

**OVERSIGHT AND BUDGET OF THE FEDERAL
HIGHWAY ADMINISTRATION**

HEARING
BEFORE THE
**COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS**
UNITED STATES SENATE
ONE HUNDRED EIGHTEENTH CONGRESS
SECOND SESSION

JUNE 5, 2024

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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED EIGHTEENTH CONGRESS
SECOND SESSION

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OVERSIGHT AND BUDGET OF THE FEDERAL HIGHWAY ADMINISTRATION

WEDNESDAY, JUNE 5, 2024

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

The committee met, pursuant to notice, at 10:04 a.m. in room 406, Dirksen Senate Office Building, Hon. Thomas R. Carper (chairman of the committee) presiding.

Present: Senators Carper, Capito, Cardin, Whitehouse, Merkley, Kelly, Padilla, Fetterman, Cramer, Lummis, Ricketts, Sullivan.

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

Senator CARPER. Good morning, everybody. I am pleased to call this hearing to order.

I want to begin today by welcoming our witness here, Shailen Bhatt, the Administrator of the Federal Highway Administration, previously the Secretary of Transportation for Colorado and, as I recall, for a small State on the east coast, Delaware. It is nice to see you again.

This is Administrator Bhatt's third time, I think it is the third time, appearing before this committee since he was nominated by President Biden for this job. We are grateful both for his willingness to serve as our Federal Highway Administrator and also for his joining us today.

The Federal Highway Administration, as we know, and the work that it does to strengthen our world-class highway system is essential to ensuring that both people and goods can get where they need to go when they need to get there.

As we all know, today's hearing is an opportunity for our committee to conduct oversight, as well, of the Federal Highway Administration's Fiscal Year 2025 budget request, as well as the Administration's implementation of the Bipartisan Infrastructure Law, which was created, in large part, in this room, and the Inflation Reduction Act.

Together, these laws have enabled the Federal Highway Administration to make once-in-a-generation investments in our Nation's roads, our Nation's highways, and our Nation's bridges.

I want to begin today with a few words about the Bipartisan Infrastructure Law. As I have said before, the Bipartisan Infrastructure Law represents the single largest investment in our Nation's roads and bridges since the construction of the interState highway system, and its enactment was due in large part to the hard-work-

ing members of this committee, many of whom are going to be here in this room throughout the morning.

The Bipartisan Infrastructure Law is already having a transformative impact across our Country. According to the American Road and Transportation Builders Association, since the enactment of the Bipartisan Infrastructure Law, more than \$128 billion, with a B, \$128 billion in highway and bridge formula funds from this law have been used to support more than 70,000 new projects across America, 70,000 new projects across America.

For example, in Delaware, we are using Bipartisan Infrastructure Law funds to address congestion and safety at the I-95 and 895 interchange in northern Delaware, New Castle County. In Arkansas, the city of West Memphis is restoring hundreds of acres of floodplain along the Mississippi River's banks to protect major transportation routes. In Arizona, the other end of our Country, that State is installing new protections to reduce wildlife-vehicle collisions while increasing habitat connectivity for local species.

These projects are not just rebuilding our roads and our bridges, they are creating, literally, tens of thousands of good-paying jobs across our Country. For example, according to the White House, the highway, the street, and bridge construction industry added an average of 2,800 jobs per month in 2023, which is four times the amount of jobs the industry was adding per month between 2011 and 2019.

To date, over 15 and a half million jobs have been created in our Country since President Biden took office. That sounds like a lot of jobs, but to put it in context, that is more than the combined populations of Delaware, Kansas, Nebraska, New Mexico, New Hampshire, Oklahoma, and West Virginia combined. Seems like a lot of jobs; it is a lot of jobs.

As our colleagues will recall, in addition to the investments that the Bipartisan Infrastructure Law is making to the Federal Highway Administration, the Inflation Reduction Act created three new programs at that agency. These new programs are helping to reconnect communities and neighborhoods while promoting use of lower-carbon construction materials, as well as providing resources to help expedite the environmental review process for transportation projects.

While we have made progress toward rebuilding our Nation's infrastructure over the last several years, there is no shortage of challenges ahead for the Federal Highway Administration.

The collapse of Baltimore's Francis Scott Key Bridge on March 26th was a terrible, terrible tragedy. As we all know, six people lost their lives, and thousands more have had their daily lives upended by the loss of a critical highway link across the Baltimore Harbor.

President Biden is committed to helping the people of Baltimore rebuild the bridge, and the Federal Highway Administration already has been and will continue to be a key leader in the recovery efforts.

As the recovery efforts continue, I hope that the Federal Highway Administration will continue to work closely with us in the Congress and the other relevant Federal agencies, as well as State and local leaders to rebuild the bridge. This is a shared responsibility.

As climate change continues to impact our communities across America and our infrastructure, the Federal Highway Administration has an important role to play in reducing emissions from our transportation sector while improving the resilience of our transportation systems. Fortunately, through the Bipartisan Infrastructure Law and the Inflation Reduction Act, Congress has given the agency additional tools to address climate change.

I am proud that the Bipartisan Infrastructure Law included the first-ever climate title of any surface transportation law and that the Fiscal Year 2025 budget builds on this effort. As part of the climate title, Congress created the National Electric Vehicle Infrastructure (NEVI), a program which provides \$7.5 billion to States for electric vehicle charging infrastructure.

Creating the NEVI program was just the first step. Accelerating the pace of installing EV chargers will require a close partnership between the Federal Highway Administration and the State departments of transportation throughout our Country.

In the Inflation Reduction Act, Congress created the Low-Carbon Transportation Materials Grants Program to incentivize the use of lower-emitting construction materials on highway projects. Through this grant program, States can obtain funding to support cleaner construction materials that will reduce our Nation's greenhouse gas emissions.

It is also crucial that the Federal Highway Administration uses all of the tools and the resources provided by us, by the Congress, in the Bipartisan Infrastructure Law to address the challenges of highway congestion and resulting supply chain bottlenecks. In addition to impacting the commutes of many Americans, bottlenecks can add up to a higher cost of doing business and result in significant environmental costs, as well.

Last, making our roads safer for all Americans is an ongoing challenge for the Federal Highway Administration. Thankfully, since the enactment of the Bipartisan Infrastructure Law, we have started to see the number of roadway fatalities begin to decline after increasing for years. I am going to say that again, some good news here. We have not had this good news for a while on this front, but thankfully, since the enactment of the Bipartisan Infrastructure Law, we have started to see the number of highway fatalities begin to decline after increasing for years. I think we all agree that is a very good thing.

To continue this progress, the agency must continue to work with States and communities to plan roadway designs that are safe for all users.

The Federal Highway Administration's Fiscal Year 2025 budget will help ensure the agency has the resources it needs to tackle challenges like these as it continues to modernize our Nation's roads, our Nation's highways, and our Nation's bridges.

As we approach the third anniversary of the enactment of the Bipartisan Infrastructure Law and the second anniversary of the Inflation Reduction Act later this year, it is important for us to take stock of the progress that has been made and the work that lies ahead. Today's hearing will provide us with an opportunity to do just that.

Ranking Member Senator Capito will be joining us later in the hearing and will not be making an opening statement at this time. She is well-represented by the folks over on my right shoulder, who are a great part of our EPW team.

Anyway, we are now going to hear from Administration Bhatt. I already mentioned a couple of aspects of your resume and your vitae. A number of major roles. I do not know a lot of people who have been Secretary of Transportation for two States, in this case, Colorado and Delaware, but you have also been, in addition to being the head of the Federal Highway Administration, you have also had some other major roles. Mention a couple of those for us before we get into your hearing and testimony, just a couple of other major roles that you have played in the last 10, 15 years. Go ahead.

Mr. BHATT. Thank you, Chairman. I was also the Deputy Executive Director with the Kentucky Transportation Cabinet; I was the President and CEO of the Intelligent Transportation Society of America, (ITS). I also was in the private sector with AECOM as a global senior vice president for Transportation, Innovation, and Alternative Project Delivery.

Senator CARPER. Delaware is a little State, and you tend to get to know people pretty well. I have had the opportunity to meet Shailen's wife and family. I just ask you to convey to her our thanks for sharing you with all of us.

With that, you may proceed with your testimony. Please proceed.

**STATEMENT OF HON. SHAILEN BHATT, ADMINISTRATOR,
FEDERAL HIGHWAY ADMINISTRATION**

Mr. BHATT. Thank you, Chairman Carper, and Ranking Member Capito, I know she is going to join, members of the committee. I want to thank you for the opportunity to appear before you today.

I believe that a transportation agency exists for two reasons: to save lives, and to make people's lives better. The historic funding provided by the Bipartisan Infrastructure Law and Inflation Reduction Act is enabling projects that will do just that.

Federal Highway Administration (FHWA) has continued to make significant progress in advancing new programs and funding projects to improve safety, reduce bottlenecks, and make our infrastructure more resilient. The President's budget request for FHWA builds on this and will enable continued progress.

One example that is emblematic of FHWA's progress is the Brent Spence Bridge. When I was a college student, I used to drive across that bridge, and I remember thinking it was very old. While serving at Kentucky Transportation Cabinet (KYTC), funding for the bridge seemed decades away. During the Obama administration, I served at FHWA, and I remember the Ohio delegation highlighting the funding needs, but we were unable to move it forward. We announced a grant award for the rehabilitation and reconstruction of that bridge in 2023 and completed the environmental review last month. This bridge is no longer a decades-away dream, but it is a reality.

Senator CARPER. Tell us, this bridge connects what point to what point?

Mr. BHATT. It is from Covington, Kentucky into Cincinnati, Ohio.

Senator CARPER. Okay, great. Thanks. I think I have been on that bridge.

Mr. BHATT. Many people have, about 3 percent of the Nation's GDP is carried on it. These projects are becoming a reality thanks to the Bipartisan Infrastructure Law.

The backdrop to all project delivery remains safety. I have spent my career working to make our roadway safer. Although we have seen some signs for cautious optimism, based on recent data, roadway fatalities, particularly among vulnerable road users, remains stubbornly high. The investments we are making will be critical to saving lives, and we need to build on—I just want to ask, do you want me to yield or continue? Okay.

Senator CARPER. Please go ahead.

Mr. BHATT. Thank you, and harness technology to get to our goal of zero deaths not decades from now, but much, much sooner.

I have always believed in our ability to achieve transformation through transportation. I was pleased to witness this in action recently in Delaware at the renaming of the Newark Regional Transportation Center as the Thomas R. Carper Train Station. This train station was transformed from a former automotive plant into a multi-modal passenger rail station.

Although not a highway project, there are countless examples of similar transformation happening with infrastructure across the Country. Thank you, Senator Carper, for being a transformational leader and true champion for transportation.

One area of transformation is our progress toward a National EV charging network. Since the President took office, the number of publicly available charging ports has grown by over 90 percent, with over 183,000 publicly available EV charging ports across the Country. Our programs are accelerating private sector investment that puts us on track to deploy 500,000 charging ports ahead of schedule. EV charging stations funded by the Bipartisan Infrastructure Law have opened in several States, with more States expected to come online soon.

I want to recognize this committee for helping enact the first surface transportation bill to include a climate title. In April, FHWA announced nearly \$830 million in grants from the discretionary program known as Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation Program (PROTECT) to help communities strengthen transportation infrastructure.

