



# ALABAMA'S 2019 REBUILD ALABAMA ACT

A case study by the American Road and Transportation Builder's Transportation Investment Advocacy Center™.

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TIAC staff researches and prepares detailed case studies on recent successful, and unsuccessful, state and local legislative and ballot initiative campaigns aimed at increasing transportation infrastructure investment. Each study examines the politics, issues, media, and key players involved in the effort.

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## **About the Transportation Investment Advocacy Center**

The Transportation Investment Advocacy Center™ (TIAC) is a first-of-its kind, dynamic education program and Internet-based information resource designed to help private citizens, legislators, organizations and businesses successfully grow transportation investment at the state and local levels through the legislative and ballot initiative processes.

The TIAC website, [www.transportationinvestment.org](http://www.transportationinvestment.org), helps transportation investment advocates to mount successful campaigns. It exists to put in one place—and promote the sharing of—strategies... sample political and communications tools... legislative and ballot initiative language... and information on where to obtain professional campaign advice, research and help. TIAC staff produces regular research reports and analyses, hosts an annual workshop in Washington, D.C., and holds ongoing webinars for transportation investment advocates featuring case studies, best practices, and the latest in political and media strategies.

State and local chamber of commerce executives, state legislators, state and local transportation officials, “Better Roads & Transportation” group members, industry and labor executives, and leaders of state and local chapters of national organizations who have an interest in transportation development programs are welcomed to participate.

The Center’s program of work is also guided by a Transportation Investment Advocates Council, a national network of business professionals and public officials who share a common interest in building support for transportation infrastructure investments in their state or local community— roads, bridges, public transit, pedestrian walkways and cycling paths, airports, waterways, ports and rail facilities.

TIAC is a project of the American Road and Transportation Builders Association’s “Transportation Makes America Work!”™ and supported through voluntary contributions and sponsorships. To become a sponsor or to make a contribution, contact TIAC Director [Carolyn Kramer](#). Also contact Ms. Kramer or [Mr. McClellan](#) if you have questions or comments about any reports or case studies published through TIAC or would like more information on the program and the Council.

Contributions to this report were made by: Drew Harrell (Business Council of Alabama).

## INTRODUCTION

### TITLE OF LEGISLATION

Alabama House Bill 2

### RESULT

Signed into law by Gov. Kay Ivey (R) on March 12, 2019.

Alabama House Bill 2 (2019)			
	Date Approved	Yes Votes	No Votes
<b>House<sup>1</sup></b>	3/8/2019	84	20
<b>Senate<sup>2</sup></b>	3/12/2019	28	6

### PURPOSE OF LEGISLATION

House Bill 2 (HB 2), also cited as the Rebuild Alabama Act, levied an additional 10-cents-per-gallon excise tax on gasoline and diesel to be phased in by Oct.1, 2021. Beginning Oct. 1, 2023, and every other year afterwards, the excise tax rate will be adjusted by the percentage change in the average National Highway Construction Cost Index issued by the US Federal Highway Administration. Each adjustment cannot exceed an increase or decrease of more than \$.01 per net gallon of gasoline or diesel fuel. HB 2 also levied an additional annual license tax and registration fee of \$200 for battery electric vehicles and \$100 for plug-in hybrid electric vehicles by amending Section 40-12-242, Code of Alabama 1975. Combined, the bill's features will help generate more than \$300 million annually in additional transportation infrastructure investment.<sup>3</sup>

After distribution to the Alabama Highway Finance Corporation (AHFC) the net tax proceeds from the excise fuel tax shall be distributed and used for state, county, municipal, and Alabama State Port Authority transportation purposes.

- Each month, prior to remaining payments, up to \$750,000 of the tax proceeds from the additional excise tax on gasoline and up to \$230,000 of the tax proceeds from the additional excise tax on diesel shall be distributed first to the AHFC to pay the principal and interest on bonds issued by the AHFC to finance improvements to the ship channel providing access to Alabama State Docks facilities. The amount distributed cannot exceed \$150,000,000 in aggregate principal amount to be used for improvement projects.
- Consistent with the constitutional mandate that navigable waterways are public highways, a portion of the funds derived from the additional excise tax on gasoline and diesel shall be used to fund programs and activities of the Alabama State Port Authority for transportation purposes.

- 66.67 percent of proceeds shall be allocated to the Alabama Department of Transportation (ALDOT) and deposited in the Rebuild Alabama Fund to be used to match any available federal, state, and local transportation funding and for the following transportation infrastructure improvement, preservation, and maintenance projects:
  - Congestion Relief Program - This program will add capacity to state, US and interstate routes in highly congested areas of the state. ALDOT shall develop an assessment and prioritization plan to allocate funds for congestion relief projects.
  - Economic Development Roads Program - This program will develop and improve transportation infrastructure to enhance Alabama’s economic development efforts. ALDOT shall develop an assessment and prioritization plan to allocate funds for economic development road projects with priority given to projects in economically underserved areas of the state.
  - System Preservation - This program will address the ongoing and growing preservation and maintenance needs of the state's transportation infrastructure.
  - ALDOT shall create an annual grant program of no less than \$10,000,000 for use on any classified system of roads and bridges for which any city government or county government may apply.
  - Beginning on Oct. 1, 2019, ALDOT will annually allocate \$400,000 to each county in exchange for the annual federal allocation of \$533,000 which was being distributed to each county. ALDOT may use these funds at its discretion.
- 25 percent shall be allocated to the 67 counties of the state to be used for transportation infrastructure improvement, preservation, and maintenance.
- 8.33 percent shall be allocated to the municipalities of the state to be used for transportation infrastructure improvement, preservation, and maintenance.
- The Alabama Department of Revenue shall retain .25 percent of the tax proceeds from this excise fuel tax for its cost of collection.<sup>4</sup>

All proceeds of the annual license taxes and registration fees on battery electric and hybrid electric vehicles will be distributed to fund the cost of construction and maintenance of public roads, highways, and bridges.

- 75 percent of proceeds shall be distributed: 66.67 percent to the state, 25 percent to counties, and 8.33 percent to cities.
- The remainder shall be deposited in the Rebuild Alabama Fund and used by ALDOT to fund electric vehicle transportation charging infrastructure through the Electric Transportation Infrastructure Grant Program under certain conditions.<sup>5</sup>

HB 2 also made the following policy adjustments:

- Created the Alabama Transportation Rehabilitation and Improvement Program-II (ATRIP-II) to fund projects of local interest on the state-maintained highway system. These projects shall be developed and let to contract by ALDOT. ATRIP-II shall be an annual program funded by no less than \$30,000,000 and no more than \$50,000,000.
- Created the ATRIP-II Committee to review ATRIP-II projects submitted to it for funding.

