

**NOMINATION TO THE FEDERAL MOTOR
CARRIER SAFETY ADMINISTRATION, NATIONAL
HIGHWAY TRAFFIC SAFETY ADMINISTRATION,
AND THE PIPELINE AND HAZARDOUS MATERIALS
SAFETY ADMINISTRATION**

HEARING

BEFORE THE

**COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE**

ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

JULY 16, 2025

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

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CARRIER SAFETY ADMINISTRATION,
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ADMINISTRATION AND THE PIPELINE
AND HAZARDOUS MATERIALS SAFETY
ADMINISTRATION**

WEDNESDAY, JULY 16, 2025

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Committee met, pursuant to notice, at 10:06 a.m., in room SR-253, Committee Hearing Room, Russell Office Building, Hon. Ted Cruz, Chairman of the Committee, presiding.

Present: Senators Cruz [presiding], Sullivan, Blackburn, Young, Moreno, Sheehy, Scott (guest), Cantwell, Klobuchar, Markey, Peters, Rosen, Luján, Hickenlooper, Fetterman, and Whitehouse (guest).

**OPENING STATEMENT OF HON. TED CRUZ,
U.S. SENATOR FROM TEXAS**

The CHAIRMAN. Good morning. The Senate Committee on Commerce, Science, and Transportation will come to order.

Today, we are considering the President's nominees to lead three safety agencies within the Department of Transportation.

With us today are: Mr. Derek Barrs, nominee for Administrator of the Federal Motor Carrier Safety Administration; Mr. Jonathan Morrison, nominee for Administrator of the National Highway Traffic Safety Administration; and Mr. Paul Roberti, nominee for the Administrator of the Pipeline and Hazardous Materials Safety Administration.

Americans want a transportation system that is fast, convenient, and reliable, but above all, safe. President Trump and Secretary Duffy have made safety the top priority of the Department of Transportation, and the three nominees before us intend to make it theirs as well.

As a young deputy sheriff in Florida, Mr. Barrs responded to a nighttime collision between a logging truck and a car full of young adults. Ever since, he has spent his career working to improve large truck and motor carrier safety. Mr. Barrs served for nearly three decades in law enforcement, rising from deputy sheriff to Head of Florida's Department of Highway Safety and Motor Vehicles. He is deeply familiar with the FMCSA, having enforced Fed-

eral motor vehicle regulations and managed FMCSA grants in the state. As administrator of FMCSA, he hopes to modernize the regulations governing the Nation's trucking and busing industries.

Mr. Morrison is equally dedicated to the mission of NHTSA, ensuring that cars on our road are safe and reliable. This will not be his first time at the agency. Mr. Morrison served as NHTSA's Chief Counsel during the first Trump administration, and having worked at a leading tech company over the last four years, he recognizes that NHTSA safety standards must keep up with automotive innovation.

Our third nominee, Mr. Roberti, is ready to manage PHMSA, which oversees transport of hazardous materials. This includes the movement of oil, natural gas, and other critical American energy products, over three million miles of pipeline in this country. That is in addition to hazardous materials that we move by truck, rail, water, or air. I am hopeful that Ranking Member Cantwell and I can broker an agreement on an overdue PHMSA reauthorization that can be implemented by the new PHMSA administrator.

Like Mr. Morrison, Mr. Roberti served during the first Trump administration as Chief Counsel at the agency to which he has been nominated. In that role, he cleared backlogs of hundreds of enforcement matters at PHMSA, and in various roles in Rhode Island State Government, Mr. Roberti modernized the state's pipelines, increased their safety, and shared what he learned with other states. I am excited to hear what he can bring to the Federal agency this time around.

I look forward to hearing from all our nominees.

And now turn to Ranking Member Cantwell.

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

Senator CANTWELL. Thank you, Mr. Chairman. As you stated, we are here to consider these three nominees: Mr. Barrs to be the Federal Motor Carrier Safety Administration, Mr. Roberti to lead the Pipeline Hazardous Material Safety Administration, Mr. Morrison to lead the National Highway Safety Administration. Each of these agencies has an important responsibility to protect the health and safety of the traveling public, the movement of goods, and our environment.

Unfortunately, since January, we have seen a significant drop in oversight and enforcement actions across these agencies, potentially letting bad actors get away with violating safety and consumer protection laws. So I hope our nominees will share today their thoughts about those numbers and what specific plans we need to have in place.

First, Mr. Barrs, the Federal Motor Carrier Administration is responsible for enforcing truck safety laws and vetting more carriers operating on our roads and highways. Our trucking industry is essential to the movement of goods across the country with 70 percent of the total value of commodities shipped in the United States traveling by truck, so a big responsibility. Over 5,000 people are tragically killed in large truck crashes each year.

The Federal Motor Carrier Safety Administration has closed 78 percent fewer cases this year compared to last year. So we will

want to ask about that. Since FMCSA can shut down bad trucking companies, this lack of action mean—could mean, could mean unsafe trucking companies may be continuing to operate, or fraudulent actors, or people scamming consumers or businesses. So I hope you agree that a plan to address this decline is a serious issue.

Mr. Roberti, the Hazardous Material Safety Administration is the Federal watchdog responsible for ensuring that explosive and toxic materials are transported safely across the country, whether by pipeline, by truck, or train. Accidents involving hazardous materials have severe consequences. Over the last 20 years, pipeline incidents have resulted in 257 deaths and more than 1,000 injuries and over \$11 billion in damages.

Earlier this month, two trains derailed in Northern Mississippi during the same weekend, both resulting in hazardous material spills. One derailment caused a large fire that forced the evacuation of more than 100 residents and the other required 50 fire trucks from 12 different departments to respond.

PHMSA has opened the fewest pipeline enforcement cases during the first 6 months of this administration than any other administration over the past two decades. So we want to understand what is going on here. We want to make sure that we have strong pipeline safety laws on the books and they are being enforced.

I wrote to the Deputy Administrator in May sounding an alarm about this trend and I hope to get further information about this.

Finally, Mr. Morrison, the National Highway Traffic Safety Administration, NHTSA, is responsible for enforcing Federal motor carrier safety standards to ensure Americans in the cars that they buy and drive are safe. Its investigations are responsible for initiating nearly 2,000 vehicle recalls affecting over 300 million people in the last 20 years.

So we want you to continue to play an aggressive oversight role. This includes recalling things such as the Takata airbag malfunctions which killed 28 people when they exploded; however, NHTSA has opened 25 percent fewer investigations into vehicle safety this year. Do not know why, but let us find out.

And this is especially concerning since Consumer Report found investigations have already hit an all-time low. So we need to understand what this trend is about and reverse it to make sure we are focusing on safety.

So Mr. Chairman, look forward to asking these nominees, the need to make sure we have hardworking inspectors, investigators, and agencies that are doing their job, not taking shortcuts on safety.

And I certainly welcome our former colleague, Senator Scott, for being here. We do miss him on the Committee. But maybe someday, maybe someday he will be back.

The CHAIRMAN. Well, thank you. And now I would like to recognize our colleague and friend from the great State of Florida, Senator Rick Scott.

**STATEMENT OF HON. RICK SCOTT,
U.S. SENATOR FROM FLORIDA**

Senator SCOTT. Thank you. Chairman Cruz, Ranking Member Cantwell, Members of the Committee, I am honored today to intro-

duce Chief Derek Barrs, President Trump's nominee for Administrator of the Federal Motor Carrier Safety Administration. He is a fourth-generation Floridian, an amazing father to two kids, Brett and Bentley, and he is also a dedicated public servant.

He joined the Madison County Sheriff's Office in 1991 and spent the next 30 years serving his community, 20 of which were focused on commercial motor vehicle safety, before retiring as Chief of the Florida Highway Patrol. Now, President Trump has wisely called on him to serve his fellow citizens once again.

I have known the Chief for several years, having met him when I was Governor of Florida. One particular memory I have is of touring Quincy, Florida, a small town just north of Tallahassee, together in 2018 when we visited homes and Floridians impacted by Hurricane Michael. Chief Barrs showed then and now his dedication to improving the lives and safety of those around him. He is a proven leader, problem solver who works to understand both people and the issues they face.

In 2019, the Chief partnered with the Florida Trucking Association, establishing the Troopers and Truck Drivers Initiative. As part of the Initiative, a trooper would spend a workday in a truck with an experienced commercial motor vehicle driver, while a new truck driver would spend a day on patrol with an experienced trooper. This exchange facilitated a deeper understanding of both the roles and responsibilities, ultimately making the highway safer for truckers, citizens, and law enforcement personnel alike.

He also worked directly with FMCSA throughout his career and with other transportation partners such as the Florida Trucking Association and the Florida State Legislature to help develop statutory language to successfully enact laws aimed at aligning Florida with Federal safety standards.

Chief Barrs has a passion—is passionate about safety on our Nation's highway systems, and proud to count him as a friend. I look forward to seeing what he will do with Secretary Duffy and President Trump to improve American roadways and make traveling across them safer for everyone.

Derek, you have my support. I urge my colleagues to advance your nomination quickly. You will not be disappointed in your vote. And thank you, Chairman and Ranking Member.

The CHAIRMAN. Thank you. I would now like to recognize our colleague from the great State of Rhode Island, Senator Whitehouse, to introduce Mr. Roberti.

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

Senator WHITEHOUSE. Thank you, Chairman Cruz and Ranking Member Cantwell. I am here today to introduce Paul Roberti of North Kingstown, Rhode Island, for his hearing on his fitness to serve as the Administrator of the Pipeline and Hazardous Material Safety Administration at the Department of Transportation.

I had the good fortune of working with Paul in the Rhode Island Attorney General's Office where he was an Assistant Attorney General, and Chief of the Regulatory Division, supervising matters that I once had in earlier years. He served in that role under both Democratic and Republican Attorneys General with distinction,

dedication and a strong work ethic. Paul now manages risk consulting at Ernst & Young LLP, where he provides consulting services to public utilities, focusing on compliance with legislative and regulatory mandates.

Before joining Ernst & Young, Paul was Chief Economic and Policy Adviser at the Rhode Island Division of Public Utilities and Carriers, where he advised on energy policies and grid modernization. This would be a second stint at PHMSA for Mr. Roberti as he served as Chief Counsel there during the first Trump administration. I hope Paul will honor PHMSA's fulfillment of its obligations to protect public safety and the environment.

There is work to be done. In January, DOT failed to finalize a rule to update safety requirements for repairing leaks in natural gas pipelines. A rule developed in consensus with industry directed by bipartisan legislation signed by President Trump himself in his first term. Leaks can be deadly, as the Bellingham Disaster showed, not to mention the economic cost of hundreds of thousands of tons more methane spewed from pipelines and regulated facilities across the country.

The Trump administration also withdrew a draft rule on CO₂ pipeline safety. Another very bipartisan measure that came through the Senate which will delay the buildout of nationwide carbon capture infrastructure contrary to solid bipartisan support in this body. I sincerely hope that Paul, should he be confirmed, will ensure that PHMSA honors its mandate to protect safety and the environment and finalize much needed updates to national gas leak repair and CO₂ pipeline safety standards.

I wish him all the best. And appreciate the opportunity to introduce him today.

The CHAIRMAN. Thank you. We appreciate you coming and joining our Committee this morning.

And I now recognize Mr. Barrs for his opening statement.

**STATEMENT OF DEREK BARRS,
NOMINEE TO BE ADMINISTRATOR,
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

Mr. BARRS. Thank you. Chairman Cruz, Ranking Member Cantwell, and Members of the Committee, thank you for the opportunity to appear before you today as the President's nominee for Administrator of Federal Motor Carrier Safety Administration, I am honored by the trust placed in me by President Trump and Secretary Duffy to serve in this critical safety role.

I would like to thank my family, friends, and colleagues for their unwavering support, and especially grateful for my parents for their long-life encouragement. I wish my mother could be here today, but I know she is watching proudly in heaven.

The trucking industry touches all of our lives. Commercial drivers transport over 70 percent of our Nation's freight and share the road with us every day. These professionals are the backbone of our economy. They work long hours, often away from their families, to ensure that we have the goods we rely on.

I deeply respect the dedication and understand the delicate balance between enhancing safety and enabling efficient freight move-

ment. I salute and value the American truck driver and thank them for their work.

I am a multigenerational Floridian raised in rural Madison County, which is in North Florida. That upbringing instilled in me the values of faith, family, community, responsibility, and service.

My journey in public service began as a teenager with the Madison County Sheriff's Office driven by a deep desire to serve my community. I am incredibly grateful to the many individuals who invested in me over the years whose guidance shaped my path, strengthened my commitment to service, that commitment has led to a 34-year career spanning both in public and private sectors, with nearly 25 years dedicated to commercial motor vehicle safety.

I retired as a Chief of the Florida Highway Patrol in 2020, but the experiences and lessons learned from my decade spent in law enforcement continue to be a cornerstone in my life.

Today, I remain committed to serving my community through my appointment to the Flagler County School Board, where we operate a successful commercial vehicle driver training school, contributing to workforce development, and helping prepare the next generation of safe and professional drivers.

I have witnessed the devastating aftermath of crashes, stood beside first responders, comforted grieving families, and seen how a single moment can ripple through an entire community.

In 2023, approximately 5,000 lives were lost in large truck and bus crashes, including 900 commercial drivers. These are not just statistics. They are parents, children, colleagues, and friends. Every life lost is one too many. No one should have to see the horrific aftermath of a crash like what I and so many first responders have seen. No family should have to endure that kind of loss.

If confirmed, I will make roadway safe—roadway safety my top priority. My work has always emphasized open communication and collaboration with the industry, law enforcement, and safety organizations. I understand with FMCSA's actions what they do impact the entire industry, and I am committed to ensuring that agency decisions are informed, balanced, and transparent.

If confirmed, I will continue to strengthen relationships between government stakeholders working together on our shared goal of improving roadway safety as well as addressing critical safety issues.

During my time with the Highway Patrol, I served the FMCSA lead with Motor Carrier Safety Assistance Program where our troopers work diligently to make a positive difference on our roadways. Through this work, I witnessed the importance of strong partnerships to advance safety.

At the national level, I served as a Chairman of the Commercial Vehicle Safety Alliance Enforcement and Industry Modernization, and the President of the Transportation Industry Membership. There I helped advance initiatives in connected and automated vehicle technologies, and data sharing, in cross-jurisdictional collaboration.

I am grateful for the dedicated FMCSA employees who work tirelessly to improve commercial vehicle safety. If confirmed, I would be honored to lead this team in fulfilling the FMCSA mission to reduce crashes, injuries, and fatalities involving large trucks and

buses. I will ensure the agency operates with integrity, transparency, accountability, and efficiency.

So I want to thank you for your time and consideration, and if confirmed, I look forward to working with you and your teams to advance our shared goals of roadway safety and the efficient transportation of goods.

And from President Roosevelt, “I am ready to be the man in the arena”. And I am prepared to get to work. And I welcome your questions. Thank you, sir.

[The prepared statement and biographical information of Mr. Barrs follow:]

PREPARED STATEMENT OF CHIEF DEREK BARRS, NOMINEE FOR ADMINISTRATOR,
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Chairman Cruz, Ranking Member Cantwell, and Members of the Committee:

Thank you for the opportunity to appear before you today as the President’s nominee for Administrator of the Federal Motor Carrier Safety Administration (FMCSA). I am honored by the trust placed in me by President Trump and Secretary Duffy to serve in this critical safety role.

I would like to thank my family, friends, and colleagues for their unwavering support. I am especially grateful to my parents for their lifelong encouragement. I wish my mother could be here today, but I know she is watching proudly from heaven.

The trucking industry touches all our lives. Commercial drivers transport over 70 percent of our Nation’s freight and share the road with us every day. These professionals are the backbone of our economy, working long hours—often away from their families—to ensure we have the goods we rely on. I deeply respect their dedication and understand the delicate balance between enhancing safety and enabling efficient freight movement. I salute and value the American truck driver and thank them for their work.

I’m a multi-generational Floridian, raised in rural Madison County, located in North Florida. That upbringing instilled in me the values of faith, family, community, responsibility, and service.

My journey in public service began as a teenager with the Madison County, -Sheriff’s Office, driven by a deep desire to serve my community. I’m incredibly grateful to the many individuals who have invested in me over the years, whose guidance shaped my path and strengthened my commitment to service. That commitment has led to a 34-year career spanning both the public and private sectors, with nearly 25 years dedicated to commercial motor vehicle safety. I retired as Chief of the Florida Highway Patrol in 2020, but the experiences and lessons learned from my decades spent in law enforcement continue to be a cornerstone of my life.

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No one should have to see the horrific aftermath of a crash like what I and so many first responders have seen. No family should have to endure that kind of loss. If confirmed, I will make roadway safety my highest priority.

My work has always emphasized open communication and collaboration—with industry, law enforcement, and safety organizations. I understand that FMCSA’s actions impact an entire industry, and I am committed to ensuring that agency decisions are informed, balanced, and transparent. If confirmed, I will continue to strengthen relationships between government and stakeholders, working together on our shared goal of improving roadway safety, as well as addressing critical safety issues.

During my time with the Florida Highway Patrol, I served as the FMCSA lead for the Motor Carrier Safety Assistance Program (MCSAP), where our troopers worked diligently to make a positive difference on our roadways. Through this work, I witnessed the importance of strong partnerships to advance safety.

At the national level, I served as the chairman of the Commercial Vehicle Safety Alliance's Enforcement and Industry Modernization Committee and President of the Transportation Industry membership. There, I helped advance initiatives in connected and automated vehicle technologies, data sharing, and cross-jurisdictional collaboration.

I am grateful for the dedicated FMCSA employees who work tirelessly to improve commercial vehicle safety. If confirmed, I would be honored to lead this team in fulfilling the FMCSA mission to reduce crashes, injuries, and fatalities involving large trucks and buses. I will ensure the agency operates with integrity, transparency, accountability, and efficiency.

Thank you for your time and consideration. If confirmed, I look forward to working with you and your teams to advance our shared goals of roadway safety and the efficient transportation of goods. From President Roosevelt, "I am ready to be the Man in the Arena." I am prepared to get to work and welcome your questions.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Derek D. Barrs.
2. Position to which nominated: Administrator for Federal Motor Carrier Safety Administration.
3. Date of Nomination: March 24, 2025.
4. Address (List current place of residence and office addresses):
 Residence: Information not released to the public.
 Office: Information not provided.
5. Date and Place of Birth: Valdosta, Georgia.
6. Provide the name, position, and place of employment for your spouse (if married) or domestic partner, and the names and ages of your children (including step-children and children by a previous marriage).
 - Not Married.
 - Children: Brett Barrs, 27; Bentley Barrs, 23.
7. List all college and graduate schools attended, whether or not you were granted a degree by the institution. Provide the name of the institution, the dates attended, the degree received, and the date of the degree.
 - Bachelor of Science—Public Administration, Flagler College, Saint Augustine, Florida: 2010–2012.
 - Associate of Science—Criminal Justice, North Florida College, Madison, Florida: 1991–1997.
8. List all post-undergraduate employment, including the job title, name of employer, and inclusive dates of employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated. All management positions are indicated with an *.
 - *Flagler County School Board
 - School Board Member District 1
 - November 30, 2024 to present
 - *HNTB Corporation
 - Deputy Program Director/Associate Vice President
 - Transportation Consultant
 - January 13, 2020 to present
 - *Florida Department of Highway Safety and Motor Vehicle/Division of the Florida Highway Patrol
 - Law Enforcement Chief—Chief of the Florida Highway Patrol/Office of Commercial Vehicle Enforcement
 - November 3, 2017, to January 12, 2020
 - *Florida Department of Highway Safety and Motor Vehicle/Division of the Florida Highway Patrol
 - Law Enforcement Major—Troop Commander for Troop J/Office of Commercial Vehicle Enforcement
 - October 30, 2015, to November 2, 2017
 - *Florida Department of Highway Safety and Motor Vehicle/Division of the Florida Highway Patrol

- Law Enforcement Captain—Jacksonville and Ocala Commercial Vehicle Enforcement District Commander
 - July 1, 2011, to October 29, 2015
 - *Florida Department of Transportation Office of Motor Carrier Compliance Law Enforcement Operations; Jacksonville, Florida
 - Law Enforcement Captain (Field Operations, Regional Commander, Region 2/Region 6 Commander
 - August 8, 2008, to June 30, 2011
 - *Florida Department of Transportation Motor Carrier Compliance Office, Law Enforcement Operations; DeLand, Florida
 - Law Enforcement Lieutenant (Field Operations, Field Commander
 - August 15, 2003, to August 7, 2008
 - State Law Enforcement Officer
 - Florida Department of Transportation Motor Carrier Compliance Office, Law Enforcement Operation; Lake City, Florida and Tallahassee, Florida
 - January 5, 2001, to August 14, 2003
 - Deputy Sheriff
 - Madison County Sheriff's Office, Madison, Florida
 - February 20, 1991—January 4, 2001
9. Attach a copy of your résumé. Attached.
10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above after 18 years of age. None.
11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution.

Current:

- Flagler County Sheriffs Employee Assistance Trust—Board of Director
- Flagler County School Board—School Board Member
- Madison County Senior Citizens Board
- American Trucking Association Law Enforcement Advisory Board

Prior:

- CVSA, President of Associate Membership: 2022–2024
- CVSA, Vice President of Associate Membership: 2021–2022
- St. Johns County School District Advisory Board for ½ Cent Sales Tax: 2018–2021
- Committee Chairman for Enforcement and Industry Modernization: 2016–2020
- Co-Chair, Central Florida Domestic Security Task Force Mutual Aid Committee: 2005–2008
- Vice President, Whisper Ridge Homeowners Association, St. Augustine, FL: 2005–2006 Madison Rotary Club, Served as Treasurer: 1994–2001
- American Cancer Society Florida Division, Logistics Co-Chair: 1998
- Vice President, Madison County Athletic Booster Club: 1997–1999

12. List all memberships you have had after 18 years of age or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization (You do not have to list your religious affiliation or membership in a religious house of worship or institution). Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

The below are all approx. year.

Current Involvements

- Madison Masonic Lodge #11: 1996 to present
- Member, Anastasia Baptist Church, St. Augustine, FL: 2004 to present
- Commercial Vehicle Safety Alliance (CVSA): 2011 to present
- Rotary Club of Flagler Beach: Approx. 2021 to present

- Board of Director—Flagler County Sheriff's Employees Trust: Approx. 2021 to present
- American Trucking Association Law Enforcement Advisory Board: 2021 to present
- Madison County Senior Citizens Board: 2023 to present
- Flagler County Educational Foundation: 2025

Past Involvements

- President of Associate Membership, CVSA: 2022–2024
- Vice President of Associate Membership, CVSA: 2021–2022
- St. Johns County School District Advisory Board for ½ Cent Sales Tax: 2018–2021
- Rotary Club—St. Augustine: 2018–2021
- Committee Chairman for Enforcement and Industry Modernization: 2016–2020
- Southern State Law Enforcement Partners Safe DRIVE initiative: 2014–2020
- Transportation Club of Jacksonville: 2015–2020
- International Association of Chiefs of Police: 2015–2020
- State Law Enforcement Chief Association: 2006–2020
- Northeast Florida Law Enforcement Executive Association: 2009–2020
- Volusia–Flagler County Police Chiefs Association: 2015–2017 (also 2007–2008)
- Chairman for Operation ROADCHECK: 2013–2017
- Co-Chairman for Operation ROADCHECK: 2013
- St. Augustine Kiwanis Club: 2010–2013
- L.E.A.D. (Let's Eliminate Aggressive Driving) Steering Committee: 2007–2008
- Volusia–Flagler County Police Chiefs Association: 2007–2008
- Co-Chair, Central Florida Domestic Security Task Force Mutual Aid Committee: 2005–2008
- Central Florida Domestic Security Task Force: 2004–2008
- St. Augustine Sunrise Rotary Club: 2003–2008
- Vice President, Whisper Ridge Homeowners Association, St. Augustine, FL: 2005–2006
- Little League Baseball Coach, Madison & St. Johns Counties: 2002 and 2004
- Partners for Success, Mentor Program: 1997–2001
- National Association of School Resource Officers: 1996–2001
- Board of Director, Florida Association of School Resource Officers: 1996–2001
- Florida Association of School Resource Officers: 1996–2001
- Offensive Line Coach, Madison County High School: 1996–2001
- Madison Rotary Club, Served as Treasurer: 1994–2001
- American Cancer Society Florida Division, Logistics Co-Chair: 1998
- Vice President, Madison County Athletic Booster Club: 1997–1999
- Deacon, Fellowship Baptist Church, Madison, FL: 1997

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

Yes.

There is no outstanding debt.

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

I have not held any positions paid or unpaid with a political party or election committee.

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

- Derek Barrs For Flagler County, Fl. School Campaign—Non-Partisan: Loan to Campaign \$20,000.

- Rick Staly for Flagler County, FL Sheriff—Republican: Approx \$3,000.
 - Rob Hardwick for St. Johns County, FL Sheriff—Republican: Approx \$3,000.
16. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.
- Leadership Awards—Commercial Vehicle Safety Alliance—2024 & 2020
 - Recognized by HNTB for contracts to advance overall enhancement in highway safety in Florida, Louisiana, and Kansas—2022 President’s Award from Commercial Vehicle Safety Alliance—2020
 - Honored with Proclamation from Volusia County Board of County Commission for “Chief Derek Barrs Day”—2020
 - Honored with Proclamation from Madison County Board of County Commission “Derek Barrs Day”—2020
 - Distinguished Service Citation from Okaloosa County Board of County Commission—2020
 - Safety First Award from FMCSA—2019
 - Florida Inspectors Challenge Championship Recognition—2017, 2018, 2019
 - Community Service Award from the St. Augustine Beach Police Department—2017
 - Special Recognition from Transportation Club of Jacksonville—2015 & 2016
 - Honorary Kentucky Colonel from the State of Kentucky—2015
 - Certificate of Appreciation for Hands Across the Border—2014
 - Live Saving Award—2010
 - Nominee for Law Enforcement Officer of the Year—State Law Enforcement Chiefs Association—2006
 - Outstanding Alumni of North Florida Community College—2006
 - Florida Department of Transportation Law Enforcement Officer of the Year Award—2006
 - Nominee for Law Enforcement Officer of the Year—Florida Attorney General—2005
 - School Related Personnel of the Year Award as a School Resource Deputy—2000
 - Builder for Florida Sheriff’s Youth Ranches—1999
 - Outstanding Community Service from Madison Rotary Club—1998
 - Distinguished Service Award from the Florida Council on Crime and Delinquency in Juvenile Justice—1998
 - School Resource Officer Practitioner—1997
 - Safe Driving Award Florida Sheriff’s Association—1997–2000
 - Outstanding Student in Criminal Justice, North Florida Community College—1993
 - Numerous Commendations and letters of appreciation from law enforcement career—1991–2021
17. List all books, articles, columns, letters to the editor, Internet blog postings, or other publications you have authored, individually or with others. Include a link to each publication when possible. If a link is not available, provide a digital copy of the publication when available. None.
18. List all speeches, panel discussions, and presentations (*e.g.*, PowerPoint) that you have given on topics relevant to the position for which you have been nominated. Include a link to each publication when possible. If a link is not available, provide a digital copy of the speech or presentation when available.
- In my official capacity as a law enforcement leader, I have presented and participated in panel discussions, public forums, and educational outreach initiatives focused on commercial vehicle safety, transportation policy, regulatory compliance, and community engagement. These presentations have been delivered to a wide range of audiences, including industry stakeholders, government agencies, and the general public.
- My contributions have included keynote addresses, PowerPoint presentations, and participating in panel discussions aimed at enhancing commercial motor vehicle safety and fostering collaboration between enforcement agencies, the trucking industry, and other stakeholders.

Please note that many of these events were conducted in official capacities where recordings or presentation materials were not archived or made publicly available and are not publicly available via a web search. Below is a list events:

- June 2, 2015—Operation Roadcheck Kick-Off Event
- April 29, 2017—CVSA Enforcement and Industry Modernization Committee meeting
- December 6, 2017—Tallahassee Community College Driver Training School: CMV education session
- January 26, 2018—Rotary Club of St. Johns: Commercial vehicle safety presentation
- February 20, 2018—Speaker for Northeast Florida Law Enforcement Executive Association on CMV safety
- April 11, 2018—CVSA Enforcement and Industry Modernization Committee meetings
- April 24, 2018—Speaker at Bradford, FL Law Enforcement Memorial
- April 25, 2018—Welcome presentation for Federal and State agencies at FMCSA MCSAP and ITD Workshop
- May 2, 2018—Guest speaker at Columbia County, FL Law Enforcement Memorial
- May 9, 2018—Six-city Florida tour with FDOT and FLHSMV: CMV education outreach to the trucking industry
- June 9, 2018—Florida Inspectors Challenge and Florida Truck Driving Championship
- June 26, 2018—Outreach to public school teachers through Florida Trucking Association on CMV safety
- July 11, 2018—Madison Rotary Club presentation
- July 25, 2018—Operation SAFE DRIVE educational and enforcement efforts presentation
- July 30, 2018—St. Augustine Rotary Club: Overview of CMV and traffic safety topics
- September 30, 2018—Enforcement and Industry Modernization Committee presentation at CVSA
- October 2, 2018—Roundtable discussion with Amazon, FMCSA, ATA, and FTA
- December 3, 2018—Florida Automated Vehicle Summit: Panel on emerging technologies
- March 16, 2019—Guest Speaker for Concerns of Police Survivors
- July 19, 2019—Update to Florida Trucking Association on FHP and FLHSMV issues
- August 1, 2019—Transportation Club of Jacksonville: Transportation and CMV safety discussion
- September 23, 2019—IFTA/IRP Managers Meeting: Welcome and Florida FLHSMV overview
- September 29, 2019—Presided over CVSA Enforcement and Industry Modernization Committee
- November 6, 2019—Truckers Against Human Trafficking Coalition event
- November 21, 2019—Florida Automated Vehicle Summit: Panel discussion
- October 25, 2020—Sunshine State Towing Association: Presentation on size/weight issues and screening tech
- November 16, 2020—2nd Annual Bearing the Burden Summit: First Responder panel
- June 16, 2021—Madison Rotary Club: Transportation topics
- July 20, 2021—Flagler Beach Rotary Club: CMV safety presentation
- October 19, 2022—ATA/LEAB goals presentation to Florida Trucking Association membership
- March 2, 2023—Specialized Transportation Symposium
- March 28, 2023—Electronic Roadside Inspection Forum
- April 25, 2023—CVSA Associate Members Meeting: Membership updates
- September 23, 2023—CVSA Associate Members Meeting: Membership updates

- November 23, 2023—Southern States SAFE DRIVE Committee: Advanced screening technology presentation
- April 17, 2024—Electronic Roadside Inspection Update to CVSA
- August 22, 2024—Florida Technology Innovation Solution Summit: Florida Chamber panel discussion
- September 10, 2024—Electronic Roadside Inspection Update to CVSA
- November 13, 2024—Presentation to Texas BTAC Committee: HB4422 safety and security findings

19. List all public statements you have made during the past ten years, including statements in news articles and radio and podcasts and television appearances, which are on topics relevant to the position for which you have been nominated, including dates. Include a link to each statement when possible. If a link is not available, provide a digital copy of the statement when available.

Over the past ten years, I have made public statements related to commercial motor vehicle safety, enforcement, and transportation policy, primarily in my official capacity as a law enforcement officer and agency leader. These included media interviews, radio appearances, press events, and public outreach, often tied to safety initiatives or agency operations.

While I do not have access to all recordings or transcripts, I have provided links to available statements where possible:

- <https://truckingfwd.medium.com/there-is-a-need-for-understanding-of-each-others-roles-and-responsibilities-207198d1bab>
- *ELD Violations Won't Count Against CSA Scores During Transition Period—Safety—Automotive Fleet*
- *Florida cracks down on aggressive driving | FleetOwner*
- *Former St. Augustine Beach Police Deputy Marshal Ron Parker's legacy honored*
- Dave Nemo Show on Sirius Radio for Operation Roadcheck—No Link
- Troopers and Truck Drivers: <https://www.facebook.com/share/1BdMkjV8kZ/?mibextid=wwXlfr>
- Hurricane Dorian Radio Appearance St. Johns County <https://www.facebook.com/share/v/19EYXa9mLb/?mibextid=wwXlfr>
- Hurricane Dorian-Flagler County response <https://www.facebook.com/share/v/1AK9chMzJH/?mibextid=wwXlfr>
- Working Together for A Safer Florida <https://www.facebook.com/share/p/1BaLYjurJo/?mibextid=wwXlfr>
- Hurricane Preparation: <https://www.facebook.com/share/v/15G4sH4Zjf/?mibextid=wwXlfr>

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

- <https://facebook.com/barrs.derek> (Active);
- <https://www.facebook.com/share/1AAbbNmSGvF/?mibextid=wwXlfr> (Active);
- <http://www.derekbarrs4flaglerschools.com/> (deleted);
- <https://www.instagram.com/chiefderekbarrs/?hl=en> (Active);
- https://www.instagram.com/derekbarrs_fl/ (Active);
- <https://twitter.com/BarrsDerek> (Dormant);
- <https://snapchat.com/t/W5r25i5X> (Active); and
- https://www.linkedin.com/in/chiefderekbarrs?utm_source=share&utm_campaign=share_via&utm_content=profile&utm_medium=ios_app (Active).

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

22. Given the current mission, major programs, and major operational objectives of the department/agency/commission/corporation to which you have been nominated, what in your background or employment experience do you believe affirma-

tively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

Given the current mission of the Federal Motor Carrier Safety Administration (FMCSA) to reduce crashes, injuries, and fatalities involving large trucks and buses, I believe my 34+ years of combined law enforcement and private sector experience, including over two decades focused specifically on commercial vehicle safety and enforcement, affirmatively qualify me for appointment to this position.

Throughout my career, I have consistently advanced safety initiatives through strategic leadership, technical expertise, and collaborative partnerships. I have overseen large numbers of personnel and managed multi-million-dollar operational budgets, including formula Motor Carrier Safety Program (MCSAP) and High Priority grants.

I have also played a key role in shaping legislation to enhance commercial vehicle safety. Working closely with FMCSA, the Florida Legislature, the Florida Trucking Association, and other stakeholders, I developed statutory language that led to the successful enactment of laws aimed at aligning Florida with Federal safety standards. I was responsible not only for their implementation, but also for educating internal and external stakeholders and ensuring effective enforcement.

My operational and organizational leadership includes managing complex transformations and driving cultural integration, such as during the legislative merger of the Florida Department of Transportation's Office of Motor Carrier Compliance with the Florida Highway Patrol. I built and maintained high morale and retention by uniting diverse teams under a shared mission, earning statewide recognition for my leadership.

At the national level, I chaired the Industry Modernization Committee, where I helped pioneer the North American Standard Level VIII Electronic Inspection. I've contributed to policy and programmatic advancements in areas such as connected and automated vehicle technologies, data sharing, and cross-jurisdictional collaboration.

In the private sector, I've continued to champion commercial vehicle safety by aligning public and private stakeholders, and guiding state departments of transportation on strategic safety and operations planning and projects.

I am deeply motivated by the opportunity to serve in this position because I am committed to protecting lives on our roadways. My career has been defined by an unwavering dedication to highway safety, data-informed decision-making, and strong partnership development across sectors. I believe in FMCSA's mission, and if confirmed, I will bring the vision, experience, and collaborative leadership needed to help the agency continue driving innovation and saving lives.

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

If confirmed, I believe it is my responsibility to ensure that FMCSA operates with the highest levels of integrity, transparency, accountability, and efficiency. This includes upholding proper management and accounting controls, ensuring effective stewardship of Federal resources, and maintaining strong internal oversight mechanisms to support the agency's mission of reducing crashes, injuries, and fatalities involving large trucks and buses.

My qualifications for carrying out these responsibilities are extremely engrained in my 34+ years of public service and private sector experience—more than 20 which have been specifically focused on commercial motor vehicle enforcement and transportation safety and efficiency. I have consistently led large, complex organizations with significant operational, financial, and regulatory responsibilities.

As Chief of the Florida Highway Patrol's Office of Commercial Vehicle Enforcement, I was responsible for managing large numbers of personnel and the oversight of multi-million-dollar annual operating budget, which included MCSAP and High Priority grant funding from FMCSA. I ensured those funds were used responsibly, aligned with Federal requirements, and directly supported our safety goals.

I was directly responsible for implementing internal controls to manage field operations, training programs, size and weight enforcement, compliance reviews, safety audits, and post-crash investigations. I routinely evaluated program effectiveness using performance metrics and crash data and reallocated resources to maximize impact. I also played a key role in preparing and presenting budget requests, analyzing legislation, and ensuring that programs remained compliant with state and Federal regulations.

In addition to managing field operations and financial oversight, I led efforts to modernize enforcement practices and prepare the agency for emerging technologies such as autonomous vehicles and truck platooning. These initiatives required thoughtful planning, coordination with state and Federal partners, and a clear un-

derstanding of the intersection between innovation, public safety, and regulatory frameworks.

My experience extends to managing regional and statewide operations at multiple levels. In these roles, I supervised large numbers of sworn and non-sworn personnel per region, enforced Federal and state safety regulations, oversaw weigh station operations using advanced technology, and maintained strict accountability for the storage and documentation of evidence and property.

In the private sector, I have continued to advise on commercial vehicle safety initiatives and help agencies across Florida and other states develop data-driven, collaborative strategies to improve highway safety and operational efficiency. Additionally, I manage large multi-million-dollar contracts to help deliver the needs of our clients, making sure operations are on time and within budget.

Additionally, my recent service as a member of the Flagler County School Board in Florida further reflects my ability to operate in a governance role. In that role, I work closely with district staff, administrators, parents, teachers, and the broader community as well as the Florida Legislature to support and guide the mission of Flagler County Schools with transparency, collaboration, and public accountability. The position demands thoughtful leadership, decorum, and consensus-building to address complex challenges while keeping the needs of students and families at the forefront. This experience reinforced my commitment to public service, fiscal responsibility, and principled leadership; the values that would continue to guide my work at FMCSA.

If confirmed, I will bring a proven record of managing large-scale operations, overseeing multi-million-dollar budgets, working across jurisdictions and sectors, and building trust through action and accountability. I will bring the same level of drive each day to deliver positive results, uphold fiscal discipline, and lead with operational integrity and a safety-first mindset. I understand the gravity of managing public resources and remain deeply committed to maintaining the public's trust, fostering transparency, and ensuring that every program, policy, and partnership under FMCSA's purview advances the core mission of saving lives on our Nation's highways.

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

Continued Crashes and Fatalities on Our Highways: Despite efforts to improve roadway safety, crashes involving commercial motor vehicles remain a serious and ongoing challenge. These incidents often result in significant loss of life and economic impact. FMCSA must continue to focus on data-driven enforcement, driver education, and improved vehicle technologies to drive down these numbers. Enhancing collaboration with state and local agencies to use real-time data to predict and prevent high-risk behaviors will be crucial to remove the bad actors from our roadways. We must take a hard look at the impacts that passenger vehicles continue to play in commercial motor vehicle related crashes. We must look for new ways to significantly reduce crashes on our roadways, thinking outside the box and collaborating with all stakeholders.

Advancement of Technology: The rapid evolution of technology including artificial intelligence, automation, and advanced driving assistance systems presents both immense potential and new challenges for the FMCSA. Areas such as cybersecurity, AI integration, and data privacy must be at the forefront to ensure these tools are deployed safely and responsibly. A critical part of this effort includes modernizing FMCSA's internal systems to ensure they can effectively support new technologies and withstand cyber threats.

Fraud and Identity Theft: Fraudulent activities, including identity theft, CDL testing fraud, and manipulation of safety records, pose a serious threat to the integrity of commercial vehicle operations. These actions undermine the FMCSA's safety mission and can allow unqualified or unsafe operators onto the road.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts, such as a 401(k) or pension plan.

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

A list of these arrangements and agreements is detailed below.

- HNTB Corporation, ESOP account: Current Retirement Account with current employer.
- HNTB Corporation, 401(k): Current Retirement Account with current employer.

- State of Florida Pension: Receive a monthly pension from the State of Florida for my law enforcement career.
- State of Florida, deferred compensation: Deferred compensation while I was employed with the State of Florida.
- Madison County, deferred compensation: Deferred compensation while I was employees with the Madison County Sheriff's Office, Florida.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association, or other organization during your appointment? If so, please explain. None.

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

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

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

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

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

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

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

C. LEGAL MATTERS

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

If yes:

- Provide the name of the court, agency, association, committee, or group;
- Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
- Describe the citation, disciplinary action, complaint, or personnel action;
- Provide the results of the citation, disciplinary action, complaint, or personnel action.

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

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

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain. No.
5. Have you ever been accused, formally or informally, of sexual assault, sexual harassment, or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain. No.
6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination. None.

D. RELATIONSHIP WITH COMMITTEE

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

YES. I will ensure that my office responds to such requests for information as appropriate.

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

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

Yes. I will ensure the agency provides witnesses as appropriate.

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

Yes. I will ensure to appear as appropriate.

DEREK D. BARRS

OBJECTIVE: To leverage my 34+ years of diverse experience in public safety, transportation, law enforcement, and educational leadership to contribute to commercial vehicle safety.

EXECUTIVE & TECHNICAL QUALIFICATIONS: Strategic, executive-level leader with over 34 years of law enforcement and private sector experience, of which over 24 years were specifically in commercial vehicle enforcement. I used my diverse and distinguished background in local/state law enforcement and experience first performing, and later leading and overseeing, training, safety investigations, commercial vehicle inspections, size & weight compliance, and new entrant safety audit programs to enhance safety and save lives. My ability to form lasting personal and professional relationships and partnerships from nonprofit and private sector to public sector has enabled cooperative problem solving. I am a motivated, disciplined, relationship builder with strong character and a passion for serving others.

- As Chief of the Florida Highway Patrol, I led the Office of Commercial Vehicle Enforcement—a diverse team of over 300 sworn and non-sworn professionals—in carrying out the agency’s mission through responsible management of a \$34 million operational budget, of which \$12 million was Motor Carrier Safety Assistance Program (MCSAP) and High Priority grant monies, resulting in a reduction of large truck and bus fatalities in the state by over 22 percent from 2019 to 2020—over double the national average (based on FMCSA Analysis & Information Online).
- Also, while Chief, I developed the statutory language that led to the successful passage and enactment of a variety of Florida commercial vehicle legislation, by working cooperatively with The Us Department of Transportation, Florida Trucking Association, Florida Department of Highway Safety and Motor Vehicles, Florida Department of Transportation, and Florida state legislature to ensure compliance with Federal regulations. Following enactment, I led the education of internal and external stakeholders, and was responsible for ensuring proper enforcement of these new laws implemented to save lives on our highways.
- Throughout my career, I have led teams through many types of transformations. First, as a new Lieutenant, I revitalized a field office from having the lowest employee satisfaction to that with the highest in employee satisfaction within one year and maintained these employee survey results through my entire five-year tenure in this role, for which I received the agency’s Law En-

forcement Officer of the year award in 2006. Second, in 2011, as a Captain with the Florida Department of Transportation Office of Motor Carrier Compliance, I demonstrated resilience and flexibility when the entire office was absorbed into the Florida Highway Patrol through legislative action. Not only was this an operational shift, but it was also a culture change and merger of diverse visions. Through my proactive communication efforts and the trust of those under my command, I affirmed a unified mission while emphasizing each individual's value, resulting in my region being highlighted to others as an example to model due to our high staff retention and morale.

- I served as Chair of the Commercial Vehicle Safety Alliance's (CVSA's) Enforcement and Industry Modernization Committee from 2016–2020 to identify technological advancements that can improve commercial motor vehicle safety, including the development of the North American Standard Level VIII Electronic Inspection during my tenure. I continued to collaborate with public and private organizations on state initiatives such as platooning, citation systems, automated and connected vehicles, and data sharing throughout the southeastern United States. Because of my work above, I was awarded a Safety-First award from the Federal Motor Carrier Safety Administrator in 2019.
- I have experience solving complex problems and working with stakeholders from private industry, enforcement, and legislative positions up to the executive branch. For example, I have used my professional expertise to have commercial vehicle safety legislation passed which would improve overall safety. Similarly, I consistently communicated in many different forms with Florida state legislators, as well as local and state agencies, to keep the Florida Department of Highway Safety and Motor Vehicles and the Florida Highway Patrol's vision and the safety of the motoring public at the forefront of their minds. Consequently, Florida is continually recognized as a leader in highway safety.
- When autonomous vehicle developers began testing on public roads in Florida, I identified social impacts and public risks. I then responded strategically and formed relationships with them to assist them in their development and execution of testing plans and influenced state legislators in the revision of regulations governing this new technology (FSS 316.85).
- I gained tremendous experience leading a diverse group of professionals from across the country when I chaired Operation Safe DRIVE, a safety initiative designed to eliminate traffic fatalities that began with only four southern states and gained national attention and support. While leading this program, I coordinated and communicated operational plans and gained input from all supporting and opposing views from stakeholders involved, including national, state, and local authorities, and private commercial vehicle industry, and used data collection and analysis to support my decisions. I was instrumental in developing the current MOU for data sharing between two states (Florida and Georgia), and with FMCSA's support, we have seen a remarkable reduction in CMV crashes over the years.

EMPLOYMENT HISTORY

Constitutional Officer, Flagler County Fl. School Board Member District 1 |
October 30, 2024, to Present

- **ADVOCATE FOR EDUCATIONAL POLICY AND FUNDING:** Advocate for policies that enhance educational opportunities and secure funding for Flagler County's public schools, ensuring alignment with both state and local educational goals.
- **SUPPORT STUDENT SAFETY INITIATIVES:** Collaborate with local law enforcement and community organizations to improve school safety, including implementing proactive safety measures and crisis management plans.
- **ENGAGE IN LONG-TERM EDUCATIONAL PLANNING:** Participate in strategic planning sessions to evaluate current educational needs and develop forward-thinking solutions to improve curriculum delivery, teacher development, and student outcomes.
- **BUILD COMMUNITY PARTNERSHIPS:** Foster relationships with local stakeholders, including parents, teachers, and government entities, to address concerns and ensure that the needs of students and families are met.
- **MONITOR BUDGET ALLOCATIONS:** Ensure the efficient use of the school district's budget by reviewing and approving expenditures to support student success and operational efficiency.

HNTB Corporation, Associate Vice President | January 13, 2020, to Present

- **USED RELATIONSHIPS TO INFLUENCE SAFETY DEVELOPMENT:** Utilized my professional network to align multiple industry and agency stakeholders to advance automated commercial vehicle safety as this new technology emerges. Formed a partnership group to help FDOT provide a collaborative venue to bring awareness within the group, identify opportunities to enhance commercial motor vehicle safety cooperatively, and promote a unified message related to commercial vehicles.
- **COORDINATED INTERSTATE SAFETY PROJECTS:** Coordinated MOU between Florida and Georgia for data collection and sharing project opportunities and developed strategic plan for improving safety and promoting economic growth for many other states. Lead Florida Department of Transportation/ Motor Carrier Size and Weight (FDOT/MCSAW) and the Commercial Vehicles Operations general services contracts.
- **COORDINATION OF TRUCK PARKING ENHANCEMENT STUDIES:** Coordinate with various stakeholders to evaluate the truck parking needs to increase safety of the highway system. Hours of Service (HOS) compliance for commercial vehicle operators is state law and federally regulated to reduce safety issues resulting from fatigued driving. To meet specified HOS regulations, commercial vehicle operators need safe parking locations. Identified immediate implementable solutions to increase the number of publicly available truck parking spaces and to fully utilize current available spaces. This may be accomplished through the incorporation of private parking facilities into TPAS and the exploration and development of alternative parking solutions.
- **MANAGE CONSULTANT CONTRACTS:** Manage and maintain multiple consultant contracts with highway safety agencies.
- **BUILD AND MAINTAIN RELATIONSHIPS:** Develop and maintain relationships across the United States to strategically plan from for the safe and efficient movements good through all modes of travel.

Florida Highway Patrol, Law Enforcement Chief | November 3, 2017–January 12, 2020

- **LED OFFICE OF COMMERCIAL VEHICLE ENFORCEMENT (CVE):** Responsible for law enforcement patrol and commercial vehicle operations, oversight, direction, and control of 2 law enforcement troops and a Special Operations Command with over 300 personnel. Managed and directed the overall operations of the Office of Commercial Vehicle Enforcement, to include overall commercial vehicle training and post-crash investigations, compliance investigations, and New Entrant Safety Audits. Coordinated implementation of CVE programs. Served in the capacity as staff commander for staff operations such as natural disasters, security functions, and criminal task force operations.
- **APPLIED DOMAIN AND TECHNICAL EXPERTISE TO ADVANCE SAFETY THROUGH STRATEGIC PRACTICES:** Assisted and Analyzed proposed legislation. Ensured compliance to Departmental policies, procedures, and accreditation practices. Utilized crash, inspection, and vehicle screening data to deploy resources to reduce CMV related crashes. Liaison for emerging advanced driving technologies (*i.e.*, Platooning, and Autonomous Vehicles).
- **MANAGED ADMINISTRATIVE & FINANCIAL OPERATIONS:** Managed and directed the overall operations of the Office of Commercial Vehicle Enforcement, Motor Carrier Safety Assistance Program grant from the Federal Motor Carrier Safety Administration. Assisted in the preparation of the budget and the presentation of the budget request. Assisted in the preparation of documents necessary to changing Department programs. Controlled and approved all division field command operation expenses.
- **BUILT RELATIONSHIPS TO SUPPORT MISSION OF THE AGENCY:** Rendered advice and assistance on operational issues within the Florida Highway Patrol. Maintained liaison and cooperative working relationship with other law enforcement, criminal justice, emergency management, government officials and personnel. Liaison with the Florida Highway Patrol Advisory Council. Conducted public educational outreach and education.

Florida Highway Patrol, Law Enforcement Major | October 30, 2015–November 2, 2017

- **LED TROOP & TRAINING OPERATIONS:** Controlled and directed enforcement activities of the Office of Commercial Vehicle Enforcement (CVE) for Northeast and South Florida areas. Utilized and analyzed commercial vehicle

data to deploy resources to reduce crashes. Commanded commercial vehicle training section.

- **DEVELOPED STRONG TEAM TO CARRY OUT MISSION OF THE TROOP:** Overall management and control of the law enforcement function and activities within the Troop for commercial vehicle operations, to include the training section. Manpower allotment of approximately 120 sworn and non-sworn personnel. Developed and communicated work performance standards. Monitored and maintained working files of subordinates' performance.
- **LEVERAGED PARTNERSHIPS WITH OTHER LAW ENFORCEMENT AGENCIES AND STAKEHOLDERS:** Conducted public outreach and education with law enforcement partners, trucking industry, and other government disciplines. Support law enforcement agencies, including those outside of Florida, in joint efforts to combat many like concerns.

Florida Department of Transportation and Florida Highway Patrol, Law Enforcement Captain | August 8, 2008–October 29, 2015

- **LED OFFICE DISTRICT OPERATIONS:** Controlled and directed enforcement activities of the Commercial Vehicle Enforcement District personnel in the, enforcing weight, safety, size, traffic, fuel tax, registration laws, transportation of hazardous materials, non-public sector bus laws, and other traffic related activities. Supervised and participated in investigations of stolen vehicles and illegal drugs, while performing related enforcement activities.
- **MENTORED TEAM:** Observed personnel in the field, accompanied them on patrol and at fixed scale facilities, and devices and assisted with enforcement problems. Conducted and reviewed performance evaluations, and counseled assigned personnel when necessary.
- **BUILT STRONG PARTNERSHIPS:** Through deliberate efforts and outreach, developed a professional network of industry, regional and state partners to form an alliance promoting highway safety.

Florida Department of Transportation—Law Enforcement Operations, Law Enforcement Lieutenant | August 15, 2003–August 7, 2008

Florida Department of Transportation—Law Enforcement Operations, Law Enforcement Officer | January 5, 2001–August 14, 2003

Madison County Florida Sheriff's Office, Deputy Sheriff | February, 1991–January 4, 2001

Communications Officer, Correctional Deputy, Patrol Deputy, and School Resource Deputy.

EDUCATION

Bachelor of Science—Public Administration, Flagler College, Saint Augustine, Florida: 2012

Associate of Science—Criminal Justice, North Florida College, Madison, Florida: 1997

PROFESSIONAL ASSOCIATIONS

- Commercial Vehicle Safety Alliance (CVSA)—2011 to present
- Florida Trucking Association
- S.L.E.C.A.—State Law Enforcement Chief Association 2006–2020
- International Association of Chiefs of Police
- Florida Police Chiefs Association
- Volusia—Flagler County Police Chiefs Association 2007–2008 and 2015–2017
- Florida Sheriff's Association
- Northeast Florida Law Enforcement Executive Association 2009–2020
- Committee Chairman for Enforcement and Industry Modernization with CVSA 2016–2020
- American Trucking Association Law Enforcement Advisory Board 2021 to Present (Industry Outreach Advisor)
- Chairman for Operation ROADCHECK with CVSA 2013–2017
- Co-Chairman for Operation ROADCHECK within CVSA 2013
- Southern State Law Enforcement Partners Safe DRIVE initiative 2014 to Present (Pat Chair)
- President of Associate Membership CVSA 2021–2024

- Transportation Club of Jacksonville 2015 to present
- Concerns of Police Survivors 2015 to present
- Central Florida Domestic Security Task Force 2004–2008
- Co-Chair Central Florida Domestic Security Task Force Mutual Aid Committee 2005–2008
- L.E.A.D. Let's Eliminate Aggressive Driving Steering Committee 2007–2008
- Florida Trucking Association
- Ad Hoc Chair CVSA Electronic Inspections Initiative

ACCOMPLISHMENTS

- Florida Inspectors Championship Recognition
- Safe Driving Award
- Outstanding Alumni of NFCC
- BUILDER for Florida Sheriff's Youth Ranches
- School Resource Officer Practitioner
- Outstanding Student in Criminal Justice
- Numerous commendations & letters of appreciation

HONORS AND AWARDS

- Safety First Award from FMCSA
- Florida Department of Transportation Law Enforcement Officer of the Year Award
- Distinguished Service Citation from Okaloosa County Board of County Commission
- Distinguished Service Award from the Florida Council on Crime and Delinquency in Juvenile Justice
- Nominee for Law Enforcement Officer of the Year, Florida Attorney General
- Nominee for Law Enforcement Officer of the Year State Law Enforcement Chiefs Association
- Outstanding Community Service from Madison Rotary Club
- School Related Personnel of the Year Award as a School Resource Deputy
- Community Service Award from the St. Augustine Beach Police Department
- Live Saving Award
- Honored with Proclamation from Volusia County Board of County Commission for "Chief Derek Barrs Day"
- Honored with Proclamation from Madison County Board of County Commission "Derek Barrs Day"
- Freedom Square Award-Madison County Chamber of Commerce

ADDITIONAL TRAINING

- FBI Executive Leadership Training
- North American Standard Inspection Vehicle Examination
- Cargo Tank/Bulk Packaging Inspection
- Commercial Vehicle Crash Inspection
- Covered Farm Vehicles for Law Enforcement
- FEMA ICS 300
- FEMA IS 100
- FEMA—National Incident Management Systems
- National response Plan IS 800
- Basic Incident Command System IS-195
- ICS for Single Resources IS 200
- Advanced Incident Command System Command and General Staff: Complex Incidents G 400
- Law Enforcement Response to WMD incidents
- Hazardous Materials Emergency Response Training
- North American Standard Inspection Driver Examination
- Motor coach Inspection Examination
- Commercial Vehicle Criminal and Terrorism Interdiction Course

- Identifying and Investigating Human Trafficking Training
- Leadership Training
- Learning to be a Legacy Leader
- FDOT Management Academy
- Developing Law Enforcement Managers
- Human Relations
- Media Relations
- Narcotics Identification and Investigation
- Florida Medical Marijuana Training
- Testifying Made Easy Training
- Advanced Interviews and Interrogations
- Size and Weight Enforcement Training
- General Hazardous Material Inspection
- Commercial Vehicle Counterterrorism
- Working with Elected Officials Training
- Police Internal Affairs
- Amtrak Passenger Train Emergency Response
- Stress Management and Mental Health Training
- Instructor Techniques
- Electronic Monitoring and Mapping Technology
- Cyber Security
- DUI Enforcement
- School Resource Officer Supervisor
- Program Management

VOLUNTEER WORK & COMMUNITY INVOLVEMENT

- Madison Masonic Lodge # 11
- Rotary Club (Madison, St. Johns, and Flagler Counties)
- St. Augustine Kiwanis Club
- Member Anastasia Baptist Church
- Partners for Success Mentor Program
- American Cancer Society Florida Division Logistics Co-Chair
- Flagler County Sheriff's Office Employee Trust Fund Board of Directors
- Take Stock in Children
- St. Johns County School District Advisory Board for ½ Cent Sales Tax
- St. Johns County Education Foundation Mentor Program
- Madison County Senior Citizen Board of Directors

The CHAIRMAN. Thank you. Mr. Morrison, you are recognized for your opening statement.

Please push the button on your microphone.

**STATEMENT OF JONATHAN MORRISON,
NOMINEE TO BE ADMINISTRATOR,
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION**

Mr. MORRISON. I will start over again. Good morning, Chairman Cruz, Ranking Member Cantwell, and distinguished Members of the Committee, it is a distinct honor to appear before you today as a nominee for Administrator of the National Highway Traffic Safety Administration, or NHTSA.

I am deeply grateful for the trust President Trump and Secretary Duffy placed in me with this nomination. I want to recognize my parents, Norene and Charlie, who are watching this morning from the town of Cool, California. I would also like to thank my family, friends, colleagues, and mentors for their support and guidance

over the years. Most importantly, however, I want to recognize my wife, Fernanda Morrison, who is here with me today. She has been my constant foundation, inspiration, and motivator, and I would like to thank her for her support and sacrifice.

I have spent my entire career in the automotive and technology fields. After being the first in my family to graduate from college and then law school. I started my career at the California New Car Dealers Association where I worked on legal and policy issues affecting the automotive industry. I later led an automotive compliance consulting company that worked directly with industry clients to implement regulatory requirements.

I was then appointed as chief counsel to the agency I am now nominated to lead, where I worked shoulder-to-shoulder with NHTSA's fantastic team of highway safety attorneys, engineers, economists, and other researchers and professionals. After President Trump's first term, I was hired by Apple, where I worked closely with leadership and a host of amazing engineers and designers on a range of issues, including working through regulatory implications of cutting-edge technologies, I humbly believe that the culmination of my experiences qualifies me to be NHTSA's next administrator.

Why am I passionate about this role? I believe that the motor vehicle has been instrumental to the success of the American public over the last century. Ready access to a car or truck greatly expands our personal, professional, and recreational horizons well beyond any other transportation technology, and has so much to do with the ability to achieve the American dream through upward economic mobility.

But our Nation's relationship with the automobile is facing several critical challenges, as is the automotive industry itself. I would briefly like to mention three. First, this personal mobility comes at a great cost. Each year we see approximately six million crashes, millions of injuries, and tens of thousands of fatalities. And with the pandemic, our Nation saw an increase from 2019's 36,000 crash fatalities, already unacceptably high, to over 43,000 fatalities in 2021. While fatalities have trickled down since, we are still several thousand fatalities higher than just before the pandemic. Each number represents a parent, a child, a sibling, a spouse, or friend, and everybody in this room has likely been affected by a crash where somebody has been severely injured or killed.

Despite this, every year, 50 percent of those killed in crashes chose not to wear a seatbelt. One-third involved a driver who chose to use drugs or have that extra drink or two and drive impaired. Thirty percent involved a driver who chose to speed, reducing reaction times and massively increasing crash forces. And far too many involved drivers who chose to drive distracted.

Since the vast majority of these crashes have been caused by human choice or error, we need to double down on successful countermeasures to driver behavioral risks. And that starts with reinvigorating the Agency's partnership with states and law enforcement to emphasize the critical importance of traffic enforcement action and removing unsafe drivers from the road.

And second, today's vehicles are safer than ever, but not enough people are buying them. This is resulting in the oldest fleet in U.S.

history, averaging nearly 13 years. Not coincidentally, today's vehicles are far more expensive than ever. Ensuring a supply of affordable vehicles that meet consumer needs and wants is critical to addressing our safety crisis. NHTSA can support this by ensuring our regulations meet the need for motor vehicle safety without imposing undue costs or design restrictions that hamper innovation. This means identifying unintended barriers to innovation and pursuing robust yet design-neutral performance standards.

And third, providing room for continued safety innovation is a hallmark of the Vehicle Safety Act, and is critical to enabling safety improvements in the fleet of tomorrow. Technologies such as software-defined vehicles, zonal architectures, alternative powertrains, and especially automated vehicles, or AVs, pose potential benefits in terms of safety and efficiency, but are complex and introduce risks unique to each application. NHTSA cannot sit back and wait for problems to arrive with such developing technologies, but must demonstrate strong leadership.

For AVs in particular, this means deep and sustained engagement with industry, state and local governments and technical safety experts. It also means creation of a safety framework consisting of guidance, and yes, regulation. Realization of the mobility and safety benefits from AVs depends entirely upon consumer trust and that trust must be rooted in safety.

The technical and policy challenges surrounding these new technologies must be addressed. Failure to do so will result in products that the public will not accept and the agency will not tolerate.

I look forward to today's hearing and hope to earn your support.

[The prepared statement and biographical information of Mr. Morrison follow:]

PREPARED STATEMENT OF JONATHAN MORRISON, NOMINEE TO BE ADMINISTRATOR,
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Good morning, Chairman Cruz, Ranking Member Cantwell, and distinguished Members of the Committee:

It is a distinct honor to appear before you today as the nominee for Administrator of the National Highway Traffic Safety Administration (NHTSA). I am deeply grateful for the trust President Trump and Secretary Duffy placed in me with this nomination.

I want to recognize my parents Norene and Charlie, who are watching this morning from the town of Cool, CA. I would also like to thank my family, friends, colleagues, and mentors for their support and guidance over the years. Most importantly, however, I want to recognize my wife Fernanda Morrison, who is here with me today. She has been my constant foundation, inspiration, and motivator, and I would like to thank her for her support and sacrifice.

I have spent my entire career in the automotive and technology fields. After being the first from my family to graduate from college, and then law school, I started my career at the California New Car Dealers Association, where I worked on legal and policy issues affecting the automotive industry. I later led an automotive compliance consulting company that worked directly with industry clients to implement regulatory requirements. I was then appointed as Chief Counsel to the agency I'm now nominated to lead, where I worked shoulder to shoulder with NHTSA's fantastic team of highway safety attorneys, engineers, economists, and other researchers and professionals. After President Trump's first term, I was hired by Apple, where I worked closely with leadership and a host of amazing engineers and designers on a range of issues, including working through regulatory implications of cutting-edge technologies. I humbly believe that the culmination of my experiences qualifies me to be NHTSA's next Administrator.

Why am I passionate about this role? I believe the motor vehicle has been instrumental to the success of the American public over the past century. Ready access

to a car or truck greatly expands our personal, professional, and recreational horizons well beyond any other transportation technology, and has much to do with the ability to achieve the American Dream through upward economic mobility.

But our Nation's relationship with the automobile is facing several critical challenges, as is the automotive industry itself. I'd briefly like to mention three.

First, this personal mobility comes at a great cost. Each year, we see approximately six million crashes, millions of injuries, and tens of thousands of fatalities. And with the pandemic, our Nation saw an increase from 2019's 36,000 crash fatalities—already unacceptably high—to over 43,000 fatalities in 2021. While fatalities have trickled downward since, we are still several thousand higher than just before the pandemic. Each number represents a parent, child, sibling, spouse, or friend. Everybody in this room has likely been affected by a crash where somebody has been seriously injured or killed.

