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Voting Themselves Bigger Budgets

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An implicit principle in a democracy is that the officials who decide how your taxes are spent represent you, the taxpayers, and not the bureaucracies that receive your taxes. But Congress violated this principle when it wrote MAP-21, the 2012 transportation law. As detailed in a proposed rule earlier this month, the law gives transit agencies in major urban areas a vote on how much of each region's transportation dollars are spent on transit.

State legislatures are made up of people elected by various voting districts, not representatives selected by the state departments of transportation, justice, welfare, fish & wildlife, parks, and other bureaucracies. Similarly, city councils are made up of people elected by the voters in that city, not by representatives selected by the various water, transportation, fire, and other bureaus.

In 1962, Congress mandated that urban areas of 50,000 people or more create metropolitan planning organizations (MPOs) that would decide how to spend federal transportation and housing funds. At that time, it recognized this principle, specifying that the governing board of each MPO consist of elected officials from the various cities and counties in that urban area. While this was one step removed from the voters, it at least insured that the voters had an indirect say over how their money is spent.

However, MAP-21, the 2012 law reauthorizing federal transportation funding (including funding for MPOs), departed from this principle by requiring that transit agencies in all urban areas with 200,000 or more people be given representation on the MPO boards. In other words, the bureaucrats themselves will get to vote on their own budgets.

Some might think that it is unfair that transit agencies get a vote on MPO boards but highway and street agencies don't. In fact, it is unfair for any agency to have votes on the boards that help determine their own budgets.

Others might argue that transit agencies are a part of the community and deserve to have a say on the future of that community. But they already have a say through the city councilors and county commissioners elected by the people of the urban area, which includes most transit agency staff and employees (except those who commute from outside the region). Giving transit agencies their own seat on the MPO board violates the one-person, one-vote rule established by the Supreme Court in the 1960s.

We wouldn't be happy if the NSA got to have a seat on a Congressional committee investigating NSA spying on American citizens or one determining NSA budgets. We wouldn't be happy with oil companies having a seat on Congressional energy committees, or if university athletic departments got an automatic seat on a state higher education committees, or if a pavement company got an automatic seat on a city council's transportation committee. Why should transit agencies get an automatic seat on the board determining transit's share of federal and regional funding?

MAP-21 specified that the requirement that transit agencies have a seat on MPO boards go into effect by October 1, 2014. But MAP-21 itself expires on September 30, 2014. So Congress has the opportunity to redress this problem when it writes a new law to replace the current one.

Given a divided Congress, observers expect Congress will simply extend the current law with a few minor changes. But MAP-21 itself was simply an extension with, supposedly, a few minor changes.

If those who believe in the principles of representative government demand it, Congress could easily remove this provision from the law and specify that any transit (or other) agency officials already on MPO boards be taken off those boards immediately. Removing this conflict of interest is a small change compared with what fiscal conservatives might like to see done with federal transportation law, but it needs to be done to maintain the integrity of public decision making.

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