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SURFACE TRANSPORTATION REAUTHORIZATION BILL: LAYING THE FOUNDATION FOR U.S. ECONOMIC GROWTH AND JOB CREATION, PART 1

(114–5)

HEARING

BEFORE THE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

FEBRUARY 11, 2015

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Committee on Transportation and Infrastructure
U.S. House of Representatives

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Washington, DC 20515

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Ranking Member

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Katherine W. Dedrick, Democratic Staff Director

February 4, 2015

SUMMARY OF SUBJECT MATTER

TO:	Members, Committee on Transportation and Infrastructure
FROM:	Staff, Committee on Transportation and Infrastructure
RE:	Full Committee Hearing on "Surface Transportation Reauthorization Bill: Laying the Foundation for U.S. Economic Growth and Job Creation Part I"

PURPOSE

The Committee on Transportation and Infrastructure will meet on Wednesday, February 11, 2015 at 10:00 a.m. in 2167 Rayburn House Office Building to receive testimony related to reauthorization of the federal surface transportation programs. The Committee will hear from the U.S. Department of Transportation.

BACKGROUND

The Importance of Transportation Infrastructure

Transportation infrastructure provides a strong physical platform that facilitates economic growth, ensures global competitiveness, and supports national security. In addition, it affords Americans a good quality of life by enabling them travel to and from work, to conduct business, and to visit family and friends.

The Nation's transportation infrastructure is an extensive network of highways, airports, railroads, public transit systems, waterways, ports, and pipelines. Over 4 million miles of public roads connect with nearly 20,000 airports, over 161,000 miles of railroad (freight and passenger), over 272,000 miles of public transit route miles, over 2.4 million miles of pipeline, over 25,000 miles of navigable waterways, and 360 commercial ports.[1]

The surface transportation components of this broader system play an integral part in the movement of people and goods. Specifically, highways carried more than 2.9 trillion vehicle

[1] U.S. Department of Transportation, Bureau of Transportation Statistics, *2015 Pocket Guide to Transportation*; Federal Railroad Administration, *The Freight Rail Network*; Federal Transit Administration, *National Transit Database*; American Association of Port Authorities, *U.S. Public Port Facts*.

miles (including cars, trucks, motorcycles, and buses) and public transportation carried over 55 billion passenger miles in 2012.[2] In 2012, all modes of transportation moved more than 19.6 billion tons of freight, valued at over $17.3 trillion (in 2007 dollars).[3] Of that total, trucks moved more than 13.1 billion tons, valued at over $11.1 trillion.[4]

The Federal Role in Transportation Infrastructure

Providing the Nation with transportation infrastructure has long been recognized as a federal responsibility that is shared with state and local partners. The Constitution establishes congressional jurisdiction over transportation in Article 1, Section 8, which directs Congress to establish post roads and to regulate interstate commerce. The two Supreme Court cases of *Monongahela Navigation Company v. United States*, 148 U.S. 312 (1893) and *Wilson v. Shaw*, 204 U.S. 24 (1907) have further highlighted the role and responsibility of Congress in providing public infrastructure. *Monongahela Navigation Company* held, in part, that the federal government has the power to regulate commerce between states even if it means condemning and appropriating a lock and dam on a navigable waterway, and *Wilson* held that the Commerce Clause of the United States Constitution authorizes Congress to establish an interstate highway system.

Federal assistance for highway construction began in the early 20th century when Congress provided $500,000 for highway construction in the Postal Service Appropriations Act of 1912. In 1944, Congress authorized significant expanded federal assistance for construction of a "National System of Interstate Highways." Without a dedicated source of revenue, however, construction of the Interstate System stalled.

The landmark Federal-Aid Highway Act of 1956 and Highway Revenue Act of 1956 authorized significant funding for a 41,000-mile National System of Interstate and Defense Highways and established the Highway Trust Fund (HTF) as the mechanism for financing the accelerated highway investment. To finance the increased authorizations, the Revenue Act increased federal excise taxes paid by highway users and provided that these revenues should be credited to the Highway Trust Fund. This dedicated funding mechanism provided financial certainty for the highway program, including the Interstate Program. The 13-year authorization of the 1956 Act gave the states the continuity needed to develop and build highway projects. Since 1956, Congress has regularly reauthorized federal surface transportation programs.

MAP-21

Congress most recently reauthorized federal surface transportation programs in Moving Ahead for Progress in the 21st Century Act (MAP-21; P.L. 112-141), which was enacted on July 6, 2012. MAP-21 authorized federal-aid highways, highway safety, and highway research and development programs at $40.96 billion for fiscal year 2013 and $41.03 billion for fiscal year 2014. For public transportation programs, the law authorized $10.58 billion for fiscal year 2013 and $10.7 billion for fiscal year 2014. The Transportation Infrastructure Financing and

[2] U.S. Department of Transportation, Bureau of Transportation Statistics, *2015Pocket Guide to Transportation;* Bureau of Transportation Statistics, *Table 1-40.*
[3] U.S. Department of Transportation, Federal Highway Administration, *Freight Facts and Figures*, 2013.
[4] *Id.*

Innovation Act (TIFIA), which provides credit assistance for surface transportation projects, received a significant expansion of authorization to approximately $1 billion a year.

MAP-21 made significant programmatic and policy reforms to federal surface transportation programs. Among those reforms, it consolidated or eliminated nearly 70 U.S. Department of Transportation (U.S. DOT) programs, which afforded state and local partners greater flexibility with the use of their federal funding. MAP-21 reformed the project approval and delivery process for highway and public transportation projects, which allows projects to begin construction faster, maximizing the public investment and benefit. MAP-21 also emphasizes performance management by incorporating performance measures into the highway, transit, and highway safety programs, which focuses federal funding on national transportation goals, increases accountability and transparency, and improves transportation planning and project selection.

MAP-21 was set to expire on September 30, 2014. In the summer of 2014, Congress passed and the President signed the Highway and Transportation Funding Act of 2014 (HTF Act) (P. L. 113-159) in order to extend MAP-21 through May 31, 2015. As a result, reauthorization of federal surface transportation programs is a priority for the 114th Congress.

GROW AMERICA Act

In May 2014, the Obama Administration submitted to Congress the Generating Renewal, Opportunity, and Work with Accelerated Mobility, Efficiency, and Rebuilding of Infrastructure and Communities throughout America Act (GROW AMERICA Act) – a 4-year, $302 billion proposal to reauthorize federal surface transportation programs. The proposal includes substantial funding increases for and policy changes to federal surface transportation programs.

As part of the fiscal year 2016 budget request, the Obama Administration has revised the GROW AMERICA Act to be a 6-year, $478 billion proposal. An updated proposal that reflects the increased length and funding level along with other refinements is expected in the near term.

WITNESS LIST

The Honorable Anthony Foxx
Secretary of Transportation
U.S. Department of Transportation

SURFACE TRANSPORTATION REAUTHORIZATION BILL: LAYING THE FOUNDATION FOR U.S. ECONOMIC GROWTH AND JOB CREATION, PART 1

WEDNESDAY, FEBRUARY 11, 2015

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
WASHINGTON, DC.

The committee met, pursuant to notice, at 10:03 a.m. in Room 2167, Rayburn House Office Building, Hon. Bill Shuster (Chairman of the committee) presiding.

Mr. SHUSTER. The committee will come to order. I want to welcome everybody here to today's hearing, and welcome our distinguished witness, the Honorable Anthony Foxx, Secretary of Transportation. I was concerned he was going to get caught up in the congestion of Washington, DC, but he made it on time. So that is good news.

This is our first hearing of the year on surface transportation reauthorization, one of our top priorities of this committee, and I believe it is one of the top priorities of this Congress, and it rightly should be.

We are actively working together with Ranking Member DeFazio and our colleagues on the other side of the aisle for this committee to write a bill that is good for America. I am confident that, working with leaders in the House and the Senate, and the Ways and Means Committee, and others, we can figure out our funding issues.

By passing a good bill, we can ensure America's quality of life, and facilitate economic growth for years to come. So I look forward to hearing from Secretary Foxx about the importance of this legislation, and now call on Ranking Member DeFazio.

Mr. DEFAZIO. Well, thank you, Mr. Chairman. Mr. Secretary, welcome. Thank you for being here today. Thanks for holding this hearing.

Mr. Chairman, I feel a tremendous sense of urgency. I know we are working toward a long-term authorization, and we have substantial goals in common there. But the May 31st deadline really is of concern to me. We have already had States—for instance, Tennessee and Arkansas—say that they are going to either postpone or cancel projects for this construction season.

You know, other States are looking at the same problem. Fifty-two percent of the total outlays in States are due to Federal contributions, and in 11 States it is 70 percent or more. So we are

looking at grinding to a halt pretty quick. I mean it is coming on construction season very, very soon.

We know the total need. The bridges—if we have the bridge slide—there was a wonderful graphic that the Washington Post put together. This is the bridge problem in America. You know, I have thought for years maybe we could get the public's attention if we had to post every bridge that is either structurally deficient or functionally obsolete with a sign that says, "Caution: You are about to drive over a bridge that is structurally deficient or functionally obsolete." But look at the magnitude of this problem. That is good. Thanks, Helena.

So, that is what we need to address in the long-term bill—147,000 bridges; transit has an $86 billion backlog. I was hoping that Secretary didn't come on transit, because that is breaking down, and sometimes even causing accidents that are killing people. We need massive investment there. And then our highway system also needs this sort of investment. We are falling behind the rest of the world.

I often would refer to the U.S. in speeches that I give about this as becoming third world. And our colleague, Mr. Blumenauer called me after his speech and said, "That is very insulting."

I said, "Well, you know the depth and the breadth of the problem."

He said, "Yes. No, it is insulting to third-world countries, because they are spending a higher percentage of their GDP on transportation, infrastructure investments, than the United States of America."

So, I have taken to calling us fourth world. We had led the world, post-World War II. Now we are vaulting to the rear of the pack by allowing our legacy system, the Eisenhower system, the 20th-century system, to fall apart. And we have not put forward the resources or the policies to begin to build a 21st-century system, and that is why we are here today, to hear the ideas of Secretary Foxx, and begin this process.

Thank you, Mr. Chairman.

Mr. SHUSTER. Thank you, Mr. DeFazio. And if most folks took notice to that, Pennsylvania is the worst of the worst up there with bridges, more deficient bridges than anybody. And, to Mr. DeFazio's point——

Mr. DEFAZIO. Well, it is——

Mr. SHUSTER. Well, the center is Republican. Philadelphia and Pittsburgh are blue.

But to Mr. DeFazio's point, Pennsylvania did not solve its funding problem until they started to post bridges. And when they started to post bridges and close bridges, so people had to go miles out of their way, that is when everybody started to get serious. So——

Mr. DEFAZIO. Could we then discuss the mandatory idea of posting every bridge——

Mr. SHUSTER. We can discuss everything you want, Mr. DeFazio.

[Laughter.]

Mr. SHUSTER. Again, I ask unanimous consent that our witness's full statement be included in the record.

[No response.]

Mr. SHUSTER. Without objection, so ordered.

Mr. Secretary, since you are the only show in town today, don't be constrained by the 5-minute clock. If you feel you need to talk more, we are happy to listen to you, because, again, we are glad you are here today, excited to hear from you.

And, with that, I would like to call on Mr. Meadows to introduce the Secretary.

Mr. MEADOWS. Thank you, Mr. Chairman. It is a pleasure to welcome my good friend to the committee. And I say that because many of us have been here when you were confirmed. And certainly, with great expectations, as being a proud North Carolinian, we were honored with your appointment, and it came with great expectation. And I will—in a very bipartisan way, you have not disappointed.

I want to just say thank you so much for your work, for your dedication, for your commitment to make sure that the infrastructure that commerce needs and the people of this great country need is funded. You have always been open, you have been willing to work with us and explore every option.

So, I thank you for your commitment to work with this committee, and with the chairman, specifically.

The little fun fact that I would like to talk about—I always try to find a fun fact—it is good to know that, during the State of the Union Address, that you were designated as the designated survivor that, in case of a major event, you would have had everything under your control.

So, welcome, Mr. Secretary. It is an honor to have you.

Secretary FOXX. Thank you.

Mr. SHUSTER. Thank you, Mr. Meadows. And, with that, I recognize the Secretary.

TESTIMONY OF HON. ANTHONY R. FOXX, SECRETARY, U.S. DEPARTMENT OF TRANSPORTATION

Secretary FOXX. Mr. Chairman and Ranking Member DeFazio, and to my good friend from North Carolina, Representative Meadows, I want to say thank you for having me here today, as well as to the entire committee.

One thing about being a designated survivor is that I had plenty of time to think about these issues during the State of the Union. And, Mr. Chairman and members of the committee, it is February. This is a month in which we typically celebrate Groundhog Day. And I am told that groundhogs all across America did something unusual this year; they did predict the weather, predicting that the winter will last 6 weeks longer. But they also predicted this year that Congress will pass a 6-year surface transportation bill.

[Laughter.]

Secretary FOXX. So I am really excited about that.

Seriously, it does feel a bit like Groundhog Day. Over the past year, I have been to 41 States, and more than 100 communities all across America. And every place I go, I see the same thing over and over again, a community that has a to-do list, and the list is longer this year than it was last year. And those lists have been growing over many, many years.

Meanwhile, here in Washington, we are doing less and less to help. So I want to crystalize the three basic problems I believe a transportation bill can help us fix.

First, we need to take better care of the system we have. The Brent Spence Bridge is not the only bridge in America that needs to be replaced or repaired. One-quarter of our Nation's bridges are in similar shape. But it is a good example. The Brent Spence Bridge connects Kentucky and Ohio. It is more than 50 years old, and is carrying more than twice the traffic it was designed for. Concrete is now falling from the bridge's ramps onto cars parked below. There is no money to fix it, not the Brent Spence Bridge, and not thousands of other bridges like it across the country.

In fact, just last night we got news about a structurally deficient bridge on the Maryland side of the Capital Beltway. Concrete started falling and fell on the roadway below, badly damaging a car passing through. Fortunately, this time, the driver survived. But make no mistake; infrastructure and disrepair has the potential to harm and kill. Our country is too great to allow our infrastructure to fall apart. We must do something.

Second, aside from tackling deferred maintenance, we need to build new things again. Our Nation is growing by 70 million people over the next 30 years. That growth is coming largely in the south and western parts of our country. And we will choke on that growth if we are not careful. That is why, when we hear the State DOT secretary in fast-growing Tennessee say he is canceling $400 million in projects due to funding uncertainty here in Washington, we should all be concerned.

The same is true when we hear about Arkansas, which just postponed 3 projects on top of the 15 projects that were postponed in 2014. At a time when we should be building more, we are building less. We need to do something.

Finally, we need to make sure that the transportation system is smarter, more efficient, and more effective. That is why DOT sent you the GROW AMERICA Act last year. The GROW AMERICA Act includes—and I think many of you will agree with me—tools to ensure that we are better stewards of taxpayer dollars. Among other policy proposals, such as those that would have enhanced safety, the GROW AMERICA Act would have cut redtape and streamlined the permitting process. That way we can get projects done faster, and remove barriers to private investment, and do so in a way that does not compromise the environment.

We need those dollars to help tackle our infrastructure deficit. Creating capacity through more efficiency is another way to help us get there. Every dollar saved due to reduced delay creates more capacity in the system. And, again, there is more we can do on that front.

All three of these components—fixing what we have, building more, and being smarter and more efficient—work together. It is a package deal. But here is the other point I want to make today. In many ways, it is the most important point. We could be 1,000 times more efficient. But the fundamental way the Government has been investing will still fall short of meeting our needs if we don't invest more.

As the State DOT director in Arkansas said, "The Federal Government is putting States in a real bind." That is because, over the last 6 years, Congress has funded our transportation system with 32 short-term measures, including the latest one, which will expire this May, right at the beginning of construction season.

My guess is that there are State DOTs right now today that are scanning their project lists over the next few months, in trying to figure out which projects they can do, and which ones they will have to cut off. Instead of saying, "Build, build, build," Congress has been saying, "Stop." Not just in Tennessee, not just in Arkansas, but across America.

So, here is what we plan to do. In the coming weeks we will introduce a new and improved GROW AMERICA Act, one that provides 6 years of funding, and more of it, for the system we need. The system needs us to stop budgeting to numbers. We need to budget for results. The Highway Trust Fund balance is a number. It is not an outcome. Studies show, from CBO to industry groups, to our own study and research at DOT, that merely replenishing the Highway Trust Fund will keep us at a funding level that falls short of meeting even our maintenance needs.

Meeting basic maintenance, even if we did that, does nothing to meet the needs of a growing Nation, in terms of new capacity. That is why the new GROW AMERICA Act will increase surface transportation investment to the tune of $487 billion over 6 years.

Now, $487 billion sounds like enough to choke a horse, as we say in North Carolina. But against what we need, it is not such a big number. It is doable. And keep in mind that others are calling for far, far more than we are. We have also hammered way down on the pay-for through pro-growth business tax reform.

So, today I say, "Let's play to win as a country again. Let's get back in the transportation business in a significant way." And, to do so, we need you to set the ceiling, not the floor. I believe this committee, on a bipartisan basis, can do that. I believe this committee can produce a bill that is truly transformative, and that brings our country together.

So, I look forward to working with all of you, and I am looking forward to your questions.

Thank you, Mr. Chairman.

Mr. SHUSTER. Thank you, Mr. Secretary. We appreciate the testimony.

And one of the things you said that really stuck out there was budget for results. And I think that is what we need to do. When you hear both sides of the aisle, both sides of the Capitol, both ends of Pennsylvania Avenue, everybody is talking about a long-term bill, and across America. I am happy to say—not for good reasons, necessarily, but happy to say, every time I turn the TV on, or open up the newspaper, people are writing stories about the need to invest in our infrastructure. So budgeting for results, I think, is key to that.

There are many out there that say, "Oh, we spend enough and, you know, we are not getting the best bang for our buck," which, in some cases, that may be true. But I tend to side with you on, you know, we need to build things, because we are headed towards that 400 million population in the future.

So, my question to you is, I know that you have done a lookout 30 years, and know what we need to do. So, in this bill coming up, what are some of the things that you might recommend that we do to speed up the process, and give States more flexibility to be able to move these projects forward?

Because, as I travel the country time and time again, you see these projects that take so long. And I was—a couple of days ago, in a place where they had a project that was a $180 million project. That was 5 years ago. Now it is $230 million, and it is because we go through this process that it takes so long.

So, again, looking out in your crystal ball 30 years, and the study you have done, what are some of the things that you might recommend to us? And what are some of the things you might recommend to give the States the flexibility so they can move forward?

And I will say this again publicly. You know, one of the things that impresses me most about you, and the experience you have, most important I think, is being a big-city mayor, and so you have dealt with every crappy Federal program that we have sent out there, and you understand, firsthand, how we need to streamline. So "crappy" is a technical term here in the Committee on Transportation and Infrastructure.

[Laughter.]

Mr. SHUSTER. So, Mr. Secretary, please.

Secretary FOXX. Yes, Mr. Chairman. I have had many of those sandwiches.

[Laughter.]

Secretary FOXX. Let me offer a couple of thoughts. First of all, just to set the premise, we did this Beyond Traffic survey to look at the system. What is the system doing for us now? What does it need to do for us down the road?

Some of the facts are pretty compelling: We are going to see a 60-percent increase in truck traffic over the next 30 years. We are going to have 70 million more people, all of whom are going to be trying to get from one place to another. We are going to find that many of our freight networks across the country that are congested today are likely to get more congested, unless there is some relief.

So, when you ask about speeding up projects, I think that is a critically important issue, because it goes to public confidence, and it also goes to saving resources and getting more out of what we spend.

We think there are a couple of things we can do in that vein. First, we should try to operationalize some of the lessons we have learned from our concurrent review processes at DOT. Over the last several years, following the Recovery Act, there was an effort to put some national projects up on a dashboard. We put interagency teams together to review the permitting associated with those projects. It was, like, 50 projects. We did the permitting reviews all at the same table. We were able to get those reviews done in a much shorter time.

The Tappan Zee Bridge in New York, for instance, had about 3 to 5 years of permitting baked into it from the beginning. We were able to get it done in 18 months, using that method. The good thing about it is that it doesn't jeopardize the equities of any of those

issues, it just front-ends the conversation about permitting. So we think we can operationalize that. That was suggested in the last GROW AMERICA Act. And it is another issue I think we can work together on.

Another issue on permitting is the fact that, even within DOT, we sometimes have duplicative permitting requirements. For instance, if there is a bridge that has a transit project on it, both environmental reviews have to be done under current law. We think there should be a way to consolidate those studies so that only one is necessary.

On the issue of State flexibility, we have had good success with programs like the TIGER program. And I think that if we had some dedicated programs such as a freight program that was a similar competition among States, it would free the States up to actually start planning and doing major projects of scale that will help us relieve congestion in our freight areas. So that is an example of where I think we can go.

Mr. SHUSTER. Thank you. With that, I will recognize Mr. DeFazio for 5 minutes.

Mr. DEFAZIO. Thank you, Mr. Chairman. Mr. Secretary, thank you.

I would observe that the additional funding you are proposing would put us right at the point—if the gas tax had been indexed over time for construction cost inflation, that is about the amount of money we would collect this year. So it isn't some major—I mean it is obviously a major investment, but it is really kind of the path that we should have been on all along.

Now, we aren't going to see mandatory repatriation, probably, out of this Congress; the Republicans don't support it. And we are not going to see it by May 31st. So do we have a backup plan, or a short-term proposal on how we are going to get through the next construction season? Anything that might relate to existing user fees and some sort of adjustment to those, or any other proposal?

Secretary FOXX. Well, I have to say that, in terms of the pay-for we have suggested, we have put our cards on the table. We very openly said to Congress that, if there are other ideas that emerge, we are willing to hear those ideas and consider them. We haven't taken any other pay-for off the table. And, to my knowledge, we will not.

Mr. DEFAZIO. OK. I thought I had seen a statement from someone at the White House fairly recently where they didn't support an increase in the gas tax.

Secretary FOXX. Well, we support our proposal, but we——

Mr. DEFAZIO. No, I am just saying—just say Congress looked at indexing the gas tax, or, you know, maybe some on the Senate side, Republicans have proposed an increase in the gas tax. You know, don't hear that much on this side, except what has been introduced. Or I proposed a barrel tax. I mean are those things all potentially possible with this administration?

Secretary FOXX. We are all ears.

Mr. DEFAZIO. OK.

Secretary FOXX. But I think what we have got to focus on is the fact that we do have time limitations here, and we do think our proposal is practical.

Mr. DEFAZIO. Right.

Secretary FOXX. There is bipartisan interest in going towards——

Mr. DEFAZIO. Right, but—I understand. But there is a big difference between, you know, the kind of repatriation we did before, which lost money, which is what is generally supported by the Republicans, and mandatory repatriation and actually overt taxation of overseas assets, which the administration supports, which, I have got to tell you, I am afraid is a nonstarter with this Congress, you know. I would be happy to support something like that along those lines, but the other side of the aisle won't.

So, I am just saying—you know, you are Secretary of Transportation. When is it going to be, if we don't have funding in place by the end of May, when will you notify States that you are going to slow down reimbursements?

Secretary FOXX. Well, I am hearing differently about the business tax reform, but that is a political question——

Mr. DEFAZIO. Sure.

Secretary FOXX [continuing]. And we are happy to——

Mr. DEFAZIO. It isn't even this committee's jurisdiction.

Secretary FOXX. But we will probably do as we did in the last crisis. After May we will be watching very carefully the fund balance in the Highway Trust Fund. We expect that at current spending levels we will likely have to notify States in the June timeline of our cash management measures. I would expect that our cash management measures would mimic what we were proposing last time.

Mr. DEFAZIO. Right. And, as I stated at the beginning, some States, in anticipation of that, are already postponing projects for this construction year. Have you heard that same thing?

Secretary FOXX. Yeah, talked about two of them already. I do think they are all scanning their programs of work this year to figure out what they are going to do.

Frankly, from their standpoint, May is actually late in the game.

Mr. DEFAZIO. I know, right.

Secretary FOXX. So they are going to have to be making decisions before May.

Mr. DEFAZIO. OK. Thank you.

One other issue we discussed earlier this year, you called me about what you are doing with the cross-border program regarding Mexican trucks. I expressed a number of concerns to you, including the fact that there isn't much of a regulatory agency on their side, enforcement, et cetera. And it is my understand that the Federal Motor Carrier Safety Administration has submitted comments to Mexico about their concerns. Would you provide those comments, please, to the committee, so we can understand what safety concerns and inadequacies are on the other side of the border?

Secretary FOXX. We will respond to you in writing.

Mr. DEFAZIO. OK.

Secretary FOXX. Yes, sir.

[The information appears in Secretary Foxx's response to Congressman DeFazio's question for the record on p. 85.]

Mr. DEFAZIO. Thank you, Mr. Chairman.

Mr. SHUSTER. Thank you. I recognize Mr. Mica for 5 minutes.

Mr. MICA. Thank you, Mr. Chairman, and welcome, Mr. Secretary.

First, let me give you the good news and the pat on the back. Some of the provisions that we put in MAP–21 allowing public-private partnerships—you spoke to capacity, and we have got to increase capacity. Believe it or not, our responsibility is also the interstate highways, the Federal interstate highways, and we need to do more there.