Despite this, every year 50 percent of those killed in crashes chose not to wear a seatbelt, a third involved a driver who chose to use drugs or have that extra drink or two and drive impaired, 30 percent involved a driver who chose to speed, reducing reaction times and massively increasing crash forces, and far too many involved drivers who chose to drive distracted. Since the vast majority of crashes is driven by human choice or error, we need to double down on successful countermeasures to driver behavioral risks. That starts with reinvigorating the agency's partnership with States and law enforcement to emphasize the critical importance of traffic enforcement action and removing unsafe drivers from the road.

Second, today's vehicles are safer than ever, but not enough people are buying them, resulting in the oldest fleet in U.S. history—averaging nearly 13 years. Not coincidentally, today's vehicles are far more expensive than ever. Ensuring a supply of affordable vehicles that meet consumer needs and wants is critical to addressing our safety crisis. NHTSA can support this by ensuring our regulations meet the need for motor vehicle safety without imposing undue costs or design restrictions that hamper innovation. This means identifying unintended barriers to innovation and pursuing robust yet design-neutral performance standards.

Third, providing room for continued safety innovation is a hallmark of the Vehicle Safety Act and is critical to enabling safety improvements in the fleet of tomorrow. Technologies such as software-defined vehicles, zonal architectures, alternative powertrains, and especially automated vehicles (AVs), offer potential benefits in terms of safety and efficiency, but are complex and introduce risks unique to each application. NHTSA cannot sit back and wait for problems to arise with such developing technologies, but must demonstrate strong leadership. For AVs, this means deep and sustained engagement with industry, State and local governments, and technical safety experts. It also means the creation of a Safety Framework consisting of guidance and, yes, regulation. Realization of the mobility and safety benefits from AVs depends entirely upon consumer trust, which must be rooted in safety. The technical and policy challenges surrounding these new technologies must be addressed. Failure to do so will result in products that the public will not accept and the agency will not tolerate.

I look forward to today's hearing and hope to earn your support.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used):
Jonathan Charles Morrison (Jon was a nickname through high school).
2. Position to which nominated: Administrator of the National Highway Traffic Safety Administration.
3. Date of Nomination: February 11, 2025.
4. Address (List current place of residence and office addresses):
Residence: Information not released to the public.
Office: Information not provided.
5. Date and Place of Birth: Sacramento, CA.
6. Provide the name, position, and place of employment for your spouse (if married) or domestic partner, and the names and ages of your children (including step-children and children by a previous marriage).
Fernanda Morrison, homemaker
No children
7. List all college and graduate schools attended, whether or not you were granted a degree by the institution. Provide the name of the institution, the dates attended, the degree received, and the date of the degree.

- Cosumnes River College
 - January 1996–May 1998
 - AA, Music (May 1998)
- University of Pittsburgh
 - August 1998–January 2001
 - BPhil, Music & Philosophy (January 2001)
- California State University Sacramento (non-matriculating)
 - January 2001–May 2001
- University of Notre Dame
 - August 2001–May 2004
 - JD (May 2004)
- University College London
 - October 2004–September 2005
 - LL.M., International Business Law (November 2005)

8. List all post-undergraduate employment, including the job title, name of employer, and inclusive dates of employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

- First Global Community College (Nong Khai, Thailand)
 - Music and English Teacher
 - Summer 2001
- Tilleke & Gibbins (Bangkok, Thailand)
 - Summer Associate
 - Summer 2002
- Chandler & Thong-Ek (Bangkok, Thailand)
 - Summer Associate
 - Summer 2003
- Exclusively Legal
 - Contract Attorney
 - October 2005
- Copart (Fairfield, CA)
 - Contract Attorney
 - November 2005–January 2006
 - Non-management, but related to position
- California New Car Dealers Association (Sacramento, CA)
 - Staff Counsel; Director of Legal & Regulatory Affairs (Management)
 - January 2006–February 2014
- Auto Advisory Services, LLC (Irvine, CA)
 - President (Management)
 - March 2014–October 2017
- National Highway Traffic Safety Administration (Washington, DC)
 - Chief Counsel (Management)
 - November 2017–January 2021
- Apple, Inc. (Cupertino, CA)
 - Legal, Regulatory, Government Affairs, and Policy Lead (Management)
 - March 2021 to Present

9. Attach a copy of your résumé. Attached.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above after 18 years of age.

- California Bureau of Automotive Repair Advisory Group Member
 - Appointed by Chief of the Bureau of Automotive Repair
 - 2014–2017

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

- Director, California Automotive Business Coalition
 - 2015–2017

- Co-Chair of the Regulatory Compliance Practice Group, National Association of Dealer Counsel
 - 2015–2017
- Director, Automated Vehicle Industry Association
 - 2021–2024

12. List all memberships you have had after 18 years of age or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization (You do not have to list your religious affiliation or membership in a religious house of worship or institution). Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

- Member, Pitt Alumni Association
 - 2001 to Present
- Member, Notre Dame Alumni Association
 - 2004 to Present
- Member, Notre Dame Club of San Jose/Silicon Valley
 - 2023 to Present
- Member, Notre Dame Club of Washington, DC
 - 2018–2021
- Member, Notre Dame Club of Orange County
 - 2015–2017
- Member, Notre Dame Law Association
 - 2004 to Present
- Member, St. Thomas More Society
 - 2023 to Present
- Member, University College London Alumni
 - 2005 to Present
- Member, Federalist Society
 - 2017–2020; 2023 to Present
- Member, Society for Benefit Cost Analysis
 - 2024 to Present
- Member, State Bar of California
 - 2005 to Present
- Member, United States Supreme Court Bar
 - 2018 to Present
- Member, Rotary Club of North Sacramento
 - 2008–2012
- Member, Phi Sigma Tau International Honor Society in Philosophy, University of Pittsburgh
 - 1999–2001 (President, 2000)
- Member National Association of Dealer Counsel
 - 2007–2017 (Co-Chair of Regulatory Practice Group, 2015–2017)
- Member, California Bureau of Automotive Repair Advisory Group (2014–2017)

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

I was appointed as Chief Counsel of the National Highway Traffic Safety Administration in the U.S. Department of Transportation, and served from November 2017–January 2021.

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

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$200 or more for the past ten years. None.

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

Secretary of Transportation's Distinguished Service Award for Leading DOT's Response to the COVID-19 National Public Health Emergency, 2020

University College London, London, United Kingdom LL.M., with Merit, International Business Law, 2005

Dean's List, International Trade Law, Notre Dame Law School, 2003 International Moot Court, Notre Dame Law School, London, 2003

Best Speaker, Round One
Competition Speaker of Note

University of Pittsburgh, Pittsburgh, Pennsylvania

Bachelor of Philosophy, Magna Cum Laude, Philosophy & Music, 2001

University Honors College Brackenridge Research Fellow, Philosophy/History & Philosophy of Science, University of Pittsburgh, 2000

President, Phi Sigma Tau International Honor Society in Philosophy, University of Pittsburgh, 2000

Cosumnes River College, Sacramento, California Associate of Arts, with Highest Honors, Music, 1998

17. List all books, articles, columns, letters to the editor, Internet blog postings, or other publications you have authored, individually or with others. Include a link to each publication when possible. If a link is not available, provide a digital copy of the publication when available.

- National Highway Traffic Safety Administration
 - While at NHTSA, I issued several orders, notices, rulemaking documents, and interpretation letters in my capacity as Chief Counsel. These are available at: <https://www.nhtsa.gov/nhtsa-interpretation-file-search#search-tool> or in the Federal Register
- California New Car Dealers Association (CNCDA):
 - Dealer Management Guides (Editing & Drafting Portions)
 - F&I Compliance Manuals (Editing & Drafting Portions)
 - Registration Professional's Toolkit
 - CNCDA Monthly Dealer Bulletin Articles (2006–2014)

Note: these are resources made available to members; I do not have access to the publications
- Auto Advisory Services (AAS):
 - CNCDA Service Drive Compliance Manual and Reference Guide (2017)

Note: CNCDA hired AAS to provide a seminar series and draft this publication, which was provided to CNCDA members and attendees. This is a CNCDA member resource, and I do not have access to the publication.
- Auto Dealer Law Quarterly Updates (2014–2017)
 - -Rocky Recall Road, (Found reprinted in Illinois Automobile Dealer News at <https://illinois-auto-dealer-news.thenewslinkgroup.org/flippingbooks/Pub6-2016-Issue3/14/>) (2016)

Note: Auto Dealer Law was a compliance guidebook and quarterly newsletter service provided jointly by AAS and the law firm Charapp & Weiss—neither of which exist today. I wrote several articles for the quarterly newsletter, but, aside from the article linked above, I do not have access to those newsletters.
- Monthly Transmission Newsletter (2014–2017)

Note: This Newsletter was a subscription service provided to AAS clients. I wrote or edited many articles for the publication while President of AAS. AAS was sold to KPA in 2018, and I do not have access to the publications.

18. List all speeches, panel discussions, and presentations (*e.g.*, PowerPoint) that you have given on topics relevant to the position for which you have been nominated. Include a link to each publication when possible. If a link is not available, provide a digital copy of the speech or presentation when available.

Note: I have given many speeches, panel presentations, and other presentations in my career—mostly relating to legal and public policy matters not directly relevant to the National Highway Traffic Safety Administration or the position of Administrator, and primarily prior to my time in the Federal government.

The following is the most complete list I could recall of my speeches, panel presentations, and presentations relevant to the nomination:

- National Highway Traffic Safety Administration (presented in my official capacity as Chief Counsel):
 - Discussion, NADA Regulatory Affairs Meeting, Washington, DC (April 2018) (no digital copy found)
 - Announcement of vehicle recall safety pilot program with Maryland Department of Transportation and Maryland Motor Vehicle Administration, pursuant to grant from the National Highway Traffic Safety Administration (April 2018) (no digital copy found)
 - Presentation, Self-Driving Coalition for Safer Streets (Estimated 2019) (no digital copy found)
 - Presentation, National Association of Motor Vehicle Boards and Commissions Fall Workshop (September 2018) (no digital copy found)
 - Speech, Association for Safe International Road Travel (November 2018) (no digital copy found)
 - Panel Discussion, American Bar Association Emerging Issues in Motor Vehicle Product Liability Litigation Conference (April 2019) (no digital copy found)
 - Governors Highway Safety Association Annual Meeting (August 2019) (no digital copy found)
 - Speech, National Automobile Dealers Association Washington Conference (September 2019) (no digital copy found)
 - Presentation, National Association of Dealer Counsel Fall Conference (October 2019) (no digital copy found)
 - Presentation, National Sheriffs Association (Estimated 2019) (no digital copy found)
 - Speech, National Independent Automobile Dealers Association (Estimated 2019) (no digital copy found)
 - Interview with Magazine (Estimated 2019 or 2020) (no digital copy found)

Note: I recall a written interview with an automotive periodical related to repairs, tires, or the automotive aftermarket, but I can't recall which one.
 - Virtual Panel Presentation at The Autonomous' Safety and Regulation Chapter Event, July 2020 (<https://www.the-autonomous.com/news/tackling-regulation-at-the-fourth-chapter-event/>)
 - Presentation before the Japan Automobile Standards Internationalization Center (December 2020) (https://www.jasic.org/meeting_docs_admin/contents/uploads/doc/meeting3/6%E3%80%80NHTSA%20Symposium%20December%202020.pdf)
- Auto Advisory Services:
 - Presentation, Dealer Perspectives from the Early Stages of the Plug-In Presentation, The California Zero Emission Vehicle Mandate: Legal and Market Expectations Intertwined, National Association of Motor Vehicle Boards and Commissions Annual Conference (2014) (found online at: <https://www.sambuz.com/doc/national-association-of-motor-vehicle-boards-and-ppt-presentation-613040>)
 - Panel Discussion, Vehicle Finance: An Evolving Market/Subprime & Negative Equity: How to Stop the Pot from Bubbling Over, National Association of Motor Vehicle Boards and Commissions Annual Conference (2014) (no digital copy found)
 - Electric Vehicle Market, Department of Energy Annual Merit Review (June 2014) (no digital copy found)
 - Panel Presentation, Legal Ramifications of Vendor "Solutions" Peddled to Dealers, National Association of Dealer Counsel (2017) (no digital copy found)
 - Presentation, Industrywide Safety Recall Difficulties, California New Motor Vehicle Board (2016) (no digital copy found)
 - Several Presentations, Service Drive Compliance, California New Car Dealers Association (2017) (no digital copy found)
 - Presentation, Auto Repair Compliance, Independent Automotive Professionals Association (2016) (no digital copy found)
- California New Car Dealers Association:
 - Various seminars on compliance and new laws (2006–2014) (no digital copy found)

19. List all public statements you have made during the past ten years, including statements in news articles and radio and podcasts and television appearances, which are on topics relevant to the position for which you have been nominated, including dates. Include a link to each statement when possible. If a link is not available, provide a digital copy of the statement when available.

- Automotive News SHIFT: A Podcast About Mobility: USDOT Sketches Road Rules Ahead for Self-Driving Vehicles (episode 74) (2020) <https://www.autonews.com/shift-podcast-about-mobility/usdot-sketches-road-rules-ahead-self-driving-vehicles-episode-74/>

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

- LinkedIn: <https://www.linkedin.com/in/jonathan-morrison-45b1181/> (active)
- X: <https://x.com/jbomott38574> (active, no posts)
- Myspace: <https://myspace.com/jbomott> (long inactive)

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

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

I believe I am qualified to serve as Administrator of the National Highway Traffic Safety Administration because I have spent my entire career working in the automotive and technology fields, including service as Chief Counsel to the agency from November 2017 through January 2021. Should I be confirmed, I would apply lessons learned from my experiences in each role to drive agency efforts to improve highway safety.

California New Car Dealers Association (CNCDA): At CNCDA I grew familiar with the legal, policy, and market issues affecting the automotive industry, including safety, fuel economy, environmental, finance, transactional, and distributional.

Auto Advisory Services: Running Auto Advisory Services gave me the ability to understand automotive legal, policy, and market issues on a more intimate basis by providing compliance guidance directly with dealer, repair facility, and technology company clients.

National Highway Traffic Safety Administration (NHTSA): As NHTSA Chief Counsel, I led all regulatory, enforcement, and other legal activities within NHTSA's jurisdiction, working closely with the agency's incredible team of automotive safety attorneys, engineers, economists, statisticians, human factors specialists, and other researchers on all aspects of NHTSA's mission.

My work at NHTSA gave me intimate knowledge of the areas of NHTSA jurisdiction, and recent experience working to address the ongoing highway safety crisis.

Apple: At Apple, I led a cross-functional legal, regulatory, government affairs, and policy team to provide strategic counsel to leadership, product design, industrial design, and human interface teams on regulatory, product liability, and safety implications of various technological designs and features. This experience of applying regulation to cutting edge technologies would serve me well as Administrator, should I be confirmed.

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

Should I be confirmed as Administrator of the National Highway Traffic Safety Administration, my responsibilities will be to lead and represent the agency on all matters within its jurisdiction in accordance with the directions, policies, and priorities of the Secretary of Transportation and President of the United States. This includes properly and efficiently managing all programs, functions, offices, and activities of the agency within the Administrator's statutory authorities in accordance with the law and the Constitution.

Critically, my responsibilities will involve planning and overseeing budgets, spending plans, and audits, and implementing internal controls consistent with

mandates from the Office of Management and Budget, Department of Transportation, and Congress to ensure accountability.

While serving as Chief Counsel to the agency, I assisted the Deputy Administrator in management of the agency, working closely with the Associate Administrator for Administration and CFO. I also gained executive managerial experience from running a business when serving as President of Auto Advisory Services.

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

- Our highway fatality crisis has continued at an unacceptably elevated rate, especially since the onset of the COVID-19 pandemic. Over the past several years, we have suffered fatality rates our country hasn't seen since the mid-2000s. The characteristics common to these fatal crashes have remained consistent for decades: speeding, alcohol and/or drug use, distraction, and not wearing seat belts. The agency must redouble its efforts on proven safety countermeasures.
- While today's new vehicles are the safest ever sold, the average age of a vehicle in the United States fleet is older than ever and now approaches 13 years—meaning an increasingly large proportion of our society is driving older and less safe vehicles. The reason for this aging fleet is multifaceted, but much can be attributed to regulatory mandates in the United States, Europe, and China that push design decisions away from what consumers want and need and continually push vehicle prices out of reach for everyday Americans. Pursuing smart regulation that focuses on robust, design-agnostic, performance requirements will allow automakers to design and sell innovative vehicles that consumers and businesses desire, and at a lower price point.
- Automotive technology, and American use and acceptance of such technology, is evolving at an incredibly rapid pace. Alternative fuel powertrains, software-defined vehicles, and automated driving systems are extraordinarily complicated, and development is unique to each company. Appropriate oversight and regulation of these new technologies requires that the agency continuously develop its own expertise and familiarity with new technologies and their costs and benefits. The agency must engage with industry, State and local governments, and safety experts to establish robust performance requirements that meet the need for motor vehicle safety in a way that does not hamper innovation.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts, such as a 401(k) or pension plan.

- Apple:
 - Severance: Upon leaving Apple on April 28th, I will receive a lump sum severance payment, and up to six months of COBRA premiums pursuant to Apple's severance plan.
 - Bonus: Conditioned upon fulfilling my employment obligations and remaining an employee in good standing on April 28th, I will receive a cash bonus.
 - ESPP Refund: I have continued to have a portion of my salary withheld pursuant to Apple's Employee Stock Purchase Plan. Since I will leave Apple prior to the next stock purchase date, all amounts withheld will be cashed out upon my leaving the company on April 28th.
 - Accrued vacation payout: Pursuant to Apple's employment plan, all accrued vacation time will be cashed out to me upon my departure on April 28th.
 - 401(k): I have an Apple-sponsored 401(k) account through Fidelity Netbenefits. I will keep this account open for some period of time. If I am confirmed, I will consider rolling the funds in this account over to the Federal Thrift Savings Plan.
- Federal Government:
 - Thrift Savings Plan: I have retained my Thrift Savings Plan account from my time in the Federal Government.

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

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

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

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

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

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

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

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

Until resigning in February 2024, I served as a Director of the Autonomous Vehicle Industry Association, which advocated for policies in support of the safe testing and deployment of highly automated vehicles.

While President of Auto Advisory Services, I attended the California New Car Dealers Association's annual legislative conferences and accompanied dealer clients to visits with members of the California legislature.

Until joining the National Highway Traffic Safety Administration in November 2017, I served as a Director of the California Automotive Business Coalition, which advocated for policies in support of the larger automotive repair industry.

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

C. LEGAL MATTERS

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

No.

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

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

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

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

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

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

D. RELATIONSHIP WITH COMMITTEE

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

Yes, I will ensure that my office responds to such requests for information as appropriate.

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

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

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

RÉSUMÉ OF JONATHAN C. MORRISON

EXPERIENCE

Apple, Inc., Cupertino, California

Special Projects Group Legal 2021–Present

Apple, Inc. is one of the world's largest technology companies, blending hardware, software, and services to create unrivaled consumer products and experiences.

- Led intersectional team of legal, engineering, and government affairs professionals for Apple's Special Projects Group, overseeing and directing legal, regulatory, government affairs, and policy development activities.
- Strategic Counsel:
 - Guided product design, industrial design, and human interface teams on regulatory and product liability implications of various designs and features; worked collaboratively to modify designs to mitigate risk while meeting concept objectives
 - Developed cross-functional Safety Action Committee organization to bring together relevant experts and project leadership to align on policy development and safety-critical decisionmaking
 - Supported large operations infrastructure in achieving program objectives while meeting regulatory requirements and mitigating safety and liability risk
 - Worked with Apple legal, government affairs, security, and communications teams to achieve alignment on supply chain, intellectual property, privacy, and other strategic objectives
- Policy Development:
 - Worked cross-functionally to evaluate implications of alternative performance standards and potential suitability for anticipated regulatory requirements
 - Adapted goal-structured notation approach for policy/process development through cross-functional safety case governance
 - Developed policies, based upon regulatory, standards, and political research, designed to generate design-and-feature-specific engineering requirements

National Highway Traffic Safety Administration (NHTSA), Washington, District of Columbia

Chief Counsel 2017 to 2021

NHTSA is the primary Federal automotive industry regulator, overseeing activities of automobile manufacturers, parts suppliers, automated driving system (ADS) developers, dealers, and alterers/modifiers. NHTSA's mission is to save lives, prevent injuries, and reduce economic costs due to vehicle crashes.

- Appointed by Secretary of Transportation to serve as the 16th Chief Counsel in NHTSA's history to lead all regulatory, enforcement, and other legal activities within NHTSA's jurisdiction
- Engaged in detailed technical discussions with government and stakeholder attorneys, engineers, economists, statisticians, human factors specialists, and other researchers to inform policy and legal determinations
- Worked with NHTSA's Office of Defect Investigations and Office of Vehicle Safety Compliance to evaluate safety and compliance concerns based upon TREAD Act reporting, consumer complaints, and other information to determine whether investigations were necessary and appropriate, ensure due process, and evaluate the adequacy and timeliness of manufacturer recalls
- Oversaw negotiation of consent orders with manufacturers, importers, parts suppliers, and new car dealers
- Researched and issued authoritative legal interpretations of relevant statutes and regulations
- Oversaw Congressional affairs inquiries and led Congressional briefings on matters relating to cybersecurity, ADS, fuel economy, and odometer disclosure requirements
- Represented the United States in presentations before national and international government, trade association, and industry events

*Auto Advisory Services, Inc. (AAS), Irvine, California
President 2014 to 2017*

AAS was a 40+ employee legal compliance consulting company that leveraged deep understanding of industry operations and expertise in technical State and Federal laws to provide compliance counsel to hundreds of new car dealer and technology company clients.

- Assisted clients in navigating industry issues in response to governmental activity and litigation threats
- Led team of attorneys, and former law enforcement officials to audit dealer activities for compliance with California and Federal sales, finance, privacy, advertising, and repair laws
- Leveraged automotive repair expertise to create automotive service compliance program
- Worked with State and Federal trade associations representing dealers, automakers, finance companies and other transportation-related sectors to develop and provide compliance guidance
- Fostered relationships with trade associations, regulatory agencies, automakers, finance companies and litigators to gauge compliance threats and provide targeted industry guidance

*California New Car Dealers Association (CNCDA), Sacramento, California
Director of Legal & Regulatory Affairs 2006 to 2014*

CNCDA represents 1,200 California franchised new car and truck dealers in legal, regulatory, legislative and media advocacy.

- Led legal and regulatory advocacy efforts before all California courts and regulatory agencies, including the California Air Resources Board, Department of Motor Vehicles, Bureau of Automotive Repair, Department of Toxic Substances Control, and Board of Equalization
- Drafted legislation and regulations to implement favorable policy positions and strategies
- Testified before California legislature and Federal and State regulatory agencies on behalf of dealers
- Assisted dealers in navigating pressing industry events spurred by Federal or State laws
- Analyzed and monitored legislative and regulatory proposals to determine dealer impact

- Monitored legal trends in California and Federal courts; coordinated Amicus activity among businesses and trade associations; drafted and edited Federal and State Amicus briefs

PROFESSIONAL QUALIFICATIONS

Member, United States Supreme Court Bar, 2018 to present

Member, State Bar of California, 2005 to present

Director, Autonomous Vehicle Industry Association, 2021 to 2024

Co-Chair, Regulatory Compliance Practice Group, National Association of Dealer Counsel, 2015 to 2017

Director, California Automotive Business Coalition, 2014 to 2017

Appointed Member, California Bureau of Automotive Repair Advisory Group, 2014 to 2017

EDUCATION

University College London, London, United Kingdom

LL.M., *with Merit* (Honors), International Business Law, 2005

The Notre Dame Law School, Notre Dame, Indiana

Juris Doctor, 2004

University of Pittsburgh, Pittsburgh, Pennsylvania

Bachelor of Philosophy, *Magna Cum Laude*, Philosophy & Music, 2001

Cosumnes River College, Sacramento, California

Associate of Arts, *with Highest Honors*, Music, 1998

The CHAIRMAN. Thank you. Mr. Roberti, you are now recognized.

STATEMENT OF PAUL ROBERTI, NOMINEE TO BE ADMINISTRATOR, PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

Mr. ROBERTI. Chairman Cruz, Ranking Member Cantwell, and members of the Committee, thank you for the opportunity to be here today.

It is a great honor to be nominated by President Trump, and I am equally grateful to Secretary Duffy for his trust and confidence in my ability to lead the Pipeline and Hazardous Material Safety Administration.

I am pleased to be accompanied today by my three wonderful sons, twins, Christian and Ethan, and their younger brother, William; and my two brothers, Dino and Peter, and some very close friends and colleagues who traveled from New York, New England, today; my friend Jake Van Reen, my good friend Kim Baruti, and Paul Afonso from Massachusetts.

I also want to thank Senator Whitehouse for his kind introduction and his commitment to public service and leadership on behalf of the citizens of Rhode Island.

I come to Washington to serve the Nation from Rhode Island where I grew up as the son of school teachers who fostered a culture of learning, loyalty, and hard work so that each of my brothers and I could build a future called the American dream.

My pathway to public service began 35 years ago, and through various positions in State and Federal Government, I always relied on an inner moral compass to do the right thing and to see that my actions and decisions reflected the interests of average everyday citizens who expected good government from those who were charged with serving the public interest.

My career took me into energy and utilities. From very early on, I was amazed at the complexity of the energy systems that deliv-

ered vital services to society, powering our economy and way of life, and at the same time achieving reliability and affordability for the consumers who ultimately paid the bills.

The vast network of pipelines in our Nation represents the cornerstone of our economy and our bright pathway to achieving energy independence. The energy products moving through pipelines keep us warm at night, drive manufacturing, and help ensure that the electric grid never fails. The reliability and safety of these systems, literally, can spell the difference between life and death.

When I was a public utilities commissioner in Rhode Island and learned that some of our pipelines dated back to 1850, installed even before the Civil War when Abraham Lincoln was still a Member of Congress, and that these vintage cast iron systems ultimately resulted in preventable tragedies such as Allentown, Pennsylvania, and East Harlem, New York, it galvanized my drive to advance pipeline safety.

To realize the President's vision for unleashing American energy, we must instill great confidence that our transportation systems are safe. Whether it be natural gas moving through pipelines, crude oil over railways, lithium batteries in airplanes, or the fireworks that mark our Fourth of July celebrations, ensuring the safe movement of hazardous materials throughout the Nation's transportation systems must always be PHMSA's top priority.

I am honored to be considered to lead PHMSA's dedicated workforce as they strive to maintain and enhance the safe movement of hazardous materials across all modes of transportation, including pipelines.

Today, we face many threats and challenges to our pipeline infrastructure, physical and cyber security threats from bad actors, whether individuals or nation states, pose a steady and growing risk to the safe and reliable operation of our pipeline systems. The best defense against these threats requires constant vigilance and close coordination with Federal, state, and local government partners, as well as collaboration with industry. And if a bad incident occurs, these same defensive measures are equally critical in the context of emergency response and recovery.

Allow me to close on a positive note. New technologies, engineering advances, and innovation offer substantial opportunities to advance safety while lowering costs for the American consumer. For example, the power of advanced capabilities like artificial intelligence can be leveraged for obtaining higher quality risk assessments to evaluate the integrity of pipeline systems and harness toward the development of better technologies for containing hazardous materials.

If confirmed as administrator, I not only commit to being a fair and effective regulator, but also will seek opportunities for unleashing American ingenuity to advance safety and bring us closer to the goal of zero incidents.

Thank you, Chairman Cruz and Ranking Member Cantwell. I look forward to answering the Committee's questions.

[The prepared statement and biographical information of Mr. Roberti follow:]

PREPARED STATEMENT OF PAUL ROBERTI, NOMINEE TO BE ADMINISTRATOR,
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

Chairman Cruz, Ranking Member Cantwell and Members of the Committee—

Thank you for the opportunity to be here today. It is a great honor to be nominated by President Trump, and I am equally grateful to Secretary Duffy for his trust and confidence in my ability to lead the Pipeline and Hazardous Materials Safety Administration (PHMSA).

I come to Washington to serve the Nation from Rhode Island, where I grew up as the son of schoolteachers, who fostered a culture of learning, loyalty and hard work so that each of my brothers and I could build a future called the American dream.

My pathway to public service began 35 years ago, and through various positions in State and Federal government, I always relied on an inner moral compass to do the right thing, and to see that my actions and decisions reflected the interests of average, everyday citizens who expected “good government” from those who were charged with serving the public interest.

My career took me into energy and utilities. From very early on, I was amazed at the complexity of the energy systems that delivered vital services to society, powering our economy and way of life, and at the same time achieving reliability and affordability for the consumers who paid the bills.

The vast network of pipelines in our Nation represents the cornerstone of our economy and our bright pathway to achieving energy independence. The energy products moving through pipelines keep us warm at night, drive manufacturing and help ensure that the electric grid never fails. The reliability and safety of these systems literally can spell the difference between life and death.

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To realize the President’s vision for unleashing American energy, we must instill great confidence that our transportation systems are safe. Whether it be natural gas moving through pipelines, crude oil over railways, lithium batteries in airplanes, or the fireworks that mark our Fourth of July celebrations, ensuring the safe movement of hazardous materials throughout our Nation’s transportation systems must always be PHMSA’s top priority. I am honored to be considered to lead PHMSA’s dedicated workforce as they strive to maintain and enhance the safe movement of hazardous materials across all modes of transportation, including pipelines.

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Allow me to close on a positive note. New technologies, engineering advances, and innovation offer substantial opportunities to advance safety while lowering costs for the American consumer. For example, the power of advanced capabilities like artificial intelligence can be leveraged for obtaining higher quality risk assessments to evaluate the integrity of pipeline systems and harnessed towards the development of better technologies for containing hazardous materials. If confirmed as Administrator, I not only commit to being a fair and effective regulator, but also will seek opportunities for unleashing American ingenuity to advance safety and bring us closer to the goal of zero incidents.

Thank you, Chairman Cruz and Ranking Member Cantwell. I look forward to answering the Committee’s questions.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Paul Roberti.
2. Position to which nominated: Administrator, Pipeline and Hazardous Materials Safety Administration.
3. Date of Nomination: February 3, 2025.
4. Address (List current place of residence and office addresses):
Residence: Information not released to the public.
Office: Information not provided.

5. Date and Place of Birth: Warwick, RI.
6. Provide the name, position, and place of employment for your spouse (if married) or domestic partner, and the names and ages of your children (including step-children and children by a previous marriage):
 - Ethan Roberti (age 24)
 - Christian Roberti (age 24)
 - William Roberti (age 18)
7. List all college and graduate schools attended, whether or not you were granted a degree by the institution. Provide the name of the institution, the dates attended, the degree received, and the date of the degree:
 - College of the Holy Cross {9/83–5/87}. B.A. Chemistry (5/87)
 - Suffolk University School of law {9/87–6/90}. Juris Doctorate {6/90}
8. List all post-undergraduate employment, including the job title, name of employer, and inclusive dates of employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated. (Management positions are in italics)
 - law Clerk., Supreme Court of Rhode Island (9/90–8/91)
 - Associate., Tillinghast Collins & Graham (9/91–9/92)
 - Special Assistant Attorney General, R.I. Dept. of AG (9/92–1/97)
 - *Assistant Attorney General*, R.I. Dept. of AG (1/97–7/09)
 - *Chief., Regulatory Unit, R.I. Department of AG* (6/97–7/09)
 - Commissioner., Rhode Island Public Utilities Commission (7/09–6/16)
 - *Executive Director, Ernst & Young* (6/16–3/18)
 - *Chief Counsel, U.S. Pipeline and Hazardous Materials Safety Administration* (3/18–1/21)
 - President., Greene River Advisors LLC (7/21–12/24)
 - Chief Economic and Policy Analyst, Rhode Island Division of Public Utilities and Carriers (3/22–9/24)
 - *Managing Director, Ernst & Young LLP* (9/24 to present)
9. Attach a copy of your résumé. See attached pdf document.
10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above after 18 years of age.
 - Member, USDOE Electricity Advisory Committee (2013–17)
 - Member, USDOE/NARUC Natural Gas Infrastructure Modernization Partnership (2016)
 - Member, Special legislative Committee to Study and Evaluate Natural Gas Transmission and Distribution System Infrastructure (2021–2022)
 - Member, Governor's Telecommunications Task Force
 - Moderator, Pojac Point Fire District (2016–2020)
 - Clerk, Pojac Point Fire District (2004–06)
 - Road Commissioner, Pojac Point Fire District (2024–2025)
11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution.
 - Director, National Association of Regulatory Commissioners (NARUC) (2013–16)
 - Chairman, NARUC Subcommittee on Pipeline Safety (2013–16)
 - Chairman, NARUC Pipeline Safety Task Force (2011–13)
 - Vice Chairman, NARUC Committee on Gas (2013–14)
 - Director, National Regulatory Research Institute (2012–16)
 - Director, University of Rhode Island Research Foundation (2022–2025)
 - Chairman, New Mexico State University/Center for Public Utilities' Advisory Council (2013–15)
 - Vice-Chairman, New England Power Pool (2021–24)

12. List all memberships you have had after 18 years of age or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization (You do not have to list your religious affiliation or membership in a religious house of worship or institution). Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

- Member of the Bar, United States Supreme Court (2018 to present)
- Member of the Bar, United States Court of Appeals (1st and DC circuits) (1997 to present)
- Member of the Bar, United States District Court 1991
- Member of the Bar, Rhode Island (1990 to present)
- Member of the Bar, Massachusetts (1991–2008)
- Member of the Bar, Florida (1992–2008)
- Member, Rhode Island Bar Association (1990 to present)
- Member, Rhode Island Inns of Court (1994–96)
- Member, North American Energy Standards Board Advisory Council (2013–2025)
- Member, National Association of Regulatory Utility Commissioners (2009–16)
- Member, Public Interest Advisory Council, Gas Technology Institute (2014–16; 2022–24)
- Member, International Confederation of Energy Regulators (2015–16)
- Member, New England Conference of Public Utility Commissioners (2009–16)
- Member, Rhode Island Mineral Hunters Assoc. (1977–82; 2022 to present)
- Member, Rhode Island Dahlia Society (2022 to present)
- Member, American Dahlia Society (2022 to present)

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt. Not Applicable.

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

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

- 12/31/2024, Ernst & Young Political Action Committee: \$300

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

- Award of Appreciation, Energy & Natural Resources Division, U.S. Department of Justice (2020)
- Terry Barnich Award, National Association of Regulatory Utility Commissioners (2016)
- Scholarship, Holy Cross Club of Rhode Island
- Executive Leadership Program, Harvard Business School (2017)
- National Institute of Trial Advocacy (1996)
- Leadership Rhode Island (2014)
- Outstanding Physics Student of the Year, North Kingstown High School (1983)
- Boys Nation, American Legion (1982)
- History Award, Daughters of the American Revolution (1981)
- Berger Anderson Award, Rhode Island Mineral Hunters Association (1978 & 1981)

17. List all books, articles, columns, letters to the editor, Internet blog postings, or other publications you have authored, individually or with others. Include a link

to each publication when possible. If a link is not available, provide a digital copy of the publication when available.

- “Challenges of Aging Infrastructure,” Public Utilities Fortnightly (2015)
- “The Essential Role of State Engagement in Demand Response,” Harvard Environmental Law Review (2016)

(See attached pdf documents)

18. List all speeches, panel discussions, and presentations (*e.g.*, PowerPoint) that you have given on topics relevant to the position for which you have been nominated. Include a link to each publication when possible. If a link is not available, provide a digital copy of the speech or presentation when available.

(See attached pdf documents related to the following list of speeches and presentations)

- American Bar Association (November 19, 2019)
- American Forest & Paper Association (April 24, 2019)
- American Gas Association (October 7, 2014)
- American Petroleum Institute (November 7, 2019)
- Dangerous Goods Advisory Council, (October 30, 2019)
- Iowa Utilities Commission (February 26, 2019)
- NARUC Committee on Gas (July 16, 2018)
- NARUC Committee on Gas (November 2019)
- Nat'l Assoc. of Pipeline Safety Representatives (October 15, 2018)
- Nat'l Assoc. of Pipeline Safety Representatives (September 15, 2020)
- Nat'l Assoc. of State Utility Consumer Advocates (November 18, 2019)
- New England Conference of PUCs (June 2013)
- New Mexico State University (April 8, 2019)
- Northeast Gas Association (May 2013)
- Pipeline Research & Dev. Forum (September 11, 2018)
- Texas Railroad Commission (August 2019)
- Nat'l Assoc. of Regulatory Utility Commissioners (February 14, 2016)

19. List all public statements you have made during the past ten years, including statements in news articles and radio and podcasts and television appearances, which are on topics relevant to the position for which you have been nominated, including dates. Include a link to each statement when possible. If a link is not available, provide a digital copy of the statement when available.

<https://www.providencejournal.com/story/news/environment/2016/06/12/power-in-play-new-england-losing-generators-so-how-could-burrillville-plant-not-be-needed/27741442007/>

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

- LinkedIn: <https://www.linkedin.com/in/paul-roberti-80631683> (active)
- Facebook: <https://facebook.com/paul.roberti.52> (active)
- Instagram *proberti33* (deactivated)

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

- United States Senate: Committee on Small Business and Entrepreneurship: “How Small Businesses Benefit from Smart Rail Shipping Regulation,” 115th Congress Second Session (November 16, 2018).
- United States Senate: Committee on Commerce, Science, and Transportation: “Pipeline Safety in the Merrimack Valley: Incident Prevention and Response” (November 26, 2018).
- United State House of Representatives: Committee on Energy and Commerce: “State Perspectives: Questions Concerning EPA’s Proposed Clean Power Plan” (September 5, 2014).

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

I have devoted thirty years of my career to public service across multiple positions at the federal, state, and local level. In my position as Assistant Attorney General, I represented and advocated for citizens, ratepayers, and consumers of regulated utility service providers. I carried out my duties with an unwavering commitment to achieve just outcomes for the citizens I represented, and at the same time to be fair and objective in holding industry accountable to regulators and the public at large. These efforts were recognized and led the Governor to appoint me to the Public Utilities Commission in Rhode Island, where I served as an economic and safety regulator with distinction for seven years.

During my public service career, I developed a passion for advancing safety of pipeline systems, which remains so important for the energy security and prosperity of the American people. At the beginning of my career, Rhode Island's energy infrastructure was in severe need of modernization. By working collaboratively with the state's natural gas distribution utilities, we developed a proactive plan to replace aging cast iron and leak-prone pipelines that represented a growing risk to public safety. That program later served as a model for other states across the Nation. In my leadership roles at the National Association of Regulatory Utility Commissioners, I worked steadfastly to educate and assist public utility commissioners across the country about the inherent risks of the pipeline systems entrusted to their jurisdictional stewardship, particularly with the lessons learned in the aftermath of multiple pipeline incidents such as San Bruno CA, Marshall MI, Allentown PA, and East Harlem NY. The loss of life, damage to property and the environment could have, and should have, been prevented. The impacts from these incidents are wired into my sense of duty in fulfilling the functions as Administrator, should I be confirmed by the Senate.

Ultimately, my work and passion for safety led me to Washington DC, when I was appointed to serve as Chief Counsel of PHMSA. During these years, I developed a deep understanding of PHMSA's mission, which extends beyond pipelines to the risks associated with the movement of hazardous materials across our highways, waterways, railroads, and throughout aviation. As Chief Counsel, I brought my government experience to ensure the government serves the public and the regulated industries better through vigilant protection of public safety and the environment. Our efforts also focused on improving the effectiveness and efficiency of the enforcement process across the Pipeline and Hazardous Materials Divisions, which was streamlined to resolve cases more quickly so that the government delivered the necessary level of regulatory certainty to operators and industry stakeholders. During my time at PHMSA, the agency processed over 780 enforcement cases and thereby eliminated a significant backlog of pending cases, some dating back for more than six years.

Based on my collective experience, and in particular, my leadership experience during my years as Chief Counsel of PHMSA, I believe that I possess the knowledge, competence, and trust of agency personnel, the industry, and the public at large to advance the critical mission of protecting people and the environment from the risk of hazardous materials across all modes of transportation, including pipelines.

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

Advancing the public interest and ensuring that PHMSA's operations as a government agency are effective, efficient, and transparent in carrying out its assigned legislative mandates will always be the guiding principle for executing the duties and responsibilities of the Administrator. My career has spanned the public and private sectors, as well as internationally. The leadership capabilities I have developed during the course of my career, coupled with my substantial experience as former economic regulator and executive at Ernst & Young, position me very well to lead the agency and ensure proper fiscal management and internal controls.

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

1. *Striving for Zero Incidents*—The top imperative for PHMSA leadership is to pursue an unwavering commitment to prevent the release of hazardous materials across all modes of transportation. This means more than just enforcement—it requires well written regulations; investment in research and devel-

opment of new technologies; open and direct collaboration with the public and industry stakeholders; an effective inspection program that ensures proper accountability and an advancement of regulatory certainly to pipeline operators and the regulated community; and dedication to a systemic culture of safety which is best advanced through regulatory compliance and the adoption of safety management systems by all regulated entities.

2. *Updating and Streamlining Regulations*—The need to make regulations better remains as a continuing responsibility of PHMSA. Regulations should be as succinct and clear as possible. They must also be updated to leverage new technologies and new methods that achieve equal or greater safety outcomes, and some of the time at reduced cost. The pace of technology is accelerating. The development and leveraging of new detection and mitigation tools are vital to the mission of eliminating the risk of an accident, or in the case where an accident occurs, helping to mitigate the consequences stemming from a release of hazardous materials into the environment. PHMSA must rise to the challenge of streamlining regulations and advancing the development of new technologies that provide better containment of hazardous materials.
3. *Safety and Security*: The threats to our Nation's pipeline systems are significant and likely increasing. While it has taken more than a century to construct the elaborate network of pipeline systems that power our Nation's economy and advance the American way of life, malicious actors, whether domestic or foreign, could reap destruction and chaos if they were to successfully mount an attack on pipeline infrastructure. I will work steadfastly to ensure that PHMSA meets the growing challenge of improving the safety and security of the Nation's critical infrastructure by working with industry and federal, state, and local partners to expose threats and eliminate vulnerabilities that could be exploited by bad actors.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts, such as a 401(k) or pension plan.

I participate in a defined benefit plan with the state of Rhode Island and in a defined contribution plan with the state of Rhode Island. Based on my current employer's (Ernst & Young) bonus policy, I may also be eligible for a performance-based bonus at the end of the Fiscal Year in June 2025. I will be notified of my eligibility in August 2025 and will forfeit the right to my bonus if I am no longer at Ernst & Young at the date of the bonus payout.

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

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

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

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

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

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

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

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

6. Describe any activity during the past ten years, including the names of clients represented, in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy. Not Applicable.

C. LEGAL MATTERS

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

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

Not Applicable

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

In 1989, I was falsely charged with three misdemeanors that were subsequently dismissed by a state court judge.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain. Not Applicable.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain. Not Applicable.

5. Have you ever been accused, formally or informally, of sexual assault, sexual harassment, or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain. Not Applicable.

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

Please see prior responses to Biographical Information and Qualifications: Question Nos. 7–10; 11–12; 16–18; and 21–24.

D. RELATIONSHIP WITH COMMITTEE

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

Yes, I will ensure that my office responds to such requests for information as appropriate.

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

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

PAUL J. ROBERTI

LINKEDIN.COM/IN/PAUL-ROBERTI

PROFESSIONAL EXPERIENCE

ERNST & YOUNG LLP **PROVIDENCE, RI**
MANAGING DIRECTOR, RISK CONSULTING 2024 – Present

- Management consulting services across all facets of the power and utilities industry with a focus on assisting public utilities with compliance with legislative and regulatory mandates across the power and utilities sector, with an emphasis on helping utilities advance safety, reliability and high-quality services to customers in the most cost-effective manner, including strategies to increase resilience, efficiency gains through technological transformation, and strategic electrification.

RHODE ISLAND DIVISION OF PUBLIC UTILITIES AND CARRIERS **WARWICK, RI**
CHIEF ECONOMIC AND POLICY ADVISOR 2022 – 2014

- Oversaw the development of positions and recommendations in all docketed proceedings before the Rhode Island Public Utilities Commission and the Federal Energy Regulatory Commission.
- Evaluated offshore wind solicitations; renewable energy tariffs and interconnection policies; general rate cases and Cap-X programs for electric, gas and water utilities; energy facility siting cases; advanced metering infrastructure implementation; and grid modernization investment strategies.
- Advised Administrator on regional transmission and market development proposals before NEPOOL and ISO New England, legislation, and physical and cybersecurity risks, including briefings to Governor's office and the Director of Emergency Management.

UNITED STATES DEPARTMENT OF TRANSPORTATION **WASHINGTON, D.C.**
CHIEF COUNSEL, PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMIN. 2018 – 2021

- Responsible for legal affairs of 580-member federal agency charged with safety oversight of 2.7 million miles of natural gas and hazardous liquid pipelines and over 100 LNG facilities, as well as hazardous materials moving across all modes of the transportation network throughout the United States. Direct report to the Secretary of Transportation with direct supervision of 40 lawyers and staff.
- Oversight and responsibility for 788 enforcement matters; coordination with Department of Justice on significant litigation; coordination with White House and State Department on Presidential Permits; and compliance with NEPA and CEQ regulations.
- Development of Pipeline and Surface Transportation legislative proposals to Congress, including technical assistance requests and briefings to key House and Senate Committees. High-profile public appearances, including testimony before Congress concerning rail transportation of toxic hazardous materials and the Columbia Gas pipeline incident in Merrimack Valley.

ERNST & YOUNG LLP **MEXICO CITY, MEXICO**
EXECUTIVE DIRECTOR, POWER & UTILITIES ADVISORY SERVICES 2016 – 2018

- Advised clients in the natural gas, oil, power and utilities sectors focusing on IT transformation, cybersecurity, transmission siting, emerging technology adoption, and regulatory strategy. Advised clients across North America.

RHODE ISLAND PUBLIC UTILITIES COMMISSION
COMMISSIONER

WARWICK, RI
2009 – 2016

- Senate-confirmed appointment to commission charged with regulating rates, service quality and reliability of utilities, including electric, gas, water, sewer, and telecom service providers. Assumed multiple leadership roles at NARUC to advance pipeline safety.
- Oversight of renewable energy integration policies, including approval of the nation's first offshore wind farm. Advisor to NARUC and USAID support missions to Moldova, Hungary, Georgia, Nigeria, India, Jamaica and Mexico.

RHODE ISLAND OFFICE OF ATTORNEY GENERAL
ASSISTANT ATTORNEY GENERAL & CHIEF, REGULATORY DIVISION

PROVIDENCE, RI
1992 – 2009

- Appointed Assistant Attorney General by four consecutive Attorneys General, both Democratic and Republican. Supervised team representing ratepayer and citizen interests during hundreds of proceedings involving rates, safety and environmental matters across multiple agencies at federal and state level.

SUPREME COURT OF RHODE ISLAND
LAW CLERK

PROVIDENCE, RI
1990 – 1991

- Law Clerk for Rhode Island Supreme Court Justice Donald F. Shea. Conducted research, drafted opinions, and attended oral arguments, motion sessions and conferences.

NOTABLE APPOINTMENTS

- **Vice Chairman**, New England Power Pool (End User Sector) (2021 – 2024)
- **Member**, Board of Directors, Univ. of Rhode Island Research Foundation (2022 – Present)
- **Member**, Special Legislative Commission to Study and Evaluate Rhode Island's Electric and Natural Gas Transmission and Distribution System Infrastructure (2021— Present)
- **Member**, North American Energy Standards Board Adv. Council (2013-Present)
- **Member**, U.S. Department of Energy, Electricity Advisory Committee (2013-17)
- **Member**, Board of Directors, Nat'l Assn. of Regulatory Utility Commissioners (2013-16)
- **Chairman**, NARUC Subcommittee on Pipeline Safety (2013-16)
- **Member**, Board of Directors, National Regulatory Research Institute, (2012-16)
- **Member**, Gas Technology Institute Public Interest Advisory Council (2013-16)
- **Member**, International Confederation of Energy Regulators (2015-2016)
- **Chairman**, New Mexico State Univ. — Ctr. for Public Utilities Adv. Council (2013-15)
- **Vice Chairman**, NARUC Committee on Gas (2013-14)
- **Chairman**, NARUC Pipeline Safety Task Force (2011-13)

EDUCATION

College of the Holy Cross, Worcester, MA
B.A. *Chemistry* (1987)

Suffolk University School of Law, Boston, MA
J.D. (1990) *cum laude*
Editor, Transnational Law Review

AWARDS & ACHIEVEMENTS

- **U.S. Department of Justice** — Energy & Natural Resources Award of Appreciation (2020)

- **Harvard Business School** – Executive Leadership Program (2017)
- **Terry Barnich Award** – NARUC's highest honor recognizing contributions for promoting international cooperation among utility regulators and advancement of regulation (2016)
- **Leadership Rhode Island** (Class of 2014)
- **National Institute of Trial Advocacy**, Trial Academy, Boulder, CO (1996)
- **Michigan State Univ. – Graduate School of Management** (Regulatory Studies Program) (1993)
- **Outstanding Physics Student of the Year** (Am. Ass'n of Physics Teachers (1983))
- **The American Legion** — “Boys Nation” — Washington D.C. (Class of 1982)

BAR ADMISSIONS

- Rhode Island
- Florida (retd)
- Massachusetts (retd)
- United States Court of Appeals (*Cir. D.C. & 1st*)
- United States District Court (*RI*)
- United States Supreme Court

PUBLICATIONS

The Essential Role of State Engagement in Demand Response, **HARVARD ENVIRONMENTAL LAW REVIEW FORUM**, Vol. 40, at 14 (2016)

Challenges of Aging Infrastructure, **PUBLIC UTILITIES FORTNIGHTLY** (Nov. 2015)

REFERENCES AVAILABLE UPON REQUEST

ADDENDUM TO THE QUESTIONNAIRE SUBMITTED TO THE SENATE COMMITTEE ON
COMMERCE, SCIENCE, AND TRANSPORTATION, 119TH CONGRESS BY PAUL ROBERTI.

Upon further review, I have identified additional information that is responsive to the Committee's questionnaire. They are:

In the initial submission of the questionnaire, I edited some of the questions where supplemental requests for information were not applicable to me. Please see attachment to address these revisions.

A.8—Mr. Roberti's consulting firm, Greene River Advisors LLC, is spelled "Greene" on the OGE 278e and Questionnaire, and "Green" on the Ethics Agreement. In addition, the Ethics Agreement states that the company ceased doing business in 2021, yet Mr. Roberti states he was the president from 2021 to 2024.

The dates employed by the Rhode Island Division of Public Utilities and Carriers differs between Mr. Roberti's resume and questionnaire.

Please clarify these items, and supplement as appropriate.

The Ethics Agreement has a typo, it should read Greene not Green. Pertaining to the dates employed, there is a typo on the resume, it should read 2024 and not 2014. Updated resume is attached.

A.18—We have identified a set of remarks given by Mr. Roberti which were not disclosed. Please clarify this, determine if there are other responsive materials, and provide a supplement as appropriate. See Remarks on February 14, 2016—recipient of 2015 Terry Barnich Award: <https://pubs.naruc.org/pub/9CC790D6-AB8D-3DDA-14S1-CF9A7AA3F468>

Upon my initial submission, I did not believe that the written remarks related to PHMSA or pipeline safety. I have updated the questionnaire to reflect the inclusion of these remarks,

A.19—Mr. Roberti said he had made no public statements over the last 10 years relevant to the position for which he has been nominated. We have identified the following public statements from Mr. Roberti in 2016 regarding a gas-fired power plant (<http://www.providencejournal.com/story/news/environment/2016/06/12/power-in-play-new-england-losing-generators-so-how-could-burrillville-plant-not-be-needed/17741442007/>). Please clarify this, determine if there are other responsive materials, and provide a supplement as appropriate,

Upon my initial submission, I did not believe that the cited article related to PHMSA or pipeline safety. I have updated the questionnaire to reflect the inclusion of this article.

ABA PANEL ON PERFORMANCE-BASED REGULATION

KEY POINTS:

DOT Philosophy regarding PBR:

- One critical part of this philosophy is the adoption of performance-based objectives in our rules, instead of overly-prescriptive restrictions that inhibit innovation. Overly prescriptive rules—such as rules that mandate the use of established products and methods—tend to freeze in place existing technology and prevent the deployment of new and better solutions. By setting performance-based standards for safe operations without dictating precisely how operators must meet those standards, we leave private industry free to develop new ways to innovative. And that preserves the incentives for healthy competition and for the capital markets to invest in new technology.
- 49 CFR 5.5(e): *"Regulations should be technologically neutral, and to the extent feasible, they should specify performance objectives rather than prescribing specific conduct that regulated entities must adopt."*

PHMSA Application of PBR:

- While the pipeline safety regulations can be fairly characterized as a healthy mix of performance-based regulations and prescriptive regulations, it is the very nature of pipeline systems themselves that lends itself to performance-based regulation, because every pipeline system has different characteristics including age, material type, length and diameter, internal pressure, type of product being transported, terrain and population density along pipeline routes, among other factors.

- What we don't want are prescriptive regulations that can sometimes lead to a checklist mentality. We want operators to take a holistic approach to evaluating and addressing the risk of their systems, and to consider time-dependent safety threats and interacting threats including human factors.
- *Operators are primarily responsible for safety, regulators can only provide oversight.* Operators know their systems best and the regulations need to provide some flexibility in order for them to direct compliance resources to where they will provide the most safety benefit. A regulator like PHMSA does not have the resources to be everywhere.
- *IM PBR:* The pipeline integrity management regulations are probably the best example of performance-based regulations. They require operators to periodically perform risk assessments, prioritize risks, and mitigate risks. They were layered over the more prescriptive regulations that preceded them as opposed to replacing them.
- The IM regulations require operators to: 1) Identify and consider all relevant risks; 2) Integration of those risks into the overall portfolio of risks that the operator faces to understand the magnitude and importance of each new risk and the interplay between those risks; and 3) Execution—Mitigating those risks by adjusting operational & maintenance activities and reprioritization of investment decisions.
- *PHMSA's performance-based regulatory scheme provides operators with substantial discretion and flexibility.* However, with great flexibility comes great responsibility on the part of operators. Operators must have good internal management procedures and strong corporate governance and the burden remains on operators to execute. Risks that are not properly accounted for can result in major accidents and lead to massive costs for operators.
- *Lest History Not Repeat Thyself:* Those that do so by optimizing their risk assessment and management protocols will prosper, and those that don't may bear the downside consequences for failing to mitigate or eliminating the risk of a serious accident. One only has to look at history's wake of accidents, such as Bellingham, WA; Carlsbad, NM; San Bruno, CA; Marshall, MI, Refugio State Beach, CA; or most recently Columbia Gas of MA.
- *Ultimately, Stakeholders—the public and in particular Congress must have confidence in the safety programs administered by an agency.* So while we seek to achieve our regulatory objectives through flexible, performance-based regulations, we are always cognizant bad outcomes will undermine confidence in PBR in the eyes of the public and Congress, which may ultimately usher in more prescriptive requirements.

Safety Management Systems:

- *Safety Management Systems will play a key role in the future.* The need for good corporate governance points to the need for Safety Management Systems (SMS). Operators need to consider systemic reinvestment in evaluating their long-term performance.

ENFORCEMENT:

- *Performance-based regulations can present enforcement challenges.* Enforcement has to provide appropriate outcomes that hold operators accountable for their responsibility to effectively manage pipeline assets. The process should not incentivize bad outcomes in terms of safety or impacts to the environment, like we saw in a relatively recent case where the Fifth Circuit had the opportunity to review PHMSA's discharge of enforcement obligations in the context of performance-based regulations. Clearly, however, enforcement can be challenging because there is always an element of judgment on the part of the regulator, which may not always provide the desired outcome in terms of regulatory certainty to operators.

Exxon Mobile Pegasus Pipeline Incident in Mayflower, Arkansas:

- Process-based vs. performance-based = Regulatory scheme will lose confidence if negative outcomes are justified by adherence to process rather than performance outcomes.
- Take a particular case re: Exxon Mobile's 2015 Pegasus Pipeline spill in Arkansas—Substantial evidence showing the Pegasus Pipeline was susceptible to

seam failure took a back seat to the operator's process, and the outcome of a major spill was excused under the agency's regulatory scheme.

- Admittedly there are some odd nuances in that case given that the agency had inaccurate guidance on the website that in the court's view clothed the operator's decision making process in in legitimacy.
- For instance, the Baker report's decision tree for evaluating longitudinal seam failures presupposed that the pipeline had no manufacturing defects and that operational fatigue impacts were the sole and exclusive risks to the pipeline.
- Let me offer a automobile example for comparison. If the wheel on a car falls off ten times, and the agency's guidance provides for examining lug nuts or the condition of the tire itself, would the absence of any risk on those two categories lead a reasonable human being to continue driving that car?
- But the outcome of that case from a public policy perspective might be characterized as an instance where PHMSA's performance-based regulatory scheme creates a very false sense of securing safety to the environment, perhaps an outcome best characterized by Professor Coglianese as "legitimate self delusion" on the part of regulated entities.
- And ultimately such an outcome presents the same "fig leaf" of uncertainty that underlies a prescriptive approach to standard setting—the so-called "check the box" mentality that formed the basis for moving towards performance-based regulations in the first place.
- At the end of the day, public perception matters. And the perception that regulations—regardless of whether they are performance-based or prescriptive—may not actually safeguard the safety of the public or the environment, will undoubtedly have a haunting effect on the agency's mission.

AMERICAN FOREST & PAPER ASSOCIATION
ENERGY POLICY COMMITTEE MEETING
WASHINGTON D.C.
APRIL 24, 2019

It's great to be with you here today.

I'm probably old enough to remember when people actually thought that the paper business might be seriously jeopardized by the computer age. Remember that? It was all going to be electrons and digital memory instead of paper and ink. But clearly that's not how it played out.

In fact, as I'm sure most of you know, paper production has increased by almost 25 percent in the last 20 years. And according to the Energy Information Administration, your industry now accounts for more than 5 percent of industrial energy consumption in the U.S. Paper is a much bigger business than just the stuff we put in printers and copy machines.

Incidentally, I'm a lawyer; and for good or bad, I know I bear a heavy responsibility for supporting your industry, so I appreciate your sustainability efforts that encourage recycling.

The growth in paper production has proceeded in tandem with energy efficiency—Over the same 20 year period, consumption has only increased by one percent. That's quite remarkable: Producing 25 percent more with only 1 percent more energy input is a feat that we all wish more industries could achieve.

The energy business is never far from the headlines, because energy is an unavoidable input cost for every form of economic activity. The impact to *per capita* GDP growth would be very substantial if we were all sitting around in the dark, shivering in winter and sweating in the summer.

I now have more than a year under my belt at PHMSA, but I've been shoulder-deep in the world of power, energy, and public utilities for a lot longer. Those worlds are rapidly changing these days in so many different ways, which I'd like to talk about this morning.

PHMSA's safety mission, is *"to protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives."*

PHMSA has only about 530 employees to face the challenges posed by the vast network of 2.7 million miles of regulated pipelines and the ubiquitous transit of 1.2 million hazardous materials shipments across this country every passing day.

And those challenges just seem to keep on increasing—because the strong economic picture and energy abundance we are witnessing, create a powerful combination to bring investment in energy infrastructure and economic growth.

Perhaps with the exception of my home town region in New England, more pipelines are being built to bring oil and gas resources from production to demand centers, placing greater demands on PHMSA and the industry to ensure that the design, construction and operation of those facilities are done safely and comply with Federal standards.

Technology and innovation are at heart of these developments. For the Department of Transportation and its nine modal administrations (including PHMSA), innovation is one of the pillars underpinning our mission. Of course, safety is the highest priority, but innovation, along with infrastructure and accountability, represent the other three pillars.

Let me start with *safety*. 99.9997 percent of hazardous materials make it to their intended destinations safely. But even at that rate, we experienced 285 significant incidents in 2018, which led to 8 fatalities in the pipeline sector. 90 percent of these were related to distribution systems, which is not surprising since 80 percent of the Nation's pipelines are distribution, and thus regulated by the States.

For those who have met our Administrator, Skip Elliott, you know his vision is zero incidents. Getting to zero incidents is not easy—and it relies not just on good operators deeply committed to a culture of safety, but it also requires leaning on the other three pillars—*technology and innovation; infrastructure; and accountability*.

Technology brought us the shale gas revolution which will make the United States the largest producer of oil and gas in the world, with new and expanding production techniques. The growth in production is fueling the development of liquefied natural gas export facilities, and is partly driven by the reforms we achieved with the signing of a new Memorandum of Understanding with the Federal Energy Regulatory Commission that provides for a more logical assignment of roles and responsibilities between the two agencies during the licensing process for new LNG terminals. The new approach is helping to streamline the review process, and not only brings efficiencies, but also introduces much needed regulatory certainty to applicants navigating the process. These efforts are bolstering America's status as a net exporter of LNG to more than 34 countries around the globe. And this number will continue to grow.

Our work factors directly into the Administration's most important foreign policy strategic objectives by allowing America's natural gas to be liquefied and exported to nations around the world who desperately need a more diversified and secure set of energy resources.

Our efforts are tipping the geo-political balance in favor of Eastern European nations who are trying to decrease their current dependence on imported natural gas from Russian pipelines. For Caribbean island nations, it will mean access to clean burning natural gas to power electric generation, as opposed to relying on distillate fuels from Venezuela.

The numbers involved are truly astounding. A single LNG export facility can deliver an economic impact of \$10 billion or more per year, and strong demand from the Asia-Pacific region looks to likely drive those numbers even higher over time.

New technologies promise to accelerate change even more, such as autonomous vehicles, drones, and magnetic levitation hyperloop trains. It paints a dramatic picture of change and opportunity, and it is coming at us fast.

At PHMSA and across DOT, we are making strong efforts to refine our vision by incorporating new technologies into regulation, like the recent plastics rule that will bring superior pipeline products all the while reducing construction costs.

We are combing through all the regulations to update and remove outdated ones that have not kept pace with technological advancements. But we will make no move unless we are convinced by clear and convincing data that our efforts will not compromise safety—the first and foremost pillar underpinning our mission.

But none of it can happen without the second pillar—*infrastructure and investment*. Investment in basic infrastructure that is less susceptible to the pace of technology, must occur—like roads and bridges—and of course pipelines, which may have been manufactured from materials that are now deemed high risk.

You all know what I'm talking about—cast iron and bare steel distribution systems. Great progress has been made—cast iron infrastructure has declined by almost half in the past decade, and 20 or more States have eliminated it all together.

That cause, crystallized by the tragic incidents in San Bruno, CA (2010), Allentown, PA (2011) and East Harlem, NY (2012), ultimately brought me to Washington DC, with a slight (2 year) detour south of the border from here—Mexico. These accidents make it clear that investment must be systematic—with operators gathering essential data and making compelling presentations to economic regulators on the one hand; and regulators making the courageous decisions to increase utility rates to recover those costs, on the other hand.

That's the heart of the regulatory compact that still remains the envy of the world—it brings regulatory certainty, confidence to the financial community, and ultimately guarantees affordable, reliable utility services to the American public. Maintaining the highest level of safety—and getting as close as possible to a “zero-incident” vision—is a small additional price to pay.

That brings me to last pillar—*Accountability*.

Much of the current regulatory construct depends upon the industry to continuously assess the integrity of their pipeline systems; to identify risk; and ultimately to prioritize investments that guarantee operation of safe and secure systems. The same is true for the power sector.