- Created the Electric Transportation Charging Infrastructure Grant Program under ALDOT to solicit and distribute grants to implement electric vehicle transportation infrastructure.
- Created the Rebuild Alabama Fund in the State Treasury where proceeds from designated revenues shall be deposited.
- ALDOT shall establish and apply Disadvantaged Business Enterprise (DBE) goals in the same manner and consistent with the requirements respecting DBEs of the Federal Highway Administration for road and bridge and other similar contracts funded with federal funds.
- Amended Sections 11-6-4 and 11-6-23, Code of Alabama 1975, requiring ALDOT contribute to the salary of the county engineer or chief engineer and modify the Department's reimbursement cap for the county engineer trainee's salary.
- Repealed Section 11-6-6, Code of Alabama 1975.
- Amended Section 40-17-331, Code of Alabama 1975, to impose a floor-stocks tax on motor fuel held in inventory outside of the bulk transfer/terminal system.<sup>6</sup>

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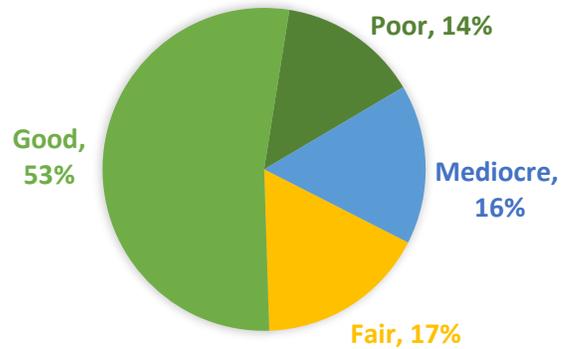
## ALABAMA'S TRANSPORTATION CONDITIONS

In 2017 Alabama was home to a total of 101,097 miles of roadway (72,405 miles of rural roadway and 28,692 miles of urban roadway) and 211,339 lane miles.<sup>7</sup> About 30 percent of major roads are in poor or mediocre condition and over half are in good condition.<sup>8</sup>

Out of Alabama's 16,130 bridges 8,603 and 689 were deemed to be in fair and poor condition, respectively.<sup>9</sup> In 2017 ALDOT released a "maintenance responsibility" count of state, county, city, and other bridges in need of repair, which totaled the number of functionally obsolete and structurally deficient bridges at 2,127 and 1,136 respectively.<sup>10</sup>

A 2019 TRIP Report on Alabama's mobility needs found that driving on deteriorated and congested roads that lack certain safety features costs Alabama drivers \$5.3 billion annually in the form of wasted time, lost fuel, and vehicle operating costs. Roadway features are estimated to be a contributing factor in approximately one-third of all fatal traffic crashes, and \$1.8 billion in economic costs in 2017. These road conditions continue to worsen as Alabama's increasing passenger and freight movement place further burdens on the transportation network.<sup>12</sup>

### Statewide Road Conditions (2017)



### Maintenance Responsibility Report 2017<sup>11</sup>

	State	County	City	Other
<b>Total Structures</b>	5748	8620	1540	61
<b>Functionally Obsolete</b>	969	834	309	15
<b>Structurally Deficient</b>	90	888	137	21
<b>Load Posted</b>	12	2197	219	19
<b>Closed</b>	7	149	22	7
<b>Temporary Work</b>	50	98	6	2

## ALABAMA'S LEGISLATIVE CONTEXT

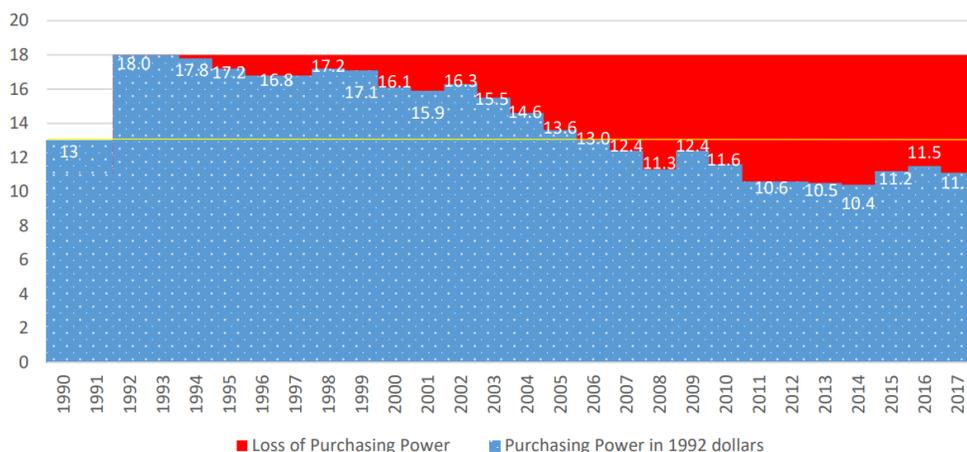
The Alabama Legislature (specifically the permanent Joint Transportation Committee) takes a substantial role in determining ALDOT's investment priorities, however the agency can also serve in an advisory capacity. In an annual report to the governor, ALDOT offers legislative recommendations accompanied by information the governor or Legislature deems expedient. This allows ALDOT to comment on a bill's adverse or beneficial impact to the department and state transportation. The governor may request legislation drafts sponsored and introduced by legislators, but ALDOT is initial input and recommendations.<sup>13</sup>

ALDOT spending levels are set by the Legislature in the annual appropriation act. State and federal transportation funds are allocated to ALDOT as lump sum appropriations to the department. The Joint Transportation Committee also approves the long-range highway plan, including the use of state and federal funds.<sup>14</sup>

## ALABAMA'S TRANSPORTATION FUNDING CONTEXT

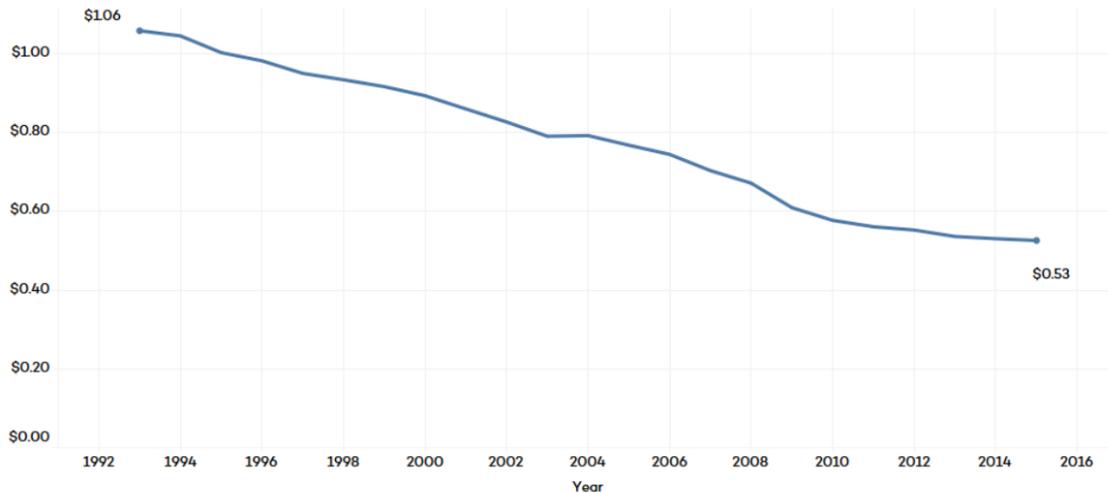
### FUNDING EFFECTIVENESS PRIOR TO HB2

Alabama's transportation funding mechanisms have lost and continue to lose effectiveness due to increased fuel efficiency, fleet makeup, and inflation. A study from a division of the University of Alabama's Transportation Institute found that since its institution, the state's 1992 flat 18-cents-per-gallon excise tax on gasoline has lost a third of its purchasing power due to inflation.