Last month, I was in Philadelphia to celebrate a \$14 million PROTECT award. I met a potential future FHWA Administrator, an 8-year-old boy who came to visit the project with his mom on his bicycle. He and I had an opportunity to sit down and discuss it. His enthusiasm not only filled me with great hope for the future, but our conversation was a reminder that projects that are occurring today will have positive effects for generations.

Our transportation system was primarily designed and built in the 20th century. It was not designed to handle the climate impacts we are seeing today. Since January 2021, FHWA has made available over \$3.5 billion in Emergency Relief Program funding for climate-related events. I have witnessed this first hand, holding leadership positions in three States during my transportation ca-

reer, the increased frequency with which these impacts are occurring highlight the significance of the ER Program and the financial strain that it is currently under.

While not climate related, the most visible recent ER event is the collapse of the Francis Scott Key Bridge. I want to highlight the efforts of FHWA staff, Maryland DOT, the city of Baltimore, Army Corps, Coast Guard, and private sector companies who are supporting the response. I also want to thank the emergency responders who acted quickly to save lives and not lose sight of the families of the six people who lost their lives working on the bridge that night.

I have dealt with a number of bridge-related incidents during my career. I have never seen something at that scale. While it is a monumental task to clean up the site and rebuilt the bridge, the coordinated response by government and industry gives me great optimism.

During my remaining tenure as Administrator, I will continue to endeavor to ensure that FHWA serves as a positive example to the American people.

Thank you again for the opportunity to appear today. I am happy to answer any question.

[The prepared statement of Mr. Bhatt follows:]

**Testimony of Shailen Bhatt, Administrator of the Federal Highway Administration
U.S. Department of Transportation
Before the Senate Committee on Environment and Public Works
June 5, 2024
10:00am**

Chairman Carper, Ranking Member Capito, and Members of the Committee, thank you for the opportunity to appear before you today.

We are halfway through the Bipartisan Infrastructure Law's five-year authorization period. When I appeared before this Committee a year ago, I noted that FHWA was working tirelessly to implement the Bipartisan Infrastructure Law and the Inflation Reduction Act. That same level of effort continues, and today I look forward to discussing FHWA's progress since I last appeared before the Committee.

I have long believed that a transportation agency exists for two reasons: to save lives and to make people's lives better. The historic funding provided by the Bipartisan Infrastructure Law and Inflation Reduction Act is enabling projects that will do just that. Since enactment of the Bipartisan Infrastructure Law, FHWA has distributed over \$180 billion in highway formula funding to States and issued Notices of Funding Opportunity for over \$16 billion in available discretionary funds. The success of these programs depends, in part, on the streamlined delivery of funding – to get projects to, and through, construction. Since enactment of the Bipartisan Infrastructure Law, FHWA has taken steps to speed up project delivery. For example, we stood up a new, permanent team to oversee grants-management matters and have several acceleration activities underway. FHWA has a history of providing technical assistance and is committed to supporting our stakeholders at the State, local, and Tribal levels to ensure we deliver projects on time and on budget.

Since I last appeared before this Committee, FHWA has continued to make significant progress in advancing new programs and funding projects that improve safety, reduce bottlenecks to keep freight moving, and will make our infrastructure more resilient. The President's budget request of \$62.8 billion for FHWA, which, when added to the \$9.5 billion in advance appropriations contained in the Bipartisan Infrastructure Law, results in a total of \$72.3 billion, builds on the progress made to date and will enable continued progress as we deliver on the promise of this historic legislation. FHWA's mission begins and ends with safety, and in addition to safety, FHWA's work is guided by an initiative we refer to as "DRIVEN for the 21st Century." There are six aspects to this initiative: Delivery, Resilience, Innovation, Values, Equity, and our Nation.

One example that is emblematic of FHWA's progress is the rehabilitation and reconfiguration of the Brent Spence Bridge. When I was a college student at Western Kentucky University, I used to drive across that bridge and remember thinking it was very old. While serving as a Deputy Executive Director at the Kentucky Transportation Cabinet, funding for the bridge seemed decades away. During the Obama Administration I served at FHWA and I remember the Ohio congressional delegation highlighting the funding needs for the bridge, but we were unable to

move it forward. We announced a grant award for the rehabilitation and reconstruction of the bridge in 2023, and completed the environmental review last month. Now, this bridge that connects the Kentucky and Ohio communities on either side of the Ohio River is no longer a decades-away dream but is a reality as the project is expected to go to construction later this year. The Brent Spence Bridge project is a prime example, but there are tens of thousands of projects across the country that are becoming a reality thanks to the Bipartisan Infrastructure Law.

The backdrop to all project delivery remains safety, which is FHWA's number one priority. I have spent my entire career in transportation working to make our roadways safer and I believe our collective work has saved lives. Although we have seen some signs for cautious optimism based on recent data, roadway fatalities, particularly among vulnerable road users, remain stubbornly high and much work remains to improve road safety. Whether it is the over \$1.7 billion in grants to over 1,000 local communities under the Safe Streets and Roads for All (SS4A) Program to improve road safety and help prevent deaths and serious injuries on their roads, the Saving Lives with Connectivity: Accelerating Vehicle to Everything (V2X) Deployment grant opportunity, or the Intersection Safety Challenge that aims to transform roadway intersection safety, all of these investments under the umbrella of the National Roadway Safety Strategy will be critical to saving lives. We look forward to delivering these projects with a resolute focus on our goal of zero deaths on American roadways. We need to continue to make investments in safety, make good safety policy decisions, and harness technology to get us to our goal of zero deaths—not decades from now but much sooner.

Projects that improve safety are being delivered all over the country. Last September, I joined State and local officials in Wyoming to unveil 200 new truck parking spaces along Interstate 80. These new truck parking spaces will improve safety and facilitate safe and efficient freight movement along one of the busiest Interstates in the U.S. Last year, the first component of a Tribal Safety Project in North Dakota began construction, and construction for the second component of the project is planned for this year. The project, which was awarded a \$19.5 million RAISE grant, will provide safer roads on the Standing Rock Indian Reservation and Mandan-Hidatsa-Arikara (MHA) Nation, and will reduce delays to improve mobility and community connectivity for underserved and disadvantaged Tribal communities.

During my career, I have always believed in our ability to achieve transformation through transportation. I was pleased to witness this in action recently in Newark, Delaware, where I joined State and local officials for the renaming of the Newark Regional Transportation Center as the Thomas R. Carper Train Station. This train station was transformed from a former automotive plant into a multi-modal passenger rail station. This project, which received over \$12 million in funding under the Department of Transportation's TIGER Program (now known as RAISE), was a transit-oriented development catalyst for University of Delaware's Science, Technology and Advanced Research (STAR) Campus. Although it is not a highway project, there are countless examples of similar transformation happening with transportation infrastructure across the country. Thank you, Senator Carper, for being a transformational leader and a true bipartisan champion for transportation.

One area of transformation is our progress towards a convenient, affordable, reliable, and equitable national electric vehicle (EV) charging network. While some have been critical of progress related to building out an electric vehicle network, since the President took office, the number of publicly available charging ports has grown by over 90 percent, with over 183,000 publicly available EV charging ports across the country. Our programs are accelerating private sector investment that puts us on track to deploy 500,000 charging ports well ahead of schedule and continue to expand a convenient and reliable charging network. FHWA, in collaboration with the Joint Office of Energy and Transportation, continues to work with States as they access the \$7.5 billion from the National Electric Vehicle Infrastructure (NEVI) Program and Charging and Fueling Infrastructure (CFI) Discretionary Grant Program. Each State was required to submit an update to their EV Infrastructure Deployment Plan by August 1, 2023. FHWA approved all EV charging plans from States, Puerto Rico, and the District of Columbia, unlocking approximately \$885 million in FY 2024 NEVI formula funding to implement those plans. EV charging stations funded by the Bipartisan Infrastructure Law have been opened in six States: Hawaii, Ohio, New York, Pennsylvania, Maine, and Vermont, with EV chargers in more States expected to come online soon. In January 2024, FHWA announced \$623 million in Community and Corridor grants under the CFI Program to strategically deploy publicly accessible EV charging and alternative fueling infrastructure projects in 22 States and Puerto Rico. The first round of grants will fund construction of an estimated 7,500 EV charging ports. Also in January, FHWA announced the award of nearly \$150 million to 24 grant recipients in 20 States to make existing EV charging infrastructure more reliable. These grants, under the EV Charger Reliability and Accessibility Accelerator, will be used to repair or replace nearly 4,500 existing EV charging ports. FHWA is working with recipients to execute grant agreements as expeditiously as possible, which will translate into more ports available to drivers of EVs. We issued the NOFO for the second round of funding for these two programs on May 30, 2024.

I want to recognize this Committee for championing passage of the first surface transportation infrastructure bill to include a climate title, recognizing the growing impacts of our changing climate throughout the country. We need a resilient transportation system. The Bipartisan Infrastructure Law provides historic resources to address this issue. In April, FHWA announced nearly \$830 million in grants from the PROTECT Discretionary Grant Program for 80 projects nationwide to help communities strengthen transportation infrastructure to make it more resilient to natural hazards, including climate change, extreme weather, and other disasters. I was in Kalamazoo, Michigan, where I joined Governor Whitmer and other State and local officials to celebrate a \$38 million award under this program to update aging stormwater infrastructure. While in Kalamazoo, I heard stories from so many people who shared vivid memories of the terrible flooding they endured just a few years ago. This PROTECT award represents more than just funding to the people of Kalamazoo—it represents hope that they will never have to endure such horrible flooding again. Last month, I was in Philadelphia to celebrate a \$14 million award under the PROTECT Discretionary Grant Program to rehabilitate two deteriorating bridges over Wissahickon Creek in Northwest Philadelphia. Built in the 1800s, the Bells Mill Road and Valley Green Road bridges provide access to Wissahickon Valley Park, a noteworthy natural destination in the city that experiences frequent flooding. At the event, I met a potential future FHWA Administrator – an eight-year-old boy who came to visit the project on his bicycle. He and I had an opportunity to sit down and discuss infrastructure. His enthusiasm not only filled me with great hope for the future, but our conversation was a reminder that the projects that are

occurring today thanks to the Bipartisan Infrastructure Law will have positive effects for future generations.

Our transportation system primarily was designed and built in the 20th Century. It was not designed to handle the climate impacts we are seeing in the 21st Century. Since January 2021, FHWA has made available over \$3.5 billion in Emergency Relief (ER) Program funding to States, territories, Tribal governments, and Federal Land Management Agencies for climate-related events. Whether it is damaged roads in California caused by Tropical Storm Hilary or flood damage that caused the closure of Yellowstone National Park and impacted roads and bridges in Montana, Wyoming and the surrounding areas, climate-related disasters impact our transportation assets in States throughout the country, without regard to political makeup, geographic location, or topography. I have witnessed this first-hand holding leadership positions in three States during my transportation career. Hurricanes Irene and Sandy devastated Delaware and many States along the East Coast. In Colorado, we grappled with the impacts of wildfires and flooding. And in Kentucky, we experienced torrential flooding. Every State in our Nation is impacted by climate events. And the increased frequency with which these impacts are occurring highlights the significance of the ER Program and the financial strain that it is currently under.