That legislation has led to us in central Florida to take 20 miles of most congested metropolitan area and expand it to Mr.—goes through part of Mr. Webster, my district, Ms. Brown's district. On Sunday we actually started that project, this past Sunday. It would take 8 to 10 years more to get the $2.4 billion. We got about $1.4 billion in alternative and private-sector funding, and that has going to build increased capacity, a great example of what we can do taking our bucks—and that right-of-way that sits there—and expand it. So, thank you.

Now, let me get to a couple of other things. Haven't been here as long as Mr. Duncan, Mr. Young, and some others on the other side. But the longer you are here, you know there is never enough money, so you got to have those innovative things, and I am glad you have supported that, and successful.

In the last bill we put provisions that allowed us to go to using IT, intelligent transportation systems, and technology to take the corridors that we have and move more traffic. I have seen some examples—New York City, there are several around the country—where they have got some incredibly innovative things. You take the capacity you have, and you maximize it.

We have money in some of the accounts existing, don't we, Mr. Secretary? To do that research and those projects.

Secretary FOXX. We do have ongoing research——

Mr. MICA. Yes, and I know there is money there, because I have checked. The problem is—and when was it my staff was checking? I think it was last May. My central Florida people put in a request to do a project which could be a model for the rest of the country to move traffic in some of our arterials faster. That is still sitting there. I have called at least three times. How long does it take to get that money out?

So, you have got to get money that is in some of these accounts out. And I know, Mr. Webster, Ms. Brown, and others, we would be most grateful if we could get that out for central Florida. We could create a model of how people—everybody here has huge traffic problems, but they don't have the money. And simple solutions using technologies can get us there.

Second thing is I had—we have a commuter rail system—hate to get local and parochial, but you know how it goes, and all politics is local. We had people up this morning and today coming to Washington because of some changes in a proposal for a commuter rail. And I couldn't figure out what was wrong; there had been agreement before. I found out there was, like, $10 million difference in a $170 million project.

Two things were brought to light. One, we started agreeing and setting the terms for this 6 or 7 years—no possibility of flexibility.

You talked about flexibility, budgeting for results. But we have to have some flexibility on 7 years, a $10 million difference.

Then I found out, further, that the difference is actually a requirement on Positive Train Control, which we mandated in the interim from the time the project started. So, it put us in a situation where we have problems or issues over a small amount of money because of a Federal edict.

Somewhere we need the ability of the Secretary to step in and say, "Let's move forward with this." You have been helpful, we appreciate that, but those are the kind of things that drive us bananas.

Finally—I have got a few seconds here—you have actually been the first Secretary to come forth with some policy in the administration. We had nothing for a long time. You talked about freight; we had freight mobility study. Come up with a couple of innovative projects. We have the ability to do some freight corridors, OK? And I think we could do them. But I think sometimes it takes the administration to take the lead, someone to take the lead.

What is it, I–81, I–95, some of those corridors—maybe—what goes through yours? Let's use I–81. There is a great one. That is a truck canyon and corridor. But there is lots of right-of-way there. Let's convert that, let's put some money into that, and show that we can move—you gave us the statistics, which were astounding, of how much more freight we are going to move by highway. But we don't have a single plan or a model. And we could do that.

And think about doing it just through the chairman's district, if nothing else. How is that?

Mr. SHUSTER. The gentleman's time is expired.

Mr. MICA. I just gave him a project.

Mr. SHUSTER. I appreciate it.

Mr. MICA. OK.

Mr. SHUSTER. I want you to stop there——

Mr. MICA. Yield back the balance of my time.

Mr. SHUSTER. Want you to stop there and not—I don't want you to dilute what you are saying by saying anything else.

[Laughter.]

Mr. SHUSTER. Thank you very much, Mr. Mica. And, by the way, for those of you who want to see it, it is like a railroad at night. It is just trucks. It goes up to New York, in some of your districts, and down South.

But, with that, I recognize Ms. Norton.

Ms. NORTON. Thank you, Mr. Chairman. And I think we have a pretty realistic notion of where we stand on the highway bill, I regret to say. So I would like to get into a couple of nationally significant safety issues.

After 20 years, we finally got regulation of transit—particularly underground transit—but only after nine people were killed in a Metro accident here in 2009. And now we have just had another accident, which took a life and sent 80 people to the hospital.

Am I to believe that the FTA safety office, which will oversee States—we gave this task to the States, with the FTA safety office having oversight. Is that office fully staffed?

Secretary FOXX. We have been staffing up steadily since MAP–21 gave us that responsibility——

Ms. NORTON. When will that office be staffed? It needs to push the States.

Secretary FOXX. Yes. Well, admittedly, ramping up a very new function in safety takes a little time. In fact, we are working through a rulemaking that will give us all of the authorities, and provide the agencies with all of the notice of our activities that will happen, going forward.

I can get you more detail on the rampup plan, but I know that last year we brought in more than 20 people to help us with these activities. But you are absolutely right; these transit systems are critically important, and when accidents happen, answers need to be developed very quickly, and responses need to be deployed very quickly.

Ms. NORTON. Mr. Secretary, do you have any idea how many of the State offices are staffed, and up and running?

Secretary FOXX. I don't have information——

Ms. NORTON. Would you get that information to the committee?

Secretary FOXX. Of course.

Ms. NORTON. I think we need to push the States when we see these accidents continue to happen.

Let me ask you another—about another safety issue. Most of our trucks are really small businesses, and there has been no standard driver training. To their credit, they desire to have a standard curriculum. This is—this issue is more than 20 years old. I believe I read yesterday that you had—you were beginning a negotiated rulemaking, and would expect a final rule, I suppose, at some point on behind-the-wheel training for drivers, which is lacking for most of the drivers in the trucks out here on the roads.

Have you an expected timeline for this driver training curriculum?

Secretary FOXX. We hope to complete our work on this within the calendar year, Congresswoman. This has also been a long and tortured issue with a lot of false starts in the past. But we think a negotiated rulemaking is the fastest way to get us there with the parties at the table.

Ms. NORTON. That is very good news, that this could happen within the year.

Finally, Mr. Secretary, various States, frustrated that we did not even authorize any experiments for alternatives to the gas tax—some of them have begun to do their own alternatives—I wonder if you would agree that, at the very least, in the next bill the Federal Government ought to authorize studies of what the States are doing, so we have at least some information on alternatives to the user tax that we now know is no longer useful to us.

Secretary FOXX. I think that would be a very productive opportunity. There is a reason why America is getting more stuck in traffic, and some of it has to do with the fact that—the way we have done things in the past, both policy and perhaps even funding-wise, need to be looked at with fresh eyes.

I think the more information, the more study there is out there, it can only help the system, at the end of the day.

Ms. NORTON. Thank you, Mr. Secretary. It is one thing for us not to authorize the studies. I congratulate the States who are doing their own experiments. And, at the very least, I will, myself, en-

deavor to see that the next transportation bill at least gets us some input from the studies—from the work that is being done in the States. And I thank you, and I yield back, Mr. Chairman.

Mr. SHUSTER. Thank you. And, with that, I recognize Mr. Hanna for 5 minutes.

Mr. HANNA. It is a pleasure to see you here today. Thank you for being here.

Secretary FOXX. Good to see you.

Mr. HANNA. Mr. Secretary, this is a little bit off of where everyone else is going, but there is an hours-of-service regulation that you are familiar with. It is of deep concern to a great many people, the 34-hour restart period. It was surprising to see that the Department, in implementing the study required in last week's—last year's appropriation bill actually awarded that study to exactly the same company that did it the first time that we take great exception to their results and their opinion.

They also asked to have their—knowing that there are 2 million truck drivers in this country, they asked to have a survey sample of 250. And what we know about this bill, from the truckers—and it is not anecdotal; it is real—is that the way the bill is written—the way the proposed rule is—and we would hope it would change—is—requires them to go into earlier hours of the morning—or, rather, later hours in the morning, simply—and require more trucks and more drivers, et cetera.

So, I just simply ask that a serious look is taken at that—to that, and that we engage the 2 million truckers and all the companies, because they are up in arms over this, simply because they think it is counterproductive, in terms of safety. And also, because it would require more trucks and more drivers to go on the road to replace those ones. And it is very prescriptive to tell a person, basically, when they are tired.

If you want to make a comment, I would be happy to hear about it.

Secretary FOXX. Well, only to say two things. One, I will take a look at the issues you are raising, and, second, to reaffirm one critical fact, which is that we at USDOT, our focus isn't on inhibiting people's rights to make a living, or their freedoms. But it is to make sure that the transportation system is safe. There is science about human tolerance, Circadian rhythms, it gets into a lot of scientific stuff about how much of a tolerance an individual has.

We have used that science in aviation, we have used it in just about every mode of transportation. And hours-of-service rule was our first foray into that——

Mr. HANNA. But knowing that the study was never completed, and yet it was implemented August a year ago, doesn't prove that they were interested in science. Actually, it proves that they were on a mission to have this rule implemented. It seemed very arbitrary and capricious.

We are asking only that the study is done thoroughly, done intelligently, and done based on the things that you just spoke about, knowing that the trucking industry is fundamentally happy with the rules that they have, and the industry's record of safety has increased year in and year out.

Secretary FOXX. Well, I would say that we don't make a practice of issuing rules without completed studies. But I will take your point, and the point being that our goal is to maximize the amount of transparency and input from a variety of stakeholders, which is what our public input processes really should do, so that when we land on a rule, folks feel like they have at least been heard, and they have actually been heard.

Mr. HANNA. I appreciate that. And I also think, though, that it is—one could argue that to hire a company that completed a study and ask it to go back on its own study is the definition of a conflict of interest. And to have a 250 sample set out of 2 million is not—I am not an expert or an actuarial person, but it doesn't seem like nearly enough.

So, I would ask that you go back and look at the company you hired. Because, basically, no one is going to believe what they say. You know?

Secretary FOXX. So I will be happy to respond to you in writing after we have taken a look at——

Mr. HANNA. You are very kind, and I appreciate it, sir. Thank you. I yield back.

Secretary FOXX. No problem.

[The information follows:]

FMCSA selected the Virginia Tech Transportation Institute (VTTI) to manage the Commercial Motor Vehicle Driver Restart Study as they have a solid national reputation for conducting vehicle-related safety and driver fatigue research. VTTI pioneered the use of naturalistic driving studies and has successfully carried out these kinds of projects for FMCA over the past 10 years. Additionally, the National Academies of Science selected VTTI to oversee large scale naturalistic driving research projects as part of the congressionally directed Strategic Highway Research Program 2 (SHRP2).

The overall study team is different from the MAP–21 study, for which Dr. Hans Van Dongen at Washington State University served as the technical lead. Regarding the Driver Restart Study, in addition to the VTTI team, Dr. David Dinges, a nationally recognized expert in sleep and fatigue research, and his team at the University of Pennsylvania serve as the technical lead for the study. Dr. Dinges has served as President of the Sleep Research Society, on the Boards of Directors of the American Academy of Sleep Medicine and the National Sleep Foundation, as President of the World Federation of Sleep Research and Sleep Medicine Societies and as Editor-in-Chief of SLEEP, the leading scientific journal on sleep research and sleep medicine.

The Commercial Motor Vehicle Driver Restart Study has similarities to the MAP–21 study but is broader in scope as it will involve more than 200 truck drivers over a 5-month data collection period. The Driver Restart Study will also employ more methods to measure driver fatigue and safety performance such as on-board video monitoring systems. Data from more than 200 drivers will generate statistically significant data as it is a large enough sample size to measure the characteristics between the two groups of driver—those that use a one nighttime rest period during their 34-hour restart breaks and those that use two or more nighttime rest breaks. Standard statistical techniques were used to generate an appropriate sample size. This sample size, as well as the overall design of the study, was reviewed by an independent review panel and the U.S. Department of Transportation's Office of Inspector General. As the project involved the participation of human subjects, the study was also approved by Virginia Tech's Institutional Review Board.

Mr. SHUSTER. Thank the gentleman. And, with that, Mr. Larsen is recognized for 5 minutes.

Mr. LARSEN. Thank you, Mr. Chairman. Mr. Secretary, thanks for coming out and helping us out today.

So, one of my criticisms about the administration's funding package is sort of what is next. You may not be here in 2021; some of us will be, and we will have to deal with 6 years from now, and what we do on funding. Because the—repatriation was a one-time deal. Do you have any—given Ms. Norton's question, is there some proposal to look at what would be next, after—if this bill passes, as is, in terms of funding?

Secretary FOXX. So two points, and I will try to be brief with these.

Mr. LARSEN. Yes.

Secretary FOXX. We do not characterize our proposal as repatriation. That term gets pushed around a lot, and I think it is important to recognize that what we are doing is we are putting a one-time tax on overseas——

Mr. LARSEN. Here is my point.

Secretary FOXX. Yes.

Mr. LARSEN. Define it—whatever the definition is, it is one time. Is that right?

Secretary FOXX. Yes.

Mr. LARSEN. So it would fund it for the 6 years, and then the next 6 years we would be left to deciding how we fund the next 6 years.

Secretary FOXX. Yes. I think what you are asking is the reality that, no matter what pay-for you look at, there are some weaknesses in all of them. In this pay-for, what you get is basically a 50-percent increase—actually, a 100-percent increase in what the gas tax is putting into the system today. And you are able to substantially move the country forward over a 6-year period.

Now, there is a question mark on the other end of that. But look at where we are right now. We have bridges that are crumbling, and we need to do something. We think it is important to get something done right now. If we can work with you to figure out the longer term, all the better.

Mr. LARSEN. So that point—I am well aware of the crumbling bridges, since Skagit River Bridge collapsed in my district in 2013. And so I have introduced the SAFE Bridges Act last session of Congress, introduced this session of Congress. Is there anything specific to bridge replacement and bridge investment in the proposal?

Secretary FOXX. Yes, there is a critical infrastructure repair program that is contained in GROW AMERICA. It is focused on repairing infrastructure such as bridges that are in a state of disrepair. It would put substantial amounts of money into just focusing on maintaining our system in a better level.

Mr. LARSEN. So the second things from—the second lesson from the Skagit River Bridge collapse was—what we used to fund it was emergency bridge repair, as well as the streamlined permitting process. These two things are lessons learned from the I–35W collapse.

Has the administration or the Department looked at that permitting process for the emergency bridge repair as an application, a broader application, to deal with this, the broader permitting issues

that we all have experienced when we see these projects being built?

Secretary FOXX. Yes. And, in fact, I have to give credit to MAP–21 for giving us the tools to do the emergency release funds the way we did it in the Skagit situation, as well as the permitting work. Again, that is wrapped into our version of permit reform that is contained in GROW AMERICA.

Mr. LARSEN. And applying it more broadly, not just to emergency situations, but to——

Secretary FOXX. Yes, we have managed to accelerate permitting in emergency situations, and then we put projects up on our permitting dashboard. The basic practice is the same, which is to have concurrent reviews that move things forward.

Mr. LARSEN. Thanks. Finally—perhaps—well, probably with the time left—there is a question about—one approach people are talking about with regards to transportation funding is devolution, getting the Federal Government out of the business. And I like to say Lewis and Clark were the first intermodal travelers in the country.

So, we have been, from a Federal perspective, traveling intermodally for a long, long time. And the idea of devolution seems to me a step back. Can you give us a why or why-not description on devolution?

Secretary FOXX. Well, I think the bottom line on that question is that if you take freight, for instance, we manufacture something here in the U.S., and we want to get it someplace else in the world. Whatever that is, it has got to go across several States, likely, to get someplace. If you have—the State it is made with pristine infrastructure, and then it goes to the next State over, and that State has very poor infrastructure, and the stuff can't get to the next State, you have got problems.

The Federal Government has always taken an interest in making sure there is at least a floor there so that we can have interstate commerce behave as we want it to. That is just one reason why I don't think devolution is a good idea.

Mr. LARSEN. That is great.

Secretary FOXX. There are many others.

Mr. LARSEN. Good. Thank you.

Secretary FOXX. Thank you.

Mr. LARSEN. Thank you, Mr. Chairman.

Mr. SHUSTER. I thank the gentleman. And, with that, Mr. Crawford is recognized for 5 minutes.

Mr. CRAWFORD. Thank you, Mr. Chairman. Mr. Secretary, thank you for being here today. We are on the front end of a process of trying to reauthorize a highway bill and Highway Trust Fund. And I hope we are able to consider a multiyear approach. And that is going to contain hundreds of billions of dollars in spending. And my constituents, along with, I think, everybody in the room, would just like to make sure that every dollar is spent wisely.

And the administration has made transparency a priority, and I am wondering if there is not more that could be done here to bring transparency to where and how money is spent. Specifically, can the agency provide a greater level of detail at the project level?

Secretary FOXX. We have tried. When the Recovery Act was done back in the late 2000s, we put up a dashboard that was basically

designed to do exactly what you are saying: "Here is Project X, here is where it stands in the permitting process," and to show the progress that was being made on that project, as it was going through the process.

Can we do more of that? Absolutely. We could do it more if we had the technological tools, and if we had the authorities from you. I think the more we can work on that, the better.

Mr. CRAWFORD. Well, certainly, I think the technology exists to do that. I mean last week Ford introduced a driverless car that drove hundreds of miles on a California highway. So I don't think technology is an issue, I think it is a willingness of the administration to make that a priority.

Let me ask you specifically. Where is the highway bill, in terms of the administration's priority? How does it rank?

Secretary FOXX. We put a bill out last year. We are working on a new and improved version of it. And it is a very high priority. I don't think we would spend our time trying to come up with a proposal if we didn't think it was important.

Mr. CRAWFORD. And let me go back to the technology thing. Is it feasible to think that we might be able to have a Web site that would detail these categories of projects, so that the general public could go on at any given time and see where their dollars were being spent?

Secretary FOXX. I think we have a lot of challenges with that. I want to explain what they are, because it is not a willingness. It is actually—the USDOT is basically a funding partner with States and local project sponsors, which is where most of the work is actually being done. And so, our ability to track the progress of any given project is directly tied to that State's ability to provide us with current information.

We have a new NEPA tool called eNEPA. We are basically trying to put that on a digital platform, so that we can use less paper, and do this concurrent permitting better. But we have a handful of States right now that are using it.

And so, when I say that it is, I am not trying to drag my feet on this, I think your idea is a very good one, and I look forward to trying to move it forward. But we have got to have cooperation from the States and investment by the States in helping us get this platform moving.

Mr. CRAWFORD. Well, with respect—you know, my constituents, and I suspect most constituents across the country, feel the same way about this. We use broad terms like "infrastructure investment," and folks really don't know where that money is going, and there has not been a very good account of where it is going, and can't see necessarily the progress that they would like to see.

And, you know, I don't think a sign is sufficient. In fact, I think a sign actually ends up costing more, when we could utilize technology more efficiently to let people know what is going on, where it is taking place, and the progress of a given project in any given time.

So, you know, if we could see that incorporated going forward, I think you would see a lot more willingness on the part of the American people to support infrastructure investment, having a better idea of knowing where their dollars are going. I say "their dollars,"

because I think we all know that we are playing with our tax dollars.

Mr. Chairman, I yield back.

Mr. SHUSTER. I thank the gentleman. With that, Mrs. Napolitano is recognized for 5 minutes.

Mrs. NAPOLITANO. Thank you, Mr. Chairman. It is good to see you, Secretary Foxx. Just a couple of comments.

And in your statement you indicate that you are paying more attention to rural and tribal areas to include in covering. What about territories?

Secretary FOXX. Through the GROW AMERICA Act, we invest in territories, too. There have been some proposals recently that have not. But our proposal acknowledges and supports the programs in the territories, as well.

Mrs. NAPOLITANO. Thank you. Well, some of my former colleagues had brought it up, and they are not here in this committee any more.

The other area is railroads usually provide about 3 percent for grade separations. And I have recently asked Mr. Hamberger how much. He guessed at 10. I reminded him it is mostly about 3, and maybe 2 percent of in-kind. And those are the things that maybe we need to look at to be able to have more outside dollars be able to be paired with local, State, county, and Federal dollars.

I am very glad to see the GROW AMERICA Act included a section to establish the national freight program. As you have been aware, the—my area is the busiest rail freight corridor in the Nation, with four freeways that are all just jammed to the hilt. And I agree with Mr. Chairman, because we have trucks day and night, especially on the 710, and then, of course, going out on the 10 and the 60. And the—of course, we have mostly Union Pacific, with the Alameda Corridor-East, which delivers over 50 percent—probably even more—of product to the Eastern States. Biggest challenge is mitigating the negative impacts in the communities that it transects.

Now, do you think it is important the national freight program prioritize projects that mitigate the negative impacts, including health and safety impacts, that this freight has on our local communities?

Secretary FOXX. I think that an important consideration in looking at a national freight plan is the impacts on communities. This gets to the point I was making earlier, because of MAP–21, we are looking at how freight moves in this country, and we are taking a broad look at that, probably even broader than just the four corners of what MAP–21 requires, because MAP–21 focuses mostly on highway lane miles, but we know that there is rail dimensions, there are port dimensions of freight.

But as we look to improve our freight system, just like we looked to improve the entire transportation system, I think one of the most important things is making sure that there is a meaningful public input process that goes along with this, so that the impacts of any given decision are understood, taken into account, and addressed at whatever level the project is happening on.

Mrs. NAPOLITANO. Thank you. I will continue working with you on that, because that is a big issue in my area.

Second question, Secretary Foxx, is the Federal law currently prohibits cities and local transportation agencies from having the local hire preference on transportation projects where just even $1 of Federal money is spent. That was an old provision. It used to be when 80 percent was federally funded and 20 percent local. Today it is reversed. Most of the communities either have local money, county money, State money, along with the Federal money.

And this issue is addressed on a temporary basis in the appropriations law. But shouldn't we not include in the reauthorization bill to allow cities to have a local-hire preference, when the projects are a majority of local funds, whether State, local, county, and—versus Federal?

Secretary FOXX. It is extremely powerful when a project is happening in someone's backyard, and they have the ability to apply for work in it. We think that having local hire would be a strong statement of the job creation value of transportation in our system.

I do want to thank this Congress for allowing FTA to broaden its efforts in this regard through the omnibus bill that passed at the end of the last Congress.

Mrs. NAPOLITANO. Well, many of our communities sometimes have high unemployment rates, and this would be exceedingly helpful. Instead of having to import workers from other areas, from other counties, even from other States to come in and work. So love to be able to hear any more information that you may provide this committee.

Secretary FOXX. Great, thank you.

Mrs. NAPOLITANO. Thank you. Yield back.

Mr. SHUSTER. Thank the gentlelady. And, with that, Mr. Barletta is recognized for 5 minutes.

Mr. BARLETTA. Thank you. Thank you, Mr. Chairman. Mr. Secretary, last year the GAO issued a report that was highly critical of the FMCSA program, and its effectiveness in improving highway safety. Right around the same time that report was issued, FMCSA issued a report by DOT's Volpe Center, the very organization that developed the methodology behind CSA, that served as a ringing endorsement of the CSA program.

One of the major problems pointed out by GAO was that CSA uses data from a significant number of violations that have no causal connection to crashes or predictive ability, a point reinforced by the motor carrier and enforcement communities in separate letters last year. If CSA is truly meant to address safety problems before crashes occur, shouldn't scores, especially if they are available to the public, be based upon violations of regulations that have a causal connection to crashes?

Secretary FOXX. I would like to submit a more thorough response to you in writing, but let me just respond briefly, here.

FMCSA has fully reviewed the GAO report. While considering all the information, the agency has strong disagreements with it. The primary reason is that the GAO's proposed methodology is inherently flawed, according to FMCSA, and counter to the agency's safety mission.

The GAO recommendation proposes that the agency wait until 20 observations of unsafe behavior and after a crash occurs, which is contrary to the goals of the agency of intervening to help carriers

establish strong safety practices before crashes occur. So I think there is a disagreement here. I would like to flesh that out to you in a written response, if that is OK.

Mr. BARLETTA. And let me say, Mr. Secretary, I am glad that you are a mayor. I think mayors are smart people, should be appointed to the highest positions of any department.

[Laughter.]

Secretary FOXX. Sounds like a former mayor over there.

Mr. BARLETTA. In August 2013 more than 40 of my House colleagues and I sent you a letter urging you to consider the impact of bigger trucks on our local roads and bridges across the country in your truck size and weight study. Despite our requests, it is my understanding that the Department study will be limited to what is basically the interstates and National Highway System.

Are you looking at about 5 percent of public roads, and you are, in effect, ignoring the other 95 percent of roads and bridges where most people live and work.

The majority of automobile traffic are on these local roads. I discussed this issue with city and county officials in my district, and they are very clear in saying to me that their roads and bridges are far different than those that you plan to study. Their roads and bridges are older, and they are in worse condition, and they are many times built to a lower standard: many just a few inches of asphalt on a local road, as you would know, as a mayor, versus an interstate that has maybe a foot of concrete.

This is a letter from Mayor Joe Yannuzzi from the city of Hazleton, and he says that the roads in his city, where the heavier trucks operate, have sewer and water pipes beneath them that can be damaged from the heavier truck vibrations because of the only few inches of asphalt that are there. That is not something that you are going to find on interstates.

He goes further to say that if a—bigger trucks are allowed, he would have to double the public works budget to cover the increased maintenance costs.

