

**PUTTING THE BIPARTISAN INFRASTRUCTURE LAW
TO WORK: THE STATE AND LOCAL PERSPECTIVES**

HEARING

BEFORE THE

**COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE**

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

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SEPTEMBER 21, 2022
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Printed for the use of the Committee on Environment and Public Works



Available via the World Wide Web: <http://www.govinfo.gov>

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U.S. GOVERNMENT PUBLISHING OFFICE

51-564 PDF

WASHINGTON : 2023

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ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

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PUTTING THE BIPARTISAN INFRASTRUCTURE LAW TO WORK: THE STATE AND LOCAL PERSPECTIVES

WEDNESDAY, SEPTEMBER 21, 2022

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

U.S. Senate Committee on Environment and Public Works Wash-
ington, DC.

The committee, met, pursuant to notice, at 10:02 a.m. in room 406, Dirksen Senate Office Building, Hon. Thomas R. Carper (chairman of the committee) presiding. Present: Senators Carper, Capito, Cardin, Whitehouse, Kelly, Padilla, Cramer, Sullivan, Ernst.

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

Senator CARPER. Could I ask everyone to go ahead and take your seats? This is a spirited group that is gathered here this morning. We welcome all of you.

Today, as you know, we are here to discuss the implementation of maybe the most historic piece of legislation that Senator Capito and our colleagues here on this committee have ever worked on, and that is the implementation of the Infrastructure Investment and Jobs Act. We call it the Bipartisan Infrastructure Law. Specifically, we will look at the implementation. We want to look at the implementation through the eyes of our State and local partners, who are gathered here today.

As I think you all know, our committee played a pivotal role in the development of the Bipartisan Infrastructure Law last year. Two pieces of legislation that we unanimously reported out of this committee, the Surface Transportation Reauthorization Act and the Drinking Water and Wastewater Infrastructure Act, became the foundation on which this Bipartisan Infrastructure Law was built. We are very proud of that.

The Bipartisan Infrastructure Law was a once-in-a-generation investment in our Nation's infrastructure. The law provides more than \$350 billion, my staff first wrote this, my statement, and they wrote \$350 million. I said, no, I think that is a "b," for billion, for our Nation's highway programs. It increased formula funding to the States by 34 percent and significantly increased funding for competitive grant programs for States and for local governments.

In the 10-months since President Biden signed the Bipartisan Infrastructure Law into law, the U.S. Department of Transportation has been hard at work standing up new programs and administering the historic amount of highway funding that Congress has provided through this measure.

In March of this year, this committee held its first hearing on the implementation of the Bipartisan Infrastructure Law. During that hearing, we heard from our Secretary of Transportation, Pete Buttigieg, about the Department's work to promptly get formula funding out to the States. This is critical, as you know, so that the States, our States, can get to work on projects that will improve their highways, bridges, and multimodal infrastructure.

As a recovering Governor, I also know that the hard work of carrying out our highway programs is not just a Federal responsibility. State and local agencies play critical roles in prioritizing and ultimately choosing the projects that are funded by your respective States, depending on your own unique needs and challenges. As recipients of Federal highway funding, States are on the front lines of constructing and maintaining our national network of highways and bridges and improving safety and equity for all highway roadway users.

To that end, I have been pleased to see the U.S. Department of Transportation continue to roll out new programs and provide funding guidance to help States and local governments navigate our new infrastructure law. This includes guidance for the Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation, there has got to be a good acronym there, and it is PROTECT, formula funding, which the committee created in the Bipartisan Infrastructure Law under the historic \$18 billion climate title.

The Department of Transportation released guidance for this program back in July. It provides nearly \$7.3 billion over 5 years to make highway infrastructure more resilient to the effects of climate change.

The PROTECT program will be a game changer for States like mine, Delaware, which is the lowest-lying State, as my colleagues have heard me say repeatedly, lowest-lying State in the Country. Our State has highways like Route 1 which goes almost the length of our State from up north to all the way down to Maryland that are very much at increased risk of being washed over by storm or by a flood. Thanks to the Bipartisan Infrastructure Law, States like ours, Delaware, now have formula funding specifically dedicated to protecting our vulnerable coastal infrastructure.

In addition to the critical role that States play, it is also important to recognize the counties, cities, and towns that also have unique transportation challenges, but also unique transportation opportunities. That is why we also enhanced the role of local governments in delivering federally funded projects to your communities in the Bipartisan Infrastructure Law. For example, we improved the ability of smaller communities to receive Transportation Alternative funding for bicycle and pedestrian projects.

The law also makes State and local governments eligible recipients of several new discretionary grant programs, including the Reconnecting Communities Program and the Rural Surface Transpor-

tation Grant Program. These programs will help State and local governments meet the needs of their communities, whether they happen to be urban, or they happen to be rural, or somewhere in between, in order to better improve resiliency, improve equity, and safety. These were some of the top priorities we heard from stakeholders when developing this legislation.

Given the large funding increase and the number of new surface transportation programs that were created, I believe that we need to hear the perspectives of those on the ground, you, those who have gathered here today. Doing so allows us to know what is working well and what might need some further attention.

Our hearing today will allow us to hear from State and local leaders. It is an opportunity to ask how they are doing and what they are doing with the funding provided by the Bipartisan Infrastructure Law.

Senator Capito and I meet almost on a weekly basis and talk about issues before us, priorities before us, and I appreciate very much her suggestion that we have this hearing. I fully agree that it is timely and appropriate.

We are privileged to have a distinguished panel of State and local leaders with us this day. Joining us are Nicole Majeski, the Secretary of the Delaware Department of Transportation. I was saying to Nicole that sitting right out here last week was a fellow who used to hold your chair, Shailen Bhatt, who has been nominated, as you know, to be U.S. Highway Administrator. I thought he did a nice job. We will see if we can't move his nomination along.

We are also joined by Mayor Regina Romero from the city of Tucson, Arizona, Senator Kelly asked and encouraged us to invite you, so we are happy that you could join us. Jimmy Wriston, the Secretary of the West Virginia Department of Transportation. This is a home game. He and I were talking about our roots, mine in Beckley and his not far from there. And Jim Tymon, the Executive Director of the American Association of State Highway and Transportation Officials, affectionately known as AASHTO.

Each of these witnesses will be able to provide a unique and diverse perspective, including perspectives from a coastal State, a rural mountain State, a city in the desert southwest, and an organization representing State departments of transportation across the Country.

I want to thank our staffs for helping to pull together what I think is just an excellent panel. I am particularly pleased to be able to welcome Nicole Majeski, who leads the Delaware Department of Transportation. I welcome Secretary Majeski and all of our witnesses here today, each and every one. We are delighted to see you, and we look forward to hearing from each of you.

Before we do, though, we are going to hear from our Ranking Member and my colleague and partner in this, Senator Capito, for her remarks. Senator Capito?

**OPENING STATEMENT OF HON. SHELLEY MOORE CAPITO,
U.S. SENATOR FROM THE STATE OF WEST VIRGINIA**

Senator CAPITO. Yes, thank you, Chairman Carper. I want to thank all of our witnesses for being here today.

I am going to issue a statement. I am going to make my statement, and then I have to run to another committee really quickly, so I am not running out on you. I will run back. I wanted to combine my statements to an opening statement and also an especially warm welcome to Secretary Wriston.

A little bit about him. He is a dedicated public servant and he has served the State of West Virginia for over 25 years. Last year, he received a much-deserved appointment to serve as the Secretary of the West Virginia DOT, and because that doesn't keep him busy enough, he also serves as the commissioner of the West Virginia Division of Highways.

Secretary Wriston began his career at the West Virginia DOT in the bridge department. You wonder why I am always talking about bridges. He then moved to the Engineering Division and, for the past 12 years, served as the department's Chief Transportation Engineer and Special Program Manager. This wealth of experience has positioned him perfectly to lead the department.

The IIJA has provided West Virginia the opportunity to make major improvements in our roadway and bridge systems. The work of West Virginia DOT has made it possible to move projects forward on Corridor H, Coalfields Expressway, Jefferson Road expansion in South Charleston, and I-64 St. Albans-Nitro Bridge.

The State has also recently received two RAISE grants for the Wheeling streetscape and the Morgantown Greenbag Road corridor projects. I appreciate your leadership, Secretary Wriston, on these and other projects, and look forward to our continued partnership.

With the Secretary today, we know that one person can't do it all, he has with him Nate Tawney, who is the Department of Transportation General Counsel, Lorrie Hodges, who is the head of West Virginia legislative affairs, been with the department for many years, and we have worked together, and also Melissa Decker from the Governor's office. Thank you all for being here with us.

We did learn today, because we had a little meeting before, that this is the first West Virginia Secretary of Transportation to testify before our committee, so we are very happy to have that historic occasion.

It has been a year since the President signed the IIJA into law. We promised the American people the IIJA would deliver results by improving and expanding our Nation's core infrastructure, an investment that we all agreed was long overdue. This historic legislation proves that we can come together to develop legislation that tackles our Nation's pressing challenges in a bipartisan manner.

I am proud of what we did on this committee. The foundation was this committee's bipartisan projects: the Surface Transportation Reauthorization Act and the Drinking Water and Wastewater Infrastructure Act of 2021, both of those. We had unanimous votes coming out of this committee.

This committee now has the responsibility, I think, of ensuring proper implementation of the IIJA. The witnesses here today are direct recipients of IIJA funding, which means they are perfectly positioned to give us a status update.

The timing of this conversation is particularly appropriate, given that just last week, we had a hearing to consider the President's nominee to be Administrator of the FHWA, Shailen Bhatt, whom

many of you know because he was a former DOT administrator in two States, actually.

I know the staff at the FHWA has been working hard to implement the IIJA, standing up new programs, getting funding out of the door. But it has taken a long time before we could get that nomination up to us. I am with you; I hope we move forward on that.

I have seen some policies from FHWA that contradict the IIJA statutory text. I talked to Secretary Buttigieg about this just yesterday. I have been told that the agency is neglecting to implement certain provisions of the bill, mainly the project delivery sections. FHWA began to deviate from the law with the release of the December 16th FHWA memorandum to staff, Policy on Using the Bipartisan Infrastructure Law Resources to Build a Better America.

This memorandum encourages recipients of highway funding to “flex” that funding to transit investments, discourages States from moving forward with projects that add highway capacity, and imposes a one-size-fits-all approach by discouraging transferring program funds to where they are need most, which was a flexibility that was intentionally built into the law, it is longstanding, to ensure that each State’s unique needs are met. Our needs in North Dakota and West Virginia are much different than what you need in Arizona or California or other places.

Following the memorandum, FHWA released programmatic guidance documents for the core highway formulaic programs that included the same policy directives represented in the memorandum. Beyond contradicting the law, these guidance documents have created confusion among States and the FHWA division offices and are leading to inconsistent implementation.

The IIJA provided provisions to address climate change, as the Chairman said, historically, a climate change dedication in the bill, and the resiliency of transportation infrastructure, and we did this in a bipartisan way. A greenhouse emissions performance measure was debated and ultimately left out of the bipartisan IIJA. The Biden Administration decided the law didn’t go far enough and proposed a rule to impose greenhouse gas emissions performance measures and associated targets on State departments of transportation and metropolitan planning organizations without any authority from this Congress.

All of these actions follow a common theme at FHWA, which is implementing partisan policy priorities they wish had been included in the IIJA, and doing so ahead of implementing many of the provisions that are actually in the legislation. The FHWA staff has done all of this without the accountability of having a Senate-confirmed Administrator, which hopefully we are going to solve.

I had questions for Mr. Bhatt on many issues last week. They are pressing for us to be able to conduct our oversight activities.

With that in mind, we will look for our witnesses to tell us what programs and policies of the IIJA are most beneficial in addressing the unique challenges in your State, community, and member States. What is going well regarding implementation? It is a little bit easier to say everything that isn’t going well. We need to hear the things that are going well, because that is just as important.

I am interested in how the construction landscape is impacting transportation projects. Supply chain, obviously, is a big issue, material costs, staffing shortages, Buy America policies have also come up.

The IIJA included unprecedented funding to address the needs of our Nation's core infrastructure, our core transportation infrastructure. Proper implementation of the law is the only way to ensure that this funding will uphold the promises that were made to the American people with its passage.

Thank you again for being here. This is important and timely. I thank you, Mr. Chairman, for having this hearing.

Senator CARPER. My pleasure. Thank you very much for your statement.

For our next introduction, Senator Kelly is going to be introducing a special guest from Tucson.

Senator KELLY. Thank you, Mr. Chairman. This is an important hearing on an incredibly important piece of legislation, which I know all of us worked very hard on, especially you and your Ranking Member, the Bipartisan Infrastructure Law. This law has already made an impact in so many communities across the Country and in Arizona, including the community led by my friend and one of today's witnesses, Tucson Mayor Regina Romero.

Mayor Romero became the first woman and first Latina to serve as mayor of Tucson when she was sworn in in 2019. She has a history of breaking barriers, becoming the first member of her family to vote and the first in her family to graduate from college.

Before being elected mayor, she served on the Tucson City Council for more than a decade, where she championed issues like work force development and building the clean energy economy. As mayor, she spearheaded the city's efforts to rebuild its infrastructure, now supported by the Bipartisan Infrastructure Law.

Mayor Romero has worked for years to address the worsening challenge of PFAS contamination in the city of Tucson's groundwater aquifer. We spoke about this yesterday in my office and about all the steps that she is taking to address this. Addressing this contamination is especially important because groundwater is Tucson's secondary supply of drinking water after water from the Colorado River. Our infrastructure law both makes historic investments in addressing PFAS contamination and making our western water infrastructure more resilient to drought.

Mayor Romero has also worked to improve Tucson's transportation infrastructure. Just over a month ago, Mayor Romero and I were joined in Tucson by Secretary Buttigieg to announce that the structurally deficient 22d Street Bridge would be awarded a \$25 million RAISE grant. Importantly, this project not only repairs a failing bridge that right now trucks and school buses and ambulances can't drive over, making those routes much longer for them, and kids have to take longer to get to school, but it also will help better connect several communities to the rest of Tucson.

Mayor Romero has led on regional issues as well, like expanding transit infrastructure throughout southern Arizona, deploying more low-emissions buses, and even identifying ways to better connect Tucson and Phoenix, the two largest cities in the State, whether

that is by widening I-10 or exploring the possibility of an Amtrak expansion between Phoenix and Tucson.

Mayor Romero is a great example of how mayors, both Republicans and Democrats, are taking advantage of the once-in-a-generation opportunity here provided by our Bipartisan Infrastructure Law to fix our aging infrastructure and build resilient communities for the future.

I would like to welcome my mayor, Mayor Romero, to today's hearing. I will be back a little bit later for my questions. Thank you very much, Mr. Chairman.

Senator CARPER. You are quite welcome. We thank you for the welcome to your mayor.

Let me just ask, before we start our statements and questions, we have a million people who live in Delaware. I think I have met them all. What is the population of Tucson?

Mayor Romero. Tucson has 560,000 residents in the city proper, and 1.1 million in the metropolitan area.

Senator CARPER. Got it, OK.

Jimmy, what do you all have down in West Virginia these days?

Mr. WRISTON. Our entire State has a population of 1.8 million, so all of your half a million people are welcome to the mountain State.

[Laughter.]

Senator CARPER. Fair enough. We are delighted that our Secretary from Delaware has joined us, Nicole Majeski, and my recollection, I am trying to think, did you become secretary a year ago, in January?

Ms. MAJESKI. A year and a half ago.

Senator CARPER. Yes, so how is it going?

Ms. MAJESKI. It is going very well, sir.

Senator CARPER. Would you say that this is the best job you have ever had?

Ms. MAJESKI. It is the best job I have ever had.

Senator CARPER. OK. How is the Governor doing?

Ms. MAJESKI. The Governor is doing great.

Senator CARPER. Tell him we said hi.

Before we turn to our other witnesses, I am just going to ask you to lead us off. We will hear your statement, and then also hear from Jim, you pronounce your name Tymon, right?

Mr. TYMON. Yes, sir.

Senator CARPER. There we go. Then we will ask some questions. Secretary Majeski, please proceed.

**STATEMENT OF NICOLE MAJESKI, SECRETARY, DELAWARE
DEPARTMENT OF TRANSPORTATION**

Ms. MAJESKI. Thank you, Chairman Carper, Ranking Member Capito, and members of the committee for the opportunity to testify today.

I am Nicole Majeski, and I have the privilege of serving as the Secretary of Transportation in Delaware and representing our more than 2,500 dedicated employees statewide.

Senator CARPER. Are you joined by any members of your staff today?

Ms. MAJESKI. I am joined by C.R. McLeod, our Director of Community Relations.

Senator CARPER. Would you raise your hand, Mr. McLeod? Mr. McLeod used to be my driver. I tell people I drove him. We had 600,000 miles on my Chrysler Town and Country Minivan, when I sold it last year for a dollar. He put about 100,000 of those miles on it by himself. C.R., nice to see you. Welcome.

Ms. MAJESKI. I would like to thank you, sir, for this invitation and for your constant support of the important infrastructure work that we are doing in our home State.

The Delaware Department of Transportation is committed to providing excellence in transportation for every trip, every mode, every dollar, and everyone.

The Bipartisan Infrastructure Law is a needed investment of additional Federal dollars to our transportation infrastructure. We are grateful to the Biden Administration and to the Members of Congress for this historic program that will ensure roads and bridges are safe and well-maintained, our communities are better served and connected, and that we are making the necessary investments for the electrification of our infrastructure and resiliency due to climate change.

The \$1.6 billion in Federal funding that Delaware is receiving through BIL, along with our committed State resources, will allow us to deliver the largest capital program to date. BIL funding is instrumental to the many initiatives in Delaware, and I will be highlighting a few of those today.

As the lowest-lying State, Delaware is seeing firsthand the effects of climate change and sea level rise. We are increasingly seeing roads in our coastal areas overtopped with water not just during significant storm events but due to tidal flooding on sunny days. We estimate that a billion dollars' worth of our existing infrastructure is vulnerable to the impacts of climate change.

To address this issue, and as part of the State's Climate Action Plan that Governor Carney announced last fall, we created the Resiliency and Sustainability Division within DelDOT to centralize our efforts. This division is focusing on incorporating resiliency and sustainability measures in the construction and maintenance of our projects and finding ways to protect our existing infrastructure.

The division is also leading our efforts on the electrification of our infrastructure and fleet, incorporating the use of alternative energy, and minimizing the impacts on our environment caused by the transportation system. The newly created formula funding through PROTECT, carbon reduction, and EV infrastructure will allow us to move forward with these critical projects.

Additionally, Delaware is committed to reducing greenhouse gas emissions through our transit fleet. Delaware has benefited from Federal discretionary grants supporting low or no-emission buses. By the end of this year, 10 percent of our fixed-route fleet will be all-electric. Our latest Low-No Grant through the Bipartisan Infrastructure Law will allow us to purchase two hydrogen buses and install our first hydrogen fueling station. Federal discretionary grants have made these investments in alternative energy possible.

Our efforts to improve our transportation systems extend beyond a focus on infrastructure alone. DelDOT is committed to ensuring

that transportation is equitable and accessible for everyone. We have recently received two Federal grants for the Route 9 corridor near our largest urban area to assist us in planning transportation and transit improvements within the census-defined low-income area. The Areas of Persistent Poverty Grant and the RAISE Grant will allow us to do extensive community outreach, plan transit and multimodal connections, and look at opportunities to improve safety and public transit throughout this corridor.

