

**LESSONS LEARNED FROM THE FEDERAL
RESPONSE TO THE FRANCIS SCOTT KEY
BRIDGE COLLAPSE ON MARCH 26, 2024**

HEARING

BEFORE THE

**COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS**

UNITED STATES SENATE

ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

—————
JULY 10, 2024
—————

Printed for the use of the Committee on Environment and Public Works



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

—————
U.S. GOVERNMENT PUBLISHING OFFICE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED EIGHTEENTH CONGRESS
SECOND SESSION

THOMAS R. CARPER, Delaware, *Chairman*
SHELLEY MOORE CAPITO, West Virginia, *Ranking Member*

BENJAMIN L. CARDIN, Maryland	KEVIN CRAMER, North Dakota
BERNARD SANDERS, Vermont	CYNTHIA M. LUMMIS, Wyoming
SHELDON WHITEHOUSE, Rhode Island	MARKWAYNE MULLIN, Oklahoma
JEFF MERKLEY, Oregon	PETE RICKETTS, Nebraska
EDWARD J. MARKEY, Massachusetts	JOHN BOOZMAN, Arkansas
DEBBIE STABENOW, Michigan	ROGER WICKER, Mississippi
MARK KELLY, Arizona	DAN SULLIVAN, Alaska
ALEX PADILLA, California	LINDSEY O. GRAHAM, South Carolina
JOHN FETTERMAN, Pennsylvania	

COURTNEY TAYLOR, *Democratic Staff Director*
ADAM TOMLINSON, *Republican Staff Director*

C O N T E N T S

Page

JULY 10, 2024

OPENING STATEMENTS

Carper, Hon. Thomas R., U.S. Senator from the State of Delaware	1
Capito, Hon. Shelley Moore, U.S. Senator from the State of West Virginia	3
Cardin, Hon. Benjamin, U.S. Senator from the State of Maryland	6
Prepared statement	10
Van Hollen, Hon. Chris, U.S. Senator from the State of Maryland	13
Prepared statement	16

WITNESSES

Bhatt, Hon. Shailen, Administrator, Federal Highway Administration	19
Prepared statement	22
Spellmon, Scott A., Lieutenant General, 55th Chief of Engineers and Com- manding General, U.S. Army Corps of Engineers	24
Prepared statement	26
Wiedefeld, Hon. Paul J., Secretary, Department of Transportation, State of Maryland	33
Prepared statement	35

ADDITIONAL MATERIAL

Emergency Relief Program Supplemental Appropriations for FY 1990-2023	58
Letter to Congressional Leadership from the Board of Directors of the Inter- national Bridge, Tunnel and Turnpike Association (IBTTA)	61

**LESSONS LEARNED FROM THE FEDERAL
RESPONSE TO THE FRANCIS SCOTT KEY
BRIDGE COLLAPSE ON MARCH 26, 2024**

WEDNESDAY, JULY 10, 2024

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

The committee met, pursuant to notice, at 10:01 a.m. in room 406, Dirksen Senate Office Building, Hon. Thomas R. Carper (chairman of the committee) presiding.

Present: Senators Carper, Capito, Cardin, Van Hollen, Whitehouse, Merkley, Kelly, Ricketts.

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

Senator CARPER. Good morning, everyone. I am pleased to call today's hearing to order.

As you all know, we are here to discuss the State and the Federal response to the collapse of the Francis Scott Key Bridge in Baltimore, Maryland, some 3 months ago. I want to thank our three witnesses for joining us. I also want to thank Senators Cardin and Van Hollen, who, not surprisingly, have been tireless advocates for their State, our neighboring State.

As we all know the Key Bridge collapsed in the early hours of March 26th when a cargo ship that had lost power struck one of the bridge's support piers, setting off an all-hands-on-deck response. Our hearts went out then and they go out today to the families, the friends, and the communities of the six men who lost their lives while working on the bridge that night.

For leaders here in Congress, in the executive branch and across all levels of government, the collapse of the Key Bridge was a wake-up call. After the collapse of the Key Bridge, it came to light that of the 4,000 bridges in the United States that allow ships to pass under them, two-thirds lack fundamental pier protection. Let me repeat that: of all the 4,000 bridges in the U.S. that allow ships to pass under them, two-thirds lack functional pier protection.

Many of our colleagues have heard me quote Albert Einstein who used to say, among other things, "in adversity lies opportunity." Even in this instance, I think that is true. I hope that today's hearing will serve as an opportunity for us to discuss the lessons that we have learned from this tragedy and the immediate response to it. We will also discuss the path that lies ahead to help rebuild the

bridge and consider how we can prevent tragedies like this from happening in this Country in the future.

During today's hearing, we will explore the efforts to reopen the port and remove debris from the shipping channel. Then, we will assess the effects of the bridge's collapse on Baltimore's communities and its economy. Finally, we will discuss next steps in the recovery and the rebuilding process.

First, though, we are going to examine the response efforts that began from the moment that authorities learned that the Dali had lost its steering capabilities. As many of you will recall, before the bridge fell, emergency responders acted quickly to close the bridge to additional traffic, saving lives by keeping vehicles off of the bridge, probably saving many lives. Within hours, the Coast Guard and the Army Corps of Engineers took steps to protect the people on board the vessel and to prevent further damage.

Working hand in glove, the Federal, State, and local agencies then stabilized the remaining structural pieces of the bridge and cleared debris from the shipping channel. Thanks in no small part to the expert work of the Unified Command, the Port of Baltimore was fully reopened in 2 months. Talk about miracles; I think that is one of them.

Along with a group of local, State, and Federal leaders including General Spellmon, who is here today, the Governor and Lieutenant Governor of Maryland, and members of our staffs, I recently visited the Key Bridge. During the visit, we learned more about the incredible work that has gone into the recovery and salvage efforts to date. I also had the opportunity to thank a number of the Federal, State, and local leaders who worked together to immediately and effectively respond to this disaster. We are deeply grateful to the men and women who risked their lives during this operation and worked literally around the clock to reopen the channel.

In light of this success, I want to commend our witnesses here today. I also want to commend Colonel Estee, and I will always screw up this name, Estee Pinchasin. Is she here? Okay, give her our best. Commander of the Baltimore District, she has demonstrated remarkable leadership throughout this disaster response. Maybe by the time it is all over, we will get her name correctly pronounced, and I will be one of those.

Next, we will assess the impact the collapse has had on Baltimore's communities and on Baltimore's economy. Thousands of people have had their lives disrupted and the economic impacts of this disaster are still being felt across Baltimore and, my guess is, throughout the State of Maryland.

Prior to its collapse, more than 30,000 vehicles traveled over the Key Bridge every day, 30,000. Many of the trucks carrying cargo in and out of the Port of Baltimore had to be rerouted onto roads in nearby neighborhoods, which has worsened air quality in surrounding communities, as you might imagine. As the response efforts continue, it is essential that we address the far-reaching effects of this disaster on the city and on the region.

Finally, with debris removal nearly complete and the Federal channel back in full operation, much of the work remaining to be done will now focus on rebuilding the bridge. Planning efforts are still underway, and rebuilding the bridge will be an immense effort

that will very likely require continued collaboration between State, Federal, and local agencies for years to come.

Rebuilding the bridge is also expected to be a large financial undertaking. President Biden, as we all know, has committed the resources of the Federal Government to help Maryland rebuild. With that said, Administrator Bhatt testified before this committee just last month that the proceeds of insurance payments and other future claims will be used to reimburse the Federal Government for a considerable portion of the cost of rebuilding the bridge.

Today's hearing probably could not have come at a more opportune time. The President has just submitted a supplemental appropriations request to the Congress. The \$3.1 billion in emergency response funding that the President requested for the Department of Transportation would support efforts to address this disaster and a number of other disasters that have not yet received assistance. That includes a major mudslide in Jackson, Wyoming, as well as tragic losses in Maui last year and other recent disasters across our Country. Passing the supplemental appropriation bill will be the most expedient path to address not only the needs of Baltimore, but also the needs of a number of other States awaiting assistance.

In closing, let me just add that I believe that when all levels of government work together to safeguard and invest in our infrastructure, it makes our communities better, stronger, and safer. I believe that it is our shared responsibility to make these investments.

There is no doubt that we still have significant work ahead of us to continue to build and rebuild the infrastructure that America will need for the 21st century. We look forward to hearing from our witnesses about the coordinated response to the events that have transpired on March 26th and the work that still lies ahead to rebuild the Key Bridge.

Before that, we turn to our Ranking Member, Senator Capito. Before she shares her thoughts with us, let me just acknowledge, Delaware and Maryland are neighbors. There is something called the DelMarVa Peninsula. We are joined at the hip, from north to south. The question is, how should we treat our neighbors? We ought to treat our neighbors the way we would want to be treated, and in their shoes.

We will try to do that as best we can, but this is a shared responsibility. Try to make sure that those other States I mentioned, Maui, I mentioned Hawaii, I mentioned Wyoming, the other States that are facing great difficulties and turmoil and disruption because of their own disasters, we want to make sure that we are fair to them and treat them, even though they are not our neighbors necessarily, we want to make sure that we treat them fairly.

Senator Capito.

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

Senator CAPITO. Thank you, Mr. Chairman. Thanks for calling this hearing today to examine the response to the Francis Scott Key Bridge collapse, and the lessons learned, and the efforts to rebuild the new bridge.

I want to thank my colleagues for being here. I know when something like this occurs in your State, it is very deeply felt, and I am sure we will hear that through your statements and certainly private conversations that we have had, as well. I will say Maryland is also a neighbor of West Virginia, but we are kind of on the western side there.

Before I proceed with my opening remarks, I do want to acknowledge the passing of our former Chairman, Jim Inhofe, this week and express my sincere condolences to his family. He sat in this chair, and I sat very close to him.

Senator Inhofe was a true public servant, a workhorse for the people of Oklahoma, and the embodiment of kindness and leadership for all who knew him. He was also, as we know, those of us who have been to the prayer breakfasts on Wednesday mornings, a very spiritual man at the same time, and a family man.

As chairman of the committee, he developed a strong tradition of tackling the Nation's infrastructure in a bipartisan and thoughtful manner, a tradition that sent many bills to the President's desk for signature. I am pleased that this committee has continue his tradition.

Senator CARPER. If I could interrupt you for just a moment, I am Tom Carper, and I approve this message.

[Laughter.]

Senator CAPITO. Turning to the topic of today's hearing, I want to say how impressed I was, and I have said this publicly just about every time I have talked about the bridge, and the Chairman talked about this, at the rapid and professional response to the Key Bridge collapse from everybody, from Federal, State, and local agencies. I also want to extend my condolences to the families of the six folks who, unfortunately, lost their lives that day.

We are grateful that the quick action to close the bridge to traffic prevented further loss of life, and that the response and recovery efforts began almost immediately thereafter. The salvage effort to remove the debris from the collapsed bridge and refloat the Dali was a massive undertaking and amazingly quick.

In total, the U.S. Army Corps of Engineers, in coordination with the U.S. Navy Supervisor of Salvage and Diving, cleared more than 50,000 tons of debris from the river. The Corps' effective management of these operations allowed for the establishment of limited capacity channels, while a team of experts worked to clear the river and restore a critical component of our supply chain, of which West Virginia coal was on the other side, and uses the port quite frequently for exports.

On June 10th, the Corps announced the restoration of the Federal channel to its original dimensions of 700 feet wide by 50 feet deep for commercial navigation, which enabled operations to resume at the Port of Baltimore.

General Spellmon, thank you for your leadership on this matter. I understand, and we just talked briefly, that your time with the Corps of Engineers is coming to an end here shortly, and I want to express my sincere gratitude for your service to our Country and your dedication to addressing our Nation's infrastructure and our challenges ahead.

On the highway side, the Federal Highway Administration disbursed \$60 million in Quick Release funding from the Emergency Relief, or ER, Program within 2 days of the collapse so that the Maryland State Department of Transportation would have Federal resources to help with the agency's recovery efforts.

Federal Highways has also been lending its broad technical expertise to Maryland DOT to help get the project for the new bridge underway. Through the ER Program, the Federal Government plays a key role in helping State DOTs repair highways and bridges that have been damaged by natural disasters and other emergencies.

Currently, the ER Program itself is drastically short of the funding necessary for all of the eligible projects. As of June 25th, the current funding shortfall stands at \$3.5 billion, with a backlog of 38 States and territories that have more than 130 eligible events. The Chairman spoke about several of those. Ensuring adequate funding for the ER Program is vastly important to helping communities recover from these events and restore connections in our supply chain.

Moreover, the Highway Trust Fund, which provides contract authority for certain surface transportation programs, will face another funding shortfall, according to the Congressional Budget Office (CBO). Specifically, the CBO estimates that the Highway Trust Fund's shortfall is more than \$284 billion over the 10 year budget window, so you see where we are. This amount does not account for the prudent cash cushions that are always recommended by the U.S. Department of Transportation.

The Committee will have to contend with the Highway Trust Fund's shortfall when we begin our work on the next Surface Transportation Reauthorization Bill, which we will begin probably in the beginning of next year. In the meantime, the Biden Administration transmitted an additional supplemental appropriations request to Congress, which builds on their request from last fall. I expect that Congress will need to consider a supplemental appropriations bill to address the funding shortfall of the ER Program and other pressing needs in the coming months.

As part of that legislation, I expect that Congress will have to consider the extent to which statutory cost share requirements for any ER projects should be changed. In general, an ER project has a Federal cost share of either 80 percent or 90 percent, based on the type of highway or bridge that is being repaired.

My colleague, Senator Cardin, has introduced a bill that would provide 100 percent Federal funding to replace the Key Bridge. I want to raise just a couple of issues, and we will probably get this into the questions, that I think Congress should consider as it evaluates whether 100 percent Federal cost share is appropriate for this particular project.

The Key Bridge was a revenue-generating asset, with more than \$56 million in toll revenue collected in the year of 2023. My understanding is that the Maryland DOT intends for the new bridge to also be a tolled facility, which means that there is a source of funding for Maryland's DOT 10 percent cost share. In fact, this funding model was successfully used to construct the Fort McHenry Tunnel in Baltimore, Maryland. The Federal Government advanced Mary-

land its required 10 percent, and Maryland reimbursed the Federal Government with revenue from the tunnel's tolls over time.

As I mentioned earlier in my statement, there are many important projects that are currently on the ER backlog list. Congress should determine an equitable basis for when ER projects should receive a greater share of Federal funding than what is allowed under the program's statute.

If Congress does not require Maryland to share in the costs of a project like the replacement of the Key Bridge, which will have a revenue source, how can Congress require any other recipient of ER Program funding to pay their cost share?

I look forward to gathering information and feedback from our witnesses on this matter. I am also eager to hear about any updates on the status of the Maryland DOT's efforts to reconstruct the bridge, including any new updates on cost estimates and scope of the project, given that responses to the Agency's request for proposals were due last month.

I look forward to learning more about how Maryland DOT plans to deliver this project and whether the agency will be able to utilize any existing authorities to expedite the environmental review and the permitting process.

I thank our witnesses for being here, and I thank you, Chairman, for having the hearing.

Senator CARPER. Thank you, Senator Capito.

We have invited several of our colleagues, a couple of our colleagues, from Maryland, Senator Cardin and Senator Van Hollen, to also make opening statements this day. Senator Cardin, as you will recall, is a senior member of this committee and former Chairman of the Transportation and Infrastructure Subcommittee.

Senator Cardin, welcome. You are recognized.

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

Senator CARDIN. Chairman Carper, thank you very much, and Senator Capito. Thank you for holding this hearing and for the courtesy of being able to testify.

I want to also comment in regard to Jim Inhofe. We were elected together in 1986, so we were in the same class in the House of Representatives. We became close friends in the House and close friends in the Senate. I admired him greatly for his integrity and his passion. The line I liked the most that he would say is that "a true conservative," as he was, clearly, "supports more money for infrastructure."

[Laughter.]

Senator CARDIN. He was a great chairman of this committee, so I thank you for that.

It is good to be here with Senator Van Hollen. I know we are far apart at this dais, but believe me, we are working and joined at the hip in regards to this issue and the issues affecting Maryland.

