S. HRG. 119–342

HEARING ON THE ROAD AHEAD: PROPOSALS TO IMPROVE AMERICA'S TRANSPORTATION INFRASTRUCTURE

HEARING

BEFORE THE

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

OF THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

UNITED STATES SENATE

ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

JULY 23, 2025

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FIRST SESSION

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HEARING ON THE ROAD AHEAD: PROPOSALS TO IMPROVE AMERICA'S TRANSPORTATION INFRASTRUCTURE

WEDNESDAY, JULY 23, 2025

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

The subcommittee met, pursuant to notice, at 3:02 p.m. in room 562, Dirksen Senate Office Building, Hon. Kevin Cramer (chairman of the subcommittee) presiding.

Present: Senators Cramer, Alsobrooks, Capito, Lummis, Ricketts, Markey.

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

Senator CRAMER. The subcommittee will come to order. Welcome, everybody. This is a good hearing and a good day to discuss the road ahead for us.

We are going to discuss proposals to improve America's transportation infrastructure It is an important conversation. At the EPW committee we have already begun to work to craft surface transportation reauthorization legislation for next year. Senator Alsbrooks and I were just visiting about the fact that the last one passed out of the full committee unanimously.

Beginning work early, working together, having good witnesses helps us get to a similar goal next year.

I commend Chairman Capito for her leadership in getting the reauthorization process started early and look forward to working with her, Ranking Member Whitehouse, Ranking Member Alsobrooks, and of course, my fellow committee members, to get a comprehensive bipartisan bill across the finish line next year.

I also want to thank our witnesses for being here today. We appreciate your time and the insight that you bring to this conversation.

As we look toward reauthorization, I am focused on advancing practical, bipartisan policies to improve the efficiency and the effectiveness of the Federal Aid Highway Program. Just last week, as I said, the full committee held an excellent hearing with State and local leaders, including Governor Kelly Armstrong, where we talked about lessons learned in the past bills, and what improvements we can make.

Some programs, like the Bridge Formula program, are a high priority for all States. Governor Armstrong spoke in strong support of it, and it is no surprise that his department of transportation is echoing the same strong support in your testimony today.

There are areas where we can improve. In recent months, I have introduced three bills which I believe are all central to this effort. Each reflects direct input from States and is about getting better outcomes without increasing the cost to the taxpayers.

From the start, however, I need to emphasize the importance of preserving and strengthening formula funding. As I like to say, without well-maintained roads like Interstate 94, which is made possible because of formula funding, durum wheat from North Dakota would never become pasta in New York or Los Angeles. Wouldn't that be too bad?

North Dakota is a low population State but the No. 1 producer of many agricultural commodities. Our roads can not be relegated to gravel and expected interstate commerce to thrive. The formula system works, and this committee has demonstrated a strong commitment to it over the years.

In terms of reforms, I think we need to take a serious look at reducing the regulatory burden on States and cutting red tape within the highway program. My bill with Senator Kelly, the Transportation Asset Management Simplification Act, does just that. It is a small fix, but it supports a much bigger goal of cutting through the bureaucracy so that every dollar goes further.

Another key principle is providing more flexibility for States to make investment decisions that better reflect local needs. Greater flexibilities for States is precisely the goal of the Highway Funding Transferability Improvement Act which I was happy to partner with Ranking Member Alsobrooks on. It is a great idea, and I am glad we are working on it.

Her forward-thinking approach on this issue is refreshing. The concept of our legislation is remarkably simple, a lot of good things are, but very important. States know their needs better than any bureaucrat in Washington. North Dakota and Maryland's constituents have very different transportation needs.

It turns out, when Washington gets out of the way, States know exactly what to do and deliver real results. Both Ranking Member Alsobrooks and I served in State and local government. I think both of us would agree: the best partnerships with the Federal Government were those where we could be the most nimble to meet the constituents' needs.

I always tell Federal witnesses and nominees, please do not impose Federal mediocrity on our State's excellence. This bill embodies that basic principle, and I look forward to hearing from both our State witnesses on this point.

Safety, however, must also be at the forefront of everything we do. Specifically, making it safer and easier for kids to walk and bike to school. I introduced the Safe Routes to School Improvement Act with Senator Markey to do just that. It builds on bipartisan work that we did with Senator Cortez Masto in the last highway bill that expanded the Safe Routes to School program to include high schools.

This bill would enhance access to the program for communities in North Dakota and nationwide by requiring States to have a specific point of contact to help local communities navigate the program and understand what exactly they are eligible to apply for. This will improve infrastructure like sidewalks and street crossings so that children who walk or bike to school are safer in that process.

Last, this committee must do more to accelerate project delivery. There is a lot to be said on this, but I just note that the One Federal Decision framework was a strong concept under the last bipartisan infrastructure bill. It has not delivered the results we had hoped for. As part of reauthorization, at a minimum, we need to revisit the OFD and make real improvements.

I look forward to working with my colleagues to get this bill done, and to ensure the highway program is more responsive to the needs of our constituents.

With that, I turn the microphone over to my friend, my colleague, the Ranking Member, Senator Alsobrooks, for her maiden leadership speech. Too much?

Senator ALSOBROOKS. No, perfect.

[Laughter.]

OPENING STATEMENT OF HON. ANGELA ALSOBROOKS, U.S. SENATOR FROM THE STATE OF MARYLAND

Senator ALSOBROOKS. Thank you so much. No pressure.

Good afternoon, everyone, and welcome to today's hearing on the Senate Environment and Public Works Subcommittee on Transportation and Infrastructure. Chair Cramer, I want to start by thanking you so much for your partnership in leading this subcommittee and in holding this hearing.

North Dakota and Maryland are very different States, both with unique needs. Yet we have been able to work together to identify shared priorities and I am most grateful for that.

I also want to thank Chair Capito and Ranking Member Whitehouse for their continued leadership as we both look to build out the next Surface Transportation Reauthorization Bill.

I would like to also acknowledge today the presence of the family of Sarah Debbink Langenkamp. Her widow is here, Dan Langenkamp, and her father, Dirk Debbink. I had an opportunity to speak to both of them and to talk, and they are here with us today.

Sarah was tragically killed in August 2022 while riding her bike along River Road in Bethesda. Her family has worked diligently to turn this tragedy into action and has been advocating to make roads safer for cyclists since her death. I want to thank you both for the work that you are doing, and thank you as well, so much, for joining us today.

Regular reauthorization is crucial to supporting our highways, bridges, public transit, and rail. However, transportation policy is as much about fixing our roads as it is about safety, equity, sustainability and economic opportunities.

Last, I would like to thank our witnesses. Thank you so much for joining us today. I especially want to thank Samatha Biddle, from the Maryland Department of Transportation, for being here today.

Maryland is at the forefront of transportation innovation, actively leveraging Federal investments to upgrade critical infrastructure like the Chesapeake Bay Bridge, and expand commuter rail services. The State's commitment to safer roads and cleaner transit shows how targeted policies can drive real progress in modernizing transportation systems.

The condition of our infrastructure directly affects the safety, mobility, and quality of life of all Marylanders. During this discussion, we hope to shed some light on how we can empower States to deliver safer, more efficient and effective and modern transportation infrastructure.

As we get ready for the next surface transportation reauthorization, it is also important to reflect on the progress underway, thanks to the Bipartisan Infrastructure Law. In Maryland, as is the case across the Country, BIL investments have been transformative. The State has received approximately $4.6 billion in highway and bridge funding, and is set to receive nearly $30 million for highway safety initiatives.

Additionally, Maryland secured $63 million to expand EV charging networks, laying the groundwork for a cleaner, more modern transportation system.

Despite this progress, there is so much work left to be done. Structurally deficient bridges are a real concern and nearly half of our major local and State maintained roads are considered to be in either poor or mediocre condition. These poor road conditions cost Maryland $12 billion annually and lead to traffic congestion, which increases commuter time and delays the movement of goods, hurting the supply chain.

Transit systems face funding gaps, even as demand grows. This is why the bills being discussed today are so important. Enhancing the Safe Routes program will protect pedestrians and cyclists and foster more walkable communities. Expanding the flexibility to transfer Federal highway funds between programs will allow Maryland and other States to better align resources with their most urgent transportation needs, whether it is building resilient infrastructure, modernizing transit facilities, or addressing safety.

This is why I was proud to join Senator Cramer in introducing the Highway Funding Transferability Improvement Act. This bill increases the allowable transfer of Federal highway funds between eligible programs from 50 percent to 75 percent. By increasing flexibility, this bill provides State DOTs with greater flexibility to make investment decisions that reflect their unique needs and evolving priorities.

Enhanced flexibility also enables States to repurpose dollars that might otherwise go unspent, reducing the volume of unobligated funds and empowering States to tailor transportation investments at the local level. How we invest in and manage our infrastructure directly impacts economic growth and safety.

We all rely on safe roads, efficient transit and resilient bridges to get to work, access health care, and support local businesses. If we fail to modernize our systems or respond to State-specific needs, that is a lost opportunity in so many ways.

I look forward to discussing these bills and more with our three witnesses today. Thank you.

Senator CRAMER. Excellent. Thank you so much.

We are honored to have three outstanding witnesses and grateful for this irrevocable gift of your time this afternoon.

I will start out by introducing Chad Orn. It is my honor to introduce Chad. He is the Deputy Director for Planning at the North Dakota Department of Transportation. Thank you for being here and for all the work that you do on behalf of the people of our State.

Chad has served at the DOT for over two decades. He holds key leadership roles across multiple divisions, including design, programming and environmental services. He is a registered professional engineer and holds a civil engineering degree from North Dakota State University. He also served 12 years in the North Dakota Army National Guard as a heavy equipment operator. Thank you for that service.

Chad knows first-hand how critical transportation infrastructure is to everyday life in North Dakota. He literally works every day to ensure our roads and bridges meet the needs of communities across the State. I could not ask for a better voice to bring a boots-on-the-ground perspective to this hearing.

You, Chad, have been an outstanding resource to me and to my staff. I am grateful to have you here today to share your insight with the members of the committee. For those of you who need interpretation services to understand this North Dakota accent, I am here to help.

[Laughter.]

Senator CRAMER. Thanks again for being here, Mr. Orn. The microphone is yours.

STATEMENT OF CHAD M. ORN, P.E., DEPUTY DIRECTOR OF PLANNING, NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

Mr. ORN. Thank you for your kind remarks, Chairman Cramer.

Chairman Cramer, Ranking Member Alsobrooks, and members of the subcommittee, I am Chad Orn. I am the Deputy Director of Planning for the North Dakota Department of Transportation. Thanks for the opportunity to present to you today.

To improve the Federal highway program, we recommend various ways of making it more flexible. First, we strongly support S. 1733, by you, Chairman Cramer, and Senator Alsobrooks, to increase from 50 percent to 75 percent a State's ability to transfer funds between highway program elements. Transportation issues in North Dakota and Maryland differ. Enhanced transferability helps each State address transportation challenges.

We also support S. 1167, the Transportation Asset Management Reform bill by Senators Cramer and Kelly. This bill would have States continue quality asset management work, but without annual interruption to present detailed asset data to Federal Highway. This would save North Dakota and other States numerous hours of work without decreasing the end benefits to their citizens.

Next, we support the Safe Routes Improvement Act, S. 1828, by Senators Cramer and Markey, which seeks to improve the safety of young people traveling to and from school. We understand that the bill allows a State to add the responsibility of a safe routes to school coordinator to another official in the State DOT. That flexibility is important, as State DOTs evolve their approaches to improve safety in working with local governments.

Next, Congress should distribute a greater percentage of highway program dollars to States by formula. The record is clear that highway formula dollars are invested in projects more promptly than are discretionary dollars, expediting the public benefit.

Similarly, we strongly recommend that Congress continue a formula bridge program in the reauthorization bill, preferably as contract authority and as part of Title 23.

Finalizing a Federal discretionary grant to a State takes way too long. Last week, North Dakota Governor Armstrong explained to the full committee that there is one North Dakota project that has been over 2 years since the project was selected by the U.S. DOT. However, I am happy to report that I did sign the grant agreement yesterday. I am now hoping for a quick agency execution on that grant agreement, good news. Legislation should require a simplified and faster approach to finalizing these grant agreements.

Further, Congress should eliminate, shrink or reform slow-obligating programs and redirect those funds to effective formula programs. Notably, we support robust highway program funding. This is well justified by needs as a response to inflation and because a program is beneficial.

Highway investments provide benefits in every State, including safety benefits. In our rural State, highways serve the Nation's agriculture, energy production industries, and national landmarks, including Theodore Roosevelt National Park and the soon-to-be-opened Theodore Roosevelt Presidential library. Long distance movements across States like North Dakota benefit people and commerce in other States at both ends of the movement.

We support expediting environmental review. This is important to States with a short construction season, as North Dakota has. A 1-month delay in our State can become a delay of a year if it means a project can not be started until the next year.

We support the SPEED Act, S. 1894, by Senator Lummis and cosponsored by you, Chairman Cramer, Senator Kelly and Senator Barrasso. This bill adjusts for inflation a current law provision that provides a categorical exclusion under NEPA for projects of limited financial assistance.

We also support more opportunities for an environmental review role for States, including States unwilling to waive their sovereign immunity.

In addition, Congress should establish an efficient Buy America waiver process. A State or local government must be able to file a waiver request that will be promptly published for comment, and after a comment period, promptly followed by a Federal highway decision.

This is a real concern for North Dakota. North Dakota DOT sent its first of five Buy America waiver requests to use submersible pumps to FHWA in 2023. To date, there has been no decision on our waiver request.

In closing, we have presented today various ways to make the highway program more flexible and effective. We submit that all States and their people and businesses will benefit if reauthorization legislation includes these reforms.

That concludes my statement. I will be pleased to respond to questions.

[The prepared statement of Mr. Orn follows:]

Statement of the Transportation Departments of North Dakota,
Idaho, Montana, South Dakota and Wyoming
before the
Subcommittee on Transportation and Infrastructure,
Committee on Environment and Public Works,
United States Senate
Presented by
Chad M. Orn, Deputy Director for Planning, North Dakota Department of Transportation
on
Improving the Federal Highway Program Through Increased Flexibility
July 23, 2025

Chairman Cramer, Ranking Member Alsobrooks, and Members of the Subcommittee:

I am Chad M. Orn, Deputy Director for Planning of the North Dakota Department of Transportation (NDDOT). Thank you for the opportunity to appear before the subcommittee today. At the outset, I'm pleased to advise that the transportation departments of Idaho, Montana, South Dakota and Wyoming have concurred in NDDOT's written statement for this hearing.

Mr. Chairman, Federal highway investment is tremendously important to our country, as well as to North Dakota. USDOT estimates that Americans take over a billion trips daily, and the overwhelming majority of the trips use the road system. Even those who do not travel on a given day benefit as trucks use the highways to get food, clothing and other essentials to stores and households. Clearly, it is important to virtually all Americans that we do what we can to improve the highway and surface transportation system.

We hope our comments today will help the Congress craft reauthorization legislation that will improve the effectiveness of the Federal highway program by making it more flexible in various ways. This will help every dollar go further, <u>and benefit every state and their communities, people and businesses</u>. There are a number of ways to make the program more flexible and effective so that states can promptly and effectively deliver meaningful projects. We would simplify both the highway program as a whole and individual program elements through actions such as reducing unnecessary requirements (whether rules, guidance or other program conditions); reducing the number of programs; reducing data collection burdens; and allowing and increasing transferability of dollars between highway program elements.

We have both broad and specific suggestions to advance flexibility and effectiveness, and we start with specific bipartisan ones proposed by Chairman Cramer.

<u>Support for Highway Funding Transferability Improvement Act, S. 1733</u>

We strongly support S. 1733, your bill, Chairman Cramer, co-sponsored by Senator Alsobrooks, that would increase from 50 percent to 75 percent a state DOT's ability to transfer funds that are already allowed to be transferred between specified highway program elements. This bill will help North Dakota and all states better meet the needs of their citizens, local governments, and businesses.

Not only do the priorities of the various states differ, but the needs and priorities even of a single state will not be the same from year to year. This bill addresses that reality and will help states deliver the highway program and projects more effectively and efficiently.

We also consider it noteworthy, Chairman Cramer, that you are from one of the nation's lowest population density states, and that Senator Alsobrooks is from one of the highest population density states. Clearly the transportation challenges of North Dakota and Maryland have considerable differences as well as commonalities, and S. 1733 gives each state an improved tool to help address their specific challenges.