Last, I would be remiss if I did not talk about safety. As the DOT, safety is our top priority, the safety of the traveling public, regardless of the mode that they are using, and the safety of our work force that is out on our roads every single day.

Last year was the deadliest year on our roadways in 15 years, with 139 fatalities. Unfortunately, as of this morning, we have 109 fatalities, which is 20 percent higher than where we were last year at this time. We continue to work with our partners in law enforcement and the Office of Highway Safety to implement the recommendations of our State Strategic Highway Safety Plan. Over the next 6 years, we will invest hundreds of millions of dollars in projects across our State to improve safety for all modes, including our most vulnerable users: pedestrians, bicyclists, and motorcyclists.

While the Safe Streets and Roads for All program is not available for State DOTs, we are pleased to be supporting the city of Wilmington on their application. Wilmington is the largest urban area in Delaware and has a high concentration of walking and bicycling activities while serving as the center of Delaware's bus and rail networks. Delaware is unique in that the State owns and maintains 90 percent of the roads and bridges, so our partnerships with our three counties and 57 towns and municipalities is critical to improving safety for all of our users.

In closing, under Governor Carney's leadership, we are committed to improving safety, reducing our emission levels, and developing a multimodal transportation system that is equitable. The components of the Bipartisan Infrastructure Law will allow us to achieve these goals.

Thank you, again, for the opportunity to speak before the committee today.

[The prepared statement of Ms. Majeski follows:]

PUTTING THE BIPARTISAN INFRASTRUCTURE LAW TO WORK: THE STATE AND LOCAL PERSPECTIVES

SENATE EPW COMMITTEE WRITTEN TESTIMONY

SECRETARY NICOLE MAJESKI, DELAWARE DEPARTMENT OF TRANSPORTATION

WEDNESDAY, SEPTEMBER 21, 2022

Introduction

Thank you, Chairman Carper, Ranking Member Capito, and members of the committee for the opportunity to testify today.

I am Nicole Majeski, and I have the privilege of serving as the Secretary of Transportation for Delaware and representing our more than 2,500 employees statewide. I would like to thank Senator Carper for this invitation and for his constant support of the important infrastructure work we are doing across our home state. The Delaware Department of Transportation (DelDOT) is committed to providing excellence in transportation and carrying out Governor Carney's vision of making Delaware a more equitable and inclusive state. Safe, reliable, and accessible transportation is a key component in delivering equitable access to employment, education, health care, and recreation.

The Bipartisan Infrastructure Law is a much-needed investment of additional federal dollars to our country's transportation infrastructure. We are grateful to the Biden administration and the members of Congress for this historic program that will ensure our roads and bridges are safe and well maintained, our communities are better served and connected, and that we are making the necessary investments for the electrification of our infrastructure and resiliency due to climate change.

These projects are critically important not only to the traveling public, but to the thousands of people employed in the construction industry across our state.

Having this bill finalized gives state DOTs and our contractor community certainty that we will continue to make needed infrastructure investments in the years ahead.

The \$1.6 billion in federal funding that Delaware is receiving through the Bipartisan Infrastructure Law (BIL), along with our committed state resources will allow us to deliver our largest capital program of ever of \$4.45 billion over the next five years. BIL funding is instrumental to many initiatives in Delaware and I'll be highlighting a few of them today.

Resiliency, Sustainability and Environmental Stewardship

As the lowest-lying state in the nation, Delaware is seeing firsthand the effects that climate change and sea-level rise are having on our state. We are increasingly seeing roads in our coastal areas overtopped with water not just during significant storms but with tidal flooding on sunny days. We estimate that we have one billion dollars' worth of infrastructure that is vulnerable to the impacts of climate change, and as part of our state's Climate Action Plan that Governor John Carney announced last fall, we created the Resiliency and Sustainability Division within DelDOT to centralize our efforts to improve the resiliency of our transportation network and focus on sustainability. This division is focusing on the impacts climate change and sea-level rise are having

on our transportation infrastructure; incorporating resiliency and sustainability measures in the construction and maintenance of our projects; implementing the electrification of our infrastructure and fleet; incorporating the use of alternative energy; and minimizing the environmental impacts caused by our transportation system.

This division will guide our work to develop solutions for these impacted areas and lead initiatives such as the broader electrification of our infrastructure to support and encourage the use of electric vehicles in Delaware. Newly created formula funding through PROTECT, Carbon Reduction and EV Infrastructure will allow us to move forward with these critical projects.

Continue the Deployment of Electric Buses

Speaking of electrification and climate change, the Delaware Transit Corporation, our transit agency, has set goals to reduce fleet emissions by 50% by the year 2030 and eliminate all fleet emissions by 2040. We will soon be operating twenty-six (26) electric buses to serve our customers, which is approximately 11% of our fleet. These electric buses replace diesel buses and significantly reduce emissions. Through the Bipartisan Infrastructure Law, we were recently awarded a Low-No Grant, which will add two more electric buses to our fleet as well as two overhead chargers and one large charger that would contain as many as 16 individual chargers. With the latest FTA Bus Facility Grant we were awarded to modernize the Rehoboth Park & Ride, we will be installing an in-route charger, standalone electric bus chargers, and solar panels over the parking lots and connecting them to a self-sustaining microgrid, which will be the first for a transit facility in the country.

Hydrogen Buses

Expanding upon our investment in electric buses, we also have plans to introduce hydrogen buses into our fleet. With extended range and faster fueling, Hydrogen Fuel Cell buses offer an advantage over Battery-Electric Buses and will play a critical role in our ability to seamlessly deliver our transit services across the state. With the recent Low-No Grant awarded to DTC by FTA, we will be purchasing two hydrogen buses and installing our first hydrogen fueling station.

Electrification of Delaware's Infrastructure

In addition to deploying electric buses, the department will start incorporating more all-electric vehicles into our fleet, as well as installing electric charging stations statewide. In 2022, we will have installed 75 electric charging station units at all of our public facing facilities including park-n-rides, transit centers, visitor centers and the DelDOT campus. With the recently approved National Electric Vehicle Infrastructure (NEVI) Plan, DelDOT will be receiving \$17.6M over five years for the planning, development, and construction of new fast charging stations across the state. This effort is in partnership with the Delaware Department of Natural Resource and Environmental Control (DNREC) to deploy fast chargers at strategic locations starting with our designated Alternative Fuel Corridors (I-95, SR 1, US 13, and US 113). After those corridors have been built out, the focus will pivot to adding charging stations in communities and to those who do not have charging stations conveniently located in their homes such as multi-unit apartment complexes.

Equity in Transportation

Our efforts to improve our transportation system extend beyond a focus on infrastructure alone. DelDOT is committed to ensuring that transportation is equitable and accessible for everyone. We are focused on equity in transportation for our customers, our contractors and consultants and our staff. To fully have equity in transportation we must ensure that our projects are connecting communities, not dividing them; investing and providing services equitably; improving and expanding transit services to those who rely on them; identifying and closing gaps in our system; supporting and investing in our Disadvantaged Business Enterprise (DBE) firms; and recruiting and retaining a diverse workforce that is representative of our state.

Mapping

With the passage of the Bipartisan Infrastructure Law (BIL) and the emphasis on equity and Justice 40 initiatives, we felt it was critically important for our decision making to have accurate and detailed mapping of disadvantaged communities in Delaware. With input from many stakeholders, we have acquired the applicable data and it is being mapped using Geographic Information System (GIS). We plan to use the data paired with a variety of other transportation data to assess our projects and initiatives and target future transportation improvements. We are also working toward making this data available across the state for others to review and use for their areas of interest and programs.

Route 9 Corridor

As we look to address inequities in our transportation system, we recently received two grants for the Route 9 corridor to assist us in planning transportation and transit improvements within this census-defined low-income area. The Areas of Persistent Poverty Grant from the Federal Transit Administration will allow us to do extensive community outreach, plan transit and multi-modal connections and look at opportunities to improve safety along the corridor. The Rebuilding American Infrastructure with Sustainability and Equity Grant from the Federal Highway Administration will assist us in developing 12 projects along the Route 9 corridor that address safety issues and improve equity of access to all modes of transportation for the local communities.

I-95 Capping Feasibility Study

When I-95 was constructed through Wilmington in the 1960's, it divided the city and the negative impacts are still felt today. One of our metropolitan planning organizations (MPO), WILMAPCO, is leading the effort to study the feasibility of capping a half mile section of I-95. The existing street grid creates five potential areas that could be capped. These five areas differ in size and create an opportunity for multiple concepts to be developed utilizing some, or all, of these spaces to create new connections between neighborhoods and result in new public spaces for the residents.

The study will result in one or more concepts for a cap over I-95. These concepts will range from short-term improvements to remove vehicular traffic, increase pedestrian/bike access, and increasing green space to long-term improvements of creating a complete cap. Once there is consensus amongst stakeholders regarding the study's recommendations, DelDOT will begin seeking funding and designing the project(s). The study should wrap up later this year. We hope that we can show some quick wins with closures of the recommended side streets and lane

reductions on the parallel streets (Jackson Street and/or Adams Street) adjacent to I-95 while the cap is being designed. We will rely on federal funding and grants to deliver these important projects that will reconnect and revitalize this portion of Wilmington.

Safety

Last year was the deadliest year on our roadways in over 15 years with 139 fatalities. To date this year, we have seen 106 fatalities, which is 19% more than this same time last year. According to the National Highway Traffic Safety Administration's (NHTSA) 2022 first quarter analysis of fatalities nationwide, Delaware was leading the country in the percentage increase year over year... a statistic we do not want to be first in.

DelDOT, Department of Safety and Homeland Security (DSHS) and the Office of Highway Safety (OHS) continue to work to implement the recommendations of the Delaware's Strategic Highway Safety Plan (SHSP) that focus on our eight emphasis areas.

Over the next six years, DelDOT's capital improvement program will invest \$283.0M in the Highway Safety Improvement Program (HSIP), Hazard Elimination Program (HEP) and other safety projects across the state which includes intersection improvements, median barrier installation, horizontal curve safety, lighting, mumble strips, and the installation of high friction surface treatment. We also continue to work with legislators to address neighborhood speeding and other safety concerns through our Traffic Calming Program.

The safety of our most vulnerable roadway users, including pedestrians, cyclists and motorcyclists continues to be our focus. We are investing \$103.4M in our Bike and Pedestrian Program over the next six years to improve safety with projects that provide separate bike and pedestrian facilities, create safe walking and biking routes to schools and provide safe transit access. We will also continue our education efforts for pedestrian, bicycle and motorcyclist safety through campaigns and bike safety checkpoints.

While the Safe Streets and Roads for All program is not available to state DOTs, we are pleased to be supporting the City of Wilmington on their application. Wilmington is the hub of the largest urban area in Delaware. The city has a high concentration of walking and bicycling activity while serving as the center of Delaware's bus and rail networks. Combined with high motor vehicle traffic accessing the city's employment centers, this creates significant safety concerns.

Because DelDOT owns and maintains most of the higher-volume streets in Wilmington, it is critical for us to offer our support to the city in this effort. A high percentage of city residents walk, bike, or ride transit as their primary mode of transportation. These people, many of whom are low-income or are from traditionally underserved groups, are disproportionately represented in traffic crashes. By participating in the City's development of a safety action plan, DelDOT can play a key role in making sure residents, as well as workers and visitors, can safely reach their destinations regardless of how they travel. Further, improving safety for all groups and all modes in Wilmington has benefits that support other regional goals and strategies such as economic development, climate change mitigation, and quality of life.

Conclusion

In Delaware, under Governor Carney's leadership, we are committed to improving safety, reducing our emission levels and developing a multi-modal transportation that is equitable. The components of Bipartisan Infrastructure Law will allow us to achieve these goals.

Thank you again for the opportunity to speak today before the Committee.

Senator CARPER. Great, thanks very much, Madam Secretary. Welcome, again.

Now, we are going to hear from the mayor of a town with roughly a million people. We are happy to hear from you. Welcome. Very nice to meet you. Please proceed.

**STATEMENT OF HON. REGINA ROMERO,
MAYOR, CITY OF TUCSON**

Mayor Romero. Thank you so much, Mr. Chairman. Good morning, buenos dias, Chairman Carper.

Senator CARPER. Buenos dias. Bienvenido.

Mayor Romero. Buenos dias, Chairman Carper, Ranking Member Capito, and members of this committee. Thank you for inviting me to participate in today's hearing. I will share my views on the transformative impact the Bipartisan Infrastructure Law is having in Tucson and cities across the Nation.

Senator Kelly, thank you so much. I appreciate your gracious introduction and the way you fight for Tucson.

Tucson, the 33d largest city in the United States, is home to 560,000 residents and nearly 1.1 million people in the greater metro area. Our lands have been stewarded by the Tohono O'odham and Pascua Yaqui people since time immemorial.

Through BIL funding, Tucson is building infrastructure and investments that heal historic wounds, reconnect communities, and address the challenges that result from being on the front lines of climate change. My vision for Tucson's future is an equitable, climate-resilient, desert city that sustains itself through conservation, investment, and good policy.

The Bipartisan Infrastructure Law this committee so skillfully negotiated is crucial to meeting our goals. The Nation benefits when Congress sends money directly to cities. We know how to get it done.

Just last month, Senator Kelly and I joined Transportation Secretary Buttigieg in Tucson where he announced a \$25 million RAISE grant for Tucson's 22d Street Bridge. Using this grant, local, and regional funds, a structurally deficient bridge will be replaced. We will improve the quality of life for Tucsonans who have lived with safety risks, heavy trucks in their neighborhoods, few options for non-motorized travel, and separation from other neighborhoods.

We will improve safety around railroad infrastructure, reduce crashes and emergency response times, and mitigate other safety issues. We will reduce greenhouse gas emissions and the vehicle miles travelled, addressing climate resiliency. And we will improve the ability of Union Pacific Railroad to move goods more efficiently, helping to address global supply challenges. Thank you to the US Department of Transportation for selecting this project.

There are tremendous opportunities available in the BIL, including resources for EV infrastructure, extending environmental remediation and clean energy investments, and a streetcar-bus rapid transit expansion. We will apply for these funds and appreciate Congress for increasing the transit funding.

However, today, I must focus on the greatest challenges to our water security, PFAS contamination and the persistent effects of

drought that threaten our Colorado River supply. It is important to understand the history and specifics of groundwater contamination in Tucson to make clear how critical BIL-funded projects are to securing our water supply, supporting our economy, and protecting public health.

Tucson's diverse water supply portfolio includes the Colorado River, which is experiencing unprecedented drought. This makes us increasingly reliant on our groundwater supply that is being polluted by PFAS, a forever chemical.

In addition to PFAS, residents of Tucson's south side have been historically impacted by TCE and DX, believed to contribute to health concerns, including cancer and heart disease. We are spending \$1 million a year to treat PFAS and have already spent almost \$50 million so far to deal with this impact from our own rate-payers, who did not cause this issue.

Tucson has lost over 10 percent of our water supply to PFAS contamination, and now, parts of our system rely solely on their backup supply. There is no redundancy. We must protect our water. Tucson is a sustainable desert city because we use reclaimed water for non-potable uses, but that water also is affected by PFAS, which, in our closed-basin system, puts the entire water system at risk. We need to act now.

The funding available in the BIL is critical to solving this need. We need DOT to move fast and for EPA to push for the data and assistance we need. Tucson is ready to be the sustainable, thriving desert city of the future.

Thank you for allowing me to speak about how BIL funding is making a difference to us. I welcome any questions. Thank you.

[The prepared statement of Mayor Romero follows:]



**Statement of The Honorable Regina Romero
Mayor
City of Tucson, Arizona**

**Before the
U.S. Senate Committee on Environment and Public Works**

Hearing on

“Putting the Bipartisan Infrastructure Law to Work: The State and Local Perspective”

Wednesday, September 21, 2022

Chairman Carper, Ranking Member Capito, and Members of this Committee,

Thank you for this invitation to participate today in this hearing, and for giving me the opportunity to share my views on the transformative impact the Bipartisan Infrastructure Law is having on my city and cities across the nation. I am Regina Romero, Mayor of the City of Tucson, Arizona.

The Tucson Story

The City of Tucson, the second largest city in Arizona and the 33rd largest in the U.S., is located 60 miles north of the U.S.-Mexico border. We are blessed with a beautiful desert environment ripe with majestic saguaros and mountains. Our lands have been stewarded by the Tohono O’odham and Pascua Yaqui for thousands of years. Tucson is thought to be one of the most continuously inhabited places in the United States, approximately 4,000 years.

Like many US cities, the 1950’s and 1960’s were a time of growth and urban renewal. Using funding from the Federal Aid Highway Act of 1956, construction began on Interstate 10 in 1957. Like many infrastructure projects of this magnitude, the consequences of this construction were and remain far-reaching. The Interstate did connect Tucson more easily to the rest of the United States. However, this interstate separated and isolated the barrios of primarily poor and brown residents from the rest of the city including access to schools and the economic vitality of the downtown area. In addition, the environmental hazards that came from the construction of the

freeway and people living in close proximity to the freeway resulted in negative health consequences for residents.

Since those years, Tucson has grown, like many Southwest cities. Tucson is home to approximately 560,000 residents. In the greater Tucson metro area, there are 1.1 million people. We are now a diverse international multilingual community.

The Vision for Tucson

Our vision for Tucson is built on three values: Equity, Climate Resilience, and Opportunity.

Equity: To build upon the achievements of the past and close the gaps that have left too many in our community behind, I have centered equity in my decision-making to focus on fair and just solutions to ensure a greater quality of life for all Tucsonans.

Climate Resilience: Second, we are integrating clear policies and plans throughout our infrastructure to make Tucson a climate-resilient City. As a desert city experiencing a 20+-year sustained drought that appears to have no end, we don't have time to wait. We can not have greater and more equal opportunity if we don't address climate change.

Opportunity: Part of what we fight for on a daily basis is accessing wealth creation and increasing quality of life for Tucsonans. We are a city where 1 in 4 adults and 1 in 3 children live in poverty. Not only do we have racial, ethnic and socio-economic inequality, we need to provide equal access to all services and resources across our community.

When I consider infrastructure investments to connect Tucsonans, I do so through the lenses of investment, equity, and sustainability to create a vision for Tucson's future.

Bipartisan Infrastructure Law in Action

In Tucson, we are moving towards building infrastructure investments that heal historic wounds, work to reconnect disconnected communities, and address the vulnerabilities that result from being on the front lines of climate change.

Mr. Chairman, we are thankful to this Committee, and our Arizona Congressional delegation, including Senators Kelly and Sinema, Representatives Grijalva, Kirkpatrick, O'Halleran, Stanton, and Gallego for committing billions of dollars in the Bipartisan Infrastructure Law to transform our communities. Your hard work to reach bipartisan agreement on the bill is already delivering results in Tucson.

