

**IMPLEMENTING IIJA: OPPORTUNITIES FOR LOCAL
JURISDICTIONS TO ADDRESS TRANSPORTATION
CHALLENGES**

HEARING

BEFORE THE

SUBCOMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

OF THE

COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS

UNITED STATES SENATE

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

NOVEMBER 15, 2022

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ONE HUNDRED SEVENTEENTH CONGRESS

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**IMPLEMENTING IIJA: OPPORTUNITIES FOR
LOCAL JURISDICTIONS TO ADDRESS
TRANSPORTATION CHALLENGES**

TUESDAY, NOVEMBER 15, 2022

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

U.S. Senate Committee on Environment and Public Works Subcommittee on Transportation and Infrastructure Washington, DC. The committee, met, pursuant to notice, at 2:40 p.m. in room 406, Dirksen Senate Office Building, Hon. Benjamin L. Cardin (chairman of the subcommittee) presiding.

Present: Senators Cardin, Cramer. Also present: Senator Carper.

**OPENING STATEMENT OF HON. BENJAMIN L. CARDIN,
U.S. SENATOR FROM THE STATE OF MARYLAND**

Senator CARDIN. The Subcommittee of Transportation and Infrastructure of the Environment and Public Works Committee will come to order.

Today's subject is implementing the Bipartisan Infrastructure Bill from local jurisdictions to address transportation challenges. It is a hearing that I have been looking forward to for a long time. This is the 1-year anniversary of President Biden signing the Bipartisan Infrastructure Bill.

I first of all want to acknowledge and thank Senator Cramer, the Ranking Republican on the subcommittee, for his cooperation in putting together today's hearing. We both want to thank Senator Carper and Senator Capito, the Chairman and Ranking Member on the Environment and Public Works Committee, for allowing us to go forward with this hearing.

As I said, this is the 1-year anniversary of President Biden's signature on the Bipartisan Infrastructure Bill. But I think we all take great pride on this committee, the Environment and Public Works Committee, because we gave the foundation for the Bipartisan Infrastructure Bill by the work of this committee.

We passed, over a year ago, the Surface Transportation Reauthorization Act, a \$303 billion program for our roads and bridges. It was the largest program ever passed by Congress, and it passed unanimously in this committee. That is no easy task, to get a unanimous vote on such an important bill. It laid the foundation for the Bipartisan Infrastructure package, so we take great pride in the work of getting that done.

A major national effort to deliver infrastructure we need to sustain our competitiveness and our economic strength for future generations, new opportunities for our work force. This bill is a lot about jobs, creating good jobs here in America, modernizing our infrastructure.

A lot of us have traveled to other countries in Europe and Asia. We look at their infrastructure and wonder, what are we thinking? We have to do better. Well, we are doing better by the passage of this bill.

We advanced equity and we advanced safety with the bipartisan action, and we met the challenge of climate change. I will talk about this a little bit later. I just got back from COP27, which is the environmental conference that was held in Sharm El-Sheikh, Egypt. I must tell you; the Bipartisan Infrastructure package was front and center. Americans were welcomed because that bill did much to deal with our obligations in regard to climate issues.

There are opportunities for all States, so yes, I am going to talk a little bit about Maryland, because I am proud of what we are able to get done through this bill in Maryland. There are many, many examples. I am just going to give you a few concrete examples.

Our multimodal transportation hubs were dramatically helped by the passage of this bill. A grant to the Baltimore Penn Station, which is going to have a new life, for the Baltimore Metropolitan area, New Carrollton Station in Prince George's County, which is the major hub for multimodal transportation in the Washington communities, both are going to be seeing substantial funds as a result and have received substantial funds.

We have many bridges. We can mention the dozens of bridges that have already been worked on in Maryland. We have 270 that are in need of serious repair. I know Mayor Day will talk a little bit about the Eastern Shore. There are a lot of bridges and a lot of water on the Eastern Shore, so there are a lot of bridges on the Eastern Shore, and many are in need of attention. In Prince George's County, they got \$560,000 to replace two bridges. That is just an example of what has already been acted on in the legislation.

Today, we are going to look at it through the eyes of local government. Why? Because local government officials know their community best. They know what is needed for quality of life. They know what is needed for economic growth. They know where the priorities are in using transportation infrastructure to improve their communities.

I am extremely proud of legislation that I originally authored with Senator Cochran of Mississippi, the Transportation Alternatives Program. In the Bipartisan Infrastructure Bill, a substantial improvement was made in the Transportation Alternatives Program by an initiative that I initiated with Senator Wicker, again, from Mississippi. This is a bipartisan proposal.

We now have 10 percent of the surface transportation block grant programs devoted to Transportation Alternatives Programs. These are programs that are competitive but are requested by local governments. The State makes the grants, but these are local programs to help local communities. They are for sensible things that

you need to get people around safely, like sidewalks, pedestrian paths, bicycle paths. These are improvements to deal with the everyday needs of your community.

Local government equity is also included in the bipartisan proposal. Reconnecting Communities is a program I am particularly proud of because, you see, we have had transportation programs in our community that have divided communities and worked against their individual interests. Come to Baltimore and see the Franklin-Mulberry Corridor. We call it the highway to nowhere, because it is a highway to nowhere. But it caused a lot of damage. It displaced 1,500 Black residents, and those communities are still hurting today.

The Reconnecting Communities allows us to bring these together to strengthen local communities. We now have a program which local governments can help us design to look at transportation programs that were not designed to help the local community because we were trying to get people out of cities or out of areas, and it divided communities. How can we use those funds? We need your input to deal with that.

Local governments can make a real difference on safety issues. Safety issues to me are extremely important. We had a record number of deaths in highway accidents the first 6 months of this year, over 20,000 fatalities.

I can mention several in my own State, but I will mention just one, a Foreign Service officer, Sarah Langenkamp, from my State of Maryland, who was biking home from her son's elementary school when she was killed. Bike safety is something that we can do much better with. The Transportation Alternatives Programs can be used for that purpose as well. We have authorized for the Safe Streets and Roads, another program, to help in regard to safety, \$5 billion over the next 5 years.

Last, in advancing climate agenda. When you have sidewalks, you have safe bicycle paths where people can walk rather than taking cars, when you deal with the heated community centers, that we can cool down by having a recreational space to help the transportation programs, when we combine that with the moneys we put in the Bipartisan Bill for electric vehicles and the infrastructure for electric vehicles, local governments can make a difference in meeting our needs on climate. That was one of the major things we had at our COP27 meeting.

There is a lot to talk about with our local officials: safety, equity, climate, quality of life, economy, jobs, and how local communities can help us meet the objectives of the Bipartisan Infrastructure Package.

We have a really distinguished group of witnesses that I am looking forward to hearing from. We will give you your introductions, but first, I want to turn it over to the distinguished Ranking Member, Senator Cramer.

**OPENING STATEMENT OF HON. KEVIN CRAMER,
U.S. SENATOR FROM THE STATE OF NORTH DAKOTA**

Senator CRAMER. Thank you, Chairman Cardin. Thank you to all of our witnesses.

Mr. Willox, I want to say right away that your Senator, Cynthia Lummis, grabbed me on my way out of lunch. I am the first person to leave what is clearly the most entertaining lunch in D.C. this week, if you are easily entertained. Anyway, she grabbed me and said, would you please apologize to Jim for me, and tell him I am so sorry, but if you carry that ball, she said, she will give me notes on the lunch. Anyway, I just wanted to express that right away.

Thank you all for being here, and thank you, Chairman Cardin, first of all, for this timely and important hearing and for your leadership. It really was, for those of you who think that we never do anything together, it is because no one really reports on the things we do together. This was a joy, it really was, to work on this bill.

It turned out to be a good bill, not just one I sort of grudgingly supported, but one that I am happy to champion. I am especially pleased with the cooperation between the two parties and the four people that lead, all whose names begin with "C," strictly coincidental.

Anyway, today's hearing is to talk about the role of local government and local leadership in implementation and to get your feedback. Even the best strategies and the best plans in the world have to be assessed. I think 1 year later is a good time to do that. Thank you for that opportunity.

During the bill's negotiations, I really did put a strong emphasis on making sure that rural and local communities and their role in the funding formula was maintained, the 90-10 split that you are all familiar with, and really, I don't think, with much pushback. I don't want to imply that it was a hard, difficult thing to conclude, but it was important. It recognizes the role of rural communities as much as anything, the role of a system that recognizes the East Coast and the West Coast, the Canadian Border and the Mexican Border, can only work if it is all hard covered. We can't reserve a few hundred miles here and there for dirt.

Thank you for that. It was a joy. It really does ensure that our States and localities have consistent funding. Very important, as you know, particularly as we face these high prices we have today with inflation, that consistency and counting on consistent funding is so important.

The other things that we worked hard on and I was very pleased by was the codification of the One Federal Decision policy, hard-fought. Right now, I think people on all ends of the spectrum, of the philosophical spectrum, can see the value of that, whether you are sitting, whatever it is you are trying to permit, you may be for that or you may be against it, for this and against that, having a consistent regulatory regime that recognizes that streamlining doesn't mean compromising the integrity of the process, I think, it was a successful conclusion. I want to talk a little bit about that. I will be very interested in some of your experiences with the One Federal Decision and where we are in that.

Obviously, and I have a North Dakotan here that I will get to introduce here in a little bit, but there were a lot of wins in it for my little State of North Dakota. We are literally, there is even a monument to prove it, the center of the North American Continent, in North Dakota. We are a long way from everybody that wants the things that we produce, whether it is food or energy. Getting it to

market is important. This one includes a lot of wins for North Dakota, but it is really more about the Country than just one State.

Now, the codification of the One Federal Decision was a priority item, as I said, for other committee members as well as myself, but it was a significant policy win and something that I have loudly applauded. Frankly, I think it should be duplicated in other areas of permitting reforms. But it is also one of the things that I am most concerned about. That is why I am going to be interested in what you all have to say about its enforcement.

Implementation is far from complete. In fact, a year after being signed into law, especially as the Administration still has no specific plan as to how they intend to meet the law's goal of the 2-year average of project reviews. That is really unacceptable, especially like I said, the clock is ticking; the calendar is moving; inflation is real. We need to have some certainty.

Permitting certainty and improved efficiency for infrastructure projects only comes if the agency, the United States Department of Transportation, makes it a priority. As our last hearing on this confirmed, State and local communities want and need predictable and expeditious permitting.

Similarly, the bill included language to expedite NEPA reviews for oil and gas gathering lines if it led to the reduction of reduced methane. Win-win. I am a person, as is I think Senator Cardin is, who believes that not every transaction in this town requires a loser. There can be winners on both sides of transactions, and I think this is one of those situations. If you can demonstrate a reduction in methane, then we ought to have a faster NEPA process.

I had a hearing in the Energy and Natural Resources Committee, and Secretary Van Hollen acknowledged the expediting authority by saying "we will move that forward as we can." See, as we can isn't a word that is consistent with expediting.

Responses like these don't exactly inspire confidence, not in our local communities, our States, nor in the industries that build roads. I know that Secretary Buttigieg has said he is "working on it" as well, but to anyone paying attention, it is pretty clear it is not a high priority.

Anyway, the main goal here is to hear from you all. I want to get to that, and we will ask some questions. I hope we have some more participation by the committee members, but I wouldn't count on a lot of Republicans getting here anytime soon, Mr. Chairman.

[Laughter.]

Senator CRAMER. Thank you all.

Senator CARDIN. As Senator Cramer has pointed out, this is our first day back. Our two caucuses are meeting. There was some interest in debating what happened last Tuesday, so there is a lot of distraction here today. So we apologize if members are not here. Some will, I think, come and go. But I can assure you, the record of this committee hearing is going to be extremely important in our work.

I will just make one observation, Senator Cramer, on the permitting. This committee worked very well together on the permitting provisions. It could have been pretty contentious. But we listened to each other, and we learned from each other, so I just want to thank my colleagues. I came to this discussion with a different

view, but it was convinced that we had to make the progress that we were able to do in the bill. I think when we work together, we can really get good things accomplished.

With that, I am going to introduce either two or three of the witnesses today, and Senator Cramer will introduce one or two. We will see how that goes along.

I want to first introduce my mayor, Mayor Jake Day. I do not live in Salisbury; I live in Baltimore. But Mayor Day is an extraordinary leader in our State and the Mayor of Salisbury, the 28th Mayor of Salisbury. He was first elected to the city council at the age of 30 and was unanimously elected president of the council at one point.

He spent his career revitalizing downtowns and making them more vibrant, living places, and that is true in Salisbury. He has worked for the Eastern Shore Land Conservancy, and was, in 2021, elected president of the Maryland Municipal League, which is not an easy political assignment. I am very proud that he is a major in the U.S. Army, a veteran of the global war on terrorism. We thank you for your service to our Country and your service to our community.

We are also joined by Michael Carroll. Michael Carroll is the Deputy Managing Director of the Office of Transportation and Infrastructure Systems and President of the National Association of City Transportation Officials. Michael is a creative and nationally respected leader with more than 25 years of experience in transportation.

Deputy Carroll coordinates and sets the policy directions for critical functions, including streets, both transportation and sanitation, the Philadelphia Water Department, as well as the newly created Office of Complete Streets. His oversights include infrastructure systems that make up more than 9,500 transit stops, 2,500 miles of streets, 320 bridges, 450 lanes of bike facilities, 1,000 Indego bikes, and 100 Indego stations, 6,500 miles of sewer and water lines. If you walk those every day, you could certainly get your exercise. It is a pleasure to have you here with us today.

I think, Mr. Willox, your introduction was supposed to be given. I am more than happy to introduce, or would you like to make the introduction for the next two witnesses?

Senator CRAMER. I kind of want to.

Senator CARDIN. OK.

Senator CRAMER. Yes, I kind of want to.

Jim Willox, the reason I want to do it is because you are from a territory kind of like mine, but more importantly, because you have chosen to be a leader in an institution that, next to church councils, has got to be the hardest in the world, and that is county commissions. Honestly, that is where the rubber literally meets the road.

I know Mr. Willox is testifying on behalf of county commissioners around the Country, the National Association. He is a chairman, not only a commissioner with Converse County, but with Wyoming County Commissioners Association. He previously served as an officer, this is really amazing to me, Officer of the Converse County Stock Growers, Douglas Moose Lodge, and the Douglas Board of Realtors. Currently Chairman of the Wyoming Lottery Board, Mr.

Willox and his wife, Tione, currently own and operate Willox Properties.

My only question is, what do you do in your spare time? Honestly, I know you have testified before Congress a couple of times before. Welcome. We are always glad to have a county official with us, for sure, especially on transportation issues, right?

Now, we are glad to have Jason Benson with us. Thank you, Chairman Cardin. It is really a privilege to introduce Jason, who serves as the County Engineer for Cass County, North Dakota. For those of you not familiar with the rectangular blank spot in the middle of the North American Continent called North Dakota, Cass County is where Fargo, our largest city, resides.

Other than Fargo, it is a very rural county, as well, right on the Minnesota border. He has been an invaluable asset to my office during the development and the implementation of both the Infrastructure Investment and Jobs Act and the Water Resources Development Act. I am glad he is able to join us today so that the committee can receive his expertise as well.

