Senator. "U.S. Senate: Legislation & Records Home > Votes > Roll Call Vote." U.S. Senate. [http://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=112&session=2&vote=00048](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=112&session=2&vote=00048) (accessed April 7, 2012).

<sup>80</sup> "Summary of Senate Transportation Bill, MAP-21 | Transportation Issues Daily." Transportation Issues Daily for Important Analysis on Transportation Issues. <http://www.transportationissuesdaily.com/summary-of-senate-transportation-bill-map-21/> (accessed April 3, 2012).

<sup>81</sup> "Summary of the Moving Ahead for Progress in the 21st Century Act." U.S. Senate Committee on Environment and Public Works. [www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CDIQFjAA&url=http%3A%2F%2Fepw.senate.gov%2Fpublic%2Findex.cfm%3FFuseAction%3DFiles.View%26FileStore\\_id%3D6d1e2690-6bc7-4e13-9169-0e7bc2ca0098&ei=-OqeT5-vIaKY0QHbnOGmDw&usg=AFQjCNEdHP2Z4k8Pfk-yW1FdgnFpfbUKJw&sig2=x4sX\\_h3bBXC4uWKDbcf1Qg](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CDIQFjAA&url=http%3A%2F%2Fepw.senate.gov%2Fpublic%2Findex.cfm%3FFuseAction%3DFiles.View%26FileStore_id%3D6d1e2690-6bc7-4e13-9169-0e7bc2ca0098&ei=-OqeT5-vIaKY0QHbnOGmDw&usg=AFQjCNEdHP2Z4k8Pfk-yW1FdgnFpfbUKJw&sig2=x4sX_h3bBXC4uWKDbcf1Qg) (accessed April 26, 2012).

<sup>82</sup> "Graphic: A closer look at the Senate MAP-21 vote by state." Transportation For America. [t4america.org/blog/2012/03/27/graphic-a-closer-look-at-the-senate-map-21-vote-by-state/](http://t4america.org/blog/2012/03/27/graphic-a-closer-look-at-the-senate-map-21-vote-by-state/) (accessed April 22, 2012).



### SPOTLIGHT

#### *Senator Jim DeMint*

If not seen from the outset, one of the states that had no Senate support of the bill was South Carolina. South Carolina Senators, Senator Lindsey Graham as well as Senator Jim DeMint voted against the bill.<sup>83</sup> One of the reasons that the bill could have lacked support from South Carolina’s Senate delegation is that Senator Jim DeMint favored the devolution of transportation back to the states, and put forth an amendment that would do

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<sup>83</sup> *Idem* 55

just that.<sup>84</sup> The amendment failed, and though there is not any further evidence or testimony as to why he did not support the bill, the fact that his amendment did not pass can be seen as one possible reason.

On another note regarding the MAP-21 bill, the Senate EPW Committee claimed that the bill would have supported 23,100 jobs for South Carolina.<sup>85</sup> This is not to say that these Senators are purposely keeping the people out of work, as both sides of the aisle can toss around job numbers in an attempt to get votes. Moreover, although both South Carolina Senators are Republicans, the bill still received strong Republican support outside of Myrtle Beach. To illustrate this point best, James Inhofe, a Republican Senator from Oklahoma, ranked as the 9th most conservative member of the Senate, not only voted for the bill, but co-sponsored it with Barbara Boxer, a Democrat from California, ranked as the 5th most liberal Senator.<sup>86</sup>

However, after a long, arduous process, MAP-21 was eventually passed. Senators DeMint and Graham both voted against the bill in the Senate, not changing their votes from

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<sup>84</sup> "S.AMDT.1756 Amends: S.1813 ." THOMAS (Library of Congress). thomas.loc.gov/cgi-bin/bdquery/D?d112:244:./temp/~bdbxSd:|/home/LegislativeData.php?n=BSS;c=112| (accessed May 7, 2012).

