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HEARING ON THE NOMINATION OF PAUL TROMBINO III TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION

HEARING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

OCTOBER 5, 2017

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FIRST SESSION

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HEARING ON THE NOMINATION OF PAUL TROMBINO III TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION

THURSDAY, OCTOBER 5, 2017

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The Committee met, pursuant to notice, at 9:35 a.m. in room 406, Dirksen Senate Building, Hon. John Barrasso (Chairman of the Committee) presiding.

Present: Senators Barrasso, Inhofe, Fischer, Rounds, Ernst, Sullivan, Carper, Whitehouse, Gillibrand, and Harris.

OPENING STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM THE STATE OF WYOMING

Senator BARRASSO. I call this hearing to order.

Today we are going to consider the nomination of Paul Trombino to serve as Administrator of the Federal Highway Administration, the FHWA at the United States Department of Transportation. Congratulations.

Mr. Trombino is well qualified and brings broad expertise and over 20 years of experience as a State and national transportation leader to the critically important role of maintaining and improving our nation's roads, highways, and bridges.

He served as director of the Iowa Department of Transportation for more than 5 years. Prior to that, he worked for 17 years at the Wisconsin Department of Transportation, where he served at different times as bureau director, operations director, and civil engineering supervisor of the Highway Division.

From 2015 to 2016 he served as president of the American Association of State Highway and Transportation Officials, AASHTO. AASHTO is a non-profit, non-partisan association representing highway and transportation departments in all 50 States, the District of Columbia, and Puerto Rico.

In 2016 he served as vice-chair of the Transportation Research Board's Executive Committee, an advisory group to the Chairman and Governing Board of the National Research Council on the nation's transportation system. In 2014, he served as president of the Mid America Association of State Transportation Officials.

I applaud President Trump's nomination of such a highly accomplished and dedicated public servant for this important position. The Federal Highway Administration plays a central role in ensur-

ing the mobility of the American people and the goods and services on which we all rely.

The FHWA supports State, local, and tribal governments by providing financial support and offering technical assistance in the design, construction, and maintenance of our nation's highways, roads, and bridges. The FHWA also advances innovative practices and technology deployment that facilitate transportation project development, construction, and maintenance, and that enhance roadway safety.

America's transportation infrastructure faces a lot of challenges. The next Administrator will grapple with many of them. With the President's call for an infrastructure bill, this Committee has heard from a broad range of stakeholders about how the Congress can better help the FHWA, State departments of transportation, private sector companies, and other stakeholders invest public resources in a sound and effective way to modernize America's transportation infrastructure.

The President has called on us to maximize the impact of taxpayer dollars. This Committee has already held seven hearings on how we can accomplish this goal. Working closely with its members, we are well on our way to creating a legislative blueprint that will address America's most critical infrastructure needs.

I was pleased to read last week that my friend and Ranking Member, Senator Carper, wants to join the process of crafting an infrastructure bill that will make America great again. I look forward to his participation and input into this process.

Clearly one item we can all agree on is the need to quickly confirm Paul Trombino. For far too long, the FHWA has been without Senate confirmed leadership. Confirming Mr. Trombino to be Administrator of the Federal Highway Administration will be an important step in addressing our nation's infrastructure needs.

I will now turn to Ranking Member Carper.

OPENING STATEMENT OF HON. THOMAS R. CARPER, U.S. SENATOR FROM THE STATE OF DELAWARE

Senator CARPER. Thank you, Mr. Chairman.

Good morning. It is great to see you and your wife of 27 years. We are glad you are both here. As I said, you are almost an audience of one.

We are glad you are here. Congratulations on your nomination, and thanks for your willingness to serve. Thank you for your willingness to share him with the people of our country.

I also want to express my gratitude to the career Federal Highway employees in Delaware and 49 other States and the territories, particularly those involved in providing emergency funds and other assistance for folks in Texas, Florida, Puerto Rico, and the Virgin Islands who are still wrestling with some very difficult, challenging situations.

If confirmed, Mr. Trombino, you will play a critical role in helping to support communities in need across this nation when disaster strikes. More broadly, you would be responsible for administering our nation's Federal Aid Highway Program.

Under this program, State, local, and tribal governments own and maintain most of our nation's highways and bridges, as you

know. It is Federal Highway's role to distribute funding to these units of government for construction, for improvement, and for preservation of our transportation infrastructure and to work with all levels of government to ensure that highways and bridges are safe, support economic development, and protect and enhance our environment.

I have long maintained that if something is worth having, it is worth paying for. I believe it is worth investing in a safe, reliable, and modern transportation system. I look forward to working with you and others to identify creative ways to address our long term transportation needs in a fiscally responsible way.

To that end, Mr. Trombino, I am especially interested in finding out how you worked in Iowa to raise the gas by 10 cents a gallon. I would be interested in hearing how you were able to make that happen. I know Terry Branstad, the Governor, left the country shortly after that to become the Ambassador to China, where they have great infrastructure, by the way.

To that end, Mr. Trombino, your nomination comes at a critical juncture for the agency, the transportation sector, and the traveling public as we confront the enormous challenges in opportunities to modernize and rebuild our aging transportation infrastructure.

The condition of America's infrastructure received a D+ on the 2017 American Society of Civil Engineers report card. Our nation's crowded and under-funded roadways got an even lower grade of D, no plus.

America's roads have also become more dangerous. The 2015 data indicates that over 35,000 people died in motor vehicle crashes across our nation's highways. Sadly, that figure is a 7 percent increase from 2014. It is the largest percentage increase, I am told, in some 50 years. The latest estimates show that highway deaths surpassed 40,000 last year for the first time in a decade.

In my home State of Delaware, we have one of the highest pedestrian fatality rates of any State in the country. Unfortunately, we are not alone. The number of pedestrian fatalities in the U.S. increased 25 percent from 2010 to 2015. It is estimated that the number of pedestrian deaths increased by another 11 percent in 2016 over 2015. To put that into context, nearly 1 in 6 deaths on our roads involves a pedestrian. If confirmed, we expect to closely work with you to make sure that safety is a priority when it comes to funding our Federal highway system.

In closing, we look forward to hearing your thoughts on these and other related issues. We thank you again for your willingness to serve and for your willingness to share him.

Thank you.

Senator BARRASSO. Thank you, Senator Carper.

Now, I would like to invite Senator Ernst to introduce the nominee.

Senator ERNST. Thank you, Mr. Chairman.

It is hard to follow our Ranking Member, for heaven sakes.

I am greatly optimistic with this nomination. Thank you very much, Paul, for being here today.

I have the great honor today of introducing a fellow Iowan, Mr. Paul Trombino, the nominee to head the Federal Highway Admin-

istration. I would like to welcome Trish as well. It is really good to see you again.

Mr. Trombino currently serves as President of McClure Engineering Company, an Iowa-based firm specializing in transportation and public works infrastructure projects. He previously served as the Director of the Iowa Department of Transportation from 2011 to 2016 and as Bureau Director for the Wisconsin Department of Transportation from 2002 to 2011.

Mr. Trombino has also served as President of the Mid America Association of State Transportation Officials and as President of the American Association of State Highway and Transportation Officials.

As both a State Senator and a U.S. Senator, I had the pleasure of working with Mr. Trombino while he served at Iowa DOT. He proved to be an invaluable partner and resource. I am confident that the members of this Committee will be equally impressed by his qualifications and his track record.

Iowans back home are proud of your nomination and believe there is no one better qualified to lead the Federal Highway Administration, especially when we are at such a critical time for our nation's infrastructure.

I look forward to hearing your testimony today. I thank you for your willingness to serve your country in this capacity.

Thank you, Paul.

Thank you, Mr. Chairman.

Senator BARRASSO. Thank you, Senator Ernst.

Now, I would like to welcome our nominee to the committee, Mr. Paul Trombino, nominee to be Administrator of the Federal Highway Administration, U.S. Department of Transportation.

I want to remind you that your full testimony will be made part of the record. We all look forward to hearing your testimony today. Would you like to introduce your family and then please proceed with your testimony?

STATEMENT OF PAUL TROMBINO III, NOMINATED TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION

Mr. TROMBINO. Thank you, Mr. Chairman.

With me, I have my wife, Trish, to my right. As Senator Carper pointed out, she is my wife of 27 years. Unfortunately, our two children are busy with their studies at Iowa State University, so they were not able to be here today. Thank you very much for the opportunity.

Chairman Barrasso, Ranking Member Carper, and members of the Committee, again, thank you for the opportunity to appear before you today. If I am confirmed, I look forward to working with all of you to advance mobility on the nation's highways.

I also want to again thank Senator Joni Ernst for her very kind introduction. As Director of the Iowa Department of Transportation, I was honored to work with then Iowa State Senator and now U.S. Senator Ernst on improving the transportation system in the State of Iowa.

Again, I am pleased to have with me my wife, Trish. Unfortunately, our two children were not able to attend today due to their busy studies.

I am very grateful to President Trump and Secretary Chao for their confidence in my ability to serve in this key transportation position. The nation's highway system has always played a vital role in the quality of life of our people and provided a competitive advantage to our nation's businesses. This is still true today.

I have been blessed with a wonderfully diverse career in transportation for over 20 years, and if I am confirmed, these experiences will prove valuable to my new role at the Department of Transportation. I have worked for two different State departments of transportation in Wisconsin and Iowa. While at the Wisconsin Department of Transportation, I held senior executive roles as Operations Director for the Highway Division and Director of Statewide Bridges. In Iowa, I served under former Governor Branstad as Director of the Iowa Department of Transportation.

During these two State government experiences, I gained keen insight into executing highway improvement projects, regulatory policies, and developing broad modal diversity in the transportation system. While Director of the Iowa Department of Transportation, I served in leadership roles for our national State departments of transportation association—the American Association of State Highway and Transportation Officials, AASHTO—which was rewarding not only for building relationships with colleagues but also from sharing best practices and lessons learned.

Finally, I have served in a leadership role with the National Academies of Sciences, Engineering, and Medicine Transportation Research Board, which is working with academia toward new processes and technology improvements across all modes.

The core value of all transportation agencies is safety, and this value binds us across all levels of government and across all modes of transportation. The safety of the traveling public must continue to be the primary objective.

Today, we are in an age of accelerating technological advancement in transportation vehicles, infrastructure, and systems. As these new technologies are developed and in the future become commonly available and used by the public, the challenge of promoting the public's safety while encouraging innovation will be increasingly important.

If confirmed as Federal Highway Administrator, I will be involved in helping to rebuild America's highways and bridges. Much needs to be done in this area, and I am eager to play a role in launching critical infrastructure projects as well as in maintaining America's highway network.