I do want to say, as a side note, that he is not only in D.C. today for this hearing. Yesterday, Jason attended a graveside service at Arlington Cemetery for his great-uncle, Army Private First-Class Robert Alexander, a North Dakotan from Tolley who gave the ultimate sacrifice during World War Two in the Pacific Theater. Until recently, his remains had not been identified, but Jason and his father were able to attend the full honor service yesterday, bringing a welcome conclusion to what had been a long and open-ended saga.

I wanted to take a minute to highlight Robert Alexander's exemplary service to our Nation, Mr. Chairman. Jason himself has followed in his great-uncle's footsteps, serving 33 years in the United States Army and the Minnesota Army National Guard, including four overseas combat or peacekeeping deployments. Jason has worked for Cass County for 22 years and manages the infrastructure of nearly 637 miles of roads, over 564 bridge structures, and an annual budget of \$20 million.

I am going to skip the rest of the resume, because, I think your testimony, like the rest, will speak for itself and your expertise. Thank you all for being here.

Senator CARDIN. Once again, we thank our witnesses. Your entire statements will be made part of the record. You may proceed as you wish. We ask that you try to summarize your testimony in approximately 5 minutes. If you go over a minute or two, we are not going to complain.

Mayor Day.

**STATEMENT OF HON. JAKE DAY, MAYOR,
CITY OF SALISBURY, MARYLAND**

Mr. DAY. Chairman Cardin and Ranking Member Cramer and members of the subcommittee, thank you so much for your hospitality today. Thank you on behalf of my constituents and local governments across America for the opportunity to share our perspective.

My name is Jake Day. I am a trained architect and city planner. Most recently, I served, as you mentioned, Senator, as President of

the Maryland Municipal League, representing the interests of Maryland's cities and towns from Port Tobacco with its 18 residents to Baltimore with its 576,000 residents.

Today, I come to you as mayor of my hometown, Salisbury, Maryland. It is a small but growing principal city of the 455,000 resident Salisbury Metropolitan Area, which sits at the center of the DelMarVa Peninsula, the breadbasket of the Northeast United States. I like to think of it as the best of both worlds.

We are home to Maryland's second busiest commercial airport and Maryland's second busiest port. We are crisscrossed by two U.S. highways. We have a robust trail network under construction. We have one regional bus transit system and even a micromobility company.

As a local leader, it is my job to try to solve the challenges that my citizens face to living the best life they can with the limited resources that I have. But some challenges are simply stronger and taller than I can reasonably fell on my own. For those factors, we look to our partners in the Federal Government.

Many of the mobility and infrastructure challenges are baked into the asphalt, the concrete, the housing and policy landscape. Like most American cities, ours fell victim to the progress of its time. In 1927 and again in 1956, two U.S. highways were cut through our city and displaced residents.

The well-worn tale is as true in Salisbury as anywhere that most of the displaced and largely erased neighborhoods were home to Black families and Black-owned businesses and replaced with interchanges and parking lots. Federal Urban Renewal dollars were later used to clear blocks. Local zoning codes prioritized low-density and single use development, meaning decades of investment further separated where workers earn their paycheck from where they lay their heads at night.

These past policy decisions combined resulted in an inefficient, unjust, and unsafe landscape, effectively keeping a community from functioning efficiently. It is our charge now to rebuild and repair from that context.

The Bipartisan Infrastructure Law is a departure from the way things have always been done, and that is a welcome change. When infrastructure decisions are further removed from the communities where we articulate our priorities, investment and the return on investment is slowed.

In Salisbury, we articulated three such priorities: one, to build a more just city, taking healing actions to make access to work, services, and opportunity a little bit easier, safer, and more equitable, particularly for communities put at a past disadvantage.

This year, I joined mayors from seven cities from across America in the Just City Mayoral Fellowship, and we worked to identify policy barriers and physical barriers to progress in our communities. Mobility represented the single most significant challenge.

Two, a safer Salisbury. We envision an end to transportation system decisions that make it more likely that our citizens will die on our roads. When we know an engineering solution that will save lives, we must fund them, period. In 2021, Salisbury adopted Vision Zero policies prioritizing the safety of human beings over convenience.

No. 3, a more efficient Salisbury. A hallmark of the status quo is the inefficient use of limited resources, whether it is dollars or land or energy, material, they are all treated as more expendable than we know they are. We envision a city more respectful of the rural landscape around us and the planet as a whole.

I believe local officials should be trusted more than we have historically been to know what is best for our cities, counties, and towns. Americans trust local government to respond to their needs. Whatever the ownership of a given right of way, you can rest assured, your county commissioner or mayor has been called about it.

Setting and delivering community priorities is our bread and butter. The benefits of direct allocation of infrastructure dollars to America's cities and towns is being felt in town halls and city council chambers nationwide. In Salisbury, we feel strongly that this has become a moment of opportunity where we are being treated more fully as a partner in shaping our destiny.

With adequate resources and through programs like Safe Streets for All and Transportation Alternatives and with the trust of our Federal partners, we can get about the business of delivering on the vision of a litany of projects, each of which would have remained a pipe dream or languished due to a deficit of resources were it not for the Bipartisan Infrastructure Law.

The principles of flexibility, human focus, direct allocation to local governments, and increased appropriations should be preserved in future infrastructure legislation. In particular, rural communities have more opportunity to compete when burdens on applicants are simplified. One year on from the adoption of the Bipartisan Infrastructure Law, the view from city hall is an optimistic one.

In my opinion, this law is a powerful signal that we are a more trusted partner to our Federal representatives than ever before. My city will be more just, safe, and efficient as a result of you placing that trust in us and providing us additional resources with which to deliver.

I want to thank you for your confidence. I want to thank you for your attention to this critical matter for our Nation and for your time today.

[The prepared statement of Mr. Day follows:]



November 15, 2022

Testimony of: **The Honorable Jacob R. Day**
Mayor
City of Salisbury, Maryland

Testimony provided before the U.S. Senate Committee on Environment and Public Works,
Subcommittee on Transportation and Infrastructure Hearing on "Implementing the Infrastructure
Investment and Jobs Act: Opportunities for Local Jurisdictions to Address Transportation Challenges"

Chairman Cardin, Ranking Member Cramer, and Members of this Committee:

Thank you on behalf of the 35,000 residents of the City of Salisbury, all 157 Maryland municipalities, and local governments across America, for the opportunity to share our story today.

My name is Jake Day. I am the Mayor of my hometown: Salisbury, Maryland. A number of factors shape my perspective: I am a trained architect and city planner. I have spent many years working with small towns and cities on their revitalization; and I have served in various leadership roles with the American Institute of Architects, Smart Growth America, and most recently as President of the Maryland Municipal League, representing the interests of Maryland's cities, towns, and villages from Port Tobacco with its 18 residents to Baltimore with its 576,000 residents.

Today, I come to you as a resident and chief executive of Salisbury; a small but growing city that sits at the center of the Delmarva Peninsula. We are the principal city of the 455,000 resident Salisbury Metropolitan Statistical Area, but we are also a small city anchored in the breadbasket of the Northeast. I like to think of it as the best of both worlds. We are home to Maryland's second busiest commercial airport and Maryland's second busiest port. We are crisscrossed by two U.S. highways and are building a robust street, sidewalk, trail, and bike infrastructure network. We are served by a regional bus transit system and at present one micromobility company.

As a local leader, it is my job to try to solve the challenges and reduce the barriers that my citizens face to living the best life they can with the limited resources I have available. Some of those challenges and many of those barriers are simply heavier, stronger, and taller than what I can reasonably fell on my own. And for those factors, we look to our partners in State and Federal government.

The Honorable Jacob R. Day, Mayor, Salisbury MD
 Testimony provided before the U.S. Senate Committee on Environment and Public Works, Subcommittee on Transportation and Infrastructure
 November 15, 2022

The Legacy Landscape of Past Policies

Some challenges are baked into the asphalt, concrete, housing stock, and policy landscape from which we seek to build a better, safer, and more just community. Like most American cities, our city fell victim to progress of its time. Beginning in 1927, U.S. Highway 13 carved through the historic neighborhoods of our core and displaced residents. Again in 1956, U.S. Highway 50 cut through remaining historic neighborhoods, displacing residents. The well-worn tale is as true in Salisbury as anywhere: the displaced and largely erased neighborhoods were home to Black homes and Black-owned businesses, replaced with interchanges and parking lots.

As mobility investments shifted, housing policy followed, as did Civil Rights in America, housing preferences, funding sources and policies that would support and cement each. In Salisbury, federal Urban Renewal dollars were used to buy, clear, and assemble blocks. Meanwhile, local zoning codes prioritized low-density, single-use development which meant that decades of investment would further separate where workers earn their paycheck from where they lay their head at night.

These past policy decisions combined resulted in an inefficient, unjust, and unsafe landscape resembling a checkerboard of single-use development and wasted spaces, all crisscrossed with snaking moats of asphalt and speeding traffic effectively keeping a community from functioning efficiently as one organism. It is our charge to maintain, repair, and rebuild from this context.

Envisioning and Constructing a More Just, Efficient, and Safe Community

Local officials should be trusted more than we have historically been to know what is best for our cities, counties, and towns. Americans trust local government most to respond to their needs.¹ Whatever the ownership and responsibility for a given right of way, rest assured, a concerned citizen is going to call their Mayor, their Commissioner. We are often the first line of response because we are on the ground with our neighbors in feeling the effects of dysfunctional systems and crumbling infrastructure. Setting—and delivering—community priorities is the bread and butter of local government. The Bipartisan Infrastructure Law is a departure from the way things have always been done and the resultant flexibility in allowing communities the right to self-determine their transportation and infrastructure priorities is a welcome change. When infrastructure dollars pass through layers of government further removed from community-articulated priorities, investment slows, as does the returns we expect those investments to produce.

A More Just Salisbury

The distribution of investments past were inequitable and many successive decisions did little to right—or exacerbated—those wrongs. We envision an end to that practice, taking healing actions to make access to work, services, and opportunity easier, safer, and more equitable – particularly for communities put at a past disadvantage.

¹ Americans' Trust in Government Remains Low. Gallup Organization. September 30, 2021.
<https://news.gallup.com/poll/355124/americans-trust-government-remains-low.aspx>

The Honorable Jacob R. Day, Mayor, Salisbury MD
 Testimony provided before the U.S. Senate Committee on Environment and Public Works, Subcommittee on Transportation and Infrastructure
 November 15, 2022

This year, I joined Mayors from 7 other cities including Richmond, Providence, Madison, Charleston SC, Duluth, Youngstown OH, College Park MD through the Just City Mayor Fellowship supported by the Harvard Graduate School of Design and the Mayors' Institute on City Design.² In the course of our fellowship, each City team and Mayor identified physical and policy barriers which contributed to the entrenched barriers to a more just community. In Salisbury, barriers to mobility – relating to the aforementioned decisions of the past – represented our most compounding factor in anchoring people to their socioeconomic present and limiting them from choice, opportunity, and freedom.

A Safer Salisbury

We envision an end to transportation system decisions that make it more likely that our citizens will die on our roads for the sake of convenience. When we know the engineering solutions that will save lives – we must fund them. Period.

In 2021 the City of Salisbury joined the Vision Zero community with an Action Plan adopted by our Council. The days of prioritizing the speed of the automobile over the safety of human beings end here. Each year, approximately 36,000 people die in traffic crashes across the United States. These crashes are preventable. Safe mobility is a basic right of every citizen of the City of Salisbury, regardless of the mode of travel or the destination.

A More Efficient Salisbury

A hallmark of the status quo is the inefficient use of limited resources. Dollars, land, energy, material are all treated as more expendable than they are. We envision a city more respectful of the rural landscape around it, the planet as a whole, and the resources it will take to achieve all of our visions.

In 2020, we empaneled an Environmental Policy Task Force that developed twenty-two recommendations on how we can operate more efficiently and sustainably. The report urges the City to lead by example in the region by prioritizing the consideration of environmental ramifications when making decisions with property it largely controls. As a result, and among other things, we have shifted to purchasing 100% of our energy from renewable sources, adopted a stormwater utility, and instituted a ban on plastic bags.

The Bipartisan Infrastructure Law Makes Vision Reality

The benefits of direct allocation of infrastructure dollars to America's cities and towns is being felt in town halls and council chambers nationwide. In Salisbury, we feel strongly that this has become a moment of opportunity where we are being treated more fully as a partner in shaping the destiny of the systems that are fundamental to the function of our community.

² Announcing the 2022 MICD Just City Mayoral Fellowship. Mayor's Institute on City Design. January 18, 2022. <https://www.micd.org/2022/01/18/2022-just-city-mayoral-fellowship/>

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Just as importantly, the significant increase in the scale of funding takes a stride toward acknowledging the true scale of the problem. This historic injection of funding helps relieve the stress of what has long felt like a competition for resources completely dwarfed by the scale of the problem.

With adequate resources, and with the trust of our Federal partners, we can get about the business of delivering on our vision of a more just, efficient and safe city. Our priorities, drawn from the vision our community has adopted, includes the following projects that are eligible for funding under the Bipartisan Infrastructure Law.

Urban Greenway

First envisioned in 1960s planning documents, this greenway would traverse our city east-to-west, following the Wicomico River, and providing a non-vehicular path separated from automobile traffic. Pieces have been constructed over the years as distinct elements: our City Park, Zoo, and Riverwalk. In 2017, the City adopted a plan to connect and complete the Urban Greenway.³ Since then, 5 additional phases have been completed.

Route 13 Express Bus

The Salisbury Mobility Enhancement Project will address what has become a significant barrier to employment in Salisbury: reliable transportation between home and work for the underserved populations in Salisbury's urban core. Salisbury was developed in a north-south orientation along U.S. Highway 13.⁴ Our MoveSBY plan identified a transit solution to reduce socioeconomic inequities by connecting the labor force in disadvantaged neighborhoods to jobs. A fixed-route, low headway, express route with small electric buses that parallels the Rail-Trail will provide reliable transit. Each stop along the route will incorporate e-bike/scooter options to travel the final distance to work, home, or the adjacent Rail-Trail. Additionally, the City of Salisbury and our regional transit organization – Shore Transit – are partnering to develop a Downtown Transit Center to connect this express line to other routes in the system.

Vision Zero

2022 was the City's second full year under Vision Zero - the City's mission to end fatalities and serious injuries on the transportation network. To meet that goal, the City installed three brand new protected bikeways, provided significant upgrades to two more, calmed traffic on three streets, dramatically increased ADA accessibility in two low-moderate income neighborhoods and launched the construction of the first fully separated bikeway in the Delmarva region. The work will continue in 2023 with the traffic calming program, expansion of the bike and sidewalk networks, increased automobile safety measures and work on MovesBY - the City's first fully integrated mobility masterplan.

³ Salisbury Greenway Master Plan. City of Salisbury, Maryland. November 23, 2016. <https://salisbury.md/wp-content/uploads/2017/05/urbangreenwaymasterplan.pdf>

⁴ Just City Mayoral Fellowship Final Report. The Just City Lab, Harvard University Graduate School of Design & Mayor's Institute on City Design. October 27, 2022.

