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# Senators Propose Transportation Fund Firewall

## Firewall Would Limit Funds To Transportation Projects

UPDATED 6:19 AM EST Feb 03, 2012

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Maryland law mandates that your gas tax dollars go to the state Transportation Trust Fund for use on roads, bridges and mass transit projects. In reality, the fund is often used to help balance the state budget.

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Gov. Martin O'Malley has yet to submit his plan to apply the state sales tax to gasoline. Earlier this week, the governor said he would support a mechanism to keep those funds from being used for other purposes, but some members of the House and Senate don't want to leave anything to chance.

Bills designed to protect existing and future transportation funds are now in the mix. Frederick-area Sen. David Brinkley, R-District 4, introduced a measure that under no circumstances can Transportation Trust Fund money be spent on anything other than transportation

projects.

"Let's put it this way, right now, the public can look at it as the transportation mistrust fund because that's exactly what has happened," Brinkley said. "They've violated it, tapped into it to just balance the state books. Until you have that discussion about making that ironclad and ensuring that when people put money in expecting that it is going to come back in the form of transportation projects, it needs to be sacrosanct."

A Democratic version of the same bill introduced by Montgomery County Sen. Rob Gargiola, D-District 15, gives the governor some wiggle room. Gargiola and Brinkley are running against each other for a seat in the 6th Congressional District.

Gargiola considers his version of the bill responsible, saying, in part, "I think that, under certain circumstances, the governor puts a gas tax increase forward and a catastrophic thing occurs. Those are the type of circumstances where he might want to borrow the money, but otherwise, you are talking about a very high hurdle. Largely, what we are talking about -- even with my proposal -- is those funds are going to be kept in the Transportation Trust Fund. They are going to go to transportation, go to roads, go to maintenance, go to transit. That's where they should go and that's where they are going to go under my bill."

Under Gargiola's legislation, the governor would have the authority to transfer money out of the Transportation Trust Fund and use it for other things if the state is invaded by land, sea or air. The exemptions also include major catastrophes, incidents in which the governor proclaims a state of emergency; for the immediate preservation of public health and safety; and if the governor proposes a plan to repay the money that would be taken from the account within five years after using those funds.

### Senate President Miller In His Own Words

Senate leaders said any proposal to increase the gas tax will be a tough sell in the chamber, but some believe putting a firewall around transportation funding will pass with enough votes so that it won't be necessary to let voters decide through a referendum on the November 2012 ballot.

Baltimore County Sen. Ed Kasemeyer, D-District 12, who chairs of the powerful Budget and Taxation Committee, said even his colleagues will need more information about the Transportation Trust Fund before they vote on a bill to lock the money in place

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"People don't understand all the details or ramifications of what we use the money for. People want to know those things before they'll vote for something," Kasemeyer said.

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