NOMINATIONS TO THE
NATIONAL TRANSPORTATION SAFETY BOARD,
SURFACE TRANSPORTATION BOARD,
AND U.S. DEPARTMENT OF TRANSPORTATION

HEARING
BEFORE THE

COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE
ONE HUNDRED SEVENTEENTH CONGRESS
FIRST SESSION

JUNE 24, 2021

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The Committee met, pursuant to notice, at 10:03 a.m., in room SR–253, Russell Senate Office Building, Hon. Maria Cantwell, Chairwoman of the Committee, presiding.


OPENING STATEMENT OF HON. MARIA CANTWELL,
U.S. SENATOR FROM WASHINGTON

The Chairwoman. The Committee on Science—Commerce, Science, and Transportation will come to order. We want to thank our nominees for being here today. We are going to consider the nomination of four very qualified individuals.

Last week the Committee voted on and passed, the Surface Transportation Investment Act, which Ranking Member Wicker and I introduced. This important bipartisan legislation makes a $70 billion down payment on rebuilding and revamping our Nation’s critical infrastructure, a key to our economic future and creating jobs. Together, this committee succeeded in passing legislation that makes infrastructure investment that we need to be competitive in a global marketplace, and some of the nominees that we are going to hear from today are going to help confirm that role.

I pointed out that today, the front page at the Seattle Times is “Bounty of Containers Stress Our Ports”. So, we have been saying that this is one of the reasons why we need an infrastructure bill, because this level of increase in freight throughout, really the United States—my colleagues are probably seeing other things, but this report says the handling of 330,000 shipping containers has grown 38 percent compared to May 2020. So, these are—these are problems that we hope to address, and I look forward to hearing from our nominees about that.

First, the consideration of Jennifer Homendy, the Chair of the National Transportation Safety Board. Welcome to you and to your husband and your daughter, Lexi, who I understand are here
today. I know Senator Blumenthal is going to give a longer introduction, but I would like to say a few words.

You first served as a member of the NTSB, since August 2018 and you will bring 25 years of experience in transportation safety to this chairmanship. Before joining the NTSB, you served as Staff Director for the House Subcommittee on Rails, Pipelines, and Hazardous Materials of the Committee on Transportation and Infrastructure and held various other positions. So, we appreciate your leadership.

Obviously, the concerns of this committee on aerospace and aerospace safety remain paramount. This is an issue, like in all areas of automation and human response, whether we are talking about the rail sector or the automobile sector or the aviation sector. We believe we need to give specific focus to this and so I look forward to hearing how you hope to use the NTSB to work with us on the legislation that we most recently passed, which called for safety trend reports to make sure that the most urgent safety needs are constantly being addressed.

Next, we will consider the nomination of Karen Hedlund, member of the Surface Transportation Board. Welcome to you and to your son, Alex, who is here today, and your other son who is watching remotely. You spent a career advising Federal, State, and local governments on the development and financing of infrastructure projects across the United States, including rail, transit, highways, airports, water, and energy facilities. And you have served on the Federal Highway Commission as Chief Council and then, at the Federal Railroad Administration as Chief Counsel and Deputy Administrator. So, we appreciate your leadership.

As a member of the Surface Transportation Board, you will be able to bring considerable experience to resolve disputes on the various infrastructure issues related to the Surface Transportation Bill.

Next, we will consider the nomination of Robert Hampshire to be the Assistant Secretary of Research and Technology at the Department of Transportation. Welcome to you and to your wife, Alexandra, who I understand is joining you today. Mr. Hampshire currently serves as the Principal Deputy Assistant Secretary for Research and Technology Policy at the Department of Transportation.

Before joining the Department, Dr. Hampshire was an associate professor at the Gerald R. Ford School of Public Policy at the University of Michigan. His research applies operation research and data science to analyze novel transportation systems, which will focus on environmental impacts and access to opportunities.

You will also be the first chief scientist for the Department of Transportation in 40 years. So, we will look forward to that, a science-based approach leading the department's research and development on technology programs will be very much needed and very important. The department's research efforts are key to advancing innovation and technology developments across the transportation sector and helping develop a skilled interdisciplinary transportation workforce for the Nation. So, I look forward to hearing from you.

And finally, the nomination of Carol Annie Petsonk—is that right, Petsonk? Am I saying it the right way? To be Assistant Sec-
retary for Aviation and International Affairs at the Department of Transportation. We welcome you, your husband John, and your son Nico. Ms. Petsonk currently serves as the Principal Deputy Assistant Secretary for Aviation and International Affairs at the Department of Transportation. She has over three decades of experience in international negotiations on aviation, trade, and environment. Her experience brings a significant public and nonprofit sector experience, having served at the Department of Justice, the Office of U.S. Trade Representatives, for more than 25 years.

So, these are critical issues. As we all know, building and re-engaging our global partners on international cooperation for aviation safety standards that protect all of the flying public is also a big priority for our committee.

So, again, thank you to all of you for your willingness to serve and the things you have already been doing, but your willingness to step forward in these new roles.

Now, I will turn to the Ranking Member, Senator Wicker, for his statement.

STATEMENT OF HON. ROGER WICKER, U.S. SENATOR FROM MISSISSIPPI

Senator WICKER. I thank my good friend, the Chair of the Committee for convening this hearing to consider the nominations of Ms. Jennifer Homendy to be Chairman of the National Transportation Safety Board, Ms. Karen Hedlund to be a Member of the Surface Transportation Board, Dr. Robert Hampshire to be Assistant Secretary for Research and Technology at the U.S. Department of Transportation, and Ms. Annie Petsonk to be Assistant Secretary for Aviation and International Affairs at the U.S. Department of Transportation. These are important positions within the Committee’s jurisdiction.

I want to thank Ms. Homendy, welcome her back to the Committee, thank her for her service as a member of the NTSB, where she has served since August 2018. She has been actively involved in the NTSB’s critical work investigating the causes of accidents in our transportation system. You have got some more work to do as of yesterday, Ms. Homendy, and making recommendations for safety improvements.

I am hoping that her experience will fill a crucial leadership role at the NTSB when Chairman Robert Sumwalt retires at the end of June. I want to thank Chairman Sumwalt for his 15 years of service at the NTSB, with the last 4 years serving as Chair.

Karen Hedlund has been nominated to serve as a Member of the Surface Transportation Board, which provides principal oversight of the Nation’s freight rail system. Ms. Hedlund brings a wealth of experience as a former Chief Counsel and Deputy Administrator at the Federal Railroad Administration, as well as extensive experience in other government and private-sector roles, making her a strong candidate for this position at the Surface Transportation Board. The STB is currently considering a number of consequential issues, including Amtrak’s Gulf Coast Rail Access petition, and Ms. Hedlund’s knowledge and expertise on rail matters are valuable credentials for these and other matters coming before the STB.
I also want to thank STB member and former Chair Ann Begeman for her service, as her term comes to an end. She has served with distinction on the STB for over a decade.

Dr. Robert Hampshire is the President’s nominee to be Assistant Secretary for Research and Technology at the U.S. Department of Transportation. The person filling this position will work across all modes of the department to facilitate information sharing and policy development with respect to new and emerging technologies, transportation data, and research.

Dr. Hampshire has a commendable academic and professional record, but I am deeply concerned by his failure to file Federal, State, and local tax returns in a timely manner for four years in a row, finally filing them several years late for some tax years. Dr. Hampshire has been nominated to a position of trust and responsibility in the U.S. Government. Filing tax returns when due and paying taxes when owed is one of the most basic legal and civic duties in our democracy.

And then, Ms. Annie Petsonk has been nominated to serve as Assistant Secretary for Aviation and International Affairs. Among the numerous duties of this position, the most important one to my constituents is developing policies to improve access for small and rural communities to the broader commercial aviation system, an issue that is near and dear to my heart. Ms. Petsonk has worked on aviation issues throughout her career, and I look forward to hearing from her today about her plans and goals, should she be confirmed to this position.

So, thank you, Madam Chair, and thank all the nominees, all of the nominees, for their willingness to serve and for their appearance before the Committee.

The CHAIRWOMAN. Thank you, Senator Wicker. We will start now with Ms. Homendy. Thank you so much for being here and we look forward to your statement.

STATEMENT OF HON. JENNIFER L. HOMENDY, NOMINEE TO BE CHAIR, NATIONAL TRANSPORTATION SAFETY BOARD

Hon. Homendy. Thank you. Chair Cantwell, Ranking Member Wicker, and members and staff of the Committee, I am extremely grateful and deeply honored to appear before you today, as President Biden’s nominee to serve as Chair of the National Transportation Safety Board.

Before I begin, I would like to introduce my husband, Mike, and my daughter, Lexi, and thank them for all their encouragement and support. And I would also like to recognize my parents, Sante and Nancy, my brother Bryan and Katerina, my sister Erin, and numerous friends and family, who are watching online.

The CHAIRWOMAN. Could I ask you to hold for 1 second?

Hon. Homendy. Sure.

The CHAIRWOMAN. So, I wanted to give—our colleague, Senator Blumenthal, wanted to say some words of support and I think he is remote.

Senator WICKER. Quite remote.

[Laughter.]

The CHAIRWOMAN. OK. Well, when he show—we will give him the chance whenever he appears. Thank you so much, keep going.
Hon. Homendy. Thank you. As many of you know, I have served as a member of the NTSB since August 2018, but my passion for improving safety and for supporting the critical safety mission of the NTSB spans nearly two decades. Prior to joining the Board, I served as Democratic Staff Director of the Subcommittee on Railroads, Pipelines, and Hazardous Materials for more than 14 years. During that time, I worked closely with the NTSB and many of you and your staff to implement our safety recommendations.

Throughout my tenure on the Board, my passion for safety, for our mission, for our duty to identify opportunities to improve safety and save lives, and for families who have lost loved ones in preventable tragedies, has grown tremendously.

The NTSB has an extraordinary workforce supporting that mission. I have been on-scene at accidents in many of the states of the Senators who are represented on this committee—Connecticut, Massachusetts, Hawaii, and Alaska. And I have seen firsthand how hard our investigators work to determine how a crash occurred and what safety measures, if implemented, would prevent it from happening again.

I have worked on-scene with our incredible transportation disaster assistance team who provide support to families and victims following tragedies. And I have worked extensively with our safety recommendations and communications team, to share lessons we have learned from our investigations and advocate for the implementation of our safety recommendations.

And I am proud to work with many, many others at the NTSB who work tirelessly to support our Agency’s safety mission. Their hard work, professionalism, and dedication is why the NTSB is so highly regarded as the world’s foremost safety agency. I am honored to represent them as a Board member, and I want to thank each of them for all that they do.

If confirmed, I recognize how fortunate I will be to lead this agency going forward. Like other Federal agencies, we have challenges. In the short-term, we have to determine how best to safely bring back our workforce from maximum telework due to COVID. To me, our workforce is our most valuable asset, so we have to be mindful of their needs and thoughtful about our approach to safely bringing them back to the workplace.

Many employees will have unique challenges because of the way COVID has impacted their lives. And we need to recognize, and work to help address those challenges as best we can.

In the long-term, we need to begin the process for succession planning. About 30 percent of our workforce is retirement eligible. We are initiating a Workforce Needs Assessment to evaluate our existing workload and determine what skill sets we will need five or 10 years down the road, to create a diverse and inclusive workforce for the future.

We also need to continue moving forward with our efforts to reduce the length of time it takes to complete our investigations, without compromising the integrity of our investigative process and the quality of our investigative products.

Additionally, I believe the Chair is in a unique position to actively work with our safety partners, including DOT, to implement our safety recommendations that would prevent tragedies and inju-
ries and save lives. If confirmed, I look forward to working with my fellow Board members and NTSB staff on all these endeavors.

Finally, I want to take a moment to thank you and your incredible staff, many of whom I am proud to call my friends. The NTSB and this committee have partnered over the years to address many safety gaps identified through our investigations. It has been such a privilege to be a part of that partnership, and I look forward to continuing its growth, should I be confirmed as Chair.

Thank you, again, for this opportunity. I look forward to answering your questions.

[The prepared statement and biographical information of Hon. Homendy follow:]

PREPARED STATEMENT OF HON. JENNIFER L. HOMENDY, NOMINEE TO BE CHAIR, NATIONAL TRANSPORTATION SAFETY BOARD

Chair Cantwell, Ranking Member Wicker, and Members of the Committee, thank you for the opportunity to appear before you today as President Biden's nominee to serve as Chair of the National Transportation Safety Board (NTSB).

Before I begin, I'd like to introduce my husband, Mike, and my daughter, Lexi, and thank them for their constant encouragement, guidance, and support. I would also like to recognize my parents, Sante and Nancy, my sister and brother-in-law, Erin and Richard, my brother and sister-in-law, Bryan and Katerina, and numerous friends and family, who are watching this hearing online.

I also want to thank my team—my senior advisor, Erik Strickland, and my confidential assistant, Stephen Stadius, as well as Joseph Schmoll who is here today and serves as the NTSB’s Government and Industry Affairs Representative—my colleagues on the Board, Chairman Sumwalt, Vice Chairman Landsberg, Member Graham, and Member Chapman, and all the NTSB staff for their continued dedication to safety.

Finally, I want to thank each of you and your incredible staff, many of whom I’m proud to call my friends. The NTSB and this Committee have partnered over the years to address safety gaps identified through our investigations. It has been a privilege to be a part of that partnership and I look forward to continuing its growth, should I be confirmed as Chair.

As many of you know, I have served as a Member of the NTSB since August 2018, but my passion for improving safety and for supporting the critical safety mission of the NTSB spans nearly two decades. Prior to joining the Board, from 2004 to 2018, I served as Democratic Staff Director of the Subcommittee on Railroads, Pipelines, and Hazardous Materials for the Committee on Transportation and Infrastructure, U.S. House of Representatives. During that time, I worked closely with the NTSB and many of you and your staff to implement longstanding safety recommendations through legislation.

During my tenure on the Board, my passion for safety, for families who have lost loved ones in preventable tragedies, for our mission, for our duty to identify opportunities to improve safety for all Americans and save lives, and for our incredible workforce has grown tremendously.

I have been on-scene at accidents in many of your states—Alaska, Hawaii, Connecticut, to name a few. I have seen first-hand how hard our investigators work to determine how a crash occurred and the safety measures which, if implemented, would prevent a similar crash from re-occurring. I have worked with our transportation disaster assistance team who provide support to victims and their families following tragedies. I have worked with our safety recommendations and communications team as we share the lessons learned from our investigations and advocate for the implementation of our safety recommendations, as well as hundreds of others at the NTSB who work tirelessly to support our agency’s safety mission.

Their hard work, professionalism, and dedication is why the NTSB is so highly regarded as the world’s preeminent safety agency. I am so proud to represent them as a Board Member, and I want to thank each of them for all that they do. If confirmed, I recognize how fortunate I will be to lead this agency going forward.

Like other Federal agencies, COVID–19 presented challenges to our workforce and in carrying out our mission, but within a matter of days, we transitioned seamlessly to maximum telework. Shortly after the start of the pandemic, we put together a COVID Reintegration Team and implemented a comprehensive risk assessment to help guide our on-scene investigative work, with the ultimate goal of...
prioritizing the safety and health of our employees. Even with the challenges presented by the pandemic, our agency did not miss a beat. Our investigative staff across all the modal offices completed 1,556 investigations, decreasing our backlog by 27 percent.

Following guidance from the Office of Management and Budget, our COVID Reintegration Team is working to determine how best to safely bring back our workforce. Many of our employees have children or other loved ones who are at home with no school, summer camps, or other care options available to them. Many others care for loved ones who have health conditions that make them vulnerable to complications if exposed to COVID. Some of our workers have health conditions which put them into high-risk categories while others, including their children, have not been vaccinated. We need to be mindful of this and will be thoughtful about our approach to bringing our employees back to the workplace. Our “new normal” won’t look like our old normal. However, I am confident that we will continue to carry out our safety mission efficiently and effectively.

In the long-term, we need to begin the process for succession planning. About 30 percent of our workforce is retirement eligible. Technology is constantly evolving and being integrated into our transportation system. For these reasons, we are initiating a workforce needs assessment to evaluate our existing workload and identify our immediate gaps and future needs in resources. The assessment will help us determine what we will need 5 or 10 years down the road by evaluating industry trends and determining what resources are required, what skillsets we will need, and how we will find those resources and skills. And it is absolutely critical, as we look at our resources, that we maximize our opportunities to create a diverse and inclusive, highly-skilled workforce of the future.

Additionally, we need to continue moving forward with our efforts to reduce the length of time to complete our investigations without compromising the integrity of our investigative process, and the quality of our investigative products.

If confirmed, I look forward to working with our talented staff on all these endeavors and with each of you as you continue your great work to improve safety in all modes of transportation.

Thank you again for this opportunity. I look forward to answering your questions.

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A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used):
   Jennifer Lynn Homendy
   Jennifer Esposito Homendy
   Jennifer Lynn Esposito (maiden name)

2. Position to which nominated: Chair, National Transportation Safety Board (NTSB)

3. Date of Nomination: April 27, 2021

4. Address (List current place of residence and office addresses):
   Residence: Information not provided to the public.
   Office: National Transportation Safety Board, 490 L’Enfant Plaza East, SW, Washington, DC 20590

5. Date and Place of Birth: November 26, 1971; New Britain, CT

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).
   Michael Scott Homendy (spouse), Director of Product Development, Robbin-Gioia, LLC

7. List all college and graduate degrees. Provide year and school attended.
   Master of Transportation Safety Administration, Institute for Global Road Safety and Security, Clemson University; anticipated graduation, 2022
   Bachelor of Arts, Humanities, The Pennsylvania State University, graduated 1994
8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

Management-level jobs:
- Member, National Transportation Safety Board, August 2018 to present
- Democratic Staff Director, Subcommittee on Railroads, Pipelines, and Hazardous Materials, Committee on Transportation and Infrastructure, U.S. House of Representatives, June 2004 to August 2018

Non-managerial jobs:
- Legislative Representative, International Brotherhood of Teamsters, June 1999 to June 2004
- Legislative Representative, Transportation Trades Department, AFL–CIO, 1997–1999
- Manager of Government Relations, American Iron and Steel Institute, 1996–1997 (Legislative Representative, 1996)
- Following graduation from The Pennsylvania State University in September 1994, I served as a paid temporary staff assistant for Congressman Lamar Smith (R–TX) while staff was on leave. Immediately prior to graduation, I worked as an unpaid intern for Senator Arlen Specter (R–PA, at the time) in his Harrisburg, Pennsylvania district office.

9. Attach a copy of your résumé.

Please see attached résumé.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years. None

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.

- 2017: President, Baffa Academy Association, a parent association for my daughter’s former dance academy (not compensated). I resigned from this position upon confirmation on July 25, 2018, in accordance with the terms of my ethics agreement with the NTSB’s Designated Agency Ethics Official (DAEO).
- On and off from 2010–2016: Board Member and President of the River Meadows Community Association (not compensated).
- 2012–2015: Partner, Mommy Trader Movement, LLC (MTM), Fredericksburg, Virginia (not compensated). MTM was initially formed to help 5,000 local mothers buy, sell, and trade used toys, clothing, furniture, and other items through a Facebook group page to help reduce family expenses. Over time, MTM expanded to host events that raised funds for the benefit of a local YMCA financial hardship campaign and various Fredericksburg families-in-need. MTM also organized classes aimed at reducing costs for families; promoted local family-friendly events and small businesses; and published family-friendly articles in Fredericksburg Parent and Family magazine.

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.). Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

- Member, Washington Area Bicyclist Association (2020)
- Member, American College of Sports Medicine (2013 to present)
- Member, Cape Fear Triathlon Club (2018 to present)
- Member, USA Triathlon (2014 to present)
- Member, American Family Fitness, Fredericksburg, VA (2019–2020)
- Member, YMCA, Fredericksburg, VA (2017–2018)
Member, Baffa Academy Association (2017–2018)
Member, Fredericksburg Cycle Club (2014)

None of the above organizations restrict membership on the basis of sex, race, color, religion, national origin, age, or disability.

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

I currently serve as a Member of the National Transportation Safety Board. I was confirmed by the United States Senate in July 2018 and again in August 2019 for a five-year term expiring on December 31, 2024.

14. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities.

I have not held a membership or office with a state or national political party or election committee within the past ten years. Additionally, I have not held a paid position or served in a formal or official advisory position in a political campaign within the past ten years. However, I have served as a volunteer for the following:

- Biden-Harris Policy Committee, June–November 2020
- Biden-Harris Campaign, GOTV volunteer, 2020
- Democratic Party of Virginia, Voter Registration Drive, 2016
- Mike Capuano for Congress, GOTV volunteer, 2019
- Obama-Biden, GOTV volunteer, 2012
- Peter DeFazio for Congress, GOTV volunteer, 2012 and 2014

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $200 or more for the past ten years.

- $815.58 Biden for President (2020)
- $250.00 DeFazio for Congress (2020)
- $200.00 Hillary for America (2016)

This is the result of electronic searches (FEC and bank accounts) and reflects the best of my recollection. Should any additional contributions be identified, I will promptly notify the Committee.

16. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

- Fellow, 115th Congress, Stennis Center for Public Leadership
- Honorary Recognition and Membership Award, United Transportation Union, adopted by the Board of Directors by resolution in 2007, in recognition of my "immeasurable assistance in support of railroad workers and their welfare."

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

4/16/2021 Presentation to the League of American Bicyclists regarding ensuring the safety of vulnerable road users through a safe systems approach (in particular, safe vehicles, safe speeds, and safe infrastructure)

4/12/2021 Presentation to Zoox regarding the importance of ensuring safety in the development, testing, and implementation of autonomous vehicles

3/26/2021 Presentation to the Rural Railroad Safety Center, Kansas State University

2/26/2021 Your Role in Improving EMS Flight Safety (iafc.org)

2/3/2021 The 2021 Aviation Symposium, The Changing Face of Accident Investigations "A discussion with the Honorable Jennifer Homendy, Member, National Transportation Safety Board"

12/21/2020 NTSB Safety Compass: We Can Do Big Things. Just Look at Positive Train Control | NTSB Safety Compass (wordpress.com)
10


10/15/2020 Keynote for Network of Employers for Traffic Safety (NETS) Annual Virtual Strength IN Numbers Fleet Safety Benchmark Conference titled “Road Safety Updates and Perspectives from the NTSB”

9/21/2020 NTSB Safety Compass: Rail Safety Week 2020 | NTSB Safety Compass (wordpress.com)

9/17/2020 Taped Keynote for Air Traffic Control Association (ATCA) Tech Symposium titled “Planes, Trains, and Automobiles: Safety Talk with Member Jennifer Homendy, NTSB”


8/18/2020 Safety Needs a Safety Culture—Helicopter Association International (rotor.org)

8/5/2020 Taped Keynote for American Petroleum Institute’s (API) 2020 Annual Pipeline Conference, Virtual Webinar Series

7/31/2020 NTSB Safety Compass: Arriving Soon: Fully Implemented Positive Train Control | NTSB Safety Compass (wordpress.com)

7/24/2020 NTSB Safety Compass: Remembering Marshall, Michigan | NTSB Safety Compass (wordpress.com)

7/23/2020 Panelist for Pipeline Safety Trust’s Session, “The Enbridge Spill and Its Consequences” (10 Year Anniversary of the Enbridge Oil Spill in the Kalamazoo River)

7/6/2020 NTSB Safety Compass: Fatal Distraction: The Dangers When our Eyes Aren’t Faithful to the Road | NTSB Safety Compass (wordpress.com)


6/15/2020 NTSB Safety Compass: FAA Must Take Action on Recorder Safety Recommendations | NTSB Safety Compass (wordpress.com)

6/11/2020 LinkedIn: Achieving Zero Means Broadening the Dialogue | LinkedIn


5/28/2020 NTSB Safety Compass: When it Comes Down to You and a Train, You Won’t Win! | NTSB Safety Compass (wordpress.com)

5/15/2020 Opinion | Heavy-footed drivers are converting our traffic-free roads into race-tracks—The Washington Post

4/17/2020 NTSB Safety Compass: Open Roads are not a Reason to Speed | NTSB Safety Compass (wordpress.com)

4/2/2020 NTSB Safety Compass: Ensuring Transportation Safety, Even During a Crisis | NTSB Safety Compass (wordpress.com)


3/12/2020 Presentation to the Women’s History Month Celebration: Valiant Women of the Vote, Washington, DC (ntsb.gov)

2/19/2020 Remarks of the Honorable Jennifer Homendy at the AASHTO Council on Rail Transportation, Washington, DC (ntsb.gov)


11/4/2019 Remarks to the Association for Safe International Road Travel 2019 Gala (ntsb.gov)

10/17/2019 NTSB Safety Compass: The New Car Assessment Program | NTSB Safety Compass (wordpress.com)

9/12/2019 Remarks at the Metrolink Safety Summit (ntsb.gov)

8/20/2019 NTSB Safety Compass: PTC, 50 Years After Darien | NTSB Safety Compass (wordpress.com)
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<th>Date</th>
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<tr>
<td>7/22/2019</td>
<td>NTSB Safety Compass: Speeding: Just Because You Can, Doesn't Mean You Should</td>
<td>NTSB Safety Compass (wordpress.com)</td>
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<tr>
<td>6/10/2019</td>
<td>NTSB Safety Compass: Remember Bellingham</td>
<td>NTSB Safety Compass (wordpress.com)</td>
</tr>
<tr>
<td>6/7/2019</td>
<td>Remarks to the AAA New York State Impaired Driving Summit 2019</td>
<td>NTSB Safety Compass (wordpress.com)</td>
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<tr>
<td>5/10/2019</td>
<td>NTSB Safety Compass: The Golden Spike at 150</td>
<td>NTSB Safety Compass (wordpress.com)</td>
</tr>
<tr>
<td>5/6/2019</td>
<td>Lowering the legal limit of blood alcohol concentration reduces drunk driving, saves lives—Washington Times</td>
<td>NTSB Safety Compass (wordpress.com)</td>
</tr>
<tr>
<td>5/2/2019</td>
<td>Commentary: Reducing blood alcohol content level would save lives</td>
<td>timesunion.com</td>
</tr>
<tr>
<td>4/29/2019</td>
<td>NTSB Safety Compass: Drink or Drive—Pick One</td>
<td>NTSB Safety Compass (wordpress.com)</td>
</tr>
<tr>
<td>3/31/2019</td>
<td>Presentation at the 2019 Lifesavers Conference on Speeding-Related Crashes</td>
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<tr>
<td>3/10/2019</td>
<td>Connecticut needs a motorcycle helmet law—Hartford Courant</td>
<td>NTSB Safety Compass (wordpress.com)</td>
</tr>
<tr>
<td>10/19/2019</td>
<td>Presentation to the Pipeline Safety Trust Annual Conference</td>
<td>NTSB Safety Compass (wordpress.com)</td>
</tr>
<tr>
<td>10/3/2018</td>
<td>Remarks to the Brotherhood of Locomotive Engineers and Trainmen Fourth National Convention (ntsb.gov)</td>
<td>NTSB Safety Compass (wordpress.com)</td>
</tr>
<tr>
<td>9/12/2018</td>
<td>NTSB Safety Compass: Ten Years Later: Remembering Chatsworth With Action</td>
<td>NTSB Safety Compass (wordpress.com)</td>
</tr>
<tr>
<td>Nov 2013</td>
<td>Frugal Living with Mommy Trader Movement: Giving Back to Our Community, Fredericksburg Parent and Family Magazine</td>
<td>NTSB Safety Compass (wordpress.com)</td>
</tr>
<tr>
<td>Aug 2013</td>
<td>Frugal Living with Mommy Trader Movement: Dress to Impress for Less, Fredericksburg Parent and Family Magazine</td>
<td>NTSB Safety Compass (wordpress.com)</td>
</tr>
<tr>
<td>July 2013</td>
<td>Frugal Living with Mommy Trader Movement: 25 Free or Cheap Things to Do in Fredericksburg and Beyond, Fredericksburg Parent and Family Magazine</td>
<td>NTSB Safety Compass (wordpress.com)</td>
</tr>
<tr>
<td>May 2013</td>
<td>Frugal Living with Mommy Trader Movement: Make Your Own Beauty Products, Fredericksburg Parent and Family Magazine</td>
<td>NTSB Safety Compass (wordpress.com)</td>
</tr>
<tr>
<td>April 2013</td>
<td>Frugal Living with Mommy Trader Movement: Making Money on Household Cleaners, Fredericksburg Parent and Family Magazine</td>
<td>NTSB Safety Compass (wordpress.com)</td>
</tr>
<tr>
<td>Feb 2013</td>
<td>Frugal Living with Mommy Trader Movement: Trim Your Waistline and Your Wallet, Fredericksburg Parent and Family Magazine</td>
<td>NTSB Safety Compass (wordpress.com)</td>
</tr>
<tr>
<td>10/25/1993</td>
<td>Aquatic Aerobics in the 90s, Penn State Harrisburg's Student Newspaper, The Capital Times</td>
<td>NTSB Safety Compass (wordpress.com)</td>
</tr>
</tbody>
</table>

18. List digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the name of an “alias” or “handle” you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

- **Twitter** (active): https://twitter.com/JenniferHomendy
- **LinkedIn** (active): https://www.linkedin.com/in/jenniferhomendy/
- **Pinterest** (active): https://www.pinterest.com/jhomendy/_saved/
- **Facebook** (deleted): Jennifer Ellie

Instagram: My minor daughter has an Instagram account, but I am the owner so I can monitor it. She manages the account. Please let me know if you have further questions.
12

19. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

Listed below are testimony before Congress and state legislatures.