RAISE Grant for 22nd Street Revitalization Project

Just last month U.S. Department of Transportation Secretary Buttigieg came to Tucson to award our community a \$25 million RAISE grant for the 22nd Street Revitalization Program. The RAISE grant award will allow us to replace a structurally deficient bridge that is in an area in Tucson that has experienced social and economic inequities and under-investment. Its construction will restore the bridge's use for ambulances, school buses, public transit and heavy trucks. Additionally, it will result in the reduction of transportation-related air pollution and greenhouse gas emissions, and the vehicle miles traveled. Our project partners, including the City of Tucson, Regional Transportation Authority, Pima Association of Governments, Pima County, Union Pacific Railroad, and Arizona Department of Transportation are supporting and investing \$70 million to the project.

It is a clear demonstration of President Biden and Vice President Harris' Justice40 goals because the project literally "bridges" a barrier in a portion of our community that has long been divided by transportation infrastructure. It also provides greater mobility to move commerce through the area contributing to global supply chain solutions by increasing capacity for the Union Pacific Railroad Yard, while creating safe passage for bicyclists and pedestrians.

We are grateful to the U.S. Department of Transportation for selecting this priority project.

Low or No Emission Buses & Electrification

It is well documented that the transportation sector is a large contributor of greenhouse gas (GHG) emissions. In Pima County, Arizona, where Tucson is located, transportation contributes to about 1/3 of total annual GHG emissions. Every effort made to reduce or eliminate GHGs makes our community more resilient. A central component of achieving our climate goals is in the electrification of our bus fleet and development of electric vehicle (EV) charging infrastructure.

The recent \$12.1 million Low or No Emission Bus grant awarded by the U.S. The Department of Transportation with BIL funds to our region will bring our fleets to a total of 20 forty-foot electric buses, 9 twenty-foot cutaway buses, and allow us to invest in additional charging infrastructure.

The electric bus fleet will reduce emissions across the city and in areas where there is heavy dependence on transit. It strengthens the bus system and provides access to those who do not have their own vehicles or choose public transportation to meet their mobility needs. Expanding the transit system and investing in Tucson's economic vitality along these transportation corridors sparks public and private investment.

Transit and Rail

As we work, holistically, to construct Tucson's sustainable, thriving future, BIL funds for transit and rail are a critical component.

We were fortunate in 2010 to be awarded \$63 million in the first TIGER grant, now referred to as the RAISE grant, for the Tucson Sun Link Streetcar project from funds provided through the American Rescue and Recovery Act. Our streetcar project was built within budget and successfully opened in July 2014. Since its launch, the streetcar has spurred \$4 billion in public/private investment along the 4-mile line that extends from the University of Arizona through downtown Tucson connecting across the freeway to Tucson's westside. That is a return on investment of which we can all be proud.

Furthermore, our Sun Link ridership is at its highest level ever. When comparing previous years' ridership data, except for the partial year when Sun Link opened and in 2020 due to COVID, Sun Link appears to be on an all-time high trajectory of ~1,200,000 rides! This would serve to exceed Sun Link's next highest year by almost 30%.

We want to extend the benefits of the bus rapid transit/streetcar hybrid to other important corridors and destinations, such as the airport, so that we can increase ridership, address our climate goals, and provide more equitable access in historically underinvested communities in our city. As such, the City will apply in 2023 for a FTA Capital Investment Grant for a hybrid streetcar/BRT expansion to our system to better serve our residents.

Amtrak

Cities representing 6 million people between the Tucson and Phoenix metropolitan areas, such as Marana, Eloy and Casa Grande, are united in bipartisan support to expand and improve Amtrak service. Currently, no passenger rail service exists between our state's two largest metropolitan hubs, which account for more than 75% of our state's population. In addition to economic development along the route, passenger rail service will help alleviate traffic congestion along I-10 between Tucson and Phoenix, one of the busiest stretches of highway in the state and a critical corridor for commercial trucking in the Southwest. The estimated economic impact of

this Amtrak route is \$1.9 billion in one-time capital investments and \$77.7 million to this regional corridor annually.

We are pleased that Congress has provided the funds to encourage the development of such a line through the BIL.

Reconnecting Communities, Bridge Investment Program & Safe Streets and Roads for All

In addition, the BIL provides significant opportunities for us to improve safety, accessibility, and mobility within our cities. In Tucson, we are considering Reconnecting Communities, the Bridge Investment Program, and Safe Streets and Roads for All grants for these purposes.

The Nebraska Street/Spectrum Mall Bicycle and Pedestrian Bridge over I-19 will construct a new bicycle and pedestrian bridge at Nebraska Street connecting to the Tucson Spectrum shopping plaza – a major regional commercial destination complete with grocery stores, medical services and more to historically-underserved residential communities completely separated by the freeway.

Tucson has far too many traffic fatalities and severe accidents, including crashes that involve pedestrians and bicyclists. During the years of 2016-2020, Arizona was the fourth most dangerous state for pedestrians, and Tucson was ranked the 13th deadliest metro area for pedestrians according to Smart Growth America's "Dangerous by Design" Report just published in 2022. We are initiating steps to become a Vision Zero community and collaborate as a region to eliminate fatalities through Safe Streets and Roads for All.

Water Resources

PFAS and Groundwater

Along with potential investments in our transportation infrastructure, we are also facing significant challenges to our water infrastructure that require investments from the BIL.

My colleagues on the Tucson City Council and I have made addressing the serious threat per- and polyfluoroalkyl substances (PFAS) contamination poses to the city's potable water supply our top priority. Without safe, clean, accessible water, Tucson will die. It is important to understand the history and specifics of groundwater contamination in Tucson to make clear how critical BIL-funded projects are to securing our water supply, supporting our economy, and protecting public health.

High PFAS levels have been detected in the groundwater on Tucson's south side. Residents from this part of our community have been historically subjected to trichloroethylene (TCE) and 1,4 dioxane (DX) contamination. This contamination was caused by defense industry manufacturing near the Tucson International Airport since World War II.

Many residents developed various forms of cancers, heart ailments, and other diseases because of TCE exposure. Neighbors and environmental justice groups rightfully demanded the cleanup of the water back then at what is now known as the Tucson Airport Remediation Plant (TARP) Superfund site.

Growing levels of PFAS in the influent water at the Tucson Airport Remediation Plant (TARP) forced the temporary closure of the plant that treats the TCE and 1,4 dioxane. The TARP is not designed to remove PFAS.

Tucson Water has found high concentrations exceeding 10,000 parts per trillion (ppt) of PFAS compounds in potable water wells downgradient of the Arizona Air National Guard and Davis-Monthan Air Force Base. These concentrations are increasing, as is the number of groundwater wells detecting PFAS contamination. Currently 25 wells have been taken out of service. Tucson has lost 10% of our water supply.

The rising PFAS levels negatively impact the drinking water aquifer that serves over 700,000 people. The closing of wells contaminated by PFAS throughout the water system places additional strains on a limited water supply in Southern Arizona, already impacted by long-term drought.

As a closed basin system in an EPA-designated Sole Source Aquifer, Tucson has no surface water that can flush PFAS out of the basin. It makes Tucson that much more vulnerable to reduced water supplies due to the PFAS contamination.

Tucson has already spent or incurred approximately \$50 million in costs. The City Council and I strongly believe that the ratepayers of Tucson should not have to pay for PFAS contamination they did not cause.

Earlier this year, the City of Tucson and Arizona Department of Environmental Quality (ADEQ) officially launched the Central Tucson PFAS Pilot Project, designed to remove PFAS pollution from groundwater north of Davis-Monthan Air Force Base. The pilot will help design a system to protect Tucson's central wellfield, a vital part of the area's long-term drinking water supply.

In addition, Federal and Regional EPA officials, including Region 9 Administrator Guzman, are working with ADEQ leadership to bring all of the affected parties to the table to develop and fund treatment and remediation actions in the wells located closest to Davis-Monthan Air Force Base and the Air National Guard.

Mr. Chairman, Ranking Member Capito, and Senator Kelly, thanks to the leadership of this committee, we have an opportunity to begin to address our PFAS contamination with the \$10 billion in PFAS assistance included in the BIL.

Tucson Water has formally initiated the process with Arizona Water Infrastructure Finance Authority (AZ WIFA) to request \$141 million to address two PFAS priority projects with the Bipartisan Infrastructure Law funding. If approved, these projects would remove PFAS contamination from drinking water wells in areas most vulnerable to supply issues and from the reclaimed water system that serves the entire region.

There is still much to do and we rely on Congress in the areas where communities like ours still need assistance:

- Accelerating and expediting studies by the Defense Department to fund treatment facilities at Davis-Monthan Airport and the Air National Guard.
- Passage of the Defense Authorization and Defense Appropriations bills with the maximum level of funding and acknowledgement of the unique characteristics of communities like Tucson with no surface water sources to “flush” PFAS out of the system and facing impacts from Colorado River shortages.
- Enact legislative language to indemnify municipal water and wastewater systems that are not responsible parties for the original contamination.
- Recognize in PFAS-related legislation the contributions of the communities who could not wait and have already spent or incurred funds by providing reimbursement of costs already realized due to PFAS.

Tucson As An Urban Climate Resilient City

Opportunities for communities through the BIL extend to environmental remediation and clean energy investments. We are grateful for the \$1 million Brownfields BIL grant that we were awarded, and we are looking forward to building Tucson’s future as an Urban Climate Resilient City.

In 2020, as a City Council, we unanimously declared a climate emergency to set the city on a path to carbon neutrality by 2030. As one of the fastest-warming cities in the country, we are prioritizing projects that reduce urban heat island effect and mitigate climate change, with a particular focus on historically disinvested communities including:

- Adopting an Electric Vehicle (EV) Readiness Roadmap to accelerate the use of EV's and the development of associated infrastructure within city operations and throughout the community. Now, all residential, multifamily, retail and office buildings are required to be EV ready.
- Developing a Climate Action Plan with strong community participation to be completed by the end of 2022.
- Increasing the drought tolerant tree canopy in heat vulnerable neighborhoods and across our city through the Tucson Million Trees (TMT) program.
- Creating green corridors to increase walkability, alternative modes of transportation.
- Hiring first Urban Forestry Program Manager.
- Storm to Shade Program that harvests stormwater to recapture, reuse, and reduce flooding issues in streets and create green spaces and water TMT trees.
- Adopting transit and transportation policies such as Complete and Safe Streets to ensure equitable and climate resilient access.
- Developing a Green Fleet Policy for City vehicles.
- Updating our long-range water resources plan to ensure water sustainability through 2100.

Summary

In conclusion, we are extremely grateful for the opportunities being made available to us by the Bipartisan Infrastructure Law. These investments will provide greater equity, climate adaptability and economic opportunity for Tucson and cities across the nation. We are excited to continue to collaborate with our federal government partners to improve the quality of life for all our residents and businesses.

Senator CARPER. Mayor Romero, thanks so much for your testimony and for your leadership. I am delighted that you are here.

Now, we are going to turn to Secretary Wriston. Mr. Secretary, you are recognized to proceed. We will ask Mr. Tymon to do the same thing, and then we will ask some questions. Go ahead.

STATEMENT OF JIMMY WRISTON, SECRETARY, P.E., WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. WRISTON. Thank you, Mr. Chairman, Ranking Member Capito. I am delighted to be visiting the shining city on the hill today to talk to you about West Virginia's perspective.

In particular, I do want to focus on exactly what Senator Capito said. I want to focus on what is working. I would be remiss if I didn't report on some of the difficulties that we are having and the challenges that we need to overcome, so I am going to do a little bit of that, too.

I can tell you that I am particularly grateful for this committee. This committee has done a herculean task. They produced the most impactful transportation law that this Country has ever seen, I believe. This is an opportunity to exceed the great achievement of building the interstates across the Country in the last century.

Now, the real work has to happen, and we have to move fast. We have to move together. We have to form partnerships to get this done, get it done efficiently, and take advantage of this great opportunity before us. We, as transportation officials, have to communicate, work together, and really pull the rope in the same direction. We have to follow the law; we have to understand the guidelines. We have to move within those guidelines to achieve a goal, not just to go through an exercise or a bureaucratic process, but to move the ball toward a predictable result that we all want to take care of.

The mission of the IIJA is quite clear. We want to deliver a safe, efficient transportation system while addressing resiliency, equity, and environmental concerns. These things we can do. The Department of Transportation officials across the Country have been doing these very things and working toward these things for years and years without the resources to do them and to actually achieve the results. This is our opportunity to do so.

West Virginia has the sixth-largest highway system in the Country, little West Virginia, the sixth-largest highway system. Like our good friends in Delaware, we take care of the majority of these roads. Nearly 94 percent of all the roads, the State is responsible for.

We have over 7,100 bridges in West Virginia. Our bridges are safe. I need to make sure that everyone understands that. The modern inspection program was born right there in West Virginia, much like you were, Senator Carper.

Senator CARPER. So, it is young.

[Laughter.]

Mr. WRISTON. The modern bridge inspection program rose out of the ashes of tragedy in Point Pleasant in 1967.

Senator CARPER. I remember that well.

Mr. WRISTON. Since then, there is no transportation person in the Country that doesn't know that story, and no bridge engineer

that doesn't understand the weight of their responsibility. I am saying that our bridges are safe, but they need attention, and they need care, and we have to move forward along that and take great opportunity with this.

The IJA, I must admit, my first read-through of the bill just before it passed, I was a little skeptical of the Bridge Program. The Bridge Program works exceptionally well in West Virginia. The minimum of 15 percent for the off-system bridges, that worried me a little bit until I went to my bridge management system and had my great experts to run this for me and tell me, 15.2 percent of the bridges in West Virginia are the off-system, so that 15 percent minimum, it is right there. We are going to be able to operate within the guidelines of this Bridge Program and take care of all the bridges that are rated poor that are off-system. We think we can do them all in this timeframe with funding.

Senator CARPER. That is great news.

Mr. WRISTON. I think this is, as Shelley told you, I am a bridge engineer at heart, but I have had to broaden my view a little bit when taking this position. The Bridge Program works well with us.

You know the rule provisions are tailored specifically for the great State of West Virginia, and we are going to take advantage of each and every one of those. We do have much concern about some of the discretionary programs. The formula programs work well. They are going to work well across the Country. I can firmly and confidently predict today, a year from now, we will be talking about great successes with the formula portions of this law.

I will just as confidently predict absolute and nearly abstract failure on the discretionary side. We have got to do better with our Federal partners in these agencies. We need consistent direction, we need consistent guidelines, and we have to be able to understand them. The FHWA divisions need to be able to bring forth guidance in these areas that are consistent State to State, so that when we meet at an AASHTO conference, we all have the same information and the same guidance and we know that we can plan and work together.

I understand I am working just a little long. I do have to mention the bumblebees on my great Corridor H project. This is a classic case of inconsistency in a Federal agency. We have worked diligently for years and years on Corridor H. This is why it is taking decades to finish this job. This is exactly what is happening today. We need consistent guidance. We need to do the front-end work on the front end, take care of these issues.

A capture of two bumblebees 200 feet off of my studied corridor should not add years and decades to a project. It just cannot happen. We are going to fail abstractly if we don't make sure that we are all on the same page, get the same guidelines together, and communicate honestly and openly. Give us direction, work with us. We depend on these Federal agencies. We look at them not only as partners, but advocates for the State. I think they have lost their way.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Wriston follows:]

WRITTEN TESTIMONY

OF

Jimmy D. Wriston, P.E.

**West Virginia Secretary of Transportation
Commissioner of the Division of Highways**

HEARING ON

Oversight of the Infrastructure Investment and Jobs Act implementation

Committee on Environment and Public Works

United States Senate

Wednesday, February 21, 2022

Introduction

Mr. Chairman, Ranking Member Capito, and Committee Members, thank you for the opportunity to appear today to speak to the impacts of the Infrastructure Investment Jobs Act (IIJA) to West Virginia.

My name is Jimmy Wriston and I serve as the Secretary of the West Virginia Department of Transportation and the Commissioner of the Division of Highways. I am a long-time public employee in transportation and it is my great honor to lead West Virginia Agencies in these historic times of great opportunity.

I am particularly grateful for the efforts of this committee in its efforts toward moving our transportation infrastructure forward to meet the needs of the future. For decades, we as a nation, have underinvested in our infrastructure and the results are very apparent to all of us. The passage of the IIJA is a shining bright spot, lighting a path to the future and clearly demonstrates a commitment to a better life for all our citizens. I thank all of you for the support and leadership that was required for the IIJA to become the law of the land. Now the real work begins with the implementation of the programs.

The mission of the IIJA is quite clear; to deliver a modern, safe, efficient transportation system while addressing resilience, equity, and environmental concerns. The need to deliver for the people of our county cannot be overstated.

It is my wish today to communicate to the Committee the West Virginia perspective. I intend to highlight the many positives and items that fit well in West Virginia. I will also point at various issues and challenges that will hinder the implementation of the IJA and greatly deter taking advantage of the enormous potential we have before us.

West Virginia has the sixth largest highway system in the country and more than 7, 100 highway bridges. We are a rural state with, as West Virginia Governor Jim Justice says on many occasions, four wonderful seasons, majestic mountains, clean water in our many rivers and streams. We have diverse topography and geology. It is very challenging and expensive to build and maintain roads in West Virginia. We are one of four states that have responsibility for the vast majority of our highways, approximately 94% of all our roads.

In order to emphasize economic development and diversify our economy, West Virginia has put education and infrastructure as the focal point of our efforts. Our efforts are united from the Governor's office, our State Legislature, partnerships between all the state agencies, local communities, as well as any and all stakeholders. Any West Virginia with a great idea can and will be heard. We look to the Federal Agencies to not only be partners, but advocates for the states in delivering the IJA programs.

We are many decades past the "building of the interstates" era. Our network of interstate highways was completed before anyone ever heard of a silt fence to mitigate erosion. Indeed, mostly before even the creation of the Environmental Protection Agency (EPA). State Department of Transportation's (DOT) evolved over this time and learned much in regard to meeting our objectives. Our modern National Erosion Protection Act (NEPA) process must evolve as well. We must move forward to create efficiency, address issues on the front end of projects, reduce review times, and communicate consistent decisions. Federal and State agencies must rebuild our partnerships to counteract our loss of trust in each other. We have to hear each other and approach solutions not with a "one size fits all" mentality, but with openness, reasonableness and compromise. Communication and compromise was the roadway used to achieve success in crafting the IJA. The same roadway is necessary to deliver it.

Leveraging the opportunities of the IJA

Much of the funding contained within the IJA is formula funding. For West Virginia, this is critically important. As a rural state with programs that are very much dependent on federal dollars, formula programs provide optimal balance on national goals with State and local decision making. The flexibility necessary for each unique state to meet its unique investment needs is paramount to the success of the entire program. This is especially true for West Virginia, as well as other rural states. Without appropriate flexibility, implementation of the IJA will surely be inefficient and wasteful, squandering much of the opportunities for our citizens. The importance of formula programs cannot be understated. I believe this to be true, not only for West Virginia, but all 52 Transportation Departments. The highest-ranking metric of measuring how well this program is working will indeed be the success implementing the formula programs and the

challenges with the discretionary portion. Today, I predict with confidence the states will deliver the formula programs with great success; however, I can just as confidently predict that one year from now, a main topic of conversation will be the challenges of discretionary categories of the IJA. The processes are just too convoluted, complex, and communicating guidance efficiently is a continuing failure. We must work together with our federal partners and find new ways to accomplish our mission.

