

Ranking Member Pat Toomey (R-Pa.)  
Opening Statement  
Full Committee Hearing  
March 15, 2022 at 2:30 PM

---

Thank you, Mr. Chairman. And welcome to our witnesses.

Today's hearing is about the public transit component of the bipartisan infrastructure law. As I've previously said, we should not pay for an infrastructure package by borrowing billions more dollars. Yet, that is precisely what happened with this law. It authorized so much new spending that \$118 billion had to be transferred from the Treasury's General Fund to the Highway Trust Fund, which is supposed to pay for mass transit and highway construction with gas tax revenue.

Some of my Democrat colleagues would make this shortfall worse by suspending the federal gas tax, reasoning that the solution to high gas prices isn't more supply, but rather more debt. I'd suggest if we want to help commuters and families suffering from inflation, we can start by reversing the administration's actions that keep us from using our own fossil energy. But back to infrastructure.

Federal spending should be driven by a reasoned assessment of our nation's needs. However, the bipartisan infrastructure law seems to have been driven more by Democratic political imperatives.

The bill funneled billions to projects that the private sector has been more than willing to fund, such as ferries and EV charging stations. Transit was given \$108.1 billion over a five-year period. To put that number into perspective, it's almost twice what transit got in the last surface transportation reauthorization.

And this staggering sum will be on top of the nearly \$85 billion given to transit, the vast majority of it categorized as "emergency" spending to offset COVID losses, from March 2020 to March 2021. In fact, this nearly \$85 billion in funding exceeded the combined annual operating and capital costs of all transit agencies in the U.S.

At the time, Democrats tried to justify paying for more than 100% of transit agency budgets by saying that transit systems would collapse from declines in ridership and state and local tax revenues. Yet, state and local

tax collections set a new record in 2020. And Congress gave more than \$850 billion to states and local governments for COVID relief.

Worse, billions of dollars will go to transit agencies that were facing ridership challenges well before COVID. Since reaching a high of 10.7 billion trips in 2014, transit ridership has steadily fallen. It fell by almost 8% in 2019.

And the last two years saw even steeper declines. Ridership fell at some agencies by over 70 percent. Some estimates predict ridership will never fully return to pre-pandemic levels.

Agency leaders in New York, Pittsburgh, and Washington, DC have all said their riders won't return. So why give away more taxpayer money to agencies serving far fewer riders?

A number of advocates suggest the "solution" to falling ridership is fare-free transit. Advocates claim this will increase ridership and on-time performance of transit; achieve "social equity"; and reduce operator assaults and "fare evasion." I suppose one way to reduce fare evasion—which is really theft of services—is to never charge a price in the first place.

But as Milton Friedman helped publicize: there's no such thing as a free lunch. In my view, just as car owners pay a federal gas tax to support highways, transit riders should have to pay their fair share, too. As should local communities.

Transit systems serve a city or metropolitan area, not the entire country. That's why Congress has traditionally helped to pay for capital needs, but not operating expenses. If New York or Washington, DC cannot—or will not—pay for their transit systems, why should federal taxpayers?

There's one other issue we must discuss. And that's the rising rates of crime in mass transit systems. Despite having far fewer riders, New York, LA, Chicago, and Philly are all seeing spikes in transit crime. There were 461 felony assaults on New York's Metropolitan Transportation Authority last year. That's the highest number since 1997.

MTA riders are confronting fearful conditions. We've seen the news stories: hammer attacks, stabbings, and multiple people pushed onto subway tracks, including in front of oncoming trains, with one woman tragically

killed. Even New York City's mayor—a former cop—says he doesn't feel safe on the subway.

Today, we will hear from two witnesses on the ongoing, systemic challenges facing transit agencies that were ignored by the bipartisan infrastructure law. Dr. Dorothy Schulz, a retired transit police captain, will testify that transit systems must address security issues that are putting rider safety at risk. And Randal O'Toole of the Thoreau Institute will testify about the long-term decline in ridership that began before COVID.

We've seen time and again that throwing extraordinary sums of taxpayer dollars without serious reforms encourages transit systems to maintain the status quo. I look forward to hearing from our witnesses and discussing the question: does mass transit continue to make sense in every U.S. city at its current scale?