

IMPLEMENTING THE INFRASTRUCTURE INVESTMENT AND JOBS ACT

(117-55)

REMOTE HEARING

BEFORE THE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

JULY 19, 2022

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Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

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JULY 15, 2022

SUMMARY OF SUBJECT MATTER

TO: Members, Committee on Transportation and Infrastructure
FROM: Staff, Committee on Transportation and Infrastructure
RE: Full Committee Hearing on “Implementing the Infrastructure Investment and Jobs Act”

PURPOSE

The Committee on Transportation and Infrastructure will meet on Tuesday, July 19, 2022, at 10:00 a.m. EDT in 2167 Rayburn House Office Building and virtually via Zoom for a hearing titled “Implementing the Infrastructure Investment and Jobs Act.” The hearing will provide an opportunity for Members of the Committee to discuss the Administration’s actions to date in implementing the Infrastructure Investment and Jobs Act (IIJA; P.L. 117–58). The Committee will hear testimony from the Secretary of the United States Department of Transportation (DOT).

BACKGROUND

UNITED STATES DEPARTMENT OF TRANSPORTATION

Pursuant to House Rule X (1)(r), the Committee on Transportation and Infrastructure (Committee) authorizes programs carried out by the following DOT modal administrations and offices:

- Federal Aviation Administration (FAA);
- Federal Highway Administration (FHWA);
- Federal Motor Carrier Safety Administration (FMCSA);
- National Highway Traffic Safety Administration (NHTSA);
- Federal Transit Administration (FTA);
- Federal Railroad Administration (FRA);
- Maritime Administration (MARAD);
- Pipeline and Hazardous Materials Safety Administration (PHMSA);
- Great Lakes Saint Lawrence Seaway Development Corporation (GLS); and
- Office of the Secretary (OST).

On December 15, 2020, President Biden nominated Pete Buttigieg to be the Secretary of Transportation. The Senate Committee on Commerce, Science, and Transportation held a confirmation hearing on the nomination on January 21, 2021. The Senate confirmed Secretary Buttigieg on February 2, 2021, by a vote of 86–13.

INFRASTRUCTURE INVESTMENT AND JOBS ACT

Last November, Congress enacted the bipartisan infrastructure framework, passed as the Senate Amendment to H.R. 3684, the Infrastructure Investment and Jobs Act. This legislation provided billions of dollars to sustain and modernize our highway, transit, rail, airport, port, and wastewater infrastructure. These invest-

ments will help construct, repair, and replace airports, roads, bridges, transit systems, railroads, and pipelines; improve safety; reduce carbon pollution from the transportation sector; reduce congestion at ports; and improve air and water quality.¹

As stated in the fiscal year 2023 Views and Estimates adopted by the committee on April 28, 2022: “[o]versight of responsible implementation of the IIJA is a top priority for the committee this year as we work to ensure that Americans all over the country, rural and urban alike, proportionally share in the benefits from these historic investments.”² This hearing is an IIJA oversight activity of the committee and represents an opportunity for the committee to ensure that the IIJA is responsibly implemented.

The IIJA provides \$660 billion over five years to be distributed by DOT through formula programs and competitive grants to states, local governments, metropolitan planning organizations, transit agencies, tribes, passenger and freight railroad carriers, ports, airports, and other eligible recipients.³ This amount includes the following topline amounts by mode:

- \$365 billion for highway programs administered by the FHWA;⁴
- \$108 billion for transit programs administered by the FTA;⁵
- \$102 billion for rail programs administered by the FRA;⁶
- \$43 billion for multimodal project, safety, and innovation grant programs administered by the OST;⁷
- \$25 billion for aviation programs administered by the FAA;⁸
- \$8 billion for safety programs administered by the NHTSA;⁹
- \$5 billion for motor carrier safety programs administered by the FMCSA;¹⁰
- \$2.3 billion for port and waterway programs administered by the MARAD;¹¹ and
- \$1 billion for modernization of natural gas distribution pipelines administered by PHMSA.¹²

The guaranteed funding provided by the IIJA flows to funding recipients through more than 100 grant programs authorized by the legislation and administered by DOT and includes both formula and competitive grants. A comprehensive list of these programs across modal agencies and total funding available for each program can be found on DOT’s website.¹³

Formula program funding is apportioned to recipients each fiscal year (FY). States were initially notified of their first year (FY 2022) of IIJA highway funding, totaling \$52.5 billion, in an apportionment notice issued on December 14, 2021, and the agency has issued subsequent apportionment notices specific to the Bridge Formula Program, Appalachian Highway Development System funds, and the National Electric Vehicle Infrastructure formula funds.¹⁴ State departments of transportation generally have four fiscal years in which to obligate these formula funds.¹⁵ Transit agencies were notified of their first year (FY 2022) of IIJA transit formula funding, totaling \$13.4 billion, in an apportionment notice announced on April 6, 2022, once

¹ As described in Views and Estimates of the Committee on Transportation and Infrastructure for Fiscal Year 2023, p. 1. https://transportation.house.gov/imo/media/doc/FY23%20Views%20and%20Estimates_Final.pdf

² *Id.*, p. 1.

³ https://www.transportation.gov/sites/dot.gov/files/2022-01/DOT_Infrastructure_Investment_and_Jobs_Act_Authorization_Table_%28IIJA%29.pdf.

⁴ More information on highway programs available at <https://www.fhwa.dot.gov/bipartisan-infrastructure-law/>

⁵ More information on transit programs available at <https://www.transit.dot.gov/BIL>

⁶ More information on rail programs available at <https://railroads.dot.gov/BIL>

⁷ More information on OST programs available at <https://www.transportation.gov/mission/budget/bipartisan-infrastructure-law-dashboard>

⁸ More information on aviation programs available at <https://www.faa.gov/bil>

⁹ More information on NHTSA programs available at <https://www.nhtsa.gov/bipartisan-infrastructure-law>

¹⁰ More information on FMCSA grant programs available at <https://www.fmcsa.dot.gov/Bipartisan-Infrastructure-Law-Grants>

¹¹ More information on MARAD programs available at <https://www.maritime.dot.gov/about-us/bipartisan-infrastructure-law-maritime-administration>

¹² More information on pipeline grants available at <https://www.phmsa.dot.gov/news/usdot-begins-accepting-applications-president-bidens-bipartisan-infrastructure-law-program>

¹³ <https://www.transportation.gov/bipartisan-infrastructure-law/bipartisan-infrastructure-law-grant-programs>.

¹⁴ See <https://www.fhwa.dot.gov/legregs/directives/notices/n4510858/> and <https://www.fhwa.dot.gov/bipartisan-infrastructure-law/funding.cfm>.

¹⁵ Funding Federal-aid Highways, January 2017, p. 23, available at https://www.fhwa.dot.gov/policy/olsp/fundingfederalaid/FFAH_2017.pdf

funding for the full fiscal year was made available with the passage of the FY 2022 appropriations bill.¹⁶ Obligation timelines vary by transit formula program, but in most cases agencies have several fiscal years to obligate funding.¹⁷ Airports were notified of their first year (FY 2022) of IIJA Airport Infrastructure Grant formula funding, totaling \$2.89 billion, in an apportionment notice announced on December 16, 2021.¹⁸ Airports will generally have four fiscal years to obligate these funds. Funds not obligated at the end of the fourth fiscal year will be recovered by the FAA and made available for competitive grants in the fifth fiscal year.¹⁹

For competitive grant programs, DOT first issues a Notice of Funding Opportunity (NOFO) which sets forth eligibilities under the particular grant, factors for applicant evaluation, the period of time during which interested parties can apply, and other relevant information. DOT posts NOFOs and applicants generally apply through the federal www.grants.gov website. Since the enactment of the IIJA, DOT has issued NOFOs for the following competitive grant programs (with grant opportunity numbers or NOFO publications noted parenthetically):

- Reconnecting Communities Pilot Discretionary Grant Program (DOT-RCP-FY22-01)
- Bridge Investment Program (693JJ322NF00009)
- Local and Regional Project Assistance Grants (RAISE) (DTOS59-22-RA-RAISE)
- Bus and Bus Facilities (Competitive) (FTA 2022-002-TPM-BUSC)
- Low and No Emission Buses (FTA 2022-001-TPM-LWNO)
- National Infrastructure Project Assistance (MEGA) (NIPA-22-MEGA-22)
- Nationally Significant Freight and Highway Projects (INFRA) (NSMFHP-22-INFRA-22)
- Rural Surface Transportation Grant (Rural) (RSTGP-22-RURAL-22)
- Port Infrastructure Development Program Grants (MA-PID-22-001)
- Pilot Program for Transit-Oriented Development (TOD) Planning (FTA-2022-004-TPE-TODP)
- UTC Program Competition 2022-2026 Grants (UTCOPENCOMP2022)
- Safe Streets and Roads for All Discretionary Grant Program (DOT-SS4A-FY22-01)
- Natural Gas Distribution Infrastructure Safety and Modernization Grant(693JK322NF0018)
- Railroad Crossing Elimination Program (87 FR 40335 / FR-RCE-22-001)
- Small Shipyard Grant Program (DTMASSG22)
- Airport Terminal Program (87 FR 10890)
- Contract Tower Competitive Grant Program (87 FR 23687)
- Passenger Ferry Grant (Program FTA-2022-006-TPM-FERRY)
- Electric or Low-Emitting Ferry Pilot Program (FTA-2022-007-TPM-FERRYPILOT)
- Ferry Service for Rural Communities Program (FTA-2022-008-TPM-FERRYRURAL)
- America's Marine Highway Program (693JF722R000012)
- Tribal Transportation Program Safety Fund (2022TTPSF)

To provide assistance and information on future funding opportunities for potential applicants, DOT has posted on its website anticipated dates for future grant notices.²⁰ DOT has also created the “Bipartisan Infrastructure Law Dashboard,” which allows users to view IIJA funding by modal administration, fiscal year, and other factors such as funding source and program type.²¹ In addition, in May 2022 the White House published a document entitled “Building a Better America: A Guidebook to the Bipartisan Infrastructure Law for State, Local, Tribal, and Territorial Governments, and Other Partners” which outlines each of the funding programs available under the IIJA.²²

DOT has also launched the DOT Navigator website, which lists resources to “help communities understand the best ways to apply for grants, and to plan for and de-

¹⁶ <https://www.transit.dot.gov/funding/apportionments/current-apportionments>

¹⁷ <https://www.federalregister.gov/documents/2022/04/28/2022-09143/notice-of-fta-transit-program-changes-authorized-funding-levels-and-implementation-of-the>

¹⁸ <https://www.faa.gov/newsroom/faa-announces-first-year-airport-funding-amounts-bipartisan-infrastructure-law>

¹⁹ As set forth directly in the IIJA provision, see P.L. 117-58, Division J, TITLE VIII, Federal Aviation Administration, Airport Infrastructure Grants.

²⁰ <https://www.transportation.gov/bipartisan-infrastructure-law/upcoming-notice-funding-opportunity-announcements-2022>

²¹ <https://www.transportation.gov/mission/budget/bipartisan-infrastructure-law-dashboard>

²² <https://www.whitehouse.gov/wp-content/uploads/2022/05/BUILDING-A-BETTER-AMERICA-V2.pdf>

liver transformative infrastructure projects and services” and provides a one-stop shop for technical assistance resources available through DOT.²³ The Office of Management and Budget separately issued implementation guidance in the form of a memorandum on April 18, 2022, regarding the application of Buy America requirements to infrastructure funding that Congress enacted as part of the IIJA.²⁴

WITNESS LIST

- The Honorable Pete Buttigieg, Secretary, United States Department of Transportation

²³ <https://www.transportation.gov/dot-navigator>

²⁴ M-22-11 (whitehouse.gov)

IMPLEMENTING THE INFRASTRUCTURE INVESTMENT AND JOBS ACT

TUESDAY, JULY 19, 2022

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

The committee met, pursuant to call, at 10:01 a.m. in room 2167 Rayburn House Office Building and via Zoom, Hon. Peter A. DeFazio (Chair of the committee) presiding.

Members present in person: Mr. DeFazio, Ms. Norton, Mr. Larsen of Washington, Mrs. Napolitano, Mr. Cohen, Mr. Garamendi, Mr. Sean Patrick Maloney of New York, Mr. Payne, Mr. DeSaulnier, Mr. Lynch, Mr. Carbajal, Mr. Malinowski, Mr. Stanton, Mr. Allred, Ms. Davids of Kansas, Mr. Lamb, Mr. Moulton, Mr. Auchincloss, Ms. Strickland, Mr. Graves of Missouri, Mr. Crawford, Mr. Gibbs, Mr. Webster of Florida, Mr. Massie, Mr. Perry, Mr. Rodney Davis of Illinois, Dr. Babin, Mr. Graves of Louisiana, Mr. Rouzer, Mr. Weber of Texas, Mr. LaMalfa, Mr. Westerman, Mr. Mast, Mr. Fitzpatrick, Miss González-Colón, Mr. Balderson, Mr. Stauber, Mr. Johnson of South Dakota, Dr. Van Drew, Mr. Nehls, Ms. Malliotakis, Ms. Van Duyne, and Mr. Gimenez.

Members present remotely: Ms. Johnson of Texas, Mr. Johnson of Georgia, Mr. Carson, Ms. Titus, Mr. Huffman, Mr. Lowenthal, Mr. García of Illinois, Ms. Bourdeaux, Ms. Newman, Mr. Katko, Mr. Guest, and Mrs. Steel.

Mr. DEFazio. The hearing will come to order. Thank you.

I ask unanimous consent to authorize the chair to declare a recess during the hearing.

And without objection, so ordered.

As a reminder, all of you who are out there remotely, please keep your microphone muted or I will be yelling at you. To insert a document in the record, please email it to DocumentsT&I@mail.house.gov.

And with that, I am going to give a brief opening statement.

I want to thank the Secretary for being here today. We are holding this hearing to do some oversight on the implementation of the Infrastructure Investment and Jobs Act, and I appreciate you being here today to tell us about the progress.

This may be a long day, and I appreciate the fact that you are going to make time available in the hope that all Members who have questions will have an opportunity. So, we are going to move along quickly, and we are going to strictly observe time limits, so that we can move through this with as many Members participating as possible.

I really appreciate the fact that the IIJA money is getting out the door at a record pace. I mean, this is something that I have been looking forward to and working on since Obama was President when I passed the bill out of subcommittee to increase spending by \$350 billion, which at that time seemed like a phenomenal amount, and obviously this one is \$660 billion.

Finally, after 12 years, we have got that, and this is larger than anything else the Department has ever had to deal with before. And as I understand it, you have so far apportioned \$75 billion in highway, transit, and airport formula funds, issued Notices of Funding Opportunity for tens of billions of dollars more through 22 competitive grant programs. This is absolutely unprecedented in terms of the investments we are making and the pace at which we are putting this money out.

The stakes are high. We want to get this money out. Inflation is eating into what we are going to be able to build. And the more quickly we can commit the funds, the more we will get done.

I expect that we will hear some criticism from my colleagues on the other side of the aisle, but sadly, almost none of them here today or on this committee voted for this legislation, which was amazing to me at the time of passage. I know Donald Trump didn't like it because he couldn't do it, and this actually got done.

But it is a record amount of long overdue investment, and we aren't just, as I said before—and, please, we are not just trying to do Eisenhower 8.0.

At the same time, you are looking at—you have guidance on “fix it first,” something that was stripped out by the Senate, the 10 Members of the Senate, 10 Republicans and 2 Democrats, none of whom have a major role on any of the 3 committees of jurisdiction in the Senate who wrote this bill.

They used our template in terms of money and more routine things, but they bristled at the idea that we would deal meaningfully with climate change and look at alternatives to just an infinite amount of highway building, which will not solve our problems. As we all know, there is something called induced demand.

I talked a lot about the Virginia Railway Express as opposed to expanding 95 South, and I am hoping States will replicate that around the country where we can reduce carbon pollution, move people more efficiently, and look toward a 21st-century system in this country.

I appreciate the fact that you are encouraging the States. You are not mandating or penalizing them. You are not taking away decisionmaking authority. But we are just asking them—and I have spoken to the American Association of State Highway and Transportation Officials about this—just take a look at this.

Fix it first, do the critical maintenance we need to do, and then, secondly, when you are having a congestion problem, look and see what is the best solution. Is it: Attempt to build more highway-miles? Or is there a way to move the people more efficiently?

I also appreciate the fact—I will be sending you a letter soon to support your efforts to require a measurement reduction of greenhouse gases. Transportation is our single largest source of carbon pollution, and we do need to address that.

[Mr. DeFazio's prepared statement follows:]

Prepared Statement of Hon. Peter A. DeFazio, a Representative in Congress from the State of Oregon, and Chair, Committee on Transportation and Infrastructure

Welcome to today's hearing to examine the implementation of the Infrastructure Investment and Jobs Act (IIJA). Thank you, Secretary Buttigieg, for taking time to sit with this committee today.

We extend our appreciation to you in advance for what may be a long day, to ensure that every Member of our committee who wants to ask questions has an opportunity to do so. Given the pace with which the U.S. Department of Transportation (DOT) has been getting IIJA money out the door, we know you would likely be working to implement this bill today if you were not here with us.

Last November, Congress enacted the largest one-time infusion of federal funds into our nation's infrastructure and transportation network. The IIJA, also referred to as the Bipartisan Infrastructure Law, provided \$660 billion for DOT to administer and distribute. This topline dollar amount, and the number of grant programs DOT must compete out, are significantly larger than any other past transportation authorization or infrastructure bill provided to the Department.

In the eight months since enactment of the law, DOT has apportioned the \$75 billion in highway, transit, and airport formula funds provided in the IIJA for fiscal year 2022, and has issued Notices of Funding Opportunity for tens of billions more through 22 competitive grant programs. The dollar amounts and the pace at which they are going out is unprecedented.

The stakes are high to get this money out the door quickly to states, local governments, transit agencies, airports, ports, and passenger and freight railroads. Inflation is causing real pain for the American people, with ongoing supply chain woes adding to the challenge. There may not be a magic bullet to eliminate these problems overnight, but infrastructure has historically proven to be a solid investment in our nation, and today better roads and bridges, more efficient railroads and ports, and fewer bottlenecks are more important than ever.

So while many of my colleagues on the other side of the aisle choose to use every opportunity to criticize the White House on our common challenges, the truth is almost none of them voted for this bill. They all had an opportunity to vote for a piece of legislation that is not about massive federal programs. Instead, these are programs where the vast majority of the money flows from Congress, passes through the U.S. DOT to states and local governments, and lands at private sector construction and engineering firms, and the workers they hire, to build physical assets. IIJA funding will provide jobs in the near term in the transportation construction, transit, trucking, aviation, rail, and maritime sectors. And the projects the bill funds will bolster our economy, mobility, and quality of life in the long term.

But IIJA represents more than just a call to keep things humming along. Business as usual, or Eisenhower 8.0 as I have said repeatedly, was not going to cut it to address climate change and reduce carbon pollution. It was not going to improve safety or equity outcomes on our transportation networks. IIJA ushered in the first-ever federal highway grant funding directed at reducing carbon pollution, at reconnecting communities, and at vulnerable road users with a focus on the dangers of road design.

These and other programs and policy changes are now in the hands of U.S. DOT to execute. I applaud the Department's efforts to date on this front as well. The steps you have taken to prioritize equity considerations in grants, the implementation of the Administration's Justice40 Initiative, and ongoing work to ensure Disadvantaged Business Enterprises reap the benefits of IIJA funding are examples of making equity outcomes matter. Issuing the National Roadway Safety Strategy demonstrates that this DOT is serious about addressing the recent spike in traffic deaths, which includes a disproportionate increase for pedestrians and cyclists.

And you have taken actions to ensure that the carbon pollution reduction provisions of the IIJA are not just words on the page. By encouraging states—that's right, encouraging, not mandating or penalizing or taking away decision-making authority from states—to evaluate and think creatively about how to maximize the efficiency of existing assets before adding capacity is one tool DOT has employed in this effort.

I will soon be sending a letter along with many of my colleagues to DOT in support of the Federal Highway Administration's proposed rule to track GHG emissions from on-road sources on the National Highway System, and to require state DOTs and metropolitan planning organizations to set declining emissions targets. This is

another necessary step in addressing the climate crisis, as we can't improve what we can't measure.

Finally, I'll say to the critics of this Administration, who say that your actions are carrying out House ideas from the INVEST Act—our transportation system's shortcomings, our planet's challenges, and the need for a response can't be ignored or wished away. Coming to the same conclusion after reviewing the same set of facts doesn't mean collusion. Given our current reality, taking action to evolve how we move people and goods is responsible and appropriate—and that is what this administration is doing. I commend the steady hand with which you, Mr. Secretary, are guiding the implementation of this bill to date, to deliver for the American people.

Thank you, and I look forward to the testimony and today's discussion.

Mr. DEFAZIO. So, with that said, I would now yield to the ranking member.

Mr. GRAVES OF MISSOURI. Thank you, Mr. Chairman, for calling this hearing. And thank you, Mr. Secretary, for being here today.

Since you last testified before the committee, Congress did pass the \$1.2 trillion infrastructure package. And although many Members on my side of the aisle voted against it, it was mostly because there was no Republican input, and then ultimately no House input in the bill. Having said that, I do recognize it is now the law of the land, and I respect that fact.

My focus now is going to be on oversight of the law and ensuring that it is implemented efficiently, effectively, and adheres to the letter of the law.

And why is this important? Because our Nation is dealing with crisis after crisis, from a spending crisis to an energy crisis. We have a supply chain crisis, a workforce shortage crisis, and all of these problems are feeding into a historic inflation crisis. And it is astounding that inflation has increased 550 percent.

Americans know that they can no longer buy the same amount of food or gasoline or other necessities with their hard-earned dollars, as they could just 1½ years ago. Obviously, not by a longshot.

And the same holds true for our infrastructure dollars. Committee Republicans heard some pretty grim warnings last week during our roundtable on inflation. Companies working in the transportation space are struggling with exploding costs across the board, and some of these companies can't shoulder the risk of inflation, which means some of the businesses, especially smaller ones, are unable to even bid on some of the jobs.

At the same time, States are running over their transportation budgets, as they have the impossible task of estimating project costs, which are going to continue to increase exponentially.

In my home State of Missouri, they are estimating that they are going to go \$140 million over budget in the current year's transportation plan.

States are also receiving fewer and fewer bids on their projects. With all the regulatory redtape, they aren't able to get through the process in time for a company's proposal to stay true to their original estimated cost. And that is why it is incumbent upon the Department and Congress to make sure that every single dollar from the law counts and is directed towards projects safely and efficiently to move people, to move goods, and clear the bottlenecks that are adding to the supply chain crisis.

However, many stakeholders have already expressed concerns about the administration's implementation of the infrastructure law, and I share some of those concerns.

Just to highlight a few, one of the concerns to me and many others is December 16th of last year—the Federal Highway Administration guidance memo. Mr. Secretary, I know that you have spoken about some of the concerns raised since this guidance was issued, but I hope you recognize the fact that it remains a serious source of concern and confusion because it pushes the administration's own priorities, including a bias against adding new highway capacity over what is written in the law itself.

Another related concern I have is the number of the Department's competitive grant notices that also include language doubling down on the Federal Highway Administration's guidance. The notices for grant programs like the INFRA, RAISE, Mega, Rural, and Reconnecting Communities grants. They all clearly show that the administration isn't as laser-focused as it needs to be on fundamental transportation policy and projects that actually improve mobility.

One additional concern I want to highlight is in regard to the One Federal Decision provisions, which were included in the law and are critical to cutting the redtape for so many of the projects. Instead of simply implementing the OFD provisions, the administration released its action plan on project permitting on May 11th, and it doesn't seem to mention OFD. So, again, here is another example of the law laying out an explicit policy, which the administration appears to be ignoring in favor of accelerating projects that fit its own agenda.

The result of the administration putting its agenda ahead of the law of the land, and even acting in contradiction to the law in some cases, is that infrastructure funding—already dramatically devalued by this crippling inflation, as has been pointed out—is being diluted even further. This is not shaping up to be the infrastructure bill that Americans were promised. And now more than ever this administration needs to focus on real infrastructure and on policies that can get us out of so many of these crises.

So, with that, I do want to thank the chairman again for holding this hearing.

[Mr. Graves of Missouri's prepared statement follows:]

Prepared Statement of Hon. Sam Graves, a Representative in Congress from the State of Missouri, and Ranking Member, Committee on Transportation and Infrastructure

Thank you, Chair DeFazio, for calling this important hearing, and thank you, Secretary Buttigieg, for being here today. Since you last testified before the Committee, Congress passed a \$1.2 trillion infrastructure package, and although many Members on our side of the aisle voted against the infrastructure bill—partly because it had no Republican member input and ultimately no House input—I recognize and respect that it's now the law of the land.

My focus now is on oversight of the law and ensuring that it is implemented efficiently, effectively, and *adheres to the letter of the law*. Why is that so important?

Because our Nation is dealing with crisis after crisis—from a federal spending crisis, to an energy crisis, to a supply chain crisis, to a workforce shortage crisis. And all of these crises are feeding into an historic inflation crisis. It is astounding that inflation has increased 550 percent since the beginning of this Administration.

Americans know that they can no longer buy the same amount of food, clothing, gasoline, and other necessities with their hard-earned dollars as they could just a year and a half ago. Not by a long shot.

The same holds true for our infrastructure dollars.

Committee Republicans heard some pretty grim warnings last week at our roundtable on inflation. Companies working in the transportation space are struggling with exploding costs across the board. Some of these companies cannot shoulder the risk of inflation, which means some businesses—especially the smaller ones—are unable to even bid on jobs.

At the same time, states are running over their transportation budgets, as they have the impossible task of estimating project costs, which continue to increase exponentially. My home state of Missouri has estimated they are \$140 million over budget for their current year's transportation plan.

States also are receiving fewer and fewer bids on their projects; and with all the regulatory red tape, they aren't even able to get through the process in time for a company's proposals to stay true to their original estimated costs.

That's why it is incumbent upon the Department and Congress to make sure every single dollar from this law counts and is directed toward projects that safely and efficiently move people, move goods, and clear bottlenecks that are adding to our supply chain issues.

However, many stakeholders have already expressed concerns about this Administration's implementation of the infrastructure law, and I share those concerns. I'll highlight just a few of these issues.

One ongoing concern for me and many others is the December 16, 2021, Federal Highways Administration guidance memo. Mr. Secretary, I know that you've spoken about some of the concerns raised since this guidance was issued, but I hope you recognize the fact that it remains a serious source of concern and confusion because it pushes the Administration's own priorities—including a bias against adding new highway capacity—over what's written in the law itself.

Another related concern I have is the number of the Department's competitive grant notices that also include language doubling down on the Federal Highways guidance. The notices for grant programs like INFRA, RAISE, MEGA, Rural, and Reconnecting Communities all clearly show that this Administration isn't as laser-focused as it needs to be on fundamental transportation policy and projects that actually improve mobility.

And one additional concern I want to highlight is in regard to the One Federal Decision (OFD) provisions included in the law that are critical to cutting red tape for projects. Instead of simply implementing the OFD provisions, the Administration released an "Action Plan on Project Permitting" on May 11, 2022—but it doesn't even mention OFD. So again, here is another example of the law laying out an explicit policy, which the Administration appears to be ignoring in favor of accelerating projects that fit its own agenda.

The result of the Administration putting its agenda ahead of the law of the land, and even acting in contradiction of that law in some cases, is that infrastructure funding—already dramatically devalued by crippling inflation—is being diluted even further.

This is not shaping up to be the infrastructure bill Americans were promised. Now more than ever, this Administration needs to focus on real infrastructure, and on policies that can help get us out of these crises.

With that, I want to thank both the Chair and the Secretary again, and I look forward to this hearing.

Mr. GRAVES OF MISSOURI. And thank you very much, Mr. Secretary. I know you are busy, but coming before Congress, it does mean a lot to a lot of Members. Thanks.

Mr. DEFAZIO. I thank the ranking member.

Now I would like to formally recognize the Honorable Pete Buttigieg, Secretary of Transportation. Thanks again for joining us today. I look forward to your testimony.

And without objection, our witness' full statement will be included in the record. And since your written testimony is made a part of the record, the committee requests that you limit your initial remarks to 5 minutes.

With that, you may proceed.

**TESTIMONY OF HON. PETE BUTTIGIEG, SECRETARY OF
TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION**

Secretary BUTTIGIEG. Good morning, and thank you very much, Chair DeFazio. Thank you, Ranking Member Graves. And thank you, members of the committee, for the opportunity to join you this morning.

Before I begin, I wanted in particular to recognize you, Chair DeFazio, for 36 years of extraordinary service, and to congratulate you on your upcoming retirement.

There are few who can claim to have done more than you to champion safety, to promote environmental justice, and to advance transportation systems to benefit all Americans.

I also want to acknowledge that earlier this year we lost a Member and former chair of this committee, the late Representative Don Young, who represented the people of Alaska for nearly half a century and was often willing to cross the aisle to get things done for the American people.

Thanks to leaders like Chair DeFazio, Representative Young, and so many of you, we now have the most transformative transportation investment in most of our lifetimes, in the form of the Infrastructure Investment and Jobs Act. And it couldn't have come at a more important time. From delays at ports to freight congestion to shortages in aviation, American transportation has rarely confronted this many intersecting challenges at once, both immediate and entrenched. Nearly 43,000 people died in traffic crashes last year, each of them a parent or child, colleague or friend.

Transportation produces more carbon emissions than any other sector at a time when the nations of the world are rallying to confront the climate challenge. And as Americans grapple with the effects of inflation, we know that transportation is the second largest household expense after housing, affecting every family budget.

This is also, though, a moment of enormous opportunity, with reason for optimism. Thanks to the infrastructure law, my Department has never seen a moment of greater potential than now to build transportation resources that connect everyone safely, efficiently, and affordably to the things we need and the people we love.

Needless to say, we have been busy. We have already announced nearly \$84 billion in grant funding from across the Department. Every few days, we have another great announcement: Bridge repair programs that will help us move more goods more affordably and people more safely, a national electric vehicle charging network with the potential to bring cost-saving technology to rural communities and help fight the climate crisis, and safety initiatives that will reduce crashes and save lives; for example, getting rid of outdated railroad crossings to prevent tragedies like the one we saw recently in Chariton County.

Ranking Member Graves, my thoughts are with all of your constituents, the passengers, the families, who were impacted by that derailment. And I want to emphasize that DOT will continue to support NTSB's investigation and work to improve railroad safety nationwide.

From safety to reliability to affordability, name a dimension of transportation that you deal with in daily life; we have a program

addressing it. All of this is going to help people get where they need to go while creating jobs and economic opportunity across the country.

You all know better than anyone that passing the law is only the first step. Success means delivering good projects that improve the lives of your constituents.

I will give you just a few examples of the work we are supporting. Alpena, Michigan, is a community of fewer than 10,000 people where one of the largest employers is the local cement plant. We awarded the city funding to modernize their port so it can bring in larger cargo ships. That means more business for the plant, more jobs for the people of Alpena, and better access to materials for manufacturers across the region.

Within the city limits of Baltimore, it can take hours to get from home to work if you don't have a car. So, we are funding 10 new miles of dedicated bus lanes to connect residential neighborhoods with major employers in a single corridor that supports more than 180,000 jobs.

In 2007, Findlay, Ohio—a town of 40,000—flooded. Hundreds of homes and businesses were damaged or forced to move. Now we are helping Findlay replace a century-old railroad bridge with a modern ballast deck bridge that will not only help people get to work but also reduce the risk of flooding damage in the future.

And these are just a sample from among literally thousands of projects that will help Americans live and work where they want, help businesses deliver better products, and help families save for the future. It can even save lives.

In this good work, we will need your continued leadership and partnership, as well as that of communities across the country, organized labor, businesses, State, Tribal, and local officials, and so many more. Together, we have the opportunity to improve countless lives, support good-paying jobs, strengthen America's manufacturers, modernize our infrastructure for decades to come, and cement America's position as the world's leading economy.

So, thank you once more for inviting me to be here today, and I am looking forward to addressing your questions.

[Secretary Buttigieg's prepared statement follows:]

**Prepared Statement of Hon. Pete Buttigieg, Secretary of Transportation,
U.S. Department of Transportation**

Chair DeFazio, Ranking Member Graves, and members of the Committee, thank you for the opportunity to speak with you. Before I begin, I'd like to thank you in particular, Chair DeFazio, for your 36 years of extraordinary service, and congratulate you on your upcoming retirement. There are few who can claim to have done more than you to champion safety, promote environmental justice, and advance our transportation systems to the benefit of all Americans.

I also want to acknowledge that earlier this year, we lost a member and former Chair of this committee—the late Representative Don Young, who represented the people of Alaska for nearly half a century and was often willing to cross the aisle to get things done for the American people. Thanks to leaders like Chair DeFazio, Representative Young, and so many of you, we now have the most transformative transportation investment in most of our lifetimes in the form of the Infrastructure Investment and Jobs Act.

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Ranking Member Graves, my thoughts are with all your constituents, the passengers, and their families who were impacted by that derailment. DOT will continue to support NTSB's investigation and work to improve railroad safety nationwide.

From safety to reliability to affordability, name a dimension of transportation that you deal with in your daily life, and chances are, we've got a program for it. All this will help people get to where they need to go, while creating jobs and economic opportunity across the country.

You know better than anyone that passing the law is only the first step. Success means delivering good projects that improve the lives of your constituents. Here are some examples of what we're supporting:

- Alpena, Michigan is a city of fewer than 10,000 people, where one of the largest employers is the local cement plant. We awarded the city funding to modernize their port, so it can bring in larger cargo ships. That means more business for the plant, more jobs for the people of Alpena, and better access to materials for manufacturers across the region.
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- In 2007, Findlay, Ohio—a town of about 40,000—flooded. Hundreds of homes and businesses were damaged or forced to move. Now, we're helping Findlay replace a century-old railroad bridge with a modern ballast deck bridge that will not only help people get to work, but also reduce the risk of flooding damage.

These are among literally thousands of projects that will help Americans live and work where they want, help businesses deliver better products, and help families save for the future. They can even save lives.

In this good work, we will need your continued leadership and partnership—as well as that of communities across the country, organized labor, businesses, State, Tribal, and local officials, and so many more.

Together, we have the opportunity to improve countless lives, support good paying jobs, strengthen America's manufacturers, modernize our infrastructure for decades to come, and cement America's position as the world's leading economy.

Thank you once more for inviting me to be here today. I look forward to your questions.

Mr. DEFAZIO. Thank you, Mr. Secretary. I will now move on to questions. I will first recognize the chair of the Highways and Transit Subcommittee, Eleanor Holmes Norton, for her questions. Eleanor will be virtual.

Ms. NORTON. Thank you very much, Mr. Chairman, and thank you, Mr. Buttigieg, for being here today.

As you know, the Department of Transportation grant recipients have historically been prohibited from utilizing geographic or economic or other hiring preferences regarding the use of labor for DOT-funded transportation projects.

But the new infrastructure law provided new statutory authority for recipients of DOT grants to utilize local labor hiring preferences. We call them local hires on construction contracts. I do support this authority.

As a former mayor yourself, can you explain what this new authority means for cities and other grant recipients carrying out infrastructure projects? For example, are grant recipients required to utilize local hiring preferences?

Secretary BUTTIGIEG. Well, thank you very much. As both Secretary and as mayor, I have heard too often stories from neighborhoods that have long craved some kind of infrastructure investment finally see it, only for residents to look at the worksite and wonder if any of the people getting the good-paying jobs, working on that project, come from anywhere near the area where the project is being done.

But as you mentioned earlier, our ability to support that kind of work was restricted to pilot programs. Using the authority provided for us in the new law, we will be able to support local hiring provisions to the extent they are supported on the ground in ways that we think are going to contribute enormously to opportunity in communities that perhaps in the past have been left out of the good-paying job creation and the ladders to the middle class that come with it.

And so, we will continue using the authorities provided in the law to support that kind of work and support that extension of access to opportunity for so many who have not felt that they have been part of it in administrations or in years past.

Ms. NORTON. Well, they can use local hiring preferences. Are they required to use local hiring preferences?

Secretary BUTTIGIEG. I am sorry. Could you repeat the question?

Ms. NORTON. Are grant recipients required to utilize local hiring preferences?

Secretary BUTTIGIEG. So, we encourage local hire. It depends of course on the program, but Federal-aid highway programming now paves the way for grant recipients to do so, and we will be working with them every step of the way.

Ms. NORTON. OK. I will be encouraging my transportation authority to require local hiring preferences.

I would like to ask you about Union Station here in the District of Columbia. The Federal Railroad Administration recently revised its proposal to develop Union Station. I appreciate the renewed focus on better serving transit, rail, bus riders, along with cyclists that are provided in this proposal.

But it is also critical to ensure that Union Station design works for DC residents who rely on local transit, food, and retail options, and who will be impacted on a daily basis by changes in traffic patterns in the area.

What is your Department doing to engage with local residents about the project and to account for their needs and suggestions going forward?

Secretary BUTTIGIEG. Well, as your question importantly notes, there are many modes of transportation that converge at Union Station. And while it is certainly known partly for its role in intercity rail and longer distance travel, it is also very significant as a

hub for transit and as a retail site that is very meaningful for the immediate neighborhood, both in terms of access to retail and in terms of access to jobs.

So, we consider it very important, as we would in any project, but certainly with all of the overlapping equities here, for the voices of community members to be heard. I know that is expressed partly through you and through your office, but also expect for there to be immediate means of input. And we will work with the project sponsor and knowing that the District of Columbia, of course, is very hands-on with this, to make sure that we support that kind of participation and that all those relevant concerns are heard.

Ms. NORTON. Thank you.

Mr. DEFAZIO. I thank the gentlelady.

I now turn to Ranking Member Sam Graves.

Mr. GRAVES OF MISSOURI. Thank you, Mr. Chairman. My question is actually fairly simple, because one of the things I am concerned about and have been pretty active in over the years is trying to figure out how we make the Highway Trust Fund solvent.

We have obviously got a lot of vehicles on the road that aren't paying for the use of the road. Again, it is something I have been pretty active in, and I know there was an alternative funding board I think that was put in the infrastructure plan. I am just curious how that is coming along.

And I know we had some pilot projects going on out there, too, some VMT pilot projects and a few things. I don't know. We are not talking about that anymore, and I know it is a monumental task when it is eventually going to have to be tackled to figure that out. But just curious on your thoughts and where we are in that process and how those pilots are going.

Secretary BUTTIGIEG. Thank you. Yes. There were the pilots that were authorized previously through the FAST Act. A number of States have pursued them, and we are always interested in their experience and trying to get information about the results there. Further pilots are provided for in the IIJA, and we will support that work as well.

I think ultimately there are some profound policy considerations that will need to be addressed in terms of the long-term viability of the Highway Trust Fund. And, as you know, for the IIJA, it was very important to this administration not to take any step that would be inconsistent with the President's commitment not to raise taxes on anybody making less than—

Mr. GRAVES OF MISSOURI [interposing]. And I understand that.

Secretary BUTTIGIEG [continuing]. \$400,000 a year. But in some way, shape, or form, we need to be prepared for a model of sustainable highway trust funding that is different from the one that we have inherited.

And as these pilots continue to take shape—and we can update your office on the Federal kind of side in terms of how we are laying the groundwork for that pursuant to IIJA—I think it will give us some important data points that we are going to need, especially if Congress decides for the long run that it is not as prepared as it has been in the past to commit general fund dollars to that purpose.

Mr. GRAVES OF MISSOURI. And we are going to continue to pull general fund dollars in. And I worry about that, the precedent that it sets. In transportation, we have always tried to be a pay-as-you-go and a fee-based process, and I am concerned about, you know, just the movement away from that. But it is a concern. Thanks.

I yield back.

Mr. DEFAZIO. OK. I thank the gentleman.

Now Representative Eddie Bernice Johnson.

Ms. JOHNSON OF TEXAS. Yes. Thank you very much, and let me thank the Secretary for making himself available and for the job he is doing on behalf of the administration.

And I want to thank you for visiting Dallas-Fort Worth, but you only saw two programs, so, I hope you will be coming back soon.

It is critically important to make sure that everyone is benefiting from this legislation. So, could you discuss what the Federal DOT is doing to ensure that disadvantaged business programs are working properly and are guaranteeing the minority- and women-owned businesses are getting a fair share of these transportation dollars?

Secretary BUTTIGIEG. Well, thank you for the question. This is very important to us. It is, of course, the rationale for the DBE programs that are provided for in the law, and also just an essential matter of fairness in terms of the business opportunity that parallels, in my view, the need for fairness in labor opportunity that was at stake in the question that Representative Norton asked earlier.

In order to make good on that, we have been actively working not just to ensure that there is compliance with the DBE law, but in order to make sure that we are better alerting the DBE community to the business opportunities that it might create. For example, our Office of Small and Disadvantaged Business Utilization has been preparing events around the country to help bring together officials and contractors to preview the opportunities and get a better sense of how to compete for those opportunities.

We know that—

Mr. DEFAZIO [interrupting]. If the gentleman would suspend for 1 second. I believe someone's microphone is on, and I believe it might be Eleanor Holmes Norton. Please mute your microphones.

Continue, Mr. Secretary.

Secretary BUTTIGIEG. Thank you. We recognize that our processes need to be user-friendly, especially if we are trying to expand the base of historically excluded business owners who have access to these Federal opportunities. And so, we will be working with the States, the transit agencies, and others who are being funded, while also making sure that we meet our own ambitious goals for direct Federal procurement, which have been increased this year on the SDB side to 20 percent.

And making sure that we are meeting our goals in-house I think will also give us important expertise and experience, which will be relevant for us to work with the States and the other partners on for the effective inclusion of various businesses and opportunities created by the bill writ large.

Ms. JOHNSON OF TEXAS. Well, thank you very much. Now, I know that this is not important to a lot of people, but cities that

were impacted by highways, and disadvantaged communities are really concerned about it—and some smaller ones, I might add—as we look around the country.

But I am hoping that we will provide some robust funding for Reconnecting Communities. I know that in my district, in Dallas, Texas, right in the downtown areas, we have at least two major areas. And so, I am hoping that there will be some attention given to those important reconnections.

Secretary BUTTIGIEG. Well, thank you. We had the great pleasure of rolling out the Reconnecting Communities Program recently in Birmingham and have seen just enormous interest around the country in knitting together places that have been separated or divided by a piece of infrastructure, be it a railway, a highway, an interchange, or something else.

I think that we will learn a great deal through this first-ever round of applications coming in, and we recognize that the program will very likely be oversubscribed, that we will get more than \$200 million worth of applications this first year, but also hope in the work that we will be able to fund to light the way for what jurisdictions may be able to do with their own dollars, even if not earmarked for this purpose, knowing that that benefits the entire community with better transportation networks while also addressing some of the harms that had been created by choices in the past.

Ms. JOHNSON OF TEXAS. Thank you very much, and thank you, Mr. Chair. I think my time has just about expired.

Mr. DEFAZIO. OK. I thank the gentlelady, and now Representative Crawford.

Mr. CRAWFORD. Thank you, Mr. Chairman, and thank you, Mr. Secretary, for being here. Continuing off that theme, you recently announced a \$1 billion program aimed at combatting alleged racism in road projects. At the same time, DOT is actively supporting the construction of the doomed California high-speed rail project, despite reports that indicate the project is in fact displacing and destroying low-income minority communities in the track's path. So, my question is, why are you dismantling existing highways in the name of racial equity while you're also supporting a project that's actively harming low-income minority communities?

Secretary BUTTIGIEG. So, every project has an impact, and what we think the law provides for is a process for local communities to weigh in on how those impacts affect them, and unless there is a civil rights violation, in which case, my Department of course will very proactively address it, then it falls to the project sponsor to decide how to balance those concerns.

But in terms of the highway work, the way I view it is, if Federal dollars were ever used in a way that separates or segregates, then a pretty good use of Federal dollars now would be to connect to address those harms, and my view also is that the entire community, not just those who were disadvantaged, is better off when a community is served by transportation infrastructure that does in fact connect more than it divides.

Mr. CRAWFORD. Well, that sounds pretty good rhetorically, but in reality what we know is that this money pit in California, that's largely being subsidized by Federal tax dollars is doing exactly what you purport to prevent with this \$1 billion allocation.

So, I think that is worth revisiting at some point to determine if in fact that's—certainly that's happening, is that a good expenditure of money? But let me move on in the interest of time.

Ranking Member Graves mentioned a 550-percent increase in inflation since your boss took office that's wreaking havoc on our economy, it's destroying particularly transportation businesses, that includes the small suppliers and the disadvantaged business enterprises that work in that space. Companies just can't afford the cashflow this increased inflation, to shoulder that risk, and what's worse is it's creating a vacuum in the marketplace that allows for foreign companies to come in and further decimate U.S. industries and economies. So, my question is, can DOT provide guidance to States and other recipients that inflation adjustments are required in transportation contracts?

Secretary BUTTIGIEG. So, cost containment is a major focus for us right now in implementing the law, because we're hearing this from both project sponsors and the business community. The impact of cost escalation and inflation is unquestionably going to reflect our ability to deliver.

I'm less sure that this is something that would put U.S. companies at a disadvantage to international companies for the simple reason that inflation is international. I was just in Germany a few months ago. Inflation there is somewhere around 8 or 9 percent. So, a German company I imagine would face the same kind of cost escalation as a U.S. company.