3/3/2021  Testimony before the Joint Committee on Transportation Connecticut General Assembly on House Bill 6484 An Act Concerning Recommendations by the Department of Transportation (ntsb.gov)

3/3/2021  Statement before the Joint Committee on Transportation Connecticut General Assembly on House Bill 6486 An Act Concerning Automated Driving System Equipped Vehicles (ntsb.gov)

7/24/2019  Statement of the Honorable Jennifer Homendy Member, National Transportation Safety Board before the Committee on Commerce, Science and Transportation United States Senate (ntsb.gov)

6/26/2019  Testimony Before the Committee on Commerce, Science, and Transportation United States Senate on Amtrak: Next Steps for Passenger Rail (ntsb.gov)

4/9/2019  Testimony before the Committee on Transportation and Infrastructure Subcommittee on Highways and Transit United States House of Representatives on Every Life Counts: Improving the Safety of Our Nation’s Roadways, Washington, DC (ntsb.gov)

4/2/2019  Testimony before the Committee on Transportation and Infrastructure Subcommittee on Railroads, Pipelines, and Hazardous Materials United States House of Representatives on Pipeline Safety: Reviewing the Unmet Mandates and Examining Additional Safety Needs (ntsb.gov)

2/25/2019  Testimony before the Joint Committee on Transportation of the Connecticut General Assembly on House Bill 7140 (ntsb.gov)

5/16/2018 Statement of Jennifer Homendy, Nominee, Member, National Transportation Safety Board before the Committee on Commerce, Science and Transportation United States Senate: Nominations Hearing—U.S. Senate Committee on Commerce, Science, & Transportation . . .

From June 21, 2004, through August 19, 2018, I served as Democratic Staff Director of the Subcommittee on Railroads, Pipelines, and Hazardous Materials and participated in numerous panel discussions on the legislative outlook in Congress and various railroad, pipeline, and hazardous materials transportation issues. I did not keep a list of these panel discussions, but I appeared before the following organizations: the American Gas Association, the American Public Transportation Association, the American Association of State Highway and Transportation Officials, Women in Government Relations, the Transportation Trades Department, AFL–CIO, the One Rail Coalition, the Association of American Railroads, the International Brotherhood of Locomotive Engineers and Trainmen, and the International Brotherhood of Teamsters.

20. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I am a strong advocate for safety, and I have spent nearly two decades supporting the critical safety mission of the National Transportation Safety Board (NTSB) to investigate crashes in all modes of transportation, determine the probable causes, and issue safety recommendations aimed at preventing future tragedies and injuries and saving lives.

Since August 2018, I have had the great honor of serving as a member of the NTSB. Prior to joining the Board, from 2004 to 2018, I served as Democratic Staff Director of the Subcommittee on Railroads, Pipelines, and Hazardous Materials for the Committee on Transportation and Infrastructure, U.S. House of Representatives. During that time, I worked closely with the NTSB to implement longstanding recommendations to strengthen the safety of rail, pipeline, and hazardous materials transportation (in aviation, trucking, and marine). Some of those recommendations remained on our Most Wanted List for decades.

During my time at the Board, I have led the NTSB Go Team for seven major investigations including the January 2020 high-profile helicopter crash in Calabasas, California; the January 2020 large motorcoach crash near Pittsburgh, Pennsylvania; the October 2019 crash of a B–17 “living history” flight in Windsor Locks, Connecticut; the September 2019 fire and subsequent sinking of the Conception dive
vessel off Santa Cruz Island, California; a June 2019 skydiving plane crash in Mokuleia, Hawaii; a May 2019 mid-air collision in Ketchikan, Alaska; and, a February 2019 natural gas pipeline explosion in San Francisco, California. I also launched to two other tragedies: a series of natural gas pipeline explosions and fires in Merrimack Valley, Massachusetts and an experimental plane crash in Fredericksburg, Virginia. All of these involved numerous media briefings, meeting with families and other loved ones of victims, and meeting with elected officials.

Additionally, I have been involved with deliberating and determining the findings and probable causes, and issuing safety recommendations for more than 60 transportation accident investigations. I have testified before Congress and state legislatures on numerous occasions and have given speeches on all modes of transportation.

I have seen first-hand the improvements that have been made at the NTSB and the challenges that remain and, if confirmed, I pledge to actively work with my colleagues on the Board and this Committee to address those challenges. See Question #22.

21. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

According to the statute, if confirmed, I would serve as the chief executive and administrative officer of the Board, which includes overseeing the expenditures of the Board and ensuring that proper management and accounting controls are in place. While I have not managed a large organization, I have a great deal of experience at the NTSB as a Member of the Board and working with staff. The Board reviews and approves the annual budget of the NTSB and reports to the public and Congress, in accordance with our mandates. Additionally, I have been involved in the oversight of the management of other large Federal agencies for nearly 15 years. That oversight work included congressional review of agency spending and budget requests, as well as management reports by the Amtrak and Department of Transportation Inspectors General.

22. What do you believe to be the top three challenges facing the department/agency, and why?

Recruiting, hiring, and retaining a diverse and inclusive workforce to ensure we are able to carry out our core safety mission as mandated by Congress. The NTSB is world-renowned for our investigations and for the vast improvements in transportation safety that we have championed since our creation as an independent agency in 1967. That’s a direct result of the hard work, professionalism, and dedication of our incredible workforce, from our investigators who stand ready 24/7 to travel throughout the United States or internationally in response to tragedies, to our research and engineering team who provide technical support to accident investigations and conduct studies that examine critical safety issues in all modes of transportation, our transportation disaster assistance division who provides support to victims and family members affected by accidents, and the hundreds of others at the NTSB who work tirelessly to support our safety mission. As the Federal government faces a growing number of retirements, it is vitally important that we focus on developing a diverse and inclusive workforce and environment within the agency.

Carrying out our mandate to improve safety. The NTSB is required to investigate certain accidents under 49 U.S.C. 1131, but has not fully complied with that mandate due to “limited resources” (see page A–12 of 2019–NTSB–ARC–Appendices.pdf). We need to better understand why this is occurring and whether our resources are being utilized appropriately. We also continue to struggle with timeliness of finalizing investigations and reports. We have made improvements in this area, but additional work is needed. If reports are delayed, safety suffers.

Improving employee and stakeholder engagement in a post-COVID world. COVID–19 has presented challenges for NTSB and our workforce, just like other Federal agencies. Many of our employees have children or other loved ones who are now at home with no school, summer camps, or other care options available to them. Many others care for loved ones that have health conditions that make them vulnerable to complications if they are exposed to COVID, and some of our workers have health conditions which put them into high-risk categories. When our workforce is phased back into the office, we have to make sure we are addressing their needs and challenges that they will continue to face. This includes ensuring that their safety and health, as well as those they care for, remain a priority.

We also need to find new, innovative ways to increase engagement with stakeholders and partners, including modal agencies within the Department of Transportation and Congress, to improve safety.
B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

I have no financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. I have a Thrift Savings Plan and participate in the Federal Employees Retirement System, a defined benefit retirement plan. Information related to my spouse’s retirement account is fully described in Part 5 of my Executive Branch Personnel Public Financial Disclosure.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain. No.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the NTSB’s DAEO to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement I have entered into with NTSB’s DAEO and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the NTSB’s DAEO to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement I have entered into with NTSB’s DAEO and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the NTSB’s DAEO to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement that I have entered into with the NTSB’s DAEO and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

6. Describe any activity during the past ten years, including the names of clients represented, in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

As stated, I have served as a Member of the National Transportation Safety Board since August 2018 and as Democratic Staff Director for the Subcommittee on Railroads, Pipelines, and Hazardous Materials for the Committee on Transportation and Infrastructure, U.S. House of Representatives from June 2004 to August 2018. In those capacities, I have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of legislation.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? If yes:

   a. Provide the name of agency, association, committee, or group;
   b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
   c. Describe the citation, disciplinary action, complaint, or personnel action;
   d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

   No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain.
Please refer to Question #4

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain. No.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense? If so, please explain.

As a teenager, a misdemeanor for shoplifting. I deeply regret my actions. In addition to court-ordered penalties, I volunteered for community service, which included speaking to students and at-risk youth.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain. No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination. None.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority? Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistleblowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

RÉSUMÉ OF

THE HONORABLE JENNIFER L. HOMENDY

EMPLOYMENT BACKGROUND

Member, National Transportation Safety Board (NTSB). Unanimously confirmed by the U.S. Senate in July 2018 and again in August 2019; five-year term expires December 31, 2024. Oversees activities of the agency including accident investigations and reports, safety recommendations, and safety studies in all modes of transportation—aviation highways, marine, pipelines and hazardous materials, and rail and transit. Led the NTSB ‘‘Go Team’’ on 9 major and regional accident investigations, including the September 2018 overpressurization of a gas distribution pipeline system in Merrimack Valley, Massachusetts (training launch); a December 2018 experimental plane crash in Fredericksburg, Virginia; a February 2019 natural gas pipeline explosion in San Francisco, California; a May 2019 mid-air collision in Ketchikan, Alaska; a June 2019 skydiving plane crash in Mokuleia, Hawaii; the September 2019 fire and subsequent sinking of the Conception dive vessel off Santa Cruz Island, California; the October 2019 crash of a B–17 ‘‘living history’’ flight in Hartford, Connecticut; a January 2020 large motorcoach crash near Pittsburgh, Pennsylvania; and, a high-profile January 2020 helicopter crash in Calabasas, California. Debated and approved more than 60 accident reports since joining the Board. Testified before the House and Senate and state legislatures on various transportation safety issues. Additional materials are available at: bio, speeches, and blogs and podcasts.

Democratic Staff Director, Subcommittee on Railroads, Pipelines, and Hazardous Materials, Committee on Transportation and Infrastructure, U.S. House of Representatives, June 2004 to August 2018. Drafted, negotiated, and guided major pieces of rail, pipeline, and hazardous materials safety legislation through the legislative process, including the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA–LU); the Rail Safety Improvement Act of 2008 (P.L. 110–432, Division A), which mandated implementation of positive train control (PTC); the Passenger Rail Investment and Improvement Act of 2008 (P.L. 110–432, Division B); the Pipeline, Inspection, Protection, Enforcement, and Safety Act of 2006; the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011; the Fixing America’s Surface Transportation (FAST) Act of 2015; the Protecting Our Infrastructure of Pipelines Enhancing Safety (PIPES) Act of 2016; and the Norman Y. Mineta Research and Special Programs Improvement Act of 2004, which created
the Pipeline and Hazardous Materials Safety Administration (PHMSA). Created the strongest Buy America standard in transportation: 100 percent for intercity passenger and high-speed rail. Spearheaded the Committee’s extensive oversight investigations of the Enbridge pipeline rupture in Marshall, Michigan, and PHMSA, which led to major safety improvements in pipeline and hazardous materials safety. In 2017 and 2018, led a multimodal review of the Department of Transportation’s drug and alcohol testing program which identified significant safety gaps in the program.

Legislative Representative, International Brotherhood of Teamsters, June 1999 to June 2004. Represented the interests of Teamster working families before Congress and the Executive Branch. Areas of expertise included transportation and international trade. Transportation work focused on motor carrier, rail, and hazardous materials safety. Served as a cleared (classified) labor representative on the President’s Advisory Committee on Trade Policy and Negotiations and the U.S. Department of Labor’s Trade Advisory Committee.

Legislative Representative, Transportation Trades Department, AFL-CIO (TTD), August 1997 to June 1999. Represented the interests of transportation workers before Congress and the Executive Branch. Areas of expertise included motor carrier, rail, hazardous material, and nuclear waste transportation safety; domestic manufacturing/Buy America; appropriations/budget; innovative financing, including state infrastructure banks and credit enhancements; and worker protections, including Section 13(c) of the Federal Transit Act and Davis Bacon.

Legislative Assistant, American Iron and Steel Institute (AISI), March 1996 to August 1997, promoted to Manager of Government Relations. Represented the interests of the American steel industry and its employees before Congress in the areas of domestic manufacturing/Buy America, transportation, environment, and energy; researched and prepared policy analyses of various tax and trade issues; served as Staff Director of AISI’s Committee on Traffic; represented AISI at various coalition meetings; presented monthly reports to AISI’s Board of Directors on legislative developments; interacted with Members of Congress, congressional staff, and AISI member companies; and drafted correspondence and memoranda.

National Federation of Independent Business (NFIB), Washington, D.C., Senate Administrative Assistant for Federal Governmental Relations from September 1994 to March 1996. Duties included researching issues that affect small businesses; organizing membership participation in, and issue development for, the White House Conference on Small Business held in June 1995; and providing legislative and administrative support to the Director of Federal Governmental Relations and three Senate lobbyists.

EDUCATIONAL BACKGROUND AND RECENT VOLUNTEER WORK

- Master of Transportation Safety Administration, Institute for Global Road Safety and Security, Clemson University (ongoing)
- Bachelor of Arts, Humanities, The Pennsylvania State University, graduated 1994
- Fellow, 115th Congress, Stennis Center for Public Leadership
- The National Board on Fire Service Professional Qualifications (through the International Association of Fire Fighters), Certified in Core HazMat Operations and Mission-Specific PPE and Product Control (hazmat operations-level responder training)
- Pilot Ground School, Germanna Community College, 2020
- Certified Personal Trainer, American College of Sports Medicine, 2013–present

The CHAIRWOMAN. Thank you. Ms. Hedlund, welcome.

STATEMENT OF KAREN J. HEDLUND, NOMINEE TO BE A MEMBER, SURFACE TRANSPORTATION BOARD

Ms. HEDLUND. [Off mic] Thank you, Chairman. Chairman Cantwell and Ranking Member Wicker and other members of the Committee, and your wonderful staff, whom I had the privilege of working with some of them when I was at FRA and thank you for giving me the opportunity to appear before you today to consider my nomination as a member of the Surface Transportation Board. I am
also grateful to President Biden for his expression of confidence in me.

Having worked on the development of freight and passenger rail projects across the country, in both the private and the public sectors, I would regard it as a great privilege to have the opportunity to help fulfill the Board’s crucial role in ensuring a robust national freight and passenger rail system for the United States, in the 21st Century.

Thank you for introducing my son, Alex, who is with me today, and my other son, Erik, who is out there somewhere in Zoom land. [Laughter.] They have been—their support has been just wonderful.

As has been mentioned, I had the privilege of serving in the Obama Administration as Chief Counsel and then, Deputy Administrator at FRA. And during my time there, one of my primary responsibilities was to administer the Intercity Passenger Rail Grant Program that was funded under the Recovery Act. And many of these projects actually entailed major improvements to rail lines owned by our Class I railroads that host Amtrak and other passenger rail service. And we needed to negotiate with them, or assist the states and the railroads in executing, what were called, Service Outcomes Agreements to ensure that the improvements we were making to the freight lines were really going to benefit passenger service. But of course, in the course of those negotiations, I should say, I became very familiar with the freight’s commercial interests and concerns.

Since stepping down from FRA, I have remained involved in some of the Nation’s most significant rail development projects, including a proposed project, in the Chair’s home state, that would be a new high-speed rail line that would connect Seattle to Portland and Vancouver, BC. That is a very exciting project that would help, really, the development of this great mega-region, but may also help to get people who live—I mean, there is an equity aspect to all high-speed rail projects, and that is helping people who live outside of our major work centers to access them, as well. And that is part of the planning for that project.

I also worked to advance legislative proposals, as a member of the American Public Transportation Association’s Legislative Committee. And I want to really commend this Committee for the wonderful work they did on advancing rail through the bipartisan Surface Transportation Investment Act. And I also appreciate the improvements to the RIFF loan program, which I oversaw when I was at FRA, to make that program work so much better for our short line railroads.

Now, as you understand, I cannot comment on any specific matters pending before the Board, but I am well aware of the challenges presented by its current docket. We are going to have the first merger of two Class I railroads, in 20 years, and since the Board’s merger rules were revised in 2001. And I know that these proceedings can be time-consuming, complex, and controversial, have a profound impact on what the industry looks like.

The Board is also working on several important rulemakings that will have policy implications. These include proceedings—new procedures to reduce the cost and complexity and duration of rate
cases, and particularly for smaller disputes and smaller entities—small shippers and smaller railroads.

The Board is going to be placing—playing an increasing role with respect to intercity passenger rail, authorizing new high-speed passenger rail lines, such as the one in Cascadia, and of course, the long-sought restoration of passenger service on the Gulf Coast line, which I became familiar with six or 7 years ago, when I was at FRA and went down to Mobile to meet with the mayors. And Senator Wicker, I do not understand why it is taking so long to get this restarted and I will certainly work with the Board and its staff on seeing if we can resolve this in an expeditious manner.

So, thank you for your time and I look forward to answering your questions.

[The prepared statement and biographical information of Ms. Hedlund follows:]

PREPARED STATEMENT OF KAREN J. HEDLUND, NOMINEE TO A MEMBER, SURFACE TRANSPORTATION BOARD

Chairman Cantwell, Ranking Member Wicker and distinguished Members of the Committee on Commerce, Science and Transportation, thank you for affording me the opportunity to appear before you today in consideration of my nomination to serve on the Surface Transportation Board. I am also grateful to President Biden for his nomination. Having worked on the development of freight and passenger rail projects across the country, in both the public and private sectors, it would be a great privilege for me to work to fulfill the Board’s crucial role in ensuring a robust national freight and passenger rail system in the 21st Century.

I also want to thank my amazing children and their families for their support. My son Alex is here with me today, and my other son Erik, my daughters-in-law and grandchildren are zooming in.

I had the privilege of serving in the Obama Administration as Chief Counsel of the Federal Railroad Administration and as FRA Deputy Administrator. During my time at FRA, one of our primary responsibilities was to administer President Obama’s intercity passenger rail program. Many of the funded projects entailed improvements to rail lines owned by our Class 1 railroads that host Amtrak service. In the course of negotiating related agreements with them, I became very familiar with their commercial interests and concerns. We also worked diligently on rail safety issues, including improving the ability of tank cars to withstand derailments, an issue that is primarily within the jurisdiction of FRA and PHMSA.

Since stepping down from my position at FRA at the end of 2014, I have continued to remain involved in some of the Nation’s most significant rail development projects, including the Gateway Hudson River Tunnel and Bridge Project and the proposed Ultra-High-Speed Ground Transportation Project connecting the States of Oregon and Washington and the Province of British Columbia. In Colorado, I have worked with the Southwest Chief and Front Range Passenger Rail Commission on developing a new passenger rail line from Fort Collins to Pueblo and beyond. I have also assisted the Northeast Corridor Commission in connection with a cost allocation matter involving escalating insurance costs for transit users of the Corridor.

I have also worked on legislative proposals to advance intercity rail as a member of the American Public Transportation Association’s Legislative Steering Committee. And I would like to commend the Chair and Members of this Committee for their work in advancing rail through your historic bipartisan Surface Transportation Investment Act, which would authorize $78 billion over 5 years for rail, multimodal and safety programs, and provide other important measures to advance both freight and passenger rail.

Additionally, I would bring to the Board my 35 years of experience as a practicing attorney with several of the Nation’s leading law firms, focusing on infrastructure finance and development. In the course of serving as counsel to both public and private entities on multi-million-dollar transactions, I gained a deep understanding of the capital markets that finance our Nation’s railroads, and other surface transportation projects.

While, as you understand, I cannot comment on any specific matters pending before the Board, I am well aware of the challenges presented by its current docket. The Board will be considering the first merger(s) involving two Class I railroads
since the Board’s merger rules were revised in 2001. I appreciate that merger reviews can be time-consuming, complex, and controversial, and can have a profound impact on the shape of the rail industry and the way in which rail service is provided.

The Board is also working on several important rulemakings that have broad-ranging policy implications for the railroad industry and that could have a significant impact on how rate and other disputes are resolved. These pending proceedings include proposed new procedures to reduce the cost, complexity, and duration of rate reasonableness cases, particularly for smaller disputes. I am also familiar with Senator Baldwin’s proposed Rail Shipper Fairness Act that also seeks to address these and other issues.

The Board will also be playing an increasing role with respect to intercity passenger rail. This includes authorization of new high-speed passenger rail lines, and considering Amtrak-host railroad on-time service and cost allocation issues. There is also a proceeding relating to the long-sought reinstatement of passenger service over the Gulf Coast line, which I became familiar with when I was at FRA.

My approach to matters before the Board and its investigations and policy making processes will be to prioritize thorough analysis and full transparency by the parties regarding factual, policy and legal issues. If confirmed, I commit to bring my transportation, finance and legal experience to the Board and to address all matters in a fair and impartial manner. I will also work diligently to see that all outcomes, first and foremost, serve the public interest.

Thank you for your time, and I look forward to answering your questions.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used):
   Karen Jean Hedlund.
   (I used name Karen Hedlund Schneider upon marriage in 1969 until 1973, when I reassumed use of my maiden name, although I remained married).

2. Position to which nominated: Member, Surface Transportation Board (STB).
4. Address (List current place of residence and office addresses):
   Residence: Information not released to the public.
   Office: Information not provided.
5. Date and Place of Birth: October 27, 1948; Chicago, Illinois.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).
   Alex Hedlund Schneider, age 41
   Erik Reuben Schneider, age 38

7. List all college and graduate degrees. Provide year and school attended.
   Harvard University AB 1970
   Georgetown University Law Center JD 1974

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.
   WSP USA—Advisory Services
   New York, New York
   Vice President
   January 2015 to April 2020
   Independent Consultant
   April 2020 to present
   Karen J Hedlund, PC
   New York, NY and Edwards, CO
   President/Owner
   January 2015 to present
   United States Department of Transportation
   Federal Railroad Administration
   Washington, DC
   Deputy Administrator
   December 2011 to September 2014
Chief Counsel
June 2010 to December 2011
United States Department of Transportation
Federal Highway Administration
Washington, DC
Chief Counsel
June 2009–June 2010
Nossaman, LLP
Los Angeles and Washington D.C.
Partner
1995–2009
SunAmerica Inc.
Los Angeles, CA
Executive Vice President and General Counsel
1993–1994
Skadden Arps
Chicago, IL and Los Angeles, CA
Partner
1984–1993
Mayer Brown
Chicago, IL
Associate and Partner
1974–1984

9. Attach a copy of your résumé.
See attached copy of résumé of Karen J Hedlund.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years.

Board Member, Washington Union Station Redevelopment Corporation (2011–2014)
Board Member, Moynihan Station Development Corporation (2011–2014)
Consultant, Washington State Department of Transportation (2018–2020)
Consultant, Peninsula Corridor Joint Powers Board (CA) (2018)
Consultant, High Des11 Corridor Joint Powers Authority (CA) (2015 to present)
Consultant, Dallas Area Rapid Transit District (TX) (2017–2018)

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.

Board Member, Edge Foundation (2016 to present)
Vice President, WSP (2015–2020)
President, Karen J Hedlund, PC (1996 to present)
Board Member, Union Station Redevelopment Corporation (2011–2014)
Board Member, Moynihan Station Development Corporation (2011–2014)
Trustee, Karen J Hedlund Trust (1996 to present)

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.) Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

Women’s Transportation Seminar (2008 to present)
American Public Transportation Association, Co-Chair of the Commuter and Intercity
Passenger Rail Legislative Subcommittee (2015 to present)
Coalition for the Northeast Corridor, Member (2015 to present)
Harvard Club of New York, New York, New York (2015 to present)
The Club at Cordillera, Edwards, Colorado (golf club) (2018 to present)
Arrowhead Alpine Club, Edwards, Colorado (athletic club) (2018 to present)

To my knowledge, none of the above restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt. No.

14. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities. None.

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $200 or more for the past ten years.

Information set out below was derived from Federal Election Committee Report on contributions from Karen Hedlund between January 1, 2011 and ending May 09, 2021.

2011
DNC Service Corporation/Democratic National Committee (March) $1,580
Obama for America (June) $1,500

2012
DNC Service Corporation/Democratic National Committee (June) $1,000
Obama for America (September) $1,000
Obama for America (October) $1,500
Obama Victory Fund 2012 (October) $1,500

2013
None

2014
None

2015
None

2016
Hillary for America (January) $2,700
Parsons Brinckerhoff, Inc. PAC (April) $500
Hillary Victory Fund (October) $2,700
WSP USA Inc. PAC (August) $500

2018
None

2019
Inslee for America (July, September, October) $600
WSP USA Inc. PAC (October) $500
Bennet for America (August, September) $250

2020
Biden for President (July, September, October) $1750
DNC Services Corp/Democratic National Committee (November) $700
Biden Victory Fund (July, October) $1250
Biden Fight Fund (November) $500
22

2021

Friends of Schumer (February) $500

16. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

Georgetown University Law Center Alumni Award (2003)

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

The publications and speeches of which I have records include:

“Private Equity to Match Public Investment,” Mineta Institute, October 2020.
I also made presentations based on the article to the Transportation Research Board, Annual Meeting, Session 1410, January 28, 2021; and (2) APTA’s High Speed Rail Conference, April 8, 2021

“Too Long to Drive, Too Shor1t to Fly, SPEEDLINES, published by the APTA High-Speed and Intercity Passenger Rail Committee, August 2020 https://higherlogicdownload.s3-external-1.amazonaws.com/AMERICANPTA/e8a3c67b-ffe4-0a40-d57d-3a092460dc73/file.pdf?AWSAccessKeyId=AKIAVRODJ7ERE57R7MT&Expires=1618530568&Signature=%2Bc0XqfpfX7Ed402ZV%2Bg4mQd2E%3D

“What is the future of transit and rail post-COVID?” Address to Smart Commute Metro North (CO) Transforum Conference, October 22, 2020

US High Speed Rail Association Karen Hedlund (FRA)—Washington Summit February 12, 2014 and February 2012


“Public-Private Partnerships: The Most Effective Finance Tool in the Box.” Horizon. a publication of the Texas Department of Transportation. Fall 2006, horizon_fal12006.pdf (state.tx.us)

18. List all digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the name of an “alias” or “handle” you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

Linkedin (99+) Karen Hedlund | LinkedIn
Facebook (20+) Karen Hedlund | Facebook
Instagram @erinjean27 • Instagram photos and videos

19. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

House Transportation and Infrastructure Committee
Subcommittee on Railroads, Pipelines and Hazardous Materials
Hearing on Review of Challenges Facing California High-Speed Rail
January 15, 2014
https://www.govinfo.gov/content/pkg/CHRG-113hhrg86279/pdf/CHRG-113hhrg86279.pdf

House Transportation and Infrastructure Committee
Subcommittee on Highways and Transit
Hearing on Innovative Financing and Protecting the Public Interest
February 13, 2007
https://www.govinfo.gov/content/pkg/CHRG-110hhrg34778/pdf/CHRG-110hhrg34778.pdf

House Transportation and Infrastructure Committee
Subcommittee on Highways and Transit
Hearing on Understanding Public Private Highway Transactions: The Future of Infrastructure Finance
May 24, 2006
20. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

The Surface Transportation Board, an independent Federal agency reauthorized under the Surface Transportation Board Reauthorization Act of 2015, is charged with the economic regulation of various modes of surface transportation, primarily freight rail, and also has jurisdiction over certain passenger rail matters. The agency has jurisdiction over railroad rate, practice, and service issues and rail restructuring transactions, including mergers, acquisitions, line sales, line construction, and line abandonments.