While not a climate-related event, the most visible recent ER event to all Americans is the collapse of the Francis Scott Key Bridge in Baltimore on March 26, and I would be remiss if I did not highlight the efforts of FHWA and Department staff, the Maryland Department of Transportation, the City of Baltimore, the U.S. Army Corps of Engineers, the U.S. Coast Guard, and private sector stakeholders, who have responded to that disaster. I also want to thank the emergency responders who acted quickly to save lives. The response to this disaster has highlighted the ability of industry and government entities to work together in times of calamity as they have done since the bridge collapse. It truly has been a whole-of-government response. While FHWA's focus now is supporting Maryland as much as possible as they work to reconstruct the bridge, we must not lose sight of the devastating impact this tragedy has had on the victims and their families. We will always mourn the six individuals who lost their lives while working to strengthen our transportation system.

I have been engaged in a number of bridge-related incidents during my career, including the comparatively smaller but still impactful bridge incidents on I-95 in Philadelphia and on I-10 in Los Angeles, and I have never seen something on the scale of the Key Bridge collapse. While it is a monumental task to clean up the site and rebuild, the coordinated response by government and industry to date gives me great optimism. Less than two weeks ago, I was pleased to join State and local officials in Philadelphia to commemorate the complete reopening of I-95. That reopening—less than one year after the partial collapse of that vital corridor—is thanks to the tireless work of local, State, and Federal partners, the private sector, and union crews working around the clock, and is a testament to the strength of our partnerships and what we can accomplish when we work together.

From delivering projects to improve safety and resilience, to responding to emergency events, during my remaining tenure as Administrator, I will continue to endeavor to ensure that FHWA serves as a shining example to the American people of government in action.

Thank you again for the opportunity to appear before you today. I would be happy to answer any questions.

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Senator CARPER. Thank you very much for that testimony. We have been joined by Senator Capito, who has come from another important engagement. A huge welcome to share with us a little bit about that, if you would. Go ahead.

Senator CAPITO. Well, I told the Administrator I would be a little late, and the Chairman, but as a proud grandmother of eight, my oldest grandchild had her little eighth-grade graduation this morning, and she gave a two-and-a-half-minute tribute to one of the teachers. You met a future administrator; I saw a future Senator today, so thank you for that.

[Laughter.]

Senator CARPER. She surely picked the right family to be a part of. As a West Virginia native, I know the Capito family has a great history.

Let me just start off, if I could, with a question to Administrator Bhatt regarding the Francis Scott Key Bridge. I want to, you know, it is anticipated that the Federal funds to rebuild the bridge will come out of the Federal Highway Administration's Emergency Relief Program. It is also anticipated that State insurance proceeds and other potential legal judgments or settlements against the responsible parties will be used to reimburse the Federal Government for the use of emergency relief funds.

Could you just take a minute or two and speak a bit more about the role that insurance proceeds and other claims will play in paying for the bridge replacement?

Mr. BHATT. Thank you, Mr. Chairman, for the question. Yes, we have been working since the early hours of the tragic incident with Maryland DOT both on the disaster recovery and then turning increasingly to the rebuilding of the bridge. I know this issue has been important for this committee. I spoke about it at another hearing last month.

The President is also very engaged, Secretary Buttigieg as well, specifically around the \$350 million insurance payment. ER, as it is written, the Emergency Relief Program does require the Federal Highway Administration to make sure that States are making every effort to recover insurance funds and others to reimburse the program.

We are working closely, particularly our lawyers, are looking closely at the insurance policy, what is written, just as if you had a home insurance policy. They do not just hand you a check; there are things that are required. We are grateful that they will make that funding available. We just want to make sure that we are not skipping any steps as we analyze what is in there.

Senator CARPER. All right, thank you. According to the most recent information shared with my office, with our office, the Federal Highway Administration's Emergency Relief (ER) backlog currently stands at, I think, about \$3.5 billion.

My question is: how does the current Emergency Relief Program backlog affect the ability of the program to help States deliver projects that are currently in the pipeline?

Mr. BHATT. Thank you, Chairman, for that question. I am going to use round numbers because it is easier for my math.

There is about \$4.4 billion in ER requests that are out there now. We have about \$850 million in available ER funding, so just for

ease, I am going to say there is about \$3.5 billion in unmet needs for the ER Program; \$1.5 billion of that is what we have tagged right now for the FSK Bridge rebuild. The other \$2 billion are from States across the Country from various fires and floods and other events that have impacted States, from California to Tennessee.

Senator CARPER. You may have already answered this question, but if you have, maybe you can expand on it. Do you anticipate that additional funding will be needed to address the backlog for Fiscal Years 2024 and 2025?

Mr. BHATT. Thank you, Chairman. Yes, absolutely. I think it is about \$100 million a year that comes through the appropriation process to top up the ER funds. Obviously, that is not consistent with what the unmet need is now.

Senator CARPER. Good. There was a front page article yesterday on the New York Times that some of you may have read reporting that electric vehicles with a range of more than 300 miles are now becoming more affordable for American consumers. That is, I think, welcome news that we should all be excited about.

However, I remain concerned about the pace by which EV charging infrastructure is being installed across America. As the market for affordable EVs grows, it is critical that drivers have convenient and accessible places to charge them. Some States are doing a good job of using the Federal moneys in getting this work underway; some are not. I am going to explore with Senator Capito later, maybe later this week, the idea of having a hearing inviting folks from States that are doing a good job about leveraging the funds that we have provided through the Bipartisan Infrastructure Bill, and maybe some States that could do a lot better to see what they can learn.

My question, here is my question. I am interested in hearing more about what the Federal Highway Administration is doing to work with States to accelerate the installation of EV charging infrastructure. What are the current challenges, and what more could be done to move more quickly?

Bless you. Bless you twice. All right. How often do you hear the chair of a committee bless a member of the committee when they sneeze? Not every day, but in this committee, we are very bipartisan. Go right ahead.

Mr. BHATT. Thank you, Chairman. When I went to school in Kentucky, people said, "bless my heart" to me a lot, and so as long as you do not say that to her, then you are in good shape.

Specifically on the EV chargers, I am a project delivery person. Since I became the Administrator 18 months ago, I have taken a project delivery approach to this. We work closely with the joint Office of Energy and Transportation that has been set up. We are working with every single State. The President's goal is 500,000 charging ports by the end of the decade. We believe we are on track to hit that goal. I would prefer that there were thousands of chargers.

Senator CARPER. Say that number again, the goal is?

Mr. BHATT. Five hundred thousand charging ports is the goal that the President has set by the end of the decade. There are about 183,000 out there available now. The vast majority of those are private sector. There are six States that have NEVI chargers

that are out the door now. Again, people say, that is only six chargers. It is actually dozens of charging ports.

I would say that we are on track. Every State has submitted their plan. There are several States that already had NEVI funding chargers out there. We are on track for thousands more charging ports to become available this year, and we will hit that target.

Just like it is going to take about 4 years to rebuild the bridge, we anticipate the bulk of chargers coming online in 2024, 2025, 2026. If you look at the delivery schedule that is out there now for virtually every State, we are on target to hit that place.

I am not happy about the fact that we are about, I would say months behind where we were, but with the amount of work that was needed to get that program stood up, we want to continue to work with every single State to accelerate their delivery.

Senator CARPER. Good. All right, thanks so much for your responses.

Senator Capito, welcome, and congratulations to your granddaughter.

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

Senator CAPITO. Thank you. Thank you very much, Chairman Carper. I have an opening statement that I will allude to, but in the interest of time and other members' time, I will not give that, and go straight to questioning. Thank you for being here.

I want to ask you a specific West Virginia question to begin. This is on Corridor H, which is the State of West Virginia's highest priority highway project. A section of construction was delayed another year when FHWA declared the section from Wardensville to the Virginia State line as a major project requiring additional documentation.

Given the \$500 million statutory threshold for a major project, why did the FHWA declare this project, estimated at \$475 million, a major project? Why did you go beyond what the scope of the \$500 million threshold?

Mr. BHATT. Thank you, Ranking Member. I fully understand your urgency on getting this project delivered. I look forward to visiting with you, hopefully in the next month or so.

I specifically asked our division, why was this redesignated as a major project? The answer was, given that the construction cost estimate had gone to \$475 million, with all the preconstruction activities, design, right of way, and others, they felt that it would go over the \$500 million threshold. It is not the first time that we have used proximity to \$500 million as a reason for redesignation. Illinois had another project that that did happen on.

Senator CAPITO. Okay, so then, you used a discretion there, because this does impact additional documentation and review, and it slows the project, which is already a project that, by the way, has been on the books for probably 50 years.

What factors does the agency use to determine when to designate these \$500 million? You mentioned other costs that you thought, but you could not quite quantify that to push it up over the \$500 million. What other aspects do you use when you do this, when you

push our project and the Illinois project up to the major project listing?

Mr. BHATT. My understanding, Ranking Member, and I am happy to followup on this on specifics, but the \$500 million threshold is all costs of the projects. There is construction costs; there is design, utility relocation, right of way, that you would acquire as part of that. That is where the \$500 million is, and then there is also, it is a particularly complex or complicated project is another threshold that they can apply.

What I would also say, I do not know about adding another year, but what it does also allow us to do is provide cost and schedule assistance for West Virginia. I have directed our division staff to make sure that they are providing every possible piece of assistance to West Virginia on this project.

Senator CAPITO. Thank you. I mean, it is a very complicated piece of highway through a beautiful part of our State. It is very expensive to build where it is. We get to the Virginia line, we are hoping that the Virginians then will take it over to 81 so we can have a full shot into the center of the State.

Let me ask you about One Federal Decision. I touted it when we passed the bills, being such a great aspect in terms of permitting. When you were here, we were provided with information in March regarding the use of One Federal Decision provision for major projects, and you had eight that were using that provision at the time.

Have there been any other projects added to that number, to that list?

Mr. BHATT. Ranking Member, thank you for that question. I will need to come back and followup on have any more been added.

Senator CAPITO. Okay, and then most of these original eight projects have either been delayed or had their timeline extended. We are trying to shorten the time here, and it seems like we are not really achieving the goal.

What kind of accountability, because you are supposed to be the coordinator for all the other agencies, Fish and Wildlife and others, that are involved in this permitting for major projects, what kind of accountability do the other agencies have to you when you are trying to achieve this One Federal Decision? What is your opinion of whether One Federal decision actually works, because as a State administrator, you would have welcomed this news to say, this is going to be great. I am sure you think it is great, but is it really working?

Mr. BHATT. Thank you, Ranking Member Capito. Yes, when I sat on the State DOT side, I welcomed any and all opportunities to accelerate project delivery. I just want to be careful how I phrase this. When you say that we have the authority, I think we work with our sister agencies who issue the permits. We do not issue permits. We are the coordinating agency trying to get across the finish line.

Senator CAPITO. Yes, but there are mandated timelines within this. Do you oversee those with the other agencies? Go ahead.

Mr. BHATT. Sorry. Yes, clearly, we are often in meetings with our permitting agencies around the various and several issues, whether it is the FSK bridge, the Cape Cod bridges, all of the thornier

projects that require permitting. I will get a specific answer as to how we hold them to account, or if that is the proper terminology.

Senator CAPITO. Are you finding that it is shortening the timeline? Is it achieving its goal?