March 26th was a tragic shock day for all of us in Maryland. I was awakened early in the morning and looked at the video and was shocked by how quickly the Francis Scott Key Bridge collapsed after being struck by the Dali. The loss of life was our major concern, trying to rescue. We lost six people in that tragedy. They are

always in our thoughts and our prayers, and always with their families.

The Port of Baltimore was closed. The third-busiest port in the United States closed as a result of the tragedy. The next morning, workers had no place to go to work. Hundreds of thousands of people were directly impacted by the Port of Baltimore being closed.

Businesses were shuttered. Small business operators had no business. It was a major catastrophic event for our economy, and by the way, it affected the entire region. The Small Business Administration was there setting up an office immediately, affecting businesses in six States, so it affected an entire region of our Country.

In fact, it affected our entire Country, because the supplies of a lot of the agricultural and roll-off cargo was affected throughout our Country. It shut down a major artery, the major artery of I-95, as the Chairman pointed out, over 30,000 vehicles a day.

I want to just first acknowledge the incredible unified response, starting with the President of the United States, President Biden. He was very direct about the Federal response, and he was very helpful to all of us.

I want to thank Administrator Bhatt and Secretary Buttigieg. They were there immediately, providing the expertise and resources, as Senator Capito pointed out. Sixty million dollars was released almost immediately to deal with the cleanup operations of the bridge itself. I want to thank General Spellmon and Colonel Pinchasin.

I must tell you, I knew that they were good. I did not know that they were this good. You are talking about, as Senator Capito said, 50,000 tons of debris. It was highly contained, so therefore, when you started to try to remove anything, you would have a spring effect that could very well have caused additional injury and damage and death, and they could not see at all in the water. They had to use sonar in order to figure out where things were. The expertise was unbelievable, and the response was unbelievable.

I want to thank the U.S. Coast Guard. They were the head of the Unified Command. They did incredible work, keeping all of the people working in the same direction. Secretary Wiedefeld, our Secretary of the Department of Transportation, along with Governor Moore and Baltimore City Mayor Scott, all worked as a unified team in order to deal with the challenges of the families, of the victims, to deal with the businesses that were shuttered, to deal with the workers, to deal with the port issues, and to deal with the replacement of the bridge.

As the Chairman pointed out, our incredible thanks go out to our first responders. It is almost unbelievable that we only lost six lives. The quick action of the first responders kept other vehicles from being on the bridge. We are talking about seconds, that is all that it was between the original alert and the bridge coming down, and they were able to prevent other cars from going onto the bridge, saving many lives.

In regard to the bridge replacement, we have a major issue. City streets are being now inundated by truck traffic. We have seen an 18 percent increase in the tunnel traffic, which is causing major delays through our tunnels. For hazardous materials and those

who choose to take the detour around the beltway, it is a 25-mile detour through a part of the beltway that already was congested with major delays, now having even more major delays.

Make no mistake about it, there is a serious impact until that bridge is replaced, and it is going to take a couple years. We recognize that, but we need to act quickly.

That is why Senator Van Hollen and I filed legislation, the BRIDGE Relief Act, because we need to know the certainty of the Federal share. Let me just point out, we are asking for 100 percent, because that is what we have done in the past. We need it now because we are lending contracts to start the construction now. We do not want to delay this. Every month it is delayed is additional loss to our communities and frustration among drivers, not only those that are directly impacted by the port, but those that are using our streets. Neighborhoods are impacted, so we need to get this moving as quickly as possible.

I point out that changing the share to 100 percent is totally consistent with the prior practices that we have done during emergencies. We did that for the I-35 W Bridge in Minnesota. We did it for Hurricane Irma, Hurricane Maria, Hurricane Fiona. All of those, we changed the share from 90 percent to 100 percent. Why? Because it was a major event.

Senator Van Hollen and I, the Maryland delegation strongly supported our efforts on behalf of our sister States' problems, and we expect that we will get the same courtesy in reply.

Let me also point out that it is supported by the Administration. Director Young has sent a letter to us supporting this.

Let me mention the issue in regards to the toll issue, because Senator Capito mentioned that. The tolls issues in regards to this facility are totally inconsistent with the requirements in Title 23. The toll revenues are not used to build a replacement bridge for the Francis Scott Key Bridge. It is used for the maintenance of our interState system.

It has already taken a major hit as a result of the Francis Scott Key Bridge being knocked down. We have lost literally millions of dollars of revenues already, and we are behind in the resources we would normally get. This is not being used for the replacement of the bridge.

Second, there will be recoveries. We put that in the legislation. They are expecting a record recovery from insurance and third party claims, and that will be used to reduce dramatically the Federal share.

The State of Maryland, all of those funds go to the Federal Government. It would be penalizing the State of Maryland if you required us to use our toll facilities to repay our 10 percent. We think that would be totally unfair, and I just have to be pretty honest about that. I think it would be penalizing our State.

Yes, I support the supplemental. We need to get the ER funds up to where it needs to be. We strongly support that, but let's be realistic, that is going to take some time before we get around to doing it. I would ask your support for the first available vehicle for us to be able to get the cost share legislation passed. I think that is a matter of fairness and importance for us to be able to move forward with this project.

With that, I am glad to be here with my colleague. We are going to work together, and we are going to certainly work with the Chair and Ranking Member and all the members of this committee in order that we can get this project done as quickly as possible.
[The prepared statement of Senator Cardin follows:]

STATEMENT OF U.S. SENATOR BENJAMIN L. CARDIN
BEFORE THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WEDNESDAY JULY, 10 2024
As Prepared for Delivery

Thank you, Chair Carper and Ranking Member Capito, for holding a hearing on this issue. I would like to first acknowledge the victims and the victims' families who were impacted by the collapse of the Francis Scott Key Bridge, which for nearly 50 years was an iconic part of the Baltimore skyline. It is important that we not lose sight of the humanity of this tragedy. These workers, the six victims, were on the bridge, late at night, working hard to make our roads safer, our economy stronger, and provide for their families. We will make sure that they are not forgotten.

I would like to thank the witnesses that have come here today to testify before the Committee. The U.S. Army Corps of Engineers, Federal Highway Administration, and the Maryland Department of Transportation have been consummate professionals in responding to the collapse of the bridge. The recovery and salvage effort were profoundly complex endeavors, but because of the focus and collaboration of the Unified Command, the mission was completed *safely* in a matter of weeks. The 50-foot federal channel is clear and the Port of Baltimore is open fully for business. However, there still is much work to be done. The Francis Scott Key Bridge was a critical component of our national transportation system. As many of you know, the Maryland Delegation introduced a bipartisan bill to provide an increased federal cost share for the bridge, as has been done in the past during catastrophic disasters. The legislation highlights

existing FHWA regulation that require proceeds from the responsible parties and insurance reduce FHWA's liabilities on the project.

The cost share request was reiterated last week in OMB Director Shalanda Young's letter to Congress requesting a domestic disaster supplemental. The domestic disaster supplemental request includes relief for states across the country affected by disasters (including many represented by the EPW Committee). Hurricane Beryl is continuing its path of destruction northward as we speak, kicking off an early start to what NOAA predicts to be a worse-than-average hurricane season. We have seen in the past few months devastating flooding in the Midwest, a landslide in my colleague Senator Lummis's state of Wyoming, and a tornado event in Senator Boozman's home state, compounding the urgent need for disaster relief funding.

Congress must act quickly to address the current needs in the backlog, including those incurred by the collision of the *Dali*, by passing an Emergency Supplemental that includes the *Baltimore BRDIGE Relief Act*. I want to make clear that there is ample precedent for Congress authorizing FHWA to pay 100% of ER Program expenses for repair and reconstruction projects related to disasters. What the bipartisan Maryland Delegation is asking for with respect to the reconstruction of the FSK bridge is nothing new.

I have heard proposals that Maryland "pay-back" the Emergency Relief program by forgoing a portion of its toll revenue. First, it is inappropriate for Congress to make this request to a disaster-impacted state. This punitive request would never be made of a community impacted by a hurricane or wildfire.

Second, the State is already required to "pay back" the Emergency Relief fund with proceeds recovered from responsible parties and insurance. Rest assured; the responsible parties will be held accountable. Third, Maryland's toll revenue should be used to maintain its system in good

working order and ensure the safety of its users. Period. Asking the State to forgo a portion of its toll revenue will ultimately increase costs to all drivers-both local commuters and thru-drivers.

The Maryland Delegation is not asking for special treatment for our state. We are asking for support after a tragic, unforeseen disaster that impacted a nationally significant infrastructure asset. I look forward to the witness testimony and for my colleagues to have the opportunity to learn more about the response to the collapse and the next steps.

My colleague, Senator Van Hollen, is here to provide remarks. I am grateful, as always, for his partnership and expertise. We are united, along with the rest of the Maryland Delegation in moving the *Baltimore BRIDGE Relief Act* in the first moving vehicle so Maryland can begin to rebuild. Thank you for your attention to this matter.

Senator CARPER. Senator Cardin, thank you for those words.

Before I recognize Senator Van Hollen, I am going to go back to Jim Inhofe. Jim Inhofe, for those who remember, was a, I do not mean this in an unkind way, he was a climate change denier. There is famously, one of the most memorable things he did, I do not know if it was springtime and we had a big snowfall here, and he went out and gathered snow in front of the U.S. Capitol and made snowballs, and brought them in to the chamber, and said, for those of you who think that this climate change is real, look at all these snowballs.

He ended up, in the time that he was here, joining me as, initially a George Voinovich Republican, but later Jim Inhofe went on to be the co-chair, cosponsor for the Diesel Emission Reduction Act, which has done a whole lot to reduce diesel emissions and help up in the battle on climate change, so God bless Jim Inhofe. Thank you.

Chris, welcome. Chris Van Hollen is, if I am not mistaking, previously a member, a valued member of this committee. We are grateful that you can join us this morning. You are now recognized. Go ahead, please.

And at some point in time, maybe right after Senator Van Hollen, I need to run over to the Homeland Security Committee. They are having a hearing on permitting, which my colleagues know is a big deal for all of us. I have to slip out for a part of that.

Senator CARDIN. When you step out, can I take the chair and move my legislation forward?

[Laughter.]

Senator Van Hollen. I will second that.

Senator CARPER. No. Go ahead, Chris.

**OPENING STATEMENT OF HON. CHRIS VAN HOLLEN,
U.S. SENATOR FROM THE STATE OF MARYLAND**

Senator VAN HOLLEN. Thank you, thank you, Chairman Carper, Ranking Member Capito. Thank you both for remembering Senator Inhofe. Thank both of you for being great neighbors of Maryland, literally, Delaware to the east, West Virginia to our west, and thank you not only for being good geographic neighbors, but being good neighbors in spirit and working together.

As Senator Cardin indicated, we have a tradition in the Country of considering every State a neighbor, whether or not they are geographically connected. I want to thank Senator Ricketts for being here and other members of the committee. That is the approach we have taken, that we are one Country, and when one State has an emergency of this kind of impact and consequence, we are all neighbors, whether we are geographically connected or not, because we are all Americans, and I do encourage the committee to continue to work in that spirit.

Senator Carper, I do have a little bone to pick with you, which is that yesterday, the State of Delaware, I think it was yesterday, made Orange Crush their official State cocktail. I just want you to remember, my friend, that it was made famous, Orange Crush, on another part of the Eastern Shore, Ocean City. Both Senator Cardin and I are willing to forgive this transgression by the State

of Delaware, since you are cooperating with us as a good neighbor on other issues.

Senator CARPER. I don't know if that is a fair trade, but we will see.

[Laughter.]

Senator Van Hollen. Let me just say, with Senator Cardin here, he has been a great captain of Team Maryland. We have seen him at work here in response to the tragedy of the collapse of the Key Bridge. He has brought us together on a bipartisan basis.

Every member of the Maryland Delegation, including representatives from the Eastern Shore to Western Maryland are backing the legislation we have introduced. It is just the latest example of his leadership. I do just want to take this opportunity before the committee that he has served on so honorably and well, to thank my partner, Senator Cardin, for his leadership of the Maryland Delegation. We are seeing it in action right here.

We all, every one of us from Maryland, are sponsoring the Baltimore BRIDGE Relief Act. I know I will cover some of the same things that have already been mentioned, but I do think these points are worth emphasizing, because for 47 years, the Key Bridge in Baltimore has been an iconic and indelible part of our landscape and our psychology.

It is also a vital transportation artery for the region. More than 34,000 travelers cross it every single day, and as Senator Cardin mentioned, the impact of its collapse is being felt dramatically in terms of congestion in the region.

As the Country has learned, it was also the gateway to the Port of Baltimore, which welcomes 1,800 hundred ships every day and generates tens of thousands of jobs. I think the Country learned that it is the busiest port in America for automobiles, light trucks, farm and construction machinery, imported forest products, aluminum, and sugar, \$70 billion of economic activity per year.

Its collapse shook the world. It was a tragedy for our Country and, first and foremost, it was a human tragedy. We did lose those six individuals, six souls, that day, who were working the overnight shift on the Key Bridge. They each had loved ones who depended upon them. Four of them were fathers. We have been working ever since to support those families. We want to thank the committee and the Country and, of course, in our State, all of those who are working to do that.

Then, as you mentioned, Senator Capito and Senator Carper, huge chunks of debris went into the channel, blocking the ships, putting 8,000 people out of work temporarily, impacting and harming small businesses and others who depend for their economic livelihood on the Port of Baltimore. It deprived the region of that key transportation link, and this is why we are so urgently seeking support for the new bridge.

What we have seen is that, as the bridge fell apart, we came together as a delegation and a Country. I, too, want to thank all those who were recognized earlier, from the first responders who helped save additional lives, to the Unified Command that quickly came together, both the Federal officials and the State officials.

President Biden did reach out personally to myself and Senator Cardin and the Governor, Governor Moore, and others and quickly

ordered the Federal Government to use all parts of our power to support Baltimore and Maryland in this hour of need.

I do also want to mention specifically the folks at the Army Corps. General Spellmon, thank you for your efforts in terms of clearing the channel in such fast time, and Colonel Estee Pinchasin has been mentioned. I also want to thank her. She is retiring from this particular spot and going on to another one, but I want to recognize her efforts as well.

Secretary Wiedefeld is here, and he has been working very closely with Secretary Buttigieg, and I want to thank them. As you know, we were enrolled in the Emergency Relief Program, and as Senator Capito mentioned, and Senator Carper, you are well aware as are the other committees, we now have about 38 States that are subscribed to that program. We all have a common interest in making sure that it is fully replenished. That covers 90 percent of the cost.

But Senator Cardin and I introduced the legislation we did with our delegation because it has been a tradition in the United States of America of providing 100 percent support for States that have undergone this kind of tragedy. We have been there for other States during their times of need, and we really hope every State represented in the Senate will be with us right now.

I want to, in closing, just emphasize a point that Senator Cardin made, and it is written into the bill. It was already current law, but we made it very explicit that the Federal Government will receive "any compensation for damages or insurance proceeds, including interest recovered by a State, a political subdivision of a State, or a toll authority for repair, including reconstruction of the bridge."

Colleagues, the emergency supplemental that the President submitted, of course, includes emergency help for replacing the Key Bridge. It also, as you have mentioned, includes funds to help other States, from Hawaii to the far west, to the south, that have been impacted by these huge disasters, where one State is simply just not capable of meeting all the costs, which is why we came together as a Country in the past, to help those States in need. It is Maryland today, maybe Hawaii today. It could, of course, be any other State tomorrow, and we thank you for all your efforts to make sure that we continue that tradition. Thank you.

[The prepared statement of Senator Van Hollen follows:]

**STATEMENT OF SENATOR CHRIS VAN HOLLEN
BEFORE THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

**“THE RESPONSE TO THE FRANCIS SCOTT KEY BRIDGE COLLAPSE
ON MARCH 26, 2024”**

JULY 10, 2024

Thank you Chairman Carper and Ranking Member Capito for the opportunity to testify about this emergency measure. And thank you Senator Cardin for being the captain of federal Team Maryland and bringing us together on a bipartisan basis to address tragedy of the collapse of the Key Bridge.