The opportunities in the IJA to address rural needs are much appreciated by West Virginians. Thank you, Senator Capito, for your efforts in bringing the unique rural challenges to the forefront and thanks to all the members for recognizing these challenges. West Virginia may very well be the only state in the nation that measures distance in units of driving time. The programs that emphasize our rural nature allows the Department to implement investment strategies and projects that reduces travel time, safely and efficiently enriches the lives of West Virginians. Many of the top priority projects for West Virginia have lagged for years, implemented in a piecemeal fashion. Provisions in the IJA will expedite the progress on Corridor "H", Coalfields Expressway, and the King Coal Highway. Success in these important projects will spread throughout the West Virginia highway system, freeing up dollars for secondary roads.

Upon my first reading the Bridge Program, I must confess that I initially had some concerns. A set minimum for off-system bridges is an eye-catching detail for a state like West Virginia for which nearly all the bridges are state-owned or, at the very least, already Federal Aid eligible. As more information was supplied over the months after passage of the IJA, I can now report the Bridge Program matches very well with West Virginia's program, investment strategy, as well as our Transportation Asset Management Plan (TAMP). Our Bridge Management System, perhaps the most comprehensive in the country, tells us that approximately 15.2% of our bridges are off-system bridges. With careful analysis, we have determined that with our investment strategy, we will be able to address all the off-system bridges with a poor rating, while moving the state-owned bridges ever closer to our target goal as determined in our submitted TAMP to the Federal Highway Agency (FHWA). West Virginia bridges are in dire need of attention and the funding levels we now expect give us the opportunity to make great strides in this area. I must be clear. West Virginia's bridges are safe for the traveling public but they require care and attention. The modern bridge inspection program was born out of tragedy in West Virginia with the collapse of the Silver Bridge in Point Pleasant. There is not one bridge engineer in West Virginia that is not intimately familiar with that story and the significance of their profession.

The increase of funding levels and emphasizes on safety demonstrates the wisdom of the crafter of the IJA. In West Virginia, all projects are safety projects, and well they should be. Incidents on our roadways and in our work zones are indeed on the rise. The programmatic increase in funding fills a much-needed gap and the WVDOT joins our American Association State Highway Transportation Organization (AASHTO) partners in our pledge to urgently move toward zero fatalities. Safety, mobility, and access for all cannot be buzz words or just campaign slogans for public outreach. The IJA will allow states to focus on real solutions through technology to ultimately achieve this goal.

Challenges and Concerns

West Virginia certainly acknowledges that while no program is perfect, we do in fact strive to be perfect. The IJA represents a once in a lifetime opportunity to begin to invest in our nation's infrastructure. It is in the spirit of striving to be perfect and identify issues important to West Virginia that I report challenges we face in implementing the IJA. Future generations will assess us in how well we work together and solve these issues.

First of all, I will reiterate the importance of formula funding to West Virginia. Discretionary programs have inherent issues for small rural states with large highway systems, such as unpredictable funding levels, award amounts, and varying state matching levels. Eligibility requirements can be quite confusing and hinder the ability to obligate the money. As with all highway programs, fiscal constraints are the first requirement; therefore, development milestones are limited until the award is actually made. Many good projects have been applied for that are not included in the local Transportation Improvement Plan (TIP) or the state's State Transportation Improvement Plan (STIP). West Virginia relies on federal funding to deliver its program. We are the only state reporting declining population and revenues have yet to bounce back to pre-pandemic levels. Formula programs allow better planning, more efficient front-end coordination, and ensures project delivery on-time.

Coordination with various Federal Agencies is chaotic at best. The IJA passed in December of 2021. We are now at the end of the Federal FY2022 with many details and guidance still in flux. Directions to the states from FHWA Division offices is inconsistent. West Virginia had approval to flex funds, which is an invaluable tool for states, only to receive a rather "stern" letter from FHWA Central office regarding this transfer. In discussion with other states, many had sought to utilize this same approach only to be denied approval though clearly within the rules. The timeline for receiving guidance through the process of issuing the notices of funding availability, comment periods for proposed rules, and actual publications of the registry for rules on many of the IJA programs appears to be in disarray. In many cases, we have received deadlines for program plans prior to information concerning eligibility requirements and funding levels. Much of this inconstant and scattered levels of communications can be attributed to work force availability at the federal level. The three big concerns of work force, supply chain and materials availability, as well as outrageous inflation are well known and most assuredly affects the federal agency levels as much as the entire country. A comprehensive IJA delivery plan is called for and is much preferable to the piecemeal approach of the last year. To date, West Virginia does not have its National Electric Vehicle Implementation (NEVI) plan approved and just last week submitted comments on the Green House Gas (GHG) performance measures for consideration in the rule making process.

West Virginia is not alone in its concerns with implementation issues. The administration of discretionary grants, Buy America details, cost escalation, work force shortages, capacity projects and bureaucratic project delivery requirements all reduce the effectiveness of the entire investment for all states.

Lack of trust and cooperation is not confined to the interactions between states and the FHWA. West Virginia is experiencing multiple hardships in delivering projects that involve the United States Fish and Wildlife Service (USFW). Extended delays with reviews and responses are draining precious resources of time and funding.

The West Virginia interpretation of the One Federal Record Decision is that it provides the framework for expediting not only the NEPA process but permitting as well. We currently pay USFW for the services of an employee to process our project development documents. We are working toward an agreement to provide another but it needs to be clearly understood and spelled out in our Memorandum of Understanding (MOU), these employees are to be dedicated to West Virginia projects. In a recent meeting with the USWF Director and staff, we expressed concerns regarding pushing every issue to a time consuming, formal consultation process. Less than a week later, we received notification that our number one priority project would require formal consultation for temporary impacts. Our view that issues should be resolved on the front end of development and every effort made to avoid formal consultation be avoided were largely dismissed. On our Corridor "H" project, we have worked diligently for years to provide protection for USFW priorities. To now enter lengthy formal consultation on an eight-mile section for temporary impacts associated with core boring activities appear not only unreasonable but punitive. The single issue seems to be the alleged capture of two bumble bees that, reportedly, were found outside our preferred alignment after we ourselves spent more than three years screening for this species with FWS protocols. West Virginians have great concern for the wellbeing of our fish and wildlife. There is no state prouder of our environment and we understand what it means to our growing diverse economy but more important, our great outdoors is who we are. Our core values are entwined with our love of our natural resources. As an engineer, we were first Conservationists. We know we can build and maintain a safe, efficient, modern infrastructure that can co-exist within the beauty and necessity of our natural wonders. West Virginia shares the mission of our federal partners but object strenuously to the expenditure of resources that do not accomplish those objectives. I strongly urge this Committee to be our true representatives in serving as the watchdog in implementing the IJA in the bipartisan manner in which it was created. Not from a policy standpoint, nor to promote a political agenda; but rather to follow the law as written and provide reasonable guidance that can be successfully implemented for the good of all.

I am truly thankful for this opportunity and would be pleased to provide more detail or answer any questions. Thank you, Chairman, Senator Capito and the Committee Members for allowing me to participate.



**WEST VIRGINIA
DEPARTMENT OF TRANSPORTATION**
1900 Kanawha Boulevard East • Building Five • Room 109
Charleston, West Virginia 25305-0440 • (304) 558-0444

October 6, 2022

Jimmy Wriston, P.E.
Secretary of Transportation
Commissioner of Highways

Electronically submitted

United States Senate
The Honorable Thomas R. Carper, Chairman
The Honorable Shelley Moore Capito, Ranking Member
Committee on Environmental and Public Works
Washington, DC 20610

Dear Chairman Carper and Senator Capito:

On behalf of the State of West Virginia, I would like to thank both of you and the Senate Committee on Environment and Public Works for the invitation to attend, testify, and to answer the additional question received on October 5, 2022.

Senate Committee on Environment and Public Works
Hearing Entitled, *Putting the Bipartisan Infrastructure Law to Work:
The State and Local Perspectives*
September 21, 2022

Question for the Record for Jimmy Wriston

Senator Ernst:

1. With the increases in formula funds and discretionary grant programs under IIJA, what is the importance of transparency and accountability for Federal-aid Highway Program funds, especially so that citizens know how their taxes are being spent and projects are being prioritized?

Transparency and accountability is of the utmost importance, not only for programs under the IIJA, but throughout all of local, state, and federal government. These terms cannot just be "buzz words" for public servants but rather a way of life.

The IIJA programs represent an enormous investment in our transportation infrastructure. To measure the impacts of this investment, as well as make sound decisions for future investments, all public expenditures need to be an open book for any and all citizens to see.

This is not limited to just the expenditures. The data used in project selection, time frames to clear regulatory agency requirements, criteria for ranking projects, and clear

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identification of who is the entity to be held accountable should be readily available to the people who pay the bills. It is our duty as transportation officials to provide these things.

As I mentioned during my live testimony on September 21, 2022, the first step to implementing a project is to put someone in charge. The scale of the IIA demands increased due diligence in transparency and accountability. Only then can the full benefit of this magnificent opportunity be realized and the political rhetoric be removed and replaced with clear documentation of data-driven decision making, efficient project delivery, and a high return for our tax paying investors.

Thank you again for the opportunity to participate in this process. Should you have additional questions or require more information, please do not hesitate to contact me.

Sincerely,



Jimmy D. Wriston, P.E.
Secretary of Transportation
Commissioner of Highways

JDW/h

Senator CARPER. Thank you. To your last point, Senator Capito and I, our colleagues were well-pleased with the testimony of our witness, the nominee to be the Federal Highway Administrator, Shailen Bhatt. To the extent that we can get him confirmed and in place, it is taking too long to nominate him, but to the extent that we can get him confirmed, sooner rather than later, having been not just Secretary of DelDOT in our State, but also Secretary of Colorado. He worked in the State of Kentucky, at USDOT, so I think he can be very helpful on some of this stuff, as he is pretty good at common sense.

I am tempted to say the best for last, Jim, you are welcome to chime in. Thanks for joining us today, and please proceed.

STATEMENT OF JIM TYMON, EXECUTIVE DIRECTOR, AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS

Mr. TYMON. Thank you, Chairman Carper, Ranking Member Capito, and members of the committee. I do want to thank you for the opportunity to appear today to discuss implementation of the Infrastructure Investment and Jobs Act.

My name is Jim Tymon, and I serve as the Executive Director of the American Association of State Highway and Transportation Officials. It is my honor to testify on behalf of our members, the State Departments of Transportation for all 50 States, the District of Columbia, and Puerto Rico.

First, let me start by saying that AASHTO applauds this committee for your leadership in the development and enactment of IJJA. We know that your work on earlier bills, like ATIA, laid the foundation for IJJA.

The IJJA lines up extremely well with AASHTO's core policy principles adopted by our board of directors in 2019. It is a 5-year bill. It prioritizes formula funding to State DOTs, and it provides States the flexibility to work with their local partners to choose the projects that meet the needs of their constituents. It recognizes that the transportation needs in Delaware are different than the needs in West Virginia, as well as in Arizona, and the program provides the flexibility for it to be applicable in all of those areas. We know that this legislation was the culmination of bipartisan negotiations in this committee. As such, AASHTO members have been working with USDOT to encourage them to implement IJJA in a manner that is consistent with the letter of the law and the negotiated balance of policy priorities that were necessary to get this bill to the President's desk.

This morning, I would like to address the following topics: highway safety, discretionary grant programs, Buy America, and the impact of inflation on delivering projects.

Last year, nearly 43,000 people died in traffic crashes nationwide. This is unacceptable, and we all must do better to address this crisis. Thanks to this committee's leadership, the IJJA increased funding and flexibility for the Highway Safety Improvement Program, which allows States to expand their efforts to implement projects and programs that improve highway safety.

But it is also important to note that States utilize funding from nearly every Federal Highway category to make safety improve-

ments. The overall increase in funding in IIJA will also provide State DOTs with additional resources to help reverse this trend and make progress toward our ultimate goal of zero roadway fatalities.

Another significant aspect of IIJA is the historic increase in funding for discretionary grants. We believe the efficient and effective delivery of the IIJA's discretionary programs is critical to achieving some of Congress's most important priorities. Many of these programs are open to local entities that may struggle with the complex set of rules that go along with receiving Federal Highway funding. We encourage USDOT to simplify the requirements for all of their programs and eliminate as much bureaucratic red tape as possible. This will enable all grantees to be more successful, whether they are cities, counties, or State DOTs.

Before I close, I would like to spend a few minutes discussing some of the challenges that we are already seeing with the implementation of IIJA. AASHTO and the State DOTs strongly support the intent behind the inclusion of the new Buy America requirements in IIJA. The expansion of America's manufacturing capacity and the creation of new domestic jobs will encourage economic growth and make us a stronger Nation.

At the same time, we firmly believe it is in the public interest to implement these new requirements in a way that allows for the timely and successful delivery of critical infrastructure. The bottom line is, there are some of these materials and products that are used in transportation projects underway right now that are not made in the U.S., so transportation agencies need additional time to integrate these new requirements into their program and project delivery processes, and our private sector partners need additional time to revamp their business plans to be able to produce these products and materials domestically. Without that additional time, these projects may be delayed, and some may even be canceled.

Finally, State DOTs continue to struggle with the unprecedented impacts of inflation. Huge increases in the cost of construction materials and severe supply chain disruptions are driving up the cost of projects and have the potential to wipe out the entire funding increase provided to State DOTs through IIJA. This will have negative effects throughout the industry. But the impacts of this will be especially devastating to small and disadvantaged business enterprises that lack the resources to absorb these unexpected cost increases.

This is one of the reasons that AASHTO and 27 other national organizations support S. 3011, cosponsored by Senators Padilla and Cornyn. This bill would clarify that States and localities can use ARPA funds for transportation projects and to cover those incremental cost increases that we are seeing due to inflation. We feel strongly that Congress should send that bill to the President's desk before the end of the calendar year.

In summary, AASHTO and its members are thrilled for the chance to implement this historic piece of legislation and to deliver public benefits to every corner of the Country. Thank you again for the opportunity to testify. I am happy to answer any questions.

[The prepared statement of Mr. Tymon follows:]



TESTIMONY OF

Jim Tymon

Executive Director

American Association of State Highway and Transportation Officials

REGARDING

**Putting the Bipartisan Infrastructure Law to Work:
The State and Local Perspectives**

BEFORE THE

**Committee on Environment and Public Works of the
United States Senate**

ON

Wednesday, September 21, 2022

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INTRODUCTION

Chairman Carper, Ranking Member Capito, and Members of the Committee, thank you for the opportunity to appear today to discuss building the foundation for our nation's future and delivering major economic benefits through implementation of the Infrastructure Investment and Jobs Act (IIJA).

My name is Jim Tymon, and I serve as Executive Director for the American Association of State Highway and Transportation Officials (AASHTO). Today, I am accompanying Secretary Majeski and Secretary Wriston to testify on behalf of our members—the state departments of transportation (state DOTs) of all 50 states, Washington, DC, and Puerto Rico.

I would first like to extend AASHTO's utmost gratitude to you and your colleagues on the Environment and Public Works Committee (Committee) for your dedicated and tireless leadership on development and enactment of the IIJA. Stable and long-term policy and funding provided through a robust multiyear federal surface transportation bill remains crucial to the work of every single state DOT to meet its goal of improving safety, quality of life, and economic opportunities for everyone. We have especially appreciated the chance to work with your Committee for many years on highway reauthorization—such as the America's Transportation Infrastructure Act and the Surface Transportation Reauthorization Act—that ultimately laid the foundation for the IIJA.

I would also like to share the overarching policy vision for AASHTO, as laid out in our [2021-2026 Strategic Plan](#). The Plan calls for providing improved quality of life through leadership in transportation—and a key goal is "Safety, Mobility, and Access for Everyone" which we look to achieve through the following objectives:

- Advance a safe, multimodal transportation system
- Connect community, economy, land use and the environment
- Advance equity and social justice
- Improve asset performance
- Strengthen resiliency
- Align transportation interests across partners and regions

Delivery is paramount to the success of the IIJA, and under Congressional oversight, AASHTO and the state DOTs have worked closely with our federal executive branch partners including the US Department of Transportation (USDOT) in providing coordination, collaboration, and direct assistance to ensure that the benefits promised by the new bill will be fully realized in the coming years. As key infrastructure owners and operators who will play a leading role in implementing this legislation, we have conveyed to USDOT that:

Testimony of Jim Tymon
Executive Director
American Association of State Highway and Transportation Officials

- AASHTO membership’s input is critical not just at the outset of IJIA implementation, but for the full five-year duration of the legislation, including in development of regulations, guidance, and policies, and;
- Where a range of possible legislative interpretations exist, USDOT should provide flexibility that allows each state to best meet its unique needs.

With that in mind, as part of your efforts to oversee timely and effective implementation of the IJIA and to help inform policy for future legislation, I would like to discuss the following areas with you this morning:

- Robust investment in multimodal transportation and innovation under the IJIA
- Improving safety for all road users
- Build America, Buy America
- Impact of inflation on deliver of the IJIA
- Supporting deployment of electric vehicle charging infrastructure
- Developing the workforce of today and tomorrow
- Administration of discretionary grant programs

ROBUST INVESTMENT IN MULTIMODAL TRANSPORTATION AND INNOVATION UNDER THE IJIA

During the lead-up to reauthorization of surface transportation programs, AASHTO’s Board of Directors adopted five core policy principles. The state DOT community could not be more thankful to see key policy and funding features reflected in the IJIA that reflects our priorities conveyed to your Committee and Congress in October 2019.

TABLE 1: AASHTO’S CORE POLICY PRINCIPLES FOR SURFACE TRANSPORTATION REAUTHORIZATION

AASHTO CORE POLICY PRINCIPLES	INFRASTRUCTURE INVESTMENT AND JOBS ACT KEY FEATURES
1. Ensure timely reauthorization of a long-term federal surface transportation bill	 Provides five years of federal funding and policy stability from FY 2022 to 2026
2. Enact a long-term, sustainable revenue solution for the Highway Trust Fund	 No revenue solution, though provides a \$118 billion General Fund transfer to HTF; Continues support of state user fee programs and creates a national user fee pilot program
3. Increase and prioritize formula-based federal funding provided to states	 90 percent of total HTF highway funding is provided to states via core formula programs, including two new programs: Carbon Reduction and PROTECT (for resiliency)

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<p>4. Increase flexibility, reduce program burdens, and improve project delivery</p>		<p>Improves the environment review process by touching up on NEPA, Section 4(f), and stewardship and oversight agreement, among others</p>
<p>5. Support and ensure state DOTs' ability to harness innovation and technology</p>		<p>Provides substantial funding for EV infrastructure deployment and increased research and development funding</p>

State DOTs are grateful to Congress for recognizing the need to revamp and modernize the entire physical stock in the United States by investing in all infrastructure asset classes. We're also thankful that the IIJA, at its core, includes a five-year reauthorization of federal highway, highway safety, transit, and rail programs for fiscal years 2022 through 2026.

The IIJA represents a historic investment in all forms of infrastructure, with \$567 billion in Highway Trust Fund and General Fund resources provided to the US Department of Transportation. The IIJA has also provided a unique \$113.3 billion in advance General Fund appropriations for various forms of infrastructure—including transportation—above and beyond authorization and funding of federal trust fund programs. We appreciate these advance appropriations that provide guaranteed funding between FY 2022 and FY 2026.