*Alabama Gas Tax Purchasing Power (Cents per Gallon).<sup>15</sup>*

The yield of the per-gallon tax per 100 miles driven has been halved when calculating for inflation and improved fuel efficiency. The yield of per-gallon fuel taxes per 100 miles driven was \$1.06 in 1992, but this has declined to \$0.53 in 2016 when adjusted for inflation.



Yield of per gallon fuel taxes per 100 miles driven, adjusted for inflation.<sup>16</sup>

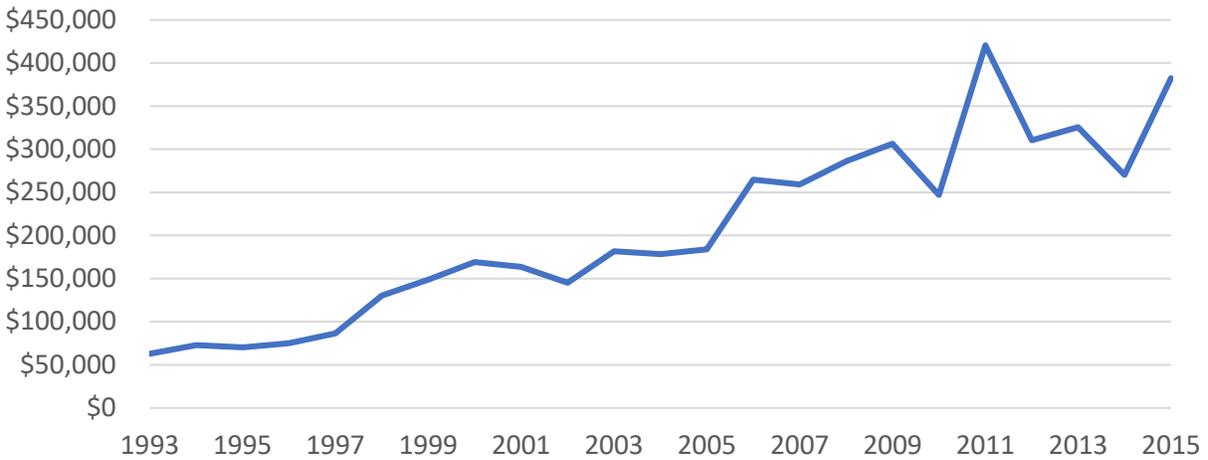
Funding effectiveness and longevity is diminished further when accounting for the rising costs of transportation construction and repair costs. From 1993 to 2015, the cost per mile to resurface Alabama state roads has increased over 400%. In FY 2015, ALDOT spent nearly quadrupled the amount of money it spent on resurfacing projects in 1993 but this only paid for about 60 percent of the roadway resurfaced in 1993.<sup>18</sup>

This trend of rising resurfacing costs is important to note, particularly as it pertains to HB 2. In 2023, HB 2 will adjust the excise tax by the percentage change in the average National Highway Construction Cost Index, which could provide Alabama with more revenue security than an inflation index as seen in other states.

### Resurfacing Projects by Fiscal Year<sup>17</sup>

FY	Cost	Miles	Cost Per Mile
1993	\$ 122,466,884	1948	\$ 62,868
1994	\$ 117,294,738	1606	\$ 73,035
1995	\$ 112,511,741	1599	\$ 70,364
1996	\$ 104,052,201	1385	\$ 75,128
1997	\$ 136,092,786	1575	\$ 86,408
1998	\$ 131,672,200	1011	\$ 130,240
1999	\$ 160,060,629	1075	\$ 148,894
2000	\$ 177,644,863	1050	\$ 169,186
2001	\$ 145,124,693	887	\$ 163,613
2002	\$ 171,764,850	1183	\$ 145,194
2003	\$ 149,774,641	824	\$ 181,765
2004	\$ 161,817,756	908	\$ 178,213
2005	\$ 174,665,425	949	\$ 184,052
2006	\$ 252,869,000	955	\$ 264,784
2007	\$ 175,259,000	676	\$ 259,259
2008	\$ 137,676,000	481	\$ 286,229
2009	\$ 256,067,000	836	\$ 306,300
2010	\$ 174,622,000	707	\$ 246,990
2011	\$ 248,104,000	590	\$ 420,515
2012	\$ 196,784,000	634	\$ 310,385
2013	\$ 260,037,000	799	\$ 325,453
2014	\$ 369,666,000	1367	\$ 270,421
2015	\$ 457,861,000	1197	\$ 382,507

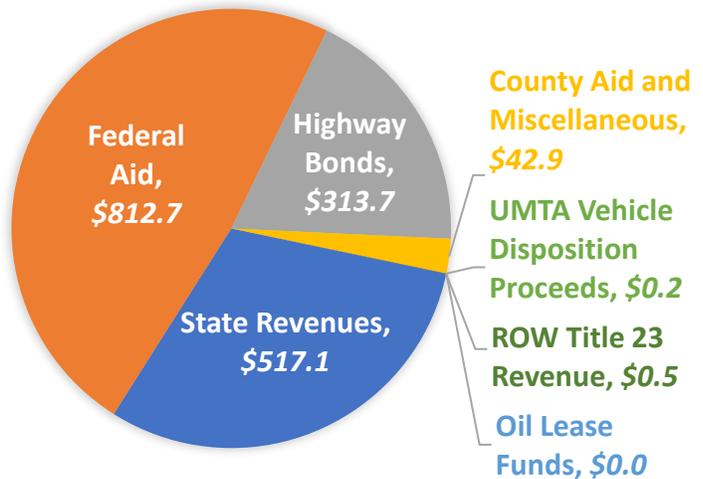
### Resurfacing Projects Cost Per Mile by Fiscal Year



### SOURCES OF REVENUE

Since 2005, federal aid has historically composed about 58 percent of ALDOT transportation revenue, about 35 percent is generated by the state, and other non-revenue receipts account for 7 percent of total receipts.<sup>19</sup> These figures shifted in fiscal year (FY) 2017: federal aid has dropped in amount and proportion now contributing roughly \$ 812.7 million (the lowest amount since at least 2013); 48 percent of all state highway funds. State revenues compose 31 percent of funds, and other non-revenue revenue now account for 21 percent of all funds. The federal government provides critical funding for Alabama’s transportation infrastructure and transit systems. This funding is primarily based on the revenue generated by the federal motor fuel tax within the state.