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Streetlight installation along High Injury Network, corridor redesigns, a slow-zone program, speed awareness & safety program, speed camera and red light camera program, context based speed limit changes, speed humps, roundabouts, signage, pedestrian islands have all resulted in the total number of injurious crashes dropping 19% since Vision Zero was implemented. Meanwhile, the number of fatalities on City owned-streets in 2021 was 0.⁵ This is in stark contrast to the national trend. Pedestrian fatalities are up 62% since they began steadily rising in 2009.⁶ The Safe Streets for All (SS4A) Grant Program is an especially welcome opportunity for investment in these improvements and helps smaller communities like ours compete.

'The Spine' Rail Trail

In 2018, the City adopted the Rails With Trails Master Plan⁷ for 'The Spine' which would run north to south 5.75-miles through the entirety of Salisbury parallel to an existing freight rail line. This route was first included in our 2015 Downtown Master Plan. The Trail simultaneously affords our residents a backbone, off-street connection

It has received Transportation Alternatives Program (TAP) funding which has helped us complete 30% designs on the entirety of the project and 100% design on 2 sections. Construction began in October 2022 on the northernmost portions of the Trail.

Bicycle Network Plan

The City's Bicycle Network Plan⁸ was adopted in 2016 and was the result of our commitment to creating a network for the benefit of citizens and tourists designed to be compatible with bicyclists of all abilities. Funding sources including TAP and State funds have assisted in the design and construction of more than 40 miles.⁹ of bike lanes, including numerous protected, separated, multi-user, shared, buffered, and conventional bike lanes and cycle tracks.

The City is now developing the MoveSBY Mobility Master Plan which merges our Bike, Route 13, Urban Greenway, Rail Trail, and other plans into a comprehensive vision of mobility citywide.

Port of Salisbury Multi-User Terminal

Port terminals in Salisbury constitute Maryland's second busiest port by tonnage, after Baltimore, and the port area plays an important role in supplying fuel, aggregate, and agricultural products to the Delmarva peninsula. The Wicomico River's navigable channel is congressionally authorized to be maintained up to a depth of 14 feet, with a width up to 150

⁵ FY 2022 Vision Zero Annual Report. City of Salisbury, Maryland. June 2022. <https://salisbury.md/wp-content/uploads/2022/06/Vision-Zero-Annual-Report-FY-2022.pdf>. Page 12.

⁶ Dangerous by Design 2022. Smart Growth America. <https://smartgrowthamerica.org/wp-content/uploads/2022/07/Dangerous-By-Design-2022-v3.pdf>. Page 4.

⁷ Salisbury Rails With Trails Master Plan. City of Salisbury, Maryland. August 2018. <https://salisbury.md/wp-content/uploads/2018/10/Compressed-Trail-Masterplan.pdf>

⁸ Salisbury Bicycle Network Plan. City of Salisbury, Maryland. December 2016. https://salisbury.md/wp-content/uploads/2020/07/SalisburyBikeNetworkPlan_Adopted_12122016.pdf

⁹ Salisbury Bike Hub. City of Salisbury, Maryland. September 2021. <https://bike-salisbury.hub.arcgis.com/apps/Salisbury::bike-network/explore>

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feet. Currently, the terminals on the Wicomico River are privately owned and operated, and the cargo they handle is dedicated to their respective firms. However, thanks to the Bipartisan Infrastructure Law, the City of Salisbury, many of our local port tenants, and the U.S. Department of Transportation's Maritime Administration (MARAD) are working in collaboration to plan for the development of equipment and facilities to support a multi-user terminal. The City received a 2021 U.S. Economic Development Administration grant to complete a Cost-Benefit Analysis of the Port expansion.¹⁰

Water Resources

While not transportation related, the significant increase in funding for water and wastewater infrastructure is a welcome feature of the Bipartisan Infrastructure Law. For our growing community within the Chesapeake Bay watershed, removal of septic systems and subsequent connection to municipal sewer is a priority. We are partnering with our rural neighbors and our County government to apply for funding to remove and replace septic systems.

Additionally, polyfluoroalkyl substances (PFAS) are a significant concern for our community. As we await the outcomes of developing U.S. Environmental Protection Agency standards and the outcome of lawsuits surrounding PFAS, we wish to take action for the safety of our residents immediately. The \$4 Billion appropriation for FY22-26 is a source that we are seeking to fund PFAS treatment and removal in our drinking water.

Each of these projects represents something that would have remained a pipedream or languished due to a deficit of resources, were it not for the Bipartisan Infrastructure Law. There is finally a light at the end of the tunnel for these critical efforts.

Improving Upon the Bipartisan Infrastructure Law

While programs like the Rural Surface Transportation Grant, Safe Streets for All, INFRA, and Reconnecting Communities are all tremendous and welcome improvements over the infrastructure funding programs of the past – we can always continue to make advancements.

The principles of direct allocation, flexibility, human-focus, and increasing appropriations should be preserved in future infrastructure legislation. In particular, rural communities have more opportunity to compete when burdens on applicants are simplified.

We encourage consideration be given to continuing this trend. The SS4A's 10-page narrative and budget (reduced from the typical 25-page narrative and full Benefits-Cost Analysis) was particularly welcome, but remains a barrier that could be further reduced. A standardized portal is recommended. One example worth studying is the Maryland Department of Transportation Bikeways Program Grants portal. This standardizing of the applications amongst parties making it more likely projects can be truly evaluated on their merits, rather than having the presentation of project heavily influenced by the size

¹⁰ Port of Salisbury Multi-User Port Terminal Cost Benefit Analysis. City of Salisbury, Maryland. October 2021. <https://salisbury.md/port-of-salisbury-study>

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of the staff of the party applying. In other words, larger entities can produce better application packages because of their inherent resources, regardless of the quality of their proposed projects.

Secondly, the current disbursement methods of formula funds send the vast majority of non-competitive grant funds directly to states with some going to MPOs, generally those with populations in excess of 200,000. This means that smaller urbanized areas, despite having the ability to directly manage federal dollars, will always have to compete state wide for Surface Transportation Block Grant (STBG) funds, including those for safety, against other entities. Lowering the threshold to 100,000 or even 50,000 – the threshold at which an MPO is required – will deliver funding to the points where it is needed faster. Municipalities of this size already take in CDBG funds from HUD in this manner and therefore have block grant management experience.

Lastly, as formula funding that does reach smaller municipalities must pass through the State DOT there are generally conflicts in prioritization between entities. Often municipalities are pushing for safety infrastructure whereas the State DOTs usually prioritize throughput. This leads to frequent low-grade conflicts in design that often generate a project that reflects the fact that design was a series of compromises that no one really liked but could tolerate. The result is often a facility that is *safer* than what existed before but not truly safe, efficient or sensible.

Conclusion/Summary

One year on from the adoption of the Bipartisan Infrastructure Law, the view from City Hall is an optimistic one. In my opinion, this law makes us feel like more a trusted partner than before. We were trusted as the best representatives of our communities' visions and to be accountable for delivering on them. My city will be more just, safe, and efficient as a result of you placing that trust in us and providing us additional resources with which to deliver. Thank you for your confidence, your attention to this important matter, and your hospitality today. I remain available for any questions you may have.

Senator CARDIN. Thank you, Mr. Mayor.
Mr. Carroll.

STATEMENT OF MICHAEL CARROLL, P.E., DEPUTY MANAGING DIRECTOR, OFFICE OF TRANSPORTATION AND INFRASTRUCTURE SYSTEMS, CITY OF PHILADELPHIA, PENNSYLVANIA

Mr. CARROLL. Good morning, Chairman Cardin, Ranking Member Cramer, and members of the subcommittee. On behalf of Mayor Jim Kenney and the city of Philadelphia, I am profoundly grateful to testify.

I am Mike Carroll, Deputy Managing Director of the Office of Transportation, Infrastructure, and Sustainability. As was mentioned, I oversee the Philadelphia Department of Streets, the Philadelphia Water Department, and the Office of Sustainability. I am also interim President of National Association of City Transportation Officials.

Philadelphia's 2018 Strategic Transportation Plan celebrates the connection between the quality of our infrastructure and the tangible benefit to people's lives. These values match those of the Bipartisan Infrastructure Law.

After decades of neglect, this is crucial if we want to ensure that world class infrastructure remains at the center of the Americans' agenda. We place every effort to align our infrastructure priorities with those of our constituents. I appreciate Senator Cardin's mention of the large inventory of assets that we manage. These assets are well-used.

Our main regional transit authority, SEPTA, carried over 100 million riders last year, after the pandemic. In some areas, nearly 20 percent of our commute trips are made by cycling.

In our center city, several corridors carry 30,000 pedestrians per day. Our historic city retains its colonial-era character with great pride, and it isn't physically possible for us to move enough people without robust options for transit, biking, and walking. The Bipartisan Infrastructure Law strengthens our hand to deliver these safe transportation alternatives.

Many Philadelphians rely on our trails and bike network to conduct their daily lives. We are eager to implement \$4 million in grants from the Transportation Alternatives Program to improve walking and biking safety around schools, to add pedestrian and bike connections to the jobs at the Philadelphia Navy Yard. This funding will also help complete Philadelphia's section of the East Coast Greenway from Maine to Florida. The ways infrastructure binds our Country together are more than just symbolic.

We agree with the law's emphasis on equity as well, because addressing social inequality means more opportunity. On a section of US Route 1 in Philadelphia called Roosevelt Boulevard, we used CMAQ funds to create high quality bus stations and express transit service. People once stood in patches of dirt next to a 12-lane highway, waiting to take a circuitous bus ride to their destination.

In 1 year, the new service had a 17 percent increase in ridership, the highest increase in the whole system. One person told us the shorter travel times saved her job.

We will seek more funding to extend this to other parts of Philadelphia, and this will be one key to updating the entire bus network. One neighborhood will have 65,000 more jobs accessible within a 45-minute bus ride than can be reached today.

The list of projects we need requires us to grow our talent pool aggressively. USDOT's recommitment to on-the-job training, disadvantaged business enterprises, and flexibility on local hiring sets a bar for our own local efforts. Our recently awarded \$25 million RAISE grant will help us take on a host of infrastructure challenges in seven historically disinvested neighborhoods around the city. We can now make safety improvements to roads where nearly a thousand people have been involved in traffic crashes in recent years. We will be paving streets that haven't been paved in more than a quarter century.

We will also use community engagement around our projects to point people to jobs and contracting opportunities. These projects shouldn't just change the physical conditions of the neighborhoods; they should contribute to the life prospects of the people who live in these neighborhoods.

Direct aid to cities is something else we appreciate. I was thrilled to join FHWA, Amtrak, SEPTA, and the Pennsylvania Department of Transportation to celebrate the city being awarded \$1.5 million in Direct Bridge Improvement Program funding. Our project will pilot strategies to accelerate bridge rehabilitation over electrified rail lines. Although Philadelphia will immediately benefit as a community from these improvements, the model will serve our whole State and communities across the Country in the long term, as well.

We are proud to propose a project called Reconnecting Our Chinatown for the Reconnecting Communities Program. This takes up Secretary Buttigieg's direct challenge to the city of Philadelphia to fix the harm done in carving our Chinatown community in half with the Vine Street Expressway in the 1990's. We developed a CAP project to provide neighborhood space overtop of the roadway without impacting throughput on that vital artery.

In general, the mix of approaches present in the infrastructure law provides excellent alignment of resources to the infrastructure needs we experience at the local level. We are very grateful. At the end of the day, we need Congress to stay focused on infrastructure, though. Even with this historic investment, the legacy of neglect and underinvestment will still persist. Our steady attention will allow us to finally turn the page on an era of crumbling infrastructure around the United States.

Senators, I want to thank you deeply for the opportunity to share my thoughts with you all today. This ends my testimony.

[The prepared statement of Mr. Carroll follows:]



CITY OF PHILADELPHIA

**Statement of Michael Carroll
Deputy Managing Director
Office of Transportation Infrastructure, & Sustainability
City of Philadelphia, Pennsylvania**

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

Hearing on

**“Implementing IIJA: Opportunities for Local Jurisdictions to Address Transportation
Challenges”**

Wednesday, November 15, 2022

Good morning, Chair Cardin, Ranking Member Cramer, and Members of the Subcommittee on Transportation and Infrastructure. On behalf of Mayor Jim Kenney, and the City of Philadelphia, I would like to express my gratitude for the opportunity to testify before you all today.

I am Michael Carroll the Deputy Managing Director for the Office of Transportation, Infrastructure, & Sustainability. My office is responsible for coordinating policy and project delivery as well as overseeing operations for the Philadelphia Department of Streets which includes Sanitation and Transportation Divisions, the Philadelphia Water Department, which is responsible for Drinking Water, Wastewater and Storm Water, and the Office of Sustainability which addresses resiliency, climate preparedness, energy policy as well as municipal energy management. I am also serving as the Interim President of the National Association of City Transportation Officials (NACTO).

In 2018, my office was asked to prepare a document we called “Connect: Strategic Transportation Plan.”¹¹ The vision statement for that document was “a transportation system that benefits everyone... that is safe, affordable, accessible, and reliable at moving Philadelphians, visitors, and commerce so neighborhoods thrive, people are healthy, and the economy grows.” That statement captures the spirit of our approach to all forms of infrastructure because it celebrates the connection between the quality of our infrastructure and the tangible benefit to people’s lives. The values we expressed there are aligned with those in the Bipartisan Infrastructure Law.

We believe that by involving more people in the process, in working with their government to set priorities, to find opportunity in infrastructure for themselves and their families -- more people will internalize how important our nation’s infrastructure is. After decades of neglect, this is crucial if we want to ensure that world class infrastructure remains at the center of the American agenda.

The City of Philadelphia manages a large inventory of transportation assets including more than 9,500 transit stops, nearly 2,600 miles of street, almost 3,000 traffic signals, over 300 bridge structures, 500 lanes miles of bike facilities, 180 bike share stations. On the water side we maintain nearly 3,200 miles of water mains and 3,500 miles of sewer mains. We use green infrastructure to divert over 2,600 acres of stormwater runoff from an obsolete combined sewage and stormwater network, thereby significantly reducing contamination of our

streams and rivers. Much of that diversion has been accomplished by leveraging transportation investments to make innovative stormwater improvements.

Infrastructure Priorities

We make every effort to align our infrastructure priorities with those of our constituents. Philadelphians are demanding that we make progress on improving traffic safety. At any point in time, our Streets Department faces a backlog in requests for neighborhood traffic calming studies that is six months long. Only more investment in redesigning roads and upgrading signals systems with safety in mind will begin to address these needs.

Our residents and business understand well that our city depends on a robust mix of transportation options. Even in the wake of pandemic-related changes to travel, the Southeastern Pennsylvania Transportation Authority (SEPTA) -- whose board I serve on -- carried 105 million riders last year, 60 percent of whom take buses on our streets. In some areas, nearly 20 percent of commuter trips are made by cycling. Downtown, in what we call Center City, there are several corridors that carry roughly 30,000 pedestrians per day. This rivals the passenger throughput of many sections of our interstate system. Our historic City retains much of its colonial-era form and character with great pride, and it is not physically possible for the city to function without robust options for transit, biking, and walking.