State DOTs are proud of the progress they have been able to make in recent decades to invest in all modes of the transportation system as part of the statewide network. For example:

- In 2019, state DOTs invested \$20.8 billion in public transportation, compared to the federal investment of \$11.3 billion. Formula transit funding in the IIJA for Rural Areas (Section 5311) and Enhanced Mobility of Seniors and Individuals with Disabilities (Section 5310) remain crucial for statewide mobility and accessibility.
- With regard to rail service, twenty state agencies provided \$750 million in funding support to Amtrak, providing service to 48 percent—or almost half—of Amtrak riders system-wide in 2019. States will also play a major role in passenger and freight rail investments supported in the IIJA, by applying for new rail discretionary grant programs.
- For civil aviation, the FAA reported that in 2020, states helped to support 4 million jobs and generated \$850 billion in total economic activity. The increased funding from the IIJA will allow state DOTs to continue to make these kinds of critical investments.

State DOTs are also on the cutting edge of technology and innovation. Through AASHTO's collaborative "inter-committee" working groups, state DOTs are directly addressing some of the most important emerging issues in the transportation sector—such as connected and automated vehicles, electric vehicles, unmanned aerial systems, and shared mobility.

IMPROVING SAFETY FOR ALL ROAD USERS

For far too long, we have seen a tragic loss of life on our nation's roads and streets, and the recent significant increases in traffic fatalities are even more disheartening. Every state DOT in the nation and the AASHTO community stand with this Committee in your unwavering commitment to do everything in our power to make our roads safer.

Thanks to your Committee's leadership, the IIJA provides an increase in funding and flexibility for the Highway Safety Improvement Program (HSIP) that will allow states to expand their efforts to identify and implement improvements to our surface transportation infrastructure that will counteract the daily tragedies occurring on our roads. In addition, the increases in funding for infrastructure safety activities along with new programs, such as the Safe Streets and Roads for All Grant Program, provide more opportunities for us to work together to address traffic safety throughout the planning, design, operation, and maintenance of all public roads. We appreciate that the IIJA clearly calls out the principles of the Safe System Approach: that no death or serious injury is acceptable; people make mistakes and are vulnerable; we all share responsibility in preventing serious crashes; we need to be proactive in our efforts; and we need to have redundant safety strategies in place.

But even with the good news of increased safety resources under the IIJA, the horrific estimates from the National Highway Traffic Safety Administration (NHTSA) of the increase in the nation's traffic fatalities in 2021 confirm a grim truth that so many of us are aware of on both a professional and personal level: 42,915 people died in traffic crashes last year nationwide or 118 deaths each and every day. And 2022 looks to be even worse: NHTSA estimates that 9,560 people died in motor vehicle traffic crashes in the first quarter of 2022, which is an increase of about seven percent compared to the same quarter in 2021. This would be the highest number of first-quarter fatalities in 20 years.

AASHTO is fully dedicated to combating traffic fatalities and serious injuries. We know that as infrastructure owners and operators, state DOTs have a leading role in many of the activities that will get us to zero deaths. Each state recognizes that their road networks are not perfect, and there are thousands of dedicated public and private professionals working every day to provide the best transportation system possible. We know that supporting the critical work of our partners—public, private, and non-profit—will advance our collective efforts. We all have different capabilities, jurisdictions, and responsibilities so we need to rely on partners to work in areas where we cannot. Working together, we can comprehensively combat traffic fatalities and serious injuries on our nation's roadways.

AASHTO and its members will continue to promote known infrastructure-based opportunities—and to identify new ones—to address the variety of factors contributing to crashes and roadway safety needs of all road users. AASHTO's councils and committees continuously identify best practices to share among the states so that we can continue to spread good ideas around the country.

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Executive Director
American Association of State Highway and Transportation Officials

BUILD AMERICA, BUY AMERICA

AASHTO and the state DOTs strongly support the expansion of America’s manufacturing capacity, promoting domestic jobs, and encouraging economic growth. At the same time, we firmly believe there must be a deliberative process for implementing the Build America, Buy America (BABA) Act that ensures timely and successful delivery of critical infrastructure projects funded through the IJA.

We appreciate that USDOT listened to concerns regarding potential delays and anticipated disruptions to project delivery by providing a temporary, 180-day waiver for the new category of construction materials in May 2022. However, states continue to have significant concerns regarding the readiness of industry for this transition and the tremendous potential near-term negative impact on the delivery of needed transportation projects in communities around the country. Additional preparatory work—including robust market research into the availability of American-made goods in the broad cross-section of materials covered by the new requirements—needs to be undertaken at the federal level to ensure a less disruptive transition to American-made products, as well as to provide time for adjustments in the sourcing of listed construction materials.

We believe the most feasible option for achieving these collective objectives is extending the public interest waiver for construction materials past November 10, and until such time as the White House Made in America Office and USDOT can identify and further define specific construction materials subject to the new requirements. We also believe this extension should come with a collaborative action plan for federal agencies to work with recipient agencies and industry contractors, suppliers, and manufacturers to identify construction materials lacking in short-term domestically-manufactured availability, with the recognition that these latter parties have already undertaken efforts in this area. Subsequently, federal policymakers should consider all options for implementing the new construction materials requirement, including further extension of the full waiver, use of waivers targeting specific materials, grandfathering of projects already designed with unique elements, and exemption of materials already purchased and stockpiled for future projects.

AASHTO is also significantly concerned about the potential impact of Buy America on the desired rapid deployment of EV infrastructure, which is discussed in more detail below in the section on electric vehicle charging infrastructure deployment.

When deployed as per the IJA and executive order, the new waiver decision process should be subject to a defined time limit to help plan project development, and should also be fully transparent and reflective of a meaningful effort to evaluate each waiver on its merits. We also believe certain “commercially-available off-the-shelf” (COTS) components should be considered for exemption from Buy America under a *de minimis* waiver or otherwise. And to the extent that utilities are compensated for relocating their infrastructure within or outside a federal-aid project’s right-of-way, related materials should not be subject to Buy America. Lastly, after

appropriate review as required by the IIJA, the Federal Highway Administration (FHWA) should look to maintain its longstanding nationwide waiver on manufactured products.

AASHTO believes that it is in the public interest that critical infrastructure projects intended to improve mobility and access for the American public not be disrupted while transportation agencies continue to make good-faith efforts to integrate the new BABA requirements into their program and project delivery processes.

IMPACT OF INFLATION ON DELIVERY OF THE IIJA

As the nation's economy continues to reel from the effects of the COVID-19 pandemic, state DOTs and their partners continue to grapple with an unprecedented construction material supply chain crisis that has significantly driven up material and bid costs. According to a recent analysis of government economic data by the Associated General Contractors of America, the prices of materials and services used in new, nonresidential construction leaped nearly 17 percent in June 2022 from year-ago levels. This figure indicates the lead times for procurement and delivery of many construction materials have dramatically increased over the last year, leading to mass unpredictability in the availability and price of some of these materials. Material cost increases have ranged from 15 percent to a doubling or tripling in some markets during this time. From manufactured steel, plastic and steel piping, and paint to glass beads, lumber, and much more, every region of the country is facing extreme difficulty in procuring any number of crucial project materials.

As a result, crucial infrastructure projects across the country run the risk of delay. State DOTs and the construction industry are unable to foresee disruptive world events, spiking energy prices, and soaring inflation. The impacts of this have been especially devastating to small and disadvantaged business enterprises (DBE) that lack the resources to absorb these unexpected costs. While the transportation industry has deep experience in managing risk, the events and circumstances of the last two years have led to such unique unpredictability in the supply chain and market that contracting firms of all sizes are at greater risk of business failure now than in recent history.

While most agree that the challenges our industry is facing with supply chain constraints and inflation appear to be leveling off to a limited degree, the transportation industry will continue to face challenges. Likewise, it is important to identify solutions to ensure the success of the IIJA and to be ready for future supply chain or inflationary challenges.

We believe that there is opportunity for USDOT to provide informational resources and greater recognition of existing flexibilities to address supply chain constraints and inflation—including such approaches as early material procurement and payment, the use of escalation clauses and the indexing of commodities, and contracting provisions to assist smaller and DBE contractors. USDOT should also encourage additional opportunities to utilize innovative solutions through

such avenues as Special Experimental Project Number 14 (SEP-14) related to alternative contracting and SEP-15 for innovative financing, allowing states to explore and expand successful practices.

Legislatively, we fully support Congressional efforts led by Senators Padilla and Cornyn (S 3011/HR 5735) to include in any stopgap spending package to clarify that state and local governments may use American Rescue Plan Act (ARPA) funds for transportation projects and relief of project-level cost increases. By passing S 3011/HR 5735, the ARPA funds can help mitigate state budget shortfalls and allow states and localities to address ongoing infrastructure needs that may have been sidelined during the pandemic. This legislation passed the Senate last October via a unanimous consent agreement, and the House companion bill has over 150 bipartisan co-sponsors. Supported by 28 national organizations, the legislation would not increase costs to the federal government or the deficit and does not mandate state or local governments change plans or priorities.

While inflation has reduced the expected purchasing power of IIJA, it must also be noted the legislation has enabled state DOTs and their partners to greatly blunt the impact of inflation and make necessary investments in transportation infrastructure.

SUPPORTING DEPLOYMENT OF ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

AASHTO and the state DOTs readily support the President's ambitious goal of building a new national network of 500,000 electric vehicle (EV) chargers by 2030, as funded in part through the IIJA. We will do our part to ensure that the National Electric Vehicle Infrastructure (NEVI) Formula Program sets up the EV infrastructure industry for long-term success in achieving important environmental outcomes as directed by Congress.

In recent months, state DOTs have played a critical leading role in advancing EV policy priorities you had articulated through the IIJA. We're particularly thrilled to report that all 50 states, the District of Columbia, and Puerto Rico submitted EV infrastructure deployment plans by the August 1, 2022, deadline, and most of the plans have been approved by FHWA.

AASHTO signed a memorandum of understanding in March 2022 with the National Association of State Energy Officials (NASEO) and USDOT-US Department of Energy Joint Office to support nationwide investment in EV charging station infrastructure. In line with that agreement, the Joint Office of Energy and Transportation issued \$1.5 million to AASHTO and NASEO in July 2022 to help coordinate EV infrastructure deployment at the state level. That funding will allow AASHTO and NASEO to update and expand the content on the EV Clearinghouse [website](#) created for state agencies, which contains a wealth of resources such as sample requests for proposals and contracts, EV infrastructure siting and assessment tools, and other resources.

In addition, the AASHTO-NASEO-Joint Office agreement will support:

- Development of peer exchanges and regional dialogues to build capacity, lift up best practices, and ensure coordination across a national EV charging network that also reflects local needs;
- Identification and provision of data, technical, and programmatic assistance needs to develop, implement, and refine state EV charging plans, and;
- Enhancement of communication between state and federal agencies to enable effective, coordinated and timely EV charging planning and implementation.

As the key partner to USDOT in the federally-supported, state-administered federal transportation program, the state DOTs, through AASHTO, also provide the following recommendations to Congress and the Administration on implementation of the NEVI Formula Program.

Ensure the NEVI Program Sets up the EV Infrastructure Industry for Long-Term Success

Long-term operation and maintenance of charging infrastructure should not be a state DOT responsibility, just as state DOTs do not operate or maintain gasoline or diesel fueling infrastructure today. Rather than state DOTs themselves, many of the NEVI Formula Program requirements will be passed on to third-party vendors or contractors.

We believe the proposed NEVI rule from USDOT would impose significant constraints and requirements (e.g., annual reports, quarterly reports, IT connectivity, and workforce requirements) on the private sector vendors and contractors who will implement the NEVI Program. As such, we have asked for more flexible and less burdensome requirements to make participation in the NEVI Program more attractive to the private sector (thus encouraging more competitive bids during the procurement process) and to make long-term stewardship of the charging infrastructure more financially viable for the private sector.

Extend the Buy America Manufactured Products Waiver for EV Infrastructure

AASHTO and the state DOTs strongly support the President's goal of promoting domestic jobs and encouraging economic growth by maximizing the use of American-made products and materials in federally-funded projects, while also successfully delivering a national network of 500,000 electric vehicle charging stations. And as noted earlier, AASHTO appreciates that USDOT has listened to concerns regarding potential delays and anticipated disruptions to project delivery related to the new Buy America requirements and has provided a temporary, 180-day waiver for the new category of construction materials.

However, states continue to have significant concerns regarding the readiness of industry for the transition to new Buy America requirements, as well as the anticipated reexamination of the current Buy America waiver for manufactured products. AASHTO anticipates tremendous near-term negative impacts on the delivery of needed transportation projects—including deployment of EV charging infrastructure—in communities around the country if new and expanded

requirements are implemented too quickly. Additional work needs to be undertaken at the federal level—including robust market research into the availability of American-made materials and products—to ensure a successful transition to any new or revised Buy America requirements. Thus, AASHTO strongly recommends continuation of the public-interest waiver for manufactured products, especially as it relates to EV charging infrastructure, as this will help ensure a successful rollout of EV infrastructure in a timely manner across the country.

Give State DOTs Greater Flexibility to Meet Local Needs and Conditions

AASHTO supports FHWA’s goal of establishing a national network of EV charging stations. To achieve this goal, state DOTs need flexibility to implement charging networks that suit local conditions, including local geography, electrical grid capacity, population density, average daily traffic, and anticipated demand for EV charging. We ask that the proposed regulations establish a process by which state DOTs can seek and receive specific exceptions to the requirements, in line with the Exception Template provided on the website of the Joint Office of Energy and Transportation, but with expanded exception options. For example, in very rural areas where it is unlikely that four vehicles will need to charge simultaneously, a state DOT might seek an exception that would allow power-sharing between charging ports; this would allow the ports to achieve 150 kW but would not require costly grid upgrades to equip the charging station to provide 600 kW.

AASHTO and the state DOTs look forward to partnering with USDOT and other key stakeholders under Congressional oversight on the implementation of EV infrastructure across our nation.

DEVELOPING THE WORKFORCE OF TODAY AND TOMORROW

Strategic workforce management—the systematic approach used to predict, prepare for, and manage workforce needs—is an urgent and critical issue for all of AASHTO’s members. State DOTs across the nation have increasingly expressed concerns about aligning the needs and priorities of the state DOT with those of its workforce in order to place the agency in the best position for ongoing success. As technology and innovation advance, and public expectations and demands for more nimble service delivery rise, agencies will need to reimagine their workforce. State DOT constituents are increasingly demanding transparency, accountability, increased personalized communication, and on-demand service delivery.

The new technologies associated with this work require different skillsets and competencies than those of traditional state DOT employees. Additionally, as the new generation entering the workforce seeks agility and innovation, and brings a service-delivery mindset, state DOTs need to adjust to the culture of the new workforce to recruit and retain these employees. Restructuring, increased diversity and inclusion, greater employee buy-in and collaboration, and organizational culture change may be required for state DOTs to succeed in the future.

Workforce talent management is experiencing increased workforce movement as well as talent shortages. As a large portion of the state DOT workforce is composed of baby boomers, their impending retirement could result in significant knowledge loss. These retirements will also result in employees being promoted more quickly and, therefore, entering new positions with less experience and skills. In addition, fewer people are entering the transportation industry as a career, and the new skillsets needed increase recruitment and retention challenges. Capturing and transferring operational knowledge through knowledge management strategies and succession plans are critical to train current employees. Many state DOTs already re-examine minimum qualifications, compensation, and job descriptions; use short-term or contract employees; and implement modern work arrangements such as flexible work schedules and/or telework.

State DOTs will need to increasingly use data science curation and analytics to support efficient decision-making. We also need effective information management systems and information managers to handle the multitude of documents, reports and data produced by the state DOT as well as the increased public expectations regarding access to information.

State DOTs are using innovative approaches to address workforce management issues. For example, five state DOTs are currently partnering with the Center for Employment Opportunities (CEO) to provide employment to formerly incarcerated individuals. CEO crews support the state DOTs with litter abatement, vegetation management and landscaping, bridge and structure maintenance, and snow removal. CEO's partnership with Caltrans began in 2011 and CEO now has nearly 30 crews across the state providing reliable, high-quality litter abatement along highways in eight counties. These crews provide immediate employment to over 2,000 of California's returning citizens. CEO's partnership with the Colorado Department of Transportation (CDOT) began in May 2017 to help address a labor shortage that prevented CDOT from keeping up with necessary bridge maintenance. CEO and CDOT now operate four crews around the Denver and Colorado Springs metro areas.

To assist the state DOTs with workforce management challenges, AASHTO has established a new Subcommittee on Transportation Workforce Management. The Subcommittee is intended to provide proven, effective strategies to navigate workforce management issues and become a community of practice for state DOTs on strategic workforce management. The subcommittee will also address activities that enable comprehensive and intentional strategic workforce management, such as assessing workforce and workplace diversity, equity, and inclusion, and assessing the capabilities and effectiveness of the current workforce and identifying competency gaps.

We believe investing in our infrastructure is ultimately an investment in our citizens.

ADMINISTRATION OF DISCRETIONARY GRANT PROGRAMS

A critical part of the IJA is the discretionary programs, which have increased substantially in number and funding, and which support some of the most important Congressional priorities. We believe the efficient and effective delivery of these discretionary programs is critical to the successful delivery of the promises made to Americans by the President and Congress.

As discretionary grant programs continue to solicit applications, award dollars to projects, lead to execution of project agreements, and ultimately, construction, operation, and maintenance of projects, AASHTO offers the following recommendations for the IJA and the subsequent surface transportation reauthorizations:

- The institutional capacity and resources necessary for eligible recipients to successfully apply vary widely, presenting an equity issue for smaller recipients looking to compete for and access discretionary grant programs.
- The amount of time needed to launch new discretionary programs (structuring, releasing Notices of Proposed Rulemaking (NPRMs), reviewing comments, finalizing) continues to mean that money won't flow quickly.
- The unpredictability of obtaining a discretionary grant (from the roughly \$25 billion in grants available per year) makes it difficult for states and localities to forecast around the availability of these funds especially for their fiscally constrained plans and statewide/transportation improvement programs S/TIPs, especially since some awards can be extremely large.
- Participation by up to 60,000-plus eligible local entities in the competition process raises oversight and stewardship challenges and could dramatically slow down the review of applications. In addition, the institutional capacity of many local recipients to manage federal dollars if awarded discretionary grants will affect the timely delivery of individual projects, especially if such entities are not familiar with federal contractual requirements, such as National Environmental Policy Act (NEPA), Davis Bacon, and Buy America.
- We believe being able to meet process requirements, project readiness, and the resulting ability to expend grant funding should be an important evaluation factor in preparing for grant awards and in the timing and deadlines for NOFOs and applying for grants.
- For successful and timely implementation to occur, cooperation, coordination, and collaboration with the agency responsible for administering the grant remains hugely critical prior to award of a grant.

CONCLUSION

AASHTO and its members are thrilled for the chance to implement this historic legislation in the coming months and years to deliver public benefits to every corner of our country. Thank you again for the Environment and Public Works Committee's unrelenting stewardship and support in getting the IJA across the finish line. I'm honored for the opportunity to testify today, and I'm happy to answer any questions.

