

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2021

WEDNESDAY, MARCH 4, 2020

U.S. SENATE
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 10:02 a.m., in room SD-192, Dirksen Senate Office Building, Hon. Susan Collins (chairman) presiding.

Present: Senators Collins, Alexander, Boozman, Capito, Hoeven, Daines, Reed, Murray, Feinstein, Coons, Murphy, and Manchin.

DEPARTMENT OF TRANSPORTATION

STATEMENT OF THE HON. ELAINE L. CHAO, SECRETARY

OPENING STATEMENT OF SENATOR SUSAN M. COLLINS

Senator COLLINS. The subcommittee will come to order.

Good morning, everyone. We are beginning in the absence of our ranking minority member because he has given us permission to do so. He is on his way. And, given the challenges of the schedule this morning, which includes a 10:30 vote, we are going to begin the hearing.

I am going to shorten my opening statement, which I know will come as a huge disappointment to everyone here, and ask unanimous consent that the full statement be submitted for the record as if read.

I am pleased this morning to welcome the Secretary of Transportation, Elaine Chao. She will be testifying on the President's fiscal year 2021 budget request. I also know that I will be joined by my friend and our ranking member, Senator Jack Reed. We have worked very successfully together over the years, and I am sure we will this year, as well.

The Administration's budget request of \$89 billion includes \$17.6 billion for the Federal Aviation Administration. The FAA has rightly been focused on the Boeing 737 MAX over the past year and is now also part of the Federal response to fighting the Coronavirus.

Last July, our subcommittee held an important oversight hearing with senior career officials from the FAA to examine the certification of the MAX aircraft, and we are particularly attune to this issue as we approach the 1-year anniversary of the crash of Ethiopian Airlines Flight 302.

The resulting investigations from the NTSB, the Joint Authorities Technical Review, and the Special Committee on Aircraft Cer-

tification have led to numerous recommendations to improve aviation safety, and we included the funding and directives necessary to implement these recommendations in last year's bill. For example, we provided increased funding to hire new staff with specialization in human factors and system safety and for technical outreach to other nations' civil aviation authorities and foreign air carriers.

Building on our work, the Administration's budget calls for additional aviation safety experts, creates a new Organization Designation Authorization (ODA) office, improves the FAA's whistleblower hotline, and makes several other critical safety initiatives.

While the FAA continues its work on the MAX aircraft, it also needs to keep in sight numerous other safety challenges:

The IG has found problems with the FAA's oversight of aircraft maintenance.

The Office of Special Counsel, thanks to whistleblowers, found inconsistent training requirements for safety inspectors.

And, recent crashes in California and Hawaii have once again highlighted the need for a focus on helicopter safety.

FAA must respond to these concerns in order to maintain the public's confidence on our Nation's aviation system. I know that this has been a focus of the Secretary and FAA Administrator Dickson over the past year.

Turning to our Nation's infrastructure, I am pleased to see the inclusion of the popular BUILD Grant Program in the Administration's budget request and long-term surface transportation proposal. I have championed the BUILD Program since 2009, as well as INFRA grants, which are focused on freight corridors. Members have seen the benefits of these competitive grant programs in their home States.

These programs have been particularly helpful for Maine's rural communities and for rural communities across America. Let me give you an example. The community of Lubec, which is a fishing community, will be able to build a safe harbor for local fishermen. Over the years, there have been many fishermen who have lost their lives due to the lack of a breakwater and a safe mooring place.

The BUILD Act has also enabled the replacement, or will enable the replacement, of an important bridge in Aroostook County and Madawaska that connects Canada with the United States. It will allow the largest employer in the region to continue transporting raw materials and finished goods without having to detour 52 miles.

While these competitive grant programs are important, it is also crucial that we maintain our commitment to funding our Nation's infrastructure by enacting a new Surface Reauthorization Bill and restoring the solvency of the Highway Trust Fund. Without a long-term solution to the solvency of the Trust Fund, State and local governments could face the potential of not being reimbursed for work they have already completed.

While I applaud the Administration's comprehensive 10-year, \$810 billion surface transportation proposal, I remain concerned that no specific funding sources have been identified. I know the

Administration is working very closely with the authorizing committees in this regard.

I am grateful to the Secretary for her focus on America's rural communities, which have the highest rates of roadway fatalities and the greatest mobility challenges. I was disappointed, however, to see that the Administration's budget request once again proposes to cut funding for the Essential Air Service Program and for Amtrak's long-distance network. I am concerned that cutting long-distance service would not only hurt rural communities, but would also increase shared costs for Amtrak's State-supported services, such as Maine's Downeaster Route.

Another area of concern are the proposed cuts to the National Highway Traffic Safety Administration, or NHTSA. Recent data on highway fatalities remain concerning, particularly the substantial increase in pedestrian fatalities. I am concerned that the proposed budget cuts to NHTSA's 5-Star Safety Ratings Program and the Office of Defects Investigation could be a step backward for highway safety.

Finally, I want to commend the Secretary for including \$300 million for the fourth State Maritime Academy training ship this year for the State of Texas. The National Security Multi-Mission Vessels are critical for training cadets at Maine Maritime Academy, as well as the other five State academies. I look forward to hearing from the Secretary on the status of construction of these ships.

Madam Secretary, I look forward to hearing your statement. And I would now normally turn to our ranking member. I am going to turn to you instead for your opening statement, and then we will hear from Senator Reed. Thank you.

SUMMARY STATEMENT OF HON. ELAINE L. CHAO

Secretary CHAO. Thank you, Chairman Collins, Ranking Member Reed, even though he is not here, and members of the subcommittee. Thank you for the opportunity to discuss the President's fiscal year 2021 budget request for the Department of Transportation.

The President is requesting a total of \$89 billion to support transportation programs, an overall 2 percent increase above funds enacted in fiscal year 2020 Appropriations Act. This represents the largest request for the U.S. Department of Transportation in our Nation's history. This funding will enable the Department to continue our work in providing Americans with safe and dependable transportation, help deliver infrastructure more efficiently, and prepare for the future in an era of rapid technological change.

The President is requesting \$1 trillion to rebuild, restore, and renew our Nation's infrastructure, and this request includes two parts. First, the President's budget envisions a 10-year surface transportation proposal that would provide a historic \$810 billion for surface transportation, building upon the FAST Act. The proposal also includes an additional \$190 billion in investments across a range of infrastructure sectors, including bridges, and also great bottlenecks.

The Department's Discretionary Grant Program addresses a wide variety of infrastructure needs, benefitting both urban and rural areas. Towards this end, the President's discretionary budget in-

cludes \$1 billion for the INFRA Grant Program and an additional \$1 billion for the BUILD Grant Program.

With respect to transit, the President's budget includes nearly \$1.9 billion for the Federal Transit Administration, the CIG Capital Investment Program. This request funds the current portfolio of transit projects that have signed full-funding grant agreements, and it provides an additional \$925 million for new projects that may become eligible for funding during fiscal year 2021.

Turning to aviation, the President's budget recommends \$17.5 billion for the Federal Aviation Administration, the FAA. This includes \$1.5 billion for aviation safety. It also includes an increase of \$37 million to establish a centralized Organization Designation Authorization office, ODA. It will also coordinate FAA's work with industry manufacturers to certify aircraft safety, a recommendation consistent with the ongoing Boeing 737 MAX reviews. As we approach the March 10th anniversary of the crash of Ethiopian Air 302, we remember those who were lost, and the family and loved ones, as well.

The President's budget once again includes \$300 million for the National Security Multi-Mission Vessel Replacement Program to replace the aging School Ship Fleet that provides training among the students attending the State Maritime Academies.

Turning to rail infrastructure, I want to also highlight some key actions that the Department is taking to advance the restoration of assets on the Northeast Corridor.

First, I want to give credit to the State of New Jersey. Due to their hard work, New Jersey Transit in particular, we recently announced that the Portal Bridge Project has, for the first time, achieved an eligible rating of medium-high in the Capital Investment Grant, CIG Program. The Federal Transit Administration is now working closely with the project sponsors to resolve project details and advancement into engineering.

Second, later today, the FRA, Federal Railroad Administration, will release an environmental assessment, an EA, for the replacement of the Sawtooth Bridge. This bridge, also a component of the so-called Gateway Program—there are basically nine projects in the New York/New Jersey area—experiences about 350 train crossings every day on the Northeast Corridor. Replacement will double the corridor capacity in this area from two to four tracks, and increase train speeds by as much as 50 percent.

And finally, I am pleased to report that the U.S. Department of Transportation is working closely with Amtrak to advance rehabilitation work on the Hudson Tunnel, also known as the North River Tunnel. Ensuring the safety and reliability of the North River Tunnel is a near-term priority the Department shares with many stakeholders in the region.

Plans originally called for rehabilitation work to come after construction of a new tunnel, the Hudson Tunnel, which would take 7 to 10 years. In the meantime, in the interest of addressing safety concerns expressed by multitudes of stakeholders, the Department is now working with Amtrak to design and validate a rehabilitation program that can begin as much as 10 years ahead of schedule. This collaboration highlights our mutual commitment to ensure

continued safety and reliability in the existing tunnel as the first order of business.

Let me be clear. This is separate from the issue of expanding capacity into Penn Station and the importance of both a new tunnel and a Penn Station expansion necessary to accomplish that. Addressing immediate safety concerns by beginning rehab work in the existing tunnel is the right move; not waiting 7 to 10 years for the construction of a new tunnel beforehand. Exploring new and innovative methods for repairing the North River Tunnel while still in operation could allow Amtrak to commence repairs as soon as possible.

Thank you, Madam Chairman, Ranking Member, for the opportunity to appear before you and the rest of the committee regarding programs involved and included in the President's fiscal year 2020 budget request, and I will be happy to answer any questions that you may have.

Thank you.

[The statement follows.]

PREPARED STATEMENT OF HON. ELAINE L. CHAO

INTRODUCTION

Chairman Collins, Ranking Member Reed, and members of the Subcommittee, thank you for the opportunity to discuss the President's fiscal year 2021 Budget request for the Department of Transportation. The President is requesting a total of \$89 billion to support transportation programs—an overall 2 percent increase above funds provided in the fiscal year 2020 Appropriations Act. This funding will enable the Department to continue our important work in providing Americans with safe and dependable transportation, and will support our progress in improving transportation infrastructure throughout the Nation.

The Department of Transportation's budget includes a hybrid of different kinds of Federal funds. Typically, about 75 percent of the Department's Budget comes from mandatory authorizations primarily derived from the Highway and Aviation Trust Funds, while the remaining 25 percent is funded through discretionary appropriations, largely from the General Funds. Recently, I have seen comparisons of the Transportation budget that focus solely on the smaller discretionary portion. By selecting only the discretionary components the budget shows a reduction from fiscal year 2020 to fiscal year 2021. But this is only part of the story.

When one looks at the whole picture, including Trust Fund programs, the President's fiscal year 2021 Budget request recommends the highest funding for transportation investment in our Nation's history.

A NEW VISION FOR SURFACE TRANSPORTATION

In a few short months, our current surface transportation authorization—the “Fixing America's Surface Transportation” or FAST Act—will expire. In anticipation of this deadline, I am especially pleased to share that the President's budget includes a total of \$1 trillion to rebuild, restore and renew our Nation's infrastructure. This request includes two parts. First, the budget envisions a historic 10-year authorization for the Department of Transportation's surface transportation programs that will provide \$810 billion of predictable funding. The President's request also includes an additional \$190 billion for addressing other infrastructure improvements including bridge and freight bottlenecks.

Our plan builds on the foundation of the FAST Act and generally relies on the existing program structure for highways and highway safety programs, transit, and rail. After the first year, funding increases are built into the 10-year framework at about 4 percent each year. No major changes are envisioned to the current formula distributions for States and other recipients.

Our proposal will lay out an authorization that provides more flexibility for States and other stakeholders. It includes program and policy changes that will enable us to build modern infrastructure more quickly while ensuring that both rural and urban areas receive the assistance they need. We are also recommending significant investments for rebuilding and repairing highways and bridges by using flexible

grants and modern innovative finance tools that will help us get projects moving quickly. The proposal also includes legislative revisions that will reduce the regulatory and administrative burdens that often force communities to wait years for the infrastructure improvements they desperately need.

The Administration's detailed legislative language is currently under review within the Administration. Once that process is complete and legislation is submitted, the Department will be free to discuss its contents in full detail. In the meantime, the President's budget provides a blueprint summary of the \$810 billion reauthorization proposal.

INVESTING IN COMPETITIVE INFRASTRUCTURE PROGRAMS

The President's Budget demonstrates the Administration's strong support for States and other entities charged with improving or replacing our aging transportation infrastructure. Toward this end, the President's Budget for DOT requests significant resources for several competitive grant programs, including \$1 billion for the Infrastructure for Rebuilding America (or INFRA) grant program and an additional \$1 billion for the Better Utilizing Investments to Leverage Development (or BUILD) grant program. These programs provide Federal assistance for critical projects that will spur progress in both rural and urban communities across all modes of surface transportation infrastructure: highways, transit, rail, and ports.

With respect to transit, the President's Budget includes this Administration's largest request ever for the Federal Transit Administration's Capital Investment Grant program: \$1.9 billion. This request funds the current portfolio of transit projects that have signed Full Funding Grant Agreements. Another \$925 million is reserved for new projects that may become eligible for Full Funding Grant Agreements during fiscal year 2021.

TARGETED INVESTMENTS FOR THE FEDERAL AVIATION ADMINISTRATION

The President's Budget recommends \$17.5 billion for FAA and includes nearly \$1 billion across its programs to support the on-going work of NextGen. The request is consistent with the fiscal year 2020 Appropriations levels but does not propose repeating the new discretionary appropriation for Grants-in-Aid to Airports. Instead, the President's Budget includes the fully authorized level of \$3.4 billion to support airport capital improvements.

The Budget dedicates \$1.5 billion for Aviation Safety—including an increase of \$37 million to fund targeted investments to improve FAA's ability to respond to industry innovation, analyze safety trends, and improve accountability. Within this amount, funds will be used to establish a centralized Organization Designation Authorization office that will coordinate FAA's work with industry manufacturers to certify aircraft safety. This funding will also help to implement recommendations from the ongoing Boeing 737 MAX reviews.

FAA continues to be at the forefront in planning for the integration of new and emerging technologies into the National Airspace System (NAS). Toward this end, the President's Budget requests \$145 million to further support the integration of unmanned aircraft systems (or drones) into the NAS; and, another \$44 million to support Commercial Space activities. These programs demonstrate FAA's commitment to encouraging the use of new innovative technologies while at the same time ensuring the overall safety of the NAS.

CONTINUING THE RECAPITALIZATION OF THE SCHOOL SHIP FLEET

Finally, the President's budget once again includes \$300 million for the National Security Multi-Mission Vessel replacement program. This program continues the Administration's efforts to replace the aging School Ship Fleet that provides hands-on-training for Midshipmen attending State Maritime Academies. These vessels serve a critical role in providing necessary at-sea training for those entering the maritime industry that cannot be duplicated in standard classroom settings.

These are some of the key programs included in the President's fiscal year 2021 Budget request. Additional information is included in the Department's annual Budget Highlights document provided for your reference. Thank you again for the opportunity to appear before you today. I will be happy to answer your questions.

Senator COLLINS. Thank you very much, Secretary Chao.

Senator Reed, it is my pleasure to call on you for any opening remarks.

Senator REED. I will submit my statement for the record.

Senator COLLINS. Okay. Thank you.

Madam Secretary, clearly the FAA made the right decision in grounding the Boeing MAX aircraft last March after the tragic crashes in Ethiopia and Indonesia. And, originally, the concerns that were raised had to do with the aircraft's MCAS system, but over the past few months, the FAA has found numerous other safety concerns with the aircraft, such as debris within the fuel tanks, gloves, tools, all sorts of things, and inadequate protection from lightning strikes.

While I recognize that the FAA often finds minor safety concerns with aircraft that are already in service, I am troubled by the growing safety challenges with the MAX aircraft.

So, I have two questions for you in this regard. One, given the numerous safety issues that have come to light regarding the MAX aircraft, do you have concerns about the FAA's original certification of the aircraft back in 2017?

And second, could you give us an update and a timeline of the FAA's review of the MAX aircraft?

Secretary CHAO. Thank you for that question. The certification process is lengthy and it takes years. The certification of the Boeing 737 MAX 800 and 900 started in 2012 and 2013. This is a process which has occurred over many years. But, obviously, with the crash of both Indonesian Air and Ethiopian Air 302, there is a renewed look at what has transpired, and what can be done to prevent such tragedies in the future.