The safety regulatory construct under Federal law provides great flexibility to the industry. But let me say this: With great flexibility comes great responsibility. Today's technologies of inline inspection capabilities are providing operators with better tools to evaluate integrity—but the enforcement cases crossing my desk demonstrate that those technologies still have a long way to go. They are not perfect, which is why PHMSA spends millions of dollars each year in research and development initiatives with universities.

Integrity management protocols are not a generic binder to be housed on a shelf. They are a living document that chronicles the life of the asset until it is either retired or replaced. Operators have to be held accountable for what they do—or don't do—with integrity management.

There's simply no alternative, since for the Nation's energy infrastructure to grow and meet our domestic and global strategic needs, the public will demand the highest level of safety and protection of the environment, as we know from reading about the growing opposition to pipeline projects across the country.

The Nexus between Safety and Security

I want to close on a subject that was recently the topic of a technical conference at FERC—the security of our Nation's energy delivery infrastructure. PHMSA's mission may be safety, but you can never really separate safety from security. I think the TSA Administrator, David Pekoske, said it best at FERC two weeks ago—“safety and security are two sides of the same coin.”

Security has two components: Physical and cyber threats characterized by the actions of bad actors; with the second component being reliability as measured by supply and delivery capabilities, and of course planning for system contingencies.

Earlier this year, the Director of National Intelligence released the Worldwide Threat Assessment, and what was notable was the growing emphasis on identified threats from China. China now has the capability to launch cyber-attacks that could cause disruptive effects on critical infrastructure—“*such as disruption of a natural gas pipeline for days to weeks*”—in the United States.”

Aside from this risk, on the reliability side, there were a number of recent incidents on pipeline systems in Minnesota, Michigan and my home state of Rhode Island where more than 6,000 customers lost gas service on a cold January day just a few months ago.

Those incidents are drawing attention to the fact that system resiliency is being stretched thin in some parts of the country. Demand for natural gas is growing both for heating and power generation; utilization on some systems is maxed out; and in some cases, there were few or no contingencies for maintaining gas supply to customers.

There's simply no reason for not having adequate pipeline capacity to meet the forecasted demands on the system. That goes equally for the need to plan for operational contingencies in the same manner we do for the electric transmission system. And there's no excuse for not connecting new customers who desire natural gas service in States like New York and Massachusetts, where local utilities have been forced to enact moratoriums on new connections.

But when you marry the conventional reliability risk to the physical and cyber security components, we undoubtedly find ourselves in a very precarious position, particularly in light of the clear and growing interdependency between the gas and electric sectors. Given the current threat assessment, we clearly need to plan for what we are going to do in the event systems go down due to the malevolent acts of third parties, something that goes far beyond our current efforts of establishing information sharing platforms.

So, safety and security go hand in hand, and the consequences can often be the same. You've probably heard me ask this before—what do the San Bruno, CA pipeline tragedy and Midwest Black-Out (2003) have in common? Besides both being avoidable, they both resulted in eight fatalities.

Those tragic incidents could pale in comparison to what could happen if we experienced a well-coordinated cyber-attack on pipeline systems. So, let's be ready; let's continue to work together; and let's make the necessary investments now.

Thank you again for the opportunity to speak today. I'm happy to answer any questions.

Recently, a lot of headlines have been about the so-called Green New Deal, which was a proposal put together by Representative Alexandria Ocasio-Cortez and Senator Ed Markey. It wasn't quite ready for prime-time, and when Senate Majority Leader Mitch McConnell put it to a vote in the upper chamber, it failed to receive a single Yes vote.

That proposal was, even according to its authors, meant to be "aspirational." But at PHMSA, we are thinking always about the future of energy in America, and we know that the future is happening right now, coming at us one second, minute, hour, and day at a time. Dealing with that, planning for it, making sure it happens safely, equitably, and profitably is not really about ASPIRATION; it is about INSPIRATION and PERSPIRATION, about strategic thought and good old-fashioned hard work.

I'd like to update you all today on what issues we are thinking about at PHMSA that might impact your business, and how we're working to keep America's energy sector safe and efficient. As a regulatory agency, PHMSA is striving to adapt to a rapidly changing landscape in the industries we regulate.

First, there is the re-emergence of the United States as a global leader in energy production. Someday soon, this Nation will be a net energy exporter for the first time in almost 70 years. Much of that is driven by new technologies in gas and oil production—and the since the P in our name stands for Pipelines, PHMSA is very much part of that picture. The 2.8 million miles of pipelines that we regulate underpin the entire domestic energy picture—and soon they will also need to support a growing export market, all while maintaining the highest possible standards of safety. We are working hard to adapt to that development.

The PHMSA adaptation story is not only about greater production and transporting products to markets through more pipelines and export facilities. The pipeline system is also being asked to do more today than in the past, because of the rise power plants fired by Liquid Natural Gas.

Keeping these plants supplied is causing an unprecedented integration of the pipeline system with the power grid—which in turn gives rise to a whole new set of regulatory issues related to reliability, redundancy, and points of potential vulnerability to threats ranging from severe weather events to deliberated physical or cyber-based attacks.

Before coming to PHMSA a little over a year ago, my background was largely focused on the power grid. [INSERT HERE BRIEF SYNOPSIS OF THAT BACKGROUND]

I mentioned that the pipeline grid is becoming more integrated with that power grid—and that is something that I spend some time thinking about, because I believe that LNG still has a room to grow considerably as a source of electric power, which will affect every power-intensive industry in many ways, some a lot more predictable than others.

At PHMSA, we are preparing for those changes in the landscape of what we regulate. We recently signed an MOU with the Federal Energy Regulatory Commission designed to streamline and expedite processes for licensing and approval of LNG facilities. Under that agreement, PHMSA will certify that planned facilities will meet operational safety requirements. The idea is that we can, by providing that technical expertise, assist the FERC in these endeavors—because we have reached the point where approval of such facilities is often the limiting factor in using LNG to make meeting our energy needs safer, more reliable, more efficient, and less expensive.

The impact to your business of such developments is likely to be complicated. LNG has advantages over other forms of energy production. It is cleaner than coal or oil, and also safer to transport. It is more reliable than wind or solar, which only produce when sun shines and wind blows—and battery technology is still too cumbersome for these production methods to be without backup systems.

The prospects for increased production of LNG, with modern techniques, is good; but as infrastructure to support that gets built out, there is likely to be more competition for supply. How those dynamics shake out in terms of price is difficult to predict; but it is likely that a new equilibrium on that question could take some time to reach.

As LNG integrates more into the power grid, PHMSA has to think differently to assess and mitigate risks that attend that. We are addressing new questions that the integration points up:

- Where are the risk inflection points? (Bottlenecks) If a certain section of pipe supplies a power station on which a large population depends, failure in that section has more risk that might require different safety protocols. In addition to risk of accident, these risks include deliberate sabotage by terrorists or other bad actors. Strategies for mitigating this risk might include hardening of the assets, or installation of redundant pipeline routes through which supply could be quickly diverted.
- Who might pose an active, deliberate threat? Assessing the threat of deliberate attack begins with an idea of what individuals or organizations might undertake such a plan, and how they might conceive of sabotage if they did.
- How much information is available to potential bad actors? Protecting against deliberate attack is very different from guarding against accidental system failure. For example, PHMSA has long encouraged Voluntary Information Sharing strategies, on the theory that more information known by more people committed to safety will ALWAYS be better. But when considering deliberate attack, every piece of information shared must be assessed for the danger of it falling into the wrong hands. Wider sharing of information inherently undermines operational security regarding potential vulnerabilities.

PHMSA's mission is to protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives. LNG is becoming more essential to daily life, and so our thinking about the infrastructure that gets it safely to market must evolve.

So I'm looking forward to enjoying some questions and answers, and to learning more from all of you here about the paper business and its exposure to energy markets, and also to other things that PHMSA regulates, such as paper-based products that are used for packaging various types of hazardous materials for transport. Thanks again for the opportunity to be here today.

In a time of rapid growth and change, Safety is about Imagination

EIA (source)—yellow highlight [Paragraphs below are highlighted in yellow]

The pulp, paper and printing sector accounted for 5.6 percent of industrial energy consumption in 2014. Though its share of industrial energy use has been in decline since 2000, the sector continues to be among the top industrial energy consumers, and can play an important role in the transition to a low-carbon energy system.

Despite production growth, the sector's energy use must decline by 0.8 percent and direct non-biomass CO₂ emissions by 17 percent by 2025 from 2014 levels to meet the 2DS.

Recent trends

Annual production of paper and paperboard has increased by 23 percent since 2000 (FAO, 2016), with growth in demand for household and sanitary papers due to rising populations and incomes, and rising packaging material needs for shipping of consumer goods. These trends have offset reduced demand for printing and writing papers in an increasingly digital age. The share of wood pulp in paper production has decreased over time, from 52 percent in 2000 to 43 percent in 2014 (FAO, 2016), as rates of waste paper recovery and recycling continue to improve.

Fossil fuels, which are primarily used for onsite utilities, accounted for 42 percent of total energy consumption in 2014. Decarbonising these utilities by switching to lower-carbon fuels could have an important impact.

Pulp and paper production has a high share of biomass in its energy consumption, due to the use of by-products. For each tonne of kraft process pulp,³ an estimated 19 gigajoules (GJ) of black liquor is produced, which can be used for steam and electricity generation. Sawdust, wood chips and other wood residues (called "hog fuel") are also generally burned on site. An estimated 0.7 GJ to 3.0 GJ of hog fuel is produced per tonne of wood pulp.

Tracking progress

The sector's energy use has grown only 1 percent since 2000, despite a 23 percent increase in paper and paperboard production, which points to a decoupling of growth in energy use and production. However, structural effects, such as shifts in product mix or regions of production, can also influence energy use, and data quality issues make it difficult to draw concrete conclusions about the energy intensity trends.

Recovery and recycling of waste paper have steadily been increasing. The utilisation of recovered paper in the total fibre furnish grew to 55.3 percent in 2014, up from 44.3 percent in 2000 and 33.9 percent in 1990. This trend is envisioned to continue, growing to 57.6 percent in the 2DS by 2025.

Research on innovative processes for pulp and paper manufacturing has continued to identify opportunities for decarbonisation. The Confederation of European Paper Industries (CEPI), for example, led an initiative called the Two Team Project, which brought together researchers to identify the most promising breakthrough technologies for decarbonisation, in an example of collaborative and open R&D. New concepts identified through this project will require additional research and funding to bring to scale.

Tracking of energy efficiency improvements in pulp and paper manufacturing is difficult, because publicly available data on production, capacity and energy use are limited. Additionally, some countries do not report biomass use for the pulp and paper sector, which makes it difficult to get an accurate picture of the sector's energy needs.

Recommended actions

Through 2025, the sector should continue to focus on improving energy efficiency, moving towards BAT-level performance and increased recycling, while also supporting R&D efforts to develop future processes and technologies.

In the longer term, the sector can also contribute to sustainable energy supply, for example, by feeding excess heat and electricity into the grid. The concept of pulp mills as integrated bio-refineries that produce low-carbon energy commodities, including biofuels for transport, from black liquor alongside their pulping activities is gaining traction, and several pilot projects are under way. The sector also has the opportunity to contribute some negative emissions by capturing biogenic CO₂ emissions. Similarly, new applications for pulp and paper products may contribute to product life-cycle CO₂ emissions reductions, for example, through improved packaging or fibre-based textiles. Private- and public-sector stakeholders should collaborate to ensure the necessary framework of incentives is put in place to encourage such strategic and systemic thinking.

Source: “Green America’s Better Paper Project”—green highlight [Paragraphs below are highlighted in green]

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“Pipeline Safety Developments and Regulatory Challenges at the State, Regional and National Level”

October 7, 2014

*Paul Roberti, Commissioner
Rhode Island Public Utilities Commission
Chairman, NARUC Subcommittee on Pipeline Safety*

Overview of Presentation

- Rhode Island Pipeline Replacement Program
- New England Pipeline Safety Statistics
- National Developments
 - NARUC Initiatives
 - Fugitive Methane Emissions
- Economic Implications
 - Infrastructure Adequacy
 - Electricity Price Volatility

2

Rhode Island's Pipeline Safety Program



3

Prominent Features of Rhode Island's Capital Expense Tariff Rider

- Accelerated Replacement Program (ARP)
 - ARP began as part of a 2008 Rate Case Settlement over the 2 year period, funded replacement of 70 miles of Leak Prone Pipe and 4,391 Bare Steel, high pressure services.
- Infrastructure Safety and Reliability Plan (ISR)
 - Replaced existing ARP and legislatively mandated 5 year strategic plan.
 - The plan funds both replacement of leak prone mains and bare steel, high pressure services. The plan also includes funds for system reliability, mandated programs and special projects
 - The plan is expected to annually fund replacement of approximately 50 miles of Leak Prone Pipe and 2,125 Bare Steel, high-pressure inside services.
 - Implementation of a fully reconciling rate mechanism designed to recover actual and anticipated capital investments as reflected in the approved ISR spending plan.

4

National Grid Rhode Island: Forecast and 5-Year Plan

Note: This table was taken from our FY15 ISR Plan approved by the PUC at its Open Meeting on 3/27.

Gas ISR Spending Forecast (000's)								
Investment Categories	FY13 Actual	FY14 Budget	FY15	FY16	FY17	FY18	FY19	FY15 to FY19 TOTAL
Main Replacement Program (1)	\$32,120	\$33,362	\$36,500	\$39,991	\$43,705	\$44,579	\$45,471	\$210,246
Service Replacement Program (2)	\$3,740	\$3,100	\$1,500	\$0	\$0	\$0	\$0	\$1,500
Sub-total	\$35,860	\$36,462	\$38,000	\$39,991	\$43,705	\$44,579	\$45,471	\$211,746
Public Works	\$3,730	\$1,821	\$3,857	\$3,857	\$3,857	\$3,857	\$3,857	\$19,285
Reactive Main Replacement	\$250	\$500	\$200	\$200	\$200	\$200	\$200	\$1,000
Mandated Program	\$11,800	\$13,522	\$14,140	\$14,413	\$14,623	\$14,838	\$15,056	\$73,070
Reliability	\$7,960	\$8,987	\$10,424	\$9,680	\$9,424	\$10,816	\$10,824	\$51,168
Special Projects	\$0	\$4,000	\$4,675	\$0	\$0	\$0	\$0	\$4,675
Sub-total	\$23,740	\$28,830	\$33,296	\$33,296	\$28,150	\$29,711	\$29,937	\$149,198
Capital Total (excluding Growth)			\$71,296	\$68,141	\$71,809	\$74,290	\$75,408	\$360,944
O&M Total	N/A	N/A	\$400	\$400	\$400	\$400	\$400	\$2,000
GAS ISR TOTAL	\$59,600	\$65,292	\$71,696	\$68,541	\$72,209	\$74,690	\$75,808	\$362,944
(1) Main Replacement mileage increases annually (from 53 miles in FY15 to 60 miles in FY17 and beyond) (2) Service Replacement Program is projected to conclude in FY15								

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Rhode Island FY 2014 Capital investment In Safety -- \$65 million

- **Major Initiatives**

- ◆ Proactive replacement of leak prone pipe (56.6 miles)
- ◆ Cathodic protection of steel mains (10 miles)
- ◆ Replacement of 1,100 Bare Steel, HP Services with Inside Meter Sets
- ◆ Replacement of meters
- ◆ Repair of leaking gas services and cast iron joint encapsulation
- ◆ Service relocations, meter protection, service abandonments and curb valve installation

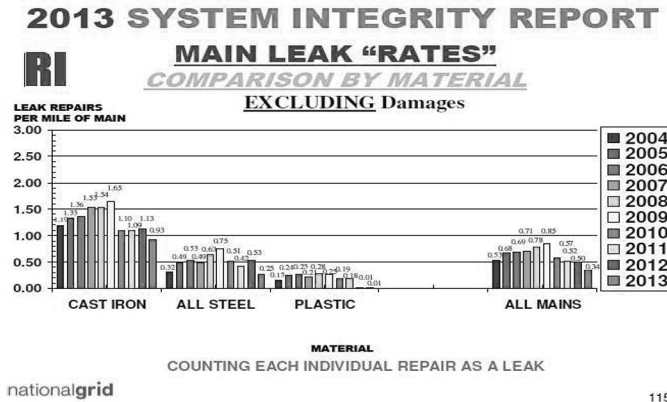
6

MILES OF MAIN REPLACED –ANNUALLY

	Accelerated Replacement Plan (ARP)			Infrastructure, Safety and Reliability Plan (ISR)			
	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015 (forecast)
Main Replacement Program	11	26	39	41.7	50.9	52.5	53
Public Works Program*	-	-	-	-	3.6	4.1	7
Total Miles Installed	11	26	39	41.7	54.5	56.6	60

* Public Works not tracked separately for the ARP

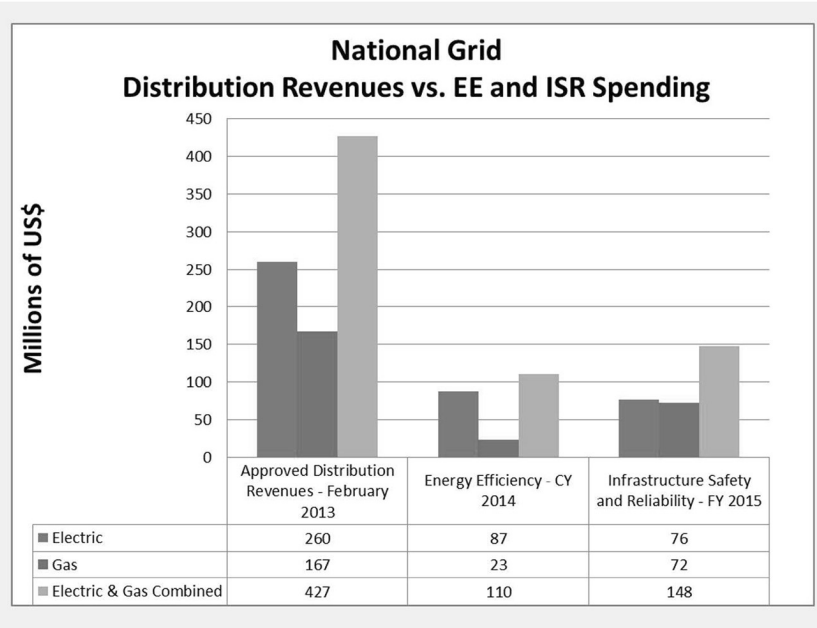
RHODE ISLAND GAS MAIN LEAK “RATES”
Calendar Year 2013
COMPARISON BY MATERIAL (Excluding Damages)



Annual Bill Impacts Are Relatively Modest

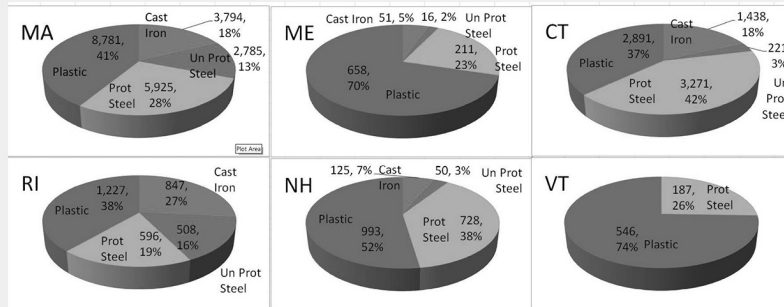
Rate Class	Annual Average Use (Therms)	ISR Rate Change Impact* (\$)	ISR Rate Change Impact (%)
Res-NH	214	\$0.99	0.2%
Res-NH-LI	214	\$0.99	0.3%
Res-H	846	\$2.09	0.2%
Res-H-LI	846	\$2.09	0.2%
Small	1,352	\$3.33	0.2%
Medium	12,217	\$22.67	0.2%
Large LL	63,179	\$91.20	0.2%
Large HL	77,558	\$143.93	0.2%
XL-LL	268,243	\$138.28	0.1%
XL-HL	688,340	\$354.80	0.1%

*Impact includes RI Gross Earnings Tax



New England Pipeline Safety Statistics

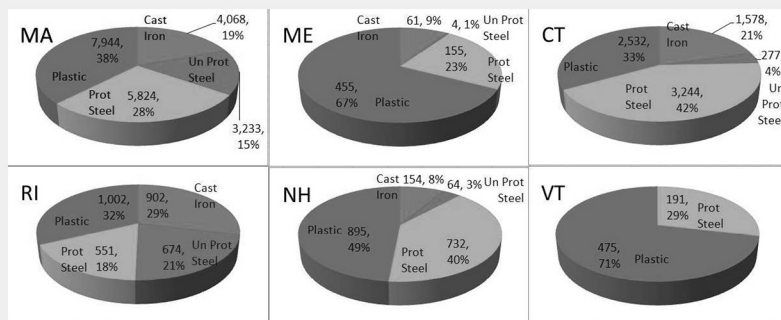
Amount of Leak Prone Pipe (Mains) in New England



MA has more than 6,300 miles of leak prone main (30%)
 CT has more than 1,600 miles of leak prone main (21%)
 RI has more than 1,300 miles of leak prone main (42%)
 NH has more than 170 miles of leak prone main (9%)
 ME has more than 60 miles of leak prone main (7%)

**2014
DATA**

Amount of Leak Prone Pipe (Mains) in New England



MA has more than 7,300 miles of leak prone main (34%)
 CT has more than 1,750 miles of leak prone main (25%)
 RI has more than 1,500 miles of leak prone main (50%)
 NH has more than 200 miles of leak prone main (11%)
 ME has more than 60 miles of leak prone main (10%)

**2009
DATA**

Positive Trends in New England

	2009 (Base)	2012	2013	2012 Increase/ Decrease	2013 Increase/ Decrease
Overall Infrastructure is Increasing					
% Increase in Dist Pipelines New England (Miles)	58,972	60,281	61,514	2.2%	4.3%
% Increase in Gas Mains New England (Miles)	35,015	35,593	35,948	1.6%	2.7%
% Increase in Gas Services New England (Miles)	23,957	24,689	25,565	3.1%	6.7%
Aged Infrastructure is Decreasing					
% Decrease in Cast Iron Gas Mains New England (Miles)	6,763	6,338	6,153	-6.3%	-9.0%
% Decrease in Bare Steel & Unprotected Steel Mains (Miles)	4,252	3,626	3,484	-14.7%	-18.1%
% Decrease in Bare Steel & Unprotected Steel Services (Miles)	5,107	4,516	4,454	-11.6%	-12.8%

4 year period 2009 to 2013

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Leak Prone Pipe Statistics in New England – as of Jan 2014

	2009 (Base)	2012	2013	2012 Increase/ Decrease	2013 Increase/ Decrease
Biggest Decreases in Aged Infrastructure Mains					
CT	1,855	1,716	1,659	-7.5%	-10.5%
MA	7,301	6,579	6,381	-9.9%	-12.6%
RI	1,576	1,409	1,355	-10.6%	-14.0%
NH	218	189	174	-13.3%	-20.0%
ME	65	72	67	10.9%	3.7%
VT	0	0	0	0%	0%
Biggest Decreases in Aged Infrastructure Services					
CT	1,008	872	891	-13.5%	-11.7%
MA	3,178	2,865	2,814	-9.8%	-11.5%
RI	808	673	648	-16.7%	-19.8%
NH	125	118	114	-5.9%	-9.0%
ME	9	7	6	-17.8%	-35.6%
VT	0	0	0	0.0%	0.0%

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2013 New England Gas Pipeline Infrastructure (Miles)							
	TRANS	INTER	INTRA	STATE INSPECTION	DIST	MAIN	
CT	584	582	2		584	13,002	7,631
MA	1,105	1,082	23		23	35,394	21,069
RI	95	95	0		0	5,547	3,129
NH	260	231	24		24	2,927	1,845
VT	71	1	70		70	1,185	666
ME	430	419	11		11	917	675
	2,545	2,410	130		712	58,972	35,015

2013 New England Gas Pipeline Infrastructure (Miles)							
	DIST	CAST MAIN	IRON MAIN	UNPROTECTED STEEL MAIN	PROTECTED STEEL MAIN	PLASTIC MAIN	
CT	13,957	7,822	1,438		221	3,271	2,891
MA	36,225	21,382	3,692		2,689	5,904	9,097
RI	5,593	3,178	847		508	596	1,227

Gas Distribution Cast/Wrought Iron Pipelines

GASPIPE-10/5/2014

Portal - Data as of 10/5/2014

Notes:

- Sort any column by hovering over the column header, then selecting sort order.

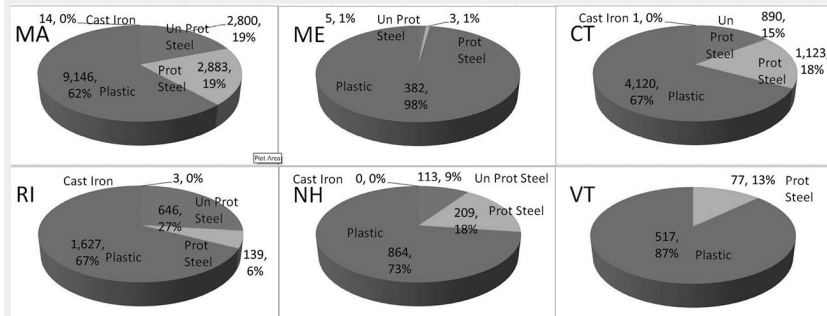
Year: 2013

State	Miles Main	% of Total Main Miles	Service Count	% of Total Service Count
NEW JERSEY	4,881	14.1%	0	0.0%
NEW YORK	4,354	13.0%	7,708	0.1%
MASSACHUSETTS	3,691	11.3%	1,583	0.1%
PENNSYLVANIA	3,115	9.5%	40	0.0%
MICHIGAN	3,011	9.3%	17	0.0%
ILLINOIS	1,645	5.0%	74	0.0%
CONNECTICUT	1,416	4.3%	37	0.0%
MARYLAND	1,378	4.2%	0	0.0%
ALABAMA	1,288	3.9%	366	0.0%
MISSOURI	1,071	3.3%	0	0.0%
RHODE ISLAND	831	2.6%	185	0.1%
TEXAS	822	2.5%	0	0.0%
OHIO	570	1.7%	53	0.0%
NEBRASKA	452	1.4%	0	0.0%
DISTRICT OF COLUMBIA	414	1.3%	0	0.0%
LOUISIANA	408	1.3%	666	0.1%
VIRGINIA	333	1.0%	78	0.0%
INDIANA	275	0.8%	0	0.0%
FLORIDA	211	0.6%	0	0.0%
NEW HAMPSHIRE	125	0.4%	38	0.0%
TENNESSEE	118	0.4%	0	0.0%
ARKANSAS	109	0.3%	0	0.0%
DELAWARE	86	0.3%	0	0.0%
KENTUCKY	86	0.3%	1,719	0.1%
KANSAS	86	0.3%	0	0.0%
MAINE	51	0.2%	47	0.0%
MISSISSIPPI	49	0.2%	1	0.0%
MINNESOTA	29	0.1%	0	0.0%
CALIFORNIA	29	0.0%	0	0.0%
COLORADO	14	0.0%	0	0.0%
WEST VIRGINIA	14	0.1%	30	0.0%
SOUTH DAKOTA	9	0.0%	0	0.0%
IOWA	7	0.0%	7	0.0%
GEORGIA	5	0.0%	0	0.0%
WASHINGTON	3	0.0%	0	0.0%

It's Not Just Aging Mains...

- NE Regulators realize Leak Prone Piping Programs must also address the smaller **Service** piping
- **Leak Prone Services** constitute an additional **32%** of Leak Prone Piping in NE
- **Leak Prone Services** are equally important as a result of closer proximity to people and property
- **Leak Prone Services** have thinner walls
- **Leak Prone Services** have less cover and more susceptible to 3rd party excavation Damage

Amount of Leak Prone Pipe (Services) in New England



MA has more than 2,800 miles of leak prone service (19%)

CT has more than 890 miles of leak prone service (14%)

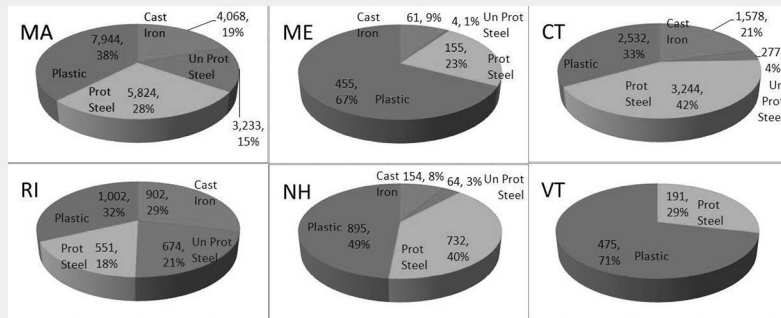
RI has more than 640 miles of leak prone service (27%)

NH has more than 110 miles of leak prone service (9%)

ME has more than 5 miles of leak prone service (1%)

**2014
DATA**

Amount of Leak Prone Pipe (Service) in New England



MA has more than 3,100 miles of leak prone service (22%)

CT has more than 1,000 miles of leak prone service (19%)

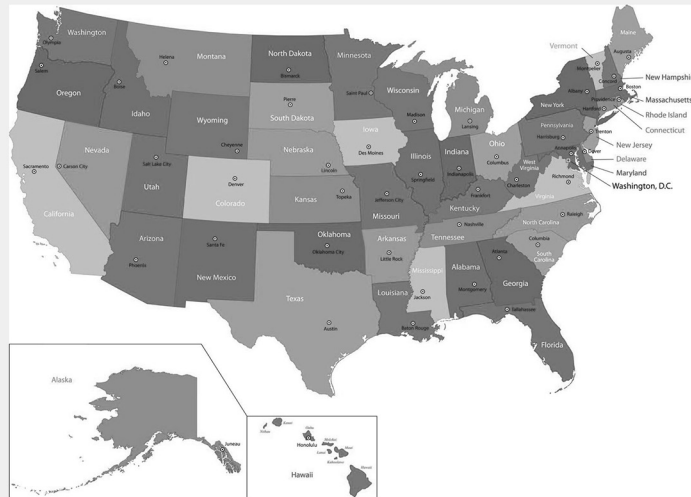
RI has more than 800 miles of leak prone service (33%)

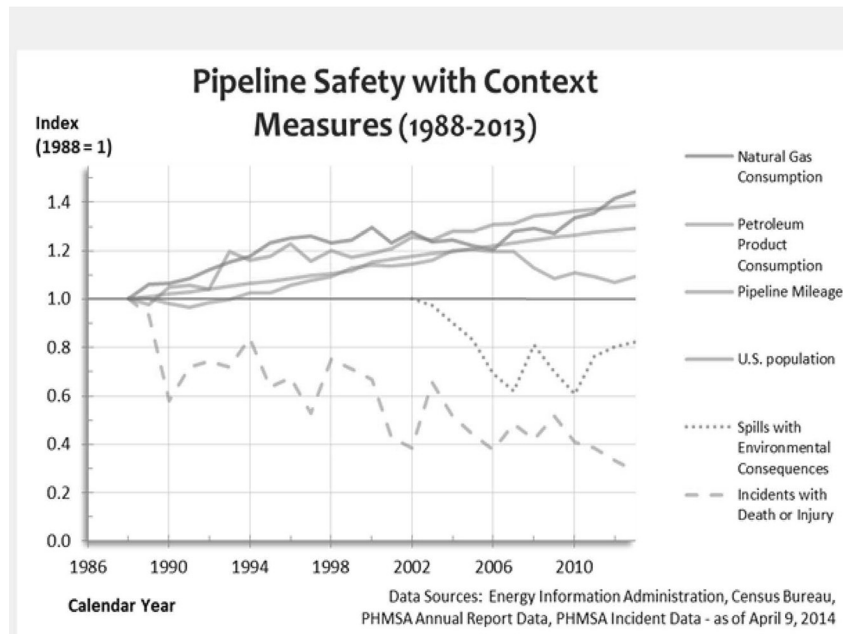
NH has more than 120 miles of leak prone service (12%)

ME has more than 9 miles of leak prone service (3%)

**2009
DATA**

NATIONAL DEVELOPMENTS





San Bruno, CA 2010



Allentown, PA 2011

“In 2010, there were 34 serious pipeline incidents in which 19 people were killed, 104 were injured. In 2011, another 12 people were killed and 55 injured in 34 serious pipeline incidents. Overall, the number of serious incidents has declined since 1992, but the consequences when something does go wrong are far too large to fail to improve pipeline safety.”

Assessment of National Transportation Safety Board



- 2011: NARUC establishes Pipeline Safety Task Force after San Bruno, CA and Allentown, PA incidents (13 fatalities)
- April 2013: Task Force converted into permanent Subcommittee on Pipeline Safety
- Congress Enacts Pipeline Safety, Regulatory Certainty and Job Creation Act of 2011
- PHMSA issues “Report to America” and NOPRs
- Close coordination between NAPSRC and NARUC
- Efforts include education, technology, surveys and close coordination with PHMSA

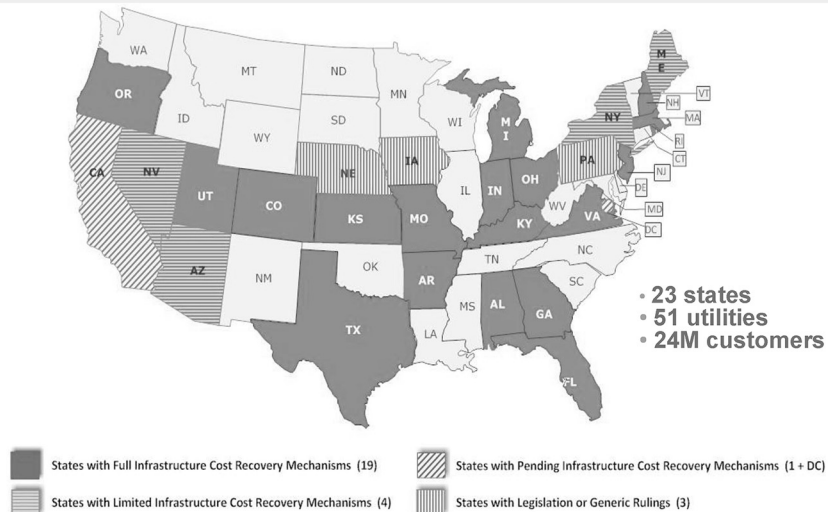
24

CAST IRON REMAINS ON PHMSA’S “WATCH LIST”

- **10.5 percent** of the incidents occurring on gas distribution mains involved cast iron mains. However, **only 2.5 percent** of distribution mains are cast iron.
- In proportion to overall cast iron main mileage, the frequency of incidents on mains made of cast iron is more than **four times that of** mains made of other materials.
- **38 percent** of the cast/wrought iron main incidents caused a fatality or injury, compared to only 20 percent of the incidents on other types of mains.
- **12 percent of all fatalities** and **8 percent of all injuries** on gas distribution facilities involved cast or wrought iron pipelines

Source: USDOT PHMSA

STATES WITH INFRASTRUCTURE COST RECOVERY (As of September 2012)



Public Policy Value of Cap-X Tracker

- Eliminates Utility-borne Risk of Delayed Cost Recovery of Incremental Capital Investments during Post-Rate Case Periods
- Promotes Opportunities for coordination with State highway and local road projects, sewer upgrades and emergency repairs, etc. that are both economic and logistically convenient
- Mitigates the need for large rate increases by spreading cost of infrastructure upgrades along broader timeframe
- Consistent with good ratemaking principles of promoting rate stability and inter-generational equity by eliminating boom/bust investment cycles
- Provides regulators with consistent, periodic review of system conditions and capital requirements of distribution system
- Most importantly, advances **PUBLIC SAFETY** by encouraging systematic replacement of high-risk facilities

Pipeline Safety of Aging Pipelines is not just about Trackers *(there are other tools)*

- **All six** NE states have aggressive and well established underground damage prevention programs and have damages less than 2 hits per 1000 locates (**CT, NH and ME** are at 1 hit per 1000)
- **RI, NH, CT and ME** have specific emergency response standards that need to be met and reported (1 hour and less)
- **NH** limits Cast Iron pressures to 0.25 psig, (PHMSA allows up to 20 psig).
- **CT, ME, NH and MA** have additional leak surveys required for Public Buildings of Assembly
- **CT, MA and NH** have additional winter leak survey patrols required for cast iron during periods where frost is present

Source: Compendium of State Pipeline Safety Requirements & Initiatives Providing Increased Public Safety Levels compared to Code of Federal Regulations Sept 2013



Methane Emissions Reductions Strategies Capstone Roundtable July, 29, 2014

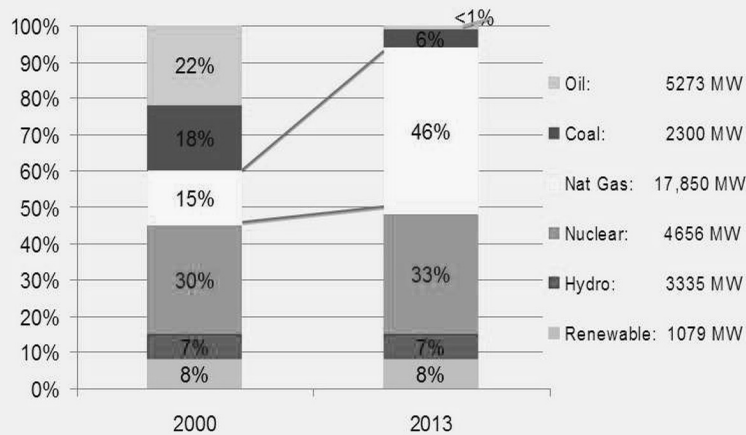
Announced the formation of a technical partnership between DOE and NARUC to enable investments in infrastructure modernization and repairs to natural gas distribution networks. Partnership will provide funding for research and technical workshops to bring together PHMSA and other federal agencies to help establish leak measurement protocols, to identify new technologies and cost-effective practices for enhancing pipeline safety, efficiency and deliverability.

Natural Gas Will Continue to Be a Growing Force in our Nation's Energy Future

- Unconventional Natural Gas Exploration Via Hydraulic Fracturing (Shale Gas) Continues to Expand Low-Cost, Domestic Gas Production
 - Emissions Profile, Coupled with Implementation of new EPA Regulations, Will Increase Market Penetration of Gas-fired Electric Generation
 - EPA's Clean Power Plan – Building Block 2 (70 % utilization rate of gas-fired generators)
 - Natural Gas-fired Units Provide:
 - Quick-Start Resource Capabilities to meet Peak Electric Demand Periods
 - Synergistic support for intermittent renewable sources of energy
 - Numerous Pipeline Additions Completed or Underway to Move Shale Gas to Markets
 - Growing Economic and Environmental Basis for Greater Penetration of Gas
 - Convert heating customers from Oil to Gas
 - Conversion to CNG for large commercial fleets
 - Deployment of CHP technologies
- **Greater Pressure on Pipeline Operators and Regulators to Evaluate the Integrity of all System Components**

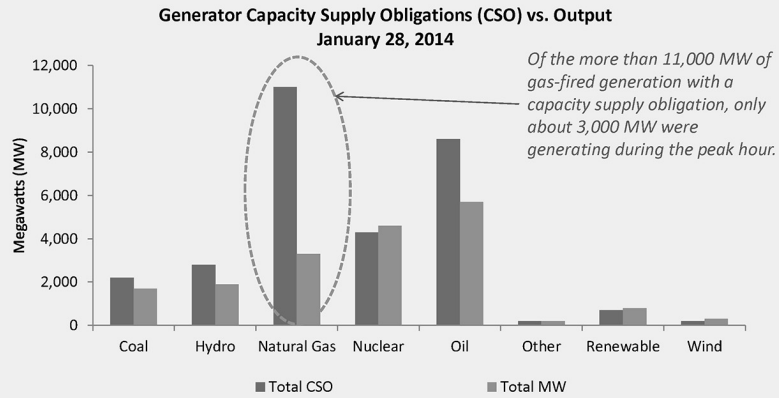
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New England Electricity Production: 2000-2013



Source: ISO New England

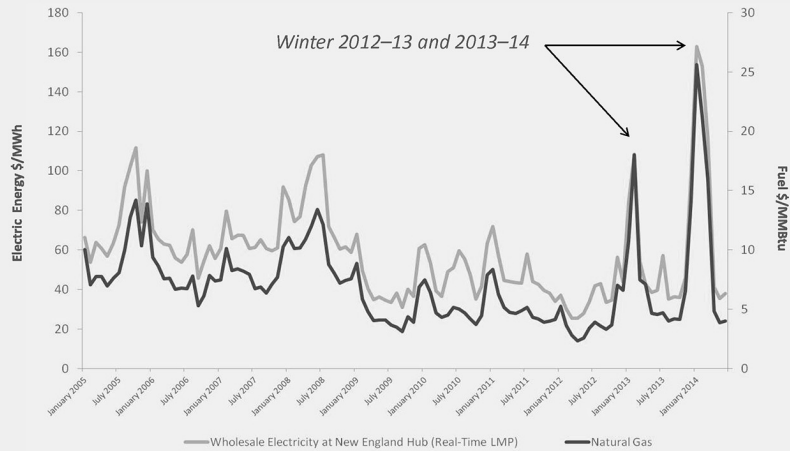
Current Pipeline Infrastructure Is Inadequate to Serve Region's Natural Gas-fired Generation



Source: ISO New England

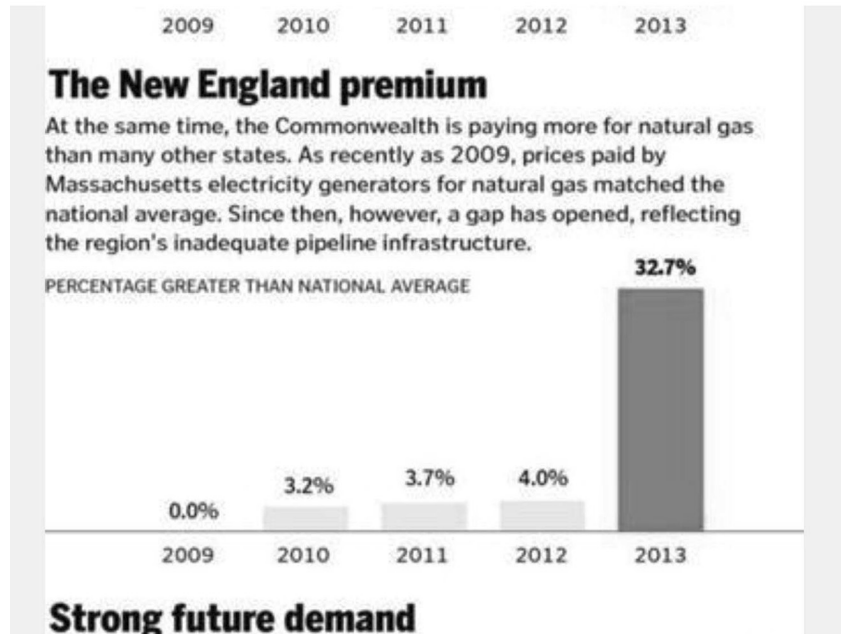
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High Gas Prices Drove Wholesale Electricity Prices to Record Levels over the Past Two Winters

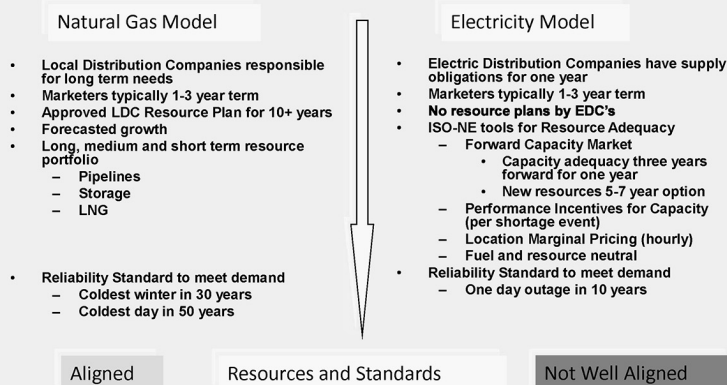


Source: ISO New England

33

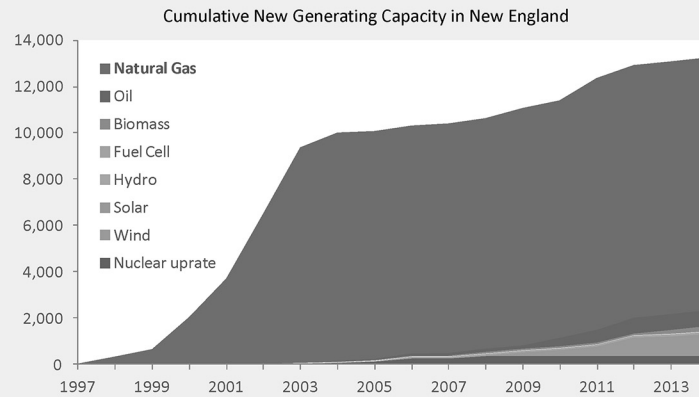


Infrastructure Planning: Gas vs Electricity in New England's Competitive Retail Markets



Courtesy of James Daly, Northeast Utilities

Region Has Not Developed Gas Infrastructure to Keep Pace With Growth of Gas-fired Generation

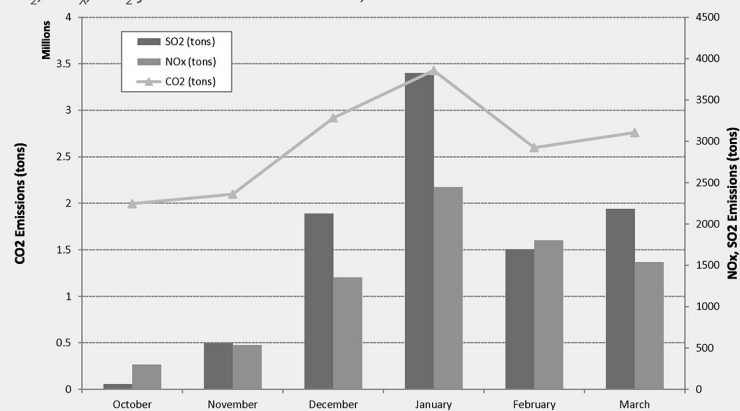


Source: ISO New England

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Last Winter's Pipeline Constraints Resulted in a Shift to Coal and Oil Resources and Higher Emissions

SO_2 , NO_x , CO_2 from Power Generation, Winter 2013–2014



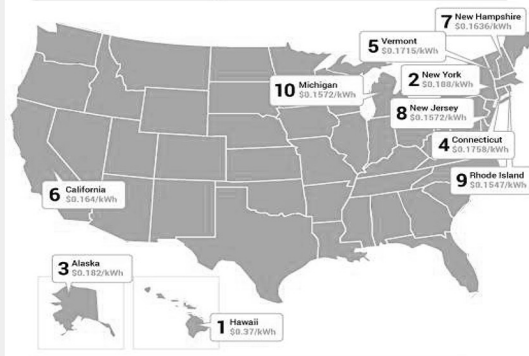
Source: US EPA Continuous Emissions Monitoring System

Source: ISO New England

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2014 State Rankings

Top 10 Most Expensive States For Electricity

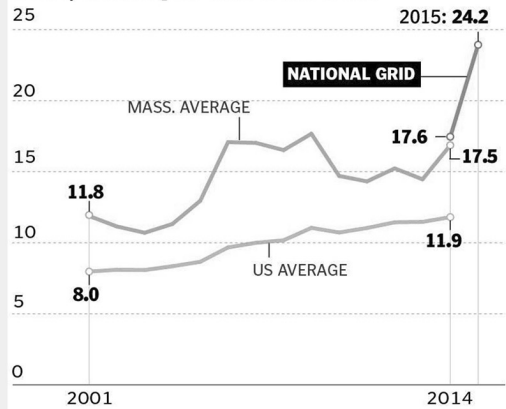


Data source:
Energy Information Administration, "Electricity Data Browser"
<http://www.eia.gov/electricity/data/browser/>

Infographic © Industry Dive 2014

MA Electric Rates 2015

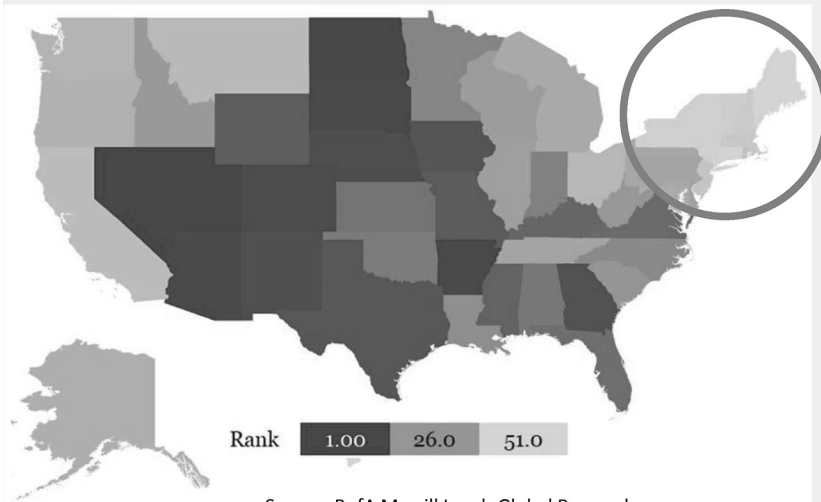
Cost, cents per kilowatt hour



SOURCES: National Grid, US Energy Information Administration

LUKE KNOX/GLOBE STAFF

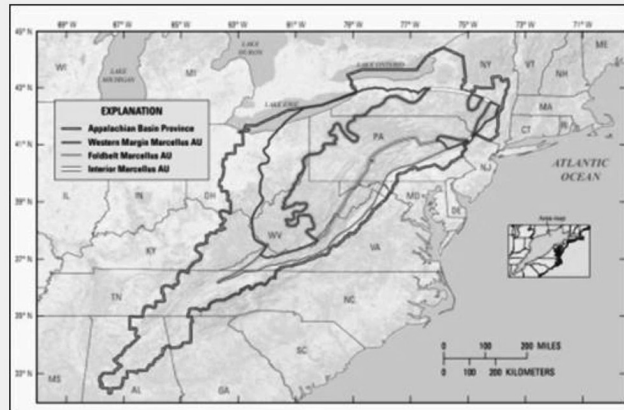
Ranking of Relative Attractiveness of State's Electricity Growth and Prices



Source: BofA Merrill Lynch Global Research.



“I Can See Marcellus from New England’s Backdoor!”



REMARKS OF PAUL ROBERTI, CHIEF COUNSEL, PIPELINE AND HAZARDOUS MATERIALS
SAFETY ADMINISTRATION TO THE 41ST ANNUAL CONFERENCE AND EXPOSITION OF
THE DANGEROUS GOODS ADVISORY COUNCIL

BALTIMORE, MARYLAND

OCTOBER 30, 2019

Office of the General Counsel
Pipeline and Hazardous Materials Safety Administration

Paul Roberti
1200 New Jersey Avenue, SE
Washington, DC 20590
202-366-4400



Good morning, and thank you for inviting me here today. It is a pleasure to be among this group of dedicated professionals, who all contribute to the excellent safety record of hazardous materials transportation in America.

I've been at PHMSA for just over a year and a half, but my experience with regulated industries goes back more years than I like to admit. Since coming to PHMSA, I have been impressed with the tireless commitment to safety that I have seen across an enormous number of companies and organizations, including the Dangerous Goods Advisory Council.

As PHMSA's Chief Counsel, I oversee four divisions of attorneys—two focused on the laws surrounding pipeline safety and hazardous materials, one dealing with regulatory affairs, and another division that provides the agency with general legal advice and representation.

PHMSA is a small agency with a lot of responsibility. America is home to 2.8 million miles of pipelines, enough to wrap around the Earth 110 times. On the HazMat side, PHMSA regulates shipments of hazardous materials—1.2 million of them every day. That works out to about 14 shipments per *second*.

So, we keep busy. The context of PHMSA's work touches a lot of important industries, vital to the economic health of the country. A large and rapidly growing number of things are powered by lithium batteries, as you all know; the healthcare industry depends on timely and safe shipments of radio-pharmaceuticals; and of course, the booming business of energy production is an engine that is powering economic growth throughout every sector of the economy.

PHMSA Mission Statement

To protect people and the environment
by advancing the safe transportation of
energy and other hazardous materials
that are essential to our daily lives.



All of this activity is the object of PHMSA's mission—which, formally stated, is to protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives.

We begin to meet that mission by setting the rules for pipeline operation and hazardous materials transportation. I have been involved in regulated, energy-related industries for longer than I admit in public, and I am committed to getting the hard work of regulation done right—in a way that ensures better safety outcomes, and also enables the regulated industries to thrive.

At the end of September, PHMSA transmitted to the Federal register three final rules, all of which closed long-standing Congressional mandates, in a single day. It was a remarkable achievement. In my experience, such an achievement by a government agency is usually associated with pigs flying, or hell freezing over.

PHMSA Transmits Three New Rules to Federal Register In a Single Day



So we are holding up our end on the regulatory side. But our Administrator, Skip Elliott, is a self-admitted safety zealot, and he often points out that PHMSA's regulatory activities are unlikely to deliver everything we seek, which is to get to zero safety incidents. Regulation is the core of our mission. Regulations that define minimum standards are important, but even if they are perfectly conceived and flawlessly enforced regulations, they alone will not bring us to our goal of zero incidents.

I know this audience is full of people with both a desire to maximize safety and a great deal of expertise to contribute to that effort. Constant vigilance and diligence by millions of individuals, including everyone in this room, is necessary to ensure the each component of the supply chain operates safely. One message I want to leave you with is that now is not time to let off the gas pedal in that pursuit.

Regulatory Reform

PHMSA, like every other Federal regulatory agency today, is pursuing an agenda of regulatory reform designed to make a growing body of regulations more efficient and responsive to changes in the industries that they regulate.

Enforcement

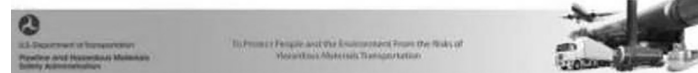
A great deal of my time as Chief Counsel is spent focused on enforcement of the rules. When violations are identified, my office has the task of ensuring, through due diligence and due process, that appropriate penalties are assessed.

That function has a lot in common with many other things that government does. In my years observing and participating in regulated industries, I know that one of the things that businesses and their stakeholders want most from government is predictability, transparency and efficiency. These words coalesce to form something that is very important to the industry—*regulatory certainty*. Good government means that as public servants, we need to provide regulatory certainty so that the many, many decisions that business leaders must make are not compromised by regulatory surprises.

In the last year, the Department of Transportation issued 3 significant orders to guide its 8 operating administrations including PHMSA, with regard to rulemaking, use of guidance, and enforcement procedures. Most of the changes are common sense measures to ensure fairness, transparency and to guarantee notice and public input before adopting regulatory measures that increase burdens or costs on industry. In the context of enforcement, the changes are intended to promote fairness and due process. Most are common sense and resemble the notion of good government.

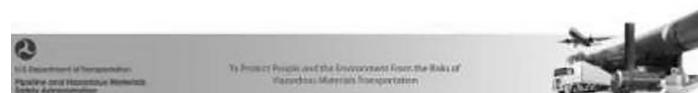
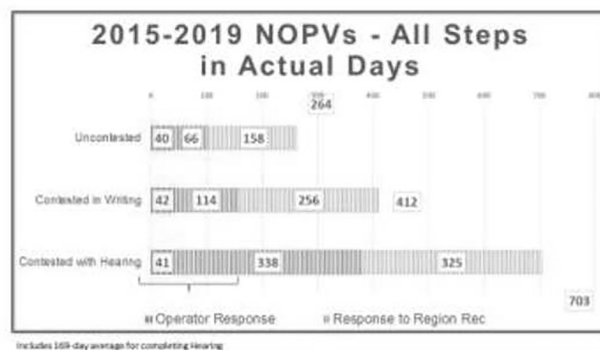
Charter: Post-Inspection to Compliance

Process Champion	Marcus Telford
Problem Statement	PHMSA is currently experiencing inconsistencies in the timely issuance of final orders which impacts the agency's ability to effectively and efficiently implement the pipeline enforcement program.
Impact Statement	Maintaining the status quo negatively impacts the operators' and the public's confidence in the agency's ability to fulfill its safety mission through effective and efficient implementation of the pipeline safety enforcement program.
Project Scope	Notice of Probable Violation to Final order issued by Office of Pipeline Safety AA
Brief Description of Current Process	
Current Performance	Currently all Final Orders finalized in same review process; Uncontested 294 days; Contested in Writing 412 days and Contested with Hearing 794 days from NOPV to final order issuance.
Core Team Members	Team Coordinator: Nancy Schiek, Sunny Chung (deputy) Subject Matter Experts: Rod Seelye, Mike Springer, Todd DeVecchio, Joe Hainline, Abene Battams, Adam Lucas, Nancy White, David York
Potentially Affected Users	PHMSA, Operators, and the public



Within PHMSA, we took it one step further by embarking on a program of Process Improvement Initiatives, or PIIs, designed to identify ways that the agency can perform its own work more efficiently, or in ways that will contribute to more positive safety outcomes. One of those recently completed focused specifically on what happens after an inspection identifies a problem. PHMSA informs the operator with an NOPV—A Notice Of Probable Violation.

Right now, the process of follow-through on these NOPVs is far slower than it should be if we are to have hope of enforcement having a meaningful effect on behavior. When an operator contests the finding and requests a hearing, the time to a final order is almost two full years. Even uncontested violations take almost nine months to process.

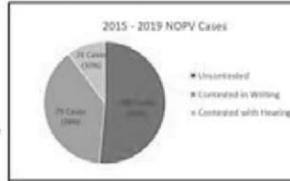


Such a lengthy separation between identification of a problem and the penalty or remediation simply makes no sense. No jurisdiction in America gives you nine months to pay a speeding ticket—partly because if they did, the compliance rate would go down, and the prospect of tickets actually deterring people from speeding would go down even further.

Improving Timeliness

- Assign timeframes for each step of the process and hold reviewers accountable to schedule

- Uncontested**
 - Eliminate Region Recommendation
 - Standardized Final Order template
 - ~ 70% improvement
- Contested in Writing**
 - Increased capacity
 - ~ 50% improvement
- Contested with Hearing**
 - Pre hearing scheduling conference
 - Post hearing scheduling order
 - ~ 45% improvement



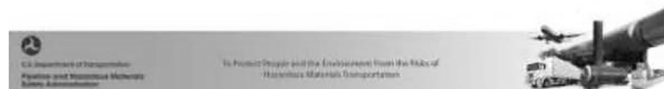
Now, pipeline violations can be a lot more technical and complicated than speeding tickets—but the point remains that too much delay undermines the purpose of inspections and NOPVs, which is to encourage operators to work diligently to avoid compliance issues in the first place.



The PII task force in this case drafted a plan that will cut these lag times by 50 to 70 percent. It consists of assigning timeframes for each step of the process, and holding reviewers accountable to that schedule. I am looking forward to the implementation of this plan, and to the greater accountability and efficiency that it promises. That implementation is already mapped out with specific dates for various stages of the process.

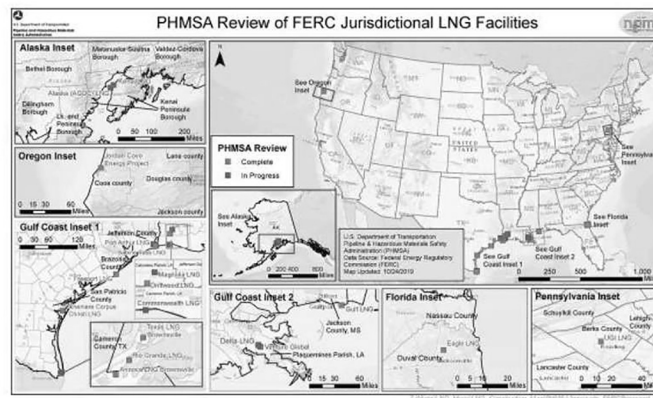
Implementation Plan

- Obtain Management Buy-in (Sept. 2019)
- Announce change in an all hands meeting (Oct. 2019)
- Revise OPS Enforcement Procedures (January 2020)
- Train all involved personnel (January 2020)
- Pilot Kickoff (February 2020)
- Pilot review at 6, 12 and 18 months



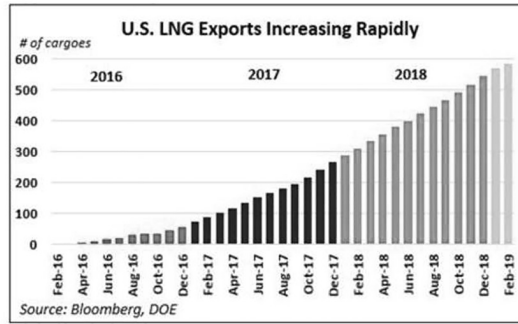
In other areas of PHMSA, I advise on legislation. Our pipeline re-authorization bill is under consideration on Capitol Hill. I wish I had more to report to you there. I know that the bill that we offered was a good one; but I also know that in the current political atmosphere, anything related to energy is destined to cause some partisan wrangling. We will just have to see where that process leads.

I also had the opportunity to work on a Memorandum of Understanding with the Federal Energy Regulatory Commission, which has greatly improved the permitting process for new Liquefied Natural Gas (LNG) facilities. The MOU taps the expertise of PHMSA personnel for certifying the safety aspects of these facilities, and in about a year it has already resulted in 13 Letters of Determination necessary for the development to proceed.



We are not done yet. As this slide shows, there are already five more sites, three in Louisiana and two in Alaska, on which PHMSA has begun its work toward ensuring that permits are appropriate. Natural gas is a large component of the resurgence of American energy production, and transportation infrastructure has begun to be a limiting factor on that encouraging economic development. The resource also sometimes displaces energy usage of coal, and it burns much more cleanly, so from that perspective it is also an environmental improvement.

U.S. Natural Gas Exports Soaring



I'd like to say a few things about the importance of natural gas to the future of American economic and national security. America has returned to the status of a net energy exporter, which is a very positive development for both our economic well-being and for our national security. PHMSA is proud to be part of that, and happy to lend its expertise to the FERC to ensure that it continues.

Speaking of LNG, PHMSA has worked hard to implement the elements of President Donald Trump's Executive Order, issued on April 10, 2019, calling for a rule-making that would treat LNG the same as other cryogenic liquids, and permit it to be transported in approved rail tank cars. Such transportation is necessary for LNG to reach both domestic markets and export facilities—which benefits both the economy and the environment, as clean-burning natural gas replaces more carbon-intensive energy sources.

Thank you.