Every member of our congressional delegation is united behind the legislation we have introduced — **the Baltimore Bridge Response Invests and Delivers Global Economic Relief Act, or the Baltimore BRIDGE Relief Act.**

For 47 years, the Key Bridge has been an iconic and indelible part of the Baltimore City skyline and a vital transportation artery that is essential to the economic health of the region. More than 34,000 travelers crossed it daily.

It was the gateway to the Port of Baltimore, which welcomes 1,800 ships every year and supports 20,000 direct jobs—including 2,400 union longshoremen—24,000 induced jobs from local purchases, and 7,200 indirect jobs.

The Port generates \$70 billion of economic revenue for the City. It is the busiest port in the nation for automobiles, light trucks, farm and construction machinery, imported forest products, aluminum, and sugar.

The bridge’s collapse was a tragedy that shook the world.

First and foremost, it was a human tragedy for the six Baltimore workers who were working the overnight shift. They were immigrants from Honduras, El Salvador, Mexico and Guatemala, each had loved ones who depended on them. Four were fathers.

The debris from the collapsed bridge also cut off access to the Port of Baltimore, temporarily putting 8,000 people out of work and halting the flow of trade that affects millions across the country.

The collapse has also deprived the Baltimore region of an essential transportation link, disrupting the daily lives of tens of thousands — which is creating huge traffic bottlenecks.

But as the bridge came apart, we came together.

We are incredibly grateful to the first responders who immediately jumped into action, including a Maryland Transportation Authority (MDTA) officer on site who quickly stopped traffic from going on the bridge preventing further tragic loss of life. That officer and all of the first responders on scene that morning deserve our thanks and gratitude.

Meanwhile, President Biden went straight to work, reaching out personally to me, and Senator Cardin, Governor Moore, and our state and local partners.

Secretary Buttigieg and other federal officers and agencies got moving. Partner agencies established the Unified Command – led by the Coast Guard – to manage the scene and begin the recovery effort.

The Unified Command recovered the bodies of the six workers, and later deployed precision explosives to remove a large section of the bridge from on top of the *Dali*. On May 20th, the ship was finally floated away from the site. On June 12th, the Port of Baltimore was fully re-opened.

In particular, I'd like to thank Colonel Estee Pinchasin and her team at the Army Corps of Engineers for their amazing work. Senator Carper, I know you saw the Colonel on your visit to Baltimore. But her vision and focus on the mission merits a special shout out before her three-year rotation as commander ends.

When we all spoke about our hopes to reopen the Port of Baltimore, the Colonel told us, "It is not a hope — it's a plan."

Colonel Pinchasin and Unified Command have done their part, quickly reopening the Port of Baltimore. Now, we need to do our part to rebuild and reopen the bridge.

This will require significant planning and financial investment. The Maryland Department of Transportation estimates the cost at between \$1.7 and \$1.9 billion. The collapse was a national tragedy, and the scale of it will require a sustained, national solution.

That's why Maryland immediately worked – and succeeded – in getting the bridge replacement project enrolled in the Federal Highway Administration's Emergency Relief Program for Disaster-Damaged Highways and Bridges. I'm especially grateful to Maryland Secretary of Transportation Paul Wiedefeld and his team for all their efforts.

As you know, that guarantees that the federal government will fund 90% of the replacement efforts.

Following those efforts, along with the rest of Team Maryland, I joined Senator Cardin in introducing the bipartisan Baltimore BRIDGE Relief Act to ensure 100% federal funding for the bridge replacement – making good on the President's promise in the early days of this tragedy – and mirroring the actions of the federal government in other similar disasters around the country.

Importantly, the bill makes crystal clear that the federal government will receive "any compensation for damages or insurance proceeds, including interest, recovered by a State,

a political subdivision of a State, or a toll authority for repair, including reconstruction, of the bridge.”

The President reiterated his commitment to full federal funding for the bridge when he released a new emergency supplemental proposal in June. His proposal not only honors the commitment that the federal government will cover the full cost of rebuilding the Key Bridge – it also critically would provide the funding Maryland and other states need to address this and other disasters – from the fires that hit Maui, to flooding in Florida, to severe storms in the Midwest.

That’s why I’m urging my colleagues to take up the disaster supplemental to uphold our commitments and to replenish these vital funds for Maryland and for the many other states who rely on them and encourage this Committee to approve the provision to increase the federal cost share from 90% to 100% for this project.

Thank you Mr. Chairman and Ranking Member Capito for this opportunity.

Senator CARPER. Senator Van Hollen, thank you. Thanks to both of you for your service on this committee in the past and certainly today.

With that in mind, I am going to excuse both of you, and I am going to ask Shailen Bhatt to come forward, as our first witness, our next witness. Shailen, if you will have a seat. There we go, and our other witnesses, as well.

Our next witness to speak is Shailen Bhatt, no stranger to this committee, no stranger to us in Delaware, either. Shailen is the Administrator of the Federal Highway Administration. He has served as Federal Highway Administrator since January 13th, 2023.

Prior to his current role, he served as Deputy Executive Director of the Kentucky Transportation Cabinet. He also served as the Executive Director of the Colorado Department of Transportation, and the Secretary of the Delaware Department of Transportation.

He brings a wealth of expertise and experience in government, as well as in the private sector. We are grateful for his service and his participation this morning.

Shailen, welcome, and you are recognized. I am going to slip out to participate in my Homeland Security and Governmental Affairs Committee hat, and I will be back very shortly. Senator Capito, thanks very much. You are recognized.

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

Mr. BHATT. Thank you, Chairman Carper, Ranking Member Capito, and members of the committee for the opportunity to appear before you today.

I do also want to join you and your colleagues in remembering Senator Inhofe. I have fond memories of meeting with him prior to my confirmation, and I appreciated his support.

Just over 3 months ago, Baltimore, Maryland and the entire Nation were shocked by the collapse of the Francis Scott Key Bridge. While the collapse of the bridge itself was distressing, we remember the devastating impact this tragedy had on victims and their families. The six victims were fathers, husbands, and friends in their homes and communities, and they were valued members of the construction work force. We will always mourn these individuals who gave their lives to strengthen our transportation system.

I also want to thank all of the emergency responders who acted quickly to save lives. Immediately following this catastrophic event, the Federal Highway Administration (FHWA) mobilized internally across multiple offices and externally with local, State, and Federal partners to support the response.

Under Secretary Buttigieg's leadership, FHWA coordinated with other operating administrations and offices within USDOT, the Maryland DOT, which includes the Maryland Transportation Authority and the State Highway Administration, the city of Baltimore, the U.S. Coast Guard, Army Corps of Engineers, National Oceanic and Atmospheric Administration, and others to mitigate supply chain impacts, manage traffic, and safely reopen the port.

We remain engaged in an ongoing coordination with local, State, and Federal partners in the response. FHWA is actively supporting

the National Transportation Safety Board's investigation of the collapse. FHWA's focus now is supporting Maryland as much as possible as they work to reconstruct the bridge. We have been in direct communication with them regarding all possible options for building the bridge, and we are committed to supporting these efforts so that the bridge can be reconstructed as quickly and safely as possible.

President Biden has been clear in this Administration's commitment to reconstruct the bridge. It is critical that we restore this vital connection for people and goods traveling along the east coast, ensuring that the I-695 corridor is open, operational, and safe for the traveling public at the earliest possible moment is a top priority.

On March 28th, within hours of receiving the request for funding assistance from (Maryland Department of Transportation) MDOT, we announced the immediate availability of \$60 million in Quick Release Emergency Relief funds. These funds serve as a down payment toward initial costs, and additional ER program funding will be made available as the work continues.

As of July 3d, 2024, \$40 million of this \$60 million down payment has been obligated for debris removal work. The Administration is asking Congress to join it in demonstrating a commitment to aid and recovery efforts by authorizing a 100 percent Federal cost share for rebuilding the bridge, consistent with past catastrophic bridge collapses.

Under the law, ER funds cannot duplicate assistance from another Federal program or compensation from insurance or other sources. FHWA will follow the law, and the Emergency Relief Program will be reimbursed with compensation for damages or with proceeds obtained through applicable insurance. We are coordinating closely with the State of Maryland as it works through the details of its insurance policy.

We continue to provide wide-ranging technical assistance to Maryland DOT regarding procurement for reconstruction, operations, and project delivery strategies to reconstruct the bridge quickly. The Maryland Transit Administration (MTA) issued a progressive design-build contract request for proposals on May 31st. FHWA is also working with MDOT to ensure that the new bridge will be built to current design standards and in accordance with all applicable Federal laws.

On March 26th, 2024, the day of the collapse, FHWA met with the National Transportation liaisons from the Army Corps of Engineers, U.S. Coast Guard, U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, the Advisory Council on Historic Preservation, and the EPA to discuss each agency's respective emergency procedures. We continue to meet with Federal and State agencies. A categorical exclusion for the replacement of the bridge is expected to be completed shortly, and we will provide the appropriate level of information to allow for a streamlined permitting approach.

Thanks to the whole-of-government response and industry and government entities working together, there has been significant progress, including the significant milestone of reopening the Federal channel on June 2024. While there is more work to be done,

the coordinated response by the government and industry to date gives me great optimism. Thank you to the State, local, and Federal entities who continue to collaborate with FHWA in response to this tragic event.

We have had a number of bridge events while I have been serving as Administrator. I am proud of the efforts that we have led and worked with local agencies on. We will continue to do everything we can to support the response. As the President has said, we will not rest until the cement has dried on the entirety of the new bridge.

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

[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
July 10, 2024
10:00am

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

Just over three months ago, Baltimore, Maryland, and the entire Nation were shocked by the collapse of the Francis Scott Key Bridge. While the collapse of the bridge itself was distressing, we must not lose sight of the devastating impact this tragedy has had on the victims and their families. The six victims were fathers, husbands, and friends in their homes and communities, and they were valued members of the construction workforce. We will always mourn these six individuals who gave their lives to strengthen our transportation system. I also want to thank all of the emergency responders who acted quickly to save lives.

Immediately following this catastrophic event, the Federal Highway Administration (FHWA) mobilized internally across multiple offices and externally with local, State, and Federal partners to support the response. Under Secretary Buttigieg's leadership, FHWA coordinated with other operating administrations and offices within the United States Department of Transportation (USDOT); the Maryland Department of Transportation (MDOT), which includes the Maryland Transportation Authority and State Highway Administration; the City of Baltimore; U.S. Coast Guard; the U.S. Army Corps of Engineers; the National Oceanic and Atmospheric Administration; and others to mitigate supply chain impacts, manage traffic, and safely reopen the port. FHWA remains engaged in ongoing coordination with local, State, and Federal partners in the response efforts. FHWA is actively supporting the National Transportation Safety Board's investigation of the collapse. FHWA's focus now is supporting Maryland as much as possible as they work to reconstruct the bridge. FHWA has been in direct communication with MDOT regarding all possible options for building the bridge and is committed to supporting these efforts so that the bridge can be reconstructed as quickly and safely as possible. President Biden has been clear in this Administration's commitment to reconstructing the bridge. It is critical that we restore this vital connection for people and goods traveling along the East Coast. Ensuring that the I-695 corridor is open, operational, and safe for the traveling public at the earliest possible moment is a top priority.

On March 28th, within hours of receiving the request for funding assistance from MDOT, FHWA announced the immediate availability of \$60 million in "quick release" Emergency Relief funds. These funds serve as a down payment toward initial costs, and additional Emergency Relief program funding will be made available as work continues. As of July 3, 2024, \$40 million of this initial \$60 million down payment has been obligated for debris removal work. The Administration is asking Congress to join it in demonstrating a commitment to aid in recovery efforts by authorizing a 100 percent Federal cost share for rebuilding the bridge, consistent with past catastrophic bridge collapses.

Under the law, Emergency Relief funds cannot duplicate assistance under another Federal program or compensation from insurance or any other source. FHWA will follow the law, and the Emergency Relief program will be reimbursed with compensation for damages or with proceeds obtained through applicable insurance. FHWA is coordinating closely with the State of Maryland as it works through the details of its insurance policy.

FHWA continues to provide wide-ranging technical assistance to MDOT regarding procurement for reconstruction operations and project delivery strategies to reconstruct the bridge quickly and safely. The Maryland Transportation Authority issued a progressive design-build contract request for proposals on May 31st. FHWA also is working with MDOT to ensure that the new bridge will be built to current design standards and in accordance with all applicable Federal laws. On March 26, 2024, the day of the collapse, FHWA met with the National Transportation Liaisons from the U.S. Army Corps of Engineers, U.S. Coast Guard, U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, the Advisory Council on Historic Preservation, and the Environmental Protection Agency to discuss each agency's respective emergency procedures and considerations to expedite the environmental review and permitting processes for the future reconstruction. FHWA continues to meet with Federal and State resource agencies to discuss permitting for reconstructing the bridge. A Categorical Exclusion for the replacement of the bridge is expected to be completed by the end of July 2024, and will provide the appropriate level of information to allow for a streamlined permitting approach with the respective resource agencies.

Thanks to the whole-of-government response—and industry and government entities working together—there has been significant progress, including the significant milestone of reopening the Federal channel on June 10, 2024. While there is more work to be done, the coordinated response by government and industry to date gives me great optimism. Thank you to the State, local, and Federal entities who continue to collaborate with FHWA in response to this tragic event.

Whether it is an event of this scale and complexity or the comparatively smaller but still impactful bridge incidents on I-95 in Philadelphia and on I-10 in Los Angeles, I am proud to lead an agency that is playing a part in showing the country what can happen when government and industry come together with a common goal. There are no Democratic roads or Republican bridges—transportation truly unites us.

FHWA will continue to do everything it can to support the response. As the President has said, we will not rest “until the cement has dried on the entirety of a new bridge.”

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

###

Senator CAPITO.

[Presiding.] Thank you, Administrator Bhatt.

Our second witness is Lieutenant General Scott Spellmon, who has been serving as the 55th Chief of Engineers and Commanding General of the Army Corps of Engineers since September 2020. Prior to that, he served as the Deputy Commanding General for several emergency operations.

He is no stranger to the Corps' Civil Works Program or to this committee. Again, we are grateful for your service, and look forward to your testimony, General. Thank you.

**STATEMENT OF LIEUTENANT GENERAL SCOTT A. SPELLMON,
55TH CHIEF OF ENGINEERS AND COMMANDING GENERAL,
U.S. ARMY CORPS OF ENGINEERS**

General SPELLMON. Ranking Member Capito and distinguished members of the committee, thank you for the opportunity to testify before you today to discuss emergency response operations by the U.S. Army Corps of Engineers and our partners regarding the collapse of the Francis Scott Key Bridge.

On behalf of the Corps and our teammates, please allow me also to begin today by offering, again, our heartfelt condolences to the families of the six individuals who lost their lives in this tragedy. From the outset of this response, we were committed to supporting the effort to recover those loved ones. Our thoughts and prayers continue to be with those families.

Soon after the collapse, Maryland Governor Moore declared a State of emergency, and our U.S. Army Corps of Engineers Baltimore District, under the leadership of Colonel Estee Pinchasin, whose name has been mentioned several times this morning, she activated the district's emergency operations center and put her team in motion.

Our state-of-the-art survey vessels, which usually serve to verify depths and widths of our Federal channels, were deployed to support initial search and rescue dive operations. Our support evolved as we joined a multi-agency effort across all levels of government to form a unified command.

I have been a part of numerous disaster response operations over the past 9 years in my time in the Corps. This unified team led by U.S. Coast Guard Rear Admiral Shannon Gilreath and Captain David O'Connell is one of the best I have seen. They are amazing leaders.

The guidance from the President to me was clear from the beginning. He called me early in the morning of March 26th and told me the Corps' top priority, No. 1 priority, was to remove the wreckage from the Federal navigation channel and get it reopened. We had three tools at our disposal to move fast and execute this mission. We had the right authority, the right funding, and the right contracting capacity.

We used our existing authority for the Baltimore Harbor and Channel project. In 1970, Congress authorized the Army Corps to construct and maintain a 700-foot-wide by 50-foot-deep channel at the bridge location. The full navigation channel was, of course, fully blocked by the wreckage of the Key Bridge.