Reduce the Frequency of Some Asset Management Reporting, S. 1167

We support the Transportation Asset Management Simplification Act, by Senators Cramer and Kelly. This bill would reduce the frequency of a state's reports to the Federal Highway Administration (FHWA) on certain asset management activities. States are fully committed to quality asset management on a continual basis, so that roads and bridges are collectively in the best possible condition consistent with available resources. Notably, this bill changes none of that commitment nor the activities of asset management themselves. But, today, statute calls for detailed annual reports to FHWA throughout this process. This bill allows states to increase focus on achieving quality asset management and other goals without interruption to annually prepare and present detailed data to FHWA.

The key to asset management is the state's plan that is subject to review every four years, a requirement that would be continued, while the bill wisely would discontinue the annual report requirement. As NDDOT Director Ron Henke has said: "This proposed common sense change to the Asset Management reporting requirements should save NDDOT numerous hours of work every four years, without decreasing the end benefits to the citizens of North Dakota."

We appreciate that our trade association, the American Association of State Highway and Transportation Officials (AASHTO), wrote to you, Senator Cramer, in support of this legislation, as well as in support of the transferability legislation. Thanks to you, Mr. Chairman, and Senator Kelly for advancing this proposal to free state DOTs from unnecessary bureaucratic work when there is so much more impactful work to do.

Flexibility in Safe Routes to School Efforts

The Safe Routes Improvement Act, S. 1828, by Sen. Cramer with Sen. Markey, seeks to address the safety of young people traveling to and from school. Student safety is always a concern. As we understand the bill, a state's Safe Routes to School Coordinator need not be a full-time position and a state could add that responsibility to the portfolio of another official in the state DOT. We think that flexibility is important as state DOTs evolve their approaches to improving safety and relations with local governments, including through improvements such as safe routes to schools.

Averting Disproportionate Adverse Impact on Rural States

Before turning to additional topics, let us add that one of the reasons that we speak up on these and other specific regulatory and program requirements is that the burdens of regulatory and program requirements fall particularly heavily on rural, limited construction season, low population states like North Dakota. Such states have limited staff and budgets to work through regulatory and program compliance while attending to the paramount task of delivering good projects and programs for the traveling public. Thus, delays and cost increases from requirements can limit the ability of rural states to help people through safer and better transportation.

Distribute a Higher Percentage of Highway Program Dollars by Formula and Avoid Complexities in Formula Programs

The public is eager for transportation program dollars to become delivered projects. All other things being equal, the faster program dollars translate to projects, the faster the public benefits are provided, including: safety; efficiency; economic growth; enhanced personal mobility to help people travel to work, school, medical appointments and other destinations; and enhanced movement of commercial and agricultural freight and natural resources. And, given that there is almost always some inflation, the faster program dollars become projects, the larger the benefits.

The record is clear that highway formula dollars, distributed to states, are delivered as projects more promptly than discretionary dollars. Secretary Duffy and USDOT have stated, in testimony and press releases, that there had been delays in distributing discretionary funds, including in finalizing grant agreements for projects that USDOT had selected for discretionary program funds. While the precise numbers are always changing as USDOT administers the discretionary programs, the record is clear that, for various reasons, discretionary grant programs are not obligating funds as promptly as states are obligating formula funds, and some discretionary programs spend out more slowly than others.

So, for the reauthorization bill to better serve the public interest, the percentage of Federal highway program dollars, both from the Highway Trust Fund and otherwise (should the reauthorization bill include highway funding from other sources), distributed by formula, should be meaningfully increased.

Simplify the Process of Finalizing a Grant to Implement a Selected Discretionary Project

The processes of finalizing the terms of a grant to a state that has been selected for a discretionary project take too long and are too complex. Legislation should require a simplified approach that allows a state to agree to meet applicable requirements as if the project were a project being implemented with formula funds. Additional requirements beyond that should be limited to items specifically required by the relevant NOFO. And the NOFO should not add to statutory requirements.

ND Governor Kelly Armstrong addressed this problem in his testimony before the full Committee just last week, using a North Dakota example to make the point. In June of 2023, the NDDOT was selected for a $30 million Railroad Crossing Elimination grant from the Federal Railroad Administration. The grant will fund a long-overdue grade separation project in Grand Forks, a city with nearly 60,000 residents. As of today, more than two years later, we are still awaiting the execution of a grant agreement.

Further, USDOT should publish a NOFO for comment before using it in the grant application process – at least for the first time it is used by an Administration. In addition, many grants require the grantee to file quarterly reports on the project with USDOT/FHWA. Time can be saved for awardees and USDOT by limiting reporting to once a year or, failing that, semi-annually.

Reconsider and Eliminate or Shrink and Reform Slow Obligating Programs

Returning to the need to put funds to work promptly, in the reauthorization bill the Congress should, upon reconsideration, eliminate or shrink and reform slow obligating programs.

To illustrate, by 2024 it had become strikingly clear that the backlog of funds made available by Congress for the Transportation Infrastructure Finance and Innovation Act (TIFIA) was growing and growing, with few funds dispersed, and that this backlog was likely to continue.

Chairman Capito, at the time Ranking Member, took an initiative to address that underutilization of valuable funding and worked with then Chairman Carper to enact a provision that transferred $1.8 billion of those funds to the states by formula. That was excellent leadership and legislation.

The reauthorization bill needs to similarly take a close look at other slow dispersing programs and not continue them in the reauthorization, or at least shrink and/or reform them so that the overall program becomes more effective – and combine that with redirecting the slow dispensing program funds to effective formula programs.

For example, within the Surface Transportation Block Grant (STBG) program, of 23 USC 133, a highway formula program, by law 55 percent of those funds are suballocated for areas of specified population, nearly all to urban areas (essentially to projects within local government boundaries). AASHTO has advised that, as of the close of FY 2024, 91.4 percent of unobligated STBG funds were suballocated funds.

Beyond relatively slow obligation rates associated with suballocated funds, we would add another perspective that calls for caution as the Congress considers calls by some for more suballocation. Suballocation does not create only winners, it also creates losers. Any dollar committed to a set aside or narrow class of beneficiaries is a dollar that the state DOT cannot commit (and sooner) to a ready-to-go project in some other worthy community or area.

Perhaps the process would improve if states were able to obligate outside of the suballocated area and even transfer some 23 USC 133 geographically suballocated funds after the third year (counting the year of apportionment), so that a state can take action to help ensure prompt use of funds, and avoid any lapse of funds at the end of the fourth year.

And, beyond suballocation, we would broadly encourage avoiding program complexities, new or existing, whether new reporting requirements, planning requirements, detailed project requirements, or other features. State DOTs can be trusted. They already take the public interest into account in everything they do. And they are already subject to requirements of state law and regular oversight by the legislatures and Governors as well as longstanding Federal requirements. And, with all that, states have a proven record of promptly delivering projects and programs.

The Committee knows which programs are working well and which are not -- and should take appropriate action based on that record.

Strong Support for Bridge Formula Program

One program created in the infrastructure law that is strongly supported by states is the bridge formula program. That program is working, as states make these important bridge investments. The formula bridge program included in the infrastructure law should be continued in the reauthorization bill, preferably as contract authority and as part of title 23.

Support for S. 1066, by Sen. Lummis, which would increase flexibility by allowing electric vehicle (EV) charging program funds to be used on conventional highway and bridge projects

On a related point, Senator Lummis has indirectly addressed slow spend out of EV charging program funds in the infrastructure law, formula and discretionary. Under S.1066, upon enactment, any remaining unobligated EV charging funds are to be distributed by formula for use for highway and bridge projects. Enabling the redirection of EV charger funds to highway and bridge projects is a thoughtful flexibility initiative.

<u>Support Robust Funding Levels for the Highway Program, which is Well-Justified by Needs</u>

Since 2021 there has been very substantial highway construction inflation, roughly 80 percent from the start of 2021 to the end of Q3 2024 (latest available quarter) per FHWA's National Highway Construction Cost Index (NHCCI).[1]

While not the focus of this hearing, we could not help but mention today our hope that the Committee can advance increased funding levels for highways in the reauthorization bill. Without some increase in dollar levels, the impact of recent highway construction inflation will effectively mean a noticeably reduced highway program in real dollar terms.

We also note the findings of USDOT's 25th and most recent report on the condition and performance of the Nation's Highways, Bridges, and Transit, released in 2024. The report finds (see, e.g., page vii) a repair backlog for highways and bridges (no capacity enhancements) of $852 billion and a transit State of Good Repair backlog of $101 billion. These cost increases and needs data are supportive of strong investment. And, of course, investment improves safety and provides personal mobility benefits and economic benefits.

So, both needs and the importance of responding to inflation make it appropriate for the Committee to strive to include robust funding for highways and bridges in the forthcoming reauthorization bill.

<u>Robust funding, as well as the reforms we recommend in this testimony, will help all parts of the country: urban, suburban, and rural—and help them work well together</u>

As to the benefits of the funding, and sticking to our goal of advocating legislation that will help all states, we take a moment to make clear that investment in highways in rural states benefits the entire nation.

Consider truck movements from West Coast ports to Chicago, or all the way to the East Coast. These and other long distance movements traverse States like North Dakota, South Dakota and Wyoming and benefit people and commerce in the metropolitan areas at both ends of the journey.

In addition, Federal-aid highways in rural states:

- serve the nation's agriculture and energy production industries, which are located largely in rural areas and are important contributions by North Dakota to the national economy;
- have become increasingly important to rural America, with the abandonment of many rail branch lines;
- are a lifeline for remotely located and economically challenged citizens, such as those living on tribal reservations;

Further, North Dakota has long been a national leader in the production of many crops, including dry edible beans, canola, flaxseed, honey, peas, durum wheat, and spring wheat. The highway network is essential to moving these important products to national and world markets, improving the U.S. economy.

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[1] https://explore.dot.gov/views/NHIInflationDashboard/NHCCI_1?%3Aiid=1&%3Aembed=y&%3AisGuestRedirectFromVizportal=y&%3Adisplay_count=n&%3AshowVizHome=n&%3Aorigin=viz_share_link

As you have said, Senator Cramer, without a good transportation system in North Dakota, home of the nation's durum wheat, there could be challenges accessing good pasta in downtown and suburban restaurants and markets across America.

Further, without a strong road network in the rural West, access to many of our country's great national parks and other scenic wonders would be limited. The residents of major metropolitan areas travel the roads approaching national parks or monuments, spending valuable time with family and friends. They want quality highway access to these national treasures for those special trips.

While Yellowstone and some other attractions are better known, the Great State of North Dakota proudly hosts Theodore Roosevelt National Park and the soon to open Theodore Roosevelt Presidential Library—and all are invited to that exciting facility's grand opening in July of 2026 and to return later, as well. Investment in highways that provide access to these wonderful places also helps ensure that American and international tourism dollars are spent in America, furthering national economic goals.

Expedite Environmental Review

We continue to support efforts by Congress and the Executive Branch to expedite environmental review. And we emphasize that we deliver projects while protecting the environment. But there is room to complete the environmental review process more promptly. And that is particularly important to North Dakota and similar states with a very short construction season. Delays of a month or so become delays of a year, as a project must be rolled over into the next construction season.

Many ideas have been and will be advanced for streamlining and expediting the environmental review process for projects, and we are broadly supportive. Recent delegations of review tasks to states have proven successful in moving projects forward. Facilitating the delegation of review tasks to states that are willing to do the work is one approach that we support.

We also strongly support the One Federal Decision concept, as frequently delay in advancing projects results not from implementation of NEPA, but from review pursuant to other more specific environmental statutes that may be applicable to a project. Ensuring a coordinated approach to reviews for all applicable requirements is important, and we support strong implementation of One Federal Decision.

Further, we note here two specific environmental streamlining proposals.

We support, the SPEED Act, S. 1894, introduced by Senator Lummis and co-sponsored by you, Chairman Cramer, Senator Kelly, and Senator Barrasso

The SPEED Act builds on a provision enacted in 2012 as part of MAP-21. Section 1317 of MAP-21 established a categorical exclusion under NEPA pursuant to 23 CFR 771.117(c) for projects of limited financial assistance. In 2012 (MAP-21) this exclusion applied to any project that receives less than $5 million in Federal funds; and to a project with a total estimated cost of not more than $30 million if Federal funds comprise less than 15 percent of the total estimated project cost. Today, after amendment by sections 1314 of the FAST Act and 11317 of IIJA, those amounts are $6 million and $35 million, respectively, increased only slightly. Congress was correct to establish a categorical exclusion for projects of limited Federal assistance. These low-cost projects do not require extensive environmental review and, in any event, states protect the environment in delivering projects.

Yet, as noted earlier, since 2021 there has been very substantial highway construction inflation, roughly 80 percent from the start of 2021 to the end of Q3 2024 per FHWA's National Highway Construction

Cost Index (NHCCI). Accordingly, the thresholds in the statute do not reach as many projects as expected. Inflation has eroded the intended benefit of this provision. The response must be to substantially increase the categorical exclusion dollar levels under this provision, such as doubling them to capture inflation since Q1 2021 through today and allow for near term future inflation.

Without this excellent legislation, inflation will have served not only to directly increase costs, but to increase them indirectly by extending the reach of regulation.

Enable a State DOT to act as An Agent of USDOT for Certain Purposes

23 USC 327 enables a state DOT to assume USDOT's environmental review responsibilities and authority under certain conditions, including that the state would waive its sovereign immunity from suit in Federal courts in order to defend its decisions pursuant to having assumed USDOT's authority for environmental review. The section 327 program has proven to accelerate completion of environmental review. However, many states whose DOTs are interested in assuming USDOT's environmental review authority are not willing to waive sovereign immunity or have been unable to secure consent from their respective states to waive sovereign immunity.

One alternative could allow USDOT and a state to agree that the state DOT can be the agent for USDOT in undertaking aspects of the environmental review of a highway project, such as from the beginning up to and including drafting the final EIS and any Record of Decision (ROD). However, under this approach, FHWA would then resume control of the process and would have to issue the final EIS and/or ROD (as applicable) within a short time and be the defendant in any court challenge – eliminating the need for a sovereign immunity waiver. But the state would be able to undertake review and help accelerate the process.

Congress Should Establish at FHWA an Efficient Buy America Waiver Process

FHWA should be directed to implement an expedited process for considering waiver requests and, when lawful, issuing waivers to allow purchase/use of materials that do not satisfy Buy America requirements absent a waiver. This could be done by requiring publication of an interim final rule with opportunity to comment within 60 days of enactment.

Whether for manufactured products or iron and steel, the statute should direct that under the expedited process –

- a state or local government must be able to file a waiver request with FHWA;
- FHWA must have it published in the Federal Register for comment, within 20 days of the filing of the Buy America waiver request with FHWA, and the Federal Register notice must provide a comment period of at least 30 but no more than 45 days from publication; and
- FHWA must be required to review comments and issue a decision within 45 days of the close of the comment period, after considering whether a U.S. made alternative is available, is expected to be available shortly or, if applicable under statute, available only at a cost sufficiently higher than the cost of alternatives that do not meet buy America requirements to be considered not available.

In addition, such an approach to expediting the waiver decisionmaking process should require USDOT to place a relatively short time limit, appropriate to the marketplace for the particular product, on the effectiveness of the granted waiver. For example, in the case of a granted waiver, the grant should specify that the waiver applies to contracts put out to bid by a state or local government within a few years of the decision, but not less than 2 years or more than 4 years. This approach of short waivers would continue to incentivize development of made in America products while avoiding, or at least mitigating, transportation project and program cost increases and delay.

Today, Buy America waiver applicants face uncertain prospects on the merits of a waiver and as to the waiver process. It is a lose-lose situation. The lack of, or denial of, a waiver does not make American-made products instantly available. Nor does the absence of a waiver prevent project cost increases and delay. Importantly, this approach would not change Buy America requirements—but would make them workable through short waivers.

As an example, ND sent its first of five Buy America waiver requests, to use submersible pumps, to FHWA in December of 2023. The pumps are simply not made in this country at this time. To this date, there has been no decision on our waiver requests. Again, it is a lose-lose situation.

Safety is Part of Everything We Do

In almost every public forum, state DOT and USDOT officers invariably note that safety is the top priority. We want to reinforce that, even as our focus today is on other issues. The record shows that in North Dakota, since 2014, we have had a steady decline in roadway fatalities and the fatality rate. Last year, North Dakota had its lowest number of fatalities in 20 plus years and a fatality rate that was the lowest since we have been tracking it.