Testimony of Jim Tymon
Executive Director
American Association of State Highway and Transportation Officials



Shawn D. Wilson, Ph.D., *President*
 Secretary, Louisiana Department of Transportation and Development
 Jim Tymon, *Executive Director*

Senate Committee on Environment and Public Works
Hearing Entitled, “Putting the Bipartisan Infrastructure Law to Work: The State and Local Perspectives”
September 21, 2022
Questions for the Record for Jim Tymon

Chairman Carper

1. *For decades, State DOTs have had safety as a top priority, and yet the roadway fatality numbers in this country are much higher than those of similar nations. US traffic fatalities per population are double the rate of Canada, and more than triple that of the United Kingdom, and fatalities are increasing. It is clear that roadway design is central to safety, and that slower speeds would help to improve safety outcomes. Many of the manuals and procedures that govern road designs and speeds are in fact developed by AASHTO. Is AASHTO reconsidering design guides and procedures that encourage higher speeds and revising them to improve safety?*

We share your concern, and as I noted in my testimony, safety continues to be of utmost importance to all state Departments of Transportation (state DOTs). Addressing the recent increases in traffic fatalities on our nation’s roadways is a top priority of state DOTs and the funding provided through the Infrastructure Investment and Jobs Act (IIJA) last year will provide additional resources that state DOTs and local governments can utilize to make key roadway safety improvements. AASHTO’s membership is grateful to Congress for the continued safety emphasis in the IIJA and for these additional funds.

AASHTO is currently in the midst of a \$1 million research project to revamp the roadway design guidance that has become the basis for roadway design in the United States, titled *A Policy on Geometric Design of Highways and Streets*, but more commonly known as the AASHTO Green Book. This comprehensive update will be complete by 2025. This new edition will expand the focus for designers and engineers to an approach based on the context within which a facility is being designed, and will provide guidance on a more flexible approach to facility design to aid in harmonizing user needs and functional performance with environmental, contextual, and community considerations.

This shift in focus led to the incorporation of initial changes into the current edition of the Green Book in 2018, which expanded discussions of the flexibility inherent in the existing design guidelines and focused on designing within and for a multi-modal transportation system, with additional explicit consideration of our most vulnerable users such as pedestrians and bicyclists. The next edition will present new information to allow transportation professionals to more comprehensively balance safety, mobility, and other concerns for all modes of travel.

As transportation affects so many facets of our lives, transportation design decisions must consider the effects on safety, mobility, reliability, resilience, accessibility, equity, public health, environmental, land use, and other factors. To ensure that the new Green Book design guidance reflects the needs and desires of our communities, two of AASHTO’s most involved committees—the Council on Active Transportation and the Council on Highways and Streets—developed guiding principles for the development of this new edition, which include the following tenets:

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American Association of State Highway and Transportation Officials

- The purpose of an integrated, multi-modal transportation system is to provide for the safe and appropriate accommodation of all users, including pedestrians, bicyclists, public transportation users, children, older individuals, persons with disabilities, motorists, and freight vehicles;
- Bicyclist and pedestrian serious injuries and fatalities continue to increase, which can be addressed, in part, through changes in the design and operation of our roads and related facilities to improve safety for all;
- Robustly-researched guidance on incorporating all modes of travel will result in safer and more effective designs that serve all user; and
- Equity within the transportation system is an essential design consideration to promote the fair distribution of options and accessibility provided by the transportation system.

Recommendations from these two Councils included the following:

- AASHTO should provide guidance...within the Green Book and other AASHTO design publications regarding the importance of multi-modal design to accommodate all users in a safe and effective manner, through approaches such as Complete Streets, context sensitive solutions, and practical design;
- This guidance should assist in educating engineers and designers on the flexibility inherent in the Green Book, as well as new and additional guidance on specific design issues; and
- This guidance should address designing in and for a multimodal transportation system with particular attention to the need to promote safety for all users of the road while working toward the goal of transportation equity.

AASHTO also continues to conduct significant research on a variety of safety issues in anticipation of a major update to the AASHTO *Highway Safety Manual* (HSM), which is a tool for quantitatively considering safety in transportation decisions. The HSM is a companion document to the Green Book that provides the ability for transportation agencies to: identify sites with the greatest potential for reducing crash frequency or severity, identify contributing factors to crashes and mitigation measures, and estimate potential reductions in crash frequency and severity on a variety of potential design treatments on our roads and highways. Significant research funded by the State DOTs and others continues to advance the science of safety and further develop predictive methods for estimating crashes and the potential for safety improvements, and an expanded edition of the manual with broader application to additional facility types and new analysis guidance – including processes for addressing pedestrian and bicyclist crashes – is expected in 2024.

In addition, AASHTO committees and programs are increasing the awareness of the “safe system” approach, which is a holistic and comprehensive approach to safety on the transportation system, by sharing practices among states and sponsoring research to develop new procedures for incorporating the safe system approach into the daily activities and practices of state DOTs. One of the key principles of this approach is managing safe speeds, and AASHTO committees and member departments are working hard to develop and share procedures that can be applied in various contexts and situations.

Additional AASHTO guides that have been significantly expanded or are underway include the AASHTO *Guide for the Planning, Design, and Operation of Pedestrian Facilities*, published in 2021, and the 5th edition of the *Guide for the Development of Bicycle Facilities*, anticipated in 2023, both of which provide significant guidance on the development of designs that facilitate safe movements among the various modes of transportation. In addition, AASHTO continues to expand its web-based training courses in the areas of safety and design, including such courses as “Fundamentals of Flexibility in Highway Design,” “Fundamentals of Bicycle Infrastructure,” and “Strategies for Accommodating Pedestrians, Bicyclists, and Motorcyclists in Work Zones.” These courses provide the latest information to practitioners in a format that reaches them on their schedule and tests them on the concepts being conveyed to ensure comprehension.

Senator Boozman

1. *What opportunities are there to advance multi-state corridor projects through IIJA programs?*

- a. *How can we capitalize on the largest investment opportunity for transportation infrastructure through the IIJA to advance these mega projects more significantly than a few miles which is how they are being built given funding constraints?*

Multi-state mega projects can be a challenge for state Departments of Transportation (state DOTs) to complete, given the costs and complexities associated with projects of this scale. The IIJA includes an increase in federal transportation formula funds for each state and some of these funds may be available for a state DOT to use on a multi-state corridor project. In addition, the IIJA includes an expansion of existing discretionary grant programs and creates new discretionary grant programs that may be viable funding sources for these types of projects. If states choose to apply for any or all of these discretionary grants and are awarded funding, it is certainly possible that the advancement of large, multi-state projects could be accelerated.

The IIJA programs that may be of interest include:

- Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grants
- Infrastructure for Rebuilding America (INFRA) grants
- National Infrastructure Project Assistance grants (MEGA projects)
- Bridge Investment Program

Senator Ernst

1. *In December, the FHWA issued a memo that encouraged states to prioritize the use of IIJA funds on existing roads before adding capacity projects. In Iowa, we have areas with freight and operational challenges for which capacity improvements would lead to a safer more efficient road. In your experience working with many state DOTs, how would this prioritization impact rural states who need to increase freight and operational capacity?*

AASHTO appreciates USDOT and FHWA's acknowledgement that this guidance memo does not suggest that the agency has the authority to require states to invest federal formula funds in certain types of projects nor restrict them from investing in other types of projects. While the legislative process that led to the IIJA was certainly unconventional, the enacted legislation—and the Congressional intent regarding the Federal-aid Highway Program over the next five years—provides state DOTs with flexibility in how investment decisions are made with formula dollars to meet each state's unique mobility and accessibility needs.

Given the diverse transportation needs of each state, it is important that state DOTs can use these flexibilities included in the IIJA. These flexibilities allow state DOTs to address urban and rural transportation challenges and AASHTO is grateful that Congress did not take a "one-size-fits-all" approach to addressing transportation priorities. The freight and operational capacity needs in Iowa may be different from the freight and operational capacity needs of other states. The IIJA correctly recognized these kinds of differences and provides state DOTs with the tools to address their individual situations.

The IIJA was a culmination of bipartisan negotiations in the Environment and Public Works Committee (Committee). AASHTO members have been working with FHWA and USDOT to ensure implementation of this important legislation in manner that reflects the statutory provisions and negotiated compromises reached by this Committee.

Senator CARPER. Thank you so much for that testimony.

I am going to start off with Secretary Majeski. You mentioned the sad increase in deaths on our roads and highways and bridges in Delaware. For our other colleagues, I-95 is being reconstructed right through Wilmington, Delaware. It is an incredible project. The major highway in our Country literally goes right through Wilmington, Delaware.

We have seen a loss of life there because of vehicles that are going too fast, despite the great efforts, herculean efforts of the Secretary and her team to address that. I was asked today on the train by several passengers, thank God we have the train because it enables us to move expeditiously up and down the corridor. I told people, they said, when will I-95 reconstruction be done? I said, I think by the end of this year. Was that good guidance or not?

Ms. MAJESKI. That is correct, sir. We hope to have all the major work completed by the end of this year. There will still be, as we call it, punch list items that will continue into next year. But the major impacts to the roadway will hopefully be completed by the end of this year.

Senator CARPER. Thanks for all the work that has gone on there and for your leadership, as well.

I think it was in March of this year, our Governor, John Carney, announced that Delaware was going to join 13 other States in adopting California's zero emission vehicle regulations, which will make it easier for Delaware drivers to be able to purchase electric vehicles and save households anywhere from \$500 to \$1,000 a year on fuel costs.

My question is, how is DelDOT supporting those commitments, and how will the funding from the Bipartisan Infrastructure Law for transportation electrification align to support those efforts?

Ms. MAJESKI. Yes, thank you. We are working with our partner agency, DNREC, on developing our strategic plan on EV deployment throughout the State. Our NEVI plan was recently approved, so we are excited to be able to get started on phase one of that, which will focus on our alternative fuel corridors. Then the next phase, we will work on filling the gaps within our transportation system to make sure that we are providing EV charging to not just on the main highways, but throughout the State, so that communities and neighborhoods have access to the EV charging as well.

We are one of the partners working, like I said, with DNREC, but also with the electric providers to be able to make sure that we have the utility access and coordination to be able to deploy this electrification throughout the State.

Senator CARPER. Thanks. Madam Secretary, would you share with our committee the Delaware Department of Transportation's experience in working with the U.S. Fish and Wildlife Service to ensure that transportation projects do not further imperil endangered species? How does proactive collaboration and conservation with the Fish and Wildlife Service help avoid project delays?

Ms. MAJESKI. It is very critical that we have a good working relationship with the agency. We try to work collaboratively with all of our Federal agencies, especially, as my colleague mentioned, whenever an endangered species or any type of issue might come

up. We want to be good stewards of the environment, and we want to protect our natural resources.

Having that partnership with them is critical, especially if there is some sort of endangered species or there are limitations to when construction can occur. We have to be able to plan our projects accordingly so that we know when, in fact, construction can happen, so that we are not disturbing certain areas and species throughout the State. That partnership is critical. So far, so good, I will say, but there is a lot of planning and coordination. We have a 6-year capital plan that we develop, and so we are working in partnership with them to identify any potential conflicts that we may have and so we can adjust our construction timing accordingly.

Senator CARPER. OK, thank you.

Question, if I could, for the mayor, Mayor Romero. Thanks again for your testimony especially on transportation equity and climate-related issues and your work to revitalize communities while also reducing transportation emissions. I believe that the funding from the Bipartisan Infrastructure Law, especially when paired with new funding made available in the Inflation Reduction Act, will make it possible for cities to achieve their ambitious climate goals and make long-lasting and transformative changes.

Question: how are you partnering with community-based organizations to ensure that they are aware of and have the technical capacity to access the opportunities made available in these two laws, and what could Federal agencies do to help facilitate local capacity building and enable city progress on climate and equity goals?

Mayor Romero. Thank you, Mr. Chairman. The city of Tucson has a long history of having extensive community engagement actions in our city. For example, right now, we are putting together a Climate Action Plan and making sure that we are getting to each and every community and in different forums.

I believe that with the newer funds in both the Bipartisan Infrastructure Law and in the Inflation Reduction Act, we will have to receive technical assistance, maybe even for cities. The city of Tucson has a super competent team in our Department of Transportation and Mobility and other department. But technical assistance for us to be able to partner with other organizations in our city to be able to navigate the new programs that will hopefully exist for EV infrastructure and for electrification purposes, as well as being able to prepare and collaborate with other jurisdictions like the State and Pima County and the city of Tucson in partnering together to navigate the new programs that will exist for us to be able to electrify and expand different modes of transportation in our city.

Capacity building, we were just at the Department of Energy yesterday. I think that another area to help us navigate is the partnerships with community colleges and universities as we create the green jobs of the future with the Inflation Reduction Act especially. Because we are moving from, for example, in Pima County, the city of Tucson, we have Pima College training automotive techs with the new technology of EV vehicles. I think that would be a best practice to be able to offer technical assistance and to move fast so that the cities can tap into the funds, receive the grants, and put the projects to work.

Senator CARPER. Good. What you are doing there is actually something that reflects in what we are doing in Southern Delaware in Georgetown with Del Tech in terms of training auto techs, and making sure that not only can they fix diesel and gasoline powered vehicles, but also electric vehicles.

I am going to turn it over to my colleague, Senator Capito. I want to telegraph my next pitch when we come back, if we have time for another question or two. The question I am going to ask all of you is, what kind of advice, if you could give some advice to Secretary Buttigieg, what kind of advice would you be giving to him at this point in time. Senator Capito?

Senator CAPITO. Thank you, Mr. Chairman. Yes, thank you all for your opening statements.

Secretary Wriston, I wanted to ask about when we were negotiating the Surface Transportation Reauthorization in this committee, we talked a lot about greenhouse gas performance measures, and we decided not to give the FHWA that authority. But they have now, FHWA has released a proposed rulemaking to establish a greenhouse gas emissions performance measure requiring States to set declining targets.

For our State, what is your reaction to that? Have you seen that? What kind of measures, since we have a diffuse population, obviously, our emissions are going to be a lot less, and so to improve those is going to be more difficult for us. That is the way I see it. How do you see this?

Mr. WRISTON. Yes. Here we go again. The law is clear. That provision is not in it. Transportation is not opposed to working toward reducing our greenhouse gas emissions; of course we are not. We are going to do anything and everything we can, which is exactly why the flexibility that is ingrained in the formula programs are so important, to be able to flex just the carbon reduction program.

The rules told us clearly that we could flex up to 50 percent of that bucket to a more flexible category. We did in West Virginia. The FHWA's division offices, they ran the gamut with guidance on that across the Country, with the 52 DOTs. Some States were told they could; some States were told they couldn't. Ours was approved for 3 months while everyone else was still hearing that it couldn't be done.

The greenhouse gases, the DOTs are absolutely not opposed to this, but we need the flexibility to do things that will get a result. By moving that money into a different bucket, you give me the flexibility to take a holistic approach, to look at the overall environmental concerns and put together comprehensive plans to address them.

Yes, we are going to have to use a little innovation. We are going to have to use some technology to deliver these things, absolutely. But transportation is not the worst offender in the world with greenhouse gases. We can take care of a portion of this. Transportation is not the solution to zero greenhouse gases. It is just not true, and it is never going to be true.

We can work on this. We need flexibility to do it. A firm performance measure, absolutely not. The minute you give me a performance measure, you are telling me upfront, you are going to set a

bar, in many cases, arbitrarily, and I am going to have to move that needle over time or I am going to get a penalty somewhere.

Senator CAPITO. Right. So, it is consistency. I think that is what we are hearing. Mr. Tymon, what are you hearing, since you hear from all different? The consistency, actually, we emphasized this last week with the nominee to say that one State says yes, one State says no on exactly the same types of provisions or requirements. What are you hearing in a more general sense on this issue?

Mr. TYMON. On the greenhouse gas?

Senator CAPITO. Greenhouse gas, or the inconsistency of the district directors.

Mr. TYMON. I would say, first, on the greenhouse gas emissions, the rulemaking is currently pending. We are putting together our comments. We have States probably all over the map on this. We have several States that will support it and a lot of States that will be opposed to it.

We, as an organization, were opposed to it during the Obama administration when they came out with this provision mainly because, again, it wasn't spelled out in the law that this is something that they should do. With this one, I think we clearly have concerns about as Secretary Wriston mentioned. The declining targets, I think, is a problem. That is an approach that is not used in any of the other performance measures that we have.

Then, again, the ability for State DOTs to be able to influence this specifically, I agree with Secretary Wriston. Every State in the Country wants to do everything they can to reduce greenhouse gas emissions. But State DOTs are probably limited in how they can impact this reduction specifically.

Overall, I do think that it is a concern that we do seem to get different guidance from State to State on different issues. I think this example on the transferability of certain funds from different programs really came to light this summer. Several States had asked their division offices for the ability to transfer funds. Some were told yes; some were told no. Some were told yes, but then were sent a stern letter saying that they shouldn't do it. That is a concern for us. We have communicated that with FHWA and USDOT. They are aware that that is a concern.

Senator CAPITO. OK, good. Thank you.

On the guidance, and I only have a little bit of time left, but on the guidance that was put out by the FHWA, in terms of the memorandum that really discourages new construction, you want to go to maintenance, you want to go to transit, you want to go to bike paths and other things of that nature. How does that impact, is that impacting you, Secretary Wriston? Are you actually seeing it impacting your ability to get approval for certain projects?

Mr. WRISTON. Well, it certainly is. I have many of these projects with the preliminary designs done, particularly in bridges. If I need to add a sidewalk arbitrarily to a bridge, whether I need it or not, then I have to go back to the design and literally redesign the steel that holds that bridge up. It has to be resized.

Conversely, going the other way, if I can't add capacity to my interstates, well, what am I doing to the next generation if I spend tremendous resources on a resurfacing job on I-79 in West Virginia

and don't take care of the added capacity I know I am going to need in 12 or 15 years? It makes planning impossible.

Senator CAPITO. OK. Thank you.

Senator CARPER. Thanks, Senator Capito.

Senator Whitehouse has joined us, and we are happy that he is here. Sheldon, please go right ahead.

Senator WHITEHOUSE. Thanks.

Let me first ask a question of Mayor Romero. I visited your sister city, Phoenix, not long ago, and was told by the emergency management city director that they were having to redo the staffing for all of their first responders to deal with the problem of operating in extreme heat environments, that you needed to have more people available so that you could rotate somebody through a fire or a crash site or whatever it was much more rapidly.

In addition to the additional personnel required for that, they also had to have cooling crews ready to deploy when people were becoming overheated and needed overheating first aid. Are you seeing that in your city as well?

Mayor Romero. Excellent question, Senator. Thank you. Climate change in Arizona is not as tangible as we see in other places, like hurricanes and flooding. What climate change is doing to our State is that we are living in the 22d year of a drought. We are concerned about our water supply through the Colorado River, and we are experiencing more days 100 plus degree weather throughout the State.

In Tucson, the way we are addressing climate change is through acting. We are putting together a climate action plan, working with the community to put it together. But we also need Federal funds to be able to support the plans that we have as cities in order to protect our residents from climate change.