### State Highway Funds 2017 (in millions)



Most federal aid is administered and matched by the National Highway Performance Program and the Surface Transportation Program. The National Highway Performance Program ensures investments of federal-aid funds in highway construction support performance and progress toward a State's asset management plan for the National Highway System (NHS). Eligible projects can include installing vehicle communication equipment, reconstruction, resurfacing, preservation of non-NHS bridges if necessary, and supporting the NHS in other various ways<sup>20</sup> The Surface Transportation Program provides broad eligibility and flexible funding that may be used by States and localities for projects to preserve and improve any federal-aid highway, bridge, or tunnel projects on any public road, pedestrian or bicycle infrastructure, and transit capital projects.<sup>21</sup>

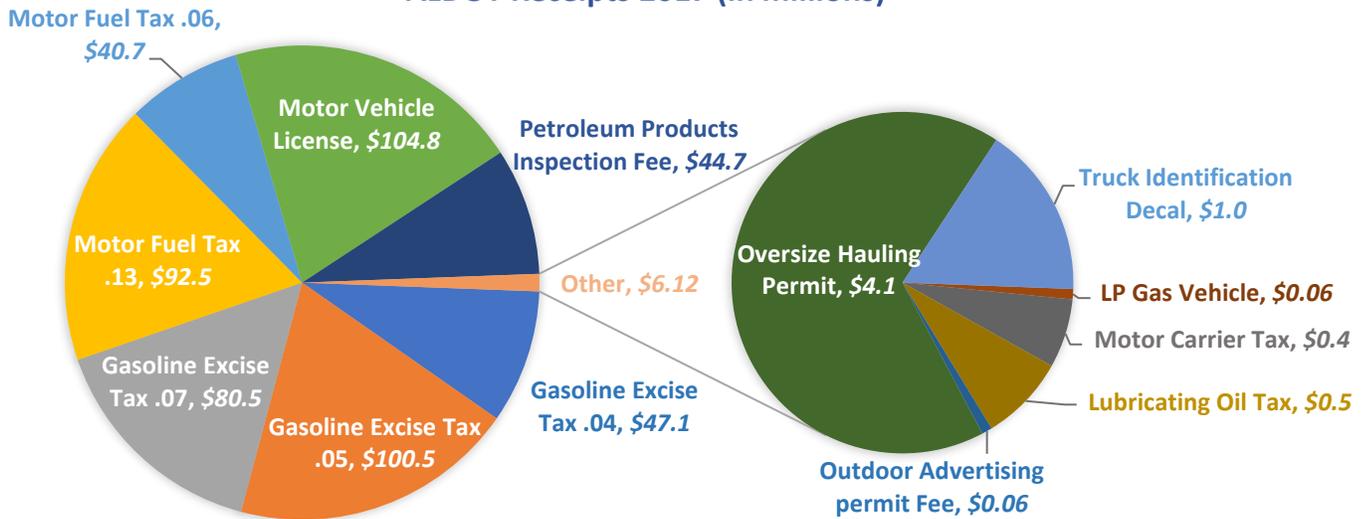
### Federal Funds Administered and Matched 2017<sup>22</sup>

National Highway Performance Program	\$ 342,697,606.24
Surface Transportation Program	\$ 346,324,231.22
Safety Program	\$ 35,403,163.10
Emergency Relief	\$ 14,813,159.73
Special Projects	\$ 56,148,842.70
Congestion Mitigation & Air Quality	\$ 4,301,313.54
Miscellaneous	\$ 20,132,689.11
Transportation Alternative	\$ 11,690,701.06
National Freight Program	\$ 20,664,956.00
<b>TOTAL</b>	<b>\$ 852,176,662.70</b>

In FY 2017, state revenues consist of various taxes and fees from multiple sources which totaled \$517,096,769:

- About 70 percent of state revenue was generated by taxes on motor fuel and a gasoline excise tax.
- About 29 percent of revenue was generated by motor vehicle license fees and the petroleum products inspection fees.
- About one percent of revenue was generated by fees on licenses, permits, decals, inspections, certain taxes, and advertising fees.
- State highway funds received no revenue from interest income.<sup>23</sup>

### ALDOT Receipts 2017 (in millions)



### REVENUE DRAINS

Beginning in 2013 and concluding in 2018, ATRIP (the Alabama Transportation Rehabilitation and Improvement Program) provided Alabama with more than \$1.3 billion in borrowed funds to buoy road spending and jumpstart improvements. Alabama has continued to increase the amount spent on its transportation network despite declining state fuel tax revenue. The borrowing authority has since been exhausted and state must now devote funds to repaying the debt, causing a \$200 million drop in available transportation funding. Alabama’s annual highway debt service rose to \$114 million in 2018, a level it is projected to stay at for the next 19 years, according to TRIP.<sup>24</sup> To contextualize this amount, Alabama was paying \$13.6 million annually in debt service in 2011, and \$27.6 million annually in 2015.<sup>25</sup> In less than a decade, debt service payments have increased by more than 800 percent.

### Debt Service Requirements: Alabama Federal Aid Highway Finance Authority Ramp Bonds<sup>26</sup>

Year	Bonds Outstanding	Interest	Redemption
2017	18,140,000.00	307,957.56	3,510,000.00
2018	14,630,000.00	248,710.00	3,565,000.00
2019	11,065,000.00	188,105.00	3,625,000.00
2020	7,440,000.00	126,653.26	3,690,000.00
2021	3,750,000.00	63,662.67	3,750,000.00
<b>TOTAL</b>		<b>935,088.49</b>	<b>18,140,000.00</b>

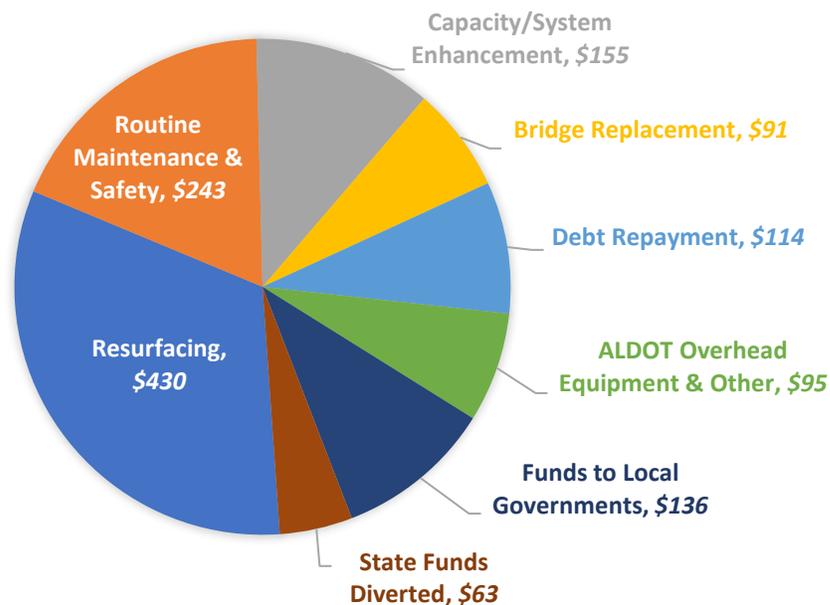
\*Original Issue Date of 11/29/16

Another drain on transportation revenue is the continued diversion of revenue traditionally earmarked for transportation to other recipients. Since 2012, legislators have shifted \$63.5 million annually from the Road and Bridge Improvement Fund to supplement the budget of the Alabama State Troopers and the administration of traffic courts, under Amendment No. 93. These budgetary diversions totaled less than \$25 million annually before 2010, but more than doubled in just two years leaving less revenue for construction and maintenance.<sup>27</sup>