This is in part because safety is a priority part of everything we do. It is not just our work with parts of the highway program and NHTSA safety grant programs that are labeled “safety” programs.

For example, as you know, Senator Cramer, we have been working for years to widen U.S. Highway 85 in western North Dakota to accommodate the increased traffic from the energy development boom and the associated general economic and population growth. Upgrading parts of that highway to four lanes, with wider shoulders and less severe curves, helps ensure that passenger cars can safely pass slower moving oil industry trucks and equipment. Some may not think of the project as a safety project but it improves the safety of that road. We take safety into consideration in all our projects, and are confident other states do as well.

Several Additional Suggestions for Reducing the Regulatory Burden on States

Before closing, we quickly note several further ways in which the Congress can reduce regulatory burdens that we suggest should not be controversial.

Adjust Value Engineering Requirements to Reflect Recent Construction Inflation

Current statute and regulations require value engineering for projects with an estimated total cost exceeding specified thresholds. The current statutory threshold was set in 2012, in MAP-21, and does not reflect the very significant construction cost inflation since then, which we have described as roughly 80 percent just from the start of 2021 through the first 9 months of 2024. At this point, doubling the estimated project cost threshold is the practical approach.

Without such an adjustment, the statute is requiring more frequent value engineering than was contemplated when enacted in 2012. Put another way, without such adjustments, not only is the public losing some of the value of highway program dollars due to highway construction inflation, value is further lost because construction inflation has the effect of increasing regulation in instances such as value engineering requirements.

Moreover, to the extent that other title 23 requirements include dollar thresholds, consideration should be given to adjusting them to reflect inflation – otherwise, inflation works to expand the effective reach of a requirement and increase regulation.

Limit data collection burdens, including by elimination of duplicative data collection

The reauthorization bill could constructively include a provision, at least as to the highway program, directing USDOT/FHWA to reduce requirements not explicitly required by statute that require state DOTs (and others) to develop, provide, and/or submit data. More specifically, some Highway Performance Monitoring Systems (HPMS) data collections duplicate planning, bridge and other data.

The Specifications for the National Bridge Inventory (SNBI) are among current data requirements that call out for simplification. The March 2022 edition is 354 pages of detail as to how to keep bridge data. Some of it requires entering into a bridge system data already kept for the highways on which bridges are located. Maintaining duplicate data is always time consuming and further effort is warranted to reduce such requirements.

Legislation should direct USDOT to eliminate such duplications and other excessive data requirements. This can be done in a way that does not require the Congress to take positions on detailed issues as to particular items.

Summary and Conclusion

Federal investment in highways in rural states helps safely move people and goods throughout the country, helps move agricultural, energy and natural resources to market, and is in the national interest. We believe that our Nation's highways can better advance these important national objectives and objectives important to other states if reauthorization legislation advances our suggestions, including:

robust funding;
an increased percentage of overall funding being distributed to states by formula;
some consolidation and reduction of discretionary and other programs, particularly to deemphasize slow to spend programs; and
streamlining and trimming of regulatory and program burdens, including the flexibility and regulatory reduction bills introduced by Chairman Cramer that we supported in our testimony today.

That concludes our statement. I'll be pleased to respond to questions though, to the extent the responses go beyond what we have addressed in writing, I am able to respond only for my own department. Thanks again for the opportunity to present testimony today.

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Follow-up Questions from the
Subcommittee on Transportation and Infrastructure,
Committee on Environment and Public Works,
United States Senate
Presented by
Chad M. Orn, Deputy Director for Planning, North Dakota Department of Transportation
on
Improving the Federal Highway Program Through Increased Flexibility
July 23, 2025

Chairman Cramer:

1. The record shows States are able to put highway formula funds to work quickly while discretionary grants often face delays. I believe the Surface Transportation Reauthorization bill should put more emphasis on formula funding because states deliver results more promptly.

    a. Is formula funding an effective way to advance infrastructure projects in a timely manner?

       As stated in the written testimony, "the record is clear that highway formula dollars, distributed to states, are delivered as projects more promptly than discretionary dollars." With formula funds, states can prioritize, plan, and develop projects knowing that funds will be available for those projects. The projects are both timelier and more predictable. This is a major benefit for both the states and the citizens that use the infrastructure.

       Further, the delay inherent in discretionary grant programs means that the cost of projects goes up; and time is money. In a discretionary program: USDOT must develop a Notice of Funding Opportunity and invite applications; a state or other eligible applicant must put a great deal of time and work into an application; USDOT must then carefully review all the applications and choose from among the applications; and then USDOT and a chosen applicant must finalize the terms of a grant agreement. Even assuming that USDOT manages to reform that process so it moves more quickly, it will still be slower than the processing of formula funds and, at least in that sense, with inflation, the taxpayers get less for their dollars.

    b. What are the practical implications on the North Dakota Department of Transportation's planning process when a transportation project is funded using a discretionary grant versus annual funding formula funding?

With a discretionary grant, it is a hurry up and wait process. A State has a limited time to prepare a grant application, then has to wait and see if its proposal is selected. If the State is fortunate enough to be selected, then there is the long process of negotiating the grant agreement with the federal agency. For example, the North Dakota Department of Transportation (NDDOT) was selected for a $30 million Railroad Crossing Elimination (RCE) grant. From the time NDDOT was selected until execution of a grant agreement took over 26 months. Due to that delay, the NDDOT had to put on hold portions of the project development, which put the construction start date in jeopardy and substantially increased the overall cost of the project. NDDOT must be extremely selective in deciding whether to apply for a discretionary grant for a project if the construction of a project needs to start within a particular time range. If NDDOT has doubts about the timing of even a successful discretionary grant application, we have to consider whether to apply at all because we want to avoid having to delay the project, which would increase the costs of the project due to inflation, concern that fewer bidders could be available, possible impact on the sequencing of other projects nearby, or other reasons.

2. The Bridge Formula Program (BFP), which was established under the Infrastructure Investment and Jobs Act, provides dedicated funding to each state to repair and replace bridges in poor condition or at risk of deterioration. Based on what I've seen, it's working well and helping states make real progress.

    a. How has the BFP specifically benefited North Dakota? Why is it important for the program to be continued in the upcoming reauthorization legislation?

    North Dakota and *South Dakota, Idaho, Wyoming, and Montana, per the written testimony, support the continuation of the BFP, preferably as contract authority and as part of title 23. ND has substantial bridge needs for both the state and local systems. The BFP greatly enhances our ability to address those different bridge needs throughout the State. The BFP provides a predictable and reliable source of funding that ND can use to improve bridges in our state. In ND, the BFP has replaced or rehabilitated over 90 bridges on the local government system and over 70 bridges on the state system. Every one of these projects enhances movement of commercial and agricultural freight, natural resources, and person mobility for the citizens of ND. The BFP absolutely should be continued in the reauthorization bill.*

Senator Ricketts:

1. In 2023, the Fiscal Responsibility Act expanded the ability of agencies to adopt other agencies' categorical exclusions. In your experience, has the implementation of this new authority gone well and are there further authorities that could reduce red tape?

> *Both the ability of federal agencies to adopt other agencies' categorial exclusions (CATEX) and legislation advancing the One Federal Decision concept have great intentions. However, the real-world implementation of the concepts has not yet been effective in the direct experience of the North Dakota Department of Transportation (NDDOT). The adoption of a CATEX is not a "have to", but a "may", for a federal agency. In our experience, a federal agency takes the position that the process laid out in the Fiscal Responsibility Act to adopt another agency's CATEX is lengthy and complex, so the agency decides not to go down that road. That leaves the NDDOT having to jump through additional red tape to get to the ultimate goal of getting the project through the project delivery process and out to bid, so that our citizens can promptly realize the benefits of a project. In more than one instance, the NDDOT was required by the USACE to complete an Environmental Assessment (EA) as the USACE would not adopt a FHWA CATEX. This cost the NDDOT dollars, resources, and time. As I mentioned above, the best option is to make the adoption of CATEXs mandatory, not voluntary, for federal agencies. And with the hoped for passage of S. 1894 introduced by Senator Lummis and co-sponsored by Chairman Cramer, Senator Kelly, and Senator Barrasso, this would make the financial assistance threshold CATEX even more effective.*

2. The FHWA (Federal Highway Administration) August redistribution refers to the process of reallocating unused obligation limitation to states that can utilize them before the end of the fiscal year, preventing them from expiring. This occurs after August 1st each year, allowing states to obligate funds beyond their initial allocation. August redistribution is a fast-paced process, requiring agencies to plan well in advance of receiving official notice that their request for redistributed funding has been approved. Do you have any suggestions for how Congress can ensure that this process goes smoothly and states can appropriately use the funds allocated to them?

> *First and foremost, Congress should distribute a higher percentage of highway program dollars by formula, and a lower percentage by discretionary grants. The largest component of August Redistribution is dollars from allocated/discretionary programs. The record is clear that, for various reasons, discretionary grant programs are not obligating funds as promptly as states are obligating formula funds, and some discretionary programs spend out more slowly than others. All other things being equal, the faster program dollars translate to projects, the faster the public benefits are provided. This would get the dollars out the door earlier in the federal fiscal year instead of at the end when inflation has had an opportunity to erode the funding reach.*
>
> *Another suggestion, from AASHTO based on input from states, is to not hold back obligation authority to states (used to turn formula dollars into projects) at the start of*

the fiscal year. Today, when allocated programs do not use all of their obligation authority in a fiscal year, at the beginning of the next fiscal year, the allocated programs receive obligation authority equal to their unused obligation authority from the prior year plus their pro-rata share of the new year's obligation authority. The States' formula funds are squeezed as they receive less obligation authority at the start of the new year.

Instead, if there is any leftover obligation limitation in the future from allocated programs, make sure the full unused amount is taken only from allocated programs in the subsequent fiscal year, instead of from state DOTs. That way, allocated programs would be held to account for their slow spending rate instead of the state DOTs, who demonstrate each year their ability to obligate all the funding provided to them and then, in a rush, absorb even more through August redistribution. If that cannot be done, if even half of the unused obligation authority from allocated programs in a year were charged against those programs at the start of the next fiscal year, it would represent progress not only in smoothing the August redistribution, but in making the overall Federal highway program more efficient in delivering projects to the nation.

Senator CRAMER. Excellent. Thank you very much.

Our next witness is Marisa Jones, the Managing Director of the Safe Routes Partnership. The Safe Routes Partnership is a non-profit focused on making it safer and easier for children to walk and bike to school, and in daily life.

It says kids here; I am going to call them children, because Coach John Wooden chewed me out so badly one time for referring to young people as kids, because he said, they are baby goats.

[Laughter.]

Senator CRAMER. You would know that, in Wyoming, I am sure. Forgive my diversion.

Marisa leads the organization's national policy and advocacy work, which includes the Safe Routes to School and Safe Routes to Parks programs. She works closely with Congress, Federal agencies and local partners to enhance access to schools, parks, and everyday destinations for communities across the Country.

They were very helpful in passing bipartisan legislation from last year that I talked about with Senator Cortez Masto, during the last highway reauthorization bill. The Safe Routes to All Schools Act, which opened up the Safe Routes to School program to high schools, rather than just elementary and middle school facilities.

I appreciate their support as we work to make the program even more accessible.

Marisa holds a bachelor of arts in community health and political science from Tufts University, and a master's in social policy from the University of Pennsylvania. I am glad she could be here today to share how her perspective on ways we can improve safety for youth across the Country can be addressed by this committee.

We thank you, and you are free to give your opening statement.

STATEMENT OF MARISA JONES, MANAGING DIRECTOR, SAFE ROUTES PARTNERSHIP

Ms. JONES. Thank you so much, Chair Cramer, Ranking Member Alsobrooks, and members of the committee.

My name is Marisa Jones, and I am the Managing Director of the Safe Routes Partnership, the non-profit organization leading the Safe Routes to School movement. We represent over 800 partner organizations, 425 local Safe Routes to School programs, and champions in every State.

Thank you for the opportunity to speak today about the urgent need for Safe Routes to School, its proven success, and the critical role State level Safe Routes to School coordinators play in making these programs work, especially in small and rural communities.

I will start with the problem. Traffic crashes are the second leading cause of death for children in the U.S., and more than 20 percent of these fatalities involve children walking or biking. Millions of children rely on walking and biking to school each day, especially as school bus driver shortages continue.

Even among people with other options, children want to walk and parents want to let them. They are held back by unsafe conditions.

This is a persistent but not intractable problem. Safe Routes to School is a proven solution that has already been successful in every State in the Nation. Safe Routes to School helps communities build crosswalks, sidewalks and calm traffic near schools, tailored to each community's local context. It teaches traffic safety skills and organizes events like Walk to School Day.

Here is how we know Safe Routes to School works. Since Congress created the program 20 years ago, a study of 18 States showed a 13 percent decline in fatalities in areas with Safe Routes to School projects. Nationwide, child pedestrian fatalities dropped 34 percent after the Federal program's launch.

The program is also cost effective. For every dollar invested, Safe Routes to School returns $4.40 in safety and health benefits. Safe Routes to School programs cost just between $13 and $35 per student per year, compared to nearly $700 per year to bus a child to school.

Since its creation in 2005, Safe Routes to School has enjoyed bipartisan support in Congress, and has proven successful in urban, suburban, and rural communities.

Let me be clear: Safe Routes to School is not just a big city program. Rural communities participate at rates that reflect their share of the population.

Let's look at North Dakota to see examples of how Safe Routes to School works in small towns and rural States. Gwinner, with a population of 924, built sidewalks to connect the Southside neighborhood to the school. Even Medora, with just 155 residents, completed a Safe Routes to School project, connecting the high school to Main Street. Minot, which I concede is a big city for North Dakota, but it has been working on Safe Routes to School for 15 years, guided by a district-wide plan and building sidewalk connections to schools annually, funded through the Transportation Alternatives Program.

These local priorities support statewide safety goals. North Dakota's strategic highway safety plan recommends Safe Routes to School to address the over-representation of young drivers in crashes. Its Vision Zero school program trains student leaders as traffic safety Ambassadors, and the State's Vulnerable Road User Safety Assessment prioritizes children and school zones for investment.

Despite these successes, Safe Routes to School is only active in a fraction of the communities that could benefit from it. When Safe Routes to School was a standalone Federal program, every State was required to have a State coordinator, so they all have experience with the program and with this role.

Since 2012, half of States no longer have coordinators, and the difference is clear. States with coordinators are consistently better at helping communities, especially small and rural communities, secure Federal dollars for on-the-ground safety improvement, align local and State priorities, and ensure timely project delivery.

Massachusetts is an example of what is possible with a dedicated statewide coordinator, which it has had since 2005. Last year alone, it served more than 590,000 students including a focus on rural schools, and it now leads the Nation in high school programming, thanks to Senator Cramer's 2021 legislation expanding program eligibility.

To realize the full safety and transportation benefits of this program, I urge the committee to include the Safe Routes Improvement Act, Senate Bill 1828, in the upcoming surface transportation reauthorization. This bipartisan bill, sponsored by Senators Cramer and Markey, reinstates the requirement for each State to have a Safe Routes to School coordinator. It does not require new funding. States can us existing TAP or Highway Safety Improvement program funds.

Senate Bill 1828 builds on a 20-year track record of success and helps Federal transportation dollars reach the communities they are meant to serve, large and small, rural and urban. In the face of tragic roadway fatalities, especially among kids, we need a proven solution. Safe Routes to School works to save lives and a statewide coordinator is what makes it work well.

Thank you for the opportunity to be here today. I look forward to working with you to advance this lifesaving legislation.

[The prepared statement of Ms. Jones follows:]

Safe Routes PARTNERSHIP

STATEMENT OF

MARISA JONES
MANAGING DIRECTOR
SAFE ROUTES PARTNERSHIP

BEFORE THE

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

HEARING ON

THE ROAD AHEAD: PROPOSALS TO IMPROVE AMERICA'S TRANSPORTATION INFRASTRUCTURE
JULY 23, 2025

Good afternoon, Chairman Cramer, Ranking Member Alsobrooks, and members of the subcommittee.

My name is Marisa Jones, and I am the Managing Director of the Safe Routes Partnership, the national organization leading the Safe Routes to School movement in the United States. We work to make it safer and easier for children and families to walk, bike, and roll—every day and everywhere. We represent a network of more than 800 partner organizations, 425 local Safe Routes to School programs, and champions in every state.