I have called for an Inspector General's review of the certification process. I have also established a Blue Ribbon Committee to review the process by which certification occurred over the 5 to 6 years from 2012 onward.

The FAA itself has initiated a number of reviews and examinations, as well. Everyone is concerned as to what contributed to those crashes. So, when the plane, the MAX 800 and 900, were initially grounded on March 13th of 2019, we had no timetable for ungrounding it. The FAA made that decision of grounding the aircraft based on specific information at that time. The FAA is a fact-based organization, and that is how it makes its decision. We are now coming upon a year since the grounding of the 737 MAX 800 and 900.

I have told the FAA and made it very, very clear that we have no set timetable—and they agree. They believe this, as well. Our number one priority is to ensure the safety of this aircraft before it is ever ungrounded. Safety is the number one priority of this Department, and I have told the FAA, as well, that we will devote whatever resources they need to ensure that they are able to do their job.

And, as mentioned in my opening statement, we have about \$1.5 billion that is devoted to aviation safety, of which we have added another additional \$37 million to take a look at the Boeing certification process, including the ODA process, as well.

Senator COLLINS. The other issue regarding these crashes that has been raised to me from the families who lost loved ones is whether FAA, if appropriate, will take personnel action if it is found that certain employees did not do their job effectively.

I know it would be premature until all of the studies, including the Inspector General's study, is reviewed, but should you find that

there were mistakes that should not have been made or other more serious problems with personnel, are you and the FAA administrator prepared to take action?

Secretary CHAO. The short answer is yes. Let me also say that the FAA office that is in charge of the certification is devastated. They are professionals. They care deeply about their mission. To have something, such tragedies, occur during their watch has been devastating for the office, for their families, for the communities, including the company's personnel in the City of Seattle.

But, I do believe that accountability is due, and if indeed there is evidence that there is fault, we will not hesitate to take action. Now, of course, we have to take such action in compliance with career civil service protection. But, I think with such a tragedy as this, if the evidence points this out, there should be accountability.

Senator COLLINS. Thank you. And let me just make clear that I share your view that the vast majority of employees of the FAA do an extraordinary job and are very dedicated to their mission.

Senator Reed.

Senator REED. Well, thank you, Madam Chairman. I look forward to working with you again this year. Thank you very much. And, Madam Secretary, thank you for joining us today and for your work.

One initial point is, looking at the President's budget, there is I think inadequate commitment to surface transportation. In fact, the President is proposing to spend \$2.2 billion less on surface transportation than what President Obama proposed in 2015, and the problem certainly has not gotten that much better. In fact, I think we recognize we have a significant challenge.

In addition, with the Corona Virus situation causing economic havoc, with the Federal Reserve moving aggressively to cut rates, I think we ought to be looking at fiscal stimulation as a way to keep their economy moving, also. And no better form of fiscal stimulation, in my view, is the infrastructure expenditures. So, that initial point.

But, let me turn to some specific issues with respect to the Corona Virus and its impact. The CDC is requiring airlines to provide more passenger information, contact information, with respect to determining the possible spread of the Corona Virus. There is no real established method the airlines are using, sort of paper-manifested at this point in their—

Can you give us an idea what the Department is doing to help identify with the airlines what contact information can be provided quickly in the near term? And, then, moving forward, how can we better prepare to meet this public health crisis like this in the future?

Secretary CHAO. This is a Government-wide response, and so there is a Government-wide task force obviously, as you can imagine, and the Department is a member on the task force.

The President spoke about this 2 days ago. The Vice President is now in charge of the task force. CDC and Department of Health and Human Services, are two key players in responding to this public crisis. The Department of Transportation's, equity relates to the airlines. We are not in charge of the airports. We are not in

charge of the security clearance. That is all Department of Homeland Security.

We have been working with the airlines, and there is a perplexing problem in that CDC believes that it is really important to be able to trace every single person who has been on an airplane that has had an illness.

And, so, they want to be able to have the contact information of every single passenger. Unfortunately, airlines currently do not have that capability. Forty-five percent of the contact information that an airline would have are actually travel agents, intermediary third-party bookers, engagement managers.

So, we are now discussing with the airlines about how to get this contact information that's closer to the source of the passenger than currently what they have. And the airlines are very willing to do this. It is just taking, I think, a bit—it is taking some effort to try to find out how to get that person, the traveler, the passenger's, direct personal information.

Senator REED. This raises a larger question of, you know, people have been talking about the outbreak of a pandemic for years and getting ready and being prepared. And, in fact, in 2015, the GAO, as you probably realize, did an audit after the Ebola outbreak and recommended that the Department of Transportation take the lead in a preparedness plan that would involve airlines, airports, et cetera. DOT demurred; they did not do it. There was sort of a jump ball between different agencies. I understand that, but we are at the point now where I think this experience should convince us we need a comprehensive plan so that in a crisis like this, we are not sort of ad hoc trying to figure out can travel agents get the information, et cetera.

So, what are you going to do with your partners to try to get this planning process going and an agency who—and the recommendation of GAO DOT take the lead and get it done?

Secretary CHAO. The GAO report was in 2015, and the previous administration actually said that they were not the proper entities to do so. Again, the DOT, the Department of Transportation, is a member of the larger task force. It is actually more ideal and safer for the public if there was a coordinated effort, Government-wide, rather than individual Government agencies unilaterally going ahead and implementing their plan.

Obviously, your concerns are my concerns. We want to be responsive. We want to be quick. And, new things pop up. So, we are working with the Government-wide response plan and, you know, we hope to resolve that one. But there are other issues that come up.

Senator REED. No, this does emanate from 2015. I understand that. But, at this juncture, I think it is imperative that the Administration announce a lead agency to coordinate—I understand it is multiple agencies—to coordinate a plan and put in a timeline so that this plan will be finalized by a reasonable date, and I would hope you could carry that message back. And they might decide that DOT should do it, but somebody has got to do it.

Secretary CHAO. As mentioned, there is a Government-wide task force, and the President announced the Vice President is in charge.

But, we all totally agree. We need to act promptly. We need to be responsive and address the issues.

Senator REED. Thank you, Madam Secretary.

Senator COLLINS. Senator Capito.

Senator CAPITO. Thank you, Madam Chair. And it is nice to see you, Secretary, and I appreciate all of your work not only in my State, which has been terrific, but across the Nation, and your service.

Last year, we worked to get and we were successful in getting the \$100 million in direct appropriations to our Appalachian Development Highway System. As you know, and you and I have talked about this, the Corridor H Project still remains unfinished and it is still quite costly, the last part, because the difficult miles are ahead.

I am curious to know what your Department's priorities are in terms of the Appalachian Development Highway Systems. And, if you could explain what that \$100 million infusion into that system has been used for.

Secretary CHAO. Well, the Department is certainly committed to Appalachian communities and the completion of the Appalachian Development Highway System.

Senator CAPITO. Right.

Secretary CHAO. Currently, approximately 90 percent of the system is open to traffic.

Senator CAPITO. Right.

Secretary CHAO. And within the fiscal year 2020 Appropriations Act, I was very pleased to see it finally include the \$100 million. So, the President and the Administration is now looking at the Surface Reauthorization Act.

Senator CAPITO. Right.

Secretary CHAO. And we are actually working through legislative language through the clearance process within the Executive Branch. So, we hope that this priority will continue to be reflected in the reauthorization, as well.

As for how the \$100 million is spent, there is a whole plan there.

Senator CAPITO. Right.

Secretary CHAO. I don't have that ready.

Senator CAPITO. Yeah.

Secretary CHAO. So I will get that to you.

Senator CAPITO. That is fine. Thank you, and I appreciate that.

I think that what we found in looking at the different systems and the 10 percent that is yet to be completed, some States have sort of re-evaluated where they are moving forward. This one is still, as you know, and you and I have talked about this, a major priority for our State because of the—it would really open up the central part of our State to a lot of economic development.

Speaking of the highway bill, I am EPW, as well, and was part of the development of the bill that we put together and passed out of that committee unanimously, and I am hoping that we can get to that sometime in the next several months here.

One of the issues that I have been concerned about is bridges. West Virginia is number five in the number of deficient bridges, and in that bill, we were able to dedicate \$6 billion to this challenge. And, I know that you, at the Department, have prioritized

this in terms of bridges. What kind of progress have you made with that and what kind of emphasis do you have on that in this budget?

Secretary CHAO. Well, your point just reinforces the importance of paying attention to rural America.

Senator CAPITO. Right.

Secretary CHAO. Because 90 percent of bridges that are deemed to have some deficiency are in rural America, and about 90 percent of—85 percent of bridges with weight limits are actually in rural America.

Senator CAPITO. Right.

Secretary CHAO. So, after a period of great neglect, we are finally beginning to address the needs of rural America.

So, on the issue of bridges that you bring out in particular, obviously our number one concern is safety. And the President's budget this year, this request, includes a \$35 billion proposal to rebuild rural and large urban bridges across the Country. And, to maximize its effectiveness, the program would dedicate about \$12 billion for what is called off-system bridges, allocated by a formula, and about \$23 billion will be provided for larger bridges by a competitive process.

So, Congress, obviously your advocacy for your State and these issues has also been very important.

Senator CAPITO. Right.

Secretary CHAO. I will brag just a little bit for you. Last year's fiscal year 2020 Department of Transportation Appropriations Act included \$1.1 billion for the Formula Bridge Replacement Rehabilitation Program.

Senator CAPITO. Yeah. That is absolutely critical, and I appreciate the emphasis on the rural areas because a State like ours that has a lot of mountains and a lot of streams, we have a lot of bridges and we do not have the necessary dollars it takes to not just replace, but to maintain.

And, also, one of the things that we built into the highway bill that we are hoping to get to is a lot more sustainable building, a lot more innovative ways to construct, that will use the natural environment, but will also have a longer life, and I think that is something that is smart.

I am going to ask you quickly because this is an issue I am very concerned about drunk driving. We have the DADSS Program that I have been working with them, which is a detection system within the car. There has been research and development on that. Where do you see the technology on this as the Department, and I am getting conflicting information. We are a year away from this. We could do it right now. And, so, I would like to hear the Department's or your perspectives on this.

Secretary CHAO. Well, we are certainly very focused on this new technology because it would certainly help. As for the timeline, unfortunately, that is part of the reality of new technology. We are just not quite sure. I think 1 year is a little bit optimistic, but we have current developments already included. For instance, we have field testing of operational prototypes.

We have stakeholder teams for overall program direction.

We are engaging in outreach efforts to encourage fleet operators to partner with us in deploying this technology because we need to test drive it with them.

Senator CAPITO. Right.

Secretary CHAO. Also, we are distributing updated guidelines to States' departments of transportation regarding how they might use their grant dollars for, you know, DADSS technology deployment.

Senator CAPITO. I appreciate that.

Secretary CHAO. All of this is ongoing.

Senator CAPITO. Yeah, I mean, you mentioned safety first, and obviously, the attribution of alcohol to many of accidents and deaths on our highways is way too high, so I am glad to be working with the Department, and thank you for your work in this area.

Thank you, Madam Chair.

Senator COLLINS. Senator Coons.

Senator COONS. Thank you, Chair Collins, Ranking Member Reed, and thank you Madam Secretary for joining us today. I have appreciated working with you. And I am grateful, Chairman Collins that this subcommittee has worked in a bipartisan manner to sustain investments in critically-needed infrastructure and transportation programs.

I am sure you will be surprised that I am interested in talking about Amtrak. As someone who is a daily rider on Amtrak's Northeast Corridor, I have a deep appreciation for it and concern about it. And, when Congress created Amtrak, our goal was to provide efficient and effective passenger rail service, and I am reminded daily of the challenges of our growing repair needs.

If we invest in passenger rail, we can connect more industries to jobs, address highway congestion, speed up trade, and grow our economy. So, I was encouraged, Madam Secretary, to hear your updates about the Gateway Project in New Jersey and New York, and FRA.

But, more broadly, my concern here is that this budget slashes Amtrak's funding and walks away from its mission by cutting funding more than 50 percent and zeroing out a Federal partnership for State of Good Repair investments when we have a \$38 billion maintenance backlog.

So, share with me for a moment, if you could, about how those fairly significant cuts in this otherwise very robust transportation package will impact Amtrak maintenance and operation of the current lines. And, how do you expect that Amtrak will make up these significant cuts?

Secretary CHAO. Well, I am a traveler, a passenger, on Amtrak, as well.

Senator COONS. We invite you to stop through in Wilmington, Delaware anytime you would like. It is a great city.

Secretary CHAO. Been through it many times.

Senator COONS. I know.

Secretary CHAO. Thank you.

The President's budget actually requests nearly \$1.5 billion for Amtrak. It is \$500 million less than the level last year, but it is also a reflection of the great job that the president of Amtrak, Richard Anderson, has done to increase the profitability of Amtrak.

It was always the hope that Amtrak would be able to achieve and sustain overall profitability. And, for the first time ever, Amtrak is now nearing a positive number in terms of profits.

The Northeast Corridor continues to be robust. It generated about \$568 million in operating earnings last year, so Amtrak as a whole is on track to break even operationally. Amtrak currently carries a balance of \$1 billion in cash and investments that can be used, that can be tapped, for its capital needs and for its other needs, as well.

I think the greater discussion actually is the long-distance route, and I am sure for some of your other Members who are involved, they would be more interested in that. I think that is a longer discussion.

Senator COONS. Correct, and I would welcome a chance to have it. I agree that Amtrak has always been a balance between the Northeast Corridor and the long-distance routes, making sure that we are expanding access to a broader range of Americans, but the specific thing I was pointing to was the State of Good Repair backlog. I would welcome a chance for us to talk further about how we deal with this as there is a transition to a new CEO.

Secretary CHAO. Of course.

Senator COONS. Wilmington, Delaware plays a central role in maintenance and in upkeep and repair.

Secretary CHAO. Yes.

Senator COONS. We are home to a number of critical Amtrak facilities. And, as we move to a new generation of train sets, I am really optimistic that Amtrak will continue to recognize the great workforce and the centrality, the point that we are at on the Northeast Corridor, and the way that we can contribute in Delaware to the long-term health and viability of Amtrak.

Let me turn to two other points, if I might. On the INFRA Grant Program that the chair spoke about is an important financing tool for railroads and bridges and highways, and her support on this has been critical. I just want to call your attention to the Delaware delegation support of the Delaware DOT's INFRA Grant application, which would improve safety and traffic operations on highways.

I want to draw your attention to a tiny little program. In the President's budget, it is just \$1.5 million, but it was intriguing to me and something I would love to work with you on. It is for a new FAA initiative around STEM, aviation, and space programs for K through 12 students. We have a huge shortage, current and emerging, of both maintenance technicians and airline pilots that will keep growing if we do not recruit the next generation of talent.

In Delaware, we actually have a strong civil aviation community, both manufacturing companies, non-commercial airports, and outstanding post-secondary aviation programs. Delaware State University is the only HBCU in America with an aviation program. It has a dedicated airport, it has a dedicated fleet for training, and I think it could do a lot to produce America's next generation of trained professionals.

So, I would love to talk with you about that. I would love to have you visit Delaware to look at some of our significant opportunities here. And, I would like to suggest back that I would be happy to

work with you and the Administration on strengthening the appropriations, particularly if it goes beyond just K–12 and connects to the post-high school educational opportunities that are necessary to build the next generation of aviation leaders.

Thank you, Madam Secretary.

Secretary CHAO. Being the former Secretary of Labor—I am very cognizant of the workforce needs, and I would be very pleased to work with you on that.

Senator COONS. Yes. Thank you, Madam Secretary.

Senator REED [presiding]. Madam Secretary, the chairman has gone off to vote, and I will now begin the second round, and I will be asking lots of questions until my colleagues arrive, so thank you very much.

We have touched on this before with respect to the FAA, and that is the Joint Authorities Technical Review Team found that the FAA was constrained by a lack of experienced engineers and recommended that obviously the workforce be enhanced and certified and enlarged, also.

To that end, last year we provided an initial investment of \$6.8 million for the hiring of additional safety staff while FAA finalized its workforce assessment. Your budget has a conservative estimate of a projected need of 236 positions, and yet only requests \$10 million to hire an additional 50. I am concerned at this rate, we will be 5 years until we even hit your conservative hiring need. So, when will the FAA be able to finalize its workforce review so we can make a more informed decision on funding these critical positions?

Secretary CHAO. Well, it is an important issue, and I am glad you brought it up. Thank you.