Another general concern of our residents is to address disinvestment fairly. In too many neighborhoods, there is a persistent attitude that the government does not care that streets are falling apart, or that water lines break, or that parks and schools are run down unless there are wealthy interests involved. This cynicism has leads to distrust. In some cases, even when we can turn our attention to making fixes, we meet suspicion that we are doing so to promote gentrification and displacement. We recognize that only when we are tackling the infrastructure needs of the city at scale will we regain the confidence of the community.

Philadelphia's Perspective on Bipartisan Infrastructure Law

With this background it should be clear why we share the view of many that the Bipartisan Infrastructure Law has arrived just in time. But I want to also make clear it is not just the historic levels of investment that address what has been ailing our country, but the theme of equity being emphasized in the guidance for these programs is on target as well.

That is because addressing social inequity means more opportunity. On the section of U.S. Route 1 in Philadelphia called Roosevelt Boulevard, we used Congestion Mitigation and Air Quality (CMAQ) program funds to create high-quality bus stations and a limited-stop express transit service. This service replaced local bus service where people had to stand in the dirt alongside a 12-lane highway as they waited for to take circuitous bus rides. In its first year, the Roosevelt Direct Bus route saw a 17 percent increase in ridership over the bus lines it replaced, which was the highest increase for any service in the system. This route clearly filled an unmet need that riders could not voice on their own. One person wrote us to say the shorter travel times literally saved her job. We intend to use more CMAQ funding to extend this service to more parts of Philadelphia and it will be a lynchpin in an update of the entire bus network. We expect this will increase access to jobs significantly. For example, in our Kensington Neighborhood which is beset by tremendous economic and social

challenges, this improvement will make 65,000 more jobs accessible within a 45 minute than can be accessed in that time today.

While many people know bike trails and side paths as recreational amenities, many Philadelphians rely on our City's extensive network to get to jobs and school and conduct their daily lives. Senators, we are eager to start projects funded with over \$4 million from the Transportation Alternatives Program to improve safety for walking and biking around neighborhoods schools, to add pedestrian and bike connections to the major employment center at the Philadelphia Navy Yard, and this funding will also help to complete the Philadelphia section of the East Coast Greenway extending from Maine to Florida. The ways that infrastructure binds our country together are more than just symbolic.

Building Opportunity

Our Mayor and City Council are determined that equity and opportunity should not only be the end goal but must be considered in how we build infrastructure as well. The long list of projects we want to advance requires us to grow the talent pool as aggressively as we can. That means tackling training, hiring, and procurement challenges to build capacity. This also fits with the needs of communities where people have historically lacked access or meaningful skills development, or where entrepreneurs have faced barriers to growing their businesses.

The Federal government's re-commitment to on-the-job training and disadvantaged businesses enterprise programs, and increased flexibility on local hiring sets a mark to which we can direct our own efforts. Our locally funded REBUILD initiative to restore parks and recreation centers gives us a model to leverage employment and contracting opportunities. We can build on this to scale more opportunities around the transportation infrastructure projects coming to these same neighborhoods.

We are especially grateful to have been awarded a \$25 million RAISE Grant for a project we call "Great Streets PHL." This project is a bit unconventional because it won't result in the photo op that many projects do around a shiny new asset. Instead our project will take on a host of infrastructure challenges in seven (7) historically disinvested neighborhoods. We can now make safety improvements to roads where nearly 1,000 people have been involved in traffic crashes in recent years. We will repave city streets that have not been resurfaced in nearly a quarter century and address plethora of barriers to accessibility along sidewalks and at pedestrian crossings. We plan to leverage community engagement around our projects to point people to jobs and contracting opportunities. These projects should not just change the physical conditions in neighborhoods, they should contribute to the life prospects of the people who live there.

Need to Address Community and Infrastructure Resiliency

Another feature of the Infrastructure Law that matches our city's priorities is the increased focus on resiliency. We rarely face the full force of hurricanes, but severe storms have impacted our communities and infrastructure with more regularity. This highlights the need to be proactive in planning for resiliency. Last year Tropical Storm Ida closed I-676 for three days, breaking the link between I-76 and I-95 through the middle of our downtown. Businesses in our Manayunk section spent weeks clearing mud from the historic Main Street, and residents in our Eastwick neighborhood are still struggling with repairs years after Tropical Storm Isaias.

Programs like PROTECT and Thriving Communities are especially attractive because support for planning and neighborhood capacity building ensures key voices will be heard as we develop future capital projects. This means residents, businesses, and other stakeholders, can participate more fully in prioritizing the projects we need to mitigate and adapt to the risks of flooding and other climate related risks. We have begun this capacity building already; an example is a newly formed group, the Lower South Collaborative, in which the city is convening major stakeholders – such as our Port, Airport, Navy Yard, Stadium District, PennDOT, and residents. Federally funded capacity building will leverage local public and private sector funding to bring well informed and technically prepared community members to the table to contribute to addressing the key transportation and resiliency issues so that both the work and the benefits can be shared.

Direct Aid to Cities

Provision of direct aid to cities is another feature of the infrastructure law that we appreciate. Often, cities' perspectives on what is wrong and how to fix it aligns very well with the priorities of our federal partners. Where local and Federal partners are already on the same page – there may be no need for State DOTs to expend any efforts. In those cases, most people would agree the principle of localism should prevail. This does not mean that we don't value our state partners; we have a strong and collaborative relationship with PennDOT and other regional entities. The innovations made in cities often provide models for our State DOT's to embrace. I was thrilled to be joined this past October by then Acting FHWA Administrator, Stephanie Pollock, as well as representatives from Amtrak, SEPTA and PennDOT, to celebrate the City being awarded \$1.5 million in Bridge Improvement Program competitive planning funds. This project will develop and pilot strategies to accelerate bridge rehabilitation projects over electrified rail lines. Our Streets Department engineers identified the complexities of this work, based on their hands on experience. These issues can add years to a bridge rehabilitation time frame, not just in Philadelphia, but on any bridge that crosses electrified rail. Though the benefits of this study are immediate for Philadelphia, the process we will develop with our partners can serve elsewhere in the state and the country as well

Funding for Pre-Construction Activities

I am grateful for these and other opportunities to pursue planning, design, and other pre-construction activities. The City fully recognizes the need to deliver capital projects and not to get caught in a web of endless study. But projects are only shovel-ready when work has gone into making them so. In cities with budget constraints, there is little scope for devoting significant resources to developing and keeping updated concepts until there is near certainty they will be funded through construction. For us, this means that many ideas with great merit go undeveloped. For our federal partners, this means that projects that seem 'shovel-ready' may carry unrecognized risks that can only be fully worked out after construction funding has been awarded. Taking a longer-term view and supporting work to make projects ready is certainly worth celebrating.

Regional Benefits of Investment in Metropolitan Infrastructure

Urbanized areas of our country are not just concentrations of people, but economic engines and hubs of opportunity. Strong cities are key to our national prosperity, and with so much activity concentrated within

cities, infrastructure investment in cities is perhaps best and most direct way to improve the most American's lives. There is good news beyond cities in that benefits of this investment are shared regionally and, in the case of Philadelphia, across a vibrant tri-state Area consisting of Pennsylvania, Delaware, and New Jersey. Consider that although SEPTA serves less than 5 percent of the geographic area of the Pennsylvania it contributes \$3.4 billion to the economy of Pennsylvania alone as suppliers and contractors located across the whole Commonwealth compete to support projects in the Greater Philadelphia area.

Goods Movement in an Urban Context

Philadelphia's Port and Airport connect this region to the rest of the world, I take very seriously in my role in overseeing the local transportation infrastructure that supports these facilities. Our Port's rapid growth and our airport cargo expansion plans require we provide efficient landside access connecting these gateways to our freight networks. Furthermore, our residents, businesses, and major institutions are often the suppliers and purchasers of these products so freight must never be a forgotten mode. Managing movement of goods within U.S. Cities is an integral part of creating "complete streets."

We have recently launched a pilot to explore a curb reservation system to ensure curb space is available for deliveries. We are grateful for efforts like the U.S. SMART Grant program that offer the chance to refine and scale up these demonstrations and will help us reduce the congestion and safety impacts that result from delivery drivers resorting to double parking and other risky practices to complete their rounds.

Community Focus of the Bipartisan Infrastructure Law

Overall, the community focus of the Federal Infrastructure program is well placed. Our job as public servants is to address the needs of our communities. At the local level we cannot do this without the support of our federal partners. We will compete vigorously for consideration in every program that prioritizes communities. We are proud to submit a proposal for the reconnecting Communities Program that we call "Reconnecting Our Chinatown: Reclaiming Philadelphia's Vine Street Expressway." This takes up Secretary Pete Buttigieg's direct challenge to Philadelphia to rectify the harm that was done in carving our Chinatown community in two with the construction of the Vine Street Expressway.ⁱⁱ

We also have great ideas for the Safe Streets for All funding, and we have had great conversations with the Build America Bureau and want to explore the possibilities of Transit Oriented Development financing to enlist private sector partners. We know the variety of opportunities is keeping USDOT busy but as a diverse and multimodal city, the mix of programs gives us a much better chance of aligning resources to the infrastructure needs we experience at the local level.

Policy Priorities

What cities like Philadelphia need most is for Congress to stay focused on infrastructure. Even with the historic investment we are fortunate to see today, the legacy of neglect and under-investment will persist. Philadelphia and other communities are determined to ramp up our own resources and capabilities to match this opportunity, but it will take a few years to truly hit our stride in terms of developing the labor force, engineering talent, supplier base, and public-private partnerships needed to deliver projects at scale. Timely

reauthorization of transportation funding will work wonders to sustain that pace of improvement. Steady attention to this issue will allow us to finally turn the page on an era of crumbling infrastructure in the United States.

We need policy that continues the focus on the people the infrastructure serves as the programs authorized under BIL do. If I can shift the focus briefly, I'd suggest one dramatically impactful way to do that would be to duplicate direct funding strategies we see on the surface transportation side with similar approaches for water infrastructure. We appreciate the work of our state revolving funds but given the vagaries of how these are structured, the opportunities for funding are not always accessible to communities struggling both with poverty and century-old water infrastructure. Everyone deserves safe and reliable drinking water and clean waterways. What is more, when a large water main goes out, it can have devastating impacts on the roadway, nearby utilities, and neighboring businesses and homes.

We also want Congress to continue to emphasize innovation, especially around electrification and other fuel alternatives. We have been enthusiastic partners with PennDOT in the development of the Commonwealth's National Electric Vehicles Infrastructure Plan. We are busy developing our concepts and will be ready with robust applications to create jobs, support business, and ensure equity across future mobility options when the \$2.5 billion discretionary program becomes available.

We in the Office Transportation of Infrastructure and Sustainability sit at the nexus of both of planning and implementing the priorities manifest by the Bipartisan Infrastructure Law. I thank you for the foresight and inspiration that went into developing this legislation, and I want to thank you deeply for the opportunity to share my thoughts with you all today.

¹ <https://www.phila.gov/media/20190821132925/Connect-Philadelphia-Strategic-Transportation-Plan-2018.pdf>

ⁱⁱ <https://www.audacy.com/kywnnewsradio/news/local/buttigieg-chinatown-tweet-addresses-racism-in-infrastructure>

Senator CARDIN. Mr. Carroll, thank you very much for your testimony.

Mr. Willox.

STATEMENT OF JIM WILLOX, CHAIRMAN, CONVERSE COUNTY COMMISSION, CONVERSE COUNTY, WYOMING

Mr. WILLOX. Thank you, Chairman Cardin and Ranking Member Cramer. I really appreciate the opportunity to be here.

I have been a commissioner for 16 years, and I currently serve as chairman of our local board and President of the Wyoming County Commissioners Association, and I am here today on behalf of the National Association of Counties, as well. I can assure you, roads are a top priority for commissioners.

Converse County is located in Central Wyoming, and just like two-thirds of America's counties, we are considered rural. Converse County is home to the Country's largest uranium mine, significant oil and gas reserves, five wind farms, solar potential, and sprawling cattle and sheep ranches. We are critical to the United States' natural resource and energy production.

County governments own 44 percent of public roads and 38 percent of the bridges, more than any other level of government. Counties invest annually over \$60 billion into the construction, maintenance, and operation of our transportation system. To paraphrase an old saying, a road is only as good as its weakest mile. The connectivity of interstates and U.S. highways to gravel county roads and one-lane bridges is vital. If you can't get to the interstate, what good is it?

We are pleased to see that infrastructure continues to be a bipartisan topic, not red or blue, but red, white, and blue as a topic. We want you to know that America's counties are working to deliver transformational infrastructure projects for our residents, and our counties continue to need a responsive Federal partner.

In Wyoming, the IIJA will help us repair and rehabilitate 45 local and off-system bridges. Many of these bridges are low volume and could be only one lane, but they may be the only connection to emergency services, economic operations, or schools.

The IIJA significantly increased the number of competitive funding opportunities and created new programs, such as the Bridge Investment Program, which has been vital for counties in Wyoming and across the Nation. The Rural Surface Transportation Block Grant and the new Safe Streets for All Programs are also important new opportunities.

As we look forward, Federal policymakers should eliminate obstacles and ensure the timely establishment and rollout of competitive grant awards. Counties believe that the new practice, such as using a common application for multiple funding opportunities at the U.S. Department of Transportation has implemented is a step in the right direction.

One of the best things in the bill, and you have referenced it, is the One Federal Decision. We support and applaud that effort. However, two obstacles still remain. The Buy America provisions, which we support in concept, and I think we all do, should be applied in a commonsense, flexible way that appreciates any lack of domestic availability or grand costs inconsistent with the public in-

terest as we balance stewardship of taxpayer dollars with the policy goal of building domestic capacity. Waivers should be issued accordingly.

Streamlining the Federal permitting process is a longstanding priority of local governments. One Federal Decision is a step in the right direction, but the NEPA process is still cumbersome and counterproductive. There is little to no reason to go through the NEPA process to work or replace a county road or bridge that has been in place for decades. The NEPA in this case only adds costs, delays, and frustration to the real goal of implementing and improving our transportation system. That is saying that we believe that the categorical exclusion needs to be expanded further and more flexibility allowed.

While county officials appreciate the creation of dozens of new opportunities in this bill, we do not believe competitive opportunities should come in lieu of the continued direct Federal funding for locally owned infrastructure.

When the national transportation system is considered, too often, only Federal highways come to mind. A fellow commissioner of mine must use gravel and paved county roads, city, State, and Federal highways when delivering his cattle to market all in a two-and-a-half-hour trip. In resource rich Northern Converse County, workers take similar trips every day to help energize our Country.

Breakdowns in the supply chain can be mitigated at the local level if we are equipped to do so, which includes having the maximum flexibility possible to use Federal grants. As proven good stewards of Federal dollars, county officials believe a direct, consistent Federal funding stream for local roads and bridges will continue to ensure a robust infrastructure for the future.