Thank you for the opportunity to testify about the unique transportation needs children have, the urgency with which we must address youth transportation safety, highlight the successes of the Safe Routes to School program, and underscore the need for dedicated Safe Routes to

School coordinator positions within each state department of transportation to maximize the transportation and safety benefits of the Safe Routes to School program.

The Problem

Traffic crashes are the second leading cause of death for children in the United States. [1] Over 20 percent of these fatalities involve kids walking or biking. [2] These children aren't being reckless—they're navigating environments designed without them in mind.

As adults, we've built transportation systems that too often force children into unsafe situations: crossing wide roads, lacking sidewalks, and exposed to fast-moving traffic. Yet millions of children rely on walking and biking to school each day. It's not just play—it's a daily transportation necessity. Research shows that children want to walk, and parents want to let them—but they're held back by concerns about speeding cars and traffic hazards.[3] And when traffic is dangerous and bus routes are cut due to driver shortages, families have limited, often unsafe options.

Despite the evidence of the importance and effectiveness of Safe Routes to School programs, robust and consistent programs are only present in a fraction of the communities that could benefit from them. Federal funding has helped thousands of communities implement Safe Routes to School programs, boosted by the role of a dedicated statewide Safe Routes to School coordinator responsible for implementing the program in each state from 2005-2012. Since 2012, the program has lacked dedicated coordination in more than half of US states. At a time when we have reached crisis levels of traffic fatalities for people walking and bicycling; we need a proven solution. Safe Routes to School – implemented effectively through the coordinating role of a statewide coordinator is that solution.

The Solution: Safe Routes to School

Traffic injuries and fatalities for children are a persistent but not intractable problem. There is a way to build safer, and a more accessible future through Safe Routes to School programs. Safe Routes to School creates a safer experience for children to walk and bike to and from school through infrastructure improvements, such as sidewalks, bike paths, crosswalks, school zone

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[1] Cunningham RM, Walton MA, Carter PM. The major causes of death in children and adolescents in the United States. *N Engl J Med* 2018;379:2468-2475.

[2] National Center for Statistics and Analysis. (2025, April). *Children: 2023 data* (Traffic Safety Facts. Report No. DOT HS 813 712). National Highway Traffic Safety Administration.

[3] Centers for Disease Control and Prevention. "Child Pedestrian Injuries—United States, 2001–2002." *Morbidity and Mortality Weekly Report* 54, no. 38 (2005): 884–887. https://www.cdc.gov/mmwr/preview/mmwrhtml/mm5438a2.htm

signage, and traffic calming, as well as programming to teach children traffic safety skills and encourage more children to walk and bike to school. Safe Routes to School is a proven, cost-effective transportation solution addressing daily school travel needs for children and their families while improving community health and quality of life.

And it works. Nationally, since the program's creation:

- Fatal pedestrian injuries among children have dropped 34 percent.[4]
- A multi-state study showed a 13 percent decline in fatalities and a 14–16 percent decline in injury risk.[5]

Safe Routes to School is also fiscally responsible:

- Every $1 invested yields $4.40 in health and safety benefits.[6]
- It costs $692 to bus a student per year; a Safe Routes program costs just $13–35 per student.[7]
- School districts spend $100 million to $500 million annually to bus children within 2 miles of school because of unsafe roadway conditions.[8] Investing in these infrastructure fixes that enable students to walk and bicycle to school this reasonable distance could save school districts real money.

More than 10 million students in the U.S. live within one mile of school. With safe infrastructure, many could walk or bike, relieving transportation burdens on parents, schools, and districts.

Safe Routes to School Works in Rural Communities

Safe Routes to School is not just a big city program. Safe Routes to School works in rural communities. Rural communities participate in Safe Routes to School at rates similar to their

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[4] National Highway Traffic Safety Administration. Fatality and Injury Reporting System Tool (FIRST). https://cdan.dot.gov/query. Accessed July 2023. 2. Population estimates used for rate calculations obtained from CDC WONDER. https://wonder.cdc.gov/bridged-race-population.html. Accessed July 2023.

[5] DiMaggio, C., Frangos, S., and Guohua Li (2016). National Safe Routes to School program and risk of school-age pedestrian and bicycle injury (2016). *Annals of Epidemiology*, 26: 412-417.

[6] Jacob V, Chattopadhyay SK, Reynolds JA, Hopkins DP, Morgan JA, Brown DR, Kochtitzky CS, Cuellar AE, Kumanyika SK; Community Preventive Services Task Force. Economics of Interventions to Increase Active Travel to School: A Community Guide Systematic Review. Am J Prev Med. 2021 Jan;60(1):e27-e40. doi: 10.1016/j.amepre.2020.08.002. PMID: 33341185; PMCID: PMC7770808.

[7] https://saferoutespartnership.org/sites/default/files/resource_files/buses-boots-and-bicycles-2014_0.pdf

[88] DiMaggio C, Li G. Effectiveness of a safe routes to school program in preventing school-aged pedestrian injury. Pediatrics. 2013;131(2): 290–296. doi:10.1542/peds.2012-2182.

share of the population.[9] Small towns across America want safe places for kids to walk and bike, to school and beyond. In fact, some of the most enduring and committed Safe Routes to School programs in the country are found in small towns across the country. Looking at North Dakota provides an opportunity to illustrate how this program works in small and rural communities.

- In Minot, North Dakota, population 47,373 and large by North Dakota standards, but small compared to many communities across the US, the city has been implementing Safe Routes to School for more than 15 years. They began with a district-wide study mapping sidewalk gaps and hazards. Every year, they apply for federal funding and make improvements at one or two schools. Most recently, they used Transportation Alternatives Program funds to build new sidewalks near Washington Elementary School, creating safer passage for young students along 17th, 18th, and 19th Avenues SE.
- In Gwinner (population 924), sidewalks were built to connect the Southside neighborhood to the school.
- In Milnor (population 624), a Safe Routes to School project connected Main Street to Northview.
- Towns as small as Medora (pop. 155) and Grenora (pop. 221) have built Safe Routes to School projects in recent years.
- Local Safe Routes coordinators in Grand Forks have been instrumental in educating and encouraging students to walk and bicycle safely to school and aligning community priorities with funding to build on-the-ground projects connecting kids to school.

This isn't anecdotal—it's strategic. North Dakota's Strategic Highway Safety Plan recommends Safe Routes to School to address the overrepresentation of young drivers in crashes. The state is investing in Vision Zero Schools building student leaders as traffic safety ambassadors. And the Vulnerable Road User Safety Assessment identifies children and school zones as key areas for safety investment.

Solutions

Despite the evidence of the importance and effectiveness of Safe Routes to School programs, robust and consistent programs are only present in a fraction of the communities that could benefit from them. To ensure Safe Routes to School programs reach more communities and

[9] Zimmerman S, Lieberman, M. Safe Routes Partnership. 2019. Safe Routes to School National Census. https://www.saferoutespartnership.org/sites/default/files/resource_files/national_srts_census_report_final.pdf

deliver measurable safety benefits, we must strengthen the foundation that makes them work: state-level coordination.

The clearest distinction between states that effectively deliver on-the-ground improvements and those that don't is the presence of a Safe Routes to School coordinator. From 2005 to 2012, when Safe Routes to School was a standalone federal program, every state had a coordinator—and during that time, programs flourished. Since then, more than half of states have lost that dedicated role, and the results are evident.

Coordinators are not just program administrators. They are connectors, champions, and problem-solvers. They:

- Help local communities apply for and access federal funding
- Ensure projects are delivered on time and according to plan
- Coordinate across federal, state, and local agencies to align transportation and safety goals
- Track outcomes and maintain accountability and
- Make sure federal dollars translate into real benefits for children and families.

Massachusetts shows what's possible with consistent coordination and leadership. Since the program's inception in 2005, the state has had a dedicated Safe Routes to School coordinator at MassDOT. The Massachusetts program served more than 590,000 students in the 2023–2024 school year, including rural schools in proportion to the state's rural population.

Massachusetts also leads the nation in programming for high schools—made possible by Senator Cramer's 2021 bill to expand Safe Routes to School eligibility. And through rural case studies and technical assistance provided by the state Safe Routes to School coordinator, Massachusetts is helping other states learn how to make Safe Routes to School work in smaller communities. These results are not coincidental. They are the outcome of having dedicated, informed coordination at the state level.

In small towns and big cities, Safe Routes to School is highly visible and broadly popular. It has enjoyed bipartisan support in Congress since its inception in 2005. It's one of the few transportation programs that parents, school leaders, and communities consistently praise. And when state DOTs support it through strong coordination, they earn public trust and demonstrate smart, people-focused governance.

Recommendations

To realize the full safety and transportation benefits of Safe Routes to School, I urge the Committee to include the Safe Routes Improvement Act (S.1828) in the upcoming surface transportation reauthorization.

This bipartisan bill—led by Senator Cramer and Senator Markey—restores the requirement for every state to employ a Safe Routes to School coordinator within its department of transportation.

Importantly, this is a revenue-neutral solution. States already have multiple pathways to fund these positions using existing federal resources, including:

- Transportation Alternatives Program (TAP) technical assistance funding
- Highway Safety Improvement Program funds

S.1828 builds on a 20-year track record of success, ensures strong local support for transportation investments, and helps federal transportation dollars reach the communities they are meant to serve—large and small, rural and urban.

Conclusion

At a time when we have reached crisis levels of traffic fatalities for people walking and bicycling; we need a proven solution. Safe Routes to School – implemented effectively through the coordinating role of a statewide coordinator is that solution.

A Safe Routes to School coordinator is a smart, strategic use of the tools Congress has already provided to state departments of transportation and local communities. Safe Routes to School coordinators help maximize safety, deliver local impact, and show families that our transportation systems work for them.

I thank you for your leadership and for your attention to this life-saving program. I look forward to working with you to ensure that Safe Routes to School—and the dedicated coordination it requires—remains a national priority in the next transportation reauthorization.

Chairman Cramer:

1. The recent Make America Healthy Again report outlined a troubling decline in physical activity among our nation's youth, with significant consequences for both their physical and mental health. One contributor identified in the report was a decline in K-8 students walking or biking to school. It found that just 12% of K-8 students usually walked or biked to school in 2009 compared to 48% in 1969.

a. Is safety one of the prohibitors to students walking or biking to school?

Safety is the single biggest barrier, after distance, keeping families from allowing their children to walk or bike to school.[1] Parents' perceptions of the safety of the route to school, including street crossings, adequate sidewalks, and traffic speed and volume[2] influence children's physical activity and participation in active transportation to school.[3]

Traffic crashes are the second leading cause of death for children in the United States.[4] Of child traffic fatalities, more than 20 percent were kids walking or bicycling.[5] Children are not injured because they walk or bike. They are injured because we have built transportation systems that are unsafe for them. The traffic environments we've created often exceed what children can reasonably navigate based on their developmental abilities, including, for example, judging the speed of oncoming traffic. That is precisely what Safe Routes to School was created to change. It is the responsibility of policymakers, planners, and engineers to fund, design, build streets that prioritize children's safety, not expect children to adapt to dangerous conditions.

Safe Routes to School is an evidence-based transportation safety program that every state in the nation has experience implementing, and a dedicated Safe Routes to School coordinator helps states fully realize the safety and health benefits it offers. Safe Routes to School improves infrastructure like sidewalks, crosswalks, and signage near schools, making it safer not only for children, but for the entire community. A multi-state study showed a 13 percent drop in fatalities and a 14–16 percent reduction in injury risk in areas with Safe Routes to School projects. One US city saw a 44 percent reduction in traffic crashes in areas where Safe Routes to School was implemented.

When we make streets safe enough for children to walk or bike to school, we make them safe for everyone: drivers, seniors, parents pushing strollers, delivery workers, and all types of road users. Safe Routes to School doesn't just improve safety for children, it strengthens entire communities.

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Safe Routes PARTNERSHIP

By both building safer, more connected places for children to walk and bike and providing education about safe traffic behavior, Safe Routes to School helps shape the next generation of safe, confident, and predictable road users. When kids grow up walking and biking safely in their neighborhoods, they learn how to interact with traffic, they build independence, and they carry those habits forward for life. When we design streets that work for kids, we design streets that work for everyone. Safe Routes to School, and dedicated coordinators, is how we get there.

b. How can the Safe Routes to School program help encourage more students to get active as part of their daily routine?

We have a national epidemic of physical inactivity, especially among children. Today, fewer than 1 in 4 kids meet the recommended 60 minutes of daily physical activity[6], and that has real consequences, not just for individual health, but for our economy and national security.

Only 2 in 5 young adults are physically prepared for basic training in our armed forces.[7] And new research released this summer reveals that physical inactivity among adults alone costs our country $192 billion annually in healthcare expenses.[8]

The MAHA Commission was correct to cite the decline in walking and biking to school as a major factor. In 1969, nearly half of all K–8 students walked or biked to school. The most recent data from the 2017 National Household Transportation Survey reveal the percentage has dropped further to 10.4 percent.[9]

Safe Routes to School is a proven national strategy to turn this trend around. It provides the infrastructure, programs, and support to help children achieve physical activity as part of their school day. A student who walks a mile to and from school meets two-thirds of their daily physical activity recommendation built right into the school day.

The research backs it up:

- Walking to and from school provides a meaningful amount of moderate to vigorous physical activity for children.[10] In fact, children who walk to school get three times as much moderate to vigorous physical activity during their walk to school than during recess.[11]

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Safe Routes PARTNERSHIP

- Safe Routes to School has demonstrated improved rates of walking to school, increased daily moderate-to-vigorous physical activity, and supporting children to achieve a healthy weight.[12]
- Children who walk or bicycle to school have higher daily levels of physical activity and better cardiovascular fitness than children who do not actively commute to school.[13]
- Multi-state, multi-school studies consistently show that Safe Routes to School interventions increase rates of walking and biking to school by an average of 31 percent, with stronger results shown for comprehensive, multi-year programs.[14]

Most importantly, these habits stick. Kids who start walking or biking for transportation early are seven times more likely to continue doing so later in life.[15] That means Safe Routes to School doesn't just solve today's inactivity crisis, it builds long-term public health benefits by getting kids active, creating lifelong healthy habits, and shaping the next generation of safe road users.

How does Safe Routes to School achieve these outcomes? Safe Routes to School programs build capacity for walking and biking to school through engineering, educational, and encouragement strategies, including context-sensitive engineering solutions that make walking and bicycling safer and more appealing, student education for pedestrian and bicyclist safety, and events encouraging students and communities to walk and bicycle for transportation.

Safe Routes to School programs are most effective when they combine infrastructure, like sidewalks and crosswalks, with education and encouragement efforts, like walking school buses, driver awareness, and student safety training. When both are in place, it can lead to a 44 percent increase in walking and biking among students.[16]

States that have dedicated statewide coordinators are five times more likely to support those combined programs. Without that coordination, we see lost institutional knowledge, duplication of effort, and missed opportunities. That is why the Safe Routes Partnership supports S. 1828, the Safe Routes to School Improvement Act, which would require each state to designate a Safe Routes to School coordinator. Coordinators ensure funding is accessible, connect programs across the state, and help communities learn from each other. In short, they make sure what works in one community is scaled and sustained statewide.

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Senator CRAMER. Thank you for your statement.

I now recognize Ranking Member Alsobrooks to introduce her Deputy Secretary.

Senator ALSOBROOKS. Thank you.

It is my pleasure to introduce Samantha Biddle, the Deputy Secretary of Transportation for the State of Maryland. Ms. Biddle has over 17 years of dedicated service in the transportation industry in both the public and private sector. Her extensive experience includes 8 years in the private sector as a transportation planner, before joining the State Highway Administration for 6 years in various planning, strategic and leadership roles.

Prior to being named Deputy Secretary, Ms. Biddle spent 3 year in executive positions within the Secretary's office. She is a graduate of the University of Delaware, and is an American Institute certified planner.

I am excited to have her here with us today to testify on behalf of Maryland, and to engage in this productive conversation.

Ms. Biddle, thank you so much for being here.

STATEMENT OF SAMANTHA BIDDLE, DEPUTY SECRETARY, MARYLAND DEPARTMENT OF TRANSPORTATION

Ms. BIDDLE. Chairman Cramer, Ranking Member Alsobrooks and distinguished members of the subcommittee, thank you for the opportunity to be before you today.

My name is Samantha Biddle, and I am honored to serve as Deputy Secretary of the Maryland Department of Transportation.

