

Congress of the United States
Washington, DC 20515

September 18, 2025

The Honorable Sam Graves
Chairman
House Committee on Transportation and
Infrastructure
Washington, DC 20515

The Honorable Rick Larson
Ranking Member
House Committee on Transportation and
Infrastructure
Washington, DC 20515

Dear Chairman Graves and Ranking Member Larson,

A federal rule set to expire on September 30 would strip states of their authority to manage high-occupancy vehicle (HOV) lanes. I urge Congress to eliminate the sunset in 23 U.S.C. § 166(b)(5) and ensure this fix is included in any viable legislative vehicle whether funding bills, extensions, or other moving packages to preserve state control.

If Congress fails to act, commutes in states like Arizona will be disrupted immediately, as single-occupant low-emission vehicles, including electric vehicles, will lose access to HOV lanes during peak hours despite long-standing state policy. Arizona's Department of Transportation, not Washington, should set traffic policy and be accountable to Arizonans for its choices. Congress should stand with the states and protect their right to decide what works best for their people.

This is not about endorsing or promoting electric vehicles. It is about preventing federal overreach and restoring decision-making to the states. The Constitution, through the Tenth Amendment, reserves this authority to the states. For years, Arizona has exercised this flexibility, stripping this authority away now would upend current policies, create confusion for drivers, and undermine the principle of federalism. Where states have effectively managed their roadways, Washington should reinforce that authority, not undermine it.

Traffic congestion is not a one-size-fits-all problem. What works in Arizona may not work in the Midwest or the Northeast. States must retain the freedom to craft their own solutions. Congress must act now. Remove the sunset and return this power to governors, legislatures, and local leaders who live these challenges every day.

Sincerely,



Andy Biggs
Member of Congress