Mr. CRAWFORD. With respect, I'm less concerned about a German company and more concerned about a Chinese company which subsidize at a much, much higher rate than anybody else, and they do that obviously for reasons to disrupt our economy and to jeopardize our national security. So, that's my focus there is to make sure we're not creating an opportunity for Chinese SOEs to come in and occupy space that should be occupied by U.S. businesses, and particularly these DBEs that we're trying to ensure have an opportunity to perform in that marketplace, but let me move on. Has DOT performed a legal analysis to see what is possible?

Secretary BUTTIGIEG. To see what is possible to address inflation?

Mr. CRAWFORD. Sure.

Secretary BUTTIGIEG. Sure. We're looking at it every day. We don't need a legal analysis to tell us that we've got to make sure that there is access to—

Mr. CRAWFORD [interrupting]. I'm talking about a contracting process.

Secretary BUTTIGIEG. Do you mean in terms of imposing a new requirement on the States?

Mr. CRAWFORD. Yes.

Secretary BUTTIGIEG. I have not addressed imposing additional requirements on the States for this purpose, but we can certainly look into that if you wish.

Mr. CRAWFORD. So, what I'm asking is for contract reviews to address inflation, has there been a legal analysis there? Because we—when this was implemented, and we've seen inflation continue on an upwards trajectory, and there were no provisions offered to ad-

dress that. And so, we're seeing that it's very, very difficult for companies to maintain pace with this rate of inflation.

So, I guess what I'm asking is, are contracts firm? Are they fixed? Or are there any provisions in place for them to address that inflation?

Secretary BUTTIGIEG. So, often, contracts will have a contingency factor that can affect any unanticipated pressure on prices.

Mr. CRAWFORD. And in this case, do they have a contingency factor?

Secretary BUTTIGIEG. Again, it would depend on the specific program involved, but I would certainly welcome a chance to work with your office to see if you agree that that's adequately contemplated in the contract framework.

Mr. CRAWFORD. Are any other provisions being discussed about what DOT can do to help small businesses and DBEs continue to participate in this market?

Secretary BUTTIGIEG. A couple of things that we think can be helpful here. One, of course, is simply doing everything we can to ensure that projects move forward swiftly, right? The greater the rate of inflation, the greater the cost of delay. And so, as we're looking at everything from technical assistance to support moving through the permitting process, that's something that becomes even more important in a high inflation environment.

Other mechanisms that I think could make a difference here are ones that could look at the timing of the spikes that you see in the costs of some of the different inputs, not that you can predict the divergence between, let's say, the cost of steel and the cost of labor 3 years from now. But there may be ways to help project sponsors like transit agencies or State highway departments at least map out where some of the bulges are likeliest to occur in the availability or the restriction of supply, and I think that could make a difference, too. So, that's an example of the kind of thing we're exploring with them as we partner to try to make sure we get the absolute most value for these taxpayer dollars.

Mr. CRAWFORD. Thank you. I yield back.

Mr. DEFAZIO. I thank the gentleman. We now turn to Representative Larsen.

Mr. LARSEN OF WASHINGTON. Thank you, Mr. Chair. Mr. Secretary, I have a very Washington State focused question to start, and it has to do with the culvert funding we passed, an \$800 million program as part of the IIJA that included contributions from State, local, and Tribal governments to replace culverts. It's a big issue in our State, and when can we expect information about the IIJA culvert funding program?

Secretary BUTTIGIEG. So, we're hard at work on this. It is new territory for us in many regards, so, we've been working with inter-agency partners like the U.S. Fish & Wildlife Service and others. I've told my team I'd like to see this guidance out by the time the salmon are finished running, and hopefully it'll be before the peak. So, that's the best timeframe I can give you. Late summer is really the goal.

Mr. LARSEN OF WASHINGTON. There may be no salmon running at all if we don't get the culvert funding out.

Secretary BUTTIGIEG. We're hard at work on it.

Mr. LARSEN OF WASHINGTON. I understand, and I wanted to underline that for us in the Northwest. Thanks so much. Changing the direction a little bit, one aspect of the equity question, we've been exploring equity issues in my district and throughout the country, and there's a lot of variety in how people define "equity" and so on, but there are aspects of it.

One issue has to do with equity and data collection. If we don't collect good data, then we don't really know specifically the impacts on some communities, making it impossible for DOT to factor that into community efforts to address inequity. So, how have you used data collection for underrepresented groups, and how is that factored into the equity action plan on the DOT?

Secretary BUTTIGIEG. So, what we're trying to do is strike the right balance between gathering enough data to set good policy and know how we're doing as far as the effects, benefits, and impacts of our policies and projects on disadvantaged communities, without creating such a burdensome framework for data collection that it's actually low-income communities or small rural communities. In other words, the ones we'd most want to help from an equity perspective that find it prohibitive to apply for projects or participate in our processes.

I think that balance leaves room for us to gather data at a more granular level, though, and I think we have a responsibility to do that. We still have relatively little visibility, for example, on who gets the economic benefit of the dollars once they go out of our building, so to speak, and I think that especially given what technology now makes possible in terms of managing this data, we're in a position to—in what I hope will be an administratively lightweight fashion—gather more information than we've ever had, and use that for decision support.

Mr. LARSEN OF WASHINGTON. There are many examples, Puget Sound Regional Council has a data tracker on equity that we can pass on to you that we're looking at, but related to this issue of equity in small rural communities, which I also represent—we've got a big variety in my district—and one of the challenges that I have and we shared with Mayor Landrieu as well is just the lack of capacity to apply for competitive grants. Competitive grants that are called rural transportation grants, and they just aren't at the capacity to get their arms around that. Has the DOT thought through this problem? Because I know Mayor Landrieu has heard of this issue throughout the implementation phase.

Secretary BUTTIGIEG. Yes. At least two things I can point to that we're doing about this. It resembles my own experience as a mayor who led a city that didn't necessarily have the resources for a robust Federal affairs team, and their community is much smaller than my hometown of South Bend trying to get access here.

The first is to make the processes simpler on the front end. So, when you see us taking a step like a combined Notice of Funding Opportunity that rolls INFRA, and Mega, and the Rural Surface Transportation program into one, part of what we're trying to do is just have literally fewer pages of paper out there in the process so that it is easier to navigate for an applicant of any size.

The second thing is to make sure that we're proactively engaging project sponsors or would-be project sponsors, and where possible—

and we do have some funding for this; there's always going to be more demand than we can support—the kind of direct technical assistance that can help walk them through the process, especially when you're looking at a first-time applicant.

Mr. LARSEN OF WASHINGTON. Thanks, and then on workforce issues and equity, perhaps you've touched on this with discussion on DBE, and you have in some respects, but are there other steps that DOT is taking to ensure that minority-owned businesses are in fact considered for and selected for these projects?

Secretary BUTTIGIEG. Quite a few, and part of how I view this is that it's not only a matter of fairness, although that's reason enough, but also the volume and the pace of infrastructure work we're taking on as a country is going to demand everything that we can provide as a country as far as talent, entrepreneurial talents, and skilled work. And what that means is that we can't succeed if we leave any talent on the table.

And so, as you look across our programs, some of them can directly support workforce development in a way that we think benefits both labor and DBE ownership. Some of it doesn't require that, but certainly leaves space for project sponsors to do so, and the effects are——

Mr. LARSEN OF WASHINGTON [interrupting]. Can I stop you there? Because I want to respect the 5-minute rule before the chair makes me respect the 5-minute rule. But I'll follow up with your staff with the rest of the answer. Thanks.

Secretary BUTTIGIEG. Thank you.

Mr. DEFazio. I thank the gentleman.

Representative Gibbs.

Mr. GIBBS. Thank you. Mr. Secretary, just to follow up a little bit on Congressman Crawford's questions. My understanding is the Federal Transit Administration recently put out guidance through at least one of their regional offices that suggests transit grant recipients, through OMB regulations, are allowed to use Federal resources to help cover material cost increases for previously negotiated contracts. Have similar memos gone out for highway and other offices?

Secretary BUTTIGIEG. I would have to get back to you on mode by mode how each of the different operating administrations is trying to accommodate those things that are taking place, but——

Mr. GIBBS [interrupting]. But you can concur that the Federal Transit Administration has done that?

Secretary BUTTIGIEG. I'll make sure, but I certainly don't know anything that would contradict that.

Mr. GIBBS. OK. Thank you. Also, do you agree that investing in Federal port infrastructure and improving efficiency, including automation and new technologies, would help improve port operations and relieve supply chain bottlenecks?

Secretary BUTTIGIEG. We strongly believe in funding port infrastructure that will make a positive difference to both the port's ability to move goods and to the surrounding communities.

Mr. GIBBS. Are you aware that there are currently restrictions on using Federal dollars for these purposes, for automation and basically automation infrastructure?

Secretary BUTTIGIEG. So, as you likely know, there is a lot of difference of opinion and difference in the research on where automation in fact yields to productivity increases, and where it doesn't, and there's quite a bit of skepticism about how that could work in the U.S. context.

That said, there are so many things that we can invest in, and are investing in that unquestionably benefit the efficiency and the throughput of ports. For example, with the Port Infrastructure Development Program in the last round, we sent about \$52 million to Long Beach. That's going to allow them to build about 10,000 additional feet of on-dock rail, which helps you without having to wait for a chassis or have the truck go between, and get those containers on their way, and we're going to continue to look for ways to support throughput, again, hopefully in a fashion that also benefits the surrounding community.

Mr. GIBBS. Well, I would think that sometimes there's some resistance to automation and new technologies because of labor issues and all that, and now that you think of it, if historically, where would be in the agricultural community if we resisted automation? Where would we be if we protected the phone operators back in the 1970s when the new technologies that came up out from that? So, I think historically technology is—and maybe jobs have gone by the wayside, but the result is different, new jobs, and higher paying jobs for improving the standard of living.

So, I think that's a thing to keep in the back of your head that automation is sometimes tough, but it's usually the correct way to go, at least historically and across many sectors of our economy.

You may be aware that pipelines are among the safest and most efficient, environmentally friendly ways to transport energy. Yet, I'm concerned about this administration's anti-energy agenda at a time when gas prices and inflation have reached all-time highs. Congress back in 2020 passed bipartisan legislation to boost pipeline safety and efficiency. Can you please provide us an update on the implementation of this law that was passed 2 years ago?

Secretary BUTTIGIEG. Thank you. PHMSA has been hard at work making sure the provisions of the PIPES Act are enacted, both in terms of making sure that we have the right kind of staffing to support it, and the rulemakings that are called for in the legislation. I would be happy to get you more details, but the bottom line is that we will continue to meet our safety mission, whatever other policy questions are being debated, and PHMSA has taken a number of steps to, I believe, enhance—even just in the time since the legislation was passed—to enhance our already very strong track record in terms of pipe safety oversight.

Mr. GIBBS. Yes, and I realize in your purview, safety is in your jurisdiction, but I don't think there's been really any pipelines permitted in this administration, might not come under your purview, might come under the Army Corps or the EPA, but restricting this pipeline permitting access expiration in the United States is limiting our exploration and our ability to produce more energy, because if you don't have the pipelines to put the natural gas in, they can't produce the wells. And so, I'll just make that comment.

Also, the Maritime Administration permits for deepwater ports, that's the only thing they grant permits for. There's been a release

of an environmental impact statement, and I understand the first release of the draft environmental impact statement was to provide multiple language information to nearby communities, even though such information had already been provided in the original DEIS.

I guess I'd ask this administration if they meet all their permits, the applicant, if all the environmental requirements are met, will the Maritime Administration provide a positive record of decision on this?

Secretary BUTTIGIEG. So, once applicants have fully satisfied the requirements of EIS, then the deepwater port can be licensed. I can tell you in the last 3 years, MARAD has engaged over 20 companies with interest in developing new facilities with 8 deepwater export applications that came in during that time. I believe two of those were withdrawn, but the remaining six are under review, and we'll review them according to the responsibilities that MARAD has under the law.

Mr. GIBBS. I just hope that they meet the requirements, and they are approved. Thank you, I yield back.

Mr. DEFAZIO. I thank the gentleman. I will now turn to Representative Napolitano.

Mrs. NAPOLITANO. Thank you, Mr. Chair. Mr. Secretary, I thank you for announcing the funding opportunity for a Railroad Crossing Elimination Program. Funding is incredibly important to my district, and the money for the grade separations is significant, but just as significant is the effective coordination between Government sponsors and the private railroad companies who can hold up those projects with excessive requirements, unnecessary private railroad improvements on taxpayer dime, and delays. How is the Department ensuring that railroad companies and all stakeholders are effective partners to quickly implement railroad grade separation projects?

Secondly, I greatly appreciate the administration's Justice40 initiative that directs 40 percent of Federal funds to disadvantaged communities. Is the Justice40 initiative being implemented for all your grant programs, and in particular, your transit Capital Investment Grant Program?

And one more question. I'm very proud to have Foothill Transit in my district, leading the Nation for more than a decade in electric and fuel zero-emission buses, and has invited you to visit the facilities.

I extended an invitation to you personally in the letter that I just handed you. Since zero-emission buses are new technology, how is FTA working with experienced agencies like Foothill Transit to ensure information and best practices are shared among transit agencies as they receive infrastructure law funding for zero-emission buses?

Secretary BUTTIGIEG. Thank you. I'll try to—let me try to take those in reverse order. So, with regard to zero-emission buses, we recognize there are a lot of agencies like Foothill Transit that already have quite a bit of expertise in this regard, and we want to make sure that that's taken on board.

So, FTA is doing a lot of convening through efforts like the Transit Vehicle Innovation Deployment Centers initiative to try to bring the different players together, and actually I believe Foothill Tran-

sit was among the agencies on an advisory panel in a position to share their expertise on this, because we do need to make sure that more agencies understand and are equipped to take advantage of the funding, and to make these clean vehicle deployments that are going to be so important for their future.

With regard to Justice40, I can tell you that the entire \$20 billion per year programming of the FTA supports equity in transportation, and this can take different forms, and I think the formal criteria and guidance related to Justice40 is still being framed up at the interagency level, but we're certainly not waiting to take actions that are going to meet those goals, knowing that so many of the communities that are overburdened and underserved are also those that stand to gain the most from having excellent, convenient, accessible, and clean transportation brought to them, and the economic opportunity that comes with it.

And then on the rail grade crossings, this is an issue that we're hearing about from communities in every part of the country of every size, and we consider it very important, not only from a safety perspective, of course, but also as we discuss issues like more fluid movement of goods and cargo. This is certainly a concern, because those at-grade crossings are associated with slow orders and other measures for safety purposes that wind up impacting the fluidity of the overall system.

So, we're very pleased to have now the dedicated Railroad Crossing Elimination Program in addition to other rail funding like CRISI that can help in this regard, and FRA is very actively engaging all of the different players, communities, railroads, and any other interested stakeholders on how to make sure that this can be effectively used. It can be challenging because sometimes there is an infrastructure owner that is different than the project sponsor. You imagine a city coming to the table wanting to get rid of an at-grade crossing needing to engage with a railroad that actually has the asset. And so, we're doing what we can to try to make sure that there's the right communication so that these applicants can be successful.

Mrs. NAPOLITANO. Thank you very much. The fact is that the railroads have been good partners in my area, but they still don't provide the funding necessary to complete the project, or at least be a partner with the State and the Fed. And then on the grant program, how about the transit Capital Investment Grant Program?

Secretary BUTTIGIEG. Sorry, what about the Capital Investment Grant Program?

Mrs. NAPOLITANO. That was on the Justice40.

Secretary BUTTIGIEG. Yes. So, I can tell you that the whole intent of the transit programming writ-large is of course to connect people to opportunity into where they need to be, and the kinds of communities that Justice40 is looking at are often those that stand to gain a great deal by the work that's being done in CIG. And so, again what I'd emphasize is, even in those areas that may or may not fit the formal or technical definition of Justice40, they will already—certainly CIG will already have criteria that are relevant to the spirit of that program.

Mrs. NAPOLITANO. Thank you very much, Mr. Secretary.

Secretary BUTTIGIEG. Thank you.

Mr. DEFazio. I thank the gentlelady. Now, Representative Webster.

Mr. WEBSTER OF FLORIDA. Thank you, Chair, and thank you, Secretary, for appearing. We really appreciate it. As you know, the revenue from the Highway Trust Fund is not sufficient to meet the transportation needs. And so, over the years since maybe 2007–2008, we’ve put money in, and that money is being spent, and it’s going to be spent up again here in the next few years, and we’ll need to do it again. And CBO estimates that in maybe 2026 or 2027, we’ll run out of money again.

The administration though is focusing on promoting electric cars and has championed a gas tax holiday. Those are things that take away revenue, not add to it. So, my question is, do you have something that wouldn’t negatively affect revenue that we can kind of put our teeth into that would rebuild what’s there, including maybe something that would tax electric vehicles?

Secretary BUTTIGIEG. So, first of all, I do want to emphasize that when the President asked Congress to consider the gas tax holiday, he called for a means of doing it that would hold harmless the Highway Trust Fund, but certainly the larger point is well taken, that as we continue the transition toward electric vehicles and zero-emitting vehicles, it means that we’re going to need to have other means for filling gaps in the Highway Trust Fund.

Up until now, Congress has been prepared to do that through general fund transfers. That’s certainly a legitimate way to fund our highway needs. It’s not the only way, and it’s not consistent with the past practice of a user-pays principle.

How to enact an alternative? These are the kinds of things that the FAST Act law provided for exploring in the pilot; some States have begun doing that, and pursuant to IIJA, there can be more work in that regard, too. I think that will get us more technical insights, but I think ultimately this will be not a technical decision, but a policy one, and that largely comes down to whether Congress will continue to hold to the user-pays principle, or seek an alternative means for funding.

Mr. WEBSTER OF FLORIDA. Have you considered some sort of toll facility which every vehicle would pay if they had to go through the toll booth? Is that something that’s an option?

Secretary BUTTIGIEG. I grew up in northern Indiana where I–80/90 is funded as a toll road, and certainly that’s something I think we’re accustomed to on certain heavily trafficked roads, especially if they were built or maintained with that in mind. I think it’s tougher to imagine how that could be implemented on a widespread basis. And so, unless we could think of a non-intrusive way to do that, I think it’ll be always something that’s restricted to more specific and high traffic points, bridges and certain highways, than something that could answer how the road system writ large is funded.

Mr. WEBSTER OF FLORIDA. So, how about using private money to do that?

Secretary BUTTIGIEG. Using highway money to erect the toll booths?

Mr. WEBSTER OF FLORIDA. No, private money, private investment.

Secretary BUTTIGIEG. Oh, sorry, I thought you said highway money.

We do think that there continues to be a place for private investment, and if you look at some of the work our Build America Bureau has done to unlock some of that private value, it holds a lot of promise. I would be less confident that that could answer a question as large scale as how to keep the Highway Trust Fund in order.

Mr. WEBSTER OF FLORIDA. Thank you very much. I yield back.

Secretary BUTTIGIEG. Thank you.

Mr. DEFAZIO. I thank the gentleman. Representative Cohen.

Mr. COHEN. Thank you, Mr. Chair. Mr. Secretary, I thank you for coming before the committee and for your infrastructure remarks, recognizing the outstanding service of our chair, of our former chair, Mr. Young, who was a dear friend, and the work of this committee.

Last time I think we spoke, you called me about supporting the bill from the Senate, and I told you I couldn't do it, because I was supportive of my chairman and the hard work of this committee. Forget about all that. I voted for the bill.

We had a hearing last month on highlighting the impact of outdated road design and the highway safety crisis. We learned that speed is a factor, both in increasing the risk of crashes and the severity. Certain high-crash locations are responsible for a disproportionate number of fatalities and serious injuries. Memphis, unfortunately, was recently rated the third worst city for pedestrian injuries and accidents.

Senator Markey and I got the Complete Streets Act passed and part of it got into the Infrastructure Investment and Jobs Act, and so, a certain percentage of money has to go toward those projects. How will Complete Streets planning initiatives included in the Infrastructure Investment and Jobs Act change the way we design our roadways and prioritize safety and access for all users over speed?

Secretary BUTTIGIEG. Well, as you correctly point out, speed is a factor in so many of the roadway fatalities that we experience in the U.S., and having an approach to road design that recognizes not only what's in the car, not only who is in the car, but the road itself and how it's designed play a major role in safety. We think we have a safety responsibility to support Complete Streets, and indeed, there are a number of provisions in the Bipartisan Infrastructure Law, as you know, that encourage State, Tribal, and local governments to develop Complete Streets standards or policies and plans that prioritize Complete Streets projects.

I would point also to the economic benefits of that. Certainly it was my own experience in my hometown where we applied what you could think of as a Complete Streets treatment to a downtown thoroughfare and saw a lot of benefit to small business from there being more foot traffic because people felt safer walking along the street once it had gone through those upgrades.

We have delivered the report to Congress that was called for, called "Moving to a Complete Streets Design Model," which offers

the Federal Highway Administration's guidance and identifies some of the resources that can be helpful here. We don't aim to prescribe all of the details about what makes for a good Complete Street, and we know that local jurisdictions will come up with their own ideas, but we wanted to provide a framework and provide support. And I would also emphasize among other funding sources that would be a legitimate application for Complete Streets. Certainly with the Safe Streets and Roads for All Program, which is \$1 billion annually over the next 5 years. I think that's one area where a well-considered Complete Streets plan will score quite well.

Mr. COHEN. Thank you, sir. I just hope that you would concentrate or put specific focus on road corridors that are the most serious problems based on high risk. And of course, that would include Memphis, but I know you'll do that.

Kind of go to a lightning round here. Passenger rail is important for the people in my city and my State. We'd like to connect Memphis and Nashville. Those are two of the iconic large cities in the South that are not connected, while most are. Are there funds that are in the bill that would help Tennessee pursue intercity passenger rail service between Nashville and Memphis?

Secretary BUTTIGIEG. Certainly, the bill providing for greater investment in passenger rail than we've seen since the inception of Amtrak certainly contains funds where I would expect that anyone with a vision for intercity rail like that will be interested in applying, and we'll be interested to see what—

Mr. COHEN [interrupting]. I hope you'll help. I don't know if you're a fan of country music or not. But country music says there's more songs about leaving Nashville and more songs about going to Memphis than anything else. So, it'd be an important corridor. Airports are important, too. And unfortunately, we do not have a direct flight from Memphis to Nashville any longer because we're no longer a hub city. We applied for an airport grant, and I appreciate your nonpartisanship in giving \$5 million to Chattanooga and getting that money out. But it detoured and didn't get to Memphis. Can you give me some kind of an idea about what Memphis might be able to do to receive a second-round funding? Our airport is older. It needs a seismic zone with the New Madrid Fault and the possible earthquakes. And we have a very poor population and a low income. Memphis is an ideal city to get help. Can you give me some idea about how Memphis might receive that?

Secretary BUTTIGIEG. Yes. There are several funds that have become available through the infrastructure law. In addition to the ongoing availability, the Airport Improvement Program. And so, would certainly welcome applications from those applicants who didn't make it in the last round of the Airport Terminal Program. We've got several more rounds to go. And it was certainly oversubscribed. We'd love to fund as many of those projects as we can, as well as depending—that's where most of the passenger-facing investments would be, out of the Airport Terminal Program. But for other improvements, from tarmac, to apron, to runway, to tower, there are a lot of additional resources now available, thanks to the infrastructure law that could also be areas where they might want to apply.

Mr. COHEN. Thank you. My time has expired, but I want to re-thank you for coming to Memphis when the bridge closed down, for visiting FedEx, and for getting part of the overrides bill and implementing it in the bipartisan act. Thank you, and I yield back the balance of my time.

Secretary BUTTIGIEG. Thank you.

Mr. DEFAZIO. Thanks, gentlemen. Representative Massie.

Mr. MASSIE. Thank you, Mr. Chairman. Secretary Buttigieg, I've been driving an electric car for 10 years, and I've had solar panels for 15 years. And I'm really bullish on technology and the way it could help make our country energy independent, or more energy independent. But I'm really alarmed at, sort of, the naivete of those who are promoting rapid adoption of these technologies with our existing infrastructure. President Biden signed a nonbinding Executive order stating that 50 percent of vehicles sold in the United States should be electric by 2030. Do you support that?

Secretary BUTTIGIEG. Yes.

Mr. MASSIE. And he also said that by 2035, that 100 percent of the Federal Government fleet should be electric. Do you support that?

Secretary BUTTIGIEG. Yes.

Mr. MASSIE. So, which uses more electricity? We're talking about residential electricity here. A refrigerator, when it's running, or an electric car, when it's charging in your garage?

Secretary BUTTIGIEG. Well, I would expect a car.

Mr. MASSIE. Would you say it uses twice as much or 25 times as much?

Secretary BUTTIGIEG. I would think closer to 25 times as much, yes.

Mr. MASSIE. It's actually 50, at the instantaneous moment. But over the course of a year, if I take the numbers from the U.S. Department of Energy about the average household, how many vehicles they own and how far they drive, over the course of a year, an American household would use 25 times as much electricity for their electric cars as they would for their refrigerator—if they had 100 percent adoption, the average family has two vehicles, and this would be if the average family had two electric vehicles. Do you think it would strain the grid if everybody plugged in 25 refrigerators in every household?

Secretary BUTTIGIEG. Well, if we didn't make any upgrades to the grid, sure. I mean, if we had yesterday's grid with tomorrow's cars, it's not going to work. It's one of the reasons why we believe that infrastructure includes electrical infrastructure and argued for that to be included as it, thankfully, was in the bipartisan law.

Mr. MASSIE. Do you think by 2030, which is when Biden says 50 percent of cars sold should be electric, do you think the grid will be capable of handling electric cars?

Secretary BUTTIGIEG. It's going to need to be. And we're working with the Department of Energy every day. We've established a Joint Office of Energy and Transportation to map out some of the needs. Obviously, some of this gets outside of my lane. And we've been discussing with, for example, the truckstops that are looking at what their power needs would need to be at an interchange, where today, they're mainly filling up on gas in order to accommo-

date that. And then, as you mentioned, a lot of the scenario for this is also residential. But it's also worth pointing out that, while a typical driver who adopts electric is using more electricity, at the end of the day, they're using less energy because of the efficiency benefits of getting that energy produced a utility——

Mr. MASSIE [interrupting]. Problem is, we don't have the capacity to produce that energy. You aptly used the word, "need." You could say, "want" as well. There's needs and wants that make this fantasy work by 2030, but the reality is, the capability is not going to be there. The average household uses 17 percent of their electricity for air conditioning. And that would mean the average household uses 1,870 kilowatthours per year for air conditioning. If that average household plugged in electric cars, do you know how much more electricity they would use, in comparison to the air conditioning that air conditions their whole house?

Secretary BUTTIGIEG. No, but again, I would emphasize it will be less energy overall——

Mr. MASSIE [interrupting]. Let me help you with that, first, before we go on, because the numbers are important. It would take four times as much electricity to charge the average household's cars as the average household uses on air conditioning. You think that could be—so, if we reach the goal by 2030, that Biden has of 50 percent adoption instead of 100 percent adoption, that means the average household would use twice as much electricity charging one of their cars as they would use for all of the air conditioning that they use for the entire year. Do you think this could contribute to rolling blackouts and brownouts in areas of the country where air conditioning is basically considered essential?

Secretary BUTTIGIEG. Not if we prepare. Look, the fact that people who have electric vehicles are going to use more electricity can't be a reason to give up the idea that America is inferior to the other countries that have figured this out. It just doesn't sit well with us in the administration, and that's why we're investing in a better grid.

Mr. MASSIE. In the time that I have left, let me say, I'm not saying we shouldn't prepare. I told you at the beginning of this, I'm bullish on this technology. But the numbers and the rate of adoption has been developed using political science, not engineering. They're impractical, and if we blindly follow these goals that Biden has set out, it will cause pain and suffering for the middle class. And I yield back, Mr. Chairman.

Mr. DEFAZIO. I thank you, gentleman. Representative Johnson?

Mr. JOHNSON OF GEORGIA. Thank you, Mr. Chairman, for holding this hearing. And good to see you, Secretary Buttigieg. Thank you for your time and your testimony. For decades, communities of color and low-income communities have been ill served by our transportation system. Our communities face a higher burden of pollution and fewer affordable safe transportation options. One means to address this is to build more high-quality transit lines, such as the Metropolitan Atlanta Rapid Transit Authority's—MARTA's—proposal for the Southlake Bus Rapid Transit project, which will serve an area made up of 93 percent minority individuals. The Southlake BRT project is in the pipeline for the Federal Capital Investment Grant Program. The Federal Transit Adminis-

tration is currently developing new guidance for the CIG Program, which will significantly influence which projects qualify and receive funding in the future. Mr. Secretary, how will your Department ensure this new guidance, and the CIG Program generally, will support equity and deliver real results for underserved communities?

Secretary BUTTIGIEG. We're certainly committed to considering equity and other important criteria that belong within the framework of our transit policy. And when it comes to CIG, which is among the largest competitive Federal grant programs, we recognize there's a lot at stake.

The President's budget requests \$2.9 billion in general funds for CIG. And additional funds in the amount of \$1.6 billion are provided through the advanced appropriations that came in the IIJA. So, that's a total of \$4.5 billion to work with. This is also a program that requires projects to go through an extensive process to ensure that they are going to effectively use those taxpayer dollars.

And the evaluation criteria include things like consideration of affordable housing and the transit corridor, credit for projects that serve transit-dependent populations, and incentives to use alternative fuel vehicles and build environmentally friendly facilities. So, you have my commitment that, as we continue with the process of updating the CIG Program regulation to make sure that the guidance reflects the changes that came by way of the infrastructure law, and the initial changes are out for notice and comment. We'll continue to consider these and other important values and criteria, to the extent that the law provides for us to do so.

Mr. JOHNSON OF GEORGIA. Thank you. And Mr. Secretary, the House recently passed an amendment to the National Defense Authorization Act that I authored, which relates to the Disadvantaged Business Enterprise program applicable to highway, transit, and safety programs. The amendment eliminates the gross receipts cap in effect for DBEs working on surface transportation projects.

This amendment ensures that the definition of a DBE is consistent across DOT programs, as it brings surface transportation in line with how the FAA defines a DBE and ensures that DOT follows SBA definitions for a small business. Do you support the elimination of the gross receipts cap for surface transportation programs? And also, what additional steps is your Department taking to promote maximum participation by DBEs in DOT programs?

Secretary BUTTIGIEG. Well, first of all, yes, we support that step. We recognize that the SBA's governmentwide small business size standards are more accurate and consistent in terms of measuring a small business. And so, we think this can address something that we hear very often as a concern from DBE owners who, as one business leader put it to me, feel that they are sometimes viewed in such a way that they become too small to be big and too big to be small.

And we are within days of publishing our own notice of proposed rulemaking with a number of updates and amendments to our program rules to modernize and improve the DBE program. We want it to be more user-friendly while maintaining the highest standards of program integrity. And look forward to getting public comment on that proposed rule, as soon as it's out. I'll also say, in addition to the formal requirements and rules pursuant to the program,

we're also just doing a lot of engagement and communication, making sure the DBE community knows about the opportunities that are coming and understands where to go in order to become more involved. And we'll be engaging the incumbent larger firms as well about what we consider to be the importance of them being good partners with these smaller and disadvantaged companies, too.

Mr. JOHNSON OF GEORGIA. Thank you, and I yield back.

Mr. DEFAZIO. Thanks, gentleman. Representative Perry.

Mr. PERRY. Thank you, Mr. Chairman. Secretary, thanks for being here. I'm sure you know, folks, where I live, my bosses, my constituents, are paying about 80 percent more for gasoline than they were when President Biden became the President. And I think the response—I mean, I think it's fair to say that even you have implied that they should buy an electric vehicle and absolve themselves of that 80 percent increase per gallon.

Just looking at Kelley Blue Book, the price of an EV is about \$55,000. Now, that doesn't include—so, it's actually more than that because there's a \$7,500 per car subsidy, paid for by about \$48 billion in taxes on the same people on that car. So, it's closer to about \$60,000. That's about \$20,000 more than a gas-driven passenger car. About \$40,000 more than the average compact car.

At the same time, I'm sure you probably also realized that the average Pennsylvanian pays about \$170 a month in electricity. And that doesn't include the 10 to 15 percent that it's just gone up. So, that's an old number. So, it's actually more than that. And based on Mr. Massie's numbers, which I don't doubt at all, if they could afford the electric vehicle and plug it in, we're talking about another \$90–\$100 a month in electric costs. I'm wondering what the administration and you are doing other than subsidizing—other than subsidizing—to lower the cost. They are even paying more for gas, 80 percent, or they are paying more for electricity to the tune of essentially doubling their electricity bill. Like how is this getting better for my bosses? And what do you plan to do about that cost other than subsidies?

Secretary BUTTIGIEG. Well, I am very glad you asked that question. First of all, I want to be clear. Nobody I know, certainly not me, thinks that all or even most Americans can easily afford electric vehicles. That said, I'm struck by this \$55,000 number that keeps going around. I knew this might come up, so, I just pulled a few of the latest prices. A Chevy Bolt, so, an American-made 2022 EV is \$26,595. If you want a pickup truck like a Chevy Silverado EV or Ford F-150 Lightning, the starting prices of those are \$39,900 and \$39,974, respectively. We've also begun to see—

Mr. PERRY [interrupting]. Is that pre-subsidy or post-subsidy?

Secretary BUTTIGIEG. I think it depends on the automaker because some of them have gone through the cap for the \$7,500 and some have not.

Mr. PERRY. Does that include State subsidies as well?

Secretary BUTTIGIEG. I don't think so. No.

Mr. PERRY. OK.

Secretary BUTTIGIEG. And look. That is the new car. So, the first time I got a plug-in car, for example, Chasten and I got one. It was \$14,000. It had about 15,000 miles on it. It was a C-Max. So, it was a combo, plug-in hybrid. But what we are seeing in terms of the

dynamics now is we are close to the point and may actually be there on certain models and under certain circumstances where the extent to which your car payment would go up is actually already outweighed by the extent to which your gas bill would go down, even factoring in the cost of electricity. Now, again, that depends on what electricity——

Mr. PERRY [interrupting]. So, you're saying the market is bringing it down. Look. I got my numbers from Kelley Blue Book. So——

Secretary BUTTIGIEG [interrupting]. Are those this year's numbers?

Mr. PERRY. What's that?

Secretary BUTTIGIEG. Would those be this year's numbers?

Mr. PERRY. Actually, last year. But I don't know that anything, especially used cars, have actually gone down in price. But my other concern is, that I'm sure if you're not aware that you should be aware that since 2010, so, essentially over 12 years now, we've closed over 550 power generation stations, which is about 102 gigawatts. And we are scheduled to retire by 2025—so, just a couple years—17 gigawatts of coal-fired capacity. At the same time, we are asking Americans through subsidies and through their purchases to pay for China, who has—I think you wouldn't argue—80 to 90 percent market share of everything that goes into an electric vehicle—right?—into an electric vehicle at the same time we are essentially reducing power and using Thomas' numbers, which I think are correct, we are going to increase the grid requirement by at least 50 percent, which none of that really works out.

You look at a country like Ghana who is shutting the lights off now because they followed this model that we are following right now. What's the administration, and what are you doing to make it easier and more affordable to mine critical minerals in the United States to support this industry?

Secretary BUTTIGIEG. One thing we have been working on with the Department of Energy is better sourcing of some of the elements that go into batteries, for example, ideally in the United States and, if not in the United States, then in geopolitically friendlier territory. Now, some of this isn't just mining. Some of it is actually the refining capacity, which is to China's advantage, and we have got to change that. I guess our view is we shouldn't accept that as a given.

Mr. PERRY. China refines 90 percent of the manganese. Are we going to bring that to the United States?

Secretary BUTTIGIEG. We would love to bring that——

Mr. DEFAZIO [interrupting]. We are over time.

Secretary BUTTIGIEG [continuing]. Refinement capacity more to U.S. and friendly countries.

Mr. DEFAZIO. OK. Thank you.

At this point, I will ask questions, and Rodney Davis will ask questions, and then we are going to recess for votes. So, Mr. Secretary, I just want to clarify the issue of the guidance which caused a bit of a stir when you issued the guidance on Building a Better America, we called it “fix it first” in the legislation that passed out of the House. And let's just get straight on the record. Who makes the decision how to invest apportioned highway dollars? Is it the Feds or the State DOTs?

Secretary BUTTIGIEG. It's up to the State DOTs.

Mr. DEFazio. OK. Does anything in the guidance change that?

Secretary BUTTIGIEG. No.

Mr. DEFazio. OK. Have you proposed to eliminate eligibility for certain types of highway construction projects?

Secretary BUTTIGIEG. No.

Mr. DEFazio. Does DOT propose to take away formula or discretionary money from States who add new highway lane capacity?

Secretary BUTTIGIEG. No.

Mr. DEFazio. Are you forcing any States to build transit or active transportation projects over highway projects?

Secretary BUTTIGIEG. Forcing? No.

Mr. DEFazio. OK. I do remember your memorable exchange when Mrs. Capito, a former member of this committee, asked you before the Senate why you were doing this, and you said, "Ma'am, because it's good policy," which I support. We want people just to think these things through. It is not a mandate but think about it as you move forward instead of doing the same thing again and again, which doesn't work. We induce more demand. We build more lane-miles. We induce more demand. We build more lane-miles, and we end up with the same congestion in the end.

And then secondly, there has been some controversy about your proposed rulemaking on tracking greenhouse gas emissions from on-road sources. Now, I remember the day when States were allowed to set negative safety targets. Now you have performance management rules in areas such as asset management, bridge and pavement conditions, and safety. Has requiring States to set targets and measure their own progress toward these desirable goals helped focus attention in investment?

Secretary BUTTIGIEG. We think it has. I would describe that as good policy, too.

Mr. DEFazio. OK. Then just on the exchange about EVs and that, I don't know what we are going to do with all the mechanics. And that is something we have to start thinking about. But the life-cycle cost of an EV is significantly less than a fossil fuel vehicle. When it was penciled out for the post office, unfortunately, the current Postmaster General doesn't agree. They would have saved a phenomenal amount of money even though there was more up-front cost if they had moved to an EV fleet. So, I think that's something that needs to be taken into account. So, I thank you. I thank you for your testimony, and now I turn to Mr. Davis.

Mr. RODNEY DAVIS OF ILLINOIS. Thank you, Mr. Chair. And Mr. Secretary, great to see you again. It was great seeing you at DCA last week and had a chance to chat with you there. I wish I had seen you when Congressman Bost and I were on our never-ending journey to try and get out of LaGuardia last night. But we didn't get a chance to do that. But it is always good to talk transportation. And we appreciate you being here today. I would mention I was going to ask you about the policy on using Bipartisan Infrastructure Law resources for Building a Better America that Chairman DeFazio asked you about.

You were pretty clear in your response to him. I hope that clarification is given to our States because there is still some confusion. We have them reaching out to us, wondering what your intention

was. So, thank you for that clarification. But moving that out to the States would be beneficial too.

IIJA also includes my provision I helped craft here in the House, the One Federal Decision Act. And that would streamline Federal environmental reviews, as you know. I have talked to Mayor Landrieu about this. Many of my colleagues are worried about getting those dollars out the door. You can't do that without streamlining the review process. What's going on there? The deadlines, including for consulting agencies regarding categorical exclusions—can you please update me on implementing One Federal Decision?

Secretary BUTTIGIEG. Thanks. Yes. We recognize the importance of a swift and prompt process as things are going through, especially Federal requirements on permitting. And as the earlier exchange highlighted, that is even more important in an environment with inflation adding to the consequence of things taking any longer than they have to. With regard to the consulting that you mentioned, our Department got to work right away on that. It effectively allows one department to engage another department's categorical exclusions when they qualify.

So, as called for in the legislation, the DOT completed a review of our categorical exclusions. We found four areas where we could collaborate with other departments, accelerating the process on projects. Especially they are helpful with things like post-disaster resilience. And that's, of course, just one of the requirements pursuant to the One Federal Decision provisions in the law. We are committed to making sure that we address all of them.

Mr. RODNEY DAVIS OF ILLINOIS. Sure. I would envision, if the majority changes here in the House, any legislation that is passed into law would likely have more environmental review provisions like One Federal Decision. So, implementing it with IIJA now could be a barometer in how you do it in the future too.

Mr. Secretary, Amtrak has laid out some ambitious goals. Last year, it released its "Amtrak Connects Us" plan that outlined a 15-year strategy for expansion that would, according to it, connect dozens of city pairs. Of the corridors mentioned in its 15-year strategy, are you aware that any are ready to move forward and be put into action?

Secretary BUTTIGIEG. So, if I am recalling correctly, the corridors are laid out in such a way that some of them are an expansion of service on existing physically constructed lines. Others would require more work. I don't have handy the timeline of which could be ready by when. But my understanding is it is a mix of things that could be done relatively quickly and things that would take more extensive work.

Mr. RODNEY DAVIS OF ILLINOIS. So, when you say "relatively quickly," has Amtrak or anyone at your agency done any environmental reviews for some of these proposed routes?

Secretary BUTTIGIEG. So, depending on the route, we would have to see if it would qualify. I think, often, it could qualify for a CE because it would be along existing right-of-way. But I don't know that we have gotten as far as any new right-of-way being proposed and ready for an EIS or something like that.

Mr. RODNEY DAVIS OF ILLINOIS. So, if you don't have new right-of-way, you probably haven't reached any agreements with landowners on any of the proposals?

Secretary BUTTIGIEG. I haven't seen it advance to that level yet.

Mr. RODNEY DAVIS OF ILLINOIS. If you have, will you have your team get back to us?

Secretary BUTTIGIEG. Sure.

Mr. RODNEY DAVIS OF ILLINOIS. Also, I know you get lots of letters of support for the RAISE grants. Clearly, I know you think mine are the best. So, I want to just remind you of a couple that I have sent to your agency, city of Decatur in Macon County, has the Brush College Road and Faries Parkway project. Springfield, high-speed rail project between Chicago and St. Louis. Springfield has done a great job in leveraging Federal resources to actually combine two tracks into one in and around Springfield. They have two more usable segments, one RAISE grant and one MPDG grant application.

Terminal Railroad Association of St. Louis with the multimodal freight yard expansion in Venice. McLean County, Route 66 bike and pedestrian trail, and in Edwardsville, we have the Goshen Road and Liberty Trail multimodal transportation improvement projects. I will get you a list of those so you don't have to write them down. I would appreciate your consideration and any updates. Thank you. I yield back.

Secretary BUTTIGIEG. Thank you.

Mr. DEFAZIO. I thank the gentleman. Since we have votes on the floor of the House, the committee shall stand in recess, and we will return and start again as quickly as possible.

[Recess.]

Mr. STANTON [presiding]. I call the meeting back to order, and I will take the chair's prerogative and ask a few questions to our guest, Secretary Buttigieg. Thank you, Mr. Chairman, for being here. It is great to see you again. My fellow recovering mayor, there.

Phoenix Sky Harbor Airport received a build grant for its Northside rail expansion project to allow the airport to meet its growing needs. However, as you know, a series of challenges stemming from various departmental requirements have hindered progress, and as a result, the airport is seeking to scale the project to focus solely on the 24th Street overpass. Because the obligation date for the grant is rapidly approaching, the airport is at high risk of losing these critical Federal funds.

Mr. Secretary, this project is important to the city of Phoenix and to Sky Harbor's future growth. Will your Department support our efforts to extend the period of eligibility for the grant and work with the airport on this modified project, so it does not lose these critical Federal funds?

Secretary BUTTIGIEG. So, our goal, of course, is for every grant recipient to succeed when funds are awarded. In this case, it was 2019 funding. I believe the issue here had to do with meeting the obligation deadline with the proposed change in scope that they had, but we would be happy to follow up and engage your staff to explore anything we can do to be supportive in the context.

Mr. STANTON. We really appreciate working closely with you to make sure we retain those critically important Federal funds.

Arizona is one of the fastest growing States in the Nation, and we have real transportation needs. To meet these demands of our growing population, we must invest in our interstate highways.

Interstate 10 is a key corridor connecting Phoenix and Tucson, yet there is still a large section that is only two lanes, creating traffic bottlenecks for the more than 110,000 vehicles per day that utilize it, and we need new highways to move commerce and people like Interstate 11 to link the last two metropolitan areas in the country, Phoenix and Las Vegas, that are not connected by an interstate.

Arizona has committed resources to the next phase for the environmental work for Interstate 11 and is investing \$400 million in Interstate 10 to expand capacity to address safety concerns, improving the movement of goods and people, and to increase access to the Gila River Indian Community, but Arizona cannot meet these growing needs on its own. It does need a strong Federal partner.

Mr. Secretary, do you agree that the Mega Grant Program should focus on projects of this size and scope like the expansion of I-10 and construction of I-11 that cannot be done by the State alone with its annual formula dollars to ensure the Federal Government is a full partner on these projects that have impacts on regional and national mobility and commerce?

Secretary BUTTIGIEG. Thank you. Certainly, the intent of the Mega Program and our goal in administering it is to make sure that projects that are too large or too complex in their scope to be supported through traditional means very much too large to be shouldered by a State alone get the Federal support to help see them through.

And so, while taking care, of course, not to prematurely comment on any application, I would certainly say that we intend to be supportive of as many qualifying projects as we can. Knowing that the scales that you see with some of these efforts are exactly why it was necessary to have an additional source of funding as provided in IIJA over and above what we have had to work with in the past.

Mr. STANTON. All right. Mr. Secretary, I want to talk about one final issue, and that is passenger rail service. Phoenix is the largest city in the United States without access to passenger rail service.

As other communities have gained access to passenger rail, they have experienced significant new economic opportunity, but my State, unfortunately, has missed out. I am hopeful that will change, and there is reason for optimism. Amtrak has proposed connecting Arizona's two large and fast-growing metropolitan areas, Phoenix and Tucson, with frequent and reliable passenger rail service.