**American Petroleum Institute
Legal Committee Meeting
Washington, DC
November 7, 2019**



**Paul Roberti
Chief Counsel
Office of Chief Counsel
Pipeline and Hazardous Materials Safety Administration**



PHMSA's Mission

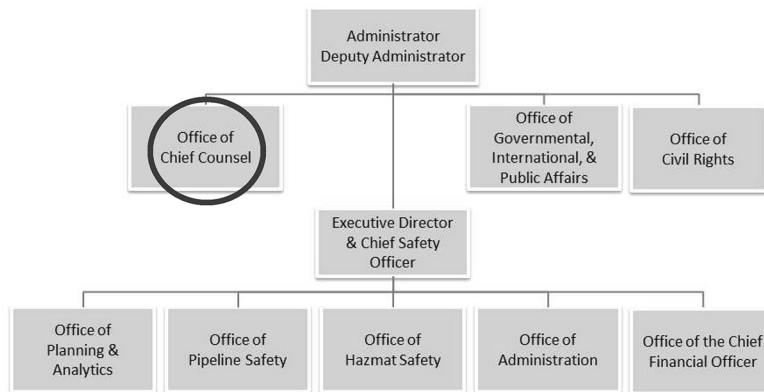
"To protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives"

Four Pillars Undergirding PHMSA's Mission:

- Safety – Prevent incidents by establishing national policy, setting and enforcing standards, educating, and conducting research.
- Infrastructure – Support policies that promote continuous investment in legacy systems
- Innovation – Promote research and development to enable new technologies and innovation
- Accountability – Hold regulated industries accountable for meeting safety standards, and be held accountable as an effective regulator



PHMSA Organization

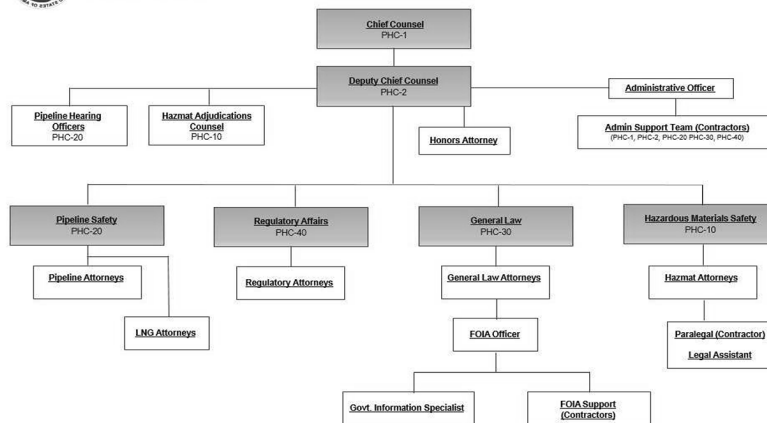


U.S. Department of Transportation
Pipeline and Hazardous Materials
Safety Administration

To Protect People and the Environment From the Risks of
Hazardous Materials Transportation



U.S. Department of Transportation
Pipeline & Hazardous Materials Safety Administration (PHMSA)
Office of Chief Counsel



U.S. Department of Transportation
Pipeline and Hazardous Materials
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PHMSA Transmits Three New Rules to Federal Register in a Single Day!



U.S. Department of Transportation
Pipeline and Hazardous Materials
Safety Administration

"To protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives."



Published Rulemakings

- **Safety of Hazardous Liquid Pipelines**
 - Includes an increased focus on integrity management.
 - Directs operators to periodically evaluate the condition of all HL pipelines, regardless of their location, and set timelines to make necessary repairs.
 - Extends requirement that all HL pipelines have a system for detecting leaks.
 - Fulfills multiple safety recommendations and Congressional mandates.
- **Safety of Gas Transmission Pipelines**
 - Fulfills statutory mandates by expanding IM assessments, requiring MAOP reconfirmation, and requiring use of PRDs prior to insertion/removal of ILI tools.
- **Enhanced Emergency Order (EO) Procedures**
 - Revises EO procedures by adding protections for petitioners that seek to modify or terminate an EO



U.S. Department of Transportation
Pipeline and Hazardous Materials
Safety Administration

To Protect People and the Environment From the Risks of
Hazardous Materials Transportation



Pipeline Regulatory Update

Rule (RIN)	Description	Rulemaking Status	Current Target
2137-AE66	Safety of Hazardous Liquid Pipelines (Final rule)	Published	N/A
2137-AE72	Safety of Gas Transmission (Final rule)	Published	N/A
2137-AF26	Enhanced Emergency Order Procedures (Final Rule)	Published	N/A
2137-AF06	Rupture Detection and Valves (NPRM)	In Progress	Fall 2019
2137-AF22	Underground Natural Gas Storage Facilities (Final Rule)	In Progress	Fall 2019
2137-AF29	Class Location Requirements (NPRM)	In Progress	Fall 2019
2137-AF38	Safety of Gas Gathering Pipelines (Final rule)	In Progress	Spring 2020
2137-AF39	Safety of Gas Pipelines: IM Improvements (Final rule)	In Progress	Winter 2019
2137-AF36	Gas Pipeline Regulatory Reform (NPRM)	In Progress	Fall 2019
2137-AF37	Liquid Pipeline Regulatory Reform (NPRM)	In Progress	Fall 2019
2137-AF45	Amendments to LNG Facilities (NPRM)	In Progress	Fall 2019
2137-AF44	Repair Criteria for Hazardous Liquid Pipelines (NPRM)	In Progress	Spring 2020
2137-AF31	Coastal Ecological USAs (ANPRM)	In Progress	Spring 2020
2137-AF13	Periodic Standards Update (NPRM)	In Progress	Spring 2020
2137-AF48	Periodic Standards Update II (NPRM)	TBD	TBD



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DOT General Counsel's Enforcement Memorandum

- February 15, 2019 DOT GC issued Memorandum Procedural Requirements for DOT Enforcement Actions
- October 9, 2019 E.O. on Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication



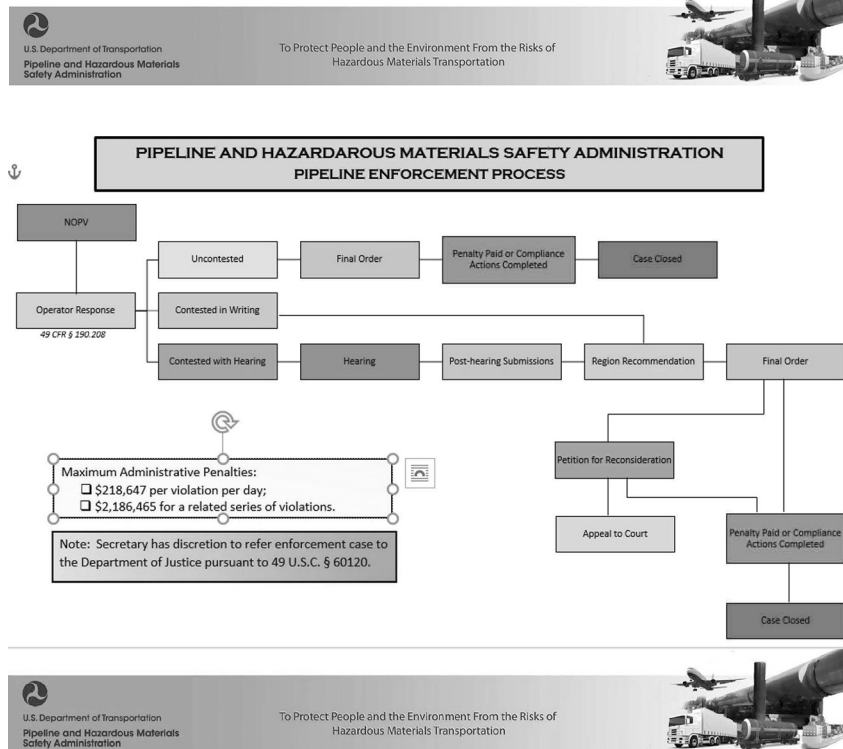
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Procedural Requirements for DOT Enforcement Actions

- Ensure due process
- Prompt disclosure compliance issues
- Statutory prosecution authority
- No broad or unduly expansive interpretations
- Legally sufficient basis for the action
- Mandatory disclosure of materially exculpatory evidence
- Penalty considerations
- Explanation of penalty calculation
- Limitation on use of guidance documents
- Other Objectives: Ex parte communications; ADR; Fair notice; Avoiding bias



Our National Presence

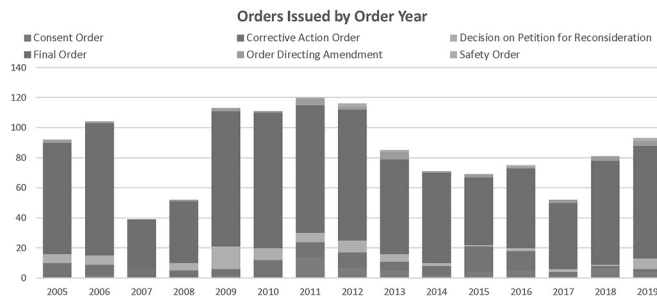


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Enforcement Statistics



Order Type	Number of Order Issued														
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Consent Order		2			2		14	7	5	2	4	5	2	7	4
Corrective Action Order	10	7	7	5	4	12	10	10	6	6	17	13	2	1	2
Decision on Petition for Reconsideration	6	6		5	15	8	6	8	5	2	1	2	2	1	7
Final Order	74	88	32	41	90	90	85	87	63	60	45	53	44	69	75
Order Directing Amendment	2	1		1	2	1	4	2	5	1	2	1	2	3	3
Safety Order							1	2	1			1			2
Grand Total	92	104	39	52	113	111	120	116	85	71	69	75	52	81	93



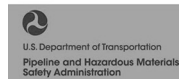
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Improvements in Enforcement Process

- More efficient timelines from completion of inspections to issuance of Final Orders.
- Streamlined process for Uncontested Cases where there is no challenge to the penalty or compliance actions.
- Requests for Extensions to Respond to Notice must include justification of good cause.
- Scheduling Order at the conclusion of hearings to set dates for Post Hearing Briefs and Region Recommendations.



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Pipeline Litigation

- INGAA v. DOT – Miscellaneous Rule (Boiler Pressure Vessel Test Factor)
- State of Texas v. DOT – Underground Natural Gas Storage Rule
- National Wildlife Federation v. DOT – Approval of Part 194 Oil Spill Response Plan
- WildEarth Guardians v. DOT – Examination of Pipelines on Federal Lands
- Hilcorp Alaska, LLC v. DOT – Report on Inventory of Pipelines in Upper Cook Inlet



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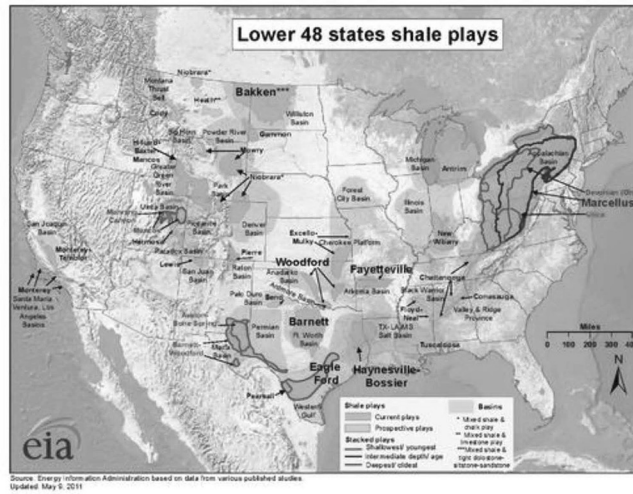


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U.S. LNG Exports to 37 Countries



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LNG by Rail



April 10, 2019
E.O. on Promoting
Energy Infrastructure
and Economic Growth

October 24, 2019
NPRM Liquefied Natural
Gas by Rail



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Reauthorization 2020

Administration Proposal	Congressional Proposals
Appropriations FY 2020-2024	Whistleblower Protection
Overpressure Protection/MOC/OQ for New Construction	Citizen Mandamus
Safety Incentives Program	LNG Center of Excellence
Voluntary Information Sharing	Regulatory Update
Underground Storage Fees	Self-disclosure of Violations
Property Damage Threshold (\$118K)	Community Right-To-Know
LNG Siting Review Fees	Physical and Cyber Security
Pilot Programs	Methane Emissions
Criminal Trespass Standard	
Operating Status: Idle Pipelines	
State Program Requirements	
Pipeline Construction Data Collection	



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FOIA Update

- Food Marketing Institute v. Argus Leader Media, 139 S. Ct. 2356 (2019) - the Supreme Court issued this opinion on June 24, 2019 addressing the meaning of the word "confidential" in Exemption 4 of the Freedom of Information Act, which overturned over forty years of precedent.
- No longer apply the "substantial competitive harm" test to determine whether information is "confidential" under Exemption 4.
- Consider both: (1) whether the information is "customarily kept private, or at least closely held," by the submitter; and (2) whether the government provides "some assurance" that the information will not be publicly disclosed.



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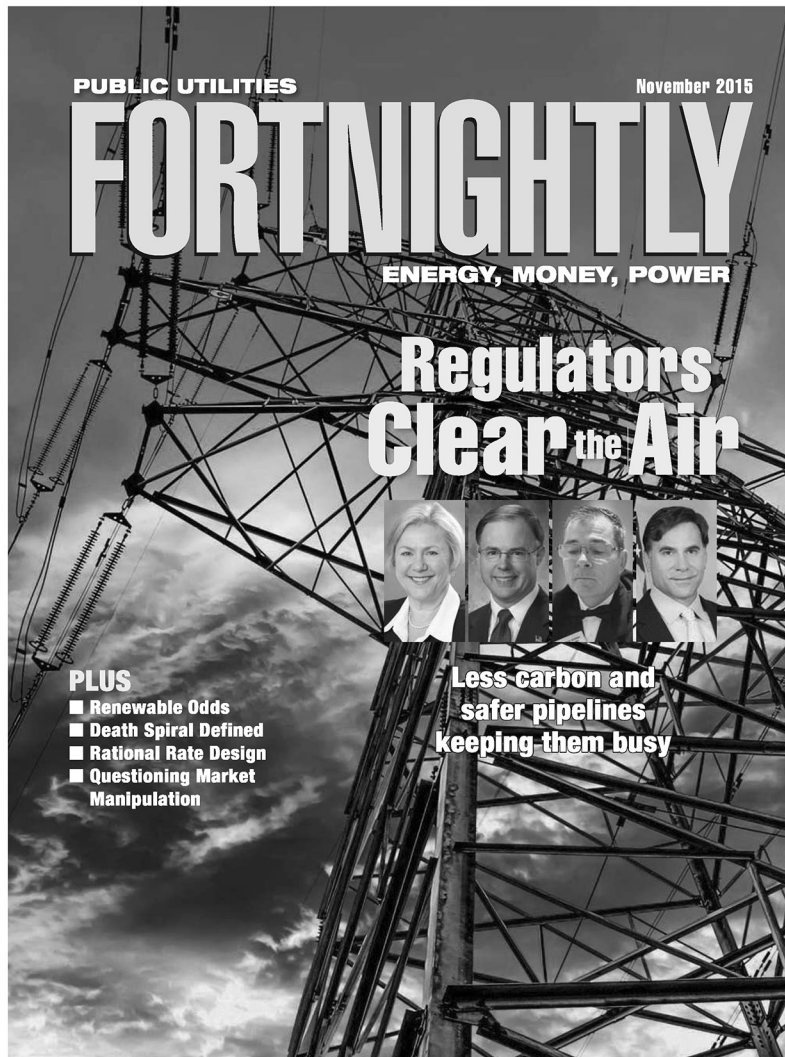
Upcoming GPAC/LPAC meeting – November 14, 2019

- Two Federal Advisory Committees:
 - Technical Pipeline Safety Standards Committee (a/k/a GPAC)
 - Technical Hazardous Liquid Pipeline Safety Committee (a/k/a LPAC)
- Function as peer review committees for all proposed safety standards
 - Technical feasibility
 - Reasonableness
 - Cost Effectiveness
 - Practicality
- “Shall prepare and submit” a Report to the Secretary
- Secretary not bound by Committee Reports
- Meet “at least up to 4 times annually”



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2015 Regulators Forum



State Utility Commissioners in Their Own Words

Perhaps the biggest issue that state utility regulators are facing is complying with the Obama administration's Clean Power Plan. It's no secret that the states with more sustainable fuel forms will have an easier time fulfilling their requirements, which would lead to a 32 percent cut in carbon dioxide emissions by 2030. In this space, we've spoken to Oregon's Susan Ackerman and South Dakota's Chris Nelson. Both states are flush with green energies but each still has challenges. In South Dakota's case, coal remains big there.

And then we've chosen to have two commissioners file unrelated stories but nonetheless, relevant ones. One is from Tim Echols of Georgia on how commissioners can use social media and the other is from Paul Roberti of Rhode Island, on the natural gas pipeline explosion in East Harlem a few years ago.

We think each has something valuable to say.

Rhode Island: The Challenge of an Aging Infrastructure

Paul J. Roberti, Rhode Island Pub. Utils. Comm'n

It was March 12, 2014. I was in Santa Fe, New Mexico when I heard the news. Two buildings in East Harlem, New York had collapsed after what was believed to be a natural gas explosion. It would turn out to be another cataclysmic incident and the death toll would equal the San Bruno incident in California, another pipeline explosion from four years earlier that sent shock waves through the industry and regulatory community. In East Harlem, early media reports indicated that the gas likely came from Con Edison's cast iron distribution system dating back to 1887.

Something about that date struck me. Then I remembered that I had visited an open air market in Santa Fe four days earlier and purchased a silver dollar dated in the late 19th century. When I returned to my hotel room, I fetched my silver dollar and discovered that it too was dated 1887. But unlike my coin, which increases in value over time, the cast iron pipeline system represented a growing liability both to public safety and the financial interests of a public utility.

Upon my return to Rhode Island, I contacted the National Transportation Safety Board (NTSB), which had assumed control of the investigation, and then received permission to tour the site. By the time I arrived at the site, most of the building

debris had been removed. The magnitude of the cleanup effort was overwhelming. An army of construction, utility, fire and police officials combed the cordoned-off area that covered several city blocks. According to the NTSB investigator, the crews were still searching for the body of the eighth victim, who happened to be from Japan. Some of the other victims were from Greece and Mexico.

After touring the site, I began the drive back to Rhode Island, contemplating all that I had witnessed. I realized that in addition to the breadth of the destruction and loss of life, the incident drew attention to a chilling fact: the same cast iron systems are prevalent not only in New York City, but also throughout many cities and urban areas across the United States. Such pipelines are deemed by regulators and industry to be "high risk" and "leak prone," and it was clear that with the current pace of replacement, the heightened risk would exist for decades to come. I was anxious to find out what the NTSB would learn as the investigation unfolded.

Multiple Systems, Hidden Dangers

The 2010 San Bruno incident in California had been a game changer in terms of heightened scrutiny on pipeline safety. Pacific

Paul J. Roberti serves as a commissioner at the Rhode Island Public Utilities Commission and serves as chairman of NARUC's subcommittee on pipeline safety. Prior to his appointment to the PUC, Roberti served for 17 years in the state's Office of Attorney General, most recently as Assistant Attorney General and Chief of the Regulatory Unit. In that capacity, he represented the State during the landmark restructuring and deregulation of the electric, gas and telecommunications industries.

Gas & Electric (PG&E) had failed to understand the characteristics of a pipeline, and ultimately the latent defects in construction gave way on a section of high-pressure transmission pipe running thorough a densely populated suburban community. The resulting inferno killed eight people, destroyed 35 houses and an entire neighborhood. The total cost would be in the billions. After the incident, severe criticism was leveled not only against PG&E, but also federal and state regulators as they had arguably failed to supervise the utility's operations and its compliance with federal safety regulations. Five months later on February 9, 2011, another incident occurred in Allentown, Pennsylvania. This time it was an 85 year-old cast iron main that cracked and leaked gas on a cold winter's night. The gas ultimately ignited into a fireball that destroyed eight homes and claimed the lives of five more unsuspecting citizens. Both incidents had something important in common: they were preventable.

On June 9, 2015, the NTSB released its Accident Report on the 2014 gas explosion in East Harlem. At first blush, Con Edison's antiquated 8-inch diameter cast iron pipeline system appeared to be a prime suspect, but the cause of the incident turned out to be far more complicated. A 72-foot section of high-density polyethylene (HDPE) material – the gold standard today – had been installed, replacing a cast iron segment in 2011 to accommodate service connections to a newly constructed building. Although Con Edison had replaced a section of its cast iron system, the water and sewer divisions of New York City had replaced neither the 12-inch cast-iron water system installed in 1887, nor the brick-lined sewer system installed in 1873.

And it was a failure of this seemingly unrelated water system that eventually brought down the whole house of cards.

The water main was found to have a 3/4-inch circumferential crack almost entirely around the pipe, except for the bottom area which sat directly on a large rock. The cracked pipe released a torrent of water, causing the street to collapse shortly after the explosion. The 1873 sewer line had integrity issues as well. As a result, groundwater was able to flow into a sewer breach and wash away supporting soil underneath the gas and water mains. Not surprisingly, the investigation revealed that another arm of municipal government, the New York City Department of Transportation, had been responding to periodic "cave in" and sunken roadway reports by repeatedly applying asphalt patches. And it was the weight of this asphalt, measuring more than a foot thick, that placed greater downward pressure on an already over-strained environment.

The investigation also revealed a large void under the sidewalk,

which provided the pathway for natural gas to migrate toward the brick foundation of the building, and eventually to enter and accumulate in the basement, where an ignition source triggered the explosion.

In the final analysis, NTSB determined that the probable cause of the accident was a combination of a defective fusion joint and the large breach in the sewer main. The East Harlem explosion, like the San Bruno and Allentown blasts, was clearly preventable. The New York Public Service Commission (NYPSC) conducted

“It's akin to a marathon – a race we absolutely have to finish.”

– Paul J. Roberts,
Rhode Island Pub. Utils. Comm'n



its own independent investigation of the incident, and its findings are expected to be released soon. It will be interesting to see if the NYPSC's report reaches the same conclusions as the NTSB.

Lessons Learned and Even Deeper Questions

There is much to be learned from the East Harlem explosion. But there also lurks a deeper question about the extent of aging infrastructure.

Three utility systems – gas, water and sewer – all delivering essential services to one of the nation's largest cities – had an average system age of 132 years at the time of the incident. Was it simply a matter of time before the gas pipe would have failed as a result of the increasing force from the subsiding ground?

One might also ask whether any or all of these utility systems should have been modernized long before they reached their century-plus status. With old systems, the risks are greater and the interactive threats between the systems loom higher, as clearly demonstrated in East Harlem. That leads to a final, burning question: Had all utility systems been appropriately modernized in the last 30 years, might this explosion and the loss of life and property that accompanied it have been averted altogether?

Clearly, one of the most significant issues we face today is aging infrastructure, and it is not evenly distributed across the nation. Leaving aside water and sewer infrastructure, 83 percent of the cast iron pipelines in the gas industry are situated in only 10 States. State regulators are attuned to this challenge,

and the National Association of Regulatory Utility Commissioners (NARUC) has been actively engaged in promoting infrastructure replacement programs, and has encouraged state commissions to consider alternative rate-recovery mechanisms if they are deemed necessary to expedite the replacement of outdated infrastructure.

But here is the sobering reality: it will take significant time to meet this challenge. Most systems at risk lie in urban areas like East Harlem and thus require extensive logistical coordination, particularly between public works departments and utilities.

The cost of meeting this challenge is significant. At an estimated replacement rate of \$1 to \$3 million per mile, the price tag could run as high as \$250 billion or more. On a positive note, states have made progress, and more so recently. Since 1990, more than 65,000 miles of cast iron and bare steel pipes have been replaced with high-density polyethylene pipes. Despite that progress, we still have a long way to go: According to the Pipeline and Hazardous Materials Safety Administration, 29,989 miles of cast iron and 41,824 miles of bare steel

main lines are still waiting to be replaced. The most important question is how long the task will take, given new risks and the challenges ahead, like certain vintages of compromised plastics and whatever else the future may hold. Some utilities

'Most pipeline systems at risk lie in urban areas, which require extensive logistical coordination.'

have a lot to do and the pace of progress is critical. And regulators must be vigilant to ensure that the level of investment and the pace of pipe replacement is sufficient to mitigate the growing risks stemming from antiquated utility systems.

It is akin to a marathon, where the route is defined by the age, location, material, and condition of the pipelines; and the pace is defined by the magnitude of the risk to the public. But this is not an ordinary marathon because we absolutely have to finish, and we must do so within a respectable timeframe. □

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THE ESSENTIAL ROLE OF
STATE ENGAGEMENT IN DEMAND RESPONSE

Anne Hoskins* and Paul Roberti**

INTRODUCTION

In writing the majority opinion for the United States Supreme Court in *Federal Energy Regulatory Commission v. Electric Power Supply Ass'n* (“*EPSA*”),¹ Justice Elena Kagan reaffirmed “cooperative federalism” as an essential mechanism for competitive electricity markets in the 21st century.² With technological advancements providing opportunities for cleaner and less costly electricity production and use, there is no bright line preventing state utility commissions and the Federal Energy Regulatory Commission (“FERC”) from working in concert to advance a more efficient electricity system.

As Justice Kagan explained, “The [Federal Power] Act makes Federal and state powers ‘complementary’ and ‘comprehensive,’” so that “there [will] be no ‘gaps’ for private interests to subvert the public welfare.”³ However, she also recognized that the statutory divisions of power between FERC and states generate “a steady flow of jurisdictional disputes because—in point of fact if not of law—the wholesale and retail markets in electricity are inextricably linked.”⁴

The *EPSA* decision is a defining moment in evolution of competitive electric markets. It reinforces FERC’s authority to ensure that any reliance on markets as a substitute for traditional cost-of-service regulation should employ market designs that promote greater participation in the wholesale marketplace, regardless of whether the participation takes the form of electricity production or alternatively, a practice like demand response (“DR”). As the decision illustrates, DR is a product that can provide value in both capacity and energy markets, and at both the wholesale and retail levels. It can bolster reliability and lower costs for consumers. While FERC Order 745 specifically addressed the role and compensation of DR in wholesale energy markets,⁵ it had significant implications for capacity markets.⁶ To understand the impact of the *EPSA* decision, one must consider DR’s origin and the role it has played in serving consumers.

I. WHY IS DEMAND RESPONSE SO SIGNIFICANT?

Understanding the physical characteristics of electricity helps to explain DR’s origin in the electric industry. Electricity is unlike any other commodity; electrical energy travels at rates approaching the speed of light and its production must closely match consumer demand, which is constantly changing from moment to moment. As a result, the interconnected system of high-voltage power lines requires near instantaneous balancing of supply and demand, or else the voltage of the system can collapse and not only cause blackouts, but also do damage to generators and to consumers’ energy-using equipment. DR resources are “dispatchable” and controllable resources, whereby consumers agree to reduce their demand when needed in exchange for compensation. Given the potentially dire consequences of a supply shortage during periods of high demand, it is easy to understand the strategic value of decreasing demand deliberately in order to maintain reliability.⁷

In ISO New England, DR came into existence in an effort to provide short term solutions to serious reliability problems in the southwest Connecticut region, where load was high, generation was inadequate, and transmission solutions remained

* Commissioner, Maryland Public Service Commission.

** Commissioner, Rhode Island Public Utilities Commission.

This Article reflects the authors’ personal views and is not intended to represent the views of their respective Commissions. Arnell Limberry and Todd Bianco provided legal and regulatory research and support in developing this article.

¹ 136 S. Ct. 760 (2016).

² *Id.* at 780.

³ *Id.* (citing *Fed. Power Comm’n. v. La. Power & Light Co.*, 406 U.S. 621, 631).

⁴ *Id.* at 766.

⁵ See generally Demand Response Compensation in Organized Wholesale Energy Markets, Order No. 745, 134 FERC ¶61,187 (Mar. 15, 2011).

⁶ See Amended Complaint of FirstEnergy Service at 9–10, *FirstEnergy Serv. Co. v. PJM Interconnection, LLC* (FERC 2011) (No. EL14–55–000).

⁷ See Order Conditionally Accepting Changes to NEPOOL Market Rule 1, 106 FERC ¶61,190 (Feb. 27, 2004); Letter from David T. Doot, Counsel, New England Power Pool to Magalie Roman Salas, Secretary, FERC (Dec. 23, 2003), <https://perma.cc/CNM7-P6FP>.

years away.⁸ In December 2003, ISO New England conducted a competitive solicitation to find solutions, and the most cost-effective and reliable solutions were DR resources. The performance of the DR resources, coupled with ISO New England's growing confidence in using DR for addressing reliability challenges, marked the birth of large-scale DR in New England.

Today, DR competes for market share as a capacity resource in ISO New England's Forward Capacity Market and in PJM's Reliability Pricing Model capacity market. Both capacity markets procure resources three years in advance of deployment. DR resources receive capacity market payments during a designated capacity year because they are available to be reduced and can be used as a control room resource. If they are called to perform, the DR resources must reduce demand commensurate with the amounts cleared in the market. As a capacity resource, the number of hours a year that DR resources are activated has been few, but their operational value is significant. DR allows system operators to quickly replenish reserves to maintain system reliability and avoid North American Electric Reliability Corporation ("NERC") violations, and in dire situations, can assist in preventing blackouts. DR has proven to be an effective resource in maintaining system reliability.

II. ACTION AT THE STATES

The Supreme Court's affirmation of DR in wholesale markets highlights the importance of effective and nimble regulation at both the state and Federal levels. State commissions set retail rates, adjudicate consumer complaints, and hold distribution utilities accountable if the lights go out and remain out for too long. DR is a critical tool in our regulatory toolbox to protect the public interest. The D.C. Circuit's ruling⁹ vacating FERC Order 745 threatened to disable this tool, with serious implications for consumers as well as DR suppliers. While PJM and the PJM Market Monitor proposed alternative "demand-side" options that may have allowed a continued role for DR in the wholesale markets, it would have required additional action by states and load-serving entities and there was no certainty that this approach would work as effectively as maintaining DR on the supply side.¹⁰

In the post-*EPSA* world, there is no longer any lingering uncertainty about the dual rights of FERC and the states to continue to develop policies that encourage DR. At the retail level, many states are pursuing policies that leverage wholesale markets to optimize the societal value of DR. For instance, in Maryland, the Public Service Commission ("MDPSC") approved utility DR offerings as part of its EmPOWER program, seeking to achieve a fifteen percent reduction in demand between 2008 and 2015.¹¹ Since 2009, Maryland utilities collectively achieved 1,743 MW of demand reduction through EmPOWER programs, serving to offset critical summer and winter peak loads.¹²

Maryland authorizes its state-regulated utilities to sell aggregated DR commitments into FERC-regulated wholesale markets and use the proceeds to help finance incentives for participating customers. Had the D.C. Circuit decision stood, a considerable amount of DR resources would have been at risk, reducing the revenues earned from the PJM capacity market.¹³ Those revenues annually defray up to \$66.5 million in costs, covering twenty-eight percent of the program costs.¹⁴ The *EPSA* decision enables Maryland to continue to maximize the positive economic and societal effects of its DR programs by participating in the wholesale markets.

⁸ See Order Conditionally Accepting Changes to NEPOOL Market Rule 1, 106 FERC ¶61,190 (Feb. 27, 2004); Letter from David T. Doot, Counsel, New England Power Pool to Magalie Roman Salas, Secretary, FERC (Dec. 23, 2003), <https://perma.cc/CNM7-P6FP>.

⁹ *EPSA v. FERC*, 753 F.3d 216 (D.C. Cir. 2014).

¹⁰ Order Rejecting Tariff Revisions 150 FERC ¶61,251 para. 32 (2015) ("Moreover, we are concerned that PJM's proposal introduces uncertainties that may exceed those it seeks to avoid, particularly with respect to potential unanticipated spillover effects on state programs and private sector arrangements. We find that, on balance, PJM's filing is premature and therefore reject it.")

¹¹ PUB. SERV. COMM'NS OF MD., THE EMPOWER MARYLAND ENERGY EFFICIENCY ACT STANDARD REPORT OF 2014, 1 (2014) (noting the EmPOWER Maryland Act's declared a state goal of achieving a 15 percent reduction of both per capita energy consumption and per capita peak demand by 2015).

¹² In the Matter of Potomac Edison Co., 323 P.U.R.4th 239 (2015).

¹³ Brief for Guarini Center on Environmental, Energy and Land Use Law at New York University School of Law as Amicus Curiae Supporting Petitioners, *FERC v. EPSA*, 136 S.Ct. 760 (2015) (Nos. 14-840, 14-841) (citing Letter from Martin O'Malley, Governor of Maryland, to Jon Wellinghoff, Chairman, FERC Docket No. RM10-17-000 (May 12, 2010)).

¹⁴ Protest of Md. Pub. Serv. Comm'n at 4, FERC Docket No. ER15-852-000 (Feb. 13, 2015).

Maryland utilities have used their EmPOWER DR programs to improve reliability during peak use times, with DR playing a critical role in the PJM market during the “Polar Vortex” of 2014. On January 21, 2014, BGE and Pepco service territories lost 1,783 MW of generation capacity.¹⁵ On the next day, PJM called and received ninety-eight percent of the expected DR resources in those service territories.¹⁶ Through this cooperative funding and regulatory mechanism, Maryland, PJM, and FERC protected and advanced the public interest.

Rhode Island is harnessing DR to complement local efforts aimed at deferring distribution upgrades and eliminating local constraints. The Rhode Island Commission approved National Grid’s 2015–2017 Energy Efficiency and System Reliability Procurement Plan, under which National Grid will further incorporate “non-wires alternatives” including DR in its transmission and distribution planning process. A pilot is testing whether DR can help manage local distribution capacity requirements during peak periods.¹⁷ DR can increase the cost-effectiveness of those programs, while reducing long term peak demand.

Post-EPISA, states have a range of options to further DR’s growth. Where deployed, smart meters can enable customers to monitor their time of electricity use and change their usage patterns, particularly in response to real-time price signals. Maryland authorized smart meter deployments for four utilities beginning in 2010.¹⁸ FERC noted in its December 2015 Demand Response & Advanced Metering Staff Report that “8.7 million advanced meters were installed and operational between 2012 and 2013, resulting in advanced meters representing almost 38 percent of all meters in the United States.”¹⁹ With growing access to data about electricity usage, data analytics offer the potential to spur more DR at both the retail and wholesale levels.

Except for the largest customers, however, barriers to robust DR participation still exist. Where smart meters have been deployed, there is often resistance to employing dynamic pricing at the retail level. Wholesale prices emanating from energy markets that fluctuate day-to-day and hour-by-hour are not usually synchronous with the rates set by state regulators, which for many customers are fixed for long intervals (typically six months) in order to promote rate stability. Dampened price signals make it harder to promote load reductions that could be monetized at either the retail or the wholesale level. However, these barriers would have stood higher had the Supreme Court ruled against the ability for DR to be sold as a resource into wholesale markets.

III. CONTINUING DR CHALLENGES CALL FOR COOPERATIVE ACTION

Notwithstanding the EPISA decision, DR is facing headwinds at the wholesale level due to capacity market rule changes that were approved by FERC in 2015.²⁰ The New England region suffered tremendous price volatility during the winters of 2013–14 when natural gas pipeline capacity into the region was constrained²¹ and gas-fired generators could not perform during peak demand periods, despite some resources presumably having received capacity payments in exchange for the obligation to perform when needed.²² Electric energy costs increased approximately \$3.8

¹⁵ PJM INTERCONNECTION, ANALYSIS OF OPERATION EVENTS AND MARKET IMPACTS DURING THE JANUARY 2014 COLD WEATHER EVENTS 35 (2014).

¹⁶ *Id.* at 38 (Figure 25).

¹⁷ FERC ASSESSMENT OF DEMAND RESPONSE & ADVANCED METERING STAFF REPORT 27 (2015) (citing Rhode Island Public Utility Commission, In Re: The Narragansett Electric Company d/b/a National Grid’s 2015–2017 Energy Efficiency and System Reliability Procurement Plan, Order No. 21781, Docket No. 4522 (Dec 19, 2014)).

¹⁸ In the Matter of Baltimore Gas and Electric Company For Authorization To Deploy A Smart Grid Initiative And To Establish A Surcharge For The Recovery Of Cost, 283 P.U.R.4th 165 (2010).

¹⁹ See FERC ASSESSMENT, *supra* note 17, at 1.

²⁰ PJM Interconnection, LLC et. al, Order on Proposed Tariff Revisions, 151 FERC ¶61,208 para. 22 (Jun. 9, 2015).

²¹ See generally Press Release, ISO New England, 2013 Wholesale Electricity Prices in New England Rose on Higher Natural Gas Price (Mar. 18, 2014), <https://perma.cc/TH9G-H27X>.

²² In filing for its proposed Pay-for-Performance changes to the FCM, ISO-NE presented expert testimony documenting \$647 million in Capacity Payments paid between June 2010 to November 2013 to a group of resources representing fifteen percent of the Net Installed Capacity requirement for the 2013/2014 commitment period. The resources provided, on average, only seventeen percent of their Capacity Supply Obligation during scarcity conditions during the period. The problem could have been mitigated, but unlikely eliminated, by the 2013/2014 Winter Reliability Program. See Testimony of Matthew White on Behalf of ISO New England, Inc. at 23–24, Order on Tariff Filing and Instituting Section 206 Proceeding, FERC Docket No. ER14–1050–000 (Jan. 17, 2014), <https://perma.cc/E6ZK-9JVU>.

billion across the region over the two-year period from 2012 to 2014.²³ This experience supported changes in the capacity market design called “Pay-for-Performance” in New England.²⁴ Similarly, the Polar Vortex gave rise to a PJM proposal called “Capacity Performance” (“CP”) that adjusts the compensation of resources to reflect their overall availability throughout all hours of the year, rather than just their seasonal capability.²⁵

Under the New England market rule changes, which take effect in 2018, all market participants will need to monitor system conditions and make every effort to perform by providing energy or reserves whenever scarcity conditions arise. Otherwise, their capacity market compensation will be clawed back and reallocated to those resources that performed when needed.²⁶ Similarly, PJM’s CP mechanism defines capacity as an annual concept and penalties can be assessed for nonperformance during any hour of the year.²⁷ Since a significant portion of DR relies on controlling cooling load, those types of loads cannot perform well outside of the summer. By 2020 when CP is fully implemented, this could have serious implications for the quantity of DR offered into the capacity markets.

The market rules allow seasonal resources to form an aggregated offer so as to provide year-round capability but it is not yet clear how useful the aggregation option will be. For example, the excess winter capability of an energy efficiency program consisting of lighting measures can combine with the summer capability of a DR program consisting of air conditioning control to provide an amount of capacity year-round. In New England’s most recent Forward Capacity Market auction, a total of 2,746 MW of demand resources cleared as capacity resources. Of that amount, 371 MW were new resources.²⁸ Most of the existing and new resources comprise energy efficiency and other “passive demand resources,” which can meet the assigned capacity obligation during all hours of the year.²⁹

In approving PJM’s CP proposal to phase out existing limited and extended summer DR programs and accept only annual commitments from DR providers, FERC noted that “the vast majority of Demand Resources are available to PJM during the summer peak season only, with Limited Demand Response available for 10 days and for a maximum of 6 hours a day.”³⁰ The statement reflects the quandary that RTOs face with respect to market design. A capacity resource is needed whenever there is a shortage or scarcity condition, which can occur at different times of the day and year. Given the same economic availability, a year-round resource is more useful and valuable to the system than a limited resource because it has greater technical availability. However, we know from our experience with the Polar Vortex that DR with limited availability can be highly valuable as well.

Indeed, it was primarily the non-performance of traditional capacity resources during cold and warm weather operations—generators that were expected to be available year-round—that exposed the need for capacity market changes in New England and PJM.³¹ Moreover, the U.S. Department of Energy reports multiple shutdowns, curtailments, and requests for special operations due to over-warm cooling water temperatures, and notes such events could have an increased impact re-

²³ ISO NEW ENGLAND, 2016 REGIONAL ELECTRICITY OUTLOOK 22 (2016), <https://perma.cc/B8FP-JLAS>.

²⁴ See Letter from Maria Gulluni, Deputy General Counsel, ISO New England, Inc., & Eric K. Runge, New England Power Pool Participants Committee, to Kimberly D. Bose, Secretary, FERC (Feb. 29, 2016), <https://perma.cc/B7CU-J34N>.

²⁵ PJM INTERCONNECTION, PJM CAPACITY PERFORMANCE PROPOSAL 8–10 (2014).

²⁶ Letter from Jennifer Wolfson, Regulatory Counsel, ISO New England, Inc., to Kimberly D. Bose, Secretary, FERC (Nov. 3, 2014), <https://perma.cc/W2HT-DTAY>.

²⁷ PJM INTERCONNECTION, PJM CAPACITY PERFORMANCE PROPOSAL 26 (2014).

²⁸ See generally Press Release, ISO New England, Finalized Capacity Auction Results Confirm 10th FCA Procured Sufficient Resources, at a Lower Price, for 2019–2020 (Feb. 29, 2016), <https://perma.cc/3DLD-EBRX>.

²⁹ See generally Letter from Kevin Flynn, Senior Regulatory Counsel, ISO New England, Inc., to Kimberly D. Bose, Secretary, FERC (Feb. 29, 2016), <https://perma.cc/MBS3-268E>; Mariah Winkler, Supervisor, Technical Studies, ISO New England, Inc., Presentation at NEPOOL Reliability Committee Meeting: Forward Capacity Auction #10 (FCA #10)—2019/2020 Capacity Commitment Period Results Summary & Trends 6 (Mar. 23, 2016), <https://perma.cc/TXH8-RKLS>.

³⁰ PJM Interconnection, LLC et. al, Order on Proposed Tariff Revisions, 151 FERC ¶61,208 para. 43 (Jun. 9, 2015).

³¹ For example, ISO New England Whitepaper explains three concerns motivating the creation of forward capacity markets pay-for performance incentives. The second concern enumerated is the increasing reliance on natural gas-fired generation and the “just in time” nature of natural gas delivery, which can lead to operating day inadequacies. ISO NEW ENGLAND, FCM PERFORMANCE INCENTIVES 2 (2012), <https://perma.cc/9ECB-X6QL>.

sulting from global climate change.³² The recognized economic value of a capacity resource to the system does not account for environmental or societal costs and benefits that may align with other state and Federal policies. The challenge facing the RTOs/ISOs and Federal and state regulators is how to value DR accurately so it remains a market resource.

While FERC initially rejected arguments from states and consumer organizations about the importance of retaining DR as a capacity resource,³³ PJM is now supporting a “problem statement” which could lead to the establishment of two capacity products—a summer product and a winter product, which would allow summer load to get some value from winter load control as a capacity resource.³⁴ Environmental organizations and DR providers are urging FERC to reconsider its approval of the CP tariff and to facilitate a solution that will keep DR as an effective tool for improving reliability during summer and winter peak periods.³⁵

While the *EPSA* decision confirms that DR can be compensated in the wholesale electric markets, there is still work to be done: DR providers can strive to become more available by improving their technical and economic capabilities and aggregating resources; and FERC, states, RTOs/ISOs and stakeholders can continue to refine the market design so that both active and passive demand resources receive compensation that fully reflects their value to the system.

CONCLUSION

Some may read Justice Kagan’s opinion as an expansion of Federal jurisdiction at the expense of state power, but we see it otherwise. As National Association of Regulatory Utility Commissioners President Travis Kavulla noted after the Court’s decision, “the coordination of Federal and state initiatives offers the best way to assure the full benefits of demand response are delivered to customers.”³⁶ Through cooperative regulation and policy, DR can continue to play a critical role in supporting the provision of affordable and reliable electricity through our evolving energy markets.

NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS
COMMITTEE ON GAS
SCOTTSDALE, ARIZONA
JULY 16, 2018

NARUC Role

- I want to thank you for your efforts—as you know, your work ensures that the vast majority of pipelines in our Nation operate safely. Not only that, but many of you are proactive in going above and beyond our minimum Federal safety requirements to address your state-specific pipeline safety needs.

Infrastructure and Damage Prevention

- Thanks to your efforts, we’ve seen the number of states with some form of accelerated infrastructure cost recovery program rise to 41.
- 21 states have eliminated cast or wrought iron in their natural gas distribution systems.
- Because damage to pipelines during excavation is a leading cause of serious pipeline incidents involving fatality or injury, the promotion of 8–1–1 is a top priority for PHMSA.
- August 11—811 Day—is coming up and I know we will have many exciting outreach activities.

³² See U.S. DEP’T OF ENERGY, U.S. ENERGY SECTOR VULNERABILITIES TO CLIMATE CHANGE AND EXTREME WEATHER 2 (2013), <https://perma.cc/N3FR-FF9Q>.

³³ PJM Interconnection, LLC v. PJM, LLC, Order on Proposed Tariff Revisions 151 FERC ¶61,208 para. 62 (June 9, 2015) (“Joint Consumers and Rockland argue that there are cost savings associated with these summer peaking resources and that a mix of resource types, including Limited Demand Response, Extended Summer Demand Response, and peaking generation resources, is appropriate to meet PJM’s expected peak load service obligations.”).

³⁴ PJM INTERCONNECTION, PJM CAPACITY PERFORMANCE PROPOSAL 8–15 (2014).

³⁵ Supplement to Rehearing Request of Public Interest Organizations at 2, FERC Docket No. ER15–623–000 (July 9, 2015).

³⁶ Press Release, Nat’l Ass’n of Regulatory Util. Comm’rs, NARUC President Kavulla Reacts to High Court’s Ruling in Landmark Demand-Response Case (Jan. 25, 2016).

- Data shows that States with effective enforcement of their One Call law have lower damage rates and improved safety, and that more 811 exemptions lead to more incidents.
- We need your help to take a look at the State level to bolster the enforcement of damage prevention laws and reduce 811 exemptions.

PHMSA Support

- We also provide training, guidance, and oversight to state programs:
 - Our Training & Qualifications Center provides state pipeline inspectors with the Nation's only specialized training for understanding and applying Federal pipeline safety regulations and standards incorporated by reference.
 - Our training includes in-depth classroom training and expanded outdoor/lab areas to provide inspectors with hands-on opportunities to experience actual field scenarios.
 - In addition to hands-on training, TQ offers comprehensive online training modules to keep inspectors current on provisions of new and revised regulations, national consensus standards, interpretations, relevant research and development, and noteworthy practices.
 - TQ continues to revamp and update curriculum, including rolling out new curriculum for Underground Gas Storage facilities.
- PHMSA also has an active mentoring program for state inspectors. In the last 2 years, 31 State Inspectors have taken advantage of the program encompassing approximately 190 mentoring hours. PHMSA continues to encourage states to participate in our mentoring program to improve inspector skillsets through observing peers conduct inspections and benefitting from feedback from experienced inspectors.
- All in all, our PHMSA employees spent well over 7600 hours last year working directly with state pipeline safety programs supporting pipeline safety.

Regulatory Review and Updates

- One of my goals at PHMSA is to make our rulemaking process move more quickly and efficiently.
- We appreciate NARUC's participation in our processes, and we look forward to your continued support as we work to advance our regulatory goals.
- Like many other issues before us, PHMSA's regulatory agenda is part of an ongoing regulatory review pursuant to the Executive Orders issued last year by the White House.

SMS

- At PHMSA, we are strongly promoting the implementation of Safety Management Systems, both internally and for our other pipeline stakeholders.
- We understand that there is no one-size-fits-all method for creating an SMS program; the implementation varies from operator to operator, and from state to state.
- Our experience has taught us that a pipeline operator is only as good as its weakest link or least-informed division, whether that is a part of the operator or a contractor. This is where SMS can have the greatest impact, reaching all levels of an organization—including its contractors—and helping to ensure a safety culture is pervasive and all-encompassing.
- We are seeing a lot of commitment from industry to voluntarily implement SMS, so I encourage you to look for those efforts from the operators in your state. If you see operators requesting rate adjustments for cost recovery of SMS implementation, remember that SMS can help operators manage the multiple facets of pipeline safety, fundamentally changing day-to-day operations by incorporating a focus on safety into every aspect of pipeline management.

Technology

- I'm proud of the R&D work we've accomplished so far at PHMSA—funding 270 projects, bringing 27 new technologies to market, and refining our overall systematic process and sub-processes via ongoing review of program effectiveness.
 - PHMSA has also funded the following projects in recent years applicable to cast iron and liners to support their rehabilitation until such times that they can be replaced.

IOWA UTILITIES BOARD PIPELINE SAFETY CONFERENCE
DES MOINES, IOWA
FEBRUARY 26, 2019

Introduction

First, I want to thank Nick Wagner for the invitation to be here today to speak to you about what we're doing at PHMSA to advance our shared mission to promote pipeline safety.

Pathway to Washington DC

I was sworn in by Secretary Elaine Chao as Chief Counsel about one year ago. PHMSA's Administrator, Howard "Skip" Elliott, is a tremendous leader with deep industry experience, who along with Secretary Chao, are relentless about safety and executing our government responsibilities with the utmost efficiency and accountability.

Trip Down Memory Lane

After the San Bruno, CA disaster in 2010, and then Allentown, PA explosion in early 2011, the national focus on pipeline safety and aged infrastructure became a centerpiece of Federal and state policy. Those two incidents took the lives of 13 innocent victims.

The Transportation Secretary at the time, Ray LaHood, issued a "Call to Action" to industry and States to modernize the Nation's pipeline infrastructure, and in particular, high risk systems like bare steel and cast iron, which were far too old to breed the public's continued confidence that industry and regulators were doing enough to safeguard the public. At that point, our 2.6 million-mile pipeline system had about 51,000 miles of bare steel and 36,000 miles of cast iron, along with much more in the way of service lines.

At the NAPSAR Annual Meeting in Springfield, Illinois four years ago, I spoke in my capacity as Chairman of NARUC's Subcommittee on Pipeline Safety, and remarked about my visit to the Lincoln library, where I was able to add context to the age of some of these systems. It was there I learned that the oldest components of the system I regulated in Rhode Island were put in the ground when Abraham Lincoln was still the proverbial "country lawyer"—1848.

My visit to Springfield wasn't long after the East Harlem, explosion in New York, which leveled two buildings and killed 8 people. It was March 12, 2014, and I happened to be here in Santa Fe when it was revealed that Con Ed's cast-iron system was installed in 1887—126 years old.

I reached for a coin that I had purchased earlier that morning at the "open air" market in the parking lot right next door to this resort. I knew there was something about that date that struck me. It turned out that this coin happened to have been minted the same year Con Ed's system went into the ground—1887.

However, unlike currency, the value of a 130-year-old system is clearly not the same, especially when you factor in the risk that something could go wrong. And it wasn't the only antiquated system lying beneath the streets of East Harlem—the cast iron water mains were also installed in 1887, and the brick-lined sewers in 1873.

The patchwork of system repairs, replacements, and defective workmanship created a perfect storm of interactive threats that caused a T-service fusion weld to separate from the main, allowing gas to migrate and fill the basement of building before the spark and ensuing explosion destroyed the building.

In January, we had the explosion in Brooklyn, NY that injured five people—it was a cast iron made that cracked after a frost heave. In February of this year, Atmos Energy's wrapped steel mains were leaking in a Dallas neighborhood, and the last of three houses that exploded claimed finally claimed the life of a 12-year-old girl. There were early warnings signs there as well.

And then, of course, one month ago, the Merrimac Valley of Massachusetts became ground zero after Columbia Gas failed to reconnect sensing lines, leading to an over pressurization of the system that cause 131 fires, one fatality, and destruction or significant property damage to more than 20 structures. Indeed we were lucky—it could have been far, far worse than San Bruno.

And you all know the irony of this latest incident—it happened as a result of a robust replacement program, except that we witnessed a major failure in execution. The fallout from this incident will (and should) affect all of us. Because it, like all of the other ones I just described, had one thing in common—they were all avoidable, plain and simple.

Let be clear about something—I'm not saying that we don't have a safe pipeline system in this country. 99.9 percent of the products moving through pipelines reach

their final destination safely. And we have made great strides in replacing leak prone systems—the combined inventory decreased approximately 30 percent since San Bruno and Allentown brought the necessary awareness about the need for action.

But despite our efforts, we still have 36,000 miles of bare steel pipe and 24,000 miles of cast iron, which collectively will take more than twenty years to eliminate. Under that timeframe, the last section of pipeline in my hometown Capital of Providence may be 188 years old when it is finally removed. That gives me great pause and should do the same for everyone—especially the operator.

Understandably, there are real-world logistical and economic consequences that we must contend with, such as contractor availability, operator supervision, impacts to roadways and public works departments, and lastly, rate impacts to consumers. Yet, if we don't have a robust pace, and if economic regulators (i.e. commissioners) don't have the fortitude to raise rates for infrastructure upgrades, the public safety risks will continue to haunt us.

Iowa is one of 21 States that no longer have cast iron systems. 41 States have some form of rate mechanism that provides for timely recovery of capital investments.

For system operators that derive their revenues from regulated rates, there is always a question about need and justification for rate increases. I always say that utilities carry the fundamental obligation to make compelling presentations to regulators about need for capital investment, particularly as it relates to safety.

But I also believe that you all can play an important role in the ratemaking dialogue. You all possess the knowledge and expertise to advise economic regulators about the safety of the system and aid the process of prioritizing investments. I can tell you from experience that in many States, way too much money is spent to prioritize investments in other areas—like expensive renewables, grid modernization, etc.

My message is simple: Investments for safety can never take a back seat in the regulatory process. Regulators need to consult you about the needs of the system, especially as it relates to safety. You are the soldiers on the battlefield conducting inspections and keeping your pulse on the condition of systems, the effectiveness of utility supervision over contractor crews, and everything else that troubles you.

Make sure that you report back to the Commissioners or those who are in charge. As someone who has worked in government for more than 25 years, sometimes you have to tell the Emperor about proper attire, if you know what I mean. That reality exists in each your States, and I can tell you it sometimes exists in Washington DC as well.

Commissioners may come and go, but the risks of maintaining a safe and reliable system are constant. So, do your part to educate your leaders so that they fully understand the gravity of what is at stake. And every once and while let them ride shotgun with you out into the field so that they can see it with their own eyes and thereby advance their understanding about the systems they regulate, including what needs to be done going forward.

This is No Longer Your Father's Utility

Now let me talk about the other side of the equation—the industry that we regulate.

We clearly operate in a different environment than a couple of decades ago when I was cutting my teeth on NOPVs in Rhode Island, where we would escort the utility folks into a room, slap them on the hand, and substitute penalties for effective remedial actions, mostly in the way of increased investment and corrective operational practices.

These are not the same utilities of today—and it's the money side of the equation that is driving this reality, and the risks as well. Let me explain why. Before the elimination of PUHCA, our utilities were local. They were members of the community; the management lived in your neighborhoods; the workers had pensions that would keep them active in the company for the long haul, thus maintaining a strong institutional memory and knowledge about the pipeline system, its configuration, operational practices, and, of course, the risks of the system.

The Board Room, like the corporate headquarters, were local. So were the investors—mostly of whom were people like my father, and local teacher/pension funds. It provided a strong accountability regime. After the repeal of PUHCA, which fostered the convergence of many gas and electric utilities across State borders, all of this changed—for the worse.

The local investors were cashed out. The workers were locked out. The managers were ushered to the airplane doors with their golden parachutes, and large holding companies, many of which are foreign, operated the utilities remotely from out of

state headquarters. Utility work crews were swapped out for independent contractors who could lower construction costs at the expense of safety. Sound familiar?

Utilities now seem to be focused on earnings and rate cases more than the enterprise risks of the system and public safety. This is what I witnessed in my 25 years. In the aftermath of so many incidents, I have to question whether the regulatory construct has kept pace with the changes.

I think the day has likely arrived where business as usual will not suffice. The airline industry is not flying 100 year-old airplanes, and we really should never have been placed in the present predicament of having to endure excessively aged infrastructure. Pipelines that were fully depreciated a century ago shouldn't be in service today. Construction execution failures like the one we witnessed in Massachusetts are not only avoidable, they're simply, and absolutely, unacceptable. And I'll go one step further and question how we could have contractors not asking questions about pressure sensing lines and controls. How could they not understand the basics of gas operations and proper procedures?

One theme I think you'll hear from my colleagues at PHMSA, is that if you're not already doing it, we need to step up on our inspections and enforcement for newly constructed facilities. We need to step up our inspections and enforcement regarding compliance with integrity management protocols. Our performance-based regulatory regime provided the industry substantial discretion to evaluate system risks, prioritize investments, and balance decisions against efficiency and safety. But as I said last week at the New England Pipeline Representatives' meeting in New Hampshire, with broad discretion comes great responsibility.

I think the days when incidents in the pipeline space were mere civil enforcement proceedings might be coming to an end as well, particularly after the recent criminal convictions for Plains All America after the 2015 Refugio pipeline rupture that released crude oil into the Pacific waters off Santa Barbara, CA.

Another point: While excavation damage accounts for 30 percent of incidents, our analysis of enforcement data on the transmission sector showed that more than half of those incidents were due to mismarks by pipeline operators, something that is beyond the capability of 811 public awareness campaigns.

The bottom line is this: You all need to have a constant eye on what's happening out in the field. From general operations to new construction. If you need more resources, your principal responsibility is to go back to your commissioners and document the need clearly.

We strive to provide 80 percent funding, and we are working hard to meet that commitment. But first comes first—you have to bring those inspectors on board, and your commissioners need to fully support this. Remember, Congress left your authority untouched. The Federal government respected State occupation of the field concerning regulation of intrastate pipeline facilities. The States possess the authority and responsibility to inspect and enforce—with one proviso: they must annually certify to DOT that they will enforce the minimum standards in Part 193. And remember, your State possesses the authority to go "above and beyond" the minimum standards. We are partners in this effort, and decisions about resources cannot be delayed or held hostage to the expectation of 80 percent funding from the Federal government. That undercuts the effectiveness of our partnership and compromises safety. But like I said before, we at PHMSA will continue to do everything to provide as close to 80 percent funding as possible.

Lastly, if there are any problems or concerns, then please pick up the phone and call us! Because we are partners, and we have to meet the challenges together. This is an arranged marriage through a congressional mandate. And like with any marriage, consistent and timely communication is essential.

PHMSA Support—Training & Qualifications Center

We know training is an issue, and we are going to step up our efforts to expedite training of new inspectors in light of the significant turnover we have been experiencing. The nation's pipeline infrastructure is expanding at a dramatic pace. On the transmission front alone, FERC authorized construction of 18,000 miles of pipelines since 2000. This Administration is turning energy abundance into a position of energy dominance, and using export of oil and natural gas to reduce trade deficits and to leverage exports to tip the geopolitical balance away from Russia pipeline exports to eastern Europe, and Venezuelan oil in Latin America and the Caribbean.

This means oil and gas production is rising and will continue to rise. That will place higher demands on regulators to oversee the industry in the way of safety inspections. At the same time, the demands for qualified personnel is at an all-time high, and this means we have to train more and more inspectors, but at a more rapid pace. Alan will discuss in more detail.

Safety Management Systems

While I wish that culture of the industry was already mature enough to do what safety management systems are designed to accomplish, it is clear that SMS is desperately needed if we are ever to achieve Administrator Elliott's vision of zero incidents. But we don't believe SMS should be embodied in a regulation. How can you mandate culture? How do you force people to wake up at 2 am because they are worried about something?

It's our belief that operators should be voluntarily pursuing SMS as a formal business approach to managing safety risk, since it embodies a systematic approach to advancing safety throughout the organization, from management commitment; organizational structures, accountabilities, policies, and procedures; and a platform to share lessons learned.

Our experience has taught us that a pipeline operator is only as good as its weakest link (like a contractor or utility field supervisor who doesn't ask or think about the location of a pressure sensor line), or the least-informed division, whether that is a part of the operator or a contractor.

This is where SMS can have the greatest impact, reaching all levels of an organization—including its contractors—and helping to ensure a safety culture is pervasive and all-encompassing. SMS can help operators incorporate a focus on safety into every aspect of pipeline management.

Conclusion

In closing, I want to tell you how much it means for me to be here today speaking to you. I made it to Washington DC because of all of you. You supported my efforts as a Commissioner to advance pipeline safety, and that ultimately led me to Washington DC where I am grateful to serve my nation. I believe we have an unprecedented opportunity to make a difference for the better. Our partnership has never been stronger. So let's continue to work hard together to think about how we can avoid tomorrow's incidents, and do everything possible to make sure that we have no more victims on our watch. You are such important players, since you stand as the interface between industry and economic regulators. So please continue doing everything that you can to advance safety and protect the public interest.

Thank you.

**National Association of Regulatory Utility
Commissioners (NARUC)
Committee on Gas 2019 Annual Meeting
San Antonio, TX
November 2019**



**Paul Roberti
Chief Counsel
Office of Chief Counsel
Pipeline and Hazardous Materials Safety Administration**



PHMSA's Mission

"To protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives"

Four Pillars Undergirding PHMSA's Mission:

- **Safety** – Prevent incidents by establishing national policy, setting and enforcing standards, educating, and conducting research.
- **Infrastructure** – Support policies that promote continuous investment in legacy systems
- **Innovation** – Promote research and development to enable new technologies and innovation
- **Accountability** – Hold regulated industries accountable for meeting safety standards, and be held accountable as an effective regulator



PHMSA Regulated Pipeline Facilities

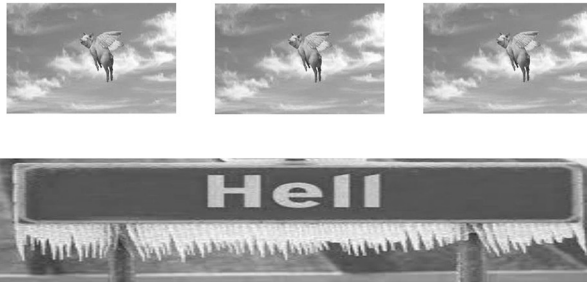
OPS and States

Pipeline Facilities by System Type			
System Type		Miles	Percent of Miles
Hazardous Liquid	CY 2017	215,817 8,118 Tanks	8%
Gas Transmission	CY 2018	301,147	11%
Gas Gathering	CY 2018	17,556	1%
Gas Distribution	CY 2018	2,234,258	80%
Total Miles: 2,769,048			
Liquefied Natural Gas		157 Plants, 228 Tanks, 86 Operators	
	CY 2018	Plants: 27 Interstate and 130 Intrastate	
Underground Natural Gas Storage		397 Facilities, 451 Reservoirs	
	CY 2018	17,281 Wells, 124 Operators	
		Facilities: 221 Interstate and 176 Intrastate	

Data accurate as of March 27, 2019



PHMSA Transmits Three New Rules to Federal Register in a Single Day



U.S. Department of Transportation
Pipeline and Hazardous Materials
Safety Administration

"To protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives."



Published Rulemakings

- **Safety of Gas Transmission Pipelines**
 - Fulfills statutory mandates and NTSB requirements by expanding IM assessments, requiring MAOP reconfirmation, and requiring use of PRDs prior to insertion/removal of ILI tools.
 - Effects 300,000 miles of transmission lines.
- **Safety of Hazardous Liquid Pipelines**
 - Expanded integrity management requirements.
 - Directs operators to periodically evaluate the condition of all HL pipelines, regardless of their location, and set repair timelines.
 - Extends leak detection requirement to all HL pipelines.
 - Fulfills multiple safety recommendations and Congressional mandates.
 - Effects 215,000 miles of HL lines.
- **Enhanced Emergency Order (EO) Procedures**
 - Revises EO procedures by adding protections for petitioners that seek to modify or terminate an EO.



U.S. Department of Transportation
Pipeline and Hazardous Materials
Safety Administration

To Protect People and the Environment From the Risks of
Hazardous Materials Transportation



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Safety of Gas Transmission Pipelines Final Rule

- Requires reconfirmation of the maximum allowable operating pressure (MAOP) for certain pipelines with (1) inadequate MAOP records and (2) grandfathered pipelines that have not had a pressure test;
- Introduces “moderate consequence areas” (MCA) for populated areas not currently subject to integrity assessments where an incident could pose risk to human life and property;
- Collect or create records of the material properties of the pipeline if they must reconfirm the pipeline’s MAOP;
- Use devices that safely relieve pressure prior to the insertion or removal of in-line inspection (ILI) tools to help ensure the safety of personnel performing in-line inspections;
- Consider seismicity as a factor in threat assessments and incorporate into P&M measures;
- Report to PHMSA MAOP exceedances on or before the 5th day following the date on which the exceedance occurs;
- Use industry consensus standards for in-line inspections that provide rigorous processes for qualifying the equipment, people, processes, and software used in such inspections.



