

Road planning short-circuited in Congress

N.C. delegation's add-ons to highway bills often delay or kill projects in state's long-range plan

Pat Stith, Staff Writer

North Carolina's members of Congress quietly took control of more than \$135 million from the state Department of Transportation last year to help pay for dozens of highway projects they favored.

That means other projects deemed more important by state and local officials must be delayed.

The new projects dictated by Congress didn't have enough support in North Carolina to be included among the 2,337 funded in the state's 2006-2012 Transportation Improvement Program. But some local officials and others hired Washington lobbyists to plead their case for highway money.

The congressional highway spending mandates in the transportation reauthorization bill, called earmarks, usually provide no additional money. They require that existing funds be spent on specific projects.

New projects earmarked by members of the delegation include pedestrian and bike paths in Cary, Durham and Durham County, and roads for a park in Asheville

and a university athletic facility in Charlotte.

A road-widening project Concord wanted went from not-on-the-horizon to build-it-in-2009 -- lightning speed for major highway work.

Drivers pay 48.3 cents in tax on each gallon of gasoline they buy in North Carolina -- that's 18.4 cents in federal taxes and 29.9 cents in state taxes. Within broad guidelines set by Congress, the states have traditionally decided how to spend their share of federal gasoline tax receipts. But that is changing.

The growth of earmarks in the transportation reauthorization bill, which Congress considers about every six years, has been remarkable. It raises questions about who knows best how to spend federal highway money: members of Congress, or state and local officials and the highway planners who assist them.

In 1987, the transportation reauthorization bill included 152 earmarks, and President Reagan vetoed it, in part because he considered that too many. In last year's bill, there were 6,371, according to Taxpayers for Common Sense, a nonpartisan budget watchdog.

In North Carolina, highway earmarks in the reauthorization bill now represent 6 percent to 7 percent of the \$4.4 billion in federal money the state expects to get from 2005 to 2009.

Calvin W. Leggett, manager of the state Department of Transportation's Program Development Branch, said there has been some grumbling among local planning groups but, so far, they have all deferred to the congressional delegation and approved the new projects.

"People in Washington make laws," he said. "They make laws about lots of things. Transportation is just a small piece of what they do. What kind of debate's gonna ensue if you ... defy 'em?"

Rob Peter, pay Paul

To build projects earmarked by Congress, the state must almost always take money from other plans.

For its Derita Road widening project, Concord got four earmarks totaling \$9.95 million. All that money would have come to North Carolina anyway -- but for other projects. Something had to go. In this case, the widening of Poplar Tent Road in Concord will be delayed at least four years.

Most of the time, there is no way to know which projects are being delayed because of earmarks. Those projects are commingled with other work delayed because of inflation or because of other, more pressing, needs. The draft of the 2007-2013 state Transportation Improvement Program, released in August, identified more than 125 projects the state plans to delay "to assist in balancing funds."

Congressional legislation does not say who earmarked a project, although most North Carolina lawmakers claimed credit for certain projects in news releases. And the legislative language is so vague that it is often difficult to know who is benefiting. An earmark intended for Queens University in Charlotte, for example, does not mention the university.

In one instance, state highway officials couldn't even figure out what they were supposed to do.

The 2004 highway appropriations bill set aside \$200,000 for a study of U.S. 276, which runs through several mountain counties into South Carolina.

"We don't have anything we want to study on U.S. 276, and nobody has come forward and said, 'Why aren't you all studying 276?' " said R. Van Argabright, state Transportation Improvement Program squad leader.

Bypassing state DOT

The increase in earmarks is driven in part by senators and representatives who want credit for highway work and in part by local government officials who want help.

There is not enough money to build all the road projects local officials say they need. That shortage is caused primarily by escalating construction costs, up 44 percent over the past three years, Leggett said.

Rep. G.K. Butterfield, a Wilson Democrat, said he is trying to get whatever he can for his district, which includes traditionally poor areas of northeastern North Carolina.

"For those of us who represent rural communities, it's the way for us to get resources that we otherwise would not get," Butterfield said. "I am going to avail myself of every earmark opportunity that exists and not apologize for it."