Mr. Secretary, in your opinion, what can we do to best support the Tucson-Phoenix West Valley rail line?

Secretary BUTTIGIEG. Well, the framework that I think will allow us to support efforts like this is the fact that the overall funding for passenger rail includes a set of funds that is specifically for looking beyond the Northeast Corridor. Of course, a lot of the at-

tention is on the Northeast Corridor, but a lot of the need is elsewhere.

So, the FRA has issued a framework for a Corridor Identification and Development Program. This came out in May, and the first project pipeline should be issued within a year, so, next May. And that is one of the places I think would be natural to look in the context of the Federal-State partnership that got extraordinarily enhanced funding through the Infrastructure Investment and Jobs Act.

I have the pleasure of arriving by train in Flagstaff. I certainly understand why there is a need and appetite for that kind of service further south.

Mr. STANTON. Thank you very much, Mr. Secretary. My time is completed. So, now, the next up will be Congressman Babin.

Dr. BABIN. Thank you, Mr. Chairman and Ranking Member Graves. I want to thank you for your time today, Mr. Secretary.

Mr. Secretary, despite the administration's best efforts, oil and gas don't seem to be going anywhere but higher. So, if you really wanted to help Americans move and move our transportation goods, I would think that you might want to consider, right now, working with the President to combat high gas prices. That is number one.

And doing something doesn't mean blaming President Putin of Russia or begging the Saudi Crown Prince for relief or calling the oil and gas companies of America evil and stifling their production.

However, instead of calling on the President, who is your boss, to do everything in his power to address skyrocketing gas prices, I have heard you prioritize the use of taxpayer dollars to push a message of social justice, fighting racist highways and equity in transportation.

And I am struggling to square your priorities with the economic reality that we are facing in the United States today. You say communities of color are oppressed by racist roads, while at the same time, you are ignoring the fact that these same people are being disproportionately oppressed by rising gas prices. In fact, it is fair to say this administration is directly burdening low-income families since they are taking the brunt of massive economic challenges that we are facing today.

And Mr. Secretary, you have recommended that Americans who cannot afford a \$6 gallon of gas should buy an electric vehicle, and I am going by the Kelley Blue Book of \$55,000; but even at your statement a while ago at \$39,000, I am not sure how you can justify making that ask to folks who can barely provide for their families, especially Black and Hispanic households bringing in an average of \$45,000 and \$55,000, respectively, per year. How on earth would they be able to buy a car that costs almost as much as they make in 1 year?

And I really think that if you want to do something, I think we need somebody who is serving as Secretary that would be laser-focused on supporting transportation capabilities and not pushing social agendas in this country from your position.

We have serious issues going on in the United States, flight cancellations, worker shortages, sky-high fuel prices, unprecedented supply chain challenges; but unfortunately, I see more headlines

about your positions and stances on abortion and on your thoughts on gun rights than I do on plans to improve our transportation and our infrastructure.

I think Americans want lower gas prices and policies that will end this inflation and this economic hardship that we have today, not a woke social agenda such as a billion-dollar pilot program that you launched last month to combat quote, "to combat racially disconnected roads." That is \$1 billion, and that is \$1 billion right out of the taxpayers' money.

And I think Americans know that your administration, that the Biden administration, have mismanaged much of our natural resources and our economic activities and sound policies which has caused this inflation and pushed us to the verge of a recession which we are teetering on right now.

And it, certainly, appears to be a dereliction of duty on the part of many in this administration to favor foreign nations over our own.

Frankly, I don't think the price of gas is an accident. I believe that it is part of an agenda designed to fundamentally change the way our energy and transportation sectors work together; and unfortunately, that is an agenda that leaves American superiority in the dust, and it is an agenda that empowers China and Russia and the Middle East.

And Mr. Secretary, I do have a few questions that I would like to submit for the record, because we are just about out of time, and I look forward to your Department's response. I want to thank you, again, for being here. I appreciate that, and I think that the American people deserve a lot better than what we are getting right now with our economy.

And with that, I will yield back.

Mr. STANTON. Thank you. I will just give the Secretary maybe a minute to respond if you would like to.

Secretary BUTTIGIEG. Sure. I just want to address a factual inaccuracy in your question that I think is important. You began by saying that gas prices have only gone up. You will be relieved to hear that they have gone down every single day for the last several weeks, and I believe that is connected to the aggressive actions that the President has taken to reduce gas prices for Americans.

Of course, we want that price to go lower. It needs to. We are all feeling the effects at the pump. It is why we don't agree with the idea that it is OK to let Putin off the hook for his activities or to let oil and gas executives off the hook for their stated intention of not increasing production at a time of extraordinary profits.

I have never suggested that it would be easy for all Americans to afford electric vehicles; although again, I would point to the fact that the first EV I ever had was about \$14,000, but we think that policy measures can make it more affordable, and we hope that Members in this body will reconsider their opposition to making EVs cheaper through tax credits.

Mr. STANTON. Thank you very much. Next up will be Congressman Carson.

Mr. CARSON. Thank you, Chairman, and thank you, Mr. Secretary, for participating today, also representing the great Hoosier State quite well.

I am curious, Mr. Secretary, I am very proud to represent Beech Grove, Indiana, which has one of the most important rail maintenance facilities in the country; and unfortunately, there have been more reports of efforts to effectively downsize or outsource maintenance to improve the quality of passenger service.

We need to improve Amtrak's national fleet. No doubt about it. I am certain, and I would love for the committee to hear your efforts, sir, to continue to support and strengthen the great work that is being done at Beech Grove and oppose any efforts to outsource this work.

Are there particular updates or insights you can share, sir?

Secretary BUTTIGIEG. Well, for anything concerning the operational outlook for Amtrak, I would have to refer you to Amtrak leadership, but I certainly, recognize the importance of the work that workers at this facility do to keep our trains operating and operating safely and would welcome any opportunity to work with your office on providing further information about how some of the funding coming toward Amtrak from the Infrastructure Investment and Jobs Act can be applied in ways that will create a lot of work opportunity as well as a lot of improvements for passengers, both in terms of the rolling stock and the maintenance and then, of course, in terms of the day-to-day to service.

Mr. CARSON. Yes, sir. Also, we are looking forward to working with you on our targeted outreach for the bipartisan infrastructure bill, especially, through our Congressional Black Caucus Transportation Braintrust later in the fall.

We want to make sure the historic investments you mentioned reach disadvantaged communities and minority businesses, and I know our staffs are working together on those details.

Secondly and lastly, I am very concerned about the worsening problems of blocked rail crossings, especially in places like downtown Indianapolis where major intersections have been blocked for hours. This is a very serious safety concern that really impacts urban and rural areas. I believe there has to be more that needs to be done statutorily to address this issue.

Mr. Secretary, do you agree those additional authorities could help alleviate the frequency of blocked crossings, and what more can our committee do to address this issue?

Secretary BUTTIGIEG. Thank you. We would welcome further opportunities to work on the issue of railroad crossings, both the effects that happen when they are blocked, and the safety concerns that they present, and I want to thank you for the support for the infrastructure law which provides for the Railroad Crossing Elimination Program.

We are hard at work getting those dollars ready because we know that that is going to have a benefit as you have mentioned, both for rural and urban communities alike, where people have had that experience of being blocked or delayed by a crossing; but also, in addition, of course, the economic and convenience effect, the simple safety dividend of having fewer such crossings. Highway-rail grade crossing incidents and trespassing have contributed to 900 deaths in fiscal year 2021 alone.

And so, we want to do everything that we can to prevent train-vehicle collisions and to use the resources that we have to create

fewer places where those conflicts can happen in the first place, and would, certainly, appreciate continued attention from Congress on this.

Mr. CARSON. Thank you very much, Mr. Secretary. I yield back, Chairman.

Mr. STANTON. Next up will be Congressman Graves from Louisiana.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. Chairman.

Mr. Secretary, thank you for being here, good to see you again.

Mr. Secretary, you and I have spoken in the past about strong concerns we have related to how the administration is prioritizing the allocation of grants, and you have large programs like INFRA and RAISE, nearly \$1 billion each. I mentioned to you that I had actually written much of the amendment, had negotiated with other Members the amendment that puts in law the right criteria for prioritization.

So, when the administration came out and said that racial equity, climate change, environmental justice, and enhancing union opportunities were going to be the driving factors, I had strong concerns because those are things that you all are just deciding are priorities. They are not things that are actually in the law.

And so, then, I said, "OK. Well, we will wait and see how the grants are actually allocated and decide if this is a problem or not."

Mr. Secretary, I will remind you, I represent south Louisiana. We have one of the most at-risk States for sea rise, we have one of the highest African-American populations in the Nation, we are at the bottom of the largest watershed taking in runoff from Montana, New York, Canada, and everything that is in that water.

And so, I think, if you go through and look at your criteria, we should be number 1, 2, and 3—really up there at the top—yet, when you allocated funds under the INFRA Program, I think it was 15 percent of the money—15 percent—went to the State of California. You had about \$555 million went to blue States. Only \$350 million went to red States. Under the RAISE Program, \$162 million went to bike and pedestrian paths.

So, I want to ask you a question. If you look at TomTom, the navigation company's assessment of the most congested areas in America, they said that New York was number 1, and they said that Los Angeles was number 2, they said that Miami was number 3.

Do you have any idea what number 4 was or is?

Secretary BUTTIGIEG. I don't.

Mr. GRAVES OF LOUISIANA. So, that would be the metropolis of Baton Rouge, Louisiana, which puts it ahead of Chicago and San Francisco and a number of other significantly larger places.

[Mr. Graves displays a poster.]

Mr. GRAVES OF LOUISIANA. Sixty-two hours a year, time lost just sitting in traffic. No one would have expected that that be the case.

So, if you look at the two grant programs, \$1 billion each, you would think that, with us being the State that should be performing at top under your criteria, top under the criteria that I wrote because I am incredibly biased, yet, we got one grant, and this is what it was: \$18.5 million to improve fare collection for New Orleans Regional Transit Authority.

[Mr. Graves displays a poster.]

Mr. GRAVES OF LOUISIANA. That is kind of hard to understand, really hard to reconcile. I tried to get them to find a better snapshot on Google Maps traffic, but it is normally dark red.

[Mr. Graves displays a poster.]

Mr. GRAVES OF LOUISIANA. This is the bridge. It is the only place in America where the interstate funnels down to a single lane, and it is not because we were innovative and came up with a great idea that nobody else could think of.

It was idiotic and proof is that we have 62 hours we sit around and waste in traffic and here is the last slide. It is just a picture here showing the bridge that looks like a parking lot because people are just sitting there. This is I-10 connecting California to Florida.

[Mr. Graves displays a poster.]

Mr. GRAVES OF LOUISIANA. So, I want to ask, how are you prioritizing, and how can projects like this not get funded when you are putting money toward bike trails, putting money toward—let's see—transit systems got \$263 million under one of the programs, over one-quarter of the funds, whenever we gave transit tens of billions of dollars during the COVID relief packages. The highways didn't get anything.

So, I guess, I am just trying to understand, what are we doing, and why aren't we putting money toward true national priorities that will relieve congestion, reduce emissions, improve time saved in traffic, and other things that I would think we would share.

Secretary BUTTIGIEG. Well, our shared priorities I think are very well served by the things that we funded in the INFRA Program and in the RAISE Program, but I will acknowledge that for every dollar we were able to give out, there were probably about ten that applied.

So, we had a lot of worthy projects, many I am sure from your district or your State and from all around the country which qualified, but we were only able to work with the funding that we had.

Of course, thanks to the Infrastructure Investment and Jobs Act, we have more funding than before which means we will be able to say "yes" more often, and we love nothing more than saying "yes" to a good project or a good program.

I think if we start ranking how much is going to highways, we would need to include the highway formula funds in that, right, which is the bulk of the dollars that go to those purposes, and you have, of course, certain things like CMAQ that are specifically by the very core of the program directed toward congestion mitigation; although, there is no reason why that can't be a benefit coming off something like a RAISE grant or another piece of legislation.

I will say, one of the things we tried to do is really make sure that these dollars in INFRA, for example, got around the country regardless of—certainly, regardless of politics. And one thing we were proud of is, I think, there was a 25-percent floor for rural projects. We did almost double that. We were in the 40s on supporting rural communities.

I know that for every project we are able to say "yes" to, there are several more that would be—folks would be disappointed we couldn't get there.

Secretary BUTTIGIEG. But again, thanks to this——

Mr. GRAVES OF LOUISIANA [interrupting]. Mr. Secretary, I am out of time, and I appreciate you being here and answering questions. I look forward to following up with you on this, and I would like to ask, Mr. Chairman, if it is OK, if you could, please, provide the committee with the metrics for how you have measured those four criteria that I mentioned. I would appreciate it.

Mr. STANTON. Thank you very much. Next up is Congresswoman Titus.

Ms. TITUS. Thank you, Mr. Chairman. Thank you, Mr. Secretary.

I want you to know that in Nevada, we share your enthusiasm for the funding that is going into infrastructure. I would just point out a couple of things that we are doing. We got \$2.5 billion for our roads and highways, \$225 million to fix our falling-down bridges, \$100 million for our High-Speed Nevada initiative for connecting with the Internet, and \$5.5 million for EV charging stations.

That put a lot of people to work, or it will, and it will help us to grow and develop, and we invite you to come out and see any of those projects in the works.

We had the highest unemployment in the country at 35 percent, but we are recovering that at a rapid rate thanks to investments like this. So, I hope we will see you in Nevada.

My question, though, I would like to go back to my colleague from Phoenix to talk about intercity passenger rail. I want to just be sure I understand how that partnership grant program is going to work.

So much of the investment in rail goes to the Northeast Corridor, but we need to invest in the Southwest as well. They need improvement. We need a greater availability.

So, I want to be sure that this would enable a public entity like Nevada to apply for the grant and partnership with a private intercity passenger rail company.

Second, what is the timing for when that application will occur? And third, will you help us and work with me to see that regional impact as opposed to just local impact plays a role in the determination of who gets those grants?

Secretary BUTTIGIEG. Thank you.

To take the last question first, we, certainly, want to think about the regional effect and how any given vision for expanding passenger rail fits into an overall vision for a first-rate passenger rail network serving the entire country, and I know there is a great deal of interest in this in the region you represent.

I want to emphasize that, under the annual funding of the partnership, the State-Federal partnership, which gets \$36 billion in advance appropriation over the next 5 years, that not more than \$24 billion can be provided to projects that are in the Northeast Corridor. So, we understand and share the goal of Congress to make sure that no one region monopolizes the funding.

Right now, FRA is working through the applications for the fiscal year 2021 partnership funding but will later this year be able to make the funding available for the fiscal year 2022. They issued just a few weeks ago in late June, the notice of approach to developing the NEC inventory.

But again, the non-NEC program will be made clear. The parameters of that will be made clear later on this year, and I would certainly welcome the opportunity to work with you and work with project sponsors from your region on how to provide service where it could have a very big impact.

Ms. TITUS. Yes. If you look at I-15 from Los Angeles to Las Vegas, on the weekend, it is like a parking lot going one direction or the other. We believe a speed train along that same corridor would carry people in both directions. It wouldn't just be a gambler's train. People would go south on the train to Los Angeles, could become a commuter train. It gets cars off the road and improves the air quality.

We have been studying this for a long time, and we are close to making some progress, so, we hope to work with you and see that that happens.

And I thank you very much. You can come out there for the groundbreaking. How about that?

Secretary BUTTIGIEG. We would love it. Thank you.

Ms. TITUS. I yield back.

Mr. STANTON. Thank you very much. Next up will be Mr. LaMalfa.

Mr. LAMALFA. Hello, Mr. Secretary.

Secretary BUTTIGIEG. Good afternoon.

Mr. LAMALFA. Welcome to our little event here. Thank you. I will launch right in here.

So, I am a Member from California, northern California; and in my home State, we have had this project that was initiated in 2008 by a vote of the people for \$9 billion worth of bond funds to go to the high-speed rail to complete a project from San Francisco to L.A., right?

So, over the years, we have found that they fall farther and farther behind, and the price goes up and up and up. It was sold to the voters then in 2008 as a \$33 billion project with the possibility of adding also a Sacramento and a San Diego spur for a little more money later.

Well, it has fallen way behind. It was supposed to be completed in—2020 actually was the original sale that the voters were given—and now, they hope to have one segment done by 2023, and the price has skyrocketed from the \$33 billion that the voters saw on the ballot to a number somewhere around \$105 billion, and it was supposed to also draw in a lot of private investment to make up for the difference between the \$9 billion and the \$33 billion at the time.

So, they have been able to lay their hands on or identify a number somewhere around \$20–\$25 billion maybe via cap and trade and other things for a \$105 billion project.

So, we are \$80 billion short of being able to build it out, and the Federal Government has put forward recently, I think, about \$2 billion in the recent IIJA and about \$3½ billion in the 2009 stimulus act.

And so, here we find ourselves \$80 billion short to build out at whatever today's price is, a project that currently, if they can complete it in a certain amount of years—who knows—it wouldn't go

from S.F. to L.A., but Madera to Shafter, California, which Madera and Shafter are kind of like S.F. and L.A., right?

But anyway, I am pretty tired of this project not meeting any promises and going way over and such, but I want you to be aware, Mr. Secretary, that a simple thing like the land acquisitions that are happening in the route—and so, they haven't identified the whole route yet. They know the easier part through the Valley and South Bay linking up with the North Valley.

They don't know how they are going to get it through the Tehachapis to L.A., but they are not even paying people for the land that they have taken from them through eminent domain.

Are you aware of that situation, sir?

Secretary BUTTIGIEG. You are saying that people have not been compensated for expropriation of their land?

Mr. LAMALFA. Right. Right.

Secretary BUTTIGIEG. I would want to see more details about the case here.

Mr. LAMALFA. I would be happy to supply that to you.

So, I mean, can you support a federally backed project if it was more a Federal nexus of taking property without providing the compensation? You wouldn't do that; would you?

Secretary BUTTIGIEG. Well, any federally funded project would have to comply with all of the law with regard to, obviously, everything from Title VI to making sure people are appropriately accommodated.

So, again, I would want to know more. Is this the subject of a Federal complaint to your knowledge?

[Pause.]

Secretary BUTTIGIEG. Anyway, we will look into it.

Mr. LAMALFA. Yes. We will get back with you, yes, sir. Thank you.

But as the prices go up, when does the value become not there for the thing? I mean, I can see Acela here on the east coast, high ridership, density of population, and that works out, more or less.

But here, we are decades behind now by the time we build it out, and the price has at least tripled. Now, if I just had a bid for getting my roof done, and they told me \$33,000, and they show up to start changing shingles, and they said, "Oh, now it is \$105,000," I would say, "I need a different bid."

So, at the endpoint, what is right for the taxpayers on this?

Secretary BUTTIGIEG. So, the way we view it is that, that decision is not entirely up to the Federal Government. It is largely up to the project sponsor and the people of California, who, as you have noted, there is Federal money into this, especially from the 2009–2010 funds, but also the State has in its recent budget agreement, I think, committed another 4.2.

So, what we really want to do is make sure that we are getting the greatest bang for our Federal buck while partnering with the State and proceeding as they see fit.

Mr. LAMALFA. They will be looking to the Feds for a lot more because we are about tapped out at the State level. Let me shift gears. I am sorry. Time always goes fast.

The AB5 implementation, that bill in California which is basically taking small truckers and putting them out of business if they

are not operating as an employee of a larger company, have you provided any guidance to the truckers in the State about how we are going to comply with AB5 and not have just a complete loss of those pool of truckers and already the supply chain issues we have?

Secretary BUTTIGIEG. Well, certainly, a priority for us is to increase employment in trucking, and we have seen that that has grown substantially.

So, in this case, we have been able to engage with the different players, but I need to emphasize also that, when it comes to the litigation that is going on over this, the Department is not a party to that.

Mr. LAMALFA. Yes. I mean, we are talking owner-operators, not necessarily employees. The owner-operators, do they have a place at the table anymore?

Secretary BUTTIGIEG. Say again?

Mr. LAMALFA. Do the owner-operators have a place at the table anymore; do you see?

Secretary BUTTIGIEG. We, certainly, think owner-operators are a very important part of the future of trucking just as they are at the present.

Mr. LAMALFA. OK. Thank you. We have the PRO Act [inaudible] in DC [inaudible] AB5.

But anyway, thank you, Mr. Chairman. I yield back.

Mr. STANTON. Thank you very much, Congressman. Next up will be Congressman Huffman.

Mr. HUFFMAN. Thank you, Mr. Chairman, and Mr. Secretary, it is great to see you. Welcome back to the committee. Let me just tell you how much I have been enjoying your testimony and your answers to questions.

Like you, my starter EV was a C-Max, not much of a head turner but very practical. I appreciate your sensibilities, and I also appreciate the calm and factual way you have debunked a few of the things that have been thrown at you by our colleagues whether it is the price tag of EVs or conspiracy theories about Government taking without compensation. We appreciate your leadership.

One of the great things coming from a coastal California district that I believe is in the Bipartisan Infrastructure Law is the historic investments that allow communities to build greater resilience and adaptation; and of course, my district is on the frontline of climate impacts.

So, this includes the \$8.7 billion from the newly created PROTECT Grant Program as well as new eligibility in the National Highway Performance Program to mitigate against sea level rise, projects that mitigate sea level rise.

So, in my district, that is really important because it allows State and local transportation officials to plan and design and build differently. Instead of highway widening projects from the 1970s, it asks them and invites them to anticipate impacts we know are coming in the next 20 to 30 years.

But it does require a change in approach, some institutional changes to shift away from doing things the way they have always been done. And I just wanted to ask you about that. Is the Department of Transportation helping to guide or plan with local and

State transportation officials to make sure that they are looking decades down the road and not building projects from the 1970s?

And I do realize that the chair asked you about whether you are forcing States and locals to build certain ways, and I appreciate your answer that you are not. But are you offering guidance and help for them to plan in the way we need them to plan?

Secretary BUTTIGIEG. Thank you for the question.

And it is especially timely given what we are seeing in terms of climate impact on American infrastructure, and we know when we are building something new that we might be making—or the project sponsor might be making—a 30-, 40-, 50-plus-year decision which means that we have got to be prepared to build for the world as it will be, not the world as it has been.

So, for that reason, we are stepping up our efforts to collaborate with different project sponsors on being able to take those kinds of considerations that you raise into account.

And I also want to stress our appreciation for the robust funding in the PROTECT Program specifically dedicated to enhancing resilience. That is \$7.3 billion over 5 years, and \$1.4 billion of that in this fiscal year. That is out of the formula program, plus a discretionary program, too, that we look forward to rolling out soon, all of which we think will help to put our money where our mouth is as a country on the idea of building resilient infrastructure and preparing for all of the impacts ahead.

Mr. HUFFMAN. I appreciate you mentioning the PROTECT Program, and you said, “rolling out soon.” Is there anything more you can tell us about the anticipated timeline for that?

Secretary BUTTIGIEG. Let’s see. I brought my little table of upcoming Notices of Funding Opportunity because I knew this would be of interest. I don’t have a hard date, but I know that it is one of the priority programs we are looking forward to announcing shortly; and as soon as we do have a date, we will make sure to make that known.

Mr. HUFFMAN. We look forward to hearing about that.

In the time I have left, Mr. Secretary, I want to ask you about EV charging infrastructure, another important element of the Bipartisan Infrastructure Law, and there have been some recent reports of Tesla opening up its supercharger network to non-Tesla EVs.

They are already doing this. I guess, they have been required to do this in the European Union, but I am seeing some accounts of that change now coming here.

Can you talk about whatever update you may have on that and how significant that would be to our aspiration of having ubiquitous high-quality EV charging infrastructures, so we can accelerate this transition?

Secretary BUTTIGIEG. Well, it would make a big difference. We are working hard to reach the President’s goal of half a million charging stations built out in a nationwide network by the end of this decade, and it has never been the vision that all of those are, or most of those, are Government owned and operated.

Tesla has built an extraordinary wide-ranging and highly effective network of chargers that are available, of course, for use for the owners of those cars. I have heard Tesla leadership, including

in meetings with me and other OEMs, discuss their vision for using some kind of adapter equipment to make them available to drivers of other vehicles.

I haven't seen any concrete timelines or steps in that direction, but it is, certainly, something we would welcome.

Mr. HUFFMAN. All right. Thank you. I yield back.

Mr. STANTON. Next up is Mr. Gimenez.

Mr. GIMENEZ. Thank you, Mr. Chairman and good to see you, Mr. Secretary.

Mr. Secretary, on September 6, 2019, in a campaign stop, the President in New Hampshire, he said, "I want you to look into my eyes. I guarantee you, we are going to end fossil fuel." Do you support that?

Secretary BUTTIGIEG. Well, I certainly support a transition to domestic clean energy in our lifetime.

Mr. GIMENEZ. In your lifetime. Well, what is the timeframe for that?

Secretary BUTTIGIEG. For my lifetime? Only God knows the answer to that question, sir.

Mr. GIMENEZ. OK. All right. What steps are you taking to bring this along? What steps are you—do you want to see the demise of fossil fuels here in the United States?

Secretary BUTTIGIEG. We want to see the rise of domestic clean energy production. It is creating a lot of jobs alongside fossil fuel industries which, of course, are still a very important part of our economy.

We recognize that we are running out of time when it comes to the consequences in terms of the destruction of American property and lives from the burning of fossil fuels in transportation applications and the energy. We are pursuing a policy that is going to create more domestic clean energy production because we think that will lead to a better economy, and it will save those lives and that property.

Mr. GIMENEZ. Even though there are estimates that the world is going to need additional fossil fuels for the next 50, 60, 70 years. Do you think that that should be American fossil fuel, or they should be Saudi fossil fuel, or Venezuelan fossil fuel?

Secretary BUTTIGIEG. Our preference, again, is American-made domestic clean energy production, and that is what our policy—

Mr. GIMENEZ [interrupting]. Excuse me. You keep saying, "clean energy." I am talking about fossil fuel. I am talking about natural gas. I am talking about gasoline, et cetera. Are you in favor of additional production here in the United States, or do you want to see that limited?

Secretary BUTTIGIEG. Well, as you know, we have proposed, for example, that oil companies that have decided not to produce right now be faced with a choice. They can either produce on the permits that they have, or they lose access to those, and that is an example of, I think, the administration's recognition that, at least in the short term, we are working with what we have even as we are seeing a transition through.

Mr. GIMENEZ. Of a different tack, I looked at the F-150 you said, both the electric and the gas-powered one, and there is a difference of about \$20,000 between one and the other; and when you look at

the \$20,000, if you estimate about 20 miles to a gallon, it is going to take about—at today's prices, it takes about 80,000 miles in order for you to break even, and I am not even talking about charging costs. I am just talking—no charging costs.

And so, if you actually put that down to about \$2.50 a gallon, which was the price of gas before the Biden administration, you don't break even until about 160,000 miles.

Is the Biden administration actively pursuing high energy prices in order to force Americans into electric vehicles?

Secretary BUTTIGIEG. Of course not. And I also want to emphasize that you don't have to wait that 80,000 or 160,000 miles or however many it would be to break even if you don't pay for the vehicle in cash, right? The great thing about an auto loan is, you can realize the—or lease—is you can realize the savings in terms of less maintenance and less fuel even while the initial car payment might be higher, right?

And so, you are coming out ahead right out of the gate, instead of having to wait many years for a payback, unless of course, you are buying the vehicle in cash.

Mr. GIMENEZ. Well, I mean, your finance costs are going to be—depends if you lease it, et cetera—but the finance, at the end of the day, you are going to be paying \$20,000 more however you cut it, at least; and actually, if you finance it, you are going to pay more because of you will paying interest. All right?

So, at the end of the day, again, you are going to take either 80,000 at \$5 a gallon, and it is 80,000 miles to break even; and then, by the way, have you figured in the 10-year lifespan of a battery that you have to change so if you have a 160,000—

Secretary BUTTIGIEG [interrupting]. Yes, we have. I mean, the estimates that are showing that this is reaching parity and pointing toward a savings depending on the model do account for things like that.

Mr. GIMENEZ. But you would agree that the higher the price of gas, then the faster you reach that parity?

Secretary BUTTIGIEG. Of course. The more pain we are all experiencing from the high price of gas, the more benefit there is for those who can access electric vehicles. It is why we are hoping you and your colleagues might reconsider opposing the reduction of EV upfront prices with tax credits.

Mr. GIMENEZ. So, you are saying the more pain we have, the more benefit we are going to get?

Secretary BUTTIGIEG. Of course—

Mr. GIMENEZ [interrupting]. I think, that is what I heard you say. You are saying the more pain that we—

Secretary BUTTIGIEG [interrupting]. No. That is what you heard me say.

Mr. GIMENEZ. Yes. That is what I heard you say.

Secretary BUTTIGIEG. I know you want me to say it so bad, but honestly, sir, what we are saying is that we could have no pain at all by making EVs cheaper for everybody, and we would love to have your support on that.

Mr. GIMENEZ. Are EVs cheaper by subsidizing them or—

Secretary BUTTIGIEG [interrupting]. Yes. That is part of it.

Mr. GIMENEZ. Yes. But that doesn't make it cheaper. That—

Secretary BUTTIGIEG [interrupting]. Well, actually it does. It makes it cheaper because that market-making investment gets you past the tipping point. Current estimates actually are that the U.S., as we cross that 5 percent new sales level, is starting to hit what analysts typically consider to be that tipping point.

But the more we stimulate the production of the clean cars, right, the more you hit the economies of scale that makes them cheaper to produce in the first place which means that you won't need as many subsidies in the future. That is why we believe in this policy.

Mr. GIMENEZ. Well, that is subject to debate. Thank you very much. My time is up. I yield back.

Mr. STANTON. Thank you. Congressman Payne.

Mr. PAYNE. Thank you, Mr. Chairman.

And Secretary, thank you for being here today. It is always good to see you.

A couple of notes. The funding you mentioned going to Long Beach in reference to the rail expansion along the ships to remove the need for trucks, we might want to look at that for Port Newark as well, and so, just, I am always throwing things at you by the way.

And also, in February, I led 34 other Members in asking DOT to get nearly \$7 billion out the door quickly to advance investments in the Northeast Corridor, the dreaded Northeast Corridor, ooh.

Under the Department's current timeline for establishing the Northeast Corridor inventory, States and others are not likely to see this money until 2023. FRA's delay is unacceptable.

What is your Department doing to expedite the availability of these funds to answer our demand for better passenger rail?

Secretary BUTTIGIEG. So, we recognize the importance of working swiftly to prepare these investments while also making sure that these investments that you only get to do once are well considered. The Northeast Corridor Commission is working through the next steps, and we have been consulting with them.

On June 25, the FRA published a notice of approach to develop the NEC project inventory and opened up a comment period to get input from the stakeholders on the Commission, and we want to continue that consultation with the Commission, but that process is one, again, that happens not without a sense of urgency, and so, we remain on track to publish the inventory by the statutory deadline which is November 15th of this year.

Mr. PAYNE. Thank you. Now, on my taking over the chairmanship of the Railroads, Pipelines, and Hazardous Materials Subcommittee, I found that there was no DBE program in the Federal Railroad Administration has studying if discrimination exists in the passenger rail industry—I can answer that—which would suggest the need for a Disadvantaged Business Enterprise program.

It is critical that the study is completed both thoroughly and promptly, so that, if a need is shown for the FRA DBE program, Congress can respond quickly to guarantee that the IJRA rail funding creates a fair playing field for disadvantaged businesses.

When do you expect the disparity study to be completed, and do I have a commitment that this remains, as you told us last year, as a top priority for you?

Secretary BUTTIGIEG. Yes. It is very important to us to deliver on this priority, and we have undertaken a number of actions to move hope forward with this program and provide Congress with a package of material for consideration.

I can tell you that the team is working hard to complete the study. It is a topic every time I sit down with our FRA Administrator, and as soon as it is fit for delivery, we will have it in your hands.

Mr. PAYNE. Thank you. Well, I think that is all I have, and I yield back. Thank you.

Mr. STANTON. Thank you. Next, I believe, Mr. Mast.

Mr. MAST. Yes. Thank you.

Mr. Payne, you could have yielded me your time. I would have—

[Laughter.]

Mr. MAST. Mr. Secretary, thank you for being here today.

I want to ask a very specific question, and this is about hours of service for truckers. Do you feel as though you are endangering the lives of any American on the roadway with the hours-of-service waivers that are being given for truckers that are hauling something related to COVID, or Clorox, or automobile parts?

Secretary BUTTIGIEG. Well, we think the waivers are justified, or we wouldn't enact them. I do think that, over time, we are going to learn from the data that come back on what effect, looking back on these years, the waivers will determine to have. But of course, if we didn't believe that they were a responsible way to strike the balance, we wouldn't pursue them.

Mr. MAST. I agree with you, Secretary. If we didn't believe that they were responsible, they wouldn't be in place.

So, there's an hours-of-service waiver for allowing truckers who carry food, fuel, products to fight COVID, livestock, car parts—a host of things on that list—and they can basically set their own flexible driving schedule that they otherwise wouldn't be allowed to as long as they take a 10-hour break each day.

So, it is far more simple than what they otherwise fall under without that waiver. So, I would say it in this way. I think, you and I could agree that a trucker is not a safer driver because they are carrying Frosted Flakes that might be on the waiver list versus laundry detergent. That would be an agreeable statement?

Secretary BUTTIGIEG. I think so. Obviously, we recognize there are certain differences in cargo, but not all of those differences are the same as the ones that qualify you for the waiver. If that is what—

Mr. MAST [interrupting]. Well, then that example, Frosted Flakes, would be waived, so that you can just have a 10-hour break, laundry detergent wouldn't be waived.

Secretary BUTTIGIEG. OK.

Mr. MAST. So, that wouldn't make a difference in the quality of the trucker, or how they perform their duties or safety?

Secretary BUTTIGIEG. I hope not.

Mr. MAST. I would hope not as well. Likewise, we couldn't say that they would be better because they are carrying Clorox wipes versus baby clothes, right, and the list could go on and on.

So, the request here is, for our truckers, the administration, it is clearly determined that this kind of flexibility for truckers, it is not a major safety threat to say, "Truckers, hey, if you are carrying COVID-related items or Clorox wipes, all you need to do is make sure that you have a 10-hour break." We don't need all of these other things that go on in that hours of service, lack of flexibility.

So, it is not a threat. We agree on that. We have determined it. The goods being carried don't determine to threat—largely obviously, there can be hazardous materials—but even when we talk about hazardous materials, we could say that fuel is on that waiver list, probably one of the most hazardous materials that could potentially be involved in a collision, but that is on the waiver list.

So, we look at this, and we say, the Trump administration, they had that policy for about 9 months. The Biden administration has now had that waiver policy for about 1½ years. So, the request is, let's make it permanent and extend those protocols to truckers that are carrying anything. Right?

They shouldn't have to go through the redtape of determining whether they are carrying Frosted Flakes or laundry detergent or Clorox wipes or baby clothes or whatever. If it is not a safety threat, as we have determined it is not, to give them those 10 hours.

Secretary BUTTIGIEG. Yes.

Mr. MAST. You get 10 hours of rest. It is not a safety threat. Let's let them not have to waiver this.

Secretary BUTTIGIEG. So, I think, the response to that hangs on the difference between believing something is a responsible balance and believing it has no safety impact at all. I think, we are agreed that it was a responsible way to strike the balance, especially in responding to a crisis that has claimed the lives of 1 million Americans.

I would want to see more data suggesting that there was no safety impact at all before I could endorse the conclusion that you are speaking to. But I do think it is reasonable to say that, any time, even if it arises out of an emergency, we gather data from some kind of flexibility being introduced, we should learn from that and include that in our decisionmaking for the future.

I just wouldn't say that we have reached the point where we think that in any way justifies releasing those safety requirements wholesale.

Mr. MAST. Yes. And I can appreciate you wanting to look at the finer data points of this. It would be wrong for us not to do that, but again, just to close that, we can see that we are assessing. There is not a big enough safety threat to get rid of it. It has gone on for 9 months under Trump and 1½ years-plus—2 years—under Biden.

So, it is not a big enough safety threat to not do that. We should be looking at that for everybody given that people carry a host of different things.

Just one final quick point here, and this comes from people that have to deal with the FAA badge office. I have an understanding that there are a number of very disrespectful people in the FAA badge office that people in DC here are not happy having to deal with in that office. If you could address that in the way that they

treat people that come through that badge office, it would be greatly appreciated by some people that I know.

Secretary BUTTIGIEG. I will look into that right away. Thank you for raising that.

Mr. MAST. Thank you very much. I appreciate it.

Mr. MALINOWSKI [presiding]. The Chair recognizes Mr. Lowenthal for 5 minutes.

Mr. LOWENTHAL. Thank you, Mr. Chair.

Mr. Secretary, I represent the Port of Long Beach. I am the co-chair with Randy Weber from Texas of the Congressional PORTS Caucus. Thank you for being here and thank you for visiting our ports and really becoming so knowledgeable about our ports, and I appreciate your efforts to ease port congestion and to reduce the costs for all American consumers.

The IIJA Port Infrastructure Development Program or the PIDP is among the most critical tools to make freight move more efficiently, to strengthen our supply chains, and tackling the shipping costs.

In addition to the legislation, measures like expanding gate hours at ports, popup container storage sites, ensuring more transparency and data for freight exchanges have been so, so important, and they are important signs of progress. For example, freight rates from China to the west coast have fallen almost 50 percent in the last 2 months.

I want to stress how critical it is that we ensure that the PIDP is allocated as quickly as possible, and that these funds support the electrification projects needed to increase efficiency and to reduce the environmental impacts which our higher freight flows have had on our climate and on our frontline community. We also need to prioritize the funding available under section 11402 of the IIJA to reduce truck idling at ports.

Mr. Secretary, can you share more about what the administration is doing to prioritize these critical projects, to coordinate multimodal freight flows, and to reduce cost, and when can we expect funding to be awarded?

Secretary BUTTIGIEG. Thank you very much for the question and for the attention to the importance of efficiently and smoothly moving freight through our ports.

As you mentioned, we have seen a lot of gains in terms of sharp reductions in the number of ships at anchor and in terms of improvements in shipping rates; although, they are still, of course, higher than their pre-COVID levels, and we know there is more work to be done here.

Specifically, with regard to the Port Infrastructure Development Program, we are working to advance the 2022 funding as quickly as we can. We released the Notice of Funding Opportunity for that program within 90 days of the infrastructure law passing consistent with the President's call to move quickly as part of the ports action plan, and we have also issued the amendment incorporating the funding from the Appropriations Act within 60 days of that legislation moving through.

So, now, we have got the applications in. We are working diligently to review them and anticipate being able to announce awards early in the fall, and I really look forward to the difference

that that can make in terms of our capacity and readiness in our ports.

In the meantime, of course, we are not waiting for longer term infrastructure upgrades in order to continue trying to drive progress in this regard, and I would point to measures like the creation of FLOW, Freight Logistics Optimization Works. This is a data-sharing platform.

It is not mandatory. We are not ordering anybody to share anything. It is voluntary, but those different players, including private-sector actors in different parts of the supply chain, who contribute data then get access to the benefits of participating in that system.

We think it is going to make a big difference, and we are looking forward to having a prototype of that up later on this year, and our ports envoy, General Stephen Lyons, continues to work with all of the different players at the ports to spot and identify any and all issues that can be addressed in the near term whether it is through Federal action within our authorities or just getting the right players at the table.

Mr. LOWENTHAL. Thank you, Mr. Secretary, and I yield back.

Mr. MALINOWSKI. Thank you. The Chair recognizes Representative Johnson for 5 minutes.

Mr. JOHNSON OF SOUTH DAKOTA. Mr. Secretary, first off, I would thank you for the positive comments you have made about the Ocean Shipping Reform Act that Mr. Garamendi and I helped to usher through the House and so, thank you for your support of that. We have talked a lot about ports so far today, and I think that will help. It is not a silver bullet, but I think it will help.

When you appeared before this committee last year, you and I had a productive conversation about siting and about how the same type of project that would take 2 years to get sited, a highway project, in France or in Germany; on average, it would take 7½ years in America, which is clearly not evidence of American exceptionalism; and in fact, makes it harder to have American exceptionalism present itself.

You had talked, then, about some of the things that we can do, I think you said, to move aspiration into action. Are we making any progress on that front, and do you see room for additional leadership by this Congress in helping make it easier for us to do large projects?

Secretary BUTTIGIEG. Well, first of all, let me acknowledge and thank you for your work on the bipartisan Ocean Shipping Reform Act. It is another thing I should have mentioned just now in my earlier answer of something that we think will make progress on when it comes to shipping and supply chains.

And to your question, yes, I think we have made progress, and yes, I agree. There is much more work to be done.

The comparisons to Europe are especially important, I think, because we are talking about countries that are certainly rigorous in their labor standards and in their environmental standards, and yet consistently seem to be able to deliver projects at a lower cost and at a swifter timeline than tends to happen in the U.S.

Some of the things we have done in this regard include increasing our visibility on what is going on with permitting, so, the permitting dashboard is our main tool for doing that and enacting the

One Federal Decision-related provisions that were in the Infrastructure Investment and Jobs Act that is included and matching up the categorical exclusions that our Department can join to with other agencies when there is some interagency question, and making sure that we have a game plan for how to hit those averages called for, the 2-year average for the kinds of environmental review that many of our projects are subject to.

But we recognize this is going to be a big ship to turn and welcome all opportunities for good-faith collaboration on how to do it without, of course, diminishing community voices or environmental or other important—labor or other important policy considerations, but having a pace and a cost of getting through these processes that I think is what most Americans would expect.

Mr. JOHNSON OF SOUTH DAKOTA. Yes, and one of the things I struggle with is—and this is true whether we are talking high-voltage transmission lines or highways. People talk about how long it takes to get something sited and then I will tell them, OK, bring me the specific knob we can turn, right? And I am sure you ask the same question.

Because there are so many factors that slow down these processes, it can be hard to figure out what button do you push or what lever do you pull. So, it is a bit of an unfair question for me to ask you, but as you review all of these myriad things that make it difficult to get big projects done in this country, is there one piece that we should focus our collective fire on? One or two specific things we could be working together?

Secretary BUTTIGIEG. I think, as you noted, there is not a silver bullet here, but I do think there are a few directions that will be productive to look in. One is the capacity of the project sponsors, so, making sure that they have the tools they need to navigate these processes, especially because if we are successful in bringing investments to jurisdictions that haven't had much before—maybe small rural jurisdictions and/or low-income areas that just haven't done much with the Federal process—we can't expect them on day one to know how to navigate it. And so, I think the support and the technical assistance there is going to be important.

Second, of course, is to make the processes simpler in the first place. It is one of the reasons you see us combining some of our Notices of Funding Opportunity and even combining the selection process just to have less paper and fewer steps involved by virtue of having fewer programs on parallel tracks.

I think visibility matters. That is why we think that the dashboard—I know it is a readout, not a mandate, but I actually think it could play an important role because it will just help us spot some of these issues.

We are trying to make sure we are combining the final EIS in the record of decision to make sure that there is not a big gap between those. We have also pursued the integration of some of the permitting processes with the NEPA side of it because we think some of those things can travel together, too.

So, I am afraid I don't have a sense of one or two things that would make all the difference, but anything and everything that we can do consistent with our bedrock commitments we are certainly open to exploring.

Mr. JOHNSON OF SOUTH DAKOTA. Mr. Secretary, thanks. And then, Mr. Chairman, via way of closing, I would just note that this is a serious problem. I mean, nobody would suggest that European countries flout environmental or labor standards. They are able to get it done in 2 years. Frankly, America should be able to get these projects done in that kind of timeframe as well, and I thank the Secretary for his efforts.

Mr. MALINOWSKI. Thank you so much. The Chair recognizes Mr. Lynch for 5 minutes.

Mr. LYNCH. Thank you, Mr. Chairman, and welcome, Mr. Secretary. Good to see you. Steve Lynch, I represent the Port of Boston. And thank you for your recent visit. It sounds like you have been getting around to all of our ports. That is a good thing.

First of all, I want to thank you for the support of the Biden administration and your office. Recently we received \$62 million to try to rebuild the terminals in Logan Airport. Those are 1974-era terminals, so, we really appreciate the opportunity to update those.

I want to also thank your office for working with us on the North Jetty. We have obviously one of the oldest ports in the country, and some of our infrastructure dates back to pre-World War I. So, we are trying to repair that, and your office has been very, very helpful.

In addition, we have had some problems with the MBTA recently, and the Federal Transit Administration has been very, very helpful in terms of coming in with guidelines that allow us to operate that system not at full capacity, but safely. And we appreciate their thoughtful and deliberate approach to that.

One of the other positions I hold is I am a vice chair of the Quiet Skies Caucus. And so, we are having difficulty in and around Logan Airport. Logan Airport was actually originally built in the 1920s by the United States Army, and they laid out the runways to favor the wind direction for those planes back in the 1920s that didn't have much thrust.

So, unfortunately, as the city has grown, those runways now steer planes directly over many environmental justice communities. And not only that, but with the advent of next-gen air-nav systems, we have thousands and thousands and thousands of planes flying over laser-guided air vectors over the same homes, repeatedly, and it is causing health problems for the people in those areas next to the airport.

Now, I have tried to persuade the FAA to look at an approach here where they would adjust the configuration of the runways. We have an entire port area where they could be bringing in flights and having flights take off completely over water, not flying over these densely settled, as I said, environmental justice neighborhoods. But I have had great difficulty in persuading them to do so.