Certainly, as the President has called for, we need a new emphasis on building and repairing infrastructure as well as common sense reforms in Federal permitting. I support permit streamlining and look forward to contributing to responsible changes that reduce the time and money project sponsors must spend before a project can even begin. I do not believe we have to sacrifice environmental goals to accomplish process and paperwork reduction.

I have had wonderful experiences of directly working with policymakers at the city, county, State, and Federal Government levels

in transportation related projects and policy. One of the most valued lessons gained in my career have been the importance of establishing excellent communication and working relationships with policymakers.

If I am confirmed, I commit to working with Members of Congress—and particularly this Committee—to achieve successful outcomes for transportation and the nation's highways. If I am confirmed, I look forward to the opportunity to work with all of you to improve the safety and mobility of all Americans.

The nation's highway system has long been the driving force for economic opportunity and success in the United States, and I am truly humbled at the opportunity to help advance the quality of life of Americans across the country through transportation.

Again, thank you for the opportunity to appear here today.

[The prepared statement of Mr. Trombino follows:]

Paul Trombino III
Nominated for Federal Highway Administrator
U.S. Department of Transportation

Paul Trombino III of Wisconsin is currently the President of McClure Engineering Company of Clive, Iowa, a civil engineering company focused on transportation, aviation, water, and structures projects. Mr. Trombino served as the Director of the Iowa Department of Transportation from 2011 to 2016, where he was responsible for the planning, design, construction, and operation of 9,400 miles of highways, 4,300 bridges, the modal programs of transit, rail, aviation, motor vehicle services, which included driver and vehicle services, and motor carrier services and enforcement. Mr. Trombino served as the 2015-2016 President of the American Association of State Highway Transportation Officials (AASHTO) and as the 2016 Vice-Chair of the Transportation Research Board Executive Committee. Mr. Trombino has a bachelor of science degree in civil engineering from the University of Wisconsin-Milwaukee and bachelor of science degree in economics from the University of Wisconsin-Madison. He is a licensed professional engineer in the states of Iowa and Wisconsin.

Statement of Paul Trombino III
Nominee for Administrator of Federal Highway Administration
U.S. Department of Transportation
Before the
U.S. Senate Committee on Environment and Public Works
October 5, 2017

Chairman Barrasso, Ranking Member Carper, and Members of the Committee:

Thank you for the opportunity to appear before you today. If I am confirmed, I will look forward to working with all of you to advance mobility on our Nation's highways.

I also want to thank Senator Joni Ernst for her very kind introduction. As Director of the Iowa Department of Transportation, I was honored to work with then Iowa State Senator and now U.S. Senator Ernst on improving the transportation system in the State of Iowa.

I am also pleased to introduce my wife, Trish Trombino, who is here with me today. Unfortunately, our two children, Enzo and Mila, are busy with their college studies at Iowa State University and are not able to be here today.

I am very grateful to President Trump and Secretary Chao for their confidence in my ability to serve in this key transportation position. The Nation's Highway System has always played a vital role in the quality of life of our people and provided a competitive advantage to our nation's businesses, and this is still true today. I have been blessed with a wonderfully diverse career in transportation for over 20 years and, if I am confirmed, these experiences will prove valuable to my new role at the Department of Transportation.

I have worked for two different state departments of transportation in Wisconsin and Iowa. While at the Wisconsin Department of Transportation, I held senior executive roles as Operations Director for the Highway Division and Director of Statewide Bridges. In Iowa, I served under former Governor Branstad as Director of the Iowa Department of Transportation. During these two state government experiences, I gained keen insight into executing highway improvement projects, regulatory policies, and developing broad modal diversity in the transportation system. While Director of the Iowa Department of Transportation, I served in leadership roles for our national state departments of transportation association, the American Association of State Highway and Transportation Officials (AASHTO), which was rewarding not only for building relationships with colleagues but also from sharing best practices and lessons learned. Finally, I have served in a leadership role with the National Academies of Sciences, Engineering, and Medicine Transportation Research Board, which is working with academia toward new process and technology improvements across all modes.

The core value of all transportation agencies is safety, and this value binds us across all levels of government and across all modes of transportation. The safety of the travelling public must continue to be the primary objective. Today, we are in an age of accelerating technological advancement in transportation vehicles, infrastructure, and systems. As these new technologies are developed and in the future become commonly available and used by the public, the challenge of promoting the public's safety while encouraging innovation will be increasingly important.

If confirmed as Federal Highway Administrator, I will be involved in helping to rebuild America's highways and bridges. Much needs to be done in this area, and I am eager to play a role in launching critical infrastructure projects as well as in maintaining America's highway network. Certainly, as the President has called for, we need a new emphasis on building and repairing infrastructure as well as common sense reforms in federal permitting. I support permit streamlining and look forward to contributing to responsible changes that reduce the time and money project sponsors must spend before a project can even begin. I do not believe we have to sacrifice environmental goals to accomplish process and paperwork reduction.

I have had wonderful experiences of directly working with policy makers at the city, county, state and federal government levels in transportation related projects and policy. One of the most valued lessons gained in my career have been the importance of establishing excellent communication and working relationships with policy makers. If I am confirmed, I commit to working with members of Congress, and particularly this committee, to achieve successful outcomes for transportation and the Nation's highways.

If I am confirmed, I look forward to the opportunity to work with all of you to improve the safety and mobility of all Americans. The Nation's highway system has long been the driving force for economic opportunity and success in the United States, and I am truly humbled at the opportunity to help advance the quality of life of Americans across the country through transportation.

Again, thank you for the opportunity to appear here today.

Senate Committee on Environment & Public Works
Hearing entitled, *"Nomination of Paul Trombino III to be Administrator of the Federal Highway Administration"*
October 6, 2017
Questions for the Record for Paul Trombino III

Ranking Member Carper:

1. **For decades, both Republican and Democratic administrations alike have followed policies limiting political White House staff contacts with career staff at federal agencies. These policies have recognized that even a simple phone call from the White House to an agency inquiring about or flagging a specific matter can upset the evenhanded application of the law.**

   a. **Do you agree that it is essential that in making decisions, the Federal Highway Administration (FHWA) must be shielded from political influence and spared even the appearance of being subject to political influence or considerations?**
   b. **Will you commit to restricting communications between FHWA and the White House staff regarding specific matters under the authority of FHWA?**
   c. **Will you commit to ensuring the staff of FHWA is familiar with those restrictions?**
   d. **Will you commit to advising this Committee within one week if any inappropriate communications from the White House to FHWA staff, including you, occur?**

   Answer: I am committed to maintaining the professionalism of staff at FHWA in both the career and non-career ranks. I would view communications from the White House or any other entity, including Congress, the media, or outside organizations, that pressure employees to take action contrary to law as inappropriate. If I am confirmed as FHWA administrator, I would expect staff to notify me of any attempt by outside entities to exert such inappropriate pressure or political influence. I agree that, if confirmed as FHWA administrator, it would be my responsibility to protect employees from wrongful communications and to report incidences of such communications to senior leadership at DOT and, depending on the severity of a violation, to the Committee.

2. **In response to a question from Senator Jim Inhofe about "new opportunities" for project streamlining, you indicated that "there is always an opportunity to improve the process."**

   A report released in March 2017 by the USDOT Office of the Inspector General (OIG) is independent confirmation that there are real risks in enacting new streamlining measures before the current measures are fully implemented. The OIG report states that the streamlining measures Congress adopted in the FAST Act may have delayed the benefits from the MAP-21 streamlining provisions, which had to be revised in order to incorporate the FAST Act changes.

I continue to believe that the 22 streamlining provisions that passed in MAP-21 in 2012 and the 18 additional streamlining provisions included in the FAST Act in 2015 have real promise to improve timelines and outcomes. However, we will only see those benefits if we give them an opportunity to be fully implemented by USDOT, and actively used by our states, Native American tribes and community partners.

Do you agree with the OIG that it is wise to allow the transportation community the opportunity to deploy previously passed streamlining provisions before embarking on new opportunities? If not, why not? If so, will you commit to allowing these provisions an opportunity to improve the process before seeking and implementing new opportunities?

FHWA has already implemented most of the MAP-21 and FAST Act streamlining provisions, and States have already been benefitting from these new provisions. If confirmed, I will commit to ensuring that FHWA implements the remaining provisions and builds on the progress that has already been made. However, I do not believe that every single provision must be implemented and in place for a period of time before new ideas can be acted on. In addition, we may be able to learn quickly whether a provision is working as intended, and need to be able to adjust accordingly. Stakeholders may have additional ideas that have not yet been enacted into law but may be beneficial to the American public. If confirmed, I will be mindful of the OIG's recommendations as we move forward; and, of course, we will do due diligence when implementing any additional streamlining measures.

3. **You have spoken about Iowa's overbuilt and unsustainable road network. You have been frank in your assessment that we should not rebuild the entire system but rather should prioritize funding to the most critical routes – and, moreover, that the highway system needs to shrink.**

   Do you still stand by that assessment, and if so, how can the national program better support states and local agencies as they struggle with the challenge of maintaining a large system?

   How can the Federal Highway Administration support states in right-sizing infrastructure to support less or slower traffic?

In my view, the most important thing for us as transportation professionals to remember is that the transportation system is dynamic. The way the highway system is used today is different than it was 50 years ago and even ten years ago.

The Federal Highway Administration must embrace partnerships with states to be sure that we understand their future highway needs and demands. By strengthening partnerships, the Federal Highway Administration will be able to

make better decisions regarding the right level and right time for highway improvements. Additionally, better communications between federal and state planners will enable states and communities to make better informed decisions about highway improvements, maintenance requirements, and other specific needs in the future.

4. **What more can be done to reduce highway fatalities today, and how might you put into operation that priority as Administrator?**

   Every fatality on our nation's highway is a tragedy. As Secretary Chao has indicated, safety is the number one priority for the Department of Transportation, and I believe it must be a core value for all transportation professionals. If I am confirmed, I hope to emulate the success we had in Iowa in reducing highway fatalities by working creatively and collaboratively across modes and disciplines. Zero fatalities is a goal we can all live with and need to strive toward.

5. **The MAP-21 provisions related to performance management remind me of an old adage, 'you can't manage what you can't measure'. I believe these provisions are critical in allowing us a means to measure the most efficient investment of transportation funds.**

   As you know, MAP-21 requires States to set targets and track progress toward national performance goals of safety, road and bridge condition, congestion, freight, and air quality.

