



May 21, 2026

The Honorable Sam Graves, Chairman
The Honorable Rick Larsen, Ranking Member
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Graves and Ranking Member Larsen:

Consumer Reports (CR), the independent, nonprofit, and nonpartisan member organization, writes regarding the May 21, 2026, full committee markup of the amendment in the nature of a substitute to H.R. 8870, the BUILD America 250 Act. We ask that this letter be included in the markup record.

For 90 years, CR has used rigorous research, independent testing, and evidence-based advocacy to advance vehicle safety, reliability, and cost-effectiveness for consumers. We have championed everything from seat belts and crash avoidance technologies to protections for people outside the vehicle, and supported innovation to give consumers meaningful choices in how they get from point A to point B. The policy actions for which we have advocated do not just benefit consumers, but also deliver lasting benefits to the transportation system as a whole.

As the Committee considers new legislation, the BUILD America 250 Act, to shape the future of transportation in the United States, we offer the following perspectives on key elements under consideration. These comments pertain to highway-related matters, and we do not opine on other portions of the legislation.

The Bill's Overall Approach to Road Funding Is Unsound

On March 23, Consumer Reports issued a report, "Funding the Road Ahead: Policies and Principles for Transportation Funding," to help policymakers create an infrastructure funding system that is fairer, simpler, and more effective for the public.¹ We circulated a related fact sheet to Committee members in recent weeks, and today we attach that fact sheet to this letter for your convenience. Three main principles outlined in the white paper were:

- *User pays proportional to impact:* Any user fees should reflect the actual impact a user or vehicle has on the system.

¹ Dylan Jaff and Chris Harto, "Funding the Road Ahead: Policies and Principles for Transportation Funding," Consumer Reports (Mar. 23, 2026) (online at: advocacy.consumerreports.org/research/consumer-reports-white-paper-funding-the-road-ahead-policies-and-principles-for-transportation-funding).

- *Fairness between consumer and commercial vehicles:* Consumers should not be forced to subsidize commercial road users through inequitable funding schemes.
- *Revenue stability:* Solutions should maintain revenue stability as vehicle fleets and fuel types change.

Unfortunately, in its current form, the BUILD America 250 Act does not align with these principles, and would make it more difficult for the federal transportation system to align with these principles in the future. The bill largely doubles down on the current unsustainable funding model that has led to crumbling roads and bridges, greater costs to consumers, and reduced purchasing power for the Highway Trust Fund. Where it deviates from past practice, the BUILD America 250 Act would worsen – rather than improve – proportionality, fairness, and stability in our road funding system. We address these concerns further, below, in discussing our views on the proposed registration fees for individual electric and plug-in hybrid vehicles.

While we recognize the challenges of legislating in the complex surface transportation space, and acknowledge the hard work necessary to strike bipartisan deals, we encourage members to go back to the drawing board on the bill’s overall approach to road funding. There is no perfect suite of policies to sustainably fund transportation infrastructure, but the BUILD America 250 Act falls far short.

The Bill’s Fixed Fees and Charging Infrastructure Changes Are Misguided

Consumer Reports opposes the proposed registration fees to be assessed on owners of individual electric and plug-in hybrid vehicles. While fixed fees can potentially be part of a comprehensive road funding solution, they must be sized appropriately to avoid penalizing those consumers who choose to drive more efficient and electric vehicles. An annual fee of \$130-150 charged to the owner of an individual EV drastically exceeds the estimated \$70-90 in annual federal gas tax paid by the average consumer driving a vehicle powered solely by gasoline.²

Moreover, previous analysis has found that electric vehicle drivers are only contributing about 2% to the shortfall of the Highway Trust Fund.³ Taxes or fees on these drivers alone – no matter how excessive – will not solve the larger problem of transportation funding shortfalls, which can be addressed only through more equitable and comprehensive solutions.