Don't you agree that we should have data on the impacts of the bigger trucks on the local roads before making the decision to allow them nationally? And how much time and money would you need to extend your analysis to cover the impacts on the local roads, where the local taxpayers will be footing the bill?

And, again, as a mayor, I am sure you can——

Secretary FOXX. Yes.

Mr. BARLETTA [continuing]. You could appreciate that.

Secretary FOXX. I totally get that. Yes, sir. Frankly, I am going to need to go back and also respond to you on that question of the local road impacts, and how carefully we are looking at it.

What I will say, though, is that, from the very beginning of launching this study, we have built in some substantial peer review and public input work that is ongoing to stress-test the study to ensure that we are looking at what we should be looking at.

And so, as we go along, it is a report I know people are anxiously awaiting, but we are trying to make sure we get it right. The kinds of questions you are asking are ones that——

[On pp. 83–85, Secretary Foxx responds to Congressman Barletta's questions for the record regarding the impact of trucks on roads.]

Mr. BARLETTA. I think the study would be fundamentally flawed if we are not considering the local roads and the impact that it has on the local taxpayers. Thank you.

Mr. GRAVES OF MISSOURI [presiding]. Mr. Garamendi, you have 5 minutes.

Mr. GARAMENDI. I do. Thank you, Mr. Chairman. Mr. Secretary, I want to thank you and congratulate you and urge you to continue to really re-do the new version of GROW AMERICA. Last year's version was—covered all of the issues we need to cover, and I think covered it in a very solid way, from highways to transit to airports and freight, and everything in between. Stay with it. I look forward to your bill, and I would hope that your version of the bill becomes the foundation for our work in a 6-year plan, going forward.

The issue of funding will be debated for a long time, and hopefully resolved. But I think the American people really need to understand why we must do this. If they have a full understanding of the necessity of it, then the funding issue will follow much more easily. Thank you for going to some 40 States. You are welcome in my district any time to explain why we need to do this, and I will work with you on that.

There are some very important policy issues in the GROW AMERICA Act, and I would hope that they would be in the new legislation that you propose, among them the Buy America provisions. These are American taxpayer dollars. They ought to be spent on American jobs and American equipment made in America. And I thank you for having that in last year's bill, and even in a higher percentage. Stay with it. You will certainly have the support of many of us in Congress, because we want to see those jobs in America.

In that area, there is now before you a request from Amtrak to waive the Buy America provisions for some 28 train sets for the Amtrak high-speed rail here, on the east coast. You will be getting a letter—you got a letter from me, you will get a letter from many others in this committee saying, "Don't provide that waiver." If that waiver goes forward, we will not be building those manufacturing facilities here, in the United States, for the future, as well as the Amtrak proposals.

I don't know if you want to comment on this. I would love to hear you say, "No waiver coming," but if you would like to comment, please do.

Secretary FOXX. Well, thank you, first of all, Congressman, for the incredible support for the administration's proposal. It is, we think, a very targeted, focused, and effective proposal, and we appreciate your support.

On the issue of the Amtrak trains, that is a measure that is under review by the Department. And I think I would be getting over my skis by commenting here, but I take your point, and we will, obviously, take that back into the Department.

Mr. GARAMENDI. Well, I fully expected you to duck, bob, and weave on that one, but——

Secretary FOXX. Thank you, I try to please——

Mr. GARAMENDI. Know where we are coming from. And, since you wrote a very high standard into last year's GROW AMERICA bill—and, I hope, in the coming bill—you will carry out your own policies in this regard.

With regard to another issue, Mr. Barletta raised this issue of the heavy trucks and the super-trailers, super-sized. There is a great deal of concern in California about this. We don't now have these in California. Many of the local officials—State, county, mayors, and the rest—are very concerned, just as you heard from the previous discussion. I share those concerns, and I would hope that the study that is underway would take into account local highways. And also, the comments of local police, sheriffs, highway patrols, which did not appear to be in the study, thus far.

If you would care to comment on expanding the study to include these concerns, I would appreciate it.

Secretary FOXX. We are still working through desk scan revisions, release of technical reports still have to be done. But there is another round of public input that is built into our process. So there is still time for us to get the types of comments that you are talking about.

Now, we will make sure that you are aware of when that time will come in the process.

Mr. GARAMENDI. I thank you for that. I would note that the local agencies—police, fire, as well as mayors and counties—are very, very concerned about their input into the current study being insufficient or, actually, ignored. And we would hope that this would not be in the final study.

I thank you once again for your leadership on the overall transportation issue. GROW AMERICA was a very good bill. I am sure that the next version, by extending to 6 years, is even better. Please carry forward the policies. I will yield back my time, Mr. Chairman.

Mr. GRAVES OF MISSOURI. Mr. Webster.

Mr. WEBSTER. Thank you, Mr. Chairman. Secretary——

Secretary FOXX. Good to see you.

Mr. WEBSTER. First of all, I would like to personally thank you for helping out with me and—personally, and the State of Florida, in getting a TIFIA loan for the Interstate 4 ultimate project. That was crucial in getting that project going and on time, and I really appreciate your personal involvement on that. It was an awesome effort. And it is the largest loan, as you note, that—by the Department on a public-private partnership, which is going to help us immensely. We have over 55 million people that come to our central Florida area and visit our world-class attractions in the district I represent, and along with the citizens there, we have a lot of traffic.

And that loan that was done in the TIFIA project, the ultimate project for Interstate 4, part of that, was—that project is a revenue-generating project, because it uses variable toll express lanes to help fund that project, and to help pay back that loan. And my thought is does that—does the fact that there is revenue, like new revenue that is produced by a project, does that enhance the application for a TIFIA loan, do you——

Secretary FOXX. We are somewhat agnostic on whether it is a new revenue source or an old revenue source. But, clearly, because we are talking about financing, as opposed to funding, what we do need to know is how a given entity proposes to pay back the loans.

We have seen in different places—by the way, last year was a record year for TIFIA. We did 13 projects and $7.5 billion. But what we have seen is that some communities use availability payments, existing tax revenues, to pay back a TIFIA loan. In the case of I–4, there was a new facility of tolling that was used to pay those revenues. But we actually have seen all sorts of different ways to pay for projects, and we continue to keep an open eye and ear towards new ways of doing it.

Mr. WEBSTER. Well, I—and I knew last year was a big year for TIFIA loans. Is there anything that you have learned over those multiple applications that would help streamline the process? And would any of that require legislation?

Secretary FOXX. One of the things that we have done differently with TIFIA since I have been in place is we have started to front-end our process. So it used to be that you send an application in, and the real hard brass-knuckle work on crunching numbers and trying to figure out an acceptable framework happened later in the process. We are now trying to do that hard work at the beginning.

So, when a letter of interest comes in to the Department, we immediately start asking those hard questions, so that when we invite an applicant to apply to the program later, we have done that, and folks can have a certain level of confidence that the TIFIA loan is going to move through.

So, we have tried to streamline it. I think it is working. And I will maybe think about ways that maybe you all can help us do even more, in terms of moving faster.

Mr. WEBSTER. If I could ask just one more question about transportation disadvantage. There are over 80 programs that have been highlighted. Only—less than 10 are in the Department of Transportation. There is a coordinating council. Do you think—and that was established because there has been some criticism that the same person is covered by three or four of those, not in the Department of Transportation, but other agencies through Labor and Education and Health, and all of that have—and the VA, all have—is there any way that that coordinating council could be beefed up? Or do you think it is working? Or is there something else we need to do?

Secretary FOXX. Let me go back and take a look and maybe think about that. It hadn't—I hadn't focused on it, but——

Mr. WEBSTER. Every time we get the GAO reports, it is always mentioned. It is a little thing——

Secretary FOXX. Yes.

Mr. WEBSTER [continuing]. In the overall, that we can say $500 billion if we consolidate programs. But it is there, it is something I knew about when I was in the State legislature, tried to fix it then. I would love to work with you on it.

Secretary FOXX. That is great. Well, we will be back in touch with you.

Mr. WEBSTER. Great.

Secretary FOXX. Yes, good.

Mr. WEBSTER. Yield back.

Mr. SHUSTER [presiding]. I thank the gentleman. With that, I recognize Ms. Hahn for 5 minutes of questions.

Ms. HAHN. Thank you, Mr. Chairman. Secretary Foxx, it is great to have you here with us. This is going to be a big year for our committee, as we work to create this surface transportation bill.

My focus has been, since day one, is our Nation's ports. I cofounded our PORTS Caucus. We now have about 95 Members who are dedicated to really advocating for our Nation's ports. Chairman Shuster led a delegation many of us from this committee just went a couple weeks ago to see the Panama Canal expansion project, and spent a lot of time talking amongst ourselves on what impact that expansion project would have on the United States ports, and our ability to remain competitively—globally competitive. So, I appreciate your focus.

My goal is—in this surface transportation bill, is to create a dedicated freight program. In my mind, this program should have a dedicated freight funding source, which deposits into a trust fund very similar to the Highway Trust Fund. I think freight projects are going to lose out if they always have to compete with all the other projects in this country with just the Highway Trust Fund.

One of the recommendations of the Panel on 21st-Century Freight Transportation was that it should be a dedicated funding source. So, in response to that, I am going to reintroduce tomorrow the National Freight Network Trust Fund Act of 2015, with a bipartisan group of cosponsors, that will create a trust fund that should provide about $2 billion a year.

My idea is to suggest that we divert 5 percent of our import fees in this country. We collect about $40 billion a year in our import fees, and just 5 percent of that, I think, would mean the difference to us, really, funding freight transportation projects in this country. And I think those who pay these import fees would appreciate us taking that money and putting it back into the Freight Network Trust Fund.

So, my question to you is could you speak to that idea of having a dedicated funding source for freight projects in this country? Without that, do you think that the President's program, you know, could fail to provide long-term solutions to our freight bottlenecks in this country?

And maybe comment a little bit about the last mile into our ports. You know, everybody is worried about how the Panama Canal expansion project will impact our ports. The west coast ports are going to be impacted differently than the east coast ports. And yet, the greatest, I think, threat to diversion of cargo is our landside congestion in this country. And, like you said, we have got to get it moved from one point A to point B.

And, if you could, just speak to what do you think of this idea of dedicating the money just for freight projects? And how do we make sure the last mile into our ports across this country are targeted for this kind of funding?

Secretary FOXX. We agree that there needs to be a dedicated freight program in this country. In the GROW AMERICA Act what we do is we put about $18 billion in place over 6 years—I think, actually, it is $28 billion over 6 years, that are focused on freight. And we are agnostic in that program on the mode.

So, it can be ports, it can be rail, it can be highways, whatever is going to help us get stuff from one place to another faster, more efficient, and safe. So, we do it through the same mechanism that we pay for the overall bill. That is our approach. But, as we have said, if there are other ideas that emerge, we will hear them out.

Your question on the last and first mile is a critical question, because, in many places, the same areas that are highly dense, highly congested, are places where that first and last mile is a problem. So you need to have a lot of different strategies to deal with it.

One strategy is, number one, making sure that the assets we have, where those first and last miles occur, doesn't fall apart on us.

The second strategy is trying to expand capacity where we can. In some cases, like in the Los Angeles area, you may be constrained, in terms of expanding lane miles. So there, the strategy may be working to get cars off the road so you create more capacity on the existing freeway. That means things like commuter rail transit, and other strategies.

Then the last thing is continuing to work to make sure the system is smarter. We have problems in this country with double-stacking containers off of these big ships, because some of our bridges aren't high enough to run rail under, or run trucks under. And so, we have got to figure out a way to address those issues on the surface system, as you said, to enhance our ability to——

Ms. HAHN. Right, because these bigger ships that we know will now get through the Panama Canal, I mean, we are almost—are you tapping me?

Mr. SHUSTER. Yes, ma'am.

[Laughter.]

Mr. SHUSTER. I know my good friend from California cares about the ports, but we are over time. So I appreciate the Secretary answering.

Ms. HAHN. OK, OK, I yield back.

Mr. SHUSTER. I let him answer your question fully.

Secretary FOXX. I did.

Mr. SHUSTER. Thank you very much, Mr. Secretary. With that, I yield to Mr. Denham for 5 minutes.

Mr. DENHAM. Thank you, Mr. Chairman. I would like to yield as much time as the Member from Alaska needs.

Mr. YOUNG. Thank you, Mr. Denham, I appreciate it. Mr. Chairman, thank you for this hearing.

We are all like a bunch of dogs circling around a skunk right now. That skunk is how we are going to fund this program, Mr. Foxx. This is our biggest challenge. Unfortunately, the—as you know, the administration, when Mr. Oberstar was chairman, did not support any increase in funding. And we have not done our job as a committee, nor as this Congress. And I think it is important for us to recognize, as the committee, and as the leadership of this House, and leadership of the White House, that we have to fund this program. You can't take it from the General Fund, $18 trillion in debt. You are not going to get it from overseas.

And we sit here and talk about writing a highway bill; no one has addressed the issue of funding. And that is what we have to do, Mr. Chairman. If we do not do that, all these hearings are good,

we will write something, but we won't accomplish that task of really building an infrastructure system in this country.

And so, I am asking this committee and the chairman, I am asking the White House to sit down and say, "Do we want to have a system to provide the transportation capability to this Nation, or do we want to talk about it?" And so, that is my little opening statement.

Mr. Foxx, you don't have to comment. You are going to get three questions from me in writing. I hope you will answer that. But I would like you to take that message back to the White House, that let's do the leadership role of funding a transportation system, and let's let the public pay for it. They will buy that. The truckers buy it, the public has to be sold on it. Otherwise, we don't—we will not have and will not be competitive, globally.

So, Mr. Chairman—I thank you, Mr. Denham, for yielding. And I just want everybody to consider that. Kill the skunk. Let's fund this program. Because, if we don't, we are all in deep doo doo. Thank you.

Mr. SHUSTER. Mr. Denham is going to reclaim his time after that. I don't know how you do better than that.

Mr. DENHAM. Reclaiming my time, Mr. Secretary, first of all, let me thank you for not only our ongoing relationship, but our ongoing communication. You have had a great open-door policy. We have discussed a number of issues that are very important, and, certainly, some very timely issues.

And I wanted to just follow up on Ms. Hahn's questions on the ports. You and I have discussed the ports, you know, her, down in Long Beach, me in the northern part of the State with Oakland—this was a California problem, now it is a national problem. It was an issue with a number of imports that were getting stuck; now we have a number of exports, many of which are perishable. I just want to encourage you to continue to have the administration—not only the ongoing involvement, but the aggressive involvement that will help us to end this. This is now a national issue that could cost us $2.5 billion to our economy every single day.

So, again, you don't have to answer today, but I just wanted to say thank you for the communication and involvement in the issue.

I did want to just touch on an issue with rail safety. You and I have had a number of discussions about that, as well; two, in particular. Again, thank you for your efforts with our previous, but also our next hearing on rail safety.

The tank car rule, while the administration is over a month behind on that, it is my understanding that that rule is now at OMB. I would ask you to comment on what you think that timeline will be before we see that, as a committee.

And then, secondly, I noticed in the budget there is $3 billion available over the next 6 years for PTC, Positive Train Control. Is that 6 years a suggestion that it would be a 6-year extension to the PTC mandate?

Secretary FOXX. OK. First of all, thank you, Mr.—Congressman Denham, for your questions and opportunity to respond on these issues.

The tank car and the high-hazard flammable liquid train rule is one that has taken an awful lot of focus and time and resources

of the Department. We were pleased to get that rule over to OMB last week. That initiates an interagency process, and I, unfortunately, can't tell you, sitting here today, when that rule will come out. But what I can tell you is that it is the highest level of urgency for me to get that rule moved forward for our Department and, I believe, our administration, to move it as quickly as we possibly can.

We know that certainty is important in this arena, for communities as well as for industry, and our goal is to get it out very, very quickly.

Mr. DENHAM. Thank you.

Secretary FOXX. On the—I am sorry, the second issue?

Mr. DENHAM. On PTC, Positive Train Control. Right now, the $3 billion available over 6 years to eight commuter railroads, and the implementation. The question is, does that suggest that we should expect a 6-year—a recommendation of a 6-year extension?

Secretary FOXX. No. I think what we have recommended in the past on this is continuing to hold the industry's feet to the fire, in terms of getting PTC done as quickly as possible.

Our approach would be, essentially, to give us the tools within FRA to work individually with each of the railroad companies to develop plans that get them there as quickly as possible, as opposed to having a blanket extension which could delay all of the implementation to a point in the future. So that is our approach, and we think it is a prudent and practical one.

Mr. DENHAM. Thank you, Mr. Secretary.

Secretary FOXX. Thank you.

Mr. DENHAM. Mr. Chairman, I yield back.

Mr. SHUSTER. Thank the gentleman. Thank the gentleman. And, with that, I recognize Ms. Johnson for 5 minutes.

Mr. JOHNSON. Thank you very much, Mr. Chairman. And thank you, Mr. Secretary, for being here. You have answered most of my questions. I first wanted to associate myself with the remarks of one of our former chairmen, Mr. Young. And I wondered if he had stolen some of my notes when he spoke.

There is a question that I have not heard the answer to yet, and that is the issue of the agency's formula grant program, and whether or not you intend to use the current census data to make these determinations. And I am hoping that, in the recent iteration of GROW AMERICA, that this issue will be given some attention.

And I say that because I am from one of the fastest growing areas in the country, which is in the north Texas area of Texas. And we have learned to build up, rather than just out, so we have large numbers living in highrises that have to get to work. And we are really concerned about the fair distribution, based upon current census data. Can you address that a little bit for me?

Secretary FOXX. It is a very good question. I don't know that, in GROW AMERICA, we necessarily changed the formula, itself. What we do, by virtue of creating more funding, is we create more opportunities for communities to get the resources they need to do innovative, transformative projects.

Certainly in your district and in Dallas, they have done some remarkable things, whether it is with transit or highways, or what have you. That is why the GROW AMERICA Act, for example,

would expand the TIGER program to an annual $1.2 billion program, to provide that flexibility. That is why we, as I said before, create a large freight program to help us address needs that are happening across the country. That is why we expand TIFIA and some of the other tools that we have in place, because we, frankly, need to create more flexibility.

There is another area that we also do in this bill, which is—and this comes directly from my experience, as a mayor, which is that, you know, when you are a mayor, and you see these dollars coming into a State, you watch them bounce around like a ball in a pinball machine. You watch the ball go around, and then you see what lands in your community, and it is usually a very small fraction of what came in, in the first place.

So, one of the things we do is we create a program called FAST that focuses on local transportation projects, and rewards communities that look regionally at transportation projects that are going to impact their ability to grow jobs and create better economies. So we create multiple ways for communities to get the flexibility you are talking about. But I will go back to my team and ask the question again as to whether we change the formula itself.

Mr. JOHNSON. Well, thank you very much, and thank you for coming to my most gorgeous area in the country when you made your tour last year.

And thank you, Mr. Chairman. We have a great committee, with great leadership, and I hope that we will come to some real good recommendations very soon to address the issue. Thank you very much.

Secretary FOXX. Thank you.

Mr. SHUSTER. Thank the gentlelady. And, with that, Mr. Ribble is recognized for 5 minutes.

Mr. RIBBLE. Thank you, Mr. Chairman. Mr. Secretary, it is good to have you here. You are highly regarded in this committee, and it is an honor to have you here with us today.

Secretary FOXX. Thank you.

Mr. RIBBLE. I think I will start with some words of encouragement first, and then I will get into maybe a little more difficult question in the second.

I, along with Congressmen Pascrell, Lipinski, and Reed, have been circulating a letter among our House colleagues, asking them to sign on, telling the leadership of the House of Representatives that we would like to see a long-term, fully funded authorization bill. I would like you to know that we have 285 Members of the Congress on that letter already. That is 66 percent of the House. And so there is broad, bipartisan support here to have that long-term bill and authorization done. I think that is good news.

Along with that, though, you play a pretty significant role. We need to bring the American people along with this, as we work toward this end. And your ability to get out in front of the American people and the administration to talk about this committee's work, and the fact that we are committed to it, and that Congress is committed to it, could be really helpful to us. Would you be willing to do a little bit more of that, and really get out there?

Secretary FOXX. Absolutely, sir. This is an area that I have tried to be very out front on. I did a bus tour last year that went through

nine States, many communities, rural and urban. We are trying to do everything we can. I am even on Twitter later today with the chairman. I am looking forward to that, as well. But we are going to use every opportunity to let the American public know that this is a problem.

In fact, when we go to the American public, they are telling me what their problems are, because they are stuck in traffic, they know it. I completely agree with you, and we will do everything we can.

Mr. RIBBLE. Thank you. Thank you very much.

Secretary FOXX. Thank you for your efforts, too, Congressman.

Mr. RIBBLE. You are welcome. Two quick questions for you. One is, in your comments earlier you said that part of the GROW AMERICA Act—and I realize that what we do here is not going to look exactly like that, but we will find some bipartisan way to move forward. But in your comments you said that you wanted to cut redtape, you wanted to actually reduce redtape. Why do we have to wait until a bill is passed to do that? Don't you have the authority to cut redtape right now?

Secretary FOXX. We do have some authority to cut redtape, and we actually have cut a significant——

Mr. RIBBLE. I would encourage you to cut a bunch more.

Secretary FOXX. Yes. Well, look, let me give you an example. In the highway area, historically our environmental impact studies have taken 79 months, on average. We have cut that down now to 45 months. We continue to whittle away at this, administratively.

What we are asking for in the GROW AMERICA Act just gives us even more fire power to try to attack the delays that happen in transportation in a way that we think is doable and doesn't compromise the environment.

Mr. RIBBLE. And I talk to a lot of contractors. And before I came to Congress, I was in commercial construction, myself. And I can tell you I spent an awful lot of time holding one of these, and not enough time holding a shovel.

Secretary FOXX. Yes.

Mr. RIBBLE. And we have got to get at that——

Secretary FOXX. Yes.

Mr. RIBBLE [continuing]. That, ultimately. And so, thank you for that.

MAP–21 required the administration to do a truck weight study. Mr. Barletta mentioned it earlier. I happened to be, in fair disclosure, on the other side of the argument. But when will we be able to see that study? It was supposed to be done in October, and I am curious when we are going to get a copy of that. Because it is difficult for us to move forward with our authorization, without having the data from that study. What—could you talk to me a little bit about when we will see it?

Secretary FOXX. Yes. It is going to be hard for me to pinpoint a timeframe, but I can tell you that we have several more steps, including peer review and another public input round to do. My hope is that we are able to get it done early this summer, but I don't have a more specific timeline.

Mr. RIBBLE. It is important, just for you to know that it is going to be difficult for us to move forward, because there will be many

of us that are going to want to have that data before we actually do the authorization. And so, to the degree that you can, you know, kind of hit on the throttle on that, it would be very, very helpful to us.

Secretary FOXX. We will do our best, yes.

Mr. RIBBLE. Thank you very much. With that, I yield back, Mr. Chairman.

Mr. SHUSTER. Thank you, Mr. Ribble. And, with that, Ms. Esty is recognized for 5 minutes.

Ms. ESTY. Thank you, Mr. Chairman, and thank you, Secretary Foxx. We enjoyed having you in the great State of Connecticut, and appreciate any time you want to do a bus, train—you may not want to do the train, since I know there have been troubles with that recently. So, again, thank you.

I would like to associate myself with Mr. Ribble's comments. Again, you are a very effective and powerful spokesperson to build the support with the American people for things that have to get done, to deal with Mr. Young's question about the skunk. So, please, get out there as much as you can. And, hopefully, talk show hosts will ask you about transportation and not about being in an undisclosed location.

First, I wanted to—coming from Connecticut, where we are really seeing the ravages of underinvestment in that first issue about maintaining what we have, we are seeing the cost of that. And I will tell you we heard recently from our department of transportation about the tremendous cost, and the time delays for them for these short-term bills. So, whatever we can do on this committee to work with you and get a really, true, serious 5- or 6-year bill is tremendously important. It is costing all of our districts, all of our States, lots of money and lots of time, and a huge aggravation. So that is number one.

Having spoken with the department of transportation recently, they are finding complexity about Federal requirements and mandates that are applying to local projects, even though they are not part of the Federal highway transportation system. Is this something we can work with you on, on getting some exemptions on things that—they are finding much lower level projects, I think, because we are a small State, everything is really near to a highway in almost all parts of our State. And we are finding at least they are being told that they are having to comply with things.

Secretary FOXX. Happy to work with you on that.

Ms. ESTY. OK. That would be great. So, for the Federal highway project requirements, are really—are adding to that time, that red-tape.

Now, we are well aware—we haven't talked, really, today about technology very much, about that last—the third piece on smart and effective. We are looking at this in the Committee on Science, Space, and Technology, as well as here. And there is a great deal of promise. On the other hand, there is a lot of concern. There is a lot of concern about privacy and, frankly, on safety, hijacking of cars, reprogramming of things.

So, how can we work with you better? What is it that you are going to need from Congress, so we could advance towards this, use our existing transportation systems better and more effectively

with more vehicles, or perhaps smarter vehicles that are allowing someone like my mother, who is no longer driving, to get back in a car and go where she needs to go?

Secretary FOXX. Yes. Well, first of all, you are absolutely right. The technology opportunities that are right in front of us are really exciting. But we also need to be clear-eyed about what some of the challenges are with them. I think there are several things that we probably should look at. For instance, is there a penalty if someone interferes with an automated vehicle in some way? And have we taken a comprehensive look at our criminal codes, for instance? Those kinds of ideas.