We are seeing 100 plus degree days more and more throughout Arizona. We are experiencing wildfires that are increasingly coming closer to our urban cores. We are seeing more asthma and especially seniors dying from heat-related illnesses. Our workers, I would say, our first responders, our construction workers, people that have to work outside are at greater risks of heat exhaustion in our State.

Senator WHITEHOUSE. Particularly when they have to wear protective gear to accomplish their mission successfully.

Mayor Romero. They do, or have less hours of work, or we would have to change the way we deliver services as a city. That is very expensive.

Senator WHITEHOUSE. Thank you. Let me stop you there so that I can ask Secretary Majeski a question. I really appreciate it.

Mayor Romero. Thank you.

Senator WHITEHOUSE. On the subject of planning, as the Mayor mentioned, Rhode Island, like Delaware, is a coastal State, and we are facing basically having to redraw our coastline with current sea level rise projections. You mentioned a billion dollars in infrastructure just in Delaware alone at risk.

Could you let me know how much of that you think is related to sea level rise risk? If you could, also comment on the need for planning in local communities who don't necessarily have the skill set to plan ahead, the tax-based problems they are required to con-

front when they do that planning and have to concede that things are going to be quite different, and the difference between wreck and repair versus plan and protect as strategies, and the additional expense that that creates upfront for our coastal communities?

Ms. MAJESKI. We are seeing the direct impacts of sea level rise and climate change. It is real in our State. We have about 250 miles of roadway that is overtopped with water pretty much year-round on sunny days, and a lot of that is due to the tidal flooding that we are seeing. So it is not just those strong storm effects. It is everyday flooding that we are seeing on sunny days.

We are kind of doing a two-pronged approach here. We have now, with the Federal funding, we are able to kind of do studying. We just launched the SR1 Coastal Resiliency Study actually last night, where we are looking at the entire Route 1 corridor from the beaches to the Maryland line. Because that stretch of roadway not only has the ocean, but it has the Bay. It is very vulnerable. We are looking at long-range planning, what we can do there.

We are also partnering with the local universities on different material types and different things that we could be doing. We have a lot of our local small communities that are impacted by this flooding, as well, and so that planning and coordination with the local communities. We have a road in Bowers Beach, South Bowers. There are 30 homes. They have one way in and one way out, and it is overtopped with water almost every single day. So we are going to be using some experimental pavement, some pervious pavement, so we can see if that works so we can help this community.

All of those things, it is going to take a lot of effort from us. We are partnering, as I mentioned, with the universities on doing roadway flooding sensors so that we can have better communication with our first responders and our school districts, as well.

Lots of planning coordination, trying different material, trying to be innovative to protect the existing roadway that we have. But as we are planning these future projects, taking sea level rise into account as to what the road design is, what elevation should it be, and then protecting and working with those local communities is critical.

Senator WHITEHOUSE. Thank you very much.

If I could just mention one other thing. It is not a question, but we just got an \$82 million grant for the bridge that connects Aquidneck Island with the mainland through Jamestown. It is called the Pell Bridge after our former colleague, Senator Claiborne Pell.

With climate change and with changes in humidity and temperature, there is more intrusion of moisture into the cabling and structure of the bridge, so both that bridge and the Mount Hope Bridge between Aquidneck Island, Portsmouth, and Bristol, we are having to put in very expensive repairs to protect those bridges to dehumidify the inside of the bridge. That was not something we had to think about a few years ago.

So it is beyond just coastal flooding. Even things that look like really strong, fixed, stable, iconic pieces of infrastructure are affected, and thank goodness we got the biggest grant to Rhode Island transportation in Rhode Island history to help with that problem. Thank you.

Senator CARPER. Thank you for all those points, Sheldon. Next is Senator Cramer. Senator Cramer, welcome. Thanks for coming early and staying late. Thank you.

Senator CRAMER. Thank you. I wouldn't miss this show for anything. We have four really good witnesses.

Senator CARPER. Should we charge admission, what do you think? Maybe next time?

Senator CRAMER. I wouldn't go that far. Maybe next time.

I have to say, listening particularly to the three local and State officials, your stories and your reflections and your experiences reflect the diversity of our great Country. I think serve as testimony, each together and certainly all together, each individual and all together, as to why flexibility is so darned important.

When I hear about drought in Arizona and flooding in the Northeast, we hear from Sheldon and Senator Carper and our friends from the coast about your situation a lot. Obviously, the mountains, we have a diverse Country. Our geology is different. Our hydrology is different. Our demography is different. We are all different. This just speaks volumes to the importance of federalism and States having more control.

All of that said, a couple of things. I was, tempted, frankly, to give all five of my minutes to Secretary Wriston because I want to hear the whole bumblebee story. But I have a pretty good sense of what it is about. I have a pretty good sense of what it is about, and it too speaks to the importance of getting God's human creatures higher up the food chain, if you will, of importance at the bureaucracy.

You said something interesting, Mr. Wriston, that I want to explore a little bit. In referencing the lack of a specific greenhouse gas rule, you said that the law is clear, it is not in there, or something to that effect. The problem with the bureaucracy is, what they have figured out is most of the time, they do what we require them to, but not even that, all of the time. But they almost never pay attention until we tell them what they are prohibited from doing. Do you know what I mean?

So, the lack of a prohibition to them is license to do whatever they want, and that is what you are experiencing in a lot of these things. In fact, Mr. Tymon, we are seeing lots, I have noticed, out of Transportation and the DOT, lots of Federal registry notices. There is an uptick in all of that, at a time when, I love what you said Madam Mayor, when you were talking about all your concerns, and you said, "and do it fast." Fast isn't in the bureaucratic mindset.

I want to go to something we haven't talked about that is law, that was in the law specifically, and that is the One Agency Decision rule. The reason for One Agency Decision, and why I think it works so well, and I spent 10 years as a regulator in North Dakota, One Agency Decision is not to cut corners. It is not designed to diminish the integrity of oversight or environmental protection. In fact, not at all.

I think you can do it much, much better, much, much faster with more efficiency and integrity with One Agency Decisionmaking because if you do things, rather than doing them chronologically, if you do them chronologically rather than concurrently, you are

going to add time. But if you do it concurrently, you are going to add synergy, not just efficiency, but synergy, and that is what makes sense to me.

The bureaucracy likes chronological because it serves their interests best. That way, every agency can take as long as they want to do a simple thing, and then pass it to another agency to take as long as they want to do a simple thing. We are living at a time when we have work force shortages. It is getting harder to attract people to public service, just as it is to the private sector. I think the One Agency Decision rule is not being utilized, and I think it could be the answer to a lot of your challenges.

I would be interested, starting with you, Mr. Tymon, from the Association's standpoint. Again, you represent a lot of diversity, and we see great examples of it sitting right next to you. Couldn't the One Agency Decision become part of the solution?

Mr. TYMON. Thank you for that question, Senator.

I do think that every State DOT in the Country supports finding ways to expedite the approval of projects and doing it in a responsible way where we are not harming the environment. I do think that the Federal One Decision provisions do carve out a path for there to be a more efficient decisionmaking process. We have been advocating for 10, 15 years for a more concurrent review process as opposed to consecutive. This provides a good foundation for us to move forward in that direction.

Senator CRAMER. OK, really quickly then. You talked about the grants, the discretionary grants, we have heard about that, the importance of the formula. Again, can we simplify even the discretionary grant programs by just applying the basics of the formula? They are coming out with more ways to make it harder rather than facilitating them, in my view.

Mr. TYMON. Well, one thing that the Administration did do for several of the discretionary grants is they came up with a common application. I have to give them a lot of credit for that, because I think that did help for people that were potential grantees, they were able to just go to one application. But it wasn't for every discretionary grant that they have out there.

I think that is going to be a challenge for this Administration moving forward, given the size of the discretionary grants and the number of them, how can they do that in an efficient manner to process those applications and get the dollars out on the street? I think that is going to be very tough over the next four and a half years.

Senator CRAMER. All of the directors are nodding their heads. Thank you all for being here.

Senator CARPER. Thank you.

We have been joined by Senator Padilla from California. Senator Padilla, welcome. Good to see you. You are recognized.

Senator PADILLA. Thank you, Mr. Chair. Right on time, no less.

Colleagues, the Bipartisan Infrastructure Law created the PROTECT program to fund projects that improve the resiliency of our surface transportation infrastructure. I was proud to author language that added wildfires to the list of natural disasters relevant to resiliency improvement grants under the PROTECT program. It made vegetation management practices and transportation rights

of way eligible for grant funding and prioritizes resiliency improvements grants for addressing the vulnerabilities of surface transportation assets with a high risk of failure due to the impacts of wildfires, clearly, something that is increasingly common in California, as well as in your State, Mayor Romero.

My question is to you: as the Tucson region faces continued wildfire threats, why are the resources that the Bipartisan Infrastructure Law provides central to improving the resiliency of our surface transportation infrastructure from wildfires and other natural disasters and climate vulnerabilities?

Mayor Romero. Thank you, Senator Padilla, and thank you for adding wildfires to the list of natural disasters in the PROTECT program.

The city of Tucson benefits from having two incredible national parks on both the east side of our city and the west boundary of our city. We have beautiful mountain ranges surrounding our city. We have seen wildfires in our mountain ranges become dangerously close to homes and residents in our city.

At the same time, we must address wildland-urban interface issues, including risks of fires, floods, and mudslides and their potential impacts on both private property and public infrastructure.

This is why the city of Tucson supports the inclusion of the PROTECT program in the BIL. It will help ensure that our infrastructure can stand up to such events to protect life, health, and property. Specifically in Tucson, we are a center for logistics in our region. We are 60 miles from the Mexican border, we have rail, we have air, we have an interState that connects our entire State from Tucson. Commercial activity and supply chain shipments move through Tucson every hour.

Therefore, infrastructure failures in Tucson due to climate change can negatively impact national economic and security interests. The costs of these failures can be significant, so we need to make sure that we are putting that resiliency on our infrastructure so that we don't have to pay billions of dollars to repair. We need to be able to protect beforehand.

Senator PADILLA. I appreciate your highlighting the supply chain impacts, not just local geography, but once you are impacting supply chain and logistics of goods moving in addition to people moving, then we are all feeling it indirectly.

My next question is in the area of flexibility and delivering emergency relief projects. Under current regulations, the Federal Highway Administration is allowed to be clawing back emergency relief funding if projects do not initiate construction by the end of the second Fiscal Year following the year in which the disaster occurred.

Now, while States can apply for extensions provided in 1-year increments for delays caused by the need for extensive environmental evaluation, litigation or complex right-of-way acquisition, the Federal Highway Administration has previously denied such requests for a number of projects to repair disaster damage. To help ensure communities that are impacted by natural disasters have adequate time to utilize Federal funds to repair their transportation infrastructure, I led a bipartisan letter earlier this year urging DOT to

update emergency program regulations to extend the construction start deadline by 2 years.

The question is for Mr. Tymon. Why is this proposed update important to ensuring State departments of transportation have practical requirements in a reasonable period of time to carry out their significant and often complex projects to repair transportation assets after a disaster?

Mr. TYMON. Thank you for that question, Senator. We are hearing from several States, and we have seen this over the last five to 8 years, that several States are getting into this situation where the post-disaster recovery is such a complex effort that they need additional time beyond those 2 years to be able to plan and permit the project in a way that makes the most sense for that specific situation.

So we certainly support your efforts to extend that timeline to 4 years. We think that is the best approach. This 2-year approach may have worked well 20, 30 years ago. But given the changing nature of how complex these recovery projects are, given climate change and some of the other challenges that we are seeing, I think an extension is absolutely appropriate.

I do want to also take a moment to mention, we really do appreciate your support for S. 3011, the legislation that would give States the flexibility to use ARPA funds for transportation projects, and to cover those cost increase associated with inflation. Thank you for that.

Senator PADILLA. I appreciate that acknowledgement. I understand it came up earlier in the hearing. We are still trying to get it done.

Thank you, Mr. Chairman.

Senator CARPER. Senator Padilla, thank you. Senator Kelly has rejoined us. Senator Kelly, thank you not only for rejoining us, but also for inviting Mayor Romero to come and testify.

Senator KELLY. Thank you, Mr. Chairman.

Mayor Romero, another issue that I regularly raise on this committee is the challenge of PFAS contamination. We spoke about it yesterday in my office. Most of the PFAS contamination in Arizona is in our groundwater, in aquifers. That poses a special challenge in our State, especially in Tucson, because groundwater is our backup supply. That is after the Colorado River.

Mayor Romero, can you briefly explain where Tucson gets its water from, and how important a backup supply of water is given the cutbacks on the Colorado River?

Mayor Romero. Thank you, Senator, for your leadership in really putting PFAS on the map, especially in this Bipartisan Infrastructure Law.

Most of our PFAS contamination in Arizona is in our groundwater, in our aquifers. We are a sole source aquifer, which means that we get our water, our secondary supply of water, because our primary supply of water is from Central Arizona Project, which is the Colorado River water. Secondary source of water is our aquifer. It is a closed aquifer. That means that it doesn't discharge to rivers or an ocean to clean and remediate the PFAS from the water. It is not a recycling system.

So we have to literally take our aquifer water and remediate it from PFAS. That is what has been taking our funds. We are spending a million dollars a year, we have spent almost \$50 million in remediating PFAS. Our ratepayers did not cause this issue.

With the drought, the 22-year drought that we are living in in Arizona, the less access to Colorado River water the more dependent the city of Tucson becomes on our aquifer water, on our secondary source. If it is contaminated with PFAS, that makes much less availability. Right now we are not using 10 percent of our water supply because of PFAS contamination.

It is incredibly important, the work that this committee did to include PFAS remediation and access to it for cities like Tucson, Arizona, because it really is our source of being able to continue to thrive as a city.

Senator KELLY. Yesterday we were talking about how the plume in the aquifer, the PFAS plume is mobile.

Mayor Romero. It is moving.

Senator KELLY. It is moving, and we have to get ahead of it. These funds in the Infrastructure Bill allow us to fund that remediation effort to head it off at the pass.

Yes, we have a lot of work to do. I want to continue to work with you, and we will work with the EPA on this to make sure everything is in place to deal with this issue.

Another issue that I raise in this committee often is a transportation issue, finishing InterState I-10, actually expanding it between Phoenix and Tucson. It goes down to two lanes for 25 miles. Every day there is an accident that causes a backup in excess of an hour.

The Arizona Department of Transportation has applied for a Mega Projects grant, which we created in the Bipartisan Infrastructure Law, to widen this 25-mile stretch and better connect our two population centers. In the remaining time here, Mayor, from Tucson's perspective, what are the advantages of expanding I-10 and improving the flow of people, goods, services, between our two major cities?

Mayor Romero. Thank you for your leadership on both the PFAS issue and this issue, Senator. For Tucson, it is extremely important to be able to have access to the largest city in our State. There are commuters going back and forth from Phoenix to Tucson. It is a primary connectivity. The delay, the accidents on that stretch of InterState 10 that cause the flow of goods and services between our cities, the first and second largest city in the State, is very cumbersome, especially because we share the road with semi-trucks. That becomes another delay issue of supply chain services.

We are looking forward to additional leadership from you in terms of the work that you have done with the possibility of Amtrak connecting commuters from Phoenix to Tucson. That way, we could remove single passenger cars from I-10, so that we could see those goods and services flow better. Thank you so much, Senator.

Senator KELLY. Yes, Tucson is the 33d biggest city in the Country, Phoenix fourth or fifth, fifth biggest. Yes, we have to resolve these problems. It is not only 25 miles of two lanes, but there is also no feeder or access road. So when there is an accident, you have hundreds of cars often that are just stuck there for hours.

There are major manufacturers of renewable energy, technology, even electric cars, and this potentially could shut down their production lines.

So it is good for Arizona, it is good for individuals, and it is good for companies and safety as well. So thank you.

Mayor Romero. Thank you, Senator.

Senator CARPER. Thank you, Senator Kelly. We have been joined by Senator Sullivan from Alaska. Senator, how are you doing? Welcome.

Senator SULLIVAN. Thank you, Mr. Chairman. I am doing great.

Senator CARPER. You are recognized.

Senator SULLIVAN. Madam Ranking Member, good to see you as well.

Mr. Tymon, I want to talk to you about an issue I think is important. In your testimony you discussed AASHTO's core policy principles, including the increase in flexibility, reduction of program burdens, and improvements of project delivery. I think we all would agree on the importance of that.

My question relates to the assignment of NEPA authorities to States, which is a really important program, certainly important for Alaska, and supports your core principles. The FHWA has been inserting language into the MOUs between States that would allow them to withdraw NEPA authorities from States upon a "civil rights allegation."

Now, there is no statutory authority whatsoever. I am going to meet with the nominee to be the next director of the FHWA, he had a hearing here last week. I am going to meet with him this afternoon and talk about this.

Or more broadly, if they determine that a project doesn't fit "environmental justice goals." These are really broad mandates, again, not statutory at all. Not to minimize the seriousness of civil rights violations, I have been making a strong argument that the Biden Administration actually proactively discriminates against Alaska Native people, indigenous people in my State. But that is a whole other topic.

But this certainly, from my perspective, provides potential for abuse of discretion by the Federal Government when the whole purpose of what we are trying to do here is provide more flexibility to the States and to be able to get a more streamlined permitting process that is State-focused. It is my understanding from reviewing comments by FHWA that they have already strong-armed Florida and Utah into accepting this language into MOUs.

Can you comment on the potential impact of this MOU language change on transportation projects, delays it might cause, and really abuse of discretion? We don't want civil rights violations; we are all against that. But to try to insert it into the NEPA authorities for States to me is a real broad abuse of discretion. I would be very interested in your views.

Mr. TYMON. Thank you, Senator. First, let me say that this program in particular I have a specific interest in. I spent 12 years on the House Transportation Committee, part of that working for Chairman Don Young.

Senator SULLIVAN. I know. We miss him every day.

Mr. TYMON. This program originated really from language in the House back, I believe starting with SAFETEA-LU, actually, the first iteration of this.

Senator SULLIVAN. Yes.

Mr. TYMON. We have heard from many of the NEPA assignment States about their concerns with the changes in the agreement that FHWA is pushing for.

Senator SULLIVAN. By the way, do you think FHWA has any, you know the staff, do you think they have any statutory authority to do this? I don't, but I am curious about your—

Mr. TYMON. I think they are trying to fix a problem that doesn't exist. We have had extensive conversations with the Administration. They say that they don't see anything that has happened so far that would raise concern for them, but they want to put this in here anyway, just from a belts and suspenders standpoint.

Again, I don't think this is a problem that exists that they need to fix.

Senator SULLIVAN. Yes.

Mr. TYMON. They have been pushing hard, you mentioned several States that did accept the language. Their agreements were expiring. They had the choice of really accepting the language or essentially not having—

Senator SULLIVAN. Well, I know for a fact my State is very concerned about this. We have a strong record on all of these issues. But it just seems to be a broad overreach. Also, it is going to do what I think every panelist in this hearing is against, which is delay the implementation of infrastructure in our States.

Would you agree with that? Certainly has the potential to do that. Because remember, the language is an accusation of civil rights violation. I mean, anyone can make an accusation.

Mr. TYMON. Right, and when you talk to FHWA, they say they aren't going to utilize this in a way to delay projects. But I will say that States that are utilizing this program have built up an infrastructure to be able to take on these responsibilities and the delegation of that authority. In those States, actually FHWA has kind of reduced their presence.

