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MOTOR FUELS TAX HIKE TALK HEATS UP, BUT UNLIKELY TO MOVE NEXT YEAR

Last Friday, Senator Tom Carper (D-DE) and retiring Senator George Voinovich (R-OH) sent a letter to the co-chairmen of the National Commission on Fiscal Responsibility and Reform advocating for a 25-cent per gallon increase to the gasoline tax over the next three years. The Senators said that the move would generate \$200 billion over five years, with \$117 billion allocated to the depleting highway trust fund and \$83 billion towards deficit reduction. The Highway Trust Fund shortfall stood at \$65.1 billion for FY 2010. Motor fuel excise taxes have not been increased since 1993 and are not indexed to inflation, leaving lawmakers in a tough position to raise motor fuel taxes during a recession or to cut highway spending programs.

On Wednesday, the co-chairmen of the National Commission on Fiscal Responsibility and Reform suggested in a draft proposal to gradually increase the gasoline tax to fund transportation spending by 15 cents beginning in 2013. Incoming House Transportation and Infrastructure Committee Chairman John Mica (R-FL) is not likely to entertain a fuel tax increase during a recession and many other lawmakers feel the same way. Chairman Mica contends that the motor fuels tax does not have to be raised; instead, reductions in transportation funding and increased public-private partnerships will address the highway fund shortfall.

Earlier this year, PMAA surveyed its state association boards to ascertain petroleum marketer views on proposed increases in federal motor fuels taxes. Marketers were very opposed to excise tax increases for a variety of reasons. One often repeated concern was the negative impact on marketer credit lines and accounts receivable. Another important concern relates to DOT subsequently requiring state governments to raise state gas taxes to comply with the requirements for matching funds. PMAA's newly formed Motor Fuels Committee will be reviewing all federal motor fuels tax increase proposals and will develop recommendations to PMAA's Board of Directors. In previous years, PMAA opposed motor fuels tax increases.

SENATORS PUSH FOR EXTENSION OF ETHANOL BLENDEES' TAX CREDIT

Midwestern Senators Tom Harkin (D-IA), Christopher Bond (R-MO), Amy Klobuchar (D-MN) and Tim Johnson (D-SD) sent a letter to Senate Majority Leader Harry Reid (D-NV) urging him to include an extension of the ethanol blenders' tax credit as well as funding for more flex fuel vehicles, biofuels pipelines and dispensing/storage infrastructure at gasoline stations when Congress returns to Capitol Hill for its lame duck session next week. An energy bill directed at natural gas incentives known as the "Promoting Natural Gas and Electric Vehicles Act of 2010" (S. 3815) is scheduled for a cloture vote next Wednesday and Midwest Senators are hopeful that biofuels incentives can be attached to the underlying bill.

In other biofuels related news, the American Petroleum Institute (API) and several food and retail industry trade associations recently sued EPA in a federal appeals court over the agency's mid-October decision to allow E15 in gasoline for cars made in 2007 or later. The groups argued that EPA's decision violates the Clean Air Act because the EPA does not have authority to grant the "partial waiver" for use of the fuel in only some vehicles. Additionally, the decision was premature and that comprehensive testing to determine whether E15 impacts safety, performance and environmental standards has not been met. API contends that additional time is needed to ensure E15 is safe for motorists. Furthermore, livestock groups argue that additional ethanol production and use leads to higher corn prices which in turn lead to higher feed costs.

SENATOR DURBIN SEEKS FEDERAL AND STATE REVIEW OF AIR QUALITY IN CHICAGO

On Monday, Illinois Senator Richard Durbin (D) urged the EPA, OSHA and the Federal Transit Administration to work with several Illinois agencies to review the air quality near train stations and rail yards in northern Illinois. He specifically asked the EPA to determine if other sources of particulate matter pollution like truck traffic significantly contribute to the high levels of diesel exhaust in those areas.

Senator Durbin is concerned that railway workers and commuters are exposed to dangerous levels of diesel exhaust that could lead to health problems.

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