I think as this evolves, and evolves so quickly, the more we can think ahead and develop mechanisms both to safely integrate technology into our transportation system, first, and then to think about some of the ramifications of that technology, and ensure that we have the appropriate framework for those, those are the two biggest things that we can do. We will be happy to provide technical assistance to you, as you consider these issues, going forward.

Ms. ESTY. And if you would like to take a minute and just elaborate on the importance of long-term fix, because, really, truly, this is the big issue in my district.

Secretary FOXX. On the long-term——

Ms. ESTY. Long-term bill, a permanent bill——

Secretary FOXX. Yes, I appreciate——

Ms. ESTY [continuing]. And what you see, from your level, about the cost, and what we need to be doing, together.

Secretary FOXX. I want to maybe issue a bit of a warning, that, again, as I said, the Highway Trust Fund is a number. Just getting that number so that we don't go under, doesn't speak to what this country actually needs. The warning is that, as we work and pull our hair out, and try to figure out how we are going to pay for something better than what we have, if we set that bar too low, what the American people are going to find is that they have paid more for the same thing.

I think that what we have got to do is to step beyond where we are, and realize that folks had to step up for the interstate system to get built in the 1950s and 1960s. So we have got to go big. Go big.

Ms. ESTY. Thank you, Mr. Chairman.

Mr. SHUSTER. Thank you. Now I will recognize Mr. Meadows for 5 minutes.

Mr. MEADOWS. Thank you, Mr. Chairman. Thank you, Mr. Secretary, for your comments today, and your testimony.

I want to throw out a few things. One is, as Mr. Ribble was talking about with regards to truck weights and that determination, my understanding is there has also been some studies and some review, in terms of truck lengths, not as much with weights. Can we expect maybe a quicker response on the truck length question, as it—you know, my understanding is it reduces miles traveled, from a safety standpoint, and maybe not as egregious as some of the weight concerns that are out there.

Can we look to perhaps an answer on that quicker than the truck weight issue?

Secretary FOXX. Let me check in on that, and respond back to you, Congressman. My goal is to get this all out as quickly as we possibly can. The industry and the stakeholders were promised a lot of input in the course of pushing this report out. And so, we want to make sure we honor that.

Mr. MEADOWS. Sure.

Secretary FOXX. But we will move as quickly as possible. I want to get back to you specifically on your question.

Mr. MEADOWS. All right. The other night, on a town hall, it was interesting, because infrastructure funding actually came up in my conservative district. And it is interesting that even a number of conservatives want to make sure that we have a long-term funding strategy. As Mr. Ribble said, you know, there is—over 60 percent of our colleagues now say, "We want something long term." Everybody knows the path we are on now is not sustainable.

In fact, many of them on the call actually said that they agreed with the President, that repatriation is something that they can agree with. And whenever you can find Democrats, unaffiliateds, and Republicans agreeing on anything, I want to really start to focus on that.

As I sell this back home, one of the troubling aspects—and I notice, in the breakdown of, you know, the GROW AMERICA Act, is a larger increase on transit than on highways. That is very difficult for me to sell back in North Carolina, because, predominantly, most of the transit dollars have gone to six cities, none of which are in North Carolina. And so, the American people don't see the benefit, when we are increasing that at 75 percent versus 29 percent on surface roads.

Is that mix something that we can work with to, hopefully, gain a bipartisan consensus across the country? Or is that something that is set in stone?

Secretary FOXX. Let me ask a clarifying question. Is Charlotte still in North Carolina?

Mr. MEADOWS. Yes, but it doesn't get—the majority of it. I know, Mr. Mayor. And if Charlotte was in there, I could understand it.

Secretary FOXX. I am joking with you. Look, here is the perspective I would offer on the transit piece. The bill we are discussing, and that we will push out to you shortly, is a $478 billion bill. Now, there is a 29-percent increase in the highway allocation. But the highway allocation is increased over a much larger baseline. So, out of a $478 billion bill, there is $317 billion of it is that is dedicated to highways.

The increase in transit, percentage-wise, is greater. But it amounts to——

Mr. MEADOWS. $115 billion——

Secretary FOXX. Yes, $115 billion. The first point is that we are making substantially larger investments in our highway system under the bill than under transit.

The second point gets back to a lot of the conversation we have had about the bottlenecking in our freight systems. In our Beyond Traffic survey over the next 30 years, one of the findings was that a lot of that congestion is happening around highly populated urban areas that connect into ports and so forth. One of the ways to relieve that congestion is to get the individual auto user off the

road. You do that partly by having good transit facilities. So, from a macro standpoint, I think the transit investments actually help our highway system move more people and more freight traffic.

I realize that that may not be the answer that you were looking for, but that is—from the system standpoint, I think those are rationales for the way we approach it.

Mr. MEADOWS. All right. Thank you, Mr. Secretary. Mr. Chairman, I yield back.

Mr. SHUSTER. Thank you very much. And, with that, I recognize Ms. Frankel for 5 minutes.

Ms. FRANKEL. Thank you, Mr. Chair. And I welcome Mr. Foxx. And, as you can tell, we have a committee with outstanding leadership, and a real bipartisan spirit to move our economy, which is what modernizing transportation does. And I wanted to pick up on your discussion of a program—I think you called it FAST.

Like you, I was a—I am a former mayor of a city called West Palm Beach. It is not Palm Beach; people get confused. I love Palm Beach, I represent Palm Beach, too. But West Palm Beach is a real urban city with beautiful weather. But it is very diverse. We have all kinds of issues. I can tell you this, that the number-one complaint I would get, as the mayor, where my phone would not stop ringing, was when the roads were obstructed. It was—people, whether they are going to work, getting their kid to school, or to baseball practice, going to the market, that is what aggravates people, when they could not move from one place to another.

So, I like your idea of giving more flexibility, or getting more dollars back to the local government. Florida is a very big State, so I can tell you that up—the upstate, Tallahassee, does not know what is going on in the down part of the State, many times. And I am going to give you an example.

When I became mayor, we—there was road construction going on. So there was an attempt to fix the roads. However, they kept moving the crews around from one city, one project, to another. And so, a project that should have maybe taken 6 months was in its third year. And when I complained to the State legislator, he said to me, "Just be grateful you are getting the money." And I could not actually get the road completed until I actually put a sign up that said, "Call the Governor, stop calling me." Really.

And so—but I do have a question attached to this comment. How—what in your proposal—how do you encourage the big picture—or, that is, regions working together—as well as getting the money to the local community?

Secretary FOXX. It is an incredibly important question. First of all, I want to thank you for the support you have given to the focus on local communities.

The problem we have—if you are living in a fast-growing area, is that those fast-growing areas are, more likely than not, to continue to be fast-growing over the next 30 years. So, whatever throughput you are getting in your system today, it is going to increase. That means you are going to have obstructions, and folks are going to get delayed. Travel times that are half an hour today could become 45 minutes tomorrow, could become an hour over the next 30 years.

I think what is vitally important here is that we begin our thought process with what end we are trying to achieve. If the end is more throughput, more efficiency, more effective, more safety, then what you are talking about is vitally important, which is trying to address some of these issues at a more local level, even more local than the State, where we can.

What we do through the bill is we create this FAST program, which puts dollars in place that areas can compete for. But the price of entry is that those areas have to either show how they are working with their suburban communities, the rural communities around those suburban areas, to develop a cohesive plan. Or, consolidate their MPOs so that they can plan effectively at the local level.

We think that when we have communities that are joined at the hip from an economic standpoint, thinking together about their infrastructure, we are going to get better outcomes and better projects.

Ms. FRANKEL. Thank you very much. And, Mr. Chair, I would just urge you and my colleagues also to consider putting something in our bill that is going to accomplish some of these ideas. And I thank you, and I waive back the rest of my time.

Secretary FOXX. Thank you.

Mr. SHUSTER. Thank you, Ms. Frankel. With that, Mr. Davis is recognized for 5 minutes.

Mr. DAVIS. Thank you, Mr. Chairman. It has been a very interesting hearing. We talked about skunks and weather in Florida. I am not a former mayor. And, you know, we have nice weather in Illinois, just not nearly as many days as you have. But it is a great opportunity, I think, to sit here and discuss issues that are a lot less partisan than some other issues that are being discussed in these buildings, as we speak today, Mr. Secretary.

And one of the issues I came here to help solve is to actually have a long-term, robustly funded highway bill to rebuild our crumbling infrastructure, and find ways to do that. As a matter of fact, I have a local transportation advisory board, and my last guest at that advisor board meeting was your predecessor, former Secretary Ray LaHood, who used to represent a small portion of my district when he sat on this committee in Congress, just a few short years ago.

And we talked about some of the options. We talked about some of the priorities. And I know we have addressed, you know, the thoughts of how do we come together, is it going to be a certain funding source. Those are discussions that we can have. But I would urge you and others to take some advice from my transportation advisory board, that it is about creating somewhat of a portfolio of funding sources, so that we are not just stuck on one funding source that may go up and down with the price of gasoline, may go up and down with CAFE standards that are being pushed by the Federal Government, itself, may go up and down with the further innovation of electric and LNG technology, and maybe up to the fleet levels, which could have a devastating impact on our gas tax revenues, and we would then be stuck in the same boat.

So, those are the types of issues that I think we can easily work together, and I think this committee hearing showed that to you,

too, Mr. Secretary. But also in my transportation advisory board, in honor of the former mayor, and my colleague, Ms. Frankel, I had a lot of input from my local officials, and they want more local—they want more local control. They want a dedicated funding source for more local projects, so that they can work together with our Federal officials and our State officials in Illinois.

And, with that, more local control of transportation—now, this is a top priority of mine. I cosponsored the Innovation—actually, originally sponsored the Innovation and Surface Transportation Act that is going to do that. And in the new highway bill, where you see local—where do you see local communities having opportunities to share in funding?

Secretary FOXX. I think that is one of the reasons why having a strong, robust TIGER program continue is very important, because that has been an area where local communities have had the ability to reach for Federal funding directly, and get it.

Our transit investments in New Starts and Small Starts are also places where local government needs to continue to have the Federal Government's support. And then, this FAST program that I was just talking about with Representative Frankel, which gives local communities a real shot at some dedicated funding to get projects done in a more localized area, is also a very important area.

Finally, TIFIA, our loan products, loan portfolio, is also a very important tool that local communities can access. And, as you well know, local communities are becoming very creative when it comes to figuring out ways to get things done, and we should continue to encourage that experimentation.

Mr. DAVIS. I would appreciate that consideration from your agency, and look forward to working with you on that.

The Federal Government not only has a role in transportation, but also research. A number of the universities in my district participate in the University of Transportation Center program, whose goal—the goal is to improve education, and also increase competitiveness. What role do you see your agency playing in transportation research and technology development, as we move this debate forward?

Secretary FOXX. The budget that was released last week actually does contain substantial amounts of research, I think about $1 billion in automation alone. We think that this is really an area that is critically important.

Transportation historically has been a lagging sector, when it comes to integrating technology. With so many advances that are right in front of us, we think now is the time to really pivot very strongly towards integrating those technologies.

One example of a way that technology is changing transportation is with bridges that are now being installed in the space of 48 or 72 hours, because they are being crafted in a factory someplace, they are being rolled out to the site. The old bridge is taken down, the new bridge is put in, within a very short period of time. That is a technology, an approach, that has just come up in the last several years. But we are trying to do more of that.

Mr. DAVIS. Well, I would encourage you to continue to work with our universities. And Illinois will only take the entire billion, if you would let them.

Well, thank you. I yield back the balance of my time.

Secretary FOXX. Thank you.

Mr. SHUSTER. I thank the gentleman. I now recognize Ms. Edwards for questions.

Ms. EDWARDS. Thank you very much, Mr. Chairman. And to the ranking member, as well, and to you, Secretary Foxx.

You know, I am a commuter; I live here, in the Metropolitan Washington area, in Maryland. Every morning I, like many of my constituents, wake up, you know, 5 o'clock, 6 o'clock in the morning. First thing we do is turn on the television, look at the traffic report, and then we follow it all the way until it is time for us to leave our homes, so that we can see that we have to add that extra half hour on to our commute, just to get to work on time.

And sometimes, you know, you are there a half an hour early, and sometimes you are a half an hour late, or sometimes you are on time. And that is the kind of time that commuters are wasting all over this country, not spending time with their families, not getting home in time to pick the kids up from daycare, because we are paying attention to our commute, and because of the congestion.

Yesterday I woke—of course I woke up this morning, and looked, like a lot of us did, and saw a report of a woman who was driving on the Suitland Parkway. And she was driving up under the beltway, and a block of concrete fell on her car, and she is lucky that she wasn't hurt, and that other commuters weren't, as well.

And so, now, I guess, in addition to paying attention to the drivers on the road, that we are going to have to look up to make sure that concrete doesn't fall onto our cars. This is what our commuters are facing every single day, because the infrastructure, as we have said, is falling apart.

I think, while it is true that I believe that you, as the Secretary and the President, have an obligation to go across the country and talk to the American public about why we have to just step up and invest in our infrastructure, it is not just your responsibility. It is my responsibility to go out to our constituents in the Fourth Congressional District and say, "We are going to have to pay for our infrastructure, or you are going to have to watch for blocks of concrete falling on your vehicles."

And I think it is going to take some combination of funding ideas. I don't like it, if the administration is going to foreclose any of those, including a gas tax and a transaction tax, and, you know, this sort of one-time bringing money back. I mean all of those things have to be on the table to fund our infrastructure. And we will have to explain to our constituents why we are doing it, why we are asking them to step up, and then trust that they will tell you just what they are telling us and you all around the country: "We think that is OK, because we may not trust the way you guys spend a whole bunch of other money, but we want you to spend it on infrastructure." That is our responsibility, and I take it very seriously.

In MAP–21, as you know—let me get back to this other—we authorized fundamental changes in the Federal safety oversight of

public transportation. I authored a bill, along with Senator Mikulski, that passed, that provided for us to develop those safety standards. Today, the NTSB is issuing some emergency recommendations following that Metro accident a few weeks ago. And what they are saying is, "We want to make sure that we test the ventilation systems, not just in Metro, but in systems all across the country."

What I want to know is where we are in the process of developing those standards for heavy rail systems, so that our commuters, people who use transit, can feel confident when they get up and go to work in the morning.

Secretary FOXX. It is a great question. I want to say that I did acknowledge the incident in Maryland last night. But there is no excuse for that in this country. There is none. I think that I stand with you in doing everything I can to see us get a bill that takes care of that problem, but also the problems we have all across the country.

On the issue of the transit safety, we have spent the time, from the passage of MAP–21 to now, basically developing a mechanism that mimics a lot of what we have learned through FAA on safety, a safety management system is probably the best in the world, quite frankly. One of the final steps we have to do, in terms of providing the oversight, is to push a rulemaking out that defines how we are going to implement what MAP–21 says. That rulemaking is very far along within the Department. We hope to push it out this spring, move it through the interagency process and out the door as quickly as possible. But the urgency is not lost on us, and we will absolutely take a careful look at what the NTSB recommends, and you have my assurance we will do everything we can to prevent these accidents from happening.

Ms. EDWARDS. Thank you, and I yield back.

Mr. SHUSTER. I thank the gentlelady. And, with that, Mr. Graves is recognized for 5 minutes.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. Chairman. Mr. Secretary, we haven't had the opportunity to meet yet, but your reputation, universally on this committee, is excellent, and I look forward to the opportunity to work with you. I think having the perspective from the ground, as you have over the years, is very beneficial to your position. Again, looking forward to getting to know you better.

First question pertains to the Highway Trust Fund funding mechanism. As you know, dating back decades, the funding mechanism has been based on more of a user fee-type approach. In GROW AMERICA—and you noted that you did put your cards on the table, and I certainly commend you for putting a proposal on the table, but it significantly deviates from that approach of a user fee. And potentially, long term, is it a sustainable funding stream?

I am just curious about your brief comments on divorcing that user fee-type approach and the long-term sustainability of the repatriation.

Secretary FOXX. We haven't divorced ourselves from it, yet, as a Nation, but we are separated. Over the last 6 years, what has happened is basically General Fund transfers and other gimmicks to get the Highway Trust Fund back to level. I want to make clear

that I think that it hasn't been the case that, over the last several years, that we have actually used just gas taxes to fund our system.

Having said that, I think we should look at the system, as we have it today, and look at the funding challenges we have had, as an opportunity to think differently about not only how we fund it, which—we have given you a specific idea there—but what those funds actually get put towards, so that we can build for the country we are becoming, and not for the country we were 30 years ago.

Mr. GRAVES OF LOUISIANA. Sure, and again, I appreciate the fact that you put something on the table. I guess the question, more directly, is do you believe that it, from a policy perspective, it makes sense for us to walk away from a user fee-type model?

Secretary FOXX. I think there will always be a role for the gas tax. It does bring in revenue, it is just that it doesn't bring enough revenue to keep the Highway Trust Fund afloat.

I also think that we have been a little rigid in how we think of our surface transportation system, and what we expect out of it. And, frankly, what revenues that the current level of spending gets us, given the country we are going into. So, instead of seeing it as a constraint, I think the opportunity we have right now is to look at what we need out of the system, and work backwards.

What you may find is that the user fee, as we know it, is part of that answer, but there are other ways that we maybe should be looking at it, going forward. And our pay-for introduces one way.

Mr. GRAVES OF LOUISIANA. Thank you. Next question, bringing things back home, I represent the south Louisiana areas, Baton Rouge, included. As I recall, the Interstate 10 there, it is one of the only places in the Nation that the interstate drops down to one lane. It is an extraordinary choke point. If you pull up your Google map right now, I am guessing it is going to be all red through there.

The State has historically not fared very well under TIGER grant and other discretionary grant programs. Whenever I look at the mandatory split of 20 percent for transit, and sometimes see buses passing by with two folks on them, it doesn't always seem to be kind of, I guess, best bang for the buck being invested in some cases. One, I think that our projects would compete very well nationally, in regard to TIGER grants; but, secondly, in some cases, some of the transit investments seem that they would be a lower priority than addressing this bottleneck that has implications from Houston all the way over to the Atlantic.

We have one of the largest port systems in the world, huge freight transit. And just curious if you could comment on that.

Secretary FOXX. You know, I have been on I–10 before, and I know that an area like Baton Rouge has basically doubled in population since Hurricane Katrina. And that has taxed the infrastructure systems.

We put, I don't know, $40-plus billion into formula funds down to the States. So most of the highway dollars that go into our highway systems are given to the States, and then the States are charged with deciding how to spend them. If that highway hasn't been expanded, I think my question would be where is the State

in this question, and why have they not taken advantage of the opportunity to get that done?

Mr. GRAVES OF LOUISIANA. Which—I am out of time, and certainly could have a much longer discussion here. But I just want to note that certainly some of the unique challenges, from an engineering perspective, that we have in Louisiana, with soil stabilities and others, make it much more expensive and difficult to do projects, waterway crossings, and other things. So, thank you.

Secretary FOXX. Thank you.

Mr. SHUSTER. Thank the gentleman. With that, Mr. Maloney from New York is recognized for 5 minutes.

Mr. MALONEY. Mr. Secretary, thank you for your time this morning. Last week there was a terrible accident in my district—excuse me, just south of my district—but that took the lives of several of my constituents, who live in the Westchester portion of my district. The accident related to someone being in a grade crossing. And while we don't often think of that as an instant that involves a problem with the railroad itself, the fact is that is where the overwhelming number of fatalities occur in rail accidents, are in grade crossings like the one in Valhalla, New York. Six people were killed in this accident: the driver and five people on the train.

There are some critical Federal grant programs that relate to the safety of rail crossings. One we are working on in the PRRIA bill—and I want to thank the chairman for his—and the ranking member for their assistance on this, and particularly to the subcommittee chairman and ranking member, Mr. Denham, Mr. Capuano, along with Mr. Shuster, Mr. DeFazio, so that we can restore critical funding in the passenger rail bill for grade crossing safety.

But also in the highway context, there has also been, historically, money for highway crossing and rail crossing safety money. I believe there is about $250 million in the President's budget.

My concern would be that, given the number of accidents we have seen at grade crossings, given the simple, direct relationship between relocating those crossings, putting an underpass under it, a little bridge over it, or simply improving the safety measures around it, the direct link between that and saving people's lives, and the large number of grade crossings—there are 5,300 in my State alone—do you think that is an adequate amount of resources to address this problem? And could you just speak to the importance of those grant programs?

Secretary FOXX. Well, first of all, Congressman, my condolences to the constituents in your area who either were victimized by this incident, or have been alarmed by what happened there. And my heart and prayers go out to the family and friends of those who died.

Safety is the top priority of USDOT. What you are speaking to are two variations on how we attack this issue. One is making sure that we have adequate resources to do grade crossings, and the safety measures associated with them, as best we can. We do have programs in the Federal Government to help with that. We are also studying new technologies and other things that could help us advance safety on conventional grade crossings.

The other question that you are raising gets back to this question of our infrastructure deficit, which is, you know, are there ways that we can grade separate to avoid those types of conflicts, all together. And the fact of the matter is there is not enough money in the system to help us do that, particularly—even on some of the highest danger areas.

Mr. MALONEY. So is it fair to say that the amount of money in the President's budget, which I believe is about $250 million, for the rail highways crossing program is, in your mind, a minimum amount of money that we are required to keep these crossings safe, or to improve safety at that——

Secretary FOXX. What I am saying is that I think, as far as that particular program, on an annual basis that would be a helpful amount of money to have. But I think, on the issue of separating grades, which comes through other programs like the Federal highway program or other programs in Federal rail, right now, we are just not spending enough money to really attack that problem as comprehensively as we need to.

Mr. MALONEY. Thank you for that. I also, because my time is limited, want to shift topics to ask you about the DOT–111 rule. I appreciate your comments very much, that this is a top priority for you. I know that it has been moved over now to the White House.

What is your expectation about when we can get a DOT–111 rule to get these cars upgraded in time to do us some good? We had a hearing last week on this very subject, but everyone seems to be frustrated with the time it is taking. So I appreciate your remarks that it is a priority. I know you have done your piece of this recently. What is a realistic timeframe to be getting a final rule on this critical issue?

Secretary FOXX. It is a timeframe that goes beyond my ownership. This is an administration-wide interagency review that has to occur. We are pushing as hard and as fast as we can. I cannot give you a timeframe, but what I can tell you is there is no one in my building or at the White House or anyplace else that is confused about how urgently I think this rule needs to move forward.

Mr. SHUSTER. Thank you very much. Thank the gentleman. With that, I recognize Mr. Massie for 5 minutes.

Mr. MASSIE. Thank you, Mr. Chairman.

Secretary Foxx, thanks for coming here today. I really appreciate your comments, and I am reminded of why I like serving on this committee. We have—it is a bipartisan committee, and we all have the same objective, which is a robust transportation infrastructure. And as—being the Member from the district that contains the Brent Spence Bridge, I particularly appreciated your comments and awareness of the situation there.

I am sure you used that as an example, not because it connects the Speaker of the House's district with the Senate majority leader's State, but that it has a legitimate—yes—what, me? But that it has a legitimate Federal nexus. I mean 3 percent of the Nation's freight goes across that bridge. There are two interstates that come together and cross that bridge. And so it is very important. It is one of those things that we need to work on.

You know, we—it occurred to me, while I was sitting here, that half of the members of this committee weren't even here for MAP–21, and that is how much turnover we have had in Congress. So forgive us if we ask some obvious questions that you have had to answer before. And I have one of those questions. You know, our constituents send us here, and they expect us to question the way things have been done.

But one of the questions I have is—and maybe you could help me with this—why is it that we constrain ourselves to say that mass transit and public transportation has to be funded with the Highway Trust Fund, and not, for instance, the General Fund? Why do we do it that way? Why was it done that way before we got here?

Secretary FOXX. That is a very good question. And the answer is that there is a huge difference between having a revenue source that is recurrent, and a revenue source that isn't. The difference is predictability. I can tell you, having been a mayor, we are not spending 100 percent of the Federal money to get transit projects done. Usually there is a share.

When you are going to your community and saying, "Hey, we need to get the next transit project done, and we have got to put up 50 percent, 60 percent," whatever the percentage is, you want to have assurance that when you go to the voters to get those resources, that the Federal Government share is actually going to happen. Having the transit part of it in the trust fund is critical, because it provides that certainty.

Mr. MASSIE. That makes sense, you know, the predictability of it. But it gets us away from that user fee model, which I think is an admirable model to follow, that the people using the resource are the ones paying for it. In this case, the highways is what I am talking about.

And—but following up on predictability, you know, now that—because we have mass transit in the Highway Trust Fund, we are actually sometimes, this summer, jeopardizing the funding for some of these highway projects if we don't come up with a solution before then. So I think we should—things might have changed a little bit, maybe the Highway Trust Fund was more flush before inflation kicked in, and I think it is something maybe we should relook—we should take a look at.

One quick question that I have—and this is much simpler, easier thing to solve—in the State of the Union speech, the President reiterated his commitment to veterans, and making sure that they were—had long-term employment when they returned to our country after serving our country. And I want to point out that the trucking industry has long employed veterans and their families. And—but recently, the FMCSA has required people who want to be in that industry, to get a CDL commercial driver's license, to receive a DOT physical from somebody registered with the National Registry of Certified Medical Examiners.