   Would you agree that a consistent national approach to performance management is important?

   Yes, I agree that a consistent national approach to performance management is important. Performance management is bringing about major changes to how the Federal-aid highway program is carried out, and, if confirmed, I will commit to assisting State DOTs and Metropolitan Planning Organizations (MPO) as they take steps to manage and improve the performance of the highway system. National performance measures by which States and MPOs must set targets for which they are accountable will assist in ensuing investments are made wisely to improve system performance.

6. **Our transportation system is transforming. Battery and fuel-cell technologies for electric vehicles are maturing and consumers are purchasing these technologies. Autonomous vehicles are emerging. We are seeing rapid advances in connected vehicles that communicate with each other to perform tasks, such as maintaining safe distances between them on the road. We are developing vehicle to infrastructure technology, allowing roads to tell drivers when there is congestion ahead.**

How must our traditional highways change to adapt to these trends and create better safety, efficiency, and effectiveness for the benefit of communities and the traveling public?

If confirmed, I will work with the Department to determine what guidance is needed for State and local agencies regarding the deployment of connected and automated vehicles on public roads as well as how FHWA can support efforts by States and local communities to identify and equip alternate fuel corridors that will support the growing demand of consumers.

Much more research is needed regarding how the infrastructure best supports self-driving vehicles, especially while sharing the road with human drivers. We need to better understand how and when changes to signing, striping, lane widths, and other geometric configurations are needed as self-driving vehicles and platoons of trucks and cars traverse the system. I also believe that selective investments in communications and traffic management system strategies will be needed to maximize benefits. This will take time and funding over many decades. I believe that connected vehicles that can quickly share critical safety data between themselves as well as with the infrastructure will be the key enabling technology for self-driving vehicles to safely be introduced at large scales in the immediate future and with the potential to improve systems operations.

7. **I understand that you previously indicated that you view organizational transformation as the top priority that DOT's must undertake to remain relevant.**

   You have also previously called for State Departments of Transportation to become more "risk advantageous, not risk averse."

   Provide us an example or two of where Iowa was risk advantageous, in your view, as well as the organizational transformation that you undertook at Iowa DOT and envision for State DOTs more broadly?

All organizations must take measured risks to adapt their processes, products, and services to the ever-changing dynamics of technology, competition, and customer expectations happening across all areas of both public and private sectors. While at the Iowa Department of Transportation (DOT), I believed in the importance of enabling employees to be innovative in their approaches to process improvement regarding how we delivered services and products to Iowans across the state. We implemented this as a part of a Leadership development effort within the agency.

For example, during 2012-2103, we implemented a GPS-based Automatic Vehicle Location (AVL) system on all of snowplows (approximately 900). In addition to tracking the location of the snowplows, we added a layer of information

collection to be able in real-time see how much material (salt or brine) a plow driver is putting down on the roadway. In addition, the GPS-AVL system was enabled so we could see the exact plow-blades which were being used and it provided real-time air and pavement temperatures. We then used advanced weather information to estimate the number of man-hours and material demands prior to a winter storm to set performance targets and provide a return of highway system to safe driving conditions within an expected time-frame. Utilizing this system, we could provide real-time information via tablet computers to district supervisors which enabled better communication and resource management. Iowa DOT Supervisors could see all their resources live on a Geographic Information System (GIS) map along with actual weather information which improved performance outcomes during winter operations along with significant cost savings for the State of Iowa.

The next step in this process was to provide all this information to the public live during winter events. We called the system "Track-A-Plow". As a result, any person could view a live GIS map feed of our winter operations on a computer, tablet computer or smart phone. This allowed anyone to see live location of snow plows, the actual number of snow plows in use, a direct view picture from the front of the snow plow, and road conditions. Citizens and businesses used this information to make more meaningful decisions about when, where and how to travel during winter conditions. This improved the Iowa DOTs winter operations performance and allowed people to better understand when the right time was for them to travel safely.

This was not only risk advantageous but organizational transformative in how the Iowa DOT delivered improved services across the State of Iowa. This process was unique and continues to be further refined and improved today.

8. **In my opening remarks, I mentioned that you would have a critical role in approving emergency funds and other assistance to support communities in need across this nation when disaster strikes.**

   To mitigate damage before disasters strike, do you support funding to improve the resiliency and adaptability of transportation infrastructure to extreme weather events?

   Should NEPA analyses of highway projects consider the impacts of a changing climate on proposed projects?

My understanding is that MAP-21 allows States to choose to address extreme weather as part of their NEPA analysis. If a State decides to do so, FHWA can provide tools and guidance to enable a State to build and re-build in a durable and more resilient way. FHWA has partnered with States, MPOs and local governments on pilot projects to understand and develop tools to adapt our

infrastructure to better withstand extreme weather events. The Iowa DOT was one of these partners.

9. **The highway network is a crucial component of a much larger and more complex transportation system. What are your plans to modernize our highway system in a way that seamlessly integrates into other modes of transportation such as: transit, rail, aviation, water, and pedestrian and bicycle transportation?**

   If confirmed, I will look for further opportunities to integrate highway projects with the other modes of transportation, including the identification of any policies or regulations that are currently inhibiting modal integration. If confirmed as FHWA administrator, I would promote flexibility in design. Flexibility in the design process enables transportation practitioners to develop projects that meet the functional and operational characteristics of drivers, vehicles, pedestrians, bicyclists and transit in a way that fits their local context and is safe for travel.

10. **According to the Centers for Disease Control National Vital Statistics Report, the number one cause of death for American Indians/Alaska Natives of both genders ages 1-44 is unintentional injuries - the majority of which are traffic-related deaths. What are your plans to decrease the rate of preventable deaths in tribal communities throughout the United States?**

    If confirmed, I will ensure that FHWA continues to work with a committee of federal agencies and tribal governments to facilitate the implementation of effective transportation safety programs and projects. If confirmed, I will work with FHWA's federal partners to assist tribal governments in improving crash data collection, sharing, and use. Improved data will help provide a more complete understanding of the type and location of needed improvements and programs to address transportation safety in Tribal areas. Additionally, I will work to ensure proper administration of the Tribal Transportation Program Safety Fund, which enables Tribal governments to address nontraditional motor vehicle roadways such as ice roads, winter trails, marine facilities, and airports.

11. **The government to government relationship with tribal nations is well defined in the Constitution and in statute. What do you perceive as the role of the Federal Highway Administration in honoring the treaty and trust responsibility that the federal government has to American Indians and Alaska Natives?**

    If confirmed, I will ensure that FHWA continues to work with tribes as partners, by providing technical assistance and capacity building. These efforts will allow FHWA to grow and improve its unique relationship with American Indians and Alaska Natives, and to honor FHWA's treaty and trust responsibilities.

12. **In recent months, the Federal Highway Administration has made changes to the Tribal Transportation Assistance Program (TTAP). It seems that these changes were made without proper and public tribal consultation. How do you plan to ensure that the Federal Highway Administration is including tribes and tribal organizations when making decisions in relation to programs at the FHWA?**

    If I am confirmed, I will work to ensure that FWHA works with tribes and tribal organizations regarding programs that affect them. I will direct FHWA Offices to engage in meaningful and timely discussion with tribes through participation at national tribal conferences, meetings and summits; visit tribal governments and communities; and seek tribal representation in meetings concerning issues with tribal implications.

Senator Booker:

Infrastructure Investment/Safety

13. **If confirmed, can I rely on you to give me immediate updates on the status of President Trump's infrastructure plan?**

    It is my understanding that the Administration's infrastructure initiative is comprehensive, and highways are only a part of it. However, if I am confirmed, I will keep members of Congress informed insofar as possible, and I look forward to working collaboratively with you on this important issue.

14. **Do you commit to advocate to Secretary Chao and the White House the importance of ensuring that we work quickly with Congress on a trillion dollar infrastructure package that includes mostly direct federal investments in our nation's infrastructure?**

    The current state of transportation infrastructure needs to be addressed to keep our Nation's economy strong. If I am confirmed, I would expect to play a role in the Administration's new infrastructure proposal. However, I have not been privy to discussions concerning this proposal and cannot comment on the form infrastructure investments might take. I agree that states and local governments will have varying degrees of ability to leverage federal funds.

15. **According to the National Safety Council, in 2016 data estimates that as many as 40,000 people died in motor vehicle crashes. If confirmed, will you work with my colleagues and me to ensure that the Administration's trillion dollar infrastructure package includes a safety title—to make investments in improving truck, rail, and road safety?**

I share your concern with the upward trend in the number of fatalities. As Secretary Chao has emphasized, safety is the number one priority for the Department of Transportation.

If I am confirmed, I look forward to working with the Committee on the transportation elements of the infrastructure proposal, including transportation safety.

Resilience

16. **The Department of Transportation will play a significant role in the rebuilding efforts in Puerto Rico in particular. If confirmed, can you commit to working with me to make sure that Puerto Rico's infrastructure is rebuilt in a manner that is stronger and more resilient? And, will you let me know if you need anything from Congress in order to make sure that Puerto Rico's infrastructure is built at a higher standard than prior to the disasters?**

I am aware that the Department of Transportation has already provided emergency funds to Puerto Rico in its recovery from Hurricanes Irma and Maria, If confirmed, I would work closely with Puerto Rico's transportation officials to get a clear picture of their needs going forward. I would also be looking to build resiliency into Puerto Rico's highway system.

Senator Capito:

The Appalachian Development Highway System was first authorized more than 50 years ago. Current projections suggest it will not be completed until the 2040s or later at the current rate of construction. The authors of that original authorization would have probably thought it impossible that it might take 80 years or more from the date of enactment to complete this vital infrastructure project. The ADHS is intended to better integrate and drive the economic development of the Appalachian region, a need that is as clear today as it was in 1965. Congress underscored this need in MAP-21, stating in the Conference Report "that the timely completion of the Appalachian Development Highway System is a transportation priority in the national interest." I have and will continue to advocate that Congress must, in any comprehensive transportation infrastructure legislation, include policies to assist the states in completing the ADHS such as Corridor H in West Virginia.

17. **Mr. Trombino, do you agree that completing the ADHS is "a transportation priority in the national interest?"**

I agree that transportation is a critical element for economic development and viability for this region of our country. Congress has declared the ADHS to be a priority, and it would be my intention, if confirmed, to continue progress toward completion of the system.

18. If confirmed, will you pledge to work with me, the Congress, the Appalachian Regional Commission, and the states to identify policies to prevent additional delays in the completion of the ADHS?

If confirmed, I will work to make sure FHWA remains committed to completing the ADHS as currently authorized by Congress.