Maryland is unique among State DOTs in that it is an integrated, multi-modal agency comprising five modal administrations: aviation, port, motor vehicles, State highway and transit, and supporting authorities such as the Maryland Transportation Authority and WMATA. This structure empowers us to deliver comprehensive, coordinated transportation solutions that connect every corner of our State, fostering economic vitality and quality of life.

As Congress undertakes deliberations on the next surface transportation authorization, we urge that the principles of predictability, flexibility, equity, safety, and sustainability remain at the forefront. These are not abstract ideals, they are foundational to our stewardship and the daily realities of our diverse communities.

Let me begin with S. 1733, the Highway Funding Transferability Improvement Act. We appreciate the bipartisan leadership of both Chair Cramer and Ranking Member Alsobrooks.

S. 1733 proposes a pragmatic but consequential enhancement, increasing the Federal transferability cap on highway funding from 50 percent to 75 percent. This simple adjustment will afford State DOTs, including Maryland, critical latitude to deploy Federal resources where they yield the highest return, empowering evidence-based, data-driven investment decisions that respond to dynamic local needs.

For Maryland, this flexibility means that we can more efficiently direct funds toward multi-modal, community, and climate priorities, modernizing our transit fleets, investing in electric vehicle infrastructure, bolstering port resiliency and advancing targeted safety improvements in historically underserved communities.

As it stands, MDOT flexes approximately $45 million annually for transit capital and expects to leverage even more with additional flexibility. Given our multimodal nature, we have also been able to provide the Port of Baltimore with $40 million in PROTECT funding to advance resiliency efforts at our public marine terminals.

However, for flexibility to effectively support multi-modalism, I also encourage the committee to ensure consistency and transparency in eligibility determination for all USDOT modal agencies and transparent prioritization processes for State-led Federal aid investments.

S. 1733 is a value multiplier, not a zero sum game. It allows us to strategically advance a safe, reliable and sustainable transportation system.

Turning next to S. 1828, the Safe Routes Improvement Act, for which we thank Senators Cramer and Markey for their leadership. This bill is personal to me. As of the start of my career with the Maryland State Highway Administration, I had the opportunity to administer and support the Safe Routes to School Program and other local public agency programs. I also served as a consultant Safe Routes to School coordinator for the Sate of Delaware prior to joining State service, when I worked as a consultant.

This bipartisan legislation addresses a critical national imperative, safeguarding our most vulnerable road users, particularly children and pedestrians near schools. By requiring every State DOT to designate a Safe Routes to School coordinator, S. 1828 ensures ongoing institutional commitment to pedestrian and bicyclist safety as an agency priority.

In Maryland, we have witnessed first-hand the transformative impact of Safe Routes to School initiatives from high visibility crosswalks and traffic calming in Montgomery County to sidewalk enhancements near transit in Prince Georges County and trail connectivity in Western Maryland. Formalizing the Safe Routes Coordinator will allow us to optimize interagency collaboration, target resources more effectively, and advance the Vision Zero goal of eliminating roadway fatalities.

This bill also aligns with our own efforts to encourage local governments in our State to utilize Safe Routes funding to bring on local coordinators.

As Congress contemplates the next reauthorization, MDOT respectfully submits the following priorities to your consideration.

Sustained, predictable formula funding. MDOT urges Congress to preserve robust formula based Federal funding across all transportation modes, including highways and transit and aviation, and to examine ways to ensure predictable funding for rail and port infrastructure.

Such funding is critical for ensuring long-term planning and stability and enables States to make strategic multi-modal investments that address local and regional transportation needs.

MDOT encourage the enactment of measures such as S. 944, the Sarah Debbink Langenkamp Active Transportation Safety Act. This legislation would strengthen eligibility for safety-oriented projects in high need communities by allowing proven interventions such as protected bike lanes to receive full Federal cost share.

This reform is particularly important for jurisdictions that may lack the resources for local matching funds but have significant safety needs.

We also appreciate Senator Alsobrooks and the Maryland delegation for their leadership on this critical bill.

In conclusion, the diversity and scale of Maryland's transportation system requires adaptive, flexible tools and empowered Federal and State and local partners. S. 1733 and S. 1828 exemplify forward-leaning policy equipping States to make strategic, evidence-based investments that deliver safety opportunities and equity for all.

Chairman Cramer, Ranking Member Alsobrooks, and members of this esteemed subcommittee, thank you for your leadership and vision in shaping a modern, resilient transportation future for our Nation. I appreciate the opportunity to contribute Maryland's unique perspective, and look forward to answering your questions.

[The prepared statement of Ms. Biddle follows:]

Testimony of Deputy Secretary Samantha Biddle

Maryland Department of Transportation

MARYLAND DEPARTMENT OF TRANSPORTATION

Senate Environment and Public Works Subcommittee on Transportation and Infrastructure

The Road Ahead: Proposals to Improve America's Transportation Infrastructure

July 23, 2025

Chairman Cramer, Ranking Member Alsobrooks, and members of the Senate Committee on Environment and Public Works Subcommittee on Transportation and Infrastructure, thank you for the opportunity to testify on several important legislative proposals that effectively respond to the evolving needs of our nation's surface transportation system. My name is Samantha Biddle, and I have the privilege of serving as the Deputy Secretary of the Maryland Department of Transportation (MDOT).

MDOT is unique among state departments of transportation (state DOTs) in that it is a fully integrated, multimodal agency. MDOT is composed of five modal administrations—Maryland Aviation Administration (MAA), Maryland Port Administration (MPA), Motor Vehicle Administration (MVA), State Highway Administration (SHA), and Maryland Transit Administration (MTA)—and it also supports authorities like the Maryland Transportation Authority and the Washington Metropolitan Area Transit Authority (WMATA). This organizational structure allows MDOT to deliver coordinated, efficient, high-quality transportation services that connect Marylanders to jobs, education, resources, and services by road, rail, water, air, or shared mobility, improving the quality of life for all residents.

As Congress begins crafting the next surface transportation authorization, MDOT urges you to build upon the historic progress made in the Infrastructure Investment and Jobs Act (IIJA), with continued focus on predictability, flexibility, equity, safety, and sustainability. These themes are not abstract to us – they shape our work every day, from the Port of Baltimore to rural Western Maryland. Advancing these themes requires practical, bipartisan tools – such as S. 1733, *the Highway Funding Transferability Improvement Act* and S. 1828, the *Safe Routes Improvement Act*.

S. 1733 – Highway Funding Transferability Improvement Act

I want to thank Senator Cramer for introducing this legislation and Ranking Member Alsobrooks for her leadership and co-sponsorship. S. 1733 would increase the allowable transfer of federal highway funds between eligible programs from 50% to 75%, granting states the flexibility needed to direct funds where they are most impactful. This is a small legislative change with significant implications.

For Maryland, this bill is not about increasing or favoring one mode of transportation over another. It ensures that MDOT, and state DOTs across the United States, may use federal funds to advance its critical state goals. In Maryland's case, this enables MDOT to utilize every federal dollar as efficiently and flexibly as possible to meet diverse and multimodal needs—whether that means modernizing transit facilities, enhancing electric vehicle (EV) charging infrastructure, investing in climate resilience, hardening coastal infrastructure, or addressing safety and accessibility challenges in underserved communities, especially those along high-speed roadways.

The existing program already provides meaningful flexibility. MDOT uses this to support multimodal priorities—for example, flexing $45 million annually from the SHA to the MTA for bus acquisitions, with nearly $200 million more planned for transit capital needs over the next six years. MDOT also recently flexed funding to the Port Administration to improve resiliency and address flooding at its busiest marine terminal.

However, additional flexibility will allow MDOT to advance a truly multimodal and equitable capital program that reflects the priorities of the Moore-Miller Administration: a safe, reliable, sustainable transportation system that works for everyone, in every corner of the state. It will facilitate smarter, faster decisions across MDOT's modes – aligning our formula dollars with actual needs on the ground.

S. 1828 – Safe Routes Improvement Act

I also want to thank Senator Cramer for introducing S. 1828, the *Safe Routes Improvement Act* and express my gratitude to Senator Ed Markey for cosponsoring this legislation. S. 1828 advances a critical federal priority—protecting vulnerable road users, particularly children and pedestrians near schools and community gathering spaces. This bill requires every state DOT to have a Safe Routes to School (SRTS) coordinator. It aligns with MDOT's Vision Zero strategy, its Pedestrian Safety Action Plan, and its strong partnerships with local governments to implement Complete Streets and context-sensitive safety improvements. In fact, MDOT has been actively working to encourage more local governments and local educational agencies in our state to utilize SRTS coordinators and SRTS funding, especially the unique role SRTS coordinators can play in facilitating federal, state, and local investments in safe and accessible infrastructure and programming.

S. 1828's provisions complement the purposes of many projects Maryland is undertaking statewide. For example:

- In Montgomery County, MDOT is partnered with local officials to improve pedestrian access near Wheaton High School, installing high-visibility crosswalks and traffic calming measures. S. 1828 would help MDOT do more of these targeted, high-impact projects statewide and dedicate staff resources to enhance local governmental coordination.
- In Prince George's County, MDOT is working with communities near WMATA rail stations to fill sidewalk gaps and create safe walking and biking connections to transit – especially important for transit-dependent residents.

- In Western Maryland, MDOT is partnering with Frostburg and Cumberland to revitalize downtown areas with walkable infrastructure that ties into regional trail networks like the Great Allegheny Passage and the Chesapeake & Ohio Canal towpath – supporting safety, tourism and recreational opportunities, and economic development.

Maryland has made strong use of the SRTS program, with SHA currently managing 20 initiatives totaling over $5 million. These initiatives include feasibility studies, non-infrastructure initiatives, and construction projects supporting K–12 students across the state. In recent years, MDOT has enhanced technical assistance to local partners, adding project managers, launching a new sponsor training program, and developing prioritization tools. S. 1828 will further this important work by formalizing roles like Safe Routes coordinators and ensuring every state DOT is equipped to prioritize child pedestrian safety as Maryland has.

Surface Transportation Reauthorization Priorities

As Congress begins to shape the next authorization bill, MDOT urges the Subcommittee to consider a framework that recognizes and supports the full spectrum of transportation needs in a balanced manner, not just highways.

First, MDOT urges continued investment in predictable, formula-based funding for all modes—highways, transit, freight and passenger rail, ports, and aviation. As a multimodal state DOT, MDOT relies on cross-cutting programs to maintain flexibility and advance an integrated system.

Second, MDOT supports reforms like S. 944, the *Sarah Debbink Langenkamp Active Transportation Safety Act*, which allows projects that include proven safety countermeasures, like protected bike lanes or high-visibility crosswalks—to be eligible for 100% federal cost share. These changes are especially important for disadvantaged communities that may lack local match funding but desperately need safety upgrades. We greatly appreciate the leadership of Senator Alsobrooks and the entire Maryland congressional delegation on this effort that honors the legacy of Sarah Debbink Langenkamp.

Third, MDOT supports the IIJA's focus on infrastructure resilience, electrification, and sustainability. The ability to use federal highway funds for climate-adaptive infrastructure, shoreline protection, and multimodal investments is essential in Maryland, where nearly 3,200 miles of shoreline meet our dense, interconnected transportation network. Further, we support Congress's approach to these IIJA-created efforts and encourage Congress to continue to require that these funds be spent for these specific purposes. We also encourage the U.S. Department of Transportation to expeditiously re-release its funding opportunity for the Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) discretionary grant program.

Conclusion

MDOT's experience shows that no one-size-fits-all approach can meet the complex needs of modern transportation. MDOT appreciates that S. 1733 and S. 1828 reflect that principle and afford states with the flexibility and tools to build safer, more equitable, and more resilient infrastructure.

Again, I want to thank Chairman Cramer and Ranking Member Alsobrooks for their leadership and partnership on these efforts. We are also extremely grateful to Ranking Member Alsobrook's leadership on this critical committee and her efforts to ensure Maryland has a leader at the table during the surface transportation reauthorization process. I also want to thank this Committee for its continued commitment to delivering a forward-looking surface transportation program.

I appreciate your time and attention this morning and I look forward to your questions.

MARYLAND DEPARTMENT OF TRANSPORTATION

Wes Moore
Governor
Aruna Miller
Lieutenant Governor
Samantha J. Biddle
Acting Secretary

Senate Committee on Environment and Public Works Subcommittee on Transportation and Infrastructure
Hearing Entitled, *"The Road Ahead: Proposals to Improve America's Transportation Infrastructure"*
July 23, 2025

Questions for the Record for Samantha Biddle
Responses in Blue

Chairman Cramer:

1. The record shows States are able to put highway formula funds to work quickly while discretionary grants often face delays. I believe the Surface Transportation Reauthorization bill should put more emphasis on formula funding because states deliver results more promptly.
   a. Is formula funding an effective way to advance infrastructure projects in a timely manner?
      i. As long as there is clear and consistent eligibility guidance across USDOT modal agencies supported by predictable and sustainable funding, including sufficient obligation authority, formula funding is one of the most effective tools for State DOTs to efficiently advance infrastructure projects in a sustainable and equitable manner.
   b. What are the practical implications on the Maryland Department of Transportation's planning process when a transportation project is funded using a discretionary grant versus annual funding formula funding?
      i. At MDOT, we work collectively across our modes to proactively plan and identify potential federal funding pathways that appropriately fit where the project is in its development process. Formula funding is a critical tool in our toolbox to advance dedicated capital funding to maintain a state of good repair for critical assets like bridges and deliver safety enhancements for all roadway users. The predictable nature of formula funding provides the underpinning to several of our major statewide programs that benefit Marylanders. However, discretionary funding also plays a critical role in our planning and funding process, especially if it is leveraged strategically. In some cases, without discretionary grant, projects of regional or national significance would not advance. Additionally, discretionary grants with planning eligibilities are a critical tool for us to advance projects that may not otherwise get off the ground, especially if they include more generous federal cost shares. Several specific purpose discretionary grants like the Wildlife Crossing, the Reconnecting Communities Pilot, and the SMART programs, are also critical tools to ensure MDOT and our State DOT colleagues across the

country advance new, innovative efforts to address safety, equity, and innovation. Additionally, for modes such as maritime, aviation, and rail discretionary grants represent the only path available to get key infrastructure enhancements aided with federal resources. MDOT supports exploring establishment of dedicated formula funding for these modes so that we can achieve the same benefits afforded to highways from the Highway Trust Fund – predictability, efficiency, and capacity to deliver a globally competitive multimodal transportation network.

2. The Bridge Formula Program (BFP), which was established under the Infrastructure Investment and Jobs Act, provides dedicated funding to each state to repair and replace bridges in poor condition or at risk of deterioration. Based on what I've seen, it's working well and helping states make real progress.
    a. How has the BFP specifically benefited Maryland? Do you believe it should be continued in the upcoming reauthorization legislation?
        i. The State of Maryland appreciates the dedicated, predictable, and sustainable funding authorized by the Bridge Formula Program (BFP). Through the "off-system" bridge set-aside, MDOT and SHA have been able to work closely with our local government (LG) partners to enhance state of good repair on their bridge assets.
        ii. BFP's 100% federal cost share for off-systems bridges is greatly appreciated by our local partners and has enhanced our collective ability to advance projects. The IIJA increased funding to $36.6M annually in off-system bridge funding, which was a 28% increase in yearly funding as compared to the previous federal transportation act. In addition, $13.2M of the $36.6M is 100% federally funded and requires no LG participation (match) of funds.
        iii. The $23.4M available for off-system bridges at an 80% federal participation / 20% LG participation split is distributed to all Maryland Counties and Baltimore City. This amount is distributed among the local governments based on a formula that takes into consideration the population density, total number of bridges owned by the LG, bridge deck area of all LG owned bridges, and the number of poor rated bridges.
        iv. The $13.2M that requires no LG participation is awarded through an application grant process that the local governments must apply for. Priority for awarding these funds is given to projects that are ready for construction or ready to start final design. It is important that projects have National Environmental Policy Act (NEPA) approval and have cleared right-of-way so that these limited dollars can be obligated and spent within the terms of the IIJA.
        v. The BFP allows SHA to convert state off system exempt dollars, which require 20% state match, to the local exempt category with 100% federal participation. SHA does not have off system bridge projects that can utilize this category of funding allowing additional LG projects to be funded. The number of active Local Government projects under design

and construction is at an all-time high with a total of 166 projects in design or construction. This total includes 18 projects addressing 30 poor and fair rated bridges that have been awarded $69.8M in exempt funds for design or construction with 100% federal participation.

vi. To date, SHA or the State of Maryland has not yet received a Large Bridge or Bridge grant from the Bridge Investment Program (BIP). SHA did receive a $1.6M BIP planning award to advance a Planning and Environmental Linkage (PEL) study for the I-68 Cumberland Viaduct.

vii. As the Committee considers surface transportation reauthorization, MDOT appreciates the continued focus on bridges. However, we would note that bridge planning and project activities are eligible across numerous Federal Highway Administration (FHWA) programs that State DOTs utilize. In Maryland, the primary benefit of BFP to date has been to local governments and ensuring state of good repair of our off-system bridges.

