

# INFRASTRUCTURE INVESTMENT AND JOBS ACT IMPLEMENTATION AND CASE STUDIES

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## HEARING

BEFORE THE

## COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

## UNITED STATES SENATE

ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

FEBRUARY 26, 2025

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

62-668

WASHINGTON : 2026

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

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# INFRASTRUCTURE INVESTMENT AND JOBS ACT IMPLEMENTATION AND CASE STUDIES

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WEDNESDAY, FEBRUARY 26, 2025

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

The committee met, pursuant to notice, at 10:03 a.m. in room 406, Dirksen Senate Office Building, Hon. Shelley Moore Capito (chairman of the committee) presiding.

Present: Senators Capito, Whitehouse, Ricketts, Husted, Merkley, Markey, Kelly, Padilla, Schiff, Blunt Rochester, Alsobrooks.

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

Senator CAPITO. Well, I want to welcome everybody to what I think will be a nice journey for this committee, and that is the Highway Bill, it is a massive bill that we have the pleasure of working on in this committee.

Before I begin, I would like to express all of our thoughts and prayers for our colleague, Senator Cramer, who had an accident just several days ago. I will sure miss him over here right next to me, because he is a wonderful member of the conference, but hopefully he will be back soon.

Everybody keep, he had a fall on ice, and we know how cold it has been. Let's hope he gets a quick recovery.

Thank you for joining us this morning to continue oversight of the implementation of the IIJA. Today our focus is on the Surface Transportation Reauthorization Act, one of the foundational components of the IIJA, which was developed in a bipartisan manner by this committee.

This hearing comes at a critical time, I think, as we approach the expiration of these provisions at the end of 2026 in September. We want to continue what is working, but discontinue what is not working.

Since the law's enactment on November 15th, 2021, transportation stakeholders have been delivering on its promise but at time experiencing some challenges.

We have some of those stakeholders with us today. I appreciate them coming to provide us with an on the ground update of their efforts to deliver transportation projects in rural and urban communities.

On the positive side, the Federal Highway formula programs received approximately 90 percent of the funding in the IIJA, which

was something that I strongly supported. This funding has provided States with the certainty and with the flexible project eligibilities to address the transportation needs of Americans across the Country.

In my home State of West Virginia, that formula funding is upgrading and modernizing our roads and bridges, which will connect our communities to job and economic opportunities. I also championed commonsense provisions aimed at accelerating projects so that communities are not stuck waiting to realize the safety and reliability benefits that they will bring.

As an example, the IIJA codified the One Federal Decision policy which expedites, or should expedite, the environmental review process for certain projects by setting a 2-year goal for those reviews and allowing the use of a single coordinated process to develop an environmental document.

I am curious to hear from our witnesses today if these provisions are being used and whether they have been having the desired impact. Despite the many benefits, I am aware that we have some challenges with the implementation of the IIJA. Inflation is certainly the contributing factor. It has eaten into the overall funding increase provided by the IIJA, and increased project costs.

I look forward to our witnesses sharing the real-world impacts of this inflation on the work that they are doing.

Another challenge is that many of the new discretionary grant programs established by the IIJA have been very slow in achieving their congressional intent. These programs require significant time and money from eligible applicants. Once a grant has been awarded, the project grant agreement was often taking more than a year to be negotiated and signed by the prior administration, which delays the benefits of each project.

This slow-down has contributed to a ballooning amount of unused obligation authority that must be sent back to the States as part of a process known as the August redistribution. In 2024, that amount was \$8.7 billion. This results in an end of the Fiscal Year scramble as States seek to put that amount of funding to use, often putting it toward lower priority projects.

We advanced a bipartisan fix to help with this issue last year. The challenge remains, and is growing.

I am sure we will learn more about our witnesses' experience with applying for and managing a discretionary grant award today.

In addition, the implementation of the IIJA was sometimes clouded by executive overreach of the prior administration. My colleagues on this committee have often heard me talk about two examples of overreach: the December 16th policy memorandum that was issued, and the Greenhouse Gas Performance Measure Final Rule.

The goal of this overreach was simply advancing the priorities of the prior administration even when those priorities were often specifically considered by this committee and excluded from the IIJA.

Ultimately, it took more of a year for the prior administration to correct their misstep with the December 16th memo, and it required litigation from 22 States and action by the Trump administration to finally end the unauthorized Greenhouse Gas Performance Measure final rule.

With the opportunities and challenges of the IIJA implementation in mind, I look forward to receiving testimony from our panel of witnesses. This review of the real-world impacts of the IIJA and the feedback on what is working and what is not working will inform this committee's bipartisan on the upcoming Surface Transportation Reauthorization bill.

Thanks to the witnesses and members for participating today. I now recognize Ranking Member Whitehouse for his opening statement.

**OPENING STATEMENT OF HON. SHELDON WHITEHOUSE,  
U.S. SENATOR FROM THE STATE OF RHODE ISLAND**

Senator WHITEHOUSE. Thank you, Chairman, and thanks to our witnesses for joining us.

Infrastructure Week had become something of a long-running joke until 4 years ago when Democrats and Republicans joined together and passed the Bipartisan Infrastructure Law. It made long overdue investments in our roads, bridges, transit, ports, drinking water, wastewater, and other systems of service, the backbone of our Nation's economy.

It was a monumental first step. About a third of American's 620,000 bridges need repair and nearly 42,000 of those bridges are considered structurally deficient and need replacing. Our Country needs more infrastructure investments.

I am eager to join with my Republican colleagues to take stock of our Bipartisan Infrastructure Law, craft policies to fix our aging roads and bridges, and pass a package before the current law expires in September 2026.

This is an obviously reasonable cause of action, and in ordinary times we would simply go forward with it. Unfortunately, we have a President who claims powers to himself outside the Constitutional order, even when the law says plainly otherwise. For example, when the Bipartisan Infrastructure Law said that \$5 billion "shall be spent" on building out a national network of electric vehicle charging infrastructure, this administration canceled State approvals and froze funding way after the time for executive veto was passed.

The Trump regime asks us to believe that they are simply taking time to review it. This is the law that members of both parties in this body passed. It is not subject to the whims of polluter megadonors. The ongoing violation is not only illegal, it is costing jobs around the Country, harming our economic and industrial competitiveness, and accelerating climate change, which is already costing families thousands of dollars in increased insurance and grocery bills.

In my home State of Rhode Island, we have urgent work to do to replace or repair bridges. The Washington Bridge, a vital economic artery for our region, served 90,000 vehicles every day before it experienced structural concerns. It has been more than a year since the bridge was shut down and Rhode Islanders are spending more time in traffic with disrupted commutes. Many live on the other side of the bridge from essential services like hospitals. The project to replace the bridge was awarded grants from the Mega and Infra programs, and it is waiting on both.

We have other major bridges that need urgent attention. Fifteen bridges on the I-95 corridor through Rhode Island carry 185,000 vehicles daily and billions of dollars' worth of freight.

The project to repair those bridges was awarded funding from the Bridge Investment Program under the IIJA. This administration refuses to sign the grant agreement to allow access to those funds.

Our historic Mount Hope Bridge, which is a gorgeous bridge, if you can say bridges are gorgeous, requires repairs and upgrades to address corrosion in cables due to higher humidity driven by climate change. This project could achieve hundreds of millions of dollars' worth of cost savings if implemented by extending the life of the bridge by 50 to 75 years.

The project was awarded a grant from the PROTECT program, but this administration refuses to sign the grant agreement to allow access to those funds.

Before Trump took office, the Federal Government was a committed partner in the effort to rebuild. Now, we have an administration that is canceling or delaying infrastructure funding nationwide, putting our bridges, our safety and even lives at risk. Communities across the Country are now left questioning whether the funding authorized by Congress will ever be delivered to the projects that they scoped, planned, and started building.

To those questions, they presently get no answers, just what I call the fog bank of evasion, uncertainty, and unanswered calls and emails.

There are some new ideas out there, too, the Department of Transportation says you now need a high marriage rate and a high birth rate to qualify for funding for transportation projects. Republican colleagues on the committee from Ohio, West Virginia, and Wyoming will not do well under this directive.

The Department of Transportation also plans to unilaterally amend the general terms and conditions of existing grant agreements to impose ideological preferences. Well, when a State or local government signs a contract with the Federal Government for an infrastructure project, they expect and they rely on the Federal Government to honor its contractual obligations. They do not expect to receive a notice telling them that the signed contract has been unilaterally canceled or paused or abrogated or changed by the Federal Government. This kind of uncertainty keeps shovels from ever touching the ground.

The historic Bipartisan Infrastructure Law is the law. We have a lot of good, serious bipartisan work to do to write the next Surface Transportation reauthorization. I speak for all of us on our side when I say we are ready to roll up our sleeves, get to it and pass the next authorization together.

Senator CAPITO. Together.

Senator WHITEHOUSE. It will be pointless unless and until this administration respects Article I of the Constitution and its own obligation under Article II to faithfully execute the law.

It is Article I for a reason. Our founders did not want to recreate a monarchy. We were to have co-equal branches of government with checks and balances, not rubber stamps. First among those co-equal branches is the legislative branch, Congress, us. Until our ex-

isting laws are respected, the work that we as a committee and as a Congress put into writing the laws will cease to matter.

It is time to stand up for the American people and for our democracy, and end this nonsense.

Thank you, Chairman.

Senator CAPITO. Thank you, Senator Whitehouse.

I will now turn to our witnesses for their opening statements. Our first witness is Russell McMurry, Commissioner at the Georgia Department of Transportation. Mr. McMurry is testifying this morning on behalf of the American Association of State Highway and Transportation Officials, known as AASHTO. As Commissioner of Georgia DOT, Mr. McMurry leads a staff of over 5,000, and has an operating budget above \$5 billion.

I now recognize Mr. McMurry, and thank you for coming.

**STATEMENT OF RUSSELL R. McMURRY, P.E., VICE PRESIDENT,  
AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANS-  
PORTATION OFFICIALS; COMMISSIONER, GEORGIA DEPART-  
MENT OF TRANSPORTATION**

Mr. McMURRY. Thank you, Chair Capito, and Ranking Member Whitehouse, and committee members for this opportunity. As stated, I am Russell McMurry, the Commissioner of the Georgia Department of Transportation representing AASHTO, which consists of the 50 State DOTs, Puerto Rico, and the District of Columbia.

The video playing today highlights many successes resulting from the IIJA in Georgia, from maintenance to large capital projects. At Georgia DOT, we recognize that mobility of people and freight safely and efficiently is more than just about projects. It is about our quality of life and it is about our economy.

The IIJA's Federal Surface Transportation funding has absolutely been vital to every State DOT to safely move people and goods. GDOT relies on the core Federal programs to deliver projects from across a very diverse State, from our coast to our mountains, and from rural Georgia, where agribusiness is our No. 1 economy, to metro Atlanta, with over 6 million people and growing. The core IIJA formula programs give States funding certainty to properly plan and deliver for the future.

Federal funding is a foundational investment, vital to every State for State of good repair of our Nation's highways and bridges. In Georgia, about 80 percent of our capital maintenance program is from the IIJA formula programs, and 90 percent Federal investment for bridge rehabilitation and bridge replacements.

In addition to the foundational investments, IIJA has supported major capital projects like shown on this video. Two of those projects are on the top 100 freight bottlenecks in the Nation list, and have a combined cost of \$3.2 billion. Funding was made possible in a large part by the IIJA funding and also using a design-build finance contracting method. Just two bottleneck projects in Georgia consumed 2 years of our total Federal funding.

I am sure your State has a freight bottleneck somewhere that needs some work.

It is great to see these large projects in the video, but I like to remind people that a rural bridge may have a significant economic impact as well. If a farmer can not get crops to market efficiently

due to a load restricted or closed bridge, that is an impact on the farmer's bottom line. Every State has needs when it comes to bridges and structures, and a core program like the Surface Transportation Block Grant Program and the Bridge Formula Program added by the IIJA has been especially helpful in replacing rural bridges.

Continued Federal investment in the Nation's bridges is very important, because bridges are just like us, they are getting older every day, and the older I get, the more ailments I have.

IIJA increased funding levels for the Highway Safety Improvement Program by 30 percent. This critical investment is helping States to reduce fatalities on our Nation's roadways and provide flexibility we have taken advantage of in Georgia, especially for safety education programs. We partner with private organizations like We Are Teachers to develop age appropriate K-12 curriculum that is approved by the Department of Education in Georgia, and Lutzie 43, a non-profit based on eliminating drivers crash in high school students through safe driving summits.

In my written testimony, I have shared additional examples of the many IIJA successes, and I have shared some challenges as well, like cost increases. When it comes to funding from the IIJA, I love to quote the Charles Dickens classic, it is the best of times, it is the worst of times. Best of times for funding, the worst of times due to cost increases.

Georgia, like most every State, has experienced significant cost increases that have eroded the buying power of what was intended from the IIJA. In Georgia, we have seen a 60 percent increase in bridge costs, 66 percent increase in resurfacing costs and over 115 percent increase in widening five projects.

Other challenges result from so many discretionary programs with 29 of them just at Federal Highway alone. AASHTO supports using discretionary grants to close the funding gap for most expensive projects, and we need to make sure they are projects of national or regional interest. The IIJA discretionary funds have been slow to deploy and both State DOTs and local governments have been challenged.

One local grant in Georgia took 31 months from the notice of funding opportunity to the grant award execution. One Federal Decision being included in the IIJA was a very important step in the right direction. However, I believe there is still progress to be made, and look forward to your continued support for improving the IIJA.

Georgia has made progress in delivery of environmental permitting by State funding Federal environmental resource positions and co-locating them in a central office to do the work as a team.

We thank you for your leadership and focus on improving transportation for the Nation. I look forward to answering your questions.

[The prepared statement of Mr. McMurry follows:]



Garrett T. Eucalitto, *President*  
Commissioner, Connecticut Department of Transportation  
Jim Tymon, *Executive Director*

TESTIMONY OF

**Russell R. McMurry, P.E.**

Vice President, American Association of State Highway and Transportation Officials  
Commissioner, Georgia Department of Transportation

REGARDING

**Infrastructure Investment and Jobs Act  
Implementation and Case Studies**

BEFORE THE

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

ON

**Wednesday, February 26, 2025**

555 12<sup>th</sup> Street NW | Suite 1000 | Washington, DC 20004 | 202-624-5800 Phone | [transportation.org](https://transportation.org)

American Association of State Highway and Transportation Officials

**INTRODUCTION**

Chair Capito, Ranking Member Whitehouse, and Members of the Committee, thank you for the opportunity to appear today at this important hearing on implementation of the Infrastructure Investment and Jobs Act (IIJA) and discussion of specific projects that are receiving funding from that law.

My name is Russell McMurry, and I serve as Commissioner of the Georgia Department of Transportation (GDOT) and Vice President of the American Association of State Highway and Transportation Officials (AASHTO). Today, it is my honor to testify on behalf of AASHTO, which represents the state departments of transportation (state DOTs) of all 50 states, the District of Columbia, and Puerto Rico.

It is a tremendous privilege to lead GDOT, a state agency responsible for the nation's tenth largest state transportation system, with an operating budget of over \$5 billion and a staff of 4,000. I began my career with the department in 1990 as an engineering intern working in construction and served in a variety of roles prior to being named chief engineer. I was appointed by former governor Nathan Deal as GDOT's Planning Director before being appointed as Commissioner by unanimous vote of the Georgia State Transportation Board in January 2015.

I would first like to extend AASHTO's utmost gratitude to you and your colleagues on the Environment and Public Works Committee (Committee) for your dedicated and tireless leadership on development and enactment of the IIJA. Stable and long-term policy and funding provided through a robust multiyear federal surface transportation bill remains crucial to the work of every single state DOT to meet its goal of improving safety, quality of life, and economic opportunities for everyone as articulated in AASHTO's 2021-2026 [Strategic Plan](#). AASHTO has especially appreciated the chance to work with your Committee for many years on highway reauthorization—such as the America's Transportation Infrastructure Act and the Surface Transportation Reauthorization Act—that ultimately laid the foundation for the IIJA.

Thanks to the IIJA, state DOTs have been able to make key investments towards a safe, interconnected, well-maintained, and well-operated national transportation network that is essential to our nation's security and economy. We have seen notable successes through the core formula dollars provided to state DOTs in advancing projects across the country. State DOTs are also hard at work in delivering tangible safety improvements for communities, users, and workers across all modes. We are building upon the longstanding federal planning process to collaborate with our local government partners and to seek robust public input. In Georgia, we have had much success with virtual public meetings and have expanded our digital communications platforms to engage where people are. And we continue to see the importance of federal financing programs to leverage the federal dollar and to enable delivery of major projects.

With that said, state DOTs have faced a number of challenges during our work on IIJA implementation since its enactment in November 2021. A major factor in the loss of the IIJA's

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Testimony of **Russell R. McMurry, P.E.**  
*Vice President, American Association of State Highway and Transportation Officials*  
*Commissioner, Georgia Department of Transportation*



purchasing power has been the pernicious impact of inflation. In addition, the “usability” of federal dollars has been difficult and slow when involving discretionary grant programs authorized under the IIJA, along with the associated record growth in August Redistribution of highway formula dollars to states. We have also seen project delivery challenges in standing up several of the new programs, and continued obstacles in the environmental review and permitting process, underutilization of the One Federal Decision framework created in the IIJA, and execution of Build America, Buy America (BABA).

AASHTO recognizes that sharing the experience of IIJA implementation from the practitioners’ point is critical in informing the work that you’re undertaking to reauthorize the nation’s transportation programs by September 30, 2026. We very much appreciate the opportunity to help evaluate and calibrate the best strategies and policies to not only invest but enable that investment to leverage outcomes more efficiently—all towards delivering projects and programs that the American people expect and deserve on time and on budget.

While this hearing is focused on highway programs, I would be remiss to not mention how important the federal transit and passenger rail programs are to meeting the mobility needs of this country. All state DOTs are truly multimodal and at GDOT we are likewise focused on transit, rail, aviation, and ports and waterways to create a seamless and connected transportation system.

My testimony is organized as follows:

- IIJA Successes
- IIJA Challenges
- Core principles for surface transportation reauthorization

## IIJA SUCCESSES

### Efficiency of Core Formula Programs to Advance Projects Across the Nation

The Federal Aid Road Act of 1916 established the foundation of a federally funded, state-administered highway program. This federal funding formula model remains the optimal approach and provides the inherent flexibility that allows states and their local government partners to plan critical projects that often serve the interests of the nation as a whole.

Currently, approximately 90 percent of total federal highway program funds derived from the Highway Trust Fund (HTF) are distributed to the states by formula. This approach of emphasizing formula funds has a decades-long record of accomplishment in supporting long-term capital improvement across the United States. It enables funds to be distributed to states in a stable and predictable manner and allows states to efficiently deliver projects identified and prioritized through the statewide and metropolitan planning process.

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Testimony of **Russell R. McMurtry, P.E.**  
*Vice President, American Association of State Highway and Transportation Officials*  
*Commissioner, Georgia Department of Transportation*

The formula program structure has evolved over time with changes enacted in each surface transportation authorization bill. The Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) enacted in 2012 consolidated a large number of federal programs into a smaller number of “core” formula programs. In subsequent authorization bills, Congress has established several new formula programs, including the IIJA’s Carbon Reduction Program (CRP) and Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT). New formula programs have taken time to stand up and begin a pipeline of projects before achieving results. State DOTs now have 26 federal program categories to manage when you include subprograms and suballocations by population. But the well-established core highway formula programs—the National Highway Performance Program (NHPP), the Surface Transportation Block Grant (STBG) Program, the Highway Safety Improvement Program (HSIP), the Congestion Mitigation and Air Quality Improvement (CMAQ) Program, and National Highway Freight Program (NHFP)—are keenly understood by state DOTs and continue to be an efficient way to deliver federal transportation projects.

According to a Congressional Budget Office (CBO) estimate, 67 percent of formula dollars provided to states are estimated to be “spent out” via cash—and thus put into tangible projects—by year two of IIJA; conversely, discretionary grants under the IIJA have only been “spent out” at a rate somewhere between 1 percent to 7.4 percent by year two. That is likely due to the fact that the core formula programs fund projects that are in the constantly moving pipeline, whereas discretionary grant awards have often targeted projects that have not been considered through the planning process.

For GDOT, federal funding has represented about 40 percent of our total budget and about 44 percent of capital programs over the last decade. Prior to that, GDOT was totally federally dependent for our capital programs. While the federal portion of each state’s capital programs varies widely, the core federal programs remain very important to all states, even those with a larger share of state funding. GDOT relies on the core federal programs to deliver projects from the coast the mountains and from rural Georgia, where agribusiness is our number one economy, to metro Atlanta with its more than 6 million people and growing. These core programs give states flexibility of their use, including the ability to plan and leverage state and local funds to optimize the use of federal funding. Also very important is the ability to transfer funds between the core program and some categories helps us to deliver the right project at the right time. These core programs underpin our nation’s highway system and transportation networks and the population requirements ensure investments are made in communities and areas from under 5,000 people to our 16 metropolitan planning organizations (MPOs) across the state.

Georgia’s best successes from the IIJA come from the core formula programs which give us funding certainty so we can properly plan and deliver. Federal funding represents a **foundational investment** towards state of good repair for our highways and bridges. In Georgia, 75 percent of our capital maintenance program is from the IIJA formula programs and 90 percent of our bridge program is federally funded.

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Testimony of Russell R. McMurry, P.E.  
 Vice President, American Association of State Highway and Transportation Officials  
 Commissioner, Georgia Department of Transportation

The core formula funding is very important for capital projects as well. We use a mix of federal fund sources and innovative procurements to tackle large and complex projects. Unfortunately, Georgia is home to nine of the top 100 worst freight bottlenecks in the nation. We are underway with replacing two of the nine bottlenecks through a design-build-finance (DBF) contracting method. Both projects are estimated to cost approximately \$3.2 billion, relative to Georgia's total federal obligation limitation in FY 2024 of roughly \$1.6 billion for all programs. The \$1.5 billion I-285 at I-20 East bottleneck project construction phase will be funded by the National Highway Performance Program (NHPP), National Highway Freight Program (NHFP) and Grant Anticipation Revenue Vehicles (GARVEE) bonds over nine years under this procurement model due to its costs. Similarly, the \$1.7 billion I-285 at I-20 West bottleneck project construction phase will be funded by NHPP, NHFP, and over \$450 million in state funds over six years under this procurement model due to its significant cost. These two projects represent a major federal and state investment by counting on the core federal programs funding now and in the future. Georgia is fortunate to have laws and policies that allow for this form of project finance and procurement to advance megaprojects.

Large projects are critical for mobility of people and goods, but so is every rural infrastructure investment. If a farmer can't get crops to market due to a restricted or closed bridge—because of deterioration or because it simply was never designed or built to carry today's trucks and equipment—that's an impact to the bottom line and to the larger agribusiness.

Every state has needs when it comes to bridges and structures. Core programs like the Surface Transportation Block Grant Program (STBGP) and the Bridge Formula Program authorized in the IIJA have been very helpful in replacing rural bridges. These programs provided additional ability to support locally owned bridges which is critical. Continued federal investments in the nation's bridges are very important for safety and ensuring commerce can move unimpeded, whether rural or urban.

#### Delivering Tangible Safety Improvements

There is no greater priority for state DOTs than keeping our transportation users safe when using our transportation networks. In 2023, there were an estimated 40,900 deaths on our nation's roadways. As expressed through our 2023 Board of Directors [resolution](#) entitled "State DOTs Commitment to Address the National Roadway Safety Crisis" and the subsequent creation of the [AASHTO Safety Action Plan](#), state DOTs are committed to doing everything they can to reduce these numbers with the goal of getting to zero. Improving safety is also an emphasis area for AASHTO under the leadership of President Garrett Eucalitto, Commissioner of the Connecticut DOT, who has called for "Centering Safety" on every state DOT action—all resulting in safer communities, safer users, and safer workers.

As a nation, we need to continue to implement existing roadway safety strategies that are proven to work, while at the same time accelerating the development of new and innovative countermeasures and technologies that hold promise for the future. An evolution of our traffic safety culture is needed, and states are laser-focused within our organizations and with our outside partners to promote safety.

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Testimony of Russell R. McMurtry, P.E.

Vice President, American Association of State Highway and Transportation Officials  
Commissioner, Georgia Department of Transportation

The IIJA provided approximately a 24 percent funding increase for GDOT's core programs along with a national focus on vulnerable road users intended to aid state DOTs and our local partners to meet critical safety goals. Since the creation of the Highway Safety Improvement Program (HSIP) in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) in 2005, state DOTs have received and counted on the dedicated formula funding for important safety programs and improvements. The reinstatement of states' ability to use a portion of their HSIP funds for non-infrastructure safety activities supports the shared responsibility to address safety education was a positive outcome especially for us in Georgia.

By providing increased funding and flexibility for HSIP, states have expanded their efforts to identify and implement improvements to our surface transportation infrastructure that are targeted to counteract the daily tragedies occurring on our roads. In addition, the IIJA added more safety countermeasures to the list of options eligible for HSIP funds and the expansion of this eligibility helps states implement their Strategic Highways Safety Plans (SHSPs) to improve safety for all road users.

State DOTs, cities, rural transportation agencies, advocacy groups, and others have multiple sources for information, peer exchange of knowledge, and technology transfer activities. Through our Safety Action Plan and our Toward Zero Deaths (TZD) initiative, AASHTO is developing resources to support transportation and highway safety organizations' efforts to implement proven safety countermeasures and to improve traffic safety culture. We are developing case studies, templates, webinars, communications materials, and utilizing other methods to share knowledge and expertise among safety organizations. In combination with resources such as FHWA's Proven Safety Countermeasures, technical support, and resources, our members and transportation partners have access to a range of means for strengthening their safety activities. Similarly, safety partners such as the Road to Zero Coalition and the Vision Zero Network provide opportunities for sharing experiences, collaboration and even funding for safety activities. This wealth of knowledge developed by the safety community in its entirety serves as an invaluable resource for state DOTs.

Every state DOT is focused on work zone safety as our most valuable resources are our employees, contractors, and materials suppliers that get the job done every day. Unfortunately, distracted driving is real and poses daily threats to workers among other impairments. In partnership with the North American Association of Transportation Safety and Health Officials, AASHTO is ensuring the safety and health of every transportation worker by promoting individual and organizational practices, processes, and policies that prioritize and advance transportation worker health and safety. We are also looking to increase our understanding and application of traffic incident management planning and strategies, including post-crash medical response. And improving safety in work zones through advanced technologies and practices remains key to address distracted driving, worker fatigue, and night work hazards.

In Georgia, we use many approaches to work zone safety such as positive protection for workers and paying for law enforcement to support active work zones. GDOT has been using an e-ticketing system, so workers don't have to walk between dump trucks and traffic to simply

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Testimony of **Russell R. McMurry, P.E.**  
*Vice President, American Association of State Highway and Transportation Officials*  
*Commissioner, Georgia Department of Transportation*

receive a paper ticket. In addition, connected vehicle-to-everything (V2X) pilots on rural Interstate Highways for work zone safety alerts and advisory speeds, where infrastructure is communicating directly with vehicles. GDOT is close to deploying a “protect the queue” pilot system where an attenuator-equipped vehicle with a message board sits upstream of any queues created by work zones to notify drivers in advance of the backup.