Mr. BHATT. Senator, I would say that I feel that we are making progress on trying to hit timelines. The reason these projects take a long time, there are issues around Fish and Wildlife. Fish and Wildlife, as part of their mandate, they do need to make sure that wildlife is protected, that the Army Corps of Engineers is looking at issues like the right whale that uses the Cape Cod Canal is not impacted by the construction around that project.

I would say, yes, they share a desire to move them properly, but we do not want to be in a position where they are shortcutting what they need to get done.

Senator CAPITO. I would say, more directly, the answer is no, it is really not working quite the way we envisioned it, not that we do not have goals to see that work. Whatever we can do to help with that process, because we use this as a template for other permitting legislation, and if it is not working here, like we had in the IJJA two or 3 years ago, aspirations are great, but you are talking time and money here and significant impacts.

Thank you, Mr. Chairman.

Senator CARPER. You bet; thank you.

Senator Cardin, welcome.

Senator CARDIN. Thank you, Mr. Chairman. Thank you for holding this hearing.

Administrator Bhatt, I want to talk about what happened 72 days ago, when the Dali struck the Francis Scott Key Bridge. It is now predicted to be, by Lloyd's of London, the largest maritime liability claim in history. The Port of Baltimore was closed. Six lives were lost. A major artery on the east coast of the United States was closed.

I want to thank you for your immediate help, the coordinated campaign, the unified command. You were a part of that and were instrumental in mitigating the damage and loss of life and saving costs and helping businesses deal with the challenges by the Key Bridge being destroyed.

The port has now opened, thanks to the work of the unified command. We thank the Federal partners that made that possible. The bridge handled 34,000 vehicles a day. As a result of it being closed, we have seen an 18 percent increase in the tunnel traffic, which has added to the delays of going through the two tunnels that go through the harbor. For those that have hazardous material, those truckers have to travel an additional 25 miles at a heavy cost to commerce in our community.

There is an urgency in getting the bridge replaced. The Emergency Relief funds have been extremely helpful, and we thank the Administration for releasing those funds, to deal with emergency repairs at 100 percent, which we appreciate.

The challenge is that the replacement bridge, we need to have legislation passed in order for the 100 percent Federal share to be provided. We are on day 72. It took only a matter of days after the Minnesota Bridge was destroyed for Congress to act and make it clear that they would be there with 100 percent Federal funds.

My first question to you is, does the Administration support the urgency of passing legislation making it clear that the replacement bridge will be at 100 percent Federal funds?

Mr. BHATT. Thank you, Senator, and thank you for your leadership in this matter. I would say that yes, the President has been very clear that he wants 100 percent funding for the bridge.

Senator CARDIN. I just point out about the urgency here. On May 31st, the Maryland Department of Transportation requested proposals for the replacement bridge. They are expecting that, by the late summer, early fall, to be able to announce the project team for the project, which means we are going to need Federal funds for the replacement bridge this year.

I just really want to underscore the urgency of getting the legislation passed. We do not have that many vehicles that make it to the finish line. We did not, we were unsuccessful in getting in the Federal FAA reauthorization, which was transportation related. We have to look for an opportunity to get this done.

I want to make one other point clear, if I might, and that is what Title 23 provides. I am quoting from it: "Any compensation for damages or insurance proceeds, including interest recovered by the State or political subdivision, or by a toll authority, for repair of the highway facilities must be used upon receipt to reduce the ER fund liability on that project."

In your conversations with the State of Maryland, did they fully understand that all recoveries related to the destruction of the bridge needs to go to the ER fund?

Mr. BHATT. Senator, yes, I would say they are crystal clear that any of the funds that are recovered through their legal efforts, that, and again, I defer to DOJ on the legal settlements, but any funds that they recover would first have to cut back to the ER fund.

Senator CARDIN. In fact, when we have had similar circumstances like this, there was one case in the State of Washington, a substantial amount of the cost was reimbursed to the ER funds as a result of third party recoveries, either insurance or liability claims.

Mr. BHATT. Yes, sir. The Skagit Bridge was a \$20 million repair cost; \$17 million was recovered through insurance and went back to ER.

Senator CARDIN. The last point I want to bring up deals with the use of toll facilities. Title 23 provides for the use of toll facilities on roads that use the ER funds, provided that none of the toll dollars are being used in regards to the costs paid for by the Federal Government. Is that, it is similar, you can not use the toll, it can only be used for expenses unrelated to the replacement of the bridge. In your conversations with the State of Maryland, are you confident that they will comply with Title 23?

Mr. BHATT. Senator, just to clarify, I believe what you are saying is what is consistent, which is now that the bridge has been Federalized through the use of ER funds, any tolls that are used in the future will have to be used for Title 23 purposes, and Maryland has committed to doing that.

Senator CARDIN. Thank you. Thank you, Mr. Chairman.

Senator CARPER. Thank you, Senator Cardin.

The next person in line to ask questions is Senator Cramer. Senator Cramer?

Senator CRAMER. Thank you, Mr. Chairman, for having this hearing.

Senator CARPER. Thank you for joining us.

Senator CRAMER. Thank you, Mr. Administrator, for being here. I am going to start with, it might not surprise you, I have repeatedly raised concerns over the legality and impracticality of the, and the nature of the FHWA's greenhouse gas emissions rule.

Over this past couple of years and since the last time you were before us, not one, but two Federal courts have agreed and said that this was an unlawful rule. Following those two rulings, the U.S. Senate passed my congressional Review Act resolution with 53 votes, which means it was bipartisan, a resolution supporting that position.

Yet, I see that you all have appealed the decision of the courts and are continuing to pursue this unlawful rule as though you have a license to do something that Congress has not given you. What is the point of wasting taxpayers' dollars and time and resources on a rule that is so clearly illegal?

Mr. BHATT. Thank you, Senator. You have been very consistent in your statements on this. I would say that I would like to share that consistency on my side.

I have always said that we will comply with the law. When the courts reached their decision, we told States that we would not be requiring them to meet the schedule because of the legal decisions that have been made. I am going to defer to DOJ. They are the ones who are in charge of appeals and other things. We will just continue to follow the law.

Senator CRAMER. Since you brought that up, defer to the DOJ, which I know you have to do, that is another whole frustration of mine, is that the client of the Department of Justice no longer has any authority of the Department of Justice's decisions on your own behalf. Congress did that back in the, I think, 1960's, and it was one of the great mistakes that we should correct someday, because I have found it very frustrating.

I can not wait for the Chevron doctrine to be overturned, along with, and I am grateful to the court in West Virginia versus Environmental Protection Agency (EPA) using the Major Questions doctrine, which I believe this is a violation of, by the way. In fact, anyway, so the idea that you are now the client of this law firm called the Department of Justice, but have nothing to say about the appeal is disgusting to me. We should break that up.

At any rate, given the fact that the Supreme Court has issued rulings previously that are not dissimilar to this, using the Major Questions doctrine, at what point does an agency just follow all of that precedent rather than trying to make it up as it goes in violation of what is so clear, I think, to most people?

Mr. BHATT. Senator, I am not trying to be evasive.

Senator CRAMER. Yes, I know.

Mr. BHATT. I am trying to understand.

Senator CRAMER. Yes, it is a tough one for you to answer. I get it.

I am just saying, you do not get to make stuff up and issue the rule, and then wait for the Supreme Court of the United States or some other appeal process to finish off before you say, okay, well, we will go by the law again now. The law is, to me, was crystal clear, as is, by the way, the intent of Congress in the Congressional Review Act (CRA).

Anyway, all of that said, I want to move on to my other favorite topic, the united banking system, and that is, of course, formula funding and the importance of it. It was my highest priority in the Bipartisan Infrastructure Bill that I was grateful for the 90–10 formula funding formula.

I have been hearing, and I am going to ask you to verify whether this is true or not, but I have been hearing that on the grant side, the discretionary side, money has not been going out very fast. In fact, it could be even manipulated or confusing the formula a little bit.

I want to you either verify or deny that that is the case. Just maybe advocate for moving more money out of discretionary into formula if, in fact, there is a problem, because one thing about the States, they get their money out really, really fast, as you know. You have done it a couple of times yourself.

Anyway, first of all, is that a correct assumption that I am making about the grant funding or is my information not accurate, and second of all, what do you think about putting more of it in formula?

Mr. BHATT. Senator, thank you for that question. I believe the States have done a great job of getting formula dollars obligated and out the door, and the Chairman talked about all the great projects that are out there.

Project delivery, and I am less interested in giving out money. I am more interested in delivering projects. We have about 2,250 discretionary grant agreements that we are working on from money that we have awarded, and about 50 percent of those now, which is greatly up from when I started, have now signed grant agreements. We want to turn all of these projects into successful ribbon cuttings. I commit to continuing to do that.

Senator CRAMER. Thank you. Thank you, Mr. Chairman.

Senator CARPER. Thank you, Senator Cramer.

We have been joined by Senator Padilla. Good morning, and welcome.

Senator PADILLA. Good morning, Mr. Chair.

Senator CARPER. Go right ahead. It is good to see you.

Senator PADILLA. All is well, all is well.

Senator CARPER. Good.

Senator PADILLA. Well, thank you for holding this hearing. Thank you for the opportunity to highlight one of the elements of the Fiscal Year 2024 spending package that included a bill that I put forward on a bipartisan basis known as the Emergency Vehicle and Community (EVAC) Planning Act, which directs the Department of Transportation and Federal Emergency Management Agency (FEMA) to develop best practices around emergency evacuation routes for States, territories, tribal governments, and local governments to utilize when conducting transportation infrastructure planning. Even in the planning phase, we have to be mindful

of evacuation routes, and it comes from experience, tragic experience.

In California, we have seen people literally die in their cars trying to escape wildfires, for example, because there was simply not sufficient or adequate evacuation routes or capacity along evacuation routes. This planning work can literally mean the difference between life and death.

Administrator Bhatt, will you commit to working with the Department of Transportation and FEMA to develop and publish the guidance as expeditiously as possible?

Mr. BHATT. Thank you, Senator, and yes, I have seen many of the tragic stories, particularly in the wildfires, of people perishing. California is experiencing a number of these tragedies. We are working with FEMA already. The planning is incredibly important, and I appreciate your support in this area.

Senator PADILLA. Absolutely. Thank you for that commitment.

While these recommendations will help communities improve disaster preparedness and evacuation capacity, dedicated funding to implement them at the local level still remains critical. Currently, one of the only dedicated Federal funding sources available for evacuation route projects is to do a small set-aside under the Highway Administration's PROTECT grant program.

Unfortunately, this program had its funding cut in Fiscal Year 2024, which is why I have been leading a number of our colleagues to urge appropriators to restore funding in the Fiscal Year 2025 plan and to increase the evacuation route set-aside.

Followup question for you, Mr. Administrator: how can the Highway Administration expand its involvement in this area, and what additional resources would be helpful as Congress begins to negotiate the spending plan for the next Fiscal Year?

Mr. BHATT. Thank you, Senator. Again, I think we just released the \$830 million in PROTECT discretionary, and there are some evacuation routes that are in there. We work closely with State DOTs.

Obviously, safety is our No. 1 priority, and making sure, whether it is evacuation routes for fires, for floods, for hurricanes, this is going to be a key priority, and we welcome any additional resources that are made available.

Senator PADILLA. All right, thank you. While we are on the topic, any initial ideas or suggestions, as we are also looking ahead to the next surface transportation reauthorization bill?