Wyoming's Governor, Mark Gordon, has noted that the debt from this bill and others passed in response to the pandemic will be carried by future generations. Therefore, we have an obligation to make generational investments with these funds. County officials live and work in our communities every day. We know the needs of our communities better than the Federal Highway Administration, and I dare say, better than Congress. Allowing more time and broad flexibility, which are a portion of this bill, and we appreciate that, offers the best opportunity to do meaningful improvements for our communities and for future generations.

Mr. Chairman, Ranking Member, thank you for this opportunity. I look forward to your questions.

[The prepared statement of Mr. Willox follows:]



WRITTEN STATEMENT FOR THE RECORD

**HON. JIM WILLOX
COMMISSION CHAIR, CONVERSE COUNTY, WYOMING
PRESIDENT, WYOMING COUNTY COMMISSIONERS ASSOCIATION**

ON BEHALF OF THE NATIONAL ASSOCIATION OF COUNTIES

**HEARING TITLED, "IMPLEMENTING IIJA: OPPORTUNITIES FOR
LOCAL JURISDICTIONS TO ADDRESS TRANSPORTATION CHALLENGES"
BEFORE THE COMMITTEE ON THE ENVIRONMENT & PUBLIC WORKS
SUBCOMMITTEE ON TRANSPORTATION & INFRASTRUCTURE
UNITED STATES SENATE**

NOVEMBER 15, 2022

Good afternoon, Chairman Cardin, Ranking Member Cramer, Senator Lummis and the distinguished members of the Subcommittee. Thank you for the opportunity to testify before you today to provide a local perspective of the implementation of the historic *Infrastructure Investment and Jobs Act* (IIJA/P.L. 117-58).

My name is Jim Willox, and I am the Chairman of the Board of Commissioners in Converse County, Wyoming, where I have served since 2007. I also serve as President of the Wyoming County Commissioners Association (WCCA) and am an active member of the National Association of Counties (NACo).

Among Wyoming's 23 counties, Converse is centrally located in the state and is one of the ten largest counties by size at just over 4,200 square miles. With just under 14,000 residents and a population density of 3.2, Converse County is considered rural by the U.S. Census Bureau. Mineral-related extraction and energy production are the largest economic drivers in our region. Home to the country's largest uranium mine, substantial oil and gas reserves, five wind farms, solar potential and sprawling cattle and sheep ranches, Converse County is critical to the United States' natural resource and energy production.

Converse is characteristic of Western counties, including isolated geography, sparse population and extreme climate conditions. Counties in the West are also uniquely challenged by federal land ownership, which severely constrains the ability of our counties to raise revenue. Roughly 15 percent of Converse County's surface acreage is federally owned. In the mineral rich northern portion of the county, this figure increases to 65 percent.

Like Converse County, nearly two-thirds of America's counties are rural, meaning they are located outside of an urbanized area and encompassing less than 50,000 residents. Of these rural communities, half have a population below 25,000. At the same time, there are more than 120 major urban counties, where essential services are provided locally to more than 130 million county residents.

While some transportation challenges may be siloed in certain regions of the country, rural, suburban and urban counties alike rely on a strong, solutions-based intergovernmental partnerships to meet our significant public transportation responsibilities. Sixty-six years since the authorization of the Interstate Highway System, the need to improve highway, road and bridge infrastructure is felt nationwide.

In addition to Converse County, I am here today on behalf of NACo, who represent the interests of all of America's 3,069 counties, parishes and boroughs – including Wyoming's 23 counties. Through NACo, county officials work together to find solutions for the vast amount of the nation's surface transportation assets that we build, own, operate, maintain and use on a daily basis.

County governments collectively own more public road miles (44 percent) and bridges (38 percent) than any other level of government. Converse County owns and operates well above the national average at [62 percent](#). In Wyoming, 64 percent of public road miles are maintained by local governments.

As [leaders](#) in the national infrastructure network, counties annually invest \$60.5 billion in the construction of transportation infrastructure and the maintenance and operation of public works and

act as a driving force that connects communities and strengthens economies.

As we celebrate the one-year anniversary of the enactment of the IJA, America's counties thank you for your work to deliver a historic investment in American infrastructure. We are pleased to see that infrastructure investment continues to be a bipartisan topic of discussion among our congressional leaders and appreciate the opportunity to provide a local perspective on implementation.

To this end, counties offer the following considerations:

- **America's counties are working to deliver transformational infrastructure projects for our residents and need responsive federal partners.**
- **Federal policymakers should eliminate obstacles and ensure the timely establishment and rollout of competitive grant awards.**
- **Counties act as safeguards of the national transportation system and urge direct funding of local infrastructure.**

America's counties are working to deliver transformational infrastructure projects for our residents and need responsive federal partners.

Counties appreciate the bipartisan work of lawmakers in delivering the IJA, a truly once-in-a-generation opportunity for state and local governments to improve our nation's infrastructure. As FY 2022 funding is awarded by the U.S. Department of Transportation (USDOT), counties are good stewards, delivering results for our residents.

In Wyoming, this includes the repair or rehabilitation of 45 locally owned bridges across the state with the help of the Wyoming Department of Transportation (WYDOT). This would not be possible without our WYDOT partners, who are investing almost 35 percent of available funds in local bridge projects, rather than the minimum 15 percent required by law.

Statutorily referred to as "off-system bridges" (OSBs), local bridges are critical connections in communities across the country. Unfortunately, because of their location off of the National Highway System (NHS), these structures are typically ineligible for Federal-Aid Highway Program (FAHP) funds.

OSBs are a national concern for counties, [who collectively own 62 percent](#) of these often-compromised structures. Wyoming is [well above the national average](#) at 82 percent. Representing vital cogs in the national system, nearly 50 percent of all public bridges in the country are off-system and fall to the responsibility of local governments to operate and maintain.

In Wyoming and across the country, many of these bridges carry low traffic volumes but may be the only connection to emergency services, economic operations or schools. A failure in some could completely isolate families, business and access to critical resources and institutions. A road is only as good as its weakest mile, or in this case, bridge. The connectivity of our interstate, highway, gravel road, and bridge infrastructure is vital. If you cannot get from point-to-point, what good is our system?

While FAHP funds are apportioned in lump sums directly to state departments of transportation (DOTs), county public works departments rely on the consistency of these programs for a number of reasons, including local sub-allocations and critical OSB set-asides. Although the set-asides are flat through FY 2026, new (Bridge Formula Program) and existing (Surface Transportation Block Grant) formula programs in the IJA boost support for OSBs by roughly 130 percent over the authorization levels set by the *Fixing America's Surface Transportation Act* (FAST Act/P.L. 114-94).

In addition to increasing FAHP funds by 32 percent from the FAST Act, the IJA also significantly increased the number of competitive funding opportunities that counties may apply for directly through USDOT. New practices – such as using a common application for multiple funding opportunities – and new programs – such as the Bridge Investment Program (BIP) – have been vital for the counties in Wyoming and across the nation in applying for competitive programs.

We applaud USDOT's recent announcement of the first round of BIP awards, where 40 percent of grants were awarded to counties or county authorities. These crucial planning grants will help counties build capacity and advance local bridge projects to the capital construction phase. Like the BIP, the new Rural Surface Transportation Block Grant (RSTBG) increases in funding over the life of the IJA.

RSTBG is a much-needed opportunity for eligible counties to invest in America's rural roadway system, where nearly half of the [nation's traffic fatalities occur](#). The new Safe Streets for All Program is also an important new opportunity for counties to improve road safety, where local and tribal governments and Metropolitan Planning Organizations are the sole eligible entities.

While the IJA offers many new opportunities, county governments of all sizes may still face barriers to access, and this is especially true for rural America. Seeking federal grant funds comes with a cost. Unfortunately, this cost can be prohibitive for small or rural counties who must first and foremost evaluate the feasibility of applying for a competitive opportunity.

Capacity issues and constrained finances are common at the local level. In many cases, the elected official may be the one writing the grant. Should a small or rural county successfully overcome the obstacles they face and receive a federal grant, the subsequent reporting requirements that accompanies the award may be too onerous for the jurisdiction to comply with. In many small counties, the reporting requirement may fall on the county clerk or treasurer, who are seldom proficient in federal grant requirement reporting. Nevertheless, we comply.

True for all recipients of federal infrastructure funds, confusing, complex and often unnecessary regulations can make implementing an award just as challenging as applying and competing for the opportunity.

Federal policymakers should eliminate obstacles and ensure the timely establishment and rollout of competitive grant awards.

The IJA has provided a path forward for badly needed improvements in communities across the country, and Congress and federal agencies must now ensure it can meet its intended goal of improving American infrastructure. Past examples must serve as cautionary tales where overreach and

consequences for the IJJA's investments.

This includes the potential for leaving the investments unrealized for future generations who will be left to pay the debt. Counties urge federal lawmakers to extend the timeline that these funds remain available, thereby ensuring not only the delivery of transformational infrastructure projects as intended by the IJJA, but also longer term employment opportunities.

Counties act as safeguards of the national transportation system and urge direct funding of local infrastructure.

While county officials appreciate the IJJA's creation of dozens of new opportunities with the potential to fulfill a variety of local infrastructure needs, **we do not believe new competitive opportunities should come in lieu of direct federal funding for locally owned infrastructure.**

When the national transportation network is considered, too often *only* federal highways come to mind. In reality, the network depends on road classifications of all types and a failure at any level can have catastrophic consequences for the rest of the system. No better example exists than the current supply chain shortage.

As a major rail strike looms, heavy truck travel continues with the potential to greatly increase. USDOT reports that [46 percent](#) of heavy truck vehicle miles traveled occurred on local rural roads, where 56,500 bridges have been posted for load capacity or closed entirely. The impact of this closed bridge is felt far beyond local economies when trucks are forced to travel up to three times longer distances to find a passable bridge.

Felt even closer to home, a fellow Commissioner of mine must use gravel and paved counties roads; and local, state, and federal roadways when delivering his cattle to market – all in a single, two-and-a-half-hour trip. Workers in resource rich northern Converse County take similar trips daily to help energize our country.

Breakdowns in the supply chain can be mitigated at the local level if we are equipped to do so, including by having the maximum flexibility possible to use federal grant funds to operate almost half of America's public road miles and four out of every ten of the nation's bridges.

Counties stand ready to meet new and ongoing challenges to the national network; however, we must rely on a strong intergovernmental partnership to meet our considerable transportation responsibilities that serve many more individuals than just our residents. Forty-five states [limit the ability of counties to raise revenue](#) in various ways. Western counties face an additional obstacle posed by the large share of public lands owned by the federal government that fall within our county boundaries, which prevents counties from levying property taxes in these areas.

As proven good stewards of federal dollars, county officials believe a direct, consistent federal funding stream for local roads and bridges would ensure a more robust infrastructure system in the future.

Wyoming Governor Mark Gordon has noted that the debt from this bill, and others passed in response to the pandemic, will be carried by future generations; therefore, we must make generational investments with these funds.

County officials live and work in our communities every day and know the needs of our residents better than federal agency officials. Allowing more time and broad flexibility offers the best opportunity to achieve meaningful improvements for decades to come.

Conclusion

Chairman Cardin, Ranking Member Cramer, Senator Lummis and the distinguished members of the Subcommittee, thank you again for the opportunity to testify before you today to provide a local progress update on the implementation of the IJA.

Today's one-year anniversary of the IJA marks an occasion to be celebrated! County leaders thank you for your bipartisan efforts to strengthen America's infrastructure and looks forward to working with you to achieve our shared infrastructure goals.

Senator CARDIN. Commissioner Willox, thank you very much for your testimony.

Mr. Benson.

**STATEMENT OF JASON BENSON, CASS COUNTY ENGINEER,
CASS COUNTY, NORTH DAKOTA**

Mr. BENSON. Chairman Cardin, Ranking Member Cramer, thank you for the opportunity to testify before you today.

I am Jason Benson, the County Engineer for Cass County, North Dakota. I am a member of the Legislative Committee for the North Dakota Association of County Engineers. I am an active member of the National Association of County Engineers, consisting of over 3,000 fellow county engineers and highway superintendents across the Country.

Cass County is the most populous county in North Dakota and has a population of over 180,000, which is roughly 24 percent of the State's population. Our highway system consists of 637 miles of roadway covering nearly 1,800 square miles.

In 2019, the North Dakota Legislature requested a study of the transportation infrastructure needs of all counties, townships, and Tribes in North Dakota. This study was completed by the Upper Great Plain Transportation Institute, which is headquartered in Cass County. This study determined that over the next 20 years, an estimated \$10.5 billion is needed in maintaining and preserving our county roads and bridges. In Cass County alone, the estimated costs for the next 20-year span is \$514 million in needs.

These significant long-term infrastructure needs are influenced by the agricultural industry across North Dakota, which requires over 1.4 million truckloads just to get the crops off the field every fall. In addition, there are over a million other truckloads needed to keep our farms producing high-quality crops.

This heavy agricultural traffic taxes the durability and safety of these local roads. These roads were designed and built for the trucks and farming equipment of the 1960's. They are not built for the way that reflects today's traffic and use, influencing the cost of construction's significant rise in North Dakota construction costs. To keep up with the construction cost increases, since 2000, our Federal Highway funds should be approximately \$2 million a year instead of our \$1.3 million that we currently receive.

While we collaborate closely with the North Dakota Department of Transportation to maximize our Federal funding, it is no secret to anyone that the current inflationary environment we find ourselves in only adds to the problem. With the passing of the IIJA, North Dakota counties can leverage funding from the Bridge Investment Program, or BIP. Cass County expects to replace over 41 bridge structures in the next 20 years and over 100 minor structures that are not eligible for Federal funding.

With this focus Cass County has placed on bridge replacement, we still face significant fiscal challenges. One case is the three interState bridges over the Red River between North Dakota and Minnesota. We recently worked with three counties in Minnesota to submit an interState bundle bridge project through the BIP Program to replace three bridges along the State's border. The bridges are over 70 years old and are deficient in design and size and can

no longer safely accommodate large trucks or agricultural equipment.

The Federal funds requested for this BIP grant is over \$23 million, with the non-Federal funding coming from each co-applicant. Awarding this BIP grant to replace the three bridges will have a significant benefit to the Red River Valley region in North Dakota and Minnesota.

Second, the IIJA provides Federal safety funding through the Safe Streets and Roads for All Program in the Transportation Alternatives Program, which includes safe routes to schools. This Federal funding, in combination with local funding, has allowed Cass County to complete \$5.3 million in safety-related projects since 2011. I want to thank Senator Cramer for his support in the Safe Route to School funding for North Dakota's rural school zones.

As the County Engineer, I also serve as the senior technical advisor on the \$3.1 billion Fargo-Moorhead Metropolitan Area Flood Risk Management Project. Key to this project is that it includes the U.S. Army Corps of Engineers' first ever private-public partnership, P3, which awarded a \$1.1 billion contract to build 30 miles of diversion channel, 12 county road bridges, four interState highway bridges, four railroad bridges, and two aqueducts.

