



Thomas Jefferson Institute  
for Public Policy

## **News ... News ... News ... News ...**

### **Jefferson Institute Legal Analysis: To Join TCI, General Assembly Must Vote**

1/21/2020 -- If Virginia chooses to join the Transportation and Climate Initiative (TCI), it must be done by a vote of the General Assembly and not unilaterally by Gubernatorial Executive Order.

That's the conclusion of a [legal analysis](#) issued today by the Thomas Jefferson Institute and authored by Dr. David Schnare, an attorney and 34-year EPA veteran.

In September of 2018, Virginia Governor Ralph Northam proposed making Virginia a signatory to TCI, joining 10 other northeast and mid-Atlantic states. Designed to discourage and eventually eliminate use of fossil fuels in cars and trucks, TCI proposes rationing fuel sales, and initiating a 17 cent per gallon gas hike that would rise in future years. The TCI-compliant rationing and taxation would have the effect of reducing other tax revenues dedicated to road and bridge maintenance.

Schnare's analysis notes that the Governor may not unilaterally join TCI, or condition the wholesale sale of gasoline and diesel fuels on payment for the right to sell those fuels, or ration the sale of gasoline and diesel fuels - the latter being provisions of the TCI.

"Since his original announcement the Governor and his offices have been silent," noted Schnare. "What we don't know is whether he is considering backing off the ill-considered TCI plan, or if his office is considering committing Virginia's citizens by executive fiat".

"Our goal with this Legal Analysis is to explain why the legislature must be involved."

Of the eleven original states committed to TCI, New Hampshire has already withdrawn from the compact and there have been published reports of concerns being raised in Vermont, Connecticut and Rhode Island. Massachusetts is already contemplating a Plan B where it would cooperate only with California, its Northeastern coalition falling apart.

Chris Braunlich, president of the Thomas Jefferson Institute, noted that Delegate Charles Poindexter has introduced a bill requiring approval of the Virginia General Assembly to join TCI, as well as the Regional Greenhouse Gas Initiative.

"A December Mason-Dixon poll demonstrated that Virginians support efforts to reduce greenhouse gases," noted Braunlich. "But when presented with the price tag and consequences, that support reverses itself to overwhelming opposition."

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“Virginians should not be forced into a strict regimen of higher taxes, reduced fuel supplies and decreased highway repairs and construction without a full discussion between their elected representatives and a clear vote in support. Any effort to impose these restrictions by executive order lacks the transparency such a major jolt to our system requires in good faith.”

“We hope the Governor simply chooses to withdraw,” said Schnare. “But any effort to impose TCI unilaterally without the General Assembly will certainly be met with appropriate legal action.”

A copy of the legal analysis may be found by [clicking here](#).

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