

Freedom Studies

The Transportation and Climate Initiative

The Transportation and Climate Initiative (TCI) is a 12- state regional effort to impose a stealthy and steadily increasing carbon tax on gasoline without requiring the politically perilous step of calling it either a carbon tax or a gas tax. The proceeds would be used to subsidize electric cars, increase public support for climate change policies favored by Governor Mills, the Natural Resources Council of Maine, the environmental left and other assorted climate alarmists. In Maine, in addition to protecting Democrats from risky electoral consequences, TCI is also constitutionally suspect. Article IX, Section 19 of the Maine Constitution restricts the use of fuel taxes to highway and bridge construction and associated costs:

Article IX, Section 19. **Limitation on expenditure of motor vehicle and motor vehicle fuel revenues.** All revenues derived from fees, excises and license taxes relating to registration, operation and use of vehicles on public highways, and to fuels used for propulsion of such vehicles shall be expended solely for cost of administration, statutory refunds and adjustments, payment of debts and liabilities incurred in construction and reconstruction of highways and bridges, the cost of construction, reconstruction, maintenance and repair of public highways and bridges under the direction and supervision of a state department having jurisdiction over such highways and bridges and expense for state enforcement of traffic laws and shall not be diverted for any purpose, provided that these limitations shall not apply to revenue from an excise tax on motor vehicles imposed in lieu of personal property tax.

The model for TCI is the Regional Greenhouse Gas Initiative (RGGI or “Reggie”). RGGI places a carbon tax on electric power generation and uses the proceeds to fund energy efficiency and promote climate alarmism. In Maine, RGGI revenues are directed to Efficiency Maine, governed by an independent board established by the environmental left under Gov. Baldacci. In addition to subsidizing solar power, LED light bulbs and heat pumps, Efficiency Maine has consistently underwritten (as in bought advertising on) Maine Public Broadcasting and the Maine Housing Authority, both strong promoters of climate alarmism.

RGGI and TCI are multistate “agreements” which never received congressional approval as required under Article 1, section 10 of the US Constitution (the Compact Clause):

“No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.” (My italics).

RGGI was never congressionally approved because Democrats did not ask and Republicans did not insist, and objectors like myself did not have standing to sue (although I did look into it). The environmental left insisted that RGGI was “voluntary” and did not require Congressional approval. Senators King and Collins, recognizing the potential problems with this approach, have introduced legislation approving regional climate change policy compacts like TCI, which at least opens the door to court challenges if Congressional approval does not pass.

In the meantime, bi-partisan objections to TCI and carbon/gas taxes are increasing, just as they did in France with the yellow vest protests. Governors from Connecticut (Ned Lamont-D), New Hampshire (Chris Sununu-R), Vermont (Phil Scott-R) and Rhode Island (Gina Raimundo-D) have expressed reservations/opposition (D). Governor Mills has been non-committal, although her climate alarmism would suggest support.

Interested Mainers can submit public comment on the design of the TCI by filling out the TCI Stakeholder Input Form, available at <https://www.transportationandclimate.org/main-menu/tci-regional-policy-design-stakeholder-input-form>. Public comments are due by February 28, 2020.