To get started that morning, we used available Fiscal Year 2023 and 2024 operations and maintenance funding for the Baltimore Harbor and Channel Project. Later, to advance our work, we conducted a series of internal emergency reprogramming actions using authority given to us by Congress where we put to work aged and unused funding from 220 Harbor and Maintenance Trust Fund O&M projects across the Country.

The third tool was our contract capacity. We are fortunate to have a standing interagency agreement with the U.S. Navy Supervisor of Salvage and Diving, and I cannot say enough positive words about these incredible men and women from the U.S. Navy and their industry partners. They are true world-class professionals, and they are very good at what they do. Each have amazing experiences, expertise, and a suite of contracting tools that gave us access to superb salvage companies. In this case, that contractor is Donjon Marine from Newark, New Jersey.

With these three tools in place, we began the complex task of determining how to begin clearing up approximately 50,000 tons of concrete, asphalt, and steel from the Patapsco River. For everyone's context, that is equivalent to over 200 Statues of Liberty worth of materials.

After conducting extensive diving and engineering analysis, in collaboration with our partners, we developed an ambitious but feasible timeline. Our plan was to initially clear a 35-foot-deep by 280-foot-wide limited access channel by the end of April and then restore the full 50-foot Federal navigation channel by the end of May. Certified by the Coast Guard, the limited access channel was open to one-way vessel traffic on April 25th, a week ahead of schedule, and this channel could support approximately 70 percent of the vessels, the port traffic, calling on the Port of Baltimore.

To reopen the full channel, we had to execute the most difficult task, which was removing the section of bridge that collapsed onto the bow of the vessel Dali. For this task, the team successively used precision demolitions to cut the bridge away from the ship and move the Dali from the edge of the Federal navigation channel.

This allowed for the removal of the remaining bridge wreckage and residual material in the channel well below the mudline. We moved as quickly and safely as possible, and on June 10th, the Corps of Engineers successfully restored the Federal channel to its original depth and width, again, of 700 feet wide and 50 feet deep.

Today, no steel or concrete remains in the Federal channel. All wreckage was removed, and the collapsed bridge area was cleared down, in some cases, to a 60 foot depth. I am proud to say our debris removal mission has ended, and the Port of Baltimore and navigation channel has returned to its authorized dimensions.

In ending, on behalf of the more than 39,000 men and women of the U.S. Army Corps of Engineers and all of our Federal, State, and industry partners, I want to say we are tremendously proud to have been a part of the unified team that undertook this incredible task.

Thank you again, Ranking Member Capito and members of the committee. I look forward to answering any questions you may have.

[The prepared statement of General Spellmon follows:]

**DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS**

**WRITTEN STATEMENT
OF**

**LIEUTENANT GENERAL SCOTT A. SPELLMON
CHIEF OF ENGINEERS**

U.S. ARMY CORPS OF ENGINEERS

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

**ON
OVERSIGHT ON THE UNIFIED RESPONSE TO THE
COLLAPSE OF THE FRANCIS SCOTT KEY BRIDGE IN
BALTIMORE, MD**

JULY 10, 2024

Chairman Carper, Ranking Member Capito and distinguished members of the Committee, I am Lieutenant General Scott A. Spellmon, Commanding General and Chief of Engineers for the U.S. Army Corps of Engineers (Corps). Thank you for the opportunity to testify before you today to discuss the challenging emergency response to the collapse of the Francis Scott Key Bridge in Baltimore, Maryland and, specifically, the role of the Corps in the recovery effort.

On behalf of the Corps, please allow me to begin today by offering our heartfelt condolences for the families of the six individuals lost to this tragedy. From the outset of this response, we were committed to supporting the effort to recover their loved ones and our thoughts and prayers are with them.

We also extend our sympathy to the people of Baltimore, the State of Maryland, and the surrounding areas, particularly those whose livelihoods were impacted by the disruption of commercial navigation at the Port of Baltimore. Along with our partners in the Unified Command, we worked tirelessly to restore the uninterrupted flow of critical commerce in and out of Baltimore, and we are incredibly proud that we were able to fully reopen the navigation channel in 76 days.

The Incident

When the Singaporean-flagged container ship, the Motor Vessel Dali, struck the Key Bridge in the early hours of March 26, we as a Nation were confronted with many challenges. The Dali's collision destroyed a supporting pier and caused a nearly one-mile-long span of the 1.6-mile bridge to fall into the Patapsco River below, raining down approximately 50,000 tons of concrete, asphalt, and steel. Two construction workers survived and were injured, while another six perished.

The bridge's collapse crippled Interstate 695, a major transportation route used by an estimated 12 million motor vehicles each year, and obstructed the Fort McHenry Federal Navigation Channel, blocking access to the Port of Baltimore.

Soon after the incident, Maryland Governor Wes Moore declared a State of Emergency, and the Corps' Baltimore District Commander, Colonel Estee Pinchasin, activated the district's Emergency Operations Center. The Corps team joined the multi-agency effort across all levels of government to form a Unified Command and Incident Command Post to begin the difficult task of determining how to begin clearing the wreckage and restoring vessel transit through the federal navigation channel.

Corps Authority

Congress authorized the Baltimore Harbor and Channels, Maryland and Virginia project, and the Corps' operation and maintenance of the 700-foot wide and 50-foot-deep channel, in various Rivers and Harbors and Water Resources Development Acts.

Additionally, the Rivers and Harbors Appropriation Act of 1899, as amended, (33 USC 409, 411-415) authorizes the Secretary of the Army to remove sunken vessels or similar obstructions/hazards from navigable waters of the United States. Implementing regulations, 33 CFR Part 245, allow the District Commander to fully restore the federal navigation channel in emergency situations where an obstruction impedes or stops navigation for safety and navigation.

Partnership

Utilizing our various authorities, the Baltimore District survey teams sprang into action within hours of the incident. The debris vessel, REYNOLDS, and survey vessel, CATLETT, were deployed to support the Maryland Transportation Authority Police, the initial incident commander in the first twenty-four hours of the response. These vessels, along with Baltimore District structural engineers with urban search and rescue experience, supported the search and rescue dive operations. This support continued as the Unified Command was established and the U.S. Coast Guard became the Federal On-Scene Coordinator. By the end of the first day, the mission shifted from search and rescue to recovery operations, and the Corps began clearing floating debris from the channel. Survey crews from the Philadelphia District provided supplemental support for this monumental effort.

For its part in the salvage effort, the Corps utilized an existing interservice support agreement under the Economy Act to partner with the United States Navy Supervisor of Salvage and Diving (SUPSALV). The Baltimore District coordinated with SUPSALV for mobilization under this interagency agreement, starting with \$3 million from Baltimore Harbor and Channels 50-foot Project Operations and Maintenance funds. This cost-reimbursable agreement allowed SUPSALV to immediately execute a delivery order to mobilize assets for this salvage mission. Donjon Marine (Donjon) is SUPSALV's emergency salvage contractor for this geographic area.

Operations

Partnering with the U.S. Navy has been crucial to ongoing operations, offering both technical expertise and additional resources with its salvage capabilities. This collaboration between the Army and the Navy enabled a rapid emergency response, and I want to underscore how quickly this mobilization occurred—SUPSALV coordinated with Donjon to mobilize wreckage removal assets and support deep-water channel remediation and restoration within hours of the bridge falling.

Donjon secured the Chesapeake-1000, one of the largest floating cranes on the Eastern Seaboard, with a maximum lift capacity of 1,000 tons, which has proved to be an invaluable resource. To begin lifting the debris, however, it was critical to understand how the wreckage fell and what the conditions were like under the water. By partnering with SUPSALV, we brought in commercial dive companies to survey and map the underwater hazards and develop and safely execute the underwater salvage plan.

I cannot overstate the danger these divers faced—the Patapsco River is unforgiving, incredibly murky, and very cold. Salvage divers could, at most, see a foot in front of them. These perilous natural conditions were compounded by the jagged, twisted rubble of steel, concrete, and exposed rebar, adding the risk of impalement and snagged air supply hoses.

Through the courageous, methodical work of these divers and our survey crews, we began to develop a clearer understanding of the operational landscape. SUPSALV's initial salvage plan focused on clearing the Fort McHenry Channel, but the overall salvage operation has three lines of effort: (1) the Corps and SUPSALV's efforts, through Donjon, to clear the federal navigation channel; (2) the Maryland Transportation Authority's work, through its contractor, Skanska-Corman-Mclean, to clear the areas outside of the channel; and (3) the Dali's owner, Grace Ocean Private Limited, and operator, Synergy Group, and their contractor, Resolve Marine's, efforts to clear cargo from the vessel, enabling the unified team to ultimately clear remaining wreckage from the vessel.

After the initial planning and scoping, the Unified Command established three principal priorities to be accomplished concurrently: (1) clear the federal navigation channel; (2) refloat and move the vessel; and (3) clear the remaining wreckage from the entire waterway.

Clearing the Federal Channel

Dive and survey operations continued over the course of the first week using highly sophisticated three-dimensional (3-D) sonar and LiDAR imagery captured by the Navy's CODA Octopus 3-D imaging system, which enabled us to map the wreckage field. We learned how challenging the rigging and lifting process would be due to the tangled state of the wreckage and that much of it was submerged below the mudline, in some cases buried up to 30 feet deep. Additionally, the steel was under tension and compression, presenting an engineering challenge and safety hazard. As a result, the wreckage would need to be re-evaluated after removing each piece.

Once the wreckage was mapped, the northern side of the channel, opposite of the Dali, could be cleared to create a smaller, temporary one-way channel. We planned for this "Limited Access Channel" to have a width of 280 feet and a depth of 35 feet, which

would allow for more than half of the vessels trapped in the Port of Baltimore to depart. Significant commercial and marine traffic could resume, bringing cargo and commodities into the port even as the salvage effort continued.

After stabilizing the vessel, cutting and rigging wreckage, and extensive engineering analyses, in collaboration with industry partners, we developed an ambitious, but feasible, timeline to reopen the navigation channel. We could clear the Limited Access Channel by the end of April and restore the full federal navigation channel by the end of May. The President announced this plan to the American people during his April 5 site visit. With this timeline in mind, the Unified Command pressed forward, paying careful attention to site safety and environmental concerns while prioritizing victim recovery.

Within the federal channel, we identified five principal sections of truss, the steel supporting structure of the Key Bridge, numbered zero (on the northern side) to four (on the southern side and laying atop the Dali). To open the Limited Access Channel, we had to remove truss sections zero and one.

On April 6, we began with diving, rigging, and cutting, and by April 14, the Chesapeake-1000 lifted the 440-ton piece of truss section one. Two days later, salvors lifted the second half of section one. Section zero, weighing nearly 1,000 tons, was lifted in three pieces as teams removed the final piece late into the night of April 22. Additionally, prior to these lifts the Corps' Engineer Research and Development Center worked with the Association of Maryland Pilots to develop and test simulations that projected the viability of the Limited Access Channel.

The Corps was able to clear the Limited Access Channel a week early and above scope at 300 feet in width by 38 feet deep. After the U.S. Coast Guard's assessments, the Limited Access Channel was open to one-way vessel traffic on April 25, capable of supporting approximately 80 percent of the types of vessels that the port served prior to the collapse.

Refloating and Moving the Motor Vessel Dali

Concurrently, while salvage operations were taking place in and around the federal channel, work had begun to refloat and move the Dali. This involved removing about four percent of the nearly 4,700 containers on the ship, along with removing obstructions from the bow of the ship. To remove the largest section of truss from the Dali, the Unified Command approved a controlled demolition technique involving precision cutting using small charges to break the section safely and efficiently into more manageable, liftable pieces. The MV Dali was successfully refloated and moved to a berth at the Port of Baltimore on May 20.

Clearing the Remaining Wreckage (Federal Channel and Adjacent Areas)

On April 20, a 200-ton wreck grab claw arrived onsite that, when rigged to the Chesapeake-1000, removes greater amounts of wreckage from the riverbed, increasing efficiency. All recovered wreckage is moved via barge from the incident site to a location approximately two miles to the east known as Sparrows Point. Skanska-Corman-Mclean, Maryland's contractor, leased ten acres of property on Sparrows Point to establish a wreckage processing operation there.

Once wreckage is deposited, Maryland assumes ownership, and its contractor is responsible for breakdown, processing, and recycling disposal. Much of the wreckage, specifically within the federal channel, is buried deep in the mud, and the lifts of the wreckage are mixed with mud and smaller pieces of steel, concrete, and asphalt. Donjon has been handling this mixed wreckage for offload and further separation and processing.

Outside of the federal channel, temporary alternate channels at Sollers and Hawkins Points, to the north and south of the federal channel respectively, were opened by the Coast Guard on April 1. Shallow-draft vessels and other smaller craft, in coordination with the U.S. Coast Guard, had been transiting these channels while removal operations were ongoing in the federal channel. A third temporary alternate channel, Fort Carroll, with a 20-foot depth, was similarly opened by the Coast Guard on April 18 and remained in operation until the federal channel was cleared.

On June 10, the Corps and its partners announced the full restoration of the 700-foot by 50-foot federal channel. Fully restoring the federal channel to its original width and depth involved the removal of about 50,000 tons of bridge wreckage from the Patapsco River. At its highest point, the Unified Command, consisting of six agencies, led the response efforts among about 56 federal, state, and local agencies, represented by 1,587 individual responders. Additionally, about 500 specialists from around the world operated a fleet of 44 vessels of various sizes and capabilities, as well as 36 barges, 27 tugboats, 22 floating cranes, 10 excavators, a dredger, a skimmer, and Coast Guard cutter. Subject matter experts from all over the U.S. also provided essential technical knowledge to the Unified Command.

Salvage Operations Funding

Acknowledging the emergency nature of this disaster and the critical need to reopen the federal channel quickly, the Corps used the Fiscal Year 2024 funds appropriated to support the operation and maintenance of the Baltimore Harbor and Channels 50-foot project to initiate the salvage efforts.

The Corps obtained additional funds through an internal emergency reprogramming of unused Operation and Maintenance funds from prior year appropriations to continue to

support this mission utilizing prior-year. We took great care to ensure these reprogramming efforts did not negatively impact other Corps projects. Ultimately, the Corps has obligated approximately \$65M on wreckage removal and emergency response. Final contract closeout is currently ongoing as of the date of this testimony.

Closing

In closing, I'd like to thank the Committee for having me here today. I'm incredibly proud of our Corps team members, our partners in the Unified Command (U.S. Coast Guard, Maryland Department of the Environment, Maryland Transportation Authority, Maryland State Police), as well as all other associated agencies and industry partners, and for having zero safety incidents on any of the salvors thus far.

From day one, this entire mission was about a commitment to get the job done right and safely, deliver for the people of Baltimore and the Nation, and honor the families whose loved ones were taken from them. I believe we have continued to deliver on that promise, and I will be forever proud of the work we have accomplished together. This challenge is immense, but with a unified effort, it is not insurmountable.

Thank you again for the opportunity to be here today, and I look forward to your questions.

###

Senator CAPITO. Thank you, General Spellmon.

Last but not least is Secretary Paul Wiedefeld, who serves as the Secretary of the Maryland Department of Transportation. He was sworn in as Secretary on March 2d, 2023 and has had a 40-year career in the public and private sectors.

Secretary Wiedefeld previously served as the General Manager and CEO of the Washington Metropolitan Area Transit Authority, the CEO of the Baltimore Washington Thurgood Marshall Airport, and as Administrator of the Maryland Transit Administration.

We welcome you and look forward to your testimony. Thank you.

**STATEMENT OF HON. PAUL J. WIEDEFELD, SECRETARY OF
THE DEPARTMENT OF TRANSPORTATION, STATE
OF MARYLAND**

Mr. WIEDEFELD. Good morning, Ranking Member Capito and members of the committee. Thank you for this opportunity, obviously, to discuss the ongoing response to the collapse of the Key Bridge.

Before I address this subject, I also want to take a moment to express our condolences to the families and their relatives. As the day-to-day operator of the transit system, the transportation system in Maryland, everyone at MDOT takes this personally. These are our coworkers who lost their lives.

I also want to thank our partners in the Federal Government who have worked hand-in-hand with us to immediately respond to this disaster by helping clear the debris and reopening the channel to the Port of Baltimore in tremendous record time.

