

March 18, 2021

The Honorable Peter DeFazio  
Chair  
Committee on Transportation and Infrastructure  
United States House of Representatives  
Washington, DC 20515

The Honorable Rosa DeLauro  
Chair  
Committee on Appropriations  
United States House of Representatives  
Washington, DC 20515

The Honorable Sam Graves  
Ranking Member  
Committee on Transportation and Infrastructure  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Kay Granger  
Ranking Member  
Committee on Appropriations  
United States House of Representatives  
Washington, D.C. 20515

Dear Chair DeFazio, Chair DeLauro, Ranking Member Graves, and Ranking Member Granger:

As the organization representing all 50 state departments of transportation (state DOTs), the District of Columbia, and Puerto Rico, the American Association of State Highway and Transportation Officials (AASHTO) writes to provide the practical perspective of infrastructure owners and program administrators on the process of awarding Congressionally-directed funding—commonly referred to as earmarks—to transportation projects in the upcoming FY 2022 appropriations cycle and surface transportation reauthorization legislation.

First, we're grateful for your continued efforts to provide as much budgetary resources for surface transportation despite fiscal challenges that have become even more difficult due to the pandemic this past year. From providing supplemental highway and transit funding from the General Fund in recent appropriations bills, extending the FAST Act for a full year with a corresponding general fund transfer to keep the Highway Trust Fund solvent, to providing \$10 billion in direct Covid relief to state DOTs, your role as champion of transportation investment is greatly appreciated.

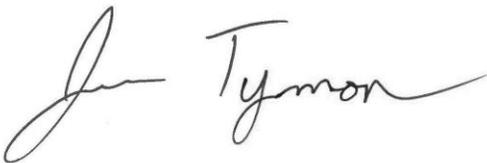
We also commend the reforms and guidelines set forth in your approaches to the return of Congressionally-directed funding. Specifically, we agree with you that requests for Congressionally-directed spending should reflect established planning processes by being selected from the Statewide Transportation Improvement Program (STIP) or metropolitan Transportation Improvement Program (TIP). We recommend further strengthening this requirement by focusing only on the fiscally constrained portion of the STIP and TIP. We also agree that Congress should avoid allocating a negligible amount of funding which will not significantly advance or complete the proposed project. Each earmarked project should have sources of funding identified for the cost of the entire project along with letters from all entities committed to funding the project indicating they are capable of doing so.

Congressional earmarking of mandatory transportation contract authority undercuts the state and local prioritization and public input process for the programming of federal transportation dollars. Many of the prior transportation earmarks have shown to inadequately reflect state and local priorities, thereby creating significant disruptions for state and regional transportation agencies. In order to ensure that the prioritization and public input process is not subverted, transportation earmarks should be provided outside of the Federal-aid Highway Program funds currently guaranteed to states via the formula program. Congressionally-directed project funding that comes from within the state's federal share jeopardizes the ability of state DOTs to program and obligate Federal-aid formula dollars for well-established state and local priorities. Earmarking of the formula program with individual Congressionally-directed projects may also prevent states and local governments from being able to achieve implementation of key national policy and performance goals as directed by Congress.

In addition, there are well-documented instances of funding for Congressionally-designated transportation projects that have remained unobligated for years because the project was not ready for federal investment. For this reason, we laud Congress for establishing an annual process since FY 2016 for state DOTs to repurpose unobligated earmarks that could not be used as originally intended, thereby allowing these unobligated funds to be put to work. However, in order to avoid federal transportation funds from sitting unused for multiple years, Congress should establish a reasonable obligation timeframe for any earmarked funds. If Congressionally-designated funding does not get obligated within a set timeframe, the state DOT should be provided the authority to repurpose the funds.

AASHTO's members are fully committed to working collaboratively with Members of Congress to further strengthen the federal-state partnership to advance transportation priorities. If you have any questions, please contact Joung Lee, AASHTO's Director of Policy and Government Relations at 202-425-0969 or [jlee@aaashto.org](mailto:jlee@aaashto.org).

Sincerely,

A handwritten signature in black ink that reads "Jim Tymon". The signature is fluid and cursive, with the first name "Jim" and the last name "Tymon" clearly legible.

Jim Tymon  
Executive Director

cc:

The Honorable Nancy Pelosi, Speaker, United States House of Representatives  
The Honorable Charles E. Schumer, Senate Majority Leader, United States Senate  
The Honorable Mitch McConnell, Republican Leader, United States Senate  
The Honorable Kevin McCarthy, Republican Leader, United States House of Representatives  
The Honorable Kay Granger, Ranking Member, House Appropriations Committee  
The Honorable David E. Price, Chair, House Appropriations Subcommittee on Transportation,  
Housing and Urban Development, and Related Agencies  
The Honorable Mario Diaz-Balart, Ranking Member, House Appropriations Subcommittee on  
Transportation, Housing and Urban Development, and Related Agencies  
The Honorable Sam Graves, Ranking Member, House Transportation and Infrastructure  
Committee  
The Honorable Eleanor Holmes Norton, Chair, House Transportation and Infrastructure  
Subcommittee on Highways and Transit  
The Honorable Rodney Davis, Ranking Member, House Transportation and Infrastructure  
Subcommittee on Highways and Transit  
The Honorable Patrick J. Leahy, Chair, Senate Appropriations Committee  
The Honorable, Richard Shelby Ranking Member, Senate Appropriations Committee  
The Honorable Brian Schatz; Chair, Senate Appropriations Subcommittee on Transportation,  
Housing and Urban Development, and Related Agencies  
The Honorable Susan Collins, Ranking Member, Senate Appropriations Subcommittee on  
Transportation, Housing and Urban Development, and Related Agencies  
The Honorable Thomas R. Carper, Chair, Senate Environment and Public Works Committee  
The Honorable Shelley Moore Capito, Ranking Member, Senate Environment and Public Works  
Committee