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Tolls for All May Pay for Nation's High-Speed Rail: Joe Mysak

- **Bond lawyer suggests making transportation 'fundamental right'**
- **Universal collection system would charge for roads, parking**

The subject of infrastructure is like the weather. Everybody complains, but nobody does anything about it.

The reason we can't have nice things is because nobody wants to pay for them. What we get are isolated, often political, projects, deferred maintenance, expedient patchwork.

Kenneth Bond, a municipal bond lawyer with Squire Patton Boggs who has been involved in public finance since 1975, has an idea about how to fix the nation's infrastructure, or at least the public transportation piece of it.

"It requires making transportation a fundamental right and mandated regionalization on a national level, entitled to equal protection analysis like the right to vote or freedom of worship," Bond recently told the Transportation Committee of the Bar Association of the City of New York. He reprised his remarks over dinner and subsequent emails.

Make transportation a right? "It's not a stretch," said Bond. "In the modern era, without good transportation and infrastructure, a person cannot exercise their first amendment rights. A poor person is denied first amendment rights if the cost of commuting is prohibitive or facilities don't exist. Wealth, as well as race, has been recognized by courts as a suspect classification entitled to strict scrutiny under equal protection. Combined with an argument that transportation is a fundamental right, you have a powerful tool for allocating transportation resources."

What does this mean in practice? A transportation plan has to be a national mandate, and regionalization of transportation facilities must "discard political boundaries in favor of boundaries of economic activity."

This also means encouraging the development of cities that reduce the use of automobiles, as well as mandating rail connectivity from central cores to airports, Bond said.

How do we pay for this? The lawyer favors user fees collected through an electronic toll collection system like "EZ Pass," with all automobiles mandated to have such a system installed at the point of manufacture. "Oregon has experimented with electronic vehicle metering for the cost of road usage. The idea may seem radical, but so did seat belts, headrests and air bags when mandated for vehicle safety 40 or more years ago."

Fees for all road use and parking would be billed to the owner of the vehicle, and if they didn't pay, an electronic boot would disable the vehicle.

"Under this system, users pay for the roads and highways, not taxpayers," and generate money to be

used for intra- and intercity rail projects. “A national plan for getting people out of interminable traffic with single-passenger trucks and SUVs into high-speed rail from anywhere to anywhere is all about fare equity, efficiency, resiliency, a clean environment and national security,” Bond said.

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(Joe Mysak is a municipal market columnist who writes for Bloomberg. The observations he makes are his own and are not intended as investment advice.)

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