I am wondering if your administration, your office would be willing to work with us on that. We obviously have a great need in the area, but this is critical to the quality of life to the people in my district.

Secretary BUTTIGIEG. Well, I want to recognize your leadership of the Quiet Skies Caucus, and certainly we recognize that as the FAA moves to modernize the National Airspace System, there is a risk that these efforts can result in changes to the flight pattern

that effectively concentrate the route and concentrate the noise and this, of course, concentrates the impact on the residents who live directly under them.

I would be humbled by attempting to venture anything specific to runway configuration here. I know that is very technical and often has to do with things like the direction of the wind and other engineering considerations, but certainly would welcome further dialogue with your office on how to make sure that those community impacts are managed as responsively as possible and that any mitigations that can be identified responsibly are pursued.

I know that the FAA has sought to add resources in terms of community engagement, and anytime that is found wanting, welcome the chance to work with the congressional office to try to firm that dialogue up.

Mr. LYNCH. That is great. Thank you, Mr. Secretary. I just want to point out that periodically we do have to redo the runways. We just had one of the major runways redone several—well, over a year ago now, and we shut it down and we moved the flights to another runway. So, logistically we could do this if we had—I have had dealings with the FAA, and in some things they are great and on other things they are impervious to public input and impervious to congressional persuasion as well.

So, I would appreciate your cooperation on that, and I am thankful for the work that you have done in the Port of Boston and I appreciate what the Biden administration has done as well.

Mr. Chairman, I will yield back.

Secretary BUTTIGIEG. Thank you.

Mr. MALINOWSKI. Thank you. The Chair recognizes Mr. Balderson for 5 minutes.

Mr. BALDERSON. Thank you, Mr. Chairman, and Secretary, thank you for being here. I was actually on the same flight to Columbus on Friday night with you, so, it was good to see you going to the airport and getting on the plane. So, thank you.

I was a strong supporter of the DRIVE Safe Act and I was proud to offer this bill as an amendment when the committee marked up Chairman DeFazio's infrastructure bill last year. This program creates a pathway for CDL holders between the ages of 18 to 20 to participate in interstate commerce after completing substantial safety training. And while I had major concerns with the Infrastructure Investment and Jobs Act, I was happy to see this important pilot program included in the final bill.

Can you discuss the current status of the Safe Driver Apprenticeship Pilot Program?

Secretary BUTTIGIEG. Well, I want to recognize your work on this and recognize also that it happens in the broader context of needing to make sure that we have the strongest and best possible workforce in truck driving. It has been estimated that the gap is as high as 80,000, although I think it has closed to some extent. And so, the question that this pilot program speaks to, of course, is: Is there a way to engage younger drivers without any kind of detriment to safety? And I think the pilot program has provided us with a responsible way to determine that.

In January of this year, FMCSA announced the establishment of the program in the Federal Register. So, that was the first step

really to get the details out about the pilot. And they are now completing some of the other administrative tasks they will need just because it is a new program, but I do believe we will be able to begin to accept applications into this program by the end of summer of this year and then we will be watching closely, of course, to see how it unfolds and to ultimately gather the data that will tell us what, if any, safety impact there is.

Mr. BALDERSON. OK. Thank you very much. I appreciate that answer.

Mr. Secretary, last month I sent you a bipartisan letter signed by 67 of my colleagues regarding several issues facing motor vehicle carriers and those transporting hazardous materials. Behind this issue is the costly background check redundancies within the Transportation Worker Identification Credential, Hazardous Materials Endorsement, and the TSA PreCheck programs.

I have heard from drivers across industries that streamlining or harmonizing these credentials, which largely require the same information, would go a long way in reducing costs and unnecessary burdens on drivers. I understand this issue is under TSA's jurisdiction, but since you are the cochair of the Supply Chain Disruptions Task Force and you are the primary regulator of the trucking industry as Secretary of Transportation, I am curious if you have any thoughts on this matter or if you have heard anything from TSA or DHS on efforts to reduce these redundancies.

Secretary BUTTIGIEG. Well, I don't want to preempt the process of replying to your letter just because we do want to make sure we coordinate with DHS on that given TSA's role. But let me affirm the general principle that whenever the Government is gathering information from the same person twice, we have an opportunity. And provided we can find ways to meet this concern that don't have any adverse effect on safety and security, we are very open to examining what we can do.

Mr. BALDERSON. OK. Thank you very much. And anytime you are in Columbus, Ohio, again, let me know. I will get a nice dinner arrangement for you. So, thank you, sir, and Mr. Chairman, I yield back.

Mr. MALINOWSKI. Thank you so much. The Chair recognizes Representative Carbajal for 5 minutes.

Mr. CARBAJAL. Thank you, Mr. Chair. Secretary Buttigieg, welcome. I commend you and the Biden administration for your leadership in helping us to advance the historic Bipartisan Infrastructure Law.

This represents some of the largest investments to bring our Nation's roads, bridges, transit, broadband, and waterways into the 21st century, and, at the same time, create good-paying jobs for many Americans.

My district has already begun to benefit from these Federal infrastructure dollars in so many ways. Currently, the Santa Barbara County Association of Governments is working towards improving U.S. Highway 101, which is one of two critical and major north-south arteries in California. This May, they applied for Federal Mega/INFRA dollars to reduce congestion along a portion of U.S. 101, encourage a shift of mode of transportation, strengthen job ac-

cessibility, and reduce harmful pollution from greenhouse gas emissions.

I worked on this project when I served in local government on the Santa Barbara County Board of Supervisors, and I can tell you this project is a win-win-win, not only for our local region but for the entire State transportation system.

There is \$810 million—almost \$1 billion—in State and local funds—yes, I said local funds—currently pledged to this project, which means approximately 80 percent of this project is coming from non-Federal sources. So, I think it is fair to say that it is time for the Federal Government to step up.

Can you provide an update on the timeframe for when your Department will be making determinations on these applications?

Secretary BUTTIGIEG. Well, thank you for the question, and certainly we recognize that and the former mayor in me recognizes that State and local jurisdictions have been asked to shoulder too much for too long. It is part of why the Infrastructure Investment and Jobs Act is so welcome. And part of what we have sought to do with the particular program you are referencing, the combined INFRA/Mega/Rural NOFO is to position ourselves to deploy these dollars as quickly as we can.

When the deadline closed for this combined Notice of Funding Opportunity, we had more than 450 applications. So, we are working through those right now and should be able to announce selections in the fall, and looking forward to funding as many deserving applications as we can, and this will certainly get full and fair consideration.

Mr. CARBAJAL. Great, thank you. Again, 80 percent funded with non-Federal dollars.

As a member of the Climate Solutions Caucus, I supported the inclusion of the Carbon Reduction Program in the Bipartisan Infrastructure Law. How are you working towards reducing harmful emissions?

Secretary BUTTIGIEG. Well, the Carbon Reduction Program is going to give us \$6.4 billion of resources to help communities and States and jurisdictions in this work. And we are looking forward to seeing the plans as they begin coming through on how States aim to use that.

I should emphasize the bulk of this is formula dollars that the States can program as they see fit, provided it is consistent with the basic outlines of what Congress calls for in the legislation.

Of course, that is not all there is to the opportunity to mitigate carbon through this infrastructure law. Just about anything you do in transit almost by definition will lead to reduced carbon pollution. That is doubly true for things like the low- and no-emission bus program and other things that help transit, which is already presumptively carbon-reducing to also operate on a cleaner basis. And I think across all of the programming you see, even or especially when we are meeting other goals like enhancing our supply chains or giving commuters or passengers a more convenient and efficient experience, that we are going to be making a major difference on carbon as well.

Mr. CARBAJAL. Thank you. Let me just close by reiterating my standing invitation to you to visit my district. As you can see, that

101 major project is a very significant effort going on in my region, but there are many others, and I hope you will consider coming out. I know my constituents would love to showcase all that we have done and continue to do in regards to transportation and infrastructure. So, please come out. Some of us call my area paradise on earth, which you would be remiss to not come out to. Thank you.

Secretary BUTTIGIEG. I would love it. Thank you.

Mr. MALINOWSKI. He does have a very nice district. I can as chair attest to that.

We will now recognize Mr. Katko for 5 minutes. Thanks.

Mr. KATKO. Thank you, Mr. Chairman. And I just want to correct the record and say that Syracuse, New York, is paradise on earth, not Mr. Carbajal's district.

But Mr. Buttigieg, I want to thank you very much for being here today, and it is good to see you again. The last time I saw you, I think we were in the White House a year ago, in the Oval Office, in February, speaking about infrastructure with a small group of individuals with the President and Vice President there as well. And a lot has happened since then, and I am thrilled to say that I was the very first Republican to cast my vote in favor of the Infrastructure Investment and Jobs Act.

It is a culmination of many years of work on my part and others, and it started back in 2017 with the Problem Solvers Caucus. I chaired the subcommittee that issued an infrastructure report. We updated it in 2021. We presented it to a group of Governors, Senators, Members of Congress, and it caught fire and went from there.

So, I am thrilled that we finally got it across the finish line, and I am glad to be able to talk to you about it here today.

And central New York, as you know, is going to be a major beneficiary of this act because of the Interstate 81 rebuild that is going to be going through the heart of the city. And that money is sorely needed there and elsewhere across this country.

Providing stable and dependable Federal funding for infrastructure was one of the reasons I came to Congress. And I was proud to do my part to make that a reality by supporting this infrastructure bill.

In addition to providing billions of dollars for a wide range of other physical infrastructure priorities, New York State is seeing a significant increase in its apportionment of Federal highway aid under this law, which is welcome news. From major highway projects to addressing wear and tear on rural roads, this funding makes a huge difference top to bottom across our State.

And unfortunately, along with many of my constituents, I am concerned about how far this money is going to go in the near future due to the dramatic rise in inflation. I want to note that the infrastructure bill is not the problem here, and it is not the inflation driver. There is not an expert who says it is.

In fact, according to experts from the American Enterprise Institute, the infrastructure bill actually eases inflationary pressures in the long run because of its focus on improving productivity over the next decade.

However, as we all know, this was not the only bill Congress passed last year, and we now find ourselves at a point where inflation reached a 40-year high of 9.1 percent last month, which is the most I have seen since I was a young man when the Carter administration was in power.

Inflation has impacted prices in every sector, but of specific interest to our conversation today are the prices of construction materials and fuel, which are going through the roof. As States and localities try to budget for in-demand road and bridge projects, sustained inflation is going to make it even more difficult to stretch these critical infrastructure dollars to cover the projects that Congress intends them to.

As a result, we end up facing the exact same dependability challenges this bill was supposed to address. So, I have a couple of quick questions for you, and if you could help me with them, I appreciate it.

First of all, what steps are the Department taking to ensure that the purchasing power of the infrastructure act remains intact? And second of all—and you can take these in either order you would like—can I assume that the Department of Transportation is [inaudible] efforts on permitting reforms to the infrastructure act to help reduce the baked-in costs and delays for these projects?

And with that, I yield back.

Secretary BUTTIGIEG. Well, thank you, and let me recognize your support and leadership when it came to this infrastructure law coming together and strongly agree with you and with the economists who have indicated that seeing it through is going to ease inflationary pressure.

For that reason, we feel a great sense of urgency about making sure that we effectively use these taxpayer dollars. And there is no question that the increased cost of input to building infrastructure represents a challenge for us in implementation. This is true whether we are talking about supply chain constraints contributing to raw material costs or whether we are talking about workforce shortages impacting labor costs.

So, several things that we are able to do, and one thing I would point to is the collaboration that we have with project sponsors to share best practices from what we have seen around the country and even around the world on how to effectively keep those costs under control, use technical assistance to provide that kind of support, and of course continue working the root causes of the issue through efforts like the Supply Chain Disruptions Task Force.

We also see certain flexibilities that do exist within the legislative framework, and when they are there we will pursue them in order to make sure project sponsors succeed, but are of course always open to working with Congress on other measures that we can take to make sure that we really get that value, that \$1.2 trillion worth of economic and other benefit to the American people for the taxpayer investment that is being made here.

Mr. KATKO. Thank you very much. I yield back.

Mr. MALINOWSKI. Thank you so much. I will recognize myself now.

Let me start, Mr. Secretary, setting a couple of things straight. I am sure you will agree with me that every American should have the freedom to buy whatever kind of car they want.

Secretary BUTTIGIEG. Agreed.

Mr. MALINOWSKI. But when more people buy EVs, the overall demand for gas goes down, right? Which means that the price of gas also goes down for everybody who still exercises their choice to buy a gas-guzzling car. So, this is a win-win. I don't understand why this has become a partisan or Tribal issue in America.

And then when it comes to gas prices and Putin, I remember the days immediately after Russia's invasion of Ukraine; virtually all of my Republican colleagues were taking to the airwaves demanding that President Biden ban Russian oil, every single speech on the House floor and committee hearings confronting administration officials coming to brief us, and all of us knew perfectly well that this would result in gas prices going up. You cannot take the number 2 world exporter of oil offline in a day without having that effect.

And I, in those days, I drafted a House resolution that would have urged President Biden to do exactly that, to ban Russian oil, but in the text acknowledging that there would be economic sacrifices for the American people, hoping that we could come together as Democrats and Republicans patriotically urging the President to do the right thing, but taking common responsibility. And I couldn't find a single Republican to sign on to that resolution because apparently some people wanted the President to do it and then to blame him for the consequences. And unfortunately, we are still seeing that today.

With that, I want to ask you what I always ask you about, which is the Gateway Program for New Jersey and New York. We have made such extraordinary progress working with you and your team. We ended the Trump-era policy that made it harder for States to finance their portion of big infrastructure projects.

We finally got the environmental impacts statement done for the tunnel. We secured and improved project rating from the Federal Transit Administration. We signed a full funding grant agreement to replace the Portal North Bridge and we will be breaking ground on that essential project in the coming days. And just 2 weeks ago, New Jersey and New York agreed on how they are going to split the costs of this incredibly important project at the State level. And then, of course, we passed the infrastructure bill that will fund this.

But just as I pushed really hard to get us to this point, I am going to push just as hard to get this done faster. And I understand these projects are complicated. They don't get built overnight. But I am sure you won't be surprised to hear my constituents are not going to be happy to hear statements like, this could go until 2035. It is not going to be acceptable.

So, I actually want to echo Mr. Johnson's question to you about why infrastructure project delivery in the United States takes so long and costs so much in comparison with other wealthy countries that have equally strong labor and environmental standards as the United States. What are we going to do about it and how can we

apply those measures to this project, the Gateway project for New Jersey and New York? Thank you.

Secretary BUTTIGIEG. Well, thank you. First of all, let me share your enthusiasm for making sure that the Gateway project is a success. It holds the potential to ease congestion, to provide better service, to create stronger redundancy and availability for intercity rail and a whole number of other issues that will be very important for the Northeast Corridor and represents such an economically significant set of transportation activities that the entire country will benefit.

And in particular, I want to applaud the agreement that was reached between New York and New Jersey, knowing that it is never a small or easy thing for two States to agree on cost-sharing. And I called Governor Murphy and Governor Hochul to express my appreciation for their leadership on that.

It is a project or a set of projects that will I think test us in terms of our ability to reduce the gap between the cost it takes to deliver a project in the U.S. and the cost you see in a lot of other Western countries.

While I can't point to any single factor that explains the difference, there are a number of things that we know contribute to it. Part of it is the complexity of aligning the different parties, and so that is why we are so pleased to see the States collaborating in this regard. Also, the Gateway Development Commission now has its executive director named. That is also we think a very positive development because it gives you the unified leadership that you need.

We also want to inventory best practices from other countries or other parts of the U.S. that have been quicker than others while maintaining project quality. And we are driving ourselves very hard internally to try to make sure the process is as smooth and as straightforward as possible.

We think that with the right level of intentionality, we can buck the trend of very large, very complex projects to go longer and cost more than they should.

Mr. MALINOWSKI. Thank you so much. I yield back my time and we will now go to Mr. Westerman for 5 minutes. Thank you.

Mr. WESTERMAN. Thank you, Chairman. Thank you, Secretary Buttigieg, for being here today. Count me among one of those Members of Congress who didn't vote for what I would call the world's largest infrastructure spending package in the history of the world, one that was more than enough money to completely rebuild the U.S. Interstate Highway System in today's dollars. But the big issue was that not only did it not come before this committee, it went before no committee and had no markup in the House of Representatives.

But it is the law now and as we look to do oversight on it, I noticed that last Friday, FHWA proposed a notice of proposed rulemaking to require State DOTs and metropolitan planning organizations to establish declining carbon dioxide targets and develop a system for measuring and reporting greenhouse gas emissions. This is in line with the President's Executive order in January of 2021.

However, nobody voted on this in the IIJA because it wasn't in there. So, in light of the Supreme Court's recent ruling on the EPA's authority over powerplant emissions, do you have any concerns that the administration may be overstepping the law in putting this out? And plus the amount of time—this is a big issue, and I have already had my State DOT contact me about not having enough time to comment on it.

Secretary BUTTIGIEG. We are very confident in the congressional authority for this rule. It actually dates back to 2012, when Congress passed MAP-21, which provides for the Federal Highway Administration to put out performance measures. We have used that authority, or I should say the Department because much of it is before my time, but the Department has successfully used that authority on a number of different issues, and this is part of that tradition, and I think one that comes at a very important time.

Obviously, the evidence on climate change and the destruction of American lives and property due to climate change is beyond any doubt. We also know that the largest sector in the U.S. economy contributing greenhouse emissions is the transportation sector. And we have been very mindful of the limits on Federal authority in crafting this proposed rulemaking. It doesn't, for example, mandate any targets. It is really about the States being able to track their progress toward their own targets.

But with this being such a central issue of importance for the world and for the American people, what would it say about us if we couldn't even measure it? And so, we are trying to get those basic standards in place, and if your State DOT has any concerns in terms of their ability to comply, this is certainly the time to make those known through the NPRM comment process, but also we would be happy to engage with them directly.

Mr. WESTERMAN. Thank you. And you talked about climate and carbon. It is something that I work on. I have worked on a lot of natural climate solutions. But you had mentioned earlier in the testimony, and I know you have a goal—or you bought into the goal of I think replacing half of the fleet by 2030 or half of the new car sales, and you just mentioned that transportation is the largest sector of carbon emissions.

So, what percent of the world's carbon emissions is the United States accountable for?

Secretary BUTTIGIEG. I think at this point we are—we remain in the top two, if I recall correctly, and are in the neighborhood of 15 percent.

Mr. WESTERMAN. Fifteen percent. And transportation being the largest part of that, what percentage of that 15 percent is transportation?

Secretary BUTTIGIEG. Depending how you count, something like one-third.

Mr. WESTERMAN. OK, one-third of 15 percent. I think the number is actually closer to 27 percent, but that is all of transportation. How much of the transportation are passenger cars responsible for?

Secretary BUTTIGIEG. I would say surface is the biggest share. I don't have the percentage offhand. I just know that it is something we are responsible for, and with every piece that we are responsible for, shame on us if we don't do the best that we can.

Mr. WESTERMAN. Yes, and if you go through the math, you find out that if every electron going into an electric vehicle, if all passenger cars were electric vehicles, you are offsetting less than 1 percent of global greenhouse gas emissions, which, that is nothing to laugh at, but it is just not the panacea that I see folks on the left claiming that it is, and it is a huge cost to our country. Do you think there are other areas that maybe we should—with all the challenges with electric vehicles?

And I heard you talk earlier about how we are developing the minerals and elements, the copper wire, the lithium. Well, you are saying that, and then I am the ranking member on the Natural Resources Committee, and I see bill after bill to withdraw mining from Federal lands where these resources lie. So, if we are developing them here in this country, I sure don't know where we are developing them. It appears to me that we are relying more heavily on China and other countries to provide the minerals and elements that we need, and we are not developing here. So, it looks like there is a miscommunication between the administration and what Members of Congress are working towards, and kind of in opposite directions.

I yield back.

Mr. MALINOWSKI. If you would like to respond, it is OK.

Secretary BUTTIGIEG. I don't want to tie up any more time. Just to endorse the idea that there is going to be a lot of different things we have got to do at the same time. We simply think anything that we are responsible for, especially using technologies that exist and that American workers are making good money building right now, are those that show the most promise and those that we have got to push the hardest on.

Mr. MALINOWSKI. Thank you. The Chair now recognizes Mr. Allred for 5 minutes.

Mr. ALLRED. Good afternoon, Mr. Secretary. Thank you, Mr. Chairman. I want to thank Chairman DeFazio for holding this hearing.

Secretary Buttigieg, it is great to see you. Thanks for coming to Dallas and seeing some of the good things that we have going on there. I want to thank the Department for getting the historic funding from this bill that I was proud to vote for out as quickly as you have. These dollars are making already a monumental impact on my community and communities across Texas.

In fact, last month the Texas Department of Transportation released its plan to build out an EV charging infrastructure throughout the State to support 1 million electric vehicles. Thanks to the IIJA, the State is expected to receive about \$407 million over 5 years to do that.

Now, as you know—you have been to Texas, it is a big State; we have got some big distances involved. I am wondering how you propose working with State DOTs that are similar to Texas if they build a reliable network of stations that addresses range anxiety that maybe some consumers have and allow us to really make this a success.

Secretary BUTTIGIEG. Well, thank you. We recognize that for your community and communities across Texas and many in the U.S., the ability to successfully participate in the EV revolution, to

get the fuel savings that come with owning an EV, are only as good as your opportunities to charge them, and especially if your work or your commute requires you to cover long distances on a regular basis.

We have got to make sure that it is as certain that you will find chargers where you need them as it is that you will find gas stations where you need them on a road trip today.

With the funding that Congress has provided, we have formula dollars going to every State. This year, a slice of that—\$615 million—to make sure that there is that backbone across the highway network.

And I will say this was crafted with a lot of regard for the differences between the States. We don't know what the right way is to lay it out in every particular, so, we have asked the States to prepare their plans and then file them with us by August 1st. As long as they meet the legal requirements, then we will be off and running on funding them and look forward to seeing what Texas and the other States prepare for us.

Mr. ALLRED. Yes, I think it is exciting. In a former life I was an NFL player, and I was interested to see in the last Super Bowl, every car commercial was for an electric vehicle. Right? And this is what I think people are excited about. But for States like Texas, for us to move into that future, we need this charging infrastructure. And so, I think it is an incredibly important aspect of this bill.

I also want to talk about aviation. As you know, DFW is home to one of our busiest aviation sectors. We are home to the second busiest airport in the world, Dallas Fort Worth International Airport. In 2016, it received recognition as the first airport to become carbon neutral in North America. Recently, DFW received \$35 million from FAA to increase terminal sustainability and assist the airport in reaching its net-zero emissions goal by 2030.

And I am wondering how the Department envisions airports using the Airport Improvement Program funds from IIJA to help build capacity at the airports, and if you believe these funds will help with some of the delays that I certainly have been hearing about and also experiencing as somebody who flies twice a week on most weeks, and cancellations that I think so many folks here in the country are feeling.

Secretary BUTTIGIEG. Thank you. Yes, we were very pleased to support DFW's application through the Airport Terminal Program that is going to help them with a powerplant, and I think yield not only air-quality improvements and sustainability improvements but also I think cost savings for the airport in the long run, which means whatever those fees do go to maybe are more likely to be passenger-facing than if they were just going—

Mr. ALLRED [interposing]. Right.

Secretary BUTTIGIEG [continuing]. Into the heating and cooling bill, which we certainly welcome.

You mentioned the other program, the Airport Improvement Program, AIP, which is funded to the tune of \$3.35 billion in the President's fiscal year 2023 budget request. And those are dollars that we think will help enhance capacity as well as safety, security, and other concerns at the airports.

And so, that will be part of the stack alongside the other sets of aviation funding that came in the infrastructure law that can really help us on everything from physical plant improvements around the airport—the runway, the apron, the gates—to things like air traffic control facilities that if you allow them to deteriorate can also become a limiting factor, not to mention a quality-of-life issue for our very hard-working air traffic controllers.

All of those call for investment, and we are glad that we are able to deliver so much of it now thanks to the bipartisan law.

Mr. ALLRED. Absolutely. Well, I know I am almost out of time here. I just want to say I was happy to hear you say recently you plan to use the funds from IIJA to establish high-speed rail demonstration projects in the country, and if you could briefly elaborate on how the Department plans to deliver on that goal and how much of the funding do you plan to allocate towards high-speed rail projects just very briefly.

Secretary BUTTIGIEG. Sure. So, in a nutshell, it is enough not to build out a full high-speed rail network across the U.S. but to begin to demonstrate that the U.S. can do high-speed rail as effectively as anyone. And we look forward to supporting as many routes as possible. It will probably be a handful stacked alongside all the other rail needs in the U.S., but enough, I hope, to show that America can lead here as well.

Mr. ALLRED. Well, we certainly want it in Texas. And with that, Mr. Chairman, I yield back.

Mr. MALINOWSKI. Thank you. We will go to Mr. Nehls for 5 minutes. Thanks.

Mr. NEHLS. Thank you, Mr. Chairman, and thank you, Mr. Secretary, for being here.

Part of the genius of the Founding Fathers was the system of checks and balances. Congress has a duty to oversee the executive branch, and Members of Congress deserve answers to questions they pose to the executive branch.

My office has written several letters to you, and we have not received a response on most of them. I sent you a letter back on May 2nd asking you a very simple question about whether the Biden administration supports maintaining a preferential no-fly zone for Disney. Did you ever receive that letter or did you read it?

Secretary BUTTIGIEG. I believe we have it, yes.

Mr. NEHLS. OK. Mind you that no other amusement park enjoys restrictions on airspace, including competitors like Universal Studios. These no-fly zones are usually reserved for high-security targets like the White House and our most sensitive military facilities like nuclear launch sites. So, that totally makes sense.

I would like to add no executive agency wrote to Congress about a national security need for this no-fly zone, which is the custom. The Obama administration's FAA Administrator testified that Disney's no-fly zone does not meet the standard requirements and would not be in place had Congress not enacted specific legislation, a process that has been widely reported that was done out of uncouth lobbying.

So, what is the administration's stance on the preferential treatment for Disney's no-fly zone?

Secretary BUTTIGIEG. Well, of course, fundamentally we simply have to apply the law, and in this case, as you noted, this set of flight restrictions that the FAA maintains, we do so because it is part of congressional legislation that was enacted in 2004 and then we codified those in notices to air missions.

I know that we have had inquiries both from Members of Congress from time to time and from industry about this, and ultimately any changes to that policy would be for Congress to put forward just as the policy itself has come from congressional statute.

Mr. NEHLS. Fair enough, and thank you. And I will be pursuing just that here in the next Congress.

And could you please—and just in one word, let's have some fun with this—could you please describe America to me in one single word. What would that be if you could describe America in one single word?

Secretary BUTTIGIEG. For me, I guess home.

Mr. NEHLS. Home. Fair enough. Fair enough. Well, just a few weeks ago, this is how President Biden described America in one word [indicating a poster]. Could you please tell me what that word means? It is this one right here. Could you even say the word?

Secretary BUTTIGIEG. Congressman, I am not in the habit of trying to read transcriptions of—

Mr. NEHLS [interrupting]. I bring this up to you, sir—

Secretary BUTTIGIEG [continuing]. Words on television.

Mr. NEHLS. I bring this up to you because you yourself questioned Donald Trump's mental state of mind in September of 2019 when you stated to CNN, I quote, "If our Presidency is not in good shape, then our country is not in good shape." And Mr. Secretary, I could not agree with you more. I am going to repeat what your quote is. "If our Presidency is not in good shape, then our country is not in good shape."

Inflation is at 9.1 percent, gas prices are through the roof, our adversaries are exploiting our weaknesses across the globe, and our southern border is nonexistent. This administration puts the American people last. The left and the dishonest media, which in my humble opinion is the greatest threat to this country, the dishonest media, began questioning President Trump's mental state back in February of 2017, a month into his Presidency.

We now have President Biden in office for 18 months, and just recently we now see the mainstream media questioning President Biden's mental state, and for good reason. Sadly, he shakes hands with ghosts and imaginary people. He falls off bicycles. Even at the White House Easter celebration, the Easter Bunny had to guide him back into his safe place [poster is displayed]. Cue cards that say "sit here" or "end of speech," which he actually states—that is, if he stays awake [poster is displayed].

So, my question for you is, sir, have you spoken with any other Cabinet members about implementing the 25th Amendment on President Biden?

Secretary BUTTIGIEG. First of all, I am glad to have a President who can ride a bicycle.

Mr. NEHLS. Answer the question.

Secretary BUTTIGIEG. And I will look beyond the insulting nature of that question and make clear to you that the President of the United States——

Mr. NEHLS [interrupting]. Have you spoken to any——

Secretary BUTTIGIEG [interrupting]. Of course not.

Mr. NEHLS [continuing]. Other Cabinet members about implementing the 25th Amendment on President Biden?

Secretary BUTTIGIEG. Of course not.

Mr. MALINOWSKI [interposing]. Please allow the witness to give his answers.

Secretary BUTTIGIEG. You ought to know that the President of the United States——

Mr. NEHLS [interrupting]. Have you emailed—this is my time. Have you emailed any members with the executive branch——

Secretary BUTTIGIEG [continuing]. The President of the United States——

Mr. NEHLS [interrupting]. About the President's health or cognitive decline, including text messages, from your private phone?

Secretary BUTTIGIEG. The President of the United States is as vigorous a colleague or boss as I have ever had the pleasure of working with.

Mr. NEHLS. I figured this. What about political appointees that you are speaking to? Have you spoken about this to——

Mr. MALINOWSKI [interrupting]. The gentleman's time has expired.

Secretary BUTTIGIEG. I couldn't hear the question, I am sorry.

Mr. MALINOWSKI. Well, that——

Mr. NEHLS [interrupting]. Will you yield me 1 minute, sir?

Mr. MALINOWSKI. Absolutely not. If you had yielded the Secretary some time to actually answer the ridiculous question, you might have actually gotten something.

We will now——

Mr. NEHLS [interrupting]. The question?

Mr. MALINOWSKI [continuing]. Turn to Mr. García for 5 minutes.

Mr. NEHLS. Mr. Van Drew?

Dr. VAN DREW. I will yield you a minute.

Mr. GARCÍA OF ILLINOIS. Thank you, Mr. Chairman.

Mr. NEHLS. Mr. Van Drew would like to yield me.

Mr. GARCÍA OF ILLINOIS. Thank you, Mr. Chairman and ranking member, for convening this hearing, and of course thanks to Secretary Buttigieg for joining us today.

The IIJA was an important bill that funds our policy needs. As the chairman reminded us last week as his portrait was being unveiled, the House passed a truly game-changing, transformative bill that we call the INVEST Act, establishing greenhouse gas emissions metrics, advancing a “fix it first” agenda, a massive investment in environmental justice initiatives to name a few. Even though we weren't able to advance the INVEST Act, or the Build Back Better Act, I am heartened that under your leadership, Mr. Secretary, the U.S. DOT has begun to implement parts of this progressive agenda under its existing authorities.

Still, more must be done, and how we implement the IIJA is absolutely critical. For far too long, transportation policy has been disconnected from the broader social justice debate, yet it deter-

mines access to jobs, clean air, clean water, affordable housing, and the fate of our climate. Mr. Secretary, I represent a working class immigrant community in Chicago in the Cook County suburbs, and as you know, Chicago is a hub for rail, air, and truck transportation.

Our communities deal with both the good and the bad of that. My neighborhood, Little Village, has some of the highest asthma and respiratory diseases in the country, and unfortunately, pollution from our transit corridors plays a big role in that. We have to be honest about the policies that led us here and deliberate about setting a new path. Mr. Secretary, approximately how much of IIJA money is going to expand highways and add lanes?

Secretary BUTTIGIEG. So, I'd have to pull the exact funding, and of course some of that will depend on how the States and project sponsors choose to allocate funding that could go either toward transit or highways in the formula case, and on the discretionary side, could go towards projects that are more or less highway intensive, but what I'll say also is that this legislation gives us the means to look beyond the 1950s, 1960s, or 1970s mentality about transportation that often really subjected any mode other than single occupancy vehicles to the back burner, and when we do, as you wisely note, the benefit is not only in terms of more convenient, equitable, and decent ways to get around, but also the physical health of people who aren't subjected to as many emissions, when we have more thoughtful and more wide-ranging options for people to get around, including active transportation, and excellent public transit.

Mr. GARCÍA OF ILLINOIS. Excellent point. Mr. Secretary, the GHG performance measure is a great step, but what else is DOT doing to help ensure that the IIJA is part of the solution to emissions and climate change?

Secretary BUTTIGIEG. Well, certainly I would point to the Carbon Reduction Program, which provides dedicated funding for the purpose of making transportation investments that reduce the carbon intensity of the U.S. transportation sector, but that's far from the only set of resources that are going to make a big difference. Again, pretty much any investment that you make in transit is likely to reduce carbon emissions, but it's that much more so on investments like the low- and no-emission bus program, which helps local jurisdictions and transit authorities to acquire clean, efficient, electric, or otherwise low-emission buses for their routes, saving taxpayer money in the long run when they do so.

We've got \$7.5 billion for building out the electric charging infrastructure across the country, including, importantly, \$2.5 billion which is allowing us to make community charging investments, knowing that there are some places, often low-income places, where fuel savings might mean the most to a family if they could access an EV, but where it might not yet be profitable to install one. And so, we think we can buy down that difference and stimulate access to EVs in multifamily dwellings, for example, and in dense neighborhoods just as we're building out that network across the U.S. on the longer stretches of highway. So, just about every corner of our infrastructure policy holds the promise of helping us combat the cli-

mate challenge, and we're committed to making sure that we do everything that the law provides for us to do in that regard.

Mr. GARCÍA OF ILLINOIS. Absolutely. As you know, the transportation sector is one of the most unionized sectors in the country. Can you speak to how U.S. DOT is going to put those principles into practice?

Secretary BUTTIGIEG. Yes. We know that it's vitally important to do so, and I think that what we really need to make sure of is to engage all of the players who have an opportunity to participate in the workforce of the future, because this is not just a question of fairness, although that's reason enough to ensure that we are bringing in people from backgrounds that have been excluded from these labor opportunities in the past, and supporting high-paying, good jobs with the opportunity to join a union. But it's also simply going to be necessary in order for us to get the work done, because this will require more of the American people and the American workforce than perhaps any national undertaking since World War II.

Mr. GARCÍA OF ILLINOIS. Thank you, Mr. Secretary, and Mr. Chair, I yield back.

Mr. MALINOWSKI. Thank you. The Chair now recognizes Ms. Van Duyne for 5 minutes.

Ms. VAN DUYNE. Thank you very much, Mr. Chairman. I appreciate you being here today, Secretary Buttigieg. It's good to see you again, and I'm always going to call you mayor, just because that's how I know you. I appreciate you coming to the DFW Airport, and I'm glad that you were able to meet with my colleague from Texas. DFW Airport is smack-dab in the middle of my district. I'm a former board member, so, next time you come in town, more than 24 hours' notice would really be appreciated so that I can make sure that I'm actually there.

Interesting comment about the EVs earlier from my colleague from New Jersey. The quote was made that as more people buy EVs, the price of gas goes down. Correct me if I'm mistaken, but we've got more people driving EVs now than we ever have in our history, and I haven't seen anything but gas prices go up. Part of the concern is as we continue to see the incentives for EV, they seem to be getting a free ride on our highways, even though because of their weight—considerable weight over “gas-guzzling”—to use that quote—other vehicles, that they're no doubt causing more damage to the roads.

So, are you concerned that the weight of the EVs and their lack of paying for the roads that they're driving on—I mean, my chief concern is, OK, if less people are paying gas taxes because we're giving that pass to EVs, they're causing more of the damage, and we're not going to have the maintenance on that.

Secretary BUTTIGIEG. So, I think there are two sides of the coin to think about. On one hand, as you point out, EVs don't pay—if it's a fully electric vehicle, you're not paying the gas tax, which is traditionally how we've funded the Highway Trust Fund. On the other hand, we know that ultimately there will be less expense to Medicaid, for example, for fewer children suffering from asthma that's a consequence of living near areas that have a lot of traffic with traditional combustion vehicles. We know that there are very

real dollars and cents costs to allowing climate change to continue to accelerate. And so, we need to balance those——

Ms. VAN DUYNE [interrupting]. Yes, I'm concerned right now on paying for our infrastructure bill, this massive infrastructure bill that we just passed. And you just took away the pay-for if you're incentivizing them to drive EVs. We have no pay now, and they're causing a considerable amount of damage on the roads.

Secretary BUTTIGIEG. Right. So, a couple things here. One, as you know, the IIJA sought to use not increased user fees, but other sources of funding in order to make those investments possible. But two, this legislation, falling in line with previous transportation bills, created pilots for States to look at alternatives for how they want to fund their roads for those that rely on gas taxes, as many States do. And we recognize that different States are going to come up with different approaches here. We think we'll learn a lot from them. I think it's relatively early in that process, but we're interested to see the data.

Ms. VAN DUYNE. Yes. The problem with it being early in the process is we've already passed the bill. We just don't have any way of paying for it. So, while we can set up these test projects in other States, the fact is, is that we're already going to have the debt, and we've got no pay-for for it.

Secretary BUTTIGIEG. Well, it's not that we have no pay-for for it, it's just that we will have less revenue from electric vehicles into the particular pay-for that has been favored by Congress——

Ms. VAN DUYNE [interrupting]. Allocated for.

Secretary BUTTIGIEG [continuing]. In the past.

Ms. VAN DUYNE. So, we're going to have to find it somewhere else in the budget.

Secretary BUTTIGIEG. Right, so, typically, it's been general fund, and that's one way to do it.

Ms. VAN DUYNE [interposing]. Yes.

Secretary BUTTIGIEG. But far from the only way.

Ms. VAN DUYNE. Yes. In many instances, you are empowered and directed by Congress to ensure that Federal laws protect transportation workers, passengers, and the movement of goods. Consistent Federal standards help to protect interstate commerce and prevent a State or circuit court from making decisions that would impact the entire country, or from creating conflicting standards around the country, which would make compliance confusing, impossible, or unnecessarily costly. Are you concerned about the challenges to the Department's Federal authority that would create a patchwork of State regulations? And specifically, I am talking about what's happening in California.

Secretary BUTTIGIEG. So, there's always a balance that we know has to be struck principally between Congress and the courts and the States on what ought to be a Federal power and what ought to be a State power. We think that often things seem to go best when the Federal standard amounts to a floor, not a ceiling, and then some States who want to make sure that there's even more done for the well-being of their workers, or for health or whatever the particular thing is that they regulate——

Ms. VAN DUYNE [interrupting]. I'm sorry. My time is rapidly going down, but do you know how many DOT registered motor carriers have only one truck?

Secretary BUTTIGIEG. No, I don't.

Ms. VAN DUYNE. So, it's about 300,000. So, as we continue to see crisis after crisis with our supply chain, what would happen to our supply chain in the country and these small business owners if the U.S. were to ban their ability to work as independent contractors for large motor carriers?

Secretary BUTTIGIEG. Well, we certainly need to find a way for them to be able to work effectively, if not in traditional models, then in new ones, but again, that's something that's being resolved between the courts and the State right now. We're not a party to that litigation.

Ms. VAN DUYNE. So, you don't think that the DOT has any play in what's happening to basically cut our supply chain countrywide?

Secretary BUTTIGIEG. Well, of course we have a lot of play in what's happening to our supply chain. That's why I work on it all the time. We're just not party to the litigation.

Ms. VAN DUYNE. No, but are you planning on getting involved at all, or are you just waiting for the courts to decide?

Secretary BUTTIGIEG. Well, we're working on dozens of things related to truckdriver availability, but in this particular regard, we're not a party to the litigation.

Ms. VAN DUYNE. All right. All right, thank you very much.

Ms. NORTON [presiding]. The gentlewoman's time has expired. Five minutes, Mr. Auchincloss. You are recognized.

Mr. AUCHINCLOSS. Thank you, Madam Chair. Secretary, welcome back. We appreciate your engagement in this hearing. And for me, as somebody who has worked in the future of mobility in the private sector and the public sector and academia, it's just so heartening to have a Secretary of the Transportation Department, a former mayor who took on parking minimums, and who understands that we need to move our infrastructure away from car-centric planning and development and towards a future of human-centric infrastructure and walkability.

After the passage of the bipartisan infrastructure bill, I held one on one meetings with leaders of every city and town in my district to hear about their infrastructure priorities. There are a lot, but one overarching one is expanding commuter rail access, and in Newton, Massachusetts, the commuter rail there, the three stations that comprise it is not currently fully ADA accessible. As your Department prepares to issue your NOFO for the All Stations Accessibility Program, can you discuss both the timeline for applications as well as the criteria that you'll use beyond local, State, and Federal alignment?

Secretary BUTTIGIEG. Thank you. The All Stations Accessibility Program is going to provide unprecedented dedicated resources to help upgrade legacy rail stations for people with disabilities. And it's worth noting that a great many legacy rail stations that were built before 1990 and the ADA are not accessible.

In fact, about 25 percent, so that's 927 stations across 17 systems remain inaccessible—I guess one of the reasons why we understand the sense of urgency about putting these dollars to work. This

year's slice of the program, based on the funding Congress provided, will be about \$350 million, and we're close to being able to put out the Notice of Funding Opportunity. As a matter of fact, I think by the end of the month we'll be able to do that. It's a new program every time, and we have over 40 new programs. Of course, it takes a little more time to bring together than new iterations of the programs that had been there all along, but I still believe we'll be able to make award announcements by later on this year, and the NOFO will have more information about how we're going to prioritize, but I expect we'll get a lot of applications, because we know the need is very great.

Mr. AUCHINCLOSS. Well, Secretary, I'd welcome you in the district to come tour the new commuter rail station and see the opportunities inherent in improving it. I'd like to also ask you about microtransit.

This technology has helped transform communities by providing affordable and flexible transit solutions, often by ensuring critical connections to pre-existing transit hubs and filling so-called transit deserts in underserved urban and rural areas. And earlier this year, 14 of my colleagues and I sent you a letter urging you to provide flexibility in the IIJA programs for the inclusion of on-demand transit. I'd appreciate hearing your thoughts on how the Department is going to support and encourage the use of microtransit across the country as you implement the IIJA.

Secretary BUTTIGIEG. So, we've seen how beneficial and how filled with potential microtransit is. I think it's also safe to say it just wasn't what folks had in mind when most of our U.S. transportation policy and legislation was set up.

So, part of what we're trying to do is find ways to flex funding within existing programs—to make clear, when we're confident that the law will allow for it—that jurisdictions can do this. A good example is CMAQ, the Congestion Mitigation and Air Quality funding, has a lot of flex eligibilities. But working with Federal highways, we think we can do that in a number of existing programs like the Highway Safety Improvement Program, and work it into some of the new ones that we're bringing online, like the Safe Streets for All Program.

We've seen successful micromobility programs all over the country, including I would note not just in cities where I think people easily imagine scooters or e-bikes being used, but also in rural areas from Alabama to Delaware. And we also have some FTA research and demonstration funds that in certain circumstances could be used to help here.

And I think this really is part of the answer for the long run on how that first or last mile works for people interacting with the transit system going forward. So, we're going to do everything we can to be flexible and supportive here.

Mr. AUCHINCLOSS. That's terrific, and I would also add that in addition to micromobility, on-demand transit as well, to fill those transit deserts, is critical. I want to give you, Secretary, the last 30 seconds just to talk about airline staffing. I know you are frustrated. My constituents are frustrated, and I am frustrated about the cancellations. You have been on top of it. Can you explain what you are working on this summer?

Secretary BUTTIGIEG. Thank you. Yes. We were especially concerned after the Memorial Day travel weekend disruptions that happened here. And it is clear that while we welcome the fact that demand has returned, passengers are going back on those vacations that they had put off either because of financial or direct COVID concerns or both, we are seeing now that the airlines aren't prepared to meet that demand in many cases.

Also, we have seen a number of steps since those conversations that I had with airline leadership that I think are very positive. We have seen increased pay, including a lot of regional carriers, which have struggled most to hold onto pilots. We have seen more attention going into customer service and staffing customer service. And on the FAA side, we are working on anything we can do to make sure that air traffic control resources are allocated in ways that are helpful too.

Mr. AUCHINCLOSS [interrupting]. Secretary, I am——

Secretary BUTTIGIEG. There is a long way to go.

Mr. AUCHINCLOSS. I am over time, so, I have to cut you off there. Maybe another Member wants to give you some time more to talk about airline staffing, but I yield back, Madam Chair.

Secretary BUTTIGIEG. Thank you.

Ms. NORTON. The gentleman yields back.

I recognize Mr. Rouzer for 5 minutes.

Mr. ROUZER. Thank you, Madam Chair, and Mr. Secretary, great to see you. It is good to have you here in person in the committee. I think this might be one of the first committee hearings we have had where the witnesses have been here live or the witness is here live. So, thank you for being here.

I will get right to the point, but I'll preface that with this: We all understand that you need to have rules for the road, but you don't necessarily need a stoplight every 10 feet. And that kind of sums up my philosophy as it relates to regulatory structure. And to that end, I note that, according to the Council on Environmental Quality, the average time for an EIS or environmental impact statement under the NEPA process was more than 7 years for FAA and the Federal Highway Administration projects before the Trump administration streamlined NEPA in 2020.

But of course, as you know, this administration has reversed those efforts as it relates to NEPA. And so, I am just curious. How do we reconcile the immediate need for big infrastructure projects with the administration's efforts to prolong and really delay important projects? Time is money. And there are a number of us that feel like those NEPA reforms were very much needed and very helpful had they been allowed to be implemented fully rather than being reversed.

