

POLICY POSITION

19. Federal Preemption of State Transportation Issues

Background

The states have historically exercised sovereign jurisdiction with respect to many transportation issues and a healthy federal system of government requires that the federal government respect the sovereignty of the states. Recently the federal government has preempted state legislation designed to promote safe and efficient transportation. The state-by-state approach to transportation encourages experimentation and innovation which is endangered by the uniform nationwide approach recently promoted by the federal government. An even greater danger is the threat of economic reprisals against states which fail to follow federal mandates. Much recent federal legislation preempts and limits legislative responses by the individual states in the following areas: highway speed limits; the alcoholic beverage drinking age; mandatory seat belt use; truck lengths and weights; highway beautification; and numerous other transportation issues.

Recommendations

The Southern Legislative Conference urges the Congress and appropriate committees of the Senate and House of Representatives to refrain from enactment of federal statutes that preempt state legislation on transportation issues traditionally within the jurisdiction of the states.

The Conference further recommends that the federal government cease economic reprisals against states which enact legislation in the transportation area. The Conference urges that copies of this policy position be forwarded to the congressional delegations of those states represented by the Southern Legislative Conference, to the Governors of those states, and to the President of the Senate and the Speaker of the House of Representatives.

Adopted by the Southern Legislative Conference on July 24, 1985.

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