So to have to reverse this trend for States that have had this agreement, it would be a really tough transition to go back to the way things were before those States entered this program.

Senator SULLIVAN. OK, thank you. Any other witnesses have a view on this? It is a very narrow topic, but it is a pretty important one. Again, I know my State is quite concerned about it. Anyone else?

Mr. WRISTON. If I may, there is also a significant issue of sovereign immunity and giving that up with this.

Senator SULLIVAN. That is a good point.

Mr. WRISTON. That is a big part of this as well.

Senator SULLIVAN. Great, thank you. Anyone else?

Thank you, Mr. Chairman. And I think it is an important issue that we need to look at hard, particularly as we are getting ready to vote on the confirmation of the new FHWA Administrator.

Senator CARPER. I am glad to hear that you are going to be meeting with him this afternoon. We are very much interested in moving that along. I know you share that, too.

Senator SULLIVAN. Thank you.

Senator CARPER. Senator Capito, and then if we have no one else, I will wrap it up. I have a couple more questions. One of the questions I have already telegraphed, the advice you would all have for Secretary Buttigieg. My other question is going to what questions you wish you had been asked and have not been asked.

All right, Senator Capito.

Senator CAPITO. Thank you, and thank you all.

I want to end the questioning on, it is related to the bumblebee, but we had Director Williams from Fish and Wildlife who came to West Virginia, spent a whole day with us. We spent some time with Secretary Wriston, we spent some time with our DEP and with some of our stakeholders. I appreciate her visit very much.

But it became very apparent that we have a communications problem here. At this point it was Fish and Wildlife. But what really struck me in terms of the One Federal Decision provisions, that have been in effect for a while, we simply codified them in this last bill, because we know that will save time and money and hopefully have these concurrent reviews.

But it was almost like, well, Fish and Wildlife has this review, and then, well, we have Corps of Engineers over here and we have Federal Highway Administrator here, then we have West Virginia DOT here, and we have West Virginia Environmental Protection here. It just seemed like it was a ping-ponging of responsibility and a lack of communication, and not getting to the approvals that you need to get to get these things moving forward.

Secretary Wriston, One Federal Decision, Mr. Tymon talked about it a little bit. Is it actually in effect in your mind? Because now we are talking about, if a permitting bill comes up, one of the bases of this permitting bill, we think, might be that One Federal Decision would be extended to energy projects, grid projects and all these other things. We are the test case here in Transportation. Is it working? Is it a reality? What are the problems? What are the good things about it?

Mr. WRISTON. Well, the good things, it is the framework for the FHWA to be the single point, and to be the clearinghouse. As the Secretary of Transportation, when I assign someone a project, the first thing I do is put somebody in charge, somebody I can hold accountable. That is what we have to do with this process, is put somebody in charge.

You ask if this is working; absolutely not. It has largely been ignored. We have had discussions at meetings that the Acting Director was at. There doesn't seem to be a sense of urgency to enact this or to even discuss it very much.

The key to this provision in the law is going to be to act quickly and get it in place and address these processes. We have to rebuild trust between the States and these Federal agencies. You are right; the communication is awful. It is a recipe for failure. We have to address these communication issues. And if we can't do that, then we are going to have a predictable result. We are not going to like it, but we are going to have a predictable result.

But no, it is absolutely not working. If we are going to wait 2 years into the program to do something that we need on the front-end of everything we are doing, how does that make any sense

whatsoever? Once again, there is a Federal inconsistency there. We have to do better. We have to close those communication gaps.

Senator CAPITO. I think that is part of the purpose of the hearing really today, is for us to say, these provisions of, as you said in your opening statement, which I thought was very, very impactful, when you say we have a chance here, you have been around a while, we have a chance here that you have never seen. Because now we have the money, it is not just the time, it is the money. We also have the will of Congress, and of the President to move forward on these things. I know our Governor certainly is very active. He wants to build or he wants to fix and maintain, and I know you have a lot of pressure that way.

But if we wait until the back end, we are going to end up wasting money, No. 1, because we are going to end up approving things that maybe wouldn't have gotten approved if they had had the full vetting. You know how it is, you start to run out of money so you get a little bit panicky and you go, OK, we will do that, and you find out 2 years later that wasn't a good idea.

That is how you get one and a half miles of Route 35 built and it stays like that for 25 years until you completed it, thank you very much, just this last year.

So I am very concerned about this, because we want to move these projects. We don't want to skirt any of the environmental laws, absolutely. We don't want to endanger a species. But we want to have common sense. I was impressed to hear that the Secretary of Transportation in Delaware doesn't have the same problem.

Maybe that goes to the inconsistencies that we have heard about in the hearing, one State can work very well, one State not so well. Then you get inconsistent opinions. You don't want to go one way if you are not sure that in 6 months you are going to get pulled back.

For instance, you had the right to be flexible with your funding. You got the funding flex that you wanted in West Virginia, then you get a letter 3 months later saying, you shouldn't be doing that. That makes no sense and you wonder, is the right hand talking to the left hand.

So my thing is, I think this One Federal Decision is the best way to go. But it has to be implemented and we, I think, are responsible for the oversight to make sure this is happening. Hopefully if we get somebody in place at Federal Highways, because when you don't have anybody in charge, as you said, when you don't have anybody in charge that is really accountable, it makes it more difficult to hold them accountable.

Thank you all very much. I am going to have to run. But I did appreciate everything, and I want to thank my West Virginians for coming across the mountain on those beautiful roads. I appreciate it. Thank you.

Senator CARPER. Senator Capito, thanks so much for suggesting we have this hearing. This has been illuminating. I want to say to our friends from West Virginia what a joy it is working with your Senator, both your Senators, actually. Thank you for that.

I mentioned earlier that I was going to ask you if you had any advice for Secretary Buttigieg. I mentioned earlier that I was going to ask you if there was a question you wish you had been asked

that you haven't been asked. Before I do that, I want to go back a little bit to our earlier discussion on the proposed greenhouse gas performance measure. I tell you, Mayor, what you shared with us, you and the folks from not just your city but your State, really from throughout that part of our Country, what you are going through in terms of drought and temperatures is just unbelievable. Unbelievable.

I am a big music fan, and every now and then I quote a guy named Stephen Stills, Crosby, Stills, Nash and Young, Buffalo Springfield, Stephen Stills who once wrote a song that starts off with these words, "Something's happening here, just want it is ain't exactly clear." Well, in this case it is very clear what is going on. It is going on not just in the Southwest, it is not just going on in our part of the world, but it is going on all over the world.

It is important that while we address the symptoms of those problems, we also address the root causes of those problems. One of the simpler ways to do that are actually embodied in the legislation that the President signed a year ago, the Bipartisan Infrastructure Law, and the legislation that he signed just last month, which provides a lot of ways to combat climate change and actually grow a lot of jobs.

So with that, I think we ought to note that the Federal Highway Administration has the authority, I understand, to issue the rule that we have been talking about here I think since 2012. That rule was previously issued, and then I am told it was rescinded. So it had the authority to issue the rule, rescinded the rule. It is clear that we have to address transportation emissions, which are, as you know, the largest source of carbon emissions and greenhouse gas emissions. I think it is like 25, 30 percent of our greenhouse gas emissions are from the cars, trucks, and vans we drive. Maybe another 25 percent comes from our generation of electricity, maybe 20 percent or so from our cement plants, steel mills and so forth.

It is clear that we have to address transportation emissions. I hope that the Infrastructure Bill that we passed and enacted and funded and is now being implemented will help our States reduce emissions. I believe the rule gives the States the certainty they need in order to make sure there is a followup with respect to the flexibility that you need.

Now, for advice to Secretary Buttigieg. I still call him Mayor Pete. Actually, I call him Secretary Pete. He says no, you can call me Mayor Pete. So I am not sure what to call him. He is actually pretty good to communicate with, communicative and responsive and so forth. I think it comes from being a mayor. That is always helpful.

I would just like to ask each of you, and Mr. Tymon, we will start with you, if you would like. If you could give Mayor Pete/Secretary Pete maybe one piece of advice that he might have for him and his administrators who are charged with standing up the new transportation programs of our Bipartisan Infrastructure Law, what might that be?

Mr. TYMON. First, I would say that the Secretary I think has been a tremendous Ambassador for the Administration in this area. I think he has been extremely well received and respected with the

industry for the work he has done here over the last year and a half.

I would say, my recommendation to him and to the folks that work with him is to continue to respect the fact that the transportation needs in each State are very different. Providing them the flexibility to be able to address those needs in the way that best suits that particular State is an extremely important part of this bill and of these programs. It has really been the foundation on which the Federal transportation programs have been built over the last 50, 60 years. It served it extremely well during that time period, and I think it will continue to serve it well in the future.

Senator CARPER. All right, good. Thank you. Secretary Wriston, if you could give Secretary Buttigieg one piece of advice with respect to actually implementing this law, standing it up, what might that advice be?

Mr. WRISTON. I think my advice to the Secretary would be to surround yourself with the very best people that you can get. If you walk into a room and you are the smartest person in that room, you are in the wrong room. That is what I would say to him.

Senator CARPER. I have never walked into a room where I was the smartest person anywhere.

[Laughter.]

Senator CARPER. These folks on our staffs and my colleagues hear me say it often, I have had some success in my life, but I have always surrounded myself with people smarter than me. My wife says, it is not hard to find them.

[Laughter.]

Senator CARPER. All right, Mayor, same question.

Mayor Romero. Thank you, Mr. Chairman. I would say once a mayor, always a mayor, so you could go ahead and call Mayor Pete "Mayor Pete." I am really happy that he is the head of our Department of Transportation for our Nation. As a fellow mayor, he understands the intricacies and the needs of the cities. As mayors, we have to provide the services and balance our budgets and run our cities smoothly to provide a quality of life for our residents.

So what I would say is that the direct funding to cities is extremely important, because cities are a little bit different than State agencies. We have the capacity and we have the plans to institute the climate resiliency and climate adaptation strategies that will help reduce greenhouse gas emissions.

For example, in the city of Tucson, we have our climate action and adaptation plan, we want to reduce greenhouse gas emissions to zero by 2030. So direct funding to our cities with the Federal funding is going to be super important. Because just as we received the \$25 million from RAISE for our bridge, we also received \$12 million to purchase zero-to-no emission electric buses for our transit fleet.

So we have a plan. We know how to get it done. We would appreciate the Department of Transportation to be able to work directly with the cities, so that we can layer funding to be able to deliver the goals that both the city of Tucson and the Biden Administration and Congress have in this Bipartisan Infrastructure Law.

Senator CARPER. All right, thank you.

Secretary Majeski, maybe a piece of advice for Mayor Pete, if you will.

Ms. MAJESKI. Sure. I would say this is a historic time. We are going to invest more in infrastructure than ever before. State DOTs are going to be delivering the largest capital programs than we have ever done before. So I think listening to the States, giving States the flexibility to be able to deliver our programs, that is going to be key, and making sure that we have Federal Highway division offices in our States that want to work with us, that are partners that are listening to us that are helping us kind of get to yes as opposed to always kind of putting up roadblocks in our way.

I do appreciate the work and the effort that AASHTO does for us. They bring us all together, and we are able to do these peer exchanges and find out what is working in their States, and we can have these open dialogs. That is where we do find that a lot of these inconsistencies end up happening. AASHTO provides a great platform for us to be able to all come together and have a collective voice for this. My advice would be to listen to the States.

Senator CARPER. That is good. When I was Governor, I loved being part of the National Governors Association, loved being part of the NGA. We learned a lot, shared a lot of ideas and issues with one another and worked together. I have always found that is a big part of what AASHTO does, it benefits us and I know others, every other State as well.

This is an opportunity for you to add any thoughts or comments you have, if you want to put it in the form of a question that you were not asked, you are welcome to do that. Any closing thought? Mr. Tymon, we will start with you.

Mr. TYMON. Against my better judgment, I will dip my toe in the water here and just say that if you would ask where Secretary Majeski and I had gone to college, you would find out that we are both proud Blue Hens.

Senator CARPER. Fighting Blue Hens?

Mr. TYMON. Absolutely. This might be the first time that this panel had has two Blue Hens testifying.

Senator CARPER. Those are pretty good bookends, I like those bookends right here. That is great.

[Laughter.]

Senator CARPER. My wife went to Appalachian State University. They have been playing, punching above their weight in football. My sister and a bunch of my cousins went to Marshall. I think I mentioned that to you, Jim. After they knocked off Notre Dame the first game of the year, my sister is hard to live with. So the Fighting Blue Hens will hopefully never have to play Marshall again, or Appalachian State in Boone, North Carolina. It is a tough thing to do.

All right, Mr. Secretary.

Mr. WRISTON. I guess the last thing I would like to leave the committee with would be, we have all received grants. I have recently received one, \$16.2 million for a project in Wheeling for a streetscape project. Excellent project, it is going to change the face of Wheeling, West Virginia. It is a wonderful project.

Experience tells me, though, that the agreement process after that grant has been awarded to me is very cumbersome, very dif-

difficult, takes a lot of time. The time it takes to get that agreement in place is going to be longer than it was for me to apply for that grant and the review process, get the grant awarded. This project is under contract. It has been awarded. I have a contractor ready to go to work. I need clear guidance from the FHWA that I can go ahead and put the other pieces of the funding and start that contractor working, and use this.

That is not clear to me today, whether I can do that. Should I wait? Should I hold up? These are the types of things we deal with in the discretionary arena.

I would hope that the new FHWA Director would pay close attention to the agreement portion of this, not only revise that process, but I would recommend elimination of it altogether. We have a process where we were awarded a project, we enter the data for that project in a record system the FHWA has, their system, the FEMA system.

What do we need an agreement for? We are done. Let's move forward. That is a process that doesn't do anything.

That is my final word for the day.

Senator CARPER. Good. As we have said several times here, I pushed the Administration pretty hard to get us a nominee. And they have given us one, we think he is excellent. Led two States, he has led Delaware, Colorado, is very heavily involved in Kentucky and I think he has great credentials. He is also someone who is really good at communicating. He has sat in your seat not once but twice, both you and Secretary Majeski. I think that is very helpful.

I don't think I mentioned this earlier. I have heard a lot of, been around Joe Biden for a long time and he and I have heard each other's favorite sayings forever. One of his favorite sayings is, all politics is personal, all diplomacy is personal. I think Shailen Bhatt gets that. And I think he will turn out to be a good communicator, good partner as we go forward. We just need to get him confirmed. Thank you.

Mayor, please.

Mayor Romero. Chairman Carper, I just want to thank you for being so generous with your time and thank this Committee for their incredible work. As a mayor, brand-new mayor of the city of Tucson, well, I can't say that any more, it has been almost 3 years this November.

Senator CARPER. Does it seem longer?

[Laughter.]

Mayor Romero. What I would like to say is that I am incredibly lucky, and mayors across this Country are incredibly lucky to be able to serve during a time when the Federal Government is investing historic levels of funds in our communities. It has allowed the city of Tucson, and me as their mayor, to be able to plan and make transformative investments and change the historically disinvested neighborhoods in our areas in one generation.

So I have to thank you, appreciate the incredible work that has been done in this committee to be able to get to a point where it became a bipartisan law. For me, I am looking forward to continue working for the quality of life of our residents on PFAS, on infrastructure, on greenhouse gas reduction in our city, and to be able

to think and dream boldly in putting plans in front of our community for a continuation of our streetcar.

That is the next step for us, to be able to think big, think bold, and think transformative in terms of the investment that this law can put in the hands of our cities, where we can do transformative change in just one generation.

I want to thank you all for your hard work and the Biden Administration for believing in investing in cities directly, and in the infrastructure of our Nation.

Senator CARPER. Thank you for saying that. I should have written down the number of times people have used the word transformative. Almost every witness has, and it really is transformative. I think we are really fortunate to be in this situation. It is tough to be in a situation where climate change and global warming are the crisis, we don't want that. But the good news is I think we have common cause to address that. I think we are very much inclined to find a way to collaborate on the transportation side.

Most people remember Albert Einstein saying that the definition of insanity is to do the same thing over and over again and expect a different result. A lot of people have heard that quote, not so much my favorite Einstein quote: "In adversity lies opportunity." In adversity lies opportunity. We face great adversity, but there is real opportunity here. We are going to realize that opportunity by the kind of collaboration that I think we are all committed to.

Last word, and I will have a little bit of a closing statement. Secretary Majeski, wonderful to see you. Thank you for your leadership and thank you for bringing that wonderful memory of your team sitting back there in the first and second row.

Ms. MAJESKI. Of course, always. Thank you again for the opportunity to be here today and for the constant support that you and our entire delegation have given us and the investments that we are making across our State.

I would be remiss if I didn't close with talking about safety. Every presentation that I have been doing for the last almost year now I start that presentation by showing our fatality chart. I get that updated chart once a week. We are constantly having to drive home the message of safety and the importance that this is not just a DOT issue, this is everyone's issue, and that we need everyone's participation and help in reducing the number of roadway fatalities and serious injury crashes that we are seeing on our roads.

So we are very grateful for the additional focus that the Bipartisan Infrastructure Law has put on safety, because this is not something that is going away. It is going to be at the forefront of everything that we do, every single DOT. So having the support for Congress to provide us with the funding and the resources that we need, we are very grateful for that.

Thank you, sir.

Senator CARPER. Thanks for mentioning that.

Senator Capito and I and our team, our colleagues on this committee, are blessed with wonderful staff members. The woman sitting over my left shoulder, who is looking up now, has just focused again and again and again on safety, and making sure that when

we write legislation, big bills or even not so big bills, that we have a huge focus on safety. It is needed.

Let me close by again thanking all of you for joining us. It has been illuminating, and I think enjoyable. It was great to be back, Secretary Wriston, we had a family reunion back in Beckley, West Virginia, to celebrate the 100th anniversary of my mother's birthday, and the 130th anniversary of my grandmother's birthday. They were both born on the same day, August 18th.

It was so wonderful to ride through West Virginia and be back in Raleigh County, where one of my great-great-great-great grandfathers was a co-founder of Raleigh County. I got to speak at a church where when I was a little boy, I used to go to church with my grandparents who wanted me to grow up and be a preacher. I wanted to be a naval flight officer, and actually ended up doing other things. But actually to be back in a church my grandfather co-founded and speak in that church was just wonderful, as you can imagine.

All those great West Virginia memories.

In closing, thanks again for not just showing up but for sharing your perspectives with us on the implementation of this Bipartisan Infrastructure Law. It is a great opportunity here; we don't want to blow it. One of the best ways to ensure that we don't is to find ways to collaborate and work together.

A little bit of housekeeping before we adjourn. I would ask, this is my favorite part of the hearings, when I get to ask for unanimous consent to submit statements relating to today's hearing into the record, and there is nobody here to object. I can say without objection, and nobody objects. That is good.

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

Senator CARPER. Senators are welcomed and invited to submit written questions for the record through close of business on Wednesday, October 5th, and we will compile those questions, we will send them to each of you. We ask you to reply by Wednesday 2 weeks out, Wednesday, October 19th, please.

With that, it is a wrap. Thank you all. Have a great rest of your day, and we look forward to seeing you soon. Thank you. Hearing is adjourned.

[Whereupon, at 11:58 a.m., the hearing was adjourned.]