Having worked on development of freight and passenger rail projects across the country, in both the public and private sectors, it would be a great privilege to fulfill the Board's role in ensuring a robust national freight and passenger rail system, including exercising its jurisdiction over new high-speed rail projects, and in carrying out its oversight responsibilities relating to the new on-time performance and service metrics and standards applicable to Amtrak.

I had the privilege of serving in the Obama Administration as Chief Counsel of the Federal Railroad Administration (FRA) (2009–2010) and FRA Deputy Administrator (2010–2014). At FRA, a primary focus was helping to administer President Obama's high-speed and intercity passenger rail programs. Many of these projects involved improvements to rail lines owned by our Class 1 railroads that host Amtrak service. In the course of negotiating related agreements with them, I became very familiar with their commercial interests and concerns.

Since departing FRA at the end of 2014, I have continued to remain involved in some of the Nation's most significant rail developments, including the Gateway Hudson River Tunnel and Bridge Project and the proposed Ultra-High-Speed Ground Transportation Project connecting the States of Oregon and Washington and the Province of British Columbia. I have also worked on legislative proposals to advance intercity and high-speed rail as a member of APTA's Legislative Steering Committee. I also bring to this position 35 years of experience as a practicing attorney with several of the Nation's leading law firms, Mayer Brown, Skadden and Nossaman, focusing on infrastructure finance and development. In the course of serving as counsel to both public and private entities on multi-million-dollar transactions, I gained a good understanding of the capital markets and the challenges of funding and financing mega-projects.

21. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

The Chairman, with the assistance of other Members of the Surface Transportation Board, is responsible to ensure that the STB is adequately staffed with attorneys, economists, investigators and other personnel to carry out its responsibilities in a timely and efficient manner. They must also oversee the management and accounting of government appropriations to and expenditures by the agency, and must manage information security risks pursuant to FISMA.

I believe my experience qualifies me to meet these challenges. At the U.S. Department of Transportation, I oversaw the large legal departments of the Federal Highway Administration and the Federal Railroad Administration, and as Deputy Administrator of FRA, I had a lead responsibility in the management of their grant and loan programs, budgets, and administrative affairs. I gained an appreciation for the great career personnel of the agencies who brought deep experience, an objective approach to all issues that came before them and a tireless commitment to service.

22. What do you believe to be the top three challenges facing the department/agency, and why?

1. The Board has received notices of intent to file for approval the first Class 1 merger transaction since the Board's merger rules were revised in 2021 (Kansas City Southern and CP/CN). The Board is also reviewing the pending acquisition of Pan Am by CSX, as well as the acquisition by Watco of several CN lines in Wisconsin. Merging transactions can be time-consuming, complex, and controversial. Handling these cases appropriately is the first major challenge I see for the Board, as mergers, particularly major mergers, can have a profound impact on the shape of the rail industry and the way in which rail service is provided.
2. The Board is working on several important new rule-makings that have broad ranging policy implications for the railroad industry. There is a proposed new procedure for challenging the reasonableness of railroad rates in smaller cases, called “Final Offer Rate Review” (FORR). The purpose of this proposed rule is to reduce the cost, complexity, and duration of rate reasonableness cases, particularly for smaller disputes. A related proposal submitted to the Board would involve a voluntary arbitration procedure for rate review in smaller cases. In another proceeding, the Board is considering whether to remove the exemption for some commodities which have been exempt from Board regulation for several decades; in that proceeding, the Board has also sought public comment concerning a new approach its Office of Economics has developed for possible use in considering class exemption and revocation issues. There is also a long-pending rule to revise the “reciprocal switching” rules. Addressing the issues involved with these rulemakings or proposed rulemakings is the second major challenge I see for the Board, as each could have a significant impact on how rate and other disputes are resolved.

3. The Board will also be playing an increasing role with respect to intercity passenger rail that is part of the interstate rail network. This includes authorization of new high-performance passenger rail lines, and enforcing Amtrak on-time performance under newly adopted metrics and standards. Amtrak is also initiating a proceeding to reinstate service over the Gulf Coast line. The third challenge I see for the Board will involve gearing up for the increasing number of passenger issues it is likely to face in the coming months and years while continuing to carry out its responsibilities regarding rulemakings, mergers, and other matters that come before it.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts. My arrangements are fully described in Part 3 of my Public Financial Disclosure Report.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain. No.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of the Government Ethics and the Surface Transportation Board’s Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement I have entered into with STB’s Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of the Government Ethics and the Surface Transportation Board’s Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement I have entered into with STB’s Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of the Government Ethics and the Surface Transportation Board’s Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement I have entered into with STB’s Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

6. Describe any activity during the past ten years, including the names of clients represented, in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.
I have served since 2018 as Chair of Commuter and Passenger Rail Subcommittee of Legislative Committee of APTA. I have also represented WSP as member of Northeast Corridor Coalition. I was not required to register as a lobbyist at any point.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? If yes:
   a. Provide the name of agency, association, committee, or group;
   b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
   c. Describe the citation, disciplinary action, complaint, or personnel action;
   d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain.

No.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain.

No.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense? If so, please explain.

No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain.

No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination.

None.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority? Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.
Legal and Commercial Advisor to State, Regional and Local Transportation Agencies and Private Developers and Investors

Building on several decades of public finance and transactional experience with leading national law firms, and service as an appointed official of the Federal Railroad Administration and FHWA under President Obama, Karen Hedlund works with federal, state and local transportation agencies and private entities to facilitate financing and development of infrastructure projects, including rail, transit, highways and energy.

American Triple I Advisors
Operating Advisor (April 2020 to present)

Consultant for rail and transit investment minority-owned equity investment firm founded by former HUD Secretary Henry Cisneros.

WSP USA – Advisory Services
Independent Consultant (April 2020 to present)
Vice President (January 2015 to April 2020) (part-time)

Works with state and local transportation agencies to facilitate financing and development of high-speed rail and transit infrastructure projects. For the State of Washington, recently completed development of Business Case for a high-speed rail system connecting Seattle with Vancouver, BC and Portland, including methods to establish an international authority to develop the project. Also provided strategic and advice to the Gateway Program Development Corporation as they developed a financing and institutional plan for a new Hudson River passenger rail tunnel and related bridge project.

Assisted Colorado’s Santa Fe Chief and Front Range Passenger Rail Commission in obtaining an FRA grant to advance Amtrak service to Pueblo and Colorado Springs.

Advised the City of Chicago in negotiations with Elon Musk’s Boring Company on its proposal to develop a “Loop” tunnel connection between downtown and O’Hare Airport.

As Co-Chair of APTA’s Commuter and Intercity Passenger Rail Legislative Subcommittee, led the advocacy for robust high speed and intercity rail provisions included in APTA’s recommendations for the upcoming Surface Transportation Reauthorization bill.
Karen J Hedlund, PC (2015-present)
Advisor to the High Desert Corridor Joint Powers Authority (Los Angeles and San Bernardino Counties in California) in structuring development of an 87-mile high speed rail corridor between Victorville, CA and Palmdale, CA that will connect BrightlineWest’s high speed rail line from Las Vegas, Nevada to the future California High Speed Rail project at Palmdale.

Advised Facebook on development of proposed transit line across Dumbarton Bridge in San Francisco Bay connecting San Mateo County to the East Bay to provide access to residents of East Bay communities to jobs in Silicon Valley.

Provided counsel to Texas Central Railroad on financing and permitting of proposed high-speed rail system between Dallas and Houston, TX.

United States Department of Transportation
Federal Railroad Administration
  Deputy Administrator (2011 to September 2014)
  Chief Counsel (2010 to 2011)

Appointed as Deputy Administrator in November 2011, after serving as Chief Counsel of FRA from June 2010.

Provided leadership for the Administration’s $12 billion High-Speed Rail grant program, including $3 billion investments in the California High-Speed Rail Project, and $3 billion in improvements to Northeast Corridor. Also advised on FRA-funded multi-state locomotive and passenger equipment purchases, and on California High Speed Rail and Amtrak next generation trainset procurements, including consideration of Buy America waiver requests for non-domestic equipment manufacturers.

Assisted in negotiating precedent-setting service outcomes agreements with Class 1 host railroads supporting the grants for the benefit of passenger rail users for the $1.25b Chicago-St. Louis corridor and $2.2b Osa River Bridge (Union Pacific); $500m Cascade Corridor in Washington State (BNSF); $461m Raleigh to Charlotte, NC corridor, and $125.9m Englewood Flyover in Chicago (Norfolk Southern); $334m acquisition and improvement by Michigan DOT of the NS-owned portion of the Chicago-Detroit HSR corridor, and the proposed grant to for the Milwaukee-Madison HSR corridor (Canadian Pacific).

Directed FRA’s Railroad Rehabilitation and Infrastructure Finance (RRIF) program, including evaluation of multi-billion-dollar loan requests to finance high speed passenger rail systems from Las Vegas, Nevada to California and from Miami to Orlando, Florida as well as implementation of Positive Train Control (PTC) systems for Long Island Railroad and Metro-North Railroad. Directed improvements to FRA’s RRIF program to facilitate loans to assist short-line freight railroads.
Karen J Hedlund
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- Poseidon Corporation – California Desalination Projects

SunAmerica Inc.
Executive Vice President and General Counsel
(Los Angeles, 1993-1994)

Served as chief legal officer for public financial services company, founded by Eli Broad.

Skadden Arps
Partner

Headed Skadden’s Public Finance Group. Advised developers and international banks on over $1 billion in project finance transactions involving alternative energy and cogeneration projects, airports and other revenue-supported bond transactions. Served as bond counsel to the States of California and Alaska.

Mayer Brown
Partner and Associate
(Chicago, 1974-1984)

Initiated Mayer Brown’s public finance practice, including serving as bank counsel, bond counsel and underwriter’s counsel on a wide range of state and municipal financings. Served as Treasurer of National Association of Bond Lawyers.

Bar Admissions
District of Columbia, Colorado (Active)
Virginia, California, and Illinois (Inactive)

Education
J.D., Georgetown University Law Center, 1974
A.B., Harvard University, 1970
Karen J Hedlund
Page 4

- Poseidon Corporation – California Desalination Projects

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Bar Admissions
District of Columbia, Colorado (Active)
Virginia, California, and Illinois (Inactive)

Education
J.D., Georgetown University Law Center, 1974
A.B., Harvard University, 1970
Senator BLUMENTHAL. Thank you so much, Chairman—Chairwoman Cantwell, and thank you to Senator Wicker, as well, for giving me this opportunity remotely from the anteroom of the Judiciary Committee meeting, where we are engaged in votes. So, I apologize I am not there in person. But I am very, very honored and pleased to be introducing Jennifer Homendy as the Nominee for Chairwoman of the NTSB.

Ms. Homendy was born in Connecticut. Her family, or at least some of her family still resides in the Farmington, Plainville, New Britain area. And I hope they are watching because they should be very, very proud of this daughter of Connecticut, who has performed such great work with immense distinction, as a member of the NTSB, and also, as a member of the Congressional Staff. She has decades of experience in transportation safety. She has been on the ground at a number of major safety incidents, crashes involving rail and planes. And she will be a dedicated and effective Chairperson of the NTSB.

As you know, this Agency does vital independent work in assuring transportation safety in investigating such crashes, and other mishaps, and I know that she is going to attract qualified people. She will be diligent and independent in the work that she does, and vigorous in reporting to the Congress and the public. So, I am very proud and honored to support her and I recommend her, strongly, to my colleagues on the Committee.

Dr. Hampshire, please, if you would like to make your statement.

Dr. HAMPSHIRE. Chair Cantwell, Ranking Member Wicker, and members of the Committee, I am truly honored to appear before you today as President Biden’s nominee for Assistant Secretary for Research and Technology at the Department of Transportation.

I would like to thank my wonderful wife Alexandra Murphy, who is here with me today. I would like to acknowledge my sisters Natasha and Natalie, my brother Raymar, and my parents Robert and Linda Hampshire, whose great migration from Mobile, Alabama to Lima, Ohio is my model for faith, hope, and love in action. President Biden, Secretary Buttigieg, thank you for your confidence in me.

Prior to January 20, I was an associate professor of Public Policy at the University of Michigan, as well as a faculty member at the Transportation Research Institute at the University of Michigan. I led a large multi-disciplinary team studying how transportation
systems impact the environment and equitable access to opportunities.

I am quite familiar with the research and technology programs at the Department of Transportation. Over my career, I have received funding from two University Transportation Centers, funding from the Federal Highways Administration, from the Federal Transit Administration, from NHTSA. Additionally, at the University of Michigan, I conducted research on connected vehicles and connected infrastructure with the support of the Intelligent Transportation Systems Joint Program Office.

I have had the honor of working at some of the most innovative research organizations in the world, including Bell Laboratories, IBM T.J. Watson Research Labs, Carnegie Mellon, MIT, and a visiting position at the Institute for Advanced Studies at Princeton University. From these experiences, I have learned not only the science and engineering excellence, but also the culture, mentoring, community-building aspects of leading-edge research institutions.

Since January, I have had the honor to lead a diverse, experienced, seasoned workforce already in place in the Office of the Assistant Secretary. Should the honor be extended to me through this confirmation process, I am confident that my experiences and knowledge to lead this team of dedicated public servants will benefit the present and future of our entire transportation system.

COVID–19 has led—shed light on many challenges facing our Nation, including our transportation system. Last year, we saw an increase in the number of roadway fatalities, even though there were fewer people driving. People, especially those in underserved areas, faced challenges accessing work, food, health care, and vaccination centers.

As we emerge into the post-transportation—I mean, post-COVID transportation landscape, our public policy goals are to create a safer, more resilient, and equitable transportation system for the American people. Deploying the intellectual firepower of research and technology is key to tackling these challenges. Our DOT Research and Technology agenda is in service of our policy goals by growing our diverse transportation workforce while fostering a learning environment, supporting public-sector experimentation, and providing lessons learned from innovative deployments. Also, accelerating novel and early stage research projects and, at the same time, enabling system-wide interoperability between these innovations, and fostering cross-modal integration. In accordance with the President’s memorandum on Restoring Trust in Scientific Integrity, I am committed to leading DOT research in a way that builds trust and relies on evidence and facts.

Earlier this year, the President released the American Jobs Plan, aimed at fixing highways, rebuilding bridges, updating ports, airports, and transit systems. This is a once in a lifetime capital investment in America to not only meet our current infrastructure needs, but also invest in transformative research and technology and development programs. These investments will improve safety. They will also advance equity by providing better jobs and better transportation options to underserved communities. They will reduce the impacts of climate change by using, actually, more sustainable materials, strengthening the Nation’s resiliency to natural
disasters. These investments will allow us to expedite our responses to the climate crisis and move to a clean energy economy.

I look forward to working with the Committee to leverage research and technology to create a safe, resilient, and equitable transportation system. Thank you again for your consideration and for the opportunity for me to appear before you. I look forward to your questions.

[The prepared statement and biographical information of Dr. Hampshire follows:]

PREPARED STATEMENT OF DR. ROBERT C. HAMPSHIRE, NOMINEE TO BE ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY, U.S. DEPARTMENT OF TRANSPORTATION

Chair Cantwell, Ranking Member Wicker, Members of the Committee, I am truly honored to appear before you today as President Biden’s nominee to be the Assistant Secretary for Research and Technology at the U.S. Department of Transportation.

I’d like to thank my wonderful wife Alexandra Murphy, who is here today. She is a professor and a leading sociologist of poverty in the suburbs, and my rock. I’d like to acknowledge my sisters Natasha and Natalie, my brother Raymar, and my parents Robert and Linda Hampshire, whose great migration from Mobile, Alabama to Lima, Ohio is my model for faith, hope, and love in action. President Biden and Secretary Buttigieg—thank you for your confidence in me.

Prior to January 20th, I was an associate professor at the Gerald R. Ford School of Public Policy and the University of Michigan Transportation Research Institute (UMTRI). There, I led a large a multi-disciplinary team studying how transportation systems impact the environment and equitable access to opportunities.

I am quite familiar with the research and technology programs at the Department of Transportation. Over my career, I’ve received funding from two University Transportation Centers (UTCs), funding from the Federal Highway Administration, the DOT Small Business Innovation Research (SBIR) program, the Federal Transit Administration, and the National Highway Traffic Safety Administration. Additionally, at UMTRI, I conducted research on connected vehicles and infrastructure with the support of the Intelligent Transportation Systems Joint Program Office (ITS JPO).

I’ve had the honor of working at some of the most innovative research organizations in the world, including Bell Laboratories, IBM T.J. Watson Research Laboratories, Carnegie Mellon University, and visiting positions at the Massachusetts Institute of Technology and the Institute for Advanced Studies at Princeton University. From these experiences, I’ve learned not only science and engineering excellence, but also the culture, mentoring, and community-building aspects of leading-edge research institutions. Since January, it has been an honor to lead a diverse, experienced, and seasoned workforce already in place in the Office of the Assistant Secretary. Should the honor be extended to me through this confirmation process, I am confident my experiences and knowledge to lead this team of dedicated public servants will ultimately benefit the present and future of our entire transportation system.

COVID–19 has shed light on many challenges facing our Nation, including our transportation system. Last year, we saw an increase in the number of roadway fatalities, even though there were fewer people driving. People, especially those in underserved areas, faced challenges accessing work, food, health care, and vaccination centers. We witnessed a dramatic change in commuting behavior due to a divide between those able to work from home, and those deemed too essential to work from home.

As we emerge into a post-COVID transportation landscape, our policy goals are to create a safer, more resilient, and equitable transportation system for the American people. Deploying the intellectual firepower of DOT research and technology is key to tackling these challenges and ensuring we are prepared for many more. Our DOT Research and Technology agenda is in service of our policy goals—by growing a diverse transportation workforce while fostering a learning environment; supporting public-sector experimentation and providing lessons learned from innovation deployment; early-stage research projects; and growing system-wide interoperability between innovations and fostering cross-modal integration. In accordance with the President’s memorandum on “Restoring Trust in Government
Through Scientific Integrity and Evidence-Based Policymaking," I am committed to leading DOT research in a way that builds trust and relies on evidence and facts. Earlier this year, the President released the American Jobs Plan, aimed at fixing highways, rebuilding bridges, and upgrading ports, airports and transit systems. This is a once-in-a-century capital investment in America to not only meet our current infrastructure needs but also invest in transformative research and development programs. These investments will improve safety. They will advance equity by providing better jobs and better transportation options to underserved communities—including communities of color and rural communities. They will reduce the impacts of climate change by using more sustainable materials and strengthen the Nation’s resiliency to natural disasters. These investments will allow us to expedite our response to the climate crisis and move to a clean energy economy. I look forward to working with this committee to leverage research and technology to create a safe, resilient, and equitable transportation system for the American people.

Thank you again for your consideration and for the opportunity to appear before you. I look forward to your questions.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used):
   Robert Cornelius Hampshire.

2. Position to which nominated: Assistant Secretary for Research and Technology, Department of Transportation.


4. Address (List current place of residence and office addresses):
   My current residence and office address are the same.

5. Date and Place of Birth: 8/30/78; Lima, OH.

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).
   Alexandra K. Murphy, Assistant Professor, University of Michigan.
   No children.

7. List all college and graduate degrees. Provide year and school attended.
   2001–2007
   Princeton University

   1996–2001
   University of Cincinnati
   Bachelor of Science in Electrical Engineering

8. List all post-undergraduate employment, and highlight all management level jobs held and any non-managerial jobs that relate to the position for which you are nominated.
   • 2000 Bell Laboratories—Lucent Technologies—Research Intern
   • 2003 T.J Watson Research Labs—IBM—Research Intern
   • 2004 T.J Watson Research Labs—IBM—Research Intern
   • Fall 2006—2012, 2012–2014—Carnegie Mellon University Assistant Professor—Heinz College of Public Policy and Management
   • 2012–2013—Massachusetts Institute of Technology—Visiting professor—Engineering Systems Division
   • 2014–2018 University of Michigan, Transportation Research Institute, Research Assistant Professor
   • 2018–Jan 19, 2021 University of Michigan, Gerald R. Ford School of Public Policy, Associate Professor

9. Attach a copy of your resume.
   See attached.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years. None.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership,
or other business, enterprise, educational, or other institution within the last ten years.

Go-Op LLC, partner, 2010–2013

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.) Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

Institute of Operations Research and Management Science (INFORMS): 2001 to present, member
Transportation Research Board—2007 to present, member

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt. No.

14. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities.

- 2020—Volunteered for the Michigan Democratic Party to count mail in and absentee ballots in Michigan.

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $200 or more for the past ten years.

All entries here are the result of electronic searches (e.g., FEC.gov) and reflect the best of my recollection. Should any additional contributions be identified, I will promptly let the Committee know.

2011—Barack Obama, U.S. Presidency: $200
2019—Morgan Harper, U.S. Congress, Ohio: $100
2020—Gary Peters, Senate, Michigan: $50

16. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

2012—National Science Foundation, CAREER Award
2012—National Academies of Engineering, Frontiers in Engineering
2011—Intelligent Transportation Society of America (ITS) Spotlight Award: ParkPGH
2011—National Academies of Engineering, Frontiers in Engineering Education

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

Publications

Please see my CV for the most up-to-date list of publications—to the best of my ability. If additional publications are identified following the submission of this questionnaire, I will promptly let the Committee know.

Speeches

Please see my CV for the most up-to-date list of speeches and non congressional hearings I have been able to compile—to the best of my ability. If additional speeches or remarks are identified following the submission of this questionnaire, I will promptly let the Committee know.

18. List digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the name of an “alias”
or "handle" you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

- Twitter—https://twitter.com/roberthampshire
- Facebook—https://www.facebook.com/robert.c.hampshire
- LinkedIn—https://www.linkedin.com/in/robert-c-hampshire-285345107/ and linkedin.com/in/robert-hampshire-553bl8la0
- Instagram—roberthampshire

19. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony. None.

20. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I believe that my background as a researcher and professor working in the field of innovative transportation systems and policy qualifies me for this appointment. I have conducted research and published articles on many of the areas of responsibility for the Office of Research and Technology including: connected and automated vehicles, car sharing, ridesharing, and bike sharing; pedestrian and bicycle safety models and equity analysis of transportation systems. Furthermore, I am familiar with and have been associated with 2 U.S. DOT funded University Transportation Centers (UTCs).

21. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

If confirmed, it is my responsibility to ensure that the Office of Research and Technology is complaint with all of the relevant statues governing budgeting, accounting, performance management, and financial responsibility. I have led many funded research project teams over my career as a professor and researcher. This included responsibility for financial management and compliance. This experience includes large project teams with members from academy, non-profits, and the public sector.

22. What do you believe to be the top three challenges facing the department/agency, and why?

The Department of Transportation’s number one priority is the safety of the traveling public. Hence, the top challenge for the Department of Transportation is reducing the number of people that die in crashes. Reducing crashes is more difficult than it seems. For example, the fatal crash rate increased during COVID despite many fewer people travelling.

The second challenge is ensuring that the transportation system connects all people and communities to opportunity. This is a difficult challenge to overcome due to the many unique and diverse needs and circumstances of the America people; from rural to urban communities.

The third challenge is creating jobs and supporting economic growth. We must ensure that our formula and discretionary grant programs, research and innovation, and regulatory activities are targeted to both improve the performance of the transportation system and to have the highest benefit for equitable economic growth and job creation.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

I maintain retirement accounts from Carnegie Mellon University and the University of Michigan. Neither I or these institutions will contribute to these accounts during the term of my Federal employment.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.

I am currently on leave from my tenured faculty position at the University of Michigan. The University is not paying me, nor contributing to my retirement account while I serve in my current role within DOT.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.
In connection with the nomination process, I have consulted with the Office of the Government Ethics and the Department of Transportation’s Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement I have entered into with DOT’s Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of the Government Ethics and the Department of Transportation’s Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement I have entered into with DOT’s Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of the Government Ethics and the Department of Transportation’s Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement I have entered into with DOT’s Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

6. Describe any activity during the past ten years, including the names of clients represented, in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy. None.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? No.

If yes:
   a. Provide the name of agency, association, committee, or group;
   b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
   c. Describe the citation, disciplinary action, complaint, or personnel action;
   d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain. No.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain. No.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense? If so, please explain. No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain. No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination. None.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority? Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.
3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

RéSUMÉ OF ROBERT C. HAMPSHIRE

FORD SCHOOL OF PUBLIC POLICY

NAME
Robert C. Hampshire
hamp@umich.edu

RESEARCH AREAS
I study how transportation impacts access to opportunities using the tools of data science, operations and systems research. This includes the management, operations and public policy of smart cities, on-demand transportation, connected and automated vehicle systems, pedestrian and bike safety models, smart parking systems, and shared mobility systems.

EMPLOYMENT HISTORY

NAME
Robert C. Hampshire
hamp@umich.edu

RESEARCH AREAS
I study how transportation impacts access to opportunities using the tools of data science, operations and systems research. This includes the management, operations and public policy of smart cities, on-demand transportation, connected and automated vehicle systems, pedestrian and bike safety models, smart parking systems, and shared mobility systems.

EMPLOYMENT HISTORY

September, 2018 -
Associate Professor (with tenure)
Executive Committee member
Gerald R. Ford School of Public Policy
Department of Industrial and Operations Engineering
University of Michigan
- Leadership management:
  - Executive Committee member
  - Co-lead Diversity, Equity, and Inclusion
  - Science, Technology, and Public Policy committee member
  - Task Force on Excellent Teaching

September, 2018 -
Research Associate Professor
Transportation Research Institute (UMTRI)
Michigan Institute for Data Science (MIDAS)
University of Michigan

September, 2014 - August, 2018
Research Assistant Professor
Transportation Research Institute
University of Michigan

January, 2007-2014
Assistant Professor of Operations Research and Public Policy
H. John Heinz III College
Carnegie Mellon University

June, 2012 - June, 2013
Visiting Assistant Professor
Engineering Systems Division
Massachusetts Institute of Technology
## EDUCATION

2001-2007  
Princeton University  
Ph.D. Operations Research and Financial Engineering  
Dissertation Title: Dynamic Queueing Models for the Operations Management of Communication Services  
Thesis advisor: Prof. William A. Massey

1996-2001  
University of Cincinnati,  
Bachelor of Science in Electrical Engineering, Minor Degree-Mathematics

## AWARDS/HONORS

- 2018 Summer Fellow, Institute for Advanced Studies (IAS), Princeton University  
- 2017 - National Association of Mathematicians (NAM) Blackwell Lecture  
- 2012 - National Science Foundation, CAREER Award  
- 2012 - National Academies of Engineering, Frontiers in Engineering  
- 2011 - Intelligent Transportation Society of America (ITSA) Spotlight Award: ParkPool  
- 2011 - National Academies of Engineering, Frontiers in Engineering  
- Education  
- 2008 - INFORMS Telecommunications Dissertation Award Finalist

## MEMBERSHIP IN SOCIETIES

- Institute for Operations Research and Management Science (INFORMS) –  
  - Minority Issues Forum, Program Chair 2009-2012  
  - Applied Probability Society  
  - Public Sector Applications, Program Chair, 2013.