Secretary BUTTIGIEG. We think that we can deliver projects promptly and swiftly without throwing environmental or other concerns out the window. And we are committed to finding ways to make sure that the process goes as smoothly as possible. The Bipartisan Infrastructure Law provides a lot of the terms for doing that, including starting a short clock on a process that we met, I think, within 60 days on categorical exclusions as well as things that are going to be more long term in terms of measures to make the process easier to navigate or make it simpler in some way.

I do want to point out that, on our transportation—certainly our Federal highway programs, 98 percent of them fall under a categorical exclusion, which means we can usually turn that around in about a month. But there are those longer EIS and EA processes where the—as you say, time is money. And it is very important, while meeting the requirements of the law, making sure that the processes have been followed that there is no unnecessary delay or redundancy. And I think, again, the infrastructure law sets us up for that by calling for that 2-year median or average. We are working to make sure we are on track for that and other measures that I think will help too.

Mr. ROUZER. Well, all that sounds good. But I don't really think, in practicality, that is truly the case. But for time's sake, I need to move on to a couple other things. With regard to the short line freight rail industry, a couple things as it relates to this. Obviously, you are familiar with the Consolidated Rail Infrastructure and Safety Improvements Grant Program. The infrastructure bill added some more resources for that.

Can you comment on the Department's commitment towards using that particular program to invest in key safety goals like allowing short line freight rail to upgrade and make important repairs? And then a quick followup to that: Do you agree the program helps short line railroads improve the efficiency of the supply chain?

Secretary BUTTIGIEG. Well, thanks for the question. I think short line railroads are more important than ever, as we have seen in the context of the renewed attention to the supply chain. So, we need to make sure that we are supporting them. Around the time we rolled out the CRISI Grants for this year, I had the pleasure of visiting one in Michigan. And we know there are similar ones across the country. So, when it comes to the CRISI program, which our last round was \$368 million. And we will have that much more funding thanks to the Bipartisan Infrastructure Law. We certainly see that this is going to be a very important source of support for all railroads, certainly to include short lines.

Mr. ROUZER. Yes. Given that is the case, I am a little bit perplexed, though, that the Department is moving forward with a new crew staffing rule that could require railroads to hire more personnel or operate with more people in the train than is necessary. Now, if that goes forward, over time, it could force hundreds of small business short line freight railroads to make artificial and inefficient economic and management decisions instead of putting those resources into capital improvements—to track, for example—structures that are critical for the efficient movement of goods and services. Why is U.S. DOT considering forcing these small businesses to hire workers they don't need when, in fact, quite frankly, it is hard to find a worker anyway?

Secretary BUTTIGIEG. Well, the reason for the rule is safety. And I don't want to preempt what is coming. I think, any day now, actually, in terms of NPRM that will have more of the specifics. But the intention here is to make sure that we continue to meet our fundamental obligation as a Department to ensure that we have safety for workers and anybody who comes into contact with our

rail system while being as straightforward and as reasonable as possible for the benefit of goods movement and fluidity.

Mr. ROUZER. Well, again, that sounds good. But I don't necessarily think—in fact, I know that is not necessary. They ought to be allowed to invest their resources in areas where it is going to create more efficiency and allow for us to overcome these supply chain challenges.

Madam Chair, my time has expired. I yield back.

Ms. NORTON. The gentleman yields back.

I recognize Ms. Bourdeaux. Ms. Bourdeaux, you are recognized for 5 minutes.

Ms. BOURDEAUX. Thank you so much, and thank you, Madam Chairman, Ranking Member, for holding today's hearing. And thank you, Secretary Buttigieg, for being here today. Mr. Secretary, I want to start by thanking you for visiting Georgia's Seventh Congressional District last summer. It was a pleasure to have you and show you all the innovative work going on at Peachtree Corners around autonomous vehicles and electric charging. And please know that you are always welcome back.

Last year, members of this committee and our colleagues in the Senate came together to pass the Infrastructure Investment and Jobs Act, a historic and bipartisan once-in-a-generation investment in our Nation's physical infrastructure.

Like many of my colleagues here today, I was proud to support this legislation, and I am grateful for the administration's partnership in getting the money out the door to our partners on the ground. There is a lot to talk about here. But just to focus on a couple issues that are really important to Georgia's Seventh Congressional District, one is microtransit. And the other is electric vehicles.

I know that you have already answered some of my questions about microtransit when some other of my colleagues asked them earlier. I just want to reiterate it is very, very important. My district is a suburban community. It has been hard to get consensus around bus rapid transit, other forms of transit. And so, microtransit is very, very helpful, particularly for our cities, which form these important hubs all over the district.

And I hear from people all the time about how much they really appreciate the microtransit we have been able to get in and how much more they would like to see of that particular innovation in our community. Talking about electric vehicles, very proud of the National Electric Vehicle Infrastructure Program and glad to see that the State of Georgia received nearly \$20 million in fiscal year 2022 as a part of \$135 million over 5 years to support efforts to expand EV charging across the State. So, just touching on that for a few minutes, could you talk a little bit about whether there have been hurdles getting the new National Electric Vehicle Infrastructure Program off the ground and then also, how the administration has prioritized consumer experience to ensure it is easy, consistent, and mirrors their current experience at the pump?

Secretary BUTTIGIEG. Well, thank you. First of all, thank you for the great visit we had to Georgia and some very impressive things we saw both in terms of policy and in terms of technology on the ground. And as your question hints, there is tons of opportunity

but a lot of challenge in getting it right with this electric vehicle infrastructure, especially because we have not had something like this at scale in the U.S.

It is very different from the infrastructure for fueling gas cars, and we need to be mindful of that as we go. One thing we are thinking about in particular with regard to the consumer experience is making sure that these charging stations are interoperable and are available. You can imagine if you are taking a road trip and every third or fourth gas pump didn't work. Or if you had to be a member of a particular gas station chain in order to even use the pump, that would not be a positive or efficient experience.

But in some places and in some cases in the past, that is what some EV drivers have faced. And so, we need to make sure that we are not only getting the dots in the right places on the maps but paying attention to the quality as well as the quantity of these EV charging stations, especially those that would be supported with taxpayer funds. So, those are some of the things that are on our mind as we work in close collaboration with my colleagues at the Department of Energy through these issues.

And I have to say it is, in my view, a remarkably positive example of interagency cooperation to see how the Department of Energy has teamed up with the DOT to work through these issues—some where we have more expertise, some where they have more expertise—put our heads together and get a good plan going to meet the President's goals.

Ms. BOURDEAUX. And just to follow up on that, we recently had a company, Siemens, that rolled out some innovative new electric charging infrastructure that can be easily deployed to gas stations or convenience stores. But the challenge is the grid and the ability to plug into the grid. So, we can get the basic technology on the ground. What is going on with that? How are you all thinking about integrating the overhaul of the grid that is required in order to support electric vehicle charging?

Secretary BUTTIGIEG. Well, there is no way we are going to be able to run tomorrow's cars on yesterday's grid. And it is one of the reasons why we are thankful for the ways that the infrastructure law contemplates and supports upgrades for America's electrical infrastructure. And here I will yield to the Department of Energy, which has more of the day-to-day expertise on this work. But again, we are integrating it with our work on the EV side through that joint office.

And we know that is vitally important because we need to have the backbone of electric infrastructure to support the electric charging infrastructure that we are funding.

Ms. BOURDEAUX. Thank you.

Ms. NORTON. The gentlewoman's time has expired.

I recognize Mrs. Steel for 5 minutes.

Mrs. STEEL. Thank you, Madam Chair, and thank you, Ranking Member Graves. Once again, California State has 40 percent of the Nation's imported goods and 30 percent of the Nation's exported goods moving through just two of its ports, Los Angeles and Long Beach.

It is implementing AB5, a law that will worsen the Nation's supply chain crisis by upending the independent contractor model used

by the trucking industry. Mr. Secretary, as AB5 would impact 70,000 truckers alone just in California, what is your Department doing to lessen the impact of this bill on our national economy?

Secretary BUTTIGIEG. Well, the availability of trucking workers is a critically important part of the supply chain challenge. It is one of the reasons why we have been working on this from day one, taking measures both to help recruit new truckdrivers and to support the kind of job quality improvements that we believe will help us to retain more truckdrivers in the career. Our Bureau of Transportation Statistics estimates that some 300,000 people leave the profession on a yearly basis. And we have taken steps that we think have successfully helped to move the needle on some of those systemic challenges.

So, we are going to continue those efforts. They are all in line with the President's Trucking Action Plan. And we will continue doing that as we wait for more information and guidance from the State of California about State policies.

Mrs. STEEL. Shortage of drivers is part of it. But not just a shortage of drivers. In California, these independent truckers cannot really come in. So, you are cochair of the Supply Chain Disruptions Task Force. And I know that you developed the Trucking Action Plan. But I haven't seen you and other members of the administration encourage the ILWU, International Longshore and Warehouse Union, and PMA, Pacific Maritime Association, to come to the table to keep freight flowing through L.A. and Long Beach. Why aren't you doing the same for independent truckers, because, as of now, we have such a shortage of truckers, and these independent truckers can come in. I think that is going to reduce our supply chain crisis much more. So, why shouldn't they get the same type of exemptions that gig workers and entertainers get who are an impetus for the law?

Secretary BUTTIGIEG. Well, again, to the extent that this is a State law, we respect the role of the State of the California. We are in touch with them, and we know that they have indicated that the California Labor Agency is working with those who need assistance coming into compliance and that they are looking at the supply chain factors too. This is one piece of a very big puzzle, and we are doing everything we can on the pieces that are up to us federally while respecting the areas in which we are not formally part of the process.

Mrs. STEEL. So, you are not really working with—Governor Newsom just visited last week here. And you never had a meeting with him that—you know what—he could not actually declare the state of emergency by pass—AB5. So, it is going to actually loosen a little more of the supply chain crisis. So, you never really did that. And what that California Trucking Association sue [inaudible] refused to hear that what that is going to—really impacting for this supply chain crisis.

Secretary BUTTIGIEG. So, again, we are not part of the lawsuit that you referred to. We are not a party to it. And it doesn't have a Federal procedural role in that sense. We are, obviously, continuing to monitor anything and everything that can affect throughput in our ports or in any part of the goods movement system in the U.S. And we will work with any party that has ideas

or has needs in order to make sure that goods keep moving as they need to.

Mrs. STEEL. Just my last question is so you have a communication [inaudible] between the California Governor's Office and your Department to solve this problem?

Secretary BUTTIGIEG. So, we will respect the role of the State but always be prepared to engage on anything we can do to be supportive or helpful toward the goal of making sure there is good throughput.

Mrs. STEEL. Thank you very much. I yield back.

Ms. NORTON. The gentlewoman yields back. I recognize Mr. DeSaulnier for 5 minutes. You are recognized.

Mr. DESAULNIER. Thank you, Madam Chairwoman. I appreciate that. Mr. Secretary, it is delightful to see you. Thank you for your really extraordinary work on this. We sort of miss, I think—some of my colleagues have mentioned the historic nature of this and how difficult it has been for both Republican and Democratic administrations to get this bill. I want to specifically talk to you as somebody who served three different Governors in the California Air Resources Board and served on the California Transportation Commission, has put a lot of time in the last 25 years in alternative fuels and our renewable portfolio standard.

And I was also the author, some of the conversation in the legislature about the VMT bill with the full expectation that that's where we would recover our funding. California has 42 percent of the EV and fuel cell market in the United States. But we have the chicken-and-egg problem with infrastructure. So, I want to talk to you about that. I was very, very happy that a bill that's a priority of mine was incorporated into the infrastructure bill, the Clean Corridors bill, to provide this infrastructure. We have a proportionate amount of infrastructure but putting it in the right place to make it effective.

And we can see this in the private sector. And Madam Chair, I would like to submit for the record an article from Forbes magazine that is entitled "Every Automaker's EV Plans Through 2035 and Beyond" if I could.

Ms. NORTON. It has been received.

[The information follows:]

Article entitled, "Every Automaker's EV Plans Through 2035 and Beyond," by Jim Motavalli, Forbes.com, Updated October 4, 2021, Submitted for the Record by Hon. Mark DeSaulnier

EVERY AUTOMAKER'S EV PLANS THROUGH 2035 AND BEYOND

by Jim Motavalli

Forbes.com, updated October 4, 2021

<https://www.forbes.com/wheels/news/automaker-ev-plans/>

There's no longer any doubt that the auto industry is going electric. Every international automaker is introducing battery cars, and plug-in hybrid options are increasingly part of model lines. But some auto companies have gone further, and actually set dates for when they will produce only "electrified" cars (batteries and hybrids) and/or pure EVs. Others have set dates certain when they're going to stop developing internal-combustion engines. Some have already stopped.

Here, in alphabetical order, is a rundown of where all the world's automakers stand on going electric. Obviously, we're not including startup companies such as

Lucid, Rivian, Bollinger and Fisker. Like Tesla, they're all-electric from Day One and Job One.

There are three levels of electrification. A *hybrid vehicle* uses gasoline and a bit of electricity; the battery drives the car a mile or two and recharges when the car slows or goes downhill. Hybrid vehicles boost fuel economy but they're not seen as a long-term solution. A *plug-in hybrid electric vehicle (PHEV or plug-in)* uses a battery about 10 times as big as a hybrid and can drive the car 20 to 50 miles before the gasoline engine kicks in, meaning it can be a full-electric as a commuter car Monday to Friday, then act as a traditional car on weekends. It's a bridge technology good through 2030 or 2040. A *battery electric vehicle (EV or BEV)* runs only on battery power; the largest batteries are five to 10 times as big as a plug-in's battery. Hydrogen fuel cells can also produce electricity for propulsion.

EVs and PHEVs need chargers and both are eligible for federal tax credits of up to \$7,500 if the battery is big enough.

BENTLEY

Perhaps the most unlikely candidate for early electrification on this list, Bentley is nevertheless all in. By 2026, all its cars will be plug-in hybrids or all-electric, and by 2030, goodbye tailpipes. According to CEO Adrian Hallmark, "The future of Bentley will be fully electric. By 2030, no more combustion engines. We are not only working on one electric car but a full family of electric cars." Bentley's first EV will arrive in 2025, and it's expected to be an SUV built on the VW Group's Artemis platform.

BMW

The automaker from Bavaria is a holdout among the German carmakers in terms of fully electric vehicles, as opposed to here-and-now plug-ins. CEO Oliver Zipse says that gas engine development will continue and that demand for internal combustion "will remain robust for many years to come" and most of BMW's top-selling models have plug-in versions, including the X3, X5, 3 Series, 5 Series and 7 Series. But BMW is undoubtedly BEV-electrifying, too. Zipse also said, in March, "By the end of 2025, we will have delivered a total of around two million fully electric vehicles to customers. We will also be growing our sales of fully electric models by well over 50% per year over the next few years—more than 10 times the figure for 2020." By 2030, the company said approximately half its global sales will be battery cars. The electric iX SUV and i4 sedan are both market-bound now. For the high-end European makers—Audi, BMW, Mercedes-Benz, Porsche—they justified lofty prices with high levels of performance and technology. Now technology encompasses zero-emissions performance.

FORD

The automaker made a big splash with the F-150 Lightning, an electric version of the best-selling vehicle in the U.S., in part because it will offer 230 miles of range for less than \$40,000. A small hybrid truck called the Maverick is also very competitively priced (\$19,995). Ford is investing \$22 billion through 2025 to deliver battery EVs, and plans to be carbon neutral by 2050, but the company still sees a role for hybrids with gas engines.

GENERAL MOTORS

The General says it plans to stop selling gas and diesel vehicles by 2035. GM admits it's an aspirational goal. But Cadillac is deeply committed. The division said in April that it plans to offer no new models with internal-combustion engines, but will update some existing vehicles. And by 2030, the Cadillac lineup will be all-electric. The first offering will be the Lyriq crossover SUV next year. The electric Hummers, in pickup and SUV form, are coming, with pickup production to begin this fall. Chevrolet also recently updated the Bolt EV, and an electric version of the Silverado truck is coming in 2023 or 2024 with 400 miles of range from its Ultium batteries. GM's carbon neutrality is planned by 2040.

HONDA

The Japanese automaker will sell only EVs and hybrids in Europe after 2022. By 2030, Honda says 40 percent of its North American vehicle sales will be either battery electric or hydrogen, and by 2040 all gas cars will be phased out. Honda's first two EVs (one Honda SUV called the Prologue, one Acura) in 2024 will be built by GM, but according to Dave Gardner, a North American vice president, "It's abso-

lutely our intention to produce in our factories. We absolutely intend to utilize that resource.” Honda is one of a handful of automakers pushing hydrogen (fuel cells) instead of batteries as fuel sources. The company has been building Clarity fuel cell electric vehicles (FCEVs) since 2008; the Clarity name also applies to traditional EVs and plug-ins.

HYUNDAI-KIA

The Hyundai Motor Group hasn’t made a commitment to go all-electric, but it said that it would invest \$7.4 billion to produce future EVs in the U.S. by 2025. Hyundai’s EV production is to continue with the Hyundai Ioniq 5 in the fall and the Kia EV6 in 2022. A 50 percent cut in internal-combustion models was announced in May. Hyundai has also made a big commitment to fuel cells, especially in its Korean home market. Kia is promising seven dedicated battery electrics by the end of 2027, and plans global sales of half a million battery cars annually by 2026. EVs (including hybrids) are expected to be 25 percent of global sales in 2029. In South Korea, North America and Europe, EVs will be 20 percent of Kia sales by 2025. Hyundai believes fuel cell 18-wheelers make more sense for cross-country runs than heavy batteries and in 2019 showed the Hyundai HDC-6 Neptune concept, a self-driving (except the first and last miles) hydrogen truck with onboard bunk, toilet and shower. Since the fuel cell’s exhaust is water, the shower never runs out. This year, Hyundai deployed a small fleet of more mainstream Hyundai XCient fuel-cell 18-wheelers in California. No onboard shower.

JAGUAR LAND ROVER

Under a plan called “Reimagine,” the brand will be all-electric, with battery versions of the whole lineup by 2030, with \$3.4 billion investment annually in new technology. JLR already fields the Jaguar I-Pace, a new version of which will likely sit on the company’s new Electric Modular Architecture (EMA) platform. There will be an electric Land Rover in 2024, then an electric Range Rover. In total, there will be six electric Land Rovers over the next five years. A plan to build an electric Jaguar XJ sedan was scuttled.

MAZDA

Under the unforgettable moniker “Sustainable Zoom-Zoom 2030,” Mazda will aim for carbon neutrality by 2050. The company said it would continue to develop internal-combustion powertrains, but will also introduce a unique EV platform, SkyActive EV Scalable Architecture, in 2025. The platform will be used for five hybrids, five plug-in hybrids, and three battery EVs by 2025 in the U.S., China and the ASEAN (Southeast Asian) countries. “We assume that 100% of our products will have some level of electrification, and our EV ratio will be 25% by 2030,” Mazda said. The company’s first EV is the MX-30 subcompact crossover, which will also have a plug-in hybrid variant. It goes on sale in the U.S. this fall, initially in California.

MERCEDES-BENZ

Starting in 2025, Mercedes said, all new vehicle platforms will be EV-only. CEO Ola Källenius told Reuters, “We really want to go for it ... and be dominantly, if not all electric, by the end of the decade.” He added that spending on gasoline technology will be “close to zero” by 2025. And 2030 is a goal for going fully EV, but Källenius didn’t give a hard deadline for banishing all traces of fossil fuels. Mercedes is expecting that its investments in combustion engines and plug-in hybrids will be reduced 80% by 2026. Total investment in EVs between 2022 and 2030 will be more than 40 billion euros (\$47 billion). The 2022 Mercedes EQS electric luxury sedan arrives in showrooms this fall.

MITSUBISHI

The Japanese automaker was a pioneer with the I-MiEV electric sedan and Outlander plug-in hybrid. In April, it showed the Airtrek “e-cruising SUV,” designed for the Chinese market, at the Shanghai Motor Show. With Nissan (see below) shifting to CCS charging starting with the Ariya, that leaves the Outlander as the only vehicle in the U.S. still using CHAdeMO.

NISSAN

Nissan's Leaf was another early electric entry. The company now says it will have eight EVs on the road by the end of 2023, and plans to eventually be selling a million hybrid or electric cars annually around the world. In early July, it announced EV36Zero, a £1 billion (\$N1.3 billion) Electric Vehicle Hub, in Sunderland, England, where it will build an all-electric crossover. The hub is designed to bring together EVs, battery production and renewable energy. Nissan's EV lineup will expand this year with an SUV called the Ariya, which boasts 300-mile range and an 87-kilowatt-hour battery pack. Nissan EVs in the US starting with Ariya will ditch the proprietary CHAdeMO port in favor of the CCS (Combined Charging System) charging port that everybody else (except, of course, Tesla) uses. That would get the charging-plug war down to two combatants, Tesla and CCS, and make it easier for the government via the \$1 trillion infrastructure plan to build out, or support, a nationwide charging network.

ROLLS-ROYCE

Rolls is reportedly working on a first-EV called the Silent Shadow, based on the Phantom. It's expected to use technology from the new BMW iX SUV. BMW CEO Oliver Zipse said in July that EVs will be offered "in 90% of segments—from the compact class to the ultra-luxury segment." For BMW, ultra-luxury is Rolls-Royce.

STELLANTIS (FORMERLY FIAT CHRYSLER)

The old Fiat Chrysler Automobiles (FCA) was a slacker when it came to EVs, but now as Stellantis it's getting into gear. Stellantis plans to invest more than \$35.5 billion in EVs through 2025. An all-electric full-sized Ram 1500 pickup will arrive in 2024, the same year as an electric Dodge performance car. Every Jeep will have an EV option by 2025. The Grand Cherokee 4xe plug-in hybrid will be shown at this year's New York Auto Show, as a 2022 model. The Jeep Wrangler 4xe plug-in hybrid is on the market now, selling well, and a Wrangler Magneto EV concept was shown. Stellantis will have 55 electrified cars and trucks for sale in the U.S. and Europe by 2025. It is planning that 70% of its European sales, and 40% of its American, will be either battery electric or plug-in hybrid within four years. But it hasn't given an all-electric date.

TOYOTA

Toyota (with a big bet on fuel cells) said that its Toyota bZ4X Concept electric SUV, developed with Subaru and shown in Texas in June, is "the vision for the first of a global series of battery-electric vehicles to be introduced under the Toyota bZ brand umbrella." Toyota will have 70 electrified models by 2025, 15 of them battery EVs and seven of them with the Beyond Zero bZ brand. Pickups will also get electrified, and Toyota has the goal of being carbon neutral by 2050. Toyota is the market leader among hybrids—the top five sellers are the Toyotas RAV4, Highlander, Prius and Camry hybrids plus the Honda CR-V—which (Prius especially) got the world thinking about electrification.

VOLKSWAGEN

The Volkswagen brand says that battery EVs will be 70% of its sales in Europe in 2030, up from a projected 35%. For the U.S. and China, the VW brand goal is more than 50% full-electric vehicle sales by 2030. The VW Group has 70 new electrified models in the pipeline, and several already on the market (including the Porsche Taycan, Audi e-tron and VW ID. 4). One of these coming soon is the sporty Project Trinity electric car, with a launch date of 2026. Audi's Project Artemis is to launch a "highly efficient" EV by 2024. VW said that 2026 will be the last year it launches a combustion platform.

VOLVO

The Swedish automaker will make only electric cars by 2030. The sales strategy will also change: "All fully electric models will be available online only," the company said. Volvo's first all-electric car, the XC40 Recharge, was launched in 2020. But parent Geely also fields Polestar (Volvo now owns 49.5%). It's an all-electrified performance luxury brand, with Polestar 1 (an exclusive plug-in hybrid) and Polestar 2 (on the same platform as the XC40 Recharge). By 2025, Volvo said half of its global sales will be fully electric, with the rest hybrids.

Automaker Plans for Electrification

Vehicle	Date for PHEVs-BEVs Only/ Date for BEVs Only	Date for Carbon Neutrality	Planned spending on EVs	Milestones
Bentley	By 2026. By 2030.	By 2030	N/A	First battery EV in 2025
BMW	N/A. N/A.	100% renewable energy by 2050	\$6.5 billion (2019 figure)	2 million fully electric vehicles by the end of 2025
Ford	N/A. N/A.	By 2050	\$22 billion through 2025	76% carbon emissions reduction by 2035
Cadillac	N/A. By 2030.	N/A	N/A	No new models with gas engines now
General Motors	N/A. By 2035.	By 2040	\$35 billion through 2025	Electric Hummers and Silverado coming
Honda	N/A. 2022 (Europe), 2040 (North America).	By 2050	N/A	2 new EVs in 2024 to be built by GM
Hyundai-Kia	N/A. N/A.	Undated pledge	\$7.4 billion in the U.S. by 2025	23 types of EVs and hydrogen cars by 2025
Jaguar Land Rover ...	100% with some elec- trification by 2030. By 2030.	By 2039	\$3.5 billion annually	6 electric Land Rovers over the next 5 years
Mazda	N/A. N/A.	By 2050	N/A	First battery EV is the MX-30 in the fall
Mercedes-Benz	All new platforms EV-only in 2025. 2030 with caveats in some markets.	By 2039	\$47 billion between 2022 and 2030	EQS luxury sedan on sale this fall
Mitsubishi	N/A. N/A.	25% carbon re- duction by 2030	N/A	A plug-in hybrid focus. The Airtrek EV shown for the Chinese market.
Nissan	N/A. N/A.	By 2050	\$1.3 billion on EV hub in England	8 EVs on the road by the end of 2023
Rolls-Royce	EVs will be available in 90% of segments. N/A.	By 2030	N/A	Silent Shadow is in de- velopment, using BMW technology
Stellantis	70% of European sales, 40% of North American sales electrified in 4 years. N/A.	N/A	\$35.5 billion in EV spending through 2025	55 electrified cars and trucks for sale in the U.S. and Europe by 2025
Toyota	8 million electrified vehicles by 2030. N/A.	By 2050	N/A	70 electrified models by 2025, 15 of them bat- tery EVs
Volkswagen Group ...	50% fully electric sales in U.S. by 2030. Last new combustion plat- form in 2026.	By 2050	\$86 billion through 2025	The VW Group has 70 new electrified models in the pipeline

Automaker Plans for Electrification—Continued

Vehicle	Date for PHEVs-BEVs Only/ Date for BEVs Only	Date for Carbon Neutrality	Planned spending on EVs	Milestones
Volvo	By 2025, half of global sales fully electric. By 2030.	By 2040	\$1 billion annually on electrification and autonomy	All fully electric models will be available online only

Table shows dates automakers say their lineups will comprise only plug-in hybrid electric vehicles (PHEVs) and battery-electric vehicles (BEVs), then only BEVs. Automakers have answered these questions in different ways, such as describing when the last gas or diesel (combustion) platform comes to market instead of when the maker will be 100% BEV. Hybrids do not count as electrified vehicles here. Source: Automakers

Automakers have varied dates for shifting from combustion-engine vehicles toward plug-in hybrids and EVs, then going EV-only. The China market is a third bigger than the U.S. market, 20 million registrations vs. 14 million last year (Europe combined had 12 million). China and Europe want EVs sooner, and no automaker can ignore them. The go-electric dates above may compress further.

Mr. DESAULNIER. Thank you. Let me just read—this is from Forbes magazine. So, for my colleagues who wonder where the marketplace is going and respect the marketplace, the marketplace is clearly going away from internal combustion engines. There is a place for it. There is a transition.

But this isn't pie in the sky, as somebody who has been involved with this, and realizes the frustration with battery technology. We are also just on the cusp of exponential change on affordability and range and durability on battery-electric. So, the beginning sentence of this article in Forbes magazine is, and I quote, "There's no longer any doubt that the auto industry is going electric."

So, to your point about Brandeis and States being the laboratories of discovery, I understand that different States are going to have different pathways. We are, as you—I am sure—know, in places like the bay area, early adapters. The car companies tell me that. That is why we are moving to this. Not better or worse. It is just the marketplace.

So, how do we get this infrastructure, in a thoughtful way, out to make it work? The Chinese are adding 4,000 EV stations a day. They are adding over 100,000 EV and fuel cell stations a month. We have a little over 100,000 in the United States. So, the private sector is going in and trying to fill this out. But when I talk to the private sector, both the car manufacturers and the energy manufacturers, we in California have our renewable portfolio standard. So, it is now going to 50 percent by 2030. So, from well to wheel, getting that energy clean and efficient. And then the point I think we miss here is the importance of our economy to transition to this energy source and to do it efficiently.

So, how do we do that in the significant investment in this bill that you have been such a leader on and do it but in a thoughtful way. Those 12 States that represent over 60 percent of GDP and the vehicle market in the United States that follows CARB's leadership under the California waiver, the Clean Air Act, how do we strategically do this?

Secretary BUTTIGIEG. So, I agree that one thing is certain, which is this is where industry is headed, and this is where the world is headed. I think, while that one thing is certain, at least three important things are not. Will it happen quickly enough to meet our

climate challenge? Will it happen in a way that America leads? And will it happen in a way that is equitable for everyone?

And those are the considerations that guide our involvement, things like the Federal support for charging stations. If we get it right, what we will be doing is accelerating it so that it helps us meet our climate goals. Presenting an American alternative to that Chinese model that you mentioned is gathering steam there.

And reach people who might otherwise be left out of the transition at least in its early stages. Knowing some of the upfront costs that are involved, knowing the charging infrastructure isn't often available in lower income areas, even though, provided they could afford to purchase or use an EV, it is low-income drivers who would benefit the most from the fuel savings that come with having one.

So, those are the principles that guide the way that we are framing both the \$5 billion in formula funds that the States will execute according to their plans and then the \$2.5 billion for discretionary work that we will do to effectively fill in the gaps in communities. And we think, taken together, we have the tools that will allow us to then stimulate that much more private sector involvement too, which can help make sure we actually do this as quickly as the economy and the climate need us to.

Mr. DESAULNIER. Thank you. Exciting. I yield back.

Secretary BUTTIGIEG. Thank you.

Ms. NORTON. The gentleman's time has expired.

I recognize Mr. Weber for 5 minutes.

Mr. WEBER OF TEXAS. Thank you, Madam Chair. Mr. Secretary, good to see you here today. I want to quote some of the things you said in your comments at the very end: "Together, we have the opportunity to improve countless lives, support good-paying jobs, strengthen America's manufacturers, modernize our infrastructure for decades to come, and cement America's position as the world's leading economy," all good goals.

And we recognize the administration's aim at reducing GHGs and coming down to as many [inaudible] as possible. I am from Texas, the gulf coast of Texas. We produce about 65 percent of the Nation's jet fuel through my six ports that I represent, more than any other Member of Congress. So, energy for us is a big deal. Texas is the number one wind energy State in the country. And I think you might have even alluded to or somebody else did. We are number two in solar panels, right behind California.

But we are working on that. We will get there. We will get there. So, I appreciate you being here and bringing this all up. I want to bring a couple of projects to your attention that are called Sea Port Oil Terminals. What they do is they move product through pipeline out off the shore. It could be 20 miles, 15, 20, 30 miles.

And so, what happens then is they move the product cleaner. We are going to use oil and natural gas for a while, for a long while. You are seeing what is happening overseas. You got to know the Europeans would rather buy from us than from Russia. What I tell people is that fossil fuels—not the enemy. Greenhouse gas emissions are. And we are able to produce it probably cleaner than most other countries in the world.

So, we have a chance to move this product offshore. We move it faster so it gets to the very large crude containers offshore. Right now, the other countries in the world are building huge ships, and they can't come up our canals, our channels, into our ports. So, what has to happen is they take smaller ships called lightering. You have probably heard the term. And they are having to go back and forth numbers of times while this huge container sits out there, diesel engines idling most of the time.

And then you are going to have small ships that are having to make three or four trips, again, diesel engines idling. So, we can move it faster, less greenhouse gas emissions. We can move it safer. There is no—much 18-wheelers on the road. There are no 18-wheeler crashes. There are no tank cars overturning.

I think you actually talked to Mr. Graves about his district with some wreck in his district. And you have to know that allies across the world would like this. It helps us with our imbalance of trade. We actually get to refine product and sell it, move it around the world. With decades to come, we are going to have a lot of natural gas, clean natural gas. And you know this. A lot of these ships are converting to LNG. So, we want this ability. All that to say that a couple of these businesses have been in contact with your chief of staff. I believe it is Laura Schiller. And is she with you today?

Secretary BUTTIGIEG. She is not here today, but she is our chief of staff.

Mr. WEBER OF TEXAS. She had good enough sense to stay away from this place, didn't she? And then I think your general counsel, John Putnam—

Secretary BUTTIGIEG [interposing]. Mm-hmm.

Mr. WEBER OF TEXAS [continuing]. Is he with you today?

Secretary BUTTIGIEG. Not at the hearing, I don't think.

Mr. WEBER OF TEXAS. OK. Well, very good.

Secretary BUTTIGIEG. Keep him pretty busy back at headquarters.

Mr. WEBER OF TEXAS. Well, all of that to say we talked about the permitting process earlier on with some of our colleagues up here. And we'd like to move that as quickly as we can because time is of the essence. And we want to make sure that we can reduce that permitting process time down to the least amount. Everybody wants a clean environment. You probably don't know this about the gulf coast of Texas, but we have got a lot of hunters and fishermen and stuff like that.

We want good, clean, pristine lands to do all of those things to pass on for our kids. So, what I would like to do is to give you [indicating report]—this is actually a report on what we call SPOT, the Sea Port Oil Terminal, a project in the national interest, because we can produce it cleaner, faster. It helps us with our imbalance of trade and actually does a good job for the economy while protecting the environment and then see if I could follow back up with you in the coming days to see if you can kind of get me an update on where both of these projects are. And any questions from you? We've got 23 seconds.

Secretary BUTTIGIEG. No. I would be happy to do that. We have got, I know, a lot of permits or license requests in with the Maritime Administration. And I would be happy to find out where these

two sit among those and certainly appreciate the complexity of the transition you are describing.

Mr. WEBER OF TEXAS. Well, thank you, Mr. Secretary. Thank you for being here. And I'll get this over to you, and I yield back.

Ms. NORTON. The gentleman's time has expired.

I recognize Mr. Moulton for 5 minutes. You are recognized, Mr. Moulton.

Mr. MOULTON. Thank you very much, Madam Chair.

Mr. Secretary, good to see you. Thank you very much for being here. The IIJA appropriated more money for investing in rail than ever before in our Nation's history. Now, President Biden vowed to, quote, "make sure that America has the cleanest, safest and fastest rail system in the world." Will this indeed be the administration's legacy? How will you fulfill the administration's promise, the President's promise?

Secretary BUTTIGIEG. Well, thank you. We are enthusiastic about the opportunities here for passenger rail. As you know, in any other administration, I might count myself the biggest enthusiast. But I will only ever be second place in this administration in terms of readiness and commitment to seeing America have the highest quality rail.

As you mentioned, we have got unprecedented resources to work with here, the most since the inception of Amtrak itself. A lot of that is candidly dealing with backlog, dealing with the underinvestment that has happened in the past but also opportunities for new high-speed rail in the U.S. And we think that seeing is believing. The sooner people can see successful high-speed rail deployed on American soil, the sooner—

Mr. MOULTON [interrupting]. I have made this case for a long time. I completely agree with you. In the May appropriations hearing on the DOT budget, you said that, through the IIJA, you hope to establish high-speed rail, quote, "in at least two or three geographies." Have you identified those corridors yet?

Secretary BUTTIGIEG. So, I can tell you that FRA has been in dialogue with a number of project sponsors or involved in some way in a number of high-speed projects, certainly, of course, California, which has been discussed here. The Brightline West vision, Dallas to Houston, those have all been on FRA's desk in some way or another. But of course we are still early in the life of the deployment of the Federal-State partnership dollars and other resources that could make a difference here. And I don't want to prejudice any upcoming applications.

Mr. MOULTON. Well, I understand, but we are not early in the administration's timeline here. These projects take some time and I just want to emphasize that if this is going to be President Biden's legacy, if President Biden is going to be known as the father of developing rail in the United States, not the old-fashioned rail that we have but high-speed rail that is truly the envy of the world and that a lot of Americans actually want to ride, then we have got to get cracking on identifying those corridors.

Yesterday, dozens and dozens of flights were canceled on the Northeast Corridor, mine among them, because of a strange and unusual phenomenon called thunderstorms. The rest of the world would be able to get from Washington to Boston in 3 hours on a

train every 20 minutes with never a delay for weather. Not only are we not there, but we're moving in the wrong direction. In 2010, Amtrak proposed reducing travel times in the Northeast Corridor to 1 hour and 36 minutes from Washington to New York and 1 hour and 24 minutes from New York to Boston, yet 7 years later in 2017 trip time goals went up from 1:36 to 2:10 and from 1:24 to 2:45, almost 3 hours. Just a year later they increased again to 2:29 and 3:08.

So, we are not only behind China and the rest of the world, we're going in the wrong direction. I mean, at this rate, the goals Amtrak sets 10 years from now will be worse than how long it takes to travel that roller coaster ride on the Northeast Corridor today. So, to meet the President's promise of the fastest trains in the world, we need a transformative investment, not just repairing an old line that is too slow by definition by the way it was laid out in the 1830s but actually building a new railway the same way that we didn't just repair Route 1, we built 95.

So, how will you make that happen with the discretionary funds in the Infrastructure Investment and Jobs Act?

Secretary BUTTIGIEG. So, with the dollars that we have for the Northeast Corridor, first there is some needs that need to be met in terms of safety and reliability for the long run. But where you really begin to start gaining minutes comes in a couple of ways. One is improving certain areas where there is, just because of the condition of the track, a need to slow down, but the other to your point where you see the most possibility for gain is actual realignment. That obviously brings a lot of complexity with it, but to meet the more aggressive and ambitious goals, we need to take the dollars as far as they will go in that direction, and I know that is what Amtrak is working on right now.

Mr. MOULTON. Well, let's make sure that we don't throw good money after bad. I think that is the key point here. If we're going to fulfill the President's promise of the fastest trains in the world, then they're not going to run on an old-fashioned Northeast Corridor. We can't just spread funds out to every State in the Union. We have got to pick a couple of high-speed rail projects that will succeed and so that Americans can see the value of high-speed rail whether you live in California or the Northeast or in Texas or in the Southeast.

The most popular high-speed rail corridor in the world is about the same distance as Atlanta to Chicago. Think about all the cities in between Chicago and Atlanta that you could serve with 250-mile-per-hour service. It would be transformative for this country. Thank you, Mr. Secretary.

Ms. NORTON. The gentleman's time has expired.

I recognize Ms. Malliotakis. You are recognized for 5 minutes.

Ms. MALLIOTAKIS. Thank you, Mr. Secretary, for being here today. I want to talk about this administration and New York City's latest scheme when it comes to the war on cars. This is a pure cash grab, and it is the congestion pricing plan that was passed by the New York State Legislature and signed by our Governor and supported by the mayor. But I am certainly opposed, and I think that this is simply—to try to impose a \$35 fee potentially to drive within your own city, it is just completely outrageous, and

it adds to why New York is such a high tax State not only dealing with the high gas prices, the highest probably among—one of the highest in the Nation, but high tolls.

We have the skyrocketing costs of used cars. Everything has gone up in terms if you want to be a driver, and people need to drive to get to where they have to go particularly in cash-starved communities. In New York City, we also have speed cameras. You name it, we have it, if it is going to collect cash, unfortunately. But this is what I seem to believe is another cash grab by our city interstate.

It is going to be the first in the Nation, and with that I understand that also the Federal Highway Administration has responsibility to oversee an environmental assessment or an environmental impact statement. I believe being that it is going to be the first in the Nation, we have the responsibility to do our due diligence, and we should be conducting an environmental impact statement versus a simple assessment. Can you please talk a little bit more about will you be requiring the MTA and New York City to be conducting a full and thorough EIS as well as it should be an economic impact study as well?

Secretary BUTTIGIEG. Well, our responsibility is to make sure that a project that comes forward with local sponsorship and interest like the congestion pricing project meets all Federal legal requirements, including under NEPA. I can't say here whether based on sitting here all of the things that go into the determination of whether it is the EA track or the full EIS. I can say that our Department will bring its best judgment to making sure that it goes through the appropriate process.

And our role is to make sure that all of those Federal hurdles are responsively met but recognizing and respecting that ultimately this is a local policy choice.

Ms. MALLIOTAKIS. Yes, but, first of all, there is bipartisan opposition among legislators and Members of Congress from the New York/New Jersey area as it will have a significant impact on our constituents who are already struggling to get by and make ends meet. Now, earlier this year, the MTA chief executive, Janno Lieber, said in an interview that the FHWA told him that they were going to fast track the environmental process. Can you make a commitment that you will require an environmental impact study, a full and thorough review being that this is a first in the Nation program that is—I don't want my constituents to be guinea pigs. We need to do this right.

I believe that we shouldn't be doing it at all, but if you're going to do it, at least do the due diligence in making sure that we are dotting our i's, crossing our t's, and seeing what the actual impact will be on businesses, on the surrounding community, on the residents that live in the central district but also the other residents of the city from the outer boroughs that have to commute in.

Secretary BUTTIGIEG. I can commit to you that the review will be proper and thorough, no unnecessary delays but no cut corners either.

Ms. MALLIOTAKIS. Will you do an environmental impact study, though, a complete study, not just an assessment? That is really the question.

Secretary BUTTIGIEG. Again, the legal determination about whether it falls into an EA or an EIS is not one that I want to make sitting here, but I can tell you that the review either way will be proper and thorough on our part.

Ms. MALLIOTAKIS. Well, if it is going to be proper and thorough, then that would be the EIS. I think that anyone looking at this as an observer—but let's move on to the public comments. How are you going to make sure that the public knows that this process is fair, that it is transparent and is not coming at a predisposed arrival at a determination already?

Secretary BUTTIGIEG. Well, again, our role here is procedural. It has to do with making sure that the process has been met, not preempting a local decision about what the right policy is. I know there are strong views on all sides that cut across party lines and even across State and regional lines when it comes to this project in particular, but we recognize that the State and local role is distinct from the Federal role. Ours is to make sure there is transparency and thoroughness—

Ms. MALLIOTAKIS [interrupting]. OK. Lastly, the Federal Highway Administration required MTA to answer 430 technical questions after they submitted their draft of the EA. These have not been made public or made available to Congress. Can you share those questions and answers that you received with the public?

Secretary BUTTIGIEG. I will look into the right process for getting those out.

Ms. MALLIOTAKIS. All right. Well, if we believe in transparency, we want to make sure we get that information out to the public domain. So, I would appreciate your assistance with that. And my time has run out. Thank you.

Ms. NORTON. The gentlewoman's time has expired.

I recognize Mr. Fitzpatrick. You are recognized for 5 minutes.

Mr. FITZPATRICK. Thank you, Madam Chair. Secretary Buttigieg, thanks for being here. Good to see you. I want to start by thanking you for your collaboration on the bipartisan infrastructure bill. It was a lot of work, a lot of collaboration. You worked great with our office, and I wanted to thank you for your role. I think it is going to really help America.

Two questions. One, I don't think it is a fair question because we just sent this letter last week, but I wanted to bring it to your attention, to you and FRA Administrator Bose, regarding the public nuisance and safety risk posed by blocked railroad crossings. Certainly I have had to deal with it in my district. I am sure I am not alone for sure. Lasting upwards of an hour, these instances keep communities like mine and others across the country cut off from commercial, Government and even more significantly, emergency services, ambulances, firetrucks, and what not.

So, I am going to submit this to the record. We have sent it to you, but I know how agencies work, it might not have made its way to you. Just to give a general update, on the blocked crossing portal authorized by the IIJA section 22404 and to address mechanisms or formulas that could measure the real impact of obstructions of railroad crossings.

Madam Chair, do I have permission to submit this for the record?

Ms. NORTON. Accepted.
[The information follows:]

Letter of July 13, 2022, to Hon. Pete Buttigieg, Secretary of Transportation, and Hon. Amit Bose, Administrator of the Federal Railroad Administration, from Hon. Brian K. Fitzpatrick, Member of Congress, Submitted for the Record by Hon. Brian K. Fitzpatrick

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
WASHINGTON, DC 20515,
July 13, 2022.

The Honorable PETE BUTTIGIEG,
Secretary of Transportation,
U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

The Honorable AMIT BOSE,
Administrator of the Federal Railroad Administration,
U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

DEAR SECRETARY BUTTIGIEG AND ADMINISTRATOR BOSE,

I write today regarding the implementation of the Infrastructure Investment and Jobs Act (IIJA), and specifically, the Blocked Crossing Portal authorized under Section 22404. When meeting with constituents, my staff and I are consistently asked about the public nuisance and safety risk posed by obstructed crossings.

Our district has two frequently blocked rail crossings, at Bellevue Avenue in Langhorne, PA, and at Woodbourne Road in Middletown, PA. Lasting for upwards of an hour, these instances keep our communities cut off from commercial, public, and emergency services. Local reports have indicated that miles-long trains, malfunctioning lights and sensors, and lowered gates create disruptive and unnecessary vehicle traffic. Worst of all, these blocked crossings severely impact the ability of our communities' first responders to respond to emergencies or immediately reach hospitals and healthcare facilities.

These colloquial accounts are compelling and given that the railroads are overseen by the Department of Transportation and the Federal Railroad Administration, this issue requires federal action. Enacting the Infrastructure and Jobs Act and particularly requiring the comprehensive collection of data through the Blocked Crossing Portal are important first steps to solving this problem.