Broadly, GDOT takes an ‘all-in’ approach to roadway safety through multiple key initiatives to move serious injuries and fatalities in our state to zero. GDOT fully utilizes its entire HSIP apportionment provided by the IIA every year to deliver a range of infrastructure improvements to improve safety on our roadways. In fact, we have more safety projects than HSIP funding underway. Key examples include targeted ‘hot spot’ improvements and proactively introducing systemic improvements to address crashes before they occur, such as centerline and edge line rumble strips to prevent roadway departure crashes. We also use data to drive safety investments to local roads using both federal and state funding. We look to the future by implementing technology solutions that drive safety outcomes and emergency response. GDOT has installed CV-2X technology in over 2,000 traffic signals across the state so that vehicles of tomorrow can receive basic safety messages and signal phasing and timing information to the driver and likely for autonomy of the future. Other deployments of traffic signal technology include radar and edge computing to determine if a car is not going to stop on red, and automatically adjusting yellow signal timing to avoid a potential collision. Our motto at GDOT is, “let’s be accused of trying,” when it comes to safety solutions.

GDOT also leverages the flexibility to use HSIP for non-infrastructure safety activities at every opportunity. GDOT is proud to help educate young drivers and high school students through safety summits in partnership with other safety organizations and industry stakeholders. These partners include emergency room (ER) doctors and nurses that provide graphic simulations of what they have to do when they receive car crash patients in the ER, students getting in a big rig to see what they can’t see if you’re the big rig driver, and testimony from a young lady who was a distracted driver and her life forevermore changed as a result.

GDOT has partnered with “We Are Teachers” to develop a Georgia Board of Education-accepted curriculum for grades K to 12. GDOT provides the curriculum, posters, videos, and games free of charge for teachers to use such that they can integrate safety messaging into math, science, and even history at the appropriate grade level. Our goal is develop a safety culture at an early age to improve safety for the future.

#### State-Local Collaboration Through the Planning Process

The statewide and metropolitan planning process reauthorized under the IIA has remained foundational to the state and local partnership necessary to deliver transportation benefits to every community in our states. The 20-year Long-range Transportation Plans continue to provide a clear vision of the desired future for states and regions, and the metropolitan and Statewide Transportation Improvement Programs (STIP) remain the building blocks towards actualizing such a future through specific transportation improvements.

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Seeking meaningful public involvement and input through the planning process remains vital, and under the IJIA we have seen helpful advancements through the use of technology. Virtual public involvement techniques have provided state DOTs, transit agencies, MPOs, and rural transportation planning organizations (RTPOs) with a platform to inform the public and receive feedback. These strategies have increased the number and variety of channels available to agencies for remotely disseminating information to the public and create efficiencies in how input is collected and considered, which have resulted in added benefits of accelerated planning and project development processes.

Working with local governments and MPOs is very important to us at GDOT. The IJIA's population-based suballocation of formula funds ensures funds are invested throughout the state. GDOT's planning process for the STIP includes numerous public meetings around the state for feedback and coordination with city and county officials. GDOT works closely with the state's 16 MPOs by offering technical support. As an example of this regular collaboration, the Atlanta Regional Commission's executive director, the Metropolitan Atlanta Rapid Transit Authority (MARTA) general manager, GDOT's Planning Director, the Georgia Regional Transportation Authority, the Atlanta Transit Link Authority, and myself have a standing monthly meeting to communicate and work collaboratively on regional transportation issues.

Some recent planning activities include the Statewide Freight Plan update and the Coastal Empire Study, a freight plan for the greater Savannah area. Both studies relied on private sector input from freight and logistic industries, and third-party logistics to provide critical insights from a business impact perspective. Companies like UPS, The Home Depot, Chick-fil-a, Norfolk Southern (NS), and CSX, to name a few, have been a part of this public-private dialogue. The statewide plan revealed that freight tonnage moved on Georgia roadways and rail lines will increase by 91 percent cumulatively by the year 2050. This will require significant investment along interstates and freight corridors to keep up with the projected growth from agribusiness, manufacturing, and warehousing. The Coastal Empire Study identified \$1.4 billion of freight projects needed by 2050 to maintain trip reliability such that 93 percent of freight "first moves" would be within a one-hour drive from the Port of Savannah. GDOT will advance capacity projects on both I-95 and I-16 using over \$500 million in state general funds and a minor federal contribution. The Coastal Empire Study has been used by several counties to support funding initiatives and local project prioritization.

#### Leveraging Federal Dollars Through TIFIA and Private Activity Bonds

The state DOTs continue to support a role for federal financing tools given their ability to leverage scarce dollars that allow needed projects to benefit communities sooner. Financing tools such as the Transportation Infrastructure Finance and Innovation Act (TIFIA) and Private Activity Bonds (PAB) can play an important and specific role—and AASHTO has supported many such financing options in the past especially the Build America Bond from 2009 that states utilized. AASHTO's members appreciate the ability to access capital markets and many states already rely on various forms of financing ranging from traditional tax-exempt bonds, tax-credit bonds, state infrastructure banks, and private equity, among other financing options.

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For most states, it is a challenge to advance large scale projects due to sheer cost. Each state is unique in their capabilities to finance projects based on state laws and political. That is why the federal financing tools administered by the Build America Bureau are important. GDOTs carefully examines which funding and financing mechanisms will be most advantageous, given the type of work and the status of other projects our construction program. We strive to find the most cost-effective way to advance large projects without putting our overall program at risk in the future.

GDOT has used various forms of finance to accelerate projects or to enable larger projects to be advanced. GDOT is not statutorily allowed to cash flow projects and must encumber the full contract amount under traditional design-bid-build delivery methods. We are able to partner with the State Road and Tollway Authority to use multiyear contracting and finance to deliver larger projects via various forms of design-build contracting methods. Georgia is underway with a design-build--operate-maintain and demand-risk public-private partnership (P3) project to add express lanes and bus rapid transit infrastructure along SR 400, an expressway in north metro Atlanta. Paired with private equity, the private developer will utilize TIFIA and PABs to help finance this \$4.6 billion design and construction cost. A new PAB allocation and a TIFIA loan from the USDOT Build America Bureau are vital for this project and other planned express lane projects in Georgia. GDOT has a robust plan to construct a system of express lanes in metro Atlanta and are counting on PABs and TIFIA to ensure we can be successful.

#### One Federal Decision

AASHTO appreciates that the IIJA included a key focus on environmental review and permitting improvements, thanks to the leadership of this Committee. The IIJA codified the One Federal Decision (OFD) in section 11301, establishing a two-year time limit for completing the National Environmental Policy Act (NEPA) review and permitting processes for major infrastructure projects. It also requires the lead federal agency to develop a schedule for completing the environmental review process. The Congressional intent expressed through the OFD represents an important step to streamline delivery of major projects throughout the country.

### IIJA CHALLENGES

#### The Impact of Inflation

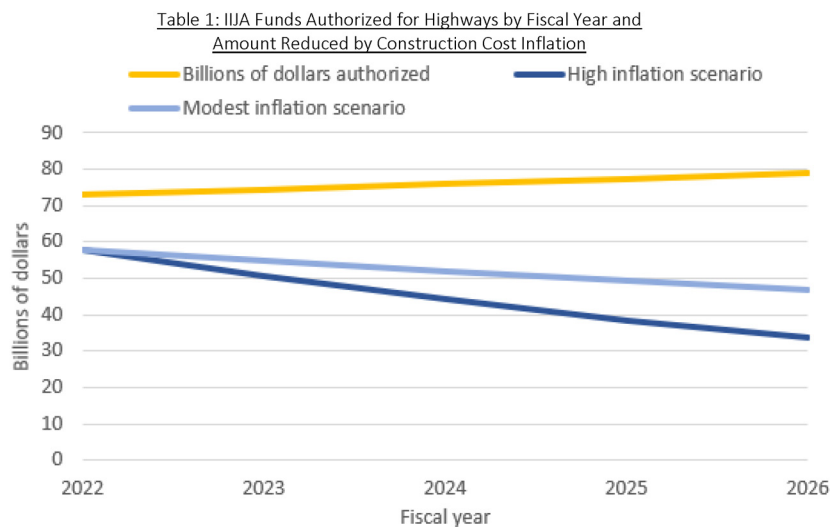
At its outset, the level of funding authorized in the IIJA was often described as “historic, or generational” including its \$673.8 billion in transportation funding for roads, bridges, transit, airports, ports, and rail. Of that \$673.8 billion, the largest share—or \$379.3 billion—was for highway infrastructure, with roughly 20 percent of the total highway allocation to be distributed in each of the five fiscal years from 2022 through 2026.

State DOTs are grateful for this funding. However, since IIJA enactment in November 2021, the nation as a whole—and the transportation sector especially—has experienced a significant loss of purchasing power due to inflation. According to USDOT’s Bureau of Transportation Statistics

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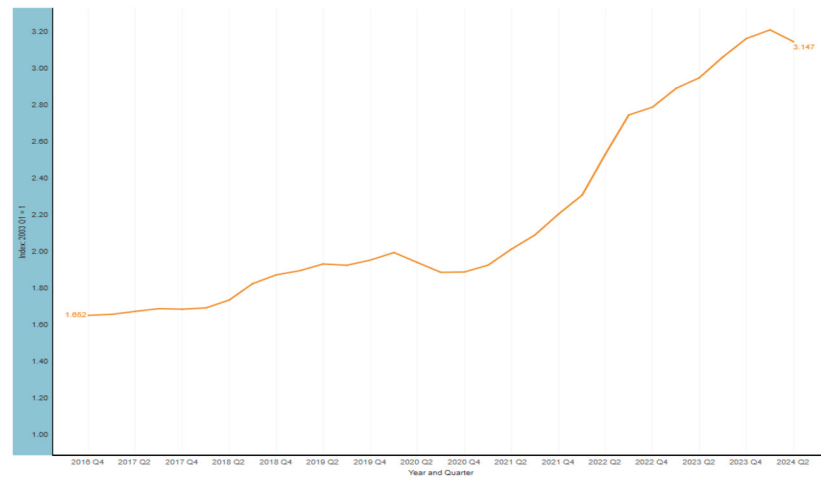
(BTS), their “modest inflation” scenario for the IIJA estimates a 31 percent loss in purchasing power for the total of its five fiscal years from fiscal 2022 to 2026, reducing the \$379.3 billion in nominal dollars for highways to \$260.5 billion in real dollars. The BTS’s “high inflation” scenario estimates a 40 percent loss in purchasing power of the IIJA, reducing \$379.3 billion in nominal dollars to \$224.2 billion in real dollars. It should be noted that the nominal increase in formula funding to states from the last year of the FAST Act to the first year of the IIJA was 31 percent—which translates to essentially standing still in terms of purchasing power under the BTS’s “modest inflation” scenario or experiencing a 9 percent loss under the “high inflation” scenario.



Source: USDOT Bureau of Transportation Statistics, <https://www.bts.gov/data-spotlight/increases-highway-construction-costs-could-reduce-bil-funding-allocated>

Another sobering data point comes from the FHWA’s National Highway Construction Cost Index, which shows a 70 percent increase between October 2020 to June 2024. According to the Eno Center for Transportation, since the end of 2020, the federal government has lost \$61.5 billion of the value of its spending increases on roads and bridges, due solely to increased construction costs.



Table 2: National Highway Construction Cost Index: Seasonally Adjusted from 2016 Q3 to 2024 Q2

Source: Federal Highway Administration, <https://www.fhwa.dot.gov/policy/otps/nhcci/>

The impact of these cost increases is very real in Georgia. Basic capital maintenance costs for resurfacing a two-lane road have increased by 66 percent over the last four years. Roundabout costs have increased by 93 percent and bridge costs increased by 60 percent, while roadway widening has increased by over 117 percent. As you can see, the overall funding increase from the IJA has been more than negated in these cases. These cost increases are not from the market being “flooded with work.” In fact, GDOT’s construction program reached an all-time high in dollar value of total bids last year yet the fewest projects by count were bid in over five years. GDOT is grateful for the increased funding in IJA, as without it, GDOT would have had to significantly delay or potentially even cancel projects.

#### The “Usability” of Federal Dollars Under Discretionary Grant Programs

The IJA authorized a substantial increase in the number of, and funding for, discretionary programs. FHWA alone currently has 29 grant programs. We recognize these programs were intended to target specific policy priorities, but the entire administrative process around discretionary grants has shown to be slow, burdensome, and less efficient in turning federal funds into projects and benefits compared to the deployment of formula funding provided to state DOTs. New discretionary grant programs take considerable time and resources for USDOT to operationalize. They must create the program policy frameworks, go through rulemaking, provide Notices of Funding Opportunity, and develop the actual grant applications before

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receiving a submission. Subsequently, review and approval of grant applications themselves require yet additionally significant number of resources by USDOT.

We recognize that discretionary grants can close the funding gap for large projects of national interest such as the Brent Spence Bridge, or for megaprojects often across state borders. For example, the discretionary Bridge Investment Program has made a difference for large projects over \$100 million in cost. Georgia and South Carolina partnered on a planning grant application for a I-85 border crossing and was awarded \$1.6 million to start this project. That being said, we believe the proliferation of small-dollar discretionary grants in the IJA has created challenges for state DOTs and local governments, diluting the focus of the federal interests and its resources away from core transportation investment that are nationally significant and impactful in their scope.

On the other side of the table from USDOT, it is also costly—both time and dollar-wise—to apply for discretionary grants. For state and local agencies, each discretionary grant application can cost \$200,000 to develop, while the chance of landing such a grant is less than 10 percent, creating significant uncertainties and challenges in developing a multiyear capital program. And state DOTs have continued to experience delays of up to 18 months between grant award and execution of a project grant agreement. These delays can lead to significantly increased project costs.

As an example in Georgia, the city of Athens applied for a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant for safety improvements on a local street. The notice of funding opportunity was in January 2022. They received their award notice in September 2022 and the grant was finally executed in September 2024. This example also is reflective of the USDOT working directly with a local government entity who is not accustomed to navigating the complexities of direct federal transportation funding. According to USDOT, as of December 15, 2024, only 15.7 percent of the IJA funding for RAISE has been obligated, and 0.7 percent outlaid, or cash out the door. In comparison, USDOT reports 91 percent of Federal-aid Highway Program dollars obligated (most of which represent formula programs) and 56.1 percent outlaid.

GDOT strategically applies for discretionary grant, ensuring that we only request grants that are for high priority projects of regional significance and are supported by our Congressional delegation. We've found that the application process is cumbersome, time consuming and costly to develop and unique to each grant type. GDOT applied directly for a RAISE (now BUILD) grant for the 14th out of the 100 top freight bottle necks in the nation, the I-285 at I-20 interchange reconstruction. The full application was over 30 pages plus support letters despite the project being in the approved STIP. Unfortunately, we were not awarded this grant. Due to the lack of funding from the grant, GDOT advanced this project using a design-build-finance model illustrated earlier in this testimony where the contractor will finance a portion of the project. The application development was estimated to cost \$64,000.

Georgia supported the City of Union City's effort for an INFRA and RAISE grant for the reconstruction of the SR 138 at I-20 interchange as part of a multimodal corridor. This grant

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application included multimodal elements such as bicycle and pedestrian improvements, interchange modifications, widening, intelligent transportation system (ITS) upgrades, signal upgrades, and landscaping. The project limits were in a Historically Disadvantaged Communities (HDC) and Areas of Persistent Poverty (APP) according to the USDOT Grant Project Location Verification tool. Unfortunately, the city was not selected under either grant program which has delayed the project until funding becomes available in 2028. All right-of-way acquisition will be complete this calendar year, and the current construction cost estimate has risen to over \$3 million since the application was submitted, and the cost to develop two grant applications was \$106,000.

Georgia was successful in a Rural Surface Transportation Grant Program for a much-needed grade separation of a state highway over the Norfolk Southern (NS) Class 1 railroad in the rural City of Millen in Jenkins County, Georgia. Due to the NS line bisecting the city in three locations plus a rail yard in town, rail traffic often blocked the entire city. Georgia submitted grant applications twice for this project. This application package was 27 pages long and cost \$71,000 for the two grant applications. The grant announcement was made in June 2023 with an application deadline of August 21, 2023, and the \$12 million award notice was made in December 2023. The grant agreement still has not been executed to date. As we administer \$1.6 billion of federal formula funding each year, it is difficult to understand the amount of time it takes to sign a \$12 million grant agreement.

Informed through the state DOTs' collective experience of administering the IIJA's discretionary grant programs over the past several years, AASHTO's recommendation is for Congress to direct USDOT to:

- Evaluate the policy priorities and the necessity of each discretionary grant program against the lens of federal interest;
- Treat any discretionary grant awarded to state DOTs like a project administered through FHWA's formula programs and the associated financial management system;
- Improve transparency to its benefit-cost analysis used for project selection;
- Improve understanding of an applicant's ability to deliver a federal project prior to grant award;
- Improve the documentation process that points to how selections are made;
- Fast-track priority projects that align with national goals;
- Ensure dollars are put to work by releasing unused grant funds at project closeout, and;
- Provide consistent rules and timelines for reimbursement on pre-award authority.

#### August Redistribution of Federal-Aid Highway Program Dollars

Due to slow-spending discretionary grants funded under the Highway Trust Fund's "allocated" programs outside of the formula program for states, FHWA under current law waits until each August to ask state DOTs to obligate a significant share—\$8.7 billion or 14.5 percent of the \$60.1 billion total in FY 2024—in just one month via "August Redistribution," which hampers strategic

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programming of federal dollars. It's important to emphasize this is not additional money to each state, as each state's obligation limitation is not increased.

AASHTO expresses our tremendous appreciation to Congress for transferring \$1.8 billion of the prior-year contract authority balance from the TIFIA credit program to the Surface Transportation Block Grant Program—a core formula program administered by state DOTs—last month through the Thomas R. Carper Water Resources Development Act of 2024 (WRDA). FHWA estimates that this action will reduce August Redistribution this summer from \$9.4 billion without the WRDA provision to \$7.6 billion. This will allow states to put the \$1.8 billion to work sooner rather than later in every fiscal year going forward.

To fully and completely address August Redistribution, we urge Congress to pass the Senate's proposed Section 120 fix in the Senate FY 2025 Transportation-HUD Appropriations bill that would provide four-year obligation limitation for all allocated Highway Trust Fund programs. Based on FHWA's analysis, we believe this action, combined with the recent WRDA provision, will bring August Redistribution close to zero dollars within the next three years.

Due to the recent high levels of August Redistribution, GDOT has used most of its carryover balances in the core programs and it is becoming increasingly difficult to pull down these funds each year. Driven by the short obligation window, the redistributed funds are primarily used in our capital maintenance programs which don't require STIP amendments and utilize programmatic environmental documents.

#### Regulatory Burdens that Impede Project Delivery

State DOTs are uniquely equipped to plan, design, construct, operate, and maintain a robust program of transportation investments. As leading practitioners, they possess the institutional capacity to speed up project delivery and improve environmental stewardship. AASHTO appreciates Congress's intent through the IIJA to provide state DOTs with flexibility in how investment decisions are made with formula dollars to meet each state's unique mobility and accessibility needs.

With that said, in the transportation sector, each federal dollar tends to be more "expensive" compared to each non-federal dollar due to regulations and permitting requirements associated with the federal program. In general, we see a number of opportunities for the federal executive branch agencies to reduce regulatory burdens wherever possible by removing prescriptive requirements.

According to a June 12, 2020, report by the White House Council of Environmental Quality, the average time for an Environmental Impact Statement approval by FHWA was 7.37 years. The report also noted that the time for all federal agencies was 4 years and 6 months from Notice of Intent (NOI) to Record of Decision. This report does not address the time spent on pre-NOI activities which add even more time to the process before the lead federal agency allows moving forward. re NOI activities include, but are not limited to: early coordination with federal and

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state resource agencies, development of the draft public involvement plan, community conversations, environmental resource identification, scoping meetings, preparation of purpose and need, work with agencies and the public on the “range of alternatives”, establishment of the “reasonable” range of alternatives (using the above activities), work on Section 4(f) avoidance process if the range of alternatives is unable to avoid resources, work on the “no build” alternative effects (throughout as part of range of alternatives), holding meetings with agencies to discuss the findings of the above activities for review and comment, and finally obtaining approvals of the draft NOI for review so that the lead federal agency may publish the NOI where the two year clock finally begins. While these activities are reasonable and necessary, many of the activities require multiple back-and-forth with environmental resource surveys and assessment of effects reviews, as well as commensurate communications with the lead federal agency based on their comments. The pre-NOI work may take one to three years, depending on the project.

At a minimum, AASHTO recommends the following environmental review and permitting reform opportunities:

- Translating the goals of One Federal Decision to speed up environmental review and eliminate unnecessary documentation;
- Easing access to assignment of the NEPA for interested states and streamlining its renewal process;
- Supporting co-location and collaboration of federal resource agencies involved in reviewing environmental documents;
- Limiting state DOTs’ assumption of federal responsibilities under the Stewardship and Oversight Agreements with FHWA only to Title 23 rather than requiring adherence to all federal laws, regulations, policies, Executive Orders, and procedures;
- Consolidating duplicative permits and reviews overseen by the US Coast Guard, US Army Corps of Engineers, National Marine Fisheries Service, and the US Fish and Wildlife Service;
- Redefining “major federal action” and its thresholds and not requiring federal review and permitting for projects receiving *de minimis* federal funding, and;
- Expanding the list of project eligibilities under Categorical Exclusion (CE) in 23 CFR 771.117(d).

Six years ago, GDOT pioneered a new approach with federal environmental regulatory and resource agencies through the creation of the Interagency Office of Environmental Quality (IOEQ). The IOEQ built upon previous coordination whereby GDOT had been funding positions in federal and state agencies to help expedite the review of GDOT’s environmental documents. The new approach involved establishment of a single physical office, paid for by GDOT, for the various resource agencies to actively collaborate and perform concurrent reviews to help reduce the delays that often accompany the typical siloed and sequential review process. Benefits of the IOEQ were evident within the first weeks as issues were addressed immediately when a question could be asked across the room as opposed to through the traditional bureaucratic process where each agency has their allotted time to respond in a linear way. We have seen between 13

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to 80 percent improvement in approval times for certain actions. While this seems like a commonsense approach of environmental resource agencies working together as a team, it took significant time and effort working with each federal agency to gain approval for this concept, which is not prohibited by law. AASHTO supports federal regulatory resource agencies being aligned and focused on improving delivery of transportation infrastructure projects.

We also note that many of the new formula programs from the IJA have been difficult to develop and deliver. The IJA's Transportation Alternative Program has been especially challenging to deploy. The program is suballocated by population and requires states to administer a competitive program for local governments to apply. In Georgia, we have struggled to gain interest from the local governments mainly because of the complications of administering a federal program and its associated requirements. In fact, smaller cities and rural communities simply don't have the necessary experience to navigate NEPA and FHWA regulations without significant consultant support for which they often don't have funding. GDOT is always eager to deliver the projects for the local governments when they ask; however the next challenge often is the local match requirement, as the total cost of the project is usually larger than the locality's original estimated once GDOT reviews the entire project and schedule. While many of these projects are CEs, the resource identification, history review and other NEPA requirements still must be accomplished for a NEPA document for relatively simple projects. Georgia has significant carryover balances in the Transportation Alternative program despite our best efforts.

#### Execution of Build America, Buy America

When it comes to Build America, Buy America (BABA), AASHTO and the state DOTs remain unwavering in our strong support of Congress's intent under BABA to expand America's manufacturing capacity, promote domestic jobs, and encourage economic growth. With the 2025 transportation construction season on the horizon, however, there remains significant concern regarding the readiness of industry for the transition to recent increases in BABA requirements.

AASHTO was disappointed to see the details of the FHWA final rule terminating the longstanding waiver of Buy America requirements for manufactured products that was released on January 14, 2025. We continue to recommend a more gradual and deliberate BABA transition that minimizes disruptions to state DOTs' efforts to deliver important projects efficiently, on time, and within budget. Strategic and nuanced BABA waivers can be and are a practical way to balance current availability of domestic sourcing with the public expectation of on-time, on-budget delivery of transportation projects. Impractical implementation of BABA ultimately defeats the goal of BABA if nothing can be built due to the lack of supply to meet the national demand.

Congress should encourage USDOT to support collaboration between state agencies, contractors, designers and suppliers on developing a centralized listing of domestically made construction materials complying with the new Buy America requirement. State DOTs have

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worked hard to best implement the BABA individually and AASHTO has taken the lead to develop an Industry Document Repository managed by the AASHTO Product Evaluation and Audit Solutions program as a national resource, so that each and every state doesn't have to certify the same products on their own.

Most people may not relate to the impact of utility relocations associated with transportation infrastructure work, but many utilities—both public and private—utilize the state DOT right-of-way. In Georgia, there are multiple utility materials and components that will not be BABA compliant due to the loss of the manufactured products waiver. Specifically, utility owners have expressed concerns with the inability of sourcing the following items domestically: fiber terminals, electrical insulators, switches, controllers and transformers conductors, couplings, valves, fittings, etc., for power, telecommunication, water, sewer and gas. An additional concern is the ability to meet the 55 percent threshold for manufactured products for items such as transformers, in which the raw ceramic material is exclusively sourced non-domestically. Utilities typically source and buy large quantities of materials for their general use and not solely for compliance with a federally funded highway project. While AASHTO and GDOT strongly support all materials to be made in America, this will likely remain a barrier to delivering projects until the supply chain can adapt.

Without the utility owner's ability to comply with the recent final rule, state DOTs will be unable to certify compliance to FHWA, which will delay projects, increase costs, and add lengthy durations to the delivery schedule. AASHTO encourages Congress to work with USDOT to evaluate a strategic and graduated implementation of BABA that includes practical waivers, so that states' ability to deliver on-time and on-budget is not compromised. Again, AASHTO and the state DOTs remain unwavering in our strong support of Congress's intent under BABA and will work diligently for effective implementation.

#### CORE POLICY PRINCIPLES FOR SURFACE TRANSPORTATION REAUTHORIZATION

While this testimony is focused on the IIJA, we appreciate the Committee's work in preparing for a five-year reauthorization of federal highway, highway safety, transit, and rail programs for fiscal years 2027 through 2031. The 119<sup>th</sup> Congress has an extraordinary opportunity to develop and enact the next multiyear surface transportation bill prior to the IIJA's expiration on September 30, 2026. AASHTO stands ready to support Congress in meeting this deadline through the association's comprehensive policy development process informed by state DOT leads and practitioners.

#### Ensure Timely Authorization of a Long-Term Federal Surface Transportation Bill

To continue the momentum of delivering investments in transportation and critical projects, it is crucial a new authorization bill be enacted by September 30, 2026. In addition to continuing resolutions seen through the annual appropriations process, relying on short-term authorizing program extensions can cause unnecessary program disruptions, uncertainty, and delays in

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safety and mobility benefits to states and communities. Short-term extensions make it difficult for state DOTs and local governments to plan and execute contracts for important highway and transit projects. This is especially impactful as overall project development may take five to 10 years for moderate size projects and even longer for large complex projects.

Stable multiyear apportionment of formula dollars is critical for GDOT to deliver projects and programs. By state constitution, GDOT cannot execute a contract without the full funding being encumbered, so we are unable to cash flow projects. This causes challenges in developing and delivering projects without full federal funding. GDOT uses the “advance construction” process allowed by FHWA to prefund federal projects with state dollars until full federal funding is available, but not all states have the sufficient state funding to be able to utilize this tool to keep the project pipeline moving. Without full federal funding provided on time, states face a difficult time shouldering the burden on their own.

#### Increase and Prioritize Core Formula-Based Federal Funding Provided to States

As stated previously in this testimony, the well-established approach of distributing federal transportation funds to states via formula ensures each state can best meet its unique investment needs and deliver safety and mobility benefits efficiently to all citizens. It remains the optimal approach to underpin the next surface transportation legislation that will serve all corners of our nation.

In the next authorization bill, Congress should increase the extent to which formula funding is prioritized over discretionary funding by ensuring that 95 percent or more of authorized Highway Trust Fund highway dollars go to apportioned programs for states. Formula dollars provide stability, predictability, and efficiency, allowing state and local governments to plan and deliver projects effectively. If there is a desire to address additional priorities, the most efficient way to meet those priorities is through expanded eligibility within existing formula programs.