Mr. BHATT. Thank you, Senator. I always believe in making data-driven decisions. It would be great for us to begin collecting data around what are primary evacuation routes, how are they performing in these situations, how resilient are they, are there any culverts, for example, that might wash out due to heavy rain, and we need to prioritize those.

We actually started that in Colorado when I was there around, sort of a risk-based prioritization practice, but those are just some initial thoughts. I am happy to work with your staff.

Senator PADILLA. I know one example that still sticks in my mind is the image of one fallen tree in the wrong place on the rim of Lake Tahoe can really cause a lot of havoc as a ripple effect, to give just one example of many.

In my time remaining, I also wanted to thank you for the significant investments that your agency has made in heavy duty vehicle infrastructure under the first round of the Charging and Fueling Infrastructure Grant Program. I also wanted to thank you for your efforts to better coordinate with the Department of Energy through the Joint Office on Vehicles to build out the necessary heavy duty charging infrastructure along high priority corridors.

I am concerned that the recent NOFO only makes heavy duty infrastructure eligible that is fully open to the public without also including infrastructure that is open to operators for more than one company. I think the latter eligibility supports projects that provides fleet operators of all sizes with the assurances that there will be reliable infrastructure access, especially in the early years of this transition to zero emission technologies.

Will you consider an amendment to the definition in this NOFO to ensure that heavy duty commercial charging depot projects or projects that include elements that are for shared fleet charging can be eligible under this round?

Mr. BHATT. Thank you, Senator. I am happy to take any of that feedback.

This is one of the challenges. Title 23 requires full public access, but for commercial operators, that presents different challenges. We are going to work with the joint office to incorporate all of that feedback.

Senator PADILLA. I just think, and we have seen it with other technologies before, that these fleets provide great opportunity in earlier stages for that scaling up and reaching the cost efficiencies that we are striving for. We will continue to work with you on that.

Mr. BHATT. Thank you.

Senator PADILLA. Thank you, Mr. Chair.

Senator CARPER. You are welcome. Thank you so much for your questions and for your presence.

Earlier this morning, we were talking about some encouraging data with respect to safety, accidents, deaths, injuries, and so forth. For the first time after seeing them just continue to climb and climb, the numbers are looking better.

This morning, in California, there is a bicycle charity event that is taking place with hundreds, maybe thousands, of people riding their bicycles from San Francisco down to Los Angeles, one of whom is our oldest son. This idea of safety including not just cars, trucks, vans, but also bicycles is on my mind. I wish him well, along with all the others. Thank you so much.

With that, Senator Ricketts, you are recognized.

Senator RICKETTS. Thank you very much, Chairman Carper and Ranking Member Capito, for having this hearing.

Administrator Bhatt, great to see you again. Thank you for your and your team's coordination and responsiveness to the Nebraska Department of Transportation and my staff as we have been working together. I very much appreciate that.

It has been more than 2 years now since the IIJA implementation, and inflation, we were talking about this earlier, I think, with Senator Capito, you used the inflation, labor costs, and all that to justify part of the reason to make that a major project over the \$500 million, so that is something we continue to see rise, material

costs and so forth. The purchasing power of the bill is diminishing every day that goes by.

I encourage the Administration, instead of pushing progressive policies that did not make it into law, to really work on getting the IIJA grant agreements done and signed for critical infrastructure projects that we do not want to have delayed any more. I continue to encourage you to work to implement these programs the way that Congress intended and to have them carried out to meet our pressing infrastructure needs.

Administrator Bhatt, we talked last time about the August redistribution last year. Last year, the August redistribution was \$7.9 billion. This year, we anticipate that amount to climb to \$8.7 billion. The Nebraska Department of Transportation continues to be concerned about how they can effectively and efficiently obligate infrastructure dollars in such an impossibly tight timeframe.

Without the action from Congress, do you expect this number to rise again in the next Fiscal Year?

Mr. BHATT. Thank you, Senator. I actually have been working closely with Director Kramer on a lot of response to the storms that have affected your State, so I appreciate your leadership in this space.

Senator RICKETTS. Great, thank you.

Mr. BHATT. Yes. August redistribution last year, I had just come on, learned of the \$7.9 billion August redistribution. States and cities and others made a heroic effort to get that across the finish line. This year, at \$8.7 billion, yes, it is a feature now of August redistribution that it continues to climb.

We are trying to work even earlier each year, but it would be great to know that our budget proposal was a solution for that. I know there are other solutions out there, and it would be great to get this resolved.

Senator RICKETTS. Is there any way, though, to make a dent in this? You are saying, for Fiscal Year 2025, you think that number, \$8.7 billion that we expect this year, is going to go even higher next year? Is that accurate?

Mr. BHATT. Senator, if it does not go higher, it is still going to stay in the same vicinity, and that is just a huge number to try to move around at the end of the year. It is not a great way to deliver the program.

Senator RICKETTS. Right. Well, we agree on that. Again, frankly, \$7.9 billion last year, \$8.7 billion this year, if you can keep it from going higher next year, that is still a win, right? The more that you can do with regard to streamlining the permitting process, I know, obviously, again, we talked about you do not actually issue those, but working with the other agencies or grantee training, anything you can do to make sure we get those dollars out. It just really creates a huge problem when we have that many dollars in such a short timeframe.

Are you, because the number is so big, are you planning on any additional flexibility for States to help deal with the August redistribution so that State departments of transportation can better optimize their programming of these Federal dollars throughout the year?

Mr. BHATT. Thank you, Senator. Yes, we have, again, we have begun earlier than ever reaching out to States, asking them to identify.

One of the problems for States is they have, because of all the resources in the Bipartisan Infrastructure Law, they have pushed forward a lot of projects. Normally, every year, you would find one that was on the shelf, but did not have funding, and there are not that many that are sitting on the shelves now.

States are doing, I think, heroic efforts here. We are going to continue to work with them, give them every flexibility they need, so that we do not lapse any of that obligation.

Senator RICKETTS. Great. I am going to switch gears on you a little bit. The Nebraska Department of Transportation has been dealing with issues regarding contractor sites with Federal and State agencies. They deemed that contractor sites are a part of the project, the Nebraska Department of Transportation (NDOT) and the Federal Highway may need to account for the impacts or mitigation on those contractor sites.

NDOT's understanding from Federal Highway has been that there was no Federal nexus to contractor sites, and that Federal Highway had an internal memo indicating this. However, recent nationwide programmatic agreements that Federal Highway is negotiating and signing suggests otherwise.

Can you provide some clarity on the Federal Highway Administration's opinion regarding contractor sites and Federal nexus? Does Federal Highway recognize the issues and burden that were put on State departments of transportation on delivering their programs if there was a nexus there? Can you clarify this please?

Mr. BHATT. Senator, I am happy to reach out to NDOT or others to just get more information, and would be happy to get back to you on that.

Senator RICKETTS. Okay, so you are not familiar with this internal memo, and which way it goes on contractor sites?

Mr. BHATT. I am not, Senator, but I am happy to get up to speed and get back to you quickly.

Senator RICKETTS. Great. Very well, then we will followup with you on that. Thanks. Thank you, Mr. Chairman.

Senator CARPER. Thanks for those questions. I am going to ask a couple of more questions, and then yield to Senator Capito, who is welcome, if she would like, to give the rest of her opening statement. That would be fine.

Let us talk a little bit about wildlife crossings. In the Bipartisan Infrastructure Law, as we will recall, Congress directed the Federal Highway Administration to work with Federal natural resource agencies to construct wildlife crossings to enable fish passage and to enhance pollinator habitat along our roads. This is because we have heard time and time again, in this committee, that conserving the wildlife proactively and collaboratively amongst Federal agencies with States and with other stakeholders has both environmental and economic benefits.

The Federal Highway Administration, in particular, should play an active role in this effort since habitat fragmentation often caused by the development of our roads is a leading cause of the decline of many species.

Here is my question: how is the Federal Highway Administration working with the U.S. Fish and Wildlife Service to implement these provisions in the Bipartisan Infrastructure Law? Second, how does the President's Fiscal Year 2025 budget continue to support these partnerships with other agencies?

Mr. BHATT. Thank you, Chairman, for that question, specifically on the wildlife crossing initiative. When we installed one when I was Colorado Department of Transportation (DOT) director, we saw a 90 percent reduction in wildlife related crashes on State Highway 9 the year after we opened it, so it is clear that they make a difference. We actually had one in Arizona that we went to the groundbreaking here for recently.

We do rely on Fish and Wildlife for their expertise on some of the different animals. It is obviously different around the Country, specifically on the pollinator program. I know that that is certainly something that is a \$3 million dollar program within the Bipartisan Infrastructure Law that we are looking at, I believe, in winter of this year to award those grants, and that is something that we are going to continue to coordinate with Fish and Wildlife and other agencies on.

Senator CARPER. Okay, thank you.

One more question, and then I will yield to Senator Kelly, who has just joined us. This is a question regarding the MT pilot program implementation.

The Bipartisan Infrastructure Law, as you will recall, directs the U.S. Department of Transportation to create an advisory board on funding alternatives for the Highway Trust Fund in order to undertake a national study of vehicle miles traveled user fees. The goal of that work is to produce meaningful data that would provide timely input as Congress considers future revenue sources for the Highway Trust Fund.

Nominations for the Federal Systems Funding Alternative Advisory Board were due to the Department of Transportation by October 3d of last year. It has now been 8 months since those nominations were submitted, yet the Secretary has not named any members to the advisory board.

What is the timeline for naming members to the advisory board so that it can begin the work of the national study underway?

Mr. BHATT. Thank you, Chairman, and I know that this is a very important issue for you. I am pleased to report that we have pushed forward the committee recommendations up to the office of the Secretary, and they are being evaluated now, and hopefully in the very short term, we will be able to get that pushed out.

Senator CARPER. Yes. I am an old State treasurer. I became State treasurer of Delaware when I was 29 years old. I could barely spell "cash management." We had the worst credit rating in the Country. We were not very good at paying for things.

When I was Governor, we achieved triple A credit ratings, and still have that. I am a person who believes that if things are worth having, they are worth paying for, and also that those who use, in this case, our transportation systems, have an obligation to help pay for them. This is, you are right, this is something I care deeply about.

I do not get to stay here much longer in the U.S. Senate, about another 7 months, but this is something that I will take to the grave with me, that things that are worth having are worth paying for.

All right, let's see, who will be next? Senator Whitehouse. Sheldon, welcome, and then it looks like Senator Lummis, and then Senator Kelly.

Senator WHITEHOUSE. Thanks very much, but I am sharing another hearing, so I will be dashing out pretty quickly.

But I did want to come down and thank Administrator Bhatt for coming to Rhode Island to see the Washington Bridge problem that we have. You came on your own, and I appreciate that, on a cold and windy day. You came back again with Secretary Buttigieg to take a second look with the Secretary.

This is a bridge that carries 90,000 vehicles a day. It is a vitally important link from the east coast mainland, up toward Boston, out to Cape Cod and to points west. It is where 95 and 195 converge, and it carries 195 across the Providence River there.

Thanks to an alert inspector, who was actually operating pursuant to a transportation grant, they were able to see that this bridge, which is, as you know, a quite unusual construction, had tension members that were holding it up that had basically sheared away, and that the bridge was in fairly immediate danger of collapse.