19. Do you have any specific ideas on how to improve and expedite construction of the ADHS or other rural highway projects around the country, where funding is at a premium and the terrain and regulatory challenges can be significant?

I have not studied all of the details of the ADHS. After doing so, I look forward to exploring ways to improve progress on this long-term project, which might include innovative designs, construction and environmental techniques, and financial planning.

Senator Duckworth:

20. Since the Reagan administration, federal transportation funding has been split between road and transit projects on an 80 percent to 20 percent basis within the Highway Trust Fund. However, every time Congress debates a highway bill, some of my colleagues attempt to steer more and more Highway Trust Fund dollars to highway and bridge projects at the expense of transit funding. Do you support maintaining the traditional 80/20 highway/transit funding split?

In my opinion, this question highlights the need for a comprehensive infrastructure initiative in which states and local communities can obtain funding for whatever type of project is needed most in that area. In any given state, in any given year, the funds needed for highways could be greater or less than 80%.

Senator Fischer:

21. The FAST Act stressed the importance of moving freight by including two new freight programs, the Nationally Significant Freight and Highway Projects Program, and the National Highway Freight Program. How important is freight to our national infrastructure policy? What will you do to support the movement of freight across the country?

Freight transportation is vital to the U.S. economy and to meet the daily needs of its citizens. Households and businesses depend on the efficient and reliable delivery of freight in both rural and urban areas. Highways are the most used mode of transport for freight by tons and economic value of goods moved. Thus,

freight needs to be at the very center of our national infrastructure policy. If confirmed, I will continue to support the movement of freight in both rural and urban areas. I will continue the implementation of the FAST Act that designated a new National Freight Highway Network and established a national policy of maintaining and improving the conditions and performance of the network. I will assist States and other stakeholders as they work to implement their State Freight Plans utilizing the apportioned National Highway Freight Program funds as well as the Nationally Significant Freight and Highway Projects to build and maintain the network. I will guide further research to identify opportunities to improve how efficiently and safely freight flows across the network.

22. **There is a significant shortage of parking for truck drivers, who need safe, legal parking facilities to get their federally required rest. An effort was launched under the previous Administration to work with stakeholders to find and implement solutions. Will you commit to continuing this work?**

    Yes. If confirmed, I will continue FHWA's collaboration with the National Coalition on Truck Parking as well as search for potential public private partnerships that can help reduce the hurdles that truck drivers routinely face in finding safe parking locations.

23. **As traditional highway revenue sources shrink, some states and localities have considered using toll roads on Interstate highways to generate revenue. I am concerned this could negatively affect safety, as drivers use smaller, less safe local roads to get around the tolls. It could also increase traffic congestion. Will you commit to fully evaluating all the effects of any Interstate toll road proposal, including the extent to which traffic is diverted, before making a final decision?**

    Decisions regarding the use of tolls on the Interstate System are State decisions. Those decisions must comply with the conditions under which Congress has allowed tolling on the Interstate. If confirmed, I will work to ensure that all conditions set by Congress regarding tolling on the Interstate System are met and a proper tolling analysis is conducted, including an analysis of traffic diversion impacts.

Senator Harris:

24. **In California, San Bernardino County, Caltrans, and the City of Los Angeles all began projects under the FHWA's Local Hiring Pilot Program. This allowed FHWA grantees to hire local residents and veterans for good paying infrastructure jobs. On October 6, 2017, however, the U.S. Department of Transportation published a notice withdrawing the 2015 Notice of Proposed Rulemaking that allowed for local hiring, and rescinding the pilot program.**

a. **In the Notice, DOT provided scant reasoning for discontinuing these pilot programs before they were able to collect most of the expected data for evaluation, in spite of the fact that earlier in the year DOT extended the program through 2022 precisely to collect additional data. Please elaborate on DOT's rationale for discontinuing the Local Labor Hiring Pilot Program prematurely.**

I cannot speak to the Department's rationale for discontinuing the Local Labor Hiring Pilot Program as I was not part of the decision-making process.

b. **The purpose of the pilot program was to determine how local hiring provisions impact the competitive bidding process. Do you think that the pilot program has collected enough data to make an informed evaluation on the promise of local hiring programs?**

I have not been involved in this program nor the decision to terminate it, so I am not familiar with the data that was collected. If confirmed, I will be able to assess the data collected for the program and be better able to determine the program's viability.

c. **The Notice claimed "difficulty in evaluating cost effectiveness (sic) based upon objective criteria." How was DOT able to determine such difficulty when the majority of the information the pilot program was collecting has not yet been collected?**

I did not participate in the implementation of the local hiring program, nor the decision to discontinue it. I cannot comment on the methodology for evaluation.

d. **What "objective criteria" does DOT seek to apply to local hire initiatives?**

I was not involved in the development of the pilot program so I do not know what criteria DOT applied.

25. **As you know, our crumbling infrastructure is in desperate need of attention and repair. The TIGER and INFRA grant programs have been effective tools for the federal government to partner with local transportation organizations to maintain and upgrade our roadways. Forty percent or more of all the container freight entering the United States enters through California ports, and the efficient flow of goods over California's highways and bridges affects the entire national economy. The FAST Act created new formula and discretionary freight funding programs. How will the Department of Transportation ensure that discretionary grant**

programs like TIGER and INFRA support nationally significant goods movement projects in my home state of California?

If confirmed, I will ensure that that FHWA continues to administer the federal discretionary grant programs with integrity to the purpose that Congress envisioned in the FAST Act. This means that grant selection will be based on the published criteria in the NOFO. The goal will be to improve the nation's freight routes and highways throughout America, including California.

26. **As a former State Department of Transportation Director, you placed a priority on "goods movement". California plays a pivotal role in the movement of freight in the United States. What steps do you believe the Federal Highway Administration should take to support projects and policies to facilitate freight movement on the West Coast?**

    FHWA can help facilitate partnerships with state and federal agencies to help multimodal corridor projects find new revenue sources, share costs, and identify greater flexibility in use of federal surface transportation funds. FHWA is also well-positioned to continue sharing innovative practices and potential new funding sources.

27. **The Trump Administration Infrastructure Principles emphasize using federal dollars to leverage non-federal investment and encouraging self-help. This year, California stepped up in a big way - in April, Governor Edmund G. Brown Jr. signed Senate Bill 1, the landmark "Road Repair and Accountability Act of 2017," which was backed by a broad coalition of supporters and will invest $52.4 billion over the next decade to fix roads, freeways, bridges, and put more dollars toward transit, safety programs and active transportation infrastructure. How will the U.S. Department of Transportation reward states like California and local governments that are bringing their own money to the table for infrastructure investment?**

    I have not yet been a participant in the Administration's discussions about prospective infrastructure legislation. With the additional funds that California is raising, the State should be well positioned to leverage the investment opportunities presented by Federal or private funds. If I am confirmed, I hope to participate in the implementation of the infrastructure plan, and would look forward to working with the Committee on the transportation elements of it.

Senator Moran:

28. **Across the country, we see proposals to allow commercial advertising on the public rights of way of our highways. To date, FHWA has been consistent in upholding existing policy that public right of way is for highway purposes. Meanwhile, a bellwether state is considering legislation, dependent upon federal approval, to authorize a network of LED changeable-message electronic signs displaying commercial advertising on the right of way.**

Do you support existing policy that prohibits commercial advertising on highway rights of way, or a change in policy to introduce commercial advertising to the public rights of way?

I understand that this is an issue that is arising with more frequency, and I would like to be fully briefed before making a recommendation. As you know, the FHWA has historically interpreted the law to prohibit commercial advertising in the right of way in order to ensure the safe and efficient operation of traffic along the highways. If confirmed, I will work with Congress as we chart a path forward.

Senator Shelby:

29. **Mr. Trombino, when you were the Executive Director of the Iowa DOT, your highway engineers chose to use Clearview Font on your highway signs. In my home state of Alabama, our highway engineers similarly transitioned to Clearview Font because research conclusively shows it is the safer option. Studies show that is easier to read for motorists—particularly older drivers.**

    If confirmed, I would like your assurance that you will work with my state and the 27 other states that have chosen to use this safer option for highway guide signs. Do you have a position on the use of Clearview Font?

    I am aware that the FHWA is reviewing comments and information received through their Federal Register request for information regarding the Clearview Font earlier this year. I do not currently have a position, but if confirmed I will review the available data and safety studies as well as the public comments.

Senator Whitehouse:

30. **According to Inside EVs, sales for electric vehicles jumped by 37% in 2016 over 2015 levels, and sales for electric vehicles is predicted to continue to grow at a rapid pace. As you know, in 2015 Congress passed legislation as part of the FAST Act to establish a national alternative fuels corridor program, so drivers have a better understanding of where to find alternative fuel charging station and refueling stations. The agency you would head is now in the process of implementing that legislation, and attempting to establish a national network of alternative fueling and charging infrastructure along national highway system corridors.**
    a. **Beyond the work that FHWA is already doing in this space, what else can the agency do to stimulate deployment of electric vehicle infrastructure?**

In addition to FHWA's existing work, I believe that FHWA can further stimulate deployment of electric vehicle infrastructure by encouraging state environmental, energy and transportation agencies to work together in the planning and siting of charging infrastructure and providing assistance to states and regions to ensure consistent signage along electric vehicle corridors that cross state boundaries.

b. What can FHWA do to reduce regulatory roadblocks to increase the nation's electric vehicle infrastructure?

If confirmed, I would have to look further into this question. I agree that unnecessary regulations that hinder this infrastructure are also roadblocks to the use of new technology for American autos and consumer choices.

31. Composites have many benefits, documented in studies by GAO and others, including particular durability under corrosive and environmentally challenging conditions. How can we better integrate the use of such innovative materials into infrastructure that we rebuild or improve, especially along the coast, which is anticipated to experience sea level rise, increased flooding and storm surge, and other concerning consequences of climate change?

I am aware that over the years the FHWA has made significant investments in researching and demonstrating the use of composite materials in highway infrastructure. If confirmed, I would continue to encourage innovation and technology, including the use of composite materials where appropriate, so that assets are best positioned to perform over the long term. However, decisions concerning the specific materials used in rebuilding and improving highway infrastructure are the responsibility of infrastructure owners as they best understand their programs and the environment in which the infrastructure will be built.

32. As a part of the FAST Act, I got a provision included that directed DOT and FHWA to study innovative materials in bridge construction projects. FHWA has initiated discussions with the Transportation Research Board (TRB) to conduct this study. TRB and FHWA anticipate a phased approach to completing the study, with the first phase determining how to collect data and level of evaluation is possible. Do you commit to reviewing the current status of this report and any materials that have been written thus far?