The FAA is actually assessing all of the recommendations, including the ones from a special committee that they had set up on the Boeing MAX issue, and they are developing an action plan and initiatives to respond to a number of these reviews.

I have asked the FAA to provide me with their action plan by mid-April to address the recommendations of the special committee, and also enhance aviation safety, as well. The additional \$50 million, that includes staffing within the FAA's Aviation Safety Organization, and it is supposed to operationalize the recommendations and ensure successful execution.

I believe that they think it is sufficient, but I will ask because you have asked me as to whether they have taken a complete, comprehensive look as to whether additional resources and hirings are necessary.

Senator REED. Thank you very much, Madam Secretary.

We received some news over the weekend, reports that pilots who received additional training proposed by Boeing as part of the 737 MAX recertification process, experienced difficulty with emergency procedures, the autopilot, and the emergency checklist during testing in December. In a total reversal of policy, Boeing announced in January that the company now supports simulated training for all pilots prior to resuming flying the aircraft.

I am pleased to see that the FAA is likely to take a hard stand to ensure our pilots have the training they need for the 737 MAX, which seemed to be clearly insufficient in the initial certification of

the aircraft. When do you expect to have a final determination of the pilot training requirements for the 737 MAX?

Secretary CHAO. That is a decision that FAA has to make. We have been in discussion about it. I know FAA has been talking about it. FAA Administrator, Steve Dickson, has actually taken a simulation run himself, he being a pilot. Currently, there are constraints, but we need to address all of those. For example, are there enough simulators? How many pilots do we have to be trained? How are the airlines going to manage this process? These are questions that are being addressed.

But, clearly, FAA is working to increase and to return confidence to the traveling public regarding the Boeing MAX 800 and 900.

Senator REED. Right.

Secretary CHAO. This is a step that may be very necessary to help restore trust.

Senator REED. That obviously makes a great deal of sense.

And, you mentioned an issue that I think will be a significant one, and that is the capacity for simulator training. These are very expensive devices, and one gets the impression that there were cost considerations initially in not recommending the simulators. That is an impression. I don't have evidence.

Secretary CHAO. Clearly not on our part.

Senator REED. Not on your part. But, what I would stress is that the FAA and the Department of Transportation should, and I think you will, take the position that the training is critical. The cost of these systems is going to have to be borne. But, we cannot operate these aircraft without well-trained pilots, so this issue raised of adequate simulators that should not be the constraint.

Secretary CHAO. It is not a cost constraint. It is more a capacity constraint.

Senator REED. Well, which becomes a cost constraint when you build more simulators.

Secretary CHAO. But safety is our number one concern.

Senator REED. Thank you very much, Madam.

Secretary CHAO. And we have discussed this at length, and we are—I am not sure I can tell you what we have decided at this point, but we are very close to a decision, and I think we are not far apart at all.

Senator REED. I thank you, and I concur. I think for the public, confidence that the pilot, he or she, is the best trained possible is just as important as the technical specifications of the aircraft. Thank you.

Senator Boozman.

Senator BOOZMAN. Thank you very much. And thank you, Madam Secretary, for being over here and we appreciate all of your hard work and all of things that you are accomplishing in a variety of different ways.

I just want to take a second. I know you are busy, and then also we have a vote, so we have to—that is the only thing we have to do around here.

I just want to mention a couple things, though. The Contract Tower Program that is something that is a great public-private partnership, as you know, and it has been so, so very successful.

Secretary CHAO. Right.

Senator BOOZMAN. So, again, I just want to emphasize the importance of that, and if there is any way we can work with you in that regard to protect that and strengthen it.

And, then, the other thing that is the Essential Air Service. I know that the President's budget has eliminated that, but that is something that really is important for our rural States, our rural communities. If you don't have air service, it is really difficult to go forward. So, if you would just look at that and see if we could work with you on that, that is something, again, that is really, really important. It is a great boost to our economies. We are blessed right now with healthy economies.

So, again, thank you so much for all you are doing, and we would love to work with you on those two areas.

Secretary CHAO. Should I answer that?

Senator BOOZMAN. You can answer that.

Secretary CHAO. For fiscal year 2020, the President's budget actually requests \$172 million for the Contract Tower Program. We are in support of the Contract Tower Program. FAA expects that this \$172 million fully funds all towers participating in the program.

And, the FAA has been actually looking at accepting new applications, and four have been submitted as of June 1st, 2019. Cost-benefit analyses have been conducted. And, since then, the FAA has received six additional applications, all of which are being evaluated.

Regarding EAS, the President's budget actually requests \$141.7 million for Essential Air Service. We understand how important it is. But, the Administration would like to see some changes to this program.

Senator BOOZMAN. Right.

Secretary CHAO. For example, limiting EAS eligibility to communities currently receiving subsidized service; providing additional flexibility by increasing the subsidy cap from 200 to 250 per passenger for communities located within 210 miles from a large hub; but then also eliminating the opportunity for waiver from this requirement, as well.

So, there are things that we are concerned about, as well. But, overall, I think under my tenure, I have consistently fought for—

Senator BOOZMAN. Very much so, and I appreciate that. And I apologize for misspeaking since it—

Secretary CHAO. Not at all.

Senator BOOZMAN. A little reduction. But, like I say, we would be glad to work with you on that, and we do appreciate your support in that area. Thank you very much.

Secretary CHAO. Thank you.

Senator REED. On behalf of Chairman Collins, let me recognize Senator Hoeven for his first round.

Senator HOEVEN. Thank you, Ranking Member Reed. And I want to thank Secretary Chao for being here. I appreciate you, appreciate your work, and all the things that you have done to help us, including coming out to Fargo and seeing some of the things that we are doing in unmanned aviation, and we absolutely need to get you back. I don't think we have had you at the Grand Sky Technology Park yet; have we?

Secretary CHAO. No.

Senator HOEVEN. We had you in Fargo for a UAS summit. But, we have some amazing companies in the technology park on the Grand Forks Air Force Base doing R and D and test flights for unmanned aviation. It is really fantastic. We would love to have you come back sometime. You were a huge hit in Fargo. I know you would be a huge hit in Grand Forks, as well.

Along those lines, we appropriated \$6 million in 2019 for UAS research, and then another \$6 million in fiscal year 2020 for UAS research. The idea is that we would do it on—put those funds out there on a matching basis to do R and D and develop programs in UAS.

Secretary CHAO. Right.

Senator HOEVEN. That money, you know, is going out, but, you know, it has not gone out, and I just kind of—fully, and I just kind of want to know, you know, where FAA is in terms of actually releasing those funds, getting them out for that research and development program.

Secretary CHAO. As you mentioned, FAA has awarded two contracts. They are not grants; they are contracts. They have different—

Senator HOEVEN. Right.

Secretary CHAO. They have to go through the procurement process, and there are different rules and regulations.

On the \$6 million, apparently we are going to be issuing a second call for proposals for the remainder of the \$6 million, but I will check on that for you. I thought we made a lot more headway than you are seemingly indicating to me.

Senator HOEVEN. Well, and we increased the funding, too. I think you all had \$3 million in your budget. We increased that to six; then we added another six in fiscal year 2020, which is more recently.

Secretary CHAO. Okay.

Senator HOEVEN. So, I mean, it is a really good thing. It is a match fund. It will create leverage. But, I know FAA is getting the programs up and running, so I would just encourage them to keep working on it.

Secretary CHAO. I will look into that.

Senator HOEVEN. You have been a real champion of UAS, and I appreciate that.

Also, I need to thank you for help on the Theodore Roosevelt National Park road. I don't know if you have anything to add here, but the National Park Service's work with your DOT people.

The Theodore Roosevelt National Park is scenic and beautiful, and we have what is called the Scenic Loop that goes around and bison come up, right up to the car, and you can see elk and, you know, all kind of mountain lions and wild horses. All kinds of stuff. It is pretty great. Almost as good as Montana and—I shouldn't say that. Like the great things you see in Montana. It is really fabulous.

But, the road slumped and we needed it fixed. You all I think have expedited the fix, and it is very important we get that done because we cannot enjoy the beauty of that great park. They hope to have a temporary fix in place by the end of the year.

And, so, just any thoughts you have on continuing to expedite and get that done with the season coming up. We want to make sure our people can—you know, the many, many visitors that come to the park can enjoy it, and that is necessary so that they can.

Secretary CHAO. Thank you for bringing it to my attention.

Senator HOEVEN. And your help has been there. It is great. It is just, you know, again, keeping them moving to the best that we can.

The State of Washington had passed a law recently not allowing us to move our Bakken crude through on rail, and the Sandia study that was done recently shows that the Bakken crude is no more volatile than—because we condition it now, as well, so our—although it is like sweet crude, the best crude anywhere, it should not be treated differently than any other crude oil that is being hauled through the State of Washington for export to, you know, the Pacific Rim and other places.

Obviously, DOT, and with your regulatory authorities over surface transportation, that has been an important issue. I would ask for your thoughts on that.

Secretary CHAO. As you mentioned, PHMSA, which is part of the Department of Transportation, with the Department of Energy, jointly did this comprehensive study with Sandia National Lab on how vapor pressure apparently affects transportation risk. And, apparently, the study concluded that there is no direct link between vapor pressure and intensity of the potential hazards. So, they are working jointly on a report to Congress, and we hope to transmit it soon.

Additionally, I know that we are working diligently to make a final decision on the Washington State preemption petition submitted by North Dakota and several other States, as well, so we hope to make a final decision on that pretty shortly.

Senator HOEVEN. We have been holding the Hours of Service and the Electronic Logging Data Recorders for livestock haulers. We have been holding that legislation in order to provide those livestock haulers flexibility, because they have live animals in their trucks, while we are working to get sufficient flexibility in the Hours of Service and the Electronic Logging Device laws and regulation that work for our livestock haulers. So, that is why in our Appropriation Committee, we have been holding that.

But, I have bipartisan legislation with Senator Bennet of Colorado that would essentially direct you, the DOT, to work with USDA to come up with regulations that work for hauling livestock. And, so, I am trying to get that bill passed, and we just ask for your thoughts on that approach because, again, it really puts you and USDA in charge of figuring out how to do this commonsense wise.

Secretary CHAO. We actually have a notice of proposed rule-making on hours of service overall. This is an issue which many rural members have brought to us, and so we are very cognizant of it. We want to be responsive, so, I will connect both our staffs to work and talk about all of that.

Senator HOEVEN. And I just beg the indulgence of the Chair. Last question. I know I am just over my time here.

But, with Senator Wyden, I have another bipartisan bill, the Move America Act. And, as we work on the transportation bill, essentially this provides tax credits and tax exempt bonds to draw the private sector and private sector funding into the equation so we have more dollars for transportation.

It has about an \$8 billion cost, but if we made that part of the highway bill, that \$8 billion leverages \$226 billion in additional private investment we could bring in to invest alongside the public sector dollars. And, you know, the big challenge with getting that highway bill done is adequate funding, and this would be a way to help really leverage our funding. So again, I would ask for your thoughts and support for that legislation.

Secretary CHAO. I look forward to discussing it with you. Thank you.

Senator HOEVEN. Thank you, Secretary.

Senator COLLINS [presiding]. Thank you, Senator.

Senator Daines, Senator Murray has graciously agreed to have you go before her.

Senator DAINES. Thank you, Senator Murray, and thank you, Madam Chair.

Secretary Chao, we appreciate the Administration recognizes the fact that transportation in rural areas like Montana functions as a lifeline for our farmers, for working families, for seniors, for veterans, individuals with disabilities, tribal members, and others, and we would love to have you come out to Montana. And, I will show you that Senator Hoeven is from a great State in North Dakota, and Montana is a great State, as well.

First of all, I am a strong supporter of this Contract Tower Program. I still remain concerned about the very unique situation at the Bozeman Airport. In fact, it is the airport I fly out of virtually every week. It is my hometown since 1964. It is the fastest growing micropolitan in the United States. So, we have a lot of people moving to Bozeman. There is a vibrant economy. It has an amazing quality of life. We are close to Yellowstone National Park, great skiing, fly fishing, and so forth.

In just the last 2 years, air traffic has increased 29 percent, and the airport pays out of pocket for this additional tower staffing—the only one in the Country. I continue to believe that these costs should be reimbursed by the FAA.

I know that you, Madam Secretary, and I, we have had several positive exchanges on this issue. My office, as you know, has hosted discussions with both parties, but there still seems to be a disconnect. In fact, for the last several years, both the FAA and Serco have been pointing fingers at each other, and the Bozeman Airport sits there just holding the bag in this finger-pointing fight.

My request of you, Madam Secretary, would you commit to help resolve this before the contract is renewed at the end of June?

Secretary CHAO. I have been trying to resolve this and hoping that I would even have a solution today, or some indication, but it is a lot more complicated. So yes, of course, I would be very happy to speak with you.

Senator DAINES. Thank you.

Secretary CHAO. And also with the entities there on how we can resolve this.

Senator DAINES. Right. It would be helpful. And if you were to come to the Bozeman Airport, you would see there is a major expansion project going on. We have had a lot of expansion, yet another one in place, and so we would appreciate your help in getting this resolved.

I want to switch gears to an issue of Helena, which is just north of us, our State capital. In the last several appropriation bills, as well as the 2018 FAA re-authorization, I secured language to ensure that the Helena Airport would receive an approach-control radar. Again, this is our State capital. To this point, there has been no movement. I wonder if you would be able to provide an update either here or soon as to the status of Helena receiving that equipment or some other similar technology.

Secretary CHAO. I would be glad to give you an update. Apparently the cost implications are large. Each radar can cost \$30 million. But, on top of that, there would be annual recurring operational costs, as well. So, once again, I understand how important this issue is to you, so I would be pleased to discuss also how we can address this issue.

Senator DAINES. Thank you. And again, it is our State capital. There is a lot of important aircraft coming in and out of our State capital, and we would appreciate your help on that. It would be it would go a long ways.

My last issue is electronic logging devices. I remember when we were standing together there in October in the White House with President Trump and I had one of my Montana ranchers from Miles City with me, Fred Wacker. He was there for that important Japan trade deal because of the important role it plays in helping our cow/calf producers in Montana, lowering tariffs on beef in one of our most important beef export markets in Japan, and we happen to spend some time, which I greatly appreciated, and Fred Wacker thanks me for your time. You were so gracious to talk to him about ELDs, in fact.

As you know, this exemption, the ELD mandate, for livestock haulers was extended through September of 2020, and I appreciate you working with me on this issue. As I travel around Montana, as I see Montanans when they come to Washington, D.C., boy, this is a top issue for them right now, virtually from edge to edge in my State.

Can you commit to continuing to work with our farmers, our ranchers, our ag stakeholders, others in the transportation business, to ensure that they have appropriate flexibility that is workable regarding the ELD mandate and this hours-of-service issue?

Secretary CHAO. Yes. The short answer is of course. The issue is that these two issues, the ELD compliance and hours of service are intertwined, and sometimes it gets a little confusing.

Regarding ELD compliance, about 99 percent of inspected vehicles are in compliance, so this is actually not a big issue. But, I am hearing that it is with your constituents, so of course I will pay attention.

The second thing, also the larger issue, is the hours of service, which we are addressing through a notice of proposed rulemaking.

Senator DAINES. Yeah. The issue we have with these is ranches out in extreme corners of rural Montana, and it is just a long ways

to get from there to a packing operation in Nebraska, as an example. And when you have a truck full of cows and you have to stop, it is a real problem for us.

So, anyway, thanks for your commitment. Thanks for the extension. We appreciate that, and we will keep working with you on this to find a solution here that will put our farmers and ranchers at ease because right now they are pretty anxious about this.

Thank you, Secretary, Chao.

Secretary CHAO. Not at all. Glad to talk to them.

Senator COLLINS. Thank you, Senator, and thank you, Senator Murray for your courtesy.

Senator MURRAY. Absolutely. And thank you, Chairman Collins and Ranking Member Reed. And, Secretary Chao, thank you for being here, as well, today.

As I am sure you are aware, my office has been in contact with the Department regarding an issue with a significant BUILD Grant awardee to one of my constituent ports last year. And, first and foremost, I really want to thank you and your staff and the staff of MARAD for being very direct and transparent with my staff, and for showing flexibility in what appears to be an incredibly unique set of circumstances.

In my experience, projects that are awarded under BUILD and its predecessor, TIGER, and similar large-scale infrastructure investment programs are really quite complicated. Consequently, it has been common practice for the Department to work with grant recipients to refine the grant scope so long as it remains in furtherance of the intended project.