As you continue to implement this three-year public data gathering program, I ask that you review and provide a written response to the following questions.

1. Is the DOT or FRA encountering any difficulty or delay in implementing the Blocked Crossing Portal? If so, what actions need to be taken to expedite the effective administration of the program?
2. Can the DOT or FRA share any insights from, or even raw preliminary data collected by, the Blocked Crossing Portal that may help preemptively inform lawmakers?

It is squarely the responsibility of the federal government, and especially the Department of Transportation and Federal Railroad Administration, to address and remediate the detrimental impact of blocked railroad crossings. I appreciate your timely review and response to this letter.

Sincerely,

BRIAN K. FITZPATRICK,
Member of Congress.

Mr. FITZPATRICK. So, my question, Mr. Secretary, I want to discuss secondary cockpit barriers. The 9/11 Commission did tremendous work many years ago. Most, if not all, of those recommendations were adopted by Congress and implemented as part of our commitment to say never again to allow a terrorist to infiltrate a cockpit and treat a commercial airliner like a guided missile.

Even though this was included as a requirement for new aircraft in the last FAA reauthorization nearly 4 years ago, application of

this mandate has been very slow and very inconsistent. I can tell you, myself and my Problem Solvers Caucus cochair have been working very hard, and we have had frustrating results across multiple administrations to be frank, and we are hoping that we can finally fix this.

Since coming to Congress, we have advocated for this, both of us. On 9/11, my constituent, Captain Victor Saracini, he was the pilot of flight 175 that our whole world watched in horror crash into the second tower. And I was wondering, Mr. Secretary, how familiar you are with this, how much you are tracking it amongst a lot of the things you are dealing with, if you would be willing to work with us as well to get this done. This is a bipartisan issue. It is really incredible that decades after 9/11, the most basic safety precaution is not being implemented.

It has been blocked for all the wrong reasons by special interests that don't want it for the wrong reasons. And all of us have flown. We have watched the exchange when the cockpit door opens for a pilot to go to the restroom, or what not, and all that is placed there under current policy is a food cart and an airline attendant. Twenty years after 9/11, it is really unacceptable, and it is such an easy fix. It is something that has already been approved and authorized on new aircraft. Will you be willing to work with us on getting that done and also getting retrofitted for current aircraft? And do you have any other comments on the issue?

Secretary BUTTIGIEG. Thank you. Yes, I am following this policy. I know there is a great deal of impatience which I share about making sure that this is delivered especially knowing that it is called for in legislation. I have met with advocates as well as experts on this, and it is being taken very seriously. The FAA is working toward getting that rulemaking advanced. I certainly welcome a chance to work with you to make sure that some of the complexities are handled in the right way and that there is transparency around the timeline.

Mr. FITZPATRICK. Thank you, sir. Just like all these tragic incidents whether they be school shootings or acts of terrorism, when we say never again it has got to be never again. That 9/11 Commission did tremendous work, and this is one of the few, possibly the only one, of the committee's recommendations that has not been implemented. And I fear that given how many years have passed since the last terror attack due to the credit of a lot of our national security agencies have avoided that, that we are still vulnerable because human instinct is to drop your guard when you have kept your guard up for so long.

And I am fearful that this is an instance where we are exposed to a terror attack once again, and I hope that you are willing to work with us, which you say you are, and I appreciate that. But if you could just flag this for your people, I would appreciate it.

Secretary BUTTIGIEG. Thank you.

Mr. FITZPATRICK. Madam Chair, I yield back.

Ms. NORTON. The gentleman yields back.

I recognize Mr. Stauber for 5 minutes. You are recognized, Mr. Stauber.

Mr. STAUBER. Thank you, Madam Chair.

Mr. Secretary, thanks for coming today. You are aware of transportation issues. Do you know what the most inland port in North America, correction, in the United States is?

Secretary BUTTIGIEG. I am guessing it is in Minnesota.

Mr. STAUBER. Do you know where?

Secretary BUTTIGIEG. The most inland measured from the coasts or from the Great Lakes?

Mr. STAUBER. The most inland port is the Port of Duluth-Superior.

Secretary BUTTIGIEG. Duluth. Right.

Mr. STAUBER. And I am very proud to represent that; a lot of commodities and economic value come to and from. And I also appreciate your support for the Soo locks. That money has got to continue because that helps the Midwest.

I just want to talk to you a little bit about the chip shortage. As you know, we want to reshore it, and I think that when you reshore it you also have to reshore the minerals. You are aware or maybe I am going to make you aware that the biggest copper and nickel find in North America is in northeastern Minnesota which we call the Iron Range. The Iron Range has mined the iron ore that makes 80 percent of America's steel. So, if we have Buy America provisions, we have to have the Iron Range full steam ahead. Would you agree with that?

Secretary BUTTIGIEG. I don't want to weigh in outside of my lane in terms of production, but I certainly agree that we need to make sure we are onshoring or nearshoring raw materials that are going into——

Mr. STAUBER [interrupting]. And we have to keep our iron industry front and center. That's just strategic national security. So, when we talk about the chips, do you know that a Ford F-150 gasoline has 300 chips and the EV has 3,000? When you take critical minerals offline, you allow foreign adversarial countries to mine that. And I am just going to give you an example. Cobalt. The vast majority of cobalt is mined in the Congo using child slave labor. I think you would agree we would rather mine those minerals in the United States under the best environmental and best labor standards. Would that be correct, Mr. Secretary?

Secretary BUTTIGIEG. Yes. If we have a choice on where to source any of these, we would certainly prefer that it be in the U.S.

Mr. STAUBER. Yes. Your administration just took 234,000 acres of opportunity to mine critical minerals. And let me tell you about the Duluth complex. It has 95 percent of our nickel reserve, 88 percent of our cobalt, over one-third of our copper and other platinum group metals, and your administration won't even allow an EIS on a project-specific review.

You were just talking about an EIS, and you know, Mr. Secretary, the EIS is the highest look from the Federal Government. They wouldn't even allow a project-specific review of an EIS on a mining project. So, when you want to transition and when we transition to electric vehicles, why don't we have an administration that supports mining in the United States? And by the way, there is a project labor agreement in that, all union labor from northern Minnesota, hundreds of jobs and secondary jobs.

And so, I would submit to you that we need to mine in the United States so we hold the destiny in the palm of our own hands. And the administration doesn't seem to understand that, and I would ask you this, and I think I know the answer: You do not support slave labor; is that correct?

Secretary BUTTIGIEG. Of course.

Mr. STAUBER. OK. This administration doesn't understand. We can remove ourselves from child slave labor by mining in the United States and making sure allies get these critical minerals from countries like the United States. Amnesty International, non-partisan, has said we have to stop allowing slave labor, child slave labor. And I will submit to you we are able, ready, and willing, Mr. Secretary, to mine these critical minerals. We have to have an administration that has the political will to do it, and it doesn't.

In October of 2020, then-candidate Joe Biden said to the American people we are going to mine these minerals domestically. That was a breath of fresh air for northern Minnesota and the Iron Range. Now President Biden says we are going to source those minerals from foreign nations. That, Mr. Secretary, is unacceptable. That is what we talked about. We can onshore and use American labor with the best environmental standards and labor standards in the world.

And I would ask you to go back to your administration, specifically the President of the United States, and allow us to mine these minerals here in the United States. And I yield back.

Secretary BUTTIGIEG. Thank you.

Ms. NORTON. The gentlemen yields back.

I recognize Mr. Van Drew. You are recognized for 5 minutes.

Dr. VAN DREW. [Audio drop.] Thanks again for being here. Now you can hear me. See, if you didn't say anything, we would have cut them a break. You could have missed the whole thing. In my district of South Jersey, the infrastructure law is aiding the United States Army Corps of Engineers with a major dredging project in New Jersey's Intracoastal Waterway. The project will clear out the clogged maritime channels of the entire Jersey Shore and make my community safer and more prosperous.

The law has also provided funding for airports and roads and projects across my district. South Jersey has many infrastructure needs, but I will continue to advocate for this infrastructure law as it is implemented over the next 5 years. I supported this Bipartisan Infrastructure Law because it included conservative—conservative—regulatory policies negotiated by Republicans including One Federal Decision.

One Federal Decision cuts through redtape by requiring inter-agency cooperation, limited paperwork, and fixed permitting deadlines. This policy saves years of time and millions of dollars in the permitting of infrastructure projects. With inflation ravaging, the country is in a critical situation that we need to reduce redtape so that the funding increases and the infrastructure law is not out-paced. That's why Republican negotiators included these conservative regulatory policies.

My concern is that this administration is far more focused on spending money than on saving money, and that irresponsible mentality could hinder the implementation of the infrastructure

law. One Federal Decision policy was put in place by President Trump in 2017 through Executive order. President Biden repealed it on his very first day in office. Thanks to the infrastructure bill, One Federal Decision is now law, and it must be implemented.

So, first question, Mr. Secretary, do you fully commit—fully commit—that you are proactively working to implement One Federal Decision in line with the letter of the law?

Secretary BUTTIGIEG. Yes, we are. Thank you, first of all, for your support for this legislation and want you to know that we take very seriously the One Federal Decision provisions. Some of those that we have been working on this regard include establishing schedules that are consistent with the 2-year average for most EISs, environmental impact statements, issuing necessary authorizations, all necessary authorizations within 90 days of completing NEPA, setting up a performance accountability system to track progress toward our goals, and reporting to this committee regularly on the timelines of both the EISs and then the environmental assessments and categorical exclusions as well as working with other agencies on how to make sure that those categorical exclusions are as efficiently managed as possible.

So, we will continue our work on this and through the permitting dashboard aim to be as transparent as possible about how we are actually tracking toward those goals.

Dr. VAN DREW. We would appreciate that, and it could make a huge difference. Thank you. Second question I have, and Congressman Stauber touched on it a little bit, concerned about the batteries. I am concerned about the environmental aspects of the batteries, and I am concerned about that so much of it is controlled by China. So much is controlled in the Congo. It is virtual slave labor.

We say as Americans that we are humane, and we are human, and we care about life, yet we buy so many products from a country that absolutely has no concern about that at all. I don't understand how we do that. I don't understand how we buy products made by the Uyghurs. I don't understand how we are going to be buying products from the Congo, but the Chinese controls the Congo. And what scares me about that, Mr. Secretary, is they control too much already. They are getting stronger, and I am sorry to say it, we are getting weaker.

And he may not have been one of your favorite Presidents, but he was one of my favorite Presidents, Ronald Reagan. He said there is no country that has ever been attacked because it is too strong. We have to get stronger. We have to produce our own goods and services. We have to produce our own cobalt if we are going to do this. We have to produce our own elements and minerals.

And finally, we have to make sure if we make standards for ourselves internally that we keep those standards for everybody else. You know what is happening now? And you do know this. China is creating tons of fossil fuel. Russia is. India is. Other countries are. They are not following the Paris Accords in most of Europe. We are doing it and putting ourselves at a deficiency and diminishing ourselves and making ourselves weaker. That is unacceptable. That is not the America I know. It is not the America I believe in, and we have to stop it, Mr. Secretary.

Thank you. I yield back.

Ms. NORTON. The gentleman's time has expired.

That concludes our hearing. I would like to thank Secretary Buttigieg for your testimony today. Your comments have been very informative and helpful.

I ask unanimous consent that the record of today's hearing remain open until such time that our witness has provided answers to any questions that may be submitted to him in writing.

I also ask unanimous consent that the record remain open for 15 days for additional comments and information submitted by Members or the witness to be included in the record of the day's hearing.

Without objection, so ordered. The committee stands adjourned.
[Whereupon, at 3:07 p.m., the committee was adjourned.]

SUBMISSIONS FOR THE RECORD

Prepared Statement of Hon. Eddie Bernice Johnson, a Representative in Congress from the State of Texas

Thank you, Chairman DeFazio, and Ranking Member Graves, for holding today's hearing on implementation of the IIJA. I would also like to thank the Secretary for testifying today.

The City of Dallas, DFW Airport, Dallas Area Rapid Transit, the Dallas Inland Port, and Texas Trees Foundation have all applied for DOT grants this year that are being funded by the IIJA. This is just in North Central Texas, but we know DOT is getting thousands of requests for every grant they announce.

With the \$75 billion allocated this year to just highways, transit, and airports, this legislation is creating over 975,000 good-paying jobs and improving the transportation infrastructure in every state in America.

It seems clear to me that the IIJA is already a success and has the potential to make monumental improvements to our nation's transportation system.

I would just encourage the Secretary and the leadership at DOT to stay focused on ensuring that these funds are getting out to local communities as quickly as possible and are being used on projects that will have the biggest impact on improving the movement of both people and goods.

I look forward to hearing from the Secretary how these IIJA funds are successfully being distributed and utilized, and what we can expect next from the Department of Transportation.

Letter of July 18, 2022, to Hon. Peter A. DeFazio, Chair, and Hon. Sam Graves, Ranking Member, Committee on Transportation and Infrastructure, from Catherine Chase, President, Advocates for Highway and Auto Safety, Submitted for the Record by Hon. Peter A. DeFazio

JULY 18, 2022.

The Honorable PETER A. DEFazio, Chair,
The Honorable SAM GRAVES, Ranking Member,
Committee on Transportation and Infrastructure,
United States House of Representatives, Washington, DC 20515.

DEAR CHAIRMAN DEFazio AND RANKING MEMBER GRAVES:

Thank you for holding tomorrow's hearing, "Implementing the Infrastructure Investment and Jobs Act." We respectfully request this letter be included in the hearing record.

The skyrocketing number of deaths and consistently high number of injuries on our nation's roads over the last several years has renewed national focus on the need for proven solutions to reduce these preventable tragedies. Hearing witness U.S. Department of Transportation (DOT) Secretary Pete Buttigieg has accurately stated, "This is a crisis."¹ The safety advances included in the Infrastructure Investment and Jobs Act (IIJA) and continued action on other Congressionally mandated safety countermeasures must be implemented by the U.S. DOT in a comprehensive and expeditious manner.²

¹NHTSA, USDOT Releases New Data Showing That Road Fatalities Spiked in First Half of 2021 (Oct. 28, 2021).

²Pub. L. 117-58 (2021); Moving Ahead for Progress in the 21st Century (MAP-21) Act, Pub. L. 112-141 (2012); Fixing America's Surface Transportation (FAST) Act, Pub. L. 114-94 (2015).

MOTOR VEHICLE CRASHES ARE A MAJOR PUBLIC HEALTH PROBLEM WHICH DEMANDS
IMMEDIATE ACTION

As this Committee is well aware, our nation's roads have become more dangerous and deadlier. According to the National Highway Traffic Safety Administration (NHTSA), 42,915 people were killed in motor vehicle crashes in 2021.³ This represents a 10.5 percent increase from 2020 and the highest number of deaths since 2005.⁴ In addition, fatalities across a number of categories rose from 2020 to 2021 including speeding (five percent), alcohol-involved crashes (five percent) and unrestrained occupants of passenger vehicles (3 percent).⁵ The NHTSA currently values each life lost in a crash at \$11.8 million.⁶ The crashes, injuries and fatalities impose a financial burden of over \$1 trillion in total costs to society—\$313 billion of which are direct economic costs.⁷ This is equivalent to a “crash tax” of \$944 on every person living in the U.S.⁸ In 2019, crashes alone cost employers \$72.2 billion.⁹

In 2021, over 5,600 people were killed in crashes involving a large truck.¹⁰ Since 2009, the number of fatalities in large truck crashes has increased by 66 percent.¹¹ Additionally, nearly 147,000 people were injured in crashes involving a large truck in 2020.¹² The cost to society from crashes involving large trucks and buses was estimated to be \$163 billion in 2019, the latest year for which data is available.¹³ When adjusted solely for inflation, this figure amounts to over \$180 billion.¹⁴ According to the U.S. Department of Labor, truck driving is one of the most dangerous occupations in the United States.¹⁵

AS THE IIJA IS IMPLEMENTED, IT SHOULD BE A “FLOOR” AND NOT A “CEILING” FOR WHAT MUST BE ACHIEVED TO ADDRESS THE MOTOR VEHICLE CRASH DEATH AND INJURY TOLL

Every major surface transportation bill passed by Congress over the last three decades has included significant traffic safety improvements. These innovations have garnered bipartisan support and saved thousands of lives. Advocates commend this Committee for championing commonsense safety solutions, many of which were included, in some fashion, in the IIJA enacted last November.¹⁶ These provisions include:

- Section 11111: Authorizes safety upgrades to the Highway Safety Improvement Program (HSIP) that will help to protect vulnerable road users (VRUs).
- Section 11119: Directs U.S. DOT to establish a Safe Routes to School Program.
- Section 11135: Mandates that initial update of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) includes protection of VRUs.
- Section 11206: Requires states and local entities to spend a minimum amount of funding for complete streets standards and policies.

³Early Estimate of Motor Vehicle Traffic Fatalities in 2021, NHTSA, Apr. 2022, DOT HS 813 283.

⁴*Id.*

⁵Early Estimates of Motor Vehicle Traffic Fatalities And Fatality Rate by Sub-Categories in 2021, NHTSA, May 2022, DOT HS 813 298.

⁶John Putnam, DOT Deputy General Counsel, Guidance on the Treatment of the Economic Value of a Statistical Life (VSL) in U.S. Department of Transportation Analyses—2021 Update.

⁷Economic costs include lost productivity, medical costs, legal and court costs, emergency service costs, insurance administration costs, congestion costs, property damage, and workplace losses.

⁸“The Economic and Societal Impact of Motor Vehicle Crashes, 2010,” NHTSA (2015).

⁹Cost of Motor Vehicle Crashes to Employers 2019, Network of Employers for Traffic Safety, March 2021.

¹⁰Traffic Safety Facts: Crash Stats; Early Estimates of Motor Vehicle Traffic Fatalities and Fatality Rate by Sub-Categories in 2021, NHTSA, May 2022, DOT HS 813 298.

¹¹*Id.* and Traffic Safety Facts 2019: A Compilation of Motor Vehicle Crash Data, NHTSA, Aug. 2021, DOT HS 813 141. Note, the 66 percent figure represents the overall change in the number of fatalities in large truck involved crashes from 2009 to 2021. However, between 2015 and 2016 there was a change in data collection at U.S. DOT that could affect this calculation. From 2009 to 2015 the number of fatalities in truck involved crashes increased by 21 percent and between 2016 to 2021, it increased by 20 percent.

¹²Traffic Safety Facts, 2020 Data: Large Trucks, NHTSA, Apr. 2022, DOT HS 813 286.

¹³2021 Pocket Guide to Large Truck and Bus Statistics, FMCSA, Dec. 2021, RRA-21-004.

¹⁴CPI Inflation Calculator, BLS, available at https://www.bls.gov/data/inflation_calculator.htm.

¹⁵U.S. Department of Labor, Bureau of Labor Statistics, National Census of Fatal Occupational Injuries in 2020, USDL-21-2145 (Dec. 16, 2021).

¹⁶Pub. L. 117-58 (2021).

- Section 11504: Requires U.S. DOT to conduct a study on the existing and future impacts of autonomous vehicles (AVs) to transportation infrastructure, mobility, the environment, and safety.
- Section 23008: Mandates U.S. DOT further consider a rule requiring state inspection of passenger carrying commercial motor vehicles (CMVs).
- Section 24102: Permits the use of federal funding for automated enforcement in school and work zones.
- Section 24107: Requires states to have minimum penalties for repeat multi-substance offenders to avoid diversion of federal highway construction funds.

Additionally, Section 23010 of the IIJA requires automatic emergency braking (AEB) on large CMVs weighing over 26,000 pounds. However, it fails to mandate these systems on Class 3–6 trucks which are ubiquitous in many neighborhoods with the rise of delivery services and e-commerce. In addition, the provision fails to direct that the AEB system will detect and respond to VRUs such as pedestrians and bicyclists. Advocates and others including the National Transportation Safety Board (NTSB) have been strongly urging the U.S. DOT to address these issues as part of the rulemaking process, as it has the authority to do so.

This Committee should also be lauded for directing U.S. DOT in Section 23011 of the IIJA to finally complete a long overdue rulemaking updating the performance standards for truck trailer underride guards. This critical safety equipment can prevent a passenger vehicle from traveling underneath a trailer during a crash. Unfortunately, the rule released by NHTSA this month fails to meet the requirements included in the IIJA despite the fact that nine of the largest trailer manufacturers in the U.S. already meet the requirements in the legislation.¹⁷

Unfortunately, numerous provisions in the Investing in a New Vision for the Environment and Surface Transportation (INVEST) in America Act,¹⁸ passed by this Committee and the House of Representatives in July 2021, that would have significantly improved public safety were not included in the final IIJA. They include:

- Section 1602: Required U.S. DOT to revise the MUTCD to mandate states use a Safe System Approach to setting speed limits, consistent with NTSB recommendations.
- Section 4202: Required U.S. DOT to revise the methodology used to identify unsafe motor carriers under Compliance, Safety, Accountability (CSA) program and make safety data publicly available upon revision of the methodology.
- Section 4203: Mandated that U.S. DOT establish terms and conditions for carriers and drivers operating under an exemption from safety rules.
- Section 4306: Required U.S. DOT to conduct review of the impacts of current hours-of-service (HOS) rules.
- Section 4308: Established screening for Obstructive Sleep Apnea (OSA) for CMV drivers.
- Section 4311: Allowed data from Electronic Logging Devices (ELDs) to be used by U.S. DOT for transportation research.
- Section 4401: Required new school buses to be equipped with AEB and electronic stability control (ESC) systems.

We urge the Committee to advance these issues at the earliest opportunity.

SAFETY SETBACKS IN THE IIJA REQUIRE OVERSIGHT AND MITIGATION OF DAMAGE

“Teen Truckers” Pose a Major Safety Threat

Section 23022 of the IIJA established a three-year pilot program to permit drivers ages 18–20 to operate CMVs in interstate commerce. Some segments of the trucking industry have been pushing to allow teenagers to operate CMVs in interstate commerce for at least 20 years, and safety organizations, among others, have been opposing this proposal at every step.

The trucking industry is facing a driver retention crisis, not a driver shortage. In fact, a March 2019 U.S. Bureau of Labor Statistics (BLS) analysis found that “the labor market for truck drivers works about as well as the labor markets for other blue-collar occupations” and “a deeper look [at the truck industry labor market] does not find evidence of a secular shortage.”¹⁹ As Secretary Buttigieg recently noted,

¹⁷ NHTSA Biden-Harris Administration, U.S. Department of Transportation Announce Comprehensive Actions to Increase Underride Protection on Truck Trailers and Prevent Deadly Crashes (Jun. 30, 2022); Insurance Institute for Highway Safety, Truck underride guard ratings, available at: <https://www.iihs.org/topics/large-trucks/truck-underride>

¹⁸ H.R. 3684, 117th Cong., 1st Sess. (2021).

¹⁹ United States Department of Labor, Bureau of Labor Statistics, Is the U.S. labor market for truck drivers broken? (Mar. 2019).

such a high rate of turnover is indicative that there are some real issues with the quality of the job of driving a truck.²⁰ In addition, states issue more than 450,000 new commercial driver licenses (CDLs) each year demonstrating that there are candidates to fill vacancies.²¹

Younger drivers are demonstrated to be less safe. Relatedly, as Secretary Buttigieg noted in discussing raising the mandatory retirement age for airline pilots, proposals regarding individuals in safety sensitive positions that “jeopardize safety” should be rejected.²² The Insurance Institute for Highway Safety (IIHS), citing numerous studies, has stated that “age is a strong risk factor for truck crash involvement.”²³ In fact, age is the most important factor in the high rate of involvement of younger CMV drivers in fatal crashes. The general pattern of over-involvement in fatal crashes for younger CMV drivers dominates all other factors. Studies of young CMV drivers show that as the age of the driver decreases, large truck fatal crash involvement rates increase.²⁴ CMV drivers under the age of 19 are four times more likely to be involved in fatal crashes, as compared to CMV drivers who are 21 years of age and older, and CMV drivers ages 19–20 are six times more likely to be involved in fatal crashes (compared to CMV drivers 21 years and older).²⁵ Because of the significant public safety concerns associated with teen truck drivers, we urge this Committee to exercise vigilant oversight of U.S. DOT’s implementation of the pilot program established in the IIJA. Moreover, we continue to urge the Committee to reject efforts to advance the misnamed “DRIVE Safe” Act (H.R. 1745/S. 659) which would establish a similar pilot program permitting teen truckers to operate in interstate commerce.

Fatigue is a Well-Known and Well-Documented Lethal Threat to the Safety of CMV Drivers and the Public

Studies consistently show that long working hours per day and per week are related to adverse health effects.²⁶ The National Academies of Sciences, Engineering, and Medicine (NASEM) has concluded that “the cumulative long-term effects of sleep loss and sleep disorders have been associated with a wide range of deleterious health consequences including an increased risk of hypertension, diabetes, obesity, depression, heart attack, and stroke.”²⁷ Moreover, the American Academy of Sleep Medicine warns that drowsy driving can have the same consequences as driving while under the influence of drugs and alcohol.²⁸ Despite the NTSB repeatedly citing fatigue as a major contributor to truck crashes, Section 23018 of IIJA included a provision further weakening the HOS rules to the detriment of public safety.²⁹ We urge Congress to reject further attempts to degrade HOS rules, including weakening

²⁰ See: <https://www.msnbc.com/morning-joe/watch/transportation-secretary-buttigieg-on-supply-chain-issues-worker-shortage-125851717987> (Nov. 10, 2021).

²¹ Greg Rosalsky, Is There Really A Truck Driver Shortage?, National Public Radio (May 25, 2021).

²² Fox News, Pete Buttigieg: Answer to troubled skies is cultivating ‘new generation of qualified pilots’ (Jul. 10, 2022).

²³ Insurance Institute for Highway Safety, Comments to the docket, FMCSA–2000–8410–0515; citing Christie, R. and Fabre, J. 1999. Potential for fast-tracking heavy vehicle drivers. Melbourne, Australia: National Road Transport Commission; Blower, D. 1996. The accident experience of younger truck drivers. Ann Arbor, MI: University of Michigan Transportation Research Institute; Frith, W.J. 1994. A case-control study of heavy vehicle drivers’ working time and safety. *Proceedings of the 17th Australian Road Research Board Conference*, 17–30. Queensland, Australia: Australian Road Research Board; Stein, H.S. and Jones, I.S. (1988).

²⁴ Campbell, K. L., *Fatal Accident Involvement Rates By Driver Age For Large Trucks*, *Accid. Anal. & Prev.* Vol 23, No. 4, pp. 287–295 (1991).

²⁵ Campbell, K. L., *Fatal Accident Involvement Rates By Driver Age For Large Trucks*, *Accid. Anal. & Prev.* Vol 23, No. 4, pp. 287–295 (1991).

²⁶ Karl SW, Robinson CF, Birdsey J, Chen GX, Hitchcock EM, Lincoln JE, Nakata A, Sweeney MH. “Obesity and Other Risk Factors: The National Survey of U.S. Long-Haul Truck Driver Health and Injury.” *Am. J. Ind. Med. American Journal of Industrial Medicine* 57.6 (2014): 615–26. Print; Orris, Peter. *Literature Review on Health and Fatigue Issues Associated with Commercial Motor Vehicle Driver Hours of Work*. Washington, D.C.: Transportation Research Board, 2005. Print.

²⁷ Commercial Motor Vehicle Driver Fatigue, Long-Term Health, and Highway Safety: Research Needs, National Academy of Sciences, Mar. 10, 2016.

²⁸ Watson NF, Morgenthaler T, Chervin R, Carden K, Kirsch D, Kristo D, Malhotra R, Martin J, Ramar K, Rosen I, Weaver T, Wise M. *Confronting drowsy driving: The American Academy of Sleep Medicine Perspective*. *J Clin Sleep Med* 2015; 11(11): 1335–1336; citing Dawson A, Reid K. Fatigue, alcohol, and performance impairment. *Nature* 1997; 388:235. Accessed at <http://www.aasmnet.org/resources/pdf/pressroom/Drowsy-driving-position.pdf>.

²⁹ Section 23018; National Transportation Safety Board, 2019–20 Most Wanted list, available at: <https://www.nts.gov/safety/mwl/Pages/default.aspx>

or exempting the requirement for ELDs which have been demonstrated to be effective at ensuring compliance.

In response to the COVID-19 pandemic, the Federal Motor Carrier Safety Administration (FMCSA) has provided exemptions from certain federal regulations including HOS rules for motor carriers and drivers. Any exemption from federal regulations must be narrowly tailored in time and scope with appropriate safeguards to protect truck drivers and the public. Additionally, Congress must not enshrine temporary exemptions into statute, and there must be transparency about their use by making any related data available to the public.

Overweight Trucks Disproportionately Damage America's Crumbling Infrastructure and Threaten Public Safety

According to the 2021 Infrastructure Report Card from the American Society of Civil Engineers, America's roads receive a grade of "D," and our bridges were given a "C."³⁰ Nearly 40 percent of our 615,000 bridges in the National Bridge Inventory are 50 years or older, and one out of 11 is structurally deficient.³¹

Unfortunately, Section 11515 in the IIJA included exemptions to federal truck size and weight limits. Raising truck weight or size limits could result in an increased prevalence and severity of crashes. Unsurprisingly, trucks heavier than 80,000 pounds have a greater number of brake violations, which are a major reason for out-of-service violations.³² According to a North Carolina study by IIHS, trucks with out-of-service violations are 362 percent more likely to be involved in a crash.³³ This is also troubling considering that tractor-trailers moving at 60 miles per hour are required to stop in 310 feet—the length of a football field—once the brakes are applied.³⁴ Actual stopping distances are often much longer due to driver response time before braking and the common problem that truck brakes are often not in adequate working condition.

There is overwhelming opposition to any increases to truck size and weight limits. The public, local government officials, safety, consumer and public health groups, law enforcement, first responders, truck drivers and labor representatives, families of truck crash victims and survivors, and Congress on a bipartisan level have all rejected attempts to increase truck size and weight limits. Also, the technical reports released in June 2015 from the U.S. DOT Comprehensive Truck Size and Weight Study concluded there is a "profound" lack of data from which to quantify the safety impact of larger or heavier trucks and consequently recommended that no changes in the relevant truck size and weight laws and regulations be considered until data limitations are overcome.³⁵

Although IIJA invested billions of dollars to improve and make our nation's roads and bridges safer, it also included exemptions to federal truck size and weight laws.³⁶ Any further weakening of these critical safety regulations will undermine this objective, worsen safety problems and divert rail traffic from privately owned freight railroads, which are safer than public roadways, to our already overburdened highways exacerbating road wear, congestion and safety issues.

EXPERIMENTAL AUTONOMOUS DRIVING TECHNOLOGY REMAINS UNPROVEN

Several serious crashes involving cars equipped with autonomous driving technology, which is unregulated, have already occurred. Many have been subject to investigation by the NTSB and NHTSA which have and will continue to identify safety deficiencies, determine contributing causes, and recommend government and industry actions to prevent future deadly incidents.

In June 2021, NHTSA issued Standing General Order 2021-01 (SGO) requiring manufacturers to report certain crashes involving vehicles equipped with automated driving systems (ADS) or Level 2 advanced driver assistance systems (ADAS). Last month, NHTSA released the first set of data obtained through the SGO and the in-

³⁰ 2021 Infrastructure Report Card—Bridges, American Society of Civil Engineers (ASCE); 2021 Infrastructure Report Card—Roads, ASCE.

³¹ 2021 Infrastructure Report Card—Bridges (ASCE).

³² Roadside Inspections, Vehicle Violations: All Trucks Roadside Inspections, Vehicle Violations (2019—Calendar), FMCSA.

³³ Teoh E, Carter D, Smith S and McCartt A, Crash risk factors for interstate large trucks in North Carolina, Journal of Safety Research (2017).

³⁴ Code of Federal Regulations (CFR) Title 49 Part 571 Section 121: Standard No. 121 Air brake systems (FMVSS 121).

³⁵ Comprehensive Truck Size and Weight Limits Study, Federal Highway Administration (June 2015).

³⁶ Section 11515.

formation is deeply troubling.³⁷ The data showed that of the 108 entities sent the SGO, only 12 reported on ADAS, revealing nearly 400 crashes. Six crashes were fatal, five resulted in serious injuries, and another 41 resulted in minor or moderate injuries. Four involved a VRU such as a bicyclist or a pedestrian. Twenty-five entities reported on ADS, revealing 130 crashes. Sixteen crashes reportedly resulted in injuries. Eleven crashes involved a VRU including seven cyclists. Additionally, recent testing mishaps with vehicles equipped with ADS include a fleet of test taxis stopping in the middle of street and requiring human intervention to move the “cluster” and a test vehicle operating without its headlights while failing to follow police instructions.³⁸ Our nation’s roads should not be an unregulated beta testing ground for this experimental technology, threatening the safety of the traveling public.

In January, Advocates released the results of a new public opinion poll that showed 80 percent of respondents are concerned about sharing the road with driverless cars as a motorist, bicyclist or a pedestrian. Eighty-five (85) percent of respondents are similarly concerned about sharing the road with driverless tractor-trailers and delivery trucks. Of note, 60 percent of respondents feel that if the companies had to meet minimum government safety requirements for their driverless cars and trucks, it would address their concerns.

We once again commend this Committee and the Subcommittee on Highways and Transit for holding the February hearing, “The Road Ahead for Automated Vehicles.” Many promises have been touted about autonomous vehicles (AVs) bringing reductions in motor vehicle crashes and resultant deaths and injuries, lowering traffic congestion and vehicle emissions, expanding mobility and accessibility, improving efficiency, and creating more equitable transportation options and opportunities. However, as Secretary Buttigieg has acknowledged, these outcomes are far from certain.³⁹ Similarly, an article published in *The Washington Post* by David Zipper in February entitled, “Companies are racing to make self-driving cars. But why?” examined this further and called into question many of the oft-touted benefits AV proponents have claimed.⁴⁰ Zipper notes Secretary Buttigieg has said “that self-driving cars have ‘raised complicated, even philosophical, questions about safety, equity and our workforce.’” Zipper adds, “With so much at stake in the future of self-driving cars, government officials should be keeping a watchful eye on new developments, ready to intervene to defend the public interest.”

Advocates has consistently sought action by the U.S. DOT to ensure the safety of the public driving, riding, walking and rolling on our roads and in contact with the still developing technology. In 2020, Advocates spearheaded the compilation of the “AV Tenets,” policy positions which should be a foundational part of any AV policy. This comprehensive approach is based on expert analysis, real world experience and public opinion. It is supported by 60 stakeholders representing safety, consumer, public health, labor, bicyclists, pedestrians, individuals with disabilities, smart growth, and others.⁴¹ It has four main, commonsense categories including: 1) prioritizing safety of all road users; 2) guaranteeing accessibility and equity for all individuals including those with disabilities; 3) preserving consumer and worker rights; and, 4) ensuring local control and sustainable transportation. We urge Congress to use this document as a foundation for any future AV legislation.

CONCLUSION

We laud the Committee for holding this hearing to make certain that the U.S. DOT meets its mission to ensure the safest transportation system in the world. Oversight of implementation of the IIJA is a critical component to this end. We look forward to continuing to work with you to improve safety on our nation’s roadways.

Sincerely,

CATHERINE CHASE,
President, Advocates for Highway and Auto Safety.

cc: Members of the U.S. House of Representatives Committee on Transportation and Infrastructure

³⁷ NHTSA, NHTSA Releases Initial Data on Safety Performance of Advanced Vehicle Technologies (Jun. 15, 2022).

³⁸ Aarian Marshall, Cruise’s Robot Car Outages Are Jamming Up San Francisco, *Wired* (Jul. 8, 2022).

³⁹ Nilay Patel and Andrew J. Hawkins, Pete Buttigieg is Racing to Keep Up with Self Driving Cars, *The Verge* (Jan. 6, 2022).

⁴⁰ David Zipper, *Companies are racing to make self-driving cars. But why?* *Washington Post* (Feb. 4, 2022).

⁴¹ The AV Tenets and list of supporters is attached to this letter.

ATTACHMENT 1

AUTONOMOUS VEHICLE (AV) TENETS

AV Tenets is retained in committee files and is available online at <https://saferoads.org/wp-content/uploads/2020/11/AV-Tenets-11-24-20-1.pdf>

ATTACHMENT 2

SUPPORTERS OF AUTONOMOUS VEHICLE (AV) TENETS

Supporters of AV Tenets is retained in committee files and is available online at <https://saferoads.org/wp-content/uploads/2021/05/AV-Tenets-Support-List-5-21-21.pdf>

Statement of the American Society of Civil Engineers, Submitted for the Record by Hon. Peter A. DeFazio

INTRODUCTION

The American Society of Civil Engineers (ASCE) appreciates the opportunity to submit a statement to the House Committee on Transportation and Infrastructure for the hearing on Implementing the Infrastructure Investment and Jobs Act.

ASCE was a strong supporter of the Infrastructure Investment and Jobs Act (IIJA) of 2021. Successful implementation of this once-in-a-generation investment has the potential to improve safety for Americans and modernize the nation's roads, bridges, transit systems, pipes, ports, broadband, airports, schools, and drinking water systems.

RECOMMENDATIONS FOR EFFECTIVE IMPLEMENTATION OF THE IIJA

With the \$1.2 trillion investment provided by the IIJA, the federal government can restore its critical partnership with cities and states to improve our nation's infrastructure. To optimize the investment of over 100 new programs and many more existing programs across critical infrastructure sectors, ASCE has developed key recommendations for Congress, the Administration, and state and local governments to consider as implementation of the IIJA gets underway.

1. Require the Use of the Most Up-to-Date Codes and Standards and Regularly Fund Climate Data Updates

The most reliable way to ensure our nation's infrastructure is resilient and that we are truly building back better, is the widespread adoption and enforcement of modern, up-to-date building codes. Therefore, ASCE strongly encourages federal agencies to incentivize the use of up-to-date codes and standards, which can mitigate risks of climate or manmade events such as hurricanes, fires, sea level rise, and more.

Additionally, while ASCE urges new federal programs to incentivize the use of up-to-date codes and standards, ASCE also supports the development, adoption, and enforcement of a national model code as a key method of minimizing climate impact and creating disaster resilience in communities. Programs like the Federal Emergency Management Agency's (FEMA) Building Resilient Infrastructure and Communities (BRIC) grant program are already requiring the use of up-to-date codes and standards and can serve as a model for other programs across the federal government. For example, the Department of Energy should require that any new projects dedicated to modernizing and hardening the electric grid follow *ASCE 74, Guidelines for Electrical Transmission Line Structural Loading*.

The following ASCE documents and standards should also be utilized for new projects that are receiving IIJA funds. These same documents serve as a basis upon which such a model code can be developed:

- *ASCE 7, Minimum Design Loads and Associated Criteria for Buildings and Other Structures (ASCE/SEI 7-22)*, currently an integral part of U.S. building codes, describes the means for determining soil, flood, tsunami, snow, rain, atmospheric ice, earthquake, and wind loads, and their combinations for resilient structural design;
- *ASCE 24, Flood Resistant Design and Construction*, prescribes a standard for cost effectively increasing resiliency by reducing and eliminating risks to property from flood hazards and their effects;

- *ASCE 41, Seismic Evaluation and Retrofit of Existing Buildings*, standardizes methods for the retrofit of existing buildings to increase resiliency in communities after a seismic event;
- *ASCE Manual of Practice 140, Climate-Resilient Infrastructure: Adaptive Design and Risk Management*, provides guidance for and contributes to infrastructure analysis/design in a world in which risk profiles are changing due to climate change per the Fourth National Climate Assessment.
- *ASCE Manual of Practice 74, Guidelines for Electrical Transmission Line Structural Loading*, provides guidelines for the interpretation of ASCE 7 specifically for overhead power lines and includes updated wind and ice loadings that all overhead transmission and distribution lines should be designed for with the consideration of current climate change data.
- *ASCE Manual of Practice 141, Wood Pole Structures for Electrical Transmission Lines: Recommended Practice for Design and Use*, provides guidelines for the proper design and analysis of wood pole structures used in our distribution and transmission grid infrastructure.



In the wake of Hurricane Harvey, the City of Houston voted to require all new construction in the city's floodplains be built two feet above the 500-year floodplain. Florida, meanwhile, has made a series of updates to their building codes over the past twenty years, including the mandated use of stronger nails, relocation of vents, and more thorough inspection processes. These are strong examples of how codes can be modernized and ASCE standards can be incorporated to strengthen a city or state's resilience.

Therefore, while many state and local government agencies are leading the way, to fully realize the benefits of the IIJA, ASCE encourages federal agencies and Congress to support and incentivize the widespread adoption and enforcement of up-to-date building and infrastructure codes. The recent creation of the National Initiative to Advance Building Codes, which will focus on helping state and local governments adopt the most up-to-date building codes and standards, indicates that federal officials understand the importance of these codes and standards for resilience. ASCE stands ready to support the work of the initiative. Additionally, we urge Congress to provide robust funding to federal agencies like the National Oceanic and Atmospheric Administration (NOAA), FEMA, and the National Institute of Standards and Technology (NIST), whose missions include both developing the data necessary for ensuring standards can address the impacts of climate change and preparing and implementing a national model code that considers increasingly strong storms.

Currently, the only data set that receives reliable federal funding to update is seismic data through the National Earthquake Hazards Reduction Program (NEHRP) authorization. FEMA and NOAA do not receive regular funding to update flood and rain data, so even with storms becoming stronger, in many cases the latest available rainfall data is decades old. This means, for example, that our nation's dams and levees are often being designed based on rainfall data from the 1970s, while buildings are being designed without the latest seismic and wind data that is necessary to build resiliently. While some states have taken it upon themselves to update data sets, such as rainfall data, this has led to a piecemeal approach and fails to recognize that floodplains and other hazards do not end at state lines, putting at risk communities across the country. We cannot build resiliently relying on

backward-looking data and, therefore, strongly urge Congress to fund these critical programs.

2. *Dedicate Resources to Grow the Pipeline of Skilled Workers*

To realize the potential of this five-year legislation, it is critical that we have the civil engineering workforce in place to design, build, and maintain the nation's infrastructure. The American Council of Engineering Companies found that the industry will need to add 82,000 full- and part-time engineers to implement the IIJA. Infrastructure owners, including state and local departments of transportation and water utilities, as well as consulting engineers, cannot effectively utilize the influx of funding if they do not have the workforce in place.

Congress continues to recognize workforce needs with recent provisions dedicated to advancing science, technology, engineering, and mathematics (STEM) education in the House and Senate America Creating Opportunities for Manufacturing, Pre-Eminence in Technology, and Economic Strength (COMPETES) bills. However, Congress and the Administration must continue to encourage state and local governments to include skilled workers in their long-term workforce development plans. The Department of Labor and the National Science Foundation should partner with the engineering community to develop programs that can assist state STEM education and workforce plans to solve this ongoing challenge in the industry.

Some limited funds in the bill support workforce development activities and address gaps, but we must continue to grow a diverse pipeline of skilled workers. Specifically, we must bring students into the industry and keep engineers in the United States. Even more importantly, funds can and should be directed to include targeted outreach to disadvantaged and minority communities in order to address the ongoing gender, racial, and ethnic diversity gap that persists in the engineering field.

3. *Cut Red Tape and Increase Transparency Across Government Agencies*

ASCE has identified areas where the federal government should work with industry stakeholders to ensure projects are not delayed due to overly burdensome and often redundant red tape. First, while ASCE supports the intention of the Buy America language in the IIJA, we need to ensure that language does not hamper innovation, cause unnecessary project delays and cost increases, or further constrain markets. While guidance from the Administration related to Buy America is helpful, there is still concern that the waiver process will be overly burdensome and significantly slow down projects that require a waiver to be filed.

Second, ASCE is encouraged by the IIJA codifying One Federal Decision, which will lead to cost reductions, and applauds the Administration for developing a Permitting Action Plan to further accelerate the federal permitting and environmental review process. One of the key recommendations in the *2021 Report Card for America's Infrastructure* was to streamline the project permitting process across infrastructure sectors, while ensuring appropriate safeguards and protections are in place. Therefore, ASCE believes that the most recent plan is a step in the right direction to ensure that projects can be delivered on time, and on budget, while maintaining the rigorous environmental review process.

Finally, the federal government has a responsibility to ensure that IIJA funds are properly managed. The historic scope of the IIJA and the large number of partners needed to deliver the legislation, such as state and local governments, contractors, consultants, non-profits, and even the public, means the federal government will face a complex challenge to reduce the risk of waste, fraud, and abuse. Therefore, transparency will be key, especially in areas like the grant selection process. To minimize risk and increase transparency ASCE recommends five actions:

- Develop and implement a comprehensive IIJA Financial Risk Plan;
- Ensure the U.S. Strategy on Countering Corruption is effectively implemented and resourced;
- Clearly define risk responsibilities of all partners responsible for delivering the IIJA
- Establish financial performance measures and monitor those measures throughout implementation;
- Utilize proven, effective tools such as ISO 37001 Anti-Bribery Management Systems.

4. *Fund Research and Development to Accelerate Innovation*

Comprehensive legislation focused on the nation's commitment to research and development (R&D) is a critical complement to the IIJA. Coupling the IIJA with R&D legislation like the America COMPETES Act will support the development of new and innovative materials and processes, cut project costs, and facilitate a durable, secure, sustainable, and resilient infrastructure network. ASCE urges Congress to further fund critical R&D programs at NIST, the National Science Foundation

(NSF), the Department of Transportation, and the Department of Energy and urges those agencies to prioritize R&D investments that will make our infrastructure more resilient and equitable for communities in the future.