Yes. If confirmed, I will look forward to receiving a status report on this study and having the opportunity to review its findings to date.

Senator BARRASSO. Congratulations again on your nomination.

Throughout this hearing, we are going to ask questions that will be on the record. The Committee members will also have an opportunity by doing this to learn more about your commitment to public service and the nation's service.

I would also ask throughout the hearing that you please respond to every question we ask, and there may be some also submitted in writing for the record.

I have to ask the following questions that we ask all nominees on behalf of the entire Committee.

Do you agree, if confirmed, to appear before this Committee or designated members of this Committee and other appropriate committees of the Congress and provide information subject to appropriate and necessary security protections with respect to your responsibilities?

Mr. TROMBINO. Yes.

Senator BARRASSO. Do you agree to ensure that testimony, briefings, documents, and electronic and other forms of communication of information are provided to this Committee and its staff and other appropriate committees in a timely manner?

Mr. TROMBINO. Yes.

Senator BARRASSO. Do you know of any matters which you may or may not have disclosed that might place you in any conflict of interest if you are confirmed?

Mr. TROMBINO. No.

Senator BARRASSO. I am not going to ask any further questions at this time. I will reserve the balance of my time for use throughout the hearing.

Senator Carper.

Senator CARPER. So far so good.

Some of my colleagues had not arrived when I mentioned during my remarks that Iowa raised its—I do not know if it was the gas and diesel tax, but raised the user fee. I have felt, for a long time, those who use our roads, highways, and bridges should help pay for them, businesses and individuals as well.

When you were president of AASHTO, I think we had this conversation more than a few times. George Voinovich and I proposed to restore the purchasing power of Federal gas and diesel tax to where it was in 1992, do it over 4 years, raising the gas and diesel tax by 4 cents a year and then indexing it after the fourth year.

It would not give us all the money we need to do roads, highways, and bridges, but it would give us a whole lot more than we have today.

Not long ago, my wife and I were at an Aspen Institute seminar with about 20 House and Senate members. We found, among other things, 98 percent of electricity there is generated by hydro, which is pretty impressive. They are the sixth largest resort with oil and gas in the world, and 40 percent of their cars are now electric.

When you walk down the streets of towns and cities in Norway, you see citizen parking meters and places to plug in and recharge your car's batteries.

I heard on the radio the other day on NPR that Ford and GM—one or both of them—have announced they are going to have at least 20 fully electric powered vehicles to introduce by 2025, mi-

grating away from gas and diesel not overnight but over time especially the way it ties in with these autonomous and semi-autonomous vehicles.

I think eventually we will have to move to a road user charge, the kind of thing they are doing in Oregon on a small scale, the sort of thing we included language on in our 2015 transportation bill kind of encouraging States to be laboratories of democracy.

The easier part of our transportation legislation, frankly, is the authorization. We will work out things here and do so in a timely way. We will work out things with the other committees of jurisdiction.

The hard thing is how do you pay for this stuff. The last time we tried to pay for this stuff we literally reached in and stole money from the Federal Reserve, and we had never done that before. We took oil in the strategic petroleum reserve; we paid high and sold low. We took money that was supposed to be used for customs fees for our points of entry across the borders. We took that money instead for roads, highways, and bridges, an awful policy.

About 20-some States, I think, have actually raised their user fees in the last several years. People say how do they do that; how do they summon the courage to make those politically difficult choices?

In my State, every year we put together the capital budget. I say this as a recovering Governor. The legislators have input to that. If we are asking to raise a user fee of some kind, the idea is if you support this, then you are more likely to get the kind of improvement you want in your Senate district or your House district. It is kind of an earmark, but it actually works, and we do not find it is something that has been used badly or poorly. It is not an outright call for a return to earmarks. I have another recovering Governor to my right.

I think one of the problems here is it is hard for legislators to link their willingness to raise revenues with something they can show for it in their States and districts. I think that is part of the problem.

I will stop there. Just respond, please. You have 12 seconds.

Mr. TROMBINO. I am not sure what the question was.

Senator CARPER. How did you do it in Iowa? You have seen 20-some other States do something that is responsible to pay for this stuff. What can we learn from them?

Mr. TROMBINO. I think many States have chosen to find funding alternatives for them. In transportation, they have all been different. I do not know if there is one that is exactly the same as another because the way they view and how they use transportation systems can be different. I think that is true across all areas.

In my experience in the State of Iowa, my role was to provide options and alternatives. Ultimately the Governor and legislative leadership made the decision as to the funding mechanism they found best suited for the State.

Senator CARPER. You have 9 more seconds.

Senator BARRASSO. Senator Inhofe.

Senator INHOFE. Thank you very much.

First of all, let me say that this is a good opportunity to thank you and AASHTO under your leadership for all we have been able to accomplish.

I have to say also when Senator Boxer was here, we spent about 15 years where I would be Chairman of this Committee, and she would be Ranking Member; then she would be Chairman of the Committee, and I would be Ranking Member, but we always worked very closely.

One of the areas of cooperation was always in streamlining. There are a lot of people on the other side aisle that had a hard time with that. Yet we were able to get things done, get results and getting a lot more miles a lot quicker.

You know the arguments but I want to ask you, in this meeting, for your commitment to continuing, not just what we have done in the past on streamlining, but looking for new opportunities that will be of help to us in the next project we do.

Mr. TROMBINO. Yes, Senator, I do commit to continuing to improve the streamlining efforts that were offered obvious through MAP–21 and the FAST Act. I think those are important process improvements that need to continue to move forward to allow projects ultimately to get into infrastructure. I think those are some of the key ingredients.

From my experience working with a lot of other States and my experience in my own State, we have a number of examples usually of projects where we have had some challenges sort of getting through the process.

If it is OK, I will use an example from my perspective. In the State of Iowa, U.S. Highway 34 was a project that we worked on for many years. It is a bridge over the Missouri River between Nebraska and Iowa. It involved two States, two different Federal Highway offices, obviously the Army Corps, Fish and Wildlife, the EPA, and also involved the Department of Defense and Air Force.

It was a very challenging project because it was very unclear who, at the Federal level, was the lead and decisionmaking authority, which took a long time to work through. The Federal agencies all had a different perspective of the preferred alternative. The time, length, and cost that involved was very significant for us as a State and very challenging at the end to implement.

Senator INHOFE. In your written statement, you said you "support permit streamlining and responsible changes that reduce the time and money project sponsors must spend before a project can even begin." Do you want to elaborate very briefly on that?

Mr. TROMBINO. Again, I would say the streamlining that was provided I think is clearly the right opportunity for all stewards of the system that implement projects. As a result, we need to continue to move in that fashion and use the authority obviously provided by Congress to make sure we are implementing those.

My experience has been that there is always an opportunity to improve the process. My firm belief is that we can uphold the environmental protections that are in place that I have always seen in transportation.

We want to make sure that project fits the environment in the context of the community, but there are ways for us to improve the pay for it process and the decisionmaking to make sure we are

using the dollars as effectively as we can, getting that into the infrastructure and not in the process.

Senator INHOFE. Yes, that would be good.

I talked to Mike Patterson actually before our meeting in my office. He has worked with you, and he also talked about how you were working in conjunction with the Department of Transportation and the Department of Commerce.

Can you briefly discuss your thoughts on the relationship between economic development in commerce and transportation?

Mr. TROMBINO. Sure. My belief is transportation is all about economics. It provides the opportunity for people to pursue their quality of life and efficiency for business, so it is critically important for us to make sure, as we look at freight and product movement, much less people movement, that we are considering the economics of that and trying to make the system as efficient as we can because in today's global economic conditions, it is very critical. Transportation is the key ingredient for competitive products and ultimately, competitive services.

Senator INHOFE. You mentioned freight. Of course we had the freight section in the FAST Act. I am sure you were very pleased with that.

Thank you very much.

Mr. TROMBINO. Yes. Thank you.

Senator BARRASSO. Thank you, Senator Inhofe.

Senator Whitehouse.

Senator WHITEHOUSE. Thank you, Mr. Chairman.

Welcome, Mr. Trombino. Thanks for coming by the office the other day. I am looking forward to working with you on improving our infrastructure.

I would join Senator Inhofe in his encouragement of process improvements and streamlining. Rhode Island has a recent example in offshore wind, having streamlined and made the process of siting much more effective.

In the same waters, one State over, Massachusetts had a huge wind project that basically died on the regulatory cross. Ours is still in the water, electrons flowing, all systems go. It really can make a difference. Now the Republican Governor of Massachusetts is trying to follow more closely the Rhode Island model and reboot their system.

Also, years ago I led a workers' compensation reform that focused on process and ended up reducing the cost per dollar of payroll by half without taking away benefits, just by focusing on process. I am a big believer in process reforms and streamlining.

I am also familiar with the false flag of process reform and streamlining sometimes being flown simply to help private interests raid and ransack the environment and public spaces. We are going to have to really watch that boundary and make sure what we are doing is truly the former and not the latter. I look forward to working with you on that.

We have seen a rather unseemly spectacle recently which was a member of the Cabinet telling a Senator that they would be punished in grants and in programs in their home State for voting the wrong way on a completely unrelated matter.

I hope that we can get assurances from you that in your administration of highway grants, you will protect the integrity of the process and not allow political calls to be made and political threats to be made to influence that process. It has a process integrity of its own that I hope you will defend. Can we count on you for that?

Mr. TROMBINO. If I am confirmed, Senator, I would make sure that as we have competitive process that is merit based, having worked in it from the State and local community side, I believe that is an important process overall when it comes to competitive grants.

Senator WHITEHOUSE. I think in the long run, if you find this becomes politicized, you will find support for the program dramatically decreasing. I do not think anyone wants that.

Finally, some of us are from coastal States. A good deal of our infrastructure, including highway infrastructure, is highly vulnerable to sea level rise, storm surge, and the new symptoms of climate change.

Rhode Island is looking at 9 to 12 feet of vertical sea level rise by the end of the century if we continue to do nothing here in Congress, if we continue to just allow the status quo to persist. Nine to 12 feet is pretty devastating for my State. I wish there was less stony lack of concern for that from my colleagues who are not in that position, but I feel a real obligation to try to defend my State whose map will change if we do not get ahead of this.

In the meantime, there is a lot of infrastructure that is going to be put in harm's way by this. I want to get your assurance that coastal infrastructure under your jurisdiction will be treated with proper respect both as to the data about what the risk is and as to the projections for the life expectancy of new projects about what further risks are anticipated and expected by the professionals.