I want to thank you for your support of this historic project by providing \$437 million in IIJA funding to finish the construction of this project and provide the region with permanent flood protection by 2027.

The IIJA provides a revenue stream that is needed across the counties in North Dakota and across the U.S. Unfortunately, these funds come with some challenges. That brings me to my last point.

I am blessed to have a large staff of engineers and construction managers compared to many of my partner counties. I rely on them for design and construction of our roads, as well as research and grant opportunities.

Regrettably, most counties in North Dakota and across the Country do not have an engineering staff. Their senior-most staff member is often the road superintendent focused on road maintenance. This makes it difficult for small counties to identify grant opportunity and navigate the application process.

Since most counties do not have available technical knowledge to apply for and leverage these grant funding opportunities, I fear many counties will not even try to apply without a concerted effort to lessen the administrative burden that comes with these applications.

Thank you again for the opportunity to appear before this committee. I look forward to any questions you may have.

[The prepared statement of Mr. Benson follows:]



WRITTEN STATEMENT FOR THE RECORD

**Jason Benson, PE
County Engineer
Cass County, North Dakota**

**On behalf of Cass County, North Dakota, North Dakota Association of
County Engineers and the National Association of County Engineers**

**Implementing IJJA: Opportunities for Local Jurisdictions to Address
Transportation Challenges**

**Before the Senate Environment and Public Works Subcommittee on
Transportation and Infrastructure**

November 15, 2022

Chairman Cardin, Ranking Member Cramer, and members of the Senate Environment and Public Works Subcommittee on Transportation and Infrastructure, thank you for the opportunity to testify before you today. I am Jason Benson, the County Engineer for Cass County, North Dakota. I also serve as Chair of the Legislative Committee for the ND Association of County Engineers and am an active member of the National Association of County Engineers, consisting of over 3,000 fellow County Engineers, Highway Superintendents, and public works officials across the country. Additionally, I've also proudly served in the U.S. Army and Army National Guard for the last 33 years.

Cass County is the most populous county in North Dakota and has a population of over 180,000, which is roughly 24% of the state's population. Cass County is the sixth largest county in land size in North Dakota. The Cass County highway system consists of 637 miles of roadway covering more than 1,768 square miles. In North Dakota, counties convey to cities the roads within the city limits of those municipalities over 5000 in population. In general, Cass Counties roads and bridges are on the urban fringe or in rural areas of the county. Counties in North Dakota are responsible for all bridges greater than 20 feet on both county and township roads resulting in Cass County maintaining 564 bridges, of which 231 span 20 feet in length or greater. These 231 bridges make up 8% of the spans in the State over 20 feet in length, spans that North Dakota considers for its purposes to be "major structures".

The Cass County Highway Department's mission is to provide and maintain an efficient, safe, environmentally responsible, and cost-effective county road system that effectively meets the citizen's needs for personal mobility and the movement of freight consistent with the importance of the economy. Safe, efficient, and responsive transportation infrastructure is necessary to the incidents of commerce, public safety, recreation, and education. The Infrastructure Investment and Jobs Act (IIJA) will provide additional funding to help County highway departments accomplish their missions.

We are grateful to the Administration and Congress for passing this landmark legislation. This legislation provides needed funding to help improve our road and bridge infrastructure. In the balance of my testimony, I will describe some key highway issues from the county perspective and note that our ability to make progress is also related to our excellent working relationship with the North Dakota Department of Transportation (NDDOT).

Critical Infrastructure and Funding Needs for North Dakota Counties:

In 2019 the North Dakota Legislature requested a study of the transportation infrastructure needs of all counties, townships, and tribes in the state. The Upper Great Plains Transportation Institute (UGPTI) at the North Dakota State University recently completed this 2022 Highway and Bridge Needs Study. Counties across North Dakota assisted in a significant data collection effort providing a complete and current data on the condition of the state's county and township roadway and bridge system.

According to the UGPTI Draft 2022 study, across North Dakota counties maintain over 6,800 miles of paved highways, 17,000 miles of gravel roads, and 2,996 bridges. Counties maintain all

township road bridges and many counties maintain the 47,000 miles of gravel township roads. Through this collaborative effort, the UGPTI infrastructure needs study identified critical funding needs across the State of ND on county, township, and tribal roads and bridges. Across the state from 2022-2041 it is estimated that counties, townships, and tribes will need \$10.5 billion to maintain and preserve its roads and bridges.

- \$6.5 billion in predicted statewide unpaved infrastructure needs over the next 20 years.
- \$3.25 billion in paved road investment and maintenance expenditures will be needed during the next 20 years.
- \$715 million in estimated bridge investment and maintenance needs for county, township and tribal bridges for 2022-2041.

In Cass County alone the estimated cost for county and township unpaved roads, paved highways, and bridges for 2022-2041 is \$514 million. This includes \$289 million for county gravel roads, \$157 million for county paved roads, and \$68 million for county bridges.

These significant long-term infrastructure needs are influenced by the agricultural industry across North Dakota, especially in Cass County. Higher crop yields require more trucks to haul across our county roads and bridges. Using 2017 data, North Dakota produced 6.5 million tons of sugar beets, 7 million tons of hay, 1.6 million tons of silage, and 1.1 billion bushels of corn/soybeans/wheat (USDA 2017 data) for a total crop production that gets hauled from the field, to bins, and on to the elevator of 56 million tons of product. This requires over 1.4 million truckloads just to get the crop off the field. In addition, there are hundreds of thousands of other truckloads hauling the seed, fertilizer, equipment, and other agricultural items to keep our farms producing high quality crops.

This level of agricultural production also increases the demand for grain and agriculture product transportation within the state to additional destinations, especially elevators, processors, ethanol plants, and rail loading facilities. Most often, these storage and processing facilities are located along county roads. Cass County has an ethanol plant located along a county highway. This plant requires 150-250 truckloads a day to haul in about 54 million bushels of corn annually. This plant produces 150 million gallons of ethanol and about 450,000 tons of dried distiller's grain each year. In 2022 there was a groundbreaking ceremony for a soybean processing plant along another Cass County highway. This \$400 million plant will process over 82 million bushels of soybeans annually, requiring between 300-400 truckloads per day, and even more during harvest season.

This heavy agricultural traffic taxes the durability and safety of these local roads, which must be maintained to ensure continued safety as well as making sure goods get to market. These roads were designed and built for the trucks and farm equipment of the 1960's, they were not built in a way that reflects today's traffic and use. These needs are, of course, in addition to the needs the NDDOT faces for investment on the state highway system.

Current Cass County Highway and Bridge Funding:

Cass County has invested a significant amount of funding in developing and maintaining its transportation network. Since 2000 around \$212 million was spent on both our highway and bridge projects. The current average cost to completely rebuild a paved highway is over \$1.5 million per mile. To rebuild our 311 miles of paved highway to a width of 32 feet would cost over \$467 million.

With 565 structures, our bridges and large box culverts also have a significant asset value. A total replacement cost of our highway and bridge infrastructure is nearly \$700 million.

While no local government can bear the replacement cost of this large amount of infrastructure, it emphasizes the importance of funding and sustaining an effective maintenance program. An organized and well-planned maintenance and replacement program will keep replacement costs down, efficiently spend the County's resources, extend the life of our infrastructure, and ensure the long-term viability of our highway system.

The County relies upon a combination of the 23-cent state fuel tax, state motor vehicle license fees, federal road and bridge funds, local property tax, and when available, one-time state funding. Cass County also continually pursues federal and state grant funding opportunities as they become available.

Influencing the cost of construction is the significant rise in ND Construction Cost. Cass County's 2023 Federal Aid Highway Fund allocation is \$1.3 million. To keep up with the 9% construction cost index increase since the year 2000, Federal Aid Highway Funds received by our county would have to be approximately \$2 million a year. It is no secret to anyone that the current inflationary environment we find ourselves in only adds to our decrease in buying power.

Federal-Aid Bridge funding to North Dakota counties is based on need as the NDDOT has \$5 million allocated statewide for county bridges and inspections. Since 2000 we have continued to receive around \$400 to \$700k in Federal Aid Bridge Funds every year on average. This is in addition to the \$1.3 million referenced above. In 2000, Federal Aid made up 21% of Cass County's revenues. From 2000-2005 Federal Aid averaged 19% of our total funding and from 2006-2012 it averaged 13% of our total funding. Now Federal Aid only makes up 8% of our county road and bridge fund revenues. While our costs have increased 9% annually since 2000, our Federal-Aid buying power has decreased.

Infrastructure Investment and Jobs Act (IIJA) Funding Opportunities for Counties:**Bridges Funding and Grants:**

With the passing of the IIJA, North Dakota Counties can leverage funding from the Bridge Investment Program (BIP) and the Bridge Formula Program (BFP). The projected bridge needs of

ND Counties over the next twenty years exceeds \$715 million. In Cass County we have worked with the NDDOT to construct nearly \$7.8 Million in bridges over the last 10 years and have completed \$47 million in county bridge projects since 2000. These Federal funds are in addition to funds I referenced earlier, and we appreciate the NDDOT's continuing support on such investments, notwithstanding that the State also faces cost increases from inflation.

Cass County expects to replace over 41 major bridge structures in the next twenty years at a cost of \$65 million. Cass County also has 337 minor structures that are not eligible for federal funding and we expect to spend over \$20 million in replacing or maintaining these smaller structures.

With the focus Cass County has placed on bridge replacement, we still face significant challenges. One case is the three interstate bridges over the Red River between North Dakota and Minnesota. We recently worked with Polk County, Norman County, and Clay County in Minnesota and Trail County North Dakota to submit a Minnesota (MN) – North Dakota (ND) Interstate Bundled Bridge Project through the Bridge Investment Program (BIP) to replace the three bridges known as Nielsville, Hendrum and Georgetown, along the North Dakota and Minnesota border. According to the BIP grant application, these bridges serve the purpose of connecting the County State Aid Highway transportation system in both states. They are major collectors that lead to Interstate 29, an important economic connection that runs north to south through seven states from Canada to Kansas City, Missouri.

The bridges are between 70 and 83 years old and are deficient in design and size and have deteriorated due to repeated flood events. These three bridges are in dire states of disrepair and can no longer safely accommodate large trucks or agricultural vehicles that need to cross the river. These closed or load restricted bridges significantly impact the farmers, truck drivers, business owners, employees, families, schoolteachers, and children that have relied on these bridges.

The bundled bridges included in this project were selected for application as priority candidates for replacement due to their poor conditions, severe deterioration, and impact on the interstate transportation system and the economy. Bundling of this project is most economical, as they will have standardized designs and environmental agreements. These three bridges will be designed with similar style abutments, piers, beams, and deck to make the design, fabrication, and construction of the bridges more efficient and economical. The two main bridge spans can be the same on all the bridges and the approach span lengths can be adjusted to meet the overall required bridge length at each location. The contract can be delivered as one single contract award as the bridges are within a span of thirty miles. Estimating a cost savings of 20% for bundling will result in a fiscal savings of \$5,855,000.

The Federal Funds requested from the BIP grant is \$23,420,000. The Non-Federal funds will come from each of the co applicant counties. Each county will contribute ten percent of the funding. Support for this BIP grant to replace these three bridges will have a significant benefit to the Red River Valley region of Minnesota and North Dakota.

Strengthening Mobility and Revolutionizing Transportation (SMART) Grants Program –

When combined with Moorhead, Minnesota and Clay County, Minnesota, the metropolitan area of Fargo-Moorhead-West Fargo area has a population of more than 250,000. Due to the regional growth and latest 2020 Census data, Metro COG is slated to become a Transportation Management Area (TMA).

For more than a decade, the communities of Fargo-Moorhead have planned and strategized for an independent Traffic Operations Center (TOC). This TOC concept has been championed by the UGPTI. The TOC would serve as a focal point for coordinating and supporting transportation system operations by bringing together various jurisdictions and agencies to focus on the common goal of optimizing the performance of the system and maximizing its safety and service to the traveling public. A TOC provides the infrastructure, mechanism, and agreements for sharing and directing information related to traffic control, traffic management, traveler information, and traffic incident/emergency management.

The visions have yet to advance due to several barriers, including disparate systems, culture, funding, ownership, and workforce. That is all changing. Our region currently has several multi-agency, multi-city, multi-county, and multi-state organizations to include the Red River Valley SWAT Team, Red River Regional Dispatch 911 Center, and the \$3.1 billion Fargo-Moorhead Area Flood Diversion Project. The North Dakota Department of Transportation (NDDOT) is advancing efforts to build an innovative statewide Transportation Management Center (TMC) in North Dakota that incorporates a SMART Corridor along I-29 to better manage the state's network of Intelligent Transportation Systems (ITS) devices and sensors, expand roadway monitoring and condition reporting to a 24/7/365 schedule, and streamline the deployment of advanced technologies.

While NDDOT's vision is expected to have transformative impacts through FM Metro COG area, the project scope is limited to the State's Interstate system. We are now applying for a \$750,000 SMART grant to leverage the planning work ongoing by NDDOT for the TMC to advance the TOC and expand the I-29 SMART Corridor vision into a I-29 Integrated Corridor that considers the entire transportation system beyond the Interstates, to city and county road infrastructure. It is expected that a >25% economy of scale benefit can be achieved during planning by combining efforts related to needs assessment, alternatives analysis, concept of operations, facility planning, workforce and culture assessment, and many others.

Carbon Reduction Program (CRP) -

We are hopeful that several Cass County projects may be eligible for CRP funding. Cass County has implemented the use of a cement treated clay subgrade to stabilize 12 inches of the subgrade on 70 miles of gravel roads and 28 miles of paved roads. This stabilization is the equivalent to 12-18 inches of gravel. Using recycled aggregate base methods on top of the stabilized subgrade and then paving with a recycled asphalt surface we significantly reduce the amount of trucks, fuel, and damage to haul roads.

From 2017-2018 Cass County completed a 17-mile reconstruction at a dramatic cost savings, reduction in carbon and a reduced construction time. This project also had a massive environmental benefit by using 180,000 tons of recycled asphalt and significantly reduced the need for new aggregate and natural resources by utilizing these construction methods. This project reduced the total truck loads of aggregate by 8,000 loads, reduced the truck haul miles by nearly 500,000 miles, and saved nearly 85,000 gallons of diesel fuel.

At the end of this 17-mile project, Cass County had saved \$500,000 per mile for a total savings of \$8.5 million. By using these construction methods, the County also improved the structural capacity of the roadway by 17% over the previous construction method. Cass County is hopeful that this type of innovative project will be eligible for grant funding. The current eligible project list for CRP funds does not specifically address carbon reduction through recycling of construction materials or other carbon reducing construction methods. Adding this type of project eligibility would provide greater incentive to recycle materials and implement construction processes that reduce carbon during project construction.

Safety Funding through the Safe Streets and Roads for All (SS4A), Highway Safety Improvement Program (HSIP), Transportation Alternatives (TA), and Safe Routes to School Programs (SRTS)

The IJIA provides federal safety funding through the Safe Streets and Roads for All (SS4A) program, the Highway Safety Improvement Program (HSIP), and the Transportation Alternatives (TA) program, which includes Safe Routes to School Programs (SRTS). These programs provide an opportunity for counties to leverage funding for critical safety projects. This federal funding in combination with local funding has allowed Cass County to complete \$5.3 million in safety related projects since 2011.