Now, we looked into this, and it turns out, at the VA, in the VA, there are only 12 doctors that are certified to give these physicals to the veterans seeking their CDLs. Is there something we could do about that to make sure that veterans aren't left in the lurch, or don't fall through the cracks here?

Secretary FOXX. Let me take a look at that, Congressman. My understanding is that we are doing everything we can to make it easier for veterans to get in these careers, the philosophy being that if you can drive a, you know, huge-ton vehicle in Afghanistan, you ought to be able to drive one here, in the U.S.

And so, let me try to figure out and get down to the bottom of what you are talking about. But our goal is to help out.

Mr. MASSIE. I appreciate that.

Mr. SHUSTER. The gentleman's time has expired. Thank the gentleman.

And Mr. Lipinski is recognized for 5 minutes.

Mr. LIPINSKI. Thank you, Mr. Chairman. Thank you, Secretary Foxx, for being here, and all the work that you do. I want to start by thanking—I appreciate the support that DOT has given to Chicago in the past few months, to the CTA for $35 million made available in August to the Red and Purple Line modernization, and the recent approval of the TIFIA loan for the Blue Line.

I know the transit authority is also very appreciative of this funding, especially of the ridership, along with the state of good repair, which—that the backlog—which, right now is about $36.1 million in the—for all of the transit in the Chicago region.

I know that, you know, we do have our debates about transit, and the funding for transit, but I certainly think—just take, for example, I paid $4.65—I Metroed to get here this morning, which seems like it is not a really cheap fare, there were probably 700, 800 people on the train I was on, and I think everyone who drove today is probably happy those people weren't on the road this morning, making even more congestion. So I think it is very important that we do fund public transit. There is an important role for public transit, and it does help people on our roads to not have more cars on the road, causing more congestion and more—really, chewing up our roads more.

Is there anything—you know, what tools do we have right now to help a region like Chicago, DC, over the next 10 years reach a state of good repair? And what tools or programs should we look at developing or authorizing in the next surface transportation reauthorization to help with this great backlog?

Secretary FOXX. Well, thank you for your comments, Congressman. I agree with you, that there is a benefit to users of the highway system to have a strong transit system, particularly in highly congested areas. We are even finding, in some of our rural communities, where people are not as connected as job access, having those systems in place.

We introduced several tools in the GROW AMERICA Act that speak to this issue of maintaining a state of good repair, including the critical infrastructure investment program that I talked about before, which puts billions in place specifically for maintenance. Within transit, specifically, we would expand the core capacity program, which is focused on helping some of our legacy systems maintain their assets in even better shape.

Again, some of the programs that I have talked about before, such as TIFIA, which was used in Chicago just last week, to help fix up the Blue Line in that city is another tool that is available, as well as the TIGER program, which we would urge this Congress

to continue. And private activity bonds, as well. So there are lots of tools that we expand on in the GROW AMERICA Act to help improve things.

Mr. LIPINSKI. Very good. Thank you. A couple things I just want to touch on very quickly. I think it is important that we have a strong research title in the bill. As Ms. Esty was talking about, it is very important that we do all that we can in leveraging innovation to help to decrease the congestion on our roads. And I think, certainly, we can do a lot with R&D that will help us to do that, and other ways that we can help with surface transportation by doing the R&D.

The other thing is I wanted to echo Representative Maloney's comments about the need for more help for—at grade crossings, and also for grade separations, for—to improve safety.

And one last thing. I just want to ask if you could tell me when you anticipate FHWA's—will release the final primary freight network. Because, certainly, something in Chicago, as the hub of the Nation, with over $3 trillion of freight moving through, something very important to us. So is there anything you could tell me about that?

Secretary FOXX. We expect to release the primary freight network this year. That is work that has been ongoing since MAP–21 was passed. We are looking forward to moving that through, and publishing it, and sharing it with you.

Mr. LIPINSKI. Very good. Look forward to that. I yield back.

Secretary FOXX. Thank you.

Mr. SHUSTER. Thank the gentleman. With that, I recognize Governor Sanford.

Mr. SANFORD. Good to see you again, a pleasure. Thank you for being here, and thank you for your forbearance in working your way through the list of attendees. A couple quick questions.

One is, you know, a basic accounting rule is to match up long-term liabilities with long-term assets, and vice versa, with regard to short-term obligations. And so, in as much as there have been three different conversations with the last three speakers on mass transit, it seems to break that rule, as we both know, in that a number of things have been hobbled to the trust fund that don't contribute to the trust funds. So we are—you have a mismatch, from a funding standpoint, irregardless of the merits of the different, you know, programs that have been added, whether it is with the, you know, alternative programs, in terms of bicycle paths, and what not, or, indeed, with mass transit.

Why not go back to the simple core of that which contributes to the Highway Trust Fund gets money from the Highway Trust Fund? Why wouldn't that be a sensible idea?

Secretary FOXX. Well, I am not sure what mechanism one would use to support the transit needs of this country.

Mr. SANFORD. Well, I mean, if—General Fund, I mean, General Fund seems to be yanked on from a lot of different spots, and this would go on the list.

Secretary FOXX. We solved this problem by creating a transportation trust fund, calling it that, and having it supported, in part, by this pro-growth business tax reform.

Mr. SANFORD. But if we were to go back in time, folks that stood in that same spot that you are sitting in would have said the exact same thing about the origination of the Highway Trust Fund, prior to these different bells and whistles getting added to it.

Secretary FOXX. I have to concern myself—and I would urge the committee to concern itself—with what is actually happening out in the country. What is happening is these choke points that exist on our highways are going to increase. We have seen examples, where you add a lane of highway to relieve that congestion, and it works for a year or two, and all of a sudden population comes in, and you are in the same place you were.

So, if we want to be on that treadmill, I think it is going to mean more traffic, longer travel times. That is not to say that we don't need strong investment in our highways. We do——

Mr. SANFORD. Well, why not more experimentation there in alternate pricing? I think, if I am not mistaken, that is San Diego. And I know a number of other countries around the globe have gone to, basically, premium pricing at premium travel times for additional capacity. Not existing capacity, but additional capacity. And, in some cases, it has worked to alleviate travel, because, you know, you could pick up your groceries, you know, at 5 o'clock, or you could pick them up earlier or after, and there is a real, you know, difference there, in terms of traffic load. Why not more experimentation and more flexibility with regard to premium pricing?

Secretary FOXX. On that score, we agree with you, that experimentation should be an option. But it should be an option at the local level. The Department should have a role in deciding whether that is an appropriate use of, for example, tolling.

We don't purport to toll every single stretch of highway across the country. But if a given Governor wants to experiment with it, we think they ought to at least be able to make their case.

Mr. SANFORD. Two quick—I see I am running short. One question not related to the Highway Trust Fund bill is I know we have been waiting on a DOT report with regard to truck weights and—I guess it was around November. Where are we on that? When can we expect to actually see that report?

Secretary FOXX. We are pushing as hard as we can. As I said before, we promised the stakeholders on all sides of this issue very robust stress-testing that they would be involved in, including public input. So, we still have steps to go there. But my hope is we get it done as soon as possible.

Mr. SANFORD. Why not more in the way of devolution? Some people have said the way that you solve our highway problem is more in the way of devolution back to States, because the current model, in essence, favors old infrastructure over new. It favors, you know, areas that maybe aren't growing as much as other parts of the country are. Why not more experimentation on that front, as well?

Secretary FOXX. Yes. I think we have got a bigger problem than a highway problem. We have got a mobility problem. And the mobility problem has lots of dimensions to it that include highways.

I don't think we can go back to 1956. I think that would be a mistake, because the country is moving in a very different direction. The Millennials that are now more populous than the Baby Boomers——

Mr. SANFORD. Can I really interrupt? I see I have got 12 seconds.

Secretary FOXX. Yes.

Mr. SANFORD. One last question. You may have to get it submitted in writing.

Secretary FOXX. Yes.

Mr. SANFORD. But just—you know, one other way of stretching, obviously, highway trust—this ties back to Davis-Bacon. As we all know, there is a premium on cost of construction on Federal projects versus not. Why not use that as another way of stretching Highway Trust Fund dollars?

Secretary FOXX. Well, if I can answer—OK. I would like to finish what I was saying——

Mr. SANFORD. OK, all right.

Secretary FOXX [continuing]. Which was that Millennials are moving an entirely different way. They are moving closer in. They are using bikes and other things. They are sharing cars, using Zipcars, and stuff. And I don't think we should plan for a system that was 1956. We need to plan for 2045. So that is on that point.

On the other points, on labor, look, I think we firmly believe in the American worker having a shot at jobs that build up our country, and we don't yield from that.

Mr. SANFORD. Thank you, again, for your time.

Secretary FOXX. Thank you.

Mr. SHUSTER. Thank you, Mr. Sanford. Ms. Titus.

Ms. TITUS. Thank you, Mr. Chairman. Mr. Secretary, welcome back. It is nice to see you.

You mentioned in your presentation about the tremendous growth in the Southwest. I represent Las Vegas, as you know, so I can attest to that. We have got 2 million people, and over 42 million tourists who come there every year. We want to invite you out to see for yourself the challenges we face. I am sure my colleague, Mr. Hardy, and I would be glad to host you, if you will come and see us.

It is not news to you, either, that I am going to keep pushing for I–11, and for a reopening of Amtrak between Las Vegas and Los Angeles. But today my questions are a little different.

I want to ask you about autonomous vehicles. I know you recently rode in the Google car in southern California. Nevada is one of the few States that has enacted legislation to allow for the testing and driving of automatic vehicles. But I don't want us to get behind the curve, like the FAA has done with autonomous aerial vehicles, where the industry for drones is so far ahead of Government that we are losing out to other countries.

So, I would ask you to kind of address what you see as Department of Transportation's role, moving forward with that technology.

And my second question—and this is something you also acknowledge in your GROW AMERICA proposal—has to do with the importance of travel and tourism. Certainly, those agencies, like convention authorities that oversee travel and tourism, are greatly affected by the transportation decisions, but they don't play much of a role in the whole planning process. So I wonder if you might address how we could do a better job of incorporating their needs and their expertise in that process.

Secretary FOXX. So, two things. We take a very strong lean-in position on technology in the GROW AMERICA Act. I think the President's budget speaks to this, with significant investments in automation. Some of that is about understanding and working with industry to develop the pathway for these technologies to find their way into the marketplace.

But some of it also has to do with trying to start addressing some of the unknowns around, you know, how connected vehicles actually connect to each other, working with industry to come up with ways to make that a reality. There are examples of cars like the Google car, that is autonomous, that isn't connected, doesn't need the connection to function. We have got to develop the same kind of apparatuses that States like California have begun to do, and we need to think about the Federal role there. And that is what some of these investments will help us do.

On your other question about——

Ms. TITUS. Travel and tourism?

Secretary FOXX [continuing]. Travel and tourism, there are several places where our bill, I think, helps. One of the most important ones is that a lot of the idea generation for projects comes at the local and State level. The more we can connect the inputs into that process to economic growth and economic development, the more output we are going to get, in terms of supporting travel and tourism in other critical parts of our economy.

So, this idea of encouraging local communities to form MPO systems that are regional in nature, that actually have resources to get projects done, and that bring in not only the urban core, but the suburban and the rural areas around them to work together and think together about how they want to define themselves, I think that is an opportunity for the travel and tourism industry to play a real role in getting real things done on the ground.

Ms. TITUS. Well, I am glad to hear you say that, because so often the great bulk of the Federal dollars go to State agencies to be distributed. Mr. Davis and I have a bipartisan bill that we introduced again this year to bring more of that decisionmaking to the local level, which would include stakeholders from the business community, tourism, and other bodies like that. So, if you take a look at it, we would appreciate it.

Secretary FOXX. You got it.

Ms. TITUS. Thank you.

Secretary FOXX. Thank you.

Ms. TITUS. Yield back.

Mr. SHUSTER. Thank the gentlelady. And, with that, I recognize Mrs. Comstock, 5 minutes.

Mrs. COMSTOCK. Thank you, Mr. Chairman. Good morning, Mr. Secretary. Thank you for your patience.

I wanted to return to the urgent report that was issued today from the NTSB on the Metro situation that, obviously, impacts a lot of my constituents. And I wanted to ask you, given—you really have sort of an army of Davids right in your own building who are experts on the Metro, because they ride it every day, like my constituents. And they are also involved in transportation policy.

So I kind of wanted to ask you, you know, on a human level, and on just sort of an expertise level, did you have anyone within the

agency come to you and say, "Hey, boss, this—you know, I was there," or, "I know people who were there," or, "I ride the Metro every day, and we need to—you know, this was done wrong. One, two"—you know, X, Y, or Z. Did you have anybody kind of come to you and give you that firsthand and bend your ear on that?

Secretary FOXX. We have employees that use the Metro system that were impacted by the incident that happened recently here. And we do have a role in doing a deep dive into this, supporting the NTSB as they——

Mrs. COMSTOCK. Right.

Secretary FOXX [continuing]. Look at it. We—I have not had a person come to me with a technical explanation for what happened, based on their personal observations. But we recognize that, if there is anything within our sphere of influence that we can do following this incident to attack it so that it doesn't happen again here or elsewhere in the country, we will do it. We will absolutely do it.

Mrs. COMSTOCK. OK. And given—you know, the recommendations came out today, and I appreciate that. But they are listed as urgent, but it is a month after the incident. So, you know, I think you can understand people might feel concerned about that. And I certainly understand you want to go through a process.

But I was wondering, in light of, you know, Delegate Norton's comments, and Congresswoman Edwards, if you might be able to agree to maybe go with some of us and just go on Metro and, in light of these recommendations, maybe have some of your experts come with us who kind of look at these things, and are really the experts on transit, and take a ride, sort of a walk-through/ride-through, with these recommendations in mind, and just have, you know, those of us who can, you know, maybe do something quickly, if we identify it, instead of waiting for some of these reports that, I know when we met, they told us it might be 6 months, and a lot of the things that we just need to have done immediately. So if we might be able to find a date to do that with some of my colleagues, I——

Secretary FOXX. I would be happy to.

Mrs. COMSTOCK. Great. I would really appreciate it, and thank you for—on that.

And I wanted to also mention I had been able to watch your appearance with—I guess it was on a Google chat, or—with Mr. Schmidt there, talking about transportation, and the vision that you have. And one of the things that captured my attention was when Google talked about, you know, the private bus system that they have, and how they utilize that, and, apparently, how they run from 5 a.m. to 10 a.m. They go all around and pick up their employees, they—obviously, they are all wired in on those buses. And it is an entirely private system.

And I know I have Capital One that serves in my district, and they do a lot—probably not—maybe not as innovative as Google, but they have a lot of that going on between the Richmond office and their Tyson's Corner office, and they bring people to the Metros, and they do that. Do you have other—an inventory of other kind of private uses here? Because this is entirely private, as far as I know, no public money here.

But what can we do to encourage those kind of innovative things? You know, people are working on those buses. They are there with their colleagues, probably a lot of business goes on. It certainly looks like a win-win for Google; I know it is for Capital One. How can we expand upon that, and help our transit situation—kind of combines, you know, our technology that we can all use, while we are on those buses? And what additional things can we do in that area?

Secretary FOXX. I will ask my team to survey what we know about that. It is not completely unlike what many universities do. We do have at least some parallels there. But it is a phenomenon that is interesting. And I will make sure we share with you what we know.

Mrs. COMSTOCK. OK. And I know there have been numerous articles written about it that I saw, and it really did look like a great way to, you know, get people in to work. And I know in our areas where they have HOT lanes, they would be able to use the HOT lanes doing that, so they would all have a faster commute. But the flexibility that they use really seemed very—you know, certainly probably can work a lot quicker than some of the other public systems that we might be waiting to get online. And so, if this is a good way we can complement things, I would really like to see what more we can do on that.

And, Mr. Chairman, I hope we can maybe look at that more, and see what we might be able to do in that arena, you know, all across the country with a lot of our businesses.

Mr. HARDY [presiding]. The gentlelady's time has expired. I would like to turn 5 minutes over to Mr. Babin.

Mr. BABIN. Thank you, Mr. Chairman. I appreciate it. Mr. Secretary Foxx, I appreciate you being here, and enlivening our—enlarging our knowledge on transportation and what is going on in your world.

I am a former mayor, as well. Not as large of a town as you, a small town in east Texas. But we do have a lot of infrastructure there, and highways. And I guess one of the biggest things that I have noticed, that—we want to ensure the highway safety and the public safety, that it should be top priority, and I know you agree with that.

But we have a number, or a percentage of our Highway Trust Fund, precious dollars, that are going to—that are being spent on beautification, bike trails, and nonessential things. And I think, as of the passage of MAP–21 highway bill, took some of the first steps towards releasing States from mandating spending on these nonessential trails, beautification, et cetera, and other projects.

But in my Texas district, which is part of Houston, part of Harris County, but another eight rural counties, we have bridges that are, literally, falling apart. And it is distressing to the folks there, when we see a large bike project that is going on, 10 miles of bike trails, millions of dollars being spent, when we can't seem to get the bridges repaired, which are endangering the public.

How much of a shift have you seen in States as to redirecting some of these funds away from these enhancement projects, and going to critical infrastructure like bridge work? That is my first question. If you will answer that one, I appreciate it.

Secretary FOXX. I would like to survey and come back to you with more specifics. But just my casual observation, off the top of my head, is that I think States and local governments are struggling with the growth. All of them are struggling with it in different ways. Some of them, part of the response is to mix up what they are doing. And that is why you start to see some of these investments in the bike/ped area.

Coincidentally, bike-pedestrian is the only area within what we cover at DOT where we have seen an increase in fatalities and accidents over the last 4 years, and I think that may be driving some of those investments, as well. I happen to think those are good investments, but I understand the point.

Here is why we are here, though. We are here because, over the many years, we just haven't taken care of what we have, period. It is like having math homework that we haven't done for the last month. Now we have got a bunch of it to do, and there is only so much time to get it done. So I think this accumulation of short-term thinking and underinvestment is starting to hit us, and we are starting to look at stuff we have been doing, and saying, "Why are we doing this?"

But I think bike-pedestrian investments, the small amount that we are putting—in the Federal Government—into those things is actually worth it.

Mr. BABIN. OK, thank you. And another thing, would you support further changes that would allow States to redirect some funds from the transit spending towards critical infrastructure repair?

Secretary FOXX. I think the premise is that the transit investments aren't critical. If you go up to, for instance, Chicago and New York City, where they have got these subway systems that are aging and old and falling apart, if that system falls apart, our economy is going to fall apart.

I think that we have critical investments that need to be made in both areas, quite frankly.

Mr. BABIN. There is just not enough funding.

Secretary FOXX. Exactly. And if we pass the GROW AMERICA Act, we will have it.

Mr. BABIN. Thank you, Mr. Chairman. I will yield back my time.

Mr. HARDY. The gentleman yields back. I would like to provide 5 minutes for myself, if we may. Thank you, Mr. Secretary, for being here.

Secretary FOXX. Thank you.

Mr. HARDY. As the—my colleague from Nevada recently spoke, we share common exercise. We would like to see the I–11 corridor taken care of.

In your statement you mentioned that the States and local governments should work together, and should be rewarded for that, coordinating with each other and making decisions with their neighboring governments. That—prioritizing funding for freight projects that is essential benefit to a State's economy.

I am proud to say that Nevada has been doing that for quite some time, particularly with Arizona and Idaho on the Idaho—on the I–11 corridor. And, as you may or may not know, Nevada—Las Vegas, and Phoenix are the only two major cities that don't have

a north-south corridor. I was wondering what kind of—or could you—if you elaborate on the Federal Government, how they would be willing to help support locals in that coordination, or that coordinate——

Secretary FOXX. Yes. I think it gets back to the FAST program we have been talking about, where you have your MPO system that would actually be empowered to do more, in terms of actually delivering projects. The price for that would be you would have to think regionally. It can't just be a city, it has to be the surrounding area, and the rural areas surrounding it. But we would actually provide not only the decisionmaking mechanism, but actually resources to help get those projects done, in addition to increasing the amount of money that the State gets.

So much of where the dollars flow is at the State level. A lot of these decisions are actually being made at the State level, not at the Federal level, to either fund or not fund things. What we are trying to do with this bill is we are trying to put enough money in the system in enough different ways for it to flow, that we get more projects done, and there is more flexibility to get those projects done.

Mr. HARDY. You know, as the—looking at the State of Nevada, in particular, we have been dealing with this—I was on the public works regional transportation commission for a number of years, trying to deal with this situation. Nevada, Arizona, Utah, and other places don't get looked at the same way as the congestion we have out here, because we have Federal lands that are definitely between the two city corridors.

And so, unless you have ever had to spend all day—sometimes close to 16 hours in traffic—driving from L.A. to Las Vegas, you have never experienced traffic like you have here. You know, at least you get off it. You could—from 11 to 16 hours. This has been a challenge, many times a year, for many years. And so we get looked at as not a challenge in traffic transportation, because we don't have that populous between the two.

But this is a major freight corridor for Nevada and Utah, and for the Midwest. We come right out of the Long Beach area, the I–15 corridor. So it is congested, and I think that I–11 corridor will help solve that congestion, so people can go across 40. This 15 corridor takes it all the way to the I–80 and I–70 corridors to go across the Nation. So I would like to just make you aware of that. And thank you for your time.

Secretary FOXX. Thank you.

Mr. HARDY. I would like to yield 5 minutes to Mr. Gibbs.

Mr. GIBBS. Thank you, Chairman. Thank you, Secretary Foxx, for being here. I have got three points I want to hit on.

Secretary FOXX. Sure.

Mr. GIBBS. First, in your testimony you talk about examples—I mean unnecessarily long review processes. That could be NEPA studies and all that. And you don't have to answer this part today, but can you give us maybe—the committee—some specific examples of things we could do in the next highway bill? And then what we did in MAP–21 to make the next highway bill better, and that streamlining process?

And the second part, second part of my question, is the GROW AMERICA Act. I think you just made a comment it is not going to go about—we—GROW AMERICA Act will have the finances.

Secretary FOXX. Yes.

Mr. GIBBS. Well, I am going to respectfully disagree. First of all, the President's proposed funding is not repatriation, it is a new tax, because it is 14 percent on accrued profits of American companies overseas, and 19 percent moving forward. And so I don't know how you would actually enforce that, because I think you actually have a consequence that—I don't know if—why they haven't thought of this. I mean businesses will probably be more likely to move their headquarters out of the United States, since—and more—secondly, there will probably be more inversions because—of more foreign companies buying our American businesses. So I don't think that is a viable solution.

But I think repatriation, if it is done right, is a viable solution. I know Senators Paul and Boxer have a proposal out there. I have been saying we ought to just say, "If you bring the money back, you pay 5 percent, and it all goes in the Highway Trust Fund, and you do whatever you want with the other 95 percent." There is really only two things they can do with it: invest in their businesses and grow jobs, or—pay dividends. You know, I think everybody wins. Don't put all the strings attached.

But I think repatriation ought to be on the table as part of the solution. Maybe not the total solution, but part of the solution.

But I guess my question on this part to you, what is it that you or the administration doesn't like about that type of—so that is repatriation, and not a new tax.

Secretary FOXX. I agree with you that our proposal is not repatriation. Let me try to explain how ours works, and get—in response to your question.

Right now, if a company has untaxed earnings overseas, to bring that back they are going to be taxed at a 35 percent——

Mr. GIBBS. That is correct, yes.

Secretary FOXX. What our proposal actually does is it actually imposes a one-time tax of 14 percent, which is a 21-percent reduction off of what they would have been taxed, had they just brought it overseas today, from——

Mr. GIBBS. But—correct me if I am wrong—it is a tax on all their accrued profits, even if they don't bring it back, right?

Secretary FOXX. That is right.

Mr. GIBBS. That is right. So it is a new tax.

Secretary FOXX. But what it does is it clears the field. It is—they can bring it back, they can not bring it back——

Mr. GIBBS. Well, I think they can bring it back to 5 or 6 percent, and they are more likely to do that.

Secretary FOXX. Well, it gets done one time. Then, going forward—and that, the 14 percent, is how we pay for our bill. The 19 percent is a go-forward on future earnings overseas, and there is actually a fairly complicated way that they reduce the——

Mr. GIBBS. OK, I got to move on, but——

Secretary FOXX. Yes.

Mr. GIBBS [continuing]. I think the unintended consequence could be more inversions, and——

Secretary FOXX. This is an approach that Chairman Camp introduced last year as a proposal. It is one that has been introduced on a bipartisan basis. There are differences in the rate, but it is basically the same approach.

Mr. GIBBS. Well, I think that part is a new tax—OK, we will disagree, we will disagree on that.

Third-part question I want to get here in my last 90 seconds is I hear from a lot of my truckers of the FMCSA and the CSA program, how they get dinged if they—their records if they have an accident and it is not their fault, somebody rear-ends them, you know, clearly there is accidents that, clearly, sometimes the other person's fault, and not—but it doesn't matter on—for their records. And, you know, it puts them—adds cost, their insurance rates can go up, all kinds of problems. Can add to the cost of their customers they are trying to serve, because they want cleaner records.

What is your thoughts on that? It seems like, to me, that is not right.

Secretary FOXX. We are taking a look at this question. I have heard the same concerns. On the other end of the scale, there is also some advantage to transparency and folks knowing what they are getting when they pay for a certain operator to do a service. And so, we are trying to figure out what the right balance is, and I promise you we are taking a look at it.