I also want to thank the Administration for the immediate provision of \$60 million in Emergency Relief funds. Those funds proved invaluable in performing the crucial first steps in clearing the auxiliary channels of the Port of Baltimore.

Difficult times call for resolve and unified responses, and I am encouraged by the way all levels of government have rallied to address this crisis. The collapse of the Francis Scott Key Bridge is not only a human tragedy, but also an economic disaster. The economic effects of the bridge collapse will be felt nationwide until the bridge is rebuilt.

This bridge is a key component of the I-95 corridor and is essential to the free flow of needed commerce and vehicle transit. It serves as a vital connection for the people and goods traveling throughout the entire east coast and the Nation.

Efficiently rebuilding the bridge to meet the future needs of the commerce is a national imperative. It is crucial to restoring jobs, protecting essential supply chains, and reducing inflation nationwide. It is key to ensuring efficient freight movement on the nationally significant I-95 corridor, which generates roughly 40 percent of the Nation's GDP. This effort requires clear direction, assured funding, and continuation of widespread bipartisan support at all levels of governments.

For this reason, I am urging you to support the enactment of legislation introduced by the Maryland congressional Delegation, the Baltimore BRIDGE Relief Act. This legislation will ensure that the Federal Government supports 100 percent of the replacement cost of the vital bridge. Additionally, this legislation specifies that funds

recovered from insurance proceeds and culpable parties will be applied to reduce the cost ultimately borne by the Federal Government. These sums are expected to be substantial.

This funding approach parallels the action the Federal Government has taken in response to other disasters that require immediate, focused response and dwarf the capabilities of State and local governments. The Federal Government often intervenes after major disasters. It pays for the upfront cost of disasters while pursuing recovery actions against insurance companies and culpable parties.

The collapse of the Francis Scott Key Bridge is a national problem, and promptly and effectively repairing it will require clear and focused action by the Federal Government. Preliminary estimates indicate the bridge replacement will cost approximately \$1.7 billion. We are moving expeditiously to rebuild the bridge. The Maryland Transportation Authority is currently evaluating requests for proposals for a design-build team. We expect to have a project team selected by mid to late summer, with a projected project completion date of fall of 2028.

In conclusion, I urge Congress to approve the Baltimore BRIDGE Relief Act and to continue the custom of providing support when it is needed most following disasters.

Thank you for the opportunity to be here today. I look forward to answering any questions.

[The prepared statement of Mr. Wiedefeld follows:]

STATEMENT OF PAUL J. WIEDEFELD
SECRETARY, MARYLAND DEPARTMENT OF TRANSPORTATION
BEFORE THE
SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WEDNESDAY JULY, 10 2024

Good morning Chairman Carper, Ranking Member Capito and members of the committee. I am Paul Wiedefeld, Secretary of the Maryland Department of Transportation (MDOT). Thank you for this opportunity to discuss the ongoing response to the collapse of the Francis Scott Key Bridge. Before I address that subject and offer my thoughts on the future direction of our response, I want to take a moment to express my condolences to the families and relatives of those who lost their lives in the disaster. I want to express my gratitude to Governor Wes Moore for his leadership, untiring attention, and support. I also want to thank our partners in the Federal Government who have worked hand in hand with us to immediately respond to the disaster by helping clear the debris and reopening the channel to the Port of Baltimore. I also want to thank the Administration for the immediate provision of \$60M in quick release Emergency Relief funds. Those funds proved invaluable in performing the crucial first steps of clearing the auxiliary channel.

Difficult times call for resolve and unified responses, and I am buoyed by the way all levels of government have rallied to address this crisis. The collapse of the Francis Scott Key Bridge is both a human and economic tragedy. The effects of the bridge will be felt nationwide until the bridge is repaired. This bridge is a key component of the I-95 corridor and is essential to the free flow of needed commerce and vehicle transit. It serves as a vital connection for people

and goods travelling throughout the entire east coast and nation. Over 39,000 vehicles cross the bridge every weekday, carrying a significant value of commerce.

Rebuilding the bridge quickly, stronger, and safer to meet the future needs of commerce is a national imperative. It is crucial to restoring jobs, protecting essential supply chains, and reducing inflation nationwide. This effort will require clear direction, assured funding, and a continuation of widespread bipartisan support at all levels of government.

For this reason, I am urging you to support enactment of legislation introduced by the Maryland Congressional Delegation, S. 4114, “the Baltimore BRIDGE Relief Act”. This legislation will ensure that the Federal Government supports one hundred percent of the replacement costs of this vital bridge and its approach ways in Baltimore City, Baltimore County, and Anne Arundel County. This legislation has been carefully crafted. Specifying that the Federal Government will pay the upfront costs of the bridge does not mean taxpayers will bear the entire expense of the repair. Funds recovered from insurance proceeds and culpable parties will be applied to reduce the cost ultimately borne by the Federal Government. These sums are expected to be substantial.

Preliminary estimates indicate the bridge replacement will cost approximately \$1.7 billion. Recovering these amounts from culpable parties and insurance settlements will take time. Additionally, seeking to identify other possible sources of funding at different levels of government will result in delays and engender protracted debate over whether the funding sources should be used for the bridge reconstruction given the purposes for which these monies were originally set aside. Clearly specifying the source of funding for this work also will bring economies in contracting by reducing design and construction costs associated with multiple uncertain fund sources.

This funding approach parallels the action the Federal Government has taken to respond to other disasters that require immediate, focused response and dwarf the capabilities of state and local governments. The Federal Government often intervenes after major disasters to pay the upfront costs of the disaster while pursuing recovery actions against insurance companies and culpable parties. For example, the Federal Government has provided the upfront costs of two highly visible bridge disasters in recent years.

When the I-35 bridge located in Minneapolis, Minnesota collapsed on August 1, 2007, within a matter of days Congress came together and provided the necessary funding to rebuild their critical piece of infrastructure. Congress quickly responded in a bipartisan way to help the people of Minnesota recover from this heartbreaking tragedy and agreed the Federal Government should bear the entire upfront costs of the repairs. Cost recovery actions were successfully pursued against others afterwards.

In May 2013, the I-5 Skagit River Bridge in Washington collapsed when an eighteen-wheeler carrying an oversized load crashed into the bridge. The Federal Highway Administration provided the initial funding to pay the upfront cost of the repairs. The subsequent recovery action against the culpable party resulted in federal costs being recouped.

The Federal Government has taken the same approach in the case of other disasters. During the Deepwater Horizon and Exxon Valdez oil spills, the Federal Government provided the upfront costs of the response action while pursuing legal action against the responsible parties. This approach ensured an effective, immediate response through the provision of upfront funding while successfully instituting recovery actions against those responsible.

As these examples show, there is precedent for the Federal Government to fund the complete upfront costs of the Francis Scott Key Bridge replacement subject to the understanding that any recovery rights against third parties will be fully pursued. This approach is sound because it enables the Federal Government to fully vindicate its legal rights to recoup its expenditures from others through judicial processes, which takes time.

The collapse of the Francis Scott Key Bridge is a national problem, and promptly and effectively repairing it will require clear and focused action by the Federal Government. I urge the Congress to support the enactment of S. 4114, and to provide the same consensus support for passage of this legislation that has been displayed by the Administration, Congress, and others in the actions taken to date to clear the channels from debris, reopen the Port of Baltimore, and provide the Emergency Relief funding that has been so important to the initial response to this disaster.

In seeking your support for enactment of the Baltimore BRIDGE Relief Act, I want to assure you that MDOT and the Maryland Transportation Authority (MDTA) is totally focused on rebuilding the Francis Scott Key Bridge in the most effective and efficient manner possible. We have already released a Request for Proposals (RFP). Bids have been received and are under evaluation. We expect to have a project team selected by mid-to-late summer with a project completion date of fall 2028. For this critical project, the MDTA is using a Progressive Design-Build process that brings on board a project designer and builder to work side-by-side, resulting in greater efficiencies. The MDTA has a proven track record of delivering projects on-time and on-budget utilizing this approach. While the project scope and accelerated timeline requires a significant amount of skilled labor to complete the construction safely, reliably, and expeditiously, we are confident that the work will be successfully delivered under this

contracting mechanism. The State is also leaning forward to perform all environmental reviews as quickly as possible, including pursuing the applicability of a Categorical Exclusion under the National Environmental Policy Act (NEPA) for the bridge work.

I would like to conclude my remarks by again extending sympathies to the families of the victims that died in the bridge collapse. I also wish to express my gratitude to the MDTA first responders and who took quick action to close the bridge and prevent further loss of life, as well as personnel in my agency, USDOT, the U.S. Coast Guard, the U.S. Army Corps of Engineers, the U.S. Navy, and the Maryland Department of Environment who have worked and are working tirelessly to mitigate supply chain impacts, manage traffic operations, reopen the Port of Baltimore, and ultimately reconstruct the bridge. Thank you.

Senator CAPITO. Thank you, Mr. Secretary.

I will recognize myself for the first question. I think this really is the question. Senator Cardin's bill is probably exactly the same bill that I would put in if it happened in the State of West Virginia, and the same in Nebraska. The cost share issue, I think, is where we have a question. I think that we just need to get the answers here.

I am going to start with you, Administrator Bhatt. As I mentioned in my opening statement, there is a significant backlog of Emergency Relief that are waiting on Federal funding. The Chairman mentioned the one most recently that we all recall, certainly, what happened in Maui with the fire. Many of these projects will have a 10 or 20 percent cost share that will be provided by a State DOT.

I think Congress needs to have a basis for determining when to waive the statutory cost share for ER projects so that there is an equitable response to natural disasters and other emergencies. The Secretary just said, other disasters have had this waived, but we know the key is not every disaster has had this waived.

What factors do you think Congress should consider when reducing the required cost share for an ER project?

Mr. BHATT. Thank you, Ranking Member Capito, for that question. I think it is a fair question to ask. I think that, when you look at some of the examples, both that Senator Cardin has mentioned or that we have used in the past, I think it is scope and scale of a disaster that would, as Secretary Wiedefeld just mentioned, overwhelm State and local agencies' ability to respond.

In Delaware, when we had our bridge disaster, when I served as Secretary, was in the tens of millions of dollars, and it was something that, financially, we were grateful for the Federal Highway Administration, but it was not a debilitating impact to our State economy, had we had to have come up with \$10 million or \$20 million.

But in the case of a \$1.7 billion bridge replacement with corresponding loss of toll funding that has impacts on their transportation program, I think that is where you get into a scope and scale sense of where the Federal Government may need to come in, because the 10 or 20 percent cost share becomes a quite sizable number at that point.

Senator CAPITO. Okay, so scope and scale.

So then, I want to go to you, Secretary Wiedefeld, and thank you for the phone call that we had. I appreciate that early on. I am just amazed at the efforts that you all have done in Maryland, along with a lot of help. Congratulations on that, and I know there is a big way to go.

You mentioned the possible cost of the bridge would be \$1.7 billion, so if you take out insurance and any other kind of legal cost, we don't really know what it would be, let's just say, what was the insurance?

Mr. WIEDEFELD. Three hundred fifty million.

Senator CAPITO. Three hundred fifty million, let us just say you match that with the insurance, that would be good, wouldn't it? Get it down to a billion, which is still quite heavy. A cost share for Maryland could be, possibly, \$100 million.

The bridge, and I mentioned this in my statement, because I want to understand, and you explained this to me on the phone call that we had previously, and Ben and I have talked about this as well, the \$56 million that you collect on that bridge is used for the maintenance and upkeep of all of the projects in the State. Correct? The tunnels and that bridge, so it is not exclusively dedicated to that bridge, correct?

Mr. WIEDEFELD. Correct. It is for the Transportation Authority, which runs all of our toll facilities only, not the general highway system.

Senator CAPITO. Okay, so if you took, say, a 30-year payback plan to the Federal Government for the 10 percent, you would be taking probably a 10 percent off of that toll revenue that the State of Maryland could use, if the cost share that exists now, could use to pay back the American taxpayer the cost to rebuild the bridge. Right?

Mr. WIEDEFELD. You could, sure, if that was—

Senator CAPITO. If that was the direction that we decided to go.

So, the other question I have is, if you have a new bridge, which you will have, hopefully sooner than some of the projections, but I realize it is a major undertaking, if you have a new bridge, is it safe to assume that a new bridge demand on the toll revenues would be less for maintenance and upkeep?

Mr. WIEDEFELD. Not necessarily. I mean, the operations is also a big part of the cost, just the ongoing operations, meaning policing and things of that sort, cleaning, keeping things clear and safe.

Senator CAPITO. Is there a standard cost?

Mr. WIEDEFELD. Yes, whether it is new or old.

Senator CAPITO. My assumption is that a 60-year-old bridge is going to cost more than a brand-new one.

Mr. WIEDEFELD. Yes, for ongoing maintenance, for future maintenance, yes.

Senator CAPITO. For ongoing maintenance, which is what the dedication of the tolls is for, as well. Is it unreasonable to assume that, and I know we are making assumptions that the bridge that, I think it was in Minnesota, got the 100 percent cost share when it collapsed, it was not a toll bridge. You are going to put the tolls back on when this is completed. You have pretty much stated that. I think the State of Maryland is going to do that, which I would do that, too, if I was the State of Maryland. I am not being critical of that.

Why is it wrong to assume, if you are the American taxpayer, that since you have a dedicated source of revenue there, that, over time, you would not be asked to pay the 10 percent cost share that Maryland would have to bear? Make the argument there.

Mr. WIEDEFELD. Sure, I think there are some other factors here. One is, we are losing revenue now, right, and we will continue to lose that revenue through the next four and a half years, that is what we are projecting right now. We are losing those dollars now.

The other part of that is, in effect, we are costing businesses and people every day by the delay of this bridge being built, by any potential delay on this bridge being built. All of those are added costs that, in effect, we are trying to cover now so that we can get this bridge done as quickly as we can.

Senator CAPITO. Are you telling me that the State of Maryland now, and I know I am over my time, but I think this is really the crux of the, I don't even want to say it is a disagreement so much as try to figure out the best way to do this, is that the cost that the State if Maryland is bearing now should also play into what Maryland should bear in terms of the rebuild of the bridge?

Mr. WIEDEFELD. No, what I am saying is that we are, the insurance comes, the \$350 million. That is supporting it.

Senator CAPITO. That will go back to the Emergency Relief.

Mr. WIEDEFELD. There is a burden that, sure, but getting back to the larger issue of the scale of this project and the impacts of it, there is this other impact that we are going through now with the loss of revenues for the toll authority for the next several years.

Senator CAPITO. Okay. I would just say that we have the rollout of all the projects that have, where there has been a waiver granted of the 10 percent or 20 percent cost share. I think this will probably be useful to submit to the committee for the record. Thank you.

Senator Cardin, you are next.

Senator CARDIN. Thank you, Senator Capito. I think your questions are extremely important, so thank you for the manner in which you have presented this.

First, for Administrator Bhatt, I agree with you. It is the issue of the scope and scale. This tragedy on the Francis Scott Key Bridge has been characterized as being the largest maritime claim in history. When you talk about scope and scale, is this sort of off the charts?

Mr. BHATT. Thank you, Senator, for that question. You referenced in your testimony the video that we saw. You don't see that we have a lot of issues with bridges in the Country. We rarely see a collapse of this size of structure, and so yes, it will be the largest maritime claim. From a precedent standpoint, it is unprecedented.

Senator CARDIN. I just hope that puts somewhat to rest the difference between this tragedy and Emergency Relief funding versus a lot of the others that have been, that are nowhere in this category whatsoever, however, this is much closer. This exceeds Minnesota, but it exceeds even some of the worst emergency circumstances that we have had.

Let me get to Senator Capito's point in regards to the tolls and tolls offset. First, you raised an interesting point that the bridge will be rebuilt and there will be tolls coming from it, and that the State benefits from that new facility.

But I would point out that all the Emergency Relief programs, the economies locally benefit from the Federal Government's resources that are put in. When you dealt with Hurricane Irma and you rebuilt the infrastructure and community, the businesses got back up quicker, sales tax increased, revenues increased, local governments did well, States did well. That is what it is all about, getting your economy back to scale.