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Safety of Hazardous Liquid Pipelines Final Rule

- Extension of reporting requirements to previously-unregulated gravity lines and gathering lines.
- Expansion of leak-detection requirements.
- Inspection of pipelines after extreme weather events or natural disasters.
- Expands integrity management (IM) requirements to onshore segments not currently covered.
- Expanded use of inline inspection tools for HCA and non-HCA segments.
- Requires leak detection systems for all hazardous liquid pipelines, including those outside of HCAs.
- Updates data integration requirements for identifying HCAs and seismicity risks.
- More timely provision of safety data sheets to first responders (within 6 hours of reported spill).
- Expanded accident reporting requirements for pipelines and unregulated gathering lines.
- Annual in-line inspection assessments and other surveys of certain onshore underwater pipelines.



Enhanced Emergency Order Procedures Final Rule

- Amends an earlier IFR, clarifies the duration and scope of emergency orders and revises the administrative or judicial timeline for these orders.
- Specifies that PHMSA will publish emergency orders on both PHMSA's website and with the Federal Register.
- Extends the deadline for filing a petition for reconsideration and explains that an emergency order may be removed when the relevant imminent hazard no longer exists.
- Specifies that PHMSA may consolidate petitions for reconsideration, provided such consolidation occurs prior to the commencement of a formal hearing.



Pipeline Regulatory Update

Rule (RIN)	Description	Rulemaking Status	Current Target
2137-AE66	Safety of Hazardous Liquid Pipelines (Final rule)	Published	N/A
2137-AE72	Safety of Gas Transmission (Final rule)	Published	N/A
2137-AE26	Enhanced Emergency Order Procedures (Final Rule)	Published	N/A
2137-AP06	Rupture Detection and Valves (NPRM)	In Progress	Fall 2019
2137-AP22	Underground Natural Gas Storage Facilities (Final Rule)	In Progress	Fall 2019
2137-AP28	Class Location Requirements (NPRM)	In Progress	Fall 2019
2137-AP38	Safety of Gas Gathering Pipelines (Final rule)	In Progress	Spring 2020
2137-AP39	Safety of Gas Pipelines: HR Improvements (Final rule)	In Progress	Winter 2019
2137-AP36	Gas Pipeline Regulatory Reform (NPRM)	In Progress	Fall 2019
2137-AP37	Liquid Pipeline Regulatory Reform (NPRM)	In Progress	Fall 2019
2137-AP45	Amendments to LNG Facilities (NPRM)	In Progress	Fall 2019
2137-AP46	Repair Criteria for Hazardous Liquid Pipelines (NPRM)	In Progress	Spring 2020
2137-AP31	Coastal Ecological USAs (NPRM)	In Progress	Spring 2020
2137-AP13	Periodic Standards Update (NPRM)	In Progress	Spring 2020
2137-AP48	Periodic Standards Update II (NPRM)	TBD	TBD



DOT General Counsel's Enforcement Memorandum

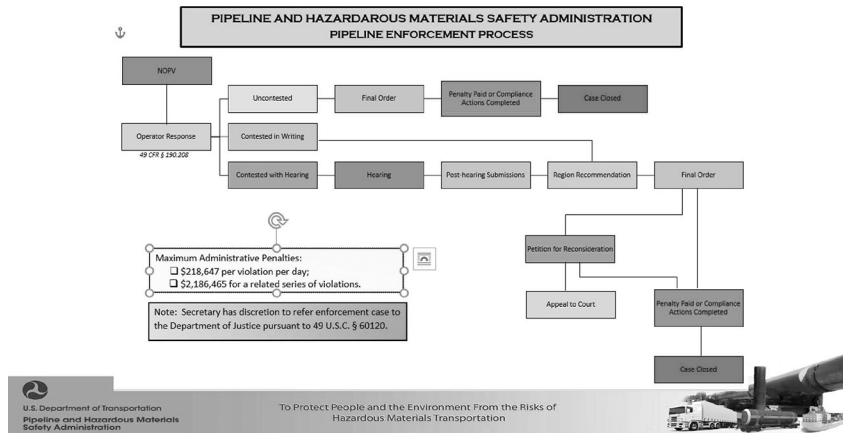
- On February 15, 2019, DOT issued Memorandum on Procedural Requirements for DOT Enforcement Actions
- Two companion DOT Memoranda recently issued – Address Rulemaking Procedures and Use of Guidance
- October 9, 2019 Executive Order on “Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication”



Procedural Requirements for DOT Enforcement Actions

- Ensure due process throughout enforcement process
- Prompt disclosure compliance issues
- No broad or unduly expansive interpretations of regulations
- Legally sufficient basis for an enforcement action
- Mandatory disclosure of materially exculpatory evidence
- Objective and transparent methodology for penalty considerations
- Timely disclosure of penalty calculation worksheets
- Limitation on use of guidance documents
- Other Objectives: Ex parte communications; ADR; Fair notice; Avoiding bias





Improvements in Enforcement Process

- More efficient timelines from completion of inspections to issuance of Final Orders.
- Streamlined process for Uncontested Cases where there is no challenge to the penalty or compliance actions.
- Requests for Extensions to Respond to Notice must include justification of good cause.
- Scheduling Order at the conclusion of hearings to set dates for Post Hearing Briefs and Region Recommendations.



Our National Presence

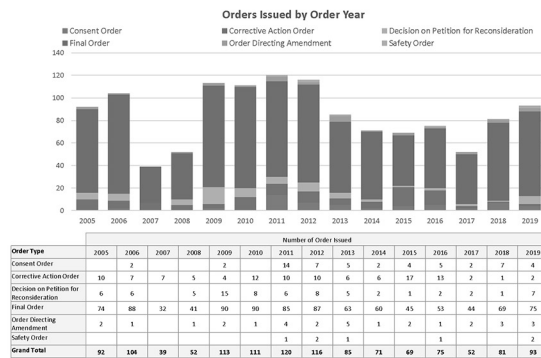


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Enforcement Statistics



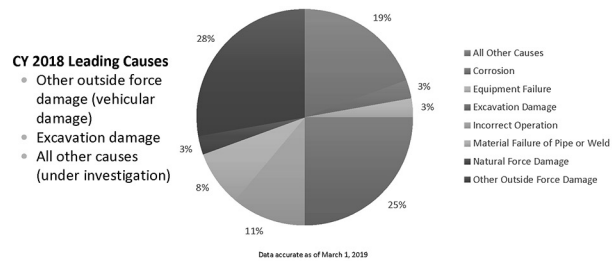
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15



Serious Gas Distribution Incidents



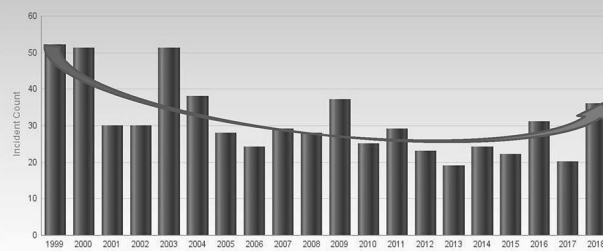
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Gas Distribution Serious Incidents

Gas distribution incidents increased 44% from 2017 to 2018



As of February 14, 2019



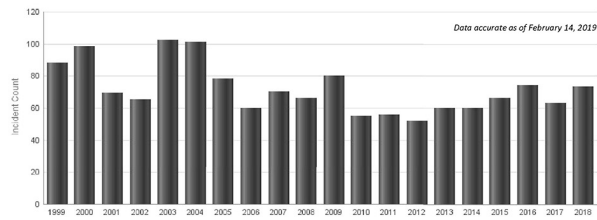
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Gas Distribution Significant Incidents

Increased by 16% from 2017 to 2018!

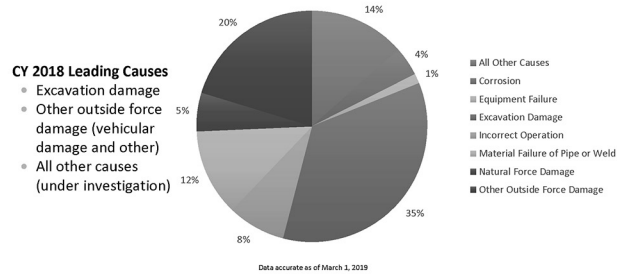


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Significant Gas Distribution Incidents



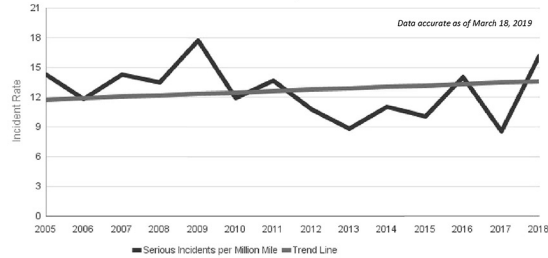
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Gas Distribution Serious Incidents per Million Miles 2005-2018

The rate has fluctuated since 2005, with an overall increase of 13%.



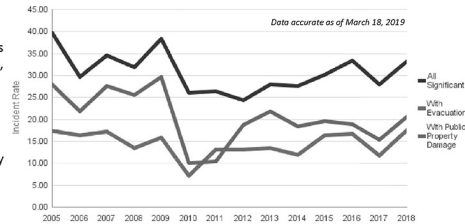
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Gas Distribution Significant Incidents per Million Miles 2005-2018

- * All Significant rate has fluctuated since 2005, decreasing by 16%.
- * With Evacuation increased by 1%.
- * With Public Property Damage decreased by 26%.



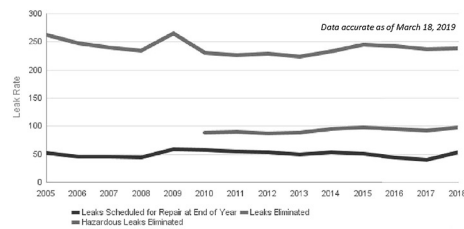
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Gas Distribution Leaks per 1,000 Miles 2005-2018

- The rate of hazardous leaks eliminated has increased by 10% since 2010.
 - The effective date for PHMSA's gas distribution integrity management (DIMP) regulations was 2011.
 - PHMSA expects an eventual rate decrease as pipeline operators identify integrity threats and implement measures to reduce risk.
- The rate for all leaks eliminated has decreased by 10% since 2005.
- The rate for leaks scheduled for repair at the end of the year has increased by 2% since 2005.

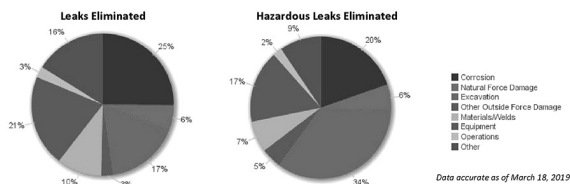


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Gas Distribution Leaks Eliminated by Cause 2005-2018



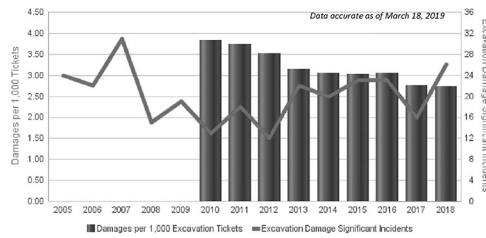
Excavation damage is the leading cause of hazardous leaks and accounts for 34% of hazardous leaks, but only 17% of leaks overall.

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Gas Distribution Excavation Damage 2005-2018



- * The number of significant incidents caused by excavation damage has fluctuated since 2005 but increased 8% overall.
- * Damages per 1,000 tickets have decreased by 29% since 2010.

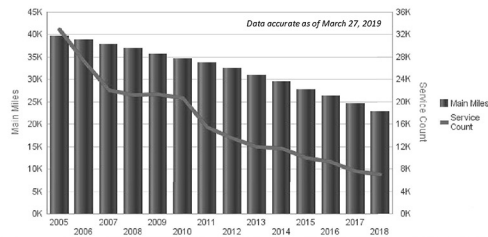
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Gas Distribution Cast & Wrought Iron 2005-2018

- * Cast and wrought iron main miles have decreased by 42% since 2005.
- * Cast iron mains make up 1% of all gas distribution main miles.
- * Cast and wrought iron service lines have decreased by 79% since 2005.

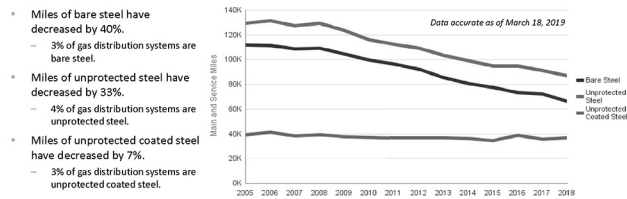


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Gas Distribution Steel Miles Bare and Unprotected 2005-2018

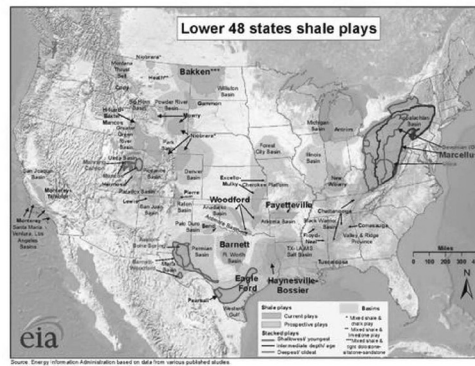


NTSB Releases Final Report on September 2018 Merrimack Valley, MA Accident



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U.S. LNG Exports to 37 Countries



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Reauthorization 2020

Administration Proposal	Congressional Proposals
Appropriations FY 2020-2024	Whistleblower Protection
Overpressure Protection/MOC/OQ for New Construction	Citizen Mandamus
Safety Incentives Program	LNG Center of Excellence
Voluntary Information Sharing	Regulatory Update
Underground Storage Fees	Self-disclosure of Violations
Property Damage Threshold (\$118K)	Community Right-To-Know
LNG Siting Review Fees	Physical and Cyber Security
Pilot Programs	Methane Emissions
Criminal Trespass Standard	
Operating Status: Idle Pipelines	
State Program Requirements	
Pipeline Construction Data Collection	



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FOIA Update

- [Food Marketing Institute v. Argus Leader Media](#), 139 S. Ct. 2356 (2019) - the Supreme Court issued this opinion on June 24, 2019 addressing the meaning of the word "confidential" in Exemption 4 of the Freedom of Information Act, which overturned over forty years of precedent.
- No longer apply the "substantial competitive harm" test to determine whether information is "confidential" under Exemption 4.
- Consider both: (1) whether the information is "customarily kept private, or at least closely held," by the submitter; and (2) whether the government provides "some assurance" that the information will not be publicly disclosed.



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GPAC/LPAC meeting – November 14, 2019

- PHMSA has two Federal Advisory Committees:
 - Technical Pipeline Safety Standards Committee (a/k/a GPAC)
 - Technical Hazardous Liquid Pipeline Safety Committee (a/k/a LPAC)
- Function as peer review committees for all proposed safety standards
 - Technical feasibility
 - Reasonableness
 - Cost Effectiveness
 - Practicality
- “Shall prepare and submit” a Report to the Secretary
- Secretary not bound by Committee Reports
- Meet “at least up to 4 times annually”



PHMSA Awarded \$94 Million in Grants to Promote Emergency Preparedness, Training & Support, and R&D

- GPS-based Excavation Encroachment Notification
- Natural Gas Pipeline Leak Rate Measurement System
- Rapid Aerial Small Methane Leak Survey



NATIONAL ASSOCIATION OF PIPELINE SAFETY REPRESENTATIVES 2018 ANNUAL MEETING SANTA FE, NEW MEXICO OCTOBER 16, 2018

Introduction

First, I want to thank you for all your efforts to advance our shared safety mission.

Pathway to Washington DC

I was sworn in by Secretary Elaine Chao as Chief Counsel in March of this year. Many of you know my background and how I ended up in this position. In fact, some of you were pivotal in helping to forge my pathway to Washington DC. And when I arrived there, I found an incredible team of professionals led by people like Alan Mayberry and Linda Daugherty, who I have the utmost respect for.

PHMSA leadership now includes another stalwart from the State ranks—Massoud Tahamtani. PHMSA’s Administrator, Howard “Skip” Elliott, is a tremendous leader

with deep industry experience, who along with Secretary Chao, are relentless about safety and executing our government responsibilities with the utmost efficiency and accountability. It's what Alan, Massoud and I refer to as "good government."

Trip Down Memory Lane

After the San Bruno, CA disaster in 2010, and then Allentown, PA explosion in early 2011, the national focus on pipeline safety and aged infrastructure became a centerpiece of Federal and state policy. Those two incidents took the lives of 13 innocent victims.

The Transportation Secretary at the time, Ray LaHood, issued a "Call to Action" to industry and States to modernize the Nation's pipeline infrastructure, and in particular, high risk systems like bare steel and cast iron, which were far too old to breed the public's continued confidence that industry and regulators were doing enough to safeguard the public. At that point, our 2.6 million-mile pipeline system had about 51,000 miles of bare steel and 36,000 miles of cast iron, along with much more in the way of service lines.

At the NAPSAR Annual Meeting in Springfield, Illinois four years ago, I spoke in my capacity as Chairman of NARUC's Subcommittee on Pipeline Safety, and remarked about my visit to the Lincoln library, where I was able to add context to the age of some of these systems. It was there I learned that the oldest components of the system I regulated in Rhode Island were put in the ground when Abraham Lincoln was still the proverbial "country lawyer"—1848.

My visit to Springfield wasn't long after the East Harlem, explosion in New York, which leveled two buildings and killed 8 people. It was March 12, 2014, and I happened to be here in Santa Fe when it was revealed that Con Ed's cast-iron system was installed in 1887—126 years old.

I reached for a coin that I had purchased earlier that morning at the "open air" market in the parking lot right next door to this resort. I knew there was something about that date that struck me. It turned out that this coin happened to have been minted the same year Con Ed's system went into the ground—1887.

However, unlike currency, the value of a 130-year-old system is clearly not the same, especially when you factor in the risk that something could go wrong. And it wasn't the only antiquated system lying beneath the streets of East Harlem—the cast iron water mains were also installed in 1887, and the brick-lined sewers in 1873.

The patchwork of system repairs, replacements, and defective workmanship created a perfect storm of interactive threats that caused a T-service fusion weld to separate from the main, allowing gas to migrate and fill the basement of building before the spark and ensuing explosion destroyed the building.

In January, we had the explosion in Brooklyn, NY that injured five people—it was a cast iron made that cracked after a frost heave. In February of this year, Atmos Energy's wrapped steel mains were leaking in a Dallas neighborhood, and the last of three houses that exploded claimed finally claimed the life of a 12-year-old girl. There were early warnings signs there as well.

And then, of course, one month ago, the Merrimac Valley of Massachusetts became ground zero after Columbia Gas failed to reconnect sensing lines, leading to an over pressurization of the system that cause 131 fires, one fatality, and destruction or significant property damage to more than 20 structures. Indeed we were lucky—it could have been far, far worse than San Bruno.

And you all know the irony of this latest incident—it happened as a result of a robust replacement program, except that we witnessed a major failure in execution. The fallout from this incident will (and should) affect all of us. Because it, like all of the other ones I just described, had one thing in common—they were all avoidable, plain and simple.

Let be clear about something—I'm not saying that we don't have a safe pipeline system in this country. 99.9 percent of the products moving through pipelines reach their final destination safely. And we have made great strides in replacing leak prone systems—the combined inventory decreased approximately 30 percent since San Bruno and Allentown brought the necessary awareness about the need for action.

But despite our efforts, we still have 36,000 miles of bare steel pipe and 24,000 miles of cast iron, which collectively will take more than twenty years to eliminate. Under that timeframe, the last section of pipeline in my hometown Capital of Providence may be 188 years old when it is finally removed. That gives me great pause and should do the same for everyone—especially the operator.

Understandably, there are real-world logistical and economic consequences that we must contend with, such as contractor availability, operator supervision, impacts to roadways and public works departments, and lastly, rate impacts to consumers.

Yet, if we don't have a robust pace, and if economic regulators (i.e. commissioners) don't have the fortitude to raise rates for infrastructure upgrades, the public safety risks will continue to haunt us.

I also recognize that not all States face this problem any longer—21 States no longer have these vintage pipelines or have taken the necessary steps to replace them, and 41 States have some form of rate mechanism that provides for timely recovery of capital investments.

For system operators that derive their revenues from regulated rates, there is always a question about need and justification for rate increases. I always say that utilities carry the fundamental obligation to make compelling presentations to regulators about need for capital investment, particularly as it relates to safety.

But I also believe that you all can play an important role in the ratemaking dialogue. You all possess the knowledge and expertise to advise economic regulators about the safety of the system and aid the process of prioritizing investments. I can tell you from experience that in many States, way too much money is spent to prioritize investments in other areas—like expensive renewables, grid modernization, etc.

My message is simple: Investments for safety can never take a back seat in the regulatory process. Regulators need to consult you about the needs of the system, especially as it relates to safety. You are the soldiers on the battlefield conducting inspections and keeping your pulse on the condition of systems, the effectiveness of utility supervision over contractor crews, and everything else that troubles you.

Make sure that you report back to the Commissioners or those who are in charge. As someone who has worked in government for more than 25 years, sometimes you have to tell the Emperor about proper attire, if you know what I mean. That reality exists in each your States, and I can tell you it sometimes exists in Washington DC as well.

Commissioners may come and go, but the risks of maintaining a safe and reliable system are constant. So, do your part to educate your leaders so that they fully understand the gravity of what is at stake. And every once and while let them ride shotgun with you out into the field so that they can see it with their own eyes and thereby advance their understanding about the systems they regulate, including what needs to be done going forward.

This is No Longer Your Father's Utility

Now let me talk about the other side of the equation—the industry that we regulate.

We clearly operate in a different environment than a couple of decades ago when I was cutting my teeth on NOPVs in Rhode Island, where we would escort the utility folks into a room, slap them on the hand, and substitute penalties for effective remedial actions, mostly in the way of increased investment and corrective operational practices.

These are not the same utilities of today—and it's the money side of the equation that is driving this reality, and the risks as well. Let me explain why. Before the elimination of PUHCA, our utilities were local. They were members of the community; the management lived in your neighborhoods; the workers had pensions that would keep them active in the company for the long haul, thus maintaining a strong institutional memory and knowledge about the pipeline system, its configuration, operational practices, and, of course, the risks of the system.

The Board Room, like the corporate headquarters, were local. So were the investors—mostly of whom were people like my father, and local teacher/pension funds. It provided a strong accountability regime. After the repeal of PUHCA, which fostered the convergence of many gas and electric utilities across State borders, all of this changed—for the worse.

The local investors were cashed out. The workers were locked out. The managers were ushered to the airplane doors with their golden parachutes, and large holding companies, many of which are foreign, operated the utilities remotely from out of state headquarters. Utility work crews were swapped out for independent contractors who could lower construction costs at the expense of safety. Sound familiar?

Utilities now seem to be focused on earnings and rate cases more than the enterprise risks of the system and public safety. This is what I witnessed in my 25 years. In the aftermath of so many incidents, I have to question whether the regulatory construct has kept pace with the changes.

I think the day has likely arrived where business as usual will not suffice. The airline industry is not flying 100 year-old airplanes, and we really should never have been placed in the present predicament of having to endure excessively aged infrastructure. Pipelines that were fully depreciated a century ago shouldn't be in service today. Construction execution failures like the one we witnessed in Massa-

chusetts are not only avoidable, they're simply, and absolutely, unacceptable. And I'll go one step further and question how we could have contractors not asking questions about pressure sensing lines and controls. How could they not understand the basics of gas operations and proper procedures?

One theme I think you'll hear from my colleagues at PHMSA, is that if you're not already doing it, we need to step up on our inspections and enforcement for newly constructed facilities. We need to step up our inspections and enforcement regarding compliance with integrity management protocols. Our performance-based regulatory regime provided the industry substantial discretion to evaluate system risks, prioritize investments, and balance decisions against efficiency and safety. But as I said last week at the New England Pipeline Representatives' meeting in New Hampshire, with broad discretion comes great responsibility.

I think the days when incidents in the pipeline space were mere civil enforcement proceedings might be coming to an end as well, particularly after the recent criminal convictions for Plains All America after the 2015 Refugio pipeline rupture that released crude oil into the Pacific waters off Santa Barbara, CA.

Another point: While excavation damage accounts for 30 percent of incidents, our analysis of enforcement data on the transmission sector showed that more than half of those incidents were due to mismarks by pipeline operators, something that is beyond the capability of 811 public awareness campaigns.

The bottom line is this: You all need to have a constant eye on what's happening out in the field. From general operations to new construction. If you need more resources, your principal responsibility is to go back to your commissioners and document the need clearly.

We strive to provide 80 percent funding, and we are working hard to meet that commitment. But first comes first—you have to bring those inspectors on board, and your commissioners need to fully support this. Remember, Congress left your authority untouched. The Federal government respected State occupation of the field concerning regulation of intrastate pipeline facilities. The States possess the authority and responsibility to inspect and enforce—with one proviso: they must annually certify to DOT that they will enforce the minimum standards in Part 193. And remember, your State possesses the authority to go “above and beyond” the minimum standards. We are partners in this effort, and decisions about resources cannot be delayed or held hostage to the expectation of 80 percent funding from the Federal government. That undercuts the effectiveness of our partnership and compromises safety. But like I said before, we at PHMSA will continue to do everything to provide as close to 80 percent funding as possible.

Lastly, if there are any problems or concerns, then please pick up the phone and call us! Because we are partners, and we have to meet the challenges together. This is an arranged marriage through a congressional mandate. And like with any marriage, consistent and timely communication is essential.

PHMSA Support—Training & Qualifications Center

We know training is an issue, and we are going to step up our efforts to expedite training of new inspectors in light of the significant turnover we have been experiencing. The nation's pipeline infrastructure is expanding at a dramatic pace. On the transmission front alone, FERC authorized construction of 18,000 miles of pipelines since 2000. This Administration is turning energy abundance into a position of energy dominance, and using export of oil and natural gas to reduce trade deficits and to leverage exports to tip the geopolitical balance away from Russia pipeline exports to eastern Europe, and Venezuelan oil in Latin America and the Caribbean.

This means oil and gas production is rising and will continue to rise. That will place higher demands on regulators to oversee the industry in the way of safety inspections. At the same time, the demands for qualified personnel is at an all-time high, and this means we have to train more and more inspectors, but at a more rapid pace. Alan will discuss in more detail.

Safety Management Systems

While I wish that culture of the industry was already mature enough to do what safety management systems are designed to accomplish, it is clear that SMS is desperately needed if we are ever to achieve Administrator Elliott's vision of zero incidents. But we don't believe SMS should be embodied in a regulation. How can you mandate culture? How do you force people to wake up at 2 am because they are worried about something?

It's our belief that operators should be voluntarily pursuing SMS as a formal business approach to managing safety risk, since it embodies a systematic approach to advancing safety throughout the organization, from management commitment; orga-

nizational structures, accountabilities, policies, and procedures; and a platform to share lessons learned.

Our experience has taught us that a pipeline operator is only as good as its weakest link (like a contractor or utility field supervisor who doesn't ask or think about the location of a pressure sensor line), or the least-informed division, whether that is a part of the operator or a contractor.

This is where SMS can have the greatest impact, reaching all levels of an organization—including its contractors—and helping to ensure a safety culture is pervasive and all-encompassing. SMS can help operators incorporate a focus on safety into every aspect of pipeline management.

Conclusion

In closing, I want to tell you how much it means for me to be here today speaking to you. I made it to Washington DC because of all of you. You supported my efforts as a Commissioner to advance pipeline safety, and that ultimately led me to Washington DC where I am grateful to serve my nation. I believe we have an unprecedented opportunity to make a difference for the better. Our partnership has never been stronger. So let's continue to work hard together to think about how we can avoid tomorrow's incidents, and do everything possible to make sure that we have no more victims on our watch. You are the such important players, since you stand as the interface between industry and economic regulators. So please continue doing everything that you can to advance safety and protect the public interest.

Thank you.

National Association of State Utility Consumer Advocates Committee on Gas 2019 Annual Meeting

San Antonio, TX
November 18, 2019



**Paul Roberti
Chief Counsel**

**U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration**



U.S. Department of Transportation
Pipeline and Hazardous Materials
Safety Administration

To Protect People and the Environment From the Risks of
Hazardous Materials Transportation



PHMSA's Mission

"To protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives"

Four Pillars Undergirding PHMSA's Mission:

- **Safety** – Prevent incidents by establishing national policy, setting and enforcing standards, educating, and conducting research.
- **Infrastructure** – Support policies that promote continuous investment in legacy systems
- **Innovation** – Promote research and development to enable new technologies and innovation
- **Accountability** – Hold regulated industries accountable for meeting safety standards, and be held accountable as an effective regulator



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PHMSA Regulated Pipeline Facilities

OPS and States

Pipeline Facilities by System Type			
System Type		Miles	Percent of Miles
Hazardous Liquid	CY 2017	215,817 8,118 Tanks	8%
Gas Transmission	CY 2018	301,147	11%
Gas Gathering	CY 2018	17,556	1%
Gas Distribution	CY 2018	2,234,258	80%
Total Miles: 2,769,048			
Liquefied Natural Gas		157 Plants, 228 Tanks, 86 Operators	
	CY 2018	Plants: 27 Interstate and 130 Intrastate	
Underground Natural Gas Storage		397 Facilities, 451 Reservoirs	
	CY 2018	17,281 Wells, 124 Operators	
		Facilities: 221 Interstate and 176 Intrastate	

Data accurate as of March 27, 2019



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PHMSA Transmits Three New Rules to Federal Register in a Single Day



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Published Rulemakings

- **Safety of Gas Transmission Pipelines**
 - Fulfills statutory mandates and NTSB requirements by expanding IM assessments, requiring MAOP reconfirmation, and requiring use of PRDs prior to insertion/removal of ILI tools.
 - Effects 300,000 miles of transmission lines.
- **Safety of Hazardous Liquid Pipelines**
 - Expanded integrity management requirements.
 - Directs operators to periodically evaluate the condition of all HL pipelines, regardless of their location, and set repair timelines.
 - Extends leak detection requirement to all HL pipelines.
 - Fulfills multiple safety recommendations and Congressional mandates.
 - Effects 215,000 miles of HL lines.
- **Enhanced Emergency Order (EO) Procedures**
 - Revises EO procedures by adding protections for petitioners that seek to modify or terminate an EO.



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Safety of Gas Transmission Pipelines Final Rule

- Requires reconfirmation of the maximum allowable operating pressure (MAOP) for certain pipelines with (1) inadequate MAOP records and (2) grandfathered pipelines that have not had a pressure test;
- Introduces “moderate consequence areas” (MCA) for populated areas not currently subject to integrity assessments where an incident could pose risk to human life and property;
- Collect or create records of the material properties of the pipeline if they must reconfirm the pipeline’s MAOP;
- Use devices that safely relieve pressure prior to the insertion or removal of in-line inspection (ILI) tools to help ensure the safety of personnel performing in-line inspections;
- Consider seismicity as a factor in threat assessments and incorporate into P&M measures;
- Report to PHMSA MAOP exceedances on or before the 5th day following the date on which the exceedance occurs;
- Use industry consensus standards for in-line inspections that provide rigorous processes for qualifying the equipment, people, processes, and software used in such inspections.



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Safety of Hazardous Liquid Pipelines Final Rule

- Extension of reporting requirements to previously-unregulated gravity lines and gathering lines.
- Expansion of leak-detection requirements.
- Inspection of pipelines after extreme weather events or natural disasters.
- Expands integrity management (IM) requirements to onshore segments not currently covered.
- Expanded use of inline inspection tools for HCA and non-HCA segments.
- Requires leak detection systems for all hazardous liquid pipelines, including those outside of HCAs.
- Updates data integration requirements for identifying HCAs and seismicity risks.
- More timely provision of safety data sheets to first responders (within 6 hours of reported spill).
- Expanded accident reporting requirements for pipelines and unregulated gathering lines.
- Annual in-line inspection assessments and other surveys of certain onshore underwater pipelines.



Enhanced Emergency Order Procedures Final Rule

- Amends an earlier IFR, clarifies the duration and scope of emergency orders and revises the administrative or judicial timeline for these orders.
- **Specifies that PHMSA will publish emergency orders on both PHMSA's website and with the Federal Register.**
- Extends the deadline for filing a petition for reconsideration and explains that an emergency order may be removed when the relevant imminent hazard no longer exists.
- Specifies that PHMSA may consolidate petitions for reconsideration, provided such consolidation occurs prior to the commencement of a formal hearing.



Pipeline Regulatory Update

Rule (RIN)	Description	Rulemaking Status	Current Target
2137-AE66	Safety of Hazardous Liquid Pipelines (Final rule)	Published	N/A
2137-AE72	Safety of Gas Transmission (Final rule)	Published	N/A
2137-AE26	Enhanced Emergency Order Procedures (Final Rule)	Published	N/A
2137-AE96	Rupture Detection and Valves (NPRM)	In Progress	Fall 2019
2137-AE22	Underground Natural Gas Storage Facilities (Final Rule)	In Progress	Fall 2019
2137-AE29	Class Location Requirements (NPRM)	In Progress	Fall 2019
2137-AE38	Safety of Gas Gathering Pipelines (Final rule)	In Progress	Spring 2020
2137-AE39	Safety of Gas Pipelines: HR Improvements (Final rule)	In Progress	Winter 2019
2137-AE36	Gas Pipeline Regulatory Reform (NPRM)	In Progress	Fall 2019
2137-AE37	Liquid Pipeline Regulatory Reform (NPRM)	In Progress	Fall 2019
2137-AE45	Amendments to LNG Facilities (NPRM)	In Progress	Fall 2019
2137-AE44	Repair Criteria for Hazardous Liquid Pipelines (NPRM)	In Progress	Spring 2020
2137-AE31	Coastal Ecological Sites (ADNPRM)	In Progress	Spring 2020
2137-AE13	Periodic Standards Update (NPRM)	In Progress	Spring 2020
2137-AE48	Periodic Standards Update II (NPRM)	TBD	TBD



DOT General Counsel's Enforcement Memorandum

- On February 15, 2019, DOT issued Memorandum on Procedural Requirements for DOT Enforcement Actions
- Two companion DOT Memoranda recently issued – Address Rulemaking Procedures and Use of Guidance
- **October 9, 2019 Executive Order on “Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication”**



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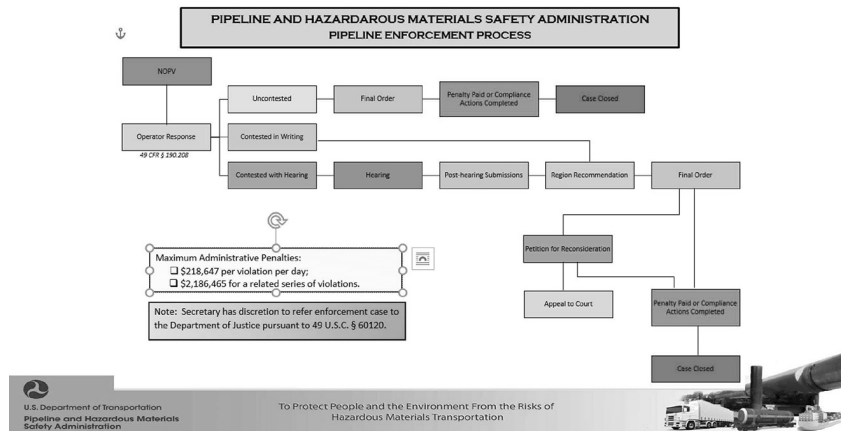
Procedural Requirements for DOT Enforcement Actions

- Ensure due process throughout enforcement process
- Prompt disclosure compliance issues
- No broad or unduly expansive interpretations of regulations
- Legally sufficient basis for an enforcement action
- Mandatory disclosure of materially exculpatory evidence
- Objective and transparent methodology for penalty considerations
- Timely disclosure of penalty calculation worksheets
- Limitation on use of guidance documents
- Other Objectives: Ex parte communications; ADR; Fair notice; Avoiding bias



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Improvements in Enforcement Process

- More efficient timelines from completion of inspections to issuance of Final Orders.
- Streamlined process for Uncontested Cases where there is no challenge to the penalty or compliance actions.
- Requests for Extensions to Respond to Notice must include justification of good cause.
- Scheduling Order at the conclusion of hearings to set dates for Post Hearing Briefs and Region Recommendations.

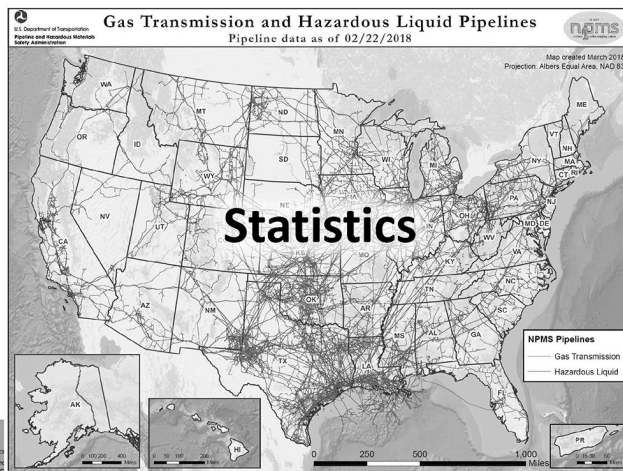


Our National Presence



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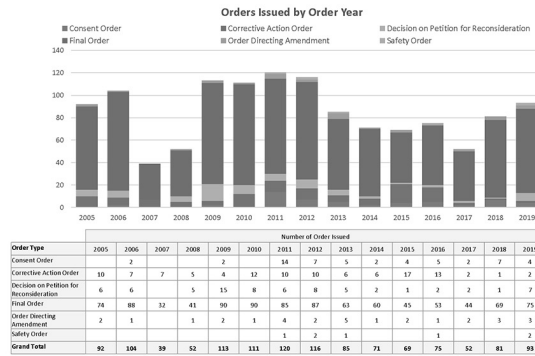
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Enforcement Statistics



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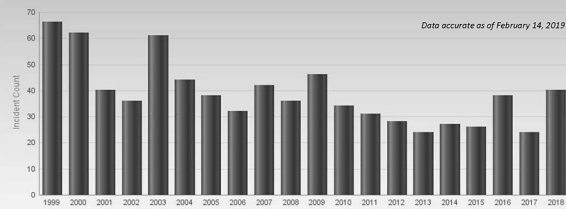
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16



Serious Incidents

Increased by 67% from 2017 to 2018!



CY 2018

90% Gas Distribution
7.5% Gas Transmission

2.5% Hazardous Liquid
0% Liquefied Natural Gas (LNG), Gas Gathering, or
Underground Natural Gas Storage

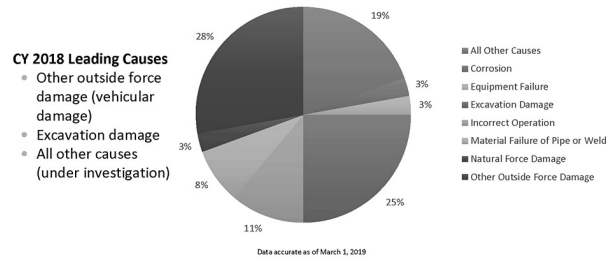


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Serious Gas Distribution Incidents



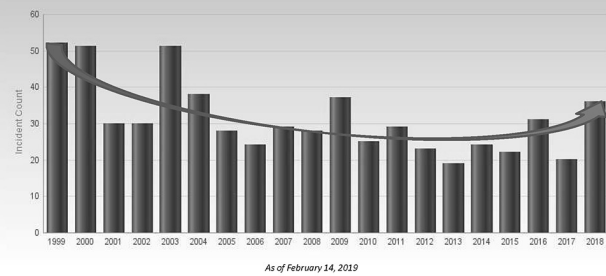
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Gas Distribution Serious Incidents

Gas distribution incidents increased 44% from 2017 to 2018



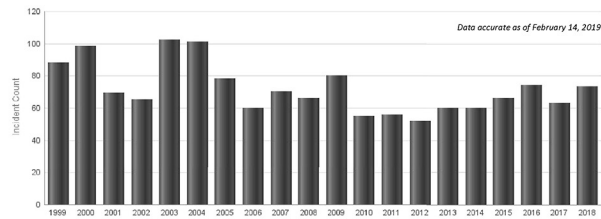
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Gas Distribution Significant Incidents

Increased by 16% from 2017 to 2018!

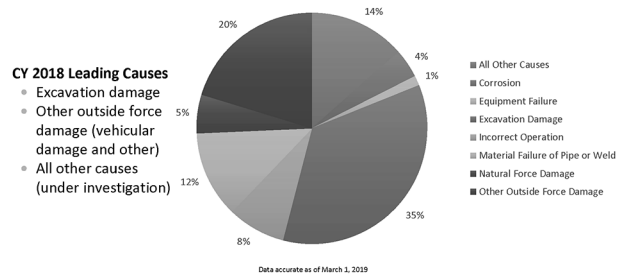


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Significant Gas Distribution Incidents



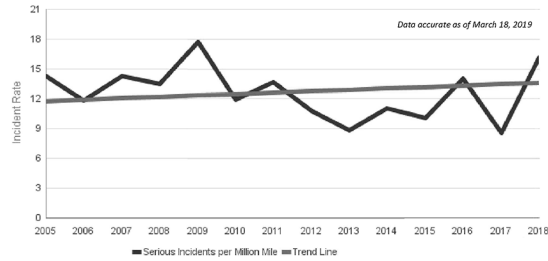
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Gas Distribution Serious Incidents per Million Miles 2005-2018

The rate has fluctuated since 2005, with an overall increase of 13%.



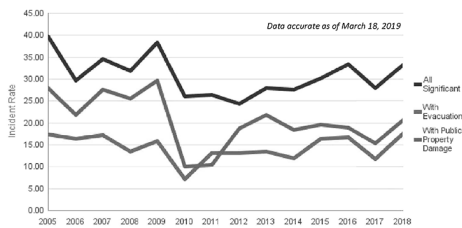
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Gas Distribution Significant Incidents per Million Miles 2005-2018

- * All Significant rate has fluctuated since 2005, decreasing by 16%.
- * With Evacuation increased by 1%.
- * With Public Property Damage decreased by 26%.



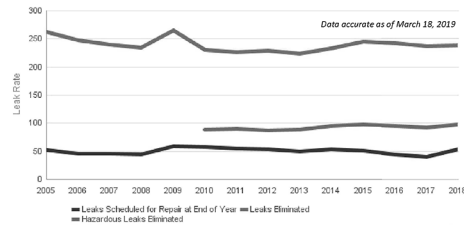
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Gas Distribution Leaks per 1,000 Miles 2005-2018

- The rate of hazardous leaks eliminated has increased by 10% since 2010.
 - The effective date for PHMSA's gas distribution integrity management (DIMP) regulations was 2011.
 - PHMSA expects an eventual rate decrease as pipeline operators identify integrity threats and implement measures to reduce risk.
- The rate for all leaks eliminated has decreased by 10% since 2005.
- The rate for leaks scheduled for repair at the end of the year has increased by 2% since 2005.

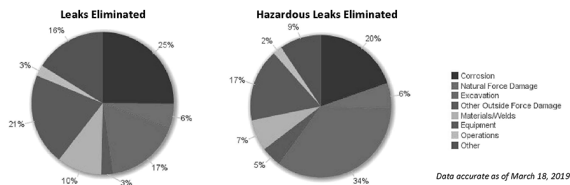


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Gas Distribution Leaks Eliminated by Cause 2005-2018



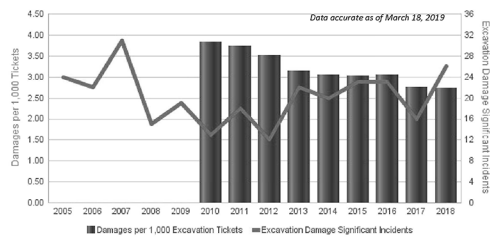
Excavation damage is the leading cause of hazardous leaks and accounts for 34% of hazardous leaks, but only 17% of leaks overall.

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Gas Distribution Excavation Damage 2005-2018



- The number of significant incidents caused by excavation damage has fluctuated since 2005 but increased 8% overall.
- Damages per 1,000 tickets have decreased by 29% since 2010.



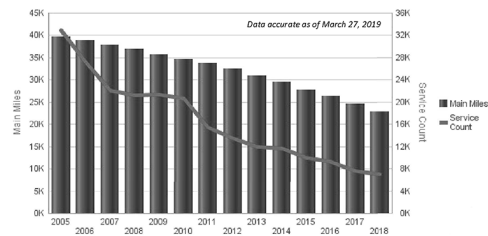
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Gas Distribution Cast & Wrought Iron 2005-2018

- Cast and wrought iron main miles have decreased by 42% since 2005.
- Cast iron mains make up 1% of all gas distribution main miles.
- Cast and wrought iron service lines have decreased by 79% since 2005.

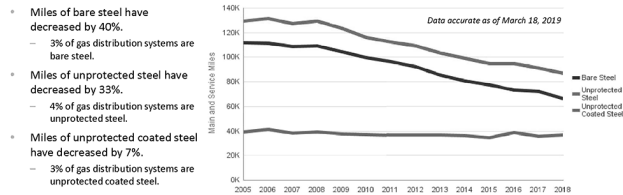


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Gas Distribution Steel Miles Bare and Unprotected 2005-2018

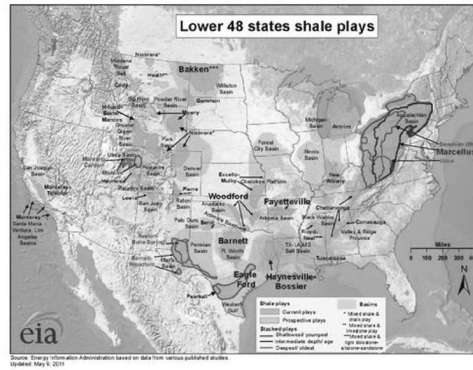


NTSB Releases Final Report on September 2018 Merrimack Valley, MA Accident



- 
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U.S. LNG Exports to 37 Countries



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Reauthorization 2020

Administration Proposal	Congressional Proposals
Appropriations FY 2020-2024	Whistleblower Protection
Overpressure Protection/MOC/OQ for New Construction	Citizen Mandamus
Safety Incentives Program	LNG Center of Excellence
Voluntary Information Sharing	Regulatory Update
Underground Storage Fees	Self-disclosure of Violations
Property Damage Threshold (\$118K)	Community Right-To-Know
LNG Siting Review Fees	Physical and Cyber Security
Pilot Programs	Methane Emissions
Criminal Trespass Standard	
Operating Status: Idle Pipelines	
State Program Requirements	
Pipeline Construction Data Collection	



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GPAC/LPAC meeting – November 14, 2019

- PHMSA has two Federal Advisory Committees:
 - Technical Pipeline Safety Standards Committee (a/k/a GPAC)
 - Technical Hazardous Liquid Pipeline Safety Committee (a/k/a LPAC)
- Function as peer review committees for all proposed safety standards
 - Technical feasibility
 - Reasonableness
 - Cost Effectiveness
 - Practicality
- "Shall prepare and submit" a Report to the Secretary
- Secretary not bound by Committee Reports
- Meet "at least up to 4 times annually"



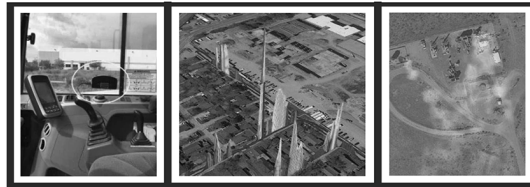
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PHMSA Awarded \$94 Million in Grants to Promote Emergency Preparedness, Training & Support, and R&D

- GPS-based Excavation Encroachment Notification
- Natural Gas Pipeline Leak Rate Measurement System
- Rapid Aerial Small Methane Leak Survey



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National Association of Pipeline Safety Representatives 2020 National Meeting

Paul J. Roberti

Chief Counsel

**The Pipeline and Hazardous Materials Safety
Administration**

September 15, 2020



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PHMSA Mission

**To protect people and the environment
by advancing the safe transportation of
energy and other hazardous materials
that are essential to our daily lives.**

Additional Goals:

- Prevent incidents by establishing national policy, setting and enforcing standards, educating, and conducting research.
- Prepare the public and first responders to reduce consequences if an incident does occur.
- Effective regulation and enforcement

2



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PHMSA Legal Update

- Background on Office of Chief Counsel
- Federal/State Partnership
- Enforcement Statistics 2019-2020
- New Policies Guiding DOT enforcement Actions
- Enforcement Process Improvement Initiative
- Notable Recent Cases
- Rulemaking Update
- Congressional Pipeline Reauthorization

3



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Office of Chief Counsel

- The Chief Counsel is the principal legal officer of PHMSA
- The Office of Chief Counsel provides a comprehensive program of legal services and representation relating to all aspects of PHMSA's safety program activities and PHMSA administration and management
- Oversees administrative and judicial enforcement for pipeline and HAZMAT regulated entities

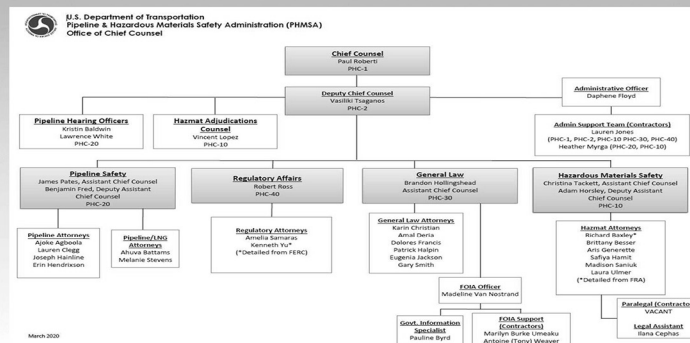


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Office of Chief Counsel



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The Federal-State Pipeline Partnership

- PHMSA sets all minimum safety standards for most transmission, distribution, and gathering oil and gas pipelines in U.S.
- PHMSA inspects and enforces federal safety standards for all **interstate** pipelines.
- PHMSA certifies states that want to regulate and enforce federal standards for **intrastate** pipelines within their borders (only 15 states certified).
- Certified states may adopt “additional or more stringent” standards for intrastate lines.



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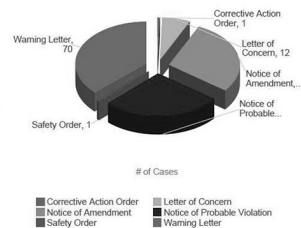
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Enforcement Statistics for 2019-2020

Case Status	Total Number of Cases						Total Number of Cases
	Corrective Action Order	Letter of Concern	Notice of Amendment	Notice of Probable Violation	Safety Order	Warning Letter	
CLOSED		12	45	22		70	149
OPEN	1		9	29	1		40
Grand Total	1	12	54	51	1	70	189

From September 1, 2019- September 11, 2020



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DOT Administrative Rulemaking, Guidance, and Enforcement Procedures

- Dec. 27, 2019 (84 FR 71714)- DOT published procedural requirements for DOT enforcement actions, rulemaking, and guidance practices
- October 9, 2019 E.O. on Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication
- Now promulgated in federal regulation at 49 CFR Part 5



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Procedural Requirements for Enforcement Actions

- Ensure due process
- Prompt disclosure compliance issues
- No broad or unduly expansive interpretations
- Legally sufficient basis for the action
- Disclosure of materially exculpatory evidence
- Penalty calculation transparency
- Limitation on use of guidance documents
- Other Objectives: Ex parte communications;
ADR; Fair notice; Avoiding bias



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Agency Protocol for Use of Guidance

- Guidance examples:
 - Rulemaking: Preamble only (not regulatory text)
 - Advisory Bulletins
 - Frequently Asked Questions
 - Enforcement Procedures
- Must be posted on PHMSA website.
- Guidance documents cannot create binding requirements that do not already exist in statute or regulation.



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Definition of Guidance: 49 CFR § 5.25 General

Any statement of agency **policy or interpretation** concerning a statute, regulation, or technical matter that is intended to have general applicability and future effect, but **which is not intended to have the force or effect of law in its own right.**



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Limitations on Use of Guidance in Enforcement

- Guidance documents cannot be the basis for proving violations.
- Guidance explains how PHMSA interprets statute or regulations.
- Guidance explains PHMSA's understanding of how a statute or regulation applies to particular circumstances.
- PHMSA may cite guidance to convey this understanding in enforcement actions.



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Enforcement Process – Improving Efficiency

- More efficient timelines from completion of inspections to issuance of Final Orders.
- Requests for Extensions to Respond to Notice (49 CFR 190.208) must include justification of good cause.
- Automatically provide the entire case file (Violation Report and Civil Penalty worksheet) to the operator along with the NOPV to avoid delays in responses.
- Streamlined process for Uncontested Cases where there is no challenge to the penalty or compliance actions
- Targeted deadlines for completion of agency tasks (i.e., Region Recommendations and Final Orders).
- Scheduling Order at the conclusion of hearings to set dates for Post Hearing Responses.



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Legal Sufficiency of NOPVs

- Coordination between Inspectors and Office of Chief Counsel
- Examination of legal sufficiency of claims
- Review and documentation of evidence
- Region Attorney reviews all drafts before issuance
- Ensure compliance with 49 CFR Part 5

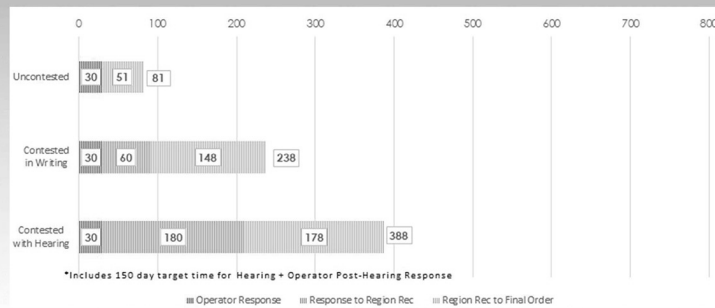


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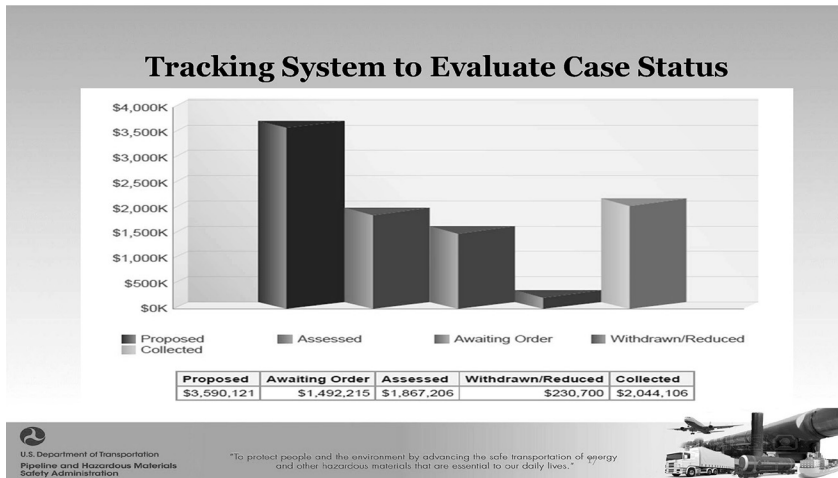
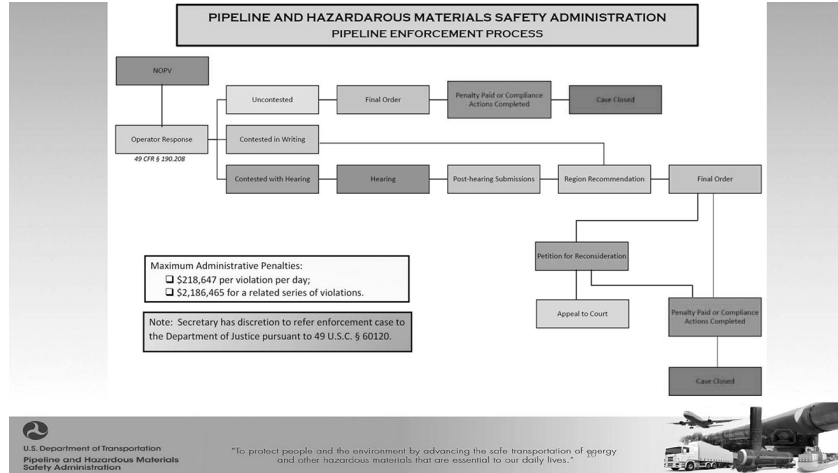
Case Track: Timelines



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DOJ Referral of Plains All American Pipeline

- On May 19, 2015, Line 901 in Santa Barbara County ruptured, resulting in the release of approximately 2,934 bbls of crude oil, entering an unprotected culvert and reaching Refugio State Beach.
- Largest coastal oil spill in California since 1969
- PHMSA issued CAO, launched investigation into cause of failure, and issued Failure Investigation Report in 2016.
- Referral of 27 PHMSA violations to DOJ in collaboration with EPA, NOAA, USCG and State of California
- Settlement for \$24M in fines and \$23M NRD assessment
- Consent Decree pending approval in USDC in Southern California – Hearing date: October 26, 2020



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Rulemaking Update

- Pipeline Rulemaking Actions in the Past Year
 - Gas Reg Reform NPRM (June 2020)
 - Hazardous Liquids Reg Reform NPRM (April 2020)
 - Underground Storage Final Rule (Feb. 2020)
 - Valve Repair NPRM (Feb. 2020)
 - Gas Transmission Safety Final Rule (Oct. 2019)
- Coming Attractions in Pipeline Rulemaking
 - Finalization of pending rulemakings
 - Part 193 updating
 - Class Location NPRM



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Litigation Update

3 Significant Litigation Wins:

Union Pacific Railroad Co. v. PHMSA (D.C. Circuit). On March 17, 2020, the U.S. Court of Appeals for the District of Columbia Circuit denied the Petition for Review filed by Union Pacific Railroad challenging certain provisions of a 2019 PHMSA final rule addressing oil spill response plans and information sharing for high-flammable trains. UP argued that **PHMSA's** final rule violated the FAST Act provision that requires PHMSA to establish security and confidentiality protections to prevent the release to unauthorized persons of information provided by Class I railroads. The Court rejected **UP's** arguments, holding that the protections chosen by the agency were in fact a type of security and confidentiality protection aimed at protecting against inadvertent public disclosure of information and were sufficient to meet the requirements of the Fast Act.

WildEarth Guardians v. Chao, et al. (D. Mont). On April 15, 2020, the U.S. District Court for the District of Montana granted summary judgment to PHMSA in a lawsuit brought by WildEarth Guardians, which alleged that PHMSA had failed to cause the annual examination of pipelines on federal lands as required by the Mineral Leasing Act ("**MLA**"). The Court held that because PHMSA has taken action to comply with the Mineral Leasing Act and WildEarth Guardians cannot assert a "**failure to act**" claim, and must instead challenge **PHMSA's** action – the regulations – as arbitrary and capricious.

National Wildlife Federation v. DOT (6th Circuit). On June 5, 2020, the Sixth Circuit Court of Appeals issued a decision holding that NEPA and the Endangered Species Act do not apply to **PHMSA's** review and approval of Oil Spill Response Plans because the Clean Water Act requires PHMSA to approve OSRPs that meet the statutory criteria. The Court rejected **NWF's** view that PHMSA has sufficient "**discretion**" merely because the statutory criteria are not mechanical and require the exercise of judgment. PHMSA must still comply with the portion of the district court decision that found that PHMSA had not adequately explained its approval decision under the Clean Water Act and remanded back to PHMSA.



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Litigation Update

2 Significant Settlements:

U.S. and State of California v. Plains All American Pipeline, et al (U.S. District Court for the Middle District of California). DOJ filed a complete settlement package with the district court on August 19, 2020, and the court set a hearing date for October 26, 2020. The Government anticipates that the court will approve the settlement following that hearing.

Hilcorp Alaska, LLC v PHMSA (D.C. Cir.) –Hilcorp filed a Petition for Review challenging **PHMSA's** Cook Inlet Inventory Report, which was published in October 2018. Hilcorp challenged **PHMSA's** offshore classification of the waters of the Cook Inlet, which is discussed in the report and serves as the regulatory basis for PHMSA oversight over **Hilcorp's** Cook Inlet assets. On May 18, 2020, Hilcorp and PHMSA executed a consent agreement to resolve the dispute. The agreement requires Hilcorp to stipulate to **PHMSA's** classification and associated regulatory oversight of 22 pipeline segments owned and operated by Hilcorp in the waters of the Cook Inlet.



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Pipeline Reauthorization 2020

- Senate bill passed by unanimous consent on August 6, 2020
- Major topics:
 - Reauthorization of funding
 - Gas distribution standards (IM, O&M, Records, etc.)
 - Pipeline status: addressing “idled” pipelines
 - Leak detection and repair of gas gathering, transmission and distribution lines
- Senate bill was sent to the House on August 14, 2020; no action has been taken yet.
- House has its own bill, but PHMSA has not seen any movement/changes since November 2019.

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Pipeline Reauthorization 2020

Administration Proposals	Senate Proposals
Appropriations FY 2020-2024	Advancement of new pipeline safety technologies and approaches; studies
Overpressure protection/MOC/OQ for new construction	Regulatory updates
Safety Incentives Program	LNG Center for Excellence
Voluntary information sharing	Enforcement proceedings
Underground storage fees	Self-disclosure of violations
Property damage threshold (\$118k)	LNG siting review fees
LNG siting review fees	Leak detection and repair of gas gathering, transmission, and distribution lines
Pilot programs	Operating status: Idle pipelines
Criminal trespass standard	Whistleblower protection
Operating status: Idle pipelines	Transportation Technology Center
State Program requirements	Gas Distribution standards: Integrity Management, O&M, Emergency Response Plans, records management, SMS, etc.
Pipeline construction data collection	Prioritization of certain rulemakings

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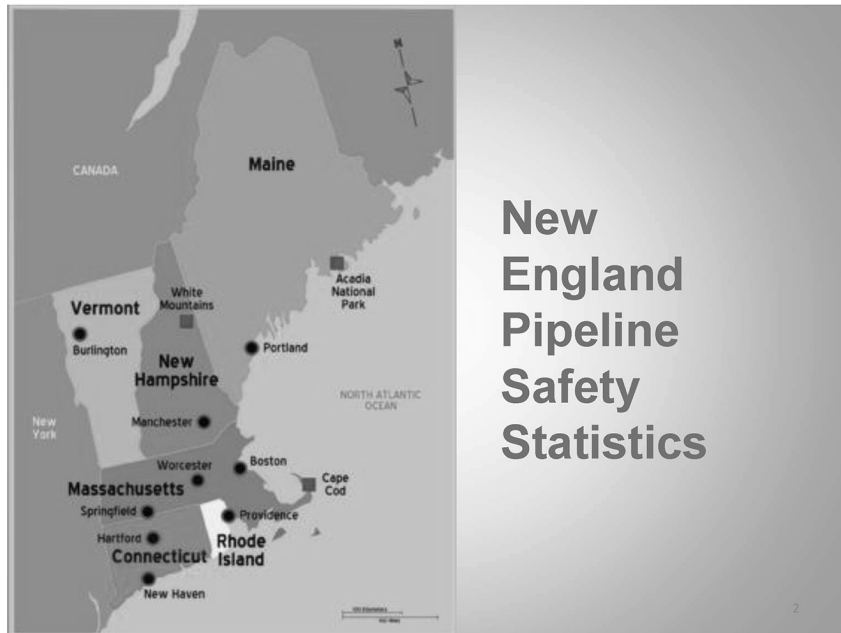
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Natural Gas Service Preservation and Expansion: Time, Money and Innovation?