Senator Ricketts:

1. In 2023, the Fiscal Responsibility Act expanded the ability of agencies to adopt other agencies' categorical exclusions. In your experience, has the implementation of this new authority gone well and are there further authorities that could reduce red tape?
    a. MDOT and SHA appreciate our partnership with the Federal Highway Administration (FHWA) to advance projects through environmental review. We maintain a Programmatic Categorial Exclusion (PCE) with FHWA, which has enhanced our ability to advance Categorial Exclusion (CE) projects through NEPA. This helps to ensure we can get projects moving sooner, maximize our utilization of federal-aid funds, and allow the public to benefit quickly. As the Committee continues its surface transportation reauthorization efforts, we would encourage policies and ideas that expand PCEs across USDOT modes.
    b. The Fiscal Responsibility Act authorized agencies to adopt CEs listed in another agency's National Environmental Policy Act procedures. MDOT supports efforts to enhance coordination between federal agencies in the NEPA process and ensures consistency in decision-making across coordinating agencies.
2. The FHWA (Federal Highway Administration) August redistribution refers to the process of reallocating unused obligation limitation to states that can utilize them before the end of the fiscal year, preventing them from expiring. This occurs after August 1st each year, allowing states to obligate funds beyond their initial allocation. August redistribution is a fast-paced process, requiring agencies to plan well in advance of receiving official notice that their request for redistributed funding has been approved. Do you have any suggestions for how Congress can ensure that this process goes smoothly and states can appropriately use the funds allocated to them?
    a. One of the hurdles that MDOT faces every year regarding August Redistribution is time. Advanced notification of estimated Redistribution amounts for the states proved to be beneficial in Federal Fiscal Year 2025, and continuing to receive advanced notices of estimated amounts would ensure that we have an optimal

opportunity to utilize the funds allocated to Maryland. In addition to advanced notice, allocating the requested funds earlier in the month of August would allow for necessary coordination with project and program managers, as well as local governments and regional partners, to commit and deliver projects for obligation. Providing more time for design offices and partner entities to align themselves with more mature projects would improve the overall Redistribution process and allow for better partnerships with State and Local Stakeholders. In addition, as this Committee continues its work on surface reauthorization, MDOT strongly encourages enhanced technical assistance resources to local governments to build their capacity to efficiently utilize federal aid.

b. Further, there remains a 70% obligation threshold on pre-IIJA funds that can have negative impacts on allocated Redistribution funds, particularly for Off-System Bridge Formula Funds and Transportation Alternative Program Funds that are primarily utilized to support local agencies. Maryland is monitoring this usage in partnership with FHWA and has limited ability to obligate pre-IIJA funds to utilize our annual Obligation Authority, as well as taking advantage of Redistribution in future years. Revocation of this 70% limitation would allow MDOT to access its full unobligated balances across all valid federal program codes and fund sources, improving the ability of obligation during Redistribution. If revocation is not feasible, MDOT strongly encourages enhanced technical assistance resources to local governments to build their capacity to efficiently utilize federal aid.

Ranking Member Alsobrooks:

1. Ms. Biddle, would you outline the financial, operational, and administrative commitments that Maryland has made to date in support of the Francis Scott Key Bridge reconstruction?
   a. Maryland, through the Maryland Transportation Authority (MDTA), has made substantial financial and operational commitments to support the FSK Bridge reconstruction. MDTA is advancing all upfront construction costs under the Federal Highway Administration's Emergency Relief (ER) program, which only reimburses eligible expenses after they are incurred. To meet these upfront cost requirements, MDTA will utilize financing and will have to pay interest in meeting its debt requirements.
   b. The MDTA is utilizing the innovative contracting method – progressive design-build – which has expedited the early stages of the rebuild process and has allowed the project to advance directly into preconstruction and demolition activities without delay. The team is focused on the critical path of activity and advancing multiple workstreams simultaneously, including obtaining necessary permits, rapidly progressing design (50% achieved in just seven months), and preparing for construction to begin this winter. Typical transportation projects of this magnitude take years of planning before even commencing design and preconstruction activities – something that Maryland and MDTA has compressed down to months.

c. In addition to providing costs up front, as a requirement of the reimbursable federal-aid program, MDTA has contributed over $350 million in insurance proceeds toward cleanup and reconstruction.
d. The State is also incurring litigation costs to recover damages from Dali's owner and management and their insurers. Maryland and MDTA have absorbed costs deemed ineligible under federal rules and have experienced toll revenue losses and other losses due to the collapse. MDTA toll revenue losses have prompted the expedited consideration of planned toll increases. Additionally, MDTA continues to manage tradeoffs in its broader capital program to prioritize the Key Bridge, including shifting timelines for other critical projects.

2. What internal controls, oversight mechanisms, and performance benchmarks has MDOT implemented to ensure cost-effective delivery, even with a 100% federal cost share?
   a. As an independently established authority, MDTA is governed by a public Board of Directors that provides oversight of our capital program, operations, and management of Maryland's toll facilities. The MDTA Board meets monthly, and meetings are open to the public.
   b. To ensure internal control and performance benchmarks were integrated from the start of the Francis Scott Key Bridge rebuild, MDTA advanced a progressive design-build project delivery method. The progressive design-build approach integrates designers and contractors early in the project to drive cost control, manage risk, and maintain schedule discipline. This innovative project delivery model includes phased deliverables and continuous evaluation, allowing Maryland to make data-driven decisions, respond to conditions on the ground, and be a strong steward of federal funding.
   c. The ER program's reimbursement structure also reinforces accountability: all costs must be documented, eligible, and approved by FHWA before federal funds are released. These approaches have a proven track record of ensuring cost-effective delivery on other past projects with 100% federal funding, like the Minnesota bridge collapse replacement. In parallel, MDTA is leveraging its internal controls and proven track record of delivering large-scale capital projects on time and within budget to guide decision-making and contractor performance. These controls, paired with federal and Board oversight, help ensure cost-effective, transparent delivery.
3. How is Maryland demonstrating accountability to federal taxpayers, and what is the State's ongoing role in managing project delivery, pursuing cost recovery from responsible parties, and maintaining public trust?
   a. Maryland is demonstrating accountability to federal taxpayers by advancing project costs through a reimbursement-based model, assuming full financial responsibility until FHWA approval is received. MDTA is conducting the cost estimate review, including risk assessment, process required by FHWA to ensure costs are reasonable. In addition, MDTA is utilizing the services of an Independent Cost Estimating (ICE) firm that has specialized experience in marine and cable stayed construction. The ICE reviews the plans developed by the contractor and develops independent means, methods, schedule, and cost to

perform the work. The ICE cost and schedule are compared to the contractors for each individual work activity, with an iterative reconciliation process to either reach a mutually agreeable price or deem the price unreasonable.

b. Lastly, the MDTA project delivery team has experienced personnel, procurement tools, and performance tracking mechanisms to ensure timely and efficient progress in the project. This is demonstrated by MDTA's recent delivery of the new $463 million US 301 Nice-Middleton Bridge project on budget and three months ahead of schedule in 2022.
c. To minimize burdens on federal taxpayers, Maryland has filed suit to hold the Dali's owner and management, and their insurers, accountable for the damages they caused. Funds recovered will be applied upon receipt to the repair and reconstruction of the bridge and its approaches from the emergency fund authorized under section 125 of title 23, United States Code
d. Public trust is being maintained through transparency, prudent financial stewardship, and a visible commitment to delivering a new bridge that meets national infrastructure needs.

Senator CRAMER. Thank you, Ms. Biddle.

Thank you all for your opening statements. While all intuitively know there is a big difference between Maryland and North Dakota, you two have painted a perfect picture of just how very different they are. We do not have a lot of ports there.

[Laughter.]

Senator CRAMER. Another State that does not have a lot of ports besides North Dakota would be Nebraska. I am going to turn for the questions first to Senator Ricketts, Senator/Governor Ricketts, who I am sure brings a very important perspective to this. We will star with you, Governor.

Senator RICKETTS. Great, thank you very much, Chairman Cramer, and Ranking Member Alsobrooks. Thank you very much for holding this important hearing on surface transportation, and I look forward to working with the committee to be able to really craft another great bill.

I want to say thank you to our witnesses for sharing your testimony here. I look forward to talking about some of the reforms that we can do to be able to help.

Deputy Director Orn, Deputy Secretary Biddle, both of you talked about flexibility in your opening remarks. When I was Governor of Nebraska, that is one of the things that we certainly would have appreciated as well, is more flexibility. As the Chairman pointed out, States are different. They have different needs.

We do not have a lot of ports in Nebraska, either, as a matter of fact. We do have rail, we do have surface transportation, we have runways for our airports and all that.

One of the other things I did when I was Governor is implemented a process improvement methodology called Lean Six Sigma. Again, what that did is help us streamline how we issued our construction permits, as an example.

What Lean Six Sigma does, we can not change any sort of environmental regulations, but we can change the process for how we do it. We were able to cut the number of steps to issue an air construction permit down from 110 steps to 22 steps, and by doing that, we took the time to issue a permit from 190 days to 65 days, again, without changing any sort of environmental regulations along those lines, but providing better service to our taxpayers.

That is just one example of some of the improvements we can make with regard to looking at the next transportation bill, is how we can find ways to streamline the operations. Modern transportation projects are complex. That does not mean they should be impossible. In fact, that is one of the things we need to do is make sure we are delivering on these important projects.

For both of you, I would like you each to take a turn, talk to me about what are some specific ideas that you would like to see us do here in Washington that would help with flexibility in your Sates.

Deputy Director Orn, we will start with you.

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

Flexibility is very key to what we do in North Dakota. We are a fairly small State. Our Federal funds are toward the bottom end that we receive.

Flexibility gives us the ability to get those dollars to the priorities that we need across the State. The more flexibility you have, the better we can react to where the needs are. The more programs that are created, the more divvied up the dollars are, and it makes it harder to react and get the dollars where they are needed.

Flexibility is a critical thing for us in our State. Also, regulations, any simplification of regulations that this committee can do, especially when it comes to like modernizing some of the dollar amounts and some of the things in the regulation because of inflation. I believe the report says since 2021, inflation has increased by 80 percent. That has been a real burden on States.

Anything that could be done there to modernize some of the numbers that we have in regulations, so they are more in line with what we experience today.

Senator RICKETTS. Again, if I understand you correctly, you are saying there are dollar thresholds below which you have flexibility, or more flexibility. Because of inflation, you would like to see those dollar thresholds taken up, back to at least where they were in 2021 relatively, 2021 dollars, even to just keep it even with where it was before. Is that accurate?

Mr. ORN. That is correct, Senator, because then that provides more flexibility to hire, you have some of those thresholds. A few less regulations and requirements that we have to get into, which can speed up the delivery of the projects.

Senator RICKETTS. Right.

Deputy Secretary Biddle?

Ms. BIDDLE. Than you so much for the question. I think for us, being a multimodal transportation department, having the ability to flex funds between our modes has been an integral, really success story for us, especially as we tend to have perhaps fluctuating needs and priorities across our various modes.

We are responsible for our highway network as well as our transit system and the ability to flex those funds as critical State of good repair needs arise makes the delivery of projects inherently more expeditious. Knowing that we have that flexibility allows us to look at some of these projects that often have large price tags and figure out how we can program those over a number of years with real certainty, knowing that these projects are multi-year and can involve a combination of different funding sources.

Having the reliability and sustainability of the ability to flex funds between our modes grants more certainty throughout our department, and then also to our various partners and stakeholders who rely on us to deliver projects really across those various modes.

Senator RICKETTS. Great. Thank you very much.

I have 13 seconds left, so other questions I will submit for the record. Thank you, Chairman, for letting me go, because I have to go preside here in a little bit.

Senator CRAMER. We do not want you to be late for that.

Senator RICKETTS. No, they will get mad at me.

Senator CRAMER. Whoever is in the chair will certainly get mad at me, probably.

Thank you. I am glad we could accommodate that.

I now turn it over to Ranking Member Alsobrooks for her questions.

Senator ALSOBROOKS. Thank you so much, Mr. Chair.

I will begin with just a few questions. Mr. Orn, I will start with you. Many rural counties, including in Maryland, face unique challenges when it comes to roadway safety, like long stretches of unlit roads, we have limited emergency response and aging infrastructure. I am just curious about how you believe current Federal safety programs are able to provide States, and whether you believe they are, with sufficient flexibility to effectively address these unique risks?

Mr. ORN. Senator Alsobrooks, first thing, I want to thank you for your leadership on the Highway Funding Transferability Improvement Act.

To answer your question, that is a real concern, because in North Dakota, the majority of our serious injuries and fatalities do happen off the State system, they do happen on our local roads. We did go through a series of a local road safety plan where we developed low cost improvements for our locals that they could look at, and that would be highway lighting, striping, that was signing, that was some low cost things that they could submit.

I think something that Samantha mentioned over there about, that we run into with some of the locals, is coming up with a match, with the safety program being a 90–10 then the locals have to come up with that 10 percent match. Given the flexibility then, we are always all about flexibility. If you can set that flexibility up to that 100 percent, that is a maximum, does not mean you have to do it, but then it gives you your ability for counties and areas that maybe can not afford to do that match, but improvements are very much needed in those areas.

Senator ALSOBROOKS. I know North Dakota is expected to receive I believe about $87 million, and this is under the IIJA, from the Highway Safety Improvement Program. I am just wondering how well you believe the program is helping your State address the particular safety challenges that you face in rural areas, and what safety results has it been producing for your State?

Mr. ORN. Senator, we develop our 5-year highway safety plan, and we follow through to that. I also mentioned, we have local road safety plans. I am very proud to say that in North Dakota, we had our lowest fatalities in over 20-plus years. Plus we have had our lowest fatality rate since we have been tracking it.

I believe the safety improvements, the low-cost safety improvements and the other improvements that we are doing and working with our partners is extremely effective in our State. We are very proud of that record.

Senator ALSOBROOKS. Are there any improvements that you think Congress should consider for the Highway Safety Improvement Program, and Safe Streets and Roads for All to better serve the specific needs of rural communities?

Mr. ORN. Other than increasing the match up to that 100 percent, anything we can do to provide more flexibility to those locals is a good thing. Any way we can help them.

Senator ALSOBROOKS. I'm going to go back to Ms. Biddle. We are so proud, Maryland is leading the way in modernizing transportation by utilizing Federal funding to improve essential infrastructure. I wonder if you can tell us how increasing the allowable transfer of Federal highway funds between eligible programs would help address the most pressing transportation needs in Maryland and in other States.

Ms. BIDDLE. Thank you, Senator. To expand upon some of my previous comments, I think one of the other things to keep note of is, as projects are being developed, we certainly start off with what the core purpose and need of any given project is.

Once we start to work more closely with stakeholders, including communities, we can also identify other things that we can add or enhance to a project to make it from maybe a simple resurfacing or restriping project to add in something like a bike lane or some other accommodation for vulnerable users.

Oftentimes, there can be some red tape associated with, as the scope of a project may advance or develop. Maintaining the flexibility of the Federal funds allows us to keep the federally eligible portion of our project to be at its highest maximum component, meaning that our State match might be more like an 80–20 rather than something lower than that.

The more and more that we can do to leverage Federal funds the more projects we can do and the more that we can do to deliver and expand the type of impactful solutions that we want to do across the State.

Senator ALSOBROOKS. Thank you so much.

Senator CRAMER. I now recognize Senator Lummis from another State in the middle of the continent with no ports, but a lot of similarities to North Dakota. Although we have removed all our mountains.

[Laughter.]

Senator LUMMIS. I want to thank the witnesses for coming today and sharing your expertise with the committee.

I also want to commend the family of the deceased young person who was on her bike. In Grand Teton National Park, in my State, a young biker, a young girl was also killed by a car that was looking at the Tetons and not at the road. It changed the transportation in the park, accommodating bicycles on a different route that separated them and just made everything so much safer for both bicyclers, runners and cars alike.