- Transportation Research Board (TRB)  
  - Member of AP020: Emerging and Innovation Transportation committee

- Conference for African American Researchers in the Mathematical Sciences (CAARMS)  

## PUBLICATIONS

Peer-Reviewed Journal Papers - Under Review (* student adviser)


2. S. Palomo and Jamel Pender, William Massey and Robert C. Hampshire, Hardening the Curve: Insights From Queueing Theory, *Probability Engineering and Information Science (PEIS)*, under review
39

Peer-Reviewed Journal Papers (* student adviser)


Peer-Reviewed Conference Papers

32. Kayila Cantelli, Shanna Daly, Matt Reed, & Hampshire, R.C. Strategies and Barriers to Addressing Equity in Transportation: Experiences of Transportation Practitioners (2021), Transportation Research Board 101th Annual Meeting.
41

Robert C. Hampshire – 2020 CV


Peer-Reviewed Abstracts

Technical Reports


Books and Book Chapters


Other Publications


Working Papers


Patents

RESEARCH FUNDING


2. NSF RAPID: Improving Transportation Equity to Enhance Food Security for Families Vulnerable to COVID-19, National Science Foundation (01/20-12/31/20), $160K, Principal Investigator.

3. Addressing the Need and Identifying the Root Causes of the Intersection of Food and Transportation Insecurity: The City of Detroit Food Delivery Program (Re)Design, Poverty Solutions, Project Development Grant, $90,000, Principal Investigator.

4. Public Interest Technology: Career paths and constraints faced by persons of color, New Venture Fund, 10/19-12/31/2020, $179,387, Principal Investigator.

5. Parking Cruising Analysis Methodology, Federal Highways Administration, 8/19-9/30/2021, $194,700, Principal Investigator.

6. Automated Driving System Demonstration Grant, US DOT, $7.5M, Co-PI

7. RISE: C-Accel Pilot: Track AI Open Knowledge Network for Equity in the Era of Driverless Vehicles, National Science Foundation, 9/1/19 – 5/31/21, $94K, Principal Investigator.

8. Framework for Integrative Data Equity Systems (VIDES), National Science Foundation, $2M, Senior Personnel

9. First Last Miles Solutions for Cryptocurrencies in the Developing World, Ripple (Internal grant), $56K.

10. Targeted Real world interaction Heatmap II, Metcy Leadership Circle Tailored Project, 7/18-12/18, $247K, Principal Investigator.


15. RAPID/Cooperative Research: Measuring the Impact of the Re-entry of Ride Sharing in Austin, Texas: A Natural Experiment, Texas, National Science Foundation, 09/17-03/18, $25K, Principal Investigator.

16. First-last mile connections for ride-hailing services and bikeshare: A multimodal approach, DiDi, 7/17-7/18, $19K, Principal Investigator.


19. Driver and Bicyclist Interactions and Communications using Existing Large-scale Naturalistic Driving Data, Toyota Research Institute (TRI), 1/17-12/17, $140K, co-Principal Investigator.


21. Building a Transportation Data Ecosystem for Data Science Research and Applications, Michigan Institute for Data Science (MIDAS), 7/16-7/19, co-Principal Investigator, $49K.

22. Reinventing Urban Transportation and Mobility, Michigan Institute for Data Science (MIDAS), 7/16-7/19, co-Principal Investigator, $28K.

23. Pedestrian and Bike Scalable Risk Assessment Methodology, Texas A&M Transportation Institute/FHWA Safety I30(5 Task Order 16-04, 5/16-5/20), $96K, co-Principal Investigator.
24. Pedestrian and Bicycle Safety Models, Michigan Department of Transportation, (0/16-4/18), $200K $502K, Principal Investigator.
30. Risk Management and Modeling for Healthcare Services and Sustainable Transportation, National Science Foundation, (5/14-9/15), $400K, Co-PI.
32. I-Corps: Prediction Services for the Smart City, National Science Foundation I-Corps, (4/15-1/16), $80K, PI.
33. CAREER: Smart Mobility: Operations and Policy, National Science Foundation, (4/11-9/16), $400K, PI.
34. Technologies for Safe and Efficient Transportation, USDOT University Transportation Center (Co-PI), $5.5M. – FSET, TRT # 07T123171, 2012.
35. ParkPGH.org Smart Parking system for downtown Pittsburgh, Hillman Foundation, (2010-2011), $90K, PI.
38. Joint Pricing and Capacity Planning for On-Demand Services, IBM Faculty Research Grant, $40K, 2009.

TEACHING/MENTORING

Dissertation Committees

   a. Accepted position at Ford Motor Company.
2. Chair - Tayo Fabunmi, Engineering and Public Policy, Carnegie Mellon University, successfully defended November 2016.
   • Accepted research fellow position at University of Michigan Transportation Research Institute.
3. Co-Chair - LuC Qi – Industrial and Operations Engineering, University of Michigan, defended.
   i. Accepted position at Cornell University
   ii. Accepted faculty position at Clemson University
   • Accepted faculty position at SUNY Buffalo School of Business
5. Member - Shannon Harris, Katz School of Business, University of Pittsburgh, successful defense, July 2016.
6. Member - Jean Kang-Ching, Mechanical Engineering, University of Michigan, successfully defended, 6/16
   - Accepted research fellow position at University of Michigan Transportation Research Institute
7. Member - Stephen Zofel – member, Massachusetts Institute of Technology, Engineering Systems Division, successfully defended May 2015
   - Accepted position at DOT Volpe
8. Changmi Jung, member, Carnegie Mellon University, Public Policy and Management, defense date July 31, 2013

Independent Study Supervision
1. (2017-) Alian Wei, Master of Business Administration, Ross School of Business, Tepper Institute
2. Kritika Rastogi, Master of Business Administration, Ross School of Business, Tepper Institute.
3. (2017-) Jai Hari Raja Jayakumar, Master of Business Administration, Ross School of Business
4. (2017-) Varun Kapoor, Master of Business Administration, Ross School of Business
5. (2017-) Igor Gromov, Master of Business Administration, Ross School of Business
10. (2016) Xinxi Wu, Bachelor of Science in Industrial and Operations Engineering
12. (2016) Caleb Hegg, Bachelor of Science in Mathematics
17. University of Michigan UROP Mentor Honorable Mention Award,

Other Student Mentoring
List other students you are mentoring in research, their academic department, and the students level (e.g., graduate, undergraduate, doctoral candidate, etc.)
1. (2017-) Adam Hall, University of Michigan, Ph.D in statistics

Classroom Teaching

SERVICE

Institutional Service – i.e., within UMTRI-U-M (List committees and subcommittees on which you are serving or have served and the years in which you served)
1. ADVANCE Faculty Leading Change Committee
2. UMTRI – Promotions and Appointment Committee
3. UMTRI – Library Committee
4. Met with 6 job candidates – 2015
5. M-STEM Academy Panel Participant – August 2015

External to UMTRI-U-M

Technical Committees/Journals (List your role, the name of the committee/journal, etc., and years served)
1. Public Sector Operations Research (FSOR), Best Paper Committee, INFORMS, 2020
2. INFORMS Nicholson Best Student Paper Competition, Committee, 2018-2020
3. TRB Member of the Transportation Research Board, AP/GO, Emerging and Innovation Transportation committee, 2016-2018

Organizer/Chair of Conferences, Technical Sessions, etc
1. Session Co-Chair – Autonomous Vehicle Symposium, Ypsilanti, MI, 2015
2. TRF Member of the Transportation Research Board, AP/GO, Emerging
   and Innovation Transportation committee, 2010-2015
3. INFORMS Applied Probability Conference, Program Committee, 2013
4. Annual INFORMS Conference, Session Chair, 2002
5. Annual INFORMS Conference, Session Chair, 2009
6. INFORMS Applied Probability Conference, Program Committee, 2009
8. Annual INFORMS Conference, November 2008
10. Annual INFORMS Conference, November 2007

Advising
1. Transportation Research Board (TRB) Panel SH-27 on "Public Transit and Hilesharing," which is being conducted under the Transit Cooperative Research Program (TCRP) Synthesis Studies, September 26, 2016
2. Scientific Advisory Board Member: Francisco Metropolitan Transportation Authority, SHPARK
3. Democratic Change Commission. Appointed by the Governor of Virginia and Chairman of the National Democratic Party
Organizer/Chair of Conferences, Technical Sessions, etc. (list role, years, and name of conference/session)
1. TRB: Member of the Transportation Research Board, AP20, Emerging and Innovation Transportation committee, 2010-2014
2. INFORMS Applied Probability Conference, Program Committee, 2013
3. Annual INFORMS Conference, Session Chair, 20012
4. Annual INFORMS Conference, Session Chair, 2011; Shared Mobility Cluster
5. Annual INFORMS Conference, Session Chair, 2009
6. INFORMS Applied Probability Conference, Program Committee, 2009

Peer-Reviewed Journals (List your role, journal name, and years served)

Contract/Grant Reviewer (List name of funding organization and years served)
1. 2019 - TCRP SH55 Review Committee – Micromobility and Transit
2. 2017 - TCRP SH27 Review Committee – Bikeshare and Transit
3. National Science Foundation, CMMI review committee
The CHAIRWOMAN. Thank you, Dr. Ms. Petsonk, thank you so much for your willingness to serve in this capacity.

STATEMENT OF CAROL A. PETSONK,
NOMINEE TO BE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS,
U.S. DEPARTMENT OF TRANSPORTATION

Ms. PETSONK. Chair Cantwell, Ranking Member Wicker, committee members who may be listening, I am deeply honored to appear before you today——

The CHAIRWOMAN. Pull the microphone a little closer, yes.

Ms. PETSONK. Is that better?

The CHAIRWOMAN. Yes.

Ms. PETSONK. I am deeply honored to appear before you today as President Biden’s nominee for Assistant Secretary for Aviation and International Affairs at the Department of Transportation.

I would like to thank my husband, John Watts, who is with me here today. He is a wonderful public servant and a great dad to our fine son Nico, who is also here today. I would like to thank my extended family who are watching from home, and the government, industry, labor, academic, and non-governmental experts across aviation and international trade, with whom I have had the pleasure of working with over the years. I have so appreciated their expertise, perspectives, and time.

I am from a small town in Pennsylvania—Altoona, where our one gate airport was our family’s gateway to the country and to the world. I have a firsthand appreciation for this committee’s work to connect communities across America’s heartland to the national and global economy. Since January, when I began managing the Office of Aviation and International Affairs, I have dedicated myself to faithfully administering those Congressionally authorized programs that achieve this very mission—programs such as the Essential Air Service Program, the Small Community Air Service Development Program, and the enormously successful Open Skies initiative. Together, these support a safe, vibrant, efficient, competitive, and resilient aviation industry.

The portfolio of the Office touches on all the Department’s international activities. My experience in international affairs includes serving in the Office of the U.S. Trade Representative, the U.S. Department of Justice, the United Nations Environment Program, and the Environmental Defense Fund. I have participated in the interagency development of international climate and environmental policy, and worked with colleagues in the Departments of Justice, State, Defense, and USTR, litigating cases of strategic importance to our Nation. I have served as an expert observer in ICAO, the International Civil Aviation Organization, and helped develop the landmark CORSIA, or Carbon Offsetting and Reduction Scheme for International Aviation.

Looking ahead, as our Nation emerges from the pandemic, I am committed to working with Members of Congress and their staffs, consumers, labor organizations, industry, State and local stakeholders, and colleagues across Federal agencies toward a stronger, more resilient transportation system. Aviation, particularly sustainable aviation, can expand our base of great jobs. We can un-
leash innovation to create new opportunities for rural communities, for historically disadvantaged communities. We can safely integrate drones into the national airspace, and address climate change through measures like those that encourage sustainable aviation fuel.

The Commerce Committee, the Congress, and the American people have provided extraordinary assistance to the aviation industry in its hour of need. Our challenge now is to bring the economy safely out of the COVID crisis, help our Nation’s transportation systems navigate the new normal, and deliver the infrastructure upgrades that are so essential to their success.

As more Americans get vaccinated, we are seeing significant increases in domestic travel. But our international partners are also eager to open travel with us. With safety as our north star, the Department must lead. The incredibly dedicated team in the Office of Aviation and International Affairs is applying its expertise every day toward the goal of enabling Americans to reconnect safely, here at home and with the world. We are focused on fairness, countering discriminatory actions, and pressing other countries to provide a level flying field for U.S. carriers and U.S. workers.

I came to the Department inspired by my father, a brilliant electrical engineer and a pilot. He instilled in me a love and awe of flight and a deep desire to make things work for people. Both my parents were deeply public-service-oriented. Their words still ring true for me, ?You owe a debt to society. You owe a debt to our country.? Serving as Assistant Secretary of Transportation for Aviation and International Affairs would be the opportunity of a lifetime to repay that debt.

If I have the honor of being confirmed, I vow to work with you—with this committee to strengthen the aviation and international transportation, with a goal of improving results and opportunities for the American people.

Thank you again for the opportunity. I look forward to your questions.

[The prepared statement and biographical information of Ms. Petsonk follow:]

PREPARED STATEMENT OF CAROL A. (“ANNIE”) PETSONK, NOMINEE TO BE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS, U.S. DEPARTMENT OF TRANSPORTATION

Chair Cantwell, Ranking Member Wicker, Members of the Committee, I’m deeply honored to appear before you today as President Biden’s nominee for Assistant Secretary for Aviation and International Affairs at the U.S. Department of Transportation.

I’d like to thank my husband John Watts, who is with me here today. He is a wonderful public servant and a great dad to our fine son Nico, who is also here today. I’d like to thank my extended family who are watching from home. I also want to thank the government, industry, labor, academic, and non-governmental experts across the aviation sector and in international and trade law with whom I have had the pleasure of working over the years—I’ve so appreciated their expertise, perspectives, and time.

I grew up in the small town of Altoona, Pennsylvania, where our one-gate airport was our family’s gateway to the country—and the world. As a result, I have first-hand appreciation for this Committee’s work to connect communities across America’s heartland to the national and global economy. Since January, when I began managing the Office of Aviation and International Affairs, I have dedicated myself to faithfully administering those Congressionally-authorized programs that achieve this very mission—programs such as the Essential Air Service Program, the Small
Community Air Service Development Program, and the hugely successful open-skies initiative. Together, these programs support a safe, vibrant, efficient, competitive, and resilient aviation industry.

Of course, the portfolio of the Office touches on all the Department’s international activities across the modal administrations. My experience in international affairs includes serving in the Office of the U.S. Trade Representative (USTR); the U.S. Department of Justice; the United Nations Environment Programme (Nairobi); and the Environmental Defense Fund (EDF).

In my previous Federal government service, I participated in the interagency development of international climate and environmental policy, and worked with colleagues in the Departments of Justice, State, Defense, and the U.S. Trade Representative litigating cases of strategic significance to the Executive Branch. I’ve also served as an expert observer member of International Civil Aviation Organization (ICAO) committees, helping develop standards for implementing the landmark Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA).

Looking ahead, we must address major challenges as our Nation emerges from the pandemic. I am committed to working across the spectrum—with Members of Congress and their staff, consumers, labor organizations, industry, state and local stakeholders, and our colleagues across Federal agencies—to find pathways to a stronger, more resilient transportation system. I believe that aviation—particularly sustainable aviation—can expand our base of great jobs. We can unleash innovation to create new opportunities for rural and historically disadvantaged communities, safely enable the integration of drones into the airspace, and address climate change through measures such as those which incentivize greater use of sustainable aviation fuel.

The Commerce Committee, the Congress, and the American people have provided extraordinary assistance to the aviation industry in its hour of need. Our challenge now is to bring the economy safely out of the COVID crisis, help our Nation’s transportation systems navigate the new normal, and deliver the infrastructure upgrades that are so essential to their success.

As more and more Americans get vaccinated, we’re seeing significant increases in domestic travel, but our international partners are also eager to open travel with us. With safety as our north star, the Department must lead. I assure you that the dedicated team in the Office of Aviation and International Affairs is applying its expertise every day toward the goal of enabling Americans to reconnect safely—here at home and with the world. And we’re focused on fairness—countering discriminatory actions and pressing other countries to provide a level flying field for U.S. carriers and their workers to compete.

I came into the Department inspired by my father, who was a brilliant electrical engineer and a pilot. He instilled in me a love and awe of flight and a deep desire to make things work for people. Both my parents were deeply public-service-oriented. They impressed this ethos on us over and over again with words that still ring true for me: “You owe a debt to society. You owe a debt to our country.” Serving as Assistant Secretary of Transportation for Aviation and International Affairs would be the opportunity of a lifetime to repay that debt.

If I have the honor of being confirmed, I vow to work with this committee to strengthen the aviation and international transportation industries and their workforces, with a goal of improving results and opportunities for the American people. In closing, thank you again for your consideration and the opportunity to appear before you. I look forward to your questions.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Carol Annette (“Annie”) Petskonk
2. Position to which nominated: Assistant Secretary for Aviation and International Affairs, U.S. Department of Transportation
3. Date of Nomination: April 28, 2021
4. Address (List current place of residence and office addresses):
   Residence: Information not released to the public.
   Office: 1200 New Jersey Avenue, SE, Washington, DC 20590.
5. Date and Place of Birth: March 5, 1957; Altoona, PA.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage):
   Spouse: John W. Watts, Senior Counselor, Office of Senator Dianne Feinstein
7. List all college and graduate degrees. Provide year and school attended.
   
   

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

   Managerial Experience:
   - U.S. Department of Transportation: Principal Deputy Assistant Secretary for Aviation and International Affairs, Washington, DC, January 2021 to present.

   Non-Managerial Experience:
   - University of Maryland Law School: Adjunct Professor, Baltimore, MD, 1993–1996.
   - American University: Adjunct Professor, Washington, DC, 1992.

9. Attach a copy of your résumé.
   
   See Attachment A.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years. None.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.

   - 2814 Pleasant Valley Properties, LLC—managing partner. (Family LLC owns a small commercial property in Altoona, Pennsylvania)
   - I am a trustee of the following family trusts:
     - Benjamin Eisdorfer Trust
     - Benjamin Eisdorfer 2011 Trust
     - Joshua Simon Petsonk Trust
     - Ariel Petsonk Trust
   - I was a trustee of the Hope Eva Eisdorfer Trust (this trust terminated in the past decade)

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other mem-
bership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.). Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

- Colorado Supreme Court Bar (inactive, dues-paying member), 1985 to present
- Massachusetts Bar (active, dues-paying member), 1984 to present
- Environmental Defense Fund (EDF), 1995–2020
- Hadassah (Life Member), 1974 to present
- The Nature Conservancy, 1996–2000 (approx.)
- Planned Parenthood, 2019–2021

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt. No.

14. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities. None.

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $200 or more for the past ten years.

See Attachment B for a list of contributions responsive to this request. All entries in the attachment are the result of electronic searches (e.g., Foxglove) and reflect the best of my recollection. Should any additional contributions be identified, I will promptly let the Committee know.

16. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

- Phi Beta Kappa, 1979.

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

See Attachment C. All entries in the attachment reflect the best of my recollection. Should any additional information be identified, I will promptly let the Committee know.

18. List digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the name of an “alias” or “handle” you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

LinkedIn: https://www.linkedin.com/in/annie-petsonk-29030011 (active account)

19. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.


20. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

My father was an electrical engineer and a pilot. He instilled in me a love and awe of flight, and a deep desire to make things work. I adored going with him to the small but mighty Altoona/Blair County Airport (symbol: AOO), where we went right out onto the tarmac to board the planes, which all departed from “Gate 1.”

I have great appreciation for the work of Congress in directing the Department to ensure that communities like Altoona are served through programs such as the Small Community Air Service Development Program (SCASDAP) and the Essential Air Services (EAS) Program. Having grown up in a small town but also lived overseas and worked in international negotiations, it’s particularly exciting for me that the work of the Department overseen by the Assistant Secretary of Transportation for Aviation and International Affairs spans the breadth of the Department’s international portfolio as well as the economic framework established by Congress to foster a vibrant and efficient U.S. aviation sector serving communities large and small.

My qualifications for this role include thirty-five years of experience working in International affairs, with more than twenty years in international aviation law and policy; two and half decades of teaching in the field of international law; and a half decade in the Executive Branch in international law-related positions that required close coordination with the Legislative Branch.

Throughout my career I have valued bipartisanship, from working on the Montreal Protocol on the Ozone Layer, championed by President Reagan’s Secretary of State, George Schultz, to helping develop a global approach to aviation emissions as called for in legislation spearheaded by Senators John Thune and John Kerry. I joined the Environment and Natural Resources Division of the U.S. Justice Department in 1990 to work under the leadership of Assistant Attorney General Richard B. Stewart, in the Administration of President George H.W. Bush. My experience at DOJ developing the Division’s international focus, coordinating with the Antitrust Division, litigating cases of international policy significance, reviewing every piece of proposed legislation touching international environmental considerations, representing the Department in interagency policy development, and—on detail to the U.S. Trade Representative’s office (USTR)—representing USTR on the U.S. delegation to the Earth Summit in Rio de Janeiro, gave me insights into and practical experience with the kinds of international negotiations, interagency processes, and relationships with Congress that are so crucial to DOT’s Office of Aviation and International Affairs. My work spanning UNEP, DOJ, USTR, and EDF, facilitating treaty negotiations, developing international instruments in aviation and other fields, and coordinating with committees of jurisdiction, including this Committee, have given me a depth of experience upon which to draw in leading and inspiring the work of the extraordinarily talented career staff at DOT.

I began in the field of aviation in the mid-1990s, coordinating with the National Aeronautical and Space Administration (NASA) on a series of meetings held in Virginia Beach, cosponsored by the FAA and international partners, to bring together distinguished scientists to identify and characterize the effects of the aerospace sector on the global atmosphere. Those meetings provided input into what became the first sectoral analysis undertaken by the Intergovernmental Panel on Climate Change, the 1999 IPCC Special Report on Aviation and the Global Atmosphere. I co-authored one of the first papers on the development, in ICAO, of a multilateral approach to addressing climate-damaging emissions—an approach that, to a considerable degree, has been incorporated into ICAO’s Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA), negotiated by State, FAA, and DOT pursuant to authority specified by Congress in 2012.

From 2013 to 2020, I participated as an expert observer in meetings of the International Civil Aviation Organization, including its Committee on Aviation Environmental Protection and its Assembly, on the development of CORSIA and its implementing provisions, a number of which address Sustainable Aviation Fuel (SAF). This experience with the work of ICAO and the role of the United States in ICAO, the aviation economic frameworks established by Congress, and the effect of disrupters like the COVID-19 crisis as—with the help of the Department, this Com-
mittee, and the Congress—the aviation sector seeks to recover and help the Nation and the world recover from the pandemic.

My experiences living in many different places in the United States and around the world, and working as a career Federal civil servant as well as in various other capacities, give me the ability to relate to the Department's diverse career staff to help them build on their terrific expertise and strengths as a team to further the mission of the Department.

My parents were deeply public-service-oriented. My father impressed on us over and over again, "you owe a debt to society." Serving as Assistant Secretary of Transportation for Aviation and International Affairs would be the privilege of a lifetime to try to repay that debt.

21. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

Upholding the Department's integrity is the solemn responsibility this Committee has entrusted to the senior leadership of the Department of Transportation.

It's an honor to build together with the extremely well qualified and highly professional team of dedicated civil servants at the Department to ensure that the Department has the proper controls and so maintains the trust of the American people, the Congress, and this Committee.

If confirmed, my previous experience coordinating international matters across the "largest environmental law firm in the country"—the U.S. Department of Justice's Environment and Natural Resources Division—and directing a multimillion dollar program with full-time staff and consultants in a challenging and fast-paced environment at EDF, will stand me in good stead in managing the Office of Aviation and International Affairs at DOT.

22. What do you believe to be the top three challenges facing the department/agency, and why?

Safety is and must always be the Department's North Star. The Office of Aviation and International Affairs must work closely with the other offices and modes to help advance the application of new technologies while maintaining the highest levels of safety. In evaluating the economic aspects of these new technologies, from electrification to unmanned aircraft systems to automated and connected vehicles, it's a privilege to work with the top-notch professionals in the Office of Aviation and International Affairs. If confirmed I would be grateful to continue and extend our work to further the efficiency and effectiveness of our transportation system.

The Department plays an important set of roles in COVID recovery, from instituting measures to safeguard our Nation's transportation systems, including our air transport system, to helping make vaccines widely available for transportation workers and the broader public.

Congress has taken extraordinary steps to help the aviation sector recover from the gut-punch of the pandemic. How customer needs for transportation will change in response is not yet clear. We in the Office of Aviation and International Affairs must work closely with the sector, maintaining clear lines of communication with interested consumer, labor, and industry stakeholders, to help the sector anticipate and adapt to the new normal.

That will also entail helping the sector in its efforts to place climate and equity at the core of its rebuilding. The aviation sector recognizes that these are crucial to its long-term durability. We are seeing companies make new commitments and seek new partnerships with the Federal government. If confirmed, I would be honored to use my experience at the intersection of aviation, climate, and international affairs to help lead the sector to a more sustainable recovery.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

My arrangements are fully described in Part 3 of my Public Financial Disclosure Report.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain. No.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated, explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's Designated Agency Eth-
ics Official to identify any potential conflicts of interest. Any potential conflicts of interest will continue to be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department’s Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any potential conflicts of interest.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation’s Designated Agency Ethics Official to identify any potential conflicts of interest. Any potential conflicts of interest will continue to be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department’s Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any potential conflicts of interest.

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation’s Designated Agency Ethics Official to identify any potential conflicts of interest. Any potential conflicts of interest will continue to be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department’s Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any potential conflicts of interest.

6. Describe any activity during the past ten years, including the names of clients represented, in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

In 2012, I testified in Congress opposing, or in the alternative recommending modifications of, S. 1956, in order to ensure that the liability incurred by U.S. airlines if they were prohibited from complying with European law, would not fall on U.S. taxpayers. In response, Senator Benjamin Cardin introduced an amendment to the bill, which was adopted, to ensure that U.S. taxpayers would not face that liability.

In March 2020, I recommended that in enacting legislation to provide payroll support to U.S. airlines suffering the impacts of the pandemic, Congress consider not only placing minimum air service obligations on airlines, but also committing the carriers to limit and reduce their greenhouse gas emissions. This recommendation was not adopted; however, in March 2021, U.S. airlines announced a commitment to net-zero emissions by 2050, provided the U.S. government supports them in meeting that commitment.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? If yes:
   a. Provide the name of agency, association, committee, or group;
   b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
   c. Describe the citation, disciplinary action, complaint, or personnel action;
   d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

   No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain. No.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain. No.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense? If so, please explain. No.
5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain. No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination. None.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority? Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.
Carol A. (Annie) Petsunk
Principal Deputy Assistant Secretary for Aviation and International Affairs, U.S. Department of Transportation

Work: carol.petsunk@dot.gov Mobile: +1-202-924-4208

Personal: U.S. Citizen, Resident of Washington, DC, USA

Annie Petsunk is Principal Deputy Assistant Secretary for Aviation and International Affairs at the U.S. Department of Transportation. An internationally recognized expert on aviation and climate policy, Annie is also a member of the adjunct faculty of the George Washington University Law School. She previously served in the Office of the U.S. Trade Representative (USTR); the U.S. Department of Justice; the United Nations Environment Programme (UNEP); the Environmental Defense Fund (EDF), a non-governmental, non-partisan, non-profit advocacy organization that links science, economics and law to create innovative, equitable, cost-effective solutions to environmental problems; and the private bar.