#### Maximize State Flexibility to Deliver Projects that Advance Safety, Efficiency, and Innovation

The Federal-aid Highway Program is a state-administered, federally-assisted program, and enabling the most effective use of federal funding through maximum or 100 percent transferability between the various formula program categories is absolutely necessary. Current law allows a state to shift the authority to use federal formula funds from one core formula program category to another, not to exceed 50 percent of the amount apportioned. In addition, states and MPOs may “flex” highway funds to other modes. This authority to transfer between formula program categories is an important benefit for state DOTs in administering these funds, ensuring the balance and alignment of federal, state, and local transportation goals including safety, mobility, and the improvement of our transportation network. As each state faces its unique transportation challenges, state DOTs should fully control where and how their funds are best utilized. In the next reauthorization bill, AASHTO recommends that Congress provide increased flexibility and transferability between formula program categories and combine



programs that have similar policy objectives similar to the overall program consolidation we saw under MAP-21.

As an example of the importance of transfers between formula program categories, GDOT constantly monitors project delivery phases in each federal program category and its subprograms and population categories. State DOTs need flexibility to be responsive and agile when project delays occur, such that each state can fully utilize their annual obligation limitation before expiration. AASHTO supports continued and enhanced state-decided flexibility to maximize each state's utilization of federal funds.

In addition to funding flexibility, the next surface transportation bill represents an important opportunity to remove regulatory and programmatic burdens associated with federal programs that delay project delivery, including environmental review and permitting reform opportunities previously referenced.

#### Enable the States' and Nation's Future Success with Robust Federal Funding

The IJIA brought about a substantial increase in federal investment in surface transportation, but our nation still faces significant and growing transportation needs for improved safety and mobility for driving economic success. The aforementioned inflationary costs have significantly eroded much of the economic benefit of the additional funding provided by the IJIA. The overall funding levels in the IJIA should be the baseline investment moving forward and optimized with the policy recommendations referenced.

In the next authorization bill, Congress should build upon the base funding level provided in the IJIA through both the Highway Trust Fund and General Funds to make sure that federal transportation funding can keep pace with inflation at a minimum. Funding should grow steadily year-to-year over the life of the next five-year surface transportation authorization to allow states to not lose ground and keep up with growing needs for a strong economy.

Any reduction in federal funding would be hugely detrimental to all state DOTs, including Georgia. Over the last ten years, federal funding has represents an average of 44 percent of my state's capital program. Georgia, along with many other states, continue to increase state and local funding to do our part in delivering transportation infrastructure and operations. As noted, GDOT's 2050 freight plan shows that freight tonnage moved on Georgia's highways is expected to almost double. Most of this freight moves on the National Highway System and Interstate Highways. Without continued and increased investment, the costs to business, both small and large, will have an undesirable impact on our economy.

#### **CONCLUSION**

State DOTs appreciate being able to "tell the story" of IJIA implementation and we are committed to assisting this Committee and Congress in the development of the next surface

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Testimony of **Russell R. McMurry, P.E.**  
*Vice President, American Association of State Highway and Transportation Officials*  
*Commissioner, Georgia Department of Transportation*

SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE

transportation legislation that will ensure the nation's long-term economic growth and focus on safety through sound federal investments provided to all states. We sincerely appreciate your longstanding support and continued efforts to improve transportation for the nation.

Thank you for allowing me to share AASHTO's and its state DOT membership perspectives—including those of GDOT. I look forward to responding to your questions.

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Testimony of Russell R. McMurry, P.E.  
*Vice President, American Association of State Highway and Transportation Officials*  
*Commissioner, Georgia Department of Transportation*



**Russell R. McMurtry, P.E.,  
Commissioner**  
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March 25, 2025

US Senate Committee on Environment and Public Works  
410 Dirksen Senate Office Building  
Washington, D.C. 20510

RE: *Infrastructure Investment and Jobs Act Implementation and Case Studies*

Dear Chair Capito, Ranking Member Whitehouse, and Members of the Committee:

I would like to express my sincere gratitude for the invitation to testify at the February 26, 2025, Committee hearing entitled "*Infrastructure Investment and Jobs Act Implementation and Case Studies*" on behalf of the American Association of State Highway Transportation Officials (AASHTO). It was a distinct privilege to be able to share Georgia's implementation experience with the Committee and answer questions during the hearing.

Please find the enclosed response to Ranking Member Whitehouse's request to provide a list of Georgia projects funded by the PROTECT discretionary and formula programs as well as the status of the funding for those projects. The enclosure includes both a list of these projects with their funding status as well as an accompanying narrative response that details the operational process of managing these projects through the PROTECT Program.

AASHTO and the Georgia Department of Transportation stand ready to assist the Committee in any way as it advances the reauthorization process. Please do not hesitate to reach out if you require any additional information.

Sincerely,

A handwritten signature in blue ink that reads "Russell R. McMurtry". The signature is written in a cursive, flowing style.

Russell R. McMurtry, P.E.  
Commissioner

JW:RM:fs

CC: Ann R. Purcell, Chair, Georgia State Transportation Board

**Question:** *What projects in Georgia are being funded from the discretionary and formula parts of the PROTECT program? What is the status of funding for each of those projects?*

The Georgia Department of Transportation's (GDOT) mission is to deliver a transportation system focused on innovation, safety, sustainability, and mobility. The Infrastructure Investment and Jobs Act (IIJA) established both formula and discretionary funding under Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) that assists us with our mission.

Georgia and many states struggled initially in the implementation of this new program. Initial implementation of the PROTECT formula program presented a challenge due to interpreting the difference between the IIJA language and the Federal Highway Administration's (FHWA) July 29, 2022 "*PROTECT Formula Program Implementation Guidance*". The primary issue was the lack of an agreed upon approach to determine 'incremental' resiliency project cost versus full project cost. This lack of understanding between state DOTs and FHWA caused a delay in the initial deployment of PROTECT formula funds.

Ultimately, after several years of iterations with FHWA to program PROTECT formula funded projects, GDOT formed a Resiliency Committee. The committee is comprised of subject matter experts in various GDOT offices, including members from the Georgia Division of FHWA. This committee, with the Georgia Division of FHWA participation, has now established a more formal process with their review and approval of eligible projects.

GDOT identified 107 projects in its Resiliency Improvement Plan (RIP). Under IIJA, GDOT is anticipated to receive approximately \$240 million in PROTECT formula funding between FY22-FY26.

To date, GDOT is actively delivering 40 projects with PROTECT authorizations totaling approximately \$102 million (\$82 million federal/\$20 million state). Due to the slow rollout of this program, as noted above, GDOT has \$22 million in carryover balances from prior years. GDOT has identified an additional 22 projects that are proceeding through the FHWA approval process. GDOT will continue to program projects from the RIP and fully intends to obligate all PROTECT formula funds in FY 26.

GDOT has not received any discretionary PROTECT grant awards. The only PROTECT discretionary funding in Georgia was awarded to the Atlanta Regional Commission (ARC). The ARC was awarded a \$1.5 million grant to develop a Resilience Improvement Plan (RIP) for the Metro Atlanta Region. The ARC is currently coordinating with the FHWA to have the grant agreement executed.

[illegible]

Senator CAPITO. Thank you very much. We appreciate it.

Our next witness is Mr. Gary Johnson. Mr. Johnson is the Vice President of Granite Construction and is testifying on behalf of the Transportation Construction Coalition (TCC) this morning.

The TCC is a partnership of 34 national trade organizations and labor unions representing hundreds of thousands of individuals working to build, modernize and maintain the Nation's transportation systems.

I now recognize Mr. Johnson for 5 minutes for his testimony. Thank you.

**STATEMENT OF GARY JOHNSON, VICE PRESIDENT, GRANITE CONSTRUCTION, INC., ON BEHALF OF THE TRANSPORTATION CONSTRUCTION COALITION**

Mr. JOHNSON. Thank you, Chairman, and good morning, Ranking Member Whitehouse. Thank you today for convening the hearing.

I am Gary Johnson, Vice President of Granite Construction. Granite is America's infrastructure company, specializing in complex infrastructure projects, while also building many of the standard day-to-day roads across America that we all drive on.

Today, I am representing the Transportation Construction Coalition, or TCC, a partnership of 34 national trade associations and labor unions. Thanks to the bipartisan leadership of this committee in passing the Infrastructure Investment and Jobs Act in 2021, my company and many others are experiencing record opportunities allowing us to enhance safety and mobility throughout the U.S.

To date, States have committed \$183 billion in IIJA highway and bridge formula funds to support over 91,000 new projects, at least one in nearly every U.S. county. This includes 2,300 projects in West Virginia and almost 500 projects in Rhode Island.

Projects across the U.S. are driving an increase in heavy equipment sales, asphalt and concrete production, and record employment levels for highway and bridge construction. Outcomes like these are proof the law is working as intended.

While undeniable progress is underway, I would like to highlight three areas for further improvement. First, we must continue to invest and ensure the highest return on those resources. While IIJA was a much-needed course correction after years of status quo Federal investment, delivering the surface transportation network our Nation deserves and needs is not just a 5-year endeavor.

Accordingly, the next multi-year bill should preserve and grow current highway and public transportation investment levels, using a user fee revenue source that captures every vehicle on the road. The impact of these investments is clear. At Granite we have seen first-hand the benefits of proper funding and smart project planning.

On California's U.S. Highway 101 improvement project, Granite worked with CalTrans and local agencies using collaborative contracting methods to phase a project into manageable sections and leverage State and Federal funding to deliver critical infrastructure years ahead of schedule and under budget.

As a key first step toward achieving the goal of continued investments, we urge all committee members to cosponsor legislation from Senators Fisher, Lummis, and Ricketts that would ensure

drivers of electric vehicles join their fellow motorists in contributing to the investment and improvement of our Nation's roads and bridges.

Second, Congress must address ways to ensure that Buy America does not impede progress. The TCC fully supports Buy America's objective of strengthening U.S. manufacturing, and we offer two ways to further improve that.

First, prevent disruption in pavement product markets. The TCC encourages Congress to preserve the exemption for aggregates and paving materials that was included in the IIJA. All areas of the Country do not have local access to all the aggregate, cement, and asphalt binder needed for the paving jobs. It must be imported from outside the U.S.

The TCC urges transparency and certainty in the waiver process. Federal agencies should develop a publicly accessible data base of available Buy America-compliant materials and products to provide stakeholders with procurement options up front.

The FHA recently announced a rollback of its general waiver for manufactured products, making this recommendation extremely timely. As an example, one State department of transportation took 14 months to receive a waiver for a submersible pump, when two other States received approval for the exact same product in a much shorter period of time. There needs to be consistency.

Finally, our employees are our greatest asset, and they need support through additional legislation to go home safely every day. In 2022, there were 96,000 work zone crashes, 37,000 injuries, and almost 1,000 fatalities. The IIJA made important investments in work zone safety like enhancing the Highway Safety Improvement Program, and supporting the use of intelligent transportation systems. The next highway bill should incentivize States to go further in implementing stricter enforcement measures.

I thank the committee for the opportunity to testify today. I encourage each of you and your staff to talk to a contractor in your State or trade association and go visit a job in your State. Talk to the men and women who are actually doing the work on the grade and get their input.

Thank you.

[The prepared statement of Mr. Johnson follows:]



**Infrastructure Investment and Jobs Act Implementation and Case Studies**

Testimony Presented to the Committee on Environment and Public Works

United States Senate

February 26, 2025

Gary Johnson, Vice President, Granite Construction Inc.

on behalf of

the Transportation Construction Coalition

Chairman Capito, Ranking Member Whitehouse and members of the committee, thank you for convening today's hearing to examine the Infrastructure Investment and Jobs Act (IIJA). I am Gary Johnson, Vice President for Land and Quarry at Granite Construction Incorporated.

Granite is one of the largest diversified construction and construction materials companies in the United States headquartered in Watsonville, California. Granite specializes in complex infrastructure projects, while also building many of the standard day-to-day roads across America.

Today I am representing the Transportation Construction Coalition (TCC), a partnership of 34 national trade associations and labor unions, representing hundreds of thousands of individuals, working to build, modernize and maintain the nation's transportation systems. TCC member organizations represent contractors, planning and design firms, materials and manufacturing firms and the construction trade unions that represent many of their employees.

The TCC began in 1996, and for nearly 30 years, and has focused solely on advocating for a strong federal transportation network. The coalition's unique membership enables it to speak with one voice, articulating the impact of federal policies and investments on all aspects of the transportation construction industry.



The federal government's role in delivering a nationwide transportation network is foundational to America's history and economic prosperity. From the Golden Gate Bridge to Route 66, these iconic structures move freight and people thanks to commitment by the federal government.

Today that commitment continues, due to the bipartisanship shown by many on this committee in 2021. My company, like many represented by TCC member organizations, is experiencing record opportunities made possible by recent federal investments, allowing us to enhance safety and mobility throughout the U.S. Currently, surface transportation improvements are underway in nearly every U.S. county with much more work to come.

With federal highway programs up for renewal next year, today's hearing is well-timed to share insights from the transportation construction industry. TCC member organizations have seen firsthand how funds provided have been used and how the law's policies have impacted the ability to deliver projects efficiently.

TCC's testimony will focus on quantifiable impacts of the first three years of the infrastructure law and will offer the coalition's priorities in the run-up to reauthorization in 2026.

#### **Coast-to-Coast Impacts Since 2021**

The federal road and bridge investments provided by the IIJA were sorely needed, long-awaited and represent a level of investment for which TCC has been advocating for decades. According to TCC co-chair the American Road & Transportation Builders Association (ARTBA), \$183 billion in formula funds has been committed to projects so far, advancing over 91,000 projects.<sup>1</sup> States have been reimbursed \$115 billion for formula work already completed.

The type of work performed ranges from minor street maintenance to major Interstate capacity improvements that have been waiting years for action. New programs are enabling states to bundle long-awaited bridge projects. Discretionary grants have supported major projects with regional impacts like the Brent Spence and Blatnik Bridge projects that will also enhance vital freight corridors.

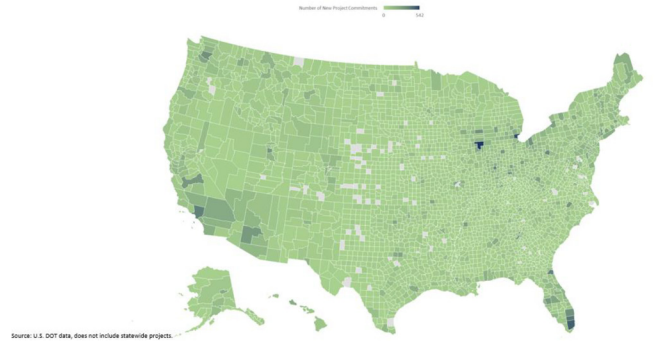
In West Virginia, more than 2,300 projects are receiving infrastructure law support, including safety improvements to the Coalfields Expressway and bridge renovations along Interstate 79. In Rhode Island, 495 projects are advancing, including projects to relieve congestion along I-95 and rehabilitate New England's longest suspension bridge over Narragansett Bay.

These projects are examples of the progress happening in communities large and small across the country. The map below depicts U.S. counties with federally supported projects underway since the infrastructure law's enactment.

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<sup>1</sup> <https://www.artba.org/market-intelligence/highway-dashboard-ijja/>

Location of New Project Commitments Since FY 2022

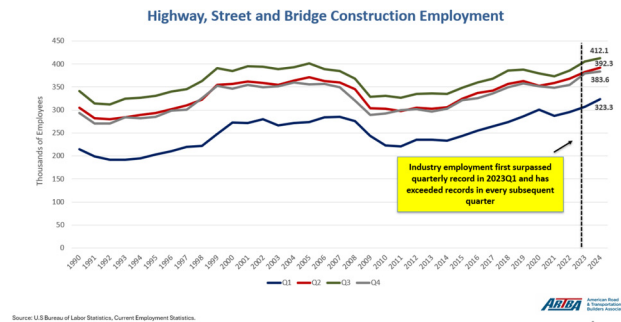


### Economy-Wide Benefits from Transportation Projects

Beyond enhancing safety and freight mobility, these projects have a ripple effect on other aspects of the economy. With thousands of new projects in the pipeline, businesses are investing in the equipment to build and people to operate it.

The Association of Equipment Manufacturers (AEM), a TCC member association, reports a direct positive impact from the infrastructure law. Shortly after the IIJA was enacted, equipment orders grew by 13 percent and inventories grew by 22 percent, as manufacturers anticipated growing demand.

The U.S. Bureau of Labor Statistics (BLS) also reports record levels of employment since quarter 1 of 2023, according to an analysis of BLS data by ARTBA in the chart below.



Employers have added 41,600 jobs in the Highway, Street and Bridge Construction sector, bringing total 2024 summer construction employment to a record 413,400 workers.

Simply put, these companies would not be investing in the people or equipment if there was not significant work to be done. As promised in the run-up to the 2021 infrastructure law, the investments in infrastructure would enable growth across the economy, and even despite inflation, these positive effects are proving true.

Beyond the transportation construction industry, improvements to the nation's transportation systems will help businesses lower operating costs, as distribution of goods moves more efficiently.

Looking ahead to the next reauthorization bill, the following are priorities for the TCC:

#### **Priority 1: Continue Growing Surface Transportation Investments**

While the 2021 law stretched beyond the traditional scope of a five-year surface transportation authorization, the majority of the much-needed investments--\$488.5 billion--were made in core highway, public transit, highway safety and multi-modal grant programs. Another \$66 billion in rail capital investments, which the TCC supports, was appropriated beyond annual core Federal Railroad Administration funding.

However, despite the record level of federal investments in these critical programs, the job is not done. In their 2021 *Report Card for America's Infrastructure*, TCC-member association the American Society of Civil Engineers identified an surface transportation infrastructure funding shortfall of \$1.2 trillion for the next ten years, at all levels of government. While the IIJA resources will undoubtedly help, Congress should keep investing in the nation's critical infrastructure, not pull back.

- **Recommendation:** The TCC advocates that, at minimum, baseline investments for surface transportation programs should be carried forward, with inflation adjustments, regardless of the previous funding source of these programs. This will help continue making the necessary safety and mobility improvements to help grow the nation's economy and improve quality of life for all citizens.

The long-term duration of the surface transportation bill must also be continued. Extensions and short-term bills rob states of their ability to plan over the long-term, which leads to a reliance on smaller maintenance work, rather than transformative transportation investment. Downstream impacts also occur, as states and businesses are less likely to invest in people and equipment when they are unsure how the federal government will

- **Recommendation:** The next surface transportation bill should focus on the long-term and provide five-year authorization of highway, safety and public transportation programs.

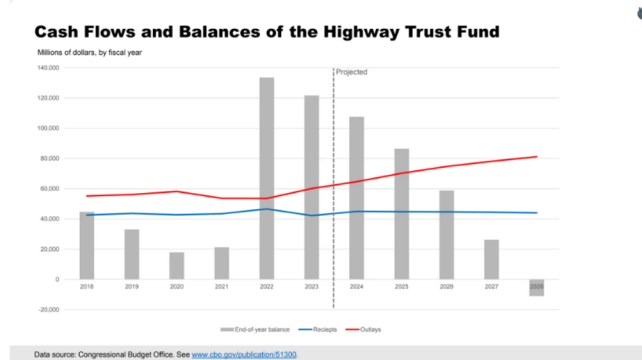
### Priority 2: Grow and Stabilize Highway Trust Fund (HTF) Revenues

The transportation construction industry and its state and local partners depend on the resources and certainty provided through a fully-funded HTF. Since its inception in 1956, the primary revenue source for the HTF has been gasoline and diesel user fees, supplemented with truck and tire excise and use taxes. However, the gasoline and diesel fees have not been adjusted for inflation and therefore have dramatically lost purchasing power since they were raised last, in 1993. Had they been indexed for inflation at that time, the gasoline and diesel fees would have nearly doubled from the 18.4 cents and 24.4 cents-per-gallon they remain at today.

Despite the declining purchasing power of the existing revenue sources, Congress and previous administrations have wisely chosen to continue growing federal investments in core highway, public transportation and highway safety programs via authorization and appropriations laws. To support this growth, over \$270 billion has been transferred from the General Fund to the HTF over the past 15 years.

According to the Congressional Budget Office (CBO), the imbalance between existing projected balances and revenues into the HTF and projected HTF outlays from 2027 to 2031, the duration of a new five-year surface transportation reauthorization law, is \$150 billion. To continue investments in all highway, public transportation, highway safety and multi-modal grant programs, with adjustments for inflation and regardless of IJA funding source, Congress and the next administration will need to find approximately \$260 billion.

The CBO chart from October 2024 highlights the challenge facing the HTF over the duration of a long-term reauthorization bill.

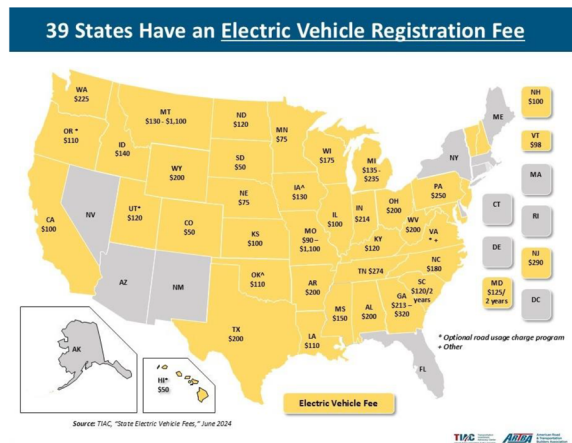


The next surface transportation authorization law should stabilize the HTF by incorporating existing and new user fees, as well as necessary general funds, to cover approved investment levels.

- **Recommendation:** Any potential user fee solutions to address the HTF revenue shortfall should reflect these core principles: derived fairly from system use, dedicated to highway and public transit transportation improvements, and sufficient to support robust growth for a safe, well-functioning and resilient surface transportation system.
- **Recommendation:** Reject any efforts to reduce or eliminate existing revenue sources, unless new user fees cover them at appropriate levels.

One potential user fee solution, introduced by Senator Deb Fischer (R-Neb.) and co-sponsored by committee members Senator Cynthia Lummis (R-Wyo.) and Senator Pete Ricketts (R-Neb.), would bring parity to the users of the nation's roads and bridges by imposing a user fee on electric vehicles (EV). These vehicles are currently using the system without contributing to its maintenance via a federal user fee, unlike most gasoline, diesel and alternative fuel vehicles.

While the EV fee bill would not fill the HTF revenue gap, it is projected to grow over time as more EV cars and trucks are sold. Congress should follow the example from 39 states, depicted in the map below, that have enacted EV fees to bring tax fairness to state user fees across vehicle types.



- **Recommendation:** A national EV fee should be enacted with the revenues dedicated solely to the HTF. The TCC urges all committee members to co-sponsor the Fischer legislation and work towards its enactment this Congress.

### Priority 3: Build on Successful Formula and Discretionary Grant Programs

#### *Formula Programs*

The transportation construction industry supports the current structure of formula programs allowing state and local decision-makers, who best know their own needs, to choose which projects to build and how they should be constructed. This flexibility bestowed upon transportation industry professionals and lawmakers at the state level to address unfunded surface transportation priorities allows for unimpeded decision-making where non-political choices need to most effectively be made.



Photo Credit: Tennessee Department of Transportation

For example, Tennessee quickly put \$127 million in IIJA formula funds to use, improving what the state's transportation commissioner described as one of the worst interchanges in the state. The I-55 / Crump Boulevard Interchange project had been put on hold for years but finally got the green light in 2022 and is slated to be complete this year.

With construction underway, new through lanes will eliminate the need for heavy interstate truck traffic to use single-lane, low-speed ramps. A new multi-lane roundabout

will give locals better access to and from city roadways. Noise walls are being built and access for locals and businesses will be maintained. A more modern, less congested, and thoughtfully planned community crossroads is on the way.

This project is one of more than 90,000 nationwide that demonstrates the ability of states to put formula dollars to work quickly, advancing transportation improvements that have been vetted by those who know their states' needs best--state departments of transportation.

Further, the TCC thanks members of the committee who pushed back against an attempt by the previous administration to unlawfully influence the state project selection process with overly burdensome guidance memorandums. Congress, via every authorization law, in a bipartisan

manner, sets priorities for these critical programs to establish national goals and performance measures. The law should be adhered to by the administration and any future attempts to change or influence the flexibility bestowed upon states to choose their own projects, following the criteria set in law by Congress, should also be rejected.

- **Recommendation:** Continue the strong track record and performance of formula programs in order to provide states the flexibility to choose the projects best suited to their needs.

#### *Discretionary Grant Programs*

While formula programs have been largely successful over the law's first three years, discretionary grant programs have had a mixed record. Discretionary grants are a critical part of the federal-state-local partnership, often providing resources for long-stalled projects that need additional investments not available to local governments to get over the finish line. Further, discretionary grant programs that are national and regionally focused help deliver projects across the country that otherwise lack the necessary funding.

For example, in South Dakota, a RAISE grant of nearly \$20 million is headed to the state for safety improvements on the Standing Rock Sioux Tribe Reservation and the Mandan-Hidatsa-Arikara Nation. The project calls for new roundabouts, turn lanes, lighting, and rumble strips, making those who live and visit the area safer.

The IIJA created a new Mega grant program that is providing Maryland with \$80 million to make improvements to the I-895 Baltimore Harbor Tunnel interchange. These improvements will not just lead to safer travel for the 25 million vehicles who utilize the tunnel, but it will also enhance efficiency in this vital freight corridor.

By nature, the discretionary grant application process takes more time from an initial Notice of Funding Opportunity (NOFO) and a signed grant agreement between a grantee and the U.S. Department of Transportation entity administering the programs. Similarly, when smaller or first-time awardees receive a grant, anecdotal stories suggest delays occur when the awardees must move a project forward outside of their state DOT process.

One state department of transportation we work with regularly spends \$100,000 on grant applications due to the analysis required, construction cost estimate and narrative. These applications can easily be 40 pages in length. If they are awarded the grant, it can then take 8 to 12 months to get a grant agreement in place, delaying the project even further or the grantee takes the risk by spending their money up front. This process is even more burdensome and may not work for local agencies.

At the same time, some major IIJA grant awards are under construction. An ARTBA analysis of each state's largest grant award found that 21 out of 50 projects are under or will begin construction this year, 16 are expected in 2026, 5 in 2027, and 8 did not announce a timeline.

The IIJA also expanded eligibility for many grant programs, which has caused a range of challenges. Anecdotal stories are abundant that some, often smaller, communities lack the resources and first-hand knowledge to complete the long and potentially overly burdensome discretionary grant applications. For these smaller applicants, hiring a consultant to complete an application is not an option that larger communities may have.

- **Recommendation:** Steps should be taken in the next surface transportation law to speed up and bring more transparency to the process of awarding and completing grant agreements.
- **Recommendation:** Congress should re-evaluate any discretionary grant programs that are not nationally and regionally focused and instead, where appropriate, consider making them eligible activities for formula programs. This would allow states and localities to address their needs more expeditiously, especially in communities that would otherwise be either not eligible for a grant or not have the resources to successfully apply for a project.

#### **Priority 4: Improve Federal Project Financing Tools**

The Transportation Infrastructure Finance and Innovation Act (TIFIA) program assists worthy grantees with credit assistance for projects that have dedicated revenue streams to repay upfront costs. This program has been successful in delivering numerous, multi-modal projects the financial support necessary to move complex and, in many cases, otherwise unfunded projects over the finish line.

While this useful tool continues to support projects, it has not approved them at a level that previous Congresses envisioned, leading to a build-up of unspent resources. Congress and the Biden administration addressed this issue by reapportioning much of the balance in unused TIFIA reserves last year.