Your work will be recognized and my condolences that that is what brought you here today. Thank you for coming.

Mr. Orn, thank you for representing not just North Dakota today but North and South Dakota, Idaho, Montana, Wyoming. Our States are very similar in terms of the way that highways dominate our transportation needs. You stated it well in your testimony, you said benefits, the rural States' highways benefit the entire Nation. Specifically note how truck movements traverse States like North Dakota, South Dakota, and Wyoming.

Indeed they do. My gosh, on Interstate 80, it is just one 18-wheeler after another. They are backed up when our weather gets really bad.

The significance of these ribbons of highway just cannot be overestimated in terms of their ability to serve the Nation and its needs for goods and services as they transverse the continent.

You also highlighted the reality of our short construction seasons, where delays of even a month can delay for a year the construction of certain segments of highway. Just like in Wyoming, weather is the news on a lot of days in our State.

I want to thank you for recognizing that without a strong network of roads in the rural west, access to many of our Country's great national parks and other scenic wonders would be limited as well as the tremendous transportation needs our Country has that are fulfilled by our highways.

Mr. Orn, I want to start by asking about formula dollars. Your testimony notes that formula dollars deliver projects more promptly than discretionary dollars.

Can you elaborate on this?

Mr. ORN. Senator Lummis, yes, I sure can. First of all, I just want to thank you for your work and leadership on the SPEED Act. That is very much appreciated.

Senator LUMMIS. Thank you.

Mr. ORN. Formula funds, they are the most successful way to get dollars to the benefit of the people as quickly as possible. States are able to set their priorities and set those projects and then there is a known factor that we know what we are going to do and what we are going to be able to do.

Unlike discretionary grants, where you apply and it is somewhat of a waiting game and it is unknown, are we going to get it, are not we going to get it, with formula funds we plan, we get it ready, we get the shovels in the ground. It is a way to get, like I said, the benefits to the public as quickly as possible. That is who we all work for.

States have proven over the years that formula funds work, and they are the most efficient driver and the most efficient way to deliver those projects.

Senator LUMMIS. Thank you.

You referenced the SPEED Act. I do want to dive into that a little bit. It doubles the categorical exclusion thresholds for highway projects. Currently, smaller transportation projects can bypass lengthy environmental reviews if they receive less than $6 million in Federal funds or costs under $35 million in total with Federal funds under 15 percent.

The SPEED Act would double those numbers. You noted that skyrocketing inflation has eroded the benefits of today's cat ex exclusions.

Can you speak to how doubling the categorical exclusion thresholds would accelerate project delivery in States like ours?

Mr. ORN. Senator, by doubling that to catch up with inflation, like you said, it is less regulation, it is less environmental, NEPA that you have to go through for a very simple project that has been proven time after time after time.

That gives the ability, especially with using formula funds, gives you the ability to get that project out there that much quicker, and then we do not miss that construction season. It just will save States, small States like ours, a lot of time and a lot of resources that can be focused on other areas.

Senator LUMMIS. Yes, time is sure money in our States. You are planning and trying to execute and do the bidding, open the bids, execute the contracts, and my gosh, in the intervening timeframe, the project has gone up and now you can not even afford to do it anymore.

Thank you for your testimony. I have other questions. I will submit them for the record or if there is another round I might ask them in person.

Thank you all for being here.

Senator CRAMER. Thank you.

We have been joined by the Chairman of the full committee, Senator Capito. I am going to turn to her now for her questions.

Senator CAPITO. Thank you, Mr. Chairman, and I thank the Ranking Member. Thank all of you for being here, for being our guests. I know Senator Cramer has said that we are marching to hopefully a reauthorization of the Surface Transportation bill in a timely fashion, timely being September 2026. We are working well together as a committee.

My history here on Capitol Hill has been that transportation infrastructure is something that we all have, we have our different needs, but we all have need for. I think flexibility, Senator Lummis asked the first question I was going to ask of Mr. Orn on the flexibilities that you get by having the formula funding. We are not going to build highways in West Virginia the same way that you build them in North Dakota or in Maryland or other places. There are just different needs.

I will leave that question, because I think you answered that. I think one of the things that is important as well is permitting reform. I think if we can get bipartisan permitting reform, all of these dollars will go a lot faster and a lot more efficiently than they have in the past.

Do you, Mr. Orn, or Ms. Jones or Ms. Biddle, have any comment on permitting reform?

Ms. BIDDLE. Thank you, Chairman. I believe that permitting reform is certainly something that we look forward to supporting, both at the Federal level as well as at the State level. As you know, the permitting landscape is not exclusive just to that that we navigate with all of our Federal partners.

In the State of Maryland, we have robust State permitting as well. Coordinating the sequence of permits on both levels can be extremely challenging. To Mr. Orn's experience, I do not share in the extremely limited construction season that he does, but I know that even in the State of Maryland, we have things like when we can do work in and around streams and things like that.

Senator CAPITO. Right.

Ms. BIDDLE. We really want to make sure that we are taking advantage of every available window. Often times it can be things like permits that can cause us to perhaps lose a moment of opportunity. Certainly I agree with you in that sense.

Senator CAPITO. Thank you.

Let me followup with you on another question. Our member, Senator Cardin, was on this committee for a very, very long time, when the Francis Scott Key Bridge was hit and destroyed, and lost lives, very tragic event, he pushed really, really hard to up the Federal share of rebuilding that facility 100 percent. I talked to the

Governor a couple of times, and the sheer will of Senator Cardin got that done.

It was a big lift for him. Could you update me on the status of the reconstruction of the bridge and tell us the current cost estimate for that bridge?

Ms. BIDDLE. Of course, and thank you as well for your support and partnership as we navigated what was truly a catastrophic event that we are still working through.

We are still immensely grateful for the Federal support. This is a critical national freight and supply chain asset. We pledge to remain transparent with this committee in providing updates as well as in our efforts to seek reimbursement to the responsible party for that bridge collision.

To date, the Francis Scott Key Bridge rebuild has been environmentally cleared, and we have a progressive design-build contractor in place and preconstruction and demolition activities are currently underway. We appreciate the strong continued partnership with the Federal Highway Administration as well as our progressive design-build contractor, Kiewit.

We do remain on track to deliver a new bridge as quickly and cost effectively as possible. However, due to the progressive design-build process that we are working through we are currently still tracking the initial cost estimate from earlier on in the bridge rebuild process.

Senator CAPITO. Do you recall what the initial estimate of that project was?

Ms. BIDDLE. Yes, $1.7 to $1.9 billion.

Senator CAPITO. Right. What is it now?

Ms. BIDDLE. We have not updated that cost estimate yet. We are working closely with our progressive design builder as we work past 50 percent design and look forward to——

Senator CAPITO. When you say progressive, is that the name of the company?

Ms. BIDDLE. No, that is the type of procurement and construction delivery method. We brought on a contractor that also has a designer with them. We are working hand in hand on the design while we execute some early works packages.

Senator CAPITO. A design-build?

Ms. BIDDLE. A design-build, but the cost was not negotiated up front. As we work through the design process, we will then get to the point at which we will negotiate the final cost of the bridge.

Senator CAPITO. I could just kind of add a little spice to the meeting here, I can say this was one of the reasons that the cost share by the State, many of us though the State should still contribute in the usual way, whether it was 90–10 or 80–20. Really there is no incentive for the State now to contain the cost, because there is no cost to the State. It is all federally funded. You are going to have to get more funding than what you have initially.

I am just going to use that as an example of why the cost share by States is an essential part of highway building. You have to have some skin in the game. Understanding that this was an exceptional case, which is why we made the exception for that.

The last thing I would say, because I am sitting next to Senator Lummis, is truck parking. Have you talked about it yet?

Senator LUMMIS. No.

Senator CAPITO. No? No, she has not talked about truck parking.

Senator LUMMIS. Can you imagine?

Senator CAPITO. No. Well, I think all of us realize that this is a real problem. You can see them stacking up on the exit and entry lanes as you are getting onto an interstate highway.

I support her in realizing that this is a real issue. Although our State just got some truck parking dollars that were just allotted by the USDOT. Hopefully we will be increasing our truck parking.

When you park in West Virginia you might as well ride the rapids and do everything else that you can do while you are there. Just putting a little—yes, tourist trap.

Anyway, thank you, Mr. Chairman, for having me. Thank you, Senator Alsbrooks.

Senator CRAMER. Thank you.

Yes, truck parking, how could we get through a hearing without truck parking coming up?

Thank you. I am going to try to summarize a couple of issues and then just sort of seek your best counsel on the acceleration issue, how we can move things quicker. Whether it is permitting reform, as has been referred to, sequence, I think you referenced it, Ms. Biddle. I talked about it in my opening statement, the One Federal Decision.

Let me ask a more open-ended question of Mr. Orn and Ms. Biddle. What other specific suggestions would you have for us to accelerate delivery, perhaps through regulatory reforms or other things, while maintaining the integrity of regulatory—or environmental protection? I believe there are ways to, not cut corners, but streamline the process by going—you talked about sequencing it.

Whether it is consecutive versus concurrent, or One Federal Decision I thought would work better, frankly. Maybe it was a matter of execution. Maybe just ask each of you for your open-ended thoughts on ideas that we could try to put into this bill.

Mr. ORN. Thank you, Chairman Cramer. As you mentioned, One Federal Decision has been a point of frustration for us in North Dakota. It sounded like a great deal when it came out; it just has not happened to our benefit. We have had a couple of cases with the FRA and with the U.S. Army Corps of Engineers where we were forced into a different type of environmental document because they would not accept the Federal Highway cat ex.

That is one area we would strongly approve that you strengthen to make that better.

Increasing any regulations due to the inflation, as I mentioned before, a couple more areas in that area, other than the cat ex, value engineering is another thing. We need a raise on that for value engineering.

Then the definition of a major project, that is another thing. Even here in North Dakota, we are right up against the definition of a major project, which, when I first started at DOT, I would have never ever thought we would be anywhere near to what the cost of a major project, but just to the sheer costs of projects were right there.

Something that North Dakota, that is really near and dear, is data collection, excessive data collection. We are a rural State, we have limited resources, we have low numbers of people, or staff that we have. We are doing a lot of data collection, we are data-rich, information-poor. A lot, a lot of data. What do we do with it all?

With that, we would look at, let's make sure that the data that we are out spending our time collecting and spending the dollars and resources is truly needed, that it is not duplicated across other programs. There are other areas, where like I mentioned before, those resources could be put to use.

Senator CRAMER. I appreciate that.

On the One Federal Decision issue, it sounds to me like the concept is sound, but the execution was not. Maybe all the decision-making agencies that were not the one took exception. Sounds like a discipline issue.

Anyway, Ms. Biddle, your open-ended thoughts on where we might find some shortening of the timeframe a little bit.

Ms. BIDDLE. Certainly. I share with Mr. Orn's concern and experience on just the definition of a major project as well. From a State based experience, the way that we define certain major projects in our State used to be a $10 million threshold. When I first started with the State that could get you maybe even like part of an interchange. These days it is a single resurfacing project on a single road.

Just being realistic about kind of how far we are able to stretch these dollars and then how that does also apply to the permitting landscape I think is a needed adjustment in thinking through those sorts of thing.

I think just for us, we have seen I think some success with some of the existing permitting reforms. We also share a really strong relationships with all of our USDOT modal office staff representatives. I think for us, it is those working relationships and being able to work through the permitting activities at all of the modes really efficiently.

It does often come down to the people and not necessarily to a regulatory reform. I know that is not necessarily an easy suggestion to legislate.

I do just want to say that the people play an essential role in expediting the delivery of these projects as well.

Senator CRAMER. Thank you very much.

Ms. Jones, I might just ask you quickly, getting to the Safe Routes to School Improvement Act, what has worked and what you have identified pretty clearly, including with some pretty valuable statistics. Safety has to be paramount.

I think frankly safety is one of the issues that we do not talk about enough when it comes to just building more highways or building another lane. That safety seems to be sometimes like its own thing.

With regard specifically to this, tell me a little bit about your experience with communities that do not know what to do. They may want to do something; they may even have a good idea of how to do something. The thing that they are missing, and this is certainly true in North Dakota, a small town may not have the technical expertise to even know a grant exists, much less how to apply for one.

Does that sound like, is that something you would do or that your network does? How valuable is that?

Ms. JONES. Yes, absolutely. Thank you so much, Senator Cramer, and thanks for your leadership expanding the Safe Routes to Schools to high schools, which has been a huge success all across the Country.

You are identifying the exact reason that States need statewide Safe Routes to School coordinators. When this program was a dedicated program, from 2005 to 2012, there was one door. Communities knew, OK, we applied to Safe Routes to School funding.

It is now broadly eligible for a variety of funding sources, which is terrific. There is more funding available. It means that in a small, rural community, where they might not have full-time staff at all, maybe the mayor is also the grocery clerk.

They do not have the capacity or awareness sometimes to pursue this funding. This is exactly why we need statewide Safe Routes to School coordinators, to help communities, first of all, raise their awareness, that this is an opportunity. Then help them navigate Federal funding, apply for grants, and build projects that save lives.

We see the return on that investment in rural States and in States all across the Country. Idaho is a really great example of a predominantly rural State that invests $120,000 year in a statewide Safe Routes to school coordinator that helps communities in their State, predominantly small towns, bring in $10 million in Safe Routes to School investments from the Transportation Alternatives Program.

These are projects that children and families love, local elected officials love these projects. These help build economic development, improve safety, get kids physically active, and help get kids to school on time and ready to learn.

Senator CRAMER. Thank you very much for that. My time is expired.

Since we have the time, and Senator Markey has now joined us, so we will be calling on him in a little bit. In fact, if you are ready I will call on your right now. With that, I recognize Senator Markey for his questions.

Senator MARKEY. Thank you, Chairman. Thank you for this hearing.

The Safe Routes to School programs as [remarks off microphone] to bike to school by redesigning road infrastructure near schools and raising awareness about road safety in communities. Now, I know it is important because when I was 5 years old, I was hit by a car, turned into a projectile, and my fingers never did quite come back together after landing, because you are trying to protect your head from that incredible concussion which you are going to get.

It really hurts, by the way, when you get hit by a car; honest to goodness, does that hurt. That is something you never forget. Obviously I became a big auto safety guy, big street safety guy. I was chasing Charlie Cadero and Bobby Olson. They were nine, I was five. I grew up in a deregulated childhood, if you know what I am saying. I am three streets away from my house, and I am five.

Although States have significant flexibility in how they fund this program, they often do not have a statewide coordinator to help facilitate projects, particularly in rural areas where communities may have fewer resources to carry out this program.

In Massachusetts, we have had a statewide Safe Routes coordinator for over 20 years, shaping our statewide vision for the program and providing rural and urban communities alike with guidance to implement these lifesaving programs.

Ms. Jones, do you agree that the Massachusetts approach to the Safe Routes to School program helps keep students safe when traveling to and from school?

Ms. JONES. Thank you so much, Senator Markey, and thanks for your leadership on the Safe Routes Improvement Act.

Absolutely, we view the Massachusetts program as an exemplar in the Nation. For 20 years, it has had that robust statewide coordination that helps communities all across the Commonwealth benefit from this lifesaving program.

You spoke to Massachusetts' focus on rural communities. I want to speak to specifically why the Safe Routes to School coordinator position is so helpful at getting more rural communities involved in Safe Routes to School. Oftentimes, if there is a lesson learned, if there is not a coordinator, it just stays with that community by themselves.

In Massachusetts, the statewide Safe Routes to School coordinator created a series of rural key studies for Safe Routes to School programs, so that they can be shared out, and other rural communities do not have to reinvent the wheel, learning how to access this program, learning how to deliver lifesaving projects for their constituents.

Senator MARKEY. Senator Cramer and I agree with you. We believe that a vision without a coordinator is an hallucination. You need a coordinator. That is why I am proud to partner with Senator Cramer on the Safe Routes Improvement Act. Our legislation takes a lesson from both Massachusetts and North Dakota by requiring State departments of transportation to have a full-time coordinator for Safe Routes for School programming. Whether you are a child in North Dakota or Massachusetts, you should not have to worry about getting to school safely.

Mr. Orn, let's turn to another transportation issue related to North Dakota. North Dakota ranks second in the Nation for the high quality condition of its roads. Your State has achieved this impressive performance in part because it prioritizes maintaining its roads in a State of good repair, such as ensuring existing roads are smooth and pothole-free.