<sup>85</sup> "MAP 21 Protects 1.9 Million Jobs Nationwide and Creates 1 Million More Jobs Through Leveraging Transportation Funds." United States Senate Democrats. [www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCUQFjAA&url=http%3A%2F%2Fdemocrats.senate.gov%2Fuploads%2F2012%2F03%2FMAP-21-Jobs-Chart-Highways-Transit.pdf&ei=Vu6eT4i0HOXG0AG9wIDIDg&usg=AFQjCNHACgEmb37wXfUmuJEOoy81wW9Wdw&sig2=QAIN7fXBDsFG6p1dX\\_5YA](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCUQFjAA&url=http%3A%2F%2Fdemocrats.senate.gov%2Fuploads%2F2012%2F03%2FMAP-21-Jobs-Chart-Highways-Transit.pdf&ei=Vu6eT4i0HOXG0AG9wIDIDg&usg=AFQjCNHACgEmb37wXfUmuJEOoy81wW9Wdw&sig2=QAIN7fXBDsFG6p1dX_5YA) (accessed April 23, 2012).

<sup>86</sup> Brownstein, Ronald. "Mapping the Vote Ratings: Senate - Ryan Morris and Peter Bell - NationalJournal.com." NationalJournal.com. <http://www.nationaljournal.com/voteratings2011/mapping-the-vote-ratings-senate-20120223> (accessed April 30, 2012).



the earlier vote mentioned above. The bill passed the Senate by a 74-19 margin.<sup>87</sup> In addition, all five South Carolina Republicans in the House of Representatives voted against the bill, which passed the House by a 373-52-7 margin.<sup>88</sup> Even Jim Clyburn, the only Democrat in South Carolina's Congressional delegation did not vote in favor of MAP-21: he did not vote.

This vote, just like all of the previous votes, was made with reelection implications in mind. This time, however, it was not so much whether the legislation provided enough transportation benefits to the state of South Carolina, but a discussion of whether the federal government should be providing transportation funding to the states. In an op-ed, Senator DeMint discussed that he did not approve of any of the bills presented, whether Democrats or Republicans brought them forth.<sup>89</sup> His calculation was that the people of South Carolina were more in favor of reduced federal spending rather than having federal transportation dollars spent on their state. Interestingly enough, however, Senator DeMint has recently announced his resignation from the Senate, as he will assume a leadership role

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<sup>87</sup> "U.S. Senate: Legislation & Records Home > Votes > Roll Call Vote." U.S. Senate. [http://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=112&session=2&vote=00172](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=112&session=2&vote=00172) (accessed November 30, 2012)

<sup>88</sup> "FINAL VOTE RESULTS FOR ROLL CALL 451." United States House of Representatives. [clerk.house.gov/evs/2012/roll451.xml](http://clerk.house.gov/evs/2012/roll451.xml) (accessed November 23, 2012).

<sup>89</sup> DeMint, Jim. "Jim DeMint: Ready for Another Rotten Highway Bill? - WSJ.com." The Wall Street Journal. <http://online.wsj.com/article/SB10001424052970204795304577223421060960612.html> (accessed November 30, 2012).

at The Heritage Foundation.<sup>90</sup> With this development, there is uncertainty as to whether the Senator knew at the time of the vote that he would be leaving Congress, but for the purpose of this paper, it will be assumed that the vote was made with reelection in mind.

It is uncertain as to why the rest of the Congressional delegation did not vote for this legislation. One of the key aspects of the legislation was a return to responsible funding. According to the Federal Highway Administration, no state would receive less than 95 cents of every dollar that it contributed to the Highway Trust Fund.<sup>91</sup> This would appear to be a fair deal for a state like South Carolina, which historically was a much more extreme donor state. However, it appears that there is no concrete explanation given by any other members of the delegation explaining their opposition to the legislation. With such a unified vote, it would appear as if the delegation rallied around Senator DeMint's calls for a devolved policy, and that the Congressmen would not have been satisfied with any federal transportation legislation.

## **Conclusion**

While the politicization of transportation is a relatively new phenomenon, it is one that might be here to stay, especially with the elimination of earmarks. While they have done some good things for transportation policy, examples such as the so-called "bridge to

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<sup>90</sup> Raju, Manu, and Scott Wong. "Jim DeMint to resign to head Heritage Foundation - Manu Raju and Scott Wong - POLITICO.com." POLITICO. <http://www.politico.com/story/2012/12/jim-demint-retires-to-head-heritage-foundation-84687.html> (accessed December 10, 2012).