## FUNDING ALLOCATION

Most of Alabama’s transportation budget is devoted to system preservation. In 2018, over half of ALDOT’s \$1.328 billion budget funded routine maintenance, resurfacing, and safety expenses.<sup>28</sup>

**ALDOT Expenditures 2018 (in millions)**



Vehicle miles traveled and the number of registered vehicles is increasing faster than Alabama’s transportation system is growing. A study from the University of Alabama’s Transportation Institute found that from 1990 to 2015 Alabama’s population increased 20 percent; registered vehicles increased 46 percent; and vehicle miles travelled increased 57 percent while number of lane-miles increased just 14.<sup>29</sup> The systems inability to accommodate the traffic volume will worsen as these trends progress. The Alabama Statewide Transportation Plan of 2017 projected ALDOT would need to invest “nearly \$7.8 billion in additional capacity through 2040 to simply maintain conditions and mitigate worsening conditions.”<sup>30</sup> Despite multiple attempts to generate more transportation revenue through various mechanisms, a gas tax increase has not received enough legislative support until HB 2 was passed.

## EFFORTS PRIOR TO HB 2

### PREVIOUS ATTEMPTS

Since 2015, the Alabama Legislature repeatedly attempted to pass forms of legislation to generate transportation revenue through various means. Most efforts were unsuccessful, and some were never introduced due to a lack of support. One bill in 2017 received the House of Representative’s Shroud Award, as it was deemed by “the deadest bill of the legislative session.”<sup>31</sup> The legislature did succeed in improving the groundwork to support transportation bill as they move through the legislature. In summary:

#### Approved

- Three bills established a permanent Joint Transportation Committee, the Alabama Transportation Safety Fund, the Alabama Public Transportation Trust Fund, and created the Public Transportation Trust Fund Advisory Committee.<sup>32</sup>
- Three bills authorized local increases in transportation revenue through a raise in fuel taxes or use of toll roads and bridges.
- A bill to support and empower the Alabama Transportation Infrastructure Bank was also approved.<sup>33</sup>

#### Failed

- At least eight bills attempted to issue bonds, generate local funding, raise the state motor fuel tax through various means, impose fees on alternative fuel vehicles, or establish the Alabama Road and Bridge Rehabilitation and Improvement Authority. All failed.<sup>34</sup>

## HB 2 AND ONWARD

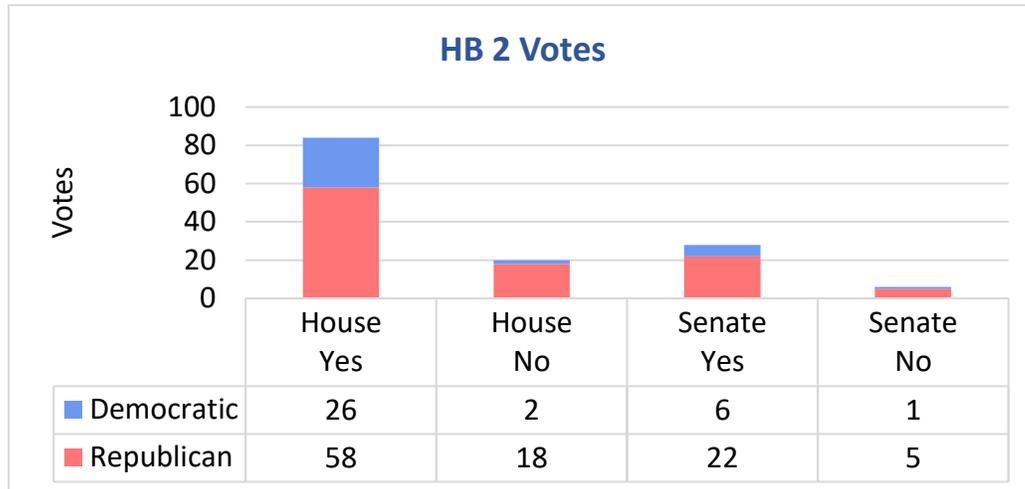
### LEGISLATIVE DETAILS

Gov. Kay Ivey (R) introduced her “Rebuild Alabama Infrastructure Plan” on Feb. 27, 2019 highlighting its intent to fund transportation improvements, preserve public safety, improve ship channels at the port of Mobile, and spur industry growth. On March 6, 2019 Ivey convened a special session focused solely on passing infrastructure legislation. On the same day Representative Bill Poole (R – 63), instrumental in crafting this plan, sponsored and introduced HB 2. Six days later, on March 12, HB 2 was passed and signed into law. HB 2 was acclaimed for achieving bipartisan support in the State House and Senate. The annual license taxes and registration fees enacted by HB 2 will be implemented January 1, 2020.

When the bill was approved, Gov. Kay Ivey (R) held office and Republicans held a majority in the State House and Senate. Of the 140 legislators, 80 percent voted to pass the bill, while 18.6 percent voted against it (two legislators did not vote).

- In the State House 84 representatives voted in favor of HB 2 while 20 opposed it. One representative did not vote.<sup>35</sup>

- In the State Senate 28 senators voted in favor of HB 2 while six opposed it. One senator did not vote.<sup>36</sup>



#### FUTURE SPENDING

The Alabama Transportation Institute also concluded that Alabama will need to invest a minimum of \$12 billion, or \$600 million annually, by 2040 in additional roadway capacity; the lowest amount needed to remain economically competitive. Investing \$16 billion, or \$800 million annually, in additional capacity would optimize Alabama’s transportation systems and economic opportunities. This study estimated the total economic benefits associated with investing in additional capacity under specific scenarios and conditions over the next 20 years.<sup>37</sup>

#### Economic Impact and Marginal Capacity Cost Over the Next 20 Years<sup>38</sup>

Scenario	Total cost over the next 20 years		ROI (economic impact divided by marginal cost)
	Statewide economic impact (in millions)	Marginal capacity cost (in millions)	
Current trend-business as usual	\$6,317	\$3,733	1.7
Maintain 2016 congestion level	\$33,305	\$13,867	2.4
Best among southeastern states	\$34,727	\$14,000	2.5
Middle of southeastern states	\$19,127	\$6,933	2.8
Optimum conditions alternative	\$37,755	\$13,467	2.8
Minimum cost competitive alternative (least that can be invested in new capacity and still allow the state to be economically competitive)	\$28,145	\$9,467	3.0

## POSSIBLE CHALLENGES

On March 27, Tom Fredricks contended that HB 2 is partially unconstitutional over language that would allow the state to invest gas tax revenue in the Port of Mobile and waterway improvement. Fredricks cites Alabama Constitutional Amendment 354, which limits the expenditure of all gas tax revenues to matters specifically pertaining to “highways” in the state such as construction, maintenance, and enforcing state motor vehicle laws. State lawmakers who support funding the Port of Mobile argue Section 24 of the Alabama Constitution states navigable waters are considered public highways. Fredricks is planning a legal challenge to the law.<sup>39</sup> If the text of the law that allocates money to the State Port Authority and the Port of Mobile is found to be unconstitutional, the rest of the law will remain intact and revenue that would have been diverted will go to the road and bridge fund.