During her previous federal government service, Annie participated in the interagency development of international climate and environmental policy, and worked with colleagues in the Departments of Justice, State, and Defense and the U.S. Trade Representative litigating cases of strategic significance to the Executive Branch. At EDF she focused on developing policy at the aviation-climate nexus, working to design and implement legal frameworks that tap human ingenuity and the power of economic incentives to encourage companies, countries, and communities to protect the environment. She served as an expert observer member of the Committee on Aviation Environmental Protection (CAEP) of the International Civil Aviation Organization (ICAO), helping develop standards for implementing the landmark Carbon Offset and Reduction Scheme for International Aviation (CORSIA). She has helped pioneer the idea of “carbon clubs” to advance climate action, and identified how such clubs can maximize synergies and minimize conflicts between environmental protection and the multilateral trade system, assist local communities, foresters and farmers via environmental compensation systems, and build on behavioral economics to achieve effective climate policy. She has testified in the U.S. Senate and the U.S. House of Representatives, and authored and co-authored more than seventy articles, book chapters, presentations, blogs, and submissions to the UN Framework Convention on Climate Change, and is frequently quoted in the press.

Annie is committed to engaging students and helping further colleagues’ professional development. She is a frequent speaker at universities and other institutions across the United States and around the world, has mentored dozens of students and junior staff, has designed and led programs for mid-career professionals, and works with junior and senior staff in civil society and in a wide range of companies to generate creative ideas for reducing corporate carbon footprints cost-effectively.

She is a graduate of Harvard Law School and of The Colorado College, which also awarded her an honorary degree. She is married to John Watts. They have one son, Nicholas.
Annie Petroski: Education

2003  Honors Class; The Colorado College.
1984  J.D. cum laude; Harvard Law School; Member, Administrative Board, Vice Chair, Board of Student Advisors; Teaching Assistant, Federal Litigation and Legal Writing.
1979  B.A., Biology, magna cum laude; The Colorado College; Phi Beta Kappa.

Annie Petroski: Employment

U.S. Department of Transportation, Washington, DC, January 2021 – present, Principal Deputy Assistant Secretary and Acting Assistant Secretary for Aviation and International Affairs. The Office of Aviation and International Affairs carries a broad portfolio of responsibilities covering domestic and international aviation, international trade, and a range of other international cooperation and facilitation issues. The Office of Aviation and International Affairs includes two principal jurisdictions: domestic and international aviation. The Office contributes directly to accomplishing DOT’s strategic goal of economic growth and trade, and advances America’s economic growth and competitiveness domestically and internationally through efficient and flexible transportation. The Office develops and coordinates Departmental policies in a wide spectrum of domestic and international aviation issues. The Office has three primary goals: liberalizing international air services by seeking market liberalization, ensuring the benefits of a deregulated, competitive domestic airline industry, and developing policies to improve air service and/or access to the commercial aviation system for small and rural communities. The Office of Aviation and International Affairs, a branch of the Office of the Secretary, was formally chartered in 1963, when the Department of Transportation separated aviation and international trade from other transportation policy issues.

International Counsel, the Environmental Defense Fund, Washington, DC, 1995 – January 2021. Strategic and thought leadership of EDF multi-disciplinary teams (scientists, economists, lawyers) designing, implementing, and evaluating legal instruments that tap economic and market forces to cap and cut greenhouse gas emissions, including the Paris Agreement; the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) adopted by the UN’s International Civil Aviation Organization (ICAO); the Kyoto Protocol on Climate Change; the European Union Emissions Trading System programs to Reduce Emissions from Deforestation and Degradation (REDD+); climate bills and regulations in the United States and abroad. Expert observer member of ICAO’s Committee on Aviation Environmental Protection (2003-present). (CAEP formulates environmental standards for international aviation). Initiated and implemented a wide range of partnerships with industry, agriculture, civil society, and academia. Advise on trade and environment issues, including advice to ICAO members of U.S. Trade Policy committee. Strategic and thought leadership for development of the Panama Declaration and subsequent negotiation of a legally enforceable agreement for dolphin-safe tuna fishing in the Eastern Tropical Pacific Ocean. Mentor junior staff. Management: Aviation team lead, 2013-2021. Established EDF’s Aviation team; hired and managed team members; developed, executed, and supervised consultant contracts. Multilateral climate lead (1995-2007). Organized, managed, and led EDF team’s advocacy in the UN Framework Convention on Climate Change (UNFCCC). Budget & Fundraising: Develop annual budgets with team, develop successful grant proposals totaling millions of dollars, including grants from U.S. Department of Energy.

Trial Attorney, Policy, Legislation and Special Litigation Section, Environment and Natural Resources Division, United States Department of Justice, Washington, DC, 1999-95. Under Assistant Attorney General Richard Stewart, initiated and provided strategic and thought leadership for the Division’s international environmental work. Advised attorneys in five litigating sections on international aspects of their cases; coordinated international environmental work across Sections and with other Divisions of DOJ. Represented the Division in interagency processes developing market-oriented climate policy and trade and environment. Legislation: Reviewed and coordinated DOJ comments on all legislative proposals addressing international


Associate, Holme, Roberts & Owen, Denver, CO, 1985-86. Hazardous waste litigation, including the Rocky Mountain Arsenal litigation (at that time, the largest Superfund case in the United States).

Annie Petranek: Additional employment

Law Clerk to the Hon. Benjamin V. Kaplan, Massachusetts Appeals Court, Boston, 1984-85.
Annie Petsas: Academic Experience


Adjunct Professor, University of Maryland Law School, 1993-96.

Adjunct Professor, American University, 1992. Co-designed, co-taught, and co-led semester program on sustainable development, including 3-week academic and community service program in East Africa.


Environmental Markets University, Moscow, Russia, Delhi, India, and Bentonville, Arkansas, 2001-2003. Designed and led inter-disciplinary programs for mid-career professionals.

Member, the Administrative Board, Harvard Law School, Cambridge, MA, 1982-1984. By vote of the faculty, the Administrative Board, comprised of three faculty, three students, and three administrators, is responsible for student disciplinary matters and exceptions to faculty and administrative rules.

Annie Petsas: Professional Associations and Qualifications

Bar admissions: Massachusetts, Colorado, U.S. Court of Appeals for the D.C. Circuit.

Member, Editorial Board, Carbon and Climate Law Review (CCLR) (until 2021).

American Bar Association (ABA). Invited lecturer in continuing legal education programs.


Language: Conversational French, Spanish, and Kiswahili.

Interests: Skiing, kayaking, running, biking, birding, singing, cooking, with family & friends.
Annie Petroski: Invited Congressional Testimony


- European Union's emissions trading system
- https://www.commerce.senate.gov/2012/06/un/european-union-emissions-trading-system

- Summary available at: https://www.eiff.org/sites/default/files/EDF_Petroske_Senate_Testimony_EU-ETS-Aviation_0000.pdf


Annie Petroski: Publications, Invited Presentations, Blogs and Podcasts


- https://www.eiff.org/media/aviation-body-approves-environmental-provisions-airline-climate-program

- "Trump EPA isdring Aviation Pollution," EDF statement from Annie Petroski, International Counsel
- https://www.eiff.org/media/trump-epa-isdring-aviation-pollution

- "CORSIA: No, the ICAO Council can’t legally change CORSIA’s rules" (2020).


“As ICAO prepares to make carbon offset eligibility decisions, the Madrid COP provides some guidance,” GreenAirOnline December 10, 2019, https://www.greenaironline.com/mons.php?sec=story-2056


Podcast: Basic Planet: Climate Change and Regeneration - 105 | Forests in the Paris Agreement, Part 3: a Conversation with Annie Peteko of EDF, 48 minutes - Sep 16, 2019. Author: @earthfocus https://www.earthish.com/podcast/basic-planet-basic-planet


“A Global MBM for Aviation and Climate Change: The Time is Now” (invited presentation), International Civil Aviation Organization Environment Symposium (May 2013).


“Robust Standards for Enhancing Effectiveness and Reducing Risk,” invited presentation at the UN Framework Convention on Climate Change AWG-LCA Workshop on A Framework for Various Approaches, Bonn, Germany, 19 May 2012


"Designing Successful Incentive-Based Environmental Policies: Lessons Learned from the U.S. Sulfur Dioxide Program," invited presentation, Brazil Cap-and-Trade Workshop, FRIS (Rio de Janeiro, August 2005).


with M. Oppenheimer, "Reimagining the Kyoto System, and Beyond: Maintaining the Fundamental Architecture, Meeting Long-Term Goals," in "Post-Kyoto Architec..."


https://doi.org/10.1023/A:1020366327228


http://www.cif.org/documents/0295.eol.pdf


Case Studies and Practical Experience in Reporting, Verification, and Accountability. Invited presentation to the UN Framework Convention on Climate Change, Workshop on Monitoring and Verification, Bonn (1999).


* * * *
The CHAIRWOMAN. Thank you. We are expecting votes shortly, so I hope that the Ranking Member and I can get through a round of questions. And then, we will probably take a short recess to come back and have questions from other members, since we are having a couple of tight votes this morning.

But let me first start—I have many questions for all of you. So, I will not get through those. But I do have a question that, literally, I think applies to all of you, across the transportation sector.

I agree, Ms. Petsonk, about safety. It is the most important aspect of, I believe, where we are today. I think we have a variety of trends facing us. We have, obviously, automation in our transportation sector that is across the board of all the interests represented at the table, here, and the diversity of our transportation system. And we have the human factor interface of automation and transportation. So, as automation increases, so do the risks with human factors. Nothing says that more that the incidents of the 787 Max and what happened.

And we have another trend, Ms. Petsonk that you represent most, which is the globalization and what is the rest of the world doing on that. So, we—as, you know, someone said, if you want to be the leaders in aviation, you need to be the leaders in aviation safety. So, we want these standards to be met around the globe. And we want to be the leaders in this, including having the right work force.

So, I would like to ask each of you, what are the one or two changes that you think we need to make to assure that we are giving the due diligence to this issue of automation, safety, and work force, as it relates to making the United States the leaders here, and not—and not laggers? And certainly not adhering to a lower standard on the international front. We want to have the best standard on the international front and lead the way on that discussion.

So, if you could just—one or two things that you think we need to do to help with that.

Hon. HOMENDY. Yes, I think we need to design our systems in a way that prevents human error and takes into account human performance. But then, I also think that we need a strong safety foundation. We need safety standards, safety measure that are in place. Whether it is on our roads, whether it is automated vehicles, whether it is in aviation, you have to have that framework in place as technology is implemented.

The CHAIRWOMAN. So, standards and the first thing you said was—

Hon. HOMENDY. Standards, especially in road safety. We have to design our system to—in a way that creates a system to prevent a driver from making an error in the first place. So much focus has been on driver behavior and how to try—how to change driver behavior. And I am referring just to road safety here, but we have to create a system that prevents that in the first place. That is something that aviation industry has championed in, their human factors experts have found and advocate for and try to create systems that are—that are designed around preventing human error.

The CHAIRWOMAN. Thank you. Thank you. Ms. Hedlund—and we have to go a little faster here, sorry.
Ms. HEDLUND. All right, thank you. When I was at FRA, certainly safety was its absolutely, number one concern. And we would begin weekly staff meetings, unfortunately, sometimes the resuscitation of workers who might have died the week before.

But let me speak to a development in the freight world. We have the best freight system in the world. And as a result of technology, the freight lines have gone to something called Precision Scheduled Railroading. It is a model adopted by virtually all the Class I’s, but the shippers have found it disruptive. And the communities—one aspect of this is running long trains. We now have, sometimes, trains that are three miles long and we do not have sidings that are three miles long.

So, as a Board member, I am going to commit to assure that there is appropriate remedial action taken whenever it is warranted.

The CHAIRWOMAN. Thank you. Dr. Hampshire.

Dr. HAMPSHIRE. Yes, Chair, thank you for the question. I was actually a faculty member in a human factors group around transportation automation, so this hits home for me. Within the Office of Research and Technology is the Volpe Center.

The CHAIRWOMAN. Yep.

Dr. HAMPSHIRE. Which does—we do research on—we have a big human factors group. And so, there, again, continuing to do research about behaviors, human interaction with automation. I think there is more to be done, both at the human factors level and also, in Office of Research and Technology is the Highly Automated Safety Systems Center of Excellence, which Congress created and authorized to help us create a workforce and capacity building within the Department of Transportation, that is cross-modal.

So, the bottom line is cross-modal learning. You know, the transportation system has a lot of expertise across, from aviation to rail and we can learn from that.

The CHAIRWOMAN. Thank you. Ms. Petsonk.

Ms. PETSONK. Thank you, Chair Cantwell, for the question. And you were focused, also, on the international aspect and for that, the Office of Aviation and International Service—and International Affairs works with our partners in the Department, including the FAA—which has the lead for aviation safety—and with our colleagues in the Office of Research, to bring the research and results into the standardization bodies, like the International Civil Aviation Organization and the World Forum for Harmonization of Vehicle Regulations. So that we can work with our partners around the world, to ensure that, not only are there high levels of standards globally, but that there is an opportunity for American technologies and American innovations to compete under those standards.

The CHAIRWOMAN. Thank you. I would like a little more refinement on that, but since I have got to go to my colleagues—So, think about what one or two changes you think we need to implement now to gain that, because we are not going to tolerate a race to the bottom for ICAO. We are not going to go to the international community and agree that, since somebody can do way more automation in planes because they think that that requires less pilot training. We want to go to ICAO with the system that has redundancy. Senator Wicker.
Senator WICKER. Madam Chair, we have had very excellent testimony this morning. And yes, witnesses are encouraged to supplement their answers on the record and be given an opportunity to do that.

Ms. Hedlund, you went ahead and mentioned Gulf Coast rail. And, of course, it would be inappropriate for you to comment on something that you will have to take a fresh look at, should you be confirmed. But in March of this year, Amtrak filed a petition with the STB, seeking access to CSX Transportation and Norfolk Southern lines, for twice daily service between New Orleans and Mobile. Of course, that includes three—of the three coastal counties in the state of Mississippi.

The statute contains multiple references to reasonableness and that is where members of the Board will have to make a determination. I believe the—some of the operative words are, “reasonable terms and compensation for using the facilities and providing the services.” There is a balancing act that members of the STB will have to perform. There are multiple interests. There is certainly the interest of the freight railroads and their stockholders, shippers, Amtrak and passengers.

Now, I had a visit, just last week, from the mayor of our most populous city on the Gulf Coast—Biloxi, Mississippi. And I can’t tell you how excited he is and the excitement that he expressed about the jobs and the tourism dollars that the consummation of this petition would mean, not only for Biloxi, but for the entire Gulf Coast. Tomorrow I will be meeting with the mayor of the second-most populous city, Gulfport, when, actually, Secretary Raimondo and I will be on the Gulf Coast and in South Mississippi for matters dealing with the Commerce Department.

How do you balance these groups? The rails have a way of saying, oh, sure, you can certainly—we will follow the statute but give us several years to get the rails exactly how we think they should be. And also, by the way, we will give you a schedule that, in my judgment and the judgment of experts, is likely not to succeed and to be terminated for lack of participation.

So, how do we—without talking about this specific case, how do you balance those interests and comply with the reasonable terms and compensation language in the statute?

Ms. HEDLUND. Well, Senator, one of the most important things you have to do is really get into the facts. What are their needs? What are the infrastructure improvements that are absolutely necessary to add a couple of passenger trains? And one of the things that I will do, on the Board, is to insist that the railroads are completely transparent with us, with respect to their costs and their schedules and their needs and their prospects, so we can balance everybody’s interests.

It is not an easy exercise. In this case, it is one that has gone on entirely too long. So, we are going to really dig into it and see if we can get to a reasonable solution to this that is very, very important to the Gulf Coast. There is no reason that, if you are in Biloxi you should have to fly to Atlanta to get to New Orleans and that is the case today. So, we know how important it is and we are going to work very hard on it.

Senator WICKER. I am sure you had a good visit to Mobile.
Ms. HEDLUND. Yes.
Senator WICKER. Six or seven years ago, in a different capacity.
Ms. HEDLUND. Absolutely.
Senator WICKER.—on the Gulf Coast of Mississippi.
Ms. HEDLUND. I look forward to it.
Senator WICKER. Thank you. I yield back, Madam Chair.
The CHAIRWOMAN. Well, we are still waiting for the vote to actually start, so—and we are waiting for one of our colleagues who is going to come and ask a question. But I will just throw it back out that, in our questions, one of the things that I hope you will think about is to my question about safety, is this issue of training. So, I do not think—I do not think a lot of—I am worried about our regulators. Obviously, the MAX showed deficiency in the regulators requiring the amount of training to be done. So, what—what do we need to do to help on the standards side of automation and training that highlights the fact that this is—this needs to be a priority? The reason I am bringing this up—and not just the MAXs, Ms. Hedlund, when I look at what happened on the derailment in DuPont. The same scenario, a lack of training and situational awareness in that system, also. You know, we had pretty significant derailment that, obviously, impacted and caused a loss of life.
So, I think this is—I think what we are—we are missing here, is almost, like, agencies being able to keep up with this. And so, what do we need to do to set the standards on training on automation, that we are keeping an awareness for the agencies, so that we can do our oversight role of these agencies. So——
But I will take that for the record and give you some thought.
Senator Peters.

STATEMENT OF HON. GARY PETERS,
U.S. SENATOR FROM MICHIGAN

Senator PETERS. Thank you, Madam Chair, and thank you to each of our witnesses for being—or I should say our nominees, excuse me—our nominees for being here today, and appreciate your willingness to serve.
Ms. Homendy, one of the NTSB’s top safety priorities is to prevent drunk and impaired driving. The NTSB reports that driving under the influence of alcohol or drugs is currently the leading cause of crashes and that, in 2019, 1 in 4 traffic fatalities resulted from crashes involving alcohol impaired drivers.
In April, I chaired a hearing about the future of auto industry, where we heard from Rana Abbas Taylor, a Michigander who lost her sister, her brother-in-law, and their three children in a horrific and just tragic accident on the highway. Ms. Abbas Taylor advocated passionately for passing the RIDE Act. It is a bill introduced by Senators Lujan and Scott, that I was proud to be a co-sponsor. This legislation would require new cars to be equipped with technology to prevent drunk driving. Just last week, this committee passed the RIDE Act, as part of the Surface Transportation Reauthorization.
So, my question to you, ma’am, is can you commit on the RIDE Act—on what the RIDE Act would mean, in terms of ending drunk driving, if it is ultimately signed into law? And what additional
policies we should consider here in Congress, to combat drunk driving on our highways?

Ms. Hedlund. Thank you, Senator Peters, for that question. And my heart goes out to the Abbas Taylor family. I strongly support in-vehicle technology to prevent drunk driving, and so does the NTSB. We have had recommendations since 2012 and 2013 on in-vehicle safety technology to prevent drunk driving. Ten thousand people die on our Nation’s roads due to impaired driving. So, I really appreciate your committee’s efforts to work on this.

I think, in addition to that—and I will say, the IAHS did an incredible report recently, that stated that up to 9,400 lives would be saved if that technology was implemented. In the meantime, we need to maintain efforts to change BAC levels at the State—BAC cutoff levels at the State level, to .05. And we also have recommendations on ignition interlocks and, of course, high visibility, fair and just enforcement.

But I do strongly support the in-vehicle safety technology to prevent drunk driving, and I think technology can go a long way to preventing fatalities on our Nation’s roads. Thank you.

Senator Peters. Well, wonderful. We will look forward to working with you, if confirmed.

Dr. Hampshire, last month President Biden traveled to an electric vehicle plant, in my home state of Michigan and he declared, “The future of the auto industry is electric”. And I certainly could not agree more, and I am excited to work with the Biden Administration to make that vision a reality.

In looking into the future, we know that the cars will not be only electric, they will also be autonomous. And if we want to continue being the mobility capital of the world, here in the United States, we must promote the adoption of electric vehicles, while also, simultaneously, enabling the safe testing and deployment of autonomous vehicles, as well. We certainly cannot afford competitors, like the Chinese, to seize this opportunity. And we have to be very clear, make no mistake, China’s is doing everything they can, in order to advance that technology and be the world leader. I am a— I am a believer that, with the right policies in place, we will win this race. We have to the political will to do that.

And it is also essential to fighting climate change, as we electrify and put the autonomous together in creating millions of good paying jobs and continuing to expand the American middle-class. I think it was the auto industry that actually created the American middle-class, at the beginning of the last century.

So, Dr. Hampshire, my question for you, if confirmed, would you commit to supporting robust research efforts to foster the development of autonomous vehicles, as well as electric vehicles in the U.S.? And do you have any comment on how Federal Government can collaborate with the private sector to ensure that the research that we conduct today leads to products and innovations that are manufactured here, in the United States of America?

Dr. Hampshire. Thank you, Senator Peters, for that question. So, in Michigan, at the University of Michigan, I have certainly done testing on automated vehicles and connected vehicles at M City, which is public-private partnership with industry. And so, within the Department we certainly make sure it is safe deployment of au-
tomation in a way that creates high-paying American jobs and that is a priority that we have been working on. And if confirmed, will, you know, continue to work with your office and the rest of the DOT to accomplish that.

Senator Peters. Right. Thank you very much. Thank you, Madam Chair.

The Chairwoman. Thank you, Senator Fischer.

STATEMENT OF HON. DEB FISCHER,
U.S. SENATOR FROM NEBRASKA

Senator Fischer. Thank you, Madam Chairman. And thank you to our nominees for putting yourselves forward to serve this country.

Ms. Petsonk—I hope I pronounce your name correctly—the Essential Air Service Program ensures critical air service remains available to communities across Nebraska and across this country. Without support of the EAS Program, these communities would struggle to provide air service for our constituents. If confirmed, will you work to ensure the success of the EAS Program, so that it can continue supporting communities across Nebraska and across the United States?

Ms. Petsonk. Thank you very much, Senator, for the question. Absolutely, I will. I come from a small community that is now served by EAS. I am very well aware of the importance of the Essential Air Service Program in connecting our communities.

Senator Fischer. Thank you very much. Ms. Hedlund, give your previous experience at the FRA, I am interested in knowing your thoughts on benefit-cost analysis for regulatory proceedings. Do you think that benefit-cost analysis, or regulatory impact analysis, are useful in their regulatory process? And additionally, in your experience, did you find this to be a resource intensive program to develop?

Ms. Hedlund. Benefit-cost analysis was applied to regulations adopted by the Department of Transportation. They did a pretty good job of that. We always need to understand whether we are imposing regulations where the cost of complying with them, not just the paperwork cost, but exceeds, really, the benefits.

And the important thing is to develop the factors that you are looking at. We applied benefit-cost analysis, also, to grant programs and I think, in those programs, the factors that were considered were probably too narrow. When we went through an exercise on the Cascadia Project, recently, and we looked at just how the DOT looks at things, it is very hard to get above one, for a transit or a rail project. But when you look at the economic impacts—well, the wider economic impacts are huge.

But for regulations, just to get back to the point, the important thing is to make sure you are looking at the right factors.

Senator Fischer. I know that you have experience both in the public and the private sectors working on freight and intercity passenger rail projects.

Ms. Hedlund. Right.

Senator Fischer. And you also noted, in your questionnaire, that you would work to fulfill the STB’s role in ensuring a robust freight and passenger rail system. In your view, what is the STB’s role in
resolving disputes between freight and passenger railroads? And what factors should the STB consider during those proceedings?

Ms. HEDLUND. Well, as—a result of the FRA’s finally issuing the metrics and standards for Amtrak, disputes between Amtrak and the host as to on-time performance will be coming before the STB. And, you know, we will be taking a very careful look at that. I cannot, you know, comment on it sitting here today, but that is going to be one of the—the big challenges the Board will be facing in the future.

Senator FISCHER. Ms. Hedlund, I enjoyed our conversation that we had before the hearing. And we talked about the ongoing freight congestions that we’ve seen and the bottlenecks that are affecting transportation providers and shippers across this country, including those in the agriculture industry. What do you view as STB’s role in addressing the current freight backlog?

Ms. HEDLUND. Well, it is not clear what the extent of our jurisdiction is, in order to solve that problem. The railroads are part of a larger transportation network. We have—there are issues with respect to shipments coming from abroad. There are issues with respect to the trucking industry and shortage of drivers and drayage. And so, I think the role of the STB is to gather information and to work collaboratively with other parts of the government to see if we can solve this problem.

It is a very, very serious issue. You have seen, you know, pictures of 40 tankers out there in the Port of L.A. and Long Beach waiting to, you know, unload their containers to be sped through the Alameda Corridor, which I worked on as a younger lawyer. Worked on the contracting for that.

But I was—I was at the beach with my grandkids this weekend and out there in the Port of New York, there were all these tankers sitting out there and I am thinking, hmm, I wonder what is going on. And inland—our inland ports are also having problems. I am sure, as the Ranking Member is aware, you know, just up the road from where he lives in Memphis, there is a terrible problem in Memphis. And the STB has been hearing from the Chamber in Memphis about, you know, “Can you help us solve this problem?”

So, we have a limited role but certainly an important one, in terms of data collection and then, providing whatever expertise we can, helping other agencies work together to solve the problem.

Senator FISCHER. Thank you very much. Thank you, Madam Chair.

The CHAIRWOMAN. Well, thank you. So, just on that point, as I—as I mentioned in my previous opening statement, this issue is, in my opinion, about a growing economic opportunity to the United States, which is 95 percent of consumers live outside the United States, and if we want to ship and maintain our competitiveness, keeping our port infrastructure competitive is a very big issue. And so, one of the reasons why we have so many components in the Surface Transportation Act focusing on that, but clearly we need to do more.

So, the votes have started. So, I think that we should be able to recess until 11:30 and then, come back. Give our colleagues, hopefully, time to vote on these two votes. The first one is going to be very short because people have to get down to the White House for
a meeting. So, hopefully, the vote will go off on time and we will be able to come back here at 11:30 and we will see you all then for further questioning.

We are in recess.

[Recess]

The Chairwoman. We will reconvene. Again, thanks to the nominees for your indulgence in our Senate voting schedule. We will, hopefully, have a chance for other colleagues to ask questions. I wanted to start, I think, with Senator Klobuchar, if she is——

STATEMENT OF HON. AMY KLOBUCHAR,
U.S. SENATOR FROM MINNESOTA

Senator Klobuchar. Yes, I am here.

The Chairwoman. Yes, thank you.

Senator Klobuchar. OK. Thank you so much, Chairman. And I want to start out with you, Ms. Homendy. Congratulations on your nomination.

In April, the NTSB released its 2021 Most Wanted List of Transportation Safety Improvements, which included eliminating distracted driving. Last week, my bill with Senators Markey and Blumenthal to—the SAFE TO DRIVE Act, to help ensure that more states are eligible for the grants under this program, passed as part of another bill.

If confirmed, could you talk about your plans on distracted driving? You know, it is responsible now for more than 58 percent of teen crashes, something I do not think people thought was possible until we got our handheld devices. But that is a fact. So, could you address that? Thank you.

Hon. Homendy. Yes, and Senator, thank you for your leadership on distracted driving. It is a critical safety issue and one that is on our Most Wanted List of Transportation Safety Improvements. And we have several recommendations to prevent distracted driving, including strengthening State laws. So, the Board works actively in states to improve State laws, including on distraction, to prevent distracted driving.

So, I am happy to work with you and your office going forward to ensure your concerns are addressed and that we are able to help you in your efforts to move this issue forward.

Senator Klobuchar. And I talked to the Secretary—to Secretary Buttigieg about this, actually, because I think it— the time has come to make this a priority, again, when you look at the numbers.

I have a question on blocked rail crossings that I will ask you on the record, because of what we have seen with the delay to emergency vehicles.

The other thing I want to get to is the—with you, Ms. Hedlund, and again, congratulations to you—is the issue of captive shippers. We still have this going on where shippers are only—where companies, small businesses often, are only served by one railroad, and sometimes it is the last leg of a route that makes it so expensive. These shippers can face increased costs in getting their products to market, whether they are shipping grain or paper. What steps would you take to ensure captive shippers have access to competitive rates, as a member of the Board?
Ms. HEDLUND. Well, the Board, Senator, does have some tools in the toolbox to address the issue. And I certainly look forward to working with Chairman Oberman and other members of the Board on solving this problem. We can look at things like, reciprocal switching and competitive access. I know reciprocal switching is a very contentious issue with the railroads, but there are ways to address it and I will—I look forward to working with the Board on solving some of these issues.