5. Collaborate with the Engineering Community to Develop Technical Assistance for Disadvantaged and Rural Communities

The IIJA took great strides to acknowledge the inequities that were created or exacerbated by our nation's built environment. Programs like the new Reconnecting Communities Pilot Program at the Department of Transportation, investments in Superfund and brownfields remediation, and set-aside funds for rural and disadvantaged communities throughout many of the water and broadband infrastructure programs will be critical to both begin to address past inequities and ensure that new investments are not perpetuating existing problems. Combined with the Administration's commitment to Justice40, which seeks to deliver 40% of overall benefits from relevant investments to disadvantaged communities, new funding has an opportunity to bring about change in many of these communities.

To meet this mission, the federal government will need to partner with state and local governments and the engineering community to not just identify these disadvantaged communities but ensure that they have the tools necessary to compete for new funding.

Additionally, ASCE and the engineering community stand ready to work with federal agencies to help expand upon the technical assistance programs that many rural and disadvantaged communities will rely upon to receive competitive grants. Agencies should coordinate with the nation's engineers to help identify those communities that need assistance and determine what type of assistance is needed, whether it is grant preparation, identifying suitable projects that will bring community benefits, or long-term capacity building within agencies or jurisdictions.

6. Incentivize Asset Management and Life Cycle Cost Analysis

As new competitive grant programs are developed across federal agencies, these programs should provide incentives for asset management and life cycle cost analysis as a routine part of the planning process. There are a growing number of state and local governments and private sector infrastructure owners demonstrating the long-term advantages of employing comprehensive asset management practices. However, asset management plans are not required or incentivized by the federal government in many sectors, including wastewater. By encouraging the development and regular update of asset management plans and life cycle cost analysis as a condition to receive new federal funding, we can ensure programming and planning for operations and maintenance are part of every new infrastructure project. Furthermore, by providing prioritization for those agencies already using asset management practices, the federal government can ensure additional state and local agencies develop asset management plans and implement life cycle cost analysis.

ASCE has identified several programs in the IIJA that are taking a step in the right direction by expanding the requirement for asset management plans as a condition to receive federal funding. One such example is the Federal-State Partnership for State of Good Repair Grant Program, which requires any public transit entity that owns infrastructure used for intercity passenger rail on the Northeast Corridor to develop an asset management system that can inform Amtrak's capital improvement program. Additionally, there is some funding available for small public water systems looking to create asset management plans. However, there are many additional programs that do not include that requirement and should. ASCE recommends federal agencies assess each new and existing IIJA program to determine whether requiring an asset management plan is feasible and would provide value for stakeholders. Additionally, ASCE encourages infrastructure owners that already have asset management plans to regularly update them so that these tools remain useful for decision-making.

There are examples of state and local agencies and programs already making good use of asset management best practices. Those programs that are most successful provide clear guidelines and requirements and include a rigorous quality review, such as Michigan's Stormwater, Asset Management, and Wastewater Program. Since 2013, the Michigan program has helped municipalities develop, update, and improve asset management plans for their wastewater and stormwater systems, which has led to better services, more accurate project prioritization, and a more informed understanding of the current and future needs.

7. Prioritize Projects Dedicated to Maintaining and Improving Existing Assets

ASCE urges federal, state, and local governments to prioritize projects that will maintain, upgrade, and improve our existing assets.

ASCE's *2021 Report Card for America's Infrastructure* found that the nation's overall infrastructure grade is a "C-" and that it will cost an additional \$2.5 trillion over the next decade to bring all of our infrastructure into a state of good repair. The IIJA represents a down payment that can help bridge the growing infrastructure investment gap, but funds must be spent wisely.

Fortunately, many programs in the IIJA are already dedicated to improving existing assets, such as the Bridge Replacement, Rehabilitation, Preservation, Protection, and Construction Program, which will provide nearly \$27 billion to states to fix approximately 15,000 bridges most in need of repair across the country. This program will be critical to ensuring that the overall number of poor bridges in this country does not continue to rise as those bridges age in place. Additionally, the IIJA includes \$15 billion to replace lead service line connections to customers, a critical investment to ensuring that our existing water systems are protecting public safety.

Deferred maintenance has been an issue across the infrastructure sectors for decades. The 2021 Report Card for America's Infrastructure found that:

- There is a broken water main every two minutes, and an estimated 6 billion gallons of treated water lost each day in the U.S. That's enough to fill over 9,000 swimming pools.
- Growing deferred maintenance on our nation's roads has left 43% of our public roadways in poor or mediocre condition.
- In 2020, 7.5% of our nation's bridges were considered structurally deficient, meaning they were in "poor" condition.

The opportunity afforded by the IIJA will allow agencies to address pressing maintenance needs in the near future, thereby staving off worsening conditions and keeping communities safe.

ASCE recommends that additional programs created under the IIJA also allocate funding with a lens that examines how we can improve our existing assets, while understanding that some programs, such as those dedicated to grid modernization and port development, will need to build additional capacity. Some of these programs that should fix and modernize existing infrastructure include the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program, the Bridge Replacement, Rehabilitation, Preservation, Protection, and Construction Program, and the Federal-State Partnership for State of Good Repair Grant Program.

8. *Streamline the Engineering Contracting Process*

In recent years, many projects around the country have been slowed down due to increased change orders during the contracting process. The Engineers Joint Contract Documents Committee (EJCDC), a joint venture of ASCE, the National Society of Professional Engineers, and the American Council of Engineering Companies, publishes documents related to engineering, construction, design/build, construction manager as advisor, construction manager at risk, and procurement. The use of the EJCDC documents reduces potential errors, redundancies, or conflicts in construction contracts. EJCDC updates its documents approximately every five years to reflect industry trends, court decisions, and changes in applicable laws and regulations. The EJCDC has developed contracts for scoping, preliminary design, final design, construction, and commissioning. Therefore, the EJCDC has contracts that are ready to expeditiously move projects through the process when utilized appropriately.

ASCE emphasizes that EJCDC construction contract forms that will effectively deliver projects under a variety of project delivery methods funded under the IIJA are available. Even more importantly, ASCE urges federal and state agencies to accept the current versions of the documents without exception. Additionally, it is necessary to ensure that smaller, rural, or disadvantaged communities are aware of these contract forms and have access to them.

Therefore, ASCE recommends that all federal agencies follow the U.S. Department of Agriculture's (USDA) Rural Utilities Service (RUS) model, which has preapproved certain standard EJCDC engineering and construction series documents for use in projects funded under the RUS Water and Waste Disposal program. By preapproving EJCDC documents, the USDA has eliminated the need for applicants to purchase the separate Funding Agency edition of the documents and therefore has streamlined the process and made these documents more accessible for rural or disadvantaged communities. Local agencies are also relieved of the burden of drafting and editing documents for later approval by federal and state agencies.

Furthermore, ASCE supports qualifications-based selection procedures outlined by the Brooks Architect-Engineers Act, the numerous similar state and local laws, and the American Bar Association's Model Procurement Code for State and Local Governments for engagement of engineering services. As the IIJA is implemented, ASCE strongly recommends that the application of the Brooks Act is upheld.

CONCLUSION

In closing, ASCE remains dedicated to ensuring the IIJA is implemented efficiently and effectively. The nation is on the precipice of a long-awaited infrastructure decade; however, if we fail to make smart investments, create unnecessary project delays, build to outdated standards, or fail to fill the nation's workforce gaps, we will not realize the full impact of the historic investments made by the bipartisan infrastructure law.

ASCE thanks the House Committee on Transportation and Infrastructure for holding this hearing. The nation's engineers stand ready to maintain, modernize, and build the infrastructure required for the next generation and are prepared to work with federal, state, and local officials to make sure these investments are spent wisely.

APPENDIX

QUESTIONS FROM HON. PETER A. DEFazio TO HON. PETE BUTTIGIEG, SECRETARY OF
TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION

Question 1. Mr. Secretary, the IIJA authorized programs like ARPA-I and SMART grants to ensure continued focus on technological innovation in our transportation sector. How does DOT intend to leverage these and other programs to advance transportation sector innovations and scale already-validated technologies to promote further economic growth, innovation, and competition?

ANSWER. The Strengthening Mobility and Revolutionizing Transportation (SMART) grant program is among many programs at the Department of Transportation (DOT) that will be used to demonstrate and scale technologies to address core transportation priorities. This program is structured to accelerate the impacts that emerging and proven technologies can have when integrated into transportation systems. In mid-September, DOT announced a NOFO for \$100 million under the SMART grant program to support an initial set of projects.

The Advanced Research Projects Agency–Infrastructure (ARPA-I) is authorized to be an advanced Research and Development (R&D) agency that will catalyze the development of innovative new technologies, systems, and capabilities designed to transform our nation’s physical infrastructure (including resilience to cyber threats) and to ensure American technological leadership. ARPA-I aims to build the future of transportation that is safe, secure, efficient, resilient, while reducing the lifecycle impacts of and greenhouse gas (GHG) emissions from transportation infrastructure and increasing equity and access for all. If appropriated, ARPA-I will focus primarily on the development of new and emerging technologies capable of commercialization and deployment at scale to solve persistent problems in transportation infrastructure. ARPA-I will foster highly innovative infrastructure R&D processes and contribute to transforming DOT’s future in driving and supporting key innovations in transportation to maintain U.S. leadership.

Question 2. Mr. Secretary, what role has the private sector played, and can continue to play, in the buildout of EV charging stations? Have you found interest among private businesses in hosting EV charging stations, are there impediments to their participation, and how can the Department help mitigate those obstacles as it begins distributing money under the NEVI grant program?

ANSWER. The private sector has a vital role in the development of EV charging infrastructure, and we now have a once-in-a-generation opportunity to join them in establishing a convenient, reliable, affordable, and equitable national EV charging network. DOT encourages states to develop programs with cost-share requirements or rebates to leverage private investment in EV charging and maximize the impact of National Electric Vehicle Infrastructure (NEVI) Formula Program funding. States were encouraged to involve relevant private sector and industry representatives throughout the development and deployment of their NEVI State EV Infrastructure Deployment Plans to allow for the identification of EV charging market opportunities and challenges, along with potential solutions to address them. As is discussed in the NEVI Formula program guidance, funds made available under the program may be used to contract with a private entity for acquisition, installation, and operation and maintenance of publicly accessible EV charging infrastructure (FHWA anticipates that this will be done in most cases), and the private entity may pay the non-federal share of the cost of a project.

Question 3. Mr. Secretary, one of the hallmarks of IIJA was making more transportation funding available directly to local governments and other entities beyond State DOTs.

Question 3.a. Can you comment on actions DOT has taken to support local governments as they attempt to navigate and succeed in accessing available funding?

ANSWER. The Department has both new and existing technical assistance programs that provide hands-on support for project sponsors as they seek to apply for federal funding. These include the new Thriving Communities Initiative, as well as the Reconnecting Communities Pilot Program (RCP), and the Rural Opportunities to Use Transportation for Economic Success (ROUTES) Initiative.

DOT's Thriving Communities Initiative launched this year and will help provide easier access to resources and best practices and help clarify federal grant requirements and processes. The RCP includes \$30 million for technical assistance, and through the Thriving Communities Initiative, DOT will use the funds to support communities interested in applying to the program in future years. The Department is committed to ensuring that all communities who may have an interest in applying for these programs have as much information as possible to help them prepare applications. We have been holding numerous program webinars; developing resources, FAQs, and fact sheets; training DOT division and regional staff; and expanding our outreach to as many potential applicants as possible. For instance, the RCP has held 11 webinars including focused sessions for Tribal communities, for the National Governors Association, for construction grants applicants, and for community health partners with over 11,000 attendees in total.

DOT is also making special efforts to reach rural and Tribal communities for whom resource and capacity constraints make it difficult to apply for discretionary grant programs. Closely coordinating with the Thriving Communities Initiative, the ROUTES initiative seeks to address disparities in rural and Tribal transportation infrastructure by developing user-friendly tools and information, aggregating DOT resources, and providing technical assistance to better connect rural project sponsors with the funding, financing, and outreach resources available. The ROUTES website provides a one-stop shop for information for rural applicants, and ROUTES will be releasing an update of its comprehensive Grant Applicant Toolkit in early 2023 to provide information on the new Bipartisan Infrastructure Law programs as well as DOT's continuing discretionary grant programs.

The Department also created the DOT Navigator, a new resource to help communities apply for grants, and to plan for and deliver transformative infrastructure projects and services. The DOT Navigator provides general information to help communities develop grant applications and understand frequently required documents. It provides a menu of technical assistance resources, including contacts for DOT regional and field offices, available to help new and repeat grantees.

Lastly, in August 2022, DOT awarded more than \$2.2 billion from the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) program to help urban and rural communities move forward on projects that modernize roads, bridges, transit, rail, ports, and intermodal transportation and make our transportation systems safer, more accessible, more affordable, and more sustainable.

Question 3.b. As you engage local governments, tracking best practices in outreach and technical assistance would be very instructive to Congress to inform the next surface transportation bill. Is that something you'd be willing to share with this Committee after you've gone through a few rounds of funding?

ANSWER. Yes. DOT is developing several metrics and methods to track the effectiveness and breadth of our outreach efforts. For example, we are mapping participation in our webinars by zip code. We are also including evaluation methods into the design of new programs like Thriving Communities and Reconnecting Communities. To help inform the Thriving Communities program, DOT published a Request for Information in the *Federal Register* that was open August 5th to August 26th. The comments we received are being used to help shape our programs and future technical assistance efforts.

QUESTIONS FROM HON. SAM GRAVES TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION

Question 1. Part of the PIPES Act of 2020 (PIPES Act) included authorization for additional personnel with expertise in pipeline safety, facilities, and systems, as the agency has struggled with staffing.¹ However, we were concerned to see the Pipeline and Hazardous Materials Safety Administration (PHMSA) indicate it will be hiring attorneys, environmental economists, and climate change and mitigation staff, rather than those with pipeline expertise, as directed by Congress.² What is the status

¹P.L. 116-260 (2020), Section 102.

²Twitter, PHMSA DOT, Mar. 26, 2021, https://twitter.com/PHMSA_DOT/status/1375479993304760320; See also: DOT, Budget Estimates Fiscal Year 2023 Pipeline and Hazardous Materials Safety Administration, (2023), https://www.transportation.gov/sites/dot.gov/files/2022-03/PHMSA_Budget_Estimates_FY23.pdf.

of hiring the personnel authorized by the PIPES Act? How many personnel have been hired or are in the process of being hired? Can you please detail the number of new attorneys hired, the number of environmental economists hired, the number of climate change and mitigation staff hired, and the number of staff with expertise in pipeline safety, facilities, and systems hired?

ANSWER. PHMSA successfully onboarded four full-time employees (two general engineers; an attorney advisor; and a technical writer) and an additional position (economist) is in the pre-onboarding background investigation process. All of these positions have been filled with candidates with pipeline safety or specific discipline expertise to support rulemaking efforts and fulfill congressional mandates. Another position was previously filled but the incumbent resigned for a position outside the federal government. Three positions (two general engineers/physical scientists and an operations research analyst) are in re-recruitment development status as the previously selected candidates declined offers. PHMSA is actively recruiting for the remaining positions, despite an increasingly competitive hiring environment. To this end, PHMSA continues to apply all hiring flexibilities and incentives to the recruitment and hiring process. To ensure continuity of the mission of PHMSA, the agency has re-allocated existing personnel resources where appropriate and practicable. Rulemaking entails a multidisciplinary approach and requires a hiring strategy to recruit employees with expertise in a variety of disciplines, including law and economics, to ensure the promulgation of comprehensive, clear, and concise rules that meet a myriad of statutory mandates such as cost-benefit analysis.

Question 2. As you know, the PIPES Act of 2020 requires PHMSA to hold a GPAC meeting on the class location rule no later than December 27, 2021.³ Recognizing that we are now in July 2022, can you please inform the committee about why PHMSA has not held a meeting yet and when they plan on doing so?

ANSWER. The PIPES Act of 2020 included an aggressive timeline for the agency to advance rulemakings (as well as other congressional directives), and PHMSA has completed several of these rulemakings with important safety impacts related to remote-control valves, gas gathering pipelines, and increased protections for unusually sensitive areas. At the same time, as mandated by the PIPES Act of 2020, PHMSA has initiated new rulemakings related to leak detection and gas distribution pipelines and continues work on the rest of the regulatory agenda, including changes to class location requirements.

PHMSA is in the process of a third-party assessment of our special permit process, which is often used by operators to address class location changes within their system. In order to optimize utilization of our advisory committee—to make efficient use of the agency's staff time as well as the advisory committee members' time, we believe it is best to have the assessment of these safety conditions complete and available for discussion. To this end, we anticipate holding a GPAC meeting on the class location rulemaking after the conclusion of our special permit process review, which includes a review of the safety conditions that are used in the special permit process and their effectiveness in providing safety. The results of this assessment will be used for determining the effectiveness of the special permit process and the usage of similar safety requirements for class location change rulemaking.

Question 3. Technology is offering great benefits to the transportation sector, including the transportation safety. Pipeline operators are harnessing ultrasound and MRI technology used in doctor's offices to better inspect their pipelines. Artificial intelligence and machine learning are helping sift through safety data and improve risk modeling. Do you support the greater application of advanced technologies and methodologies to pipeline safety?

ANSWER. Yes, in fact, PHMSA's Research and Development (R&D) program supports and encourages the development of new technologies and methodologies to further improve pipeline safety. PHMSA's R&D program continues to sponsor research on projects that can provide near-term solutions to improve safety, reduce environmental impacts, and enhance the reliability of the nation's pipeline transportation system. PHMSA's R&D program also supports and encourages testing and evaluation of these new technologies and methodologies to ensure that they are safe and effective.

Since 2002, PHMSA has invested nearly \$168 million dollars in 380 R&D projects, some of which have been commercialized, such as new technologies for methane leak detection. Since the program's inception, 34 patent applications and 35 new pipeline technologies have hit the market, including above-ground, radar-based pipeline mapping and a robotic nondestructive testing method for pipelines that cannot ac-

³P.L. 116–260 (2020), Section 115.

commodate traditional in-line inspection tools. A full list of previously funded pipeline safety research projects that have resulted in commercialized technologies can be found on PHMSA's R&D website.⁴

PHMSA's R&D program also takes a far-reaching view with its Competitive Academic Agreement Program (CAAP), which funds academic research to provide tomorrow's pipeline safety workforce with an early opportunity to contribute safety solutions. The CAAP program, launched in 2013, has worked greatly to expose the next generation of engineers to the pipeline industry while providing them the opportunity to develop and deliver cutting-edge research and technology solutions to solve today's pipeline safety challenges.

QUESTION FROM HON. STEVE COHEN TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION

Question 1. Secretary Buttigieg, because of a horrific underrides crash in my district that took the life of Michael Higginbotham, I have been working with Senator Gillibrand and Representative Mark DeSaulnier to strengthen safety measures to prevent such accidents in the future. I was proud that we got several provisions of our Stop Underrides Act signed into law in the IIJA, and I commend your Administration for recently announcing comprehensive actions to increase underride protection on truck trailers and prevent deadly crashes. These actions, such as establishing the Federal advisory committee on underride protection and publishing proposed rulemaking to consider requirements for side underride guards, will help to improve protection for both drivers and passengers.

As part of this announcement, NHTSA also proposed a final rule upgrading the strength of rear underride guards. Despite clear direction issued by Congress in the bill, the rule drops the requirement for the guard to prevent underride in "30%" overlap situations. I've been hearing from safety advocates that this proposed rule does not go far enough to improve safety and is inconsistent with the aspirations of the National Roadway Safety Strategy.

I am concerned it will substantially harm safety by setting a standard that reduces the existing market for stronger rear underride guards as proposed in the IIJA, despite NHTSA estimating the cost for these guards can be as low as \$100.

Mr. Secretary, do you share this concern and would you be supportive of any efforts to reconsider this final rule?

ANSWER. Safety is the Department of Transportation's (DOT) top priority, and the Department remains steadfast in implementing the Bipartisan Infrastructure Law (BIL) mandates. BIL mandated requiring rear impact guards that prevent passenger compartment intrusion (PCI) in a 30 percent overlap crash condition, if such a requirement meets the requirements of the National Traffic and Motor Vehicle Safety Act (Safety Act).

The Safety Act authorizes prescribing standards that are reasonable, practicable, meet motor vehicle safety needs, and takes into consideration whether the standard is reasonable, practicable, and appropriate for all vehicle and equipment types; and the extent to which the standard will reduce deaths and injuries associated with traffic crashes.

NHTSA issued the final rule on July 15, 2022, upgrading rear impact protection in crashes of passenger vehicles into the rear of trailers, in accordance with BIL, the Safety Act, and the best available science. The final rule requires rear impact guards on trailers and semitrailers with sufficient strength and energy absorption to protect occupants of passenger vehicles in 35 mph crashes in both full overlap and 50 percent overlap conditions. NHTSA carefully considered requiring rear impact guards to prevent PCI in 30 percent overlap crashes and concluded that such a requirement would not meet the requirements of the Safety Act.

In accordance with the research mandate in BIL, NHTSA is conducting additional research on the design and development of rear impact guards that can protect passenger vehicle occupants in crashes into the rear of trailers at crash speeds up to 65 mph. As part of this research, NHTSA will also evaluate potential rear impact guard designs that could improve protection in the less-frequent 30 percent low overlap crashes while enhancing protection in full and 50 percent overlap crashes at higher speeds. NHTSA will evaluate the results of this research and consider the recommendations from the Advisory Committee on Underride Protection to identify potential next steps.

⁴Technology Research & Development: Success Stories. PHMSA (dot.gov)

QUESTIONS FROM HON. ERIC A. “RICK” CRAWFORD TO HON. PETE BUTTIGIEG,
SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION

Question 1. Secretary Buttigieg, considering the rural nature of the North Country and New York’s 21st Congressional District, the need for reliable methods of transportation is critical.

Recently Congresswoman Elise Stefanik sent a letter to Amtrak’s CEO urging them to immediately resume operations on the Adirondack line between Albany and Montreal, which runs through her Congressional District. The Adirondack line has yet to resume service after ceasing operations due to the COVID-19 pandemic. The rail line is operating solely between New York City and Albany before turning around and leaving Upstate New York and the North Country without critical transportation.

Despite the delays on the Adirondack line, Amtrak’s Maple Leaf line resumed operations from New York City to Toronto and Ontario on June 27, 2022. The continued delays in service without explanations are concerning, especially considering Amtrak wants to expand its operations instead of fixing its existing lines.

Question 1.a. Why have agreements with our Canadian partners been regarding resumption of Amtrak’s Maple Leaf line and not the Adirondack line?

ANSWER. DOT strongly supports resuming transportation services that were halted due to the pandemic, including intercity passenger rail. Our Department is not a party to specific agreements between Amtrak and their host railroads, but always encourages parties to work toward resumption of services and the long-term expansion of passenger rail service across the U.S. through the historic investment opportunities in the Bipartisan Infrastructure Law.

Question 1.b. Is the Adirondack line fully staffed? Are the crews qualified and re-qualified to operate the rail lines?

ANSWER. Our Federal Railroad Administration is in regular communication with Amtrak. Amtrak has indicated that it is working to qualify crews for the eventual return of Adirondack service even as it faces crew constraints across its network.

Question 1.c. How has the sale of the rail infrastructure in and around Montreal between Canadian National (CN) and CDPQ Infra impacted the agreements between the United States and Canada?

ANSWER. FRA understands that Amtrak is working actively to restore Adirondack service in partnership with the state sponsor, host railroads, and others. FRA is unaware of any agreements with Canada that discuss or are affected by rail infrastructure sales.

Question 1.d. Please provide a timeline by which the Adirondack line will return to full operating capacity and an explanation of the ongoing delays.

ANSWER. Amtrak has told FRA that it hopes to restore Adirondack service as soon as possible, but operational complexities related to cross-border service make setting a firm target difficult.

QUESTIONS FROM HON. JOHN GARAMENDI TO HON. PETE BUTTIGIEG, SECRETARY OF
TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION

Question 1. Mr. Secretary, the 2021 Bipartisan Infrastructure Law included my legislation with Senators Stabenow (D-MI) and Baldwin (D-WI) finally creating a uniform, governmentwide “Buy American” standard for federally funded infrastructure projects, including transportation and public works projects built with federal grant funds or financing. Under the 2021 law, this new governmentwide “Buy American” standard and any waiver granted on a case-by-case basis is supposed to be coordinated by the newly authorized Made in America Office at the White House. Mr. Secretary, can you please speak to what your Department is doing to fully implement the new governmentwide “Buy American” standard under the Bipartisan Infrastructure Law?

ANSWER. One of the Administration’s top policy priorities is to support American workers and businesses by rebuilding our Nation’s manufacturing base. On January 25, 2021, President Biden issued Executive Order 14005, *Ensuring the Future is Made in All of America by All of America’s Workers*, which states that “the United States Government should, consistent with applicable law, use terms and conditions of federal financial assistance awards and Federal procurements to maximize the use of goods, products, and materials produced in, and services offered in, the United States.” As one of the leading federal agencies in providing financial assistance for infrastructure development projects and applying domestic content preference requirements (i.e., Buy America(n) requirements), the Department is committed to helping the President achieve this important goal.

In accordance with the requirements found in section 70913 of the Build America, Buy America Act (BABA), part of the historic Bipartisan Infrastructure Law (BIL), the Department developed a report entitled *DOT's Identification of Federal Financial Assistance Infrastructure Programs Subject to the Build America, Buy America Provisions of the Infrastructure Investment and Jobs Act*. The report provides a listing of the federal financial assistance programs for infrastructure administered by DOT; a discussion of the domestic content preference laws and requirements that apply to those programs; and identifies those programs that are currently not fully consistent with the requirements of section 70914 of the BABA.

Question 2. In particular, will you commit to revoke the Federal Highway Administration's 1983 nationwide waiver exempting all "manufactured products" from "Buy America" requirements (33 U.S. Code 313)? Congressional intent and federal law are now clear: all "manufactured projects" used to construct federally funded transportation projects should be made in America, not just iron, steel, and reformed cement products. However, that has not been the case for nearly 40 years due to this administrative "Buy America" waiver for federally funded highway projects. Again, Mr. Secretary, will you commit to review and modify this 1983 waiver to require that at least some "manufactured products" paid for with taxpayer funds for federal highway projects are required to be made in America as required by longstanding federal law and as reinforced by the 2021 Bipartisan Infrastructure Law?

ANSWER. As stated above, as one of the leading federal agencies in providing financial assistance for infrastructure development projects and applying domestic content preference requirements (i.e., Buy America(n) requirements), the Department is committed to helping the President achieve this important goal. The BABA, part of BIL, requires federal agencies to review existing general applicability waivers (such as the FHWA manufactured products waiver) at least every five years, including by publishing a notice in the *Federal Register* seeking comment on the waiver and, after reviewing the comments received, publishing a subsequent notice on their determination of whether to continue or discontinue the waiver. OMB's initial implementation guidance for the BABA requirements also directed that, should the review justify retaining the waiver, agencies should consider narrowing the waiver in a manner that would support supply chain resilience and boost incentives to manufacture key products domestically, as appropriate. DOT and FHWA will soon be initiating those reviews in line with the requirements of the BABA.

Question 3. The 2021 Bipartisan Infrastructure Law provides over \$110 billion to repair the nation's highways, bridges, and roads, including almost \$40 billion to repair and replace our aging bridges. FHWA, DOD, GAO and other federal agencies have long held that utilization of coatings and corrosion mitigation and prevention industry best practices extends the lifecycle of our nation's infrastructure while enhancing public safety, protecting the environment, and saving taxpayer money. Although the House-passed version of H.R.3684 contained language mandating that state departments of transportation only utilize contractors on federal bridge projects that are certified to be operating under a corrosion management system that utilizes industry best practices, that language was unfortunately not included in the final law. As such, many state and local entities receiving federal highway and transit funding may not have corrosion management systems in place that will allow them to meet the 2021 law's goals of reducing the number of bridges in America in poor condition. Will you commit that your Department will work closely with eligible entities to assist them with the establishment or improvement of state and local corrosion management systems that include industry-recognized standards and corrosion mitigation and prevention methods?

ANSWER. FHWA is committed to supporting States in addressing bridge corrosion through research and technical assistance to advance the state of practice in bridge preservation. Acting on recommendations made in the September 2021 Government Accountability Office (GAO) Report *Highway Bridges: Federal Highway Administration Could Better Assist States with Information on Corrosion Practices*, *GAO-21-104249*, FHWA plans to conduct two regional peer exchanges focused on corrosion mitigation before July 1, 2023: one for the midwest and northeast States, which have environments with arid conditions or that experience frequent freeze/thaw cycles and use de-icing chemicals on their highway bridges, and the other for the southeast States which have environments that experience freeze/thaw cycles and/or have highway bridges that are exposed to a saltwater environment. These peer exchanges will focus on States' practices and materials used that mitigate bridge corrosion. Based on these shared experiences and lessons learned, FHWA will also publish case studies or otherwise communicate the findings to help states to improve their bridge preservation programs.

Question 4. Mr. Secretary, Chairman DeFazio and I worked with a bipartisan group of Members to enact the National Timing Reliance and Security Act of 2018 (Section 514 of Public Law 115–282). This law addresses the complete lack of resiliency for position, navigation, and timing (PNT) services, which are critical to the American infrastructure sector and nearly every citizen. We developed this 2018 law after more than 15 years of studies and recommendations by the federal government and to codify the recommendations by the Obama Administration’s PNT Executive Committee—chaired by the then-Deputy Secretaries of Transportation and Defense: First, the deployment of a land-based “enhanced long-range navigation” (eLoran) timing system to address this issue immediately; and second, a broader approach to cover all PNT vulnerabilities. As such, I was displeased and somewhat surprised to see that the President’s Budget requests for FY2022 and FY2023 proposed the repeal of the National Timing Resilience and Security Act of 2018 (Section 514 of Public Law 115–282). When, where, and why did your Department decide against a land-based back-up GPS system, as recommended by the Obama PNT Executive Committee and required by Section 514 of Public Law 115–282?

ANSWER. In 2020, DOT conducted a demonstration of a number of PNT technologies ranging from Terrestrial RF, Low Earth Orbit, Fiber Optic, and Map Match capabilities. The technologies tested provided a level of positioning, navigation, and/or timing performance (as documented in the Complementary PNT and GPS Backup Technologies Demonstration Report, prepared in response to Sec. 1606 of the National Defense Authorization Act for FY18). However, no single solution can provide GPS back-up or complementary positioning, navigation and/or timing services that can meet the diversity of critical infrastructure requirements.

Also, it would be inefficient, anti-competitive, and potentially harmful to the existing market for back-up/complementary PNT services for the federal government to procure or otherwise fund a specific terrestrial solution for non-federal users, as described under the National Timing Resilience and Security Act of 2018 (NTRSA), which is the rationale for why the President’s Budget has never requested funding to implement NTRSA and why the Administration has proposed in the FY 2022 and FY 2023 President’s Budget to repeal this authorization.

Question 5. I understand that the U.S. Department of Transportation is working to develop guidance on and distribution mechanisms for community project funds awarded by Congress for fiscal year 2022. Community project funds were intended to be spent expediently, with strong transparency and oversight requirements. However, it is my understanding that the Federal Transit Administration has not yet issued formal guidance to community project funding recipients, including those in my Congressional district. Would you please describe where the Federal Transit Administration is in its community project funding process and how the agency will work diligently to expediently deliver these funds in a transparent manner? Does the Federal Transit Administration plan to deliver these funds through its existing formula mechanisms or is it considering a different process?

ANSWER. On April 6, 2022, FTA made the community project funds available within its electronic grant system, TrAMS, and published the list of projects on the FTA website: <https://www.transit.dot.gov/funding/apportionments/table-20-fy-2022-transit-infrastructure-grants-community-project>.

FTA issued Formal Guidance on this funding on April 28, 2022 as part of the *Federal Register* Notice of FTA Transit Program Changes, Authorized Funding Levels and Implementation of the Infrastructure Investment and Jobs Act; and FTA Fiscal Year 2022 Apportionments, Allocations, Program Information and Interim Guidance. See Chapter IV, Section R FY 2022 Transit Infrastructure Grants—Community Project Funding/ Congressionally Directed Spending at: <https://www.govinfo.gov/content/pkg/FR-2022-04-28/pdf/2022-09143.pdf>.

These funds are being administered consistent with FTA formula funds and/or projects selected competitively. The identified recipient applies for the project in FTA’s electronic grant making system, TrAMS, working with the applicable FTA Regional Office.

QUESTION FROM HON. RODNEY DAVIS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION

Question 1. Public-private partnerships can help stretch the Federal dollar further. One provision I’ve been monitoring from the IIJA is Section 71001, Asset Concessions, which provides technical assistance and other resources to state and local transportation agencies that are interested in engaging the private sector in public private partnership, asset concessions, and other innovative financing. Can you update me on the status of this new program?

ANSWER. DOT's Build America Bureau is finalizing a Notice of Funding Opportunity for this program, which we expect to announce to the public by the end of this calendar year. This program will break new ground by facilitating access to expert services and grants to help eligible applicants evaluate public-private partnerships and other innovative financing.

QUESTIONS FROM HON. HENRY C. "HANK" JOHNSON, JR. TO HON. PETE BUTTIGIEG,
SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION

Capital Investment Grants (C-I-G) program and Transit:

Question 1. For decades, communities of color and low-income communities have been ill-served by our transportation system—they face a higher burden of pollution and fewer affordable, safe transportation options. One means to address this is to build more high-quality transit lines, such as the Atlanta-area transit agency MARTA's proposal for the Southlake Bus Rapid Transit project, which will serve an area made up of 93 percent minority individuals. The Southlake BRT project is in the pipeline for the federal Capital Investment Grants (C-I-G) program. The Federal Transit Administration is currently developing new guidance for the C-I-G program, which will significantly influence which projects qualify and receive funding in the future.

Mr. Secretary, how will your department ensure this new guidance, and the C-I-G program generally, will support equity and deliver real results for underserved communities?

ANSWER. The Capital Investment Grant (CIG) Program project evaluation criteria in existence today already incorporate equity considerations, and FTA is currently examining ways the program can be improved to further advance equity and improve projects delivered for underserved communities. The existing mobility criterion gives double credit to trips forecast to be made on the proposed project by transit dependent persons (those who are either in the lowest income category or do not own cars, however that is defined locally). The existing land use criterion includes an examination of population, employment, and affordable housing that exists today in the proposed project corridor, while the Economic Development criterion examines the plans and policies in place locally to maintain and increase affordable housing. Additionally, FTA published a Request for Information in the *Federal Register* in 2021 that sought public input on ways equity considerations could be further incorporated in the CIG project evaluation process. FTA is reviewing the extensive comments received and plans to propose revised CIG guidance for public comment in 2023.

NDAA Amendment:

Question 2. Mr. Secretary, the House recently passed an amendment to the NDAA that I authored, which relates to the Disadvantaged Business Enterprise program applicable to highway, transit, and safety programs. The amendment eliminates the gross receipts cap in effect for DBEs working on surface transportation projects. This amendment ensures that the definition of a DBE is consistent across DOT programs, as it brings surface transportation in line with how the FAA defines a DBE and ensures that DOT follows SBA definitions for a small business.

Question 2.a. Do you support the elimination of the gross receipts cap for surface transportation programs?

ANSWER. Yes. The amendment removes the average annual gross receipts limit authorized in the Bipartisan Infrastructure Law (BIL) in favor of the Small Business Administration's (SBA) government-wide small business size standards under the North American Industry Classification System.

Question 2.b. What additional steps is your Department taking to promote maximum participation by DBEs in DOT programs?

ANSWER. The DBE program is designed to help give small, disadvantaged businesses a fair opportunity to compete for DOT-funded contracts by addressing ongoing and continuing effects of past discrimination in highway, transit, and airport contracting projects as well as airport concession contracts that are not DOT-funded. This continues to be a top priority for the Department and the Administration.

DOT funding recipients and transit vehicle manufacturers are required to set narrowly tailored goals for DBE participation based on their contracting needs and relative availability of DBEs as compared to all firms in their local markets. DOT works with the relevant operating administrations to assist recipients in meeting regulatory requirements to ensure DBEs have a fair opportunity to compete by providing technical assistance and sharing best practices. DOT also provides technical assistance to applicant and certified firms, continually looking for methods to streamline the certification process. The Operating Administrations develop ways to

ensure compliance while eliminating ineffective practices by creating monitoring and oversight tools to assist recipients in removing barriers to participation while meeting regulatory requirements. The Department provides frequent training to funding recipients, and the operating administrations conduct complaint investigations and perform reviews when technical assistance is insufficient in remedying noncompliance. Additional efforts are described here:

1. The DBE Supportive Services (DBE/SS) Program is created by statute and applies to Federal Highway Administration (FHWA) recipients only. DBE/SS supports the DBE program by helping states train DBEs, improve their business practices, overcome barriers to success, and assist the firms to become viable, self-sufficient, and capable of competing for, and performing in, DOT-assisted highway projects. DBE/SS funds are distributed among states that request funding through Statements of Work that meet regulatory requirements. The funds are distributed using an administrative formula based on States' shares of overall Federal-aid highway funding. While state DOTs are not required to have a DBE/SS program, DOTs accepting DBE/SS funds are required to include a business development element as part of their DBE program. Business Development Programs (BDPs) evaluate firms individually and provide a structured process for the DBEs to receive firm-specific training and guidance to be competitive within the heavy highway marketplace. The DBE/SS program is authorized at \$10 million per year for FY 2022 through FY 2026. DBE/SS funds are eligible for a 100 percent federal share, with no matching funds from the State required.
2. Recent Notices of Funding Opportunity (NOFOs) for discretionary grant programs have noted that equity considerations, including utilization of DBEs, should be integrated into the planning, development, and implementation of transportation investments.
3. In Spring 2022, the Department conducted several webinars for our recipients on how to properly implement the DBE rule's provisions. This is in addition to operating administration specific trainings like the FAA's National Civil Rights Training Conference for Airports, FHWA's AASHTO Civil Rights Conference, and FTA's National Transit Institute DBE course.
4. The Department published a Notice of Proposed Rulemaking on July 21, 2022, that proposes numerous amendments to the program rules. Our proposals are intended to modernize and improve the DBE and Airport Concession DBE programs. DOT's DBE program staff conducted seven public outreach sessions to describe the major categories of changes being proposed and encourage public comment.
5. The FAA Office of Civil Rights (ACR) operates a program management system, FAA Connect, to track and ensure compliance with the Department's DBE regulations for airport and airport concession contracts under the FAA's ambit. ACR is currently working to add reporting and notification functionality to the FAA Connect toolset. In September, ACR executed an intra-agency agreement with DOT for further development to FAA Connect to allow a greater degree of interfacing by other DOT OAs with the system.
6. Office of Small Disadvantaged Business Utilization (OSDBU) promotes DBE participation by supporting state and local government entities through its Small Business Transportation Resource Centers (SBTRCs). SBTRCs provide an array of technical assistance to build the capacity of Small and Disadvantaged Businesses, making the businesses more competitive when bidding on DOT procurement opportunities and federally funded contracts. Services include the following:
 - Business Analyses
 - Market Research and Procurement Assistance
 - General Management & Technical Assistance
 - Business Counseling & Coaching
 - Regional Planning Committees
 - Liaison between Prime Contractors and Sub-Contractors
 - Outreach/Conference Participation
 - Capital Access and Bond Education and Surety Bond Assistance
 - Women & Girls in Transportation Initiative (WITI)

Connected Vehicle Technologies:

Question 3. Mr. Secretary—One NHTSA study estimates V2X, or vehicle-to-everything, technology can prevent up to 80% of all crashes involving non-impaired drivers. This could save thousands of lives and prevent or mitigate millions of crashes every year. In March last year you testified the spectrum is a very important priority for transportation communications and public safety. Since that time the FCC

issued a ruling on spectrum and The National Transportation Safety Board issued safety recommendations to the FCC, to protect against harmful interference, and to the Department of Transportation to implement a plan for nationwide deployment of V2X technology.

We know from recent history with the FAA and 5G that interference can be a concern. We would not want to see similar interagency dynamics transpire again and prevent V2X from being fully deployed and leveraged. How is the DOT working with the FCC protect the 5.9ghz V2X safety spectrum from the potential for harmful interference?

ANSWER. The Department remains committed to deploying V2X technology as it offers a transformative way—using real-time data—to assess safety threats and hazards as they emerge on the roadway, including threats to vulnerable road users, and to enable warnings and other safety protections. The Federal Communications Commission (FCC) removed a portion of spectrum, leaving DOT with 30 MHz, and changed the communication technology that would be allowed for V2X uses. We are beginning work with our stakeholders to prioritize a focused set of V2X safety applications to use in this smaller band and with the new cellular-based technology; and DOT is finalizing analysis to help the FCC understand the parameters from other devices (including 5G) to minimize interference—in particular, in-vehicle interference with the basic safety message. Further, our technical experts are looking at whether there are other ways in unlicensed bands to achieve V2X benefits outside of the 30 MHz—however, these alternative bands are more likely to face interference than the applications in the dedicated 30 MHz spectrum band. DOT remains in communication with the National Telecommunications and Information Administration (NTIA) and FCC at the technical staff level.

Question 4. I know that your priorities at the Department of Transportation include implementing the Infrastructure and Investment Jobs Act, reducing deaths on our roadways, and ensuring the US stays competitive and on the cutting edge in all forms of transportation technology but especially those that can save lives—like V2X.

What is the Department of Transportation doing to advance and deploy this life saving technology as it works toward its goal of zero deaths on our roadways?

ANSWER. The Department remains engaged and energized towards deploying V2X applications in the 30 MHz spectrum allocation under the FCC Report and Order. On August 24–25, 2022, the Department hosted over 600 participants at a public event, “Vehicle-to-Everything (V2X) Communications Summit: Preparing for V2X Deployment”, held at DOT Headquarters. Representatives from the NTIA, FCC, National Transportation Safety Board (NTSB), Original Equipment Manufacturers (OEMs), Infrastructure Owners-Operators (IOOs), ITS America, Alliance for Automotive Innovation, American Association of State Highway and Transportation Officials, academia, and State and local governments attended, and both provided and heard updates on V2X testing and deployment from Department leadership, multi-modal technical teams, and leading-edge V2X deployers. The Department highlighted V2X deployment opportunities made available by grants funded through BIL, including the Advanced Transportation Technologies and Innovative Mobility Deployment (ATTIMD) (also known as Advanced Transportation Technology and Innovation (ATTAIN) Program), Strengthening Mobility and Revolutionizing Transportation (SMART), and Safe Streets and Roads for All (SSA4) programs.

Attendees also took part in “breakout” discussions (live and virtually), focusing on the path forward with the 30 MHz of spectrum in the 5.9GHz band along with approaches to leverage other available and emerging communications options to enable V2X deployments. A key takeaway from some stakeholders was the desire for DOT—in consultation with, among others, OEMs, IOOs, tech companies and ITS America—to develop a vision for interoperable and cybersecure connected deployment nationwide by continuing to work in an open and collaborative manner with the FCC and NTIA.

Aviation:

Question 5. Atlanta Hartsfield just received a \$40 million grant to modernize their terminal under the IIJA’s Airport Terminal Program.

Question 5.a. Secretary Buttigieg how will this project, and other IIJA terminal expansion projects, will benefit passengers in the future?

ANSWER. The Atlanta Hartsfield project will widen Concourse D to increase capacity and accessibility by enlarging hold rooms, increasing the central corridor width for passenger flow and movement, and ensuring the restrooms meet current ADA compliance standards. These improvements will enhance mobility for individuals with disabilities and cart mobility for those needing transportation within the concourse.

Many projects selected for FY 2022 Airport Terminal Program funding provide similar improvements to terminals and upgrades to jet bridges, baggage claim systems, and roadways leading to the terminal.

Question 5.b. Airport Terminal Program also includes projects that “improve access for historically disadvantaged populations”. Has the FAA awarded or plans to award any grants under this specific criteria? And what some of these projects may look like?

ANSWER. The FAA considered projects that improve airport access for historically disadvantaged populations when making project selections for the FY 2022 Airport Terminal Program (ATP). The FY 2022 ATP projects announced by the Secretary on July 7, 2022, include 58 projects (\$958 million) that indicated they would improve access for historically disadvantaged populations. Examples include:

- Spokane International Airport (GEG)—The Concourse C project of the Terminal Renovation and Expansion Program (TRES). The GEG market serves 41 historically disadvantaged population census tracts. Increasing terminal capacity enhances mobility/accessibility for farmers & migrant workers, Kalispel and Spokane Tribal members, and Alaskan natives living/working in the region. The project includes concession areas for Disadvantaged Business Enterprises (DBE), Woman Disadvantaged Business Enterprises (WDBE), and Veteran-owned and small start-up businesses.
- Eppley Airfield (OMA)—Improve Terminal Building/Modify Access Road, Phase 3 project. Constructs a new terminal drop-off area, increasing capacity by 65 percent with seven lanes and a full canopy. The project includes improved curb areas for ADA compliance and public transportation. OMA is located in a historically disadvantaged area (HDA). The airport’s engagement with the local transit authority on an expanded 7-day/week bus route is directly linked to HDAs. The project provides workforce accessibility and enhances multi-modal options (including public buses) for passengers and vehicles.
- Denver International Airport (DEN)—Replace baggage handling system curbside conveyors and controls. Replacement is for original equipment installed in 1994 that is past its useful life. This project will help DEN achieve its goal of increasing passenger volume from 69 million annual passengers (MAP) to 100 MAP in the next 10 years. DEN commits to expanding prime contractor opportunities for minority businesses in Underserved Communities to create generational wealth with these procurements following the Administration’s Executive Order 13985 (Advancing Racial Equity) and its Justice 40 provision.