Mr. GIBBS. And I think, to also—to build on it a little bit more, it has broken down in categories. And I have one trucking firm that moved up—which way—in a whole category. Even though he had an impeccable record, he got dinged because he—a different category, and it was just—it is not working. I guess that is how—so I yield back my time. Thank you.

Mr. SHUSTER. Thank the gentleman. And, with that, Mr. Woodall has just had a timely entrance. Mr. Rouzer, I will have to put you on hold. Mr. Woodall is recognized for 5 minutes.

Mr. WOODALL. Thank you, Mr. Chairman. Secretary Foxx, I appreciate your waiting on those of us who are running behind.

I know Mr. Massie talked to you earlier about certified medical examiners, and the impact on veterans. I wanted to ask you about the impact on other folks. I know when we passed SAFETEA–LU here, when you promulgated your regulations, driver safety, road safety, passenger safety, all of those safety issues were job one.

But we have a number of family-owned trucking companies in my district, as you would imagine. I have one constituent, his name is James Cooper, and he—his family has—for generations, has owned Cooper Trucking. But he can't go to his family physician, because his family physician didn't decide to go through the process to become a member of the registry. And so, rather than going to the physician who has known him his entire life, knows all of his frailties and all of his strengths, he had to go to a chiropractor that he had never met before, no knowledge of his history.

And since our common goal is certifying safety, I guess my question to you is, have we achieved that goal with the registry? Because it seems counterintuitive to me that sending someone to a doctor they have never seen before, but who has taken the 3-hour class to be a part of the registry, rather than going to that family physician they have seen for 50 years, may actually bring us a less

desirable result, rather than a more desirable result. Could you speak to that?

Secretary FOXX. As I said before, this is something I need to go back to our team and drill down on. If your friend is a veteran, and is trying to get the work driving trucks, our posture has been to try to help make that happen as seamlessly as possible. So, let me just go back to the team and give you a written response, if you don't mind.

Mr. WOODALL. I don't. But—though I may be asking a slightly different question. You know, when I think about SAFETEA–LU in 2005, I think about folks trying to deal with fraud in medical certifications, and saying, "In order to prevent fraud, we are going to make sure everybody, every physician, is certified, becomes a part of this registry." The constituent I am thinking of is not a veteran, just a rank-and-file owner-operator of a small trucking company. And yet, in the name of safety, because of the laws we have written, the regulations you have promulgated, he cannot go to his physician to get the medical certification, he has to go to someone who knows nothing about his frailties.

And we did that, I suppose—I wasn't here at the time, you were not in your job at the time—we did that, I suppose, to prevent fraud from occurring in the industry, where folks were just cycling through medical certifications, one right after the other. It strikes me we have a lot of different tools in our arsenal to prevent that fraud. We could pass a statute that says, "If DOT catches you in a fraudulent certification, we are going to take away all your Medicare and Medicaid eligibility for the next 20 years." We could stop that together.

This was our effort at doing that. But I cannot conceive of a scenario where, being certified by someone who does not know my conditions and my history, is going to lead to a better result than being certified for someone who does know that history. I know you are constrained by statute in many ways there, but I would welcome the opportunity to work with you.

Or, if what you will come back and tell me, after you and your team have reviewed it, is that this has a material impact on passenger safety, road safety, operator safety, I would like to hear that determination, as well. But my guess is, in our effort to do better, we may actually be creating some results that are less safe, unintended consequences that perhaps we could work together to repair.

Secretary FOXX. I look forward to that, and I look forward to—and I appreciate your openness to hearing us out on kind of where it comes from, and how it works.

Also, I think it speaks to the broader set of issues. You all are going to have a massive task in front of you in writing a highway bill. I would just urge you that, when there are questions or concerns going—on a forward-going basis, we want to be open to you for technical assistance, because sometimes we can catch issues before they become issues in law. So——

Mr. WOODALL. I appreciate that. I look forward to that partnership, as well.

Mr. Chairman, I yield back.

Mr. SHUSTER. Thank you very much. With that, Mr. Rouzer.

Mr. ROUZER. Thank you, Mr. Chairman. Mr. Secretary, great to have you here.

Secretary FOXX. Thank you.

Mr. ROUZER. I am a fellow North Carolinian, as you know, representing southeastern North Carolina. And on behalf of the rest of the North Carolina delegation, we are proud to have you where you are.

Secretary FOXX. Thank you.

Mr. ROUZER. And I appreciate you coming before the committee.

In my district I have got I–95 and I–40 that cut right through the middle of it. And in my home county of Johnston County, if you ride through I–95 and you are asleep, you will be awake after you get through. That part of I–95 is probably one of the worst portions of 95 through the State of North Carolina.

And, of course, one of the things that our local business owners and others in the area probably detest more than anything is the idea of tolling. And—but, obviously, we have a great need, and significant shortfall in the Highway Trust Fund, et cetera.

One of the things I have always wondered about when I served in the State legislature I chaired our Regulatory Reform Committee. You know, rules and regulations significantly add to the time delay and the cost, et cetera, you know, for our infrastructure system. In fact, I would bet just about everything I have ever saved in my life on it, that if you had the rules and regulations in place—if you had in place what we have today—back when we were putting in the Interstate Highway System, you know, years ago, you couldn't even do it. The rules and regulations are so onerous today that we wouldn't have the Interstate Highway System that we have in place. And, obviously, that has been a great benefit to the growth of this economy over a number of decades, and really helped to make America the economic powerhouse superpower that it is.

So that, you know, as a backdrop, are we doing anything, are we looking at all these rules and regulations? Because it just seems to me that, you know, that is a huge component of the cost.

Secretary FOXX. Short answer is yes. This is actually an area that I think President Obama is much more focused on than I think he is given credit for, because he has really forced all of the agencies to do retrospective regulatory reviews to look at the pile of regulations that are out there, and to cut away those that are unnecessary.

We were talking about trucks before. One of the ones that we have issued that is a paper reduction effort is the DVIR rule in trucking, which—you know, before we issued this, if you drove a truck you had to inspect the truck before you took a trip, inspect it after you took a trip. And on both ends you had to send us paper, or file paper that would say that the truck was OK. What we have done is we have eliminated that requirement when the truck meets standard. That is saving the trucking industry $1.7 billion annually. And those types of things are things we are looking to do more of.

Now, there are some regulations that we think are necessary to protect the environment, let's say, or something else that is vital.

But we are continuing to work towards reducing redtape where we can.

Mr. ROUZER. Well, I just know, from, you know, talking to our transportation experts back home, it is just amazing to me how long it takes, from beginning to end, you know, to make these improvements, you know, funding notwithstanding. And I just really encourage you—clearly, there is a balance. We all want to protect the environment, we all care about all of God's creatures.

I would also suggest, though, that, you know, in places like China and elsewhere, when they want to build a road, they just build a road. And those are the folks that we are competing against. And so, you know, we have got to have a good balance there.

One other thing that came to mind. I was told this statistic not long ago, that if you have a vehicle and you are getting an average of 25 miles per gallon, and you travel about 10,000 miles per year, you are basically only paying roughly $83—$81—$83 or so in Federal gas tax.

Now, outside of tolling, are there some other ideas, in terms of financing? Particularly, I am curious about innovative financing tools that perhaps other States are doing, where we can help them, or anything that we could adopt.

Secretary FOXX. That is a great question, and it gets us into a discussion of the difference between funding and financing.

When we use public-private partnerships, let's say, there are lots of different tools. Existing tax revenues can be used to support public-private partnerships. Tolling is one example, development-oriented revenues that bring in additional tax revenues on new development that happened because of transportation assets in place, using those revenues to plow and repay the cost of that asset. These things are tools that local and State governments have. We can do more at the Federal level to help.

But to your point on redtape, I think that we have got a huge opportunity, as we work to reduce redtape and getting projects done. I share with you the frustration of projects taking too long. I think we can shorten the time. We have, and we can do more.

Mr. ROUZER. Thank you, Mr. Chairman.

Mr. SHUSTER. Thank you, Mr. Secretary. Appreciate you—it has been 3 hours now. We didn't know it was going to go this long, but there was tremendous interest in being here, asking you questions today. I think we have almost all—we only have 59 Members. Almost every Member that was here today participated in some way. So, again, really appreciate you taking the time and answering the questions.

You and I are going to continue this conversation on Twitter. Last time we did a Twitter town hall on WRRDA, and we had 3.5 million viewers, and 1 million unique visitors. I am not sure if that means they are aliens, but I am not a Twitter guy. So I am going to stumble and bumble through this, but I look forward to doing that with you. Again, thank you so much for being here today.

And I ask unanimous consent the record of today's hearing remain open until such time as our witness has brought answers to any questions that may be submitted to him in writing, and unanimous consent that the record remain open for 15 days for addi-

tional comments and information submitted by Members or the witness to be included in today's record.

[No response.]

Mr. SHUSTER. Without objection, so ordered. And the committee is adjourned.

[Whereupon, at 12:59 p.m., the committee was adjourned.]

Congress of the United States
Washington, DC 20515

Congressman Sam Graves
Opening Statement

Committee on Transportation and Infrastructure

"Surface Transportation Reauthorization Bill: Laying the Foundation for U.S. Economic Growth and Job Creation Part I"

February 11, 2015

Mr. Chairman,

I appreciate Chairman Shuster's leadership on this issue and want to echo his commitment to passing a long term highway bill. We hope to accomplish that in a bipartisan way. There are no republican roads or democrat roads. In my home state of Missouri we have over 131,000 highway miles and 24,350 bridges to maintain. Infrastructure is an issue where the Administration and Congress can find common ground.

Secretary Foxx has been vocal in his support for working with Congress and all stakeholders to accomplish what we all have set out to do. As a former mayor, Secretary Foxx brings a unique, on-the-ground perspective, as he dealt with some of these issues first-hand in North Carolina. One such issue is getting through the federal bureaucracy and red tape involved with executing a project. I am pleased the Transportation and Infrastructure Committee will be pursuing common-sense, bipartisan reforms to streamline project delivery. I look forward to working with the Secretary to identify some of the ways his agency can be helpful in that effort. I believe the Secretary agrees that the federal-state partnership is vital to maintaining our robust system.

In addition, I hope this committee takes a hard look at some of the proposals for regulatory reform. Companies big and small across the transportation community are being hit with an onslaught of regulations. I have heard first-hand, from the people I represent in north Missouri and as Chairman of the House Small Business Committee, how small businesses are being saddled with layer upon layer of unnecessary regulations. We must find a way to bring some relief to the regulatory process by giving all stakeholders a greater voice.

At the end of the day, a highway bill is about jobs – whether it's those in the construction industry, contractors resurfacing some of the worst roads across our states, small businesses hoping to rely on the system to conduct their business, or just the vast network needed to move commodities efficiently across the country. As Chairman of the Subcommittee on Highways and Transit, it is my highest priority to see a highway bill signed into law this year.

Statement of the Honorable Corrine Brown
Reauthorizing Surface Transportation Programs
February 11, 2015

Corrine Brown
FL-05

I want to thank Chairman Shuster and Ranking Member DeFazio for holding today's hearing on funding our nation's Surface Transportation Programs. I believe we have the right leadership in place to get a well funded long term bill.

Transportation programs are too critical to our economy to be delayed in any way or to become a political issue. Getting a bill done on time with a real funding source will keep workers on the job this summer and fall fixing our bridges, operating our transit systems and making our highways safer.

Unfortunately, we're already behind the 8 Ball in preparing for surface reauthorization and have some

serious work to do in deciding how we are going to fund the future of transportation in this country.

Developing a bill based on strong policy is always the best way to write legislation, but the most critical part of developing this next reauthorization bill is clearly finding a way to pay for it. Without that everything else is just talk.

I strongly recommend that we hold a joint hearing with the Ways & Means Committee to discuss and hear testimony on dedicated funding sources.

As we prepare for reauthorization of MAP-21 we need to get serious about funding our nation's transportation system. We can't continue to provide grossly inadequate funding for our nation's infrastructure. We're failing to keep pace with our international competitors who are investing heavily in infrastructure, particularly rail

infrastructure to move people, goods, and services in their countries. I agree we need to squeeze out every bit of efficiency we can through improved technology and innovation, but we are kidding ourselves if we don't think it will take a significant investment in our nation's infrastructure to truly solve the congestion problems we are facing.

I also believe we need a rail and freight title to address long standing issues like Positive Train Control, Grade Crossing safety, and ever increasing passenger and freight movements throughout the country.

The Transportation and Infrastructure Committee needs to take the bull by the horns and decide how we are going to fund all forms of transportation for the future.
Our committee needs to have all possible options on the table to address our current shortfalls. The American Society of Civil Engineers has given our nation

infrastructure a D grade. That is unacceptable for the greatest county in the world.

Transportation and Infrastructure funding is absolutely critical to the nation, and, if properly funded, serves as a tremendous economic and job creator. In fact, Department of Transportation (DOT) statistics show that for every $1 billion invested in transportation infrastructure, 44,000 jobs are created, as is $6.2 billion in economic activity.

So, as the Transportation & Infrastructure committee prepares the next transportation reauthorization bill, I hope we can develop a long term bill with dedicated funding source for all modes of transportation so we can improve our nation's infrastructure, create jobs and improve the economy, and provide new and innovative transportation options for the traveling public.

I want to welcome Secretary Foxx and I look forward to their testimony.

STATEMENT OF
ANTHONY R. FOXX
SECRETARY
U.S. DEPARTMENT OF TRANSPORTATION

BEFORE THE

COMMITTEE ON TRANSPORTATION & INFRASTRUCTURE
U.S. HOUSE OF REPRESENTATIVES

HEARING ON

Surface Transportation Reauthorization Bill: Laying the Foundation for U.S. Economic Growth and Job Creation Part I

February 11, 2015

Chairman Shuster, Ranking Member DeFazio, and Members of the Committee, thank you for the opportunity to appear before you to talk about the importance of reauthorizing the Nation's surface transportation programs and their importance to our economy and job creation. This is a critical issue for our Nation, and it is critically important that we work together to enact a long-term, robust bill that makes much-needed reforms to our Federal surface transportation programs.

Last year, I traveled across the country – to engage with local officials, business leaders, and everyday people about the state of our transportation system. In the Spring last year, I spent a week traveling by bus from Ohio to Texas stopping in cities and one-stoplight towns along the way. What we saw on all of these trips – and what we heard from people around the country and in State Departments of Transportation – demonstrated to me that people outside the Beltway desperately want us to find a way to work together in Washington and fix the serious transportation problems we have in America.

Transportation is a critical engine of the Nation's economy. Investments in our transportation network over the country's history have been instrumental in developing our Nation into the world's largest economy and most mobile society. Over time, however, our level of investment as a percentage of the gross domestic product has dropped significantly, as it fails to keep pace with our growing economy and population. The costs of inadequate infrastructure investment are exhibited all around us. Americans spend 5.5 billion hours in traffic each year, costing families more than $120 billion in extra fuel and lost time. American businesses pay $27 billion a year in extra freight transportation costs, increasing shipping delays and raising prices on everyday products. Also, 65 percent of our Nation's roads are in less than good condition; one in four bridges require significant repair or can't handle current traffic demands and 45 percent of Americans lack access to basic transit services. Underinvestment impacts safety too. There were over 32,000 highway traffic fatalities in 2013, and roadway conditions are a significant factor in approximately one-third of them. Such fatalities occur disproportionately in rural America, in part because of inadequate road conditions. For a Nation that is expected to have 70 million more citizens by 2050 and an increase in the volume of freight traveling on our highways, railroads,

waterways and aviation systems, the current investments we put into our transportation system will not be sufficient to address these competing but urgent needs.

Worse still, in recent years, the surface transportation enterprise – and the millions of jobs that come with it – has been thrown into a continuing period of uncertainty due to the numerous short-term spending "patches" that we use to fund our Federal transportation programs. The inability to pass long term surface transportation funding bill creates uncertainty for local project sponsors and inhibits their ability to plan effectively. Since 2009, our surface transportation programs have been operating under short term extensions 11 times, including a two day lapse in March 2010. In addition there have been 21 continuing resolutions, forcing programs to operate under a CR for 39 of the last 72 months, not to mention a 2 ½ week stretch where the government was shutdown. Governors, mayors, city and county councils, and tribal leaders can't plan because they don't know whether the Federal program and payments will be suspended – again – in just a few weeks' time.

Increasingly, we are seeing State and local officials abandon planning on the more ambitious and expensive projects that will move our economy forward. Instead, these officials are targeting available dollars on smaller preventative maintenance and repaving projects that while important for maintaining infrastructure availability in the near term, cannot address the longer term needs for additional investment in transportation infrastructure capacity and quality. State and local officials are rightly concerned about whether Congress will allow spending authority from the Highway Trust Fund to expire four months from now – precisely when the construction season should be heading into full swing. Just recently, the Commissioner of Tennessee's DOT announced he was delaying $400 million in highway projects because of the funding uncertainty in Washington, saying "this piecemeal funding of projects and programs is having a significant impact on how and when State DOTs and municipal planning organizations deliver much needed investment in our transportation networks." This is similar to the Director of the Arkansas State Highway and Transportation Department deciding to delay $100 million in highway construction projects because of uncertainty over the Highway Trust Fund. We may not see it directly, but failure to act on a long-term bill is actually making investments in critical infrastructure more expensive – and more difficult, for all of our State DOTs.

Inadequate and inconsistent funding is not our only problem. The Federal programs that govern how we deliver projects must be modernized. Too often, projects undergo unnecessarily lengthy reviews, and we need to be able to make the types of reforms that will expedite high priority projects and identify best practices to guide future efforts without undermining bedrock environmental and labor laws or public engagement. We also need to reward States and local communities that coordinate their decision making with their neighbors and prioritize funding for freight projects that will benefit the Nation's economy.

For these reasons, I hope that the Administration, this Committee, and the many other Committees in Congress who must be heard from, will agree that we must bring this period of short-term patches to a close. We must give the American people and the American economy a well-funded, multi-year authorization bill with new programs and reforms that are focused on the Nation's future needs.

Last year, the Administration submitted to Congress the Generating Renewal, Opportunity, and Work with Accelerated Mobility, Efficiency, and Rebuilding of Infrastructure and Communities throughout America – or GROW AMERICA – Act. This proposal was a comprehensive four-year, $302 billion reauthorization proposal which called for substantial funding increases as well as dozens of critical policy reforms. What America received instead was yet another short-term extension, with status-quo policies and flat funding. The President's 2016 Budget proposes a 6-year, $478 billion multimodal proposal that includes essential program improvements so we can improve safety, support critical infrastructure projects, and create jobs while improving America's roads, bridges, transit systems and railways in our cities, fast-growing metropolitan areas, small towns and rural communities across the country.

Our proposal is fully paid for through an important element of the President's plan for a reformed business tax system that will encourage firms to create U.S. jobs instead of shifting jobs and profits overseas. Specifically, the Administration's proposal would impose a one-time 14 percent transition tax on the untaxed foreign earnings that U.S. companies have accumulated overseas. Unlike a voluntary repatriation holiday, which the President opposes and which would lose revenue, this transition tax would mean that companies have to pay U.S. tax right now on the $2 trillion they already have overseas, rather than being able to delay paying any U.S. tax indefinitely. And it would be coupled with reforms to eliminate the incentive to shift profits and jobs to tax havens in the future. Revenue from the transition tax – along with projected fuel tax receipts – will fully pay for the GROW AMERICA Act.

Our six-year proposal will provide the funding growth and long-term certainty so desperately needed by our States and local communities so they can make real progress on addressing our infrastructure deficit. The GROW AMERICA Act will also build ladders of opportunity to help Americans get to the middle class by providing transportation options that are more affordable and reliable and by improving their quality of life through greater access to education and new job opportunities. Most importantly, the GROW AMERICA Act will put into place a program structure and funding stream focused on the transportation needs of the future.

As part of our effort to focus on the future of transportation, just last week, I released the Department's 30-year vision for the future of transportation in America – entitled "Beyond Traffic." It is intended to start a meaningful national dialogue on the choices we must make as a nation if we are to avoid a painfully congested future where our transportation system serves as a crippling drag on our economy rather than a catalyst for growth. I would encourage all Committee members to review the document and participate in this dialogue. One thing our report makes clear is that technology will have to play an essential role in helping us get maximum capacity out our existing infrastructure as well as all the new roadways and railways we are going to need to build to accommodate the 70 million additional citizens that will join our nation by 2050.

The GROW AMERICA Act aims to tackle this challenge head on by modernizing the U.S. Transportation system through technology and process innovation. The bill also advances my key priorities of protecting the safety of the traveling public while closing the nation's infrastructure deficit.

Protecting the safety of the traveling public: In 2013, vehicle crashes killed approximately 32,000 Americans and injured more than 2.3 million, making motor vehicle crashes one of the leading causes of death in the U.S. Every life is precious, and one life lost on our roads is one too many. The GROW AMERICA Act addresses safety vulnerabilities on our transportation network, both through increased investment in safety programs, and through policy changes that strengthen oversight and increase accountability. It includes:

- Harsher penalties for manufacturers that refuse to address defective and dangerous vehicles and equipment that endanger the public.
- Authority to require manufacturers to cease retail sale and/or require repair of vehicles or equipment that pose an imminent hazard to the safety of the motoring public.
- Authority to require rental car companies and used car dealers to participate in recalls of defective and unsafe vehicles.
- Streamlining federal truck- and bus-safety grant programs to provide States with greater flexibility to address regional and evolving truck- and bus-safety issues.
- Increased funding to the Highway Safety Improvement Program to help engineers identify hazards and prevent the next crash and help implement lasting safety improvements.
- Authority to make greater progress on eliminating drunk and distracted driving and other key safety concerns by giving States additional funding and flexibility.
- New programs and funding dedicated to implementing positive train control on commuter and intercity passenger rail routes, improving highway-rail grade crossing safety, and mitigating the adverse impacts of rail operations in local communities.

Closing the nation's infrastructure deficit: The GROW AMERICA Act proposes important policy improvements and makes critical investments to close this nation's infrastructure deficit, including:

- *Strengthening policies and providing $317 billion to invest in our Nation's highway system:* The proposal will increase the amount of highway funds by an average of nearly 29 percent above FY2015, emphasizing "Fix-it-First" policies and reforms that prioritize investments for much needed repairs and improvements to the safety of our roads and transit services, with particular attention to investments in rural and tribal areas.
- *A dedicated grant program for projects that benefit the Nation's commerce:* The U.S. transportation system moves more than 52 million tons of freight worth nearly $46 billion each day, or almost 40 tons of freight per person per year, and freight tonnage is expected to increase 62 percent by 2040. The GROW AMERICA Act includes $18 billion over 6 years for a new multi-modal freight program that will relieve specific bottlenecks in the system,

strengthen America's exports and trade, and give freight stakeholders a meaningful seat at the table in selecting funded projects. The new initiative encourages better coordination of planning among the Federal government, States, ports, and local communities to improve decision-making.

- *Strengthening policies and providing nearly $115 billion for transit systems to expand transportation options:* The proposal increases average transit spending by nearly 76 percent above FY 2015 enacted levels, which will enable the expansion of new projects that improve connectivity, such as light rail, street cars, and bus rapid transit, in suburbs, fast-growing cities, small towns, and rural communities, while still maintaining existing transit systems. These transit investments will play a critical role in supporting communities around the country – for example, providing transportation options in rural communities that have growing numbers of seniors.

- *Strengthening policies and providing nearly $29 billion for the Nation's intercity passenger and freight rail network*: Highways, transit, aviation, inland waterways, ports and harbors all have dedicated trust funds. Rail does not have a dedicated source of federal revenue. The GROW AMERICA Act will provide predictable, dedicated funding for rail, which will provide States, localities, and railroads with the certainty they need to effectively plan and implement their projects – primarily to improve and expand passenger rail service. This funding will allow our Nation to better address the growing backlog of state of good repair needs on our rail system and deliver the improvements required to accommodate growing passenger and freight rail demand.

- *Expanding and strengthening of DOT credit programs to spur innovative financing and increase overall infrastructure investment:* The GROW AMERICA Act expands financing options under the Transportation Infrastructure Finance and Innovation Act (TIFIA), which leverages federal dollars by facilitating private participation in transportation projects and encouraging innovative financing mechanisms that help advance projects more quickly. The Act will provide $6 billion over 6 years, which could result in $60 billion of direct loans. In addition, the Act increases the accessibility of the Railroad Rehabilitation and Improvement Financing Program by reducing the cost of obtaining a loan for short line railroads and increases the availability of Private Activity Bonds by raising the existing $15 billion cap to $19 billion.

- *Strengthening domestic manufacturing*: The GROW AMERICA Act will strengthen existing "Buy America" requirements to ensure that taxpayer investments for public transportation translate into American jobs and opportunities for innovation. The Act allows for an orderly phase in by transit suppliers by raising the current sixty percent threshold to 100 percent over multiple years to bring the "Buy America" requirements for transit in line with the requirements in other modes.

- *Expanding access to markets and strengthening rural communities*: America's rural communities are the critical linkage in the nation's multimodal transportation network. From manufacturing to farming, freight logistics to energy production and more, rural America is home to many of the nation's most critical infrastructure assets including 444,000 bridges,

2.98 million miles of roadways, 30,500 miles of interstate highways. Specifically, the GROW AMERICA Act will encourage safety on high-risk rural corridors, provide workforce development in rural areas, make badly needed freight investments, increase deployment of broadband use in rural areas, and improve the Federal Lands Transportation Program to achieve a strategic, high-use transportation system on roads that directly access federal lands.