Senator KLOBUCHAR. OK, very good, thank you. Ms. Petsonk, smaller regional airports, as you know, provide such a vital link in the Chair’s state of Washington, in the state of Minnesota, to the rest of the world. And we have a major hub we are proud of in the Twin Cities, our airport, but we also have many smaller airports, as well. And the EAS helps maintain the operations of those regional airports.

Can you speak to how your experience administering the EAS program will help you in the role for which you are nominated? And how will you improve the program for rural communities?

Ms. PETSONK. Thank you very much, Senator. Coming from a small community myself, a community that now is served in the EAS Program, I am well aware of the need to keep our small communities connected to our Nation and the world. And so, I strongly support the EAS Program and will work with my colleagues—my dedicated colleagues in the Office of Aviation and International Affairs to keep that program running and running efficiently.

Senator KLOBUCHAR. OK, and then, last, it is clear that renewable fuels are a key pathway to decarbonizing our transportation sector, while also driving economic growth. I personally think we should be investing in the farmers and the workers in the Midwest instead of the oil czars of the Mideast. And our renewable fuels offer this opportunity to reduce emissions. There was a big study that just came out of someone at Harvard, showing the differences that you could see with renewable fuels versus oil.

In your view, how could additional incentives for the development and production of sustainable aviation fuel help grow the market and increase available supply?

Ms. PETSONK. Thank you, Senator. I am very glad that you are interested in this important issue, as am I, and as are we at the Department. We think that sustainable aviation fuels which, on a life cycle basis can reduce greenhouse gas emissions from aviation, are a key part of the effort to decarbonize aviation in the United States and globally.

The American Jobs Plan includes a proposal for a Blender’s tax credit that would help reduce the cost differential between conventional fuels and sustainable fuels. And those are the kinds of tools that we think are going to be very useful, both to increase demand for the fuels, and increase the supply.

Senator KLOBUCHAR. OK, very good. Thank you very much. Appreciate it.

The CHAIRWOMAN. Thank you. Senator Sullivan.
STATEMENT OF HON. DAN SULLIVAN,
U.S. SENATOR FROM ALASKA

Senator SULLIVAN. Thank you, Madam Chair. And just to raise a, kind of, counterpoint. The Biden Administration seems to be favoring Russian energy producers and Russian oil and gas workers over American oil and gas workers who are great Americans, who produce a really important product. So, I am good friends with Senator Klobuchar, but I don’t want this analogy taken too far. The men and women who produce oil and gas in America are great Americans that have made this country strong for decades and we can’t put them out of work or favor them over Russian oil and gas workers. Would you agree with that, Ms. Petsonk?

Ms. PETSONK. Yes, thank you, Senator Sullivan. Yes.

Senator SULLIVAN. And we still need jet fuel, right?

Ms. PETSONK. Yes, in fact, sustainable aviation fuel today is less than 1 percent—it is a fraction of 1 percent of our total fuel supply. So, the transition is going to be a long one.

Senator SULLIVAN. Transition and we would rather get it from American producers than Russian producers or Saudi producers or Venezuelan producers, correct?

Ms. PETSONK. And we think that the incentives for creating sustainable aviation——

Senator SULLIVAN. I’m talking about just straight up jet fuel.

Ms. PETSONK. And producing——

Senator SULLIVAN. That flies our aircraft today.

Ms. PETSONK. Yes.

Senator SULLIVAN. Better to get it from Americans than Russians, Saudis—right? Yes, I think the answer is yes, right?

Ms. PETSONK. Yes.

Senator SULLIVAN. Good. Everybody else agree with that? There’s this, kind of, madness right now that all oil and gas workers in America are bad and maybe we can import more oil and gas from Russia. President seems to be good to go with that. I think it is ludicrous and I think it hurts working families in my state and many other states.

But I am digressing here a little bit. But it’s an important issue that people seem to forget about. This Administration seems to want to go after oil and gas workers. And until a couple years ago, they were considered heroes who built and made this country strong. I still think they are but, hopefully, you guys do, too.

Let me ask, just to make the point that Senator Klobuchar was making on Essential Air Service. You know, in Alaska, this is really critical. Eighty-two percent of our communities are not accessible by road. Two hundred and fifty communities—251 communities in Alaska are exclusively accessed by air.

So, can I just get your commitment again—I know you have already given it, which I appreciate—on the Essential Air Service Program and certainly want to have a longer discussion with you on how really, really impactful that is in Alaska. A lot of lower 48 communities, if you don’t have Essential Air Service, you drive to that community, but that is not the case in my state, for most of this. So, can I get your commitment? Again, I know you have already given that strong commitment and I appreciate it.
Ms. PETSONK. Senator, I have had the opportunity to visit Petersburg, Alaska and greatly appreciate the importance of Essential Air Service to communities like Petersburg and communities across your great state.

Senator SULLIVAN. Great, and I look forward to—can I get your commitment to get up to Alaska and see these challenges firsthand, again?

Ms. PETSONK. I would be honored.

Senator SULLIVAN. Good. Can I get that commitment from everybody here, as a matter of fact?

Dr. HAMPSHIRE. Yes.

Hon. HOMENDY. Yes, sir.

Senator SULLIVAN. Great. And Ms. Homendy, congratulations, again, on your nomination. I think you are doing a good job in that position. You may have seen the February 2020 NTSB report pointed to a recent 10-year period where the total accident rate in Alaska was .35 times higher than the rest of the country, in terms of aviation. And in 2015, the FAA required Part 121 commercial airliners to develop a comprehensive safety management system to improve safety for the flying public yet stopped short of applying to all operators.

Two questions—how does the NTSB envision smaller taxis and air tour operators to be able to implement safety management systems on par with the larger Part 121 regularly scheduled air carriers? And are safety management systems scalable? I am very, very, very focused on improving air safety in Alaska, but want to ensure our operators in the FAA are getting usable and practical suggestions on this important issue.

Hon. HOMENDY. Well, thank you for the questions, Senator. And I do know how critical aviation is to your State, even for the delivering of goods and medical necessities, and supplies and mail. So, I appreciate your being a champion for aviation safety in Alaska.

SMS, as you mentioned, is on our Most Wanted List and it is scalable by size and scope. In fact, the FAA does have some wonderful information on their website, under Voluntary Safety Reporting for much smaller operators. We have encountered operators where there are one or two people for an entire company. And they focus, mainly, on identifying risks, hazards to operations, and then, actively—after identifying those hazards, then addressing those hazards proactively.

So, those are two portions of safety management that they can do. And FAA is experienced in working with smaller operators to make sure that they can consider their size and scope.

Senator SULLIVAN. Good. Thank you very much. Thank you, Madam Chair. And I will have a few more questions for the record.

The CHAIRWOMAN. Thank you. Thank you, Senator Sullivan. Senator Blackburn.

Senator ROSEN. Madam Chair?

The CHAIRWOMAN. Senator Rosen.
STATEMENT OF HON. JACKY ROSEN,
U.S. SENATOR FROM NEVADA

Senator ROSEN. Thank you. Thank you, Madam Chair, appreciate it and appreciate all the nominees here today for your prior service and willingness to serve here.

I would like to speak a little bit about nuclear waste disposal. So, Ms. Homendy, as Chair of the National Transportation Safety Board, you would be in charge of investigating the release of hazardous materials that occurs during their transportation. For Nevadans, the transportation of hazardous waste to our state is something we have been fighting since the 1980s. For over 30 years, we have opposed the Yucca Mountain Nuclear Waste Disposal Project, in part because it would require transporting nearly 9,500 rail casks of hazardous, radioactive waste in 2,800 trains and in 2,650 trucks from across the country to Nevada. It is a major transportation safety crisis waiting to happen, putting major metropolitan areas in 44 states—44 states, their freeways, their railways—and millions of Americans at risk.

In this proposal, it is not only dangerous, it is actually unrealistic. It would require at least 300 new miles of railroad and then, take over 50 years to move the current volume of nuclear waste, as I just described. We already have an aging rail system and a consistent shipping of heavy casks of nuclear waste will cause undue wear and tear on our railroads and may have an economic—an economic impact on our commercial rail, as well.

So, Ms. Homendy, will you consider my transportation safety concerns and the concerns of Nevadans who do not want their home to be a ground for nuclear waste? We do not want dumping of nuclear waste in Nevada. We do not want it along highways across this country. We do not want it along railways across this country. And if any issues about Yucca Mountain come before you, will you work with our delegation?

Hon. HOMENDY. Absolutely, Senator. I understand how passionate you are about this issue and I will absolutely work with your delegation.

Senator ROSEN. Thank you and I hope we can pull together those other 44 states that are impacted, as well, and we can shed some light on that. But if they do go on trains, I want to ask you this question. Are positive rail control systems, are they required for trains that are going to carry nuclear waste? And if not, do you think it would be beneficial to apply them to the trains before transporting this dangerous nuclear waste across, again, 44 states for 50 years? That would be, actually, three loads a week, truck or rail, for 50 years, 44 states.

Hon. HOMENDY. Thank you, Senator. The requirements for positive train control were for passenger rail lines and for poisonous by inhalation, but they were not required for nuclear waste lines. So, that is not a requirement.

I will say the railroads would probably respond and say that they have a number of areas, outside of those two areas that are covered by positive train control, just given the nature of their routes. However, if nuclear waste goes on lower density lines, you could have an issue. And there remains concerns, at least for us that, below 20 miles per hour, positive train control is not—cannot be activated
on trains right now. But it is a concern if you start looking at nuclear waste transportation.

Senator Rosen. Well, I hope it is something that we will not have to address, but I would like to speak with you about it, if that issue comes up.

And I would just like to, in the minute I have left, talk a little bit about emerging transportation technology because Nevada is known as the Innovation State. We are home to cutting edge innovation transportation technologies. It includes hosting the only statewide FAA authorized drone test site. We participate in several autonomous vehicle and smart transportation pilot projects and we support electric vehicle infrastructure and its deployment. We are also home to the Hyperloop One test bed.

So, Mr. Hampshire, the Department of Transportation Guiding Principles include safety, economic strength, creating good paying jobs, equitable access to opportunity, resilience, addressing climate change, and transformative infrastructure. Can you share your thought on how, under your leadership, the Office of the Assistant Secretary for Research and Technology will balance these principles, while encouraging innovation and cutting-edge technology in our transportation sector, like we are doing in the state of Nevada?

Dr. Hampshire. Thank you, Senator, for that really important question and Nevada’s leadership in this—on this topic.

Within the Department and the Research and Technology, you know, technology is in the name. But we want to ensure that these technologies are, again, safe and help create high paying American jobs. And so, we are, you know, continue to push forward on that, be it, you know, UAS, be it AVs, electric vehicles. We are wanting to work and do additional research to make sure that it is safe and equitable.

So, thank you for that question.

Senator Rosen. Thank you. Madam Chair, I—my time has expired.

The Chairwoman. I am not sure if we have anybody else joining us. I just want to put that out there to members who might be thinking about joining us remotely. If not, I am going to ask a last question back to you, Ms. Petsonk, about the things we need to do internationally on aviation.

As I mentioned in our questioning before, what do we need to do to keep this standard internationally. One of the things that we are worried about, as the rest of the world continues to innovate, to look at aviation, to get in the aviation business, let us just say, it is one thing that a lot of developing countries look for. Let us get an airline. Let us get in the airline business. And obviously, we need standards as the rest of the world continues to move more toward aviation infrastructure.

So, one of the concepts is that we should make planes easier to operate because, obviously, automation can give you some safety standards. But some people look at it as a way to avoid pilot training. And I think we, in the United States, have come to the conclusion that you need both—that you need automation, and you need human factors to understand that automation, but you also need redundancy. That if you turn off the technology, people know how to fly the plane.
So, where do you think we need to be on this, as it relates to ICAO and what we would be advocating for internationally?

Ms. PETSONK. Thank you, Senator, and we share your concern for safety. As Secretary Buttigieg says, safety is our north star. I—we were—my office, the Office of Aviation and International Affairs, works closely with the Federal Aviation Administration—the FAA—which has the lead on safety across our Department and we are also in touch with our team at ICAO. I speak with them on a daily basis. And so, we understand the importance of working at ICAO and the challenges there, in terms of working there on the standards. And I pledge to you that I will work closely with FAA and with our team at ICAO on this, going forward.

The CHAIRWOMAN. Ms. Homendy, do you have a comment here? Could you help out Ms. Petsonk on this? Because I think we are trying to get more of a commitment from the Administration that we are going to—I do not—I am not sure where everybody in the Administration is, but certainly the Transportation Secretary should make a commitment that the United States is going to advocate for pilot redundancy and that is what we should be articulating at an international level.

I get your background might be more on the environmental side, but this is going to be a critical, critical issue. We are going to have a lot of nations and a lot of growth in aviation. And we cannot have this international discussion be let us, you know—let us, you know, make a race to the bottom. We need to be a race to the top. And I think that what we have seen in the United States is that that level of redundancy, with the pilots and with automation, is the best bet. And I think that would put us in the best stead moving forward.

Ms. Homendy, from your venue of many years here, what have you seen on this point?

Hon. HOMENDY. The U.S. absolutely has to be a leader here and in—the international front, on safety. Safety has to be the priority and we have to lead on it. And in this area, I mean, I think, you know, pilots are—pilots still have to be pilots. They have to be trained to adequately do their jobs and then, when they are not—when an error occurs, there has to be safety redundancy, as you have stated.

But then, there has to be a strong safety culture by the organizations involved, as well. Whether that is FAA, whether that is ICAO or whether it is any of the—the actual companies that are involved with making these decisions. I mean, there are a lot of decisions that are made that directly impact pilot safety and safety has to be, first and foremost, the priority over innovation. Innovation is critically important but if you do not have safety standards or safety measures or the safety of workers, like pilots, first and foremost, then—then, it is—we are not the leaders.

The CHAIRWOMAN. How many NTSB accidents have you been involved in, on an international basis, where—where the company or the organization did not adequately train pilots?

Hon. HOMENDY. Me, personally or the——

The CHAIRWOMAN. Well, just the Agency, yes.

Hon. HOMENDY. Numerous.
The CHAIRWOMAN. So, it is a common factor that we are already seeing.

Hon. HOMENDY. Sure, internationally and domestically.

The CHAIRWOMAN. So, we—this is, you know, of utmost importance. Again, we want to have this level of redundancy to the system. It is not that we do not believe that automation can help us. And certainly, as Dr. Hampshire will have to continue in his work to do is, to articulate where those—where those lines are that we have to—I am trying to think of your words that you used, Dr. Hampshire—but mediate, I think was the word that you sued, on the training system. Somehow my notes have been—OK. Cross-mediational learning?

Dr. HAMPSHIRE. Yes.

The CHAIRWOMAN. What was the term you used?

Dr. HAMPSHIRE. Yes, I said cross-modal learning. So, learn from different modes of transportation about automation and redundancy and resilience.

The CHAIRWOMAN. Yep. So, again, what is going to happen is, on the international basis, people are going to advocate that, use automation, it will drive down the cost, and thereby, we do not have to do as much training. And this is just the opposite, I believe, of where we need to go. And so, Ms. Homendy, again, I think the NTSB has a lot of previous cases where this is exactly the level of lack of training that is not being done on an international basis now. And then, the consequence is that it affects, you know, the entire system. And so, what we want to be articulating to ICAO is that we have to meet this standard, and we should be arguing for a higher standard than currently is being met.

Now, does that mean that countries and new entities who want to go into the airline business have to meet that standard? Yes. Yes, that is what that means. But you cannot let somebody in the world market try to undersell us on the notion of, we can just go with automation. We just cannot let that happen. We will not be meeting the safety standards that we need to meet today.

So—so, unless we have another colleague joining us—I know we have got a busy schedule here and ran into votes. But before I close the hearing, we have to ask all the nominees, will you pledge to work collaboratively with the Committee, provide thorough and timely response to our requests for information as we put together and address important policy issues, and appear before the Committee when requested?

Hon. HOMENDY. Yes.

Ms. HEDLUND. Yes.

Dr. HAMPSHIRE. Yes, I will.

Ms. PETSONK. Yes.

The CHAIRWOMAN. Great, thank you. Senators will have until Monday, June 28 to submit questions for the record to the Committee. Witnesses will have a week to respond to those. Again, we thank you for your willingness to serve and continue to work with all of you in the future.

We are adjourned. Thank you.

[Whereupon, at 12:09 p.m., the Committee was adjourned.]
APPENDIX

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO HON. JENNIFER L. HOMENDY

Workforce Development and Training. Transportation and transportation-related industries employ over 13 million people in the United States. The transportation workforce is absolutely critical for moving goods and people across the country and driving our economy to be competitive globally. However, when that workforce isn’t appropriately trained the consequences can be dire—a lack of training and situational awareness was one of the contributing factors to the 2017 DuPont derailment, and we have seen similar issues in the aviation context time and time again.

Question 1. In your experience at the NTSB, where are the critical areas we should be enhancing workforce development and training to ensure that transportation workers are equipped to handle new and emerging technologies?

Answer. Thank you for the question, Chair Cantwell. The human-machine interface remains a challenge in the emergence of new technologies. It is critical that entities work with human factors experts to best determine how to address these challenges, which must include workforce training.

In the case of the DuPont derailment, the locomotive engineer was not adequately trained (neither was the conductor). And they were in a new locomotive on a new route. That lack of training was evident to our investigators upon review of the inward-facing camera where we were able to see deficiencies first-hand. However, even with the best training, humans will make errors. It is therefore critical that systems be designed to prevent human error and that measures be taken to ensure safety redundancies are in place if those systems fail. This is why we recommended implementation of positive train control, which would have prevented the DuPont derailment.

It also important to mention that all of those deficiencies in DuPont, including training, would have been identified through a comprehensive safety management system (SMS) where the operators would have been constantly evaluating their risks and proactively addressing them before an accident occurred. Keys to a well-functioning SMS are a “just safety culture” which communicates the importance of safety to the workforce and the commitment of management to safety, ensures the workforce is well-trained, and implements a reporting process to ensure safety deficiencies are identified and addressed. For example, the National Aeronautics and Space Administration (NASA) in partnership with the Federal Railroad Administration has a program to facilitate one aspect of SMS, the Confidential Close Call Reporting System. See https://c3rs.arc.nasa.gov. Currently, no railroad participates in this voluntary program.

Automation. Technology and automation are wonderful tools which supplement, enhance, and magnify the ability of humans to manage complex machines. However, there is a risk that over-reliance on automation can lead to a deterioration of skills and engagement. And as automation plays an increasingly larger role across all of our transportation systems, it is paramount that our workforce—both on the industry and the regulator side—is appropriately trained up to ensure that automation does not compound existing safety issues.

Question 2. What are your views about the potential for over-reliance on automation and how can we best manage this apparent downside to the benefits of automation?

Answer. Thank you for the question, Chair Cantwell. Over-reliance on automation is a serious concern. Industry across all modes of transportation must work with human factors experts to determine how best to introduce automation to an already complex environment and what supplemental safety measures must be in place to ensure safety, including training.

In the road environment, however, the potential solutions are even more complex. Pilots, locomotive engineers, commercial motor vehicle drivers, and captains are supposed to be well-trained and even with that training (and industry testing) acci-
dents occur. However, normal drivers don’t have that training, the expertise in dealing with automation, or the awareness of human performance limitations. That’s why overselling the capabilities of vehicles is so dangerous. The NTSB has recommended to the National Highway Traffic Safety Administration (NHTSA) to develop a safety framework for automated or partially automated vehicles to include performance standards for monitoring driver engagement and limits on vehicle operations to roadways and conditions for which they were designed. Those recommendations are currently open-unacceptable because NHTSA has not provided a response that supports a positive classification.

If confirmed, I would be pleased to work with you and your Committee to address these serious safety issues across all modes of transportation.

Question 3. What changes do we need to make to ensure that both industry and regulators are appropriately trained on issues facing the transportation sector today and in the future?

Answer. Thank you for the question, Chair Cantwell. I personally feel that it’s my duty as a Board Member or, if confirmed, as Chair, that I’m adequately trained to address the safety issues facing the transportation sector today. For the Board, if confirmed, one of my priorities is to see what resources and skillsets we need now and 5 or 10 years from now to address new technologies and emerging safety and industry trends. I am happy to work with you and Congress as needs of the NTSB are identified. I’m hopeful other agencies are doing the same.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. AMY KLOBUCHAR TO HON. JENNIFER L. HOMENDY

Blocked Rail Crossings. Blocked rail crossings delay emergency vehicles and threaten public safety. In 2020 alone, 203 people were killed at railroad crossings. I’ve heard first hand from local leaders and emergency responders across Minnesota about the inconvenience and dangerous delays that rail crossings can pose to a community.

Question. What more can be done by passenger railroads to improve these delays and public safety, particularly for rural communities?

Answer. Thank you for the question, Senator Klobuchar. Although the NTSB has not investigated events relating to blocked rail crossings, I am aware of situations where blocked rail crossings have isolated communities and delayed emergency response vehicles which can lead to deadly consequences. I believe it is important for the Federal Railroad Administration to continue to collect information on the extent of blocked crossings in the U.S., and to use that data to analyze the causes of blocked crossings. In the meantime, freight and passenger railroads need to evaluate their make-up of trains, routes, and scheduling to avoid these situations. Railroads should also develop relationships with the communities in which they travel to ensure local concerns are addressed. If confirmed, I’m happy to work with you on this issue.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER WICKER TO HON. JENNIFER L. HOMENDY

Safety Recommendations

Question 1. Ms. Homendy, given the challenges posed by finite resources, what is your view as to the extent to which NTSB should consider costs and unintended consequences when developing safety recommendations, and how does the NTSB prioritize recommendations that will save the most lives?

Answer. Thank you for that question, Ranking Member Wicker. Regarding the first part of the question, the NTSB’s mission is to investigate every civil aviation accident in the United States and significant events in other modes of transportation, and issue safety recommendations aimed at preventing accidents and injuries and saving lives. Our goal is always to prevent that accident from re-occurring; however, our recommendations are not mandates. Once we issue safety recommendations, it is up to the recipients to determine whether and how they want to address those recommendations. For Federal agencies, that may include a cost-benefit analysis. With that said, we are a principled but also pragmatic agency. We are open to alternative approaches so long as identified safety risks are addressed. Since the NTSB’s founding, 11.7 percent of our recommendations have been closed “acceptable alternate action”. The Board is usually willing to close a recommendation with a satisfactory status if the recipient has taken sincere effort and all available reasonable actions to mitigate the safety risks we uncover.
The NTSB maintains a biennial Most Wanted List which highlights transportation safety improvements needed now to prevent tragedies, reduce injuries, and save lives. For 2021–2022, the Most Wanted List issues are:

- Require and verify the effectiveness of safety management systems in all revenue passenger-carrying aviation operations
- Install crash-resistant recorders and establish flight data monitoring programs
- Implement a comprehensive strategy to eliminate speeding-related crashes
- Protect vulnerable road users through a safe systems approach
- Prevent alcohol-or other drug-impaired driving
- Requiring collision avoidance and connected vehicle technologies on all vehicles
- Eliminate distracted driving
- Improve passenger and fishing vessel safety
- Improve pipeline leak detection and mitigation
- Improve rail worker safety

To be selected for the Most Wanted List, a safety item must have at least one open safety recommendation. NTSB staff across our modal offices and the Office of Research and Engineering propose the MWL safety items using Board-approved criteria: level of validation; level of action; level of risk and consequence; and potential benefit from focused NTSB advocacy. The offices apply the criteria to each of their potential safety items in a qualitative ranking tool. This tool is intended to give office directors a consistent way to rank their mode’s safety items relative to each other, instead of comparing them across modes. The NTSB’s Board deliberates and approves the final Most Wanted List.

These changes were in response to recommendations from the Government Accountability Office in March 2020. We also enhanced the process to allow for greater transparency on how safety items are selected.

Can you discuss examples of how the NTSB has collaboratively worked with agencies to refine safety recommendations so that they can be more quickly adopted by industry?

Answer. Thank you for that question, Ranking Member Wicker. Our Safety Recommendations and Communications team meets regularly with modal administrations within the U.S. Department of Transportation and the U.S. Coast Guard to discuss our safety recommendations. Agencies or other recommendation recipients may, at times, propose another way of addressing our recommendation which gets at the intent of the recommendation. Staff works through that proposed alternative with the recipient and, if the safety deficiencies will be mitigated through an alternative approach, staff will present it to the Board for consideration.

Three examples are recommendations P–19–1, P–19–2, and H–12–3.

P–19–1 recommended that the Pipeline and Hazardous Materials Safety Administration (PHMSA) require that all new service regulators be installed outside occupied structures, and P–19–2 recommended that PHMSA require existing interior service regulators outside occupied structures whenever the gas service line, meter, or regulator is replaced, prioritizing multifamily structures over single-family dwellings.

PHMSA proposed an alternative to the NTSB: changing distribution forms to emphasize compliance with existing service regulator requirements and revising the state program evaluation form to verify that states check operator compliance with regulations for inside regulators. PHMSA would also review and emphasize current requirements for inside meters and regulators with operators, and issue an advisory bulletin alerting operators to the existing requirements for inside meters and regulators.

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PHMSA proposed to provide data showing that their actions were achieving similar results to a regulation by working with the National Association of Pipeline Safety Representatives to determine a baseline for the number of inside regulators, and then annually track this data to determine the rate of reduction in inside regulators. PHMSA would submit this data to the NTSB and evaluate it to see if it showed their alternative was effective.

On February 11, 2020, the Board classified the two recommendations as “Open—Acceptable Alternative Response” pending implementation of their plan, our review of PHMSA data demonstrating that the plan is successful, and development of a revised plan if the data do not show that the alternative is achieving the same results as a regulation.
Another example is H–12–3, which was issued as a result of a July 15, 2009, hazmat release of anhydrous ammonia from a ruptured transfer hose from a cargo tank truck to a storage tank at the Tanner Industries, Inc. in Swansea, South Carolina. NTSB recommended that PHMSA require cargo tank motor vehicle carriers and transfer facilities to verify (1) that cargo transfer hose assemblies, whether carried on the vehicle or provided by the facility, are chemically compatible with the hazardous material to be transferred and (2) that drivers verify hoses are marked as compatible with the material to be transferred before either loading or unloading operations begin.

PHMSA developed a comprehensive safety program to address cargo tank motor vehicle loading and unloading. In addition to the ongoing regulatory enforcement efforts maintained in partnership with FMCSA and state agencies, PHMSA published two guidance documents. NTSB staff reviewed these guidance documents and suggested revisions to some of the language to remind users to verify equipment compatibility during transfer operations. The guidance documents are (1) A comprehensive best practices reference guide that includes an appendix with current OSHA and EPA regulations; (2) A quick-reference pocket guide. PHMSA was promoting these guidance documents with industry representatives through social media and Hazardous Materials Safety Assistance Team outreach efforts. On October 27, 2015, the NTSB classified Safety Recommendation H 12–3 “Closed—Acceptable Alternate Action.”

Determination of Investigations

Question 2. Ms. Homendy, given that NTSB cannot investigate all incidents and accidents, could you describe the process the Board uses to determine which events to investigate?

Answer. Thank you for that question, Ranking Member Wicker. Our determination of which events we investigate is based on our legislative mandate contained in 49 United States Code (USC) §1131, which requires the Board to investigate an aircraft accident the Board has authority to investigate under section 49 USC 1132 or an aircraft accident involving a public aircraft (other than an aircraft operated by the Armed Forces or by an intelligence agency of the United States); a highway accident, including a railroad grade crossing accident, the Board selects in cooperation with a State; a railroad accident in which there is a fatality or substantial property damage, or that involves a passenger train; a pipeline accident in which there is a fatality or substantial property damage, or significant injury to the environment; a major marine casualty occurring on or under navigable waters, internal waters, or the territorial sea of the United States, or involving a vessel of the United States, under regulations prescribed jointly by the Board and the head of the department in which the Coast Guard is operating; and any other accident related to the transportation of individuals or property when the Board decides (1) the accident is catastrophic; (2) the accident involves problems or a recurring character; or (3) the investigation of the accident would carry out this chapter.