- **Recommendation:** The TCC believes that with sensible reforms to the TIFIA program, more projects can access this critical program in the future. These reforms include:
  1. Increasing the size cap for rural projects;
  2. Better transparency into the application and project approval process;
  3. Access to increased project financing levels for worthy projects; and
  4. Less burdensome project criteria for states and localities that have a good track record for delivering previous TIFIA-approved projects.

The IIJA law included an increase in the Private Activity Bond cap from \$15 billion to \$30 billion. This tool, which incentivizes private sector financing of infrastructure projects, is once again already approaching its full utility.

- **Recommendation:** Congress should uncap Private Activity Bond assistance in the next surface transportation authorization law or via tax reform legislation.



The long-time prohibition on states and localities to raise their additional proceeds for transportation enhancements via tolling and other mechanisms on roads that have previously received federal resources has hampered their abilities to build out and expand safety and quality-of-life improvements.

- **Recommendation:** With the current transportation infrastructure deficits currently facing communities across the nation, the TCC believes it is long overdue for Congress to lift the ban to allow states to raise their own revenues for additional transportation investments.

#### **Put Project Delivery Improvements to Work**

The IIJA marked a critical step forward to expedite project delivery by codifying One Federal Decision (OFD), which was designed to consolidate environmental reviews, establish clear timelines, and enhance interagency coordination. However, while OFD has demonstrated potential in reducing permitting delays, its implementation has been inconsistent across federal agencies. In some cases, project sponsors still face prolonged review periods due to bureaucratic inefficiencies and a lack of accountability measures to enforce compliance with statutory deadlines. To fully realize the benefits of these reforms, Congress must ensure that OFD is applied fully and uniformly across all agencies involved in infrastructure permitting.

A key challenge has been the absence of meaningful consequences for agencies that fail to meet review deadlines. Without enforcement mechanisms, project sponsors are left navigating an unpredictable and often redundant permitting process that stifles project progress. Congress should enact enforcement provisions for agencies that repeatedly fail to comply with statutory timelines. Such steps would incentivize adherence to deadlines and drive accountability in the permitting process.

- **Recommendation:** Strengthening the OFD framework and introducing robust accountability measures will help ensure that the IIJA's historic investments translate into timely and efficient infrastructure improvements, rather than being bogged down by unnecessary red tape.

#### **Encouraging Flexible Contracting Approaches for Efficient Project Delivery**

Currently, 40 states authorize some form of alternative construction contracting to enable earlier collaboration among owners, designers and contractors. At Granite, we have found these collaborative strategies have helped to reduce project cost overruns, delays and other risks.

As an example, our company recently worked with the California Transportation Commission and Caltrans on a plan to widen and improve U.S. Hwy 101 in Santa Barbara County. Using \$40 million in state resources as a starting point, Caltrans deployed Granite and a design partner under the Construction Manager/General Contractor (CMGC) method, through which we worked together in determining the most efficient and “constructible” design for the project.

Caltrans then received IJA funding to complement the state investment and begin construction. The use of early collaboration in this case helped accelerate project delivery and optimize funding resources.

Similarly, in response to the urgent need to replace the Francis Scott Key Bridge, the Maryland Transportation Authority selected an alternative contracting method known as progressive design-build to ensure an expedited and effective delivery process. These examples highlight how various contracting methods can be used to address different project needs, particularly when speed and complexity are key factors.

While the TCC supports innovation, the coalition remains opposed to federal mandates on design and materials and encourages Congress to reject any legislation that would diminish the role of engineers in the specification and procurement of construction materials for taxpayer-funded infrastructure projects.

- **Recommendation:** The next infrastructure bill should support flexibility for states to consider and utilize appropriate alternative contracting methods when they can enhance efficiency, collaboration, and cost-effectiveness for complex projects.

#### **Hold Down Project Costs by Maintaining Existing, Limited Buy America Exemptions**

Through its Build America, Buy America Act (BABAA), the IJA strengthened domestic preference requirements on federal-aid infrastructure projects, including highway and transit projects, for iron and steel and manufactured products. Congress also expanded coverage to include construction materials, which were later defined by the Office of Management and Budget (OMB). Federal and state transportation agencies, contractors and suppliers continue working towards the optimal implementation of the BABAA requirements.

At the same time, Congress purposefully chose not to expand Buy America coverage to “cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.” The rationale for that important exemption remains just as compelling today.

All concrete and asphalt pavements are produced in the U.S. However, while the domestic production of certain components – such as cement, liquid asphalt and aggregates – is already fully maximized, it is necessary to supplement these supplies with foreign-sourced products to meet demand for infrastructure improvements. These market dynamics depend in part on geography, state and local environmental permitting limitations, and the needs of competing industries. Extending domestic preference requirements to pavement products would severely disrupt existing supply chains for pavements, resulting in elevated project costs.

- **Recommendation:** By preserving the exemption for aggregates and paving materials, Congress can uphold the intent of Buy America while ensuring that critical infrastructure projects remain cost-effective and on schedule.

#### **Prevent Project Delays by Expediting Consideration of Targeted Buy America Waivers**

The TCC fully supports Buy America’s objective of strengthening U.S. manufacturing capabilities. However, in the short term, domestically made versions of key products needed on highway, bridge and transit projects may carry significantly higher price tags or require longer lead times, while others are simply not made in the U.S. at this time. These realities can result in unintended project delays and cost overruns.

In enacting BABAA and previous Buy America provisions, Congress authorized the possibility of common-sense waivers to overcome unreasonable cost or nonavailability concerns and to help minimize conflicts between the policy objectives of improving transportation infrastructure and bolstering the domestic manufacturing sector. State and local transportation agencies – in consultation with contractors, designers and suppliers – attempt to identify these challenges as early as possible in the project development process and submit waiver applications to FHWA or FTA as needed. In reality, though, the current waiver process lacks certainty, consistency and transparency, deficiencies which Congress can address in the next reauthorization bill.

While BABAA requires all waiver requests to be posted for public comment, long delays between submission by funding recipients and public posting by federal agencies creates a bottleneck in the process. These delays can stretch for months or, in some cases, years, making it difficult for stakeholders to plan effectively. More timely agency action on waiver requests will serve Congress’s underlying intention with BABAA, to encourage capital investments in U.S. manufacturing capacities. Appropriate waivers will send a clear signal to manufacturers of emerging demand for domestically produced items where no or inadequate current capacity exists. In other words, a more efficient waiver process would give them a clearer and more timely business case for initiating or expanding their production.

As an example of inconsistencies in the waiver process, one state department of transportation took 14 months to receive a waiver for a necessary project component that was built, in part, outside the U.S. Two other states applied for the same waiver and received approval in a short period of time, demonstrating the lack of consistency and room for improvement in the waiver process. In such instances when multiple requests are made for the same item, it may be appropriate for a targeted, time-limited “public interest” waiver of general applicability to be issued as a means of eliminating redundant requests.

Waiver process improvements have become even more urgent because of FHWA’s announcement, during the final week of the Biden administration, that it will roll back its longstanding general waiver for manufactured products, with a dual-step transition period beginning with projects obligated on or after October 1. Since 1983, this waiver has exempted a

myriad of critical end products (including electronics, specialty mechanical items, intelligent transportation systems and many others) from Buy America requirements, unless they were predominantly comprised of iron or steel. While project sponsors will now need to pursue more targeted waivers for specific manufactured products, this process can take at least a year, extending well into FHWA's intended phase-out of the general waiver.

To address these concerns, Congress should direct the U.S. Department of Transportation to establish a more transparent and expedited waiver process, including defined and reasonable timelines for waiver determinations, clear criteria for approval, and improved tracking of waiver requests.

In addition, the Manufacturing Extension Partnership (MEP) Program has been successful in helping identify and connect domestic manufacturers with project stakeholders seeking compliant materials. Further leveraging MEP's resources could help in finding domestic alternatives before a waiver is needed, improving supply chain visibility and reducing the number of waiver requests over time. Federal agencies should work with MEP to maintain an up-to-date, publicly accessible database of available Buy America-compliant materials and provide project stakeholders with better procurement options upfront.

If done correctly, creating efficiencies and adding transparency to the waiver process could be a win-win for project sponsors and for U.S. manufacturers and their workers.

- **Recommendation:** A streamlined, transparent, and timely process to evaluate project-specific waivers would mitigate unnecessary project delays. Moreover, in certain circumstances, targeted, time-limited "public interest" waivers of general applicability may be appropriate to eliminate redundancies. Congress should ensure that FHWA and FTA provide clear implementation guidelines to avoid disruptions to infrastructure projects.

### Infrastructure Resiliency

The federal government's 2023 National Climate Assessment, compiled by 10 agencies, found extreme weather events are becoming more frequent, more severe, and more likely to disrupt and damage critical infrastructure, with 18 weather events causing more than a \$1 billion in damages during 2022.<sup>2</sup> Since the passage of the IIJA, significant new resources have been dedicated to strengthening transportation infrastructure resilience through programs such as the PROTECT (Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation) grant. However, more must be done to ensure that resiliency is integrated into every phase of infrastructure construction.

As industry works to build IIJA-funded projects such as new transportation infrastructure or rebuilding after a disaster, federal programs should emphasize durable and adaptable design

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<sup>2</sup> U.S. Global Change Research Program, Fifth National Climate Assessment

strategies that minimize damage, maintain functionality, and reduce recovery time. The IIJA provides funding for resilience efforts, but ensuring those investments are used effectively requires clearer federal guidance and coordination. FHWA and FTA should continue developing and refining guidance on resilient design, construction, maintenance, and repair strategies that incorporate best practices in material selection, risk assessment, and engineering innovation.

Related to efforts to improve resiliency efforts and cutting costs for future projects, during times of disaster recovery or otherwise, the IIJA law does not incentivize or encourage the use of recycled paving materials. Many states like Ohio, Washington, Virginia and Oregon average over 25% reclaimed asphalt pavement in new asphalt paving materials while California, New Jersey, Arkansas and Arizona use less than 15% on average. Use of recycled materials can lower paving costs, reduce truck trips, increase safety and reduce air emissions. The recycled materials are not imported from outside the US, increasing the amount of US-manufactured materials.

Investing in more resilient infrastructure will generate long-term cost savings by reducing maintenance needs, extending asset lifespans, and mitigating the financial impact of extreme weather events. Additionally, improved resiliency can enhance mobility and economic stability, ensuring that communities remain connected and functional in the face of extreme weather disruptions.

- **Recommendation:** As Congress considers future transportation legislation, it should prioritize policies that enhance infrastructure resilience, streamline project delivery for resiliency-focused improvements, and encourage the adoption of innovative, high-performance materials that support sustainability and durability.

#### **Keep Projects and Industry Firms Viable Through Price Adjustment Clauses**

The volatility of material prices in recent years has posed a significant challenge for transportation construction, making it difficult to plan and execute projects within original budget estimates. The fluctuations in the cost of essential materials, driven by supply chain disruptions, inflation, and geopolitical factors, have underscored the urgent need for federal-aid contracts to incorporate price adjustment clauses. These contractual terms seek to allocate financial risks among project stakeholders, ensuring that projects remain viable despite potential market instability.

As is widely known, the pandemic and related factors resulted in unprecedented cost spikes for key materials and products in the 2020-22 timeframe. Numerous specialty contractors and suppliers -especially small businesses – faced financial threats to their very existence, with some having to cease operations if their project sponsors could not make accommodations.

Many state DOTs already use price adjustment provisions for certain materials, but inconsistent federal policies have left contractors exposed to unpredictable cost escalations. Unlike the FTA, which allows transit agencies to make retroactive cost adjustments in extreme circumstances, the FHWA has declined revisiting its prohibition in this regard.

Looking to future such crises, Congress should explicitly authorize the use of federal-aid funds for retroactive cost adjustments in situations where material price spikes threaten project viability and completion. Bringing FHWA policies into parity with FTA standards would create a more sustainable contracting environment.

In addition to mitigating financial risk, price adjustment clauses also promote competition in the bidding process. When contractors can anticipate reasonable protections against extraordinary cost increases, they are more likely to submit competitive bids, ultimately benefiting taxpayers.

- **Recommendation:** Implementing standardized federal guidance on price adjustments would help stabilize the construction market and ensure that critical transportation projects are delivered on time and within budget.

#### **Enhancing Safety for Roadway Construction Workers**

Ensuring the safety of roadway construction workers remains a top priority for the transportation construction industry. In 2022, the National Work Zone Information Clearinghouse estimated a total of 96,000 work zone crashes and 37,000 related injuries, while documenting 891 fatalities.<sup>3</sup> Work zones present unique hazards, including high-speed traffic and heavy machinery. The IIJA made important investments in work zone safety by enhancing programs to include traffic control measures, creation of safety contingency funds, and promotion of the use of advanced safety technologies. These include additional resources for the Highway Safety Improvement Program (HSIP) and funding for intelligent transportation systems that improve real-time communication between work zones and motorists.

One critical area of progress under the IIJA is the expanded focus on work zone intrusion prevention. The law encourages the adoption of automated flagging assistance devices (AFADs) and other technologies designed to reduce direct worker exposure to traffic. Additionally, it promotes greater use of positive protective barriers, which have been proven to significantly reduce work zone fatalities and injuries. Congress should continue supporting these efforts by ensuring state DOTs have the flexibility and funding necessary to deploy these safety measures effectively.

Beyond infrastructure investments, the IIJA also emphasizes workforce safety through expanded training programs. The law provides funding for work zone safety education initiatives, ensuring that both workers and motorists understand best practices for reducing risks in construction zones. To build on this progress, by prioritizing worker safety alongside infrastructure improvements, we can ensure that the benefits of infrastructure investments are realized without unnecessary risks to the men and women who build and maintain America's transportation network.

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<sup>3</sup> [National Work Zone Safety Information Clearinghouse, 2022 Work Zone Data](#)

- **Recommendation:** Congress should continue incentivizing states to implement stricter enforcement measures, such as automated speed enforcement in work zones, and invest in research on emerging safety technologies.

#### **The Industry is Prepared to Help**

The construction industry remains committed to maximizing the benefits of federal infrastructure investments. TCC members will continue to highlight successful projects that demonstrate how streamlined regulations, innovative practices, and proper funding can accelerate project completion. By sharing best practices and working collaboratively with federal agencies, the industry can help drive continuous improvements in project delivery.

Additionally, TCC will remain a vocal advocate for long-term transportation funding solutions. A stable Highway Trust Fund and sustained investment in infrastructure are essential to ensuring that America's roads and bridges remain safe and efficient. The industry stands ready to support policies that enhance revenue streams and increase funding predictability.

By fostering strong partnerships between industry and government, the U.S. can build a more resilient, efficient, and cost-effective transportation network for future generations.

I thank the Committee for the opportunity to testify today. I appreciate its continued efforts to help improve our nation's infrastructure and enact policies that create good paying jobs in America. I look forward to working with you to keep America moving. I would be honored to answer any questions you may have.

Senator CAPITO. Thank you, Mr. Johnson. I have done that, and I will do it again.

Mr. JOHNSON. Good.

Senator CAPITO. It is always a very great visit.

Our final witness this morning is Michael Carroll, President of the National Association of City Transportation Officials and Deputy Managing Director of the Office of Transportation and Infrastructure Systems for the city of Philadelphia. How in the world do you say all that?

[Laughter.]

Senator CAPITO. In this role, he coordinates and sets the policy direction for critical functions, including the city's department of streets. His oversight includes infrastructure systems that are made up of more than 2,575 miles of street and 320 bridge structures.

I now recognize Mr. Carroll for 5 minutes for his opening statement. Thank you for coming.

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

Mr. CARROLL. Thank you. Good morning, Chairman Capito, Ranking Member Whitehouse, and members of the committee. I am Mike Carroll, and I serve as president of the National Association of City Transportation Officials, and am Deputy Managing Director of the Office of Transportation and Infrastructure in the city of Philadelphia. We oversee the delivery of capital infrastructure projects in coordination with our streets department and the Pennsylvania Department of Transportation. We call it PennDOT.

The Federal funding support for the Infrastructure Investment and Jobs Act is a lifeline to overcome decades of neglect in infrastructure, safety, and economic opportunity for communities with real needs. Philadelphia's Chinatown Stitch Planning grant, for example, under the Reconnecting Communities Pilot Program, reconnects a working-class Philadelphia community that was split in half by construction of I-676, known locally as the Vine Street Expressway.

The Safe Streets and Roads for All awards, another example, improves transportation infrastructure along the roads that contribute disproportionately to deaths and serious injuries and deliver essential pedestrian and bicycle safety education in 40 Philadelphia schools.

Our partnership with PennDOT is a good model for the rest of the Country. Our State and Federal partners acknowledge the city is closer to the people we all serve and that we are all committed to in giving effective public service and faithfully implementing the laws and policies regardless of who enacted them.

IIJA discretionary programs enable local government partners to extend the capacity of State DOTs. Our PennDOT partners have then argued for direct funding to the city because they can take the burden off of PennDOT. Any future transportation bills should consider new paths for direct funding to keep decisionmaking as close to the people as possible.



People who live and work in Philadelphia see IIJA's results. We have completed paving and safety upgrades to our city-wide arterial network. We have completed repairs and reopened the Montgomery Avenue Bridge over the northeast corridor rail lines. We expect our MLK Bridge serving the central business district to open later this year.

We see improvements in our port infrastructure and our airport terminal. We have begun work reducing pollution due to stormwater and contamination in our drinking water.

Our contracting community has risen to the challenge as well. We have attracted new contractors to business in Philadelphia, and the work has also attracted young Americans to the construction industry and helped us retain seasoned tradesmen. This has reversed the death spiral in lost talent and knowledge that could otherwise impair all infrastructure nationwide.

The Federal Government should ensure current funding awards move toward project completion and help us to avoid the added cost that inevitably comes with new uncertainties and delays. The march toward obligation is intensive and means expending local dollars and ramping up contractors and other businesses to seek opportunities.

Everyone involved takes on the risks that are mitigated by trust that the Federal Government is a committed partner. Even where there is disagreement over program purposes, honoring these commitments should be the priority.

Where the PROTECT program is targeted for the use of certain words, awards like the projects for the Bells Mill Bridge and the Green Valley Bridge over the Wissahickon Creek become at risk. These historic bridges serve over 13,000 vehicles a day and urgently need repairs due to extreme weather events.

Like other residents in other cities, Philadelphians want effective government that produces results. No one wants my opinions about what carbon dioxide does in the atmosphere, or why streets that once were never under water are now under water every spring rain.

Local residents expect that if we follow the rules that were given to us at the time and the Federal Government awards us funding that they will honor these commitments regardless of who is in charge. The best defense you can all provide to combat risk and uncertainty is to take a bipartisan stance in favor of stability, continuity, and results.

Thank you.

[The prepared statement of Mr. Carroll follows:]



## National Association of City Transportation Officials

**Statement of Michael A. Carroll**  
**President of the National Association of City Transportation Officials**  
**Before the U.S. Senate Committee on Environment and Public Works**  
**Hearing on**  
**“Infrastructure Investment and Jobs Act Implementation and Case Studies”**

**Wednesday, February 26, 2025**

Good morning, Chairman Capito, Ranking Member Whitehouse, and honorable Members of the Committee on Environment and Public Works. My name is Michael Carroll, and I serve as the current president of the National Association of City Transportation Officials with roughly 100 members and affiliates nationwide. I am also the Deputy Managing Director of the Office of Transportation and Infrastructure for the City of Philadelphia where my office is responsible for overseeing the delivery of capital infrastructure projects in coordination with our Department of Streets and our partners at the Pennsylvania Department of Transportation (PennDOT).

Many of these projects are made possible by funding from the Infrastructure Investment and Jobs Act (IIJA), and we are grateful for this federal support. To date, Philadelphia has been awarded 16 IIJA-authorized grant programs totaling \$330,556,552. This federal funding support is a lifeline, enabling us like many American Cities to overcome decades of neglect in infrastructure, safety, and economic opportunity for historically disadvantaged communities. For example, the Chinatown Stitch Planning grant under the Reconnecting Communities Pilot Program reconnects a working-class community that was split in half by construction of the I-676; known locally as the Vine Street Expressway. At the same time, the Safe Streets and Roads for All awards will improve transportation infrastructure along the roads that contribute disproportionately to deaths and serious injuries and deliver essential pedestrian and bicycle safety education to 40 Philadelphia schools.

As the largest City in the Commonwealth of Pennsylvania, we enjoy and depend on a strong relationship with PennDOT and other entities of State Government. During my time with the City of Philadelphia, we have maintained exceptionally productive relationships with the State regardless of which party controlled any branch of State Government.

Although the City has never received everything we request from the State, I have always been given an opportunity to advocate on behalf of the constituents I serve. We are open to each other's priorities and ideas, and we share the commitment to solving infrastructure challenges.

This is a good model for the rest of the country. The State acknowledges that we as the City are closer to the people we both serve, which speaks to the professionalism of the public servants who work for PennDOT. Having had the opportunity in recent years to interact with staff at the U.S. Department of Transportation (USDOT) and other federal agencies, I have seen similar professionalism, commitment to effective public service, and faithfulness in implementing laws and policies, regardless of who enacted them.

Bearing these experiences in mind, I think a solid case will always exist for direct funding to local governments such as exists with many IIJA discretionary grant programs. This direct funding works best where it can be recognized that local government partners add capacity to that of State DOTs; and that the state and local partnerships can take different shapes in different contexts. A persuasive case for direct funding was actually made by the State, given the fact that we could relieve burdens on PennDOT to administering federal funding. A future transportation bill should consider even more paths for direct funding to keep decision making as close to the people as possible. In Pennsylvania we can count on good dialogue: our State and federal DOT partners have demonstrated consistent interest in our success and built confidence we can rely on them for guidance when we need to.

Through the implementation of the IIJA, people who live and work in American cities have seen results. In Philadelphia we have completed paving upgrades to our citywide arterial network. We have completed repairs and reopened the Montgomery Avenue Bridge over the Northeast Corridor rail lines. We expect that the Martin Luther King Bridge serving our central business district will reopen after a three-year closure later this year. We have seen improvements to our Port Infrastructure and our Airport Terminal. We have begun work to reduce pollution due to storm water and contamination in drinking water.

Our contracting community has risen to the challenge, and we have also attracted new contractors to bid our projects. The projects we are pursuing with IIJA funding have helped us to attract young Americans to the construction industry. At the same time, we have retained the seasoned tradesmen, reversing a death spiral in lost talent and knowledge that could otherwise imperil our infrastructure nationwide.

Despite whatever else has been going on in the world, the buzz of activity to improve and build our infrastructure has been a bright spot over the past several years. I implore you to spare no effort to keep the work of the IIJA alive.

I make this request because we worry that the genuine spirit of improvement could wither in the face of emerging uncertainty. From our perspective on the ground and from what my peers in state and other local governments are seeing, the federal government could do a lot of good by seeing current awards through to completion and avoiding the added costs that inevitably come with new uncertainties and delays.

Each award under the IIJA sets off a flurry of activity at the local level. The march towards obligation is intensive, and achieving obligation entails expending local dollars, ramping up activity among contractors and other businesses, and all who are involved take on risks that are mitigated by trust that the federal government is a committed partner in this endeavor. We see in these awards an acknowledgement of our needs for safe and reliable infrastructure, and the agreements we forge with USDOT and other agencies are taken as a tangible manifestation of \*your\* word as the federal government.

Please consider what role you can play to support predictable funding and predictable program guidance. Even where there is disagreement over program purpose, honoring these commitments should be the priority. My peers and I are all concerned that the tangible benefits infrastructure

projects deliver for the public are at risk because of arguments over words at the federal level. I have been around long enough to see a lot of vocabulary around infrastructure. I might suggest that fixating in favor or against any given buzzword does not serve the American public.

The Promoting Resilience and Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) grant program is being targeted for the use of the words "climate change" and "resilience." The program review puts projects like our award for the Bells Mills and Valley Green Bridges over the Wissahickon at risk. These bridges serve approximately 13,707 vehicles daily and urgently need repairs due to extreme weather events and wetland restoration.

To be clear, "safety" is not a buzzword, neither is "repair," nor is "access to jobs and opportunity." We can have debates about how to achieve these goals, but it makes no sense to kill meaningful progress on safety, good state of repair, and economic access, by undertaking an exercise in word search and replace. These new mandates can add months to delivery of projects in towns and cities across the country without regard to pre-existing statutory deadlines. The best defense you all can provide to combat uncertainty is to take a bipartisan stance in favor of stability and continuity.

Like all Americans, Philadelphians want effective government that produces results. Each federal award that was announced in our region was received positively because residents recognized this as tangible action on decades' old needs. Americans expect all of you to keep your word and deliver on the expected results in safety, good repair and access to opportunity that are the core of every project and not to breach that trust over semantics.

No one wants my opinions about what carbon dioxide does in the atmosphere or why streets that were never underwater are now underwater after every spring rain. Our residents expect that if we follow the rules that were given at the time -- and if we bring home news that *you* in the Federal Government have found a way to help, they will need an explanation for how 'yes' turned into 'no.'

If you are unable to act, then as a matter of honoring the Public Trust you, not local officials, must be prepared to explain this to the American Public.



National Association of City Transportation Officials

**Michael A. Carroll, President**  
**National Association of City Transportation Officials**

**March 26, 2025**

Senator Shelley Moore Capito, Chairman  
Senator Sheldon Whitehouse, Ranking Member  
United States Senate Committee on Environment and Public Works  
Washington, DC 20510-6175

**Subject: Responses to Questions for the Record Following the February 26, 2025 Hearing on  
"Infrastructure Investment and Jobs Act Implementation and Case Studies"**

Dear Honorable Senators:

I have received and responded below to the Questions for the Record following the hearing. I want to reiterate my gratitude for the opportunity to testify and express my hopes and my confidence in the Committee's ability to navigate the process of reauthorizing transportation funding during turbulent times. Thank you all for tackling this challenging but very important work on behalf of our Country.