Modernizing the U.S. Transportation System through technology and process innovation: Technological changes and innovation have the potential to transform vehicles and infrastructure, logistics, and delivery of transportation services to promote efficiency and safety. Likewise, process innovation has the potential to improve the way that the government operates in the service of the American people. To that end, the GROW AMERICA Act is focused on:

- *Encouraging innovative solutions through competition:* The Act more than doubles the size of the highly successfully Transportation Investment Generating Economic Recovery (TIGER) competitive grant program and cements it in authorizing statute, which will encourage States and localities to bring more innovative, cross-modal proposals to the table and give the Department more resources to see that the most meritorious projects ultimately are constructed. In addition, the Act would dedicate $6 billion over 6 years to establishing the Fixing and Accelerating Surface Transportation (FAST) program, designed to create incentives for State and local partners to adopt critical reforms in a variety of areas, including safety and peak traffic demand management. Federally inspired safety reforms, such as seat belt and drunk-driving laws, have saved thousands of American lives and avoided billions in property losses.

- *Improving project delivery and the Federal permitting process:* The GROW AMERICA Act will help projects break ground faster by expanding on successful Administration efforts to modernize the permitting process while protecting communities and the environment. The Act will institutionalize capacity within DOT to improve interagency coordination and implement best practices, such as advancing concurrent, rather than sequential, project review, and using the online permitting dashboard to improve transparency and coordination and track project schedules. The Act will also increase flexibility for recipients to use Federal transportation funds to support environmental reviews, and help to integrate overlapping requirements and eliminate unnecessary duplication.

- *Encouraging regional coordination and local decision making to improve outcomes.* The Act includes policy reforms to incentivize improved regional coordination by Metropolitan Planning Organizations, which are local communities' main voice in transportation planning. The GROW AMERICA Act also strengthens local decision making in allocating Federal funding so that local communities can better realize their vision for improved mobility.

The President is committed to ensuring that critical transportation investments are fiscally sustainable. Because rebuilding our transportation infrastructure is an urgent need, the GROW AMERICA Act uses Highway Trust Fund revenues anticipated under current law in combination with revenues generated from pro-growth, business tax reform to fully offset the cost of the GROW AMERICA Act.

Thank you and I look forward to your questions.

Hearing on
"Surface Transportation Reauthorization Bill:
Laying the Foundation for U.S. Economic Growth and Job Creation Part I"
Committee on Transportation and Infrastructure
Wednesday, February 11, 2015, 10:00 a.m.
2167 Rayburn House Office Building
Washington, D.C.
Questions for the Record (QFR)

***Submitted on behalf of Chairman Bill Shuster*:**

1. U.S. Department of Transportation (U.S. DOT) missed the October 2013 deadline in MAP-21 to issue a final rule requiring the use of electronic logging devices (ELDs) by commercial motor vehicle operators. H.R. 83, the "Consolidated and Further Continuing Appropriations Act, 2015," includes a June 2015 deadline for the final rule. However, U.S. DOT now projects missing that deadline and publishing the rule by September of this year. Can you confirm that your Department will meet this projection? Do you perceive any obstacles to issuing a final rule, or to mandating use of ELDs?

Response: *DOT is working hard to answer this statutory mandate and we believe that we can complete our remaining work in a timeframe that would allow us to issue the final rule in September.*

The rule is a major technological advancement for safety. By leveraging innovative technology with ELDs, we have the opportunity to save lives and boost efficiency for both motor carriers and safety inspectors. The rule would increase compliance with the hours-of-service rule (HOS) and decrease the risk of fatigue-related crashes. The proposed rulemaking will also significantly reduce the paperwork burden associated with hours-of-service recordkeeping for interstate truck and bus drivers.

The Federal Motor Carrier Safety Administration (FMCSA) published a supplemental notice of proposed rulemaking (SNPRM) in the Federal Register on March 28, 2014, followed by a 60-day comment period which was extended on May 16 for an additional 30 days. We received more than 1,750 comments, including the AnnaLeah and Mary Stand Up for Truck Safety petition signed by more than 11,000 individuals. Given the scope of this rulemaking and the related studies the Agency undertook, we were not able to meet the statutory timeframes. However, we will continue to work hard towards the September 2015 publication of a final rule and the Agency has already starting planning for the rule's implementation.

2. U.S. DOT has begun work on meeting the H.R. 83 mandate to study the operational, safety, health and fatigue impacts of the truck driver hours of service restart restrictions. Are you aware that the safety benefits of the U.S. DOT's December 2011 changes to the hours of service rules came nowhere near to offsetting the rule's costs- and that only by contending the rules would somehow improve driver health was U.S. DOT able to get the changes to meet cost/benefit tests? How will this study measure the health benefits the December 2011 rule claimed would result from the hours of service changes and offset the economic impacts?

Response: *The cost-benefit analysis conducted in regards to the 2011 changes in the Hours of Service provisions included safety and driver health benefits, including driver longevity. The Commercial Motor Vehicle Driver Restart Study is not designed to measure driver longevity and could not do so in the 5-month data collection period mandated by Sec. 133. However, the study will collect health related information from participating drivers.*

3. The FMCSA's Compliance, Safety, Accountability program does not distinguish those crashes a trucking company caused from those it did not. I am aware of your recent study on the limitations of using police accident reports to make such fault determinations. However, there are many crashes where fault is plainly obvious, such as the recent instance when a bridge in Cincinnati collapsed and landed on a truck. Is your department really unable to determine that the truck didn't cause the bridge to fall on it? How does attributing this crash to the trucking company better U.S. DOT's ability to distinguish fleets that are involved in such incidents from those that cause crashes?

Response*: While preventability may be more easily determined in some cases, such as the scenario cited above, this crash is one of over 100,000 crashes that meet the FMCSA's reporting criteria (i.e., a crash involving (1) a fatality, (2) an injury requiring medical treatment away from the scene of the crash, or (3) disabling damage to a motor vehicle). In addition, this crash on its own will not impact the carrier in any way, as FMCSA focuses its efforts on those carriers with patterns of crashes. Research conducted by FMCSA, as well as independent organizations, has demonstrated that crash involvement, regardless of role in the crash, is a strong indicator of future crash risk.*

It's also extremely important to note, that while the Agency uses all crashes to identify carriers for the purpose of prioritizing its limited resources, only preventable crashes are used in determining a motor carrier's safety fitness determination. Therefore, in the scenario described above, such a crash would not impact a motor carrier's safety rating.

In an effort to be responsive to these issues, the FMCSA recently published a Federal Register notice that included research conducted by the Agency on issues relating to fault determinations. The purpose is to gather additional insight from industry and other stakeholders on how to address these complicated issues in a fair and uniform manner with the Agency's constraints. The Agency is reviewing comments submitted in response to its Federal Register notice.

4. Section 32402 of MAP-21 requires U.S. DOT to establish a clearinghouse that would serve as a repository for positive drug test results, refusals to test, and violations of the drug use prohibitions. However, U.S. DOT's proposed rule to create a clearinghouse does not call for the system to capture all violations and would exclude some – including instances of employee admissions of drug use and employer observations of such misuse. Are you concerned that failing to accept these records from past employers will lessen the effectiveness of the database? I understand a prospective employer can potentially learn of such violations by contacting an applicant's past employer, but how does U.S. DOT propose dealing with such violations if the applicant lies about their work history or if the past employer can't respond because it is no longer in business?

Response: *The FMCSA published a Notice of Proposed Rulemaking and is carefully reviewing all the public comments submitted in response to the proposal. The Agency is aware of the industry's interest in capturing all violations, employee admissions and employer observation and the Agency may consider these issues as part of the final rule. The accuracy of the information that populates the clearinghouse is of the utmost concern to DOT, and we received comment on the proposed rule regarding the very issues that you raise. We are currently evaluating options to ensure the inclusion of the most relevant safety data available while ensuring that quality of that data.*

CDL drivers who use drugs or alcohol while operating a CMV pose a significant risk to public safety. Under the current drug and alcohol screening program, employers do not have the tools to identify CDL holders who have received positive drug or alcohol test results, have refused a drug or alcohol test, or have otherwise violated the drug and alcohol testing requirements and thus, are not qualified to operate a CMV. Employers must rely on information provided by the driver or a previous employer, who might not disclose prior positive drug or alcohol test results, or refusals to test. As a result, such drivers continue to operate CMVs after violating the drug and alcohol regulations without completing the required return-to-duty process.

This rule would require employers and service agents to report information about current and prospective employees' drug and alcohol test results to a repository, the Drug and Alcohol Clearinghouse. It would also require employers and certain service agents to search the database for current and prospective employees' positive drug and alcohol test results, and refusals to test, as a condition of permitting those employees to perform safety-sensitive functions. This would provide FMCSA and employers the necessary tools to identify drivers who are prohibited from operating a CMV based on DOT drug and alcohol program violations and ensure that such drivers receive the required evaluation and treatment before performing safety-sensitive functions. This would also remove the current fraud that may exist if a prospective employee or previous employer does not provide information to a prospective employer.

A number of commenters to the Drug and Alcohol Clearinghouse notice of proposed rulemaking recommended that FMCSA require employers to report all violations based on actual knowledge. They stated that limited reporting would leave the Clearinghouse incomplete and would be inconsistent with Congress's mandate in MAP-21 that all violations of the Agency drug and alcohol program be reported to the Clearinghouse. As a result, the Agency will reconsider this issue as it develops the final rule.

Submitted on behalf of Chairman Sam Graves:

1. This is the fifth year that the Administration has proposed a multi-million dollar user fee to be paid by applicants for hazardous materials special permits and approvals as part of the President's budget request. Authorization for such a fee is included in the version of the Administration's GROW AMERICA Act proposal submitted last year, and we have been told to expect the same proposal in the revised GROW AMERICA Act submission this year. Congress has consistently rejected these proposals for many reasons. What justifies the imposition of these fees on this universe of applicants?

Response: *The Administration has proposed assessing fees from special permit and approvals applicants to offset the costs of administering, processing, and enforcing hazardous materials special permits and approvals. Each request for a special permit initiates a resource-intensive process within PHMSA, required by the Hazardous Material Regulations (HMR), to achieve a safety level that is at least equal to the safety level required under Federal hazmat law or is consistent with the public interest if a required safety level does not exist. Each application and permit to be judiciously processed, administered, and enforced. Each PHMSA-issued approval or special permit is a written consent from a competent or designated authority. The fee proposed would cover the direct and indirect costs of PHMSA providing the necessary safety measures to the applicant and in turn reduce the burden on the taxpayers.*

User fees are used in other Federal Agencies such as the Food and Drug Administration, the Nuclear Regulatory Commission and the Patent and Trademark Office to offset the cost of evaluating applications without passing the burden on to the US taxpayer.

2. The fee proposal is even more concerning in view of the processing delays that put U.S. businesses at a competitive disadvantage to others in the global economy. As a result of an audit of this Pipeline and Hazardous Materials Safety Administration (PHMSA) program in 2009 that uncovered evidence of missing paperwork, the agency instituted a complex multi-tier 120-day application processing protocol despite a safety record that includes no deaths or serious injuries from hazmat moved under these regulatory approvals. Other industrialized nations process these types of applications between two and four weeks. What is PHMSA doing to streamline and to reduce the processing times for these applications to align them with other industrialized nations?

Response: *In response to the audit, PHMSA modernized its Special Permits and Approvals program in 2010. The program enhanced the process by increasing the level of oversight and the overall level of safety of the special permits issued.*

The major changes to the program are described below:

- *Eliminated special permits issued to industry associations*
    - *Increased the number of individual companies holding status to special permits*
- *Enhanced review of application completeness to ensure the application is in full compliance with the regulations before processing*
    - *Enhanced documentation requirements were added to the regulations*
    - *Completion of the "Application Completeness" forms ensures all requirements are met*
- *Full fitness review for all applicants*
    - *All applications are reviewed for fitness*
    - *Initial implementation required manual review of PHMSA and FMCSA data*
    - *Results were recorded on formalized evaluation documents*
    - *The process outlined when to review by modes ensuring the applicant met the required fitness*

- *Enhanced modal coordination for certain special permits*
    - *Formalization of review and concurrence processes with the modes*
    - *Required additional documentation of the modal review process*
    - *Informal coordination was no longer acceptable*
- *Enhanced review of old safety equivalency documentation for renewals and modifications*
    - *Review the old documentation to ensure safety equivalencies are present prior to re-issuing special permits*

While these additions to the program improved the safety of issued special permits and approvals, they also added an administrative burden to processing applications for special permits that did not exist previously. Since that time, PHMSA has been actively working to expedite the process to make the receipt, review, safety evaluation, and disposition (approval/denial) of an application a more efficient process. These modernizing efforts have focused in several areas:

- *Eliminating special permits with longstanding safety histories. As required by MAP-21, PHMSA has proposed (80 FR 5339; January 30, 2015) to amend the Hazardous Materials Regulations to adopt provisions contained in certain widely-used or long-standing special permits that have an established safety record. The proposed revisions are intended to provide wider access to the regulatory flexibility offered in special permits and eliminate the need for numerous renewal requests, thus reducing paperwork burdens and facilitating commerce while maintaining an appropriate level of safety. Automating a majority of the fitness review process*
- *Providing guidance on the application process (Federal Register notices, brochures, etc.)*
- *Working with industry to improve standards incorporated by reference (e.g., APA, CGA)*
- *Reducing layers of review for specific application types (Foreign Military Sales, Jet Perforating Guns, etc.). Working closely with third party agencies to improve consistency in action and application*
- *Introducing alternative review mechanisms, such as the Firework Certification Agencies*
- *Continuously improving IT systems in order to simplify existing applications and development of new on-line applications all to reduce processing time*
- *Automating specific application types, such as manufacturing and vendor identification numbers, to increase efficiency by redirecting processors*
- *When possible, utilize parallel review tracks between modal/fitness/technical officers*

We have an internal processing goal of 120 days for all actions. However, there are times where emerging priorities (ex: Crude-oil-by-rail, Ebola) share PHMSA's technical review with processing approvals and permits. The graph below shows our average processing times as of March 16, 2015. As can be seen in the graphs below when urgent high priority actions such as the safe transportation of hazardous materials by rail and transportation of Ebola contaminated waste divert the expertise of our technical staff, the time required for processing applications increases.

	Average Processing Time (Days)			
Approval Type	FY 2014 Q2	FY 2014 Q3	FY 2014 Q4	FY 2015 Q1
COMPETENT AUTHORITY	76	84	95	109
CYLINDER REQUALIFIER (VISUAL)	27	17	16	5
EXPLOSIVE	65	69	93	90
FIREWORK	76	95	121	125
FIREWORK CERTIFICATION AGENCY	75	32	95	9
MANUFACTURER SYMBOL	30	16	12	10
REQUALIFIER	27	17	16	15

	Average Processing Time (Days)			
Exemption Type	FY 2014 Q2	FY 2014 Q3	FY 2014 Q4	FY 2015 Q1
GENERAL CORRESPONDENCE	62	64	58	86
MODIFICATION	125	137	91	102
NEW	98	138	72	68
PTE	43	49	39	29
RENEWAL	64	70	54	60

Approval types

Competent Authority Approvals *are approvals that generally provide relief from provisions of international standards or regulations such as the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods or the International Maritime Dangerous Goods Code.*

Cylinder Requalifiers (Visual) are approvals which are granted to enable fillers of cylinders to conduct a visual requalification of a cylinder. Most commonly used at locations for refilling propane cylinders for non-commercial use.

Explosive Approvals are classification type approvals issued to provide the classification for new explosive types.

Firework Approvals are classification type approvals issued to provide the classification for new fireworks types.

Firework Certification Agency Approvals are approvals issued to entities who will provide certification of 1.4G consumer fireworks.

Manufacturer Symbol Approvals are given to provide an entity with a symbol (M-Number) which can be used to identify a company instead of using their name and address.

Requalifier Approvals are issued to companies to authorized requalification testing of DOT Specification and UN Standard cylinders.

Special Permit types

General Correspondence is a type of permit application that is used to address administrative or non-safety related changes to a special permit.

Modifications are applications to make changes to a previously issued special permit.

New are applications for a new special permit

Party to An Existing Permit is an authorization for an company to use a special permit that is written to allow multiple holders of the permit.

Renewal is renewing a special permit or authorization for party to an existing special permit.

3. Some believe the current sub-allocation process doesn't provide adequate ability for local governments under 200,000 to gain access to the Surface Transportation Program (STP) funds. In many instances, the money reserved to be spent in their regions is spent on projects that are a priority for the state department of transportation rather than for the local government. What should be done to help areas under 200,000 gain more access to STP funds in order to support their priorities?

Response: *MAP-21 provides an opportunity for areas under 200,000 to gain access to STP funds by requiring that States cooperate with local officials with responsibility for transportation as part of the statewide and nonmetropolitan transportation planning processes or, if applicable, regional transportation planning organizations (RTPOs). This includes cooperation with local officials or RTPOs during a State's development of the long-range statewide transportation plan and during development of the Statewide Transportation Improvement Program (STIP). Different States handle the suballocated STP funds differently, and there is no one model that fits all situations. Some States provide the suballocated funds to the local governments through an allocation formula or on a needs basis. Some States retain the funds and spend them in the required areas. In all cases, the State has to develop the STIP in cooperation with local officials or, if applicable, through RTPOs. Local officials would have input on the content of the STIP through that cooperative process the State undertakes when developing the STIP.*

Under MAP-21, States have the option to establish and designate RTPOs to conduct regional transportation planning in nonmetropolitan areas. RTPOs are multijurisdictional organizations in nonmetropolitan regions composed of nonmetropolitan local officials or their designees and representatives of local transportation systems. RTPOs' responsibilities include developing a regional long-range multimodal transportation plan in cooperation with the State and developing a regional transportation improvement program (RTIP) for consideration by the State. Establishment of such an entity would give nonmetropolitan local elected officials more direct input into the development of priorities for the long-range plan and the RTIP.

4. A provision was included in last year's Senate Environment & Public Works Committee's reauthorization bill (S. 2322) that would permit certain exemptions for rural road and bridge federal

design standards (see Section 1109). First, are there certain federal design standards that are too onerous for project owners, regardless of size, that could be eased in order to both save money and streamline the project delivery while still ensuring the safety of the traveling public? In what ways has the Federal Highway Administration's (FHWA) support for the National Association of City Transportation Officials' design standard flexibility supported streamlining? Further, has FHWA found that certain design standards such as level-of-service standards push state departments of transportation to overbuild projects?

Response: *FHWA works with State Departments of Transportation (State DOTs) through the American Association of State Highway and Transportation Officials (AASHTO) to establish design standards for highways on the National Highway System (NHS). As such, FHWA adopted AASHTO's A Policy on Geometric Design of Highways and Streets and A Policy on Design Standards Interstate System as the standards for NHS highways, regardless of funding. Exceptions to the minimum criteria set forth in these standards are permitted, providing the flexibility needed to address such issues as project cost, constructability, and environmental constraints. State DOTs may develop their own design standards for other Federal-aid projects (not on the NHS) in accordance with State laws, regulations, and directives.*

To further support the flexibility inherent in the design of projects on the NHS, FHWA encourages agencies to move toward a Performance-Based Practical Design (PBPD) approach grounded in a performance management framework. PBPD is an approach to design decision-making that: helps the design community to better manage transportation investments, system-level needs, and performance priorities with limited resources; encourages the use of available tools to analyze data to make informed design decisions; and emphasizes the utilization of existing design flexibilities.

FHWA continues to support flexibility in highway design, not only by supporting the use of various design guidance such as that published by NACTO, but by supporting the development of context sensitive solutions and the use of the PBPD approach described above. Such support makes the project development process more effective and more productive by giving planners, engineers, and other professionals the tools they need to address project-specific needs and goals in a way that receives public support.

FHWA's Every Day Counts initiative includes reaching out to States and highway design practitioners to present context-sensitive design concepts and increase acceptance within the engineering community, which will streamline the project design process. Other DOT modal administrations are participating in walking and bicycling assessments in each State that will assist with capacity-building and awareness so that FHWA and State staff will better understand how to accommodate all roadway users, and to consider where design flexibility is appropriate, improving the project design process.

Strict adherence to maximum values allowed by design standards may result in highway projects that are overbuilt. FHWA supports and assists State DOTs in developing projects that are based on the context in which they exist. Such initiatives as Context Sensitive Solutions and PBPD give highway

designers the flexibility and tools to make project design decisions that take into account the project context, user needs, and budgetary constraints.

5. In your testimony before the Committee, on the importance of reauthorizing the Nation's surface transportation programs, you stated that the GROW AMERICA Act must be passed in order to provide U.S. DOT with the authority to either stop automotive manufacturers from selling vehicles that have been recalled or require that such vehicles be repaired prior to sale. Every day 500,000 original equipment manufactured (OEM) parts are sold and reutilized to repair vehicles in the United States after being harvested from total loss or end-of-life vehicles. The capability to track OEM automotive parts throughout their life-cycle is essential in identifying and remedying faulty automotive parts that are at the root of the historic number of motor vehicle recalls and to protecting the safety of the traveling public. Do you also support requiring the automotive manufacturers to provide essential parts numbers to professional automotive recyclers in order to ensure the proper identification and tracking of automotive parts throughout their life-cycle?

Response: *I support requiring automotive manufacturers to provide parts numbers related to recalls to professional automotive recyclers to ensure the proper identification of such parts. Vehicle safety recalls often involve replacing defective parts, and defective parts that are reused as replacement parts on other vehicles could present a safety hazard. The automotive manufacturers should provide this information in an efficient and easy-to-use format directly to recyclers and others who need the information. This approach would not require the government to be the go-between or require the creation and expense of a new government program to collect and distribute the information.*

6. What is the status of U.S. DOT's National Freight Strategic Plan and how does it address the current highway congestion problems faced by trucking fleets in major freight corridors?

Response: *A draft of the U.S. DOT's National Freight Strategic Plan (NFSP) is being circulated among the Department's operating administrations for editorial and technical corrections. We plan to circulate the draft Plan soon and U.S. DOT will revise the plan in response to public comments and issue it in final draft by September 30, 2015.*

The NFSP will address a broad range of issues pertaining to trucking and other freight transportation modes. With regard to trucking, it will discuss highway freight bottlenecks on corridors and congestion at gateway ports cities, first mile/last mile roads, and border crossings. Additionally, it will describe the impacts of changing transportation technologies, barriers to expeditious planning and delivery of freight transportation projects, maintaining infrastructure in a state of good repair, workforce needs, methods to fund freight transportation projects, improvements to the safety, security, and resilience of the freight transportation system, important regulatory initiatives, and many other issues relevant to the freight transportation. Overall, the NFSP is responsive to all the requirements established for it under Section 1115 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) (23 USC 167).

7. U.S. DOT missed the October 2013 deadline in MAP-21 to issue a rule on the use of electronic logging devices by commercial motor vehicle operators. U.S. DOT now projects publication of the

rule by September of this year. Please provide an update on the status of this rule.

Response: *DOT is working hard to answer this statutory mandate and we believe that we can complete our remaining work in a timeframe that would allow us to issue the final rule in September.*

By leveraging innovative technology with ELDs, we have the opportunity to save lives and boost efficiency for both motor carriers and safety inspectors. The rule would increase compliance with the hours-of-service rule (HOS) and decrease the risk of fatigue-related crashes. The proposed rulemaking will also significantly reduce the paperwork burden associated with hours-of-service recordkeeping for interstate truck and bus drivers.

FMCSA published a supplemental notice of proposed rulemaking (SNPRM) in the Federal Register on March 28, 2014, followed by a 60-day comment period, which was extended on May 16, 2014, for an additional 30 days. We received more than 1,750 comments, including the AnnaLeah and Mary Stand Up for Truck Safety petition signed by more than 11,000 individuals. . Given the scope of this rulemaking and the related studies the Agency undertook, we were not able to meet the statutory timeframes. However, we will continue to work hard towards the September 2015 publication of a final rule and the Agency has already starting planning for the rule's implementation.

Submitted on behalf of Rep. Lee Zeldin:

1. More than 40 percent of the total increase in highway funding provided through the GROW AMERICA Act would come from a single new program, the Critical Immediate Safety Investments Program (CISIP). Specifically, the Act requests $7.5 billion for the Critical Immediate Safety Investments Program, which is composed of three initiatives: The Interstate Bridge Revitalization Initiative, which will address structurally deficient bridges on the Interstate System; the Systematic Safety Initiative, which will address safety on non-State and rural roads; and the State of Good Repair Initiative, which will address bridge and pavement improvements and preservation on the National Highway System (NHS). In New York, the NHS represents roughly one-third of all state and local highways and bridges, which means that two-thirds of the federal-aid eligible highways and bridges in the state would not benefit from this considerable funding stream under this Act. There are 531 New York State Department of Transportation owned bridges and 154 locally owned bridges on Long Island. Would you please elaborate as to why states and local governments should not have more flexibility to use this funding for all federal aid eligible highways and bridges?