## CONCLUSION

### ECONOMIC BENEFITS OF TRANSPORTATION INVESTMENT

Since 1992 the demand on Alabama’s transportation infrastructure has significantly increased as road and bridge conditions and funding effectiveness has decreased due to trends in fuel efficiency, fleet makeup, inflation, economic growth, population, and construction cost. The state not only collects less per mile driven, but the purchasing power of collected revenue has gradually been eroded. This inadequate investment results in deteriorated infrastructure, diminished economic returns, and a lower quality of life.

Modernizing Alabama’s transportation infrastructure and funding system is essential to maintain economic competitiveness and accommodate future growth. Improving roads, highways, bridges, and transit systems would not only provide a safe, efficient, accessible, and reliable system but could also be a boon to the state’s economy, spurring job growth in the short term and sustaining long-term economic growth.

Such an advancement requires effective transportation funding and HB 2 takes steps to provide part of the necessary revenue. HB 2 implements measures to mitigate the effects of many factors contributing to Alabama’s transportation needs. The mechanisms and policies in this bill help align Alabama with the future of transportation as various trends and innovations continue to define its direction. The additional excise tax indexed to the average National Highway Construction Cost Index, license tax and registration fees for electric vehicles, development of electric vehicle infrastructure, and goal of modernizing transportation systems are efforts to keep pace with an evolving transportation system and position Alabama to compete in a changing economy.

## ANALYSIS

### WHY HB 2 SUCCEEDED

The gradual decline in purchasing power and increase in traffic volume has taken its toll on Alabama's transportation network for years, this begs the question: why did funding legislation pass now? A broad spectrum of old and new factors contributed to HB 2's success, however more recent developments may offer some insight on why the Alabama congress was so receptive to HB 2.

Arguably the most influential factor was the economic and financial reality of Alabama's deteriorating situation. The state had been coasting off \$1.3 billion in borrowed revenue since 2013, but this came to an end in 2017 when ATRIP's borrowing authority expired. This caused a \$200 million drop in available transportation funding and raised Alabama's annual highway debt service to \$114 million in 2018, a level it will stay at for the next 19 years. Not only is this revenue now unavailable, but available revenue is less and less effective due to a 400% increase in construction costs since 1993. More revenue is needed to accomplish the same amount of work done in previous years. Along the same lines, multiple reports and studies have predicted a bleak economic future if these trends continue.

Secondly, HB 2 was riding on a wave of political support from localities, organizations, and business communities across the state. For years mayors from Alabama's largest cities, a majority of county leaders, local chambers of commerce, organizations such as the Business Council of Alabama, Alliance for Alabama's Infrastructure, Association of County Commissioners, League of Municipalities, Counties Association, and dozens of other business associations advocated for a comprehensive transportation funding bill due to its potential to sustain economic development, job growth, and quality of life improvements.<sup>40</sup>

Chief among this political support, and serving as a catalyzing agent, was Gov. Ivey's commitment to pass transportation reform, which was not provided by her recent predecessors. In collaboration with President pro tempore Del Marsh (R – 12), Representative Bill Poole (R – 63), Senator Clyde Chambliss (R – 30), and Speaker of the House Mac McCutcheon (R – 25), Ivey's push for HB 2 provided the legislative political backbone as the bill progressed through the legislature.

Thirdly, as Alabama's transportation has deteriorated and the need for spending has increased, multiple reports and studies examining the severity of the problem have been. Most recently TRIP released a Feb. 2019 report highlighting transportation needs and outlining the dangers of not acting. This was closely preceded by a University of Alabama study released a Jan. 2019 study, a 2017 Public Research Council of Alabama report, and a 2015 Alabama Infrastructure Report Card. Each of these studies presented data on the societal and economic costs of Alabama's insufficient transportation infrastructure and funding system, the dangers associated with inaction, and the measures necessary to sustain the state's transportation and economy.

Lastly, there has been a significant amount of regional momentum generated by other states working to modernize their transportation networks and transportation funding mechanisms. Since 2013, seven other southern states have passed transportation funding legislation in effort to address many of the same problems plaguing Alabama.

The culmination of these factors and driving forces resulted in the majority of legislators eventually taking interest and supporting a HB 2 in both chambers.

## APPENDIX A: LEGISLATIVE VOTES

### SENATE

#### “Yes” Votes

Sen. Greg Albritton (R – 22)  
Sen. Gerald Allen (R – 21)  
Sen. Billy Beasley (D – 28)  
Sen. David Burkette (D – 26)  
Sen. Tom Butler (R – 2)  
Sen. Clyde Chambliss (R – 30)  
Sen. Donnie Chesteen (R – 29)  
Sen. Linda Coleman-Madison (D – 20)  
Sen. Chris Elliott (R – 32)  
Sen. Sam Givhan (R – 7)  
Sen. Garlan Gudger (R – 4)  
Sen. Jimmy Holley (R – 31)  
Sen. Andrew Jones (R – 10)  
Sen. Steve Livingston (R – 8)  
Sen. Del Marsh (R – 12)  
Sen. Tim Melson (R – 1)  
Sen. Arthur Orr (R – 3)  
Sen. Randy Price (R – 13)  
Sen. Greg J. Reed (R – 5)  
Sen. Malika Sanders-Fortier (D – 23)  
Sen. Clay Scofield (R – 9)  
Sen. David Sessions (R – 35)  
Sen. Bobby Singleton (D – 24)  
Sen. Rodger Smitherman (D – 18)  
Sen. J. T. Waggoner (R – 16)  
Sen. Cam Ward (R – 14)  
Sen. Tom Whatley (R – 27)  
Sen. Jack W. Williams (R – 34)

#### “No” Votes

Sen. Will Barfoot (R – 25)  
Sen. Vivian Davis Figures (D – 33)  
Sen. Jim McClendon (R – 11)  
Sen. Dan Roberts (R – 15)  
Sen. Shay Shelnett (R – 17)  
Sen. Larry Stutts (R – 6)

