

Will Knedlik: Despite the most costly fuel, nationwide, Washington roads are now entering a 'death spiral'

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Gov. Jay Inslee has expressed concerns, of late, about carnage on Washington roads again spiking. Though belated, this greenest chief executive's focus on state motorist lives being so lost is sound.

Unhappily, newfound angst over roadway safety coincides with fully 6 million licensed drivers, largely of voting age, learning from headlines that Washington vehicle operators pay the highest fuel prices in America; that surging costs result chiefly from an enormous "carbon fee" endlessly misrepresented by public officials; and that current pump charges shall probably escalate further.

Nor do immensely untoward circumstances end there – for auto and truck owners, for economic prosperity and for environmental sustainability – since more than two decades of chronic neglect, for prudent maintenance of state and local bridges, ferries, highways, roads and streets, leave all Washingtonians' most expensive "capital asset" in disrepair so desperate that the entire state road system is now being recklessly pushed towards a "death spiral," through remarkable negligence, by present and prior governors and by current and 10 or more earlier state legislative majorities.

Such massive irresponsibility towards state and local roadway infrastructure – quintessential for personal and commercial mobilities, ever more road-dependent deliveries and always-expanding multimodal road uses – requires breathtaking disregard for statutory commitments to conserve the high-cost, but higher-value, components of Washington's "built environment": through legislated enactments, repeatedly, beginning first in 1854 and continuing thereafter for almost 150 years.

Six decades after the initial territorial code established laws to ensure that bridges and roads, once built, would be maintained by public agencies, prudently, including via criminal "prosecution for neglecting to keep a highway in good repair," and nearly 30 years after the first state Legislature added its own "Act to provide for keeping highways in repair" to previous civil

and criminal laws, Washington commenced applying for, receiving and spending federal road funds: all based on “the good faith of the State of Washington” being, thereby, explicitly “pledged to maintain such roads and to make adequate provisions for carrying out such maintenance,” from 1917 onwards, during Gov. Ernest Lister’s time as the first Democrat elected chief executive, here, with notable bipartisan support for his then novel and still extraordinarily visionary “Good Roads” platform.

Subsequently, as federal monies increased, state officials have recommitted to this statute’s terms, repeatedly, with similar verbiage in hundreds and hundreds of formal contracts to obtain billions and tens of billions of federal dollars through written guarantees repledging “such maintenance.”

In 1919, the state “Motor Vehicle Fund” was created, “for maintenance purposes,” and in 1921 revenues available, therefrom, were multiplied, substantially, by imposing gas and diesel taxes.

Until this century, Washington acted responsibly to preserve state and local roads and to honor federal duties, and, when lapses occurred, in the Great Depression, policymakers rectified them by proposing the 18th Amendment, in 1943, which yielded a state constitutional trust protecting three specified revenue sources, “exclusively for highway purposes,” including “reconstruction, maintenance, repair, and betterment of public highways, county roads, bridges and city streets.”

However, from no later than 2003, one governor after another and one legislature after the next have ignored constitutional, contractual, core fiducial and criminal responsibilities for the state’s most expensive “capital asset” to be kept, prudently, in “good repair”: as well understood, since 1854, despite the present three-term governor’s secretary of Transportation begging, literally, for billions of dollars, biennium after biennium, essential for roadway maintenance required simply to stop worsening what he labels incessantly as our state’s multidecadal “glide path to failure.”

Hence, Washington’s continuing pursuit of federal revenues, while failing to maintain those roads so funded, cannot be undertaken in “good faith,” and implicates a willfully fraudulent mala fides.

Unfortunately, roadway destruction from chronic neglect triggers compounding impacts pulling such absolutely foundational infrastructure’s “glide path” down, into a “death spiral,” through serial carelessness: with urgent road-maintenance expense needs of perhaps \$50 billion wholly

unfunded despite Washington's highest-in-the-country fuel costs; with a quite huge "carbon fee" that underlies this debacle prohibited, by statute, from being utilized for indispensable roadway upkeep; and with earlier-approved maintenance funding diverted statewide during 2023, from crumbling roadway infrastructure, imprudently, by currently elected officeholders, inter alia.

Still worse, roads across Washington have become so ragged, from patent disregard, that rational doubt cannot exist for drivers, or for passengers, that improvidently prevented repairs contribute to road carnage rising, economic harms resulting and environmental hazards burgeoning, since thus-enfeebled road facilities thereby guarantee titanic concrete and steel replacements, prematurely, most processed with carbon-based energy, today, instead of with nonpolluting fuels, had ordinary care delayed, for several decades more, eventual reconstruction: as generations of territorial and state legislators could see readily, despite federal agencies now being misled, facilely but falsely.

For people taking climate-change perils seriously enough to move from aspirational green wishes to rigorous analysis of how roadways can, and must, reduce carbon-generated jeopardies – during transition into a carbon-free-energy future – state officials' nescience, in this 21st century, is not simply tragic for the "built environment," but for humanity, only starting with needless deaths: as defying constitutional, contractual, core fiducial and criminal duties and devaluing the "built and natural environment," including for climate-change mitigations, define counterproductivity here.

Will Knedlik is the immediate past president of the Washington State Good Roads and Transportation Association founded in 1899, and a previous member of the Washington State Legislature established 10 years earlier. Views expressed herein are stated as an individual, and not on behalf of any entity or group.