We have had to close it, and there has been substantial effort to reroute the traffic onto safe parts of the bridge. It is now flowing considerably better after a great deal of work, but the bridge is going to need to be replaced, and it is extremely important to us. We are a small State. This is a bridge that is really important, it is an important piece of our national infrastructure.

We will be pursuing energetically and ardently support from the Highway Administration and from the Department of Transportation the funds that we are going to need to get that bridge repaired timely and right. I just look forward to working with you on that, and would love to hear you express some care and enthusiasm for helping us solve the Washington Bridge problem.

Mr. BHATT. Thank you, Senator. I appreciate your leadership on this issue.

It was a very cold day the first time we were out there. I actually went up to Boston and toured the Cape Cod bridges just on Monday, and also a project, the Alston Project, but I actually chose to travel in through Providence so I could check on the bridge.

As you say, thankfully, the project, the efforts by Rhode Island DOT to widen the lanes there to add some capacity have had an impact, so it is not quite the traffic snarl that was there initially. But I know that is a very important project for you, and we commit to energetically and enthusiastically continue to work to get that bridge replaced.

Senator WHITEHOUSE. Thank you. We will need funding, and the funding also, I think, needs to take into account the extent to which traffic has been driven through neighborhoods off the bridge, and that has been a significant air quality inconvenience penalty paid by people living nearby in South Providence and East Provi-

dence as essentially highway traffic has been rerouted through neighborhoods.

Thank you for your attention to this. We look forward to working with you and Secretary Buttigieg to a happy conclusion that gets that bridge back in full operation as quickly as possible.

Thank you, Chairman.

Senator CARPER. Thanks for joining us, especially with a few of the other responsibilities you have this morning.

Senator LUMMIS?

Senator LUMMIS. Thank you, Mr. Chairman.

Senator CARPER. Good morning.

Senator LUMMIS. Welcome, Mr. Administrator.

I am going to spend most of my time on two subjects. The first one is the Buy America Waiver. I think we all support the Buy America provisions that were recently in legislation. The problem is we do not yet have a reliable domestic source for some products and components.

For example, a traffic signal system can include over 200 components. Some of them just are not manufactured in the U.S. right now. I think all of us hope that they will be and that we can find U.S. manufacturers for all of these component parts. It does create kind of a short-term gap between the rules that you are promulgating and the availability of the products to meet the Buy America standards.

Can you offer assurances today that the FHWA will balance implementation of Buy America requirements with the actual near-term availability of domestic products?

Mr. BHATT. Thank you, Senator, for that question. I think this is something that the President has been very clear on, that he wants projects delivered as quickly as possible, and he wants to support American manufacturing.

There is, obviously, tension between those two goals, but we have been directed to deliver projects and to make sure that Buy America is upheld. My commitment to you is that we will continue to listen, continue to accept feedback from American Rescue Plan Act (ARPA), American Association of State Highway and Transportation Officials (AASHTO), Automatic Gain Control (AGC), and others on finding those problematic areas that are holding us up.

Senator LUMMIS. Well, and that is, the second part of this, of course, is Wyoming DOT plus Idaho, Montana, North Dakota, South Dakota, have all asked for waivers and extensions of time before waivers are disallowed. Before finalizing the rule, would you please confer with State level officials to ensure any requirements are practical and workable, rather than just saying, we are going to buy America, dang it, whether we have the supplies to implement it or not?

Mr. BHATT. Senator, thank you. We will follow the law when it comes to following the rulemaking process. I have had numerous conversations with a lot of organizations, State DOT leaders. I believe we received 130 comments or so as we moved through the rulemaking process. We will evaluate all of those and take those into account before we make any decisions.

Senator LUMMIS. Okay, thank you.

Now, I want to shift to the cost allocation study. Some time ago, Senator Kelly and I worked together to have a highway cost allocation study, and it is in the 2021 Infrastructure Investment and Jobs Act (IIJA), to complete a cost allocation study for highways. We know how things are changing on our highways, you know. Liquid fuel cars have higher gas mileage. There is an increased use of hybrids and electric vehicles, and it is changing their effect on our highway wear and tear. It is also affecting the Highway Trust Fund. The CBO says, of course, that the Highway Trust Fund will go into insolvency in about 2028, about 4 years from now.

Since we are coming up on a highway authorization next year, I think, or at least sometime in the next Congress, having this highway cost allocation study would be extremely helpful information, both going into reauthorization and going into the impending insolvency of the Highway Trust Fund.

My question is this: what is the status now of the cost allocation study?

Mr. BHATT. Senator, I would need to check specifically. We have a lot of reports to Congress that we are working on, but I am happy to get back to you very quickly on that.

Senator LUMMIS. Okay, thank you. I hope you will get back to me, because the bill granted up to 4 years for the study, and it requires a lot of coordination and a lot of moving parts, so I am curious about whether it will be completed in a timely manner so we can utilize the information during the reauthorization process, and certainly in planning for the kinds of changes that we are going to have to make before 2028 to make the Highway Trust Fund solvent, given the dramatic change in fuel taxes as the main source of the Highway Trust Fund.

Mr. BHATT. Senator, I could not agree more with you. I will get back to you very quickly on where we are on the status of that report.

Senator LUMMIS. Okay, thank you. I think that I am about out of time, so I appreciate your being here today.

Thank you, Mr. Chairman. I yield back.

Senator CARPER. You bet, thanks for raising that last point in your questioning, thank you.

Senator LUMMIS. Thank you.

Senator CARPER. All right.

Senator Kelly, welcome.

Senator KELLY. Thank you, Mr. Chairman.

Senator CARPER. You bet.

Senator KELLY. Administrator Bhatt, thank you for being here. It is great to see you again.

The Bipartisan Infrastructure Law, which passed the Senate nearly 3 years ago now, has allowed FHWA to make historic investments in highway infrastructure across the Country, but I continue to hear from small, rural, and disadvantaged communities across Arizona about the barriers that they face to access these new funding resources. These barriers can range from finding the funding to contribute a local match, to getting technical assistance and grant writing assistance when they are actually applying for the grants.

As this committee starts to think about the next surface transportation bill, I hope we can examine ways to support small, rural, and disadvantaged communities and tribal communities to ensure that the State DOTs, departments of transportation, have the resources to help them take advantage of funding opportunities.

Administrator, can you talk about what actions FHWA has already taken to provide support and technical assistance to help communities apply for discretionary grants, and what guidance have you provided to the State departments of transportation to help them provide support and technical assistance, as well?

Mr. BHATT. Thank you, Senator Kelly. Yes, absolutely, we want to make sure that the Bipartisan Infrastructure Law resources do not just flow to traditional recipients, such as States DOTs. I know Director Toth from her time both in the city of Phoenix, and now as the director. I know she shares your concern.

We, as Federal Highways, have division offices in every single State. We are providing technical assistance to local recipients. There is a wonderful lady name Maria Zimmerman at USDOT whose job is to go out and to reach out to people. Sometimes, it is even harder to reach out to people where they are, but we are committed to going out, meeting small communities, tribal entities, because we want to make sure that they are successful recipients and deliverers of these projects.

Senator KELLY. Does any of this stuff that you are doing, this outreach, is it new, or is it something that has been in place for a number of years?

Mr. BHATT. Some of it we have always done, but obviously, it is scaled because of the Bipartisan Infrastructure Law. Particularly under the IRA, there is \$100 million that was set aside to one of the specific outcomes was this technical assistance (TA). We are using those resources to add new consultation and TA.

Senator KELLY. Any statutory limitations that you have run into that might make it harder for you to help communities?

Mr. BHATT. Senator, not that I am aware of off the top of my head, but I am happy to followup with your staff if there is anything we can do to make that better.

Senator KELLY. In Arizona, our State department of transportation established a program called the Arizona Smart Fund, which provides some planning assistance and local match support for cities, towns, and counties that are seeking Federal funding. How can FHWA help State DOTs who establish programs to help localities make grant applications more competitive, like this Arizona Smart Fund?

Mr. BHATT. Thank you, Senator Kelly. I appreciate Arizona's leadership in this space.

I actually am where I am in my career today because in Kentucky, I helped a small town get \$200,000 dollars for sidewalks, which might as well have been \$200 million, because they never would have been able to afford it on their own. I would love to reach out to your staff or to Director Toth to figure out how we can scale Arizona's efforts.

Senator KELLY. Okay, and then, on a different subject, on the ROCKS Act. This is a provision that I helped with that was in the Bipartisan Infrastructure Law. It creates a working group for ag-

gregates, like sandstone, gravel, which are, as we all know, literally the building blocks of infrastructure. This working group would ensure that sufficient sources of aggregates exist here in the United States to support increased demand due to the infrastructure funding.

Can you provide an update on what steps have been taken in recent months to stand up the working group to support the ROCKS Act?

Mr. BHATT. Thank you, Senator. As a project delivery person, I appreciate your support for, obviously, these building blocks. I believe we have identified the members of the committee, and I will get you the specific steps that we have taken in recent months.

Senator KELLY. All right, thank you. I yield back my 3 seconds.

Senator CARPER. Three seconds, thank you for every one of those. Thanks for joining us today.

Senator Fetterman, I think you are not in the on-deck circle, you are up to bat. You are recognized at this time. Go right ahead. Thanks for joining us.

Senator FETTERMAN. Thank you, Mr. Chairman.

A lot of people are not aware of this, in fact, I really was not either, before I became a Senator and I was put on this committee, but there really is a street safety crisis in our Country. Would you agree with that?

Mr. BHATT. Yes, Senator, I would.

Senator FETTERMAN. There were more than 7,000 pedestrian fatalities in 2022. Now, if you have a jet plane crashing every 20 days, that would be on the news, but the other thing really does not seem to be covered as much. Now across Pennsylvania, there are countless stories about the community members being killed while walking or biking.

The Biden Administration has made a lot of progress on addressing this issue, but there are ways that we can all better reach all communities in expanding safer streets and trails. My office is constantly hearing from midsize to smaller cities and towns, like where I was mayor or I lived, for ideas to revitalize and build trails, sidewalks, and bike lanes.

However, I am concerned that there is a gap in funding for opportunities to support these kinds of one to three million projects. Sir, do you believe that considering smaller applications for programs like this in the neighborhood accesses an equity or grant active transportation infrastructure improvement program, or is at a designated set-aside needed?

Mr. BHATT. Thank you, Senator, and thank you for your concern for vulnerable road users. One of the things that I am most proud of in my career is when I was a Secretary of Transportation in Delaware. We went from 31st to 4th in bicycle-friendly States in the Nation. Yes, I think small communities getting small dollar grants can make a huge impact for safety.

Senator FETTERMAN. Well then, did I get that right? You went from 31st to 4th?

Mr. BHATT. In bicycle-friendly States, under the leadership of Governor Markell.

Senator FETTERMAN. Yes, that is amazing. Come to Pennsylvania.

The FHWA has recommended a number of proven design features that would help us build safer routes and connect people walking through trail facilities and outdoor recreation jobs and services. Are some of those features still subject to the design exception process? What would an applicant need to do to get an exception and implement these proven safety features?