Thank you,

Michael Carroll, NACTO President

Responses to Questions for the Record from Senator Blunt Rochester:

*1. The Infrastructure Investment and Jobs Act took strong steps toward modernizing our nation's infrastructure and improving transportation safety. How can we ensure that we are continuing to utilize American innovation and technology to improve the movement of people and goods on our roads in the next reauthorization?*

While considerable focus for innovation in transportation is now on autonomous vehicles (AVs), we need to recognize that investing in AVs alone will not address the transportation safety and infrastructure challenges facing our communities. **Robust regulation and oversight of AV deployment is key to ensuring safety on our streets. Meanwhile the relative emphasis should shift to innovative and practical improvements for other users of our transportation systems.**

It's understood people walking, jogging, and biking on city streets are disproportionately victims of death or serious injury, precisely because they are physically more vulnerable in crashes than people in motor vehicles. It can be expected **that pedestrians with disabilities, children, elders, and caregivers are typically the most vulnerable in traffic because their mobility in any situation is relatively the most constrained.** Therefore, efforts to eliminate pedestrian barriers must be prioritized to heighten safety. Cities have struggled for over 30 years to eliminate pedestrian barriers imposed by non-compliant street crossings. **Congress should fund innovation in the design, construction, fabrication, and procurement of ADA curb ramps and should fund the installation of ADA curb ramps on streets with a disproportionate record of pedestrian involved crashes.**

Investment should also be directed to research other costs to effectively accommodate vulnerable road users. Academic institutions and entrepreneurs have been exploring a variety of supports like haptic applications and sensors incorporated into phones and other personal devices, but these tools are not widely deployed. Cities cannot rely on these supports to offset the costs of hard infrastructure, which is currently needed to achieve safe travel. **Research into exploring vehicle-to-vehicle and vehicle-to-infrastructure integration should first focus on where pedestrians and other vulnerable users can be integrated to promote safety and personal mobility.**

**In cities, congestion, air quality, and economic development are often tied to effective curb management. Communities from small towns to large cities could benefit from innovation in this area.** Double parking, circling for space, unsafe loading, and transit delay are all functions of the inability to effectively regulate and enforce policies around curb use. Recent innovations around dynamic pricing, curb reservation, and sensing to verify occupancy are all emerging from the private sector. Making these tools more cost-effective and available to communities that seek to use them requires interoperability with the other tools that transportation managers employ to achieve efficient and resilient operation of city street networks. **Funding some pilots and demonstrations in different contexts makes sense but even more important will be to promote common data standards to ensure investments are not rendered incompatible by successive waves of innovation.**

The federal government must also commit to dedicating the resources needed to transform transit into a high-quality service for all people. Transit is the backbone of city transportation. A frequent, reliable transit system provides access to jobs, schools, services, errands, and recreation in an affordable, efficient, and low-carbon manner. Transit operators that can afford to invest hundreds of millions of

dollars in technology to 1) manage payments, 2) assist wayfinding and trip planning, 3) help customers report emergencies and other concerns, 4) prevent fare evasion, and 5) improve the safety and security of the workforce. These investments make transit a more reliable, safe, and convenient way of getting around, but many have proven difficult to maintain and suffer from very low compatibility across transit systems and among other forms of transportation. **Congress should fund the development and deployment of fare and customer information technologies employing common standards and specifications to make them cheaper to procure, easier to maintain and dramatically extend customers' range and travel choice.**

In tandem with cities' interest to promote range of strong mode choice options, there is strong case for converting passenger and light-duty fleets to electric to promote air quality and realize fuel and fleet maintenance savings. **Fast, safe, and reliable electric vehicle charging infrastructure remains a constraint on the long-term conversion of private and municipal fleets to electric. Congress should continue investment in the development and deployment of fast charging infrastructure.**

*2. Our nation's transportation is more than just physical infrastructure – the 21st century transportation network includes a significant digital layer as well. What can Congress do in the next surface authorization bill to ensure that our nation's digital infrastructure is well-supported alongside traditional physical infrastructure?*

**Increased funding for research and development of transportation technology should not overlook the specific needs of urban areas.** One specific focus should be placed on the uses of artificial intelligence for robust crash prediction. Another important application would be context specific traffic management since many applications were developed for suburban settings with physical layout and traffic characteristics that don't match dense urban communities.

**Congress should fund, and direct U.S. DOT to help promulgate open data specifications to support mobility and management of the public right of way.** I serve on the board of the Open Mobility Foundation, an public-private collaboration to promote policy and foster standards and innovation of open source for urban mobility. These initiatives create a robust and transparent environment for safe and efficient operation of shared mobility services and helps cities map and manage curb use. This leads to safer and more efficient freight delivery, improving productivity and reducing urban congestion.

**Congress should provide funding to explicitly carve out broadband and fiber deployment for municipal needs such as traffic management.** This is especially important in communities where there is not adequate publicly owned fiber, and resources constrain the use of commercial fiber. Funding should include planning dollars for metro areas to ensure that broadband and other digital infrastructure plans are aligned with planning for traditional physical infrastructure.

**Congress should incentivize coordination between roadway improvement and telecommunications infrastructure projects.** This can be accomplished by allowing federal investments to expand communications infrastructure to match federal transportation construction funds on the same project without counting against the federal maximum. In urban environments, the construction of communications infrastructure involving trenching and pole construction significantly disrupts streets,

sidewalks, and other transportation assets. When communities can coordinate this work, it reduces costs and community disruptions, so federal incentives to promote coordination are a win-win.

**Similarly, improvements to bridges, railways, and other facilities should also be incentivized to include project elements that eliminate gaps in digital backbone infrastructure.** These facilities are notably more challenging to run digital infrastructure through, so lapses in coordination can squander opportunities to establish important connectivity. Reducing local match requirements, based on such opportunities, is one beneficial approach.

*3. As we look ahead to the next surface reauthorization bill, improving roadway safety must be a priority, particularly given elevated injury and fatality rates on American roads. How can we improve transportation safety programs in the Federal Highway Administration going forward so that we can begin to meaningfully approach Vision Zero? What role do transportation innovations play in achieving that vision?*

**Congress should direct FHWA to aggressively disincentivize the setting of regressive safety performance targets.** Some states have set annual safety goals for fatalities and serious injuries (KSI) among people walking or biking that are higher from year to year, not lower. Congress must ensure accountability by prohibiting States and MPOs from setting regressive safety performance targets and denying funding for plans that do not target improvements to road safety.

**There is no substitute for funding. To maximize the impact of funding, investments in safety should always target roadways with the highest share of deaths and serious injury crashes.** The Highway Safety Improvement Program (HSIP) is a formula funding program that allocates \$5 billion/year to safety improvements. The program is administered by state DOTs; however, the priorities and therefore, the types of projects funded differ widely. While cities and municipal governments build, own, and maintain most of the roadway mileage in the U.S., city governments have little control over federal transportation funding. With over half of the traffic fatalities in urban areas occurring on state-owned roads, cities need greater say, or direct control, in how streets within their jurisdictions are designed.

**Congress should direct states to allocate HSIP funds to roadway owners within states based on the share of fatalities and serious injuries (KSI) occurring on their roadway mileage.** HSIP funds should target the areas of highest need, prioritizing safety improvements on the nation's most dangerous roadways. Also consider categorical exclusions or similarly simplified environmental reviews for multimodal safety infrastructure – especially for proven safety countermeasures including sidewalks, bike facilities, and pedestrian crossings.

**We need to overhaul federal standards and design guidance to prioritize safety and access for all travelers - rather than maximizing speed and vehicle throughput.** The poor safety performance of many streets is a direct result of how they are designed. Fixing this means continuing to reform the Manual of Uniform Traffic Control Devices (MUTCD) and other federal standards and design guidance to better accommodate the safety of pedestrians and bicyclists. The MUTCD governs all road markings, speed limits, stop signs, and traffic signals nationwide. With infrequent updates and nominal changes over the decades, the document has worked against the safety of the most vulnerable travelers in many contexts.



**As with other efforts cities will benefit if efforts are made to contextualize safety research in urban areas.** For example, FHWA could work with AASHTO, NACTO, and other stakeholders to develop research that better contextualizes resources like the Highway Safety Manual for cities by developing data that can be correlated to denser road networks with higher levels pedestrian, cycling, and transit use. Similar feedback pertains to the MUTCD.

The most recent 11th Edition (published December 2023) made positive improvements but does not include every necessary reform to create comprehensively safe streets. As a result, NACTO believes the MUTCD can do more to support safety on city streets.

- It should go further to address pedestrian safety: To justify installing pedestrian signals, the MUTCD still requires a very high volume of people to be crossing an unprotected intersection – or that transportation officials wait for multiple traffic injuries or deaths to occur. Motor vehicle signals, meanwhile, are routinely installed simply based on traffic projections from a new development.
- The MUTCD should refer to the best practices already successfully used in cities and avoid geometric restrictions for urban bikeways. The MUTCD is not intended to be geometric design guidance, but it includes dozens of recommendations about geometric design details for bicycling, which overrides local context and local engineering judgment.
- The MUTCD should not include design guidance that accommodates autonomous vehicles without context for real-world impacts on cities. The burden should not be placed on cities to adjust street design for autonomous vehicles. Instead, these vehicles should be designed to operate safely on already existing streets. The new autonomous vehicles section has been improved, but it is not clear this belongs in the MUTCD.
- Guidance in the MUTCD should make realistic allowances for inevitable human error: it should not identify as target road users, pedestrians and bicyclists, who always act “alertly and attentively,” and “reasonably and prudently.” This definition fails to recognize the inevitability of human error and the enormous range of urban street users, including children, who still deserve to be safe on our streets.

**Innovation is an important component to promoting safety. U.S. DOT should accelerate efforts to disseminate safety measures across the entire vehicle fleet with more focus on heavy vehicles.** While passenger vehicles have become much safer over time for occupants of vehicles, investments in sensor and driver assistance technologies are just beginning to show benefits in reducing death and injury to pedestrians, cyclists, and bystanders struck by vehicles. These features need to be deployed aggressively on trucks and buses on America’s roads. U.S. DOT should resist designating large vehicles as passenger cars without due consideration of size and weight as major contributors to crash severity.

Senator CAPITO. Thank you very much.

I am going to start with a very general question for all of you, and you have touched on this, all of you have, in your statements. Just concisely, what part of the IIJA had the greatest benefit for your experience, and which one has presented the greatest challenge?

Mr. McMurry?

Mr. McMURRY. Thank you. The greatest benefit comes from when we consider the core formula programs, that being national highway priority programs, the Surface Transportation Block Grant program, which is truly the most flexible to use for the States and NPOs.

Again, I remind everybody there are sub-allocation by population from under 5,000, from 5 to 50, 2 to 200, and greater. There is, again, flexibility that we can use.

The other programs certainly are the safety program that I mentioned in my testimony. The increased funding in the Highway Safety Improvement Program is absolutely vital as we take on the Nation's 40,000 fatalities on our roadways, which is just not acceptable.

Then I add the Bridge Formula Program, that again, was added by the IIJA, which again gives funding that can be used especially for local governments. Bridges are everywhere. In fact, in Georgia, there are more local bridges than there are State-owned bridges, and we invest in every bridge in Georgia, federally and with State dollars, because all bridges are vital for safe and secure travel.

Those core formula programs have been customary and necessary, not only for utilization but for the planning process. We each do a State transportation improvement program, either four or 6 years, and long range transportation planning out to 20 years, counting on reliable funding, reliability from year to year, in those core formula programs, because it takes too long to deliver these projects.

We need that funding certainty in those core programs to know that we can deliver through the planning process, through the design, environmental, right-of-way construction process, to get the infrastructure delivered.

Some of those challenges out of the IIJA in Georgia have been, with some of the new programs, again, to Mr. Carroll's testimony, things are happening and we need to be able to be responsive to be able to use the PROTECT dollars, which again, I have to say thank you in the IIJA, because we never had the ability to use Federal dollars to work on things such as slides or flooding and using Federal dollars. It has been hard to deploy, because they are new programs.

One of the challenges, too, has been in the TAP program, the Transportation Alternatives Program, to try to deliver Federal projects local through a competitive process to very rural areas. It is hard to ask a population under 5,000 to deliver a Federal aid project due to the complexity of the funding, the NEPA.

Often in Georgia, we have had cities and communities say no, thank you after they were awarded a grant, or excuse me, through the competitive grant process that the State DOTs have to administer, because they realize how much more cost it takes to actually

administer the program. It is simply easier for them just to deliver the project themselves with no Federal dollars.

Those couple of programs, obviously NEVI was a new program, it has already been mentioned today, States have been moving forward with those programs. Obviously it is taking a while to stand up those programs.

From an AASHTO perspective, every State has different procurement rules and methodologies. In Georgia, we believe strongly that we should not put State dollars with the NEVI dollars. We are using a public-private partnership to use the Federal dollars and private sector dollars to deliver the NEVI program.

States have struggled—

Senator CAPITO. How many have you built under the NEVI program?

Mr. McMURRY. We have five under contract, but they are not built.

Senator CAPITO. Okay.

Mr. McMURRY. It is a very—the NEVI program was a very much surface transportation program to a technology solution. It is very different. No State DOT has built C-Stores or gas stations.

Senator CAPITO. Right.

Mr. McMURRY. How to do this on private property is taking a long time to navigate.

We are fortunate because we have a public-private partnership, laws that allow us to advance. Other States were really boxed in, that they could not even deliver, because they didn't have a method that they could deliver on.

Senator CAPITO. That is a real problem, yes.

Mr. Johnson, quickly, the greatest benefit and greatest challenge.

Mr. JOHNSON. Chairman, I think obviously the greatest benefit is the amount of money coming out in the formula aid funding. It took a while to get started. It was delayed a little bit from authorization to appropriation in 2021 and 2022.

Since then, we have seen a lot of money coming into the States that we work in. We have good backlog, we have hired more people, and all of that is good.

Something else that has been very good about IIJA was the exemptions for the construction materials. It is hard to imagine but 20 to 30 percent of aggregate oil, asphalt binder, cement binder for concrete comes in from outside the U.S. Not because we want it to. We have to. We have roughly 60 asphalt plants, most of them in the west. Ten or fifteen in Mississippi and Tennessee, and a lot of those asphalt plants use binder from Canada. Some even use binder from South Korea.

If we were to shut that off, or put tariffs on it, it would cause inflation or it would cause problems with getting jobs done on time.

Some of the things that I think the next bill should look at, that it did not, is using recycled materials in the paving. The technology is there to use up to 40 percent reclaimed asphalt pavement in new asphalt. That has the benefit of lowering the cost, reducing truck trips, increasing safety on the roads because you are reducing truck trips, less air emissions, and you are using material that is U.S. material, so you are not having to import from outside the Country.

Senator CAPITO. I am going to stop you there, because I want to give Mr. Carroll a chance to answer quickly, plus and minus.

Mr. CARROLL. Well, there is a lot of agreement, I think. I would focus on the safety investments as one of the biggest pluses for us. I will make another plug for discretionary programs and direct funding for cities and other local governments. I think we hear directly when there are issues, and are often in a position to react.

More in alignment with what constituents are talking about, I feel like there is certainly a lot of work we need to do to focus on product delivery, and I think you have heard that in the other comments as well. Anything we can do to improve that, to streamline that, I am certainly going to be in favor for.

Senator CAPITO. Thank you.

Senator Whitehouse?

Senator WHITEHOUSE. Thanks, Chairman.

The Chairman did a very good thing by keeping our record open from our permitting reform hearing for 30 days. We are still in that 30-day period. I would invite each of you to contribute to that record what you see by way of permitting reforms that could help move things forward without compromising the purposes of the permitting requirements.

In particular, in the grant making process, there are what you consider to be excessive or duplicative or unreasonable conditions that attach to various grant making processes. I invite you to do that.

Mr. Carroll, climate change causes very significant effects for coastal infrastructure. We are seeing it all the time in Rhode Island. We already have nearly a foot of sea level rise. We have roads near the coast that flood constantly. We are also seeing riparian flooding from rain bursts that is dramatically changing the way that communities have to respond in their infrastructure planning.

What are the dangers where engineers, planners, designers, and construction firms are forbidden to discuss and predict climate effects?

Mr. CARROLL. Well, we need to plan so that we can build things effectively. I would say anything that feels like a restriction in pursuing the work of understanding the impacts on our infrastructure and our communities is going to be a danger not just to good infrastructure, but to the people who live and work in communities themselves.

Senator WHITEHOUSE. Yes. You mentioned high injury corridors. What would you like to see in a new surface transportation bill to provide additional resources for addressing the safety concerns in high injury corridors?

Mr. CARROLL. Well, I think more is always going to be the first thing I answer with. We talked a little bit about reform that would help.

If we are making improvements which are focused on pedestrian movements, in particular, I think it should be pretty straightforward to get environmental clearance. Sometimes it is not as straightforward as it should be. A lot of work could go into making a straight path for a categorical exclusion, something that is more like a checklist, which takes maybe months to process instead of a process that can drag on for years.

Senator WHITEHOUSE. Do you see data gaps in identifying high injury corridors?

Mr. CARROLL. Data gaps, you said?

Senator WHITEHOUSE. Yes.

Mr. CARROLL. Yes, I do. I think we have done a decent job; we have been focused on this for a while.

Senator WHITEHOUSE. We, meaning your Philadelphia area?

Mr. CARROLL. I am sorry, I meant the city of Philadelphia has. This is a subject I will go so far as to say many of the cities that are part of NACTO have been focused on for a while as well.

There is a big differential, if you look at any metropolitan region, between smaller communities. I am sure, rural communities have issues getting the data together to make the case for what they should get. If there is some work that happened at the Federal level or a way to promote work at the State level to make that data more available, that is going to go a long way.

Senator WHITEHOUSE. Thanks.

Mr. McMurry, I mentioned in my opening remarks that we have PROTECT grant funding that is not coming through at this point. I understand that Georgia has about \$240 million in PROTECT grant funding. What is the status of that as far as you know today?

Mr. MCMURRY. Out of the total discretionary money that may be coming to Georgia, I am not sure I can answer off the top of my head of how much is being utilized. I can tell you, though, in the formula PROTECT it has been a slow start to get projects through the pipeline.

As you understand, the new projects——

Senator WHITEHOUSE. Would you take that as a question for the record? I am just interested in the status today of the Georgia PROTECT grant funding and whether it is cleared to go, whether you still need grant agreements signed, what its status is, its process status is on the way toward being able to embark on those projects. If you would do that for the record, I would appreciate it.

Mr. MCMURRY. Will do.

Senator WHITEHOUSE. The reason I ask that question, Madam Chair, is because what I believe I am seeing in the wake of the court order that has instructed the Trump administration to end frozen funds in certain areas and to come into compliance with the court's decision about illegal freezes is what I call the fog bank technique, where the official will not say no, we are not going to do that, I will make myself a target for violation of the court order, instead they retreat into the fog bank and you either get e-mails not answered, phones not answered, vague responses, we do not know, we are still looking into it, stand by. Even assurances that it is fine, but then the money never comes, or the grant agreement never gets filed.

I think that is actually strategy at this point from the Trump administration. I think we are going to have to press our way through that because slow-mo contempt of court orders is still contempt of court orders. I really think we need to get to the bottom of this.

As you and I have both said, Chairman, there is really important bipartisan work to do in this committee. It just is not going to work when we have an administration that will not faithfully execute

the laws, despite the oath that was sworn to faithfully execute the laws.

Senator CAPITO. Thank you. Agreed, and that is part of the oversight that we are doing in this committee.

Senator HUSTED?

Senator HUSTED. Thank you, Chairman Capito. I appreciate the witnesses spending some time with us today.

I come recently from State government, where we oversaw the department of transportation and had a lot of variety of transportation projects we were trying to get approved, and would constantly fog over when they would talk with me about the Federal review process and permitting process and environmental review, and how long it was going to take to do this project that was of urgent nature.

We sit here today, trying to figure out how we all get better at this. I will start with you, Mr. McMurry. How do we get better? How do we shorten that time period for review, when we find situations where literally the permitting process takes longer than the construction of these projects? How do we get better?

Mr. MCMURRY. Thank you for that. One, States that have taken on NEPA delegation or assignment, as it is called, have seen marked improvements in their time to permit. Georgia has not done that, but we have tried to do some other things.

In my testimony, I mentioned, we call it an office of environmental quality, of where the State DOT pays for Federal resource agency positions at the Corps of Engineers, National Marine Fisheries, U.S. Fish and Wildlife, to name a few. We have co-located them in one office that we fund, so that they can work as a team to work on our environmental reviews and permitting.

We have seen great gains there. In my testimony, I mentioned up to 80 percent time improvement on some of those permitting reviews. Not on all, but on some.

I call it really an alignment, because most of the Federal resource agencies outside of USDOT or Federal Highway or FTA, their primary mission is not to advance infrastructure projects. We really have to have an alignment. That is what we have been able to do in Georgia to pull all these resource agencies, including State resource agencies, together under one roof and work as a team.

Now, that sounds very commonsensical. Why wouldn't everybody work together to try to advance transportation infrastructure projects? Again, it was very hard. We had to work with each Federal agency to get buy-in and consensus that they would release a person not to work under their roof, but work in a different location to move projects forward.

That is one thing I think that is perfectly allowable under the law. It can happen today. It should be really standard across the Nation that there should be an alignment in Federal resource regulatory agencies working together to deliver.

Senator HUSTED. I want to get to Mr. Johnson. Do you have a thought on that?

Mr. JOHNSON. Yes, Senator. I understand there are seven or eight States that have worked out authority with the U.S. Government on handling NEPA, on transportation projects, California being one. We have a lot of work in California, Texas being an-

other. I understand that Texas has reported that since they have done that, they have reduced the time to get through the NEPA process from 36 months to 16 months on average.

Senator HUSTED. Great. That begs the question, why isn't every State doing this? I am not sure what the answer is, but I think that should be encouraged.

Just a thought here, we have often talked in recent weeks in this committee about time is money. Time is also cost, it is inflation, effects. The timeline of projects drives up the cost. Time is also lives. On a lot of projects, if you delay, where there are severe traffic issues, it leads to more accidents and takes a toll on human life.

I am getting to Philadelphia and Pennsylvania, I know that the I-95 bridge collapse occurred, and in literally 12 days you were able to fix it. It is possible to do these things, when we have relief from regulations. I am just curious if anyone has a thought on this. When we have traffic projects that are literally holding up lives, instead of an emergency declaration, or an emergency waiver, could we have an urgency waiver? A thought to really give States the ability to short-circuit some of these delays and go immediately into construction when there is a need to save lives, we know there is an issue.

Mr. Carroll, do you have any thoughts on that?

Mr. CARROLL. Yes, I would support something like that. It has to be done carefully, and I think we should definitely learn from States that have figured out how to do it, even if they do not have the delegation for NEPA authority.

If we can all agree there is a process that works, we should just certify that process and do it. We should get it done. That speaks to even what I mentioned before, there are certain types of projects which we can be pretty comfortable are not going to create large environmental impacts. They are small in scale, they have a big impact at the intersection or the road segment that they take place, but they are not going to create a situation where there is a cascade of environmental impacts that justify a lot of delays.

I certainly support something like that.

Senator HUSTED. Great. Thank you.

Senator WHITEHOUSE. Senator Merkley?

Senator MERKLEY. Thank you very much, Madam Chairman, and thank you all for bringing your expertise to the discussion here in the Senate.

I am going to start, Mr. Carroll, with you. We have a long list of the major infrastructure projects in Oregon that have benefited from our infrastructure bill. A lot of them, as I went through the list, the grant agreements were signed but money had not been obligated or the grant agreements are still under negotiation.

It is just a tremendous amount of concern that this current administration's funding freeze is going to slow everything down. Every time thing slow down, the costs go up. That is so frustrating, because if the costs go up and now you have an additional gap, how are you going to fill that in?

Also the uncertainty about really starting into a project where the entire vision is now on shaky ground, given the uncertainty. From your point of view, has this funding pause created uncertainty or delays that will potentially increase the cost of projects?

Mr. CARROLL. Yes. I am very worried about that. I have taken note of Senator Whitehouse's comments.

We have had a lot of experience in the last few weeks trying to get our calls answered, trying to get our e-mails answered. Everyone, I think, is doing the best they can to make sure that we understand what is going on.

We just spoke about some of the risks of uncertainty just coming from the normal permitting process. If we are determined to fix that, I think it does not make a lot of sense to add to risk and uncertainty by creating situations where we are not really even clear what the rules are anymore.

Senator MERKLEY. Why does the administration think it is in the Nation's interest to increase the cost of our transportation projects?

Mr. CARROLL. I can not speak for that. I would like for these types of decisions to be based on some case that we can all sort of process and understand.

Senator MERKLEY. A different piece of this puzzle is the permitting process. You just mentioned it. Often, environmental permits have to be processed. We are seeing a huge slashing of the staff at the Environmental Protection Agency which will have a fairly significant impact on the ability to process those permits. Then at the Department of Transportation, there is a lot of planning personnel who have been retired or laid off.

Are not these personnel cuts going to also increase delays for our transportation infrastructure?

Mr. CARROLL. I am worried that they will.

Senator MERKLEY. We have two factors, delays in the grants, delays in the contracts, delays in the environmental permitting, delays in the transportation team. All of this amounts to a tremendous mess. In what possible way does this make America better?

Mr. CARROLL. Again, I am not familiar with what the case is for these decisions, so I can not really speak to that.

Senator MERKLEY. All right. Well, I can say that I can not find anybody in Oregon who feels like there is a single thing that is better about this. We have a bridge on the interstate that has been a drawbridge, actually it is a pivot bridge. We have the last remaining bridge on a major north-south corridor that goes for our transportation up and down the west coast. Finally, we are going to get it fixed, or are we?

We have lots of concerns about preparing critical infrastructure for the big earthquake that will come someday, and we have a 100-year-old other bridge up the Columbia Gorge. It is like, oh, we are finally really making strides in addressing some of these things, and it all just seems to be being messed up right now.

I am really struck that this was an area of bipartisan cooperation. Somehow, we now have to have bipartisan cooperation to say to the administration, you are making things a lot worse.

Mr. CARROLL. I would just say, Americans want results. They want results. The more we emphasize delivering results, the better we are going to be in their good stead.

Senator MERKLEY. Okay. I think this is something we are going to continue to have a lot of concern about. I appreciate, Madam Chairman, your holding this hearing, because Americans want us to get the job done. There was a lot of challenge, certainly, and a



big influx of spending for infrastructure, the biggest infrastructure effort since building the interState highway system.

If we now screw this up, when we are halfway into it, it is really damaging to the United States and a massive waste of resources. It just irritates the hell out of me to hear Elon Musk and President Trump talking about efficiency while they are doing everything they can think of to drive up costs. This Trump-flation is absolutely shocking and unacceptable.

Thank you, Madam Chairman.

Senator CAPITO. Thank you.

Senator Ricketts?

Senator RICKETTS. Good morning. Thank you, Chairman Capito, for holding this hearing, and Ranking Member Whitehouse. I appreciate it. Thank you to the witnesses for traveling here to share your experiences with regard to our transportation infrastructure.

This hearing is timely, as the new U.S. Transportation Secretary Sean Duffy settles into his new role, recently confirmed by Congress, and as Congress prepares to reauthorize the Federal Highway Administration coming up this year.

Transportation infrastructure, we have all said it, is incredibly important in my home State of Nebraska, just like it is from where you all come from. It is important for our competitiveness, for our industrial opportunity, and for really just our quality of life. It is something that we want to make sure we are doing the best job possible.

As we are looking to reauthorize the highway authorization, States need to be playing a more active role in the programming. I am biased, because I was a former Governor, and I believe that we ought to allow States, and Mr. Carroll, you even mentioned this, that people locally are going to be able to have a better connection with what it needed locally.

That is why I think one of the things we need to be doing is going through, the Department of Transportation should be doing something where we have empowering States through the formula funding to be able to let them make the decisions and not cherry-pick green projects that are discretionary grants.

I will just give you an example, with the ones that we were talking about, or we have mentioned a little bit earlier, with regard to electric vehicles. There has been grants for electric vehicle charging stations and so forth. In Nebraska, electric vehicles do not work so well. Electric vehicles on the east coast, high urban areas, they work pretty good.

In big rural States where last week the temperature in my State was in the teens and the single digits, you lose about 40 percent of your charge on a batter. I have communities like Bloomfield and Alliance, Valentine, they are 45 minutes from the nearest charging station. It is not very practical to be pushing that solution.

We ought to allow American innovation and consumers to decide how we address these issues of reducing impact on the environment. In the meantime, and Mr. Johnson, you mentioned this, EVs are heavier so they degrade our roads faster and then do not pass the gas tax. We do not have a way for them to contribute to the road system. That just doesn't make any sense.

Mr. McMurry, as the tenth largest transportation system in the Country, I would like to hear your thoughts on what the Department of Transportation can do with regard to formula-based funding efficiencies. At the Nebraska Department of Transportation, we try to stretch every dollar. I am sure you try to do the same thing to make sure our infrastructure projects get done. When you have unpredictable funding schemes, that obviously creates havoc with that.

In particular, would you talk about the flexibilities that would be important to States, and Chairman Capito mentioned this, on the August redistribution? Those funds come late. It makes it difficult for departments of transportation to plan. What can we do better with regard to that? Our department of transportation cites flexibilities in the PROTECT Act. I would like to hear what you think about how can we address this?