### Didn't Vote

Sen. Priscilla Dunn (D – 19)

### HOUSE

#### “Yes” votes

Rep. Louise Alexander (D – 56)  
Rep. Wes Allen (R – 89)  
Rep. Alan Baker (R – 66)  
Rep. Mike Ball (R – 10)  
Rep. Chris Blackshear (R – 80)  
Rep. Barbara B. Boyd (D – 32)  
Rep. Napoleon Bracy Jr. (D – 98)  
Rep. Chip Brown (R – 105)  
Rep. K.L. Brown (R – 40)  
Rep. Prince Chestnut (D – 67)  
Rep. Adline Clarke (D – 97)  
Rep. Steve Clouse (R – 93)  
Rep. Merika Coleman-Evans (D – 57)  
Rep. Terri Collins (R – 8)  
Rep. Danny Crawford (R – 5)  
Rep. Anthony Daniels (D – 53)  
Rep. Dickie Drake (R – 45)  
Rep. Barbara Drummond (D – 103)  
Rep. Brett Easterbrook (R – 65)  
Rep. Corley Ellis (R – 41)  
Rep. Chris England (D – 70)  
Rep. Tracy Estes (R – 17)  
Rep. David Faulkner (R – 46)  
Rep. Joe Faust (R – 94)  
Rep. Berry Forte (D – 84)  
Rep. Danny Garrett (R – 44)  
Rep. Victor Gaston (R – 100)  
Rep. Juandalynn Givan (D – 60)  
Rep. Jeremy Gray (D – 83)  
Rep. Lynn Greer (R – 2)  
Rep. Dexter Grimsley (D – 85)  
Rep. Laura Hall (D – 19)  
Rep. Kirk Hatcher (D – 78)  
Rep. Jim Hill (R – 50)

Rep. Rolanda Hollis (D – 58)  
Rep. Ralph Howard (D – 72)  
Rep. Steve Hurst (R – 35)  
Rep. Reed Ingram (R – 75)  
Rep. Gil Isbell (R – 28)  
Rep. Thomas E. Jackson (D – 68)  
Rep. Mike Jones (R – 92)  
Rep. Sam Jones (D – 99)  
Rep. Wes Kitchens (R – 27)  
Rep. Kelvin Lawrence (D – 69)  
Rep. Nathaniel Ledbetter (R – 24)  
Rep. Paul Lee (R – 86)  
Rep. Craig Lipscomb (R – 30)  
Rep. Joe Lovvorn (R – 79)  
Rep. Rhett Marques (R – 91)  
Rep. Jimmy Martin (R – 42)  
Rep. Artis McCampbell (D – 71)  
Rep. Thad McClammy (D – 76)  
Rep. Mac McCutcheon (R – 25)  
Rep. Steve McMillan (R – 95)  
Rep. Tashina Morris (D – 77)  
Rep. Becky Nordgren (R – 29)  
Rep. Ed Oliver (R – 81)  
Rep. Phillip Pettus (R – 1)  
Rep. Dimitri Polizos (R – 74)  
Rep. Bill Poole (R – 63)  
Rep. Chris Pringle (R – 101)  
Rep. Neil Rafferty (D – 54)  
Rep. Rex Reynolds (R – 21)  
Rep. Kerry Rich (R – 26)  
Rep. Proncey Robertson (R – 7)  
Rep. Connie Rowe (R – 13)  
Rep. Howard Sanderford (R – 20)  
Rep. Rod Scott (D – 55)  
Rep. Chris Sells (R – 90)  
Rep. Ginny Shaver (R – 39)  
Rep. Randall Shedd (R – 11)  
Rep. Harry Shiver (R – 64)

Rep. Matt Simpson (R – 96)  
Rep. Jeff Sorrells (R – 87)  
Rep. Kyle South (R – 16)  
Rep. Shane Stringer (R – 102)  
Rep. Rodney Sullivan (R – 61)  
Rep. Tim Wadsworth (R – 14)  
Rep. Pebblin Warren (D – 82)  
Rep. Andy Whitt (R – 6)  
Rep. Margie Wilcox (R – 104)  
Rep. Rich Wingo (R – 62)  
Rep. Debbie Wood (R – 38)  
Rep. Randy Wood (R – 36)

#### **“No” Votes**

Rep. Jim Carns (R – 48)  
Rep. Will Dismukes (R – 88)  
Rep. Allen Farley (R – 15)  
Rep. Bob Fincher (R – 37)  
Rep. Matt Fridy (R – 73)  
Rep. Tommy Hanes (R – 23)  
Rep. Corey Harbison (R – 12)  
Rep. Mike Holmes (R – 31)  
Rep. Ronald G. Johnson (R – 33)  
Rep. Jamie Kiel (R – 18)  
Rep. Arnold Mooney (R – 43)  
Rep. Mary Moore (D – 59)  
Rep. John W. Rogers Jr. (D – 52)  
Rep. Andrew Sorrell (R – 3)  
Rep. Scott Stadthagen (R – 9)  
Rep. David Standridge (R – 34)  
Rep. Allen Treadaway (R – 51)  
Rep. April Weaver (R – 49)  
Rep. David Wheeler (R – 47)  
Rep. Ritchie Whorton (R – 22)

#### **Didn't Vote**

Rep. Parker Moore (R – 4)