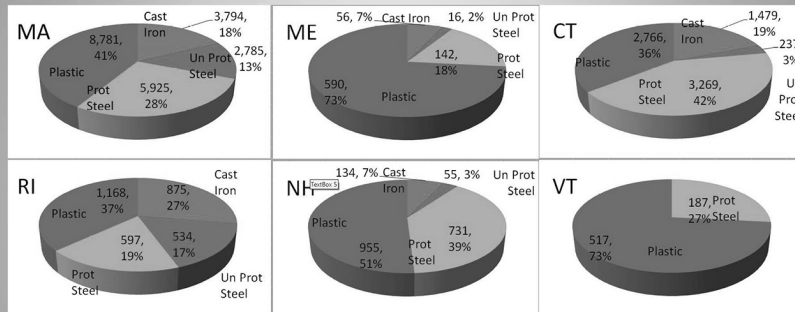


NECPUC 66th Annual Symposium
Mystic Marriott, Connecticut
June 11, 2013



New England Pipeline Safety Statistics

Amount of Leak Prone Pipe (Mains) in New England



MA has more than 6,500 miles of leak prone main (31%)

CT has more than 1,700 miles of leak prone main (22%)

RI has more than 1,400 miles of leak prone main (44%)

NH has more than 180 miles of leak prone main (10%)

ME has more than 70 miles of leak prone main (9%)

**2012
DATA**

Courtesy of Randy Knepper, NHPUC

Latest Assessment Reveals Progress in New England

Overall Infrastructure is Increasing

	2009	2012	Increase/Decrease
% Increase in Dist Pipelines New England (Miles)	58,972	60,281	2.22%
% Increase in Gas Mains New England (Miles)	35,015	35,593	1.65%
% Increase in Gas Services New England (Miles)	23,957	24,689	3.05%


Aged Infrastructure is Decreasing

% Decrease in Cast Iron Gas Mains New England (Miles)	6763	6338	-6.28%
% Decrease in Bare Steel & Unprotected Steel Mains (Miles)	4252	3626	-14.72%
% Decrease in Bare Steel & Unprotected Steel Services (Miles)	5107	4516	-11.56%

Courtesy of Randy Knepper, NHPUC

Leak Prone Pipe Statistics in New England – April 2013

Biggest Decreases in Aged Infrastructure Mains



CT	1,855	1,716	-7.52%
MA	7,301	6,579	-9.89%
RI	1,576	1,409	-10.60%
NH	218	189	-13.35%
ME	65	72	10.92%
VT	0	0	0%

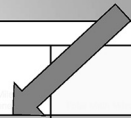
Biggest Decreases in Aged Infrastructure Services



CT	1,008	872	-13.54%
MA	3,178	2,865	-9.85%
RI	808	673	-16.68%
NH	125	118	-5.92%
ME	9	7	-17.78%
VT	0	0	0%

Courtesy of Randy Knepper, NHPUC

High Risk Infrastructure Eastern U.S. Region – 2007



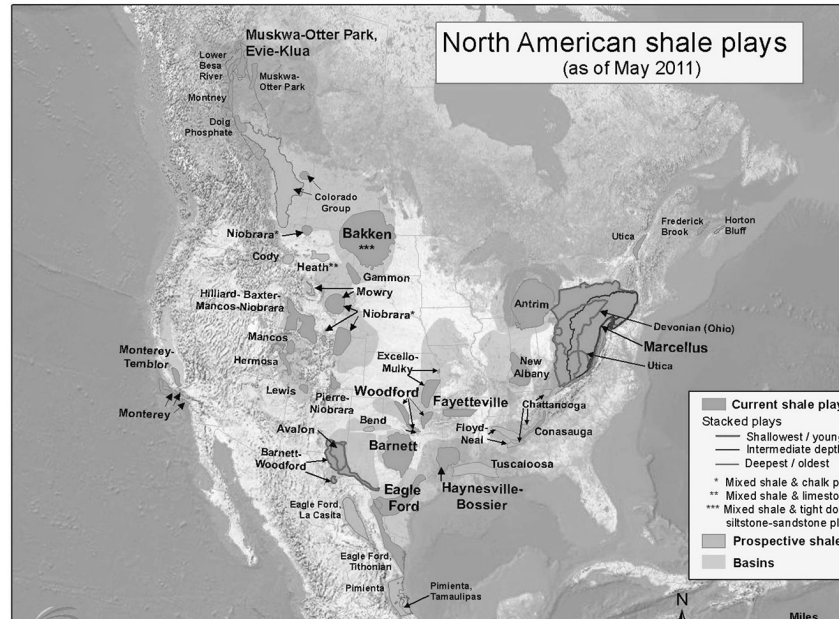
	Million Dollars				
	Estimated Value	Estimated Value	Estimated Value	% of Total Value	Total Value
RHODE ISLAND Totals	711	908	1,619	62.3%	3,096
WASHINGTON DC Totals	102	481	583	48.4%	1,191
MASSACHUSETTS Totals	3,035	4,165	7,001	37.9%	20,674
WEST VIRGINIA Totals	3,409	14	3,424	35.9%	9,531
NEW YORK Totals	9,321	5,088	14,409	31.0%	46,464
PENNSYLVANIA Totals	10,525	1,901	12,427	26.8%	46,449
NEW JERSEY Totals	3,010	6,603	6,613	26.3%	32,765
CONNECTICUT Totals	283	1,640	1,923	25.6%	7,517
MAINE Totals	6	89	95	10.4%	516
MARYLAND Totals	602	1,467	2,068	16.2%	13,646
NEW HAMPSHIRE Totals	120	309	428	13.9%	3,096
VIRGINIA Totals	1,060	676	1,736	8.8%	19,692
DELAWARE Totals	67	124	191	7.4%	2,585
	50,000	10,011	45,000		100,000

This just in . . . 2012 Stats

2012 Gas Distribution Annual Report Mileage and Leaks
Data as of 4/26/2013

2012 Gas Distribution Annual report is preliminary data

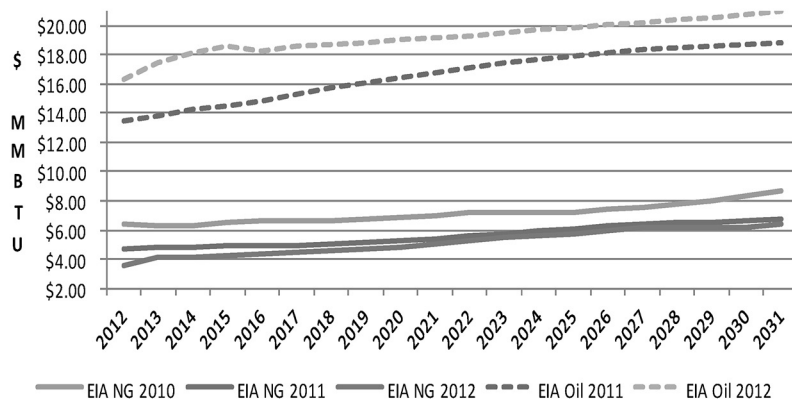
PHMSA F 7100.1-1 / REPORT YEAR 2012	Miles of Main		Total Miles leak prone pipe	% of Total Miles leak pipe	Total Main Mileage
	Unprotected Steel	Cast/Wrought Iron			
Rhode Island	534	859	1,393	43.9%	3,174
District of Columbia	95	419	514	42.9%	1,197
Massachusetts	2,785	3,792	6,577	30.9%	21,285
West Virginia	3,009	14	3,022	28.3%	10,674
New York	7,885	4,417	12,301	25.7%	47,880
Pennsylvania	8,972	3,221	12,193	25.6%	47,561
Connecticut	236	1,467	1,703	22.0%	7,751
New Jersey	2,403	5,044	7,447	22.0%	33,919
Maryland	449	1,399	1,847	12.8%	14,477
New Hampshire	55	134	189	10.1%	1,875
Maine	16	56	72	9.0%	803
Virginia	817	406	1,223	5.9%	20,847
Delaware	39	91	130	4.5%	2,872
PHMSA EASTERN REGION TOTALS	27,294	21,318	48,612		214,316

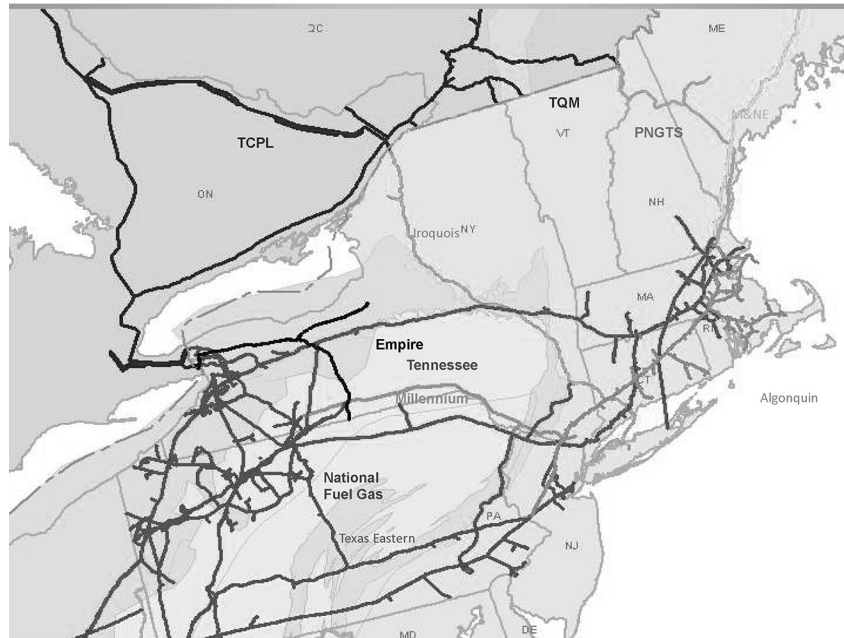


**POTENTIAL GAS COMMITTEE REPORTS SIGNIFICANT INCREASE IN
MAGNITUDE OF U.S. NATURAL GAS RESOURCE BASE
(April 9, 2013)**

Resource Category	Mean Values, Tcf		Change Tcf (%)
	2012	2010	
Traditional Gas Resources:			
Probable resources (current fields).....	708.5	536.6	
Possible resources (new fields)	952.3	687.7	
Speculative resources (frontier).....	558.7	518.3	
Total Traditional Gas Resources (not additive)*	2,225.6	1,739.2	+486.4 (28.0%)
Coalbed Gas Resources:			
Probable resources.....	14.2	13.4	
Possible resources.....	48.3	48.1	
Speculative resources.....	95.8	96.2	
Total Coalbed Gas Resources (not additive)*.....	158.2	158.6	-0.4 (-0.2%)
Grand Total Potential Resources (additive)**	2,383.9	1,897.8	+486.1 (25.6%)
Proved dry-gas reserves (DOE/EIA)	304.6†	304.6	
U.S. Future Gas Supply	2,688.5	2,202.4	+486.1 (22.1%)

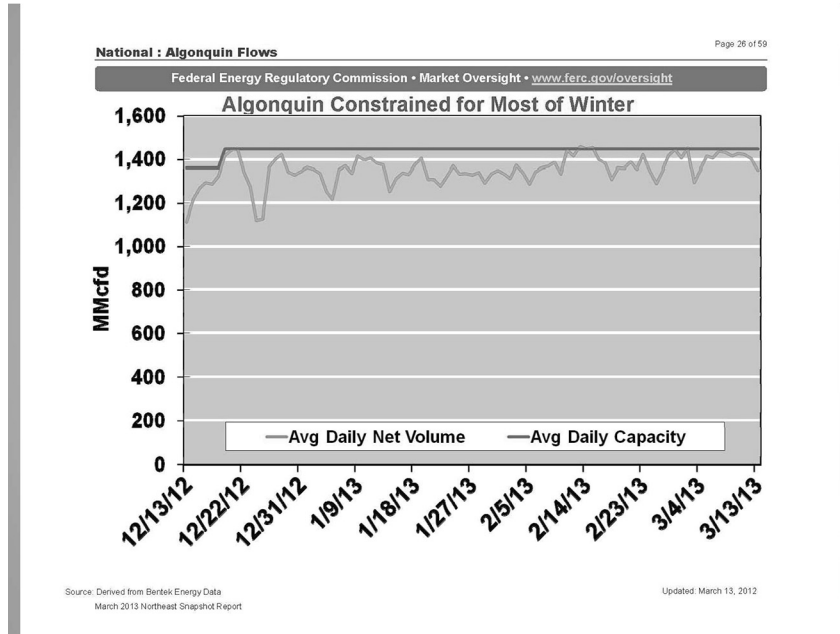
**Change in Long Term Fuel Commodity Price Forecasts,
Crude Oil vs. Henry Hub Natural Gas
(\$ 2010)**





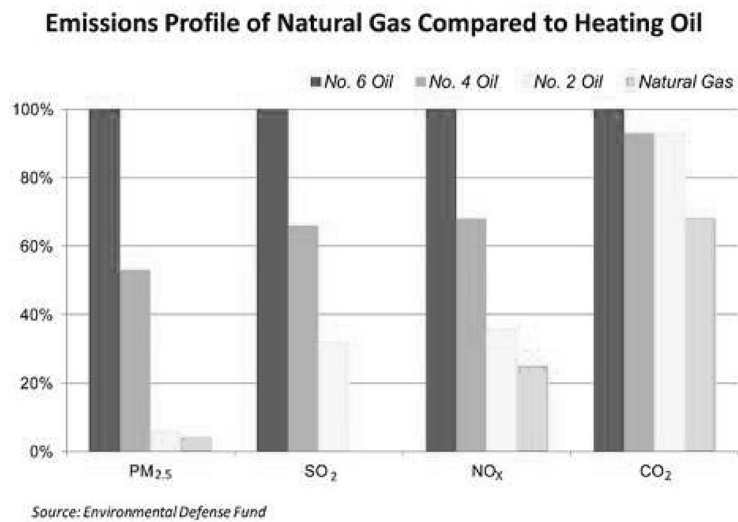
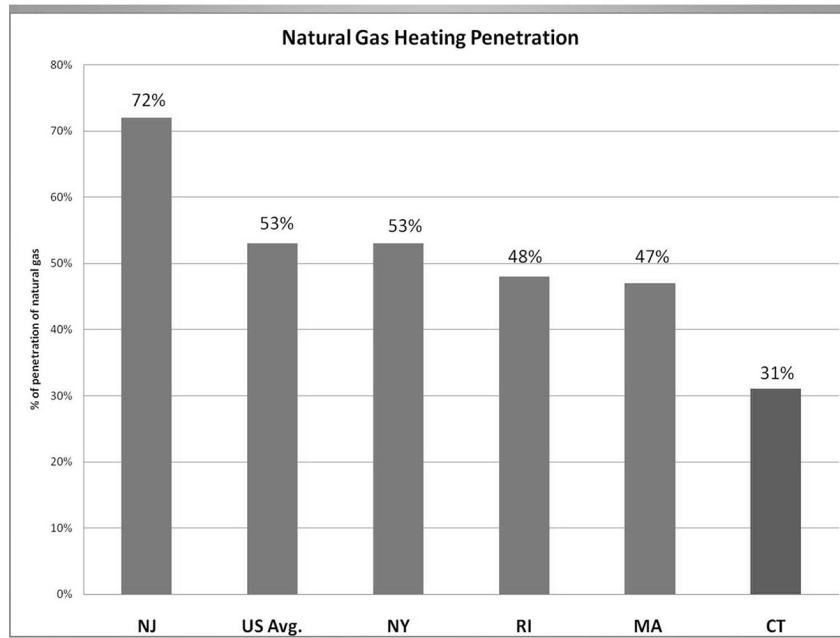
“Can’t get here from there”





Oil Vs. Natural Gas





Reading, MA 01867

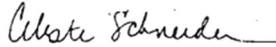
Dear Customer,

Thank you for your recent inquiry regarding converting to clean, energy efficient, natural gas. We have had an exceptional response to our most recent ads and apologize for the delay in reaching back out to you.

Since gas is not immediately located in front of your home, we had to research the distance between your home and the nearest gas main. Our review determined that installing a gas service to your home will require approximately 750 feet of main and require a contribution of \$45,000.00 by you for this extension. This contribution is separate from the costs of the gas heating conversion.

If you are still interested in converting to natural gas heating or have any questions, please email Jim Madsen at james.madsen@us.ngrid.com. Thank you for your interest.

Sincerely,



Celeste Schneider,
Director, Residential Marketing

Compressed Natural Gas



NEW MEXICO STATE UNIVERSITY
 CENTER FOR PUBLIC UTILITIES
 CURRENT ISSUES CONFERENCE
 SANTA FE, NEW MEXICO
 APRIL 8, 2019

Good Morning. It's such a pleasure for me to be here with you today. It's an opportunity to break away from Washington, DC headquarters and provide an update on the latest developments at the Pipeline and Hazardous Materials Safety Administration.

I think this was always one of my favorite conference venues, not only because I once served as Chairman of the Advisory Council, but also given the high caliber of attendees; to be with my former commissioner colleagues and friends; in beautiful Santa Fe among the striking natural scenery; clear blue skies and the wonderful smell of mesquite in the air—all make for the perfect setting to discuss the important, current issues facing the energy industry.

I now have more than a year under my belt at PHMSA, but as most of you know, I've been shoulder-deep in the world of power, energy, and public utilities for a lot longer. Those worlds are rapidly changing these days in so many different ways, which I'd like to talk about this morning.

First, I'd like to acknowledge the work that all of you in this room do—which is absolutely essential to maintaining the robust energy supplies that drive our economy and way of life. What you do is also critical to PHMSA's safety mission, which is *"to protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives."*

Without the work of state Public Service Commissions, executives of regulated utility industries, and all others who contribute to our collective safety mission, an agency like PHMSA with only about 530 employees could never hope to meet the challenges posed by the vast network of 2.7 million miles of regulated pipelines and the ubiquitous transit of 1.2 million hazardous materials shipments across this country every passing day.

And those challenges just seem to keep on increasing—because the strong economic picture and energy abundance we are witnessing, create a powerful combination to bring investment in energy infrastructure and economic growth.

Perhaps with the exception of my home town region in New England, more pipelines are being built to bring oil and gas resources from production to demand centers, placing greater demands on PHMSA and the industry to ensure that the design, construction and operation of those facilities are done safely and comply with Federal standards.

Technology and innovation are at heart of these developments. For the Department of Transportation and its nine modal administrations (including PHMSA), innovation is one of the pillars underpinning our mission. Of course, safety is the highest priority, but innovation, along with infrastructure and accountability, represent the other three pillars.

Let me start with *safety*. 99.9997 percent of hazardous materials make it to their intended destinations safely. But even at that rate, we experienced 285 significant incidents in 2018, which led to 8 fatalities in the pipeline sector. 90 percent of these were related to distribution systems, which is not surprising since 80 percent of the Nation's pipelines are distribution, and thus regulated by the States.

For those who have met our Administrator, Skip Elliott, you know his vision is zero incidents. Getting to zero incidents is not easy—and it relies not just on good operators deeply committed to a culture of safety, but it also requires leaning on the other three pillars—*technology and innovation; infrastructure; and accountability*.

Technology brought us the shale gas revolution which will make the United States the largest producer of oil and gas in the world, with new and expanding production techniques. The growth in production is fueling the development of liquefied natural gas export facilities, and is partly driven by the reforms we achieved with the signing of a new Memorandum of Understanding with the Federal Energy Regulatory Commission that provides for a more logical assignment of roles and responsibilities between the two agencies during the licensing process for new LNG terminals. The new approach is helping to streamline the review process, and not only brings efficiencies, but also introduces much needed regulatory certainty to applicants navigating the process. These efforts are bolstering America's status as a net exporter of LNG to more than 34 countries around the globe. And this number will continue to grow.

Our work factors directly into the Administration's most important foreign policy strategic objectives by allowing America's natural gas to be liquefied and exported to nations around the world who desperately need a more diversified and secure set of energy resources.

Our efforts are tipping the geo-political balance in favor of Eastern European nations who are trying to decrease their current dependence on imported natural gas from Russian pipelines. For Caribbean island nations, it will mean access to clean burning natural gas to power electric generation, as opposed to relying on distillate fuels from Venezuela.

The numbers involved are truly astounding. A single LNG export facility can deliver an economic impact of \$10 billion or more per year, and strong demand from the Asia-Pacific region looks to likely drive those numbers even higher over time.

New technologies promise to accelerate change even more, such as autonomous vehicles, drones, and magnetic levitation hyperloop trains. It paints a dramatic picture of change and opportunity, and it is coming at us fast.

At PHMSA and across DOT, we are making strong efforts to refine our vision by incorporating new technologies into regulation, like the recent plastics rule that will bring superior pipeline products all the while reducing construction costs.

We are combing through all the regulations to update and remove outdated ones that have not kept pace with technological advancements. But we will make no move unless we are convinced by clear and convincing data that our efforts will not compromise safety—the first and foremost pillar underpinning our mission.

But none of it can happen without the second pillar—*infrastructure and investment*. Investment in basic infrastructure that is less susceptible to the pace of technology, must occur—like roads and bridges—and of course pipelines, which may have been manufactured from materials that are now deemed high risk.

You all know what I'm talking about—cast iron and bare steel distribution systems. Great progress has been made—cast iron infrastructure has declined by almost half in the past decade, and 20 or more States have eliminated it all together.

That cause, crystallized by the tragic incidents in San Bruno, CA (2010), Allentown, PA (2011) and East Harlem, NY (2012), ultimately brought me to Washington DC, with a slight (2 year) detour south of the border from here—Mexico. These accidents make it clear that investment must be systematic—with operators gathering essential data and making compelling presentations to economic regulators on the one hand; and regulators making the courageous decisions to increase utility rates to recover those costs, on the other hand.

That's the heart of the regulatory compact that still remains the envy of the world—it brings regulatory certainty, confidence to the financial community, and ultimately guarantees affordable, reliable utility services to the American public. Maintaining the highest level of safety—and getting as close as possible to a “zero-incident” vision—is a small additional price to pay.

That brings me to last pillar—*Accountability*.

Much of the current regulatory construct depends upon the industry to continuously assess the integrity of their pipeline systems; to identify risk; and ultimately to prioritize investments that guarantee operation of safe and secure systems. The same is true for the power sector.

The safety regulatory construct under Federal law provides great flexibility to the industry. But let me say this: With great flexibility comes great responsibility. Today's technologies of inline inspection capabilities are providing operators with better tools to evaluate integrity—but the enforcement cases crossing my desk demonstrate that those technologies still have a long way to go. They are not perfect, which is why PHMSA spends millions of dollars each year in research and development initiatives with universities.

Integrity management protocols are not a generic binder to be housed on a shelf. They are a living document that chronicles the life of the asset until it is either retired or replaced. Operators have to be held accountable for what they do—or don't do—with integrity management.

There's simply no alternative, since for the Nation's energy infrastructure to grow and meet our domestic and global strategic needs, the public will demand the highest level of safety and protection of the environment, as we know from reading about the growing opposition to pipeline projects across the country.

THE NEXUS BETWEEN SAFETY AND SECURITY

I want to close on a subject that was recently the topic of a technical conference at FERC—the security of our Nation's energy delivery infrastructure. PHMSA's mission may be safety, but you can never really separate safety from security. I think

the TSA Administrator, David Pekoske, said it best at FERC two weeks ago—“safety and security are two sides of the same coin.”

Security has two components: Physical and cyber threats characterized by the actions of bad actors; with the second component being reliability as measured by supply and delivery capabilities, and of course planning for system contingencies.

Earlier this year, the Director of National Intelligence released the Worldwide Threat Assessment, and what was notable was the growing emphasis on identified threats from China. China now has the capability to launch cyber-attacks that could cause disruptive effects on critical infrastructure—***such as disruption of a natural gas pipeline for days to weeks***—in the United States.”

Aside from this risk, on the reliability side, there were a number of recent incidents on pipeline systems in Minnesota, Michigan and my home state of Rhode Island where more than 6,000 customers lost gas service on a cold January day just a few months ago.

Those incidents are drawing attention to the fact that system resiliency is being stretched thin in some parts of the country. Demand for natural gas is growing both for heating and power generation; utilization on some systems is maxed out; and in some cases, there were few or no contingencies for maintaining gas supply to customers.


There’s simply no reason for not having adequate pipeline capacity to meet the forecasted demands on the system. That goes equally for the need to plan for operational contingencies in the same manner we do for the electric transmission system. And there’s no excuse for not connecting new customers who desire natural gas service in States like New York and Massachusetts, where local utilities have been forced to enact moratoriums on new connections.

But when you marry the conventional reliability risk to the physical and cyber security components, we undoubtedly find ourselves in a very precarious position, particularly in light of the clear and growing interdependency between the gas and electric sectors. Given the current threat assessment, we clearly need to plan for what we are going to do in the event systems go down due to the malevolent acts of third parties, something that goes far beyond our current efforts of establishing information sharing platforms.

So, safety and security go hand in hand, and the consequences can be often be the same. You’ve probably heard me ask this before—what do the San Bruno, CA pipeline tragedy and Midwest Black-Out (2003) have in common? Besides both being avoidable, they both resulted in eight fatalities.

Those tragic incidents could pale in comparison to what could happen if we experienced a well-coordinated cyber-attack on pipeline systems. So, let’s be ready; let’s continue to work together; and let’s make the necessary investments now.

Thank you again for the opportunity to speak today. I’m happy to answer any questions.




Pipeline Safety Updates

Paul Roberti
Chief Counsel
The Pipeline and Hazardous Materials Safety Administration

August 20, 2019

U.S. Department of Transportation
Pipeline and Hazardous Materials
Safety Administration

"To protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives."



1

PHMSA Mission


To protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives.

Additional Goals:

- Prevent incidents by establishing national policy, setting and enforcing standards, educating, and conducting research.
- Prepare the public and first responders to mitigate the consequences of any incidents that do occur.

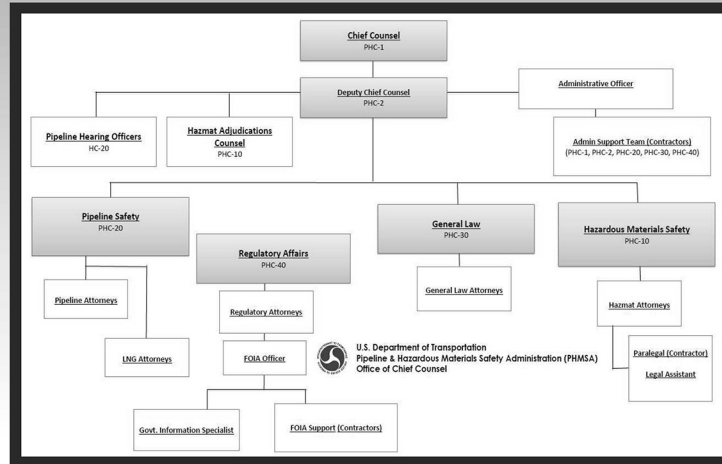
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2

PHMSA Org Chart

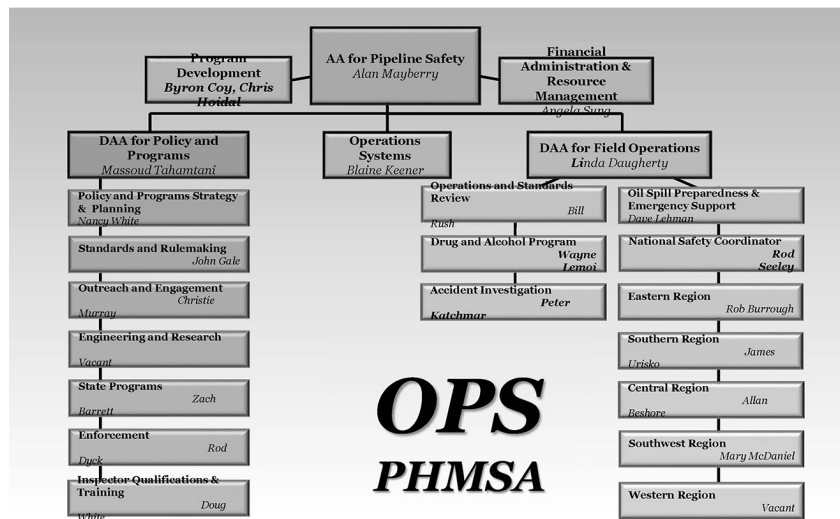


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3



As of April 2019

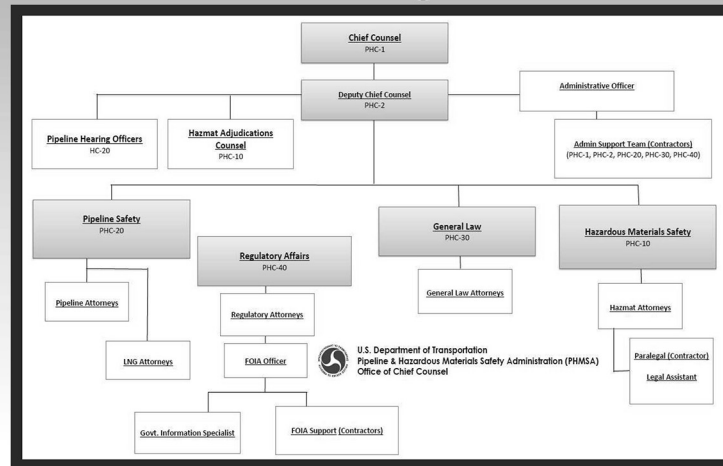


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PHMSA Org Chart

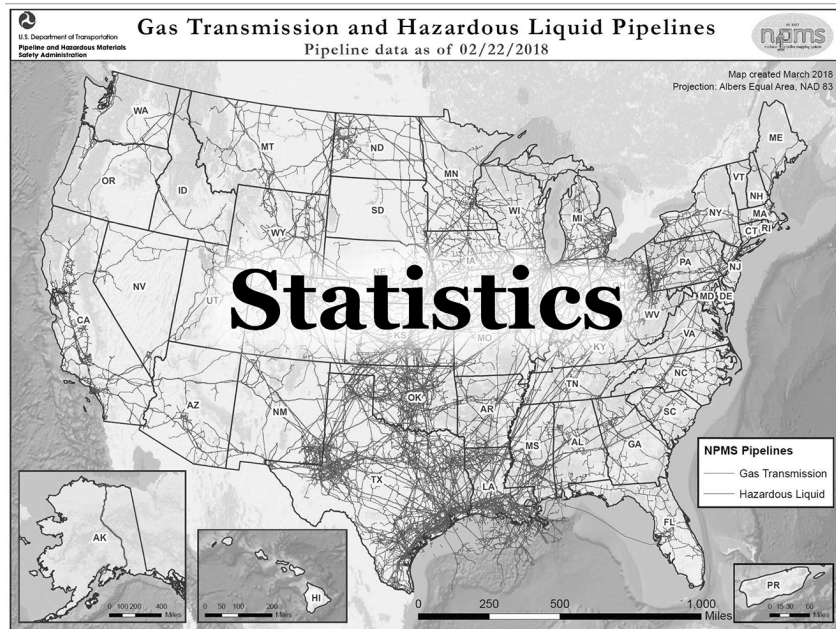


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5



2018 Data Update

Measures counting incidents are updated through
CY 2018

Gas performance measures using miles updated
through CY 2018

Liquid performance measures using miles updated
through CY 2018



PHMSA Regulated Pipeline Facilities OPS and States

Pipeline Facilities by System Type from CY 2018 Annual Reports			
System Type	Miles	% Miles	# Operators
Hazardous Liquid	218,289 8,231 Tanks	8%	525
Gas Transmission	301,495	11%	1,069
Gas Gathering	17,878	< 1%	370
Gas Distribution	2,238,468	81%	1,355
Total Miles		2,776,130	

Liquefied Natural Gas	157 Plants, 230 Tanks, 87 Operators Plants - 26 Interstate and 131 Intrastate
Underground Natural Gas Storage	403 Facilities, 457 Reservoirs 17,422 Wells, 126 Operators Facilities - 222 Interstate and 181 Intrastate

data as-of 7-2-2019



Categories of Incident Reports

Serious – fatality or injury requiring in-patient hospitalization, but **Fire First** are excluded.

Fire First are gas distribution incidents with a cause of “Other Outside Force Damage” and sub-cause of “Nearby Industrial, Man-made, or Other Fire/Explosion”

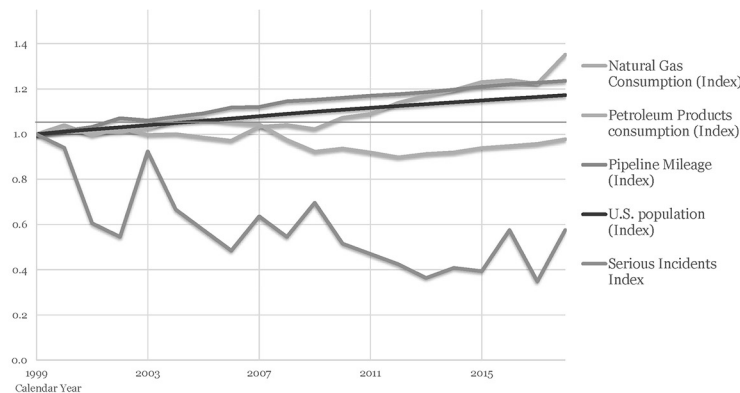
Significant include any of the following, but **Fire First** are excluded:

1. Fatality or injury requiring in-patient hospitalization
2. \$50,000 or more in total costs, measured in 1984 dollars
3. Highly volatile liquid (HVL) releases of 5 barrels or more
4. Non-HVL liquid releases of 50 barrels or more
5. Liquid releases resulting in an unintentional fire or explosion



Pipeline Serious Incidents with Context Measures (1999-2018)

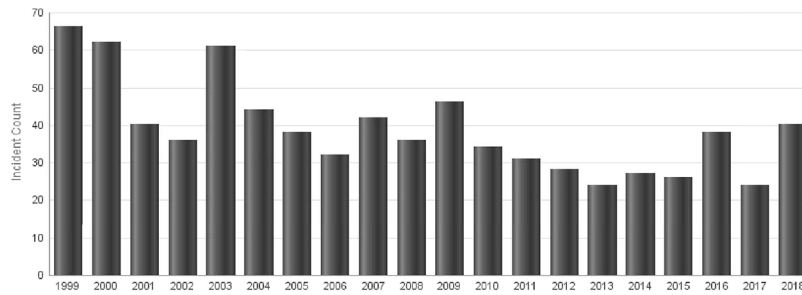
Index
(1999 = 1)



Data Sources: Energy Information Administration, Census Bureau, PHMSA Annual Report Data, PHMSA Incident Data - as of 06/17/2019



Serious Incidents



40 in CY 2018 (24 in CY 2017)

90% Gas Distribution 7.5% Gas Transmission
 2.5% Hazardous Liquid 0% LNG, Gas Gathering, Underground NG Storage

data as-of 2-14-2019



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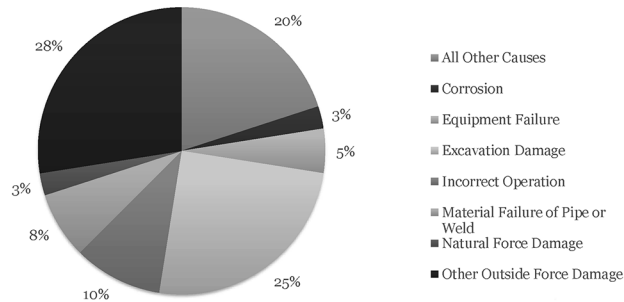
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Serious Incidents by Cause CY 2018

Leading Causes:

Other Outside Force Damage (Vehicular Damage)
 Excavation Damage (Third Party)
 All Other Causes (Under Investigation)



data as-of 3-1-2019

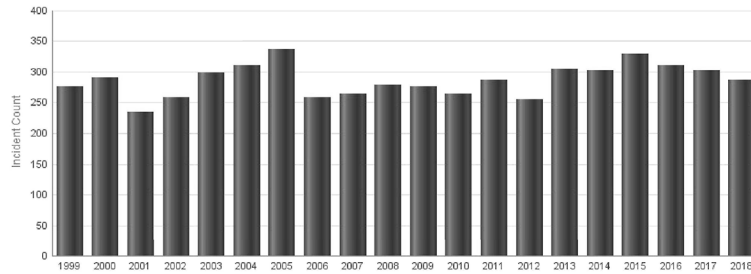


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Significant Incidents



285 in CY 2018 (302 in CY 2017)

26% Gas Distribution

21% Gas Transmission

<1% LNG

<1% Gas Gathering

52% Hazardous Liquid

<1% Underground NG Storage

data as-of 2-14-2019

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Significant Incidents by Cause CY 2018

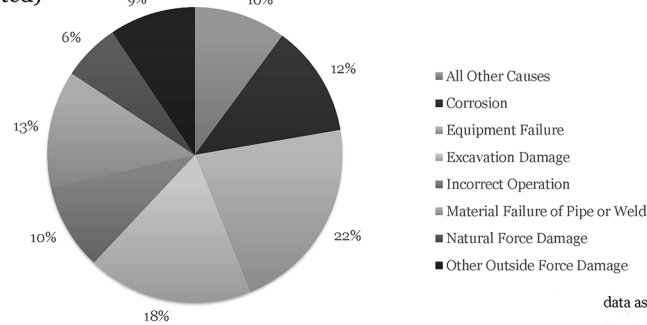
Leading Causes:

Equipment Failure (Control/Relief, Connections)

Excavation Damage (Third Party)

Material Failure of Pipe or Weld (Construction-

Related)



data as-of 3-1-2019

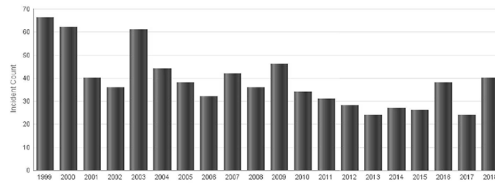
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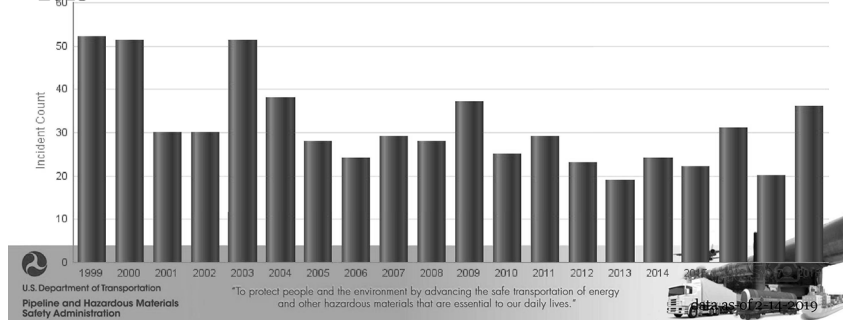


Gas Distribution Serious Incidents

All System Types
Increased in 2018



Gas Distribution
Increased 44% from 2017 to 2018



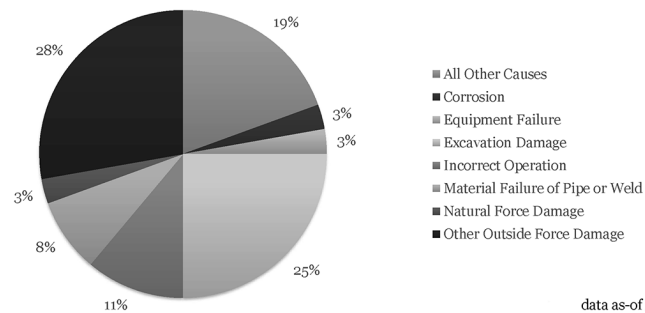
Gas Distribution Serious Incidents CY 2018

Leading Causes:

Other Outside Force Damage (Vehicular Damage)

Excavation Damage (Third Party)

All Other Causes (Under Investigation)



data as-of 3-1-2019

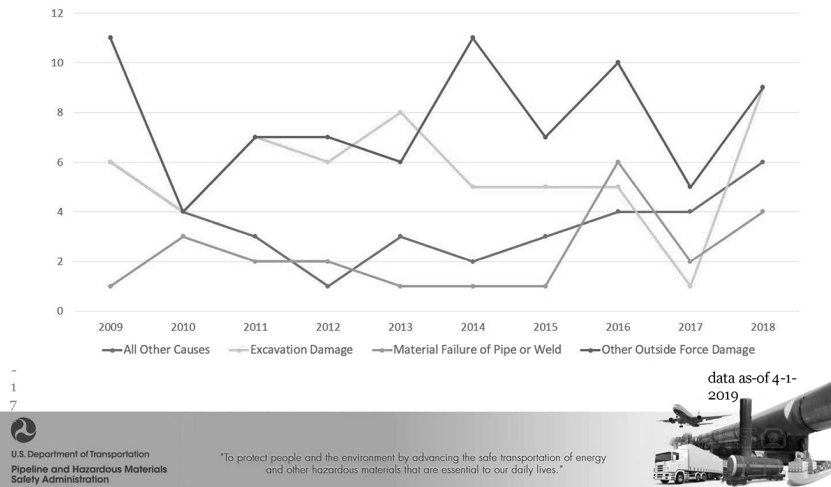


U.S. Department of Transportation
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Safety Administration

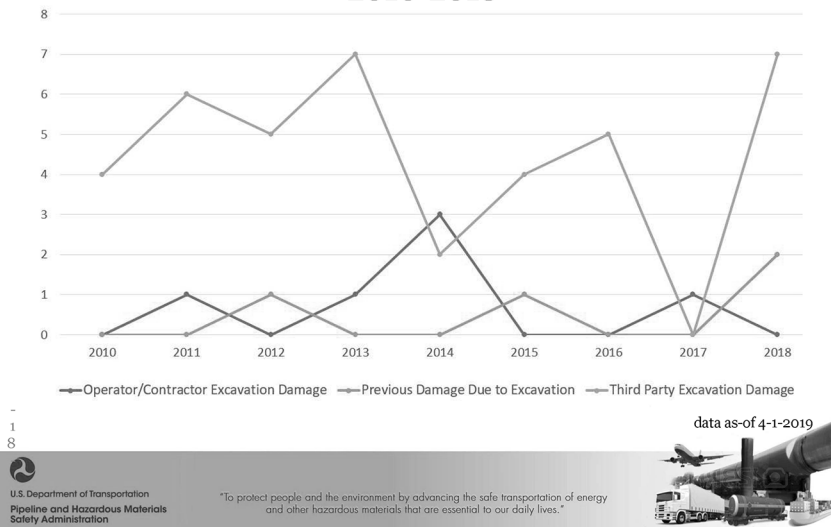
"To protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives."



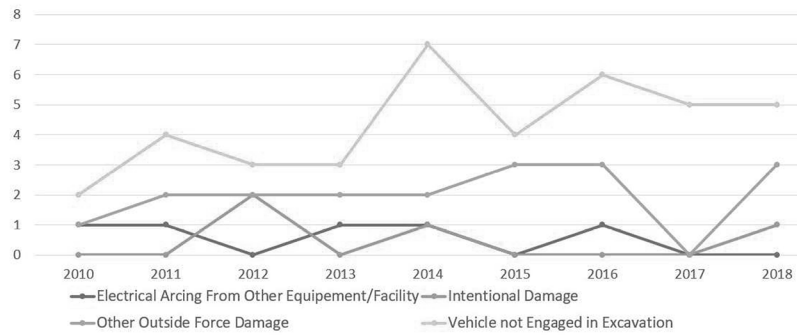
Gas Distribution Serious Incidents Four Leading Causes 2009-2018



Gas Distribution Serious Incidents Excavation Damage by sub-Cause 2010-2018



Gas Distribution Serious Incidents Other Outside Force Damage by sub-Cause 2010-2018



1
9

data as-of 4-1-2019



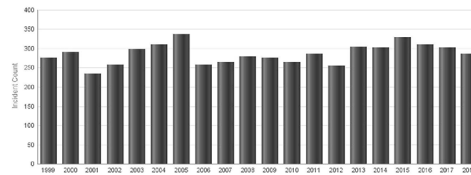
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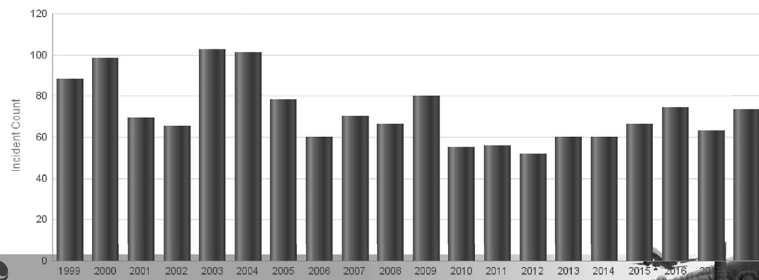


Gas Distribution Significant Incidents

All System Types
Decreased in 2018



Gas Distribution
Increased 16% from 2017 to 2018



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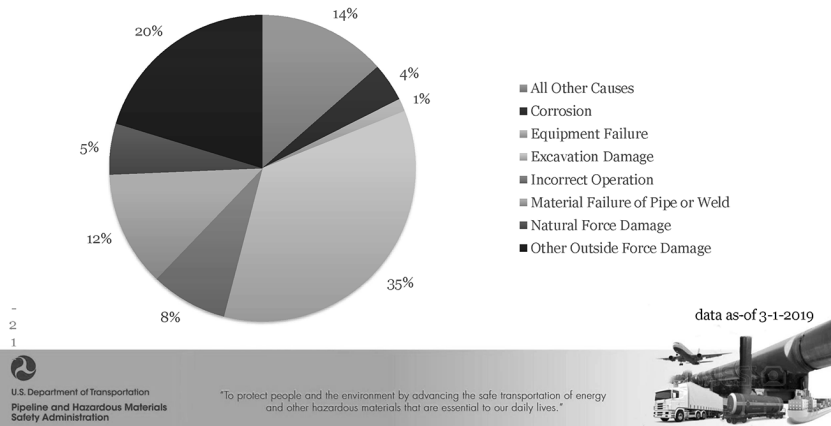
Gas Distribution Significant Incidents CY 2018

Leading Causes:

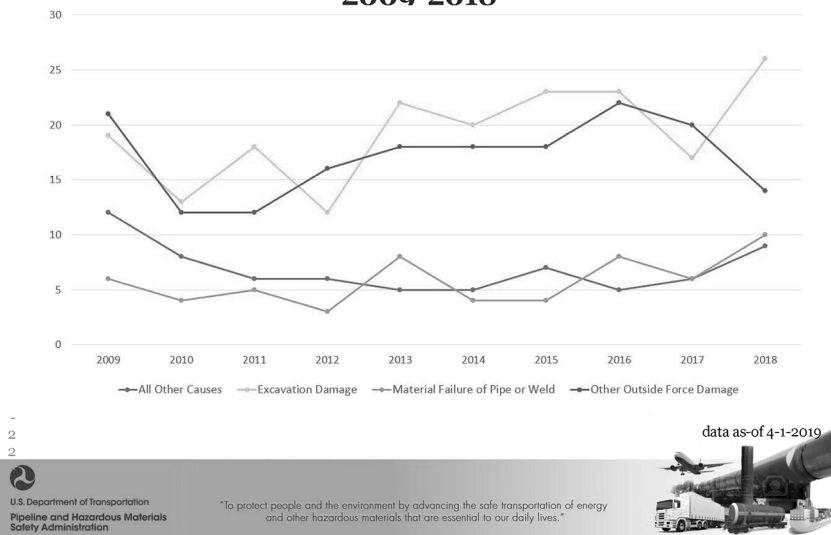
Excavation Damage (Third Party)

Other Outside Force Damage (Vehicular Damage and Other)

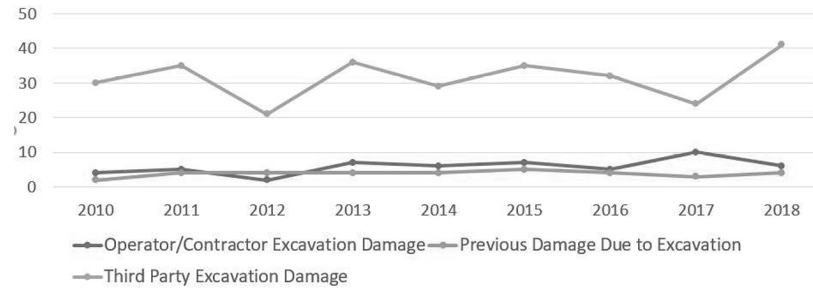
All Other Causes (Under Investigation)



Gas Distribution Significant Incidents Four Leading Causes 2009-2018



Gas Distribution Significant Incidents Excavation Damage by sub-Cause 2010-2018



1
2
3

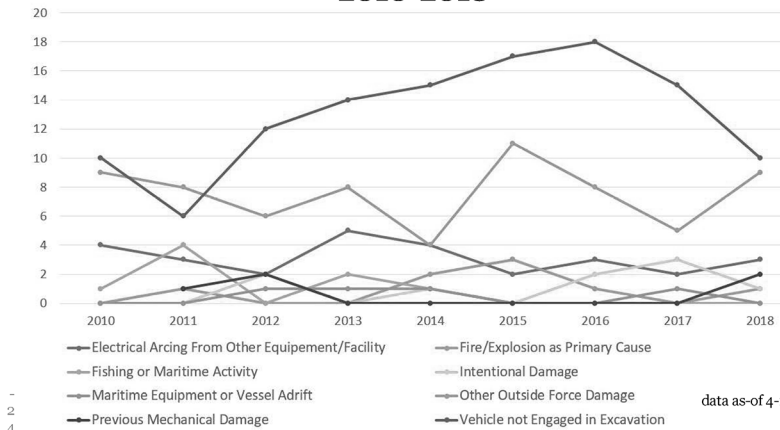
data as-of 4-1-2019

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Gas Distribution Significant Incidents Other Outside Force Damage by sub-Cause 2010-2018



1
2
4

data as-of 4-1-2019

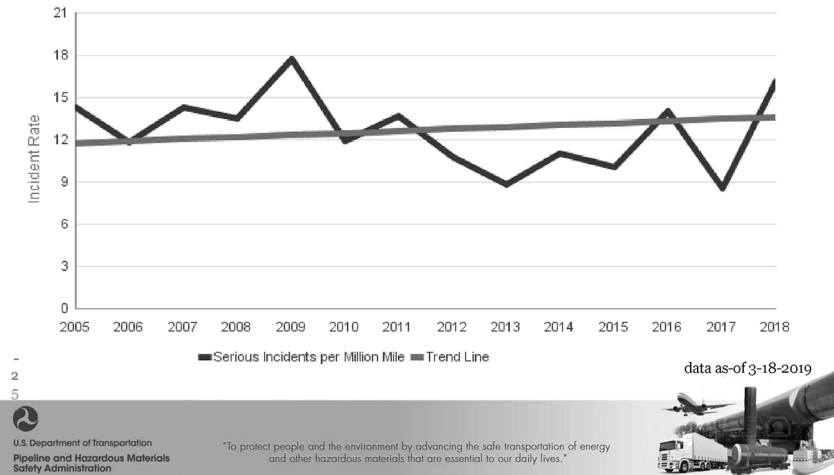
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Gas Distribution Serious Incidents per Million Miles 2005-2018

Rate has fluctuated since 2005 with overall increase of 13%

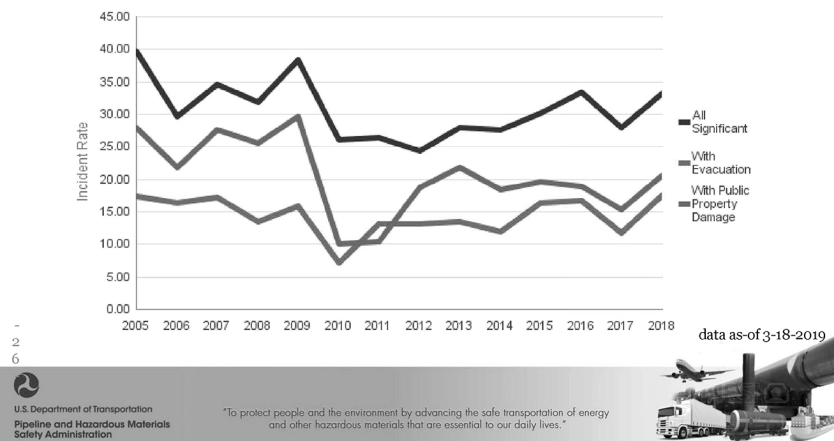


Gas Distribution Significant Incidents per Million Miles 2005-2018

Rate has fluctuated since 2005 - overall decrease since 2005 is 16%

Rate with evacuation has increased 1% since 2005

Rate with public property damage has decreased 26% since 2005



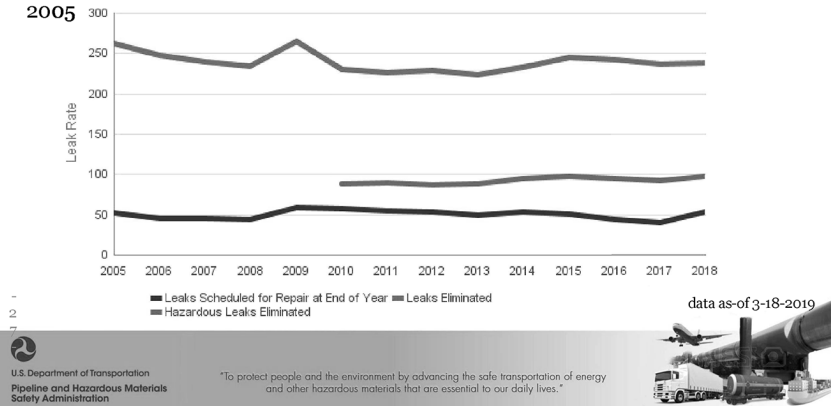
Gas Distribution Leaks per 1,000 Miles 2005-2018

Rate for **Hazardous Leaks Eliminated** has increased 10% since 2010

The effective date for PHMSA's gas distribution integrity management (DIMP) regulations was 2011. PHMSA expects an eventual decrease in the rate as pipeline operators identify integrity threats and implement measures to reduce risk.

Rate for all **Leaks Eliminated** has decreased 10% since 2005

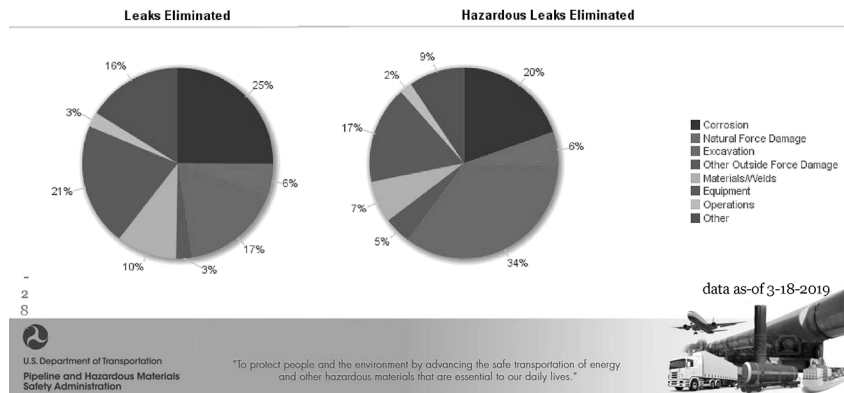
Rate for **Leaks Scheduled for Repair at End of Year** has increased 2% since 2005



Gas Distribution Leaks Eliminated by Cause 2005-2018

Leading cause of **Hazardous Leaks** is Excavation Damage which accounts for 34% of Hazardous Leaks, but only 17% of Leaks

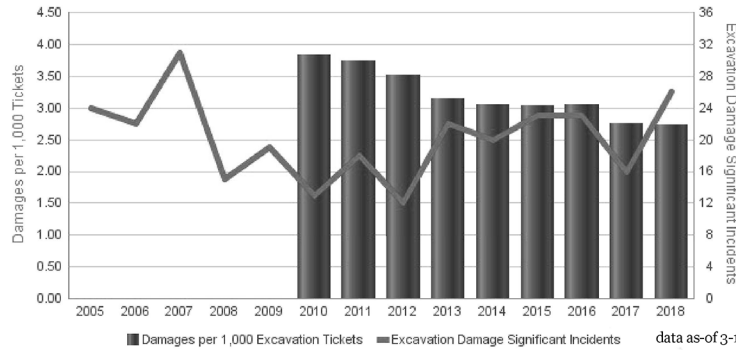
For more than a decade, PHMSA has been an active participant in national, regional, and State efforts to improve excavation damage prevention.