Mr. MCMURRY. Thank you, Senator. As far as flexibility, AASHTO would encourage more flexibility among our programs. There are some programs, especially core programs, that have flexibilities, you can flex up to half from one program to another. That is only in what is called the NE areas, not necessarily sub-allocation by population.

The other flexibility I think we would suggest in reauthorization is looking at the PROTECT program, the NEVI program, carbon reduction, and put those under one umbrella to give States more flexibility. Where NEVI may not work as well for your State but it might work better for another State, to give States, again, sort of that, again, home rule decisionmaking, to have portability and flexibility across programs.

The other important part about flexibility of programs is actually in the delivery of projects. If there is an impediment for delivering in one Federal program bucket, you do not want to forfeit that money or let that money lapse. It would be better if you could flex it and deliver another project while still meeting the legislative intent of programs over the life of a bill.

If we could look at sort of the top line of funding by Federal program over the life of the transportation bill, make sure that States are spending the money in those categories over the life of the bill, but give us portability year to year to deliver, so we can deliver the right project at the right time.

As it relates to the August redistribution, a very complicated process, and we thank you for the WRDA bill that started to address this large number that has arisen because of not using the allocated funding, predominantly from discretionary programs. It is a very hard thing for States to do to pull down this high level August redistribution. You have to have enough carryover balanced from prior years to pull it down.

We have to solve this. We appreciate Section 120 and the Transportation HUD in Fiscal Year 2025 appropriations that could be a big solution to this to give those allocated programs basically 4 years to obligate the money, instead of having this huge rollover balance. It makes poor planning. We have to deploy those dollars within 5 days, which means you have to have projects ready to go very quickly to use those dollars.

Senator RICKETTS. Chair, may I just real quickly, with Mr. Johnson, you mentioned NEPA and other States doing, Nebraska is one of those States that has started this process. One of the things our department of transportation says is that waiving sovereign immunity to implement NEPA compliance at the State level is a very heavy lift.

Just quickly, in your opinion, what amendments to Federal laws are required to quickly construct infrastructure while maintaining high environmental standards, specifically around taking on the NEPA requirement?

Mr. JOHNSON. Senator, I am sorry, I am not sure I understand the question.

Senator RICKETTS. What kind of reforms, if a State wants to take over NEPA, one of the things we have encountered is you have to waive sovereign immunity. That is a roadblock for us in Nebraska, it is a heavy lift. Are there other things you think that are roadblocks or things we can do in Federal law that would help States be able to take over the NEPA responsibilities?

Mr. JOHNSON. I am sorry, that is outside my jurisdiction on what laws have to be. I just know it works in California. It works in Texas. I would hope that other States would do the same thing.

Talking about getting the formulaic funding out, I agree, more flexibility in moving it from bucket to bucket is key. Something else I think the Federal Government should look at in the next bill is interState highway systems are very, very important for moving freight. Freight gets bottled up in areas. There are areas where we need to increase capacity and not just maintain roads.

Thirty years ago, 50 percent of the formulaic funding went to new capacity. Now only 20 percent does. The American Trucking Association has predicted that truck freight is going to increase 30 percent in the next 25 years. That means we need more capacity on the U.S. highways and the Federal highways to move freight by truck from the ports, into the ports and out of the ports.

Senator RICKETTS. Thank you, Chairman, for indulging me there.

Senator CAPITO. Senator Padilla?

Senator PADILLA. Thank you, Madam Chair. I appreciate your convening this hearing today.

I am happy to report, colleagues, that the Bipartisan Infrastructure Law has delivered more than \$54 billion in truly transformative projects in California alone. The funding has helped us rebuild roads, expand public transit and make our transportation safer, all while creating 180,000 good-paying jobs. Again, that is just in California alone.

We are not done. We fully expect that additional funding and more jobs are on the way as investments continue to come, unless Elon Musk and his DOGE cohorts block our progress. As they slash support staff, engineers and critical safety personnel, there is real concern and it already impacts folks that I am hearing from in my State.

I will just share one example. I will not name the city because they are fearful of retribution, but it is a Bay Area city that was literally on the verge of finalizing a long-sought grant agreement for a critical infrastructure project, one they spent years working, trying to secure.

A couple of Fridays ago they were working closely with their contact at the Department of Transportation. By the following Monday, that DOT staff member was gone and the Department has been completely unresponsive since. They are wondering back home what is next? Are we ever going to see this money? When? The more we wait, as we all know, time is money.

Another program I am especially proud of, the Clean School Bus program, is also in jeopardy. As the Chairwoman knows, this initiative not only benefits school districts across the Country but also fuels domestic manufacturing, including a major facility in West Virginia. The chaos is having real consequences for cities, for school districts, and for manufacturers alike.

Now, on top of the challenges I just went through, last month the Department of Transportation published an order that prioritizes funding for communities with high marriage and birth rates. Senator Whitehouse touched on this earlier. It demands cooperation with Federal immigration enforcement. That is new for DOT.

It also calls on DOT staff to unilaterally amend existing grant agreements that have already been negotiated and signed, entered into, what we consider legally binding, right? That has been our practice when it comes to infrastructure funding.

My first question is this, for Mr. Carroll. What infrastructure projects or programs would be affected if your city and State were to suddenly lose Federal transportation funds that have been committed, even if the loss is temporary? What is the impact?

Mr. CARROLL. As far as I can tell, it is the whole spectrum that could be impacted. We focus quite a bit on improvements to safety and State of good repair. We are an old city, we have a lot of old infrastructure, and I think we have all talked about that so far today, that we can not wait, these things are not going to fix themselves. They need to be fixed and they need to be planned for so that those repairs take place.

A lot of work has gone into getting where we are right now. We need to maintain progress. What is worrisome is that when we have to bring in the services of folks who look at these agreements and give the sign-offs from our own law department from the Commonwealth of Pennsylvania's attorneys and then again from attorneys at the Federal level, that could take years. Sometimes it does take many months to get anything that even looks like a hint of where we are going.

When you get to the finish line and you have communicated with constituents, you have communicated with contractors, you have communicated with people who are seeking employment, that there is something coming, and just wait, we are going to get going, we are going to see some real on the ground things you can touch and feel, and then it stops and there is no explanation for it, it is nerve-racking.

Senator PADILLA. It sounds like it has been disruptive.

Mr. CARROLL. Yes.

Senator PADILLA. Forget frustrating, it is becoming costly for taxpayers, right?

Another program I wanted to touch on, the Infrastructure and Jobs Act created the Charging and Fueling Infrastructure Grant program, which has awarded \$1.8 billion to recipients in nearly

every State to support the increasingly popular zero emission vehicles. This funding was appropriated by Congress and mandated in statute.

Yet the Trump Administration has blatantly ignored the law, freezing funding for the program, again, leaving grant awardees in the dark.

Mr. Carroll, the city of Philadelphia has been awarded \$20 million for these particular grants, this category of grants. Will you talk about the importance of getting these grant agreements finalized and what the funding would mean for your city?

Mr. CARROLL. Yes, again, we have started training electricians. We badly need electricians, and this is something that really is the wind at the back of bringing new people into the industry. We expect that we would have thousands of jobs across the region involved in this work and installing infrastructure, maintaining the infrastructure, promoting small businesses in terms of convenience stores that are going to be great locations.

It supports developing commercial corridors. It is aligned with PennDOT's policy. They had a very good reception to their NEVI plan.

All of that work is something we want to see keep moving.

Senator PADILLA. Thank you very much.

Thank you, Madam Chair.

Senator CAPITO. Thank you.

Senator Blunt Rochester?

Senator Blunt Rochester. Thank you, Chairwoman Capito and Ranking Member Whitehouse.

I am proud to have worked on the Bipartisan Infrastructure Law, something that we have talked about in our Country for a very long time. As you have heard from others, I too am deeply concerned about the Trump administration's freezing of Federal funding and mass firings, and the real life impact that will have on these critical projects for our communities and States and across the Country.

In my State of Delaware, I even did a bridge tour, literally while we were streaming live, I took folks from DelDOT. The engineers took me to different bridges, we looked under the bridges. One was 80 years old. Really just to show people what the real life impact is on their everyday life.

For me, we can not afford to go backward. Programs like Rebuilding American Infrastructure with Sustainability and Equity Grant program, also known as the RAISE program, or the Reconnecting Communities program, which I helped co-author, will help communities be safer, have more accessibility and ensure that we have a strong economy.

My first question is for you, Mr. McMurry. In January of this year, my State was awarded \$13 million in RAISE grant funding that will go toward modernizing a 58-year old bridge on State Route 9. It will make it safer. Then we were also awarded \$12 million to help save lives, to make our roads and our streets more safe for our cyclists and pedestrians.

Following up on Senator Merkley's question, with your experience as commissioner of the Georgia Department of Transportation, what are the effects of the uncertainty, this uncertainty that we

are seeing with funding freezes and firings of Federal employees as we are trying to accomplish these projects?

Mr. McMURRY. Thank you, and you have a great DOT at DelDOT, by the way.

Senator Blunt Rochester. We sure do.

Mr. McMURRY. Listen, AASHTO totally supports that we need to move forward where everything, if there is a grant agreement in place, AASHTO believes that is a contract. Same in Georgia, if we have a grant agreement in place, we are counting on moving forward.

I hate to use this analogy, but I believe we can fly that airplane while we are still building it and working on it or tweaking it. Let's keep things moving. It is just that important to our Nation's economy not to pause.

I use this example as, we as DOTs have been playing by the rules. The rules may need changing, but let's keep playing the game. Another bad analogy. We need to move those forward.

I have a rural bridge that we received a grant for, a rural grant to grade separate over a railroad. The train blocks the town. We are over a year from the grant award and we still do not have a grant executed, while we are designing and buying the property. That is important, because we are counting on that grant to get this community so they are not cutoff when the train blocks the town.

Senator Blunt Rochester. Yes, one of the bridges I was on connects to the Dover Air Force Base. These are really vital.

Can you talk also about the impact on employment of these funding freezes? How does that affect employment?

Mr. McMURRY. I personally can not speak or on behalf of AASHTO speak of what that may or may not mean. I have not seen that play out just yet. It is a little early for us to tell in Georgia what that impact may or may not be.

Senator Blunt Rochester. I can tell you as former secretary of labor, it means that you stop putting shovels on the ground, it means people are not working. That also is a connection to our economy.

I am going to shift to you, Mr. Carroll. The Reconnecting Communities grant program through DOT focuses on righting communities harmed by past transportation decisions, and also about eliminating barriers to ability and economic development. Some of these policies started in the 1950's.

I had the opportunity to ride with Representative Dwight Evans on Amtrak from Delaware to Philadelphia to meet with residents and community members who have been trying to tackle this. Can you talk about, from your experience, some of the benefits of these projects on communities, and what impacts the freezes would have, real terms, real-life terms.

Mr. CARROLL. In my testimony, I talked about our Chinatown Stitch project, which is right in the middle of our center city. That project, I think, it is going to repair a community that was literally split in half by the Vine Street Expressway. From a regional transportation perspective, that expressway is essential to making the city work, making the nine counties, both in New Jersey and Penn-

sylvania, accessible to each other. It is definitely something that needed to happen.

The way it happened really created a lot of harm in that community. We have a chance not just to fix that because want to be good, but because we can really start to generate a lot of energy, a lot of economic activity. We see people really getting interested in investing in that community.

This is a chance to get the benefit that we are here to do to make America strong, to make our communities strong, to get people to work and make things that stand up to the test of time.

Senator Blunt Rochester. Thank you so much.

I yield back.

Senator CAPITO. Senator Kelly?

Senator KELLY. Thank you, Madam Chair. Thank you, all of you, for being here today for this very important hearing. I am glad we are getting to discuss how to best implement the Bipartisan Infrastructure Law.

Before that, though, I want to ask a rather simple question, just to make me feel better. Mr. Carroll, did Russia invade Ukraine?

Mr. CARROLL. Yes, Russia invaded Ukraine.

Senator KELLY. Thank you. I appreciate that. I did not get that answer yesterday in a hearing in another committee. I just want to make sure this is not contagious.

One of the flagship programs we created in the law was the Bridge Improvement program. It did some really rather simple, non-controversial things, which is funding the repairs to failing bridges. Mr. McMurry, I am going to ask you the same question here.

That program was created following all of the best practices that our witnesses here mentioned, that you guys mentioned in your testimony. The majority of the funding is allocated to the States through a formula program to focus on pressing needs.

Then for the projects that fall through the cracks, there is a discretionary grant program that is available. The program was successful. In December, the Department of Transportation announced that more than 11,400 bridges are being repaired, thanks to that program. When bridges are not repaired, they can fail, and people can die.

One of these projects is in northern Arizona on Interstate 40. It repairs four bridges that were built back in 1963 that do not meet current safety standards. These bridges provide access to the capital of the Navajo nation. They also form the backbone of the trade corridor that leads to the ports of Los Angeles and Long Beach.

Yet, for the last 36 days now this project has been halted due to the Trump administration's funding freeze. This is exactly the type of project which those of us who negotiated the Bipartisan Infrastructure Law had in mind. Yet, by needlessly politicizing basic investments in infrastructure, communities in Arizona and across the Country are facing needless uncertainty.

Mr. Carroll, first for you, I imagine your department has received a number of competitive grants over the years.

Mr. CARROLL. Yes.

Senator KELLY. Can you speak to how halting the disbursement of awarded funds disrupts a local recipient's ability to plan and execute projects?

Mr. CARROLL. I think it is clear that we need to engage with the contracting community as quickly as we can to make sure that we get these projects under construction to make sure that we meet the construction deadlines, which are statutory.

Senator KELLY. How can you meet the deadlines without the funding?

Mr. CARROLL. This is the problem. We need to at least get clarity so that we can plan. Many of our projects are funded through Federal funds, they are not all. We want to prioritize the ones that have these deadlines, so that may mean that engineers and contractors are going to need to rearrange what they are doing.

Even to get phone calls answered, even if the answer is you have to wait to know how long you have to wait or what you have to do in order to get the work going, that is some certainty. We would take that. We are not getting that kind of information.

It is nerve-wracking.

Senator KELLY. Mr. McMurry, can you weigh in as well? How does this affect long-term planning? Do you become hesitant to apply for future discretionary grants because of the actions of the administration?

Mr. MCMURRY. First, I go back to the grant agreements, and thank you for this leadership from this committee on the Bridge Investment program for both large and small. These kinds of programs are very necessary for big, large bridges often crossing State lines to have the ability for States to compete to be able to pull down dollars where it would be such a budget impact on one State or the other to try to do a bi-State crossing.

Going back again, AASHTO supports and Georgia supports any grant agreement that has been executed, we feel that it needs to move forward now. The Bridge Investment program is a great example of foundational investment for infrastructure.

Senator KELLY. Do you have any of these projects that you know of that have been cutoff?

Mr. MCMURRY. I do not. South Carolina and Georgia jointly have a bridge investment grant for planning, again, for crossing State line on Interstate 95. We are in the planning stages of that, so we have not got to the construction phase.

Senator KELLY. Thank you. Thank you, Madam Chair.

Senator CAPITO. Thank you.

Senator Markey, are you ready?

Senator MARKEY. Ready to go, thank you, Madam Chair.

Senator WHITEHOUSE. When has he not been ready to go?

[Laughter.]

Senator CAPITO. He is jumping in that seat.

Senator MARKEY. Thank you.

The Bipartisan Infrastructure Law unlocked the historic funding to rebuild America's infrastructure. In Massachusetts we are using the funds to replace the aging Cape Cod bridges. We are expanding passenger rail, and we are modernizing our transit systems like the MBTA.



By providing five years of funds, the Bipartisan Infrastructure Law gave State and localities a feeling of certainty, that the Federal resources needed to deliver critical infrastructure investments would come through. Unfortunately, the Trump administration smashed that surety, and sold out our cities and towns.

When Trump's Department of Transportation announced it was freezing unobligated funds with the intent to cutoff funds for projects related to climate or working on behalf of disadvantaged communities, it unleashed uncertainty on our communities.

Communities in my State are telling me that grant applications for typically dependable formula funds have slowed to a crawl. They tell me they can not find contractors for basic work like repairing a transit facility's roof, because the contractors fear that they will not be paid. That makes a lot of sense, uncertainty.

They tell me they are worried about receiving funds for critical road safety projects because the project will help disadvantaged communities that Trump wants to leave behind.

Mr. Carroll, we have heard that uncertainty can raise costs and cause delays. Do you agree the Trump administration's decisions to increase costs and delay is immediately jeopardizing projects that make transportation systems safer and more effective for communities all across Massachusetts and the Country?

Mr. CARROLL. As I have said, I have a lot of concern that those risks are out there. It will raise costs for our projects.

Senator MARKEY. I thank you for that. I agree. Unfortunately, where Congress and the Biden administration provided funding, the Trump administration can offer only uncertainty.

Mr. Carroll, under the Trump administration the Department of Transportation has slowed and even stopped the flow of funds to supposedly root out and rescind any project that addresses the climate crisis or helps communities that have been left behind by Federal investments. Let's unpack what a "climate project" or a "equity project" actually looks like.

Mr. Carroll, please answer yes or no. Would a project to repair a bridge providing better connectivity between communities provide equity benefits?

Mr. CARROLL. I believe it would, yes.

Senator MARKEY. Could a project to improve signaling for subways, enhancing their on-time performance, and making the transit system more reliable for their residents simultaneously provide climate benefits?

Mr. CARROLL. I believe it would, yes.

Senator MARKEY. Could a project that makes a busy roadway safer for pedestrians provide equity benefits?

Mr. CARROLL. Yes.

Senator MARKEY. Well, thank you. It is clear to me that these projects are not only reasonable but are also much needed in Red and Blue States alike. DOT's decision to undermine these projects is not only unnecessary and unlawful, it is also going to be very, very unpopular, especially if they tie it to DEI as the rationale for stopping or slowing vital transportation projects that benefit the entire community.

The Bipartisan Infrastructure Law provided historic funding for passenger rail. In Massachusetts, we are receiving critical funds to

finally fulfill our dream of regular passenger rail between western and eastern parts of the State.

Mr. McMurry, Georgia has also received several Federal grants to expand passenger rail in your State. Mr. McMurry, do you agree that we must continue to provide robust funding to expand passenger rail?

Mr. MCMURRY. Thank you, Senator. Yes, AASHTO's position is that under reauthorization, we need to continue the same levels at what was previously authorized.

Senator MARKEY. Thank you. That is why last Congress, I introduced the All Aboard Act, which would revolutionize America's rail system. The bill would double down on the Bipartisan Infrastructure Law's historic funding for passenger rail and ensure that the States, which have undertaken ambitious rail projects, like Georgia and Massachusetts, have the funds that they need in order to deliver these projects right on time.

I look forward to working with all of my colleagues to ensure that projects in Red and Blue States, north, south, east and west, get the funding which they were promised.

Thank you, Madam Chair.

Senator CAPITO. Thank you.

Senator Alsobrooks?

Senator ALSOBROOKS. Thank you so much, Madam Chair.

The EPW committee has a long tradition of negotiating and passing bipartisan infrastructure legislation, which is one of the reasons that I was so interested in joining this committee. I am looking forward to working with all of my colleagues on both sides of the aisle as the ranking member of the Transportation and Infrastructure Subcommittee to honor this bipartisan tradition and pass legislation that works for each of our States.

Unfortunately, as some of my colleagues have already mentioned, this administration is making this very difficult. It is hard to have a conversation about developing the next Bipartisan Infrastructure Law when we discover that the current law, that it is refusing to implement the current existing law.

Due to this administration's funding pause, Maryland's Department of Transportation has around \$330 million in Federal funding that is currently on hold. These are grants that have already been awarded and dollars that Congress has appropriated.

With all that in mind, I have just a few questions for our witnesses. I want to thank each of you for being here this morning.

Last week, the Department of Transportation changed the statewide transportation improvement program, STIP, in a project amendment approval process. The department is now requiring projects that were previously approved by the Federal Highway Administration division offices in each State to instead be approved by the general counsel in the Secretary's office.

We have heard a lot in this committee about this need to cut red tape and streamline processes to expedite project delivery and lower costs. With that, I would ask Mr. McMurry and Mr. Carroll, do you believe that sending STIP approvals to the office of the Secretary will lower your project costs and help deliver projects faster?

Mr. MCMURRY. Thank you, Senator. We certainly, from AASHTO, and from a Georgia point of view, we certainly want to

see STIP modifications and amendments to move forward very quickly. I think that is important, again, is that these are a process, this is a Federal process that is longstanding that we have all worked through to properly plan, working with NPOs, like with Philadelphia, city of Atlanta, all of our 15 other NPOs we have around the State.

This was a process for TIP amendments, for STIP amendments, and we think it should move forward as it traditionally has.

Mr. CARROLL. I concur further with Mr. McMurry.

Senator ALSOBROOKS. Thank you.

If this new process creates a bottleneck and slows projects down, how will these delays affect project outcomes?

Mr. MCMURRY. In Georgia, we actually have a TIP amendment for the Atlanta NPO that is moving forward now. We are going to see how, if there is a true slowdown in delivery of that approval process. Then if it is slowed, then there could be projects that we are not able to advance because Federal Highway does not have the approval that we can push the button in the system to get the contract authorization necessary for us to bid a job.

In Georgia, I have to have the contract fully encumbered with all the money when I bid a project. I am not going to bid a project until I know that the money is in place and it has been authorized.

Senator ALSOBROOKS. Again, in your experience, however, you acknowledge that this new process is one that could add delays? You prefer the traditional process?

Mr. MCMURRY. We are going to see how this goes. Yes, it could, and we are optimistic that it will not.

Senator ALSOBROOKS. Okay. The reality is this administration is not actually concerned about efficiencies. The Department of Transportation is adding an unnecessary layer of review for STIP amendments at the same time it is slashing our Federal work force, the very civil servants who could help get projects on the ground in our States faster.

Mr. McMurry, in your experience, is it normal for the Federal Highway Administration to abruptly halt a bridge project in the middle of construction just because there was a change in administration?

Mr. MCMURRY. It has not been my experience that that has happened.

Senator ALSOBROOKS. What about a resurfacing project?

Mr. MCMURRY. The same.

Senator ALSOBROOKS. Or any project funded through the standard formula allocation, for that matter?

Mr. MCMURRY. That has not been my experience.

Senator ALSOBROOKS. Between planning and construction, what we know is that these are transportation multi-year projects. If we start subjecting State transportation projects to political whims every time there is a change in administration, do you believe that projects will be completed on time without interruption?

Mr. MCMURRY. I believe that will cause a challenge.

Senator ALSOBROOKS. Last, I know I am running out of time here, about funding uncertainty. The administration issued its funding freeze memo, States were locked out of their payment portals without any indication about when they might receive it. Mr.

McMurry, what does funding uncertainty mean for a State department of transportation?

Mr. MCMURRY. We count on the Federal funding reimbursement on a weekly basis to move our funds forward, so that we can pay the contracts and the vendors for the work they do.

Senator ALSOBROOKS. Thank you.

Senator CAPITO. We are waiting to see if Senator Sullivan, I will give him a couple of minutes to come. While we are waiting, I am going to make a quick comment about the NEVI program because the Senator from California brought up that \$1.8 billion had been released for that program. I want to point out that \$1.8 billion has resulted in 58 chargers being built in three and a half years and in 15 States. Mr. McMurry said that he has five on the drawing board.

Mr. Carroll, do you have any input on this?

Mr. CARROLL. PennDOT administers the NEVI program. We have been working on the charging fuel infrastructure program. We have not constructed any but we are planning to build about 200 city-wide.

Senator CAPITO. Right, so I mean, if we are looking for efficiencies and moving things quicker, I am not sure that program is a good example of the best way the Federal Government—personally, I thought it should all have been left to the private sector just like gas stations were built back in the day. Obviously lost on that one.

Quick question for you, Mr. Johnson. Just curious, we have had a lot of snow and ice, and Mr. McMurry, I am sure, well, all three of you, really, have to deal with the unpredictability when the weather gets cold like this. It really wreaks havoc on the paving, highways, and if there is nothing that gets somebody steamed up more than anything, it is popping a tire in a pothole. It happens frequently in the winter for us in West Virginia.

Are you finding this year is any more exceptional? Mr. Carroll, I will go to you. You have had a lot of cold weather there.

Mr. CARROLL. It has been on the high end. What is sometimes worse is the freeze-thaw back and forth. Because it was colder longer, for longer periods of time, it didn't get as high as I have seen it, but it was pretty high.

Senator CAPITO. Does your municipality handle that?

Mr. CARROLL. We do.

Senator CAPITO. What about you, Mr. McMurry? Are you seeing anything? I know it was even colder down in Georgia.

Mr. MCMURRY. Yes. We actually had a big event that had snow from metro Atlanta all the way to the coast and down to Florida just a few weeks ago. That was a very big event for us.

You are right, nobody wants to hit a pothole that results from cold weather. We do our best to get back out there and repair roadways as soon as the weather clears.

Senator CAPITO. Mr. Johnson, do you have any?

Mr. JOHNSON. We do a significant amount of work in the State of California, in Washington. The rains that we have had, torrential rains in California have caused a lot of short-term and now long-term problems of washing our roads that are going to have to

be rebuilt. It is an issue. It varies geographically from State to State.

Senator CAPITO. No matter how long you plan or how much you plan for, there is always the unpredictability.

Mr. JOHNSON. Correct.

Senator CAPITO. We didn't ask about Buy America waivers. Mr. McMurry, do you have a comment how often you use those, how do they work? Are they working? How can we alleviate that in a new bill?

Mr. McMURRY. Let me just talk a little bit about Buy America. First and foremost, Georgia and AASHTO totally supports American manufacturing. Foundationally, we are all in violent agreement, I like to say, on that principle.

The issue that has happened through Buy America-Build America is trying through the construction materials, each State is having to certify the material that is Buy America compliant. Fifty States are having to do 50 different ways. That is where AASHTO stepped in and said, working with Federal Highway, let's make a repository of materials that if they are Buy America compliant in Georgia, it will be the same for West Virginia.

AASHTO has taken that lead. Now, my comment is that might have been a better Federal Highway initiative to say, if this is good for the Nation, synthesize it one time instead of 50 efforts. AASHTO has taken the lead in that.

We would hope going forward in reauthorization that that could be a national data base of Buy America compliant components.

As it relates to the waiver that was suspended under the previous administration, I am really worried about that. In my written testimony you will see that traditionally utilities that are part of our projects that we all get involved in for water, sewer, telecoms, all those components are usually bought by municipal associations in bulk, not to just do a Federal aid project which may be 1,000 feet or maybe even a half mile long.

They are buying miles of power lines, they are buying miles of ductal iron pipe, fittings. You heard the testimony about submersible pumps. Things like that, the components are really concerning, if we can not have waivers while we work out way to American-made manufacturing.

Senator CAPITO. Thank you.

Senator Whitehouse, you are good?

Senator WHITEHOUSE. As long as we are waiting for a minute, I would just comment a bit on the EV program. There is a problem here of the chicken and the egg, what comes first. Are people going to buy good, effective American-made electric vehicles if there is not a charging infrastructure for them? Are people going to build charging infrastructure if electric vehicles are not being bought?

To step into that freeze and drive infrastructure, which is what the charging stations are, the same way that you would build roads, same way you would build other things that the Government does, makes perfect sense at breaking that chicken-egg logjam of a new technology that is trying to emerge, to me at least.

I am all for building out the infrastructure, and I know that in Rhode Island, there was a very significant planning component of where this should go, and talking to lots of people. The fact that

there are not many actually constructed is a sign that that planning process has been very robust, and now we are ready to go, and we are eager to help build out that piece of infrastructure to support the many Rhode Islanders who have bought electric vehicles.