## REFERENCES

- <sup>1</sup> “Roll of the House for Vote 18 on HB2 (First Special Session 2019) Legislative Day: 3 Date: 03/08/2019”, Alabama Legislature.
- <sup>2</sup> “Roll of the Senate for Vote 28 on HB2 (First Special Session 2019) Legislative Day: 5 Date: 03/12/2019”, Alabama Legislature.
- <sup>3</sup> “HB2”, The Alabama Legislature.  
<http://alisondb.legislature.state.al.us/ALISON/SearchableInstruments/2019FS/PrintFiles/HB2-enr.pdf>
- <sup>4</sup> Ibid.
- <sup>5</sup> Ibid.
- <sup>6</sup> Ibid.
- <sup>7</sup> “Public Road Length – 2017 Miles By Ownership”, Office of Highway Policy Information.  
<https://www.fhwa.dot.gov/policyinformation/statistics/2017/hm10.cfm>  
“Functional System Lane-Length - 2017 Lane-Miles (1)”, Office of Highway Policy Information.  
<https://www.fhwa.dot.gov/policyinformation/statistics/2017/hm60.cfm>
- <sup>8</sup> “Alabama Transportation by the Numbers”, TRIP.  
[http://www.tripnet.org/docs/AL\\_Transportation\\_by\\_the\\_Numbers\\_TRIP\\_Report\\_February\\_2019.pdf](http://www.tripnet.org/docs/AL_Transportation_by_the_Numbers_TRIP_Report_February_2019.pdf)
- <sup>9</sup> “Bridge Condition by Owner 2018,” Federal Highway Administration.  
<https://www.fhwa.dot.gov/bridge/nbi/no10/owner18.cfm>
- <sup>10</sup> “One Hundred Sixth Annual Report – Fiscal Year 2017”, Alabama Department of Transportation.  
<https://www.dot.state.al.us/ltweb/pdf/FinalAnnualReport2017.pdf>
- <sup>11</sup> Ibid.
- <sup>12</sup> “Alabama Transportation by the Numbers”, TRIP.  
[http://www.tripnet.org/docs/AL\\_Transportation\\_by\\_the\\_Numbers\\_TRIP\\_Report\\_February\\_2019.pdf](http://www.tripnet.org/docs/AL_Transportation_by_the_Numbers_TRIP_Report_February_2019.pdf)
- <sup>13</sup> “Transportation Governance and Finance,” American Association of State Highway and Transportation Officials.  
[http://www.financingtransportation.org/pdf/50\\_state\\_review\\_nov16.pdf](http://www.financingtransportation.org/pdf/50_state_review_nov16.pdf)
- <sup>14</sup> Ibid.
- <sup>15</sup> “Addressing Alabama’s Transportation Infrastructure: Roads and Bridges”, University of Alabama.  
<http://ovpred.ua.edu/files/2019/01/Alabama-2040-Report-ATPRC-2019-001.pdf>
- <sup>16</sup> “How Alabama Roads Compare”, Public Research Council of Alabama.  
[http://parcalabama.org/wp-content/uploads/2017/11/How-Alabama-Roads-Compare-2017.pdf?utm\\_source=How+Alabama+Roads+Compare+2017&utm\\_campaign=PARCA+2017&utm\\_medium=email](http://parcalabama.org/wp-content/uploads/2017/11/How-Alabama-Roads-Compare-2017.pdf?utm_source=How+Alabama+Roads+Compare+2017&utm_campaign=PARCA+2017&utm_medium=email)
- <sup>17</sup> “ALDOT Transportation Update”, Alabama Department of Transportation.  
<https://www.dot.state.al.us/frm/Alabama%20Highway%20Needs.pptx>
- <sup>18</sup> Ibid.
- <sup>19</sup> “Addressing Alabama’s Transportation Infrastructure: Roads and Bridges”, University of Alabama.  
<http://ovpred.ua.edu/files/2019/01/Alabama-2040-Report-ATPRC-2019-001.pdf>
- <sup>20</sup> “National Highway Performance Program (NHPP)”, Federal Highway Administration.  
<https://www.fhwa.dot.gov/fastact/factsheets/nhppfs.cfm>
- <sup>21</sup> “Surface Transportation Program (STP)”, Federal Highway Administration.  
<https://www.fhwa.dot.gov/map21/factsheets/stp.cfm>
- <sup>22</sup> “One Hundred Sixth Annual Report – Fiscal Year 2017”, Alabama Department of Transportation.  
<https://www.dot.state.al.us/ltweb/pdf/FinalAnnualReport2017.pdf>
- <sup>23</sup> Ibid.
- <sup>24</sup> “Alabama Transportation by the Numbers”, TRIP.  
[http://www.tripnet.org/docs/AL\\_Transportation\\_by\\_the\\_Numbers\\_TRIP\\_Report\\_February\\_2019.pdf](http://www.tripnet.org/docs/AL_Transportation_by_the_Numbers_TRIP_Report_February_2019.pdf)
- <sup>25</sup> “How Alabama Roads Compare”, Public Research Council of Alabama.  
[http://parcalabama.org/wp-content/uploads/2017/11/How-Alabama-Roads-Compare-2017.pdf?utm\\_source=How+Alabama+Roads+Compare+2017&utm\\_campaign=PARCA+2017&utm\\_medium=email](http://parcalabama.org/wp-content/uploads/2017/11/How-Alabama-Roads-Compare-2017.pdf?utm_source=How+Alabama+Roads+Compare+2017&utm_campaign=PARCA+2017&utm_medium=email)
- <sup>26</sup> “One Hundred Sixth Annual Report – Fiscal Year 2017”, Alabama Department of Transportation.  
<https://www.dot.state.al.us/ltweb/pdf/FinalAnnualReport2017.pdf>
- <sup>27</sup> “How Alabama Roads Compare”, Public Research Council of Alabama.

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- [http://parcalabama.org/wp-content/uploads/2017/11/How-Alabama-Roads-Compare-2017.pdf?utm\\_source=How+Alabama+Roads+Compare+2017&utm\\_campaign=PARCA+2017&utm\\_medium=email](http://parcalabama.org/wp-content/uploads/2017/11/How-Alabama-Roads-Compare-2017.pdf?utm_source=How+Alabama+Roads+Compare+2017&utm_campaign=PARCA+2017&utm_medium=email)
- <sup>28</sup> “Alabama Transportation Guide”, Alliance for Alabama’s Infrastructure.  
[https://d3n8a8pro7vhmx.cloudfront.net/alabamaroads/pages/18/attachments/original/1547225038/2019\\_AAI\\_Transportation\\_Guide.pdf?1547225038](https://d3n8a8pro7vhmx.cloudfront.net/alabamaroads/pages/18/attachments/original/1547225038/2019_AAI_Transportation_Guide.pdf?1547225038)
- <sup>29</sup> “Addressing Alabama’s Transportation Infrastructure: Roads and Bridges”, University of Alabama.  
<http://ovpred.ua.edu/files/2019/01/Alabama-2040-Report-ATPRC-2019-001.pdf>
- <sup>30</sup> “One Hundred Sixth Annual Report – Fiscal Year 2017”, Alabama Department of Transportation.  
<https://www.dot.state.al.us/ltweb/pdf/FinalAnnualReport2017.pdf>
- <sup>31</sup> Ibid.
- <sup>32</sup> “Alabama Senate Bill 85”, LegiScan.  
<https://legiscan.com/AL/bill/SB85/2018>
- <sup>33</sup> “State Legislation”, Transportation Investment Advocacy Center.  
<https://transportationinvestment.org/state-legislation/>
- <sup>34</sup> Ibid.
- <sup>35</sup> “Roll of the House for Vote 18 on HB2 (First Special Session 2019) Legislative Day: 3 Date: 03/08/2019”, The Alabama Legislature.
- <sup>36</sup> “Roll of the Senate for Vote 28 on HB2 (First Special Session 2019) Legislative Day: 5 Date: 03/12/2019”, The Alabama Legislature.
- <sup>37</sup> “Addressing Alabama’s Transportation Infrastructure: Roads and Bridges”, University of Alabama.  
<http://ovpred.ua.edu/files/2019/01/Alabama-2040-Report-ATPRC-2019-001.pdf>
- <sup>38</sup> Ibid.
- <sup>39</sup> “Legal challenge planned for Alabama’s new gas tax”, WFSB 12 News.  
<https://www.wsfa.com/2019/03/28/legal-challenge-planned-alabamas-new-gas-tax/>
- <sup>40</sup> “Alabama State News”, Transportation Investment Advocacy Center.  
<https://transportationinvestment.org/states/alabama/>