<sup>91</sup> "MAP-21 - A Summary of Highway Provisions | Federal Highway Administration." Home | Federal Highway Administration. <http://www.fhwa.dot.gov/map21/summaryinfo.cfm> (accessed November 30, 2012).

nowhere” have forced this policy tool out of Washington.<sup>92</sup> This ultimately leaves states with more responsibility to compete for federal funds and to fund projects that would have previously come as earmarks, without those earmarks.

Fortunately, South Carolina does have some things going in its favor, such as its strong infrastructure bank. Although South Carolina has always been more of a donor state, their infrastructure bank has been used to finance many projects, including parts of I-73 mentioned earlier in this paper.<sup>93</sup> However, while infrastructure banks and other state-level funding initiatives are important, the importance of federal transportation investments cannot be ignored. As stated earlier, the US is lagging behind other nations’ investment in transportation. Ultimately, while it is the workers who build the roads, bridges, rails, waterways, and other infrastructure, it is the politicians who provide the funding for it to happen.

Earmarks or not, it is up the politicians voted into office who have the responsibility of funding and providing the investments in infrastructure that are necessary to keep the nation from crumbling. While the devolution view that transportation policy should be best left to the states is a legitimate view, simply voting against any federal legislation is not the most responsible way to fix the nation’s infrastructure problem. While transportation policy might not be on the tip of those voters’ tongues in comparison to other issues, it is up

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<sup>92</sup> "Republicans Approve Earmark Moratorium, Ban Pork-Barrel Spending in 2011 - ABC News." ABCNews.com - Breaking News, Latest News & Top Video News - ABC News. [http://abcnews.go.com/Politics/earmark-moratorium-republicans-poised-ban-pork-barrel-spending/story?id=12155964#.T59Ikz\\_1Lfg](http://abcnews.go.com/Politics/earmark-moratorium-republicans-poised-ban-pork-barrel-spending/story?id=12155964#.T59Ikz_1Lfg) (accessed April 30, 2012).

<sup>93</sup> "Application for Tolling & Pricing For I-73 in South Carolina." SCDOT. [ops.fhwa.dot.gov/tolling\\_pricing/i\\_73phaseiiapp.pdf](http://ops.fhwa.dot.gov/tolling_pricing/i_73phaseiiapp.pdf) (accessed April 20, 2012).

to the politicians, the power-holders, to make the right decisions for their people, whether they are pressured by them or not.

Transportation politics will always be majoritarian politics. In order to be effective, costs and benefits must be widely distributed. However, it is unknown whether transportation policy will be crafted in the regulatory arena in the future, or if it will return to the distributive arena. After shifting more and more into the distributive arena from 1991-2005, the abrupt shift towards the regulatory arena fundamentally changed the way transportation policy is formed. Distributive transportation politics were something that most legislators over this two-decade period approved of. The farther transportation politics moved toward the distributive end of the political spectrum, the more roll call votes they received. However, while desirable, this arena of politics was unsustainable. When new legislation was finally passed in 2012, it fell in line with majoritarian politics: many interests combining, leading to a policy that has been said to be “neither transformational nor a long-term problem solver”.<sup>94</sup> The new legislation was a “victory” only in the sense that it was finally a step towards new policy, after the many extensions of SAFETEA-LU.

Ultimately it is up to voters to address these issues to their legislators. Seeing as reelection is the main factor in the way Congressional votes are cast, legislators will not change the way they vote on transportation legislation unless doing so will increase their chances of being reelected. While there can be an entire different discussion on how to put

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<sup>94</sup> Freemark, Yonah. "Congress Passes Major Transportation Bill, Preserving the Status Quo." The Transport Politic. [www.thetransportpolitic.com/2012/07/01/congress-passes-major-transportation-bill-preserving-the-status-quo/](http://www.thetransportpolitic.com/2012/07/01/congress-passes-major-transportation-bill-preserving-the-status-quo/) (accessed December 7, 2012).

together a grassroots campaign to entice citizens to clamor for legislation, that is not the aim of this paper. As long as there continue Congressional elections, members of Congress will continue to seek reelection. When MAP-21 expires in September 2014, it is not known what arena the next legislation will be crafted in. What is known, however, is that as long as voters do not view transportation as an important issue, the legislators they elect to Congress will not view transportation as an important issue. The only thing that can be agreed upon is the hope that it is not the failing of infrastructure and the loss of human life that changes these views.