The Board does not have the resources, nor believes there is a safety benefit, to investigate every grade crossing or trespasser event. Although our highway mandate under 49 USC 1131(a)(1)(B) states that the Board shall conduct a grade crossing accident “the Board selects in cooperation with a State,” our railroad accident mandate under 49 USC 1131(a)(1)(C) seems to suggest that we have to investigate every single grade crossing accident in which there is a fatality or substantial property damage or involves a passenger train, not just those we select in cooperation with a State. It would be helpful for Congress to clarify this “dual mandate” on grade crossing accidents in the next reauthorization bill, as well as eliminate trespasser events. To address trespasser events, we suggest the following: Amend 49 USC §1131(c) to read as follows:

(c) a railroad accident in which there is a fatality or substantial property damage, or that involves a passenger train, other than a railroad accident involving an unauthorized person who enters or remains on a railroad right of way, equipment, or facility. The term “railroad right of way” does not include grade crossings;

This language does not address the dual mandate but, if confirmed, I am happy to work with the Committee to address that issue.

Regulatory Authority

Question 3. Should NTSB have the authority to mandate recommendations?

Answer. Thank you for that question, Ranking Member Wicker. No, the NTSB is the foremost transportation safety agency in the world. Our greatest power is the ability to investigate a crash, without bias, and determine how lives could have been
saved if safety improvements were implemented. If we had the authority to mandate recommendations, we would lose our independence and be subject to cost-benefit analyses that could limit the scope and effectiveness of our safety recommendations. Rather, public interest is best served by having an agency that impartially and objectively investigates a crash and provides safety recommendations for review and consideration.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO HON. JENNIFER L. HOMENDY

Question 1. The National Transportation Safety Board (NTSB) has been active in recent years on accidents relating to emerging transportation safety technologies. Automated vehicles, for example, have the potential to drastically reduce fatalities and improve safety on our Nation’s roads.
Based on your experience, do you believe that automated vehicles present an enormous opportunity to improve motor vehicle and traffic safety?
Answer. Thank you for that question, Senator Thune. Nearly 40,000 people die annually on our Nation’s roads; millions of others are injured. New technologies, like automated vehicles, have the potential to improve safety on our roads and save lives, but the Federal government needs to put in place a robust safety framework to protect the public and ensure those lifesaving benefits are realized.

• If confirmed, how would you work with both Congress and the Department of Transportation to encourage the wider adoption of this technology?
Answer. Thank you for that question, Senator Thune. If confirmed, I will work with Congress and the Department of Transportation to share lessons learned from NTSB investigations of automated and partially-automated vehicles. I am also happy to provide you and the Committee with any technical assistance you may need as you develop future legislation to address automated vehicles. We are already on record strongly supporting collision avoidance technologies which are the building blocks of automated vehicle technologies.

Question 2. As you know, the NTSB Reauthorization Act, included in the FAA Reauthorization Act of 2018 (P.L. 115–254) included a requirement for the agency to include a methodology section accompanying safety recommendation reports. The intent behind the requirement was to better inform Congress and regulatory agencies of the basis for safety recommendations when choosing how to take action.
Do you agree that these methodology sections provide helpful information to Congress and the agencies as they seek to address NTSB recommendations?
Answer. Thank you for that question, Senator Thune. Yes, I believe these methodology sections provide important information that helps recipients and Congress better understand and address our recommendations.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. SHELLEY MOORE CAPITO TO HON. JENNIFER L. HOMENDY

Question 1. Earlier this month, I introduced—along with my colleague Senator Sinema—the Multiple Substance Impaired Driving Prevention Act. Among the provisions, our legislation would expand the use of the National Highway Traffic Safety Administration’s (NHTSA) 405d grants to be used for drug toxicity and impaired-driving related training for law enforcement—including drug recognition expert (DRE) training. Thankfully, we were also able to get this legislation into the Surface Transportation Investment Act (STIA) that passed this Committee last week.

• Could you speak to the value to the value of investing in DREs?
Answer. Thank you for that question, Senator Capito, and thank you for all your work to provide law enforcement with the tools they need to prevent impaired driving. West Virginia currently has only 54 drug recognition experts (DREs) in the state. DRE training is expensive; it’s a three-stage training program of about 160 hours that can cost around $1,500 per class. That does not include the cost to law enforcement agencies of sending officers to training, and then backfilling their jobs while they are in training. Allowing the use of grants to be used for drug toxicity and impaired-driving related training for law enforcement officers would go a long way toward ending drug impaired driving.

• If confirmed, do you commit to working with me on this issue?
Answer. Thank you for that question, Senator Capito. Yes, if confirmed, I would be pleased to work with you on this issue and other initiatives to prevent alcohol and other drug impaired driving, an issue that remains on our 2021–2022 Most Wanted List.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. MARIA CANTWELL TO KAREN J. HEDLUND

Freight Railroad Investment. The railroads play a critical role in moving freight throughout our Nation. Prior to the COVID–19 pandemic, it was estimated that the value of freight shipped by railroad would increase by 45 percent in the next decade to $1.1 trillion annually. Moving this freight safely and efficiently will require an increased long-term investment in people and infrastructure.

Question. If confirmed, what will you do to ensure that the STB's policies promote the efficient movement of goods and encourage railroads to invest in their infrastructure?

Answer. Over the last year, our ocean and inland ports have experienced unprecedented congestion which, related in part to the significant market disruptions caused by the COVID–19 pandemic and the spike in demand across all sectors, as the economy rebounds. Transfers from ships to trucks and rail have been hampered by shortages of containers, trucks, and truck drivers and also disruptions in rail schedules and planning. I believe that resolving current problems and ensuring a robust and viable transportation network involves a “whole of government approach,” requiring different agencies within government, including STB, FRA, FMCSA and FHWA to work cooperatively. At the same time, legislative initiatives advancing in the House and Senate, and as proposed by the Administration, are calling for significant increases in investment in various types of infrastructure, including freight rail.

To the extent undertaking such investments, whether publically or privately funded, requires action or authorization by the STB, I believe the Board should act diligently and expeditiously in moving its review processes forward under its statutory and regulatory framework. Additionally, I believe that the Board must continue to adhere to the core objectives and priorities of the Staggers Act and the ICC Termination Act, which were enacted to ensure that the Nation's freight and passenger rail network is healthy, competitive, self-sustaining, and responsive to the needs of shipper and the public.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER WICKER TO KAREN J. HEDLUND

General Response by Karen Hedlund:

I would like to thank the Members of the Committee for their very thoughtful questions. Some of these questions relate to issues that are currently before the Board, and therefore I must be careful not to state anything that suggests I have prejudged the matter. If I am confirmed and have the opportunity to serve, I look forward to being fully informed on all sides of such questions.

My approach to matters before the Board and its investigations and policy-making processes will be to prioritize thorough analysis and full transparency by the parties regarding factual, policy and legal issues. If confirmed, I commit to bring my transportation, finance and legal experience to the Board and to address all matters in a fair and impartial manner. I will also work diligently to see that all outcomes, first and foremost, serve the public interest.

Key Priorities

Question 1. Ms. Hedlund, as the newest Member on the STB, what will be your priorities, should you be confirmed?

Answer. The Board has received notices of intent to file for approval the first Class I merger transaction since the Board's merger rules were revised in 2001 (Kansas City Southern and Canadian Pacific and Kansas City Southern and Canadian National). The Board is also reviewing the pending acquisition of Pan Am Railways by CSX Transportation, Inc., as well as the acquisition by Watco of several Canadian National lines in Wisconsin and northern Michigan. Merger transactions can be time-consuming, complex, and controversial, and can have a profound impact...
on the shape of the rail industry and the way in which rail service is provided. As a member of the Board, one of my key priorities will be to ensure that these proposed transactions undergo fair, careful and expeditious consideration, in keeping with the laws and regulations administered by the agency.

Additionally, I am looking forward to working with the Board on several rule-making proceedings that have important implications for the railroad industry and how rate and other disputes are resolved. These pending proceedings include proposed new procedures to reduce the cost, complexity, and duration of rate reasonableness cases, particularly for smaller disputes. A related proposal submitted to the Board would involve a voluntary arbitration procedure for rate review in smaller cases. Other proceedings involve reviewing the exemption for some commodities which have been exempt from Board regulation for several decades, and a proposed rule to revise the agency’s “reciprocal switching” rules.

Some of these issues are outside of my specific expertise, but I am deeply committed to carefully studying the issues and taking account of the view of the Board’s stakeholders to ensure that regulatory processes are meaningful, fair and accessible.

The Board will also be playing an increasing role with respect to intercity passenger rail that is part of the interstate rail network. This is an area that I spent considerable attention to during my tenure at the Federal Railroad Administration, and I hope that this experience will benefit the Board in its decision making. However, I recognize there may be difficult issues to be resolved. Many of these issues relate to matters that have recently been submitted to the Board after years of unsuccessful negotiation by the parties, or have otherwise been the subject of several years of litigation. My priority will be to work with the Board, its staff and the parties, to get a full understanding of all the relevant facts and concerns, and reach a resolution in an expeditious manner.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. DAN SULLIVAN TO KAREN J. HEDLUND

Question 1. Ms. Hedlund, conducting cost-benefit analyses for proposed regulations has been a best-practice undertaken by agencies at the behest of both Democratic and Republican Administrations. Given your extensive experience at the Department of Transportation, can you explain your views on using cost-benefit analyses to improve regulatory outcomes?

Answer. In accordance with Executive Order 12866 and Office of Management and Budget Circular A–4, the Federal Railroad Administration performs cost-benefit analysis in connection with issuance of rules and regulations. In my experience, the FRA gave due regard both to how such analysis was undertaken and the results of such inquiry, as a factor in deciding whether to move forward with a particular regulatory initiative. However, it is my understanding that the STB, as an independent economic regulatory agency, is not subject to these directives. I believe that at least to some extent this is something that the Board already undertakes, but I would like to learn more about the agency’s existing processes. I also understand that there is a pending proceeding that touches on the issue of having formal cost-benefit analysis in significant STB rulemakings, and I do not want to appear to prejudge the outcome. I believe that my past experience at FRA will be beneficial to the Board in reviewing the pending proceeding.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MIKE LEE TO KAREN J. HEDLUND

Question 1. If confirmed as a member of the STB, what will be your key priorities?

Answer. Please see my answer to question from Senator Wicker, above, which outlined my key priorities, if confirmed as a Board member.

Question 2. Conducting cost-benefit analyses for proposed regulations has been a practice undertaken by agencies under both Democrat and Republican Administrations.

• Please explain your views on the use of cost-benefit analysis when considering proposed regulations. Should all STB regulations be considered with a cost-benefit analysis?

Answer. As noted above, in my response to Senator Sullivan’s question pertaining to cost-benefit analysis, I have previous experience with this phase of the regulatory process from my tenure at FRA as Deputy Administrator and Chief Counsel. With respect to the STB, I understand that there is a pending proceeding on the issue
of the STB formally adopting cost-benefit analysis as a component of significant rulemakings. As such, I do not wish to prejudge the issues in the proceeding, but I believe that my past experience will be very valuable to the Board, as it considers this proceeding.

- If a regulatory cost outweighs the benefit, should that be a determining factor that prevents the STB from moving forward with the regulation?

Answer. As noted above, there is a pending proceeding before the Board, related to cost-benefit analysis. I do not wish to prejudge the issues in the proceeding, but I believe that my past experience with FRA will be very valuable to the Board, as it considers this proceeding.

Question 3. When considering regulatory proposals, should the STB prioritize policies that allow market participants to freely compete without STB action? Or is the market more successful when the STB actively guides the market through regulatory action?

Answer. The Rail Transportation Policy (RTP), codified at 49 U.S.C. 10101, sets forth Congressional policy objectives which inform the STB’s regulatory processes and initiatives. The RTP includes tenets that the Board allow market forces to work freely, as well as tenets that call for fair and expeditious regulatory decisions when regulation is required. As the Board has noted, there is some degree of tension in the principles of the RTP, but, if confirmed, I will commit to upholding these core policies. I would also note that the Board has expressed a preference for private resolution of disputes rather than regulatory outcomes, and has implemented measures for dispute resolution including both mediation and arbitration.

Given the changes and developments in the rail industry, I believe that it is very important to look closely at issues related to competition, and examine the Board’s statutes and regulations to make sure that the agency is promoting and fostering the goals of the Rail Transportation Policy.

Question 4. I would like to learn more about your views on the use of the STB’s rulemaking power:

- Should the STB promulgate rules if the rulemaking power is not expressly granted by Congress?

Answer. I believe that there are situations where the Board may draw upon its statutory authority to promulgate rules that are not expressly mandated by Congress, as long as these regulatory initiatives are fully consistent with the Rail Transportation Policy and other statutory imperatives. For example, both the STB and its predecessor, the ICC, have utilized broad statutory exemption authority, codified at 49 U.S.C. 10502, to issue rules that streamline and expedite agency licensing procedures.

- Can the STB use its rulemaking power to circumvent legal precedents with which it disagrees?

Answer. I believe that the STB, like other agencies, should, as a general matter, respect legal precedents, arising from court and administrative proceedings. However, I believe that agencies should be accorded some measure of discretion to re-examine precedent in light of changed circumstances or to meet new challenges as long as doing so is consistent with governing statutes and governing principles of administrative law.

- Can the rules passed by the STB insulate market incumbents from competition?

Answer. In enacting its rules, the Board, of course, must take into account the provisions of the Rail Transportation Policy that give high priority to maintaining competition, and to reduce barriers to entry into the rail industry. I can commit to you that I will look very closely at competition issues and work with my fellow Board members to make sure that we have the right policies and procedures to advance the RTP.

Question 5. Should STB-sponsored private arbitration be encouraged over STB-directed dispute resolution? And what factors would guide your decision-making process in this regard?

Answer. I am aware that it has been the Board’s stated position for many years to facilitate private-sector resolution of disputes, rather than litigated, regulatory outcomes. I fully support mediation and other forms of alternative dispute resolution. In recent years, I believe that the agency has increasingly channeled regulatory disputes into its formal mediation program, working in partnership with the Federal Mediation and Conciliation Service, and that many of these mediations have been successful.
I support these initiatives, which are in addition to the work done on an informal basis by the Board’s Rail Customer and Public Assistance program to resolve disputes. However, I recognize that there are pending matters related to arbitration in rate case disputes, and I do not want to prejudge any of those issues.

Question 6. The STB has long considered the issue of long-term railroad revenue adequacy, even considering proposals related to rate caps and revenue reductions based solely on a railroad earning returns on investment above its capital.

- Is it appropriate for the STB to impose rate caps or revenue reductions based solely on the railroad earning returns on investment above its capital? If so, why?

Answer. This question potentially implicates a matter pending before the Board in so far as how revenue adequacy should be determined on an annual basis. Accordingly, I do not wish to respond in a fashion that would prejudge the merits of that matter. However, I recognize the tenets of the Rail Transportation Policy, which dictate that competition and the demand for service should establish reasonable rates for rail transportation and additionally that reasonable rates should be maintained where there is an absence of effective competition. I can commit to studying issues related to revenue adequacy and the implications for the Board’s rate reasonableness jurisdiction.

- Is imposing rate caps, price controls, or revenue reductions consistent with the deregulatory goals that Congress set forth in the Staggers Rail Act?

Answer. As noted in my response above, the Rail Transportation Policy instructs that competition and demand for services should be the forces that establish rates. The Staggers Act is generally regarded as ushering in an era of pricing freedom driven by market forces and the Act eliminated rate caps and price controls of the previous regulatory era.

- Is there a negative relationship between the imposition of rate caps, price controls, or revenue reductions with railroad investments and innovation?

Answer. The Staggers Act was enacted, in part, to facilitate increased railroad investment and innovation in the industry that had been inhibited by certain aspects of the prior regulatory framework.

Question 7. The STB is often tasked with making decisions or authorizing certain actions when it is determined that the action or decision is in the “public interest.”

- What is the “public interest”? What criteria should be considered in determining the “public interest”?

Answer. The public interest is, in part, defined by particular provisions of STB’s governing statutes. For example, in the statute pertaining to rail line abandonments, the Board’s assessment of public convenience and necessity must consider whether the abandonment would have a serious, adverse impact on rural and community development. Where the public interest is not expressly defined, I believe that the Board should refer back to the goals set forth in the Rail Transportation Policy.

- Are there any limits to the STB’s determination of what constitutes “public interest”?

Answer. As noted above, the public interest is often defined by specific STB governing statutes and otherwise informed by the tenets of the Rail Transportation Policy.

- Could a determination of what is or is not in the “public interest” be based on factors that are outside the jurisdiction of the STB?

Answer. I believe that when weighing the “public interest” in matters before the Board, the agency should be primarily guided by specific statutory criteria and the tenets of the Rail Transportation Policy. However, I believe that in certain situations, consideration of matters of safety and environmental values, which are not—strictly speaking—within STB jurisdiction may bear on the question of the public interest and be incorporated into the Board’s analysis.

Question 8. How do you reconcile or balance Amtrak’s access to the freight rail network with the importance of a safe, efficient, and reliable freight rail service?

Answer. This is an issue that I dealt with at the Federal Railroad Administration in helping to negotiate Service Outcome Agreements required to implement passenger rail grants that involved infrastructure improvements to host freight lines. This is also an issue that will be directly before the Board in several pending mat-
ters, and I look forward to learning more about how such interests can be reconciled under that regulatory framework administered by the STB.

**Question 9.** The STB often conducts environmental reviews in proceedings, including the carrying out the requirements of the National Environmental Policy Act (NEPA).

• What are the bounds (if any) of the effects of a major Federal action that the STB should consider under NEPA?

**Answer.** The STB's environmental reviews are conducted by the STB's Office of Environmental Analysis (OEA). OEA prepares environmental documentation in rail constructions, abandonments, and certain acquisitions and other proceedings to satisfy the STB's obligations under NEPA. OEA then makes environmental recommendations to the Board for consideration in decisions for which environmental review is required.

Under NEPA, agencies are required to examine the reasonably foreseeable environment effects that would be caused by a proposed major Federal action.

• Should the STB consider “reasonably foreseeable” effects that are outside the agency’s jurisdiction and control? If so, why? And if not, why not?

**Answer.** Under Supreme Court precedent, agencies are generally not required to examine environmental effects that result from actions that are outside an agency’s jurisdiction and control. See Department of Transp. v. Public Citizen, 541 U.S. 752 (2004) (*Public Citizen*). Where appropriate, agencies may also examine effects of other past, present, and reasonably foreseeable future actions that may be outside the agencies’ jurisdiction but affect the same resources as the action before an agency.

• Should the STB propose NEPA alternatives that are outside the agency's jurisdiction?

**Answer.** Courts have found that alternatives that agencies should consider are driven by the purpose and need of the applicant and therefore, alternatives are generally options that would be within the agency's jurisdiction.

• Is considering whether an effect is “reasonably foreseeable” analogous to considering “proximate cause” in tort law? Do you believe there is any difference between “proximate cause” and “reasonable foreseeability”?

**Answer.** Under *Public Citizen*, agencies are required to examine environmental effects only where there is a reasonably close causal relationship between the environmental effect and the alleged cause, analogous to the doctrine of proximate cause from tort law. See *Public Citizen*, 541 U.S. at 767 (citing *Metropolitan Edison Co. v. People Against Nuclear Energy*, 460 U.S. 766, 774 (1983)). Reasonable foreseeability is part of, and subsumed in, the proximate cause analysis.

However, as used in tort law, proximate cause addresses what has happened in the past. NEPA looks at what could happen in the future. The role of NEPA is not to remedy past harms but to prevent harms from happening in the future.

• NEPA uses the terms “environmental impacts” and “environmental effects,” but it does not use the term “direct effect” or an “indirect effect” in the statute. How would you approach the decision on whether to consider “indirect” or “direct” effects in a decision before the STB?

**Answer.** Under the previous Council on Environmental Quality (CEQ) NEPA implementing regulations, agencies were required to look at both “indirect” and “direct” effects. The current CEQ regulations only require agencies to look at environmental “effects.” I understand the CEQ regulations are currently under review by CEQ.

**RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. SHELLY MOORE CAPITO TO KAREN J. HEDLUND**

**Question 1.** Our nation depends on a health railroad network in order to move goods safely and efficiently. Freight plays a critical role in West Virginia carrying natural resources and manufactured goods to markets around the world. Competition and market flexibility have been instrumental in keeping our Nation's railroad network so strong.

• If confirmed, will you commit to ensuring continued competition in our rail industry?
Answer. Yes, as I have noted above, competition and the working of the free market are key principles that are reflected in the Rail Transportation Policy, codified at 49 U.S.C. 10101, and I am committed to acting in accordance with the policy objectives set forth by Congress.

• If you are confirmed, will you commit to evaluating proposals before STB through a cost-benefit analyses in order to improve regulatory outcomes?

Answer. In responding to this question, I would refer to my answers, above, to questions posed by Senator Sullivan. As I noted previously, I believe that my previous experience at FRA will be a valuable asset to the Board, as it considers issues related to cost-benefit analysis. However, there is a pending proceeding before the Board, and I wish to avoid prejudging the issues.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CYNTHIA LUMMIS TO KAREN J. HEDLUND

Question 1. Should you be confirmed to the STB, what will be your priorities?

Answer. Please refer to my response to Senator Wicker, above, which discusses my key priorities, if I am confirmed.

Question 2. Conducting cost-benefit analyses for proposed regulations has been a best-practice undertaken by agencies at the behest of both Democratic and Republican Administrations. Given your extensive experience at the Department of Transportation, can you explain your views on using cost-benefit analyses to improve regulatory outcomes?

Answer. Please refer to my response to Senator Sullivan’s question, above, which discusses my perspective on cost-benefit analysis. As I previously noted, I have experience with undertaking cost-benefit analyses from my tenure at FRA, and I look forward to providing input to the Board on this important question.

Question 3. Should competitive markets be preferred over command-and-control regulations?

Answer. Yes. The Rail Transportation Policy, codified at 49 U.S.C. 10101 prioritizes the workings of competition and the free market in informing the Board’s administration of its statutory responsibilities.

Question 4. Should Board-sponsored private arbitration be encouraged over Board-directed dispute resolution?

Answer. Please refer to my response, above, to the question posed by Senator Sullivan. I am aware that the Board has long encouraged private-sector resolution of disputes, as opposed to outcomes resulting from regulatory litigation, and I support the agency in this respect. Additionally, I support the Board’s use of mediation to resolve disputes. Because of a pending proceeding related to arbitration, I do not wish to comment further in order to avoid prejudging the issues.

Question 5. The STB is tasked with resolving disputes between Amtrak and host rail carriers with regard to on-time performance. In its comments on the recent FRA rulemaking to establish metrics and standards, the Board stated: “Amtrak and host railroads should be given a sufficient opportunity to realign schedules where appropriate to make them consistent with the Customer OTP standard. The Board encourages the development of a process for establishing realistic, properly aligned schedules on routes that require adjustment in a timely, consistent, and efficient manner so that seeking an investigation before the Board would be a last resort, rather than a first. . . . Realistic schedules that are compatible with Customer OTP will be crucial to avoiding unnecessary litigation before the Board.” Do you agree with that viewpoint?

Answer. Because of the Board’s role in investigating and adjudicating Amtrak OTP matters, I need to be cautious in addressing these matters in order to avoid prejudging issues. However, consistent with the Board’s long-standing approach to resolving disputes in the freight rail context, I favor private-sector solutions, rather than outcomes that result from regulatory litigation. I believe that the same viewpoint should apply to the relationships between Amtrak and host railroads, and I would encourage them to work constructively and collaboratively before initiating litigation. At the same time, I recognize that with the final OTP rule issued by FRA, the Board has a role under PRIIA to resolve disputes. If and when these disputes come before the Board, I can commit that I will carefully review the evidence in the record to reach a decision with my fellow Board members.

Question 6. According to the Bureau of Transportation Statistics, trucks haul the vast majority of all intercity freight shipments, in terms of both weight (64.5 percent) and value (71 percent), and do so on infrastructure subsidized by the American
taxpayer. Further, autonomous trucking companies are already testing Level 4 autonomous trucks. What do you think the impact of these developments on rail v. truck competitiveness and what can the STB do to assist railroads in remaining competitive?

Answer. I believe that part of the Board's mission is to ensure the long-term viability and stability of the freight rail industry, which meets the needs of shippers and other stakeholders, within a broader competitive transportation marketplace across all modes. I believe that in light of recent technological innovation and development, we are potentially on the verge of new transportation marketplace in the 21st century. As a member of the Board, I can commit to studying emerging issues to ensure that STB policies and rulemakings continue to foster sound economic conditions in transportation and to ensure effective competition and coordination between rail carriers and other modes, in keeping with the Rail Transportation Policy.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO DR. ROBERT C. HAMPSHIRE

Workforce Development and Training. Transportation and transportation-related industries employ over 13 million people in the United States. The transportation workforce is absolutely critical for moving goods and people across the country, and driving our economy to be competitive globally. However, when that workforce isn’t appropriately trained the consequences can be dire—a lack of training and situational awareness was one of the contributing factors to the 2017 DuPont derailment, and we have seen similar issues in the aviation context time and time again.

Question 1. How is the Department of Transportation ensuring that we have a diverse and skilled workforce across the transportation sector?

Answer. A diverse and inclusive workforce contributes to our ability to better serve the American public and supports our vision for a safe, innovation and equitable transportation systems. The Department will work in collaboration with state, local, Tribal, and territorial governments as well as transportation equity organizations and underrepresented communities, to create a more diverse transportation workforce that better represents our Nation. These efforts will include analyzing trends specific to recruitment, retention and promotion of underrepresented groups, listening to and engaging with Employee Resource Groups as the Department establishes new workforce development initiatives, and training managers and holding them accountable to our civil rights and equity commitments.

Automation. Technology and automation are wonderful tools which supplement, enhance, and magnify the ability of humans to manage complex machines. However, there is a risk that over-reliance on automation can lead to a deterioration of skills and engagement. And as automation plays an increasingly larger role across all of our transportation systems, it is paramount that our workforce—both on the industry and the regulator side—is appropriately trained up to ensure that automation does not compound existing safety issues.

Question 2. What are your views about the potential for over-reliance on automation and how can we best manage this apparent downside to the benefits of automation?

Answer. We know that automation is a part of the future of this Nation’s transportation system. Autonomous operations can make our transportation system safer and more efficient but need to be designed and deployed with travelers, workers and cybersecurity in mind. I am eager to work with you and your colleagues in Congress to ensure that the Federal government is leading the way on ensuring safe autonomous vehicle operations nationwide. With my Departmental colleagues, I will work with industry, American workers, safety organizations, environmental groups, and other stakeholders to determine how to create American jobs and advance American technological leadership through this industry.

Question 3. What changes do we need to make to ensure that both industry and regulators are appropriately trained on issues facing the transportation sector today and in the future?

Answer. Transportation safety training, and other related training, is important to creating a safer, more efficient transportation system. Some of our training is delivered directly, and much through grant programs, in support of regulatory requirements. As part of regulatory agenda formulation, we take into account available agency resources, priority safety needs, statutory requirements for actions requiring rulemaking, recommendations from the National Transportation Safety Board, and other agency needs, including training. I look forward to working with Congress to ensure there are sufficient resources for training.
Reducing Emissions. The transportation sector already accounts for 29 percent of the greenhouse gas emissions in the United States, the largest source of emissions of any sector. With freight movement expected to increase significantly over the next decade, it is critical that the Department's research, policies, and actions support the transportation sector in moving toward net-zero carbon emissions.

**Question 4.** How is the Department helping to develop and commercialize transportation and infrastructure technologies to combat climate change and reduce our infrastructure's impact on the environment?