Mr. BHATT. Thank you, Senator. There are 20 proven safety countermeasures that our Office of Safety pushes. One of those is dedicated bike lanes, separated bike lane facilities, not just striping. What I have instructed our staff is if there is a safety issue that people want to try or experiment with, that we should err on the side of safety, not of caution, and so we are directing all of those people to reach directly out to us, and we will work with our Office of Safety to expedite any exceptions that might be warranted.

Senator FETTERMAN. Thank you. I think we can continue to work on getting resources to small communities and reducing red tape, which is why I introduced the Building Safer Streets Acts, a we evaluate the IIJA implementation and what is needed is reauthorization. I hope to keep working with the FHWA and this committee on these needed reforms.

I have also raised finalizing the public right-of-way accessibility guidelines for the FHWA and the DOT. We passed the Americans with Disabilities Act 34 years ago, and we still have not finalized the standards that will ensure people with disabilities can safely walk and roll on sidewalks and crosswalks.

The Access Board finalized the Public Right-of-Way Accessibility Guidelines (PROWAG) on August 20, 2021. When will the DOT adopt these accessibility standards and make sure PROWAG is enforceable? What is causing the delay at the DOT?

Mr. BHATT. Senator, I appreciate your leadership in this effort. Let me check with my staff and get the latest update. It is at inter-agency coordination, so I just want to make sure I am getting you the right information.

Senator FETTERMAN. Thank you, sir, for doing that.

Thank you, Mr. Chairman.

Senator CARPER. Thanks for those questions, and thanks for joining us.

We have been joined by Senator Sullivan. Welcome. Good to see you.

Senator SULLIVAN. Thank you, Mr. Chairman.

Administrator, good to see you again. I want to begin, actually, where Senator Fetterman was going. I think it is a really bipartisan issue. It relates to permitting reform. It is so important, right, and unfortunately, my State is often kind of a ground zero for groups that want to delay projects on infrastructure and sue, sue, sue, just so they stop it.

I always like to say, Alaska is resource rich, but infrastructure poor. We have fewer road miles than Connecticut, and we are almost 120 times bigger than Connecticut, so we like infrastructure. Then, when we have the opportunity to build it, we want to make sure it is built on time, on budget.

As you know, in the Infrastructure Investment and Jobs Act, we worked hard to codify the core elements of a One Federal Decision

policy for transportation projects, including establishing a 2-year goal for completing EISs. Two years, in my view, is still too long, but relative to some of our other EISs, I think at your confirmation hearing, I highlighted the Cooper Landing Bypass project in Alaska. It took 40 years to complete that EIS, 40 years. Just crazy.

Are you on track to meet this 2-year requirement for the EIS? I am looking at the Chairman and Ranking Member, that is the correct number, isn't it, 2 years? Yes. It is really important, and it is now in the law.

Mr. BHATT. Thank you, Senator, and the Ranking Member obviously shares your passion on this issue.

Senator SULLIVAN. If she already asked the question, I am sorry, but we care deeply about this. By the way, America cares. Democrats care. Republicans care. The only groups, in my view, that do not care are radical far-left environmental groups who do not want to build anything, and so they sue, game the system, you know. You and I have talked about this.

Mr. BHATT. Senator, I am a project delivery person.

Senator SULLIVAN. I know you are.

Mr. BHATT. We obviously want to follow the law. The Central 70 project in Denver, which is held up as a model, took us 12 years to get through NEPA.

Senator SULLIVAN. Crazy. Well, Cooper Landing Bypass triples that time: 40 years.

Mr. BHATT. What I did share with the Ranking Member, we are going to continue to work with our resource agencies. I will come back and get the exact accountability that we are asking for. I would love for all of them to hit that 2-year mark. I know we have examples of projects that are being more expeditiously moved through the process, but I share your passion on this issue.

Senator SULLIVAN. Okay. Let me turn to, we had, literally, a flap over the American flag over Memorial Day weekend in Denali National Park. Are you tracking any of that issue?

Mr. BHATT. I am tracking it, Senator, yes.

Senator SULLIVAN. Look, this is the Park Service, in my view, telling fibs to Alaskans. They say, we had nothing to do with this, and then 5 days later, they came out and essentially said, oh, actually, we did have everything to do with it. I will not go into the details. It really, really made hundreds, if not thousands of Alaskans really upset that a Federal Agency was essentially telling an American, a patriotic American, you can not fly an American flag in a national park on your truck.

Is there anything remotely in any Federal contracts that you guys have that would require the removal of an American flag on a job site in a national park?

Mr. BHATT. Senator——

Senator SULLIVAN. I hope the answer is no. I hope the answer is, hell no.

Mr. BHATT. The answer is no. I support——

Senator SULLIVAN. Hell no, then, maybe, from you?

Mr. BHATT. Heck, no.

Senator CARPER. Remember, be careful, this is a PG audience.

Senator SULLIVAN. I am sorry. Heck no, that suffices.

Mr. BHATT. That is fiery language.

Senator SULLIVAN. Heck no.

Mr. BHATT. I would just say this: I support wearing the American flag or flying the American flag at our work sites, and there is an American flag that has been at this work site ever since. Through my investigation into it, what I learned is there was a complaint about the flapping of the flag disturbing the wildlife.

Senator SULLIVAN. Yes, whatever, I mean, come on. That complaint should be, no offense, who cares, right?

Mr. BHATT. I was just getting into the details.

Senator SULLIVAN. It is an American flag in a park by a patriotic worker. The complaint should have just been dismissed. Sorry, you does not like a flag flapping in the national park? Does not visit the park, right? Take your sensitivities elsewhere. That should have been the answer. It was not the answer by the National Park Service, but we are getting into that.

Can you just assure me, Administrator, look, I am a fan of yours. I think you are doing a good job, but the National Park Service Director said to me, hey, it may have been in the contract with the contractor, either with the National Park Service or, more likely, with the contractor with you guys. My answer is, I can not imagine you guys putting something in the contract that is a clear violation of the first amendment, and let alone, as unpatriotic as it gets.

Can you just do a little scrub to make sure you guys are not submitting contracts with American contractors that could be remotely be read to tell them they can not fly the American flag?

Mr. BHATT. Senator, I commit to you that there is no effort through the Federal Highway Administration to prevent the flying of American flags at worksites.

Senator SULLIVAN. Okay. Thank you.

Thank you, Mr. Chairman. I appreciate it.

Senator CARPER. Thank you.

Senator Merkley, good morning and welcome.

Senator MERKLEY. Good morning. Thank you, Mr. Chairman. Thank you, Administrator. Good to have you.

I want to get a better understanding, and I apologize, I had other hearings going on, so you may have answered this question. Back when we passed the infrastructure bill, the discussion was about building out 500,000 chargers, fast chargers, across America. How many of those chargers have actually been deployed?

Mr. BHATT. Thank you, Senator, for that question. The President has a goal of 500,000 charging ports by the end of the decade. There are 183,000 that are available today. The vast majority of those are from private sector deployments. That number is up 90 percent since the President took office and of those, six States have begun deploying their NEVI funds. Then, we have CFI and EV reliability accessibility charger funds that are also putting out chargers.

Senator MERKLEY. All right, so I don not think you answered the question.

Mr. BHATT. No? I would be happy to.

Senator MERKLEY. The question was, the infrastructure bill funded 500,000, as you put it, charging ports. How many of those charging ports have been deployed?

Mr. BHATT. Of the Bipartisan Infrastructure Law funds?

Senator MERKLEY. Yes.

Mr. BHATT. Yes, so six States have deployed NEVI funds. I will say it is dozens of ports, so under a hundred, of those six NEVI sites that are out there, it is dozens of charging ports. I can get you the specific number.

Senator MERKLEY. Okay, yes, if you could, because I have heard of only seven, seven out of 500,000.

Mr. BHATT. Seven sites, and then, yes.

Senator MERKLEY. That is pathetic. We are now 3 years into this. If you come out to my State, and you are looking to drive an electric vehicle around the State, even utilizing just those that are near the major highways, not a single one has been built. Not one, 3 years in. Not one. What is the problem?

Mr. BHATT. Thank you, Senator. I share your frustration around the speed of the deployment here.

I have been the Administrator for 18 months. We have worked with every single State to develop their plans, both for NEVI, which is the charger every 50 miles along the NHS, and then also on CFI, which is more of the charging and fueling infrastructure deployments in cities.

What is the problem? There are a number of problems. States have huge amounts of other programs that they are working with. We have stood up the regulations. There are Title 23 concerns. We are working through them on a State-by-State basis.

What I said in my opening statement is true, there are thousands of chargers that are going to come online this year, and we are on track to hit the President's goal of 500,000 charging ports before the end of the decade. I share your frustration on where we are today, but I am confident that we are going to hit the goal.

Senator MERKLEY. Yes. It is a big deal because you can not really depend upon an electric car if there is not a charging capability, and the fact that we passed this bill years ago, and not one charging station has been built in my State, and only seven, as you put it, sites around the Country, that is a vast administrative failure.

One of the points that was made previously was, while all of this has been delayed by trying to work out a common standard for the charging stations to be deployed, is it going to be a Tesla derivative common standard? Is that the reason that it has all been delayed so long?

Mr. BHATT. Senator, we work closely with the Joint Office of Energy and Transportation, who is the primary lead on this. That is one example of a challenge. When we came out, there were like, six or seven different charging adapters that were out there. When you go spend billions of dollars on chargers, which one are you putting out there? That was a significant question.

Due to the public investment, all of the manufacturers coalesced around the NACS charging standard. Now, that is the one that is going forward. That is both on the charging side, on the vehicle manufacturing side, so it is not just the public sector side that needs to weigh in. That is why we are working with the Joint Office on these.

Senator MERKLEY. All right, well, I am just trying to light a fire under this. This is an important part of the transition. What it says to the public when you pass a bill that is going to fund

500,000 chargers and there are only seven sites done 3 years later, is something is terribly wrong. It needs to be fixed, and it needs your intense attention.

One piece of this is, folks are like, well, at least we should have gotten charging stations done at the rest stops. I do not think you have advocated for changing Federal law that would allow that to happen. Can you expand on that?

Mr. BHATT. Senator, I was in Colorado last week for an I-25 expansion event. One of the things they have done is they have their park-and-ride wired for chargers, but they are prohibited from charging at the rest area. That is obviously an issue that States are facing.

Senator MERKLEY. Have you proposed a solution?

Mr. BHATT. I am not aware that we have proposed a solution. I think we have just identified this as an issue.

Senator MERKLEY. Okay, so you have identified a problem, but you have not proposed a solution. I suggest you actually get from identifying a problem to proposing a solution that Congress can take a look at.

Mr. BHATT. Thank you, Senator.

Senator MERKLEY. I think it would involve, quite simply, an exception for charging stations from the general law that says you can not have commercial activity at a rest stop. Isn't it that simple?

Mr. BHATT. That would be one way to solve that problem.

Senator MERKLEY. Well, if you have another way, bring it forward, or if that is the way to do it. Again, I am trying to say that people become very cynical when a vision is laid out, a vision is finally passed by Congress, and then nothing gets done. Let's move more quickly.

Mr. BHATT. Thank you, sir. The fire is lit.

Senator MERKLEY. Thank you.