In regard to the toll revenues, and I will repeat this again because I want to make sure, Secretary Wiedefeld, you have a chance to respond on this, the overwhelming expenses, as I understand it,

is the operations of these facilities, not the infrastructure cost itself. Am I right on that?

Mr. WIEDEFELD. Yes, the operating costs, particularly labor costs, are a significant part of any budget for the toll authority.

Senator CARDIN. We have how many toll facilities in Maryland?

Mr. WIEDEFELD. We have nine.

Senator CARDIN. Nine, so this is one of nine. These revenues will be lost for a substantial period of time.

When we say loss, let me just point out to the members of the committee, there are alternatives to paying a toll to transit through this area. You can go through city streets, which is the worst example, because you are going to go through neighborhoods, beating up roads dramatically, with these trucks and interfering with communities, but that is one option.

Another option is to go around the beltway where there are no tolls. That is going to probably be the preferred option for the larger vehicles that can't go through the tunnels, anyway. They don't pay any tolls doing that, so there is a significant part of the traffic that will avoid paying tolls for the next couple of years, costing the toll facilities those revenues that were projected.

Now, do you have a way of recovering that?

Mr. WIEDEFELD. No. It is adding cost to us because, as that traffic moves on the beltway, that increases our operating costs. For instance, we have put emergency response units out there because the slightest hiccup in the system has an exponential impact on congestion, up and down the northeast corridor. We have put in operating costs for that.

We are anticipating higher maintenance costs due to the heavier traffic because the oversized vehicles and any hazardous materials now have to take this 25-mile detour on the Baltimore beltway. Those are all additional costs that we now will incur for several, several years, four-plus years.

Senator CARDIN. They are not under the Emergency Relief coverage?

Mr. WIEDEFELD. No.

Senator CARDIN. That is using your normal transportation revenues, how you obtain them through the user fees, et cetera, in the State of Maryland.

Mr. WIEDEFELD. Right.

Senator CARDIN. I guess the last point on this is that, additionally, the State of Maryland is going to incur considerably more expenses, and the recoveries, 100 percent of the recoveries related to the bridge are returned to the Emergency Relief Fund, are they not?

Mr. WIEDEFELD. Yes, they are.

Senator CARDIN. The Federal Government is not going to pay 100 percent. They are going to pay 100 percent less the recoveries. The recoveries are not only insurance, they are third party claims. Those third party claims, I admit, it is going to take years before we recover that.

But there is at least very serious evidence that there could be wrongdoing in the manner in which the vessel was handled, which could bring in substantial funds. That will go to the Federal Emergency Relief Fund, as it should.

I don't want to leave with the impression that the Federal Government is paying 100 percent. They are not going to pay 100 percent. They are going to get the recoveries, and the recoveries will far exceed the 10 percent.

As a matter of the burdens to the State of Maryland and the manner in which the State of Maryland is complying with the requirements of the code as it relates to toll facilities, that is not something that is not allowed. We are complying with all the requirements. It would be, I think, just a terrible precedent if we start to try to figure out the values of the Emergency Relief Funds to the local governments that are benefiting from this from all emergencies, because each one is different.

This clearly complies with any standard on the scope of the tragedy and should be reimbursed at 100 percent.

Thank you, Madam Chair.

Senator CAPITO. Senator Ricketts?

Senator RICKETTS. Thank you, Senator Capito.

General Spellmon, Administrator Bhatt, great to see you again. Secretary Wiedefeld, welcome.

I want to offer my condolences as well to all Marylanders, especially the families and loved ones of the six workers who lost their lives in this terrible tragedy, and also thank the first responders who acted so quickly to prevent further loss of life and, of course, responded after the bridge collapsed. We do have a lot of heroes in our communities that respond to these things, and we need to recognize the work they do.

Of course, maintaining the Nation's infrastructure is a key priority for what we do in the Federal Government, and the bridge, in general, is something that has been pointed out as a key part of our economy. In fact, talking to a small business owner in Omaha, Nebraska, he was talking about how he was having his product being shipped out through the Port of Baltimore, and obviously, the bridge collapsed and impacted that, and he had to find another way to be able to ship. He was actually exporting his product overseas, so trying to get there was not an easy task. We know that this is an important thing.

It is also important that we make sure that we get the information so that we can share that with the American taxpayers and make sure that this is done correctly. That is part of our job in oversight here.

Administrator Bhatt, I will just start with you, just on some of the things that Senator Capito said, just to make sure that you agree with that. I know this is still early days, so I am not going to come back and hold you to the penny on this, but do you agree with the estimates, about \$1.7 billion to replace the bridge?

Mr. BHATT. Yes, Senator, thank you for that. That is what we believe is consistent.

Senator RICKETTS. Great. Then, we have established, and I think you agree, \$350 million in insurance?

Mr. BHATT. Yes, that is the current insurance policy.

Senator RICKETTS. We have also talked about, maybe, some of the litigation claims. Senator Capito said \$350 million. Do you have any sort of estimate on that?

Mr. BHATT. I would have to defer to DOJ, who is leading the claim. It is hard to tell.

Senator RICKETTS. Have they said anything about \$350 million, because I think that is what Senator Capito said.

Mr. BHATT. No, I think that was more of a guesstimate.

Senator CAPITO. I will just clarify what I said. I just kind of threw that number out there so I could get to an even \$1 billion.

Senator RICKETTS. You just threw that out there? Okay, great, alright, great. Well, okay, good. I am glad that is a good thing to know.

Secretary Wiedefeld, do you have any additional information to share on what the claims could potentially be?

Mr. WIEDEFELD. No, Senator. We also, obviously, we have a number of attorneys that we have hired to go after those dollars, as well.

Senator RICKETTS. I had a conversation with Governor Moore. I very much appreciate him giving me a call to talk about this. He really described this as kind of a financing thing that will get reimbursed. It sounds like, when I hear, maybe at the upper end of Senator Capito's is accurate, we are talking about the Federal Government getting reimbursed for about \$700 million and having the Federal Government would pay for about \$1 billion of Senator Cardin's plan.

Is that accurate, am I understanding this correctly?

Mr. BHATT. Yes. Under the ER law, all funds that are recovered through insurance or legal claims come back. The Skagit Bridge in Washington, about \$20 million, about \$17 million of that came back years later.

Senator RICKETTS. Okay, great. Also, my understanding is, Secretary Bhatt, that after the bridge collapsed, and this was after, you designated this as part of the interState highway system. Is that accurate?

Mr. BHATT. Yes.

Senator RICKETTS. Okay, so do you guys have the authority to do this? Is there any precedent for you, as designating this after a disaster like this, because it changes the cost share, right? It would change it from 80 percent to 90 percent. Is that accurate?

Mr. BHATT. Yes, Senator, it would. When I was a Secretary in Delaware, I would drive on 695. It is signed as part of the interState. I think we just all assumed it was part of the interState. That was the first time that I have ever been part of redesignating it post an event. For all intents and purposes, it was part of the interState. It was just related to its initial design exceptions back in the 1970's.

Senator RICKETTS. Do you think this is the first time that you have done this?

Mr. BHATT. The first time to my knowledge that we have done it after an event. We redesignate interState all the time across the Country.

Senator RICKETTS. What would happen, then, to the toll fees? Does that change anything with regard to the toll fees and how Maryland uses it, designating it as part of the interState highway system?

Mr. BHATT. Once they accepted the ER funds, that Federalized the facility and would require any tolls to be used under Title 23.

Senator RICKETTS. Help me, for us regular civilians here who don't know what that means, what would that mean going forward for the State of Maryland? They have already talked about how they use this to maintain their toll system right now. What will happen going forward now that you have designated this?

Mr. BHATT. Under Title 23, there is a list of things that you must do. The first is maintain the bridge or the toll facility, so those funds can be used. Then, after that, there are certain things that are allowable, all related to Title 23 highway expenses within the State.

Senator RICKETTS. It is not going to impact Maryland's ability to be able to use those funds to continue to maintain their toll system, is that accurate?

Mr. BHATT. No, sir.

Senator RICKETTS. Okay, very good.

I have other questions, but if we go to the second round, I would like to get to those. If we don't, we can just submit them in writing. Great, thank you very much.

Senator CARPER.

[Presiding.] Thank you, Senator Ricketts.

Who is next, would it be Sheldon Whitehouse?

Senator WHITEHOUSE. It would be.

Senator CARPER. Senator Whitehouse, you are on. Thank you.

Senator WHITEHOUSE. Thank you, Chairman.

Good to have you all here. Thank you, Administrator Bhatt, for being here. Thank you also for your travels to Rhode Island. Maryland is not the only State that has a bridge predicament, as you know. Rhode Island's Washington Bridge goes over the Seekonk River. It carries a Federal artery on it.

Where the Key Bridge runs about 30,000 vehicles per day, the Washington Bridge runs closer to 100,000 vehicles per day. For the eastern half of my State, it is the essential artery for getting, for instance, to the hospitals of Rhode Island, to the Rhode Island Hospital emergency room, for instance.

So, it is very important to us to get this attended to with as much Federal support as we can. I understand that we are looking at what the causes are of our bridge's failure, to see whether it can qualify for emergency designation. Thankfully, our failure was caught before the collapse of the bridge. We just had to close it immediately, at least, most of it.

We are where we are as a result, and it is going to be important to me and to Rhode Island's delegation to make sure that we are not exactly in Maryland's position, because we are probably not an emergency. We thankfully did not have loss of life, but to be on a similar track of Federal attention.

We have said that to you before. Governor McKee has said that to you. Our whole delegation has said that to you. This is not news to you. Since you are here, I wanted to remind you of that and ask if you had any comments to that point you could make.

Mr. BHATT. Thank you, Senator. I am well aware, both through my visits and our numerous conversations, of the importance and the impact to East Providence, and the entire State. I actually flew

into Providence when I was on my way up to visit the Cape Cod bridges, just so I could see how things were going. It is good to see that, because of the efforts of Rhode Island DOT, that some of the——

Senator WHITEHOUSE. The flow is better.

Mr. BHATT. The flow is better. We will continue to work with Rhode Island on this. We are grateful that it was caught before it became a deadly disaster, and commitment to just staying in close contact as we move forward on this.

Senator WHITEHOUSE. Close contact is nice, but the request is that we stay on a time track similar to the Key Bridge project, and that there be significant resources available. We are dealing with a very significant expenditure for the State of Rhode Island for a really essential piece of Federal infrastructure.

You landed at T.F. Green Airport, and you drove north on 95, and then you turned across the bridge to 195 in order to get to Cape Cod. All of eastern Massachusetts is accessed through that multi-lane highway, which goes over that bridge. It is really important not just to Rhode Island, but also to those seeking to get to eastern Massachusetts and to the Cape and so forth to have that bridge repaired.

The expense is going to be considerable. It looks like we are going to have to tear a significant portion of the bridge down, and then commission a rebuild of a new structure. I don't think we are going to hit \$1.7 billion, but it is going to be a big number, and it is going to be a particularly big number for a small State.

We think it is important that it is a value that Rhode Island adds to have that junction of 95 and 195, right in the middle of our State. It is a very important piece of Federal infrastructure of the entire northeast. Now that it has been put in this peril, we are really eager to make sure that the Federal Government understands that this Federal highway needs Federal support so that we can get it back in full, safe operation for another 50 to 100 years.

Mr. BHATT. Yes, sir. I fully agree with you. I understand the impacts. I think, as Ranking Member Capito said, if this was in any one of your States, you would make this argument, so I hear you.

I know that they just had a Request for Proposal (RFP) that was out there to get a repair on the bridge that did not, ultimately, have any companies competing. Se are going to continue to work with Rhode Island DOT to get that bridge open as quickly as possible. We will meet with you on as much funds as are legally eligible.

Senator WHITEHOUSE. The funding is going to be key, and the timing of the funding is going to matter.

Thank you very much, Chairman.

Senator CARPER. You are quite welcome.

Sorry I had to step out. One of the issues that is of great interest to this committee is permitting, and we are having a hearing in another committee, the Homeland Security Committee, on permitting, and I needed to be in two places at one time. I thank Senator Capito and Ben here for keeping things moving.

I am going to ask a question, if I can, of General Spellmon, if I may. Federal and State agencies, including the Corps, came together quickly, I think that is really an understatement, quickly to

coordinate a timely multi-agency response to the bridge collapse. The results were impressive. They were beyond impressive. They were, I think, amazing. I continue to applaud the efforts of all who participated and pulled together to respond to the disaster that occurred.

With that said, the Federal Government learns lessons from every emergency response experience that can be applied to future emergencies. My question, General Spellmon, if I may, from the Corps' perspective, what are some of the key takeaways from the recovery and salvage effort that could help the Federal Government think maybe more strategically about emergency response moving forward?

Looking back, what do you think went particularly well, and what do you think might have gone better? I like to say, everything I do, I know I can do better. Maybe what have we learned, and what could we have done better?

General SPELLMON. Yes, sir. First, I wanted to just say thank you for those generous words.

In terms of best practices, I will just mention two items. First is the importance of authorities that Congress gives to us. I will mention emergency reprogramming authority that you give the Chief of Engineers. It comes in Section 101 every year of our Energy and Water Appropriations Act. Then for the Navy, the Salvage Facilities Act. All of those allowed us to move fast on this. Within a couple of hours of the bridge coming down, Colonel Pinchasin was able to exercise those authorities in our interagency agreements, and we had tools and people ranging from New York, New Jersey, all the way from Galveston, Texas sailing toward Baltimore, incredibly helpful.

The second one I will mention, sir, is leadership. As you know, within hours, the President called me on this, and his team stayed in touch throughout. The Secretary of Defense called me that morning.

Senator CARPER. Did you say the President called you?

General SPELLMON. Yes, sir, on my cell phone.

Senator CARPER. Does he call you often?

General SPELLMON. Not too often.

Senator CARPER. How did he get your number?

[Laughter.]

Senator CARPER. Go right ahead.

General SPELLMON. Sir, Governor Moore was absolutely open to us and shared with us anything that we needed. I was to call him personally, and there were things we needed from Maryland, and we got it right away. I would just say, having that level of access and that commitment was absolutely critical.

I think one of the lessons we continue to learn, we continue to work hard on this, is during times like this, when things are moving fast, always working to speak precisely in our best, plain English. I said something about midway through this that caused some friction in the State and certainly with the families. At the time, we still had two missing workers.

I was asked in a national media interview how we were going to take the remaining section of Span 18 off of the Dali. I said we were going to use explosives, and what those families heard and

what the Governor's team heard was, I was going to go out and create a mushroom cloud in the Patapsco River.

That is not what we meant, and we had a fluent Spanish speaker on our team, a young Army captain, who put together an animation, translated it into Spanish, and we took that to the families and then the Governor's team to help clean that up, but I think we can always do better speaking to Congress, to the Administration, and to the public in plainer English.

Senator CARPER. Thanks very much.

I have a question for Secretary Wiedefeld. Mr. Secretary, the bridge we are talking about here, like many active bridges in the United States, was built, I think, prior to the 1990's, if I am not mistaken. It lacked adequate safety features to protect against a ship collision.

Some older bridges, like the Delaware Memorial Bridge, that connects our State and New Jersey, are adding systems like protective islands that will protect the bridge from ship collisions. However, many older bridges still lack such protection.

My question is, how is Maryland incorporating more robust collision protection into the design of the replacement bridge? Is the State contemplating whether to add that type of protection for other bridges like, for example, the Chesapeake Bay Bridge?

Mr. WIEDEFELD. In terms of the replacement of the Francis Scott Key Bridge, that will be a key component of the future design of how we do that, whether it is through islands or actually moving the piers further apart. As you may recall, within short distance of the 700 foot, it goes to very shallow very quickly, if you remember. We opened these auxiliary lanes, and they were anywhere from ten to 20 feet deep. If you put these piers much further apart, that is a natural protection. That is in the replacement. That will be played out through the design as a high priority.

In terms of other bridges that we own, the Chesapeake Bay Bridge, we are looking at both immediate things that we can do operationally and then longer term, which obviously, we have to go through a series of permitting and different things of that sort to build anything around those existing piers. We also have a study underway to replace those bridges, and that would, in fact, be the same thing, where we would look at how do we protect them for a future bridge.