CR also opposes the elimination of funding for the National Electric Vehicle Infrastructure (NEVI) program and the Charging and Fueling Infrastructure (CFI) grants. While we understand that the bill sets aside \$1 billion in the Congestion Mitigation and Air Quality Improvement program over five years for EV charging in Alternative Fuel Corridors, this amount pales in comparison to the combined \$7.5 billion that was dedicated to the NEVI and CFI programs

² Chris Harto and Dylan Jaff, “Punitive Clean Vehicle Tax Would Harm Consumers—and Especially Seniors—But Won’t Solve Road Funding Shortfalls,” Consumer Reports (May 5, 2025) (online at: advocacy.consumerreports.org/research/punitive-clean-vehicle-tax-would-harm-consumers-and-especially-seniors-but-wont-solve-road-funding-shortfalls).

³ Dave Cooke, “The Truth Is Out There: The Cost of Roads Is Bankrupting the Highway Trust Fund, Not Electric Vehicles,” Union of Concerned Scientists (Apr. 29, 2025) (online at: blog.ucs.org/dave-cooke/the-truth-is-out-there-the-cost-of-roads-is-bankrupting-the-highway-trust-fund-not-electric-vehicles).

under the 2021 Infrastructure Investment and Jobs Act (IIJA). We are particularly concerned that these changes will harm rural communities, which have the most to gain from federal charging infrastructure investments.

The Bill's Pro-Safety Provisions Are Accompanied by Significant New Risks

While Consumer Reports appreciates provisions in the BUILD America 250 Act that aim to improve highway safety – and we recognize that significant motor vehicle safety provisions are included in legislation under the jurisdiction of the House Energy and Commerce Committee – we are concerned by other provisions that could all too easily introduce new risks on our roads.

On the positive side of the ledger, we welcome the bill's continued funding of Safe Streets and Roads for All, a vital competitive grant program for localities to make improvements to roadway safety infrastructure. We also support provisions in the bill that would direct the Department of Transportation to complete a study on the safety of micromobility, with a focus on children and young adults, as well as direct the Government Accountability Office to complete a study on the quality of highway safety data and the efficiency and accuracy of data reported to the Fatality Analysis Reporting System (FARS).

However, we are deeply concerned by two aspects of the BUILD America 250 Act that could introduce new safety risks. First, the bill's framework for autonomous commercial motor vehicles (ACMVs) is overly permissive. Autonomous driving technology is advancing rapidly, and it has significant potential to improve safety and mobility in the long term, but that does not mean the technology is ready for a hands-off approach or limited oversight today. While there is a role for safety cases to play in the development and roll-out of autonomous driving technology, a requirement for ACMV manufacturers to complete a safety case does not provide nearly the same degree of accountability as requirements to meet binding, detailed, and appropriate performance standards developed through the rulemaking process. The bill should focus on expediting the rulemaking process for necessary federal safety standards, and provide DOT with the resources it needs to complete this work, rather than largely offloading the job of safety regulation to the regulated industry itself.

Second, and relatedly, we are concerned by the bill's repeated delegation of vital steps in the regulatory process to multistakeholder "transportation rulemaking committees," especially when they are exempt from the Federal Advisory Committee Act (FACA). Consumer Reports is pleased to participate in numerous multistakeholder standards development processes outside the auspices of the government, and we have previously participated in federal advisory committees, including at DOT. It can be highly beneficial to the development of effective, durable standards to bring together experts with different perspectives and reach consensus on complex topics. At the same time, in our experience, standards or recommendations crafted by multistakeholder entities deliver far more for the public when these entities are subject to sensible guardrails designed to enhance transparency, public accessibility, and objectivity. In the federal government context, FACA provides these guardrails, and federal advisory committees should operate in accordance with its requirements. Moreover, FACA establishes that "the function of advisory committees should be advisory only, and all matters under their consideration should be

determined, in accordance with law, by the official, agency, or officer involved.” Simply put, it is the job of federal transportation agencies – not outside entities – to make regulatory decisions.

Conclusion

Consumer Reports appreciates the Committee’s attention to consumer needs and related policy challenges. We look forward to continuing to work with members of the Committee and the full House as surface transportation legislation moves forward, and we stand ready to provide additional research, technical expertise, and consumer-focused perspectives to ensure that any final law meaningfully helps consumers wherever they might need to go in our country.

Sincerely,

William Wallace
Director
Safety Advocacy

Chris Harto
Manager
Sustainability Advocacy

cc: Members of the Committee on Transportation and Infrastructure

Enclosure: “Consumer Reports Fact Sheet: Funding the Road Ahead”