Well-maintained roads allow travelers to avoid expensive and dangerous incidents such as flat tires, broken axles, and that makes roads safer for all road users and saves travelers money.

Mr. Orn, do you agree that prioritizing maintenance has led to a more affordable and efficient transportation system for North Dakota residents?

Mr. ORN. Senator Markey, first I want to also echo your leadership on the Safe Routes Improvement Act. I appreciate that.

In North Dakota, we have just over 1,000 employees and over a third of them are dedicated to the maintenance of the roads. They try to get out and maintain at least a third of the roads every year. We do put a lot of effort into maintaining our roads. Then we try to program the projects at the right time. If you get the improvement done in the right time, then it is less improvements you have to make, so you can go more with the maintenance project that you talked about.

We also throw in some other major projects we need to do, shoulder widening, reconstructions and all that stuff. I believe in and am very proud of what North Dakota brings, as you mentioned, with the second in the Nation with the quality of our roads. I invite everybody out to North Dakota, a great rural State.

Senator MARKEY. Again, I am looking forward to working with you. I think you have the right frame. North Dakota spends 94 percent of its highway dollars on maintenance, just to make sure that they are there.

If I may just finish up my story. Now, I am out in the middle of the street. I am 5 years old. A thousand pounds of steel, when it hits you, it really hurts. I am there, and I hurt. All of a sudden, somebody picks me up, puts me in the back seat of the car, and they are driving 100 miles an hour up to the emergency room of the Malden Hospital.

There are two things your mother always tells you when you are a kid. No. 1, if you are ever hit by a car, your phone number is M840815. You are 5 years old. No. 2, change your underpants every day, because if you are ever in an accident, I am going to be so embarrassed if you are wearing dirty underpants.

[Laughter.]

Senator MARKEY. Now, the doctor says, what is your phone number, M840815. Now I can hear, Mrs. Markey, we have your boy here, and if you give us permission to operate. The nurses are starting to unbuckle my pants, and I know I have not changed my underpants in 5 days; I am 5 years old.

I am trying with my fingers to hold on, and my last memory is this chloroform coming onto my face, and I am out. I am out.

Anyway, I am 25 years old, I am running for State representative. I am in my third year at Boston College Law School. It is 5 minutes of eight, and I am on the other side of town from where I live.

This guy comes up to me and says, were you hit by a car when you were 5 years old? I said, yes. Did somebody pick you up, put you in the back seat of the car, and drive you to the hospital? I said, yes.

He said, did you ever wonder who that guy was? I said yes. He said, well, I was a fireman who was sitting on my porch, so I just did that.

You know what? My wife and I, we were talking, it sounds like you have turned out OK. I am going to go in and be your last vote tonight.

You know what trumps an election? Getting hit by a car. The only thing I am thinking about, I am in the wayback machine right now, thinking about that kid who got hit, and how fortunate I was just to be there. That is why I thank all of you for all the work you are doing to try to make our roads safer, especially for kids in school.

Thank you, Mr. Chairman.

Senator CRAMER. As public servants, we are often motivated by personal experience. That is one good story, I have to say. Thank you for sharing that with us.

We have some time to have a second round of questions, Senators, if you are open to doing that. I will recognize the Ranking Member to start off the second round of questioning, then go directly to you, Senator Lummis.

Senator ALSOBROOKS. Thank you, Mr. Chair.

I just have a couple of questions for Ms. Biddle and Mr. Orn. This question is about accountability and transparency. Your States' departments of transportation are responsible for deciding how and where you will spend Federal highway dollars in your State. Accountability is critical when selecting projects to ensure that investments address the most pressing needs, whether it be improved resilience, enhanced multi-modal transportation or implementing safety measures.

We need to be sure that flexibility, although that is important, does not result in under-investment in underserved communities, and that all States continue to support modes of transportation.

As we consider expanding States' ability to transfer Federal highway funds across programs, how can we also strengthen transparency and accountability? If you can just each answer that.

Ms. BIDDLE. Thank you so much for the question. I completely agree. When States have greater authority to direct those Federal funds where they are most needed, whether for safety, climate change resilience, it is equally important that those decisions are all well documented, performance based and clearly communicated to all of our partners.

One way to strengthen the accountability is through enhanced public reporting and performance tracking, perhaps tied to our State Transportation Improvement Program, or STIP. Every project that benefits from flexed funds should be traceable within the STIP, accompanied by measurable outcomes, aligned with national performance goals, especially in safety asset condition and emissions reduction.

These tools already exist and we simply need to ensure that they are consistently used and with clear metrics.

I think accountability also depends on robust coordination between States and USDOT's modal agencies. That supports consistent and transparent eligibility determinations across all these programs, so States can plan flexibly while remaining grounded in Federal oversight and public expectation.

Why is this important? Public trust in the transportation system depends on demonstrating that Federal dollars are delivering those real results. We need to have reliable transit, we need to have equitable access, long-term infrastructure resilience. When flexibility is paired with clear goals and data-driven implementation, we are not just spending money, we are also solving problems.

Finally, advancing programs like Vision Zero, our State highway safety plans, and targeted safety legislation, such as the Safe Routes Improvement Act, it helps us ensure that even with fund transfers, our core mission remains the same, that we are all saving lives and expanding opportunity.

Senator ALSOBROOKS. Thank you.

Mr. ORN. Senator, I concur with some of the remarks that Samantha made. We also have our STIP, we have our tribal meetings to reach out to our tribes. We work with them, our MPOs. We also work with our local public agencies.

I just want to say that every project that we do in our State is either in a community or it affects a community, whether in a county, a city, a small city or big city. Every investment we make does affect our communities.

Actually, what we use our transfers for is to able to be more flexible toward our larger communities. The more we can transfer, the better we can help with their priorities and reach the goals that they want in their communities.

Without the transferability, it would make it extremely difficult, because with the suballocations, we do get down to where they are fairly small in our State. It makes it very difficult. You have to have just the right project to fit just the right dollar amount. That may not always be a right priority.

Through transfers, we are able to benefit a lot of our communities. That is part of the use that we use that, and that is why we are very supportive of the Transferability Act.

Senator ALSOBROOKS. Thank you.

Just one more question, for Ms. Jones. It is a question about barriers. I know we have heard a lot about how the Safe Routes to School program improves pedestrian and cyclist safety, and the efficacy of it. Can you just talk a little bit about the barriers that exist at the State or local level that limit both the scale or speed of the implementation of the program?

Ms. JONES. Yes, thank you so much for the question, Senator Alsobrooks. I mentioned in a prior response that sometimes it is awareness or a lack of capacity from a local community to apply.

Another barrier is the local match requirement. These projects typically require the 20 percent match. Some States are using new flexibility from the IIJA to reduce match in high-need areas. Many communities still struggle with that 20 percent.

That is why the Sarah Debbink Langenkamp bill is so important. It gives States the flexibility, if they would like to use the Highway Safety Improvement Program as match for local safety projects like Safe Routes to School projects.

To me, this is the perfect example of flexibility focused on accountability and outcomes. It gives States a tool in service of a desired outcome, safety. It really helps local communities that do not have that 20 percent match, particularly small and rural communities with low tax base who would otherwise not be able to access those funds.

Senator ALSOBROOKS. Thank you.

I yield back, Mr. Chair.

Senator CRAMER. Thank you. Thank you very much.

I will try to wrap it up here. Senator Lummis had to leave, but she wanted me to ask you a question, Chad, on her behalf. I am going to do my best to sort of summarize her point here.

She wanted to touch on her legislation, Senate 1066, the Highway Funding Flexibility Act. I think you might have mentioned it. It addresses the practical reality that the National Electric Vehicle Infrastructure Program is fraught with significant implementation challenges, which has left substantial funds unobligated while States have, of course, high priorities.

Her question is, from a State transportation management perspective, can you explain how the flexibility to redirect stalled NEVI funds to highway and bridge projects could help deliver more immediate benefits to the public?

Mr. ORN. Thank you, Chairman Cramer. In North Dakota, as in most States, we have a lot of needs. The needs outweigh the dollars. With the NEVI dollars, with the bill that you referred to, that would give the States ability to spend those dollars on highways and bridges, which gets back to the basics of our system, spending dollars on highways and bridges.

That would give us the added flexibility to inject more dollars into our system, so we would be very open to that, rather than those dollars going elsewhere, to have them flow back into the highways and bridges.

Senator CRAMER. Thank you.

OK, let me wrap up with, I am going to ask another safety question, but I am going to ask it of you, Ms. Biddle and you, Mr. Orn. It has to do with worker safety. One of the things we see, we have talked a lot about how short North Dakota's season is, and in some respects, as much as we do not like to see winter, we do appreciate the fact that the freeway is wide open again.

That said, in as big a hurry as we are to get a highway maintained or built or fixed, we are also often in too big a hurry to get to wherever our destination is, and do not pay close enough attention to the hazard of workers right on the very highway we are driving on.

Maybe you could, if you have any thoughts or suggestions, legislatively, that we should be looking at for improvement of worker safety, I just know when I see orange, I slow down. The minimum fine is not really the factor; it is more the human situation that scares me.

Maybe if you have some specific thoughts on how we can improve the legislation to help States with that program, it would be useful.

Ms. BIDDLE. Thank you so much for the question. It certainly hits close to home for the State of Maryland. Certainly the tragedy that we experienced just last year was one that I think garnered a lot of attention nationwide. Unfortunately, in March of the year prior, we experienced a crash on the Baltimore beltway that killed six highway construction workers. We had vehicles traveling in excess of 100 miles per hour in a work zone.

To your point, not everyone, unfortunately, has the same reaction to the human factor there. In the State of Maryland, we previously did have work zone cameras, that did issue tickets. The maximum ticket, even for a repeat offender, was still $40. That just was not getting anyone's attention.

Through working with our State legislature and the support of our Governor and lieutenant Governor, we chaired a work group on this topic. We implemented legislation through the State of Maryland that introduced a tiered fine structure and also allows us to expand our implementation of work zone cameras.

I always say that I hope we do not earn a single dollar through these programs, because it is not about generating revenue, it is about protecting our workers and saving lives.

I would be happy to submit further some of the other components of that legislation for the subcommittee's consideration, things that we have seen that have been beneficial in the State of Maryland. We do think that we have seen behavioral changes since some of that tiered structure and other technologies have been implemented.

Senator CRAMER. Deterrence can be expensive, but not nearly as expensive as not deterring.

Mr. Orn, if you have thoughts on that, I would welcome them.

Mr. ORN. Senator, obviously safety is of the upmost importance in everything that we do every day. Work zones do not just accommodate contractors. Our workers from our departments are also in those same work zones. It is near and dear to our heart.

The main thing I want to say is, we have a real good relationship with our AGC, American General Contractors. We do work with them. Work zone is important, but we do not want to see a bunch of restrictions added to it. We still want flexibility to be able to work with our contractors and our partners on the work zone safety. If we hear any feedback, we make corrections. We fix it. We listen to them, because we know it is critical.

A few examples of stuff that we did in North Dakota, as Samantha alluded to, we also just raised our fines within work zones, almost doubled them in the State. That is going to go into effect on August 1, the State legislature does that.

Another thing we do, and we have been doing for years and years and years, is we provide overtime dollars to our highway patrol, so that they can patrol the work zones. If there are contractors or our employees in work zones that feel like, they think the traffic is moving way too fast, things are not quite right, they make a few phone calls and the highway patrol shows up and they patrol. We help pay for the overtime for those highway patrolmen to be in those work zones to make sure that the workers are safe.

Senator CRAMER. Excellent.

Well, thank you all very much for your testimony. It was a very valuable hearing, and I appreciate your contributions to that.

With no further questions, I want to thank the witnesses and all my colleagues. Many more participated than I thought were going to, so I am grateful for their participation.

Senators who wish to submit written questions for the record have until 5 p.m. Wednesday, August 6th, to do so. Witnesses' responses to those questions are due back to the committee no later than 5 o'clock on Wednesday, August 20th, and will be submitted for the record. That will be 5 o'clock p.m. Not everybody gets up at 4:30 like I do.

With that, this hearing is adjourned.

[Whereupon, at 4:24 p.m., the hearing was adjourned.]

Associated Builders and Contractors

July 23, 2025

The Honorable Kevin Cramer
Chairman
Committee on Environment and Public Works
Subcommittee on Transportation and Infrastructure
U.S. Senate
Washington, DC 20510

The Honorable Angela Alsobrooks
Ranking Member
Committee on Environment and Public Works
Subcommittee on Transportation and Infrastructure
U.S. Senate
Washington, DC 20510

Dear Chairman Cramer, Ranking Member Alsobrooks and Members of the U.S. Senate Committee on Environment and Public Works's Subcommittee on Transportation and Infrastructure:

On behalf of Associated Builders and Contractors, a national construction industry trade association with 67 chapters representing more than 23,000 members, thank you for holding the hearing, "The Road Ahead: Proposals to Improve America's Transportation Infrastructure." I write to encourage the committee to prioritize fair and open competition and an all-of-the-above approach to workforce development to maximize the effectiveness of federal infrastructure dollars this Congress.

ABC members play a significant role in building America's infrastructure and between fiscal years 2009-2023, ABC members won 54% of federal contracts worth $35 million or more. Specific to transportation infrastructure, ABC members have competed for, won and built Federal Highway Administration projects of all sizes, including those in excess of $200 million. These projects include the construction and replacement of roads and bridges and were completed free from project labor agreement mandates and encouragements.

While ABC members have traditionally played a substantial role in building and modernizing America's infrastructure, exclusionary policies advanced during the Biden administration discouraged their participation, delayed projects and increased taxpayer costs. Many of these anti-competitive and inflationary policies were designed to steer federal contracts to union construction companies, who only represent 10% of America's private construction workforce.

With the ongoing Surface Transportation Act reauthorization, ABC urges the committee to advance a neutral bill 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. The following principles make this objective possible:

- **Fair and Open Competition:** The most cost-effective way to build infrastructure is to promote a fair and open competitive procurement process, free from project labor agreement mandates. This process ensures all qualified contractors, regardless of labor affiliation, can compete for federal projects. ABC urges the committee to oppose language requiring the use of PLAs as they discourage competition from quality nonunion contractors and their employees, who comprise 89.7% of the private U.S. construction industry workforce. PLA requirements also increase costs for federal projects by 20%, limiting the miles built per dollar invested in America's infrastructure.

- **Workforce Development:** At a time when the construction industry needs to attract an estimated 439,000 additional workers to meet the demand for labor, attracting employees remains one of the industry's greatest challenges. To address this challenge, Congress should prioritize an all-of-the-above workforce development strategy that provides opportunities for all workers regardless of labor affiliation.

ABC supports policies that provide workers and employers the freedom to choose the best way to create value and help build and rebuild America. By promoting both industry-driven and government-registered apprenticeship programs, or GRAPs, the committee can enhance small businesses participation on federal projects and reduce the deterrence of registered apprenticeship program's costs and paperwork.

ABC and its 67 chapters currently provide more than 450 GRAPs in over 20 construction industry trades such as electrical, plumbing, carpentry, HVAC, welding and more. None of these ABC chapter GRAPs are affiliated with unions. ABC urges the committee to oppose policies that make federal contract awards contingent upon completing exclusionary programs that disregard the skills of existing workers.

- **Davis-Bacon and Related Acts:** The Davis-Bacon Act, as currently administered by the U.S. Department of Labor, unnecessarily hinders economic growth and stifles contractor productivity by mandating wage rates on federal construction projects that fail to reflect true, market-based rates. The main culprit for these frequent discrepancies is the flawed, unscientific wage survey process the DOL uses to calculate these so-called "prevailing" wages. According to DOL estimates, the Davis-Bacon Act collectively applies to an estimated $217 billion in federal and federally assisted construction spending per year—which is about two-thirds of all public works spending in 2021.

  ABC supports the true reform and/or repeal of the Davis-Bacon Act to save valuable taxpayer dollars, improve federal wage determinations, eliminate unnecessary and cumbersome bureaucracy for contractors, limit the negative impacts of the DOL's prevailing wage policy and support benefit rates that accurately reflect the current construction market.

ABC appreciates the opportunity to comment on today's hearing and looks forward to continuing to work with the committee during the 119th Congress.

ABC members stand ready to build America's infrastructure in the 21st century.

Sincerely,

Kristen Swearingen
Vice President, Government Affairs

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