Senator CARPER. I am going to say to Senator Merkley, the issue that we are talking about, you are raising here, has been discussed a good deal already today. In terms of, with apologies to The Doors and Jose Feliciano, the idea of "Light My Fire" comes to mind. Senator Capito and I have already had some preliminary conversations about a hearing that focuses just on this, and we would have, that is not entirely, certainly not entirely Shailen Bhatt's responsibility. It is a shared responsibility, as you know. The States, I say this as a recovering Governor, States have a responsibility here, and I want to make sure that they are a part of this solution.

Senator MERKLEY. Absolutely. Let's bring other key players in to solve this problem and try to knock down the obstacles that have slowed everything down.

Senator CARPER. Amen. Thank you.

Senator Capito? Senator Capito, how about giving your opening statement?

Senator CAPITO. Thank you. Thank you. Quickly, let me just followup on this, because I am a little confused. When you say a site, a site can have more than one port. Is that correct?

Mr. BHATT. Yes, ma'am.

Senator CAPITO. The 500,000, is that ports, or sites?

Mr. BHATT. Ports.

Senator CAPITO. Ports. Okay, so that is not going to 500,000 sites. I would just say, you said 178,000, I think, were already built, and they were mostly private sector. What does that tell you? Public sector, private sector, the private sector gets it done.

I think that is the direction that, I believe that was the direction we should have gone in the beginning. We did not win on that because the private sector knows the answer is here. That is just a statement, because I do have something very happy, and you are going to love this.

I have three interns here with me today, and I want to take an opportunity, so you all wave when your name gets called. I have Sidney Megna from Fairmont, West Virginia. I have Kelsey Rees from Morgantown, West Virginia, and I have Ford Sutton from Charleston, West Virginia. Thank you all for helping out today and for coming to this hearing.

They travel West Virginia roads all the time. They love Corridor H; they want to see it completed, so if I could get them right up here, they would be. You are going to come see me on Corridor H, and we are going to show you our bridges. I wanted to give just some of the highlights of my opening statement, just to get it on the record.

I am certainly proud of the bipartisanship that we had at the IIJA. It showed that we can work together and really, I think, achieve good results. Some of the implementations come into focus, and we have had some testimony to that. We have seen how the formula funding really is benefiting, certainly, my State of West Virginia, and that is why I was so adamant that 90 percent of the funding provided by this committee through the IIJA needed to be that formula funding. I know you understand that probably better than all of us sitting up here, having been the implementer.

We have already discussed that discretionary grants are a universal point of concern for our stakeholders. There are too many strings; it is taking too long to get these out the door, and these timeline delays, we have talked about inflationary costs of construction, and obviously, this is going to be impacted.

Then, that is when we get to this August redistribution thing. My understanding is the large driver of those increases is the TIFIA program. Given that, let me just stop here and ask you to confirm this, that the discretionary grants, this August redistribution, is caused by not getting the discretionary grants out on time, and also the TIFIA, those are the major drivers of the August redistribution?

Mr. BHATT. Yes, Ranking Member, primarily.

Senator CAPITO. Primarily. Those are the two things I am concerned about. I am concerned by the proposal, including in this 2025 budget that would transfer \$800 million of Highway Trust Fund contract authority from TIFIA to two discretionary grant programs when we are having trouble already getting the discretionary dollars out.

I look forward to the efforts to speed this up. This discretionary grant process time is definitely ticking, and I am concerned about that. I think you know my feelings on joining with Senator Cramer on the congressional Review Act on the greenhouse gas. I said re-

peatedly, we talked to Secretary Buttigieg about this, we debated this vigorously as we were writing this bill.

It was not included in our bill intentionally because we negotiated it out, and sometimes you win, you lose in negotiations. That one lost. I do think that the Senate spoke here, and I do not think that the FHWA has that authority. We are now in the courts to figure out exactly how far the department has gone in that.

I think we are cooking along here pretty well. Obviously, I think we have highlighted some problems that you are aware of that we want to have congressional, because the intent in the bill was to have One Federal Decision working properly and expeditiously to have the dollars going out. We are going to be, we would have these EV charging stations. These are just some of the things I think that my fellow members have brought.

You are coming this summer, hopefully, and we will get together and show you wild and wonderful West Virginia, and we will also show you, have our stakeholders in to talk about more deeply some of the issues that we see as we try to tackle the difficult challenges of building infrastructure in these inflationary times. I thank your office as always, and you personally, very open, very transparent, very much appreciated by this Senator from West Virginia. Thank you.

Senator CARPER. As a native West Virginian, this Senator approves that message.

[Laughter.]

Senator CARPER. Thank you, Senator Capito, for everything.

I have one more question, Shailen, to ask, and then we will wrap it up, I think. A question on low-carbon construction materials. In the Inflation Reduction Act, this committee established, as you may recall, the Low-Carbon Transportation Materials grant program to incentivize the use of lower emitting construction materials on highway projects. Reducing the emissions associated with the construction of our highways, of our bridges, is an important part of reducing the industrial emissions that are a major driver of climate change, as you know.

I was pleased to see the Federal Highway Administration release a request for applications for the program in March. My question is this: how is the Federal Highway Administration working with States and the private sector to help them take advantage of this grant opportunity?

Mr. BHATT. Thank you, Mr. Chairman. We have actually been very pleased with the amount of interest, both from States and from private sector partners. Obviously, we had to work with EPA to figure out what are the actual materials that would qualify. It is obviously incremental costs that are supported.

Due to some of those challenges, we thought, we were not sure what the interest would be. A lot of interest that is out there, and we are very excited about the potential to reduce carbon on the construction side.

Senator CARPER. What are the next steps for this program now that the request for applications has been publicly released?

Mr. BHATT. Thank you, Chairman. The next steps would be for us to finalize those applications that qualify, and then to work to get those dollars flowing.

Senator CARPER. All right, good, thank you. Before I thank you for appearing before us today, I want to again thank the folks that serve with you in the Federal Highway Administration for the work that they do, and express our thanks to your family for sharing you with the people of Delaware, Colorado, Kentucky, and now the Country. As Senator Capito has acknowledged, you are really doing a very, very good job in this role. It is not an easy role, and we are grateful for the way you attack it every day.

I want to just come back to a couple of issues that bear following up. I like to use the term "shared responsibility" a lot, and some of the issues that we talked about here, in fact, a lot of them, they are shared responsibilities.

We have a responsibility in this legislative branch of Congress. The Administration has a responsibility; State and local governments have a responsibility. The private sector has a responsibility. It is a shared responsibility.

I remember, I used to go to the Detroit Auto Show. Delaware, as you will recall, used to have a Chrysler plant, a big Chrysler plant in Newark, Delaware. I think we had 3,000 or 4,000 people working there. They had about another 3,000 people working at the General Motors plant in Newport, Delaware.

Today, we have neither of those. They all closed in the Great Recession, and we lost all of those jobs.

I used to go to the Detroit Auto Show. One of the people I met at the Detroit Auto Show about 10 years ago was a woman name Mary Barra who went on to become, and is, the CEO, as you may recall, of General Motors.

I remember the year the Chevrolet Volt was recognized and won the award as the car of the year. It was a hybrid. It got 38 miles on a charge. The electric vehicle I have gets 300 miles on a charge, and the ones that are coming off the assembly line, trucks and cars, are going to do a whole lot more than that going forward.

Senator Capito and I had just some very preliminary conversations this morning about the hearing that actually looks beyond what we are talking and discussing today, but we are interested in the deployment of charging stations. We want to make sure that the Federal money that we have allocated is getting to be used for the right purposes, and that State and local governments and others are doing their fair share, too.

I want to come back to "pay for". I mentioned earlier that things that are worth having are worth paying for. One of the nice things about electric vehicles is they do not pollute. That is a good thing. The other thing is, the folks who use electric vehicles, like mine, we do not pay for the money going to the Federal Highway Trust Fund or the State highway trust funds, which are mostly driven by taxes on gasoline and fuel, as you know.

That is just not right. We have an obligation in terms of a shared responsibility to help pay for this infrastructure and, in many instances, we are not doing that. Some States have figured out how to address that, but it is a problem, and it needs to be addressed.

Let me see if I have anything else. I do not think so. Anything else?

Senator CAPITO. I am good.

Senator CARPER. Okay. I want to give you the last word. Go ahead, just the last couple comments that you would like to say. You have been badgered here for a couple of hours. You take very seriously your responsibilities, but just give us a couple closing thoughts, please.

Mr. BHATT. Thank you, Chairman and Ranking Member. Senator Capito, thank you for introducing the interns. I was not sure who these three high-powered people were sitting over here, and I was concerned that they might be, you know, someone I needed to recognize.

Whether it is the 8-year-old boy that I met at one of those projects, or your granddaughter and her leadership, I think that one of the things that I am just so hopeful about for our Country is that, particularly on areas where we can find bipartisan compromise and not get too out to the fringes and extremes that seem to be consuming a lot of our conversations, I am just really grateful for this space. You call it badgering; I call it energetic and enthusiastic followup for things people care about. I feel like there is some positive, hopefully, that we can share with others in the Country to bring us back together.

Thank you for recognizing the almost 3,000 members of Federal Highways. Lots of people work nights, weekends, and the Bipartisan Infrastructure Law has been both a blessing and a curse for some people. It is a massive amount of work. I am sure your staffs understand that.

There are projects in this Country, despite the inflation, that are going to be moved forward that never would have been possible. Yes, I mean, it is a hard job. These are hard jobs, but we are helping to build a better Country, and what else could be better than that?

Thank you for your leadership, and I look forward to continuing to work together.

Senator CARPER. Thank you for those comments.

One of the things that I most enjoyed in my service as State Treasurer, Congressman, Governor, Senator, and before that, in the Navy, one of the things I have really gotten a lot of pleasure from is we do not create jobs in government at the State level, local level, Federal level. We do not create jobs; we help create nurturing environment for job creation and job preservation.

That is what we focused on in the legislation that we have been talking about here today that is in large part to create that nurturing environment for job creation and job preservation, and hopefully, to provide for an environment where we can be safe and live a lot longer and healthy lives for our children and grandchildren.

That is all something that is on my mind, and it continues to be on my mind for as long as I have the privilege of sitting here.

Yes, please?

Mr. BHATT. Sir, I do not know how many more times I will come before this committee before your time as Chairman ends. As I said at the train station in Delaware, there are roads, bridges, rail, dams, infrastructure across the Nation that is just thanks to your hard work. As a native son of West Virginia, you have done the Nation proud. I just want to express all of our gratitude from the U.S.

Department of Transportation and the Federal Highway Administration for all of your leadership.

Senator CARPER. Thank you for your kindness. The day that President Biden signed the Bipartisan Infrastructure Law into law on the White House lawn, Senator Capito and I, and Senator Manchin, three kids from West Virginia that somehow ended up in the U.S. Senate and had a chance to collaborate on this legislation. What a thrill that was, and what a source of joy for all of us.

Again, thanks for your testimony. Thanks very much for your diligence and your leadership that you provide at the Federal Highway Administration.

With that, a couple things I want to do on the housekeeping side before we close our hearing. Senators will be allowed to submit questions for the record through the close of business on Thursday, June 20th, 2024. We will compile those questions and send them to our witness, and we ask our witness to reply by Wednesday, July 3d.

Anything else, Senator Capito? No.

With that, our thanks to our staffs who work so hard and collaborate and work very well together. I am grateful to all of you. With that, this hearing is adjourned. Thank you so much.

[Whereupon, at 11:51 a.m., the hearing was adjourned.]