Now, Congress has provided the Office of the Secretary considerable discretion under the BUILD Program to make sure projects are afforded the flexibility necessary within the program guidelines to achieve project completion so long as the intent and the goals of the project remain intact.

In an effort to remedy the issue at this port, the port in question has, at the Department's request, submitted a white paper this week, detailing the steps that they are going to take to preserve the larger intent and underlying goals of last year's grant award.

I wanted to ask you, Secretary Chao, if you have personally reviewed, or will you review, the white paper that the port has now submitted to your Department?

Secretary CHAO. I am very much aware of this issue, and I had hoped that I would have a resolution or a good answer for you.

But, clearly, the Department thought the project was noteworthy and meritorious, which is why it awarded the \$15 million. But then, after awarding the grant, the Department determined that there was no remaining eligible costs for the grant to fund. We went back to the Port of Everett and asked them to come back with what they think are eligible costs to be funded.

So, the Department is working, I think, very responsively and cordially with the port to see how we can resolve this issue. We are trying to make it work.

Senator MURRAY. I appreciate that. And I know there has been miscommunication and everyone is trying to work, and all of you are trying to work to resolve this. So, I hope you and your Depart-

ment can continue to work with us on this issue that has a really serious impact.

Secretary CHAO. Of course.

Senator MURRAY. So, I appreciate that very much. I will have some additional questions on that, but I hope that we can personally keep working on this.

Secretary CHAO. We just received the documentation, so we appreciate it.

Senator MURRAY. Okay.

Secretary CHAO. We are evaluating it right now.

Senator MURRAY. Great. I really appreciate that. Thank you, and to all the folks working on this.

The second one, you will not be surprised. I want to ask about sexual assaults on airplanes, as I always do. But, I understand that the FAA Sexual Assault Task Force is finally finalizing its report and its findings, and I really do appreciate your continued engagement on this issue as it is a devastating and ongoing problem that I know your Department is taking seriously.

I have been very focused, making sure that survivors are heard and listened to throughout this process, and I just wanted to ask you if you could tell us how some of the listening sessions—how some of the survivors were taken into that process during the listening sessions.

Secretary CHAO. Well, I think you deserve a lot of credit. You have singlehandedly brought focus on this issue and kept it in the forefront of everyone's attention.

We have tracked the task force very carefully. They have held meetings in April, May, June, July, and September of 2019. And, you had wanted firsthand accounts, and we have actually made that happen. And I think it has actually enriched the process.

The task force has heard firsthand accounts from those who have experienced incidents of sexual misconduct inflight, and we have also discussed training, data collection, passenger awareness campaigns and reporting protocols in light of the information shared by the survivors.

Also, in October and November 2019, the task force had telephone conferences to discuss the contents of the report that it is preparing. The task force report will contain recommendations on best practices related to, again, training, reporting, and data collection regarding such incidences. The task force is currently working towards submitting a public report of its recommendation. And, of course, before that, I will get a report, as well.

Senator MURRAY. Okay. I appreciate that. And my understanding is that final report will be to us by April 2nd?

Secretary CHAO. I was not given that date, but it is very shortly.

Senator MURRAY. Okay.

Secretary CHAO. It may very well be April 2nd. I just was not given that date.

Senator MURRAY. Okay. We have been told that. If it is that or something else, can you let us know?

Secretary CHAO. Of course.

Senator MURRAY. And I would really appreciate it if your staffs would brief mine and anyone else who is interested in that and how the implementation of the plan, once it is recommended, is

going to be done. And thank you for you and your Department for really focusing on this. I appreciate it.

Secretary CHAO. Thank you.

Senator MURRAY. Thank you, Madam Chair.

Senator COLLINS. Thank you, Senator.

Senator Murphy.

Senator MURPHY. Thank you much, Madam Chair. Thank you for being here, Madam Secretary. I am going to spend my brief time talking about the same topic that you and I have had dialogue about in this committee in this setting before, and that is the Northeast Rail Corridor.

I will just express my disappointment once again that the President's budget dramatically under-invests in the Corridor. It proposes some very significant reductions in funding; halves the allocation to the Northeast Corridor into the National network, and eliminates—proposes eliminating the State of Good Repair Grants. This would all be pretty devastating to our ability to keep the trains running on time in the busiest section of rail in the Country, vital to Connecticut's economy.

But, I did want to have another conversation with you here today about a couple projects in particular that have to happen in order for us to unlock the economic potential of our region, and that is the Portal Bridge Project and the new tunnels under the Hudson River.

First, some good news. The Portal Bridge Project is now rated highly enough that it is now eligible for capital investment grant funding. That was not the case, I think, last time that we spoke. Is that your understanding, as well?

Secretary CHAO. I actually paid a compliment to the State of New Jersey. They did a very nice job in working their plan.

And, so, this evaluation, as you well know, is all done by career folks, and so the State of New Jersey has rightly earned the medium-high rating, which will allow it now to be considered to go into engineering. And FTA Administrator, Jane Williams, has been talking with them about the details, about the next steps forward.

Senator MURPHY. And then less good news with respect to the Gateway Project and the Hudson River tunnels, I watched your House testimony with interest, in which it seemed to be that you were suggesting the repair of the existing tunnels could be an adequate alternative to the building of new tunnels. No? Okay.

Secretary CHAO. Simultaneous.

Senator MURPHY. No, go ahead. I am glad to have you clarify that for me.

Secretary CHAO. I listen very carefully to Members of Congress. We want to be responsive, and clearly there has been concern about safety on the existing North River Tunnel. Hudson Tunnel is actually the name for the new tunnel.

Senator MURPHY. Right.

Secretary CHAO. And, so, the North River Tunnel, because of the damages sustained during Hurricane Sandy, needs to be looked at. And, certainly members who have traversed the theater car who have looked at the Amtrak tunnel have seen areas where repairs are necessary.

But, the current plan is puzzling because it calls for construction of a second tunnel, the Hudson Tunnel, which will take 7 to 10 years to build. So, we are suggesting and recommending—we have been working with Amtrak—that we need to address this, the repair portion of the North River Tunnel, the existing tunnel. That is totally separate from expanding capacity through new future construction of a separate Hudson Tunnel.

So, those are two concurrent projects. We are addressing the North River Tunnel from a safety point of view, which everyone has been telling us is so important. Which we also believe, as well, that we need to be addressing this safety aspect. How do we rehabilitate and repair the existing tunnel while expanding the capacity for the new Hudson Tunnel, which also is not a project unto its own. The ability of the Hudson Tunnel to be expanded will depend on Penn Station. You know, Penn Station has to be expanded, as well.

Senator MURPHY. Right. So, I think we viewed the projects together. We had hoped to be started on Gateway years ago. And because there will be serious service interruptions if you—

Secretary CHAO. Well, we hope not. That is what we are trying to find out. So, we are actually talking with Amtrak, and we are also—forgive me for interrupting.

Senator MURPHY. Yeah. I want to ask one more question, which is why we are going to have to work very closely together to make sure that there are not serious service interruptions.

Secretary CHAO. I would not want that either.

Senator MURPHY. There are 450 trains going through those tunnels every day.

Secretary CHAO. Absolutely.

Senator MURPHY. Lastly, one of the things that is necessary in order to get moving on the new construction is an EIS, and the EIS has been pretty significantly delayed. You gave testimony last June that there were—95 processing steps had been completed and that there was about 27 left to go. And, yet, from what I understand, we don't have any update on the timetable for when that EIS is going to be completed. And, as you know, many of us believe that there has been a number unjustifiable obstacles put in the way of the Gateway Project, and this is one of them. So, is there any update on when the EIS is going to be done? It just is taking an enormous amount of time.

Secretary CHAO. I think the focus on the EIS is misplaced because the larger issue is whether the Hudson Tunnel is available, eligible, for funding, for CIG funding. It is not. So, for us to talk about the EIS is putting the horse before the cart. The whole issue is whether this project is able to attain the rating, which New Jersey has been able to now attain for the Portal Bridge, which the Hudson Tunnel project has not been able to. It is still a medium-low.

Senator MURPHY. Does that mean you are holding back the approval of the EIS pending resolution of the other issue?

Secretary CHAO. No, because it is all connected.

Senator MURPHY. Why is it connected?

Secretary CHAO. Because the funding—

Senator MURPHY. Why not just do the EIS and complete it so that it is ready to go if we have a solution on the financing?

Secretary CHAO [CONTINUING]. Because the funding and how it is done and the route and all of that impacts the EIS statement.

Senator MURPHY. So the EIS statement won't be approved until the financing question is settled?

Secretary CHAO. They are not two segregated activities. At least until the rating improves. The funding is different from the rating. Until the rating improves, we do not know what this project will look like. EISs are pretty detailed and very specific and it is subject to litigation risk all the time because it is so detailed.

Senator MURPHY. I don't know how it is—okay. I don't know how it is related to the financing of the project. The financing is different from the construction. I think that is news to people who are working on this, but I would be happy to follow up. I know I am over my time.

Secretary CHAO. And if I may just ask also, on the issue about the safety of the North River Tunnel, we are basically hoping not to disrupt the service.

And, we are actually going to take a page from Governor Cuomo's playbook in asking the Columbia Engineering School and the Cornell Engineering School to look at how we can address rehabilitation and repair.

He was able—the Governor was able to be very successful in tapping those two expert resources to take a look at the Canarsie Project. So, we want to copy his example and see whether we can tap those two skilled, expert resources—Columbia and Cornell—to see how we can take a new look at repairing and rehabilitating the North River Tunnel. Because from a safety point of view, we are all concerned about that.

Thank you.

Senator COLLINS. Senator Alexander.

Senator ALEXANDER. Thank you, Madam Chairman. Madam Secretary, welcome. It is good to see you. I think I saw you across the room at the Garth Brooks event last night, which was a nice occasion.

There is a lot of talk in the Senate this week and in Washington about conservation issues, National Parks Land and Water Conservation Fund. Senator Manchin is right in the middle of all of that. Senator Collins has been, as well.

I would like to focus on one part of that. There are \$12 billion in deferred maintenance backlog in our 419 National Parks. These are the broken toilets and the roofs that are leaky and the campgrounds that are closed. It is the National Mall, for example, and a variety of other treasures in this Country, and we are working on ways to reduce some of that deferred maintenance backlog.

But, what a lot of people do not know is that in your Department, there are three programs that has jurisdiction over transportation projects in our National Parks, and about one-half of the deferred maintenance backlog in the 419 National Parks is roads. So, if we didn't have to deal with that, we would have half the problem we have today.

But, I would like to just remind ourselves and you of the importance of those three programs—The Federal Lands Transportation

Program, the Federal Lands Access Program, the Nationally Significant Federal Lands and Travel Projects Grant Program—and give you an example of how a relatively small amount of money—when compared with talking about bridges into New York City or Connecticut or other major transportation projects even in Memphis, a relatively small amount of money in these three programs can make a big difference in the National Parks.

Let's take this example in the Great Smoky Mountains National Park. Now, they have 11 million visitors every year, the Great Smokies. That is three times as many as Yellowstone. That is more than any National Park in the Country.

But, one of the campgrounds that is near where I grew up at Look Rock has been closed for 7 years because of unsafe roads, broken picnic tables, uneven camping surfaces, leaky toilets. Secretary Zinke visited it 2 or 3 years ago. They said it would cost \$3 million to open it. The Park Service came up with \$2 million, but then the Federal Lands Transportation Program that you administer came up with nearly \$1 million to fix the potholes and repave the roads.

As a result, the campground that has been closed for 7 years, that 5,000 families used to enjoy every year, camping with a wonderful view of the Great Smoky Mountains—this is on the Chilhowee Mountain Range, which is at about 2,000 feet, and you can camp there and look at these largest mountains in the east that are 6,000 feet high. Because of the Federal Land Transportation Program and the \$1 million you allocated, that campground will be open later this year.

So, the whole purpose of my comment is to acknowledge the decision that you made to spend \$1 million on road access to a closed National Park campground, and to remind you and some of us are involved in a—well, we are all involved in appropriations—that these relatively small programs, like the Federal Land Transportation Program, can be a very great help to our National Park System, which has \$12 billion in deferred maintenance.

Even if the bill that Senator Manchin and I and Collins all support passes, we will still have \$6 billion in deferred maintenance, and half of it at least will be roads. So, I just want to underscore the importance of those three programs, and thank you for what you did to reopen the Look Rock campground.

Secretary CHAO. Thank you for, once again, reinforcing the importance of this project. Thank you.

Senator COLLINS. Thank you very much, Senator Alexander. Senator Feinstein?

Senator FEINSTEIN. Thanks very much, Madam Chairman.

Madam Secretary, if I may, you, of course, and I guess all of us have heard about the helicopter that crashed and killed Kobe Bryant and eight others recently in California. The event was made worse when I learned that the National Transportation Safety Board had recommended to the FAA that helicopters similar to the one that crashed be equipped with a Terrain Awareness Warning System, but the recommendation had gone unheeded since 2006. I don't understand this, and I am really concerned that there are other NTSB recommendations that are not being heeded in a timely manner.

So, here is the question. On what basis does the Department of Transportation accept these recommendations? Have you reviewed their latest wanted list, such as the recommendations on collision avoidance systems and occupant protection? What are we going to do to prevent this from ever happening again?

Secretary CHAO. I share your concern. Tragedies like this are indeed tragedies, and we should do everything we can to prevent them from happening. In fact, I went to the closing ceremony of the Beijing Olympics in 2008. Kobe Bryant made our Country proud by leading the team that won that medal.

We always strive to comply and to follow the recommendations of the NTSB. A lot of times—and this is no excuse—the ability of our organizations to respond in a timely fashion is outstripped by just sometimes the capacity of ability to respond. So, on the particular one, I will take another look at it. We do have a whole list. We do try our best.

Senator FEINSTEIN. Well.

Secretary CHAO. I will say to you that we are—go ahead.

Senator FEINSTEIN. Let me narrow it. It seems to me that a helicopter or any air asset in commercial service should have a collision avoidance system. That should be mandatory. If they are going to rent these out or take passengers on or charter them or whatever they do, wouldn't this be a reasonable thing that the Federal Government should require of an air vehicle in commercial service?

Secretary CHAO. One would—you would think so, and I don't know enough about this, so I will take a look.

Senator FEINSTEIN. Would you take a look?

Secretary CHAO. Yes, absolutely.

Senator FEINSTEIN. And if there is anything we can do, Madam Chairman, I think we should. It just doesn't make any sense to me that eight people rent a helicopter and there is no collision avoidance system on it. And I guess because of the stardom of Kobe Bryant and his loss, now it is on the front page. But, these vehicles are still flying without collision avoidance systems, and particularly in California where you have thick fog layers that are often quite deceptive. It is very difficult for me to understand why that isn't an automatic requirement.

Secretary CHAO. And I don't have an answer for you, and I will get an answer for you.

Senator FEINSTEIN. Would you look at it and let me know? Because I have a real interest in it, and I think we ought to do it. And if it takes legislation, we should do that, too. But, it is hard for me to understand that something in commercial service won't have that in a State that has the hills and mountains and valleys that we do. So, I would very much appreciate that.

Secretary CHAO. I will do so.

Senator FEINSTEIN. Secondly, I would like to thank you for your leadership regarding the Boeing 737 MAX 8 accidents in the last 18 months that killed 346 people in Ethiopia and Indonesia. It was made clear that it was appropriate to ground those Boeings as more reports have surfaced.

My question to you is this. How should the FAA ensure that engineers are reporting in a chain of command where there is enough oversight by the agency over employees of Boeing to ensure public

confidence in the FAA aircraft certification process? Right now I think that confidence is lost.

Secretary CHAO. We had just talked earlier about how devastating the recent tragedies have been, not only, of course, to the families and loved ones of those who were lost, but also on the FAA community and the City of Seattle, who have been personally struck, as well.

So, the issue then is on the whole—number one, we always focus on safety. That is an organizational culture. It is a core value that must be emphasized again and again, and we want to make sure that the organization is open and encouraging of dissenting points of view, and that is part of the management of a large organization like this, as well.

On the certification of the aircraft itself, it was following a process that had been decades in the making. Clearly, in the light of these two tragedies, I have appointed and initiated IG reports, reviews, as well as establishment of a special committee. FAA has also established two new committees. And, I think these committees and their findings are giving us a renewed look as to how we need to improve so that such tragedies don't occur.

Senator FEINSTEIN. Well, I thank you for that, and I certainly want to do anything that an individual senator can do to help. I am very concerned that there were two big accidents with 346 people being killed in these two planes, and it is clear that it was appropriate to ground the 737 MAX.