Mr. TROMBINO. Yes, from my perspective, having had the opportunity to work in AASHTO, working with colleagues across the States, we all have different demands and needs on the system depending what is happening from a climate perspective, impacts, flooding, and the whole series of issues.

Senator WHITEHOUSE. You have seen it from a rainstorm perspective. We see it from a coastal perspective.

Mr. TROMBINO. Right, and so it is important for us to work together to make sure we are identifying a process that ultimately makes sure the system is safe, resilient, and reliable. From my perspective, those are the three biggest things we need to do, so it has the ability to bring back and recover in a quick fashion and during certain circumstances that ultimately impact the quality of life and economic activity in every individual State.

Senator WHITEHOUSE. You will use proper data and proper projects in making those decisions?

Mr. TROMBINO. Yes, I will.

Senator WHITEHOUSE. Very well. Thank you very much, I appreciate it. Best wishes to you.

Senator BARRASSO. Thank you, Senator Whitehouse.

Senator Ernst.

Senator ERNST. Thank you, Mr. Chair.

I also agree with Senator Whitehouse when it comes to fairness within the process and the withholding of grants in exchange for

votes as detailed by Senator Whitehouse. I would also say there are a number of important nominees within the Department of Transportation that are being held up from receiving proper due process because of an exchange; we will only allow nominees to go forward if you fund a certain project in the northeast of the United States.

Again, it goes back to fairness and not pushing other projects ahead of every other project out there. I am on my soap box, Mr. Trombino. I do believe it has to be a fair process. We do not want to see nominees held.

Thank you for being here today. I am going to go back to something Senator Carper raised, raising the gas tax. That did happen in Iowa. Of course I left, and they raised it.

The Federal Aid Highway Program receives most of its funding from the Federal gas tax. In recent years, we have seen declining gas tax revenues. That has forced us to use general fund transfers to plug funding gaps in the Highway Trust Fund. As our cars and vehicles become much more fuel efficient, we see the decline in the dollars coming in.

Other than increasing the gas tax—which would really be an uphill battle here in Congress—what other ways are there that we can fund our roads and bridges?

Mr. TROMBINO. Obviously the gas tax is a funding mechanism that is used. There are a number of alternatives. It is very dependent, as I often say, on each individual—from my perspective and my experience—State. I think every State views the system differently and has different opportunities as they seek to fund the system.

At the State level, for sure, there are a multitude of opportunities that come forward not only from gas taxes, registration fees, and all types of other types of fees. Some even use some sort of sales tax. There is a mixture at the State level.

I think when you get to the Federal level, there is a strong mix of opportunity in different types of fees and other things that can be potentially on the table, especially as it relates to freight and other types of issues as you look into the future.

From my perspective, if I am confirmed, from the Federal Highway perspective, my role is to provide I would say advice and counsel, but at the end of the day, as my experience was in the State of Iowa, the Governor and the legislature had to make the decision on how they chose to fund the system. That would be the same here. Congress will actually make that decision on what mechanism is best.

Senator ERNST. I appreciate that.

Because we do come from a rural area, you may be more so, many folks understand the unique transportation challenges we do have. It is not as easy to just slap in a toll road. That is not going to pay for our little State highway in Iowa.

As we continue to discuss the infrastructure package here in this Committee, can you provide some insight on the policies or policy changes that might be most beneficial to rural States?

Mr. TROMBINO. To rural States as a whole? I would say from a funding perspective, there are a lot of alternatives. The key ingredient from my perspective is providing flexibility for States. As I

said, every State is a little bit different. The rural needs and urban needs are different.

Providing tools that allow them to implement projects that allow them to maximize the dollars for a specific project is really the key ingredient for them. As you mentioned before, tolls work in some States, and tolls do not work in some States. That is true also in the tools. P3s work in some States. It is a good tool. In some areas, they do not work.

If I am confirmed as Federal Highway Administrator, I would advise Congress to make sure that tools have those opportunities to be used as the communities and States see fit.

Senator ERNST. Very good. I appreciate it very much, Mr. Trombino. Thank you again for stepping up and being willing to serve in this capacity.

Mr. TROMBINO. Thank you.

Senator ERNST. Thank you, Mr. Chairman.

Senator BARRASSO. Thank you, Senator.

Senator Gillibrand.

Senator GILLIBRAND. Thank you, Mr. Chairman and Mr. Ranking Member.

I would like to talk about an issue that recently impacted several families in New York. In July of this year, three ambulance workers—Mr. Roderick Cota, Mr. Cory Moore and Mr. Gregg Williams—were killed when their vehicle crashed into the side of a disabled tanker that swerved to avoid a deer on the road. Mr. Moonjohn Kim was also killed when his vehicle hit the same tanker. Both vehicles struck the trailer and went completely under it. All passengers were pronounced dead at the scene.

This tragedy is yet another example of an underride collision which results in death more often than not. In these accidents, many of the vehicle safety features are rendered worthless as the windshield is the first part of the car to come into contact with the truck. Since either there is nothing to prevent the car from continuing to slide under the truck or the existing rear guard fails, the top of the vehicle will be sheared off.

You can take a look at this picture to see what happens to the occupants when you go under. They are decapitated. They die instantly.

The Department of Transportation has been studying this issue of the slide underride since it put out a proposed rulemaking on rear underride guards in 1969. Since then, thousands of people have died in underride crashes throughout the country.

First of all, are you aware that the Institute for Insurance and Highway Safety successfully tested a side underride guard in a 40 mile per hour crash test in August of this year?

Mr. TROMBINO. I am not aware of that.

Senator GILLIBRAND. Will you look into that so you can familiarize yourself?

Mr. TROMBINO. Yes, if confirmed, I will definitely review the available information.

Senator GILLIBRAND. In light of this development, do you think the Department of Transportation should consider issuing a rulemaking that requires trucks be equipped with side underride

guards in order to prevent future tragedies like the ones that occurred in New York this summer?

Mr. TROMBINO. If I am confirmed, Senator, I will make sure we will review all the information and work with you specifically so that we gather that to understand what the issues are.

Senator GILLIBRAND. Since rear underride guards that are in compliance with Federal law often fail in these crash situations, do you believe it is necessary to update the 1998 DOT rulemaking that required stronger performance standards?

Mr. TROMBINO. Safety is at the core of everything we do. That is ongoing and should be a constant conversation to make sure we are providing the right safety amount of measures for the traveling public.

Senator GILLIBRAND. If you are confirmed, will you give me a letter report within the first 3 months that you have reviewed this issue, and give me your views on it?

Mr. TROMBINO. If I am confirmed, I will make sure that I review that issue and give you a report.

Senator GILLIBRAND. Thank you so much.

On the issue of highway privatization, the infrastructure outline that was released by the Trump administration as part of the President's fiscal year 2018 budget request outlined some really sweeping changes to how the Federal Government would invest in transportation. One of the principles outlined would turn over infrastructure assets to the private sector. Do you support privatizing existing highways?

Mr. TROMBINO. I have not been involved in any of the conversations with regard to the infrastructure package. If I would be confirmed, I would really need to make sure that I get up to speed on those discussions.

Senator GILLIBRAND. If private companies were allowed to take over highways, is it fair to assume that those companies would not be doing so purely as a public service but would be seeking to make a profit off operation of those highways?

Mr. TROMBINO. Again, I would have to review that information so that I understand it.

Senator GILLIBRAND. How would this impact highways that are currently not tolled, in your view?

Mr. TROMBINO. Without understanding all the issues, it would be hard for me to respond to that question specifically.

Senator GILLIBRAND. Will you commit to me that if you are confirmed, within 3 months you will write a letter to me on these issues giving me your views?

Mr. TROMBINO. If I am confirmed, I will review all the issues with regard to the infrastructure bill and specifically this and will respond.

Senator GILLIBRAND. Privatization and tolling.

Mr. TROMBINO. Yes.

Senator GILLIBRAND. What I am really worried about is when you privatize—the only reason a company would want something privatized is if they will make a profit. Unless it is a highly economic route, they are going to have to put tolls on roads; they are going to have to raise the cost of driving for Americans.

That is of concern to me. I would like to not only hear your oral view but to the extent you have pros and cons in your own mind, I would like to hear it there.

Mr. TROMBINO. Thank you.

Senator GILLIBRAND. Thank you so much.

Thank you, Mr. Chairman.

Senator CARPER. Mr. Chairman, could I make a quick unanimous consent request?

Senator INHOFE [presiding]. Yes.

Senator CARPER. I would ask unanimous consent that two letters be entered in the record. The first is a letter of June 23 sent to Secretary Chao with House Transportation and Infrastructure Ranking Member DeFazio. The letter requested information about the department's decision not to implement the greenhouse gas performance measures in its MAP–21 rules.

The second letter is a more recent letter of September 27 that my minority colleagues and I sent to Secretary Chao asking her to meet with us about the details of the Administration's infrastructure plans.

I do not expect Mr. Trombino to be aware of these letters at this time, but I want to emphasize the importance of our receiving complete responses to these and other letters.

Thank you.

Senator INHOFE. Without objection.

[The referenced information follows:]

Congress of the United States
Washington, DC 20510

June 27, 2017

The Honorable Elaine L. Chao
Secretary
U.S. Department of Transportation
1200 New Jersey Ave SE
Washington, D.C. 20590

Dear Secretary Chao:

We write to request that you provide us with the rationale and authority the U.S. Department of Transportation (DOT) relied on in acting to delay indefinitely the effective date of the national performance measure on carbon pollution produced from tailpipe emissions on the National Highway System (NHS), otherwise known as the "GHG measure". This action effectively changed a portion of the National Performance Measures final rule (Docket No. FHWA-2013-0054), without an opportunity for the public to comment on the change, while allowing the rest of the rule to take effect.

The creation of performance measures and standards to improve decision-making was a hallmark of "The Moving Ahead for Progress in the 21st Century Act" (Pub. L. 112–141), or MAP-21. Congress created national goals and directed DOT to establish performance measures to help states make progress toward improving outcomes for safety, reliability, and other performance-based outcomes. An explicit national goal established in MAP-21 is environmental sustainability in order to "enhance the performance of the transportation system while protecting and enhancing the natural environment."

Accordingly, in the final rule, DOT required states to track on-road greenhouse gas (GHG) emissions. States were to set locally appropriate performance targets, and simply ensure consistency in the collection of emissions data. The final rule required these actions to enable decision-makers to understand and manage the challenges associated with climate change and transportation infrastructure. According to the U.S. Department of Energy, GHG emissions from the transportation sector recently surpassed those from electricity generation, making transportation the largest source of GHG emissions in the United States.[1] Removing the requirement for states to develop a mechanism intended merely to quantify levels of carbon pollution would be the regulatory equivalent of burying our heads in the sand.

