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Arizona's 4th Congressional District

Testimony for members Day - House Committee on Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies

I would like to thank Chairman Diaz-Balart, Ranking Member Price and the Committee for their work on the appropriation process under their jurisdiction. I am Paul Gosar and I represent the 4th Congressional District of Arizona. I appreciate this opportunity to provide testimony supporting specific appropriations priorities for Arizona and the country as a whole.

First, I applaud the Committee's leadership and fiscal prudence in previous years that saved taxpayer money and protected the civil liberties of our constituents by preventing funds from going to the wasteful National Roadside Survey. As such, I request once again that the following language be retained in the next fiscal year Transportation, Housing and Urban Development, and Related Agencies Appropriations Act:

"SEC _____. None of the funds made available by this Act may be used to obligate or award funds for the National Highway Traffic Safety Administration's National Roadside Survey."

Civil libertarians have raised legitimate concerns about the unconstitutionality of this program. Put simply, this "survey" looks like and acts like a police checkpoint and uses uniformed officers to pull cars over. Under the Fourth Amendment, the United States Supreme Court has ruled that a "seizure" occurs when a vehicle is stopped at a checkpoint. The question thus becomes whether such seizures are "reasonable" under the Fourth Amendment. More

importantly, the courts have allowed police checkpoints only when there is a compelling public safety justification—such as stopping and arresting drunk drivers.

However, under the circumstances of this survey, there is no public safety justification that would warrant a checkpoint stop under this program. This wasteful and invasive survey does nothing to curb impaired driving; it is an abuse of power and a violation of our basic civil liberties. While the National Highway Traffic Safety Administration (NHTSA) claims the survey is voluntary, the process begins—as the NHTSA describes—with a “police officer working with the survey team to direct the potential respondent into the survey site without speaking to the driver.” Typically, a researcher then approaches the driver and takes a passive alcohol sensor reading before the driver agrees to participate in the survey. Passive alcohol sensors are small electronic units used to detect alcohol and are usually built into police flashlights or clipboards.

The National Highway Traffic Safety Administration has previously reported that they obtained, without permission, “sensor readings from well over 90 percent of these drivers who did not provide actual breath tests” or agree to participate in the survey. The latest survey squandered almost \$8 million in taxpayer money and did nothing to make our communities safer because drivers who ultimately refuse to participate are free to drive away even if the driver is impaired.

Let me be clear, I strongly support efforts which are proven to have actually contributed to the decrease in impaired driving since the 1970’s – such as local law enforcement operations, effective state and municipal policies that curb abuse, and worthwhile education efforts from organizations like Mothers Against Drunk Driving (MADD) and similar groups.

I thank the committee for their previous support of this civil liberty language and ask that it be included again in the next appropriations bill.

Another issue that I would like to highlight for the Committee's support is funding for congressionally designated High Priority Corridors or HPCs. These corridors are critical to the economy and security of the United States. Last Congress, I was proud to work with a bipartisan group of Members and stakeholders to pass legislation which expanded the designation of the future Interstate 11 to extend from Mexico all the way to Northern Nevada. This interstate comprises two High Priority Corridors, the CANAMEX Corridor and the Intermountain West Corridor.

Since 1991 HPCs have been identified, updated and funded in various transportation and appropriations bills. Although funding has been authorized, Congress has not recently appropriated funds specifically to High Priority Corridors. The statutory definition of these corridors, found in Section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991, clearly identify HPCs as appropriate recipients of federal funding, stating:

"It is the purpose of this section to identify highway corridors of national significance... and to provide increased funding for segments of these corridors that have been identified for construction... Many regions of the Nation are not now adequately served by the Interstate System of comparable highways and require further highway development... the development of transportation corridors is the most efficient and effective way of integrating regions and improving efficiency and safety of commerce and travel and further promoting economic development."

As this Committee works to identify spending priorities that will address truly national, multi-state transportation needs, I would encourage support of High Priority Corridors.

I understand the monumental task this committee faces each year to appropriate scarce taxpayer dollars to national priorities, and I appreciate their hard work. As you well know, the conversation cannot always be about finding more money. We must also look for ways to spend money more efficiently. In that regard, I look forward to working with this committee as well as other legislating and authorizing committees to institute reforms that will make our scarce transportation dollars go farther.

The High Priority Corridors identified as a “future interstate” present an amazing opportunity to build truly 21st Century infrastructure. Real policy reforms, such as streamlining the NEPA process and simplifying Davis-Bacon prevailing wage requirements can reduce the costs of these projects by billions. These future interstates could serve as pilot programs to test and demonstrate innovative policy reforms that save taxpayer money and better meet the infrastructure development we need to make America great again.

I appreciate the opportunity to testify today. I would like to thank all members of the Committee for your important work and with that, I yield back.