Gas Distribution Excavation Damage 2005-2018

Number of **Significant Incidents** caused by **Excavation Damage** has fluctuated since 2005 and increased 8% overall

Damages per 1,000 Tickets has decreased 29% since 2010



1

2

9

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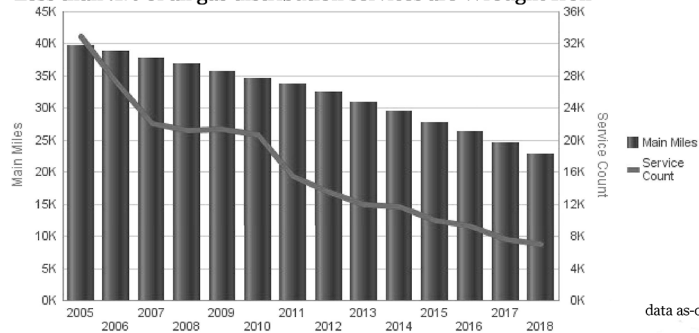
Gas Distribution Cast and Wrought Iron 2005-2018

Cast and Wrought Iron Main Miles have decreased 42% since 2005

Cast Iron mains make up 1% of the total gas distribution main miles

Cast and Wrought Iron Service Count have decreased 79% since 2005

Less than .1% of all gas distribution services are Wrought Iron



1

3

0

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Gas Distribution Steel Miles – Bare and Unprotected 2005-2018

Miles of **Bare Steel** has declined steadily since 2005

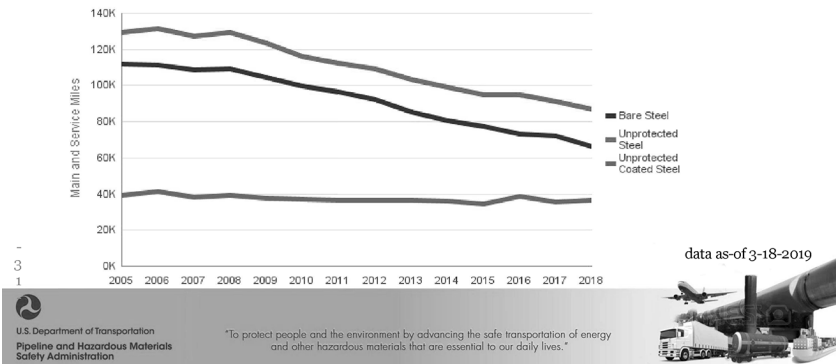
Decrease since 2005 is 40% 3% of gas distribution systems are Bare Steel

Miles of **Unprotected Steel** has declined steadily since 2005

Decrease since 2005 is 33% 4% are Unprotected Steel

Miles of **Unprotected Coated Steel** has declined since 2005

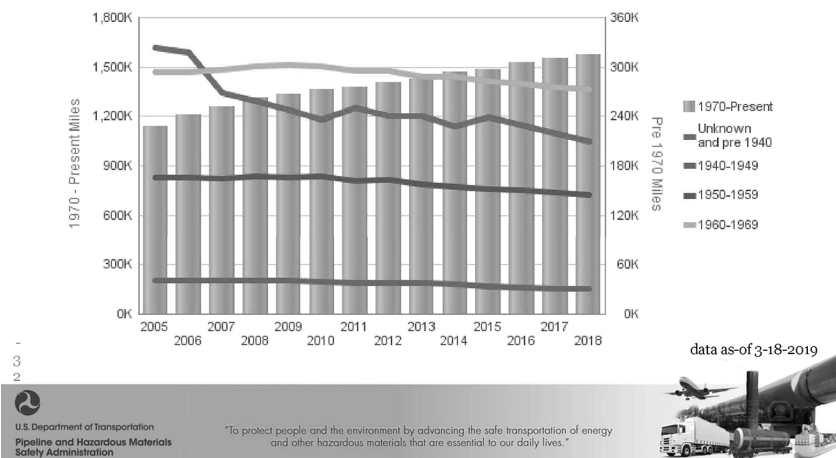
Decrease since 2005 is 7% 3% are Unprotected Coated Steel



Gas Distribution Miles by Decade Installed 2005-2018

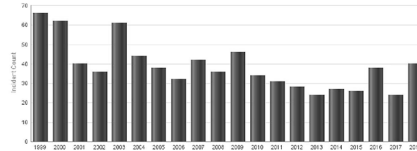
Miles of pipeline system installed **Pre-1970** has declined 20% since 2005

29% of gas distribution systems were installed Pre-1970

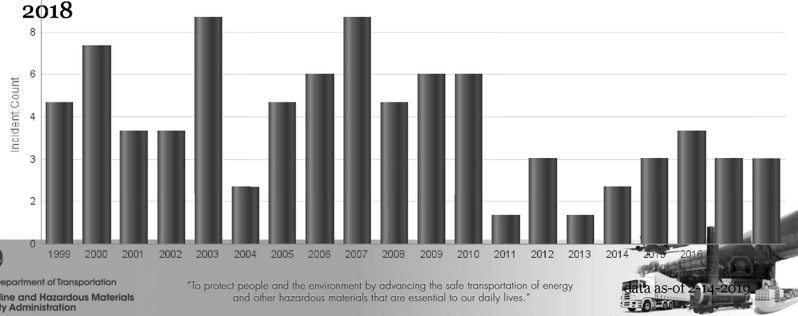


Gas Transmission Serious Incidents

All System Types
Increased in 2018

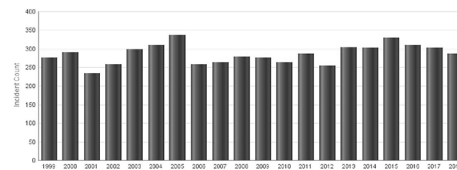


Gas Transmission
Unchanged in
2018

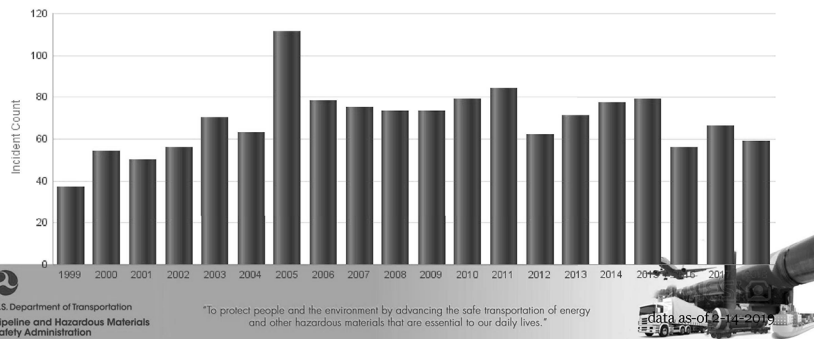


Gas Transmission Significant Incidents

All System Types
Decreased in 2018



Gas Transmission
Decreased 11% from 2017 to 2018



Gas Transmission Significant Incidents CY 2018

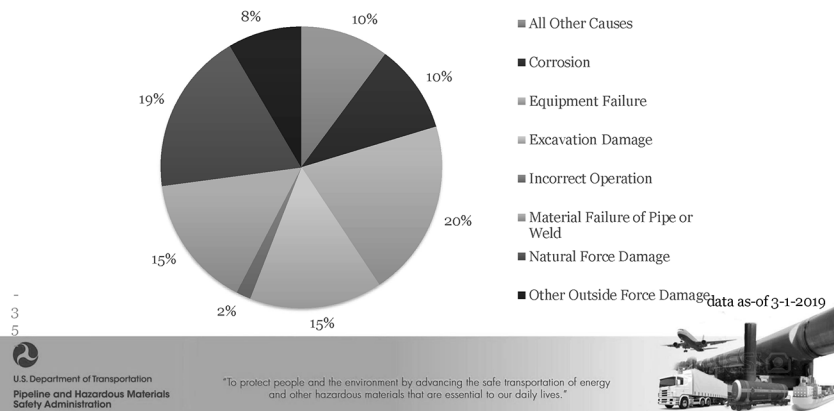
Leading Causes:

Equipment Failure (Control/Relief Malfunction)

Natural Force Damage

Material Failure of Pipe or Weld (Construction-Related)

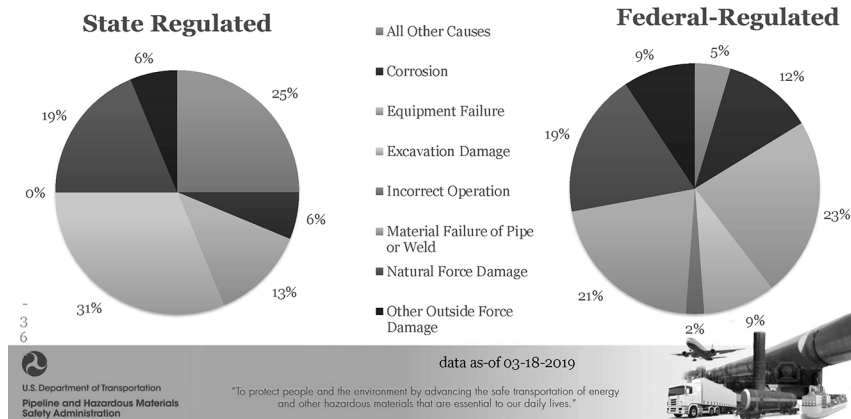
Excavation Damage (Third Party)



Gas Transmission Significant Incident Cause State vs Fed in 2018

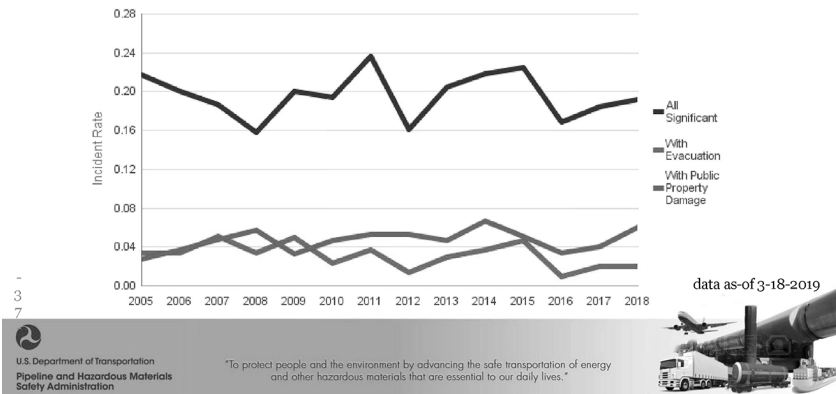
Leading cause for **State-Regulated** is Excavation Damage followed by All Other Causes

Leading cause for **Federal-Regulated** is Equipment Failure followed by Material Failure of Pipe or Weld



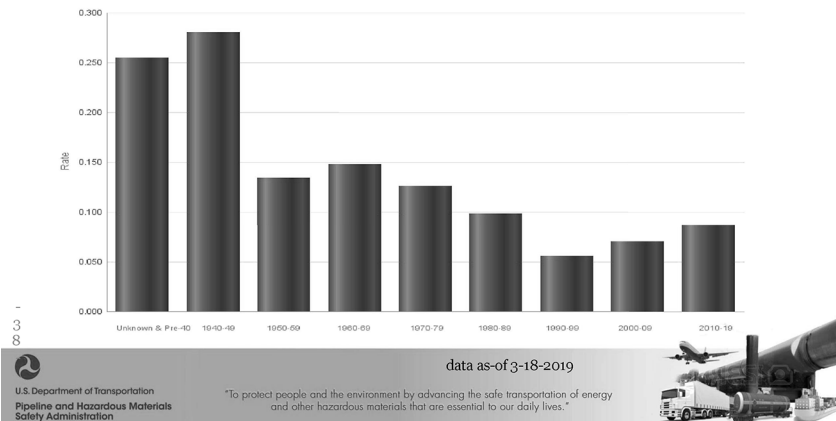
Gas Transmission Onshore Pipeline Significant Incidents per 1,000 Miles 2005 - 2018

Rate has fluctuated since 2005 - overall decrease since 2005 is 14%
Rate with evacuation has decreased 33% since 2005
Rate with public property damage has increased 100% since 2005



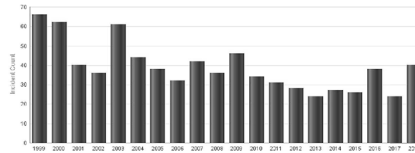
Gas Transmission Onshore Pipeline Significant Incident Rates per Decade 2005 - 2018 - Incidents per 1,000 Miles

"Unknown and Pre-1940" decade leading cause is Corrosion
"1940s" decade leading cause is Material Failure of Pipe or Weld
"2010s" decade leading cause is Equipment Failure

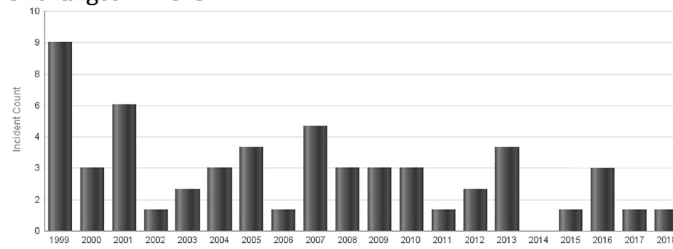


Hazardous Liquid Serious Incidents

All System Types
Increased in 2018



Hazardous Liquid
Unchanged in 2018



data as-of 2-14-2019



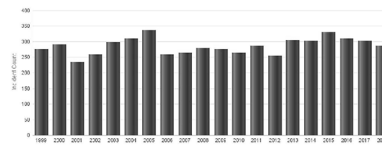
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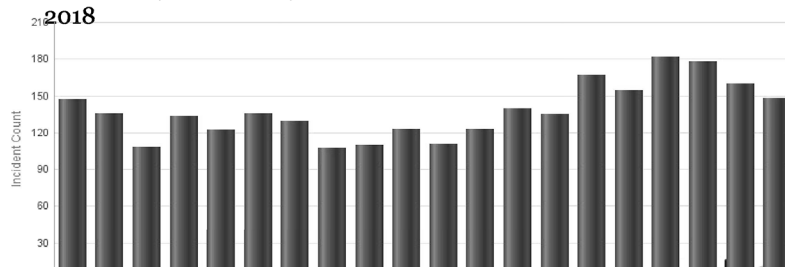


Hazardous Liquid Significant Incidents

All System Types
Decreased in 2018



Hazardous Liquid
Decreased 7% from 2017 to
2018



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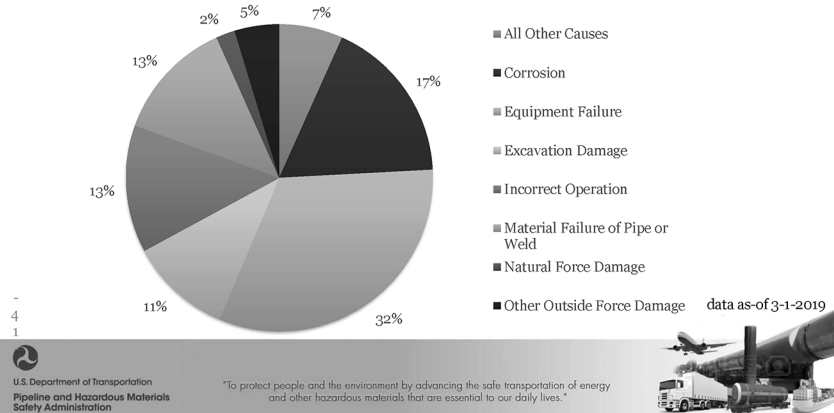
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Hazardous Liquid Significant Incidents CY 2018

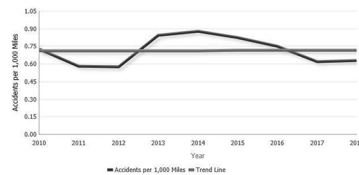
Leading Causes:

Equipment Failure (Connections and Pumps)
Corrosion (External and Internal)
Incorrect Operation
Material Failure of Pipe or Weld (Construction-Related)

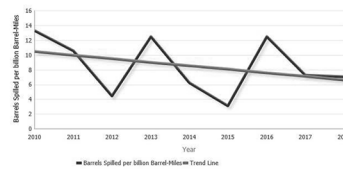


Crude Oil/Refined Petroleum/Biofuel Accidents Impacting People or the Environment 2010 - 2018

The accident per 1,000 mile rate is flat since 2010



The volume spilled rate per billion barrel-miles transported has fluctuated since 2010.



Crude Oil/Refined Petroleum/ Biofuel	2010	2011	2012	2013	2014	2015	2016	2017	2018
Accidents Impacting People or the Environment	87	70	70	105	113	112	104	88	90
Miles	119,446	120,246	121,520	124,454	128,726	135,705	138,186	141,595	142,997
Volume Spilled (barrels)	44,530	37,368	16,860	47,524	25,614	14,787	60,405	36,732	41,449
Barrel-Miles Transported (billion barrel miles)	3,334	3,534	3,739	3,806	4,105	4,767	4,840	5,056	5,861



DOT Significant Memoranda

- **December 20, 2018**
 - Review and clearance of guidance documents
 - Policies and procedures for rulemakings
- **February 15, 2019**
 - Procedural requirements for DOT enforcement actions



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Drivers of the Regulatory Agenda

- **Congressional Mandates**
 - PIPES ACT of 2016
 - Underground Storage
 - Small-scale LNG
- **NTSB/GAO/OIG**
- **Executive Orders on Regulatory Reform**
- **Executive Order 13771**
 - Two for one initiative: significant rules only
 - Regulatory budget
- **Executive Order 13777**
 - Establishes regulatory reform officers and regulatory reform task forces
 - Designed to identify regulations that are outdated, unnecessary, or ineffective and that impose costs that exceed benefits

Congress

NTSB

GAO

OIG

EOs



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Major OPS Rules - Overview

Title	Last Public Action	Status	Abstract
Hazardous Liquid Pipelines	NPRM: 10/13/2015	PHMSA working with OMB to complete the final rule	This rulemaking amends the Pipeline Safety Regulations to improve protection of the public, property, and the environment by closing regulatory gaps where appropriate, and ensuring that operators are increasing the detection and remediation of unsafe conditions and mitigating the adverse effects of hazardous liquid pipeline failures.
Gas Transmission Rule	NPRM: 4/8/2016	PHMSA working with OMB to complete the final rule	This rulemaking amends the pipeline safety regulations to address the testing and pressure reconfirmation of certain previously untested gas transmission pipelines and certain gas transmission pipelines with inadequate records, require operators incorporate seismicity into their risk analysis and data integration, require the reporting of maximum allowable operating pressure exceedances, allow a 6-month extension of integrity management reassessment intervals with notice, and expand integrity assessments outside of high consequence areas to other populated areas.
Rupture Detection and Valves	None	PHMSA working with OMB to complete the NPRM	PHMSA is proposing to revise the Pipeline Safety Regulations applicable to newly constructed or entirely replaced natural gas transmission and hazardous liquid pipelines to improve rupture mitigation and shorten pipeline segment isolation times in high consequence and select non-high consequence areas. The proposed rule defines certain pipeline events as "ruptures" and outlines certain performance standards related to rupture identification and pipeline segment isolation. PHMSA also proposes specific valve maintenance and inspection requirements, and 9-1-1 notification requirements to help operators achieve better rupture response and mitigation. The rule addresses congressional mandates, incorporate recommendations from the National Transportation Safety Board, and are necessary to reduce the serious consequences of large-volume, uncontrolled releases of natural gas and hazardous liquids.



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Major OPS Rules - Overview

Title	Last Public Action	Status	Abstract
Underground Storage Facilities	IFR: 12/19/2019	PHMSA working with OMB to complete the final rule	PHMSA issued an interim final rule that requires operators of underground storage facilities for natural gas to comply with minimum safety standards, including compliance with API RP 1171, Functional Integrity of Natural Gas Storage in Depleted Hydrocarbon Reservoirs and Aquifer Reservoirs, and API RP 1170, Design and Operation of Solution-mined Salt Caverns Used for Natural Gas Storage. The next planned action is to finalize the interim final rule.
Enhanced Emergency Orders	IFR: 10/14/2016	PHMSA working with OMB to complete the final rule	PHMSA issued an interim final rule (IFR) that established regulations implementing the emergency order authority conferred on the Secretary of Transportation by the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016 (PIPES Act of 2016 or Act). These regulations are mandated by the PIPES Act of 2016 and establish procedures for the issuance of emergency orders (restrictions, prohibitions) to address unsafe conditions or practices posing an imminent hazard. These requirements are expected to improve PHMSA's existing enforcement authority by allowing it to respond immediately and effectively to conditions or practices that pose serious threats to life, property, or the environment. The next planned action is to finalize the interim final rule, as required by the Act.



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Major OPS Rules - Overview

Title	Last Public Action	Status	Abstract
Class Location Requirements	None	PHMSA working to complete NPRM and supporting documents	This rulemaking regards existing class location requirements for natural gas transmission lines, specifically as they pertain to actions operators are required to take following class location changes due to population growth near the pipeline. Operators have suggested that performing integrity management measures on pipelines where class locations have changed due to population increases would be an equally safe but less costly alternative to the current requirements of either reducing pressure, pressure testing, or replacing pipe. The ANPRM requested public comment to inform future regulatory or deregulatory efforts related to this topic.
Repair Criteria for Hazardous Liquid Pipelines	None	PHMSA working to complete NPRM and supporting documents	PHMSA plans a notice of proposed rulemaking that would modify the provisions for determining the need to make repairs to hazardous liquid pipelines, commonly referred to as repair criteria, in High Consequence Areas (HCAs) and develop new repair criteria for hazardous liquid pipelines in non-HCAs.
Gas Pipeline Regulatory Reform	None	PHMSA working with OST to complete NPRM.	This rulemaking would amend the Pipeline Safety Regulations to adopt a number of actions that ease regulatory burdens on the construction and operation of gas transmission, gas distribution and gas gathering pipeline systems. These amendments include regulatory relief actions identified by internal agency review, existing petitions for rulemaking, and public comments on the Department of Transportation Regulatory Review and Transportation Infrastructure notices.



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Major OPS Rules - Overview

Title	Last Public Action	Status	Abstract
Safety of Gas Gathering Pipelines	NPRM: 4/8/2016	PHMSA working to complete final rule and supporting documents.	This rulemaking would require all gas gathering pipeline operators to report incidents and annual pipeline data. PHMSA is also extending regulatory safety requirements to Type A gathering lines in Class 1 locations and is proposing to change certain definitions related to gas gathering operation.
Safety of Gas Transmission – Repair Criteria, IM improvements, etc.	NPRM: 4/8/2016	PHMSA working to complete final rule and supporting documents.	This rulemaking would amend the pipeline safety regulations relevant to gas transmission pipelines by adjusting the repair criteria in high consequence areas and creating new criteria for non-high consequence areas, requiring the inspection of pipelines following extreme events, requiring safety features on in-line inspection tool launchers and receivers, updating and bolstering pipeline corrosion control, codifying a management of change process, clarifying certain integrity management provisions, and strengthening integrity management assessment requirements.
Amendments to LNG Facilities	None	PHMSA working with OST to complete NPRM.	Abstract: PHMSA is proposing to update incorporated industry standards and revise all subparts of Part 193, as needed. These updates to Part 193 will address the risks associated with today's liquefied natural gas facilities, including permanent, small scale liquefied natural gas pipeline facilities as required by Section 27 of the PIPES Act of 2016.



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Plastic Pipe

Final Rule Published

- Published November 20, 2018
- Petition response March 1, 2019
- Addresses the following plastic pipe topics:
 - Authorized the use of PA12;
 - AGA petition to raise D.F. from 0.32 to 0.40 for PE pipe;
 - Tracking and traceability (not adopted);
 - Miscellaneous revisions for PE and PA11 pipelines; and
 - Additional provisions for fittings used on plastic pipe.



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Current Rulemakings in Process

Safety of On-shore Hazardous Liquid Pipelines

Final Rule Stage

- The final rule is with the OMB for review
- Major topics under consideration:
 - Assessments beyond High Consequence Areas (HCAs);
 - Leak detection beyond HCAs;
 - Repair criteria in HCA and non-HCA areas;
 - Piggability of lines in HCAs;
 - Reporting requirements for gathering lines; and
 - Reporting requirements for gravity lines.



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Current Rulemakings in Process

Safety of Gas Transmission and Gathering Lines

Final Rule

- Major topics:
 - Expansion of assessments beyond HCAs/MCAs;
 - Repair criteria for both HCA and non-HCA areas;
 - Assessment methods;
 - Corrosion control;
 - Gas gathering, including additional reporting and regulations;
 - Assessment methods for GT lines; and
 - MAOP reconfirmation, material records for grandfathered pipe, and bad records.



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Regulated Gas Gathering Mileage by Diameter

Pipe Type	12.75- inches or Less	Greater than 12.75- inches	Total
Onshore Type A	6,720	1,568	8,288
Onshore Type B	3,223	150	3,373
Offshore	1,867	4,316	6,183
Total	11,810	6,035	17,845

2018 Gas Transmission and Gas Gathering Annual Report



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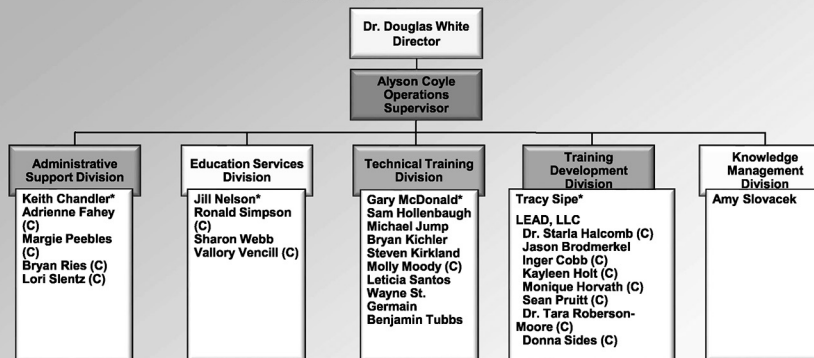
TQ's Mission Statement

- Promote safe transportation of energy and other hazardous materials by providing state-of-the-art training that produces the best qualified Federal and State inspectors and investigators in the world.



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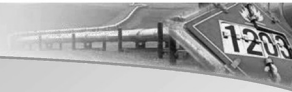
PHMSA INSPECTOR TRAINING AND QUALIFICATIONS STAFFING ALIGNMENT



* Denotes Team Lead
(C) Denotes Contractor Support



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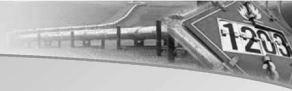


TQ's Vision Statement

Advance public safety by being the best training facility in the Federal Government as measured by recognition as the premier Federal Training Center of Excellence.




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Safety Administration




TQ's Core Values

TQ staff chose core values that are universal and eternal. The staff agreed en masse to apply these values in our daily actions, attitudes, and behavior and to hold each other accountable to living up to them.

- **INTEGRITY** to always do the right thing and to always do it right
- **COMMITMENT** to strive for excellence in all that we do
- **PERSEVERANCE** to push ahead during times of uncertainty, difficulty and challenges.



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TQ Goals

- **Short-Term (1-2 Years)**
 - Establish a VTT program to provide a greater access to TQ training while reducing travel costs
 - Council on Occupational Education (COE) Accreditation
 - Completion of outdoor Applied Instruction Facility (3.5 Acres)
 - Full implementation of TQLM
 - Write SOPs/Process Maps for SAT and ADDIE
 - Total instructor mastery
 - Continue Instructor Qualification Program
 - Development and full integration of "Gusher Pipeline" into facility and training products



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TQ Goals

Long-Term (3-5 Years)

- Revise remaining 70% courses in accordance with the SAT/ADDIE Model
- Establish a regulatory compliance training program for Industry
- Earn ACE, and COE accreditation
- Build partnerships with colleges and universities to enhance recruitment of top quality OPS/OHMS inspectors/investigators
- Complete Applied Instruction Facility (3.5-acre training field) – Phase 2
- Earn ISO 9001: 2015 certification
- Build Live Fire Training site in TQ's Applied Instruction Facility.
- SCADA Lab Completion

LNG Agenda

- Liquefied Natural Gas NPRM
- LNG by Rail NPRM
- August 31, 2018: FERC/PHMSA MOU
- April 10, 2019: Executive Order 13868: Promoting Energy Infrastructure and Economic Growth
- Coordination with other federal agencies such as the USCG and MARAD



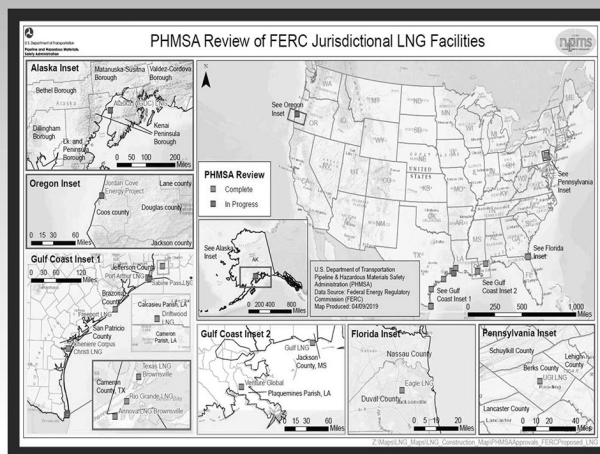
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LNG Agenda



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Reauthorization 2020 - DOT BILL

- Themes: Safety, Infrastructure, Innovation
- “Beyond Compliance” Safety Incentives and Pilot Programs
- Voluntary Information Sharing System
- LNG Project Reviews and PHMSA Regs Used Exclusively for Permitting
- Overpressure Protection, Management of Change, Extend OQ to Construction Tasks (Merrimack Valley, MA incident)
- Criminal Penalties for Disrupting Construction



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Reauthorization 2020 - CONGRESS

- Senate Bill S.2299 Voted Out of Committee 7-31-19
 - Pilot Programs, Self-Disclosure of Violations, ALI Hearings, Idled Pipelines, LNG Rulemaking Mandate
 - Study on Pipeline Testing Facility; Establish LNG Center for Excellence
 - Leonel Rondon Act in Title II, Major DIMP Rulemaking Mandates
- House Bill H.R.3432 – Energy and Commerce Committee
 - Reducing Cost-Benefit Requirements, Limiting Direct Assessments, Automatic and Remote Valve Rule Mandate, Emergency and O&M Procedures Rule Mandates, Change Criminal Standard to Reckless and Increase Civil Penalties. Many Additions Likely.
- House T&I Bill Likely this Fall



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REMARKS OF PAUL ROBERTI, GENERAL COUNSEL, PIPELINE AND HAZARDOUS
MATERIALS SAFETY ADMINISTRATION TO THE FERTILIZER INSTITUTE
SCOTTSDALE, ARIZONA
OCTOBER 22, 2018

Thank You for the opportunity to speak with you today here at the North American Fertilizer Transportation Conference about safety in the fertilizer industry. It is always a pleasure to meet with organizations like yours, because you encourage industry collaboration in our collective to ensure that the hazardous materials, which are an essential input in the manufacturing process, are handled safely and securely.

Largely because of fertilizer, one of the early predictors of doom for mankind turned out to be wrong. In 1798, Thomas Malthus observed that food production increased arithmetically, while population growth and demand was exponential. He predicted that this dichotomy would have dire consequences—eventually leading to widespread famine. But it hasn't happened—because of the innovation your members delivered to the business of agriculture. And we all know that fertilizer is a very large part of that innovation.

Part of what makes PHMSA an interesting and important place to work is the vital importance of some of the industries we regulate. There are a lot of hazardous materials—in fact, they are ubiquitous—from medical waste, to chlorine, to radioactive materials, lithium batteries in airplanes, to crude oil on trains, one could argue that nothing is more vital to the well-being of our nation and the world than the ability to feed people, which depends heavily on the work of your organization's members.

PHMSA is first and foremost a regulatory agency. We work hard to execute our regulatory responsibility in a way that is smart, comprehensive, and responsive to all stakeholders. Industry organizations like the Fertilizer Institute facilitate that part of our job, by organizing the concerns and interests of their members, by serving as a consistent source for trusted information and data, and by helping to publicize industry initiatives on safety and environmental stewardship.

In all of the industries we regulate, PHMSA strives to be consultative in making clear and effective rules, transparent in our internal operations, thorough in inspections, and consistent in regulatory enforcement. We rely on organizations like The Fertilizer Institute, and their members, to ensure that our rulemaking is done with a keen understanding of the challenges you face every day in your industry.

Beyond that, PHMSA understands that safety requires more than mere regulation. “Zero incidents” is our ultimate goal; but it will never be achieved by enforcing minimum standards, even if the rules and their application are perfect.

To get to zero incidents, a more comprehensive effort is needed. As a small agency—employing just 536 people—it is obvious that direct action cannot ensure the safety of 2.7 million miles of pipeline and 2.1 billion tons of hazardous materials transports each year. For that reason, PHMSA is committed to the concept of leveraging our limited resources in order to have the greatest impact on safety. We want to leverage data and information; research and development; and the efforts and reach of partners like The Fertilizer Institute is a vital input into our safety mission.

Safety is the result of many small things, of consistency and meticulous attention to detail. Michelangelo, an expert in this area, said that “Trifles make perfection; and perfection is no trifle.”

PHMSA works closely with multiple DOT operating administrations to ensure consistency in administering hazardous materials transportation safety programs across all modes—such as the FRA, FCMSA, FAA, etc. We are actively working with our counterparts at FRA to address many issues relevant to the safe transportation of hazmat by rail, including materials that pose a toxic inhalation hazard (TIH).

These TIH materials, which include essential products, such as anhydrous ammonia and chlorine, are vital not only to our nation's infrastructure, but also to our health and safety since our water and food supplies depend on their safe movement. PHMSA recognizes its critical role as an agency that must ensure the safety of a vast transportation network that supports our economy and our national way of life.

As an example of our close collaboration with FRA and our industry stakeholders, PHMSA has reviewed, analyzed, and accepted several petitions for consideration in upcoming rulemakings that address the safe transportation of materials that are toxic when inhaled. These petitions cover a range of issues, including: finalizing specifications codified in 2009 to provide certainty to the industry regarding tank car design and construction standards; extending the authorized service life for tank cars that meet improved standards from 20 to 50 years; and determining an appropriate timeline for phasing out rail tank cars that do not meet the final standard.

PHMSA truly appreciates the wealth of expertise that the shippers and carriers provide to the regulatory process, as well as their continued commitment to build consensus on necessary safety standards. We are pleased to note that the Association of American Railroads (AAR) and several associations representing TIH shippers, including the American Chemistry Council (ACC), the Chlorine Institute (CI), and the Fertilizer Institute (TFI), have reached a general consensus with respect to a number of challenging policy determinations PHMSA must make—such as proposing a timeline for compliance with the final TIH tank car standard. I would specifically note the Joint comments you submitted on June 19, 2018, along with AAR, ACC, and CI., advocating for the adoption of a mutually agreed-upon phase out date of December 31, 2027.

Just a few weeks ago, on September 6 leadership of each of these organizations came together to meet with PHMSA's senior leadership team to affirm their support for this new approach. At that meeting, you all urged PHMSA to accelerate the time-frame for completing rules—so that you will have certainty for the strategic investment decisions that must be made to advance safety. The successful collaboration of industry stakeholders has greatly facilitated our efforts to finalize a draft rule that can be issued for public notice and comment and published as expeditiously as possible.

Looking ahead, we know that additional challenges remain as we work together with all stakeholders to build on our existing safety framework. We recognize the need to embrace innovative technologies and solutions that advance safe transportation for the benefit of the public. We also understand and acknowledge your need for regulatory certainty. As shippers and carriers of hazardous materials, you are not only integral to ensuring the safe transport of hazardous materials, but also critical to achieving our shared goal of zero incidents. With strong commitment, leadership, and robust stakeholder collaboration, we can ultimately achieve this goal.

Thank you all for your efforts in moving us in this direction, and thank you the opportunity to speak with you today.

UNITED STATES SENATE
COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP
TESTIMONY OF PAUL ROBERTI, PHMSA CHIEF COUNSEL
NOVEMBER 16, 2018

Good morning Senator Kennedy and thank you for the opportunity to testify today, in the great State of Louisiana, about the Pipeline and Hazardous Materials Safety Administration's efforts to advance the safety of rail tank cars transporting hazardous materials.

On behalf of Secretary Chao and Administrator Skip Elliott, I want to thank you for your leadership and personal efforts to improve the safety of our Nation's railroad system. Safety is the number one priority for Secretary Chao and everyone working at the Department of Transportation. PHMSA's mission is to protect people and the environment from the risks of hazardous materials by all modes of transportation. We achieve this mission by creating regulations and carrying out a comprehensive safety oversight strategy. We advance education, and research and development projects, focused on enhancing safety and accident prevention.

PHMSA also provides funding and training to prepare first responders to mitigate hazards in the unlikely event that an incident occurs. Our goal is to reduce risk towards zero deaths, zero injuries, prevent property and environmental damage, and prevent transportation disruptions. Tragic train accidents like Lac-Mégantic, Quebec in 2013; Graniteville, South Carolina in 2005; and Minot, North Dakota in 2002, underscore the need to improve the safety of rail tank cars. We remain vigilant while working with industry to prevent these types of accidents from ever happening again.

In the interest of time, I refer you to my written testimony which describes:

- PHMSA's hazardous materials safety program and its role in preventing and mitigating incidents;
- Background about PHMSA's regulatory authority, and the status of pending rulemakings;
- PHMSA's effort to build consensus within the regulated industry and our work to modernize standards and reduce regulatory burdens on small businesses; and

- PHMSA's efforts to finalize standards for rail tank cars that transport hazardous materials classified as Toxic Inhalation Hazards, such as anhydrous ammonia and chlorine.

For this class of hazardous materials, we are coordinating with the Federal Railroad Administration to resolve a number of issues that will promote their safe transportation on the Nation's railroads. As you know Senator Kennedy, these products are essential for sustaining our food and water supplies, and our health and safety depend upon their safe transportation. As an example of our collaboration with the Federal Railroad Administration and the industry, PHMSA accepted a number of petitions for consideration in upcoming rulemakings that address the safe transportation of toxic hazardous materials.

PHMSA appreciates the expertise that both the shippers and the carriers contribute to the regulatory process, as well as their commitment to build consensus on safety standards. A great example of consensus was the June 19, 2018 joint submission of comments by the shippers and carriers advocating for a mutually agreed-upon phase-out date of December 31, 2027 for legacy tank cars. We are pleased that industry reached consensus regarding this proposed date for compliance with the final tank car standard.

Moreover, on September 6, 2018, industry leaders met with PHMSA's leadership to affirm their support for this newly achieved consensus. They urged PHMSA to accelerate the time-frame for completing rules that provide much needed regulatory certainty to guide the strategic investment decisions that are necessary to advance safety.

In closing, the success of PHMSA's mission relies on continued collaboration with industry to build on the existing regulatory framework. We need to embrace innovative technologies that provide cost-effective solutions for improving safety, as well as continue taking steps to increase the level of regulatory certainty. We recognize that both shippers and carriers are important partners to the success of PHMSA's safety programs, our national economy, the State of Louisiana, and Port of New Orleans.

Thank you for opportunity to testify. I look forward to answering any questions you may have.

Advancing Pipeline Safety: State, Regional and National Efforts

**Northeast Gas Association
Regional Market Trends Forum
Hartford, CT
April 30, 2013**

***Paul Roberti, Commissioner
Chairman, NARUC Subcommittee on Pipeline Safety
Rhode Island Public Utilities Commission***

OVERVIEW

- Rhode Island Pipeline Replacement Program
- Northeast Regional Perspective
- National Developments

2

Prominent Features of Rhode Island's Capital Expense Tariff Rider

- Accelerated Replacement Program (ARP)
 - ARP began as part of a 2008 Rate Case Settlement over the 2 year period, funded replacement of 70 miles of Leak Prone Pipe and 4,391 Bare Steel, high pressure services.
- Infrastructure Safety and Reliability Plan (ISR)
 - Replaced existing ARP and legislatively mandated 5 year strategic plan.
 - The plan funds both replacement of leak prone mains and bare steel, high pressure services. The plan also includes funds for system reliability, mandated programs and special projects
 - The plan is expected to annually fund replacement of approximately 50 miles of Leak Prone Pipe and 2,125 Bare Steel, high-pressure inside services.
 - Implementation of a fully reconciling rate mechanism designed to recover actual and anticipated capital investments as reflected in the approved ISR spending plan.

3

National Grid Rhode Island: 2014 Forecast and 5 Year Plan

Capital Forecast (000's)						
Investment Categories	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	TOTAL
Growth (1)	\$ 11,942	\$ 16,325	\$ 15,944	\$ 16,485	\$ 16,891	\$ 77,588
Main Replacement Program (2)	\$ 33,362	\$ 37,107	\$ 39,991	\$ 43,705	\$ 44,579	\$ 198,743
Service Replacement Program (3)	\$ 3,100	\$ 3,100	\$ -	\$ -	\$ -	\$ 6,200
Sub-total	\$ 36,462	\$ 40,207	\$ 39,991	\$ 43,705	\$ 44,579	\$ 204,943
Public Works	\$ 1,821	\$ 1,857	\$ 1,857	\$ 1,857	\$ 1,857	\$ 9,249
Reactive Main Replacement	\$ 500	\$ 510	\$ 510	\$ 510	\$ 510	\$ 2,540
Mandated Program	\$ 13,522	\$ 14,671	\$ 14,824	\$ 14,880	\$ 14,936	\$ 72,833
Reliability	\$ 8,987	\$ 8,690	\$ 9,371	\$ 9,135	\$ 11,231	\$ 47,412
Special Projects	\$ 4,000	\$ 387	\$ -	\$ -	\$ -	\$ 4,387
TOTAL	\$ 77,233	\$ 82,648	\$ 82,497	\$ 86,571	\$ 90,004	\$ 418,953
(1) Growth is generally not included in the ISR Plan (2) Main Replacement mileage increases annually (50, 53, 55, 60, 60) (3) Service Replacement Program is projected to conclude in FY15						

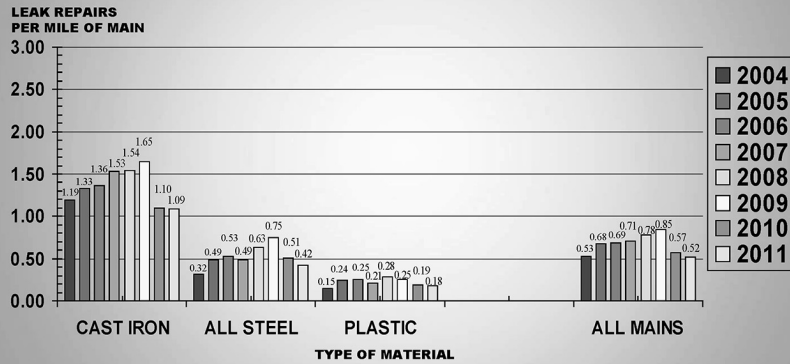
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Rhode Island FY 2014 Capital investment In Safety -- \$50 million

- **Major Initiatives**
 - ◆ Proactive replacement of leak prone pipe (50 miles)
 - ◆ Cathodic protection of steel mains (10 miles)
 - ◆ Replacement of 1,100 Bare Steel, HP Services with Inside Meter Sets
 - ◆ Replacement of meters
 - ◆ Repair of leaking gas services and cast iron joint encapsulation
 - ◆ Service relocations, meter protection, service abandonments and curb valve installation

5

RHODE ISLAND GAS MAIN LEAK "RATES" COMPARISON BY MATERIAL



COUNTING EACH INDIVIDUAL REPAIR AS A LEAK

(EXCLUDING Damages)

PAGE #128

Annual Bill Impacts Are Relatively Modest

Rate Class	Annual Average Use (Therms)	ISR Rate Change Impact* (\$)	ISR Rate Change Impact (%)
Res-NH	214	\$0.99	0.2%
Res-NH-LI	214	\$0.99	0.3%
Res-H	846	\$2.09	0.2%
Res-H-LI	846	\$2.09	0.2%
Small	1,352	\$3.33	0.2%
Medium	12,217	\$22.67	0.2%
Large LL	63,179	\$91.20	0.2%
Large HL	77,558	\$143.93	0.2%
XL-LL	268,243	\$138.28	0.1%
XL-HL	688,340	\$354.80	0.1%

*Impact includes RI Gross Earnings Tax

Public Policy Value of Cap-X Tracker

- Eliminates Utility-borne Risk of Delayed Cost Recovery of Incremental Capital Investments during Post-Rate Case Periods
- Promotes Opportunities for coordination with State highway and local road projects, sewer upgrades and emergency repairs, etc. that are both economic and logistically convenient
- Mitigates the need for large rate increases by spreading cost of infrastructure upgrades along broader timeframe
- Consistent with good ratemaking principles of promoting rate stability and inter-generational equity by eliminating boom/bust investment cycles
- Provides regulators with consistent, periodic review of condition and capital requirements of distribution system
- Most importantly, advances **PUBLIC SAFETY** by encouraging systematic replacement of high-risk facilities

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High Risk Infrastructure Score Card – 2007

	Ratio of States				
	Infrastructure Score	Infrastructure Score	Infrastructure Score	Infrastructure Score	Infrastructure Score
RHODE ISLAND Totals	711	908	1,619	62.3%	5,085
WASHINGTON DC Totals	102	451	553	46.4%	1,191
MASSACHUSETTS Totals	3,636	4,165	7,801	37.9%	20,574
WEST VIRGINIA Totals	3,409	14	3,424	35.9%	8,531
NEW YORK Totals	9,321	5,088	14,409	31.0%	46,464
PENNSYLVANIA Totals	10,526	1,801	12,427	26.9%	46,449
NEW JERSEY Totals	3,019	5,603	8,613	26.3%	32,765
CONNECTICUT Totals	283	1,640	1,923	25.6%	7,517
MAINE Totals	8	89	95	18.4%	516
MARYLAND Totals	602	1,487	2,089	15.2%	13,646
NEW HAMPSHIRE Totals	120	309	429	13.5%	5,096
VIRGINIA Totals	1,050	676	1,726	8.8%	19,692
DELAWARE Totals	67	124	191	7.4%	2,585

Despite Recent Progress, the Challenge of Removing High-Risk Infrastructure Will Persist for Decades

Preliminary 2011 Gas Distribution Annual Report Mileage

Data as of 4/9/2012

REPORT YEAR 2011	Miles of Main				Total Main Mileage
	Unprotected Steel	Cast/Wrought Iron	Total Miles leak prone pipe	% of Total Miles leak prone pipe	
RHODE ISLAND TOTALS	580	875	1,455	46.0%	3,163
WASHINGTON DC TOTALS	96	425	521	43.8%	1,190
MASSACHUSETTS TOTALS	2,871	3,899	6,770	32.1%	21,110
WEST VIRGINIA TOTALS	3,115	14	3,129	29.6%	10,561
NEW YORK TOTALS	8,243	4,541	12,784	26.8%	47,700
PENNSYLVANIA TOTALS	9,011	3,199	12,209	25.7%	47,477
NEW JERSEY TOTALS	2,519	5,138	7,656	22.8%	33,646
CONNECTICUT TOTALS	250	1,509	1,759	22.9%	7,696
MAINE TOTALS	17	59	77	9.8%	780
MARYLAND TOTALS	491	1,422	1,913	13.3%	14,348
NEW HAMPSHIRE TOTALS	60	140	200	10.7%	1,865
VIRGINIA TOTALS	895	480	1,375	6.6%	20,780
DELAWARE TOTALS	45	96	141	4.9%	2,841
PHMSA EASTERN REGION TOTALS	28,192	21,797	49,989		213,156

In 2012

2012 Gas Distribution Annual Report Mileage and Leaks

Data as of 4/26/2013

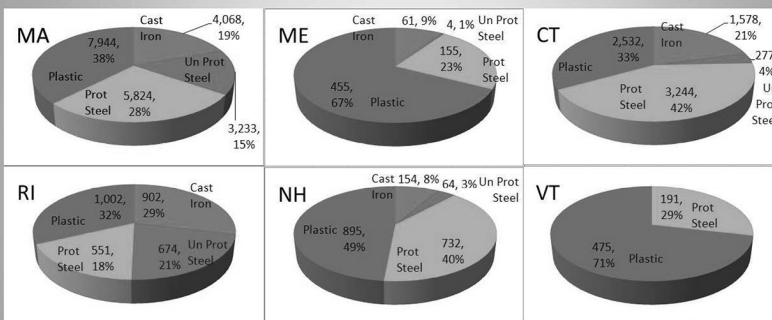
2012 Gas Distribution Annual report is preliminary data

PHMSA F 7100.1-1 / REPORT YEAR 2012	Miles of Main				Total Main Mileage
	Unprotected Steel	Cast/Wrought Iron	Total Miles leak prone pipe	% of Total Miles leak prone pipe	
Rhode Island	534	859	1,393	43.9%	3,174
District of Columbia	95	419	514	42.9%	1,197
Massachusetts	2,785	3,792	6,577	30.9%	21,285
West Virginia	3,009	14	3,022	28.3%	10,674
New York	7,885	4,417	12,301	25.7%	47,880
Pennsylvania	8,972	3,221	12,193	25.6%	47,561
Connecticut	236	1,467	1,703	22.0%	7,751
New Jersey	2,403	5,044	7,447	22.0%	33,919
Maryland	449	1,399	1,847	12.8%	14,477
New Hampshire	55	134	189	10.1%	1,875
Maine	16	56	72	9.0%	803
Virginia	817	406	1,223	5.9%	20,847
Delaware	39	91	130	4.5%	2,872
PHMSA EASTERN REGION TOTALS	27,294	21,318	48,612		214,316

RI's Remaining Challenge: 3,174 Miles of Leak-Prone Pipe



Amount of Leak Prone Pipe (Mains) in New England



Courtesy of Randy Knepper, Director of Pipeline Safety,
NH Public Utilities Commission

National Efforts -- NARUC

- 2011: NARUC establishes Pipeline Safety Task Force after San Bruno, CA and Allentown, PA incidents (13 fatalities)
- April 2013: Task Force converted into permanent Subcommittee on Pipeline Safety
- PHMSA issues "Report to America"
- Close coordination between NAPS and NARUC
- Efforts include education, technology and culture

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Kansas City, Missouri



Springfield, MA

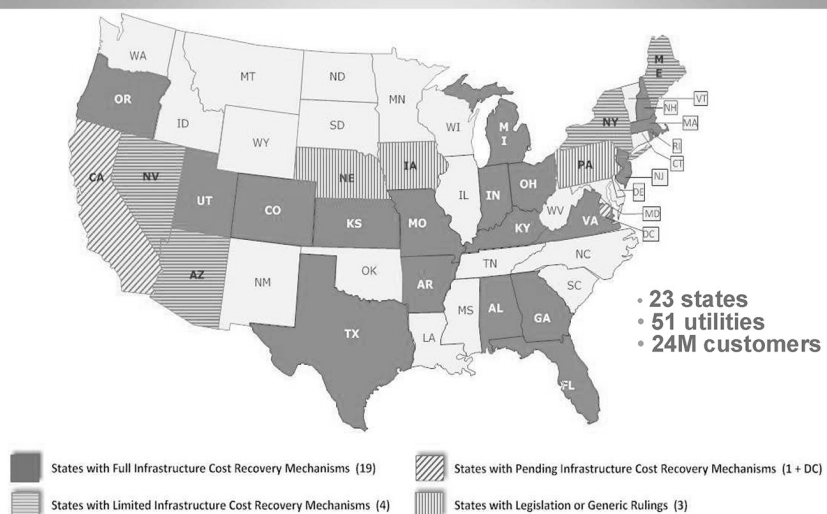
**Despite Our
Vigilance,
the Hits
Keep
Coming**



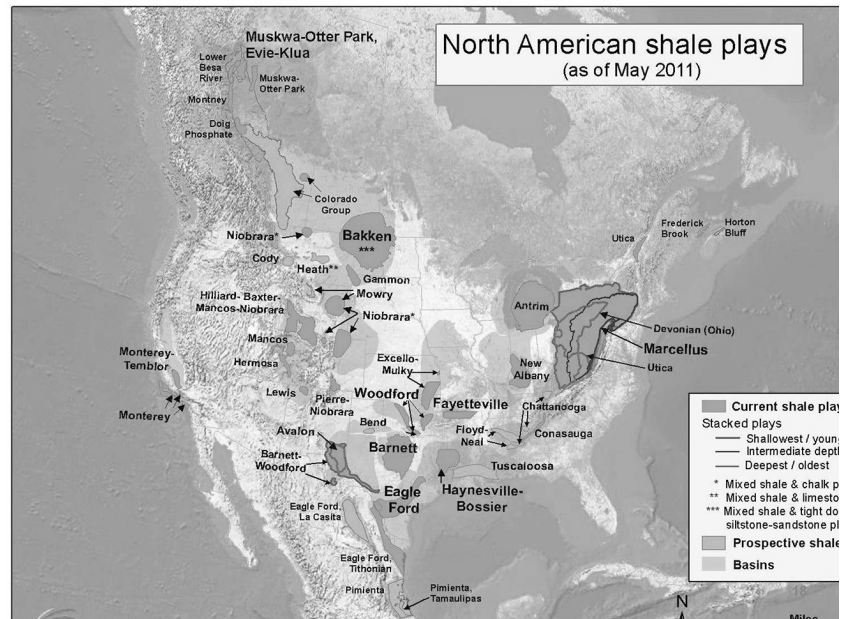
Indianapolis, Indiana

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STATES WITH INFRASTRUCTURE COST RECOVERY (As of September 2012)



Since 1984



Natural Gas Will Continue to Be a Growing Force in our Nation's Energy Future

- Unconventional Natural Gas Exploration Via Hydraulic Fracturing (Shale Gas) Continues to Expand Low-Cost, Domestic Dry Gas Production
- Emissions Profile, Coupled with Implementation of new EPA Regulations Expected to Increase Market Penetration Gas-fired Electric Generation
- Natural Gas-fired Units Provide:
 - Quick-Start Resource Capabilities to meet Peak Electric Demand Periods
 - Synergistic support for intermittent renewable sources of energy
- Multiple Transmission Pipeline Additions Completed or Underway to Move Shale Gas to Markets
- Growing Economic and Environmental Basis for Greater Penetration of Gas"
 - Convert heating customers from Oil to Gas
 - Conversion to CNG for large commercial fleets
 - Deployment of CHP technologies

➔ Greater Pressure on Pipeline Operators and Regulators to Evaluate the Integrity of all System Components (i.e., Age, Material, Condition, Location, etc.).

Checklist for a Good Night's Sleep

- Know the age, location and characteristics of system components to assess integrity and risk to public.
- In the event of an incident, have an established emergency response plan to address a large scale emergency.
- Identify High Consequence Areas and Inform the Public.
- Quality Control during construction phase – an imperative!
- Use available technology to mitigate risk (e.g., leak detection) and decrease incident response times through worker training and available technologies (i.e., automatic shut-off valves, remote control valves, etc.).
- Greater Interaction between Industry and Regulators is essential.
- Industry remains the first line of defense in minimizing or eliminating the risk of incidents.
- Think beyond the “letter of the regulation” – does logic or science indicate that actions “above and beyond” the letter of law should be pursued?

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“A small leak will sink a great ship.”

Benjamin Franklin



Pipeline inspection – Warwick, RI
November 4, 2011

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UNITED STATES SENATE
 COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
 TESTIMONY OF PAUL ROBERTI, CHIEF COUNSEL, PIPELINE AND
 HAZARDOUS MATERIALS SAFETY ADMINISTRATION
 PIPELINE SAFETY IN THE MERRIMACK VALLEY:
 INCIDENT PREVENTION AND RESPONSE
 LAWRENCE, MA
 NOVEMBER 26, 2018

Senator Markey and Senator Warren, thank you for the opportunity to testify about the tragic accident that occurred in Merrimack Valley on September 13, 2018. I would also like to thank Senator Hassan, Representative Tsongas, Representative Moulton, and Congresswoman-elect Trahan for their attendance as well.

On behalf of Secretary Elaine Chao and Administrator Skip Elliott, I recognize and appreciate your efforts to advance pipeline safety. For Secretary Chao, Administrator Elliott and everyone working at the Department of Transportation, safety is our number one priority.

PHMSA's mission is to protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are so essential to our daily lives. We oversee the inspection and enforcement of the Nation's interstate pipeline system; we advance education, research and development projects; and we administer the State Pipeline Safety Programs in 48 States, including Massachusetts.

The natural gas explosions and fires in the Merrimack Valley were indeed tragic and avoidable. We deeply sympathize with the family of the young man who lost his life, and all those who suffered injuries, or had their homes and property damaged or destroyed.

PHMSA acknowledges the initiative to replace aging cast iron pipelines for safety reasons. In my prior role as a public utilities commissioner in Rhode Island just a few miles south of here, I worked steadfastly to advance programs to accelerate the replacement of cast iron and bare steel pipelines for many years, particularly in the aftermath of tragedies like San Bruno, CA and Allentown, PA.

Those tragedies galvanized the effort to modernize pipeline systems across the Nation. Yet, despite Columbia Gas' concerted effort to replace aging cast iron systems, we witnessed an extraordinary failure in the planning, design and execution of a replacement project.

This accident once again illustrates how critical it is for pipeline operators to thoroughly plan and safely execute all facets related to construction, maintenance and operation of pipeline networks.

The written testimony that I submitted describes:

- First, PHMSA's financial support to our State partners;
- Second, the training provided to Federal and state inspectors;
- Lastly, PHMSA's evaluations of state pipeline safety programs.

On the afternoon of the accident, Administrator Elliott made an immediate decision to deploy multiple inspectors to the scene to provide technical assistance to both the Massachusetts Department of Public Utilities and the National Transportation Safety Board. As some of you know personally, he also reached out to keep affected members of Congress apprised about PHMSA's efforts. Since the time the tragedy unfolded,

PHMSA's team of experts have provided hundreds of hours of technical assistance, and we will continue to support Massachusetts and the NTSB throughout their investigations.

A word about the State pipeline safety programs that PHMSA administers: The federal/state partnership with the Commonwealth of Massachusetts spans over 35 years. Massachusetts is a certified state partner, with inspection and enforcement responsibilities for intrastate natural gas distribution and transmission pipelines. As a matter of law, the Commonwealth possesses jurisdiction to investigate and make determinations regarding an operator's compliance with Federal and state regulations.

We also recognize the NTSB's jurisdiction and expertise for leading the investigation and determining the probable cause of this tragic accident. While the NTSB's preliminary report identified circumstances that likely contributed to the over-presurization during the pipeline replacement project, PHMSA eagerly awaits the completion of both investigations so that we have all requisite information concerning the cause of the incident and operator's compliance with pertinent regulations.

CLOSING

In closing, PHMSA expects pipeline operators to comprehensively understand their systems, including the design, construction, and operation of all facilities. Moreover, we expect operators and qualified subcontractors to exercise extreme care and diligence in every aspect of their work, and above all, to nurture and maintain a safety culture that promotes the highest level of safety, so that tragic pipeline accidents like the Merrimac Valley disaster never happen again.

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

The CHAIRMAN. Thank you very much.

Mr. Barrs, let us start with you. Today, the United States has reciprocity with Mexico and Canada such that all three countries recognize each other's commercial driver licenses. The State of Texas and the Texas Trucking Association have flagged that drivers with fraudulently issued Mexican CDLs are coming into the U.S. These drivers may not actually have the experience to drive safely on the roads and could potentially be violating U.S. cabotage laws.

Mr. Barrs, can you discuss your views on this issue? And if confirmed, will you work with me and my office to fix this problem?

Mr. BARRS. Senator, thank you for the question. Safety is paramount, as we have discussed earlier with my career in law enforcement, making sure that all safe—are all drivers are safe on our roadway, but ensuring that drivers are qualified and safe has got to be the utmost importance of what we are doing with commercial vehicle safety.

If confirmed, I am committed to addressing this particular issue. I have worked closely with the Texas Department of Public Safety throughout my career, and understand that this particular issue is concerning, and we will work closely with you and your office to ensure that we can make sure that all drivers who are in our country are safe.

The CHAIRMAN. Thank you. Mr. Roberti, in a recent pipeline safety hearing held by this Committee, my colleagues on the other side of the aisle asked whether PHMSA has been taking a lax approach to pipeline safety enforcement. Can you tell us about your safety enforcement record as PHMSA's former chief counsel and how you plan to appropriately enforce the pipeline and hazmat transportation rules?

Mr. ROBERTI. Thank you, Chairman Cruz, for the question. As you know, my last stint at PHMSA we processed almost 800 enforcement cases, an effective inspection and an enforcement program within an agency, a safety agency like PHMSA goes to the heart of PHMSA's mission. And if confirmed, I can assure you I will bring that same transparent and effective approach to making sure that we have a strong enforcement program.

The CHAIRMAN. Thank you. Mr. Morrison, how should NHTSA encourage automakers to build safe and reliable vehicles without relying on costly government mandates that that raise vehicle prices for consumers?

Mr. MORRISON. It is a great question, Chairman Cruz. I think the first thing is making sure that automakers understand the agency's expectations for safety. Remember, we have Federal Motor Vehicle Safety Standards, but more importantly, the agency has very, very broad defect authorities, and automakers have a responsibility to recall vehicles within 5 days of a defect in design, con-

struction, and performance that could lead to an unreasonable risk to safety.

So there is an automatic regulation that is working in the background. Making sure automakers understand that can allow them to ensure that their designs are robust.

Now, you do need regulation with new technologies. I think that is something that is clear, but only once the technology is well understood by the agency and the industry, and usually after the development of consensus standards.

The CHAIRMAN. Mr. Barrs, freight fraud and theft has become a rampant problem across the United States. FMCSA must remain a safety agency, but there are things FMCSA can do in its role overseeing motor carrier safety that would stop fraud. For example, FMCSA is updating its registration system. And as a part of that work, it will stop issuing new motor carrier, or MC numbers and require more thorough identity verification.

Mr. Barrs, I am working on legislation to enhance FMCSA's ability to identify and stop fraud. If confirmed, will you work with me on ways to stop fraud and freight fraud, and what do you see as the most promising strategies?

Mr. BARRS. Senator, thank you for that question. You are exactly right. This is a nationwide issue that is causing major issues, again with our trucking industry and our economy. I look forward to working with you on this particular issue, and working with all the different partners that we have to ensure that bad actors are penalized or they go to jail the way they need to. And we can work together with different agencies to make sure that that can happen. But I look forward to working with you on this particular issue moving forward. Yes, sir.

The CHAIRMAN. Thank you. Mr. Roberti, in the 2020 PIPES Act, Congress authorized PHMSA to approve test programs for pipeline operators to evaluate innovative new pipeline safety technologies; however, we have heard that PHMSA received no requests to engage in the test programs due to the mountain of red tape the Biden administration required for approval.

Mr. Roberti, as PHMSA administrator, will you plan to work with the pipeline industry to encourage the use of test programs to advance new pipeline technologies without the imposition of non-statutory red tape, including by removing the non-statutory requirements the Biden administration placed on the test programs?

Mr. ROBERTI. Mr. Chairman, I have heard, there has been a lot of criticisms about special permit process. As I stated in my testimony, I am a big believer that innovation and new technologies are the leading edge for shifting the regulatory paradigm toward better safety. And so I can certainly—I do not know what is going on there regarding those programs and the processing of those requests, and the pilot programs, but I certainly will commit to making that a priority to look into that situation, and see about ways of streamlining. And certainly, removing red tape so that we can be more—we can be faster in pursuing opportunities to bring new technologies, enhance safety.

The CHAIRMAN. Thank you. Ranking Member Cantwell.

Senator CANTWELL. Thank you, Mr. Chairman.

Gentlemen, you know, I could probably fill like this roster here, with reports from GAO, or Inspector Generals about a problem we had in FAA where organizational design authorization was given to Boeing to have inspectors review the work and work with the FAA. Now, that is still the system we have today, but what we found is that there were those who were retaliating against those ODA members, and basically saying, you know: You might lose your job, or this might happen if you take a strong enforcement measure.

So we learned in aviation that was a big mistake, a big mistake. So we have corrected that by passing a new FAA law that basically protects those ODA members from retaliation.

This Department of Transportation has issued a new rule basically saying that you can retaliate against the inspectors in your agencies. So I want to know from you whether you believe that you are going to protect these inspectors from that kind of retaliation? Will you commit to being a strong policeman on the beat and making sure there is no political interference at your agencies on those inspectors?

Mr. BARRS. Senator Cantwell, thank you for the question. I can tell you that throughout my career in law enforcement I mentioned earlier, that enforcement is key and making sure that the bad actors, as was mentioned here, are dealt with accordingly. And the inspectors and officers that work within FMCSA have a diligent job to do and making sure that they can carry out the missions and place these bad actors out.

And it is extremely important to me that we make sure that we do that, and we work together collaboratively with them and give them the tools and the toolbox that they need to address these issues that you are referring to.

Senator CANTWELL. So no political retaliation?

Mr. BARRS. Senator, I am looking forward to working with them and making sure that they are able to do their job, and I think that is what is important.

Senator CANTWELL. Thank you.

Mr. MORRISON. Yes, from my experience working with the fantastic investigators both in the Office of Vehicle Safety Compliance, and the Office of Defects Investigation, you know, you really need a robust, honest back-and-forth relationship with them. We need the data. We need to analyze the data to determine whether or not there might be a defect, or non-compliance, and so ensuring that the level of trust is critical.

Senator CANTWELL. And making sure they are not harassed by somebody?

Mr. MORRISON. Absolutely.

Senator CANTWELL. Great. Thank you. Mr. Roberti.

Mr. ROBERTI. Senator Cantwell, I would say that in my history at PHMSA, the inspection enforcement teams know how important I think what they do is to carrying out the mission of safety. And I certainly would impose no chilling effects on them exercising their duty subject to oversight. My oversight as administrator to make sure that we are fair, transparent, and impartial in the way we cite operators for violations of Federal standards.

Senator CANTWELL. Now, quickly, Mr. Morrison, could you—because I have a question for Mr. Roberti—what are your priorities in setting regulations, the brake—the emergency brake issues for trucks? What are your first priorities?

Mr. MORRISON. I think first, the need to get in. I am not in the building now, and so I need to make sure that I get up to speed with the agency, and so forth.

Senator CANTWELL. Is there anything that bothers you right now that you think we need a regulation on?

Mr. MORRISON. I think one thing we need to explore and I mentioned this in my testimony, during the first term we had worked on autonomous vehicle safety, you know, framework taking comment from the public, working with industry to get a sense of the state of technology. I think the state of technology has moved forward now. And I think we are at the point now where we need to start looking to find ways we can build a public trust and that includes guidance documents and regulation, once we are at that point.

Senator CANTWELL. Yes, I will ask some more for the record on that.

But Mr. Roberti, you mentioned the cybersecurity problem and you know pipelines are now—you do not threaten the United States anymore by—well you might but you know—sending a sub into our waters, or a plane into our airspace. You basically use the pipeline system or some other system to cause failure. So what do we need to do to accelerate our protections of our U.S. pipelines?

Mr. ROBERTI. Well, the cybersecurity jurisdiction resides within the Department of Homeland Security. During my last time at PHMSA, we negotiated and executed an interagency—interdepartmental agreement to help bolster our presence in control rooms working with the Transportation Security Administration. We also engaged directly with the Department of Energy.

I think that across the Federal landscape there needs to be full engagement information sharing, and thinking about how we can leverage each other's resources. And PHMSA has inspectors out in the field, TSA does not. So we work to partner with them to bring more visibility and put an eye on some of the important factors of what operators should be doing on the pipeline front, collaborating—

Senator CANTWELL. Does not Colonial tell us we need some sort of task force? And you mentioned the private sector, I am a big believer in encouraging that dialogue back and forth, but the problem is here you are way down in the bowels of DOT, and yet this is a big infrastructure issue for the U.S., and how do we get it elevated so that we are putting the best cyber minds onto this particular task?

Mr. ROBERTI. Yes. So as I said in my testimony, this is a top priority for me. The threats are—the threat vectors are always—they are constant, and they are always changing and they are always evolving. I think what you need are people who come into these positions to have that at top of mind. Those are the things that should wake any administrator up at 2 a.m.

That should drive extra activity toward coordinating with other Federal agencies, the FBI, the Department of Energy, the Federal

Energy Regulatory Commission, the Department of Homeland Security, so that we have constant information sharing and to be thinking about in the field both from a physical and cyber perspective: Where is the next wave of attack going to be based upon what we have witnessed.

But remember this, in my experience, I have a lot of experience with this working in prior—in prior positions, it is never the moment that the attack of today is an indicator of future threats but does not necessarily replicate what that next threat vector and attack will be. And that is where we need tremendous vigilance. There is not enough of it.

Senator CANTWELL. I am out of—we are way out of time, but that is a very important, I am glad you have such fervor on that point.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Senator Blackburn.

**STATEMENT OF HON. MARSHA BLACKBURN,
U.S. SENATOR FROM TENNESSEE**

Senator BLACKBURN. Thank you, Mr. Chairman, and congratulations to each of you.

Mr. Barrs, I want to come to you. I know that Chairman Cruz talked to you about the fake CDLs, but there is another issue that we have heard a good bit about, and it is during the Obama years, they would not prohibit individuals who did not speak English, could not read English from having commercial drivers licenses. And one of the things that Secretary Duffy has done is to look at this and to end this practice. It is a public safety issue.

So I would like for you to speak for a moment about the need to have people that can read and speak English as the commercial drivers and making our highway safer?

Mr. BARRS. Thank you, Senator, for the question. And you are right. And I have mentioned in my opening statement, of course, my career speaks for itself with—in law enforcement. And I have been a roadside inspector, and inspecting commercial motor vehicles, and understand that the difficulty that it places on me as the inspector of having to communicate with someone who cannot communicate with you.

As an inspector, if I am going to do a level 1 inspection, which is doing a full inspection of that vehicle, and having to get up under and check brakes and so forth, I need to be able to communicate with that driver, not only for the safety of the roadway drivers, but also me as the inspector if I am going to inspect that truck.

So it is extremely important that that driver is able to at least have a conversation, understand the commands, and understand our road signs for safety. It is safety first, and that is where I believe my experience comes into this as understanding the effects that it plays on roadside as well.

Senator BLACKBURN. Well, you know, we are a logistics hub in Tennessee.

Mr. BARRS. Yes, ma'am.

Senator BLACKBURN. And the Memphis area with all five class one railroads with the port, with FedEx. So this is something that during previous administrations there was quite a bit of concern.

Mr. Morrison, I would like to come to you. Auto engineering and innovation is something we do very well in Tennessee as we have several of the automakers there, and we want to continue to set the pace when it comes to auto innovation, autonomous vehicles are something that there is a lot of work being done around these, and we want to make certain that we are setting the standards on this, that it is not China or someone else that is setting the standards.

And what I would like to hear from you is what specific steps you feel like you can take so that we stay in that driver's seat, if you will, when it comes to global auto and autonomous innovation?

Mr. BARRS. Fantastic question, Senator, and thank you for asking it. I think from what I have heard from industry over the last several years, is there may have been a bit of a lack of Federal leadership in this space. That means a lot of engagement with industry to understand the technology, what are the protocols for development and future deployment plans.

The last thing you want to be in industry is spending billions and billions of dollars down a particular technological pathway and then have the Federal Government shut the door on that pathway. That has a major chilling effect on investment, and that is something we have to avoid, so by—

Senator BLACKBURN. Well, and we need national standards too.

Mr. BARRS. Yes, absolutely. And you may have heard, Secretary Duffy has made a core part of his mission establishing a Federal framework for AV policy, and that is something I am very excited to work with him on.