Now, I understand that more reports have surfaced regarding the FAA certification process for the MAX. Is the Department looking at that?

Secretary CHAO. We are looking at everything, which is why these planes have not been ungrounded.

Our budget requests \$1.5 billion for aviation safety. We have asked for an additional \$37 million to establish a new office of ODA certification process with specific attention to what happened with Boeing 737s.

Senator FEINSTEIN. Are there any findings so far that you can share with us?

Secretary CHAO. Well, I don't mean to trivialize—I say this very carefully.

It is a very complicated system. There are lots of interlocking parts. So, it is like your computer. Very small example: You change one part of your computer and you think that you have fixed it, and then you come back and you log in again and you look at everything else, and then some other part has been impacted by the change that you have just made. And, so, this kind of diagnostic analysis needs to be done iteratively on a holistic basis, and it is complicated.

But, the core instruction to the FAA—and they feel this as well—is that the Boeing 737 MAX 800 and 900 will not be ungrounded until the FAA is confident, feels totally assured that this plane is safe.

Senator FEINSTEIN. Good. I very much appreciate hearing that. Thank you, Madam Secretary.

Secretary CHAO. Absolutely.

Senator FEINSTEIN. Thank you. Thank you, Madam Chairman.

Senator COLLINS. Senator Manchin.

Senator MANCHIN. If I could just respond from the flying, and that I do fly as much as I get the chance to. Most of all the planes do have a warning system that comes on automatically if you are below—if you have a flight plan. I am going to wait until the NTSB because I think once the National Transportation Safety Board comes back with their findings, I am pretty sure it is going to be pilot error. He was flying too low and too fast. And even if that warning comes on, when you see it, it comes on and they support, at 180 miles an hour, if he was that low, he didn't have a chance to react. We don't know yet, but I don't—was that Kobe's plane or was it a for-hire commercial helicopter?

Senator REED. It was for-hire.

Secretary CHAO. It was a commercial.

Senator MANCHIN. It was for-hire? So he is commercial. He has to be Part 135, so he probably had to have commercial.

Senator FEINSTEIN. I was talking about commercial.

Senator MANCHIN. Okay. If that is commercial, and he hired it commercially, they have to meet a Part 135, which is basically more stringent than just a normal pilot has to meet in their plane.

Senator FEINSTEIN. I understand it did not have a collision detection system.

Senator MANCHIN. Okay. Well, that NTSB, yeah, they should have. They are not that expensive.

Thank you, Madam Chairman. I appreciate it.

Secretary, it is good to have you here. Probably Senator Capito went over some things I want to go over, but I wanted to reiterate how important it is. Corridor H, which I know you have heard about Corridor H, so you know a little bit about that, it was designated by President Johnson as part of the Appalachian Development Highway System. It came into being because of President Kennedy campaigned in West Virginia in 1960 and saw how difficult the terrain was. And, if it wasn't for President Kennedy, we would have never had I-79 coming down.

So, what they did, we have I-79 coming right down through the middle of the State. You have Interstate 81 over on the Virginia side coming down. The intention was always to connect that so we would have commerce flowing back and forth and we would all prosper from it.

That was 55 years ago and we are still not finished. We have—when I was governor, we put more together at that time than ever before. You all have been kind enough, and we have \$135 million in the last few years. There is \$100 million have been designated for the Appalachian Development Highway System that you all are working on. We haven't seen a plan. We don't know. We have seven—what is it? How many—17 miles is left. That is all we have left in West Virginia. Then we have to get Virginia to hook up on their—into 81.

But, we are closer now than we have ever been. So, if we could see a plan to see what you all are planning and how the Appalachian Development Highway System is recommending that money be spent so the State can match down, maybe we can get this done. It is that important for our State. It truly is because the amount of population you have in D.C./Baltimore metro, you have

more in one corner of D.C. than we have in the entire State. It is the most beautiful drive in the world if you have not been across it. It is gorgeous.

So, we are hoping that you will give us the consideration and attention on that, working with the ADHS. If you can put me in touch with them, we would love to see it.

Secretary CHAO. I am very familiar with this, and Senator Capito also mentioned it, so you two are working on this together.

Senator MANCHIN. We do. And that is what is good about it. We do forget about the political parties. When we have a high-priority value, we both come at it. It is really important for our State.

Secretary CHAO. Just the last 10 percent, and we have the \$100 million, and I promised her that I would get her an update on what is going on, yeah.

Senator MANCHIN. A plan, if you can share that with us.

Secretary CHAO. Because we also do this in conjunction with the State Department of Transportation, as well, obviously.

Senator MANCHIN. Yeah.

Secretary CHAO. We will include them, as well.

Senator MANCHIN. Because they will have to match down on how much they are going to get done with it. I think it is about \$230 million. It is the most rugged terrain. It is 17 miles, goes over a gorge and a cliff down to another part of the State to hook in, and that is the most expensive part of it.

So, I appreciate very much your consideration and your commitment that we get a copy of what your plan may be or how much they are going to be putting towards that.

The other thing, have you heard of the Hyperloop?

Secretary CHAO. Yes.

Senator MANCHIN. The Hyperloop Project we are working on, our State is in the running for that, and we have been very much involved in it. The establishment of the Non-Traditional and Emerging Transportation Technology, or the NETT Council, I think it is something you should be proud of that you all put together. It is a forward-leaning idea in leadership from the Department to encourage innovation in our home. So, we are working on this.

How is the newly-formed NETT Council focused on emerging ground transport that utilizes advanced technology? Have you all gotten that far with it yet?

Secretary CHAO. Well, we had to establish it because new technologies were transcending our modal administration/organizational structure. You know, new technologies, they don't respect how you organize as a Department. Hyperloop, it includes FRA, FTA, FAA, Federal Highways, and so this NETT Council was to work together via a common portal to stakeholders and also innovators, for them to come in and share with us their thoughts and ideas rather than having to understand—

Senator MANCHIN. How are you prioritizing funding research, what direction it goes? Is it going to be for ground? Air? Combination of everything? Or is it going to—

Secretary CHAO. We are not—I don't think we are that far yet. We just established the council. We want it to be again, an easy portal of appropriate access for that community. And, then, the various funding would come from the various modes.

So, hopefully it is not a priority of Federal Highways over commercial space or anything. Each has their own pot of money, so to speak. But, this NETT Council is a mechanism, a vehicle, for integration, intermodalism, that will facilitate coordination among the departmental sub-units, the modal administrators.

Senator MANCHIN. And the final thing real quickly is Essential Air Services. As you know, in rural States, it is vital for us to maintain any type of mobility for our people to be able to have air transportation, and I think you and your team have been working to resolve the problems that we have had with our rural areas. So, if we can work with you all any way possible, if you can tell us where there are concerns you may have, because without it, some of our most rural parts of our State will get no service whatsoever.

Our capital city right now, so you know what Senator Capito and I are facing, we get one flight back home a day, and that is at 8:00 at night. Thirty, 40 percent of the time, it doesn't fly. Something is always wrong, okay, and it is not your fault. So, we are dealing with very, very limited access. And it leaves at 6:00 in the morning. There is no other in-betweens. It is just unbelievable in that.

And, we are trying to attract more opportunities there, so it is essential. When it says essential, it truly is life-essential that we are able to develop and expand out. We have Raleigh County. We have some nice airports. It is just we don't have the air services into them without Essential Air Service. So, we can make sure.

The other thing I just needed to bring to your attention, when a runway is shut down for whatever, we have a situation in Raleigh County, they are trying to make them—I don't know if you all are familiar with it. They are making them pay back money they received for that, and the people were basically—they had to pay. It wasn't like money that the airport kept. The airport was paying for Essential Air Service.

It was not the carriers' fault. It was the airport. It was an act of God. They just could not—the maintenance on it, it was not safe to have them flying in there, but the carriers still had all the costs, and we are trying to get that corrected. It is just a heck of a mess we have right now. If we can get a little bit of attention towards that, just someone look at it sympathetically and see if we can resolve that because it is in a—it is at the Raleigh County Memorial Airport, and we still are in conflict with that.

Secretary CHAO. I just got a little note about Hyperloop. We are actually going to release additional guidance on Hyperloop very shortly in the coming weeks.

Senator MANCHIN. Okay. If you can share that with us, we would really appreciate it if you could get it to our office.

Secretary CHAO. Absolutely.

Senator MANCHIN. And on Essential Air Services, especially the demand of payment back from Raleigh County Memorial Airport, that would be greatly appreciated.

Secretary CHAO. We will take a look at that, as well.

Senator MANCHIN. Thank you.

Secretary CHAO. I have always been in support of EAS.

Senator MANCHIN. I know. It is just awful in there. It is awful when you are living in a little area that doesn't have any air sup-

port whatsoever, but I appreciate very much your attention to it. Thank you.

Senator COLLINS. Thank you, Senator Manchin.

As you were talking, I couldn't help but think it probably goes out of 35X, also, the worst gate in America, and one that we hope will soon disappear.

Secretary CHAO. They are updating that.

Senator Feinstein I know wanted to ask another question.

Secretary CHAO. Yes.

Senator COLLINS. I have two more questions myself and will submit the rest for the record, and Senator Reed may have some, as well. But, Senator Feinstein, why don't you go ahead.

Senator FEINSTEIN. Thank you. Thank you very much.

Madam Secretary, I am going to go close to home in this question. The Administration is suing California, as we know, over its tailpipe emissions standards. California still has unique authority to set its own vehicle emissions standards under the Clean Air Act, and until recently, it is my understanding those standards mirrored Federal standards. Just this week, the EPA Scientific Advisory Panel submitted a report to Administrator Wheeler, which is critical of the underlying science behind the Administration's Safe Vehicles Rule, finding that the science used by the Administration in developing this rule has "significant weaknesses that should be addressed."

In 2007, Olympia Snowe and I worked to pass the Ten-in-Ten Fuel Efficiency Act. This was really the largest increase in fuel efficiency targets in more than 2 decades. For a time, we were on target to reach an average of 54.5 miles per gallon by 2025. An analysis has found that proposed Safe Vehicle Rules will cost consumers more money over the lifetime of a vehicle, and significantly weaken fleet-wide fuel efficiency standards.

So, I would very much like to know what is your position? The California Air Resources Board wants to achieve higher standards than those put forward in the Safe Vehicle Rule. And, so, what is the Administration going to do in terms of working with auto makers as Congress has directed?

Secretary CHAO. Well, first of all, there is one entity that is in charge of corporate average fuel economy with the Safe Vehicle rule, and that is the National Highway Traffic Safety Administration. It is not the EPA. The EPA can attempt to regulate this back door through the emissions. They have their responsibilities. They need to do what they need to do.

But, in terms of guidelines for future fuel economy, any standard has to be realistic. And, it is not just increasing the standards, but it is having realistic standards. Because unrealistic standards are burdensome not only for the Country's auto manufacturing industry, but also increases the cost of new cars and trucks for working Americans.

It is preferable to have a newer car as a newer car has more automated technology features, more safety features, so it is better for consumers, passengers to go into newer cars.

And, I know that EPA and DOT are working supposedly together to complete the final rule. I don't know what EPA's report was to Administrator Wheeler, having not seen it, but we obviously had

disagreements in the past as to their assessment as to the science. We are working to finalize this rule with OMB.

Senator FEINSTEIN. Well, is it correct California can move ahead on its own, working with the EPA and the California Air Resources Board, to achieve higher standards than those in the Safe Vehicle Rule?

Secretary CHAO. No, I don't believe that is so because NHTSA is the legislative authority that has the ability to set standards, and it is the only authority. So, this is the crux of the debate between the Federal Government and California. California does not have the right to do that, so maybe perhaps we should have a longer discussion about it.

Senator FEINSTEIN. Yes. I think so.

Secretary CHAO. Yeah.

Senator FEINSTEIN. How is a final judgment made whether California has the right or not? By a court or by the Department?

Secretary CHAO. I think it is pretty much set that legislatively, California does not. And, obviously, California does not agree with that, so they are trying to in fact take preemption and make it their responsibility, not only in this Administration, but in the previous administration, as well.

Senator FEINSTEIN. Well, my question of you then is can we settle this without having to go the whole court lengths?

Secretary CHAO. Well, we never want to litigate.

Senator FEINSTEIN. Because we are so big now. We produce so much that—I have to pat the State on the back for trying to do things that can improve the situation, and I think we ought to find ways to do that rather than to oppose when California does try to do something that is more—

Secretary CHAO. We are always open to discussion. And, I know that NHTSA and EPA have tried to discuss this with California. There are obviously differences of opinion. But, having said that, it is really important to have realistic standards, and just increasing standards is not enough. They have to be realistic standards.

Senator FEINSTEIN. Well, maybe I might pull together a meeting between the auto makers and your Department and NHTSA and try to see if we can't work this out because I am concerned.

Secretary CHAO. Of course.

Senator FEINSTEIN. We don't want to be at loggerheads, but I think the State is determined to move forward. So, I offer that if you want to proceed in that direction.

Secretary CHAO. We are always open to finding solutions.

Senator FEINSTEIN. Thank you.

Secretary CHAO. But the other party has to be cooperative, as well.

Senator FEINSTEIN. Well, we will work on that. Thank you.

Secretary CHAO. Thank you.

Senator COLLINS. Thank you.

Madam Secretary, I want to commend you for the focus that you have placed on the disproportionately high rate of crash fatalities in rural America. Prior to your taking over the Department, there really wasn't the kind of focus and analysis on this problem.

While only 19 percent of our Nation's population lives in rural areas, 46 percent of our Nation's highway fatalities occur on rural

roads. Eighty percent of America's poor-condition bridges are in rural areas.

And, I looked at the data from the State of Maine between the years 2013 and 2017, and on average, there is one fatal crash every 57 hours. We are a large, rural State, and we have a lot of roads and bridges that you have been very helpful in helping us to repair or replace, but there is a lot of work to be done.

Last year, under your leadership, the Department established the Rural Opportunities to Use Transportation for Economic Success, and it focuses on the disparities, called the ROUTES Program, focusing on the disparities in the rural transportation infrastructure.

Will you comment a bit on how the new ROUTES Program, that initiative, could help States like Maine lower their highway fatalities?

Secretary CHAO. A lot of rural communities do not have the resources with which to seek and find out about sources of funding. So, ROUTES was a recognition of the safety statistics that you just mentioned; that rural America cannot be overlooked; that the majority of bridges in need of attention are in rural America; and that the highest fatality rates actually are on rural roads.

And, that is also not to mention the fact that rural roads are not only used by rural residents. They are used by freight, by transshipment. They are used by urbanites, urban dwellers. So, we have a very compelling case for paying attention to rural roads.

And, so, how do we address that? This ROUTES council was set up with a focus on how to outreach to rural America to let them know about the pots of money. We have 69 different funding programs at the Department of Transportation. It has increased quite a bit over the years, and they can be confusing. They can be not very well known. So, this ROUTES council will let rural America know about the funding opportunities, what are the requirements are, and how they can access such funding.

Senator COLLINS. That really is terrific because, you know, smaller communities do not have grant writers. They do not have the resources. And, our offices try to help them by doing grant searches, but it still is a real challenge for smaller communities. So, I just want to commend you for that initiative.

Let me end by bringing up a truly tragic event that occurred in Maine last September 16th. We had a terrible propane explosion in Farmington, Maine. It killed Fire Captain Michael Bell and severely injured six others. The building manager was so heroic in evacuating the building once he began to smell the propane gas, and as a result, he was severely burned and critically injured. He is still hospitalized this many months later in Boston. He has recently been transferred to a rehab hospital in Boston that specializes in burn injury.

I visited this site. The explosion absolutely flattened a two-story building. It destroyed 11 homes in a nearby mobile home park, displacing 30 people. It was truly a devastating incident for this small town. And, as you can see by the fact that among those who were injured were the firefighters, they were heroic in trying to respond, as were all of the first responders.

The Maine State Fire Marshal's investigation found that during construction of this building, a propane line was damaged, and that resulted in the explosion that leveled the building and injured so many people.

According to the International Association of Fire Chiefs, nearly 60 percent of fire departments that respond to hazardous materials incidents do not have any kind of formal hazmat training, and in rural communities, that number is nearly 80 percent. As such, the International Association of Fire Chiefs is advocating this year for emergency response grants to non-profits to provide the necessary training to respond to this, exactly this kind of incident.

Madam Secretary, would you consider supporting additional funding for this emergency response grant program? It would be under the Pipeline and Hazardous Materials Safety Administration.

Secretary CHAO. First are foremost, my thoughts and prayers are with the families of those affected by that September 2019 explosion.

