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John H. Toole

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STATEMENT of John H. Toole

On the Anti-Diversion Amendment to the Montana Constitution

The excise tax on motor vehicle fuel, along with other vehicle taxes, has now reached the stage where it is force feeding annually to the State Highway Department over \$38,000,000. In my opinion it is time for the people of Montana to take another look at how these funds are being spent. Neither the people or the Legislature have the slightest control over this huge segment of the taxpayers money.

The use of the automobile is beginning to create tremendous social and economic problems but we continue to constitutionally earmark these millions for the construction of more and more highways for the use of more and more automobiles. Our cities cry for funds for bus lines to help transport individuals who do not have access to automobiles. Such bus lines would help relieve central city congestion. Abandoned car bodies besmirch our landscape and we are seemingly helpless to find a way to dispose of them. Merely finding a place to park the automobile is an acute problem. There is no question but that the automobile contributes to air pollution even in the wide open spaces of Montana. Certainly it should be plain to anyone that the Montana Highway Patrol, Driver Education, and other measures to reduce highway deaths and injuries should be legitimate charges against fuel taxes.

I am reluctant to levy criticism against the Highway Department which, I am sure, is composed of loyal and dedicated employees. However, since the funds they receive are controlled by absolutely no one, there is a tendency on the part of Highway Department employees to become unresponsive to the needs of the people.

The citizenry complains of arrogant and indifferent treatment when dealing with the department. There is no question but that some unnecessary roads are being built and other truly emergency projects are being neglected. There is a tendency to neglect complicated urban projects in favor of easily designed and constructed rural roads - - but it is precisely in the urban areas of Montana where the population is beginning to congregate and where the use of the automobile has created the greatest problems. Now I recognize that the financial district laws and other laws impose restrictions on the use of highway funds and I support efforts made to have these laws repealed.

The attached proposal retains anti-diversion as an earmarked fund. It simply broadens out the use of fuel taxes so that they can be used to correct some of the evils caused by the use of the automobile. It will NOT destroy Montana's highway program. I am aware that the anti-diversion amendment was a popular measure when it passed in 1956. I recognize that Montana's most powerful lobby supports it. I recognize that it attracts many millions of dollars in Federal Highway matching funds but, Mr. Chairman, times are changing. The Interstate System is nearing completion. Primary and secondary roads are being brought up to standard. It is time for us to question seriously the force feeding of millions of tax dollars into a program which is badly in need of alteration.

You are aware, along with me, that efforts are now being made to divert funds from the Federal Highway Trust Fund itself. In fact, some of those efforts have been made by Secretary of Transportation John Volpe, himself. Ultimately, it seems obvious that earmarked fuel taxes, both State and Federal, will be

subjected to severe public scrutiny and the uses to which they are put will no longer be totally the construction of more and more highways. Even should my proposal fail, I anticipate continued efforts to modify rigid anti-diversion amendments. Other states are heading in the same direction. This proposal is an attempt to keep up with the times.

Thank you Mr. Chairman