Senator CARPER. Okay, thanks very much.

Senator Merkley, you are next. Welcome.

Senator MERKLEY. Well, thank you very much.

Secretary Wiedefeld, my thoughts go out to all the people of Maryland affected by this bridge disaster, lost lives, and affected families. Certainly, the infrastructure bridge programs we have are so important as we seek to prevent future events.

Administrator Bhatt, Congress has not acted on the Disaster Supplemental Request submitted by the Administration back in October of last year and updated just last month. The updated request includes an additional \$3.1 billion in funding for the DOT ER Program, or Emergency Relief Program, and \$4 billion for other certain disaster needs, including the Key Bridge and wildfires.

How important are these Disaster Supplemental requests?

Mr. BHATT. Thank you, Senator, for the question.

I think every State takes some comfort from knowing that if they are impacted by disaster, the ER Program is there. I think one of the challenges for us now is that as we project the next 6 months, we are likely to have more requests for reimbursement than we have funding available, so that supplemental timing is critical.

Senator MERKLEY. I heard the word critical. I will emphasize the importance of us acting in that regard.

The event with the Francis Scott Key Bridge and a few other disasters around the Country really focused on bridge infrastructure. Out in the Pacific Northwest, we talk about the Cascadia subduction zone event. The Cascadia subduction zone are faults that extend over 1,000 miles that ruptures every 300 years or so.

The current estimate is that there is a 37 percent chance in the next 50 years of, more colloquially, the "big one." The big one will make bridges that connect across the Willamette River, Columbia River, other key waterways, essential in getting emergency supplies. In that regard, folks in Oregon really love the Bridge Investment Program, but, of course, it is oversubscribed.

To what degree do we need to strengthen our existing bridges to prepare for a one out of three plus chance of a big one in the Pacific Northwest?

Mr. BHATT. Thank you, sir, for that question.

Yes, we have received a lot of interest in the bridge program. I want to thank this committee for including seismic retrofit as an eligibility. The Golden Gate Bridge is actually one of the first bridges to receive \$400 million for seismic retrofit. Yes, I have been out to Portland, I have been on the Columbia River Bridge and a bunch of others, and yes, they are in dire need of investment.

Senator MERKLEY. Thank you. Thank you, Mr. Chairman.

Senator CARPER. Thank you, Senator Merkley.

Senator Kelly, you are next. Welcome.

Senator KELLY. Thank you, Mr. Chairman. Thank you to all of our witnesses for being here today.

Administrator Bhatt and General Spellmon, as I understand it, one of the contributing factors to this catastrophic failure of the Francis Scott Key Bridge was the lack of fenders on the bridge itself, which protect a bridge or a pier from the damage from a possible vessel strike in the case of a vessel losing control or just poor navigation.

Can you both speak to whether your agency maintains data on which bridges in the United States have this protective infrastructure in place, and which ones do not?

General SPELLMON. Sir, we don't have the data. I would just add to your comment, this bridge was completed in 1977. The Neopanamax type vessels like the Dali showed up in our waterways 40 years later. The concrete dolphins that were out there protecting Pier 17 and 18 and the fendering were clearly not sufficient for vessels of that size.

Senator KELLY. Do you feel this situation exists in other places?

Mr. BHATT. Thank you, Senator, for that question. That has been a key focus for us since the Francis Scott Key (FSK) disaster. There are about 620,000 bridges in our national bridge inventory. About 4,000 of those, give or take, have, as part of the inspection process, we require States to look at the dolphins and fenders and other

pieces. We are working with AASHTO and the NTSB right now to get that full inventory looked at to see which bridges have the up-to-date protection, and what can be done in order to bring them up to speed and up to code.

Senator KELLY. If we are able to bring them up to code and install protective measures like these fenders, is it possible for the Harbor Maintenance Trust Fund to be the source of funding to do that?

Mr. BHATT. I am happy to look into that and see if that, in addition to the Highway Trust Fund, would be an appropriate source of funding.

General SPELLMON. Senator Kelly, I would have to do the research. I am not familiar if we could use that authority.

Senator KELLY. General, at this point, how would you prioritize these type of investments over other infrastructure projects that you have going on?

General SPELLMON. Yes, sir, I think they have to receive the highest priority. In fact, I think, in the Corps, we have to do a better job in our Chief's reports that we send to Congress and doing a better job in definitizing the importance of maritime safety and the impacts.

For example, today, we have harbors, major harbors in the Country where they don't have a 700 foot channel, they have a 500 foot channel for vessels of this size, and they are not going to get any wider.

Senator KELLY. What is the beam on this vessel?

General SPELLMON. Sir, just under 150 feet. We are not going to make them wider, because in some of the ports, they can't afford the cost of the coral mitigation, so we have that. Again, I think it is on the Corps and our engineers to do a better job in definitizing the safety aspect of these bridges so we can get to better economic ratios in our reports.

Senator KELLY. It may have come up before I came in, but how far along is the mishap investigation here?

Mr. BHATT. Sir, that would be up to the NTSB.

Senator KELLY. You don't have a timeline?

Mr. BHATT. We are working with them, but they control the investigation.

Senator KELLY. Do you know if part of the investigation was to see if there have been other close calls throughout the Country that we may not have been aware of?

Mr. BHATT. Senator, I just would want to defer to the NTSB on what they are looking at.

General SPELLMON. Sir, in their preliminary report that they released in mid-May, they mentioned that they are looking at other bridge collapses: one in Tampa, Florida, one in Oklahoma, and Texas to look at the protective measures, the dolphins and the fendering systems and what can we take from the new bridges at those locations and bring forward to modernize our current inventory.

Senator KELLY. It would be interesting to know, and I don't think you guys would have the info either, I think it might be something for the Maritime Administrator or somebody else in the Department of Transportation, how often we have had situations

where ships have lost steering, maybe had to go to aft steering, which is a challenging thing to maneuver a ship, especially in close quarters when you are required to go to a guy who is basically at the back of the vessel in the engine room, and you are talking to him over a radio.

But it would be interesting to have that data as part of an investigation to see, what is the likelihood that this could happen again. I think that could possibly inform the priority you make on infrastructure investments, like do we really need to get these fenders and other mitigation measures installed. Thank you.

Thank you, Mr. Chairman.

Senator CARPER. You bet. Thanks much, and thanks for those questions.

Administrator Bhatt, General Spellmon, as we discussed earlier, the Key Bridge is only one of many bridges in the United States that lacks functional pier protection. That list also includes bridges near major ports like New York, like Philadelphia, like New Orleans.

Administrator Bhatt, what is the Federal Highway Administration doing to better protect the bridges across our Country that still lack adequate pier protection? I have a follow-on to that, but just start with that. What is the Federal Highway Administration doing now to better protect bridges across our Country that still lack adequate pier protection?

Mr. BHATT. Thank you, Chairman Carper. Obviously, it is an incredibly important question. We have been in close contact with AASHTO, the American Association of State Highway Transportation Officials, just to get a better understanding of how many bridges have exposure to vessels of this size. We are making them aware of all of the funding opportunities, both in the formula and discretionary grant programs.

I will say the BRIDGE Program, the BRIDGE Improvement Program, is obviously oversubscribed. We do have a funding shortfall, so it is both identifying the needs that are out there and then finding funding priority to address those needs. We are going to continue to work closely with the NTSB as they provide their recommendations as to what the appropriate level of protection. As we know, there were dolphins on this bridge, but they were not successful in protecting the Francis Scott Key Bridge.

Senator CARPER. Thank you.

General Spellmon, looking back on the disaster, what are some of the major safety measures that the Corps would recommend taking while the Federal Highway Administration and Congress work together on addressing this safety concern?

General SPELLMON. Yes, sir. I think we will take the lead of the National Transportation Safety Board. As I mentioned, their report that they released in mid-May, the bulk of that report talked about the vessel and the electronics, but there is a section in the back on bridge safety and resilience against elisions that we had here, everything from fendering and larger and more dolphins. Those are the large concrete cylinders, sir, that you saw during your visit, that we anchor into the bottom of the river to protect those important piers.

I think, as we do what we call our Section 408 reviews for new bridges and navigation channels, that we in the Corps have to take a harder look at those safety measures and work with our State and Federal partners to make sure that they are, in fact, implemented.

Senator CARPER. Okay, thank you.

Secretary Wiedefeld, a question, if I could, on air quality impacts. The question is, last month, when we met with Governor Moore, who, I must say, is a very impressive leader, I have had several opportunities to meet with him and am very impressed. When we met with the Governor and with the Lieutenant Governor at the site of the bridge collapse, during that meeting, we discussed, as you may recall, some of the impacts that the bridge collapse may be having on people who live in the surrounding communities, impacts including trucks, a lot of other vehicles that have been rerouted through people's neighborhoods. We talked about the effect that that can have on congestion and the effects it can have on safety. I would add, probably, the effect it could have on air quality. We also discussed the potential for increased air pollution from the trucks that serve the port.

My question is, what is the State of Maryland doing to monitor and, if necessary, mitigate the effects of increased truck traffic through the neighborhoods close to the port?

Mr. WIEDEFELD. Yes, thanks, Senator. We are working directly with the local governments, being the Baltimore City, Baltimore County, and Anne Arundel County, which the immediate community impacts to make sure we are monitoring any truck traffic, policing it where they should be and where they should not be, and then working with the community to deal with their basic transportation needs, because the inability just to get across to another part of the city and the county with now the short path of the bridge, so we are working with that.

We are working with our transit administration to look at opportunities there, as well as travel demand management. We are also working with the metropolitan Clean Air Organization to monitor the air quality, and with our Maryland Department of Environment to monitor that. Obviously, that goes into, eventually, into the State implementation plan on the air quality side, but if there are any immediate hotspots it affects, so we can address those. We have been very successful with the trucking community, obviously, to make sure they understand the implications of that and to work with us. That has been working very well, and we will continue those efforts.

Senator CARPER. Very good. Just a followup question, if I could. Is there any assistance that you and your colleagues need from the Federal Government to address air quality impacts resulting from the traffic effects of the bridge's collapse?

Mr. WIEDEFELD. Not at this time. Again, I think the open communication that we are having with the community, meaning both the people that live in the area, the businesses that are dependent upon the highway system in that area, the trucking, the port, as long as we keep those lines of communication open, I think we can keep tackling these issues head-on.

Senator CARPER. Thanks. Senator Capito, would you like to go next, or yield to Senator Ricketts?

Senator CAPITO. Yes, I will yield to Senator Ricketts.

Senator CARPER. Thanks. Senator Ricketts?

Senator RICKETTS. Great, thank you very much, Senator Capito; I appreciate that.

I want to change gears a little bit to talk about the permitting of this, because it is important that we get this done as quickly as possible. I think we all recognize that.

Administrator Bhatt and General Spellmon, there has been precedent in this Administration to use alternative arrangements to waive NEPA and other environmental regulations to build projects for emergency response. The Administration used alternative arrangements to waive the NEPA and bypass the standard compliance process to establish the Emergency Migrant Housing Encampment in Floyd Bennett Field, the 1,400 to 1,500-acre National Park Service facility in New York City. They did that in less than 2 weeks. Does this Administration plan to use alternative arrangements to rebuild the Francis Scott Key Bridge?

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

I am not aware of waiving NEPA. What we will do is we will issue a categorical exclusion because we are replacing a bridge in essentially the same footprint as the preexisting one and we will work with the Corps and other resource agencies to get that done.

Senator RICKETTS. How much time do you think that will save, to do the categorical exclusion?

Mr. BHATT. Ninety-eight percent of our projects are categorical exclusions, so it is a very quick determination.

Senator RICKETTS. Does this only have to be used, can it only be used in emergency situations?

Mr. BHATT. No, the vast majority of our projects that are within an existing highway footprint are categorical exclusions. It is when you get into an EIS, Environmental Impact Statement, or National Ecosystem Assessment (NEA) environmental assessment, where you just have more impacts and more studies required.

Senator RICKETTS. Okay, because I was actually just talking to a gentleman who represents the Ironworkers, and he was describing to me a situation, and we will get more details to followup with you on this, but in Chicago, where, again, they were replacing a bridge. He said it took 9 years to get the permit on that, and obviously, I do not have the details on that.

But theoretically, that could be used for a categorical exclusion, too, right, that if it is just replacing a current bridge that is already there, you could use a categorical exclusion to save a lot of the time when trying to get the permit. Is that accurate?

Mr. BHATT. I am happy to followup with you, Senator, on those specific examples. A lot of it just has to do with the, I will use the Cape Cod Bridge as an example, there are whales in the canal that the Cape Cod Bridge crosses, and so there is an environmental impact on an endangered species that could have an impact. It just depends on the context of the bridge.

Senator RICKETTS. Okay. You said that you did not have any knowledge of ways that you can waive NEPA. Is that accurate?

Mr. BHATT. Again, waiving NEPA is not something that—

Senator RICKETTS. You can not do that?

Mr. BHATT. I do not believe I have the authority to do that, but we can find ways through a categorical exclusion when we are replacing a bridge that existed in that footprint in an Emergency Relief Program expenditure.

Senator RICKETTS. Even though you said it did not have to be an emergency to use the categorical exclusions?

Mr. BHATT. Correct.

Senator RICKETTS. Okay. Then, I just want to go back to another question I asked earlier. When you changed the designation for the bridge to the interState highway system, under what authority did you do that?

Mr. BHATT. Under the authority of the Federal Highway Administration. There is a process that we follow, where the State says, we would like this redesignated. It happens quite a bit, and we have to go through and say, here are the design exceptions that we would approve, so I would assume it is under Title 23.

Senator RICKETTS. There is a process. Did you follow that process for the Francis Scott Key Bridge?

Mr. BHATT. Absolutely.

Senator RICKETTS. Very good. Thank you very much. I appreciate it. Thank you.

Senator CARPER. Thank you very much.

Senator Cardin?

Senator CARDIN. Senator Ricketts, I want you to, I think Secretary Wiedefeld is also taking steps to streamline the timeline on the replacement of the bridge, and I will give you a chance to respond on that.

Mr. WIEDEFELD. Thank you, Senator. Yes, obviously, we are working with Federal Highway literally daily on this issue to make sure that we are hitting all of the environmental issues, and then basically anything we can do on the design to get this done quicker.

We have put out the RFP, as was mentioned, roughly 2 months after the fall of the bridge. We have gotten the responses to those, and we are reviewing those now. The next phase will be we will hire a general engineer's contractor, basically, in effect, the engineers to oversee this. That will go out in the next few weeks, and we will have that decision late summer.

We have also processed what we call the Construction Management Inspection (CMI), which is a construction management inspection portion of the future bridge, so we are doing that contract now. We are preparing that contract now, and we will have that in early fall. All of this is the stage to get this done as quickly as possible, given the significant impact it has on the local community and the northeast corridor.

Senator CARDIN. I saw the team at work and what they did to get the port opened well earlier than anyone anticipated. I have a great deal of confidence in Secretary Wiedefeld and Governor Moore. We are going to get that bridge put up as quickly as possible because we recognize the significance, not only to our State, but to the entire Country, of that bridge being replaced quickly, so that is one of our principal focuses. Do it right, but to do it as quickly as possible.

Let me just take my remaining minute or two, General Spellmon, I just really want to acknowledge again the extraordinary work of your team. I would like to include in that the Coast Guard. They were just incredible. The way that you have talent and commitment, the way that you immediately responded, the way that you brought in the private sector where you needed the private sector for their expertise, it was a team effort.

I can not underscore enough that when we saw the situation on March 26th, we thought that port would be closed for a long time. Within a matter of weeks, you had shipping channels effectively opened for a large percentage of the traffic. Admittedly, it was difficult to get the ships in and out and they had to be by schedule and you could only go in one direction, you could not have two ships at the same time. We were able to get business started much faster than we ever anticipated.

Then, within a matter of a little over 2 months, we had the full channel opened. That was incredible, with the tonnage and the steel and the concrete that was there.

Once again, I want to underscore this. I was there at the scene, looking at the divers that you already complimented. They could not see their hands in front of them, and there was jagged debris out there that could be fatal to a diver. They are operating under those extremely dangerous conditions under some very bad weather conditions in early April, I might tell you.