What we are seeing out of the Trump administration is something completely different. They are willing to actually spend an enormous amount of taxpayer money to rip out electric vehicle charging and basically throw away electric vehicle chargers that have already been built. It is really hard for me not to connect the dots between a fossil fuel industry that has put a minimum of \$100 million into Trump's election, that is what we know of. There is this huge dark money operation where we do not know who is behind it. The number is way beyond that, and I suspect it is fossil fuel money.

This position that the Trump administration has taken, they are trying to knock down of offshore wind. Guess what? Every electron produced by offshore wind displaces an electron produced by burning natural gas. Huge giveaway to the natural gas incumbents. Every diminution in the electric vehicle market, despite Americans wanting these and the market growing rapidly, not only domestically but globally where our companies need to compete, effectively supports the gasoline manufacturers who have a lock on transportation through internal combustion engines.

Over and over and over again you see fossil fuel money coming into the Trump administration and fossil fuel policies coming out of the Trump administration. I think that is something we just have to be attentive to, because it is really going to come back to bite us.

We are on the edge right now of a significant dislocation in our property insurance markets, because they can not predict what is coming because of climate consequences. We are seeing collapse of property insurance markets, prices quadrupling, non-renewals spiking, companies going bust, companies leaving States behind. Very rickety structures being built to prop up the market, but it is all rickety right now. When you see rickety structures, that is usually the precursor to a collapse.

This is a collapse that is likely to cascade through the property insurance market into mortgage markets. We just, 10 days ago, had the Secretary of the Treasury say a decade from now, we are going to start having regions of the United States where you can not get a mortgage any longer. Well, if in a decade you are not going to be able to get a mortgage in entire regions, markets are going to start reacting before that.

This is really upon us right now. The subservience of the Trump administration to the fossil fuel industry is going to have really, really, really dangerous ramifications. I just want to take a moment to point that out, while we have a moment.

Senator CAPITO. I will thank you and we are going to be ringing it down here. I will say that there are 71,000 publicly available chargers in the United States. My point is, I voted for this bill. I was obviously in support of building out an infrastructure.

My complaint is, why is it taking so daggone long? It is taking so long because the Biden Administration added requirements and

mandates to comply to this that then changed the way that States and others could apply for this money and actually get it moving.

We can debate that.

Senator WHITEHOUSE. I am all for it. I do not know if we are going to have much of a debate. I am all for speeding it up, and I am all for simplification. Together is my motto.

Senator CAPITO. I didn't know that Donald Trump was out ripping out electric charging stations. I will have to check into that.

In any event, with no further questions, I would like to ask the witnesses and all my colleagues, thank you for your participation in today's hearing. Senators who wish to submit written questions for the record will have until 5 p.m. on Wednesday, March 12th to do so. I believe the Ranking Member had a question for the record that he had already mentioned to you.

The witnesses' responses to those questions are due back to the committee no later than 5 p.m. on Wednesday, March 26th, and will be submitted for the record.

With that, this hearing is adjourned. Thank you very much.

[Whereupon, at 11:42 a.m., the hearing was adjourned.]



ADVOCATES  
FOR HIGHWAY  
& AUTO SAFETY

February 25, 2025

The Honorable Shelley Moore Capito, Chair  
The Honorable Sheldon Whitehouse, Ranking Member  
Committee on Environment and Public Works  
United States Senate  
Washington, D.C. 20510

Dear Chair Capito and Ranking Member Whitehouse:

Thank you for holding tomorrow's hearing, "Infrastructure Investment and Jobs Act Implementation and Case Studies." Advocates for Highway and Auto Safety (Advocates) respectfully requests this letter be included in the hearing record.

**Our Nation's Roadways Are Dangerous, Disastrous and Deadly for All Road Users**

America's roads move an ever-increasing number of people and goods.<sup>i</sup> We all rely on our infrastructure system for household supplies to be delivered, for family vacations to be enjoyed, and for our Nation's economy to thrive. However, Americans suffer a significant death and injury toll caused by preventable crashes. On average, 116 people were killed every day on roads in the U.S., totaling just over 42,500 fatalities in 2022.<sup>ii</sup> This is a 26 percent increase in deaths in just a decade.<sup>iii</sup> An additional 2.38 million people were injured.<sup>iv</sup> Early projections for 2023 traffic fatalities remain at a similar historic high level; nearly 41,000 people are estimated to have died that year.<sup>v</sup>

The American Society of Civil Engineers (ASCE) reports "these vital lifelines are frequently underfunded, and over 40% of the system is now in poor or mediocre condition."<sup>vi</sup> In their 2021 Report Card, roads received a grade of "D," with 43 percent in poor or mediocre condition.<sup>vii</sup> Bridges received a "C," with 42 percent being at least 50 years old and more than 46,000 considered structurally deficient.<sup>viii</sup> Moreover, our deteriorating roads are forcing the Nation's motorists to spend nearly \$130 billion each year for extra vehicle repairs and operating costs.<sup>ix</sup>

In addition to the physical and emotional repercussions of motor vehicle crashes, the annual economic cost is approximately \$340 billion (2019 dollars).<sup>x</sup> This figure equates to every person living in the U.S. essentially paying an annual "crash tax" of over \$1,000. Moreover, the total value of societal harm from motor vehicle crashes in 2019, which includes loss of life, pain and decreased quality of life, was nearly \$1.4 trillion.<sup>xi</sup> When adjusted solely for inflation, this figure amounts to over \$1.72 trillion.<sup>xii</sup> Research from the Network of Employers for Traffic Safety (NETS), finds motor vehicle crashes cost employers \$72.2 billion in direct crash-related expenses in 2019.<sup>xiii</sup>

According to the Federal Highway Administration (FHWA), traffic incidents, which include crashes, are one of the seven main causes of traffic congestion which erodes the reliability of travel time.<sup>xiv</sup> The report notes that for truck operators, "[t]he cost of unexpected delay can add another 20



percent to 250 percent” to their hourly costs.<sup>xv</sup> The cost to society from crashes involving large trucks and buses was estimated to be \$128 billion in 2021, the latest year for which data is available.<sup>xvi</sup> When adjusted solely for inflation, this figure amounts to over \$151 billion.<sup>xvii</sup>

These devastating crashes impact millions of Americans each year including the family of U.S. Department of Transportation (DOT) Secretary Duffy and Members of Congress. These tragedies result in long-lasting impacts which often are not accounted for in statistics alone. For every single death and serious injury, there is a horrific ripple effect forever changing the lives of children, parents, friends and communities.

**Safety Advances in the Infrastructure Investment and Jobs Act (IIJA) Must be Implemented Comprehensively and with Expediency**

We once again commend the Committee on Environment and Public Works for advancing commonsense safety solutions in the Infrastructure Investment and Jobs Act (IIJA).<sup>xviii</sup> The design, maintenance and building of roads throughout the country can and should prioritize getting from Point A to Point B safely for all users as well as quickly and efficiently to avoid hazardous scenarios.

The Safe System Approach (SSA) is incorporated in the IIJA and undertakes a holistic method to improve safety in the roadway environment. The SSA is “an effective way to address and mitigate the risks inherent in our enormous and complex transportation system. It works by building and reinforcing multiple layers of protection to both prevent crashes from happening in the first place and minimize the harm caused to those involved when crashes do occur.”<sup>xix</sup> SSA assumes that humans will make mistakes and that we must anticipate this and make accommodations to account for limited human injury tolerances through five elements: Safe Vehicles, Safe Road Users, Safe Roads, Safe Speed and Post-Crash Care.

Roadway infrastructure improvements consistent with the SSA to limit conflicts include: reducing speed limits; employing automated enforcement to augment traditional enforcement; adding speed curbing features like speed humps; performing road diets; and, installing roundabouts, as well as educating on driver behavior such as using real-time speed feedback signs.

Other examples of infrastructure to promote safety include adding lighting and improving sight lines; installing leading intervals and pedestrian hybrid beacons; ensuring curb extensions, accessible sidewalks, protected intersections and separated bike lanes; and, prioritizing road separations and rumble strips. Localities can advance these and other infrastructure improvements systemically by requiring their adoption as appropriate in road projects.

Traffic circles or “roundabouts” have been found by the Insurance Institute for Highway Safety (IIHS) to be a safer alternative to traffic signals and stop signs by reducing speed and conflict points.<sup>xx</sup> In fact, intersections converted from traffic signals or stop signs to roundabouts have reduced injury crashes up to 80 percent and cut all crashes by nearly half (47 percent).<sup>xxi</sup> Moreover, along with improving safety the Federal Highway Administration (FHWA) has noted traffic circles are efficient in keeping travelers moving and “can be implemented in both urban and rural areas under a wide range of traffic conditions.”<sup>xxii</sup> Federal funding for states and localities to build roundabouts and other proven infrastructure upgrades is available through the Safe Streets and Roads for All (SS4A) program and should be preserved.

The IIJA authorizes safety upgrades to the Highway Safety Improvement Program (HSIP) that will help to protect vulnerable road users (VRUs) and provides robust funding for the SS4A program to provide direct access to localities to make roadway improvements consistent with SSA and Complete Streets policy. These changes promote infrastructure features that consider multimodal use, calm traffic, separate different types of road users, reduce vehicle speeds, and prevent or mitigate harmful interactions among road users. Advocates supports enhancing HSIP to allow for funding of projects that can strengthen protections for VRUs, perpetuating and expanding access to SS4A funding opportunities, advancing Complete Streets measures and ensuring that all communities across the Nation can take advantage of federal dollars to implement these innovative approaches to improving public safety on their roadways.

Initially authorized by the Highway Safety Act of 1966, the Highway Safety Program, known as Section 402, which is jointly administered by the FHWA and the National Highway Traffic Safety Administration (NHTSA), provides federal funding to states to reduce motor vehicle crashes and address dangerous driving behaviors.<sup>xxiii</sup> To receive funding, states are required to have a highway safety program that is approved by the U.S. DOT. Advocates supports this program as it is critical in assisting states in addressing roadway safety. In addition, Advocates has supported expanding eligible uses of the dollars under the program to combat emerging issues of concern such as drugged driving and distracted driving.

As with all federal safety grants, it is critical that these programs include clear and transparent measures for success to ensure funds are spent as intended and result in actual safety benefits and improvements. Advocates supports the continuation and funding for these safety grant programs to help reduce the death, injury and financial toll on American roads.

#### **Automated Enforcement Improves Roadway Safety**

Automated enforcement (AE), such as speed and red-light running safety cameras, is a verified deterrent against frequent crash contributors and has been identified by NHTSA, FHWA, the National Transportation Safety Board (NTSB), Centers for Disease Control and Prevention (CDC), IIHS and others as an effective means to curb dangerous driving behavior.<sup>xxiv</sup> Moreover, the Congressional Research Service (CRS) has found that speed camera programs are effective in reducing speeding and/or crashes near cameras.<sup>xxv</sup> Additionally, for VRUs, such as pedestrians and bicyclists, small changes in speed can have a large impact on survivability. New crash tests performed by IIHS, the AAA Foundation for Traffic Safety, and Humanetics show that modest five to ten miles per hour (mph) increases in speed can have a severe impact on a driver's risk of injury or even death.<sup>xxvi</sup> Provisions in the IIJA correctly permit use of certain federal funds for AE programs in school and work zones. This allowance should be expanded to curb deadly driving on other roadways, especially high injury networks.

#### **Advocates Supports Efforts to Alleviate the Truck Parking Shortage**

Advocates recognizes that the lack of safe and convenient truck parking is an issue that merits federal action. However, simply dedicating more federal funding to building parking facilities will likely not solve the issue alone. Studies have demonstrated that the parking shortage is often most acute in areas of the country such as along the Interstate 95 corridor in the Northeast where building facilities for parking may not be realistic due to costs and scarcity of open land.<sup>xxvii</sup> As such, along with providing funding to address this issue, Advocates urges policymakers to examine additional remedies to address this problem such as use of existing dormant facilities.

### **Overweight Trucks Damage our Nation's Crumbling Infrastructure**

Federal limits on the weight and size of commercial motor vehicles (CMVs) are intended to protect truck drivers, the traveling public, and our Nation's roads, bridges and other infrastructure components. Yet, provisions allowing larger and heavier trucks that violate or circumvent these federal laws to operate in certain states or for specific industries have often been tucked into must-pass bills to avoid public scrutiny.

The U.S. DOT Comprehensive Truck Size and Weight Study found that introducing double 33-foot trailer trucks, known as "Double 33s," would be projected to result in 2,478 bridges requiring strengthening or replacement at an estimated one-time cost of \$1.1 billion.<sup>xxxviii</sup> This figure does not account for the additional, subsequent maintenance costs which will result from longer, heavier trucks. In fact, increasing the weight of a heavy truck by only 10 percent increases bridge damage by 33 percent.<sup>xxxix</sup>

Raising truck weight or size limits could result in an increased prevalence and severity of crashes. Longer trucks come with operational difficulties such as requiring more time to pass, having larger blind zones, crossing into adjacent lanes, swinging into opposing lanes on curves and turns, and taking a longer distance to adequately brake. In fact, double trailer trucks have an 11 percent higher fatal crash rate than single trailer trucks.<sup>xxx</sup> Overweight trucks also pose serious safety risk. Brake violations are a major reason for out-of-service violations.<sup>xxxi</sup> According to a North Carolina study by IIHS, trucks with out-of-service violations are 362 percent more likely to be involved in a crash.<sup>xxxii</sup> This is also troubling considering that tractor-trailers moving at 60 miles per hour are required to stop in 310 feet – the length of a football field – once the brakes are applied.<sup>xxxiii</sup> Actual stopping distances are often much longer due to driver response time before braking and the common problem that truck brakes are often not in adequate working condition.

There is overwhelming opposition to any increases to truck size and weight limits. The public, local government officials, safety, consumer and public health groups, law enforcement, first responders, truck drivers and labor representatives, families of truck crash victims and survivors, and even Congress on a bipartisan level have all rejected attempts to increase truck size and weight. Also, the technical reports released in June 2015 from the U.S. DOT Comprehensive Truck Size and Weight Study concluded there is a "profound" lack of data from which to quantify the safety impact of larger or heavier trucks and consequently recommended that no changes in the relevant truck size and weight laws and regulations be considered until data limitations are overcome.<sup>xxxiv</sup>

The IIA investments are improving and elevating the safety of our Nation's roads and bridges. Any increase to federal truck size and weight limits will undermine this objective, worsen safety problems, and divert rail traffic from privately owned freight railroads onto our already overburdened public highways. Despite claims to the contrary, bigger trucks will not result in fewer trucks. Following every past increase to federal truck size and weight limits, the number of trucks on our roads has gone up. Since 1982, when Congress last increased the gross vehicle weight limit, truck registrations have more than doubled.<sup>xxxv</sup> The U.S. DOT study also addressed this meritless assertion and found that any potential mileage efficiencies from the use of heavier trucks would be offset in just one year.<sup>xxxvi</sup>

We urge this Committee to oppose any increases to federal truck weight limits, including pilot programs and state or industry specific exemptions.

**Ensuring Safe Integration of Automated Driving System (ADS) Technology**

Autonomous driving technology has made advances yet remains unable to consistently operate safely with all road users, conditions and scenarios, as evidenced by fatal and serious crashes involving passenger motor vehicles equipped with ADS of varying levels.<sup>xxxvii</sup> Further, the interest in expanding the use of this technology must not be used as a pretext to eviscerate essential safety regulations administered by NHTSA and the Federal Motor Carrier Safety Administration (FMCSA), and particularly in the absence of new standards to ensure the technology performs safely and as needed. The public safety protections provided by safety standards and the Federal Motor Carrier Safety Regulations (FMCSRs) have become no less important or applicable simply because a passenger vehicle or a commercial motor vehicle (CMV) has been equipped with an ADS. In fact, additional substantial public safety concerns are presented by automated CMVs. Moreover, vehicles equipped with ADS may result in new impacts on roadway and bridge infrastructure due to considerations such as increased weight and mileage, and use of lane centering technology.

Advocates and numerous stakeholders developed the “AV Tenets,” policy positions which should be foundational to any AV legislation.<sup>xxxviii</sup> The AV Tenets have four main, commonsense categories including: 1) prioritizing safety of all road users; 2) guaranteeing accessibility and equity; 3) preserving consumer and worker rights; and, 4) ensuring local control and sustainable transportation. While the AV Tenets were developed for application to vehicles under 10,000 pounds, many of the principles also could apply to larger commercial vehicles. At a minimum, autonomous CMVs must meet safety standards for the ADS and related systems, including for cybersecurity, and operations must be subject to adequate oversight as a starting point for their potential deployment.

In December 2024, Advocates released a public opinion poll that found 9 of 10 adults surveyed are concerned about themselves or their loved ones getting into motor vehicle crashes.<sup>xxxix</sup> The survey also noted that 88 percent of respondents were concerned about sharing the roads with driverless trucks, with 69 percent acknowledging a high level of concern.<sup>xl</sup> The significant percentage expressing concern was regardless of political affiliation or region.<sup>xli</sup>

Thank you again for convening this hearing and for your consideration of these issues. We look forward to continuing to work with you to improve safety for all road users on our Nation’s roadways.

Sincerely,



Catherine Chase  
President

cc: Members of the U.S. Senate Committee on Environment and Public Works

- 
- i 2021 Report Card for America's Infrastructure, American Society of Civil Engineers, <https://infrastructurereportcard.org/cat-item/roads-infrastructure/>
- ii Traffic Safety Facts 2022: A Compilation of Motor Vehicle Traffic Crash Data, NHTSA, Dec. 2024, DOT HS 813 656 (Annual Report 2022).
- iii Annual Report 2022; [comparing 2012 to 2022].
- iv Annual Report 2022.
- v Traffic Safety Facts: Crash Stats, Early Estimate of Motor Vehicle Traffic Fatalities in 2023, NHTSA, Apr. 2024, DOT HS 813561 (Early Estimates 2023).
- vi <https://infrastructurereportcard.org/cat-item/roads-infrastructure/>
- vii *Id.*
- viii *Id.*
- ix *Id.*
- x The Economic and Societal Impact of Motor Vehicle Crashes, 2019, NHTSA, Dec. 2022, DOT HS 813 403. (Economic and Societal Impact 2019).
- xi Economic and Societal Impact 2019.
- xii CPI Inflation Calculator, BLS, available at [https://www.bls.gov/data/inflation\\_calculator.htm](https://www.bls.gov/data/inflation_calculator.htm), calculated form Jan. 2021 – Jan. 2024.
- xiii Cost of Motor Vehicle Crashes to Employers – 2019, Network of Employers for Traffic Safety, March 2021.
- xiv Traffic Congestion and Reliability: Trends and Advanced Strategies for Congestion Mitigation, March 2020, FHWA. Available here: [https://ops.fhwa.dot.gov/congestion\\_report/chapter2.htm](https://ops.fhwa.dot.gov/congestion_report/chapter2.htm)
- xv *Ibid.*
- xvi 2023 Pocket Guide to Large Truck and Bus Statistics, FMCSA, Dec. 2023, RRA-23-003.
- xvii CPI Inflation Calculator, BLS, available at [https://www.bls.gov/data/inflation\\_calculator.htm](https://www.bls.gov/data/inflation_calculator.htm), calculated form Jan. 2021 – Jan. 2024.
- xviii Pub. L. 117-58 (2021).
- xix U.S. DOT, What is a Safe System Approach? Available here: <https://www.transportation.gov/safe-system-approach>.
- xx IIHS, Roundabouts, available at: <https://www.iihs.org/topics/roundabouts>.
- xxi *Id.*
- xxii FHWA, Roundabouts, available at: <https://highways.dot.gov/safety/proven-safety-countermeasures/roundabouts>.
- xxiii 23 U.S.C. 402.
- xxiv IIHS, Topics, Red Light Running, available at: <https://www.iihs.org/topics/red-light-running#effectiveness-of-cameras>
- xxv CRS, Safety Impact of Speed and Red Light Cameras, R46552 (Sep. 28, 2020).
- xxvi IIHS, New crash tests show modest speed increases can have deadly consequences (Jan. 28, 2021).
- xxvii Federal Highway Administration, Commercial Motor Vehicle Parking Shortage (May 2012).
- xxviii Comprehensive Truck Size and Weight Limits Study: Bridge Structure Comparative Analysis Technical Report, FHWA, June 2015.
- xxix Effect of Truck Weight on Bridge network Costs, NCHRP Report 495, National Cooperative Highway Research Program, 2003.
- xxx An Analysis of Truck Size and Weight: Phase I – Safety, Multimodal Transportation & Infrastructure Consortium, November 2013, Memorandum from J. Matthews, Rahall Appalachian Transportation Institute, Sep. 29, 2014.
- xxxi Roadside Inspections, Vehicle Violations: All Trucks Roadside Inspections, Vehicle Violations (2019 – Calendar), FMCSA.
- xxxii Teoh E, Carter D, Smith S and McCartt A, Crash risk factors for interstate large trucks in North Carolina, Journal of Safety Research (2017).
- xxxiii Code of Federal Regulations (CFR) Title 49 Part 571 Section 121: Standard No. 121 Air brake systems (FMVSS 121).
- xxxiv Comprehensive Truck Size and Weight Limits Study, Federal Highway Administration (June 2015).
- xxxv 2017 Annual Report.
- xxxvi Comprehensive Truck Size and Weight Limits Study, Federal Highway Administration (June 2015).
- xxxvii NHTSA, Standing General Order 2021-01 (Aug. 2021). ADS Incident Report Data available here: [https://static.nhtsa.gov/odj/ftdd/sgo-2021-01/SGO-2021-01\\_Incident\\_Reports\\_ADS.csv](https://static.nhtsa.gov/odj/ftdd/sgo-2021-01/SGO-2021-01_Incident_Reports_ADS.csv)
- xxxviii <https://saferoads.org/autonomous-vehicle-tenets/>.
- xxxix Online CARAVAN SURVEY, The Public is Very Concerned About Traffic Safety Even Though They Are Not Aware of the Enormity of the Deadly Toll on our Roadways (Dec. 2024). Available at: <https://saferoads.org/wp-content/uploads/2024/12/Advocates-December-2024-Poll-Report-12-4-24.pdf>
- xl *Ibid.*
- xli *Ibid.*



February 26, 2025

The Honorable Shelley Moore Capito  
Chairwoman of the Environment & Public Works  
Committee  
170 Russell Senate Office Building  
Washington DC 20510

The Honorable Sheldon Whitehouse  
Ranking Member of the Environment & Public  
Works Committee  
530 Hart Senate Office Building  
Washington DC 20510

Dear Chairwoman Capito and Ranking Member Whitehouse,

The National Asphalt Pavement Association (NAPA) welcomes today's hearing, "*Infrastructure Investment and Jobs Act Implementation and Case Studies*" and appreciates the Committee's work on the next highway reauthorization package. As you consider various policies and initiatives, we wish to address your focus on reclaimed asphalt pavement (RAP) and potential impacts from EPA's current rulemaking, designating per-and polyfluoroalkyl substances (PFAS) as superfund hazardous substances.

The National Asphalt Pavement Association (NAPA) is the only trade association nationally representing over 1,000 companies associated with the production and application of over 400 million tons of asphalt pavement mixtures annually. NAPA members operate pavement mix plants in virtually every Congressional district, coast to coast, border to border. More than 94 percent of America's roadways and over 80 percent of airfields are surfaced with asphalt. Asphalt pavements remain cost-effective by recycling older end-of-life pavements, which are milled and incorporated into new asphalt pavement mixtures. Almost 100 million tons of RAP were reused and recycled into new asphalt roadway pavement in 2022, making asphalt pavement the most recycled material in the nation, and saving taxpayers billions of dollars. In fact, when calculating the savings on utilizing fewer virgin materials through RAP deployment, projects cost savings exceed more than \$3 billion dollars annually. We have compiled more [information](#) about the benefits of RAP and how it can be better utilized.

In May 2024, the EPA finalized its [PFAS CERCLA 'hazardous substances' rule](#), regulating certain PFAS chemistries as superfund hazardous substances. While the asphalt pavement industry does not use, manufacture, nor intentionally add PFAS into asphalt pavements, we are increasingly aware that airfield and roadway pavements may be contaminated with PFAS from firefighting foams. Compounded by atmospheric source deposition, we also know that pavements may contain PFAS from vehicle wear particles like brake pads, tires, plastics and interior fabrics. PFAS is ubiquitous and can be found virtually everywhere, but despite that pervasiveness, the asphalt industry does not depend upon, nor deliberately facilitate, PFAS in its manufacturing. Unfortunately, the EPA's rule assigns potential joint and severable liability to any entity that transports or stores PFAS-containing materials, even if unknowingly, unintentionally, or passively by receiving such material during normal commerce. Because recycling pavements is an integral part of our industry - which keeps asphalt pavements' material costs low - we are concerned on the effects these regulations could have on projects that either extract RAP or implement it. For example, when a typical airfield pavement maintenance project - normally costing approximately \$2 million - may now cost in excess of \$60 million due to disposal requirements, and we are concerned that these same impacts will occur on roadway projects.

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The pavement industry is currently facilitating FAA-sponsored and university-led research to understand if PFAS-containing pavements can be safely reused in new pavements, rendering them harmless to the environment. We are hopeful that asphalt pavements could possibly be an outlet for these chemistries as they remain inert when reheated. While we understand EPA's PFAS rule impacts a wide swath of unknowing, unintentional passive receivers, this specific rule will have a profound impact on the cost of critical infrastructure pavements. We recognize the rule has its focus on environmental remediation, but we also understand that such a rule must be surgical, not blunt, in its application – and our industry is not the intended target. Looking forward, pragmatic application could come through two distinct pathways to protect unaware passive receivers or transporters of the nation's most recycled material; one through existing statute and another via proposed legislation.

We encourage the Committee to promote common sense policies during IIJA's remaining implementation regarding the EPA's latest PFAS efforts and impacts on road construction. Further, we wish to work with the Committee on how best to utilize RAP and mitigate unintended regulatory consequences in the next surface transportation reauthorization package. Increasing RAP utilization and limiting liability associated with recycling pavements that may contain PFAS from unknown sources, independent of asphalt production, is paramount as we look to further reduce the carbon output and increasing costs associated with roadway construction. If you wish to explore the topic further, please see more about the impacts of EPA's rule, NAPA's airfield recycling efforts, and how to limit liability for an industry that does not use, manufacture, nor intentionally add PFAS into recycled pavements.

Thank you for your consideration of this critical issue, and its prioritization in the next highway reauthorization package. Please consider NAPA as a resource on this topic, and anything else related to your work as we partner on future legislation to grow and support our national surface transportation network.

Best,



Nile Elam  
Vice President, Government Affairs  
National Asphalt Pavement Association

February 26, 2025

The Honorable Shelley Moore Capito  
Chair, Environment and Public Works  
170 Russell Senate Office Building  
Washington DC 20510

The Honorable Sheldon Whitehouse  
Ranking Member, Environment and Public Works  
530 Hart Senate Office Building  
Washington DC 20510

Dear Chair Capito and Ranking Member Whitehouse,

On behalf of the National Work Zone Safety Coalition (the coalition), thank you for ensuring roadway safety remains a top, bipartisan priority for the committee. The coalition appreciates the valuable opportunity to provide insights on programs authorized through the Infrastructure Investment and Jobs Act (IIJA). Our coalition represents wide-ranging and diverse stakeholders in the road construction industry, including construction materials producers, equipment manufacturers, project planning and design engineers, labor unions, traffic safety experts, and road/bridge construction contractors. We all have a shared priority – to get workers safely home to their families.

Our respective industries and their employees greatly benefitted from IIJA, a generational investment in our nation's critical infrastructure at a time full of uncertainty. IIJA increased levels for state formula funding programs as well as discretionary grants – both of which helped State Departments of Transportation (DOTs) deliver a record number of projects. However, with increased project development and delivery, comes additional risks for work zone crashes. Unfortunately, over the past four years, we continue to see increasing numbers of fatalities and injuries in work zones. In 2022 (the most recent data available), we saw 891 fatalities and 37,000 injuries in work zones. These crashes cause significant disruptions in travel, increase risks for secondary accidents, and continue to put workers in harm's way.