Stronger Communities Through Better Transit Act:

Question 6. Mr. Secretary, Transit in our communities is as essential as food on our tables, clothes on our backs and a roof over our heads. That’s why last year I introduced the Stronger Communities Through Better Transit Act that I authored, which would provide \$20 billion annually for four years (\$80B total) to transit systems for their operating budgets. The bill aims to provide more frequent service on bus and rail lines, and to prioritize that service to places with existing poor service, disadvantaged communities and areas of persistent poverty.

Mr. Secretary, how will your department ensure that public transit is able to receive the operating support it needs?

ANSWER. The Bipartisan Infrastructure Law (BIL) substantially increased funding for public transportation, authorizing \$108 billion between FY 2022 through FY 2026—the most significant federal investment in transit in the nation’s history. These funds include substantial increases to formula and competitive programs that can be used to deliver more frequent service on bus and rail lines and improve service provision for disadvantaged communities and in areas of persistent poverty.

QUESTIONS FROM HON. DAVID ROUZER TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION

Question 1. Has the Department of Transportation provided any comment or analysis to the Environmental Protection Agency, Army Corps of Engineers, Office of Management and Budget, or any other executive branch agency related to the Biden Administration’s announced or ongoing actions related to changing the definition of Waters of the United States under the Water Pollution Control Act from that promulgated under the 2020 Navigable Waters Protection Rule? If so, what form has this taken?

ANSWER. The Department of Transportation (DOT) is an active participant in the interagency regulatory review process on any rulemaking developed by another federal agency that could have an impact on our programs and policies.

Question 2. Has the Department of Transportation conducted any analysis or review of how the Biden Administration's announced or ongoing actions related to changing the definition of Waters of the United States under the Water Pollution Control Act from that promulgated under the 2020 Navigable Waters Protection Rule will affect infrastructure projects conducted or funded by the Department? If so, what form has this taken?

ANSWER. As mentioned in the previous answer, DOT is an active participant in the interagency regulatory review process on any rulemaking developed by another federal agency that could have an impact on our programs and policies.

QUESTIONS FROM HON. DINA TITUS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION

Question 1. Secretary Buttigieg, I know your office has a tremendous lift in getting award notices and notices for funding opportunities out in the required timeframes. While many are eager and grateful for the opportunity to apply for additional funds, the time lapse between award announcements could mean applicants feel pressure to use precious time and resources to apply for alternative funding opportunities as they await news on pending applications.

Question 1.a. Are there any steps the Administration can take to move more quickly in reviewing applications and awarding grants?

ANSWER. The large increase in funding made available under the Bipartisan Infrastructure Law (BIL) as well as the creation of many new programs has inspired more communities to seek federal discretionary grant funding than ever before. Despite the unprecedented challenge, we are fully committed to ensuring thousands of grant applications receive full and fair consideration in a timely manner. We are making progress expanding the teams responsible for grant review and have made efforts to coordinate our reviews on several major grant programs.

Question 1.b. Does the Administration have any plans to allow applicants to "bundle" applications as you did with the Multimodal Funding Discretionary Grant which covers the INFRA, MEGA, and RURAL programs?

ANSWER. The Department is very conscious of applicant burden when establishing new programs and must constantly balance streamlining with requesting sufficient information to address a wide variety of statutory requirements. As the Department reviews the first year of the Multimodal Discretionary Grant program, we will make every effort to consider how the combined solicitation model could be improved upon in future years.

Question 2. Secretary Buttigieg, as you may be aware, my district contains portions of Las Vegas, which has been identified as one of the fastest warming cities in the country. Our region has ranked at or near the top of the list of cities with heat island impacts over the last two decades, with Las Vegas experiencing summer temperatures that are an astonishing 24 degrees warmer than the rural areas surrounding the valley. Extreme conditions can cause buses to break down more often—but at the same time, transit operators are limited on the number of spare buses they can keep in their fleet to comply with the FTA's spare ratio policy.

Accordingly, have you given consideration to increasing the spare ratio for transit operators, particularly those in regions with extreme weather? This would enable operators to quickly deploy vehicles in response to breakdowns, helping maintain service for riders.

ANSWER. FTA's spare ratio policy ensures that buses procured with federal funds are used for their intended purpose—to provide public transportation services for American communities—and ensures transit agencies provide appropriate maintenance for their fleets. For operators of 50 or more buses in fixed-route service, FTA permits agencies to procure spare buses up to 20 percent of the number of vehicles operated in maximum fixed-route service. For example, if a transit agency operates 100 fixed-route vehicles during peak service, FTA permits it to have 20 additional vehicles as spares. In addition to these spares, FTA permits transit agencies to retain vehicles past their useful life as part of a contingency fleet for emergencies or unforeseen events, such as extreme weather events, or for the introduction of zero-emission buses. These contingency vehicles are not included in the spare ratio. Combined, the spare ratio and contingency fleet policy ensure that substantial federal investments in buses result in assets staying in productive service while recognizing the operational needs of transit agencies in times of emergency.

Question 3. Secretary Buttigieg, you recognize the importance of infrastructure projects for the growth of our communities and the role transit plays in addressing the climate crisis, doubly so for a fast-growing State like Nevada. A great example

is the RTC of Southern Nevada's Maryland Parkway Bus Rapid Transit project which will enhance mobility along a key corridor for our region.

Given the current economic climate, can you speak to how DOT is helping transit agencies deal with inflation and keep critical projects like converting to zero-emission fleets on track?

ANSWER. BIL substantially increased funding for public transportation, authorizing \$108 billion between FY 2022 through FY 2026—the most significant federal investment in transit in the nation's history. On August 16, 2022, FTA announced \$1.66 billion in grants to transit agencies, territories, and states across the country to invest in 150 bus fleets and facility projects. Funded by BIL, more than 1,100 of those vehicles will use zero-emissions technology, which reduces air pollution and helps meet the President's goal of net-zero emissions by 2050. This year's funding alone will nearly double the number of no-emission transit buses on America's roadways.

FTA's Low or No Emission (Low-No) Grant Program makes funding available to help transit agencies buy or lease U.S.-built low- or no-emission vehicles, including related equipment or facilities. The BIL provides \$5.5 billion over five years for the Low-No Program—more than six times greater than the previous five years of funding. For FY 2022, approximately \$1.17 billion was available for grants under this program.

For the first time, five percent of low- and no-emission bus funding will also be used to train transit workers on how to maintain and operate new clean bus technology. To support transit agencies as they develop workforce fleet transition plans, FTA's first workforce technical assistance center—the Transit Workforce Center (TWC)—created and posted on their website targeted resources to help transit agencies develop these important plans. The TWC is also providing direct workforce development technical assistance upon request to select transit agencies. The TWC has released a recruiting toolkit that transit agencies can tailor for their specific workforce needs. These actions will help recruit, retain, and train the transit workforce needed today and tomorrow to safely maintain and operate new clean bus technologies.

Funding for zero-emission vehicles is also available in FTA's other formula and competitive programs. For example, FTA's grants for Buses and Bus Facilities Program supports transit agencies in buying and rehabilitating buses and vans and building bus maintenance facilities. The BIL provides nearly \$2 billion over five years for the program. For FY 2022, approximately \$550 million for grants was available under this program.

FTA has been engaging a variety of stakeholders, including transit agencies and the private sector, to better understand the challenges they face and how FTA can best support the transit industry as it navigates both the opportunities and challenges of this moment.

QUESTIONS FROM HON. TIM BURCHETT TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION

Question 1. The short line freight rail industry is made up of about 600 small business railroads. It's estimated that nearly \$12 billion of investment is needed to ensure the industry can meet the needs of the economy.

Six weeks ago, 24 short lines were awarded CRISI grants to improve rail safety and make the network more efficient. Federal Railroad Administrator Bose testified before this committee on the importance of CRISI for short lines.

Can you discuss your commitment to use the CRISI program to improve supply chain efficiency and invest in key safety goals, like allowing short line freight rail to upgrade and make important repairs?

ANSWER. Short line railroads are a vital element in our freight supply chain and conduit for essential transportation throughout the country. Improving their efficiency helps reduce costs and ensure Americans have dependable access to goods and services. DOT is fully committed to advancing rail infrastructure improvements through CRISI and other federal grant programs.

Thanks to the Bipartisan Infrastructure Law (BIL), on September 2, 2022, the Federal Railroad Administration (FRA) issued a new Notice of Funding Opportunity for the FY 2022 CRISI program, for over \$1.4 billion. This is the largest amount of funding ever made possible through this program. The CRISI program advances projects that modernize America's freight and passenger rail infrastructure, allowing people and goods to move more safely and efficiently and helping make goods more affordable for American families. The transformational funding will enable short line railroads to make key investments to repair and upgrade infrastructure to ensure they can continue to serve customers and increase capacity.

Question 2. The Department of Transportation is moving forward with a new rule that could require railroads to hire more personnel or operate with more people on a train than is necessary.

Question 2.a. Businesses across America are struggling to find hard workers—why would the agency consider forcing the rail industry to hire folks they don’t need?

ANSWER. As noted in the Notice of Proposed Rulemaking (NPRM) published on July 28, 2022, titled “Train Crew Size Safety Requirements,” FRA proposed this rule to ensure that trains are adequately staffed for their intended operation and have appropriate safeguards in place for safe train operations, whenever using a crew of fewer than two persons. On October 27, 2022, FRA published notice that the public comment period for the NPRM had been extended until December 21, 2022, and that a public hearing on the NPRM will be held on December 14, 2022. The in-person hearing will be held in Washington, DC, and an option for virtual participation will be provided. FRA encourages all stakeholders to submit their views and comments on the proposals outlined in the NPRM during the public comment period.

Question 2.b. Doesn’t it make more sense to let small business railroads invest in their infrastructure—which allows for a safer and more efficient rail network—instead of being forced to put more people on the payroll?

ANSWER. FRA proposed this rule to ensure that trains are adequately staffed for their intended operation and have appropriate safeguards in place for safe train operations, whenever using a crew of fewer than two persons. FRA encourages all stakeholders to submit their views and comments on the proposals outlined in the NPRM during the public comment period.

Question 2.c. Freight customers have serious complaints about freight rail service. If railroads can’t meet your unnecessary requirements, isn’t it possible that even fewer trains will run, further reducing service and increasing supply chain delays?

ANSWER. As noted above, FRA’s proposed rule is designed to ensure that trains are adequately staffed for their intended service. FRA welcomes comments from all stakeholders on the proposals included in the NPRM, including any potential unanticipated impacts of the proposed rule.

Question 3. I previously asked you about third-party verification of roadside safety hardware test results.

The Infrastructure Investment and Jobs Act included provisions to reduce conflicts of interest in crash testing and encourage 3rd party verification.

What has the US Department of Transportation done to implement these provisions?

ANSWER. Section 11517 of BIL states “To the maximum extent practicable, the Secretary shall develop a process for third party verification of full-scale crash testing results from crash test labs, including a method for formally verifying the testing outcomes and providing for an independent pass/fail determination. In establishing such a process, the Secretary shall seek to ensure the independence of crash test labs by ensuring that those labs have a clear separation between device development and testing in cases in which lab employees test devices that were developed within the parent organization of the employee.” The manner in which the Federal Highway Administration (FHWA) addresses the “clear separation” requirement will be influenced by the approach used in developing a third-party verification process.

After a GAO Report was issued on this subject, FHWA began contacting accreditation bodies, crash-test laboratories, and industry to research organizations capable of conducting third-party verification of testing. FHWA and the American Association of State Highway and Transportation Officials (AASHTO) worked to identify a strategy and organization qualified to conduct a third-party verification to move to the implementation phase. FHWA and AASHTO also coordinated with crash test laboratories and the American Traffic Safety Services Association, which represents the roadside hardware industry, to gain further insights in developing a third-party process. Detailed discussions took place with two different prominent international organizations. First, FHWA contacted the American Society of Testing and Materials (ASTM) as a possible organization to do the third-party verification. FHWA held several meetings and a workshop with ASTM, AASHTO, and State DOTs. However, ASTM withdrew from the negotiations after concluding that third-party verification did not fit well within its business model. Based on recommendations, FHWA then held discussions with Underwriters Laboratories (UL). After these discussions in 2019, UL also ended negotiations after concluding third-party verification did not fit with its business model either.

With respect to a clear separation between device development and testing in cases where lab employees test devices that were developed within their parent organization, FHWA has a regulation (23 CFR 637.209(a)(5)) that requires labora-

tories conducting crash testing to be accredited by a recognized accreditation body. The laboratories are accredited in accordance with International Organization for Standardization (ISO) 17025, which requires conflict of interest checks prior to certification. FHWA will continue to find ways to ensure that there is a clearer separation of device development and crash testing as we work through options regarding third-party verification. We understand that organizations may be more likely to be involved in a third-party verification process if the Manual for Assessing Safety Hardware (MASH) were written as a performance specification. AASHTO is in the process of converting MASH into a set of performance specifications. This effort will take approximately three years to complete.

QUESTION FROM HON. JARED HUFFMAN TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION

Question 1. The IIJA included \$800 million per year for culvert removal, replacement, and restoration to address fish passage. The money flows through DOT in coordination with NMFS. It is my understanding that FHWA has taken the lead within DOT. Could you please give us a status update of where this funding has gone to date and if you plan on tailoring the spending beyond block grants to states?

ANSWER. The Bipartisan Infrastructure Law (BIL) establishes the National Culvert Removal, Replacement, and Restoration Grant program to provide funding, through a competitive grant program, for projects that would meaningfully improve or restore passage for anadromous fish. The BIL provides \$1 billion in advance appropriations (\$200 million annually) for the program for FY 2022 through FY 2026.

This program is a Departmental priority, and we are working expeditiously to implement it. Since June 2022, the Department has been consulting with both National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) to advance the program and take advantage of their experiences in similar programs. We also have been reaching out to and listening to Tribal and underserved communities to understand and integrate their important insights and needs. A Notice of Funding Opportunity was released for this competitive grant program in October 2022 and an external webinar on “How to Apply for National Culvert Removal, Replacement, and Restoration Grants: General Overview” was delivered later in the month. The Department anticipates making awards to eligible entities (a state, unit of local government, or Indian Tribe) to execute specific projects for replacement, removal, and repair of culverts or weirs that improve or restore passage for anadromous fish.

QUESTIONS FROM HON. BRIAN J. MAST TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION

Question 1. How does the Department establish, prioritize, and track cybersecurity requirements for operational technology such as freight and passenger rail, and commercial aviation?

ANSWER. The Federal Aviation Administration’s (FAA) National Airspace System (NAS) is designated as critical infrastructure and, as such, the systems that provide critical services to the aviation ecosystem function in an operational technology (OT) capacity. The Air Traffic Organization (ATO) utilizes a robust cybersecurity program to assess, analyze, prioritize and track cybersecurity requirements for system, services and assets. The FAA examines the agency’s complete OT environment and works closely with stakeholders to understand the unique industry and internal workflow challenges. It makes best-in-class enterprise recommendations to protect ATC infrastructure.

The FAA tailors the National Institute of Standards and Technology (NIST) Cybersecurity Framework (CSF) guidance to Identify, Protect, Detect, Respond and Recover from vulnerabilities discovered in all OT assets, commensurate to the categorization and criticality of each system, services and data. Findings are then analyzed and measured, accounting for the exploitability, probability, impact, and compensations each control may have. Once the analysis is completed, the FAA performs an enterprise risk-based approach to prioritize and track the cybersecurity requirements that pose the highest risk and impact to aviation.

FRA regulations developed in 2011 require cyber security for positive train control (PTC) communications. These regulations were developed in 2011 in consultation with TSA and other Government agencies and require cryptographic message integrity and authentication, consistent with the National Institute of Standards (NIST) approved algorithms. FRA also requires, as part of new technology development, testing and approval associated for locomotive electronics and signaling and train control (including PTC) systems, a risk and hazard assessment that is to take into account cyber security risks.

FRA also works closely with TSA regarding rail cybersecurity. On December 2, 2021, TSA issued Security Directive 1580–21–01: “Enhancing Rail Cybersecurity” and 1582–21–01: “Enhancing Public Transportation and Passenger Railroad Cybersecurity”. These directives apply to the seven (7) Class I freight railroads, rail hazardous materials shippers and any railroad that hosts Class I railroads and freight operations of rail hazardous materials and Amtrak and most passenger rail operators in major metropolitan areas (approximately 12). The directive went into effect December 31, 2021. The Security Directive requires the owner/operator of an applicable railroad or railroad carrier to:

- Designate a Cybersecurity Coordinator who is required to be available to TSA and CISA 24/7 to coordinate cyber practices and address any incidents;
- Report cybersecurity incidents to CISA no later than 24 hours after a cybersecurity incident is identified;
- Develop and adopt a Cybersecurity Incident Response Plan; and
- Conduct a cybersecurity vulnerability assessment using a form provided by TSA.

On October 18, 2022, TSA issued a revision and update to several security directives that specifically address cyber security. This is the culmination of a consultation process with industry. FRA provided technical and subject matter expertise throughout the process. Core to these updates is TSA’s commitment to strong cybersecurity measures while providing flexibility in the implementation of security measures to achieve required security outcomes.

In summary, the updated Directives expand the owner/operators subject to the Directives to include all railroads that support the Strategic Rail Corridor Network (STRACNET), the civil rail lines most important to national defense, provide policies and controls for railroad Information Technology (IT) and Operational Technology (OT) systems, and require railroad owners/operators to:

- Develop and implement a Cybersecurity Implementation Plan;
- Establish a Cybersecurity Assessment Program and submit an annual plan to TSA; and
- Maintain an up-to-date Cybersecurity Incident Response Plan.

Specific to the plans, processes, assessments, and mitigations for both IT systems and OT systems, FRA provided support primarily relating to OT systems, including Positive Train Control, locomotive control systems and other systems.

Overall, the security directive updates have been issued due to the ongoing cybersecurity threat to surface transportation systems and associated infrastructure to protect against the significant harm to the national and economic security of the United States that could result from the “degradation, destruction, or malfunction of systems that control this infrastructure.”

Question 2. How will the Department ensure cyber security funds authorized in the Infrastructure and Jobs Act are accessible to organizations responsible for critical infrastructure? How will existing cybersecurity regulations at agencies like the TSA be prioritized?

ANSWER. DOT has developed an approach for including cybersecurity requirements and guidance for discretionary and formula grants, respectively, that is supported by the National Security Council (NSC), and the Department of Homeland Security’s (DHS) Transportation Security Agency (TSA) and Cybersecurity and Infrastructure Security Agency (CISA). This includes language in discretionary grant agreements requiring the consideration of cybersecurity subject to DOT and DHS approval, shown below.

“It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against both physical and cyber threats. Each applicant selected for Federal funding under this notice must demonstrate, prior to the signing of the grant agreement, effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the project. Projects that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and project oversight, as determined by the Department and the Department of Homeland Security, will be required to do so before receiving funds for construction, consistent with Presidential Policy Directive 21—Critical Infrastructure Security and Resilience and the National Security Presidential Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems.”

The approach also includes the use of TSA’s previously developed requirements and guidance, required for discretionary grants, and issued as guidance for formula grants, shown below.

Post-award, discretionary grantees are to take the following actions for programs and projects with medium and high cybersecurity risks, based on existing assessments, guidance, and requirements from TSA.

We are developing communications for formula grantees urging them to take the following actions for programs and projects with medium and high cybersecurity risks, based on existing assessments, guidance, and requirements from TSA.

Some of these projects may be subject to additional requirements and guidelines based on TSA's existing directives and guidance. These usually cover a particular DOT Operating Administration (OA), or a set of operators known to the OA and TSA. For example, high risk freight rail operators vs. low risk freight rail operators.

1. Designate a cybersecurity Point of Contact (POC)
2. Prepare a cybersecurity incident reporting plan
3. Prepare a cybersecurity incident response plan
4. Perform a self-assessment of current cybersecurity posture and capabilities

Question 3. Given the ever-increasing interconnected nature of our modern freight, rail, and aviation platforms, how will the Department leverage funding in the Infrastructure and Jobs Act to ensure the protection of critical safety data on-board platforms and sensors?

ANSWER. While cybersecurity funding for FAA is not specifically included in the Bipartisan Infrastructure Law (BIL), cybersecurity is a priority for the agency. The FAA focuses on the development of cybersecurity risk management programs, information security standards and best practices consistent with the federal standards and guidance.

The above support to TSA and FRA review of risk/hazard assessments as part of the TSA directive and FRA required safety analyses and plans is how FRA is approaching the increasing level of threats and risks, given locomotive cab and system integration trends.

Question 4. What cybersecurity criteria does the Department consider essential for solution providers under the block grant program established under Sec. 11109?

ANSWER. Section 11109 of BIL amended 23 U.S.C. 133(b) to add eligibility under the Surface Transportation Block Grant Program (STBG) for "Measures to protect a transportation facility otherwise eligible for assistance under [the Surface Transportation Block Grant Program] from cybersecurity threats." FHWA issued guidance on the STBG Program, which notes this new eligibility.

Question 5. How will the Department leverage the cyber tool development and resiliency work of other Departments and agencies as it works to develop its own tools as required by Sec. 11510?

ANSWER. As required by section 11510(b)(2)(C) of BIL, FHWA will coordinate with the Transportation Security Administration (TSA) and the Cybersecurity and Infrastructure Security Agency (CISA) in developing a tool to assist transportation authorities in identifying, detecting, protecting against, responding to, and recovering from cyber incidents. This coordination will provide an opportunity for FHWA to leverage the work of our co-sector specific agencies (TSA and CISA) in the development of this tool.

QUESTION FROM HON. FREDERICA S. WILSON TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION

Question 1. PortMiami is planning for the nation's first end-to-end Net Zero Carbon Emissions Resilient Supply Chain (Net Zero Program). This Net Zero Program presents a regional approach to resolving the nation's supply chain and climate challenges while achieving critical objectives of the Infrastructure Investment and Jobs Act (IIJA). I ask you to close and carefully review PortMiami's Mega and INFRA grant applications.

ANSWER. The Department was pleased to award a \$16 million RAISE grant for the PortMiami Net Zero Program, to help expand intermodal rail capacity and optimize port gate operations. Related project components included in applications for other grant programs will receive full and fair consideration.

QUESTIONS FROM HON. MARK DESAULNIER TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION

Question 1. The Bay Area is home to the highest concentration of megacommuters in the country, and four of the country's 10 worst megacommuters. Yet residents still are not drawn to use the local transit system, Bay Area Rapid Transit (BART), whose ridership has not returned to pre-pandemic levels. As you know, transit rider-

ship numbers in the United States have always lagged behind our international counterparts and are not rebounding after the worst of the pandemic.

Question 1.a. Coming out of the COVID pandemic, how do we get Americans to use transit like residents of Tokyo, Seoul, Paris, and Montreal where more than 50% of commutes are done on transit?

ANSWER. While changes in commute trips and other activities are affecting transit travel, there is continuing evidence of growing transit ridership in many communities during 2022. Frequent, reliable, convenient, and safe service contribute to restoring ridership, and the Bipartisan Infrastructure Law's (BIL) funding, safety provisions, and pilot programs will support the type of transit service that will help facilitate a continued return to transit.

Question 1.b. What can we do to restore the public's faith in transit, including through measures like proper oversight of federal funds and improved safety?

ANSWER. The BIL authorizes up to \$108 billion for public transportation—the largest federal investment in public transportation in the nation's history. The legislation will advance public transportation in America's communities through four key priorities: safety, modernization, climate, and equity.

Public transit is a safe form of transportation. Transit worker and rider safety is a top priority for the Administration and the Department of Transportation. Transit workers should expect a safe workplace and riders should expect a safe trip. FTA will continue to work with the transit agencies to identify ways to improve the safety and efficiency of the nation's Transit Systems. Safety is FTA's number one priority, and FTA is working across the nation to improve the safety of both transit riders and transit personnel by a focus on reducing assaults and other safety incidents on transit.

To help ensure the continued safety of our nation's public transit systems, in 2021, FTA launched the Enhanced Transit Safety and Crime Prevention Initiative to provide information and resources to help transit agencies address and prevent crime on their systems and protect transit workers and riders. These resources also can be used for overtime pay for enhanced security personnel presence and mental health and crisis intervention specialists. FTA also funds training for operators and instructional staff, including courses on "Assault Awareness and Prevention" and "Violence in the Transit Workplace—Prevention, Response and Recovery". These courses provide transit bus operators with prevention strategies necessary to reduce the likelihood of assault incidents and knowledge and skills to prevent, respond to, and recover from workplace violence.

Additionally, BIL provisions will enhance safety by strengthening rail inspection practices, protecting transit workers and riders from assault and injury, improving safety training, and instituting measures to reduce vehicular and pedestrian crashes involving buses. Additionally, Urbanized Area Formula recipients will certify that agency safety plans are consistent with Centers for Disease Control and Prevention and state health authority guidelines to minimize exposure to infectious disease. FTA is taking actions to communicate and implement these requirements.

FTA works closely with all of its grantees to ensure the proper use of funds through regular technical assistance, oversight, and a comprehensive Triennial Review process. FTA is also conducting advanced reviews of COVID-19 supplemental funding grant awards to identify where strengthened documentation or procedures are needed. Proper oversight coupled with improved safety will continue to inspire confidence in transit.

Question 2. In communities where the fossil fuel industry has a significant presence and they are a major economic driver, the shift away from fossil fuels could be catastrophic to the workforce and the tax base if we do not prepare for it. However, research has shown that fossil fuel communities would be prime locations for alternative fuel production such as solar or wind energy. Given the undeniable connection between the transportation sector and the use of fossil fuels, how are you coordinating across the various federal agencies to promote these new forms of energy generation while continuing to set up fossil fuel communities to prosper? I'm aware of and supportive of the Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization—how is that group taking action, and what other efforts is the Department undertaking?

ANSWER. DOT is actively participating in the Interagency Working Group's (IWG) place-based forums with fossil fuel communities around the nation, helping them to identify prospective DOT grants that may fit their situations. One such community where a major coal power plant is closing (Lincoln County in Wyoming) recently won a \$1,790,000 RAISE grant to upgrade its freight rail system, provide EV charging stations, and improve rural public transit.

Question 3. How can we make sure that investments we are making in alternative fuel infrastructure, like electric vehicle charging stations, are placed to maximize efficiency of the system in coordination with the private sector, including taking into consideration the reduction of traditional pollutants and greenhouse gas emissions?

ANSWER. The electric vehicle (EV) charging provisions in BIL will help tackle the climate crisis and put us on a path to a nationwide network of 500,000 EV chargers by 2030 that ensures a convenient, reliable, affordable, and equitable charging experience for all users. DOT encourages States to develop programs with cost-share requirements or rebates to leverage private investment in EV charging and maximize the impact of the National Electric Vehicle Infrastructure (NEVI) Formula Program funding. States were encouraged to involve relevant private sector and industry representatives throughout the development and deployment of their NEVI State EV Infrastructure Deployment Plans to allow for the identification of EV charging market opportunities and challenges, along with potential solutions to address them. As is discussed in the NEVI Formula Program guidance, funds made available under the program may be used to contract with a private entity for acquisition, installation, and operation and maintenance of publicly accessible EV charging infrastructure (FHWA anticipates that this will be done in most cases) and the private entity may pay the non-federal share of the cost of a project funded.

The NEVI Program will support the Justice40 Initiative, which establishes a goal that at least 40 percent of the overall benefits of federal investments in climate and clean energy infrastructure are distributed to disadvantaged communities. Consistent with the Justice40 Interim Guidance, DOT and the Department of Energy (DOE) developed a joint interim definition of disadvantaged communities for the NEVI Formula Program. The joint interim definition uses publicly available data sets that capture vulnerable populations, health, transportation access and burden, energy burden, fossil dependence, resilience, and environmental and climate hazards.

QUESTIONS FROM HON. SALUD O. CARBAJAL TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION

Question 1. Recently, the U.S. Census Bureau changed the methodology for defining an urban area. As a result, more than 1,300 small cities, towns, and villages designated as urban will now be considered rural—despite not having a significant population change. This includes portions of my district in San Luis Obispo County, where they have seen increased population over the past decade. The San Luis Obispo Council of Governments (SLOCOG) estimates that the County will lose two of three small urbanized areas, which receive about \$3.5 million every year in federal transit dollars to help its residents connect with services and jobs. What resources are available for communities that are expected to go through this transition? How is the Federal Transportation Administration (FTA) working with communities, like San Luis Obispo, to ensure there isn't a loss in transportation services available to these communities?

ANSWER. FTA expects the U.S. Census Bureau to provide updated urbanized area boundaries in late 2022, which will be used to inform FY 2024 apportionments. After the Census Bureau identifies the new boundaries, FTA will provide technical assistance to all areas with a change in population significant enough to affect their designation within the rural or urban formula programs that may impact their funding levels or the mechanism by which they receive federal funding.

A small urban area that believes it will shift from small urban to rural should begin to have discussions with the state department of transportation to determine how funds will be provided to them beginning in FY 2024 as rural transit funding is administered through the States and territories. FY 2023 and prior year funds that remain unobligated or undisbursed may continue to be used by agencies under their prior designation, which can support their transition.

QUESTIONS FROM HON. SHARICE DAVIDS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION

Question 1. Thank you, Mr. Chairman, and thank you to Secretary Buttigieg for taking the time to join us today. It's always a pleasure to hear from a fellow self-proclaimed infrastructure nerd.

I'd also like to sincerely thank you for taking the time to visit the Kansas Third District earlier this year to participate in a roundtable with local stakeholders, as well as participating in an adventurous electric bus tour of US-69, before taking me up on my invitation to enjoy some of Kansas City's best BBQ at Slap's. I WOULD ask you if my tour was as satisfying as the BBQ, but I think I know the answer so I won't ask!

My question revolves around the sort of outreach we experienced at that roundtable, actually. I have released four reports so far highlighting the infrastructure needs our district faces: highways, bridges, water, and safety.

In each of those reports, I demonstrate how laws like the American Rescue Plan and the IIJA will direct needed resources to address these issues, at home, in Kansas. I also point out specific projects that involve roads, bridges, and systems people use every day—and how IIJA will help improve them. One of the most interesting reactions to these reports is from some of my constituents who didn't realize how bad the need was or what a state of disrepair our bridges were in.

Secretary, as you continue implementation of the IIJA and make sure that this money is being dispensed judiciously, it's important people also know how and why these projects are occurring.

Question 1.a. Can you comment on USDOT's role in making sure folks not only know projects are being brought to them by the bipartisan infrastructure law, but that they know precisely how that money is being utilized to make their day-to-day experience with infrastructure better?

ANSWER. The Bipartisan Infrastructure Law (BIL) provides generational investments in our nation's infrastructure. The Department is committed to keeping the public involved and up to date on how these historic investments will improve day-to-day life for the travelling public. FHWA has published a customer friendly, public facing "One-stop shop" BIL implementation website that houses useful information for stakeholders—including guidance, fact sheets, and webinars—with a special emphasis on impacts to safety, equity, sustainability, and the workforce. The Department also established the DOT Navigator website to help local communities plan for and deliver transformative infrastructure projects and services. The Department is working diligently to release additional BIL funding opportunities and information to keep the public apprised of our progress and will continue to do so.

Additionally, the Administration created the website www.build.gov. The website provides information for state, local, tribal, and territorial leaders to help them with IIJA implementation. Further, it is a roadmap that shows funding available under the law, as well as an explanatory document that provides program-by-program information.

Question 1.b. How do you see the role of state DOTs and MPOs in fully implementing IIJA in the long term? Can you speak a little to the relationship US DOT needs to have with those local organizations to make this all work?

Thanks again for your time today. I am excited to continue working with you on a transportation and infrastructure bill that moves our country forward!

ANSWER. State DOTs and MPOs are essential partners in the successful and full implementation of BIL. While states and MPOs are eligible for both discretionary and formula funding, their roles in guiding local decision making is crucial to providing optimal transportation infrastructure as efficiently as possible. The Department must have a strong, trusting relationship with these local organizations since they are the front line in working with communities across the nation on the necessary planning, implementation and oversight required for BIL to be successful.

BIL creates more opportunities for local governments and other non-traditional entities to access funding. The Department is committed to supporting these entities in delivering transformative infrastructure projects and services through training and technical assistance programs tailored to the unique needs of local communities. FHWA provides training and technical assistance for local and rural road agencies through the Local Technical Assistance Program (LTAP) and for Tribal communities through the Tribal Technical Assistance Program (TTAP). DOT also continues to fund technical assistance resources that directly support State DOTs and MPOs through our FHWA Resource Center, the Build America Center, and the Every Day Counts initiative, to name just a few. Additionally, the Department's Rural Opportunities to Use Transportation for Economic Success (ROUTES) Program addresses disparities in rural transportation infrastructure by developing user-friendly tools and information to connect these communities to DOT funding and technical assistance resources. The new Thriving Communities Program is specifically designed to provide tailored technical assistance to local communities to assist them in developing and delivering infrastructure projects, including pre-application support. The Department also recently launched the DOT Navigator website to make it easier for local entities and all our stakeholders including state DOTs and MPOs to access the help they need in both competing for funding opportunities and project delivery.

QUESTIONS FROM HON. NIKEMA WILLIAMS TO HON. PETE BUTTIGIEG, SECRETARY OF
TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION

Question 1. Some of the Department of Transportation's federal programs are intended for transportation alternatives—such as transit or bike and pedestrian pathways—but their funds can be transferred to other federal highway programs that support road and bridge projects.

Secretary Buttigieg, how can the Department of Transportation encourage or incentivize state and local governments to make investments and prioritize projects that mitigate congestion and encourage a shift to more climate-friendly transportation modes?

ANSWER. In order to meet our Departmental goals and support the Administration's priorities, our transportation system needs options for reliable, affordable, and accessible public transportation and active transportation options that are safe for all users. The Department is working with state, local, and Tribal governments through program guidance and technical assistance to support a safe, equitable, and sustainable transportation system that works for all users.

Question 2. Secretary Buttigieg, the recently launched Reconnecting Communities Pilot Program is a program that is near and dear to me. The 1956 Federal Aid Highway Act built highways through the middle of cities, at times to intentionally displace Black families. This left economic devastation that still exists. Two examples of these disenfranchising projects are in Georgia's Fifth District: the Sweet Auburn and Summerhill communities were both divided by the construction of the Downtown Connector and I-20. There is a direct line between the decision on where to build the highway and today's racial wealth gap. The Reconnecting Communities Pilot Program is a long overdue matter of racial justice. Secretary Buttigieg, how does the Department of Transportation plan to highlight this new program and what ways will the Department work to assist and educate local and state governments with applying?

ANSWER. DOT has undertaken an extensive array of activities to assist and educate eligible applicants, including local and state governments, applying to the Reconnecting Communities Pilot (RCP) Program. Early on, we established the Reconnecting Communities Pilot Program's digital presence with a tri-lingual webpage www.transportation.gov/reconnecting available in Spanish and Mandarin, and used press, webinars, social media, and email listservs across DOT and at sister federal agencies to generate awareness of the program. There are now over 11,000 subscribers to the Reconnecting Communities listserv, which provides updates on additional guidance, FAQs, and webinars. DOT has hosted a number of informational and training bilingual webinars with over 11,000 attendees, covering topics determined by expressions of interest from the public. Public webinars were designed deliberately to facilitate two-way communication and transparency by allowing open chat and informal poll questions for insight into applicant challenges and technical assistance needs. A dedicated email account, staff contact phone number, and DOT regional and field staff provide individualized support for prospective applicants.

Under Reconnecting Communities' technical assistance, DOT can use up to \$30 million over five years for technical assistance. DOT will be using to stand up a learning institute that will include support for prospective program applicants and program grantees and serve as a two-way channel to provide information back to DOT senior officials on challenges encountered by state and local governments in implementation of the program.

QUESTIONS FROM HON. TROY A. CARTER TO HON. PETE BUTTIGIEG, SECRETARY OF
TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION

Question 1. Mr. Secretary, can you provide additional details on what actions US DOT has taken to incorporate the goals of the Justice40 initiative into ILJA program implementation?

ANSWER. Justice40 is an opportunity to address gaps in transportation infrastructure and public services by working toward the goal that many of our grants, programs, and initiatives allocate at least 40 percent of the overall benefits from federal investments to disadvantaged communities. It is not a one-time investment, but a series of changes that will be implemented across the Department. Through Justice40, DOT will work to increase affordable transportation options that connect Americans to good-paying jobs, fight climate change, and improve access to resources and quality of life in communities in every state and territory in the country. The initiative allows DOT to identify and prioritize projects that benefit rural, suburban, Tribal, and urban communities facing barriers to affordable, equitable, reliable, and safe transportation. DOT will also assess the negative impacts of trans-

portation projects and systems on disadvantaged communities and will consider if local community leaders have been consulted in a meaningful way during the project's development.

DOT has designated 39 covered programs, representing \$204 billion in DOT funding, as Justice40 covered programs and is currently developing corresponding benefit metrics for each.

Question 2. Mr. Secretary, does the Department have the capacity to provide technical assistance to small municipalities that desperately need infrastructure improvements but may not have the capacity to put together the application to compete for grants? If not, what sorts of legislation would be appropriate to provide you with those resources?

ANSWER. Through the new Thriving Communities program, funded in the Consolidated Appropriations Act, 2022, DOT can now help disadvantaged and underserved communities with certain grant pre-application needs. Though still under development, we are designing the program specifically to include assistance with application development and to undertake some of the required studies and analysis necessary to receive transportation construction grants. It is especially challenging for small, rural and Tribal communities to conduct financial, environmental, and transportation analytics typically required by Congress as a condition of funding. Therefore, the authorization and consistent funding as requested in the President's FY 23 budget request for the Thriving Communities program would enable DOT to reach many more communities to provide this type of support and technical assistance. Furthermore, as the program launches in early 2023 it is being coordinated with other federal place-based technical assistance programs to maximize impact especially for smaller under-resourced communities. This includes improved collaboration between federal field and regional staff to support communities in identifying and preparing to apply for Federal funding as part of a Thriving Communities network.

In our outreach to small and disadvantaged communities in urban, suburban, rural, and Tribal areas, we hear repeatedly the challenges these communities face in meeting federal match requirements, developing federal grant applications, and in completing multiple applications for the same project that may be eligible for more than one discretionary grant program. Specifically, these small and disadvantaged communities often cannot find adequate funding to meet the statutory match requirements for discretionary grant programs, which typically require 10–20 percent match. Because of this significant financial challenge, they may be unable to apply for DOT discretionary grants, despite having a legitimate transportation need.

Considering these challenges, DOT has developed resources to help communities navigate non-federal match requirements and the grant process. However, given the myriad of statutory inconsistencies across programs, communities still find it difficult to navigate the local match requirement while also ensuring that the specific program to which they are applying allows their type of matching funds. Furthermore, despite the Department's efforts to try and consolidate programs, where possible, into a single Notice of Funding Opportunity (NOFO) (as with the Multimodal Projects Discretionary Grant program), the distinctions between programs still make this a challenge.

Question 3. Mr. Secretary, as you know, the Infrastructure Investment and Jobs Act includes a competitive grant program to reconnect communities. These highways often plunged through Black communities and communities of color. In fact, several neighborhoods in Louisiana's Second Congressional District, including New Orleans' Tremé neighborhood are included in that number and would directly benefit from this grant. The historic Tremé neighborhood, which was dramatically bisected by I-10 in the 1960's was once a thriving predominantly Black business corridor. What are you and the Department doing to engage communities, especially minority and historically disadvantaged communities that were disconnected by highways, to ensure that their desires and input are at the forefront of righting this wrong and reconnecting these communities?

ANSWER. This is top of mind for DOT. DOT's implementation of the Reconnecting Communities Pilot (RCP) Program includes several provisions to ensure that historically disadvantaged communities have a leading role in shaping projects that would be carried out in their communities, as specified in the NOFO: "The primary goal of the RCP Program is to reconnect communities harmed by transportation infrastructure, through community-supported planning activities and capital construction projects that are championed by those communities". DOT will evaluate all applications with RCP Program's four merit criteria, each of which ensure that the desire and input of disadvantaged communities are placed at the forefront.

- With Merit Criterion #1: Equity, Environmental Justice, and Community Engagement—DOT will rate applications for the existence of harmful policies, existing disparities, environmental burdens, needs of the surrounding community, with special consideration for those most affected by the highway or other transportation facility, meaningful engagement of hard-to-access community members, and robust mitigation planning for any adverse impacts.
- With Merit Criterion #2: Mobility and Community Connectivity—DOT will rate applications on demonstration of existing barriers to access, mobility, and economic development, and whether the proposal connects community members, including those with disabilities, to daily destinations through affordable transportation options.
- With Merit Criterion #3: Community-based Stewardship, Management, and Partnerships, DOT will evaluate whether the applicant takes a community-centered approach that meaningfully redresses inequities and benefits economically disadvantaged communities, with partnerships with entities with ties to communities adjacent to the highway or other transportation facility, and use of a community advisory group or board.
- Finally, with Merit Criterion #4: Equitable Development and Shared Prosperity—DOT will rate applications on demonstration of comprehensive community vision planning that redresses inequities and barriers to opportunity through community restoration and anti-displacement strategies, creative place-making celebrating local history, local inclusive economic development and entrepreneurship of disadvantaged businesses, and the adoption of local hiring preferences.

Furthermore, in 2023, we will be using up to \$30 million in technical assistance funds provided through the Reconnecting Communities Pilot Program to stand up a learning institute that will include engagement with disadvantaged communities over the next five years to enhance their capacity to plan and deliver solutions that reconnect communities. This institute will also serve as a two-way channel to provide information back to DOT senior officials on what challenges are being encountered by communities.

Question 4. Mr. Secretary, one of the most exciting projects in my district and the state of Louisiana is the high speed rail that would connect Baton Rouge and New Orleans. Do you have an update on when this project will be completed or how the project is going?

ANSWER. The Department is excited by the potential of the Bipartisan Infrastructure Law's (BIL) historic investment to help advance passenger rail projects. The state of Louisiana's leadership should be commended on their dedication to support and engage in projects of this nature.

In April 2022, FRA, along with Amtrak and various state of Louisiana officials, participated in Canadian Pacific's (CP) inspection trip of KCS' line between Baton Rouge and New Orleans. Recently, DOT announced FY 2022 RAISE program award selections. DOT selected the City of Gonzales, LA's application, which was submitted in partnership with the City of Baton Rouge, LA, for a \$20 million award for the 'Downtown Baton Rouge and Gonzales Train Stations Project'. Additionally, an FRA CRISI grant to the Southern Rail Commission will fund the National Environmental Policy Act (NEPA) environmental review for the corridor and stations.

Question 5. Resilience of our transportation assets to worsening climate change is a clear priority in the IIJA. And we now have both competitive and formula PROTECT programs to invest in resiliency-enhancing projects. What is your Department doing to assess the costs and consequences of climate change for our transportation system? And will you be issuing guidance and providing technical assistance to state agencies as they develop plans and programs for climate resilience including as part of their PROTECT program investments?

ANSWER. The new Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) program, established by BIL, provides formula and discretionary grant funding for resilience improvements. In July 2022, FHWA announced new guidance and \$7.3 billion in Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) formula funding to help states and communities better prepare for and respond to extreme weather events like wildfires, flooding, and extreme heat. The new PROTECT formula program funding is available to states over five years to make transportation infrastructure more resilient to future weather events and other natural disasters by focusing on resilience planning, making resilience improvements to existing transportation assets and evacuation routes, and addressing at-risk highway infrastructure. PROTECT builds on other DOT actions to address the climate crisis that

support the Biden Administration's whole-of-government approach to reducing greenhouse gas pollution by 2030.

The Department is working with states and cities to ensure they understand the risks of climate change and are planning for future climate impacts and the long-term resilience of their communities. For example, we have helped our state and local partners explore the best ways to conduct vulnerability assessments. In particular, the Federal Highway Administration (FHWA) has developed and refined an adaptation framework to help agencies identify vulnerabilities and solutions. The framework provides information on a range of applications, from small qualitative studies to complex, quantitatively driven analyses, and from the State or regional systems level analysis down to corridor- or project-specific analyses. In addition, FHWA has developed and continues to refine a range of procedures, tools, and guidance documents to help transportation agencies address climate change when designing roads, bridges, culverts, and drainage infrastructure. These resources include:

- *Highways in the River Environment: Floodplains, Extreme Events, Risk, and Resilience* (Hydraulic Engineering Circular No. 17, 2nd Edition). This guidance document presents detailed technical guidance and methods for assessing the vulnerability of transportation infrastructure to extreme flood events in riverine environments. It includes information about downscaling climate data for use in hydraulic engineering.
- *Highways in the Coastal Environment* (Hydraulic Engineering Circular No. 25, 3rd Edition). This document presents tools for the planning, design, and operation of highways in the coastal environment, focusing on roads near the coast that are influenced by coastal tides and waves constantly, or occasionally during storms. A primary goal is the integration of coastal engineering principles and practices in the planning and design of these roads and bridges to make them more resilient.
- *Nature-Based Solutions for Coastal Highway Resilience: An Implementation Guide*. This document summarizes the current literature on the benefits and costs of nature-based solutions. From there it follows the steps in the transportation project delivery process, providing information on planning, site assessment, design, permitting, construction, monitoring, maintenance, and adaptive management of nature-based solutions in the transportation context.