Much of this funding is the result of the 2014 NDDOT sponsored statewide Local Road Safety Plan (LRSP) for counties. The purpose of this plan was to identify safety emphasis areas, high priority safety strategies, at-risk locations, and develop safety investment options. One of the critical issues identified was the higher crash rate on rural paved roads. While gravel roads make up approximately 93% of North Dakota's 97,600 miles of rural local road system, approximately half of the severe crashes are on the paved roads that make up 7% of the rural system.

The LRSP therefore focused on the Cass County paved road network and a Risk Rating Criteria was developed for the paved roads based on: Density of Road Departure Crashes; Traffic Volume; Curve (Critical Radius) Density; Access Density; and Road Edge Risk Assessment. Cass County initially focused on safety strategies including rumble strips, pavement markings, pavement safety edges, and improved signing. The LRSP identified as the biggest safety recommendation action to improve streetlights, signage, pavement markings, and dynamic warning signs.

Since the 2014 LRSP, Cass County has applied for and received over \$1.75 million in HSIP and \$1.1 million in SRTS funding for critical intersections improvements and school zone safety projects. The HSIP funding, provided through the NDDOT, is over and above federal highway and bridge funds referenced earlier. Cass County is now looking to apply for a SS4A grant for planning

funding to complete an update to our LRSP. We feel that the success of our 2014 LRSP justifies updating our plan and identifying future safety projects.

Our focus on roadway safety has reduced the number of crashes on our county roads. From 2006 to 2012 we averaged 71 crashes per year on our roadways. From 2013 to 2020 we averaged 54 crashes per year, for a reduction of 23%. Since implementing these safety projects, it is encouraging to see the decrease in crashes these two periods before and after the implementation of these systemic safety improvements.

In addition, within Metro COG's planning area in Cass County there have been \$2,426,594 TA funds awarded between the funding years of 2016 to 2023. Of this, \$553,504 fall in the rural category were awarded. A total of \$4,055,225 in projects have been requested for nearly \$2 million in available TA funds in Cass County within Metro COG's planning area for years 2024 and 2025.

FM Area Flood Diversion Project

As the County Engineer I have significant experience with flood fighting around the City of Fargo and rural Cass County. Following the historic 2009 flood of record on the Red River, Cass County along with Fargo, ND, Moorhead, MN, and Clay County, MN moved forward to develop a long-term flood solution. This resulted in the Fargo-Moorhead Area Flood Diversion Project.

I have been fortunate to serve as a senior technical advisor on this \$3.1 billion flood control project. Key to the project is that it includes the U.S. Army Corps of Engineer's first Private-Public-Partnership (P3) which has been awarded in a \$1.1 billion contract to build 30 miles of diversion channel, 12 county road bridges, four interstate bridges, four railroad bridges, and two aqueducts.

I want to thank this Subcommittee and the Senate for its support of this historic project. As part of the IJJA, the Fargo-Moorhead Area Diversion project received an appropriation of \$437 million in the U.S. Army Corps of Engineers 2022 workplan. The awarded funds are intended to finish the construction of the Southern Embankment and its associated infrastructure, which tie into the diversion channel and is key to providing the region with permanent flood protection by 2027.

State Role and Support:

Before closing I want to note that our efforts at the county level are not fully independent of our excellent working relationship with the NDDOT or of Federal funding to the NDDOT. In North Dakota, like most other states, there is a jurisdictional division as to the type of roads and bridges generally or exclusively to be addressed by the State and to be addressed generally or exclusively by the counties or other local jurisdictions. But the major roads through any county that are the responsibility of the State, especially Interstate System and other National Highway System roads, are very important to county residents. We want the State to do a great job on those roads. If funding for the State were not adequate, it might not be able to meet those needs on Interstate

and other roads that are important to the State as a whole, or thoughtfully assist us on county roads in the various ways I have described.

So, while I appear here today proudly focusing on issues of concern counties across North Dakota, it is important to note that context assumes strong Federal support for the NDDOT. North Dakota is a large state with low population density – there are few people to support long stretches of highway. The national interest arterial roads across North Dakota enable people and goods to move between major metropolitan areas of this country and help ensure that agricultural and other products can move from rural origin to national and world markets. So, we also appreciate strong Federal funding for the State, which helps address those circumstances as well as enables the State to provide periodic assistance to meet our needs in Cass County.

Challenges Ahead:

The IIJA provides a revenue stream that is needed across the counties of ND and across the U.S. Unfortunately, this funding does come with some challenges. I am blessed to have a larger staff of engineers and construction managers that I rely on for designing and constructing our roads, as well as researching grant opportunities. Regrettably, most counties in ND do not have any engineering staff and their senior staff member is often a road superintendent that is focused on road maintenance. This makes it difficult for smaller counties to identify grant opportunities, navigate application processes, complete a benefit-cost analysis, and comply with the various other application requirements.

Since most counties do not have available technical knowledge to apply for and leverage these grant funding opportunities, I fear many counties will not even try to apply. This could lead to many ND counties missing out on funding from the IIJA. Therefore, it is important to streamline grant application processes and ease the administrative burden within the IIJA. Reducing the application and administrative process will allow for the IIJA funds to be more equitably distributed throughout our counties, no matter what the size or expertise of their staff.

Conclusion:

Cass County and Counties across North Dakota need long term funding solutions to better plan and prioritize future road projects. Increases in federal funding through the IIJA are critical to maintain our highway and bridge network. However, opportunities to lessen the administrative burden that comes with these IIJA grant applications should be taken. It is import that these funds are accessible to counties both big and small, regardless of their expertise in maneuvering through the grant process. Without this additional funding, we will not be able to keep up with the required maintenance and replacement of our highways and bridges. Consistent long-term funding will allow Cass County to effectively plan and construct projects that most efficiently utilizes funding to extend the life of roads and bridges now, to avoid larger costs for complete reconstruction in the future.

Thank you again for the opportunity to appear today. I look forward to continuing this discussion and answering any questions you may have.

Senator CARDIN. Mr. Benson, thank you for your testimony.

I must tell you, I was keeping track of all the different projects you all have started. The bill is working. We have a lot of activity going. It is great to see that.

I am certain there is a lot more you want to do. We are just getting started under the Bipartisan Infrastructure package. I think it is very encouraging to see the variety of transportation programs that have been started and the input that you have been able to do in your local communities.

I want to start with a general question, if I might. That is, most of the decisions on priority-setting is made at the State level. If you look at the formula funding, 90 percent goes to the States. The States have input from local government, but those decisions are generally managed at the State level.

The Transportation Alternatives Program are local applications, but the decisions are made at the State level, as well. On most of the competitive national grant programs, the State prioritizes and the State plays a critical role in which programs within a State are going to get the maximum attention at the national level.

My fundamental question, having a panel of local officials, is it working the way you want it to work for local input, or is there anything we should be considering so that local officials have a more meaningful role in the way the States are making these priority decisions?

Mayor Day, I will start with you, and we will just go down the row and the aisle.

Mr. DAY. Mr. Chairman, let me start off by saying that we have benefited from countless grants, especially Transportation Alternatives, that have passed through the State, so I want to be careful in providing you this answer, because we appreciate our friends at the State DOT.

That being said, look no further than the execution of projects within our city limits, where the priorities of a State Department of Transportation and the priorities and values of the constituents that are going to have to use that piece of infrastructure, then a perhaps safer but certainly compromised solution. Those compromised solutions are never the safest nor the most efficient nor the best solution. We have countless examples of those.

What I would like to emphasize is that, at the local level, whether it is a master planning process, and I can talk to you about our downtown master planning or our parks planning process, or whether it is a specific design project, such as our Eastern Shore Drive community corridor, or whether it is our Urban Greenway Plan, or our Rails to Trails Plan, each of those engaged the public directly in community-based planning.

Those processes, where constituents of yours and mine and all of ours, but at the local level, have had a voice in articulating visions, priorities, their values, and even the details of what they would like to see in a project, those processes ought to be trusted. When at the local level, we hear what our constituents want out of a project, need out of a project, and then ask us to be held accountable for us, because they are going to ask us to maintain that project, I would say that we have demonstrated that we can be a trusted partner, and that direct allocation of resources to the low-

est levels of government, whether that is a county or a municipality, is the best way to stay connected to those articulated values, those priorities, and again, I believe, even the design details of an infrastructure project in our communities.

Senator CARDIN. Mr. Carroll.

Mr. CARROLL. I certainly endorse everything Mayor Day said. I want to be careful not to take anything away from what I think Jim Willox is going to say over on my left here.

But I think what you are hearing is right. We definitely appreciate our States and the role that they play. We depend on them for a lot, including the technical expertise to make sure we are doing everything the right way, and the accountability is important.

However, if we have demonstrated over decades we know how to do something, then we should have shorter timeframes to turn around projects. Senator Cramer mentioned 2 years, even for low-cost paving projects, where we have been doing this decade after decade, and we may just have a few new features, it doesn't seem like even a 6-month or 10-month process makes any sense.

What I think would be great is if we could incentivize States to achieve some performance standard or something like that in terms of improving local access, improving project delivery, and any creative ideas that make that an attractive thing for them to do, whether it is giving them better access to unallocated funds is an idea that I heard.

It is not necessarily like it is all stick and not carrot. I think that would be really good for us to take up federally. We will work with our States to make it make sense on the ground.

Senator CARDIN. Mr. Willox.

Mr. WILLOX. Thank you.

I think there are two prongs to your question. There is the stuff that is directly to the local governments, and we need the broadest flexibility and actually the most time to work there, and that is good. But in Wyoming, it is generally working well. We meet with the director quarterly on a statewide association. Our director attends almost every one of our statewide commissioner meetings, and we have these conversations.

What the burden is a lot of times are the rules from FHWA that have to pass through WYDOT to implement those programs. WYDOT may want to be more flexible, Wyoming Department of Transportation, may want to be more flexible, but the box that they are in provides some difficulty to tune it in to those local needs and those local unique characteristics.

I would say, generically, to answer your question, it is working with some refinement. We always want that blend of a statewide approach and direct local. B the more flexibility and the more time we have, it always is better for us to deal with the local issues, inflationary pressures that we are dealing with now, and the nuance that is different in parts of the State, or adjacent States even have different needs. Overall, yes, I would rather it be this way than more be brought to the top. The more to the bottom, the better.

Senator CARDIN. Mr. Benson.

Mr. BENSON. Thank you, Senator Cardin.

I will take a couple different angles to this. One, I definitely appreciate the ability for local decisions to be made on those applications and sending it more directly up instead of having to send everything through the North Dakota Department of Transportation. That being said, we have a great relationship with the director of the North Dakota DOT and their local government division.

One of the challenges that we have found with this is that many of our smaller counties, there may be 3,000, 4,000 people, there may be maybe 6,000 to 8,000 people in the county. Their funding currently passes through the North Dakota DOT, who is Title Six compliant. Their county may not be Title Six compliant for exercising and using those Federal funds.

We still have those small counties that needs to go back to the DOT and say, we need your help in assisting those funds, to go through them, or else they have to go through this compliance process, which, for a small community, may not be something that they are able to do.

Senator CARDIN. Thank you. Senator Cramer.

Senator CRAMER. Thank you.

Mr. Benson, I want to start with you, and then we will go back around and talk a little bit about the, you talked extensively about BIP, there are two bridge funding programs. I think you said you have 41 major bridges in Cass County, 100 maybe smaller ones.

As I recall, North Dakota, statewide, it is many hundreds of bridges, obviously. If you could just elaborate a little bit on not just your experience, but maybe advising others of how to take advantage of that program, and then helping us, advise us on, if we can, how we would tweak it, simplify it, or for that matter, how the DOT might simplify it or allow more maximization of the bridge program.

One thing that we have heard is, as tough as our roads are, bridges create a very significant challenge and safety risk. If you could just elaborate a little bit on the bridge program.

Mr. BENSON. Absolutely. Thank you, Senator Cramer.

In Cass County and the counties that border Minnesota in North Dakota have about have of the county bridges in the State because of the winding, meandering rivers that flow to the Red River to the north. Because of that, yes, I have 550 bridges of which about half are on the Federal system of 20 feet or greater.

That is similar to other neighboring counties. So It is a massive infrastructure demand that many of those bridges were put in in the 1930's, 1940's, 1950's, and 1960's, and again, for the old, tandem grain truck or single axle grain truck, not the semi-truck and large equipment that they need to carry today.

To be able to use this program to bundle bridges, I think it really takes it upon counties to look differently. A lot of them are used to looking at, OK, we have a couple bad bridges. How can we get them done? Two years from now, we can save up, and we will apply for some Federal funding. We might have some local money to match, and we can knock out this bridge or maybe one or two bridges.

But we have to look bigger now to look out, and having a 5-year, 10-year plan on how we can bundle these into one project to submit through the BIP program, and then if we can get that bridge bun-

dle to complete six, eight, ten bridges in a county, or maybe it is marrying that project up with your sister county.

Locally, there might be three or four bridges that are in the same part of your county that you could lump those together and have one large project, and again, knock out. Even for North Dakota to be able to do \$5 million or \$10 million, that is a lot of bridges that can be completed.

Senator CRAMER. Let us just go this way and give you guys a break. Wyoming is probably similar.

Mr. WILLOX. Thank you, Senator. I think what is valuable to realize is that connectivity issue that I talked about. If you can't get to the next road, what do you do? You can travel on a poor road. You can travel on a bad gravel road, but if that bridge has failed, you are not going to get there.

The focus on bridges in this bill is really valuable. WYDOT in Wyoming is passing through 35 percent instead of the statutory minimum 15 percent so we can do a lot more of those bridges to increase that connectivity. We have old railcars that are bridges. We have an old railcar, and it works to a certain point, unless you point out the vehicles that we travel and the volume is different.

But I think the focus on bridges is really positive. In our State, they are passing through more so we can do more to cities, towns, and counties. I do think that we will continue to need to focus on bridges whether they are rural or municipal, because I think those are our biggest threat to our infrastructure is the bridges and making sure we keep that connectivity to get from point A to B.

Senator CRAMER. Mr. Carroll, before you answer that question, what the heck happened to the Eagles last night? That was one of the craziest—but you know, you got that one loss, and now you can move forward.

[Laughter.]

Mr. CARROLL. Yes, no comment. Hopefully, it is just that, right? I can take one loss. Thank you for that.

Senator CARDIN. You were coming to Washington, so you wanted to make it possible.

Senator CRAMER. There you go.

Mr. CARROLL. I would have a much bigger smile if things went well.

[Laughter.]

Senator CRAMER. This is why he is a politician.

Mr. CARROLL. That is true. I appreciate that. Yes, I will say, just as you have heard from my colleagues, in a municipal environment, losing a bridge isolates the community. That is profound. People who rely on walking and biking in particular, if that bridge, which they have walked across for their whole lives is out, and some of them are out, that really has a huge impact on their quality of life, their life opportunities. We want to prioritize those projects, but we need the resources to do that.