PHMSA does take a very active role in institutionalizing training, engaging with key stakeholders, and also creating hopefully long-term sustainable solutions. There are many resources available from PHMSA already, the Pipeline Emergency Responder Initiative, the Hazardous Materials Emergency Preparedness Grant Program, PHMSA's Pipeline Technical Assistance Grants, Emergency Response Guide Books. Obviously, we still need to do more, so I am very happy to work with you on some of your ideas as to what more we can do.

Senator COLLINS. Thank you. That would be very helpful. This was such a terrible tragedy, and I am impressed by the work that the fire department did. It was really heartwarming to see all the area fire departments come in and replace those who had been injured to ensure that the community of Farmington continued to have coverage while the firefighters were recovering.

But, the reauthorization of the Emergency Response Grants Program I think is really important, but also our working with the fire chiefs, the International Association of Fire Chiefs, to see if we can do more to reach those rural areas.

And, again, you have been so sensitive to the needs of rural areas, and they have greater challenges, far fewer resources. A lot of the fire departments are volunteer fire departments or have a mixture of professional firefighters supplemented by the volunteers. And, I hope we can work out something to give a little more assistance in that area. Thank you.

Secretary CHAO. Thank you.

Senator Reed, I know that you did an initial round while I was voting, but if you have anything else, please go ahead.

Senator REED. I just want to thank the Secretary for her dedication and her diligence in so many different ways, and I appreciate very much your leadership, Madam Secretary.

Secretary CHAO. Madam Chair, may I just add one thing? I did look up right away for Senator Murray. The Sexual Assault Task Force report we are going to do even sooner than April 2nd. It should be ready in the next couple of weeks.

Senator COLLINS. That is great news, and I hope you will share that with Senator Reed and myself because that is of great concern to us, as well.

And I want to thank you very much for your participation and responsiveness. We have enjoyed very much working with the Department under your leadership. And, as you can see by the number of Senators who came today, despite the fact that there were two other Appropriations hearings going on at the same time, there is huge interest in the programs on both sides of the aisle that your Department administers. So, we look forward to working with you.

ADDITIONAL COMMITTEE QUESTIONS

I do have some additional questions that I will submit for the record.

The hearing record will remain open until next Friday, March 13th, 2020.

Thank you, Madam Secretary.

QUESTIONS SUBMITTED BY SENATOR SUSAN M. COLLINS

SAFETY MANAGEMENT SYSTEMS RULEMAKING

Question. The fiscal year 20 THUD appropriations bill requires the FAA to finalize its rulemaking on safety management systems, or SMS, which is a proven approach to reducing safety risk in many industries. Both the Joint Authorities Technical Review and the Special Review to Review FAA's Aircraft Certification recommended that FAA mandate SMS for aviation manufacturers. Even the General Aviation Manufacturers Association, an industry group that includes Boeing, has called for an SMS rulemaking because they know that SMS will provide a structured approach to report hazards, manage safety risks, and improve accountability and culture within an organization.

What is the status of the SMS rulemaking?

Answer. FAA strongly supports implementation of a scalable SMS across the entire aviation sector, and FAA appreciates the various recommendations from Congress, the National Transportation Safety Board, and other entities to require SMS in design and production organizations. SMS ensures safety by identifying potential risks in the aviation system and mitigating those risks.

FAA is currently evaluating alternatives for the expansion of the SMS application, including modification of Title 14 Code of Federal Regulations part 5, Safety Management Systems. FAA is initiating rulemaking to mandate SMS for key aviation sectors, including design and manufacturing organizations. In addition, the FAA continues to work on a final rule that would require certain airport certificate holders to develop, implement, maintain, and adhere to an SMS for its aviation related activities.

SURFACE REAUTHORIZATION PRIORITIES

Question. I am extremely pleased by the substantial Federal investment included in the Administration's surface reauthorization proposal. Funding for highways and bridges would grow by 8 percent in the first year, and continue to grow by 4 percent each year thereafter. The proposal provides similar high-level funding levels for transit and safety programs, but we have no specific details on how this funding would be used. For example, it is unclear whether the proposal would include a bridge program, a program for interstate maintenance, or a program for the national freight network.

Without getting into the specifics that are currently under review at the White House, what are the priorities for the next surface reauthorization bill?

Answer. The Administration will submit a comprehensive surface transportation reauthorization proposal to Congress for consideration. The proposal will build upon the gains of past reauthorizations from program consolidation, simplification, and flexibility, while re-focusing the Federal role on activities that advance National goals. This investment will enable people to travel more safely and efficiently, and support continued economic growth. The proposal will focus on the following priorities:

- Improving Transportation Safety
- Building Infrastructure More Efficiently
- Reducing Regulatory Burdens and Increasing Government Efficiency
- Investing in Both Urban and Rural America
- Taking Care of What We Have
- Preparing for the Future

Question. One area of concern I continue to hear from the Maine Department of Transportation is the substantial cost increase in construction bids. In some cases, they only received one bid for major construction work and the bid was significantly over the estimate.

Is the Department seeing similar cost increases for transportation projects across the nation?

Answer. State DOT experiences with construction and material cost increases vary on a regional or a State-by-State basis. The Federal Highway Administration (FHWA) maintains the National Highway Construction Cost Index (NHCCI) that provides a quarterly price index. This index reflects average variations in bid prices of highway construction over time. The data are based on State web-postings of bid prices for awarded highway construction contracts. Over the past 15 years, the NHCCI has shown an approximate three to 4 percent annual increase in construction costs.

FHWA and State DOT construction contracting policies ensure competition in the award of construction contracts. States are required to evaluate all bids for responsiveness and perform a comparison with the engineer's estimate to ensure competition. If there is an apparent lack of competition, States may reject bids and re-advertise the project.

PEDESTRIAN DEATHS

Question. According to a recent Governors Highway Safety Association report, pedestrian fatalities on U.S. roads have increased by more than 50 percent over the last decade, and the leading causes of pedestrian fatalities include distracted driving, intoxicated drivers, and poorly designed roads.

What actions are the Department taking to address this dramatic increase in pedestrian fatalities?

Answer. The Department is exploring a broad range of countermeasures to reverse the increase in pedestrian fatalities, such as behavioral, vehicle safety, infrastructure and enforcement solutions. The National Highway Traffic Safety Administration (NHTSA) and the Federal Highway Administration (FHWA) are working to hold a virtual U.S. DOT Summit on Pedestrian Safety through a series of webinars. The Summit will provide a virtual platform to discuss pedestrian issues and determine initiatives to improve safety.

NHTSA uses a multi-pronged approach to address pedestrian safety-related issues, including:

- Initiating a Pedestrian Crash Investigation pilot study to look closely at vehicle-related effects in pedestrian crashes;
- Launching the use of community-based assessments;
- Evaluating strategies to build public support for pedestrian education and enforcement programs through state-based demonstration projects;
- Planning and developing traffic safety and injury prevention and control projects that specifically address the safety of pedestrians, among other issues;
- Designating October 2020 as Pedestrian Safety Month and developing activities and educational materials for Pedestrian Safety Month;
- Releasing a draft test procedure on Pedestrian Automatic Emergency Braking late last year and evaluating ways to improve vehicle designs that include energy-absorbing components to provide pedestrian protection when crashes occur;
- Providing grant funds to States to address the safety of pedestrians and bicyclists.

Safety countermeasures to address pedestrian fatalities must be based on sound data. To ensure data-driven countermeasures, NHTSA regularly examines its data collection protocols to ensure that pedestrian data is as timely and accurate as possible. Data collection manuals are reviewed and updated annually. The Model Minimum Uniform Crash Criteria (MMUCC) 5th edition implemented a separate pedestrian/pedalcyclist supplement that streamlines data collection by separating and emphasizing pedestrian data elements when a non-motorist is involved in a crash.

Also, NHTSA is collaborating with FHWA and the University of North Carolina Highway Safety Research Center to update the Pedestrian and Bicycle Crash Analysis Tool (PBCAT), a crash typing tool that informs the agency's pedestrian and pedalcyclist data collection methodologies. NHTSA also routinely develops ad-hoc analyses of the agency's pedestrian data, including analyses of pedestrian crash typing. These analyses inform the agency's development, deployment, and evaluation of pedestrian safety countermeasures.

AUTOMATED VEHICLES—TESLA

Question. Last week, the National Transportation Safety Board issued a preliminary report on the March 23rd, 2018, crash of a Tesla “Model X” vehicle in which the driver was playing a video game on his phone while using Tesla's advanced driver assistance features. The vehicle's speed increased from 62 to 70.8 miles per hour just prior to impact, and there was no braking or evasive action taken by the driver. As a result, the NTSB is recommending the National Highway Traffic Safety Administration, or NHTSA investigate Tesla's autopilot system and develop standards for driver monitoring systems. The NTSB appears to be particularly concerned with driver disengagement in vehicles as a result of automated features, which can lead to complacency and appears to cause misuse of automation.

How will the Department respond to the NTSB recommendations?

Answer. The Department will fully consider the NTSB's recommendations. NHTSA plans to respond to NTSB's recommendation in the near future.

The NTSB also recommended that NHTSA expand its five-star safety ratings system to include frontal and side impact crash tests, as well as rollover resistance tests. NHTSA currently tests these features, but does not rate their effectiveness. However, the budget request for fiscal year 21 includes a \$4 million reduction in funding for the five-star rating program.

Question. How will NHTSA be able to address the NTSB's recommendations if program funding has been cut?

Answer. To clarify, NHTSA's 5-star safety ratings system under the New Car Assessment Program (NCAP) already includes test results from the frontal impact, side impact barrier, and side impact pole tests, as well as two rollover resistance tests. NCAP also evaluates system performance of four advanced driver assistance technologies, but they are not part of the 5-star ratings system. NTSB has recommended that NHTSA “expand the New Car Assessment Program 5-star rating system to include a scale that rates the performance of forward collision avoidance systems,” and include such ratings on vehicle Monroney labels, and to “incorporate pedestrian safety systems, including pedestrian collision avoidance systems and other more-passive safety systems, into the New Car Assessment Program.” (NTSB recommendations H-15-06, H-15-07, H-18-43.) All of these recommendations are classified by NTSB as “Open Acceptable Responses.”

NHTSA is developing a Federal Register notice to seek public comment on planned changes to NCAP, potentially including a new rating system for the assessment of these advanced driver assistance technologies. NHTSA's budget request reflects a reduction to this program because the agency received fiscal year 2020 appropriations above the fiscal year 2020 request. Additional funding in the past three appropriations has allowed NHTSA to support development efforts for the agency's planned upgrade to NCAP. NHTSA's budget request for fiscal year 2021 is sufficient to support the agency's planned changes to NCAP. In fiscal year 2021, NHTSA will continue to provide consumers 5-star safety rating information on approximately 85 percent of new vehicles sold in the United States.

STATE MARITIME ACADEMY TRAINING VESSEL

Question. Over the last 3 years, this Committee has provided \$900 million for construction of three National Security Multi-Mission Vessels, or N.M.S.V., for the critical training provided at the state maritime academies. The current training vessels are reaching the end of their useful life, and it is important that the Department deliver these vessels on time and under budget. That is why I was surprised to learn that the Department has yet to begin construction on the training vessels, and has not even selected a shipyard for construction.

I applaud the Secretary for continuing funding for this program in the budget request, but could you tell us why we have yet to begin construction on the NSMV 2 years after the funds were first appropriated?

Answer. The Department is pleased to provide an update on this important program. The contracted Vessel Construction Manager (VCM), Tote Services, Inc., has contracted with the Philadelphia Shipyard and is moving forward towards the on-time delivery of the first two National Security Multi-Mission Vessels (NSMV). The

Department has very methodically advanced the design and procurement process in an effort to ensure successful program outcomes, while limiting cost and risk. Shortly after funds were appropriated, the first Industry Day engagement was held, which helped to refine the acquisition strategy and align it with commercial practices. Within 6 months, and after approval of the acquisition strategy, a second Industry Day engagement was held to better establish the VCM requirements and develop the solicitation, which went out in November 2018. A competitive selection was made and the VCM contract was awarded in May 2019. The VCM requested shipyard bid proposals in June and reviewed them during August and September. The VCM and shipyard negotiated contract details and design work from October through March 2020. The Department reviewed the VCM shipyard selection documents in March and accepted the selection, enabling the VCM to award the shipyard contract on April 8, 2020. We appreciate your continued support and look forward to providing you additional updates on our progress.

Question. Given the substantial investment the Federal government is making in these vessels, could you elaborate on what risk-mitigation and cost control efforts you have taken to ensure the vessels are delivered under budget and on time?

Answer. In an environment of fiscal limitations, it is imperative that dollars are used effectively and efficiently, and that problems are solved through innovation for the benefit of the States and the Nation. The Department worked extensively with the State Maritime Academies and other Federal agencies to develop the NSMV design requirements, and then throughout the design process to refine the requirements. The detailed concept design work over the past 5 years endeavored to achieve cost effective trade-offs while meeting core, mission essential tasks. This work has significantly reduced the technical risk. The negotiated average cost per vessel is within the range of MARAD's original cost estimates and are a firm fixed price, with fixed delivery schedule, in keeping with commercial practices. This best value cost also includes the maximum use of U.S. manufacturers components and 100 percent U.S.-flag shipping for any foreign sourced items. The Department has not agreed to any deviations from the refined vessel requirements and has worked closely with the VCM to ensure it fully understands the basis for the established requirements and capabilities. Additionally, the firm fixed price contract is based on the well-established design, and is expected to be delivered on time without changes.

POSITIVE TRAIN CONTROL (PTC) IMPLEMENTATION

Question. The law requires most railroads to implement Positive Train Control, or PTC by December 31st, 2020. According to the Federal Railroad Administration's most recent report, eight railroads are currently at risk of not meeting this deadline. While the Department has been able to provide \$2.6 billion in grants and loans for PTC implementation, largely thanks to the work of this Committee, clearly more needs to be done to help railroads meet this deadline.

Can you tell us what specific challenges these "at-risk" railroads face in meeting the PTC deadline?

Answer. Thank you for your questions regarding one of the highest priorities of the Department of Transportation (Department) and the Federal Railroad Administration (FRA)—railroads' full implementation of FRA-certified and interoperable positive train control (PTC) systems on all required main lines as soon as possible, and not later than the statutory deadline of December 31, 2020. The railroad industry has made significant progress toward implementing PTC systems, as PTC technology was governing operations on over 98 percent of the PTC-mandated main lines as of March 31, 2020. With approximately 8 months until the statutory deadline, FRA is committed to assisting railroads, to the greatest extent possible, as they continue to test and activate their PTC systems on the remaining mandated main lines as expeditiously and safely as possible.

To evaluate a host railroad's risk of noncompliance with the statutory deadline, FRA is primarily considering the following factors, which are associated with the requirements for full implementation of a PTC system: (1) the percentage of PTC-mandated route miles currently governed by a PTC system, including revenue service demonstration (RSD); (2) any unresolved technical issues that could severely impact a railroad's ability to meet the deadline; (3) the percentage of a host railroad's tenant railroads that have achieved interoperability, as required; and (4) a host railroad's expected date to submit its PTC Safety Plan to FRA, as required to obtain PTC System Certification.

Based on these factors and railroads' self-reported progress as of December 31, 2019,¹ FRA announced in February 2020² that it considers the following eight host railroads at risk of not fully implementing an FRA-certified and interoperable PTC system on their required main lines by December 31, 2020: Alaska Railroad, The Belt Railway Company of Chicago, Florida East Coast Railway (including its tenant railroad, Brightline/Virgin Trains USA), Kansas City Terminal Railway, New Jersey Transit, New Mexico Rail Runner Express, Northeast Illinois Regional Commuter Railroad Corporation (Metra), and TEXRail. In addition to FRA's standard, quarterly infographics depicting railroads' progress toward fully implementing PTC systems, FRA released a new infographic on its website (<https://railroads.dot.gov/train-control/ptc/positive-train-control-ptc>) in February 2020, providing additional information about these at-risk railroads and outlining the remaining work each of these railroads must complete during 2020.