**Answer.** The Department has reconstituted the Climate Change Center and plans to increase its responsibilities and capacity. In the next five years, the Department intends to with external stakeholders including other Federal agencies to:

- develop department-wide policies and strategies to reduce greenhouse gas (GHG) emissions and make our transportation systems more resilient;
- address the economic and environmental impacts of climate change on the underserved, low income, and tribal nations;
- explore future transportation technologies that impact climate change; and
- establish a department-wide research program to measure and reduce transportation-related GHG emissions and mitigate climate change impacts, in partnership with other Federal agencies, academia and the private sector.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER WICKER TO DR. ROBERT C. HAMPSHIRE

**Strategic Plan**

**Question 1.** Dr. Hampshire, should you be confirmed, can you inform the Committee of your plans for the Department’s research portfolio? Can you highlight the areas within the Department where you see potential growth and areas where you believe improvement is necessary?

**Answer.** Thank you for the question. While continuing the priority of multi-modal research to advance safety technologies, and our multi-modal research on connected and automated vehicles, the transportation sector has a key role to play in addressing climate change and increasing equity and accessibility.

I will ensure that the Department works with you and other external stakeholders in the clean technology, infrastructure and freight industries, including unions, industry, and local, state, and tribal governments, to determine how to develop new programs and use existing programs to create safe, innovative solutions to climate change. American innovation will indeed be critical to combating climate change.

We need to increase access to high-quality, reliable transportation throughout America, and do so in a way that improves racial and economic equity, accessibility, sustainability, and good-paying jobs. That includes supporting efforts to help states, regions, cities, towns, tribal lands and rural areas research and invest in infrastructure that meets the needs of all residents, including pedestrians, cyclists, riders of e-scooters, and travelers with disabilities. An important part of our research agenda is gathering reliable data to inform these efforts.

While the Department has advanced our technology transfer efforts in recent years, this remains an area where continuous improvement is needed to leverage the full benefits of DOT-funded research.

**Reliance on Volpe Center vs. Modal RD&T Expertise**

**Question 2.** Dr. Hampshire, I understand that the Volpe Center provides much-needed support to the research offices of various DOT modal administrations. How can OST-R stay aware of projects at an individual level to find synergies and avoid redundancy or inefficiency? What is Volpe’s role in supporting the modal research offices?

**Answer.** The Department relies on the expert Federal staff at the Volpe Center not only to support the modal research offices in ways defined by those offices, but also to maintain a knowledge of technical activities in their areas of expertise across all Operating Administrations (OAs), and often in other Federal agencies. The Office of the Assistant Secretary for Research and Technology (OST-R) maintains oversight of Volpe projects through monthly reporting of new work agreements; through routine weekly progress reporting; and through reporting of projects for DOT OAs through the DOT Research Hub. Through the Hub, the Research Review and Approval Process captures Volpe projects to avoid redundancy and create synergy. OST-R approves work agreements for non-DOT entities seeking Volpe support; one of the decision factors is how the proposed work supports DOT goals, and which OA has been engaged to enable knowledge capture.
The modal research offices define their work with Volpe based on that OA’s requirements, and determines if Volpe is the best means to meet those requirements. Often, this decision relies upon long-term knowledge of the technical area being researched, and on Volpe’s ability to add value by adding knowledge of and collaboration in the field beyond DOT, to the greater benefit of the OA being supported.

Finally, the Department depends on Volpe expertise to help us all look towards the future—anticipating emerging transportation issues, objectively addressing complex transportation challenges, particularly those that can be solved with an intermodal, systems perspective. Volpe delivers DOT innovative solutions that advance transportation systems.

**Multimodal Coordination**

**Question 3.** Dr. Hampshire, if you are confirmed, how would you continue the emphasis on multi-modal coordination and collaboration for transportation research? How would you promote interagency coordination in implementing these collaborative efforts?

**Answer.** I have been pleased to find a strong foundation for coordination and collaboration established by the diverse, experienced, and seasoned workforce already in place in the Office of the Assistant Secretary for Research and Technology (OST–R). Will we continue to execute research coordination functions through the Research, Development and Technology Planning Team, composed of the senior research directors from each of the Operating Administrations. The Operating Administrations will continue to submit Annual Modal Research Plans each year for review, approval, and public posting. OST–R’s review mandate is executed through a Research Review and Approval Process that ensures DOT’s research activities are aligned with DOT Strategic Goals, and that there are no duplicative research efforts across the Department.

To further enhance DOT-wide research coordination and collaboration, OST–R has established 11 topical research working groups in multimodal topic areas that span the Department’s research portfolio, such as “Mobility Innovation” and “Emerging/Enabling Technologies”. We are expanding coordination with other Federal agencies, such as the Department of Energy, NASA and NIST, to increase our knowledge and collaboration. Further, all DOT-funded research reports and access to the data developed for those reports are made available to the entire transportation community and the public through the National Transportation Library in the Bureau of Transportation Statistics.

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**Response to Written Questions Submitted by Hon. Shelley Moore Capito to Dr. Robert C. Hampshire**

**Question 1.** As I mentioned, last week this Committee passed the Surface Transportation Investment Act (STIA). As part of the legislation we would codify the Non-Traditional and Emerging Transportation Technology (NETT) Council. Since its creation in 2019, the NETT Council has been instrumental in resolving jurisdictional and regulatory gaps as and when new transportation technologies emerge.

- If confirmed, do you commit to continuing the work the NETT Council has been doing in resolving issues for emerging transportation technologies?

**Answer.** There are many innovations taking place in transportation technology, and it’s important that the Department prioritizes safety. It’s also important that we enable innovators to have ways to test and deploy those innovations, which increasingly cross the traditional boundaries of the established transportation modes. The NETT Council provides the internal structure for necessary coordination on innovation issues, and a point of entry for innovators seeking guidance. I look forward to working with Secretary Buttigieg to make sure we position the Department to lead transformations for freight and travel in the 21st century.

I am interested in the work of the NETT Council and want to make sure the Department can be an advocate and a partner for innovators and users alike. I’m enthusiastic about the innovation we are seeing in new mobility technologies that have the potential to transform our communities.

**Response to Written Questions Submitted by Hon. Roger Wicker to Carol A. Petsonk**

**Question 1.** The ongoing COVID–19 pandemic has created challenges for communities receiving air service through the Essential Air Service (EAS) program because passenger air traffic has drastically fallen. I know that you are familiar with the
The EAS program, which has strong bipartisan support on this Committee, given your current position as Deputy Assistant Secretary.

- If confirmed as Assistant Secretary, what will you do to ensure that the EAS program is carried out in an efficient and effective manner? And will you commit to working with this Committee to ensure the program is meeting its goals?
- If confirmed, what will you do to improve commercial aviation connectivity for smaller and rural communities?
- What is your perspective on how to ensure these and other smaller communities can receive adequate air service? And what are the top challenges facing the program at this time?

Answer. If confirmed as Assistant Secretary of Aviation and International Affairs, I commit to managing the EAS Program in an efficient and effective manner to ensure EAS communities maintain reliable connections to the national air transportation system. I understand how critical air service is in connecting the small and rural communities in the Program with the national air transportation system, and I will present to Congress on innovative ways to improve that connectivity. We are proud that the Department has kept connectivity at all 172 EAS communities during the last year, meeting the program’s main goal.

Improvements are happening, as today more than one-half of all EAS communities (outside of Alaska and Hawaii) now have jet service (typically 50-seat) on a major airline brand to a large hub airport. Less than 10 years ago, small turboprop aircraft were typical of the EAS Program. Air carriers providing EAS are looking to innovate and modernize as well, with one carrier recently implementing a new fleet of modern, turboprop aircraft and another investing in electric aircraft, to be tested with the hope of using them on short routes. We are constantly looking for efficient ways to operate the program, whether that is financial cost savings or the best air service we can secure, while being mindful of the fiduciary challenges constantly facing the program.

The top challenges the program is facing at present include COVID–19 pandemic-related effects on passenger traffic and increased costs to operate air service to EAS communities.

The Department is constantly engaged with communities and stakeholders on current and future needs. We have a statutory framework for our small community air service programs and there are many flexibilities that the Department can exercise in its contracts with air carriers and grant agreements with communities. We ask that communities be forthcoming with what improvements they are seeking, and we stand ready to address them.

I look forward to working with the Committee on these issues and more, to ensure the EAS Program reliably supports small and rural communities.

Question 2. The Small Community Air Service Development Program is another relatively small, but nonetheless important DOT program that can help smaller communities address their air service issues. Given that air service to smaller communities—which was struggling before 2020—was delivered another blow by the pandemic, should Congress consider expanding or altering this program as a way to help smaller communities improve their air service?

Answer. Through the 2018 FAA Reauthorization, Congress provided the Department several new programmatic flexibilities, which have allowed the Department to better assist communities holding grants with improving air service. With costs increasing in the aviation industry, the Program is observing a trend in applications seeking more funding per-applicant for revenue guarantees: individual applications seeking more than $900,000 in grant funding per applicant constituted 2 percent of applications for FY2017, 11 percent for FY2018, and 23 percent for FY2019. Making funding accessible to the study of new technologies, such as the use of electric aircraft, could help small communities prepare to take advantage of innovative air service solutions in the future.

Question 3. As you are aware, the U.S.-EU Open Skies agreement has eliminated government interference in the commercial decisions of air carriers about routes, capacity, and pricing. Open Skies has freed up carriers to provide more affordable, convenient, and efficient air service for consumers. The free marketplace created by Open Skies has been a boon for jobs in the aviation industry and beyond. If the U.S. takes action that breaches any one of our Open Skies agreements, it would put these jobs in jeopardy.

- Has the U.S.-EU Open Skies agreement been beneficial for U.S. consumers and airlines?
- Will you commit to uphold U.S. Open Skies agreements?
What are the top challenges and opportunities with regard to international air service at this time?

Answer. Open Skies has been the foundation of U.S. international air transportation policy since 1992. This policy has enabled the U.S. aviation industry to support more than 10 million American jobs and $1 trillion in economic activity. We continue to recognize the great importance of Open Skies to the Department’s diverse stakeholders, including airports, airlines, labor, members of the traveling and shipping public, and others. Of our numerous Open Skies agreements, the U.S.-EU Air Transport Agreement generates the most economic activity. In 2019, U.S. carriers and their European partners carried over 73 million passengers over the Atlantic, more than any other international air transport market involving the United States. The immunized joint venture agreements that U.S. carriers participate in with EU carriers have directly translated to economic benefits to the carriers, their employees, and the public.

The Department is committed to our statutory requirement of acting consistently with the international binding obligations of the United States Government under all U.S. international air transport agreements, including the U.S.-EU Air Transport Agreement. The Department is also committed to ensuring a level playing field for U.S. airlines in international markets, and we are using the statutory and regulatory tools Congress has given us to address anticompetitive behavior, such as foreign governments’ discriminatory flight restrictions and unsafe crew treatment practices.

Currently, the greatest challenges with regard to international air service to and from the United States include the COVID–19 response and international travel restart. If confirmed, I will continue to work with our interagency partners and stakeholders toward the safe and efficient restart of international travel, and to support that safety and efficiency as demand for international travel rebounds.

Question 4. In your testimony you mentioned your desire to ensure a level “flying field” for American air carriers and workers with our international counterparts. As you may be aware, we have multiple bilateral safety agreements with foreign civil aviation authorities that require mutual validation of our aviation products. Do you believe it is important to ensure our foreign counterparts are abiding by our agreements? Do you believe there are metrics or data that can be used to help ensure compliance with agreements from our international partners?

Answer. I take our bilateral aviation safety agreements (BASAs) very seriously. The U.S.-EU Safety Agreement, in particular, is a landmark agreement that has steadily reduced the duplication of work done by both organizations since its implementation in 2011. This reduction allows both FAA and the European Union Aviation Safety Agency (EASA) to concentrate on new technology and higher risk safety issues. EASA and the other civil aviation authorities that are parties to BASAs with the United States must abide by the terms of the respective agreements. I welcome any type of proposals that could ensure our partners’ compliance with the respective BASAs.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO CAROL A. PETSONK

Question 1. The provider of Essential Air Service to two communities in South Dakota—Pierre and Watertown—was recently changed, against the preference of the communities and despite the strong growth in enplanement numbers both communities had seen over the past few years. These communities have experienced disruptions in their air service before. Now, as the pandemic recedes, Department of Transportation’s (DOT) decision will be harmful to their recovery. These communities have expressed concerns to DOT, asking that they reconsider such a disruptive decision. But instead of taking action, DOT has done nothing, declining to even respond to the requests of these communities to reconsider.

In the meantime, the newly selected carrier has made changes to their original proposal, which alone in my opinion serve as grounds for reconsideration of this decision. Yet still, in light of this information detailed in a letter I sent just this week with the South Dakota congressional delegation, DOT has still declined to take action. If confirmed, will you commit to reviewing this particular issue in a manner that prioritizes reliable service, recognizes the preference of the communities served, and adequately considers Federal and local investments in airport infrastructure?

Answer. I share Congress’s commitment to maintaining reliable air service to all EAS communities, in a way that fits the needs of small and rural communities...
across the United States. The Department is currently reviewing the petitions for reconsideration of Pierre and Watertown and giving them full consideration. I commit to continuing to work with Congress and all eligible EAS communities to ensure that they maintain critical links to the national air transportation system.

Question 2. As the economy and domestic air travel recover from the pandemic, it is crucial that international travel also be restored in a safe manner, especially when it comes to nations with comparatively high vaccination rates and declining case numbers.

If confirmed, will you commit to lifting restrictions on international air travel in a safe and efficient manner?

Answer. Since the start of the pandemic, the Department has worked closely with the CDC, DHS, and the Department of State, as well as with industry and labor, to facilitate the implementation of the mask mandate, testing requirements, traveler restrictions, and other measures to ensure safety and maintain critical connectivity.

If confirmed, I will continue to work with our interagency partners and stakeholders toward the safe and efficient restart of international travel, and to support that safety and efficiency as demand for international travel rebounds.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. DAN SULLIVAN TO CAROL A. PETSONK

Question. One of the most important economic and trade policies I worked on during my time as the U.S. State Department’s Assistant Secretary for Economic, Energy and Business Affairs was Open Skies and securing air transport agreements with nations around the world. If confirmed, your office will be assisting the State Department in negotiating international aviation matters, such as Open Skies agreements. I was confident these agreements would spur innovation and jobs then and I am proud to see the results today, especially in terms of jobs generated and economic benefits to Alaska. Ted Stevens Anchorage International Airport (ANC) is home to the fourth busiest cargo airport in the world. ANC has become a critical waypoint for goods traveling from all over the world to homes and businesses of our constituents confined by the pandemic.

If you are to become the Assistant Secretary for Aviation and International Affairs, will you ensure the U.S. remains firmly committed to these agreements that support the cargo industry’s ability to support good paying jobs and the timely transport of goods and other potentially lifesaving deliveries to our communities?

Answer. The Department continues to be fully committed to our Open Skies policy as established by DOT order in 1992. Since that time, the United States has established Open Skies relationships with 130 foreign partners, many of which include increased flexibility for cargo carriers to meet the needs of businesses and suppliers. The fundamental principles that underlie our Open Skies policy, including reliance on market forces rather than government regulation and empowering our airlines to compete throughout the world, will continue to serve as core tenets of the Department’s future aviation policies and priorities.

With respect specifically to Alaska, the Department also granted additional cargo and passenger transfer exemption authority to all foreign carriers at Alaskan airports, so Alaska may also receive benefits associated with carrier operations by virtue of that exemption. In addition, my staff has worked together with the Anchorage Airport Director and the Alaska International Airport System (AIAS) for years, collectively developing methods to apprise foreign air carriers of the unique opportunities available to them at Alaskan airports, whether as a result of the transfer exemption authority or the Stevens Amendment.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MIKE LEE TO CAROL A. PETSONK

Question 1. The Department of Transportation is responsible for regulating aviation in the United States. One debate taking place at the FAA is the issue of drone regulation. Low-altitude drones are a major focus for the states, who through their inherent police powers, govern matters such as property rights, land use, trespass, privacy, and local safety issues. When Secretary Buttigieg came before this Committee, he agreed with me that there should be a clear role for authorities outside of the Federal government, such as state and local authorities, to regulate drones in some of these matters.

• Do you agree with Secretary Buttigieg that state and local governments have a clear role to play in the regulation of low-altitude drone operations?
Answer. Drone manufacturers and operators also enjoy access to public airspace and will need a consistent set of requirements and operating procedures in order to establish significant economic and societal benefits while maintaining safety. State and local governments will be vital partners in the management and enforcement of drone operations. It will be critical to work with regional and local authorities to ensure that drones can operate safely and efficiently in accordance with all applicable laws. There are some laws that may be applicable to drone operations (such as laws or regulations dictating requirements for personal privacy) that are not within the purview of the DOT to manage.

- Are there limits to the FAA’s authority to regulate airspace in relation to a State’s police powers?

Answer. The FAA’s interest in regulating airspace is in part to ensure that we can establish a safe and consistent set of regulations that can apply to any operators in public airspace. The FAA is engaged in designing drone requirements and management systems in a way that considers more coordination and transparency with State and local law enforcement, including mandating the necessity for remote identification of drone operators. I am happy to put the Committee in direct contact with the appropriate FAA personnel to provide more detail about their regulation of the airspace.

In the context of drone operations, the FAA has taken the position that they control the airspace from the ground up. Do you think the Federal government has the ability to regulate the airspace a couple of feet above your lawn? What about mere inches above the blades of grass? In other words, should air inches above your backyard or front lawn be considered Federal airspace?

Answer. The mission of the DOT and FAA is to ensure the safety, efficiency, and continued viability of air transportation operations. Again, I am happy to put the Committee in direct contact with the appropriate FAA personnel to provide more detail about their regulation of the airspace.

Question 2. The CDC’s COVID–19 mask mandate currently requires masks to be worn on public transportation conveyances and on the premises of transportation hubs, including airports and on airplanes. The CDC has also said that vaccinated individuals do not need to wear masks in public.

Is the CDC’s requirement that vaccinated individuals must continue to wear masks in airports and on public transportation consistent with the agency’s own policy and research?

Answer. DOT’s response to the COVID–19 pandemic is informed by public health experts. Our primary interest is in ensuring the safety and health of all passengers and workers in the air transportation system, whether or not they have received vaccination. DOT is coordinating closely with government partners including the CDC, HHS, DHS, TSA, and others. DOT will continue to facilitate the implementation of future policies in coordination with partners in CDC, HHS, DHS and TSA.

CDC views the continued use of masks in conveyances, including airplanes, and in large indoor spaces, including airports, as an important risk mitigation given the volume of travelers, particularly onboard aircraft and at airports, the inability to implement other risk mitigations like social distancing when onboard conveyances like a plane, the rise of variants, and the lack of options if a traveler is uncomfortable with the situation onboard, especially once an aircraft is inflight.

- Scientific evidence also shows young children have a much lower chance of contracting or spreading COVID–19. In your personal judgement, based on publicly available research, is it appropriate to require that two-year-old children wear masks on public transportation?

Answer. DOT will continue to facilitate the implementation of policies informed by best available science and public health experts’ counsel to keep passengers and aviation workers safe.

- Will you advocate for lifting the COVID–19 mask mandate for airports and airplanes and allow for airports and airlines to make the best decisions for their respective companies and consumers?

Answer. I understand the frustration of passengers in our air transportation system of dealing with the myriad risk mitigation measures in place to ensure the health of passengers and aviation workers. I am committed to working with intergovernmental partners to develop policies that best serve public health and the public interest. The concerns of airlines and airports will, of course, be considered carefully as we collaborate to develop policies necessary to limit the spread and effects of COVID-19 and future diseases. In fact, the mask mandate was partially a response to the request for support from the aviation industry as they struggled to implement company policies on mask use for passengers and workers.
Question 3. Will you propose, advocate, or encourage the DOT or any private sector entity under your purview to require the mandatory vaccination of Americans to use air transportation domestically or internationally?

Answer. DOT will continue to facilitate the implementation of policies informed by best available science and public health experts' counsel to keep passengers and aviation workers safe, and in close coordination with other government partners including the CDC, HHS, DHS, TSA, DOD and others. Future iterations of policy on masks or vaccinations will be coordinated with these partners. Any guidance or future regulatory action on vaccination would be based on public health expertise, principles of equity, and widely coordinated, including within the administration and with Congress. While we hope to build on the progress in public safety provided by increasing numbers of vaccinated passengers, there are currently no plans to establish vaccination mandates for travel.

Question 4. To my knowledge, the last Federal guidance on use of counter-drone mitigation equipment was issued jointly by the DOJ, DOT, FCC, and DHS in August 2020. The guidance notes that Congress has only authorized DOD, DOE, DOJ, and DHS to engage in C-UAS activities and that any other entity, including airports, must "understand that Federal laws may prevent, limit, or penalize the sale, possession, or use of UAS detection and mitigation capabilities".

- This guidance certainly seems to tie airports hands in being able to respond to legitimate threats. Absent any change in the law, does an airport have any recourse to address these safety and security concerns?

Answer. I would defer any interpretation of existing law, including what measures may be available to airports to manage drones, to airport attorneys, the FAA, and counsel in the Department. I can say that the Office of Aviation and International Affairs works closely with our government security partners to ensure the safety, security, and interests of the travelling public. I will be happy to work with FAA to engage state and local representatives to address any concerns they might have with developing DOT drone policy and to limit risks (including risks of liability) to passengers, airport managers, and other stakeholders.

The Federal Aviation Administration just issued the Remote Identification Rule in April, which will go a long way in enabling airports, law enforcement, and critical infrastructure owners in addressing operations of drones that threaten public safety and security by connecting the drone to its owner and location of the operator in real time, which may enable law enforcement to respond directly to such incidents.

Would you agree that it would make sense to allow airport operators, state and local law enforcement, and airport law enforcement to be equipped with some form of counter-drone authority to counter threats to airport property?

Answer. DOT interests are primarily to ensure the safety, security, and quality of air transportation. We will work with DOJ, DHS, DOD, and FCC, and other authorized partners moving forward to ensure safety at airports. Determining the most appropriate party to intervene in a perceived threat from a drone is largely outside the purview of my office. Existing law gives our government partners wide latitude and authority to address identified threats; the law also requires those departments and agencies to work with the FAA to ensure the use of counter-drone authority does not inadvertently threaten aviation safety and the safe operation of the National Airspace System. We will continue to work with a wide scope of stakeholders, including state and local governments, law enforcement, and airport authorities to ensure we are able to respond quickly and effectively to safety or security threats.

Question 5. As we move beyond the COVID–19 pandemic, we are seeing optimism in domestic air markets because we have few internal restrictions. But the Federal government’s travel restrictions still deter the restoration of international air travel. This restoration is vital for ensuring airlines can return to normal operations, but also to ensure that our tourism sector is able to compete with international markets.

- Do you agree that full restoration of international air travel into the United States should happen swiftly?

Answer. I agree that restoring international travel is critical to the recovery of the aviation and tourism industries as well as other sectors which rely on international air connectivity. Based on input from our industry and labor stakeholders, the recovery of international air travel to pre-pandemic levels is likely to advance gradually as airlines reassess demand, and then reinstate the necessary crews and aircraft to support the additional flying. I am confident our industry is ready to serve the traveling public and businesses as international travel demand increases.
• If confirmed, will you advocate for and seek to communicate clear, public benchmarks that will expeditiously restore international air travel into the United States?

Answer. The Department will continue to work with our interagency partners in the CDC, DHS, and Department of State so that any changes to international air travel restrictions are effectively and promptly communicated to the traveling public, industry, and other stakeholder groups.

• Can you commit to providing a public timeline on the plan to restore international air travel into the United States?

Answer. The Department is committed to facilitating effective and prompt communication to the traveling public, industry, and other stakeholder groups. As soon as our health experts determine that it is safe to fully restart international travel, the Department will do everything in its power to support industry and the traveling public with appropriate information as far in advance as possible.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. SHELLEY MOORE CAPITO TO CAROL A. PETSONK

Question 1. West Virginians benefit from access to passenger air services to destinations across the United States and, as we move passed the pandemic, internationally. West Virginians also rely on timely shipments and deliveries to small businesses and households across the state. This is largely made possible by the air transport agreements we have with other countries.

• As Assistant Secretary of Transportation for Aviation and International Affairs, you will be responsible to promote policies that lead to economic growth and trade. If confirmed, do you commit to working with Congress on this issue?

Answer. Having grown up in the small town of Altoona, Pennsylvania, where our one-gate airport was our family’s gateway to the country, and the world, I understand the value that air connectivity brings to small and rural communities in West Virginia and across the United States. The linkage of that domestic air connectivity with international air services is one of the most vital components of our international air transportation agreements. Our Open Skies agreements, in particular, ensure more options for connectivity and, with increased competition, lower costs for travelers and shippers. That global connectivity creates new opportunities for trade and commerce, further increasing economic activity in our country’s small communities. I commit to working with Congress on this issue to further support air connectivity to small communities.

Question 2. In West Virginia, there are five airports that rely on Essential Air Service, especially with the significant reduction in passenger demand caused by the COVID–19 pandemic.

• Will you commit, if confirmed, to the Essential Air Service (EAS) Program that guarantees service to small, rural communities?

Answer. Yes, I commit to managing the EAS program to ensure EAS communities maintain reliable connections to the national air transportation system, as I know first-hand how critical the guarantee of air service is to the small and rural communities in the program.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CYNTHIA LUMMIS TO CAROL A. PETSONK

Question 1. When we spoke in my office, I asked if you had read the “Report of the Working Group On Improving Air Service to Small Communities” that was published on May 9, 2017. Have you read this report?

• What were your takeaways from the recommendations that were drawn by this working group?

Answer. Yes, I have read the report and the working group’s recommendations. Air service to small communities is important to the Department and we take our statutory responsibilities to administer two programs, EAS and SCASDP, very seriously. The Department stands ready to work with Congress on ways to improve both programs.
• Do you believe that a pilot shortage has caused airline consolidation and therefore adversely hurt small and rural community air service across the country?

Answer. The pilot shortage, as well documented by many media outlets and trade groups, did affect the regional airline industry in significant ways. There was some consolidation, which reduced the number of carriers in the industry. However, some carriers became stronger and placed orders for new, modern, and larger aircraft. While the frequency levels and access to certain hubs may have been negatively impacted by fewer carriers and larger aircraft, many more small communities today have jet service on a major airline brand to one or more large hubs, and that can be viewed as an improvement over years past.

• What are your thoughts on the recommendations that the working group made on the EAS program?

Answer. The main recommendation from the working group was for the EAS program to be fully funded. The Department takes its fiduciary responsibilities to the program very seriously, and we develop our budgets with our statutory responsibilities in mind, with the aim of ensuring that all of the eligible communities stay connected to the national air transportation system without interruption.

We will stay in close contact with Congress regarding the funding status of the program so that we can adequately administer this program to meet its obligations.

Question 2. The EAS program has unfortunately failed at the original congressional intent of providing a baseline of air service to many rural communities. Some communities have lost eligibility in the program, while the remaining eligible communities have not seen better air service despite ever-increasing costs for the program. If confirmed, what policy changes will you undertake in your role to better improve the service to rural communities?

Answer. The Department has a long-standing commitment to air service for small and rural communities, including in our EAS communities. I share that commitment and am ready to work with Congress on ways to improve service to eligible communities. Recovering from the financial challenges brought on by the COVID–19 pandemic will take time, and the relief provided by the suspension of certain eligibility requirements by Congress will enable communities to adjust to returning passenger demand.

Question 3. In order to maintain rural air service a several commercial airports in my home state of Wyoming, the state created 'capacity purchase agreements' to subsidize the commercial air service. This program has been the sole reason several airports have maintained commercial air service. To the best of your knowledge, have other states created similar mechanisms to bolster rural air service? Are there best practices you can take from the states when both implementing the EAS program and making recommendations to Congress on ways to improve the program?

Answer. The Department is aware of Wyoming's unique approach, and we have administered a number of SCASDP grants in support of the state's air service objectives. Wyoming communities continue to submit new and different proposals to improve their connectivity to the national air transportation system. When administering SCASDP and EAS, we pay close attention to how communities define their objectives and achieve them. I am not aware of mechanisms similar to Wyoming's in other states, but I am committed to working with Congress on innovative ways to improve air service to small and rural communities.