The President's decision to withdraw the United States from the landmark Paris Climate Accord leaves little room to wonder what the view of this Administration is on efforts to combat climate change and adapt to its effects. However, that view does not give the Department authority to change final regulations without meaningful public input. Moreover, the fact that the Department has singled out the GHG measure for indefinite delay without a convincing rationale causes concern that there may be a pre-decisional intent to revoke the measure permanently. Such action would be contrary to the requirements of the Administrative Procedures Act (APA).

In the Federal Register notice announcing the decision to delay the GHG measure indefinitely, the Department states: the "President's appointees and designees need to delay the effective dates of

[1] U.S. Department of Energy, Energy Information Agency (EIA), http://www.eia.gov/totalenergy/data/monthly/

these regulations to have adequate time to review new or pending regulations, and neither the notice and comment process nor delayed effective date could be implemented in time for this review." The Administration has twice delayed the performance measure rulemaking for a total of four months – also without the opportunity for notice and comment - for the express purpose of such a review. The decision to target only the GHG measure and allow the rest of the rule to proceed clearly demonstrates cherry picking of a particular policy within the rule that this Administration finds objectionable.

The APA requires the opportunity for public notice and comment before the provisions of a final rule can be changed, unless it is "impracticable, unnecessary, or contrary to the public interest to do so." The inclusion of a GHG measure in the final rule garnered strong public support, including supportive comments from over 91,000 citizens, over 100 businesses, numerous local officials, over 100 cities, and over 100 public interest, non-profit, and advocacy organizations. Congress weighed in as well, with 19 U.S. Senators and 48 Members of the U.S. House of Representatives expressing support. It is difficult to understand how delaying a portion of the rule that generated so many supportive comments in the development of the final rule can be "in the public interest".

In addition, the indefinite delay has the effect of making changes to the final rule. Under the APA, the outcome of a rulemaking process must not be prejudged by the agency. Based on the final rule published in the Federal Register, it is difficult for us to understand how your Department justifies the waiver of the procedures required under the APA. So that we can better understand DOT's plan going forward and its decision-making process, please provide written responses to the following questions no later than Monday, July 17, 2017:

1) By what date does DOT intend to reissue the GHG performance measure for notice and comment?
2) Given the MAP-21 goal of focusing the Federal-aid highway program on the enhancement of environmental sustainability, how does DOT intend to achieve this goal as it relates to GHG emissions?

Additionally, to gauge whether the DOT has already made the decision to take final action to withdraw the GHG measure, regardless of the record:

3) Please provide us with copies of all documents (including but not limited to emails, white papers, correspondence, memos, presentations, telephone logs and meeting minutes) pertaining to the decision to delay this measure.

Thank you for your prompt attention to this matter. If you have any questions or concerns, please have your staff contact Rebecca Higgins and Michal Freedhoff on the Senate EPW Committee, and Helena Zyblikewycz on the House T&I Committee.

Sincerely,

Tom Carper
Ranking Member
U.S. Senate Committee on Environment & Public Works

Peter DeFazio
Ranking Member
U.S. House Committee on Transportation & Infrastructure

JOHN BARRASSO, WYOMING, *CHAIRMAN*

JAMES M. INHOFE, OKLAHOMA
SHELLEY MOORE CAPITO, WEST VIRGINIA
JOHN BOOZMAN, ARKANSAS
ROGER WICKER, MISSISSIPPI
DEB FISCHER, NEBRASKA
JERRY MORAN, KANSAS
MIKE ROUNDS, SOUTH DAKOTA
JONI ERNST, IOWA
DAN SULLIVAN, ALASKA
RICHARD SHELBY, ALABAMA

THOMAS R. CARPER, DELAWARE
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CORY A. BOOKER, NEW JERSEY
EDWARD J. MARKEY, MASSACHUSETTS
TAMMY DUCKWORTH, ILLINOIS
KAMALA HARRIS, CALIFORNIA

RICHARD M. RUSSELL, *MAJORITY STAFF DIRECTOR*
GABRIELLE BATKIN, *MINORITY STAFF DIRECTOR*

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510-6175

September 27, 2017

The Honorable Elaine L. Chao
Secretary
U.S. Department of Transportation
1200 New Jersey Ave SE
Washington, DC 20590

Dear Secretary Chao:

We are writing to request that you meet with us to share progress on and available details of the Administration's infrastructure plan.

As you know, providing investments for our nation's infrastructure is one of the most important roles of the Federal Government. Both during his campaign and since assuming office, President Trump has repeatedly indicated the priority he places on infrastructure investment. He called for new investments of a trillion dollars to repair badly degraded infrastructure, from roads and bridges, to transit and ports, to water pipes and broadband. This message was one that resonated with the American voters, just as it appealed to us as members of Congress, eager to lay the foundation for investments that would create jobs, improve our economy, and enhance the quality of life in communities throughout the country. Senate Democrats have put forward our own "Blueprint to Rebuild America's Infrastructure," which would invest $1 trillion in our nation's infrastructure, creating over 15 million American jobs. We stand ready to work with our Republican colleagues on a significant infrastructure effort such as the one we have proposed.

In May of this year, we were honored to have you appear before the Environment and Public Works Committee to discuss your priorities and efforts as Secretary of Transportation to improve our nation's infrastructure. At that time, we were heartened to hear you pledge to work on infrastructure in a bipartisan, collaborative manner with members of Congress. You indicated that the Administration would be sending principles for infrastructure investment to Congress for our consideration in the third quarter of this year. Since then, you have reiterated your promise that the Administration's collaboration on infrastructure would begin in the fall.

We request that you and any other appropriate Administration officials meet with us to share the Administration's long-awaited trillion dollar infrastructure plan. Following quickly thereafter, we would hope that you will be able to formally transmit the Administration's plan to Congress, so that we may understand the Administration's priorities as we get to work on developing a comprehensive infrastructure investment package.

We look forward to hearing from you soon and to meeting with you and members of your team shortly thereafter. Thank you very much.

PRINTED ON RECYCLED PAPER

Sincerely yours,

Tom Carper
Ranking Member

Benjamin L. Cardin
U.S. Senator

Bernard Sanders
U.S. Senator

Sheldon Whitehouse
U.S. Senator

Jeffrey A. Merkley
U.S. Senator

Kirsten Gillibrand
U.S. Senator

Cory A. Booker
U.S. Senator

Edward J. Markey
U.S. Senator

Tammy Duckworth
U.S. Senator

Kamala D. Harris
U.S. Senator

Senator INHOFE. Senator Rounds.

Senator ROUNDS. Thank you, Mr. Chairman.

Mr. Trombino, in 2015 I joined my colleagues in supporting the Fixing America Surface Transportation Act, the FAST Act. The FAST Act provided about $305 billion of funding for transportation infrastructure over a 5 year period of time.

In your previous position as the Director of the Iowa Department of Transportation, you had similar challenges in Iowa as we have in South Dakota. You have to manage the flow of Federal dollars into the State.

In your professional opinion, have the funding formulas included within the FAST Act worked for rural States like Iowa and South Dakota?

Mr. TROMBINO. From a funding perspective, as I was the State director at Iowa DOT, the biggest thing from our perspective is, at times, Federal dollars were uncertain. There is a lot of uncertainty in the dollars and understanding. That created a lot of difficulty for us to do a long term, high capital cost infrastructure plan.

The more certainty that came in, the better it was for us to make plans and implement projects and get the dollars, as I said, into infrastructure. With the FAST Act, that did provide certainty for us for a period of time, about 5 years. That was the key ingredient for us to implement highway improvement projects.

Senator ROUNDS. During my time on this Committee, I have become increasingly concerned about the use of sound science Government-wide, more or less to say that the best science and data currently available.

I believe this is an important standard for protecting our nation's citizens from administrative bias. I think you will find individuals who consider themselves conservative in nature as well as those who consider themselves to be more liberal in their nature who have expressed concerns about the accuracy of the science that is sometimes being utilized or purported in some cases not even being delivered by the Science Advisory Boards which are available to the different agencies.

I think this is a very important issue because it is the facts that we base a lot of our decisions on. When we cannot agree on the facts, when we question those facts, it becomes a lot more difficult to have the political will to come back and put together the funding necessary for projects.

As Administrator of the FHWA, you will be charged with making decisions that take into account data driven factors such as traffic patterns. Should you be confirmed, will you commit to basing all of your decisions on the best available science and data?

Mr. TROMBINO. If I am confirmed, Senator, I would use the best available data in order for us to make decisions to implement a safe, resilient, and reliable system.

Senator ROUNDS. I think you have found on both sides of the dais up here—Republican and Democrat alike—you have heard comments about the fact that we need good data to make good decisions.

Along the coastline, there is a concern, as we recognize, that they have challenges in low lying areas. As we have seen sea levels rise, there are projections for them to rise again. For those States, they

have concerns that are probably different than we have in some of the rural areas. We have our concerns as well.

When it comes to using the best available data, it seems to me that it would make it a lot easier for us to allow for the variables throughout the United States to be taken into account.

While working for the State of Iowa, you had extensive experience with the unique circumstances and challenges rural States face in obtaining funding for transportation projects. Can you elaborate on some of your experiences while working for a rural State and how, if confirmed, this would be reflected in your management of the Federal Highway Administration?

You started talking about this a little bit. In some parts of the country, toll roads may very well work; the EZ Passes and so forth that you find here in this part of the world. Something like that in Iowa or South Dakota is simply not a part of the culture. What we have, we fund through the State funding part of it and so forth.

Can you talk a bit about the challenges we have in the rural States and how you responded kind of from your own personal background, how you have seen those challenges being met?

Mr. TROMBINO. From my perspective, there are a couple of things. At the Department of Transportation in Iowa, one of the important key things for us was to have flexibility. A lot of times as the dollars come down, as the programs got consolidated, it gave us a little more flexibility to implement the projects that met the needs in the local areas and rural areas.

One of the unique things about the State of Iowa is we are covered by planning associations. We have rural planning associations or metropolitan planning associations across the entire State. We have a very good system to work at the local level and at the State level to help make what we think is the best decision for each area and implement that project.

Senator ROUNDS. I would make one last comment. My father was the first State highway safety director in the State of South Dakota. He was hired by a guy by the name of Governor Joe Foss.