In addition to the technical assistance FRA generally provides to all railroads subject to the statutory mandate, FRA is currently focusing its resources on directly assisting any railroads at risk of not fully implementing a PTC system by December 31, 2020, by taking the following actions, for example:

- Providing additional FRA regional support to any at-risk railroads during all phases of PTC system field testing, RSD operations, and interoperability testing, including the nighttime testing that several railroads are regularly conducting;
- Meeting at least monthly with any at-risk railroads to actively monitor their progress and provide targeted assistance throughout the year;
- Offering technical assistance on an ongoing basis, as necessary, to help railroads address and resolve any crucial, remaining issues;
- Sending letters from the FRA Administrator to the senior leadership of each at-risk railroad to highlight the significant remaining work that the railroad must complete in the next 8 months; urging the railroad to take all necessary steps to expedite its remaining testing and meet the statutory deadline; and offering direct assistance; and
- With respect to any at-risk railroad that is owned by or affiliated with a state, sending letters from the FRA Administrator to the State department of transportation and governor, encouraging them to ensure these railroads have sufficient technical resources and state-level support at this critical point.

Question. What are the financial and safety costs to railroads and passengers if railroads fail to meet the PTC implementation deadline?

Answer. In terms of enforcement, the three acts of legislation governing railroads' implementation of PTC systems specifically authorize the Secretary of Transportation, and FRA by delegation, to assess civil penalties for any violations of the statutory PTC mandate.³ Consistent with the enforcement provisions in the statute, FRA is holding railroads accountable for the timely implementation of PTC systems and will continue to enforce the statutory mandate, including interim requirements and the December 31, 2020, deadline.

Since 2018, the FRA Administrator has maintained that if any required railroad fails to fully implement an FRA-certified and interoperable PTC system on its mandated main lines by December 31, 2020, he would recommend that FRA assess the ordinary statutory maximum civil penalty, which is currently \$29,192 per day, until the railroad's PTC system is fully implemented. FRA also reserves the right to initiate any other type of enforcement action within its authority, if necessary to compel compliance, in addition to the assessment of civil penalties.⁴

¹ Quarterly PTC Progress Reports for Quarter 4 of 2019 (Form FRA F 6180.165, Office of Management and Budget (OMB) Control No. 2130-0553).

² Press Release, Federal Railroad Administration Publishes Railroads' Fourth Quarter 2019 Positive Train Control Implementation Status Updates (Feb. 27, 2020), <https://railroads.dot.gov/newsroom/press-releases/Federal-railroad-administration-publishes-railroads-fourth-quarter-2019>.

³ Rail Safety Improvement Act of 2008, Public Law No. 110-432, § 104(a), 122 Stat. 4848 (Oct. 16, 2008), as amended by the Positive Train Control Enforcement and Implementation Act of 2015, Public Law No. 114-73, 129 Stat. 568, 576-82 (Oct. 29, 2015) and the Fixing America's Surface Transportation Act, Public Law No. 114-94, § 11315(d), 129 Stat. 1312, 1675 (Dec. 4, 2015) (codified as amended at 49 U.S.C. § 20157); see also 49 CFR § 1.89.

⁴ FRA acknowledges, however, that the statutory mandate generally prohibits FRA from imposing or enforcing the operational restrictions (e.g., speed restrictions) under FRA's current regulations against any railroad until approximately January 1, 2022. See 49 U.S.C. § 20157(j).

Regarding your question about the potential financial implications, the statutory mandate requires railroads to submit Annual PTC Progress Reports⁵ to FRA, summarizing, for example, “any remaining technical, programmatic, operational, or other challenges to the implementation of a [PTC] system,” including any funding-related challenges.⁶ All railroads subject to the statutory mandate have confirmed, in writing, that they will fully implement a PTC system by December 31, 2020, and none have indicated to FRA that funding, or a shortage thereof, would prevent them from meeting the statutory deadline.

RAIL GRANTS

Question. This Committee has been a strong advocate for the Consolidated Rail Infrastructure and Safety Improvement, or CRISI, grant program. The Department recently awarded a \$17 million grant to improve the Downeaster passenger rail service in Maine, as well as increase the efficiency of PanAm, the host railroad. I am glad to see that the budget request includes \$330 million to continue funding for this program. This discretionary grant program is popular among members because it leverages private, state, and local investment to address critical passenger and freight rail needs across America.

What role have CRISI grants played in improving the safety and efficiency of our nation’s rail transportation network?

Answer. With a broad array of eligible activities and applicants, the CRISI program provides a comprehensive solution to leverage private, state and local investments to support safety enhancements and general improvements to our nation’s railroad infrastructure. As part of our 10-year reauthorization proposal, the President’s Budget requests \$330 million for the CRISI program in fiscal year 2021 for the Department of Transportation to invest in projects within the United States to improve railroad safety, efficiency, and reliability; mitigate congestion for both intercity passenger and freight rail; enhance multi-modal connections; and lead to new or substantially improved intercity passenger rail corridors.

From fiscal year 2017 through fiscal year 2019, Congress appropriated and the Department has announced over \$875 million in CRISI funding to states, communities, and railroads for approximately 130 projects. These investments include 40 projects to assist railroads with deployment of Positive Train Control, over 60 projects to benefit resource-constrained short line railroads improve safety and operations, and projects to improve safety at over 700 grade crossings. A number of projects funded from fiscal year 2017 funds are currently either under construction or moving towards construction. On April 20, 2020, the Department made the fiscal year 2020 appropriated funds of an additional \$311 million in fiscal year 2020 CRISI funding available. Applications are due June 19, 2020.

CORONAVIRUS OUTBREAK

Question. As the coronavirus continues to spread across the world, it is important for the Administration to take strong actions to protect the health of Americans here at home. I know the FAA is an important component of the work underway at CDC and DHS.

What challenges does the Department and the airlines face in obtaining the necessary information for CDC and DHS to stop the spread of the coronavirus?

Answer. The President’s top priority is the health and welfare of the American people. DOT has served on the White House Coronavirus Task Force since its inception to help promote the coordinated U.S. Government response to the Coronavirus Disease 2019 (COVID–19). The Department has played an active role in supporting the lead agencies in the COVID–19 response. These lead agencies include the Department of Health and Human Services (HHS), which has overall responsibility for communicable disease response, and the Department of Homeland Security (DHS), which has the lead in preparedness planning for all sectors, including transportation.

The Federal Government’s emergency response work relies on data to inform its response activities and involves facilitating the delivery of critical information to others engaged in emergency response activities. To address the challenges associated with these needs, since early in the COVID–19 public health emergency, the Department, through the Federal Aviation Administration (FAA), has facilitated an ongoing dialogue between passenger air carriers and relevant government agencies (HHS, including the Centers for Disease Control and Prevention (CDC); the Occupational Safety and Health Administration (OSHA); DHS, including U.S. Customs and

⁵ Form FRA F 6180.166, OMB Control No. 2130–0553.

⁶ 49 U.S.C. § 20157(a)(2)(A)(iii)(VI), (c)(1)(D).

Border Protection (CBP), the Transportation Security Administration (TSA), and the Countering Weapons of Mass Destruction Office (CWMD); and others) to share information and guidance and discuss preparedness measures. These discussions involve a number of response activities, including airport and passenger screening, health protocols for flight crew, State and local quarantine restrictions, and efforts to obtain contact information for air passengers and crew arriving from foreign countries to effectuate contact tracing.

DOT and FAA have facilitated discussions and the exchange of information between our governmental partners and the aviation industry to assist in the implementation of the CDC's interim final rule on contact tracing. Part of the challenges identified by the airlines include changes to their existing systems to collect new types of passenger and crew contact information. The U.S. Government is committed to obtaining necessary data in a timely manner to mitigate the spread of COVID-19 and other communicable diseases in the future.

The Department's work to mitigate the spread of COVID-19 as a participant in the interagency Task Force, as well as through direct dialogue and collaboration with the individual departments and agencies on specific response actions, remains significant and ongoing.

QUESTION SUBMITTED BY SENATOR JACK REED

AIR TRAFFIC CONTROLLER STAFFING

Question. This Committee has been very concerned about the air traffic controller staffing levels—we've monitored the issue closely and have provided support to address obstacles to help the FAA achieve adequate staffing levels. So I was pleased to hear that, for the first time in over a decade, the staffing levels for Certified Professional Controllers (CPC) are trending upwards.

However, I see in the President's fiscal year 2021 Budget submission assumes a decrease in the overall controller workforce of over 500 FTEs.

Can you reconcile this inconsistency which seems to undermine the progress we have been making on reversing staff trends?

Answer. As reflected in the 2020 Controller Workforce Plan, FAA expects reduced controller attrition over the next several years, primarily because the large retirement wave of the post-strike controller hires is behind us. With the need to replace fewer certified controllers, FAA will need fewer new hires and thus fewer developmental controllers in the coming years.

New controllers are typically hired 2–3 years in advance of expected attrition in order to allow for sufficient training time and an expected training failure rate. While the total controller workforce number is expected to fall slightly, the number of fully certified controllers is expected to increase consistently. FAA hired 1,010 air traffic controllers in fiscal year 2019, surpassing the hiring goal of 907, and is on track to meet the fiscal year 2020 goal of hiring 910 air traffic controllers.

QUESTIONS SUBMITTED BY SENATOR PATTY MURRAY

PORT INFRASTRUCTURE DEVELOPMENT PROGRAM

Question. It is my understanding that MARAD's role in the recently awarded Port Infrastructure Development Program (PIDP) was to provide an initial evaluation of the applications responsiveness to the criteria but that award selection was handled by your office. Further, I am aware that more than 50 applications were deemed to be compliant by MARAD and sent to your office without a rank or score.

Please provide me with the process utilized by your office in ranking and selecting the awardees.

Answer. The Department received 54 eligible PIDP applications for fiscal year 2019. The evaluation process consisted of Intake, a Technical Review Phase, and a Senior Review phase. During the Technical Review Phase, Department staff analyzed applications and assigned ratings for the selection criteria consistent with the descriptions in the NOFO. The selection criteria were as follows:

- Leveraging Federal Funds
- Project Costs and Benefits
- Project Outcomes
- Demonstrated Project Readiness

—Domestic Preference

Based on this analysis, the Senior Review Team comprised of senior non-career officials assembled a list of projects for consideration for the Secretary. However, PIDP applications did not receive a single overall rating.

The Secretary made the final selections based on the selection criteria described in the NOFO.

MEAL AND REST BREAKS

Question. The Federal Motor Carrier Safety Administration (FMCSA) sided with the American Trucking Association (ATA) in determining that California state laws on meal and rest break requirements are preempted by Federal law, overruling a previous decision finding otherwise. The decision by FMCSA defies logic, particularly in light of the fact that arguments in support of preemption in this instance have been rejected previously by: the U.S. Department of Transportation (the Department), in response to a nearly identical request by the trucking industry in 2008; the courts, including the U.S. Court of Appeals for the Ninth Circuit and the U.S. Supreme Court (which declined to hear appeals in multiple cases); and Congress, despite multiple opportunities since 2015, including periods with Republican majorities in both the U.S. House of Representatives and the U.S. Senate.

Washington state is one of many states and territories that require motor carriers to provide minimum meal and rest breaks to all employees within its jurisdiction, including bus and truck drivers. Unfortunately, these laws are now jeopardized by FMCSA's ruling. This is a matter of critical importance, and it stands to have a dramatic impact on the rights of states like mine to protect the equal application and integrity of our workplace laws.

Why has the Department chosen to abandon its own position, to disregard the will of Congress, and ignore court precedent in order to side with the ATA against the states' historic right to regulate the workplace?

Answer. As FMCSA explained in its December 28, 2018, Federal Register notice (83 FR 67470), the California meal and rest break rules (MRB rules) were State laws or regulations "on commercial motor vehicle safety," to the extent they applied to drivers of property-carrying commercial motor vehicles (CMV) subject to FMCSA's hours-of-service (HOS) rules. The MRB rules were additional to or more stringent than the HOS rules, they had no safety benefit beyond what the Federal Motor Carrier Safety Regulations provided, they were incompatible with the HOS rules, and enforcement of the MRB rules caused an unreasonable burden on interstate commerce. Accordingly, the MRB rules were preempted pursuant to 49 U.S.C. § 31141. Similarly, FMCSA's January 21, 2020 Federal Register notice (85 FR 3469) explained that the same rationale applied to the Agency's decision to grant a petition filed by the American Bus Association (ABA) seeking preemption of California's MRB rules, as applied to drivers of passenger-carrying CMVs subject to the HOS rules.

The December 2018 determination acknowledged, and the January 2020 determination reiterated, that the decision represented a change in the Agency's prior position as articulated in the 2008 Decision and in the government's amicus brief in *Dilts v. Penske Logistics, LLC*, No. 12-55705 (9th Cir.), that the MRB rules were not regulations "on commercial motor vehicle safety." In its 2008 decision and in *Dilts*, the Agency reasoned that because the MRB rules applied to employers in other industries in addition to motor carriers, the provisions were not within the scope of the Secretary's preemption authority under section 31141. It should be noted that in *Dilts*, the United States Court of Appeals for the Ninth Circuit made no determination whether the MRB Rules were preempted pursuant to section 31141; rather, the court determined that they were not preempted under the Federal Aviation Administration Authorization Act of 1994, 49 U.S.C. § 14501(c).

In reaching its position that the MRB rules were regulations on CMV safety, FMCSA reexamined the text of section 31141, its structural relationship with other statutory provisions, and the legislative history of the Motor Carrier Safety Act of 1984. The Agency concluded that Congress intended that there be as much uniformity as practicable whenever a Federal standard and a State requirement cover the same subject matter, such as the MRB rules and the HOS rules. See S. Rep. No. 98-424, at 14 (1984). The Agency's determinations were also supported by the regulatory history of the HOS rules. Additionally, the California Labor Commissioner's comments on the ATA's and ABA's petitions and in a preemption proceeding concerning California's MRB rules before the Pipeline and Hazardous Materials Administration, 83 FR 47961, demonstrated that the MRB rules were, in fact, laws on CMV safety.

Having determined that the MRB rules were within the scope of the Secretary's preemption authority under section 31141, the Agency granted the petitions to ensure uniform and consistent rules in order to promote safety and economic growth and to protect drivers and consumers. Safety is FMCSA's top priority, and the Agency believed that making uniform rules for interstate property- and passenger-carriers, where possible, was a key component to increasing safety on the roads. In addition, different rules in different states added needless burdens on drivers—many of whom were small businesses fighting to make ends meet in a competitive market. Here, the Agency found that California's MRB rules reduced productivity, increased administrative and operational burden, and were a drag on the economy. During the public comment period, FMCSA heard directly from drivers, business owners, and industry stakeholders that California's MRB rules not only posed a safety risk, but also led to a loss in productivity and ultimately hurt American consumers.

FMCSA believes that its decisions preempting California's MRB rules were an important step toward creating a more reliable and consistent regulatory environment for truck and bus drivers. A consistent set of rules directly benefits drivers, consumers, small businesses, and the American economy.

Opponents of the preemption determinations have filed petitions for review in the Ninth Circuit challenging each decision. Both matters remain pending before the court.

On April 8, 2019, the Washington Trucking Associations petitioned the Agency to preempt Washington State's meal and rest break rules for CMV drivers. The petition is under review and FMCSA expects to issue a decision shortly.

QUESTIONS SUBMITTED BY SENATOR CHRIS COONS

AIRPORT INFRASTRUCTURE

Question. According to the Airports Council International, airports require more than \$128 billion in infrastructure upgrades by 2023. A recently released study commissioned by Congress and conducted by the nonpartisan RAND Corporation recommended that Congress increase the cap on passenger facility charges and index the cap to inflation.

Can you comment on the findings in this report?

Answer. The RAND Corporation is an independent, nonprofit policy institute (similar to the MITRE Corporation) that conducted the study in strict compliance with the requirements of Section 122 of the FAA Reauthorization Act of 2018, including direct engagement with the full range of industry stakeholders required in the statute. Virtually all of the recommendations would require statutory changes. The Administration is carefully reviewing the recommendation in the RAND report. It should be noted that the report included some projections for the Airport and Airway Trust Fund, whose revenues have now been significantly diminished through calendar year 2020 by the effects of the Coronavirus on air transportation, and by the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Question. How would you recommend airports pay for needed airport improvements?

Answer. There is no single answer to this question. There are more than 19,000 airports in the United States, of which approximately 5,100 are available for public use and of which more than 3,200 are included in the National Plan of Integrated Airport Systems (NPIAS). More than 520 airports hold the necessary certification to accommodate scheduled airline service, and 380 are "Primary" airports (meaning they have scheduled airline service and at least 10,000 annual enplaned passengers).

The capital infrastructure investment needs vary widely among all of these airports, as do the communities they serve. Most commercial service airports rely on a combination of airport revenue, bond proceeds or other forms of long-term debt, Airport Improvement Program (AIP) grants, Passenger Facility Charge (PFC) revenues, state grants, and other capital funding sources. Increasing numbers of airports with strong and reliable revenue streams have looked to private equity investors and public-private partnerships. Each type of funding source carries different requirements, benefits, and costs. Additionally, different types of projects are often more ideally suited to one type of funding than another.