The bridge projects can be very complicated in an urban environment. I mention the program we are trying to kick off around bridges over electrified lines. Those are very complex because we need to coordinate the removal, the replacement of this infrastructure that we don't own before we can get to the infrastructure we do own to make fixes. That could add years to project timelines.

Everything we can do to keep the focus on these bridges is going to help us a ton. We need to ramp up to that, though. So it is good to have some planning funds, some capacity building worked into the infrastructure law. It may take us a little bit of time to get to actual fixes, but if we take that perspective that this is more of a marathon, I think we are going to be very happy across the Country with the end results.

Senator CRAMER. Mr. Mayor, we are going to stall for Chairman Carper to gather his thoughts.

[Laughter.]

Mr. DAY. Happy to.

Senator, I will share two things, and both sort of positive tales. One, we really appreciate the funding that has been received in our community to address the rebuild of our Mill Street and Naylor Mill Road bridges. But there is a second tale, and this is of US Route 13 business right in the center of our city, which has been going through a multiyear design process and some construction to replace a 1929 bridge.

The cautionary tale here is around flexibility. The original design of this project, of this bridge replacement, which included Federal, State, and local dollars, was oriented on incorporating the Maryland State Highway Administration's standard for bike lanes. This standard would have put bike lanes on a 35,000 car a day road, open to and adjacent to traffic, rather than recognizing that there was a parallel planning process ongoing at the local level for an urban greenway that would be adjacent and could, if collaboratively designed, prioritize safety as we wanted to, a principle that Maryland State Highway Administration has, and prioritize the throughput necessary on a 35,000 person a car a day, which I use every single day, which matters to all of us.

When you look at those two processes in parallel, you would see an obvious solution. Just put it up on a curb and have the multi-user path right there, and everybody is happy. But that is not the way things happen. They happen in a silo, and the State DOT is working on its plans, and at the local level, we are working on ours.

The solution has been, we are working together now, but it took somebody recognizing and arguing for, why can't we collaboratively work on these processes, which again, bring local vision, local priorities, local values, into a process and trust us with those things? Ultimately, things have worked out, but I do think we could have saved money and we could have saved time if that had been the standard way of doing business.

Senator CARDIN. We are joined by our distinguished Chairman.

Senator CARPER. No, it is me.

[Laughter.]

Senator CARDIN. I just want to underscore the point that Senator Cramer said earlier, the four Cs: Senator Cramer and Senator Cardin, we are the subcommittees, but it was Senator Carper and Senator Capito who set up the climate that we could have the success of the Bipartisan Infrastructure Bill by the work we did in our committee. We are really fortunate about his leadership on this committee. Senator Carper?

Senator CARPER. Thank you, Ben, to you and to your wingman and our good friend, Kevin. Thank you for your leadership.

I think if people across the Country, many of whom I have heard say, why don't you work together in Washington? Why don't you just find stuff you can work together on? We passed, with a lot of support from these two gentlemen and certainly from Senator Capito and others, the most extensive, meaningful, consequential Bipartisan Infrastructure Bill we have ever passed. We are very proud of that.

It is one thing to pass it. It is another thing to implement it. Part of our job, as you know, is to do oversight. We are doing that, and that is part of what today's hearing is all about.

A special welcome to our friend from Salisbury, Maryland. In Delaware, we have no commercial television. We have a couple TV stations down in Salisbury. As Ben knows, if you want to message the people in Delmarva, Maryland or the people in Delmarva that are from Delaware, you want to be on your stations. We think a lot about Salisbury and the news coverage that you provide and the information that you provide, whether it is transportation infrastructure or any variety of other things.

We welcome you all today. I walked in, Mr. Carroll, I walked in and I didn't look at the panel, but I just walked in, and I heard you speaking, and I thought it was James Lankford. I am going to ask you a question here in a minute, and we will see if you still use your James Lankford voice. He is one of our favorites, a really smart cookie and a good Senator. You could have been identified with a lot worse, so that is not a bad one to be involved with.

I think Mr. Day mentioned Route 13. We have a very prominent family that came over from France a couple hundred years ago and settled in Northern Delaware. They started the DuPont company, what was a powder company initially, gunpowder, turned out to be something way, way more than that and still is doing amazing things around our Country and around the world.

The DuPont family literally helped pay for building Route 13, significant parts of Route 13 through Delaware and also funded schools for African American kids that otherwise would not have had a chance to get an education. I think we got the DuPont family, with a big boost and a big help, got Route 13 down to the border with Maryland. You guys took it over from then. That was before we had bipartisan infrastructure legislation.

I have a question, if I could now, we will see what voice you respond in. For Mr. Carroll, a question on local project delivery. The Bipartisan Infrastructure Law significantly increased, as you know, the number of opportunities for local governments to access Federal Highway Funds, primarily through new, competitive grant programs. More grant opportunities will help cities, will help counties, and will help towns across the Country to fund local priorities that may or may not be prioritized by State departments of transportation.

However, delivering federally funded projects can pose a challenge, as you know, especially for local agencies that have less capacity or less capability or experience with Federal programs. Some have a lot, and some have relatively little. The question is: how can Congress and the U.S. Department of Transportation help to build

greater local capacity to both apply for and carry out federally funded highway projects? Mr. Carroll, please.

Mr. CARROLL. Thank you, I will do my best. I think that is a great question. I wish I had a pat answer.

Senator CARPER. Senator Lankford gave it to me.

[Laughter.]

Mr. CARROLL. That is right. I should be careful running around here, impersonating people, though. I think we need to look at models that have worked, identify best practices, work collaboratively with the States.

Most States at the district level, most of the regional districts for FHWA are committed to try helping communities. But I would say we are often in passive mode, where it is the squeaky wheel that reaches out and keeps asking questions and knows who to call in D.C. or your State capital and ends up getting a little bit further ahead.

I think it would be good if there was a little bit more proactive outreach. Some of the things that worked were really kind of put on the table as part of the program so that there is a model that we can look to when program guidance comes out or the notices of funding opportunities comes out. There is a lot of good outreach, and we really appreciate that. But if we could extend that a little bit longer, especially as folks are awarded, so that they know that they are doing it right, they are getting the support to do that, I think that could go a long way. Those are the ideas that come to my mind.

Senator CARPER. Good, thank you.

I have one other question that would be, Mr. Chairman, for the entire panel, dealing with the discretionary grants. The U.S. Department of Transportation is still working, as you noted, to develop the Notice of Funding Opportunity for a number of new discretionary grant programs, including something called the PROTECT Grants and grants for communities that are charging and fueling initiatives.

These charging and fueling infrastructure, EV and hydrogen fueling stations, that sort of thing, we put a lot of money into that, and we want to make sure we get our money's worth. Last time I checked, 30 percent of the carbon emissions, greenhouse gas emissions in our Country come from our mobile sources, so this is, as you know, hugely important stuff.

Others, such as the Reconnecting Communities Program, have a Notice of Funding, but awards have not yet been made. As USDOT develops funding notices and selects recipients, what advice would you give the Department of Transportation on how they can help make sure that these grant programs work well for local recipients and prioritize projects that will most benefit the Administration's climate inequity goals?

Mr. Benson, do you want to lead off with that, please? Tell me again where you are from.

Mr. BENSON. Cass County, North Dakota, the county that surrounds Fargo, the most populated city in North Dakota.

Senator CARPER. OK, good. Welcome.

Mr. BENSON. Thank you, Senator Carper.

To your point, I think a couple different things. One, when it comes to some of the new Notice of Funding Opportunities that come out and then the application periods, one of the challenges that I have seen is that sometimes it is relatively quick, flash to bang, to when the NOFO comes out to when you have to have the application in.

In some cases, I think some entities are looking at it and going, well, if I had known maybe a little while ago, I could have prepped, but next year I will probably have a project that will be ready to go. I think the time from the NOFO to when the application is due, especially this first round, and I think that is, in a lot of cases for a lot of these grant opportunities, this cycle, they are all new or many of them are new. So identifying projects that fit the criteria, now that you know the criteria, you can go back and relook and better prioritize those projects within your infrastructure plan. We only have so many dollars, whether it is a 10 percent match or not, we only have so many local dollars to expend on these projects every year.

Senator CARPER. All right, thank you.

Mr. Chairman, could I have just a couple of minutes so the others can respond to this question?

Senator CARDIN. Mr. Chairman, you can have as much time as you want.

Senator CARPER. Thank you, thank you so much.

Mr. Willox, do you agree with anything that Mr. Benson has just said?

Mr. WILLOX. Ditto. Thank you, Senator.

I think two things. Going back to your point about the electrification, there is a really good example there of how one size doesn't fit all and some adaption there. The NEVI Program requires charging stations with every 50 miles, it is the requirement coming from FHWA.

We don't have gas stations that are 50 miles apart in Wyoming. Wyoming Department of Transportation applied for 11 exemptions to that, and eight of them were denied without explanation. We need to have more, if we want to implement that, there needs to be more flexibility, particularly in those rural areas where there isn't even a rest area for 70 miles on the interState. We need to have that flexibility.

If we want to implement charging stations, which I think is a laudable goal that we can agree on, we need to put them where it makes the most sense. The current box that the FHWA is working with doesn't allow for us to put those charging stations where practical.

Also, they are about a \$200,000 investment from the individual that wants it. It is an 80–20 match. It is about a million bucks for a four unit charging station. Maybe we ought to put two in and make it more economical, because the recapture is going to be extremely difficult.

One specific example: if we want to help the carbon emissions with electrification, let us make that eligibility a little broader, so we can get it where it makes sense, and there will be some economic return.

Again, capacity for applying is always an issue. The commissioner may be the guy writing the grant, and it may be the county clerk that has to comply with it, so the simpler we can have for all grants is important. Thank you.

Senator CARPER. Thank you for that.

Mr. Carroll, please, same question.

Mr. CARROLL. Yes, so I will make a couple comments about the NEVI. I will just say that we are really enthusiastic for it. I think the kinds of issues that my colleagues are raising, we will keep our eyes on. Because even in a city where we do have denser spacing of fueling opportunities for the existing fueling options, we want to make sure that the spread is good and that people have equitable access. If we can kind of have a little bit of discretion and flexibility in locating the stations that end up coming into place as we zone for different things, that would be helpful for us.

I will also shift a little bit and just say, I really appreciate the focus on resilience and programs like PROTECT, especially capacity building. I have talked a lot today about how important it is for us to work with communities, to hear their voices in the decisions we make. So the opportunities to do some community-level capacity building to bring people to the table for conversations about infrastructure is going to be really crucial for us to be successful.

Senator CARPER. Do you have a favorite team in the NFL this year?

[Laughter.]

Mr. CARROLL. Yes, I do. Yes, I do.

Senator CARDIN. The Denver Broncos?

Mr. CARROLL. No, not the Denver Broncos. It is the Philadelphia Eagles, and I will sing the fight song, if you would like me to.

[Laughter.]

Senator CARPER. We will see, we will see. I was saying a couple of weeks ago, until the Phillies dropped out of the World Series—

Mr. CARROLL. It has been a hard last couple of weeks.

Senator CARPER. It was tough. It was tough, but they got beat by a very good team. I said that a couple nights before the Phillies were eliminated, if the Phillies won the World Series and the Eagles won the Superbowl, the citizens of the city would probably have burned the city to the ground, and they probably would.

Mr. CARROLL. No comment.

Senator CARPER. That wouldn't happen in Salisbury.

Mr. Day, answer my original question please, that I was asking.

Mr. DAY. Although, I will say, our minor league baseball team is pretty good. Delmarva Shorebirds.

Senator CARPER. Oh, yes, they are.

Mr. DAY. I don't want to repeat anything that you have heard. I do agree with the concerns that you have heard about implementation.

What I will say it, there are several examples within the legislation that have set a better standard. Particularly, we have seen the reduced narrative requirements, the simplified benefit-cost analysis requirement. All of that makes it easier on smaller communities, rural communities, to be able to participate in applying and turning around quickly an application for some of these grants.

The other thing I would say is that many of our communities have been trusted and developed experience when it comes to the application for and management of certain block grants. Over at HUD, our CDBG dollars, that is something most of our communities are familiar with how to manage.

So, when it comes to the Surface Transportation Block Grants and applying for those dollars, I would say opening or lowering the threshold for which communities can apply and have access to those funds, to even the lowest level of NPO, so 50,000, urbanized areas that have 50,000, I think most of us are prepared to take on those rigorous grant management processes.

Trust us to deliver with the limited capacity we have and to be responsible and, ultimately, held accountable.

Senator CARPER. Thanks so much for letting me go over my time. I just want to say to those of you from Maryland and Pennsylvania and from the Dakotas or from Wyoming, we very much appreciate and enjoy working with you as Senate delegations. We are not all Democrats or Republicans, but we work across the aisle pretty well in this committee, very well in this committee.

We are especially proud of the two men sitting to my right. We just say thank you for sitting in here to work with us and get stuff done. Thank you.

Senator CARDIN. Well, Mr. Chairman, this has been an incredible panel and really helpful. I want to thank all four of our witnesses.

Mr. Benson, you raised very important points about capacity. If you are dealing with a local government that doesn't have that capacity to do what you are saying, there has got to be accommodations made. So I just really want to thank you for bringing that to the attention of our committee.

Mr. Willox, your point about the regulatory process is something we struggle with, so it is a process. It is an ongoing issue, and I think your comments are going to be very helpful to us in trying to continue our work together so that the objectives are accomplished. If you delay, it is denied. We recognize that.

Mr. Carroll, as you were talking about the importance of pedestrian and bike paths in downtown Philadelphia, I was thinking of Baltimore, which is a similar situation. We can't survive, literally, unless we have safe ways that people can walk and bike. In Philadelphia, you are right. If we want to preserve the history of Philadelphia and the population you have in that city, you have to be able to have safe ways to travel. I appreciate your bringing that to our attention.

Mayor Day, I was thinking very much about Route 50 and what it has done to certain communities. I have seen the communities firsthand. We built Route 50 so we could get people to the beaches in Delaware and Maryland. That was the reason why we did all of these roads to help people that didn't necessarily come from Salisbury itself.

There is an equity issue that we have to deal with. I think your testimony has helped us understand that the tools here can really help the economic growth of our local communities, make them safer, and provide equity.

Mr. Carroll, your answer on the electric vehicles is right. Equitable access is going to be a critical issue here. Access is going to

be a critical issue for communities that have been underserved in the past. We are committed to including that in the Bipartisan Infrastructure package.

I want to thank all four of you for your contributions to the record today and to the hearing. I can assure you we are listening. We are proud of the 1-year anniversary. We have much more ahead of us, but we have to build on this in the future, and you have helped us establish that record. Thank you all very much.

Before we adjourn, some housekeeping. Senators will be allowed to submit written questions for the record through the close of business on Tuesday, November 29th. We will compile those questions and send them to our witnesses. We will ask you to reply by Tuesday, December 13th.

With that, the subcommittee stands adjourned.

[Whereupon, at 3:54 p.m., the hearing was adjourned.]