Ever since that time, I have looked and marveled at how we have been able to make improvements and yet there is always room for more. I appreciate most certainly your review and your specific comments concerning highway safety in the United States.

Thank you.

Mr. TROMBINO. Thank you, Senator.

Senator ROUNDS. Thank you, Mr. Chairman.

Senator INHOFE. Senator Fischer.

Senator FISCHER. Thank you, Mr. Chairman.

Mr. Trombino, as a former director of the Iowa Department of Transportation, you understand the important role Federal Highway Administration division offices play in the infrastructure permitting and approval process.

I have heard concerns from State and local officials in Nebraska that our State division requires significantly more documentation for approvals, and that has delayed projects, which in turn has increased costs.

Will you work to ensure that the Federal Highway Administration division offices have clear requirements and that projects will be approved in a timely manner?

Mr. TROMBINO. If I am confirmed, Senator, I will work to reach out and understand the issues that have happened in Nebraska and visit with not only the agency folks there to make sure that we are improving the process as best we can to implement projects.

Senator FISCHER. Thank you.

I have also heard concerns about FHWA's division offices not taking into account the needs of the States and localities. For example, I have heard about Nebraska's division office not accepting the cost-benefit analysis of noise barriers, even though that analysis may be approved by the State.

In some cases, cities have been required to build noise barriers even though the State approved analysis showed their construction is not reasonable. I believe the State and local governments have a better understanding of the needs of their communities than the Federal Government. Would you agree with that sentiment?

Mr. TROMBINO. If I am confirmed—first, I come from a rural State and having a good working relationship and good communication between Federal Highway and especially the local division office is a key ingredient for projects to be efficiently done. I would work to improve that as effectively as I can.

Senator FISCHER. Would you also work with our State and our localities in meeting those needs as well?

Mr. TROMBINO. Yes, I will.

Senator FISCHER. Earlier this year, I introduced the Build USA Infrastructure Act, which would allow States to voluntarily enter into remittance agreements with the Federal Highway Administration. Under these agreements, States would receive 90 percent of the funding allocated to them in exchange for the ability to approve environmental approvals and also permits.

Under your previous experience as director of the Iowa Department of Transportation and also as president of AASHTO, do you agree that States should play a bigger role when we look at the environmental review process?

Mr. TROMBINO. If I am confirmed, I would say that we want to have a great partnership between USDOT, Federal Highway, especially, and the States. Ultimately, project stewards implement and deliver that project. Federal Highway; we need to support them and help make sure that process, the decisionmaking process, meets the law but also is effective in the sense of getting the project delivered.

Senator FISCHER. And hopefully streamline it so we don't have duplication when it comes to a lot of the permitting. You and I had a conversation about this in my office. Anytime you look at adding more time to a construction project, we both know what happens; costs go up.

Mr. TROMBINO. Absolutely.

Senator FISCHER. It is frustrating to watch those costs go up through duplication of the permitting process when all of us here in the Senate and Congress—and at the State level as well—are trying to figure out ways that we can build more, that we can promote infrastructure in this country. I hope we can work together on that.

Mr. TROMBINO. I expect that we will work together. In the example I used, U.S. Highway 34 was a Nebraska-Iowa project where

it was very challenging from a decisionmaking process to really help us on the State side to implement that project.

Senator FISCHER. Yes, but because we are neighbors, Iowa and Nebraska; it went smoothly. Thank you, sir.

Mr. TROMBINO. Thank you, Senator.

Senator INHOFE. Senator Sullivan.

Senator SULLIVAN. Thank you, Mr. Chairman.

Mr. Trombino, congratulations on your nomination.

Mr. TROMBINO. Thank you, Senator.

Senator SULLIVAN. I look forward to having a number of discussions with you. One thing I want to emphasize in the brief questioning we have here is a lot of States talk about how they are unique, but right off the bat, I need to get a commitment from you to come up to Alaska and see some of the significant challenges we have with regard to infrastructure. Let me lay out a couple.

Eighty-two percent of the communities in my State are not connected by road. I am pretty sure that is not the case in any other State.

I am pleased to see your previous State experience in Iowa and Wisconsin. Alaska has about 10,000 miles of paved roads. It is about roughly 10 times the size of each of the States where you were in charge with less than a tenth of the amount of the roads.

We have all kinds of challenges in my State. I would like your commitment to come up and see them with me.

Mr. TROMBINO. Senator, if I am confirmed as Federal Highway Administrator, I will commit to you to come up and visit Alaska.

Senator SULLIVAN. Great.

We had Secretary Chao up when we had the transportation and infrastructure summit in Alaska this summer. She made a statement which I was very pleased by that as we are working on infrastructure, the initiative with regard to funding, however it is going to be funded, the target is going to be at least 25 percent of that to rural States. Is that something with which you are familiar? Will you commit to that at least number which the Secretary announced when she was in Alaska?

Mr. TROMBINO. I have not been privy to any of the conversations about the potential funding or infrastructure plan. That is an area in which I would have to get up to speed if I am confirmed.

Senator SULLIVAN. Let me ask another question I think you are hearing from literally everyone on the Committee, which is permitting reform.

My view is if we undertake major infrastructure without regard to permitting reform, we are just wasting money. You have probably seen the studies that show from planning to permitting to completion of highways in the United States can take up to 20 years.

We all have these nightmares and stories. The Seattle Airport, for example, wanted to build a new runway, and it took 15 years to get the permits.

I think the Trump administration is doing a great job—the CEQ, the President's Executive Order—in a whole host of areas to not cut corners but to actually bring some common sense to our permitting.

I have a bill we are very interested in moving forward with the White House and the Administration called the Rebuild America Now Act which legislatively codifies a lot of what was in the President's recent Executive Order on permitting.

If confirmed, can I get your commitment to work with me and my staff on ways—both from an administrative standpoint and a legislative standpoint—to get to common sense permitting reform so we can actually build infrastructure in this country?

Mr. TROMBINO. Yes, if I am confirmed, I will definitely work with you on those issues.

Senator SULLIVAN. This is a more specific issue. When the Secretary was in Alaska this summer, she made an announcement regarding a highway project in Alaska that kind of goes to my last point that back and forth through studies, through regulatory road blocks, it has been studied in my State for almost 30 years. It is called the Sterling Highway Project. The Secretary made an important announcement to kind of move forward on that.

You are probably not familiar with it, but I want to get your commitment that if you are confirmed, to work with me and her—she is obviously very motivated about this because she was focused on it in her visit to Alaska—to work with us to move forward on a really important project for the State that, as I mentioned, has been the focus of 30 years of studies. Can I get your commitment on that?

Mr. TROMBINO. Yes, if confirmed, I will work on that.

Senator SULLIVAN. Let me ask a final question.

What are your top three priorities, if you are confirmed, with regard to this critically important position?

Mr. TROMBINO. Of the top three things, the first piece is I have worked with Federal Highways in two different States and have a good sense. They are a great organization. I really have to get up to speed with the organization and get to know the people. I really want to focus on improving the process.

At times in my experience in the two States, projects have been cumbersome to get out the door. I would really like to work with Federal Highway.

Senator SULLIVAN. That is a diplomatic word, but I appreciate your sense of that.

Mr. TROMBINO. And implement an effective process.

Senator SULLIVAN. Great. Thank you, Mr. Chairman.

Senator BARRASSO [presiding]. Thank you, Senator Sullivan.

Mr. Trombino, you have served as leader in departments of transportation in Iowa as well as in Wisconsin, relatively rural States. You have also served as the leader in the national transportation issues, most notably as president of the American Association of State Highway and Transportation Officials.

Through these experiences, what did you learn regarding the need for Federal policymakers to account for the differences between rural and urban transportation issues? How will you make sure the FHWA fulfills all of its obligations to rural States like Wyoming, like the ones you worked in before and not just the urban States like New York, New Jersey, and California?

Mr. TROMBINO. Mr. Chairman, the first thing is all tools and all mechanisms do not work in every State. Having come from two dif-

ferent States, rural in some cases and some urban areas, the processes and the needs for each State are different. Having the opportunity to make sure that we, from the Federal Highway perspective, if I am confirmed, provide opportunity and flexibility for the State as much as we can within the law to make sure they can effectively implement their projects is crucial.

Senator BARRASSO. I think we all agree that the highways, roads, and bridges are going to be a central component of any infrastructure package. I have a two part question. What role should the Federal Highway Administration play in developing as well as implementing an infrastructure package? If confirmed, would you commit to working with this Committee to ensure that any infrastructure package addresses the needs of our nation's transportation systems in both rural as well as urban areas?

Mr. TROMBINO. If confirmed, I will commit to working with the Committee on those rural and urban issues in regard to transportation. From a development perspective, I have not been involved or privy to any of the conversations in regard to infrastructure. That is one of the areas, if confirmed, I would need to get up to speed in to make sure we are focused on broad transportation implications for all States.

Senator BARRASSO. I have raised concerns in this Committee with Secretary Chao regarding the U.S. Department of Transportation's regulations that I believe unnecessarily subject rural State departments of transportation to the same rules as urban State departments of transportation.

If confirmed, will you commit to working with me and members of this committee to ensure that regulations, as they impact rural States, are common sense and take into account the legitimate concerns we see in rural States?

I ask this as someone—also Senator Fischer, a member of this Committee—and she and I both served in our State legislatures. She chaired the Transportation Committee in Nebraska. I chaired the Transportation Committee in our State Senate in Wyoming. We always would see regulations coming down that probably made a lot of sense to New York City or for San Francisco but made no sense, in her case, for Nebraska, and in my case, for Wyoming.

Mr. TROMBINO. Yes, I will commit to working with you and the Committee to make sure, if I am confirmed, that there are opportunities and flexibility for all States.

Senator BARRASSO. Many States believe the highway formula funding is important because it enables them to plan effectively and properly put funds to work. Do you agree that putting more Federal money into existing formula programs enables the States to put funds to work more expeditiously than creating new programs that are less well understood?

Mr. TROMBINO. Formula funding is one way to provide funding to States.

Senator BARRASSO. I ask unanimous consent to enter the following letters of support for you into the record. I do not see any objections.

[The referenced information was not received at time of print.]

Senator BARRASSO. I do not see anyone here with additional questions.

If there are no more questions for today, the members may submit follow up written questions as we have discussed. They can do that for the record by the close of business on tomorrow. You should please respond to these questions by the close of business on Thursday, October 12.

I want to thank you and congratulate you again. Thank you for your time. Thank you for your testimony.

The hearing is adjourned.

[Whereupon, at 10:36 a.m., the Committee was adjourned.]

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