AMTRAK REAUTHORIZATION

Question. I appreciate the Administration's attention to reauthorizing surface transportation programs in the fiscal year 2021 budget and that Amtrak's reauthorization is also considered.

What are the Department's priorities in Amtrak reauthorization?

Answer. The Administration's Surface Transportation Reauthorization proposal reauthorizes grants to Amtrak. The Department is continuing to look at the appropriate approach for the Federal government to provide assistance on both the Northeast Corridor (NEC) and the National Network. The Administration's reauthorization proposal will encourage greater Federal, State, and local collaboration regarding passenger rail services to meet the changing needs of the traveling public. Amtrak's existing National Network routes serve the same markets today as they did when Congress created the Corporation 50 years ago, and as such, Amtrak is challenged to provide customers with the services they need or demand. The proposal will provide for the future of intercity passenger rail service, which should focus on high-performing regional corridor services connecting markets between 100 and 500 miles apart. Enabling States to play a larger role in shaping the delivery of intercity passenger rail services will improve financial performance and increase accountability for on-time performance. The Department will soon release details of its legislative proposal and looks forward to working with the Congress to provide reforms to Amtrak to bring passenger rail into the future, make better use of Federal resources and provide a better transportation service to its passengers.

Question. How will the Department address the \$38 billion backlog of repairs on the Northeast Corridor?

Answer. Underinvestment in transportation has led to a backlog of needs across the transportation system, including on the NEC. As part of Surface Transportation Reauthorization, the Department believes investments should "take care of what you have" and focus Federal infrastructure funding on state of good repair needs. For fiscal year 2021, the President's Budget proposes to fund Amtrak grants through the Amtrak account structure authorized by the FAST Act for the NEC, and with regard to Surface Transportation Reauthorization, the Department is continuing to look at the appropriate approach for the Federal government to partner with Amtrak and the NEC states to maintain and improve this critical rail corridor.

INTERAGENCY EFFORTS

Question. Under the Obama Administration, an interagency partnership was formed between DOT, HUD, and EPA called the Partnership for Sustainable Communities. The goal of the partnership was to ensure that agencies' policies, programs, and funding consider affordable housing, transportation, and environmental projection together.

Is the Partnership for Sustainable Communities currently operating? If not, why?

Answer. No, the Partnership for Sustainable Communities was an initiative of the previous Administration, and as such, it ended in January 2017.

Question. If so, what is DOT's role and what recommendations has the Department made to better coordinate its transportation policies and programs with HUD and EPA?

Answer. The Partnership for Sustainable Communities ended in January 2017.

 QUESTIONS SUBMITTED BY SENATOR JOE MANCHIN

HYPERLOOP

Question. I want to applaud you for the establishment of the Non-Traditional and Emerging Transportation Technology (NETT) Council. This thoughtful, forward-leaning idea is exactly the sort of leadership we need from the Department to encourage innovation at home. For example, we know that hyperloop technology is making significant strides in the U.S. Hyperloop represents a giant leap forward into the future of transportation, and I am excited about the role it will play across the country, including in West Virginia.

How is the newly formed NETT Council focusing on emerging ground transportation that utilizes advanced technologies?

Answer. The Department has formed working groups to examine the technical specifications of the latest iteration of advanced technologies, such as hyperloop, to determine the Federal role, if any, and offer subject matter expertise for innovators to consider as these technologies are developed. Any innovator can, and many have,

approached the NETT Council with their/its ideas but should expect varying levels of NETT Council engagement depending on the readiness level of their project.

Question. How is the Department focusing on funding research and development for advanced technologies that will improve regional mobility and focus on economic development and job creation, especially in rural areas like West Virginia?

Answer. The NETT Council focuses on a broad set of multi-modal non-traditional and emerging transportation technologies, including automated vehicles. Focusing on emerging technologies for all communities, including rural, is a priority for the Department. The Department has funded R&D of advanced transportation technologies, like automated driving systems (ADS), to focus on rural area concerns. For example, the Department funded over \$22 million on ADS demonstration projects that had research focus on rural communities. These specific projects were, University of Iowa—ADS for Rural America (funded amount \$7,026,769); Ohio Department of Transportation—D.A.T.A. in Ohio: Deploying Automated Technology Anywhere (funded amount \$7,500,000); and Pennsylvania Department of Transportation—Safe Integration of Automated Vehicles into Work Zones (funded amount \$8,409,444). A full list of all the recent ADS demonstrations projects can be seen at this link: <https://www.transportation.gov/av/grants>.

CORRIDOR H

Question. Corridor H was first designated by President Johnson as part of the Appalachian Development Highway System (ADHS) in 1965 to connect I-81 in Virginia to I-79 in West Virginia, and 55 years later, we're still working on it. There's a reason we still care. Connecting the population base of the DC metro area to the interior of West Virginia would be a game changer, and we've already seen huge economic benefits along the sections that have already been completed. When I was Governor, I was proud to open up more than half of Corridor H. I have been proud to work through Appropriations with Senator Capito and with you and your team to secure more than \$135 million in Federal funding for Corridor H in the past 2 years. That funding has helped bring the project at least 15 years closer to completion. 87 percent of the project has been funded or completed. That leaves just 17 miles left in West Virginia. That's it. And the longer we wait to do this, the more expensive it's going to be. Madam Secretary, you've been a wonderful advocate for rural states and for West Virginia in particular.

Will you commit to working with us to finish this once and for all?

Answer. The Department of Transportation is committed to Appalachian communities and stands ready to assist States, if they choose to prioritize their Federal-aid Highway dollars towards completion of Appalachian Development Highway System (ADHS) corridors.

Currently, approximately 90 percent of the ADHS is open to traffic. The Department has worked closely with Appalachian States and the Appalachian Regional Commission (ARC) on completion efforts, including supporting the development of the ARC's Strategic Plan to Complete the ADHS.

Question. Last year, we were able to include the first dedicated funding for ADHS since 2012. Would you support additional funding to finish long overdue sections of ADHS in states like Alabama and West Virginia?

Answer. As you note, Congress included \$100 million for the Appalachian Development Highway System in the fiscal year 2020 Appropriations Act. In addition to this dedicated funding, ADHS projects are eligible for other funding through existing programs. For example, States may elect to fund ADHS construction projects under the Surface Transportation Block Grant.

The President's fiscal year 2021 Budget would provide \$1 trillion in direct Federal investment in our infrastructure, demonstrating the Administration's continuing commitment to meeting our critical infrastructure needs.

I look forward to working with Congress and the President to achieve the funding priorities laid out in the fiscal year 2021 Budget, and to pass a strong surface transportation reauthorization bill that improves our transportation infrastructure.

BECKLEY AIRPORT

Question. Rural communities depend on the Essential Air Service (EAS) program to maintain connections with major airports and metropolitan areas. All travelers—leisure, tourism, and business—depend on this accessibility. Without this important program, communities like those in West Virginia would lose air service, reducing economic opportunities for communities already struggling to stay connected to the national economy. That's why I have been very concerned with recent developments at one of my participating airports in Beckley. Last year, the Raleigh County Memorial Airport closed for a few weeks to complete a routine runway project. Since that

time, there has been disagreement over whether to reimburse the airport during the time it was closed for repairs. I still don't understand why this case is different than those in the past, when the Department has traditionally reimbursed carriers during runway closures and other adverse events that have taken place through no fault of their own. But I am hopeful that we can work together to resolve this situation in a way that's fair and just, and I want to thank you and your staff for continuing to work with me on this issue. Specifically, Under Secretary Joel Szabat—who I know has been working hard on the coronavirus response—and Kevin Schlemmer and the EAS office.

Can I have your assurance that you and your team will continue to work with me to resolve this? I would welcome working with the Department during this year's Appropriations process to clarify the rules and prevent this from happening in the future. Would that be helpful?

Answer. Yes, the Department is committed to resolving this in an appropriate manner. As you discussed with Assistant Secretary Joel Szabat, the Department is looking forward to meeting with you and the community, as well as the community's air service provider, to discuss reimbursements under the community's grant agreement.

AMTRAK LONG DISTANCE ROUTES

Question. Amtrak operates intercity passenger rail services in 46 States and the District of Columbia. Amtrak also provides diversified transportation options that are important to the growth of the Nation's economy, especially in rural areas where options are limited. That's why I was concerned to see that the President has proposed restructuring Amtrak's Long Distance network, phasing decisionmaking and cost responsibilities to states, and effectively calling for the elimination of long distance routes. These include the Cardinal, which runs through the southern portion of my state, and the Capital Limited, which passes through the eastern portion of West Virginia. This out of touch and detrimental proposal comes on the heels of several other short-sighted and devastating policy changes from Amtrak that have had a direct negative impact on my state. As a voice from rural America, I implore you to consider the important contribution that reliable and safe rail service provides to local economies.

Given that you have been such a strong advocate for rural America during your time as Secretary, what is the Department's position on Amtrak's proposals to eliminate the National Network and long-distance routes that serve rural areas like West Virginia?

Answer. The Department of Transportation and Amtrak are aligned in the belief that the future of intercity passenger rail service should focus on high-performing, regional corridor services connecting markets between 100 and 500 miles apart. In order to evaluate if train service is the best form of transportation to meet our nation's rural mobility needs, the Administration has proposed the creation of an independent National Network Improvement Commission to issue a report with recommendations to both improve and create more efficient intercity passenger rail service on the National Network.

The fundamental problem with Amtrak's Long Distance network is its inability to meet customer expectations and demand. The existing routes currently serve many promising city pairs and only 12 percent of Long Distance passengers are riding endpoint to endpoint, with most passengers traveling to and from intermediate markets, typically less than 500 miles apart. The issue with serving these markets via the current Long Distance structure is infrequent service at inconvenient times that is often significantly delayed. The fiscal year 2021 President's Budget proposes a number of measures to transform the National passenger rail network to provide better transportation options to rural and urban areas and empower states to play a larger role in shaping the intercity passenger rail services that operate in their communities.

QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY

BUY AMERICA WAIVERS

Question. For the last few years, Congress has included as part of the Transportation Appropriations Bill, language directing FHWA to act on Buy America waiver requests within 60 days. While the merits of Buy America are clear, there are times when projects require materials for which there is no American-made alternative.

Congress added this language to ensure that Federal funds will not be held in limbo while FHWA reviews waivers.

On average, how long was the processing period for Buy America Waivers in fiscal year 2019?

Answer. For fiscal year 2019, the FHWA did not approve or deny any Buy America waivers.

Question. What was the longest period of time to approve or deny a waiver, and what was the reason for the wait time?

Answer. For fiscal year 2019, the FHWA did not make a determination on any Buy America waivers. The Department strives to reach timely decisions, but also must ensure compliance with the law. This includes considering whether applicants have made efforts to maximize the use of goods, products, and materials produced in the United States consistent with Executive Order 13788. When evaluating waiver requests, the Department's focus is complying with the important requirements of the Buy America Act and Executive Order 13788. Once the Department is satisfied that applicants for waivers met that threshold, the Department will act on those requests.

Question. How many waiver requests were received in fiscal year 2019 and how many were granted?

Answer. For fiscal year 2019, the FHWA did not approve or deny any Buy America waivers.

BUILD GRANTS

Question. Congress has appropriated billions of dollars for the TIGER and BUILD programs in recent years. Many of the awards from the program have funded large infrastructure projects on interstate and Federal highways. Our local communities have significant infrastructure needs as well. The fiscal year 2020 Transportation Appropriations Bill included language to ensure that Department give equitable treatment to urban and rural communities. Following the fiscal year 2020 budget review hearing, I asked what steps the Department takes to ensure that local, municipal projects are funded in the BUILD Program. You responded that you believe that local governments best know the infrastructure needs of their Communities.

How can the Department further ensure that more localized projects are strongly supported by BUILD grants?

Answer. The Department continues to believe that local communities are best positioned to identify their own transportation needs, and that the BUILD program allows the Department to financially support surface transportation projects with a significant local impact. Through efforts like the Department's R.O.U.T.E.S. initiative, the Department conducts outreach to local communities and offers resources to help those communities effectively compete for Federal funding.

Question. Are additional statutory authorities needed to ensure that local, municipal projects receive resources through the BUILD Program?

Answer. Consistent with existing Congressional direction, the Department takes measures in awarding BUILD funds to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and investment in a variety of transportation modes.

Question. How has the Department set aside funding to support planning grant applications, how many such applications have been approved, and how much of the total amount of money available through the BUILD Program has been allocated to planning grants? How many applications for planning grants did the Department receive for the fiscal year 2019 round?

Answer. As a discretionary, merit-based program for surface transportation infrastructure, the Department prioritized BUILD fiscal year 2018 and fiscal year 2019 projects that would proceed to construction within the period of obligation. The fiscal year 2019 BUILD NOFO, for example, stated that applications for BUILD Transportation planning grants would be less competitive than capital grants. The Department received 52 planning grants in the fiscal year 2019 BUILD round and made no planning awards. Based on the language of the fiscal year 2020 BUILD appropriation, the Department will award no less than \$15 million in fiscal year 2020 BUILD funding for the planning, preparation or design of eligible projects.

MASS TIMBER

Question. The Committee is interested in how mass timber can be utilized in constructing transportation infrastructure. For the past few fiscal years Congress has included language on this topic in the Transportation Appropriations Bill.

What steps is the Department taking to initiate new activity around the utilization of mass timber in transportation infrastructure? Does the Department need additional resources or direction to undertake this work?

Answer. Mass timber in infrastructure construction is eligible for funding through the National Highway Performance Program (23 U.S.C. 119), the Surface Transportation Block Grant Program (23 U.S.C. 133), and the Accelerated Innovation Deployment grant program.

Technology for use of mass timber in transportation infrastructure is well-developed, with design guidance available in Chapter 8 of the American Association of State Highway and Transportation Officials' Load and Resistance Factor Design Standards. Technical assistance on the application of these standards is available to stakeholders on request.

FHWA remains committed to maintaining a competitive marketplace for infrastructure materials that leaves decisions concerning material selection to the State and local agencies who are in the best position to make such decisions based on safety, costs, and other factors.

WORKFORCE DEVELOPMENT

Question. For years Congress has directed FHWA to direct resources to the Center for Transportation Workforce Development.

What resources has FHWA used to support the Center? Please specifically describe the programs that these funds support.

Answer. The FHWA Center for Transportation Workforce Development (CTWD) is not referred to in legislation and funds are not specifically authorized for the Center. The CTWD was created in May 2016 to deliver programs and initiatives that build transportation career awareness and improve workforce development, capability, and diversity of the Nation's transportation workforce. Several long-standing programs supported under sections 140 and 504 of title 23, United States Code (U.S.C.), were brought together under the CTWD.

On-the-Job Training Supportive Services (OJT/SS), which is funded under 23 U.S.C. 140, assists State Departments of Transportation in meeting Federal regulatory requirements for Federal-aid contracts to establish apprenticeship and training programs focused on moving women, minorities, and disadvantaged persons into journey-level positions.

The National Summer Transportation Institute (NSTI) Program, which is funded under 23 U.S.C. 140, creates awareness and stimulates interest among middle and high school student participants by highlighting career opportunities in the transportation industry; providing science, technology, engineering, and mathematics (STEM)-based academic activities in transportation topics; and encouraging the pursuit of transportation-related course work at institutions of higher education.

The Transportation Education Development Program, which is funded under 23 U.S.C. 504, currently provides grants to 5 regional transportation workforce centers to develop education programs and curricula for surface transportation at all levels of the transportation workforce. Examples of programs and products developed under these grants include a STEM academy; an apprenticeship guide; a program where university students work on real-world local and State transportation challenges; and transportation curricula for at-risk youth in kindergarten through grade 12.

The Dwight David Eisenhower Transportation Fellowship Program, which is funded under 23 U.S.C. 504, provides grants for direct support of student expenses related to pursuing transportation-related degrees at accredited institutions of higher education including minority serving institutions and community colleges.

The Garrett A. Morgan Technology and Transportation Education Program, which is funded under 23 U.S.C. 504, focuses on improving the preparation of students, particularly women and minorities, in STEM through curriculum development and other activities related to transportation.

SUBCOMMITTEE RECESS

Senator COLLINS. This hearing is now adjourned.

[Whereupon, at 11:47 a.m., Wednesday, March 4, the subcommittee was recessed, to reconvene at a date and time subject to the call of the Chair.]