Local officials and others, such as universities, are hiring Washington lobbyists, paying fees that can exceed \$100,000 a year and taking their case to Congress. They bypass the elaborate transportation planning process mandated by the federal government and end up killing or delaying other projects in their area.

"When you have an earmark, you've got someone basically short-circuiting that process," said Mark L. Foster, the state transportation department's chief financial officer. Every earmark that doesn't bring in new money fuels the competition for more earmarks.

State Transportation Secretary Lyndo Tippet calls earmarks a "flawed" process. There is little he or anyone else outside of Congress can do about it, but the Board of Transportation is trying.

In an effort to restrain earmarks for projects that are not funded in the Transportation Improvement Program, the board adopted a policy last fall that puts local governments and others on notice: If you go to Washington and get an earmark for a project that isn't in the program, or is in the program but hasn't been funded, you're pretty much on your own. You plan it, you engineer it, you build it and you put up the 20 percent match and any other money needed to complete the project.

DOT self-defense

The North Carolina delegation put 115 highway earmarks in the 2005 reauthorization bill. Fifty-four were for projects that were already in the works. Many were requested by the state Department of Transportation -- in self-defense.

For several years, the department has assigned one of its employees to work in Washington, lobbying members of the North Carolina delegation. Part of Caitlin H. Rayman's job, Leggett said, is to ask members of the delegation to earmark projects that the state already intends to build.

"If all they're doing is taking money that North Carolina would get anyway, we would much prefer to set priorities inside North Carolina than to have them set in Washington, period," Leggett said.

Earmarking a project that is already in the state's plans allows the delegation member

to claim credit for the transportation work.

Local frustration

Pat Mumford, a Charlotte City Council member who heads the transportation planning committee for Mecklenburg and Union Counties, says the earmarking process is frustrating because it undermines plans made by local and state officials.

Committees such as the one he heads -- there are 17 across the state -- study their area's transportation needs, conduct public hearings and come up with a plan. Those plans are reviewed by the state Board of Transportation and incorporated in the statewide Transportation Improvement Program.

"If we keep doing this, people are going to go straight to Washington to avoid the process," he said. "And that's what we don't want to have happen."

Members of the state's congressional delegation mean well, he said, but they don't understand that they're just "shuffling the deck," moving money from one project to another. Next month, he said, the Mecklenburg-Union Metropolitan Planning Organization will consider canceling or postponing almost \$20 million worth of projects to pay for earmarks that did not bring new money to the area.

Ed Johnson, director of the metropolitan planning organization that includes Wake and parts of four nearby counties, said the normal funding process is so far behind that communities have started using political action.

"In my mind, it's a sign of desperation and a lack of confidence in the system addressing needs like it ought to," Johnson said.

Defending earmarks

Rep. David Price, a Chapel Hill Democrat who represents all of Durham and Orange counties and parts of Wake and Chatham, said that Democrats, because they are in the minority, have little say about earmarks.

In the 2005 transportation reauthorization bill, he said, he was allowed to earmark \$14.5 million.

"I'm not on the Transportation Committee. ... It would not surprise me if members of the committee, especially the senior members, got more," he said.

Price assigned most of his earmark money to projects in the Transportation

Improvement Program: \$8.8 million for Raleigh's Outer Loop, \$1.6 million for the American Tobacco Trail in Durham and Chatham counties and, in a different part of the bill, \$1.3 million for a park-and-ride lot in Chapel Hill.

But he also earmarked \$2.8 million for bicycle and pedestrian trails in Cary, Durham and Durham County. Since those projects were not in the state plan and did not bring in additional money, other projects in the same highway division will have to be delayed to pay for them.

Price said there have been abuses of earmarks. But overall, he defends them, saying Congress should not be an "echo chamber" for the state Department of Transportation.

He said the total of all the earmarks is a "tiny percentage" of the state's federal highway allocation.

"Should a member of Congress have any say in this?" Price asked. "I think the answer is yes."

(News researcher Brooke Cain contributed to this report.)

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