Every time you moved any of the debris, you had to resurvey, because the debris would shift and would affect the safety of the divers. You did it with complete safety and speed. That is a resource that, I must tell you, yes, you had the talent, but you also had the commitment of those that serve at the Army Corps and our Coast Guard and the private sector to put together this team.

I just really wanted to say, once again, thank you so much for your incredible service and for your team.

General SPELLMON. Thanks, sir, and I will certainly pass those words on to all those men and women wearing hard hats out there, cutting up that steel, and certainly the divers. Incredible talent that the Navy and their industry partners brought to this.

Senator CAPITO. I just have one quick followup question to General Spellmon. Let us see, you said the Corps spent approximately \$65 million for the wreckage removal and emergency. This came from annual operations and maintenance funding for the Port of Baltimore and through the use of the Corps' Emergency Program authority.

However, the supplemental transmitted to Congress only asks for \$33 million for the Corps. Why is the supplemental request only for \$33 million when the Corps spent \$65 million, and will the \$33 million only be used to replenish annual operations and maintenance funding for the Port of Baltimore?

General SPELLMON. Yes, ma'am, let me explain. Our initial estimate to clear the 700 foot by 50 foot deep channel was \$100 million. We are going to land that, we are in final demobilization now. It is going to come in at about \$74 million. We started off, we used \$52 million from Baltimore Harbor O&M to not remove sediment, but to remove steel and concrete.

I mentioned in my opening statement, we went out and canvassed unused and aged Harbor Maintenance Trust Fund O&M dollars from 220 projects across the Nation, and we garnered \$33 million to put against that effort. I do not need the full amount, and it is part of the supplemental request.

We want to award, we have sediment for the erupted channel that we now have to deal with, and we are asking for \$33 million to recoup what we spent on steel and concrete. That will allow us to, if we get that near the end of this fiscal year, that will allow us to stay on award for our next dredging contract, which we would like to award in October.

Senator CAPITO. Thank you. Thank you all very much.

Senator CARPER. Senator Ricketts, any more questions? No? Okay.

With that, let me say in closing, thank you to each of you for preparations, for your presence, and your response to our questions, and in some cases, you will be asked some additional questions, as you know. I believe that the Federal Government can and should work certainly with States, with local governments, the private sector to help us build the infrastructure and rebuilt the infrastructure that we need to be a successful Nation in the 21st century, not only in Baltimore and in Maryland, but across our Nation.

For some final housekeeping, I ask unanimous consent to submit for the record an Emergency Relief Program Supplemental Appropriations for FY 1990–FY 2023 that relates to today's hearing and a letter from a stakeholder.

[The referenced information follows:]

**Emergency Relief Program Supplemental Appropriations
FY 1980 – FY 2023**
(excludes \$100 million annual authorization under 23 USC 125)

Public Law	FMS Prgm Cnt	Date Signed	Title	Highway Trust Fund	General Fund	Purpose	Waivers
PL 101-130	0830	10/26/1989	Fiscal Year 1990 Disaster Relief Supplemental to Meet the Needs of Natural Disasters of National Significance	\$1,000,000,000		September 1989 Hurricane Hugo and October 17, 1989 Loma Prieta Earthquake	Waived 23 USC 120(c) (now 120(c)) by extending the 100% Federal share from 90 days to 180 days and extending this to all projects (emergency and permanent repairs). Waived the \$100 million per State cap. 1/
PL 102-368	0870	9/18/1992	Supplemental appropriations for Fiscal Year 1992	\$30,000,000		Hurricane Andrew, Hurricane Iniki, and Typhoon Omar.	none
PL 103-75	09C0	1/5/1993	Emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993.	\$175,000,000		Midwest floods of 1993 and other disasters	none
PL 103-211	08E0 2/ 08G0 2/ 08H0 2/	1/25/1994	Making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.	\$1,285,000,000		January 1994 Northridge earthquake in Southern California and other disasters including an additional \$315 million for the Loma Prieta Earthquake	Waived 23 USC 120(c) by extending the 100% Federal share from 90 days to 180 days and extending this to all projects (emergency and permanent repairs) related to the Northridge earthquake. Waived the \$100 million per State cap for the Northridge earthquake. 1/
PL 104-134	09L0	4/26/1996	Making appropriations for fiscal year 1996 to make a further down payment toward a balanced budget, and for other purposes.	\$300,000,000		January 1996 flooding in the Mid-Atlantic, Northeast, and Northwest States and other disasters	Waived the \$100 million per state cap for the January 1996 flooding in the Mid-Atlantic Northeast, and Northwest States.
PL 104-208	09N0	9/26/1996	Making Omnibus Consolidated Appropriations For Fiscal Year 1997	\$62,000,000		Hurricanes Fran and Ingonese and for other disasters	none
PL 105-18	09C0	6/12/1997	1997 Emergency Supplemental Appropriations Act For Recovery From Natural Disasters, And For Overseas Private Investment Efforts, Including Those In Bosnia	\$650,000,000		For an additional amount for the Emergency Relief Program for emergency expenses resulting from flooding and other natural disasters	Waived the \$100 million per State cap for the December 1996 and January 1997 flooding in the western States.
PL 105-174	09T0	5/1/1998	1998 Supplemental Appropriations And Rescissions Act	\$259,000,000		For an additional amount for the Emergency Relief Program for emergency expenses resulting from floods and other natural disasters	Waived the \$100 million per State cap for projects resulting from flooding during the fall of 1997 through the winter of 1998 in California
PL 105-346	09X0	10/23/2000	Department of Transportation and Related Agencies Appropriations, 2001	\$718,416,000		For an additional amount for the Emergency Relief Program for emergency expenses resulting from floods and other natural disasters	none
PL 107-117	09Y0	1/10/2002	Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002	\$100,000,000		For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Miscellaneous Appropriations", including the operation and construction of ferries and ferry facilities	none
				\$75,000,000		For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for the "Emergency Relief Program", as authorized by section 25 of title 23, United States Code	none

Public Law	FMS Prog Code	Date Signed	Title	Highway Trust Fund	General Fund	Purpose	Waivers
PL 107-206	09Y0	8/2/2002	2002 Supplemental Appropriations Act for Further Recovery from and Response to Terrorist Attacks on the United States	\$167,000,000		For an additional amount for "Emergency Relief Program", as authorized by 23 U.S.C. 125, for emergency expenses to respond to the September 11, 2001, terrorist attacks on New York City	Waived 23 USC 120(e) for projects resulting from the 2001 NYC WTC terrorist attacks by allowing all projects to be eligible at 100% without any time limit. Waived the \$100 million per State cap for such projects.
				\$68,000,000		For an additional amount for the "Emergency Relief Program", as authorized by section 125 of title 23, United States Code	none
PL 108-324	09S0	10/13/2004	Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005	\$1,202,000,000		2004 Hurricanes Charley, Frances, Gaston, Ivan, and Jeanne, as authorized by 23 U.S.C. 125	Waives the \$100 million per State cap for projects arising from hurricanes Charley, Frances, Ivan, and Jeanne.
PL 108-447	09J0	12/8/2004	Consolidated Appropriations Act, 2005	\$735,072,000		For an additional amount for the "Emergency Relief Program" as authorized under section 125 of title 23, United States Code.	none
PL 109-148	ER60	12/30/2005	Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006		\$2,750,000,000	Hurricanes Katrina, Rita, and Wilma.	Waived 23 USC 120(e) for Hurricanes Katrina, Rita, and Wilma. Waived the \$100 million per State cap for Hurricanes Dennis, Katrina, Rita or Wilma and for the 2004-2005 winter storms in the State of California.
PL 109-234	ER60	6/15/2006	Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006		\$702,362,500	For an additional amount as authorized under 23 U.S.C. 125, for expenses identified under "Formal Requests" in the Federal Highway Administration table entitled "Emergency Relief Program Fund Requests" updated 06/06/06	Waived the \$100 million per State cap for Hurricane Dennis and for the 2004-2005 winter storms in the State of California.
PL 110-28	ER60	5/25/2007	U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007		\$871,022,000	For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, U.S.C.	Waived the \$100 million per State cap for the 2005-2006 winter storms in the State of California.
PL 110-161	55D0	12/26/2007	Consolidated Appropriations Act, 2008		\$195,000,000	For replacement of I-35W bridge in Minneapolis, Minnesota as authorized in Public Law 110-56.	PL 110-56 waived 23 USC 120(e) and lifted the \$100 million per State cap for the I-35W bridge replacement.
PL 110-329	ER70	9/30/2008	Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009		\$850,000,000	For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, U.S.C.	Waived the \$100 million per State cap for Hurricanes Gustav and Ike.

Public Law	FIMS Project Code	Date Signed	Title	Highway Trust Fund	General Fund	Purpose	Waivers
PL 112-55	ER80	11/18/2011	Consolidated and Further Continuing Appropriations Act, 2012		\$1,692,000,000	For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, U.S.C. for necessary expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act	Waived the \$100 M per State cap for a single natural disaster arising from damage caused in fiscal year 2011 by Hurricane Irene or the Missouri River basin flooding in the spring of 2011, except for events involving closed hydrologic basins. Waived 23 USC 120(c) for an event occurring in fiscal years 2011 or 2012 by allowing the Secretary to extend the time period in 120(c) in consideration of any delay in the State's ability to access damaged facilities to evaluate damage and estimate the cost of repair.
PL 113-2	ER90	12/9/2013	Disaster Relief Appropriations Act, 2013 ³		\$1,920,000,000	For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, U.S.C.	Capped obligations at \$100 M for non-Sandy events funded with this supplemental appropriation (ER90 funds). ⁴
PL 114-254	ER10	12/10/2016	Further Continuing Appropriations Act, 2017		\$1,004,017,000	For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, U.S.C.	none
PL 116-31	ER11	5/5/2017	Consolidated Appropriations Act, 2017		\$528,000,000	For an additional amount for the Emergency Relief Program as authorized by section 125 of title 23, U.S.C.	none
PL 115-123	ER12 ER13 (PR201701)	2/9/2018	Bipartisan Budget Act of 2018		\$1,374,000,000	For an additional amount for the Emergency Relief Program as authorized by section 125 of title 23, U.S.C.	Waives the \$20 M cap under 23 U.S.C. 125(g)(4) on the total obligations for ER projects for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands for FY 2018 and FY 2019. The Federal share of ER funds to respond to damage caused by Hurricanes Irma and Maria for Puerto Rico shall be 100%.
PL 116-20	ER14	6/6/2019	Supplemental Appropriations for Disaster Relief Act, 2019		\$1,650,000,000	For an additional amount for the Emergency Relief Program as authorized by section 125 of title 23, U.S.C.	none
PL 117-43	ER01	9/30/2021	Extending Government Funding and Delivering Emergency Assistance Act		\$2,600,000,000	For an additional amount for the Emergency Relief Program as authorized by section 125 of title 23, U.S.C.	none
PL 117-328	ER03	12/29/2022	Consolidated Appropriations Act, 2023		\$803,000,000	For an additional amount for the Emergency Relief Program as authorized by section 125 of title 23, U.S.C.	The Federal share of ER funds to respond to damage caused by Hurricane Fiona for Puerto Rico for FY2023 and thereafter shall be 100 %.
				Totals	\$8,856,485,000		

1/ The time limit for eligibility of emergency repair work was increased from 90 days to 180 days through a Final Rule on the ER Program published on 12/20/96.
 2/ 09ED, Northridge Earthquake; 09GD, Other ER Disasters; 09HD, Loma Prieta Earthquake
 3/ Legislation provided \$2.022 billion. Sequestration budget cuts rescinded 5% of \$2.022 billion providing a net appropriation of \$1,920,900,000
 4/ PL 113-46, 2014 Continuing Appropriations Act, raised the cap for Sandy Supplemental funds (ER90) to \$450 M for Colorado 2013 flooding events.



INTERNATIONAL BRIDGE, TUNNEL AND TURNPIKE ASSOCIATION
 1101 14th Street NW, Suite 625 • Washington, DC 20005
 Phone: 202.659.4620 • Web: www.ibtta.org

June 18, 2024

The Honorable Tom Carper, Chair, Senate Environment and Public Works Committee
 The Honorable Shelley Moore Capito, Ranking Member, Senate Environment and Public Works Committee
 The Honorable Mark Kelly, Chair, Senate Environment and Public Works Subcommittee on Transportation and Infrastructure
 The Honorable Kevin Cramer, Ranking Member, Senate Environment and Public Works Subcommittee on Transportation and Infrastructure
 The Honorable Patty Murray, Chair, Senate Appropriations Committee
 The Honorable Susan Collins, Ranking Member, Senate Appropriations Committee
 The Honorable Brian Schatz, Chair, Senate Appropriations Subcommittee on Transportation, Housing, and Urban Development, and Related Agencies
 The Honorable Cindy Hyde-Smith, Ranking Member, Senate Appropriations Subcommittee on Transportation, Housing, and Urban Development, and Related Agencies

The Honorable Sam Graves, Chair, House Transportation and Infrastructure Committee
 The Honorable Rick Larsen, Ranking Member, House Transportation and Infrastructure Committee
 The Honorable Rick Crawford, Chair, House Transportation and Infrastructure Subcommittee on Highways and Transit
 The Honorable Eleanor Holmes Norton, Ranking Member, House Transportation and Infrastructure Subcommittee on Highways and Transit
 The Honorable Tom Cole, Chair, House Appropriations Committee
 The Honorable Rosa DeLauro, Ranking Member, House Appropriations Committee
 The Honorable Steve Womack, Chair, House Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies
 The Honorable Mike Quigley, Ranking Member, House Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies

Dear Congressional Leaders:

On behalf of the Board of Directors of the International Bridge, Tunnel and Turnpike Association (IBTTA), we write to support the Maryland Department of Transportation and the Maryland Transportation Authority (MDTA) as they continue efforts to reconstruct the Francis Scott Key Bridge in Baltimore, Maryland after the fatal collapse on March 26, 2024.

Like so many catastrophic incidents in our history, this tragedy brings to the forefront the critical role of infrastructure in sustaining our economy and communities at a local, regional and national level. The pressing need for investment in our critical transportation assets is top of mind in times of crisis and an ongoing requirement to support a strong economy, quality of life,



Letter to Congressional Leadership
Francis Scott Key Bridge Replacement
June 18, 2024
Page 2 of 2

and vibrant communities. The Francis Scott Key Bridge is integral to the transportation backbone of the East Coast and a vital link for moving freight serving the nation and the world. This essential connection must be expeditiously rebuilt.

Representing the interests of the operators of 132 toll supported bridge facilities in 17 states, IBTTA is dedicated to promoting the safety and resilience of transportation infrastructure. We urge the federal government to provide full financial support for the reconstruction of the Francis Scott Key Bridge. There is no ability to financially program a total loss of infrastructure alongside a larger program that still requires programmed maintenance. Just as the federal government funded the full cost of reconstruction of Minnesota's Interstate 35W bridge collapse, it is imperative that the same level of commitment be demonstrated in Maryland. Working together, we can overcome this tragedy and ensure a stronger, safer transportation network for all.

Thank you for considering this request. If you have any questions, please contact Mark Muriello, Vice President of Policy and Government Affairs at mmuriello@ibttta.org or at 201-249-3982.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Bill Halkias', with a stylized flourish at the end.

Bill Halkias
President, IBTTA

A handwritten signature in blue ink, appearing to read 'Patrick D. Jones', with a stylized flourish at the end.

Patrick D. Jones
Executive Director and CEO, IBTTA

Senator CARPER. Senators will be allowed to submit questions for the record through the close of business on July 24th. We will compile those questions. We are going to send them on to each of you, as appropriate, and we are going to ask you to reply to those questions by August the 7th.

Senator Capito, any other thoughts?

Senator CAPITO. No, I am good.

Senator CARPER. I just want to thank our staffs on both sides of the aisle for their work and preparation for today. We thank our witnesses, as well. It has been a constructive hearing. We look forward to moving on and figuring out the right thing to do and doing our dead-level best to do that and to keep in mind the Golden Rule: treat our neighbors the way we want to be treated.

With that, I think this hearing is adjourned.

[Whereupon, at 11:48 a.m., the hearing was adjourned.]