Response: *MAP-21 redefined, and the GROW AMERICA Act would continue, the National Highway System (NHS) as a network composed of the Interstate Highway System, all principal arterials, intermodal connectors, and roads important to national defense. The NHS currently includes approximately 220,000 miles and provides mobility to the vast majority of the Nation's population and almost all of its commerce. It supports national defense and promotes intermodal connectivity. While NHS mileage accounts for a limited portion of the Nation's overall public road mileage, it carries 58 percent of all vehicular traffic and 97 percent of truck-borne freight. While it comprises 53 percent of U.S. highway border crossings, it handles 98 percent of the value of total truck trade with Canada and*

Mexico. Preserving and improving the NHS keeps these critical highways and bridges safe, supports U.S. competitiveness in world trade, and improves the U.S. economy.

GROW AMERICA would continue the National Highway Performance Program (NHPP), which emphasizes preservation of the NHS while giving States flexibility to make additional investments to enhance NHS condition and operational performance and to build new capacity. The NHPP addresses all areas of the United States, including mobility and access in rural areas, ensuring that improvements to the NHS benefit both urban and rural settings. The NHPP also ensures that States invest their NHPP funds in NHS infrastructure and operations to support the achievement of NHS bridge condition and performance targets. States also must develop asset management plans that monitor and evaluate the condition of the NHS and optimize the use of the NHPP funds to improve them.

The Critical Immediate Safety Investments Program (CISIP) Interstate Bridge Revitalization Initiative (IBRI) would support and supplement the NHPP and improve the condition of our Nation's highest priority bridges by making available specific funding for bridges to decrease the number of structurally deficient bridges on the Interstate Highway System (IHS), thereby preserving a State's full flexibility in using its apportioned NHPP funding.

The CISIP State of Good Repair Initiative (SGRI) would support and supplement the NHPP. The SGRI would focus on the rehabilitation and preservation of existing NHS assets. This is an important aspect of this initiative, as it would ensure resources are directed to NHS pavements and bridges that need immediate preservation or rehabilitation work to avoid further deterioration and more costly repairs in the future.

Submitted on behalf of Rep. Frank LoBiondo:

1. As you know, FMCSA is now accepting applications from Mexican-domiciled motor vehicle carriers to conduct long haul trucking in the United States beyond the commercial border zone, based on the supposed "success" of a pilot program from Mexican domiciled carriers from 2011-2014. During the pilot program, FMCSA conducted Pre-Authorization Safety Audits, gave each carrier free electronic onboard recorders, inspected every truck as it crossed the border into the United States, among other reviews and scrutiny. Going forward with its plan to grant operating authority to new carriers from Mexico, will FMCSA require such carriers to follow the same procedures and be subject to the same oversight that it exercised over participants in the pilot program? If not, please provide in detail which procedures, requirements, and oversight actions of the pilot program will not be required of applicants for permanent authority.

Response: *Applicants for long-haul operating authority still undergo Agency safety and security vetting. In addition, the applicant must pass a Pre-Authorization Safety Audit (PASA) before being issued operating authority. During the PASA, FMCSA confirms that the motor carrier has systems in place for managing hours-of-service and agreements in place for drug and alcohol testing. In addition, the FMCSA auditor reviews driver qualification files and confirms that all of the minimum requirements of the PASA are met.*

The operating authority applications are noticed in the FMCSA Register like other U.S. and Canadian motor carriers.

Before authority is granted, applicants must file evidence of financial responsibility and process agents, like other motor carriers.

Once a Mexican motor carrier has long-haul authority it must also:

- *Mark all of its vehicles with a "X" at the end of the DOT number to show it is a long-haul motor carrier;*
- *Undergo an in-depth Level 1 safety inspection every 90 days for its 18 month provisional authority and the first 3 years of standard authority (4.5 years total);*
- *Display a current Commercial Vehicle Safety Alliance (CVSA) decal issued by a certified inspector to prove the vehicle has passed an inspection. Mexican carriers with long-haul authority must display a decal at all times for at least three years after receiving operating authority. Any commercial vehicles that are not in compliance will not be allowed to operate until their safety has been verified through another inspection;*
- *Undergo regular inspections by Customs and Border Protection, as well as FMCSA border inspectors, at U.S. ports of entry;*
- *Comply with all Federal Motor Carrier Safety Regulations;*
- *Maintain evidence of financial responsibility;*
- *Undergo a compliance review in the first 18 months that confirms that the required safety management systems are in place.*

Mexican motor carriers are not currently required to have electronic monitoring devices on their vehicles. However, this would change when the Agency's Electronic Logging Devices rule is finalized and implemented.

Submitted on behalf Rep. Don Young:

1. In your testimony before the Committee, you stated that "too often, projects undergo unnecessarily lengthy reviews, and we need to be able to make the types of reforms that will expedite certain projects...". Like you, as a former mayor, I believe this must be done.

The Administration proposes directing your agency to implement a concurrent environmental review process, rather than waiting for agencies to do their reviews one at a time. The Administration also proposes forcing regulators to take into account whether a proposed highway structure's transportation benefits outweigh navigable water protections. These are positive steps.

This Committee will continue to fight for a robust transportation funding package and examine ways to fund this need that can find bipartisan support. However, we should be able to find agreement on another vital way to improve our Nation's infrastructure, reforming the federal permitting process. It is my intention as a Member of this Committee to push for this type of reform wherever possible to help projects begin rather than prevent them from sitting. Federal regulators work for Americans;

Americans shouldn't work for federal regulators.

1.a Do you have any additional aggressive regulatory reform ideas beyond what's in the Administration's proposal, the GROW AMERICA Act?

Response: *We believe the GROW America project delivery title sets out the appropriate regulatory reform to advance completed and on-going efforts that improve project delivery. The Department completed several rulemakings and guidance implementing MAP 21. These, among other things, expanded available Categorical Exclusions, expediting many projects. Other MAP 21 actions included Guidance to combine a Final Environmental Impact Statement with a Record of Decision, allowing elimination of the 30-day required waiting period (40 C.F.R. §1506.10(b)(2)) in appropriate cases. Additionally, through Every Day Counts, the Department maximizes existing flexibility to accelerate project delivery. Examples include expanding use of Programmatic Agreements, an efficient process for handling routine environmental requirements for commonly encountered project types, and advancing eNEPA, an online workspace and collaboration forum for Agencies to complete environmental review on major projects requiring an environmental impact statement or an environmental assessment.*

1.b Are there permitting processes that could be eliminated without objection by the Administration?

Response: *We believe that accelerating project delivery and environmental protection are not mutually exclusive, and our actions to implement MAP 21, and deploy proven innovation to accelerate project delivery under Every Day Counts are making a difference. It is important to recognize that different processes exist to protect various resources from sensitive habitats to cultural and economic assets that strengthen communities. There are opportunities to better harmonize these processes in a way that saves time in environmental review and permitting and achieves better outcomes for communities and the environment.*

For example, a National Program Comment for common post-1945 concrete and steel bridges effectively removed approximately 200,000 bridges across the country from any further individual consideration as potential historic properties under the Section 106 process, thereby expediting project delivery and freeing valuable resources. Another example is the Programmatic Agreements with U.S. Coast Guard that improve the process for satisfying environmental review and permitting on projects requiring bridge permits. The Agreements establish a process for a coordinated environmental document to satisfy USCG and FHWA NEPA requirements and result in shared or joint environmental decisions where practicable or concurrent environmental decisions in other cases.

Building upon these achievements, GROW AMERICA provides further opportunity to achieve greater success in protecting our transportation mission with greater efficiency.

2. The Federal Motor Carrier Safety Administration (FMSCA) recently released a study questioning the reliability of police accident reports (PARS) in determining accident fault. The study also expressed the belief that accident frequency, regardless of who was actually at fault, is a good indicator of fleet safety and future risk of crashes. In some cases, it may indeed be hard to determine

fault. But in other cases where it is quite obvious, for example when a truck was rear-ended by an unsafe motorist, isn't it inaccurate to use these crashes to label a fleet as unsafe and target them for enforcement? Can this standard be fixed?

Response: *Through analysis that has been re-verified over time, FMCSA and other independent organizations have confirmed that motor carriers that have been involved in a high number of crashes are more likely than other carriers to be involved in future crashes regardless of the role of the carrier in the crash.*

Although FMCSA uses all crashes in the Safety Measurement System (SMS) to identify and prioritize motor carriers for intervention, the Agency does not display the SMS Crash Indicator Behavior Analysis Safety Improvement Category (BASIC) percentiles on the public Web site. In addition, the crash information on the SMS website clearly advises that "Crashes listed represent a motor carrier's involvement in reportable crashes, regardless of the carrier's or driver's role in the crash."

In addition, FMCSA fully considers crash preventability before issuing a safety rating to ensure that a carrier does not receive an adverse safety fitness rating because of a crash that was considered to be non-preventable. Using all crashes for prioritization but only preventable crashes for safety fitness determinations balances the concerns of the industry with FMCSA's mission to protect the motoring public by using the best performance data currently available.

The Agency has serious concerns about making decisions regarding the role of a carrier in a crash. Other government Agencies such as the National Transportation Safety Board and National Highway Traffic Safety Administration stop short of making such decisions for several reasons. First, crashes are extremely complex events, and for the Agency to try to make a fault determination after the fact would be, in most cases, extremely difficult, costly and time consuming. In addition, the Agency has concerns about making a judgment that can have a significant impact on private liability issues. Finally, issues with the quality of the available data to make these judgments, outside of the context of a preventability determination in a safety rating investigation, are a major concern.

The results of the study referenced called into question the usefulness of making decisions about a carrier's role in the crash when the reports were compared with other data sources. Understanding the concerns about these issues, including how the Agency would manage these issues for over 100,000 reportable crashes annually, the Agency is currently reviewing public comments on this issue and will use this input as it identifies appropriate next steps regarding the Crash Indicator BASIC in the SMS.

Submitted on behalf of Rep. Carlos Curbelo:

1. Thank you very much for coming before the Committee on Transportation and Infrastructure. I would like to applaud U.S. DOT and yourself for collaborating with our Nation's research universities, through their successful University Transportation Centers (UTCs). Four of these UTCs are led by Florida universities, including a school I am honored to represent in my district, Florida International University (FIU).

Faculty from FIU's College of Engineering partnered with U.S. DOT and the Federal Highway Administration (FHWA) in order to further advance the study and practice of accelerated bridge construction and expand the service life of bridges. We're proud that FIU also represents a snapshot into the future of a diversified scientific and engineering workforce -many of which will be the future source for our transportation and logistics solutions. I feel that schools like FIU and UTCs throughout the country are providing some of the most cutting-edge solutions, creating startups that in turn create good jobs repairing our infrastructure. What are the benefits of robust UTC funding?

Response: *The University Transportation Centers (UTC) program was initiated by Congress in 1987. Since that date, over 10,000 graduate students and 6,000 undergraduate students have participated in over 2,500 research projects supported by UTC funding. The UTC program has seen over 10,000 students earn their master's degrees and 1,500 their PhD degrees. This program is a key element in maintaining a well-trained workforce of transportation professionals. Currently, there are 125 universities involved in the UTC program, either as consortia leads or consortia members; this number includes 35 minority serving institutions. The UTC in your district, Florida International University, is one of five minority serving institutions that are Tier I UTC consortia leads.*

The UTCs around the country are critical research partners for state Departments of Transportation (DOTs). The UTCs provide research expertise that state DOTs could never maintain in-house. In turn, the state DOTs are often the primary source of matching funds for the UTCs and as a result a very close working relationship is developed, with the UTCs executing applied research as needed by the states.

University Transportation Centers also have significant K-12 STEM outreach efforts as a means of encouraging young people, in particular minorities, into the transportation sector workforce.

Continued robust funding of the UTC program is essential for the maintenance of the research relationship that exists between the state DOTs and the UTCs. Without this collaboration, much of the research needed by state DOTs to solve local, applied problems would not be done. On a broader scale, without robust funding, many national issues (e.g., automated vehicles, bike-pedestrian safety, infrastructure resilience) would not benefit from the advanced research that is also executed by the UTCs. And, finally, the highly trained graduates of UTC programs would not be available to enhance, and to advance the skillsets, of the current transportation workforce; and to develop the skilled transportation workforce needed to implement new technologies.

2. The FHWA puts our bridge challenge as this: of the country's 600,000 bridges, 27 percent have been deemed deficient and in need of repair or replacement. Considering resources are limited, it is still important that we get most out of our existing bridges and guarantee we design new bridges to last longer. This demands greater attention to service life design. FHWA previously stated a program called the Long-Term Bridge Performance Program (LTBPP). What has been the impact of the LTBPP, and how can we work together to be more thoughtful about our transportation investments in order to enhance the long-term performance of our bridges?

Response: *The FHWA Long Term Bridge Performance (LTBP) Program was created to develop a*

comprehensive, scientific database of bridge condition and performance information that can be used to improve future bridge design and inform asset management decision-making. The Program is guided by the LTBP State Coordinators group, consisting of representatives from each State Department of Transportation, State highway agency, and the District of Columbia.

Data collection protocols that will standardize collection of performance-related data of bridge structures on a national basis are an example of the impact of the LTBP Program. Another example of the impact of the LTBP Program is the RABIT™ Robotic Assisted Bridge Inspection Tool, a product developed through LTBP Program efforts. The RABIT™ is an autonomous robotic system that integrates non-destructive evaluation technologies to assist in the data collection and assessment of concrete bridge deck condition in a more efficient, safe, and detailed manner. We have communicated with States on the success of this new robotic assessment tool and how they can use it in making bridge repair and replacement decisions.

As the LTBP Program matures and data collection pertaining to all high priority performance topics continues, the potential future impacts of the LTBP Program are many. LTBP Program field data, when combined with other existing bridge performance-related data, will guide bridge investments through enhanced decision-making ability supported by the development of interactive data-driven bridge performance forecasting tools for the first time ever. Ultimately, States will be able to better understand the needs of their bridges, compare those needs with other transportation investment needs, and make more strategic investment decisions that will improve overall network performance.

***Submitted on behalf of Rep. Lou Barletta**:*

1. It is my understanding that according to the FHWA's Highway Cost Allocation Study, the 80,000 pound single trailer trucks on the road today only pay for about 80 percent of the damage they cause to the roads and bridges. Is this correct?

***Response**: The most recent Highway Cost Allocation study analyzed for the year 2000 the equity of the distribution of Highway Trust Fund (HTF) revenue collections among different vehicle classes. For each vehicle class, the equity ratio was calculated as (a) the percent share of total user revenue paid into the Highway Trust Fund (HTF) by that vehicle class, divided by (b) the percent share of Federal-aid Highway Program costs paid from the HTF that are attributable to that vehicle class. For combination trucks with gross registered weights of 75,000-80,000 pounds, the study reported an equity ratio of 80 percent; slightly rounded, this equals the estimated revenue share of 18.1 percent divided by the estimated cost share of 22.4 percent. However, this estimate pertains to all combination trucks within that weight interval, rather than to single trailer trucks specifically.*

Even for trucks in this broader class, this estimate does not mean that they currently pay about 80 percent of the damage they cause to roads and bridges. A more accurate interpretation is that in 2000, combination trucks in that weight interval were paying in HTF user taxes about 80 percent of the Federal-aid Highway Program costs attributed to them, including costs other than pavement damage from heavy vehicle traffic, such as weather-related damage to pavements and costs for safety projects

and other system enhancements. (These other costs were allocated among vehicle classes according to shares of VMT and other criteria).

2. And that the longer double-trailers or heavier single-trailer trucks that the trucking industry wants would only pay for an even lower share of the damage they cause. Is this correct?

***Response**: The answer to this question depends on the specific characteristics of the types of the vehicles and the conditions under which they would be allowed to operate. As noted in the report, many factors affect the relative equity ratios of different vehicles, including the number and types (single, tandem, or tridem) of axles, the types of roads on which they travel, and their operating weight distributions. In the most recent Highway Cost Allocation study, the equity ratios estimated for combination trucks do not always decrease with truck size or weight. For an 8-axle twin trailer with a registered weight of 110,000 pounds, the equity ratio is estimated to be 1.0, compared to 0.9 for a 5-axle tractor semi-trailer registered at 80,000 pounds. (Please note that these estimates are from the study published in 1997; the May 2000 addendum to the study updated the analysis but did not present the same detailed equity ratios by vehicle class.)*

3. Do you have any ideas how we could recover the full costs of the damage done by the heaviest trucks? Will the Comprehensive Truck Size and Weight Limits Study address this?

***Response**: The Study will include a comparative analysis of the impacts from trucks operating at or within current Federal size and weight regulations to trucks operating above those limits regarding infrastructure (pavement) service life and highway bridge performance. In addition, the Study will assess the impacts that six-axle truck and other alternative tractor-trailer combinations would have if they were allowed to operate nationally. The Study will estimate costs associated with strengthening or replacing bridges unable to accommodate certain alternative truck configurations and costs associated with the impacts of these alternative truck configurations on pavement life-cycle.*

The work performed and the findings produced in the Study can inform the debate on these matters but do not provide definitive evidence or direction to support any particular course of action. As such, the Study will not recommend how best to recoup costs if Congress decides that a change in Federal truck size and weight limits should be undertaken.

States currently have various mechanisms available to charge heavy trucks for the damage to highway infrastructure that they impose. The cost of State-issued divisible load and non-divisible load permits is an example of such a tool.

4. There are more than 147,000 bridges in this country that are structurally deficient or functionally obsolete. It would take about $121 billion just to repair them. In my state of Pennsylvania, we have more than 9,400 structurally deficient or functionally obsolete bridges. I don't know where we get the money for that. Do you think it is good policy to allow heavier trucks that virtually everyone concedes would do even more damage to our bridges? Where would we get the money to pay for the additional damage caused by bigger trucks?

Response: *Identifying a source of revenue sufficient to address bridge needs and to bring the highway network into a state of good repair is a significant challenge under active discussion at all levels of government. Balancing freight productivity needs that support a vibrant economy with the stewardship responsibilities of overseeing a safe highway network also is an ongoing challenge. In making decisions on the size and weight of vehicles allowed on the Nation's highway system, Congress must carefully weigh these and a variety of other factors. The work performed and the findings produced in this study will help inform Congress' decisions on these matters, but will not suggest any particular course of action.*

Submitted on behalf of Ranking Member Peter DeFazio:

1. It is my understanding that FMCSA has provided comments to the Mexican government in the context of Mexico working to amend its motor carrier regulatory standards to be comparable to U.S. standards. Please verify what communications FMCSA has had with Mexico on the updating of Mexico's vehicle and maintenance standards (NOM-068), as well as other standards governing driver qualifications, hours of service, and drug and alcohol testing. Please provide the Committee with copies of any final comments, as well as any related written communications, submitted by the U.S. DOT to the Mexican government related to these efforts.

Response: *Copies of FMCSA's comments on the NOM-68 are attached. Mexico considered these comments (as well as ones from their public process) in developing their final rule that was published on January 19, 2015.* **[Editor's note:** FMCSA's comments on the NOM-68 are available at the Government Publishing Office's Federal Digital System (FDsys.gov) at http://www.gpo.gov/fdsys/pkg/CPRT-114HPRT94448/pdf/CPRT-114HPRT94448.pdf.]

Submitted on behalf of Ranking Member Eleanor Holmes Norton:

1. This Committee has long been interested in ensuring that there is a level playing field for small business enterprises owned by women or minorities to compete for Department of Transportation contracts. To this end, Congress has statutorily authorized the U.S. DOT's Disadvantaged Business Enterprises program in every surface transportation bill since the Surface Transportation Assistance Act of 1982. The purpose of these provisions was to address past and current discrimination against minority and women-owned small businesses, and to ensure that they are provided equal opportunity to compete for DOT assisted highways and public transportation project. Please submit any information and evidence the Department has compiled showing that race or gender discrimination continues to affect the highway and transit construction industry and related businesses.

Response: *Over the past several decades, the Department of Transportation and other federal agencies have submitted similar disparity and other studies to Congress on which Congress has relied in part to find that there is a compelling need to authorize the Department of Transportation to create and to maintain its Disadvantaged Business Enterprise (DBE) Program. Unfortunately, as demonstrated by numerous more recent studies and data, including those attached hereto, although significant progress has occurred due to the enactment of the DBE program, discrimination remains a significant barrier for*

minority- and women-owned businesses seeking to do business in highway and transit-related markets. Please see the included CD for data. [**Editor's note:** The list of studies referenced above follows the response to Rep. Daniel Lipinski below. The CD containing the studies and data is available in the Clerk's office, Committee on Transportation and Infrastructure, shelved with the printed copies of this hearing.]

Submitted on behalf of Rep. Daniel Lipinski:

1. It is important that we strike a balance on sleep apnea testing to ensure that drivers who need screening and treatment receive this attention while making sure that drivers who do not exhibit apnea symptoms are not forced to undergo testing. Last Congress, legislation I helped author was passed on this topic, requiring FMCSA to set any new sleep apnea requirements by a rulemaking. Where is the Department with this rulemaking?

Response: *FMCSA does not currently have plans for initiating a rulemaking concerning Obstructive Sleep Apnea because there is insufficient information to estimate the costs or safety benefits of such a rulemaking. Presently we are collecting and analyzing the necessary data and research to quantify the costs and safety benefits.but have no immediate plans to move forward with a rulemaking. At this time, a sleep apnea test is not required to obtain or renew a driver's medical examiner's certificate. The Agency's current guidance to medical examiners recommends, but does not require, that, if they detect any evidence of a respiratory dysfunction such as sleep apnea, that is in any way likely to interfere with a driver's ability to safely control and drive a commercial motor vehicle, the driver should be referred to a specialist for further evaluation and therapy. In February 2015, the Agency issued a bulletin to all healthcare providers on its National Registry of Certified Medical Examiners, emphasizing that sleep apnea screening and testing is not required for truck and bus drivers so that the examiners would more clearly explain to drivers their rationale for recommending testing for obstructive sleep apnea.*

Index

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February 11, 2015

The Honorable Bill Shuster
Chairman
Committee on Transportation & Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

The Honorable Peter DeFazio
Ranking Member
Committee on Transportation & Infrastructure
2163 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Shuster and Ranking Member DeFazio:

Thank you for holding today's hearing entitled, "Surface Transportation Reauthorization Bill: Laying the Foundation for U.S. Economic Growth and Job Creation Part I". We applaud your work to ensure infrastructure development is a priority in the 114th Congress. On behalf of the Portland Cement Association (PCA), I wish to share the views of America's cement manufacturers on reauthorization.

First and foremost, Congress must ensure that the Highway Trust Fund (HTF) is financed through a steady and reliable source of revenue. Absent the enactment of legislation that achieves long-term solvency, the condition of highways throughout the United States will continue to worsen, impeding mobility and inhibiting economic growth. Your efforts to generate thoughtful and constructive dialogue on how to address our long-term funding needs are greatly appreciated.

While establishing a sustainable mechanism for funding our nation's infrastructure is critically important, the promotion of practices that maximize the value of limited federal resources is also crucial. Today, various economic analysis tools are being utilized by states across the country to make more cost-effective decisions in transportation planning. These practices take into account not only a project's initial investment, but also maintenance expenditures and user costs over its anticipated life, and salvage value. Strengthening the ability of decision makers to choose the most cost-effective alternatives can save hundreds of millions of dollars, allowing agencies to devote limited funding to a greater number of key projects. PCA was very pleased with efforts to enhance federal support for Alternative Design/Alternative Bid (AD/AB) in the 113th Congress and believes that the reauthorization of MAP-21 should include provisions to encourage practices that help deliver the most cost-effective solutions.

With the condition of our roads and bridges declining at an alarming rate, rehabilitation of the nation's infrastructure is a high priority. As Congress develops legislation to support rebuilding our aging transportation system with today's significant resource constraints, it is critical that we embrace longer lasting pavement solutions. Properly designed concrete pavements are routinely designed to last more than 50 years and require minimal maintenance and rehabilitation (limiting the traffic disruption these activities cause) during the first 20 years of service. This reduces future demand on Highway Trust Fund resources and contributes to responsible stewardship of this national asset.

Recent studies show that in addition to the significant benefits related to longevity, concrete pavements, being more rigid, can benefit highway users with significant fuel savings. Researchers at the Massachusetts Institute of Technology (MIT) have estimated that using stiffer pavements on the nation's roads could reduce overall vehicle fuel consumption by as much as 3 percent, with a commensurate reduction in emissions to the environment.

Dedicated federal funding for implementation and deployment of advanced and beneficial highway technologies will accelerate the modernization of our transportation system. PCA supports efforts to continue funding pavement technology deployment through the surface transportation program. The Moving Ahead for Progress in the 21st Century Act (MAP-21) provided $12 million in annual support for the Accelerated Implementation and Deployment of Pavement Technologies (AID-PT) program. This initiative, widely supported by the pavement and transportation industries, is successfully accelerating the adoption of innovative pavement technologies by highway agencies. Cement manufacturers favor reauthorizing this successful program.

As the Committee moves to reauthorize MAP-21, PCA encourages you to consider how we can build on the reforms contained in MAP-21 to further improve the planning and spending decisions of transportation officials, while providing a sustainable source of funding for the Highway Trust Fund over the long-term.

PCA looks forward to working with you and Members of the Committee on these important issues. Should you have any questions or need more information, please feel free to contact me.

Sincerely yours,

James Toscas
President and Chief Executive Officer
Portland Cement Association

cc: Members of the Committee on Transportation & Infrastructure

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