Along with IIJA's record investments, Congress also authorized a bipartisan provision to enhance DOTs' ability to keep road workers safe. Work Zone Safety Contingency Funds (WZSCF) were authorized to provide additional federal dollars, above the original contract value, for unforeseen safety enhancements that were identified after the project moved into the construction phase, further ensuring safe working conditions. This was a critical provision because DOTs operate in a low-bid environment with structured contracts. Because of the low bid environment, prior to the establishment of WZSCFs, any unforeseen cost increases, even if used to protect roadway workers, would be the responsibility of the contractor or require a change order. This unrefined process results in roadway project delays, disputes between the contracting community, additional design work, and project delivery schedule changes – all resulting in additional time to the overall project timeline. For example, if a contractor wanted to install traffic control enhancements or increase police presence in a work zone, to further minimize erratic driver behavior or increased traffic, the contractor would be required to cover those additional costs or have a change order approved. The use of WZSCFs can help eliminate some of this red tape, reduce administrative costs, provide flexibility for the contractor and DOT, and speed-up project delivery – all while enhancing worker safety.

Unfortunately, while Congress has authorized this program, the Federal Highway Administration (FHWA) has been slow to provide needed implementation direction to DOTs. Our coalition is confident that FHWA



can do more to educate DOTs on the use and adoption of WZSCFs. Currently, we are only aware of three states where WZSCFs have been successfully deployed: Texas, Michigan, and Washington. Unsurprisingly, we have received positive feedback from those states and, when the funds have been implemented, those states have reported safer working conditions.

Our coalition has identified several areas for improving WZSCF implementation. Currently, for DOTs to use WZSCFs, the safety enhancements must be part of an 'innovative contractual mechanism' which precludes its use on many roadway construction projects. Our coalition respectfully requests that the use of these WZSCFs be expanded to capture as many highway projects as possible. There is no reason why these monies can't be utilized on every federally-funded highway project, to provide safer working conditions. Because of the challenges of implementation, some DOTs have provided 100% state funding for such safety enhancements using the innovative funding mechanism. For example, TxDOT provides 100% state funding for deploying safety enhancements like: portable, changeable message signs and speed trailers, changes to lane or road closure layout to improve traffic safety, hiring additional off-duty police officers to respond to unexpected situations, procuring and implementing smart work zone technology, shifting traffic onto the shoulder to separate workers from traffic, and installing nighttime lighting – all because these enhancements are not eligible for federal participation. We respectfully ask the Committee to work with our coalition partners to enhance and expand this program to make work zones safer for workers and drivers alike.

Thank you for your consideration. The National Work Zone Safety Coalition is available to serve as an expert resource as you draft the next highway reauthorization. If you have any questions or would like more information about any of the content above, please reach out to Mitch Baldwin <[mbaldwin@asphaltpavement.org](mailto:mbaldwin@asphaltpavement.org)>, Director of Government Affairs at the National Asphalt Pavement Association (443-440-2044).

Sincerely,

National Asphalt Pavement Association  
 American Traffic Safety Services Association  
 Associated General Contractors  
 Laborers' International Union of North America  
 Portland Cement Association  
 National Stone, Sand and Gravel Association  
 National Ready Mixed Concrete Association  
 American Concrete Pavement Association  
 Associated Equipment Distributors  
 Association of Equipment Manufacturers  
 American Society of Civil Engineers

Cc:

The Honorable Kevin Cramer, Chair, Transportation and Infrastructure Subcommittee

The Honorable Angela Alsobrooks, Ranking Member, Transportation and Infrastructure Subcommittee



February 26, 2025

The Honorable Shelley Moore Capito  
Chairman  
Committee on Environment and Public Works  
U.S. Senate  
Washington, DC 20510

The Honorable Sheldon Whitehouse  
Ranking Member  
Committee on Environment and Public Works  
U.S. Senate  
Washington, DC 20510

Dear Chairman Capito, Ranking Member Whitehouse and Members of the U.S. Senate  
Committee on Environment and Public Works:

On behalf of Associated Builders and Contractors, a national construction industry trade association with 67 chapters representing more than 23,000 members, I thank you for holding the hearing, "[Infrastructure Investment and Jobs Act Implementation and Case Studies](#)." This hearing is vital to examining the IIJA's implementation and efforts to modernize our nation's most critical infrastructure.

#### **Background**

On Nov. 15, 2021, President Joe Biden signed [H.R. 3684](#), the Infrastructure Investment and Jobs Act, into law, authorizing nearly \$550 billion in new federal money for infrastructure projects and renewing approximately \$1.2 trillion for existing programs that were set to expire. While the IIJA creates an opportunity to effectively modernize our nation's most critical infrastructure, subsequent Biden administration executive actions and regulatory schemes have undermined taxpayer investments in infrastructure.

#### **Biden Administration Policies Limit the Effectiveness of Infrastructure Investments**

On Feb. 4, 2022, within months of the IIJA becoming law, President Biden issued [Executive Order 14063](#), mandating project labor agreements on large-scale federal construction projects of \$35 million or more. The executive order, implemented by the Federal Acquisition Council's [Use of Project Labor Agreements for Federal Construction Projects](#) final rule on Jan. 22, 2024, discourages competition from quality nonunion contractors and their employees, who comprise [89.7%](#) of the private U.S. construction industry workforce. This policy effectively tells ABC member contractors and subcontractors they are not welcome to compete to win taxpayer-funded infrastructure projects unless they sign a jobsite-specific collective bargaining agreement with unions.

Further, the Biden administration included language in the application criteria for numerous IIJA funding allocations and notices of funding opportunities that attempts to coerce private developers and local and state government applicants into requiring controversial PLAs to improve the likelihood of receiving hundreds of billions of federal dollars. Notably, ABC identified [federal agency grants](#) valued at more than \$270 billion in infrastructure grant dollars with pro-PLA language in their application criteria. These policies significantly disrupt competition for federal and federally assisted construction, which ABC members have historically played a significant role in building. For example, [between fiscal years 2009-2023](#),

[ABC members won 54% of federal contractors worth \\$35 million or more](#), and have performed more than a trillion dollars' worth of public works projects free from PLA mandates and encouragements.

On March 28, 2023, the U.S. House of Representatives Committee on Transportation and Infrastructure's Subcommittee on Highways and Transit held the hearing, "[Reviewing the Implementation of the Infrastructure Investment and Jobs Act](#)." During the hearing, Aric Dreher, assistant general manager of Cianbro, [noted](#) the Biden administration's "after-the-fact regulations and strings attached to federal infrastructure grant programs will severely impact the allocation of IIJA funds." In addition, Dreher's testimony [highlighted](#) that PLA mandates increase the cost of construction by 12% to 20% compared to similar non-PLA projects.

#### **PLA Legal Developments Since the Start of the Trump Administration**

On Jan. 21, 2025, the U.S. Court of Federal Claims [ruled](#) in favor of ABC and Associated General Contractors federal contractor members that filed bid protests against PLAs mandated on 12 project solicitations procured by federal agencies as a result of the Biden administration's pro-PLA FAR Council rule. The judge's ruling, limited to the dozen projects in question, found that PLA mandates violate federal competitive bidding laws and evidence presented to the court illustrated their anti-competitive and inflationary effect. Since the ruling, the U.S. Department of Defense halted PLA mandates on all military construction projects, the U.S. General Services Administration ended PLA requirements on land port of entry projects and the [U.S. Department of Veterans Affairs has ordered the removal of PLAs](#) from all construction contract solicitations. Despite this progress, the Biden administration's illegal PLA policies continue to [delay projects](#) and undermine infrastructure investments months into the Trump administration, reducing competition and preventing taxpayers from getting the best value.

#### **Conclusion**

ABC urges Congress to overturn the Biden administration's PLA mandate by advancing legislation stating the government may neither prohibit nor mandate PLAs. This legislation would ensure federal and federally assisted contracts are awarded through a fair and competitive bidding process that allows all qualified contractors to compete on a level playing field based on merit, experience, quality and safety to deliver the highest-quality projects at the best price.

ABC appreciates the opportunity to comment on today's hearing and looks forward to working with the committee during the 119th Congress. ABC is committed to building our nation's infrastructure projects with the highest standards of quality and safety to benefit the communities we all serve.

Sincerely,



Kristen Swearingen  
Vice President, Legislative & Political Affairs



February 26, 2025

VIA ELECTRONIC MAIL

The Honorable Shelley Moore Capito  
Chairman, Senate Committee on  
Environment and Public Works

The Honorable Sheldon Whitehouse  
Ranking Member, Senate Committee on  
Environment and Public Works

**Re: Hearing on *Infrastructure Investment and Jobs Act Implementation and Case Studies Before the Senate Committee on Environment and Public Works***

Chairman Capito, Ranking Member Whitehouse, and Members of the Committee –

On behalf of the National Association of Convenience Stores (NACS), thank you for the opportunity to share our industry's perspective as you assess the implementation of the Infrastructure Investment and Jobs Act (IIJA). To that end, we offer the following observations related to specific IIJA programs, which are illustrative of our members' experiences as transportation stakeholders:

- **The National Electric Vehicle Infrastructure (NEVI) program** was established under the IIJA and has provided important lessons learned at both the state and federal levels.
  - Federal funding appropriated for NEVI grants has recently been called into question, causing confusion in the public and private sectors about which projects—if any—can move forward. Many of our members expended significant time and resources in reliance on the established NEVI frameworks, which in some cases require them to meet several years of post-construction milestones before their eligible expenses are fully reimbursed. Regardless of the future of NEVI overall, these businesses acted in good faith under the law as it then existed, and Congress should at least make provisions to keep them whole.
  - Certain states, Pennsylvania and Ohio among them, stand out for their efficient and pro-competitive NEVI grant administration; other states, like Texas and Colorado, offer examples of what not to do.<sup>1</sup> If NEVI is renewed or replaced in some fashion, Congress should use these best and worst practices to inform new federal baseline requirements for the program that will ensure taxpayer funds are well spent.
  - The longstanding ban on commercialized interstate rest areas was not altered by the IIJA itself, but resulting NEVI guidance from the Federal Highway Administration (FHWA) underscores the importance of protecting the statutory ban. Specifically,

<sup>1</sup> See the enclosed *NEVI Program Implementation: Best Practices Guide*, coauthored by NACS and its industry partners, for detailed examples from these and other states.

FHWA has seemingly suggested that a NEVI-funded electric vehicle charging station could be operated at rest areas, which conflicts with the statutory ban on commercial activity.<sup>2</sup> Our members rely on that ban to make considerable off-highway investments in the communities they serve, including investments in electric vehicle chargers through NEVI and otherwise. To protect these off-highway investments and the local economic benefits they bring, the current commercialization ban should be maintained without exception.

- **The Charging and Fueling Infrastructure (CFI) grant program** was created by the IIJA with the intention of leveraging public/private partnerships to deploy new infrastructure for alternative sources of transportation energy. In practice, we are concerned that CFI-funded projects may instead be putting the public sector into active competition with existing private investments.<sup>3</sup> Congress should ensure programs like CFI do not incentivize state and local governments to compete with businesses in this manner going forward.
- **The Safe Driver Apprenticeship Pilot (SDAP) program** was authorized by the IIJA to help alleviate the commercial driver shortage, but it required subsequent amendment after a burdensome agency implementation. While the SDAP concept enjoyed industry support, FHWA went on to impose substantial extra-statutory requirements that discouraged participation until Congress stepped in to overrule the agency.<sup>4</sup> When establishing pilot programs like SDAP, which seek to leverage voluntary private action in response to a compelling public need, Congress should consider reasonable statutory guardrails to prevent similar instances of agency overreach.

Thank you, again, for your focus on the lessons learned from IIJA program implementations. NACS stands ready to serve as a resource as this Committee explores further legislative actions to strengthen the nation's transportation infrastructure.

Sincerely,

Matthew T. Durand  
Deputy General Counsel

Encl. (1)

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<sup>2</sup> See the FHWA's *National Electric Vehicle Infrastructure (NEVI) Formula Program Q&A*, Question 2.1, suggesting that the analysis turns on the cost to the consumer. NACS would respectfully suggest that operating an electric vehicle charging station is not a permitted activity under the commercialization ban, regardless of whether a fee is collected by the station operator.

<sup>3</sup> See the FHWA's *Charging and Fueling Infrastructure Program Grant Recipients* for the full list of awards, including projects that would seem to compete with traditionally private-sector products and services. For example, in Round 1A, a municipal government was awarded \$19.6 million to develop its own public electric vehicle charging facility, including various amenities akin to those of a truck stop or service station.

<sup>4</sup> See the Congressional Research Service's *Safe Driver Apprenticeship Pilot Program: In Brief*, at pages 2-3 (describing initial and amended "Department of Transportation Program Requirements") and page 7 (describing "Section 422 of P.L. 118-42, changing some of DOT's requirements for program participation").

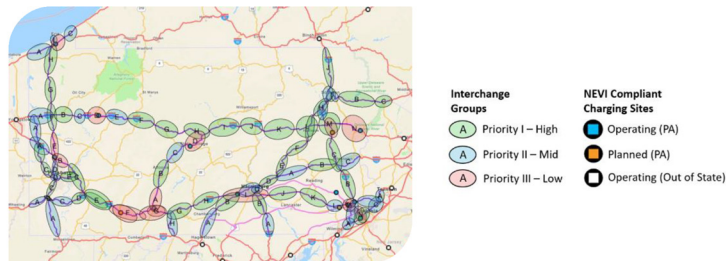


## NEVI PROGRAM IMPLEMENTATION: BEST PRACTICES GUIDE

The National Electric Vehicle Infrastructure (NEVI) Program aims to jumpstart a charging market that provides electric vehicle (EV) drivers with a positive, reliable experience across the country. When they prioritize the consumer experience, state departments of transportation can play a vital role in enabling the buildout of a robust, reliable charging network. Divergent approaches among the various states, however, can contribute to a more balkanized EV charging station locations and reliability vary greatly from state to state.

### Best practices for state departments of transportation to ensure a competitive, sustainable charging network:

- Ensure that site hosts are financially motivated to offer positive consumer experiences. This can often be achieved via more granular assessments of proposed charging stations' surrounding amenities.
  - The standardization of price (\$/kWh), speed ( $\geq 150$  kWh), and reliability of service (97% uptime) is important for a uniform nationwide network. So too is the collocation of chargers with amenities that drivers want while refueling. From the consumer perspective, 24/7 food and beverage offerings, restroom access, and on-site staff are essential elements of the on-the-go refueling experience.
  - Ohio and Pennsylvania both successfully designed their NEVI implementation plans to prioritize the consumer experience and maximize competition. In Ohio, **80%** of the 2023 NEVI grant funds were awarded to sites collocated with 24/7 amenities. Similarly, over **90%** of PennDOT's NEVI-awarded EV charging stations are collocated with 24/7 amenities.
- Providing adequate response times for grant solicitations (60-90 days is appropriate).
- Establishing clear grant application expectations and engaging in open communication with potential applications in advance (e.g. hosting webinars before releasing a grant solicitation).
- Offering one-on-one meetings before, and throughout, the grant solicitation process.
- Providing easy access to maps of locations being evaluated for potential awards.
  - PennDOT executed this well with its 2023 NEVI map:



**Measures that may limit a competitive, sustainable charging network:**

- Conducting only high-level assessments of surrounding amenities.
  - In Colorado, applicants were asked to discuss “nearby” amenities. No further analysis was requested or conducted. As a result, **50%** of Colorado’s awards were **not** collocated with 24/7 amenities, despite being sited in close proximity to 24/7 locations.
  - The only amenity that TXDOT requested information on was the availability of restrooms; nothing on food, drinks, or security. Restrooms only count for 5% of the total points given to applicants, and TXDOT does not even inquire as to whether restrooms will be open 24/7.

12. Restrooms available to the public.	Full points for yes or zero points for no.	5
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- Rewarding applications without committed site host agreements with site owners.
- Establishing a cap on the rate of return.
  - Both Minnesota and Iowa have instituted a 15% cap on returns on investment (with the rest remitted to the respective state’s DOT). These guardrails make sense for traditional DOT infrastructure projects. They do not make sense for programs designed to incentivize private investment to flow to a nascent market.
  - Caps on the rate of return and/or revenue sharing requirements will dissuade private businesses from applying for NEVI grants in those states. A competitive market environment does not accommodate uncompetitive pricing, as such pricing would invite new market entrants to offer a more attractive proposition to consumers.
  - When charging becomes more profitable as utilization rates increase, NEVI awardees will be at a competitive disadvantage relative to privately funded chargers. This will discourage fuel retailers from participating in the NEVI program.
- Restricting evaluation areas.
  - Texas, for example, is overly prescriptive of where charging stations may be sited under NEVI. This results in potential applicants located within several miles of TxDOT-identified locations being excluded from the application process altogether for reasons unrelated to the provision of positive charging experiences.
    - Texas DOT’s NEVI strategy appears designed to creatively maximize the amount of dollars the state receives under the program, rather than encouraging its existing refueling network to build out a competitive, consumer-friendly charging network. Texas is home to a growing EV fleet and more truckstops than any other state, yet TXDOT is precluding most of those truckstops from even *applying* for NEVI grants because they are not located at TXDOT-identified exits.
  - California, Oregon, and Washington use a ‘grouping’ approach. Instead of rewarding the best individual sites, these states will award a whole highway segment to one bidder. This approach makes it virtually impossible for consumer-oriented site hosts to participate; grants will likely be rewarded to charging station networks and/or public utilities that are less likely to create a positive consumer charging experience.
- Prohibiting engagement with applicants during the grant solicitation process.
  - States should enable applicants to submit questions throughout the solicitation period.





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**Statement for the Record of**  
**The American Society of Civil Engineers**  
**on**  
**"Infrastructure Investment and Jobs Act Implementation and Case Studies"**  
**Committee on Environment and Public Works**  
**U.S. Senate**  
  
**February 26, 2025**

### **Introduction**

The American Society of Civil Engineers (ASCE) appreciates the opportunity to submit a statement to the Senate Committee on Environment and Public Works regarding the hearing “Infrastructure Investment and Jobs Act Implementation and Case Studies.”

The Infrastructure Investment and Jobs Act (IIJA) was highly significant legislation that directly impacts the work of many of our members. The IIJA has provided meaningful investments in the roads, bridges, transit systems, pipes, and ports that keep our country's economy functioning. As ASCE continues to follow the course of this legislation, we look with eager anticipation toward the next surface transportation reauthorization bill. ASCE commends the committee for examining the needs of our nation's surface transportation infrastructure in the 119th Congress. Passing a comprehensive surface transportation reauthorization bill before the IIJA expires next September is a top priority for ASCE this Congress and we appreciate the committee's early focus on this subject.

Founded in 1852, ASCE is the nation's oldest engineering society. ASCE represents more than 160,000 members of the civil engineering profession in 177 countries. As the professionals who design, construct, and maintain critical aspects of the transportation system, including roadways, ASCE welcomes the opportunity to offer perspective on this legislation.

### **The economic value of infrastructure investment**

In 2024, ASCE released *Bridging the Gap*, a report analyzing the impacts of recent infrastructure investments on American households and businesses. As Congress considers reauthorizing surface transportation programs over the upcoming year, it will be critical to have a strong understanding of the country's needs. The report found that, to bring the nation's surface transportation infrastructure into a state of good repair, \$3.5 trillion would need to be invested from 2024-2033.<sup>1</sup> If Congress continues to invest in surface transportation programs at the same funding levels represented by the IIJA, the overall funding gap for surface transportation programs will decrease slightly to \$1.2 trillion. However, if funding reverts to 2019 levels, the gap will grow to \$1.8 trillion. While recent federal legislation has halted the infrastructure investment gap's rapid growth, continued robust investment is needed to keep up with increasing demands and ensure our system is fit for the future.

Furthermore, continuing to invest in infrastructure at IIJA levels will have significant economic benefits for American families and businesses over the next two decades. *Bridging the Gap* finds that, if IIJA spending becomes the new baseline for infrastructure investment, American families will save \$700 more per year from 2024-2043. These savings will allow Americans to have more disposable income to invest in the goods and

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<sup>1</sup> <https://bridgingthegap.infrastructurereportcard.org/wp-content/uploads/2024/05/2024-Bridging-the-Gap-Economic-Study.pdf>

services they want, rather than the expenses related to failing infrastructure, such as car repair, bottled water, or losses from spoiled food when the power goes out. Continued investment in our transportation system will also result in safer and more dependable trips for individuals heading to work, children on their way to school, and truck drivers delivering goods to businesses.

### **ASCE's Report Card for America's Infrastructure**

Every four years, ASCE publishes its *Report Card for America's Infrastructure*, which grades the nation's major infrastructure categories using an "A" to "F" school report card format. The most recent Report Card<sup>2</sup>, released in March 2021, evaluated 17 categories of infrastructure and reflected an overall "C-" grade. Roads received a "D" on the Report Card, while bridges received a "C", transit a "D-", and rail a "B". The next Report Card will assess 18 categories and will be released on March 25, 2025.

### **Recommendations for a surface transportation reauthorization bill**

#### **1. Funding for infrastructure investment**

Recent federal legislation, such as the IIJA, set a new standard for investment in surface transportation. Although this law included substantial funding for the nation's roads, bridges, and transit systems, a funding gap remains, and Congress will need to determine how these programs are supported going forward.

ASCE urges Congress to at least maintain investment levels set by the IIJA and provide adequate funding for infrastructure investment. The IIJA has resulted in many tangible benefits to the transportation system. Since the law's enactment in November 2021, the IIJA has directed \$591 billion to over 72,000 projects.<sup>3</sup> These are projects to improve safety on roads and at railroad crossings, accelerate the movement of goods at ports, and increase connectivity in rural and under-resourced communities. In short, the IIJA has funded projects that not only protect human lives, but also spur economic activity.

Transportation funding should involve a continuation of traditional user fees, such as federal and state motor fuel taxes, while transitioning to more sustainable innovative user fees, such as alternative energy vehicle fees and road usage charges. Funding for roads and bridges relies on the Highway Trust Fund (HTF), which is supported by motor fuel tax revenue. The federal motor fuel tax rate of 18.4 cents per gallon for gasoline and 24.4 cents per gallon for diesel has not been raised since 1993. Due to the growth in construction costs and the increasing fuel efficiency of vehicles, the purchasing power of the HTF has declined precipitously over the years.

Vehicles, navigation systems, safety mechanisms, and roadway design techniques have all made their way into the 21st century. Funding for infrastructure should

<sup>2</sup> <https://infrastructurereportcard.org/>

<sup>3</sup> <https://www.transportation.gov/briefing-room/big-deal-biden-harris-administration-nears-close-history-making-progress-continues>

transition to reflect the current transportation system. ASCE recommends innovative user fees that align with the “user pay” principle, which is based on the idea that people who use roadways should bear the costs associated with them. Innovative financing techniques can benefit infrastructure development by better leveraging available resources to deliver more capital. They can also play a major role in delivering projects and public benefits sooner than conventional methods. However, financing by any technique does not supplant the need for adequate user fees or other sources of revenue to pay for projects.

## **2. Operations and maintenance**

Congress should support state- and local-level transportation asset management plans that link asset management efforts to long-term transportation planning and incorporate the use of life-cycle cost analysis. Life-cycle cost analysis, which helps raise awareness of the full cost of infrastructure, can help transportation professionals make well-informed operations and maintenance decisions. Using life-cycle cost analysis to evaluate operations, maintenance, repair, and energy costs can help with the overall cost-effectiveness of the project.

One key component of judicious infrastructure decisions is accurate, updated data. Thoroughly collected and promptly reported data guides infrastructure owners on when and how to distribute valuable resources to maintain their roads and bridges. ASCE would like to suggest the incorporation of a provision included in the Rail Bridge Safety and Transparency Act that proposes a bridge inspection report database. This bill, which was introduced last year, calls on the Department of Transportation to develop a database of bridge inspection reports received from railroad carriers. ASCE believes this provision would promote transparency and increase the safety of these critical structures.

ASCE also recommends Congress consider the Bureau of Transportation Statistics’ (BTS) work to provide local government agencies with data tools to support infrastructure decisions. The IIJA directed BTS to conduct outreach and identify the data needs of local government officials to make informed decisions about infrastructure investments. It also called on BTS to create a work plan to develop relevant data analysis tools for infrastructure investments in rural and urban communities. In the upcoming surface transportation reauthorization bill, ASCE suggests requiring an update from BTS on the progress of the work plan. Additionally, ASCE would recommend preserving an IIJA provision authorizing \$10 million per fiscal year for BTS besides the amounts provided through the HTF.

## **3. Building for the future**

Across the U.S., disasters of greater intensity, duration, and frequency have wreaked havoc on communities of every size and location. In 2023, a total of 28 extreme weather events caused nearly 500 deaths and over \$95 billion in damages; since 1980, the U.S.

has experienced 400 events amounting to at least \$1 billion with a total cost of \$2.7 trillion.

Therefore, in any reauthorization bill, ASCE urges Congress to include requirements to design and construct infrastructure that can withstand increasingly extreme weather events, such as incentivizing the use of the latest codes and standards for projects receiving federal dollars. Designing and maintaining with resilience in mind can result in longer-term project viability, cost savings over time for infrastructure owners, reduced negative impacts on communities and the environment, and increased public involvement in decision-making. The widespread adoption of frameworks and standards can help deliver resilient, fiscally responsible projects and make the nation's infrastructure fit for the future. The past year alone, during which tornadoes caused damage across the central and southeastern U.S. and hurricanes devastated communities, has demonstrated the need for resilient infrastructure. One recent standard ASCE recommends would be ASCE/COS 73-23: Standard Practice for Sustainable Infrastructure, which provides guidance for infrastructure owners to develop and implement solutions throughout a project's entire life cycle.

Additionally, incorporating sustainability considerations into project design and construction can help ensure infrastructure systems are built to withstand growing challenges caused by extreme weather. An effective approach to this is the increased utilization of the Envision Sustainable Infrastructure Framework. The Envision framework is a decision-making tool that allows stakeholders – including engineers, architects, and contractors – to evaluate projects through the lens of sustainability indicators addressing economic, environmental, and social factors, allowing for more systemic change and improving system performance.<sup>4</sup>

Relatedly, ASCE recommends Congress continue to fund research into the use of innovative technologies, materials, and construction techniques, which can help ensure our infrastructure systems withstand extreme weather events. Innovation in the transportation sector can result not only in longer-lasting infrastructure, but also safer systems for the traveling public.

ASCE also recognizes that reducing delays in the permitting process for infrastructure projects can help our nation achieve a transportation system appropriate for the 21st century. ASCE supports a balanced approach to the National Environmental Policy Act (NEPA) process characterized by quality science, objective determinations of potential project impacts on the environment, and streamlining the permitting and approval process for infrastructure projects. Project delays associated with the current NEPA process often result in significant additional expenses to taxpayers stemming from issues such as increases in labor and materials costs. Time is another challenge, as environmental impact statements (EIS) can take years to complete. These delays in projects across every infrastructure sector are impacting public safety and our economy,

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<sup>4</sup> <https://sustainableinfrastructure.org/envision/about/>

and ASCE encourages Congress to look at ways for the permitting process to be streamlined in a safe and responsible way.

**Conclusion**

ASCE thanks the Committee on Environment and Public Works for holding a hearing on this important subject. ASCE strongly supported the IIIJA and we consider comprehensive surface transportation reauthorization legislation a top priority. We appreciate the opportunity to share our recommendations, and we are ready to be a resource as you work on this important bill.