Senator BLACKBURN. Right. One item I do want to highlight with you, there is legislation, the She DRIVES Act, this is something Senator Fischer and I have worked on. Now, what we know is that women are 75 percent more likely to be injured, and 17 percent more likely to die in auto crashes. And one of the gaping holes, if you will, was that crash test dummies were all male configurations and not female. And so this would require utilization of those female crash dummies as you are doing these tests.

So I just want to highlight that with you as you are modernizing testing protocols, that consideration needs to be given in that regard.

And my time is about to run out so I will get you to do this one on the record for me, a response on the record. The 2022 GAO Report showed that NHTSA failed to complete 17 of 22 mandated rulemakings by their deadlines. And these deadlines are set in law. They are not suggestions. They are requirements. So I would like to have you submit to me what you will do to decrease these long delays when it comes to the rulemaking and implementations? Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Klobuchar.

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

Senator KLOBUCHAR. Thank you very much. And thank you to Senator Luján for letting me go first here.

So distracted driving, Mr. Morrison, I have long done a lot of work in this area like many of our senators, we have lost several

constituents including 19-year-old Shreya Dixit from Eden Prairie who died just so young, involving another driver when she was a passenger. You mentioned in your testimony that too many crashes involve distracted drivers and the importance of working with local law enforcement. I think people do not understand how many it is.

Early on I worked on drunk driving a lot when I was prosecutor and this has kind of done some good things there, not enough, but it has kind of taken over. And could you talk about the work that you will do, I was thinking back to Secretary LaHood did a lot in this area early, early on, talked about what you would like to do on distracted driving?

Mr. MORRISON. Absolutely. And thank you, thank you Senator, for the question, and thank you for your leadership in this area. You know, we have had over 3,000 fatalities each year, going back to the last 5 years, that are distracted, and I think that is very well undercounted. Unlike impaired driving where somebody can—you know, there is a blood test, or a breathalyzer test where you can tell if somebody is impaired, with distracted driving, it is much more difficult to determine that because you do not have ability to determine whether or not somebody was using a phone while they are driving. So I think that is undercounted. I think the messaging that the agency puts out there is very important.

Senator KLOBUCHAR. Yes.

Mr. MORRISON. I would look to double down on that messaging, and then also working with law enforcement too.

Senator KLOBUCHAR. And trying to figure out if the spot checks are working, or what works, kind of some updated information will be helpful for us. I think catalytic converter theft, I am sure aware of that, these catalytic converters taken from unattended cars. And last week, Senator Moreno, who knows a little bit about cars down there, he and I reintroduced the PART Act to provide law enforcement officers with the tools and resources they need to crack down on the crimes.

The bill actually, if you could look at it, tasks NHTSA with updating motor vehicle theft prevention standards to ensure converters are marked with a traceable ID number, these are oftentimes horrible, criminal cartels and organizations that engage in this theft. Do you commit to working with us on this issue?

Mr. MORRISON. Absolutely. Catalytic converter theft is a scourge in our society. It creates a huge amount of inconvenience. It is, you know, it is very expensive to replace. And if that bill is passed, I will absolutely be looking forward to implementing it.

Senator KLOBUCHAR. OK. Thank you.

Mr. Barrs, congratulations. According to recent reports, FMCSA's Carrier Enforcement efforts have slowed, or at least there is not a quarterly motor carrier safety progress report this year. Could you talk about how, as a retired law enforcement officer, how law enforcement acts as a deterrent to unwanted and unsafe behavior? And will you move these reports and other things along if you get into your position?

Mr. BARRS. Yes, ma'am. Thank you for the question, Senator. That is very important to make sure that we are strengthening enforcement, compliance, and training, and also the uniformity of making sure things are across the board are the same. I look for-

ward to being able to understand what is going on within the agency of where there are some of these lacks potentials may be happening, if you will, and making sure that the investigations are being completed and that we are taking bad actors off of our roadways that need to—carriers out of service if that is the case, or whatever interventions that have to—need to take place as well.

Senator KLOBUCHAR. Thank you. Yesterday the Senate Judiciary Committee, with Senator Grassley and Senator Durbin held a bipartisan hearing on retail theft. And actually one of the eye-opening things for me out of that hearing was cargo theft, and how these crimes impact the entire food chain, and supply chain. And I had no idea how much was going on.

One dairy protein export company in Minnesota has reported an average of one to three break-ins per month in containers of dry milk powder. If confirmed, will you work to commit to combat these crimes as opposed to committing these crimes?

Mr. BARRS. Senator, thank you for the question. And that is a large yes. And working closely with all the different stakeholders we have, that has got to be a focus in our time that I have worked on the Law Enforcement Advisory Board for the American Trucking Association. That has been one of their key points for us to work collaboratively with all the different stakeholders to combat this. But I look forward to working with you and others on this.

Senator KLOBUCHAR. OK. Thank you very much.

Mr. Roberti, I had a question on cybersecurity. I heard it was asked, so I am going to just confound the other members, like when you ask a question here, then you ask it again because you want to hear the answer. But I will look back at your answer to the question. And it means a lot that Senator Whitehouse introduced you. Thank you.

Mr. ROBERTI. Thank you, Senator.

The CHAIRMAN. Thank you. Senator Moreno.

**STATEMENT OF HON. BERNIE MORENO,
U.S. SENATOR FROM OHIO**

Senator MORENO. Well, thank you, Chairman, for having this hearing. Thank you for the three of you for your willingness to serve this country.

Not shockingly, I will start with you, Mr. Morrison, on the car side of things. So I think it is important to set the stage because I think there are a lot of things that happen here that are partisan, there are a lot of things that can be extraordinarily bipartisan. Safety is something that would be extremely bipartisan. There is not a Republican, that I know, that would want our roads to be less safe.

But generally, and you talked about this in your testimony, I think we need to dive deeper into it. Talk about where we are today with the age of our fleet, so in other words, the average car, how old is the average car out there right now?

Mr. MORRISON. The average age of a vehicle in our fleet, we have 300 million or so vehicles in our light-duty fleet, it is approaching 13 model years old, and the safety implications of that are profound. A few years ago, NHTSA did a study evaluating the impact just on age, model year, age of a vehicle, and found that a vehicle

that is 12 to 15 model years old versus a vehicle that is zero to six model years old, there is a 19 percent higher chance of a fatality if you are in a crash. It is a profound impact. So getting the age of these vehicles down is critical.

Senator MORENO. Right. So I think one of the things that we should hyper focus on is how do we reduce the age of the fleet? How do we get that average back to eight, nine years old where it used to be? And it is obviously about automobile affordability. So I just want to tick through some statistics because I think it is just interesting.

So 10 years ago, if you were a car company, you had to produce cars that generally had a fuel economy rating somewhere around 35 miles per gallon 10 years ago, so 35 MPGs, pretty, pretty high. You and I are probably around-ish the same age. 35-mile-per-gallon car back when we were kids would have been pretty good, right? Ten years later, that standard became 39 miles per gallon. So 35 to 39, you think, well, that is decently achievable over a decade.

Under the Biden administration, they wanted that to be 50 miles per gallon in 2 years; 34 to 39 over a decade, 39 to 50 over 2 years. Is that reasonable or achievable?

Mr. MORRISON. I think that is being evaluated right now at the agencies.

Senator MORENO. Yes. And I will paraphrase, insane. And on top of that, places like where you live, California, where insane goes to get crazier you had the ability for California to set different standards. Now, thanks to this Congress, California no longer can set a different emission standard, or CAFE target, or electric vehicle mandate than the rest of the country. And thanks to our leadership of our Chairman, I will give him full 100 percent credit, car companies no longer have to pay these outrageous fines.

And I just want to quantify that. Last year, car companies paid Tesla almost \$3 billion in credits so that they could avoid these fines. Who pays those—who pays that money? Like ultimately, is it the car companies?

Mr. MORRISON. Yes. At the end of the day, consumers are going to pay for that, right?

Senator MORENO. And so to—but how they—how do they pay for it? So here is, here is something else that happened during the Biden era. The average car price went up \$8,000. That is almost 20 percent. So somebody who was shopping for a car 5 years ago and shopping for a car today, they are seeing an increase of 20 percent. So what is the result? I am holding on to my car. That is how the cars got older. And if we can get this idea of how do we drive down the price of automobiles?

I want to just ask you, Mr. Morrison, would you be willing to take a leadership position, as President Trump is renegotiating trade deals with other countries, to harmonize standards? So now the good news is Ohio, California, New York, Florida, one set of standards. But now let us make it so that any car that is qualified as a standard in America, or Europe, or South Korea, or Australia, one set of standards. Would you commit to leading that effort?

Mr. MORRISON. Yes, if the President asked me, I would absolutely support that.

Senator MORENO. All right. And then let us think about something else. How do we drive down the price of automobiles by getting rid of just insane Federal regulations? I do not drink at all. And yet in the Infrastructure Law, which has to do with roads and bridges, they snuck in a provision that starting in 2026, model year vehicles, I have to have an impairment detection device in my vehicle before my car can start. Is that going to be free?

Mr. MORRISON. No technology is free.

Senator MORENO. No technology is free. So why would I have to have an impairment detection device in my car? I mean that makes no sense—that does not lower the price of cars, right? That raises the price of cars. So we have to—if the North Star is safety, we should have total and complete consensus around this idea of lowering auto prices.

And obviously, Mr. Chairman, as you know, because I ask you about every time—I ask you about this every time I see you, we should have a totally separate hearing on what we can do here at the Federal Government to lower the price of automobiles. When affording a car is out of reach for most Americans that has grave implications for job seekers, for the ability to get to hospitals, for ability to have personal freedom, so we need to drive down the cost of automobiles. And I hope when you are confirmed, and you are in that agency, that you are there to get that done, and to drive down the cost of automobiles.

I am over time. So thank you, Mr. Chairman, for your time.

The CHAIRMAN. Thank you. Senator Luján.

**STATEMENT OF HON. BEN RAY LUJÁN,
U.S. SENATOR FROM NEW MEXICO**

Senator LUJÁN. Thank you, Mr. Chairman.

Here is a thought, Mr. Morrison. Why don't you just eliminate seat belts from cars, eliminate backup cameras from cars? Hell, stop making them out of metal. Make them out of plastic. And let us find the cheapest car that we can sell to the American people to modernize the fleet and more people will die. I do not know if my colleagues know this, but there was not a provision snuck into a piece of legislation that is going to save people's lives in America.

You and I met. I asked the same questions to Secretary Duffy. I was surprised to learn from him that his wife also survived a horrible crash. I do not know if you know this, Senator Moreno, but I survived a head-on car collision in my early 20s when I was driving home from a basketball tournament, because a guy was drunker than shit and drove right into me, in front of my church, in front of the place where my grandfather is buried.

I am a person of faith like you. Somebody help save my life that night. 10,000 people die a year in America because we want to talk about self-driving cars. Hell, I can go to states right now and jump in a cab and there is no driver. That is safe? And we cannot install technology that nine auto manufacturers have already filed patents. This legislation worked. The markets are reacting.

In Europe, you can already get in a car that has this technology available, not just to tell if you are drunk, but to tell if you are impaired. The technology exists. 14 tier one and tier two suppliers. Look, I am not an auto person, but I understand that those are the

folks that the major auto manufacturers work with, to get technology in vehicles. They can tell if you are impaired.

Hell, go to an auto show. If I sold cars, I would go to several auto shows to see what the latest and greatest is you can get in those cars. And you would be surprised how much technology exists today. These are not the questions that I planned, but when someone is suggesting that legislation was snuck into a bipartisan bill, I do not think Rick Scott is a liberal member of this body. He was my partner. Senator Capito, who also sits on this Committee, has been a driver of this legislation. I have been proud to earn the support of my colleagues from across the country to get this done. We have got to find a way to do it.

So my question to you, Mr. Morrison is, this piece of legislation that is called the HALT Act, it is the honoring the Abbas family legacy to terminate drunk driving, who lost a family member to a drunk driver. There are rules currently pending at the Department of Transportation. I am very disappointed that under Secretary Pete Buttigieg under President Biden, this was not finalized.

It was bipartisan. We worked on it bicamerally, bipartisan in both chambers and got this done. We negotiated with the auto manufacturers. Everyone was at the table. Someone from Mothers Against Drunk Driving is actually in this room. I hope all of us take time to sit down with them and find out how many people are dying in our states so that we can all get behind this technology.

Can I get your commitment, sir, that you will make progress on moving forward the existing rulemaking pursuant to the HALT Act?

Mr. MORRISON. Absolutely, absolutely. And as I said when we met in your office, and I enjoyed our meeting, I thought it was a productive meeting. I am not in the building now. It is a day-one priority of mine to get in there and get a sense of the state of the technology. That is the technology that DOT has been working on for years, but not just the state of that technology, but the state of the technology that is being developed elsewhere. That is something that I—

Senator LUJÁN. I appreciate. I mean, that is all we can ask for. There should be no question that existing technology works. And some people are actually driving cars that do this stuff already. It is working. Another issue that I care about deeply is ensuring that trucks have side underride guards to prevent cars, pedestrian, and bicyclist from being crushed underneath. As a result, according to NHTSA, the cost of installing side guards exceeds the benefits.

Unfortunately, to reach this estimate, NHTSA makes assumptions in their cost benefit analysis that excludes whole categories of preventable deaths of vulnerable road users, such as pedestrians, bicyclists, and motorcyclists. I do not understand that. If it is going to be studied, it should be studied. And then an answer should result based on whatever the research is.

Yes or no, will you commit to counting pedestrians and bicyclists as preventable deaths for vulnerable road users in the cost-benefit analysis and any future rulemakings on side underride guards?

Mr. MORRISON. I will work with the economist with the NHTSA to make sure that everything appropriate is being considered. I am

not familiar with that particular study that was issued, but it is something I will work on.

Senator LUJÁN. I appreciate that. Mr. Barrs, in New Mexico, we see firsthand the dangers that come with heavy freight traffic on highways, especially along I-40 and I-25, the two major arterials in our state, where my constituents have raised real concerns about safety. Truck crash deaths are up more than 60 percent nationwide since 2009, including nearly 5,500 lives lost just last year. What steps will you take as the administrator to make sure the FMCSA is doing everything it can do to reduce crashes and protect drivers and families on our roadways?

Mr. BARRS. Senator, thank you very much for the question. Roadway safety being top priority for me and my career, as I mentioned in my open statement, working closely and with our MCSAP grants, and the law enforcement officers in your state—

Senator LUJÁN. Yes.

Mr. BARRS.—making sure they are doing the aggressive traffic enforcement that needs to be done. Also going and doing the inspections that need to do, and try to do preventative concerns, finding those violations well before they happen so we can prevent those crashes from happening during a road—regular routine inspection is critical.

Senator LUJÁN. Appreciate that.

Mr. Chairman, I have other questions. I will submit them into the record. I thank you for the time. I just hope we can find some common ground on public safety. I heard like my colleagues say that that is something Democrats and Republicans agree on. Do we or don't we? It is time to put up or shut up when we get these rules in place, and we are to choose to save the American people or we are not. That is what it is going to come down to.

And I hope that we can find common ground to get this done. It is not easy to talk about almost dying. Sometimes things happen for a reason. And I guess that I have learned from this President, if God gives you another chance, you had better do something with it. And I will be damned if I am not going to do something about it.

Thank you for the time, Mr. Chairman.

The CHAIRMAN. Senator Peters.

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

Senator PETERS. Thank you, Mr. Chairman.

Mr. Morrison, congratulations on your nomination to serve as the Administrator of the top Auto Safety Regulator here in the country. As a senator from Michigan and the Chair of the—or Ranking Member of the Surface Transportation Subcommittee, two of my top priorities are saving lives on our roadways and making sure the automotive industry has the regulatory certainty that it needs to continue to innovate, and to compete on a global scale helping us to reach those security goals.

So my question for you, sir, is NHTSA, as you know plays a key role in ensuring that NHTSA certified vehicles are recognized and accepted in other markets which is critical to the American auto competitiveness of our industry. So my question is, if confirmed,

will you ensure that NHTSA strongly supports the mission, including harmonization efforts and leadership in global regulatory bodies to prevent non-tariff barriers on American autos?

Mr. MORRISON. Yes, it is an important part of NHTSA's mission, working with the other countries on trying to create global technical regulations. And they are very active in that, and that is something I look forward to continue to work on.

Senator PETERS. Very good. I was encouraged to see NHTSA's recent announcement that it will pursue a regulatory framework for autonomous vehicles that includes objective testing standards and rulemaking. However, I am concerned by the reports that as much as over half of the Office of Automation Safety, which I push to fund, has been terminated—has been terminated in staffing cuts, basically, at NHTSA.

This office will be responsible for carrying out rulemaking efforts related to autonomous vehicles, and other safety technologies, which experts tell us will take a high level of technicality and expertise, not to mention manpower, to figure all of this out.

So I have a couple questions for you. First off, can you commit to fully staffing offices like the Office of Automation Safety to ensure that they can competently and successfully carry out rulemakings relative to AVs and other cutting edge technologies?

Mr. MORRISON. I have seen media reports. I am not in the building now, but I have seen media reports about staffing. I think a lot of people may have left pursuant to a deferred resignation program. But I know Secretary Duffy has mentioned a number of times that where there are gaps that need to be filled, particularly to achieve priorities, we will fill those gaps.

Senator PETERS. So you will be committed to fully staffing it. You are giving me that commitment today?

Mr. MORRISON. Yes, I will be committed to looking to higher up to make sure that we can achieve those goals.

Senator PETERS. Based on your experience in NHTSA, do you believe the agency can carry out multiple rulemakings related to autonomous vehicles and make needed progress on the over one dozen overdue rulemakings mandated by Congress, if it faces significant personnel cuts?

Mr. MORRISON. Again, I am not there now. I do not know how the staffing is allocated. But I will commit to looking to make sure that we have adequate manpower to complete our mission.

Senator PETERS. What actions do you believe are necessary to ensure deployment of autonomous vehicles is safe, transparent while also ensuring that the United States is at the forefront of innovation? Please tell me kind of your thoughts about what we need to do.

Mr. MORRISON. I think first and foremost we need Federal leadership in this space. And that involves I think, in large part, using the convening authority of the Federal Government. Meeting with the developers, meeting with technical safety experts to understand the state of the technology now, the development pathways that various entities have been pursuing, and making sure that the industry understands what the agency believes are the appropriate paths forward.

I think getting that understanding with industry, having the industry gaining an understanding of the agency's perspective, I think that is something that may have been lacking, and that is a major gap I look to fill. And that is going to involve guidance, and as I mentioned in my testimony, yes, it will involve regulation once that is ready.

Senator PETERS. What specific risk do you see to the United States if we do not remain at the forefront of AV innovation, especially with China's major strides in this area, as you are probably well aware they are investing massive amounts of money, and believe this is the future of transportation, so what are your concerns related to that?

Mr. MORRISON. My concerns that we have a foreign adversary of this country who has investing incredible amounts of resources into this industry. And they are looking to push things forward. From what I have heard, I am not over there; I have heard that some of the developmental pathways that they are approaching are not as robust as the industry is used to. That is something that gives me pause. It gives me concern.

But if they win that technological race, they will be the ones that are sending—setting these global standards and their technology will be that that is deployed around the world. And that is something we cannot have.

Senator PETERS. Mr. Roberti, the Commerce Committee is now actively working on a Pipeline Safety Reauthorization effort as you know. I am a little over time, but perhaps as quickly as you can, if you could just give the Committee what is kind of top of mind to you as the top issues that this bill needs to address?

Mr. ROBERTI. Well, certainly from the last reauthorizations, there are a number of outstanding mandates. I think that is a high priority to complete mandates. Looking forward, you know, not being at the agency yet, I hope to engage with your staffs in your offices to come to some conclusions on what would be best in that authorization.

Senator PETERS. Very good. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Senator Markey.

**STATEMENT OF HON. EDWARD MARKEY,
U.S. SENATOR FROM MASSACHUSETTS**

Senator MARKEY. Thank you, Mr. Chairman. Mr. Morrison, let us start with an argument in your testimony. Regulations raise car prices. This argument is not new. In fact, automakers have always fought common sense safety regulations by saying they are too expensive.

Let us look at a few examples. In 1961, *The New York Times* reported on the fight to require seat belts in vehicles, *The New York Times* reported that quote, "Car manufacturers still are adamant in their position that safety must be keyed to cost. If this contention prevails, the seat belt will be an optional item of extra cost."

Mr. Morrison, yes or no, was the government right to require seat belts in every vehicle?

Mr. MORRISON. Absolutely.

Senator MARKEY. All right, that is good. Here is a headline from April 6, 1975, titled: "Industry resists car safety cost that docu-

ments how the auto industry lobbied against requiring airbags in every vehicle.” Mr. Morrison, yes or no, was the government right to require airbags in every vehicle?

Mr. MORRISON. Eventually, yes.

Senator MARKEY. Yes. And that brings us to today. Here is the headline from June 24, 2024, “Automakers ask U.S. agency to reconsider emergency braking rule.” Now, automakers are urging the National Highway Traffic Safety Administration to repeal its rule issued last year requiring automatic emergency braking in new vehicles, in part, based on cost.

Mr. Morrison, I understand that the Trump administration is currently reviewing that Automatic Emergency Braking Rule. Given the automakers history of opposing common-sense safety rules, do you agree that safety regulators should be skeptical of industry’s arguments?

Mr. MORRISON. I think regulators need to do their own homework and evaluate the costs, it is built into the SAFETY Act, that one of the very important aspects of the Federal Motor Vehicle Safety Standard is that notion of practicability which does have cost implications, so that is something that the agency needs to do independently.

Senator MARKEY. Well, here is my message to you, Mr. Morrison. The automakers have cried wolf far too many times for us to take their arguments seriously. That is the answer I wanted to hear. Are there costs to implementing these requirements? Of course, but these measures might save your daughter, your son, your father, our mother, our brother. And to me, that is worth it.

And that is why we have seat belts. That is why we have airbags. And that is why we need emergency braking in order to make sure that we protect family members who, otherwise, would be injured or die.

Mr. Roberti, I hosted you in Massachusetts in 2018, thank you for coming, after pipeline explosions destroyed dozens of homes and killed a young man. And you know, safety saves lives, Mr. Roberti. If confirmed, will you finalize the 2023 Draft Rule requiring that my Pipeline Safety Law passed in the Trump era, PIPES Act of 2020, is finalized?

Mr. ROBERTI. Yes.

Senator MARKEY. Thank you. And Mr. Roberti, we have seen Elon Musk’s DOGE staff come into agency after agency and sabotage our government’s ability to keep the public safe, from the FAA, to the National Weather Service. So Mr. Roberti, if DOGE staff told you to stop enforcing regulations, or to fire inspection and enforcement staff who keep our system safe, would you do it?

Mr. ROBERTI. The answer is that the critical safety—critical safety positions include inspection enforcement personnel. They are not part of any layoffs, or any part of workforce reduction, and if confirmed, as I have said, having an effective, a strong, robust inspection and enforcement program is the heart of the safety mission and I will certainly commit to that.

Senator MARKEY. All right. Well, again, the question of DOGE undermining public safety is not a hypothetical. It is already happening. We have seen it in other agencies. And we have already seen services disrupted and lives lost as a result. The only question

is whether we are going to have enough courage at the agency to protect our Pipeline Safety Agency from those DOGE attacks. And that will be your responsibility, Mr. Roberti, to put safety first.

With that, thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Senator Fetterman.

**STATEMENT OF HON. JOHN FETTERMAN,
U.S. SENATOR FROM PENNSYLVANIA**

Senator FETTERMAN. Thank you, Mr. Chairman. Welcome, Mr. Roberti. Is it fair to say that we had a warm, cordial, and productive meeting yesterday in my office?

Mr. ROBERTI. Senator, yes, I really enjoyed meeting with you yesterday.

Senator FETTERMAN. Yes, I thoroughly—I thoroughly did too. And yesterday, we talked about, you know, my real issue is, and my commitment is that I was not here today to create theatrics, and I am not looking for clipping, or to make up on MSNBC, or the thing for me. I am coming here because—and I know you are aware of a problem in my state in a very specific county. And for me now, in a minority situation as a Democrat—I am very confident that you will have all the votes necessary to be confirmed.

So for me, as a Democrat voting for nominees, for me, it is a statement saying: We want to find a relationship, we want to work together to look for wins, for wins for my state, for the constituent, or really a win in Pennsylvania ultimately is a win for the country. And today, and I made a promise with you to not to turn this into confrontation or anything, and so today I am here to discuss for folks it is a pipeline 105 miles long, with jet fuel across, you know, Southern Eastern Pennsylvania.

And then essentially there was—everybody agrees that there was a leak. And you know, I am part of it because I fly 50 out of 52 weeks. So we all need jet fuel, and we need to—you know it is not a—I am not condemning anyone that produces jet fuel. It is really that the problem is that it actually got into someone's wells in Bucks County.

And today, so I am here today, I am here, I have—we have a constituent here from Upper Makefield, and her name is Christine, and I think she is here today. And now she has water that was contaminated by jet fuel and she brought—she actually brought a sample here. And I am not going to—you know, it is like—you can submit questions or you can submit—you can submit testimony, and I am actually, respectfully, submitting this, and encouraging you anybody to just smell it because it honestly feels just straight up like fuel. I would not want to put a flame around it honestly.

And for me it is like I am really just welcoming because I really—I just want to work together, you know, for a solution here. You are not responsible for any of this, or participate in all of this stuff. You know, you just have a—you know, you would be in a situation to actually work together to create that.

So you know, I really would like to work with my friend and colleague, Congressman Brian Fitzpatrick, and we really are pushing to just—whether it is shutting it down, or to do whatever necessary until we can figure out really what is happening. And now for me today, it is like, as I said in my office, is if you are—if you are able

to extend a commitment to work together in my office, then I am here today to extend a commitment to vote for you. Because for me it is about voting for you is about desiring a relationship to find a solution for this—for this land owner but also for my state. Mr. Roberti?

Mr. ROBERTI. Thank you, Senator. From what I have read, not being in the agency, but that was a serious incident. It is under investigation. A notice of proposed safety order was issued. I think it followed with a corrective action order if I—or a consent order, and that that matter remains under investigation.

As I said to you yesterday in your office, if confirmed I would like to go to the scene—

Senator FETTERMAN. Correct, yes.

Mr. ROBERTI.—with you. I would like to visit that scene. While the investigation is pending, I do want to see investigations like that proceed in the most expeditious manner so that we can get to the bottom of what happened and make those determinations as to the safety of that pipeline going forward. And that I commit to do.

Senator FETTERMAN. Yes. Well, I will say it again, now, it is becoming more and more politically difficult or punishing, to vote and to want to work with the other side, but today, you know, you have extended your willingness to work together for a solution, and I am—to extend my desire to want to vote and support your candidacy for this.

And thank you, Mr. Chairman. Thank you.

The CHAIRMAN. Thank you. Senator Young.

**STATEMENT OF HON. TODD YOUNG,
U.S. SENATOR FROM INDIANA**

Senator YOUNG. Mr. Morrison, Mr. Barrs, Mr. Roberti, congratulations on your nominations. I hope we will have an opportunity to serve together.

Mr. Morrison, as you are well aware, NHTSA has been without a Senate-confirmed administrator for quite some time now, and there are many priorities my colleagues and myself could discuss with you on ways to improve safety, increase efficiency, and efficacy, especially with respect to rulemakings, and modernize Federal motor vehicle safety standards, to name a few.

But I want to focus my questions to you on the issue of autonomous vehicles, or AVs. For several years now, Congress has been working to establish a comprehensive AV framework that unlocks the ability for industry to safely deploy self-driving vehicles. I am working to develop legislation regarding this framework. One that prioritizes safety of course, but also provides certainty to industry, unleashes the ability for greater deployment, finds opportunities for job growth, and importantly secures American global leadership in this space.

China is looking to supplant our leadership here. So it is imperative that we establish rules of the road that can protect our national and economic interests and also benefit American companies and consumers. For years, we have seen this industry grow with advancements in technology and engineering standards as well as an increase in commercial AV testing and operations across the United States. However, I believe it is past time that we modernize

the Federal Motor Vehicle Standard Safety—Safety Standards for AVs.

Sir, what are the first AV rulemakings you would like to address and what areas do you think NHTSA is best suited to lead on these issues?

Mr. MORRISON. Great question, Senator. I think as it relates to rulemaking, there are several things that we need to do. I think one, which we kicked off during the first term was evaluating those unintended and unnecessary barriers to innovation. You know, keeping that same level of safety, but just finding things that are like, you know, language in the rulemakings that reflate to a driver being in the vehicle.

So that is something we cleaned up in one part. I think there is a lot of additional work to do in that area. I think that is one way just to allow for innovative designs in a—you know, in a manner that still meets the same you know need for safety just to allow for the deployment of these vehicles in self-certified manner. I think that is something that is very important. Two, I think guidance, you know, you do not necessarily need to do rulemakings on everything. You do not necessarily need to clog up the Code of Federal Regulations you know even further.

I think giving guidance to industry on what expectations are for safe development. You know, these are not legal requirements for them but what we see as best practices, the agency as best practices, if I am confirmed, that is something that I would look to pursue. And this is all part of the Secretary's greatest—greater, you know, AV framework that he has talked about.

You know, eventually, once the technology is fully understood that is when we can start talking about actual performance requirements for the technology itself. So I think it is a bit of a multi-prong approach.

Senator YOUNG. Yes.

Mr. MORRISON. A lot of it is going to involve just engagement, sitting down with—

Senator YOUNG. I agree with that.

Mr. MORRISON.—sitting down with technical safety experts as well.

Senator YOUNG. And it will take a lot of time. It will probably be an iterative process. You will need to visit with a lot of stakeholders. Will you commit to personally doing that?

Mr. MORRISON. Absolutely.

Senator YOUNG. Will you commit to engaging members of your staff and prioritizing these sorts of meetings and the communication so that we can tease out the regulatory inadequacies, or impediments we have to AI development and adoption in this country in a safe manner?

Mr. MORRISON. Absolutely. And I think it is really, really important to have industry and staff talking together to gain a better understanding of their approaches.

Senator YOUNG. Will you commit to working with myself and other members of the Committee throughout this process so that we can be involved in establishing a Federal framework for AVs?

Mr. MORRISON. Yes. To the extent I am allowed. I know OMB plays a major role there, so I do not want to step on any toes.

[Laughter.]

Senator YOUNG. OK. There is always the OMB qualification, I understand. But yes.

Mr. Barrs, as you know, AVs are not limited to passenger vehicles. One area where we have seen incredible growth is within the commercial trucking industry. The benefits this technology promises to deliver are vast with reductions in supply chain constraints and improvements in the transport of goods. A theme of mine in recent hearings, as Chairman of one of the subcommittees here, has been outdated regulations that either hinder the ability of industry to innovate or create log jams and the safe deployment of technology.

So I would like to very briefly dig into this with you and see if there are any areas you see as needing improvements. One example might be FMCSA regulations require truck drivers to manually place warning triangles behind a vehicle when it is stopped or pulled over. This means drivers have to get out of their cab and walk along busy highway shoulders, often in dangerous conditions, like poor visibility, high traffic speeds, or inclement weather to deploy these devices.

As you know, as a law enforcement officer, and as the data shows, the side of the road is incredibly dangerous at times. Do you see opportunities for FMCSA to allow innovation and roadway safety so that drivers do not have to walk alongside the highway to manually place plastic triangles, yes or no?

Mr. BARRS. Senator, thank you for the question and——

Senator YOUNG. A yes or no question.

Mr. BARRS.—the answer is yes.

Senator YOUNG. If you are confirmed, can you commit to working with me, should you see any areas where outdated regulations, like these, are prohibitive to innovation or detrimental to safety on ways to address these potential issues?

Mr. BARRS. Senator, I do. Yes.

Senator YOUNG. Thank you. I am out of time. Chairman.

The CHAIRMAN. Thank you. Senator Rosen.

**STATEMENT OF HON. JACKY ROSEN,
U.S. SENATOR FROM NEVADA**

Senator ROSEN. Well, thank you, Chairman Cruz, for holding the hearing today. I want to thank you to all the nominees, your willingness to serve, and I am going to focus a little bit on Nevada today because Mr. Barrs, Nevada continues to grapple with the significant shortage of safe and accessible truck parking facilities. It is a challenge that directly affects driver safety, increases operational costs for carriers, and disrupts the efficiency of our freight supply chains.

While estimates suggest that there is a shortage of 40,000 safe truck parking spaces nationwide, giving Nevada's strategic location as a major transportation corridor for interstate commerce, particularly southern Nevada, we have the I-15 comes in from all of Southern California onto the trucks that way, and of course Northern Nevada along the I-80 coming in from San Francisco into the Interior, it is particularly critical for our state and for the surrounding region.

So Mr. Barrs, can you outline the specific strategies, policies, or funding priorities you would pursue as administrator of FMCSA to help expand this truck parking capacity, improving the safety conditions in Nevada, and it is really going to help our supply chain just move more quickly through the country?

Mr. BARRS. Senator, thank you for the question. Truck parking surely is a necessity as one I have been working on for a long period of time throughout my career in the public and private sector. I can tell you that in my state in Florida, we have made that a top priority, just like I know that is an issue for you in your state, and looking at different ways that we can work with Federal highway, with funding that goes directly to truck parking. Looking at engineering ways to potentially of redesigning current locations that are there now——

Senator ROSEN. Smart Park Program, would you be interested in using things like that?

Mr. BARRS. We do not use that specifically. We use like truck parking availability which should be similar to that, so yes, being able to get those notifications out to the truck drivers so they can make informed decisions so they can plan their trips accordingly and get to a spot for safety.

Senator ROSEN. Thank you. On that note, I want to talk about highway fatalities because Nevada has recently been experiencing a troubling increase in highway fatalities. In 2023, our state recorded an estimated 386 traffic deaths, terrible, and it makes it the second deadliest year on our road since 2006. It follows a peak year of 2022 where we had 416 fatalities. Even one is too many.

So even more concerning, according to the Nevada Office of Traffic Safety, their data, during the first quarter of 2024, Nevada saw nearly 40 percent more fatal crashes compared to the same period in 2023, with 97 deaths between January and March alone, like I said, these are tragic losses, they are driven largely by speeding, impaired driving, alarming spike in pedestrian deaths, especially in Las Vegas and Reno.

So I am going to turn to you, Mr. Morrison. And given these trends, what concrete policies, enforcement strategies, public safety programs would you prioritize, as administrator, to reverse these fatality trends? If they are happening in Nevada, I am sure they must be happening in other places. And specifically, how would you leverage Federal programs promoting the deployment of advanced technologies like intelligent speed assistance, or automated safety systems? And I would really hope that you would coordinate with our Nevada agencies, so we can bring that number down.

Mr. MORRISON. Thank you for the question, Senator. It is a fantastic question, and you are right, that it is far too many fatalities that we have seen, particularly since the pandemic, this increased level. I mean, we are trickling downward again and——

Senator ROSEN. It is a lot of pressure to get those things delivered.

Mr. MORRISON. Absolutely. So I think the—it is got to be an all-of-the-above approach. I think, you know, that it truly is a crisis that we are seeing, we are seeing fatalities continued at an elevated rate, we are seeing impaired driving at an elevated rate, speeding at an elevated rate, and we need to double down on what

are the known, proven countermeasures. What are innovative approaches that we can take to traffic safety as well?

So in my testimony, one of the things I hammered home is really a need to coordinate, to work, enhance our partnership with the states, including the Nevada Office of Traffic Safety, as well as law enforcement. I think that is that is another area is making sure that our laws are actually being enforced.

Senator ROSEN. Will you build on this for our rural communities because it is really—we have a vast rural highway network. I know the Chairman does, so many others too as well, that presents unique safety challenges. Our rural roads have a higher—just have this higher rate of fatalities. And could you talk about, maybe specific, how would you—might address that safety challenges specific to rural highways like we have in Nevada?

Mr. MORRISON. Yes. It is a disproportionate number, and you see that across the country, disproportionately, if you look at population versus the roadway density. It is it is disproportionate in the rural areas. So it is a combination of law enforcement messaging, and all-of-the-above approach.

Senator ROSEN. Would you commit to coming back to this Committee to talk about some of the new technologies or techniques that you are planning to use, this is an issue that is so important to so many because of the loss of life, to come back to the Committee and report on the implementation of such strategies that would help us?

Mr. MORRISON. Absolutely.

Senator ROSEN. Thank you. Appreciate it.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Senator Moreno.

Senator MORENO. So thank you for some additional time. I just want to clarify a couple things my colleague said. Mr. Morrison, just make sure we are all on the same page. Again, this topic can be very emotional. I mean, obviously, look, let me just reiterate, everybody wants our roads to be safer. But the do you do believe it is a false choice between, if you do not do everything, if you do not put every single safety technology and mandate it, force every American to put it in their automobile, or do nothing is a false choice?

Mr. MORRISON. I think so. I mean, you know, NHTSA has congressional mandates that the agency needs to continue to work toward. But you know, when you establish Federal motor vehicle safety standards, one of those key elements you look at the need for motor vehicle safety you look at the state of the technology itself, you look at the cost, you look at consumer acceptance as well, you really have to look at all those things, but cost is a very important factor.

Senator MORENO. Yes. And of course no nobody wants to have drunk drivers on the road, but do you think that maybe Biden was not able to actually put that rule in place because what they realized is if somebody is actually a drunk driver, they are actually making a conscious choice, which is terrible, and by which we should increase the fines and the penalties for that. That they could not just ask a friend to start their car and then you com-

pletely eliminated the use of a device that cost thousands of dollars for people who did not drink.

So I think the guiding principle that should be used is common sense. Two beautiful words, “common sense”. Now, my colleague from Massachusetts brought up seat belts. I was not alive in 1961. You probably were not alive in 1961. But it would be maybe something you should think about that the article he referred to in *The New York Times* in 1961 was talking about a technology that had been invented two years earlier by Volvo in Sweden.

And the reason car companies did not want to put it in those cars in 1961, two years after it was invented, and I assume he was talking about, or knows that he is talking about the three-point belt, because the two-point belt had been around since the 1940s. So the reason it was not put in cars in 1961 is because it would have added massive cost to customers in 1961. And later when that technology became more mainstream, and you had different production methods, it could happen.

So I think you are—just to clarify, you are not saying that safety technology should not be put in cars, is that we do have to balance the cost to the consumer because if the end result is that we have cars that are not affordable that is a problem, right?

Mr. MORRISON. 100 percent right. I recall when—and not only that, you know, you really have to gain an understanding of the technology before you get anything close to a mandate. Those initial belt designs, they were very effective at channeling forces to the aorta, which had the—like the exact opposite effect that you would want. So making sure the technology is mature enough is a critical part of it. But again, cost really is important.

I remember when I was appointed as Chief Counsel, this was back in 2017, there was a series of articles that found that the average household income using general affordability metrics could not afford the average price of the vehicle in really any of the municipal areas across the country. I believe at the time was about \$38,000.

We are we are bumping up against \$50,000 as the average price of the vehicle today. It is a critical issue that I—

Senator MORENO. And just to remind everybody, it is \$50,000 today, it used to be \$41,000 4 years ago. That is a huge problem. And the same thing with airbags, right, when airbags were invented and it took a long time for that technology to evolve because initial airbags were actually pretty dangerous. Airbags today are completely safe. And now it is basically a pill bottle. I mean, you get in a car accident and airbags come at you everywhere, like a little aspirin in a bottle, but that technology did not exist.

So again, I just reinforce to my colleagues as we develop this, these ideas, that we keep in mind that we want to have safer cars, but the marketplace does a really, really good job of making certain that technologies evolve at a pace in which they can be affordable. And look, while you maybe to some of my colleagues, and if you want to hang out in Martha’s Vineyard in a multi-million dollar home, and fly there in a private jet, \$8,000 in a price of a car is no big deal. But somebody who lives in Chillicothe, Ohio, who is trying to get to work, and needs that car to get there, affordability is a big deal.

And that is the mentality that is missing. And part of it is, look, quite frankly, this is a town where nobody even drives their own damn car, right. So when you have a driver that shuttles you all over town and the last time you are behind the wheel of an automobile was maybe years ago, all these become esoteric problems.

But I am here because we need to bring outsiders' point of views to say: Hey, you know what, when you raise the price of automobiles by \$8,000 because you have this hell-bent idea that: Well, if you cannot afford it, too bad for you. It is a problem.

And I just hope, Mr. Chairman that we really take this conversation to the next level, because I am telling you the number one existential threat to job growth in this country is the fact that cars be—if you take cars, and you make them less affordable for humans to be able to live a daily life, it is a huge economic problem.

And again, in Martha's Vineyard, no problem, you can get around Martha's Vineyard, no issues at all, very easy, fantastic drivers will shuttle you around. And ironically, by the way, 50-year-old Land Rovers that are worth \$150,000 that have no seat belts, and no airbags, is the number one car of choice in Martha's Vineyard. But I guess there it is no problem.

Thank you, Mr. Chairman.

The CHAIRMAN. I want to thank Senator Moreno for his impassioned and very well-informed questioning, and just point out for the record that I fully agree we need lower cost cars, and one of the keys is never ever, ever get the undercoating on the car, the answer to that is, no.

And with that I recognize Senator Hickenlooper—

Senator MORENO. That also went out—that also went out in the 1970s.

The CHAIRMAN. Um-hum?

[Laughter.]

The CHAIRMAN. Senator Hickenlooper.

STATEMENT OF HON. JOHN HICKENLOOPER, U.S. SENATOR FROM COLORADO

Senator HICKENLOOPER. Thank you, Mr. Chair. And thank all three of you for taking your time out today.

Let me start with Mr. Morrison. Impaired driving is a threat to passengers, cyclists, pedestrians, everybody. Last year the U.S. saw almost 40,000 fatalities involving motor vehicles, 12,429 fatalities involved alcohol impaired driving. That is 30 percent of all fatalities. We have a National blood alcohol concentration, BAC, a national limit of 0.08 percent to determine alcohol impairment.

Currently, there is no uniform national standard to measure marijuana impairment. In Colorado, marijuana impaired driving is a blood test above five nanograms of THC. At least 16 other states have zero tolerance laws prohibiting any amount of drug impairment while driving. Creating a national standard for marijuana impairment is going to ease the burden of law enforcement prosecutions, help clarify legal requirements across states, and without question save countless lives.

So Mr. Morrison, what steps would you direct NHTSA to take in consultation—in consultation with states, our laboratories of de-

mocracy, to develop a national impairment standard for marijuana-impaired driving?

Mr. MORRISON. I think, you know, NHTSA absolutely plays a critical role here. And during my time as chief counsel in the first term we were really pushing hard this campaign against drug-impaired driving. Some of the messaging we put out, you know: “Drive high, get a DUI”, “If you feel different, you drive different”.

I think there is not this, necessarily, public consciousness that when people are using marijuana that it has an impairing effect on their ability to drive a vehicle. And it harkens back to the 1950s, if you look at research, people would say, it was pretty common for them to say, you know, I need another martini so I can calm down, I drive better when I am impaired.

I think we have not had that, you know, there has absolutely been a shift in perception there. Although impaired driving drunk—alcohol impaired driving is too high. We have not seen that similar shift for marijuana. It is absolutely something that I would intend to double down on. I would also look to partner with, I think the National Office of—the Office of National Drug Control Policy, to work with them on that as well; as well as law enforcement in the states.

Senator HICKENLOOPER. Yes, absolutely. I think it is one of those lurking giants that is out there, and the country has not gotten their arms around the fact that more and more kids are smoking pot instead of drinking. You can see alcohol sales, beer sales down all over the country, and yet we have no national program to really intercede and make sure they understand it, that they are not driving better.

Mr. MORRISON. Right, and the poly use is another issue. There is compounding factors of alcohol use with drug use that also—we also need to be recognized. I do understand there is some scientific challenges to really gaining that notion of whether or not there is a threshold level.

Senator HICKENLOOPER. Well, it is like—it is like alcohol, with different size people, that there is some variation there, but the science is getting there, and certainly the level of impairment can clearly be measured, and calculated against the consumption of narcotic.

Mr. MORRISON. Absolutely. And it is an area where I know you have been a national leader. I appreciate that, and look forward to working with you.

Senator HICKENLOOPER. You bet. Mr. Roberti, nationwide, PHMSA oversees safe operation of 3 million miles of pipeline, 17,000 underground storage tanks, more than 160 liquefied natural gas facilities. The Colonial Pipeline ransomware attack was a stark reminder of the vulnerability of critical infrastructure to cyber attacks. PHMSA and pipeline operators rely on information provided by the Cybersecurity and Infrastructure Security Administration, CISA, as well as the private sector.

Information sharing increases the ability to remain resilient against emerging cyber threats, unless extended by Congress, authorities under the Cybersecurity Information Sharing Act of 2015 is set to expire on September 30, 2025.

So Mr. Roberti, do you believe any lapse in authorities to share cyber threat information would increase risk for pipeline operators, and how could PHMSA maintain cyber resilience?

Mr. ROBERTI. Well, thank you Senator for the question, and I spoke earlier about the critical importance of keeping a very focused eye on both physical and cyber security threats. The Colonial Pipeline, a perfect example, 45 percent of the energy needs of the Northeast come through that pipeline, and the interruption of that flow of commodities was significant. The coordination among Federal agencies is so important. I cannot understate it.

If you look over the course of the history of this country, the greatest vulnerabilities occurred where security agencies were not sharing information. I do support sharing. As I say—stated earlier, I had worked previously on agreements with the Department of Homeland Security and Department of Transportation.

I believe we need close coordination and information sharing not just with industry, but across the Federal Energy Regulatory Commission, the FBI, certainly the Department of Energy, and the Department of Homeland Security. I am very committed and very motivated to dig in on those questions—

Senator HICKENLOOPER. Right.

Mr. ROBERTI.—and see where we are. I do not know where we are today, but I know that the threats are there. The threat vectors are always changing, and I am committed to working cooperatively to advance that.

Senator HICKENLOOPER. I am out of time. But I do want to leave just with, Mr. Morrison, the fact that no Federal statutes or regulations that oversee fully autonomous vehicles yet coming out of our laboratories of democracy that should be. I am going to submit a few questions on that in the written, just because we are out of time now. But I think that that is another big issue that we are going to have to face.

I yield back to the Chair.

The CHAIRMAN. Thank you. I will now turn to my friend from Massachusetts, who I would note, regularly reminds this Committee that the word “car” can be a two-syllable word.

[Laughter.]

Senator MARKEY. And it has been resolved and it is always about the future.

[Laughter.]

Senator MARKEY. Then you have the accent you can use down the park with Joey De Gregorio. That is a different accent as Mr. Roberti knows now, which does not have quite that accent. So I am bilingual. I am sure Mr. Roberti is as well. You just have to know where each accent can be used.

So I thank you, Mr. Chairman, and just to follow up on the Senator from Ohio. Yes, I am—you know, I am an expert on auto safety. When I was 5 years old, my father was a truck driver, but I grew up in a deregulated era, at five, I was chasing 9-year-old Charlie Kadiro, and Bobby Olson, two streets away from my house, when I got hit by a car, and I was turned into a projectile and you can still see where my fingers never quite came back together again, the concussion, in the middle of the street, somebody picked

me up, drove me 100 miles an hour up to the emergency room of the Malden Hospital.

The two things your mother always says, when you are a kid. One, if you are ever in an accident, your phone number is MA4-0815, tell the doctors that. And two, change your underwear every day because I will be embarrassed if you are ever in an accident.

So I can hear the doctor on the phone with my mother getting permission to operate. And I also can hear the nurses decided to unbuckle my belt and I am trying with my broken fingers to hold on to it. And then the chloroform went on my face. I am an expert on auto safety, on the impacts on children, on parents. I am an expert on that to the gentleman from Ohio in Malden, Massachusetts, a blue-collar community.

I can take him there. You can see this still existing blue collar community where I live. Now, if there was an emergency braking system, maybe that guy who hit me, the car would have stopped, and I would not have been hit. Maybe, but to say that it will not help in the future is just absolutely wrong. And the same way, seat belts, which did not exist when I was a kid, airbags did not exist, make children safer in cars, to this gentleman from Ohio.

Technology is our friend. We are technological giants, the United States. We can use technology to protect children in our country. And the same thing is true for the auto industry, in general, they impose a tax on our society. The tax when they fight higher fuel economy standards is more pollution that goes in the air. The tax on our society, more asthma, more cancers, more disease that affects everyone in our society. And that is a very high tax.

When they fight against safety standards, there is a tax, and that tax is children who get injured or die because the safety measures were not built in. That is a tax which the auto industry imposes on our society.

So Mr. Morrison, do you agree that fuel economy standards save drivers money at the gas pump because they are so much more efficient?

Mr. MORRISON. I think fuel economy standards is an increase in efficiency will have a impact of the gas pump, but they also have a very severe upfront cost that also has to be factored in.

Senator MARKEY. Over the life of the vehicle, do they save drivers money at the pump, Mr. Morrison?

Mr. MORRISON. I think it will depend upon the fuel economy standard. It will depend upon the technological cost to implement those standards.

Senator MARKEY. Yes. And here is what I am hearing from you. I am hearing that this administration is going to institute yet another tax on drivers by pushing gas guzzling cars onto the American public. And anyone who cannot admit that this means dollars out of drivers' pockets and into big oils' profits is just an apologist for the economic factual basis for understanding what the life expectancy costs are for driving vehicles that are more efficient.

Just as my mother used to say to me, as a boy: You have to learn how to work smarter, not harder, Eddie. And smarter is efficient. Smarter is more efficient, appliances, vehicles, buildings, air conditioning. It is just smarter. And it is technology. And what I see, historically, at NHTSA is just aligning with the industry that seeks

to stop innovation, stop progress, and continue to impose taxes on the American people. Safety taxes, disease taxes on those families.

OK. So that is why I am going to be watching you, Mr. Morrison, and everything that you do over there, because you, sir, have a very high responsibility in our society, very high. To all those millions of kids, all those little 5-year-old Eddie Markeys today out there, in terms of looking ahead and leading the way and putting the protections in place for them, not listening to the auto lobbyists of today, but listening to the voices of those children of the future.

Thank you, Mr. Chair.

The CHAIRMAN. Thank you, Senator Markey. And I would note some years ago, Senator Markey and I were the chairman and ranker of the Science and Space Subcommittee of this Committee, and I had a repeated pattern of not being willing to have space hearings without listening to my friend do JFK impressions, which made every space issue come true.

And I do think back to my time in law school in Boston, I remember once being on the subway, as they call it the T, and this tiny woman who was probably 90 years old, white hair, looked at me, asked me if I was in school. I said, yes, ma'am. She asked me where; I said, it was at Harvard. And to this day, I remember her response: Harvard, smart. That was the entirety of the conversation, and as my father would say, Harvard, the truck driver, book smart.

[Laughter.]

The CHAIRMAN. True enough, people need common sense, Eddie.

Senator MARKEY. People need common sense and live in the real world.

The CHAIRMAN. And there we have we have agreement. I would agree with William F. Buckley who said, "I would rather be governed by the first 2,000 names in the Boston phone book than by the faculty of Harvard University." And that is unquestionably true.

Senator MARKEY. And the people of Massachusetts are governed by those 2,000 names in the phone book, and then they choose people who listen to the Harvard and MIT professors about the future, especially in technology issues. Thank you, Mr. Chairman.

The CHAIRMAN. So a couple of final questions and we are going to wrap up.

Mr. Morrison, in your view what is NHTSA's role in the development of autonomous vehicles?

Mr. MORRISON. I think NHTSA needs to play a leadership role. uses convening authority to set guidance so that industry can follow and lead the pathway to enhanced mobility also needs to, once the technology is ready, and once there is a better understanding of the technology eventually lead to the regulation.

The CHAIRMAN. Mr. Roberti, what would you describe as the core mission of PHMSA, and I am going to—I am going to give the answer, in my view, the core mission of PHMSA is to ensure safety for pipelines in America. There have been radicals at that agency who have viewed the mission of PHMSA as using safety as a tool to either stop or delay pipelines because they oppose the existence of pipelines. I think that is emphatically not the purpose of the agency. But what is your view as to the core mission?

Mr. ROBERTI. As safety appears in the Pipeline Safety Act, the core mission of PHMSA is safety, and to instill confidence in the American people that these pipeline systems are safe. And I commit to doing that.

The CHAIRMAN. Thank you.

Mr. Barrs, Mr. Morrison, and Mr. Roberti, my final question is required of all nominees. If confirmed, do you pledge to work collaboratively with this Committee to provide thorough and timely responses to the Committee's requests and to appear before the Committee when requested?

Mr. BARRS. Yes, sir.

Mr. MORRISON. Yes, sir.

Mr. ROBERTI. Yes.

The CHAIRMAN. Thank you. I have 49 letters of support from various organizations for Mr. Barrs', Mr. Morrison's, and Mr. Roberti's nominations.

I ask unanimous consent that they be inserted in the hearing record; without objection, so ordered.

[The information referred to follows:]

PREPARED STATEMENT FROM THE ZERO EMISSION TRANSPORTATION ASSOCIATION

Zero Emission Transportation Association (ZETA) is an industry coalition representing approximately 50 companies spanning the electric vehicle (EV) supply chain end-to-end, including critical mineral and material producers, cell and battery manufacturers, vehicle manufacturers, charging companies and electric vehicle supply equipment (EVSE) providers, utility companies, and battery recyclers. ZETA appreciates the opportunity to provide a statement on the hearing on the nomination of Jonathan Morrison to be the next head of the National Highway Traffic Safety Administration (NHTSA).

Beyond many critical safety functions, NHTSA is responsible for overseeing Corporate Average Fuel Economy (CAFE) standards, landmark regulations that have encouraged automakers to build more fuel-efficient vehicles for nearly 50 years. CAFE standards have effectively helped provide consumer savings on fuel costs and limited demand for foreign oil, for decades.

Pursuant to the *Energy Policy and Conservation Act of 1975*, NHTSA was authorized to administer CAFE standards in response to the oil embargo of 1973–74 by the Organization of the Petroleum Exporting Countries (OPEC); the embargo had resulted in a quadrupling of crude oil prices and a 35 percent increase in the average price of gas from 1973 to 1974.¹ Since then, CAFE standard rulemakings have been continuously promulgated under several Administrations. Under H.R. 1, the One Big Beautiful Bill Act, CAFE civil penalties were reduced to \$0.00, retroactively disrupting market economics for sales of alternative fuel vehicles and seemingly nullifying the need for automakers to comply with Federal regulation that protects consumers.

Fuel economy standards are more than just a preventive measure to lessen the import of foreign oil. CAFE standards have delivered real consumer savings and satisfaction, particularly over the past 25 years. According to a Consumer Reports analysis, vehicle efficiency improvements since 2001 have driven around \$9,000 in fuel savings over the lifetime of the vehicle for a new purchase in 2024.² In fact, 66 percent of Americans in 2024 considered fuel economy important or extremely important to them when considering purchasing a new vehicle.³

The policy change in H.R. 1 would also remove civil penalties for OEMs that have accrued past violations of the "Minimum Domestic Passenger Car" standard, the one

¹NBC News Wisconsin. 2022. "Drivers remember 1973–74 oil embargo." <https://www.nbc26.com/news/local-news/gas-price-tracker/gassed-drivers-remember-1973-74-oil-embargo>

²White, Emmitt. January 21, 2025. Road & Track. "Almost Two-Thirds of Americans Want Government to Keep Boosting Fuel Economy Standards, Study Says." <https://www.roadandtrack.com/news/a63494232/study-finds-us-drivers-want-better-fuel-economy/>

³Consumer Reports. January 2025. Fuel Economy 2024 survey. https://article.images.consumerreports.org/image/upload/v1730394977/prod/content/dam/surveys/Consumer_Reports_Fuel_Economy_August_September_2024.pdf

CAFE standard that cannot be satisfied with purchased credits. The Domestic Minimum Passenger Car standard was put in place to protect American workers' interests in ensuring companies commit to building more fuel-efficient passenger cars in North America.

Further, NHTSA sent a letter to manufacturers on July 11th, asserting that their interpretation of the text in H.R. 1 would apply the new civil penalty of \$0.00 retroactively, starting with Model Years (MY) 2022.⁴ Removing CAFE civil penalties retroactively implicates significant business agreements entered into by nearly every major vehicle original equipment manufacturer (OEM) just for the subset of model years that would be affected by a retroactive policy change on civil penalties between MY2022–MY2026. These are credit sales that have already been established and paid for under the policy that has been in place for those model years.

This is a major policy change that could throw credit markets into turmoil and massively disrupt the U.S. automotive sector. Historically, Federal regulatory changes of this magnitude have been accomplished through the “notice and comment” rulemaking process, with applicable lead-time requirements. This abrupt legislative change is a major policy shift that will massively disrupt the American automotive sector, potentially upending years of strategic investments in past and current model year designs.

ZETA urges members of the Committee and Mr. Jonathan Morrison to consider the critical impact of policies like vehicle efficiency standards, and encourages the application of metrics at NHTSA to ensure compliance with these important regulations. Particularly in light of the recent letter from NHTSA to manufacturers, which states the agency's intent to reconsider CAFE standards, we hope that the impacts of the sudden shifts in Federal policy on businesses and public fuel costs are considered during the deliberation of Mr. Morrison's nomination for Administrator of the agency.

ZETA appreciates the Committee's attention to this important issue.

Sincerely,

ALBERT GORE,
Executive Director.

TRUCK AND ENGINE MANUFACTURERS ASSOCIATION
Chicago, Illinois, July 15, 2025

Hon. TED CRUZ,
Chairman,
U.S. Senate,
Committee on Commerce, Science, and
Transportation,
Washington, DC.

Hon. MARIA CANTWELL,
Ranking Member,
U.S. Senate,
Committee on Commerce, Science, and
Transportation,
Washington, DC.

Dear Chairman and Ranking Member,

The Truck and Engine Manufacturers Association (EMA) supports the nomination of Jonathan Morrison to be Administrator of the National Highway Traffic Safety Administration (NHTSA) at the Department of Transportation. Mr. Morrison's previous experience as Chief Counsel will be extremely valuable to the agency as Congress begins their deliberations on a surface transportation reauthorization.

EMA represents the leading manufacturers of commercial vehicles and internal combustion engines, specifically vehicles with a gross vehicle weight rating over 10,000 pounds. Our member companies proudly design and produce the heavy-duty engines and vehicles that the U.S. trucking industry operates to keep America's economy moving.

NHTSA is crucial in setting and enforcing Federal Motor Vehicle Safety Standards for heavy-duty vehicles, addressing aspects such as brakes, mirrors, lighting, and occupant protection. EMA and its members have a longstanding collaborative relationship with NHTSA and DOT, providing data and other technical input on research and rulemakings involving heavy-duty safety technologies. We aim to continue working with NHTSA under Mr. Morrison's leadership to further enhance commercial vehicle safety.

⁴Letter addressed to “manufacturers” from Peter Simshauser, Chief Counsel, National Highway Traffic Safety Administration, U.S. Department of Transportation, July 11, 2025.

We look forward to working with Mr. Morrison, NHTSA, and the Commerce, Science, and Transportation Committee to ensure the success of the agency.

Respectfully submitted,

TIMOTHY A. BLUBAUGH.

ACES MOBILITY COALITION
April 14, 2025

Hon. TED CRUZ,
Chairman,
United States Senate Committee on
Commerce, Science, and
Transportation,
Washington DC.

Hon. MARIA CANTWELL,
Ranking Member,
United States Senate Committee on
Commerce, Science, and
Transportation,
Washington DC.

Re: Support for the Nomination of Jonathan Morrison as Administrator of the National Highway Traffic Safety Administration

Dear Chairman Cruz and Ranking Member Cantwell,

On behalf of the public and private members of the ACES Mobility Coalition, we write to express our support for the nomination of Jonathan Morrison as Administrator of the National Highway Traffic Safety Administration (NHTSA). Our coalition includes transit agencies, transportation operators, advocates for pedestrian safety and safe transportation, new mobility stakeholders, manufacturers, technology companies, and real estate developers, who share the goal of fostering policies that encourage responsible deployment of autonomous mobility.

Jonathan Morrison's extensive experience in transportation safety and technology, as well as his firsthand experience in NHTSA leadership, make him uniquely qualified to lead the agency during this pivotal time for mobility innovation.

As NHTSA's Chief Counsel during President Trump's first term, Mr. Morrison demonstrated his ability to navigate complex regulatory landscapes while prioritizing public safety. Morrison's eight years in legal and regulatory affairs for the California New Car Dealers Association, his more recent tenure at Apple, and his experience providing automotive advisory services will help him lead NHTSA as the agency provides much-needed regulatory clarity to the automotive industry, ensuring the United States remains the global leader in transportation safety and technological advancement.

The ACES Mobility Coalition shares Morrison's vision for a future where shared autonomous mobility reduces single-occupancy vehicle trips, alleviates congestion, enhances transportation networks, and improves mobility for all road users. His leadership at NHTSA will be instrumental in advancing policies that support safe and scalable deployment of autonomous systems, strengthen public transportation networks, and bridge gaps in first-and last-mile connectivity.

The Coalition respectfully urges the Senate Commerce Committee to confirm Jonathan Morrison's nomination quickly and looks forward to continued engagement with NHTSA under his stewardship. Together, we can work toward a safer, more efficient, and innovative transportation system for all road users.

Respectfully,

SCOTT F. BELCHER,
Executive Director,
ACES Mobility Coalition.
<https://www.acesmobility.org/>

PREPARED STATEMENT OF ANNE REINKE, PRESIDENT AND CEO, IANA

INTERMODAL INDUSTRY SUPPORTS NOMINATION OF JONATHAN MORRISON TO LEAD NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

CALVERTON, MD (July 16, 2025)—Today, the U.S. Senate Committee on Commerce, Science, and Transportation will consider the nomination of Mr. Jonathan Morrison to lead the National Highway Traffic Safety Administration (NHTSA) at the U.S. Department of Transportation. Mr. Morrison previously served as Chief Counsel to NHTSA for three years, beginning in 2017, and has also held roles with the California New Car Dealers Association and Apple. Intermodal Association of North America (IANA) President & CEO Anne Reinke offered the following statement in support of the nomination:

“Jonathan Morrison has worked both with and within the organization he is nominated to lead, giving him a unique perspective on the agency’s strengths and operations. The Intermodal Association of North America (IANA) is pleased to support his nomination to lead the National Highway Traffic Safety Administration. Safety is the cornerstone of a transportation network that serves both people and freight, and Mr. Morrison’s experience and expertise in this space will benefit all Americans. IANA looks forward to working closely with Mr. Morrison and we urge Congress to confirm this important nomination.”

AMERICAN TRUCKING ASSOCIATIONS
Washington, DC, June 2, 2025

Hon. TED CRUZ,
 Chairman,
 United States Senate,
 Committee on Commerce, Science, and
 Transportation,
 Washington, DC.

Hon. MARIA CANTWELL,
 Ranking Member,
 United States Senate,
 Committee on Commerce, Science, and
 Transportation,
 Washington, DC.

Dear Chairman Cruz and Ranking Member Cantwell:

On behalf of the American Trucking Associations (ATA), I am writing to you today to strongly support the nomination of Jonathan Morrison to serve as the next Administrator of the National Highway Traffic Safety Administration (NHTSA).

Mr. Morrison is a strong voice for sensible regulatory action and balancing the concerns of the industry. With his experience as Chief Counsel at NHTSA during the first Trump Administration, he would bring seasoned leadership to NHTSA. His history navigating the complex legal and regulatory landscape on behalf of the California New Car Dealers Association has equipped him with an understanding of the importance of consistent Federal regulations and the consequences of shortsighted policies. He will be an invaluable partner as we look towards the 2026 surface transportation reauthorization effort.

The more than 3.5 million professional truck drivers are our Nation’s eyes and ears on the road. One of their top concerns is the dangerous rise of distracted driving by the motoring public. The trucking industry invests \$14 billion in safety-related initiatives and training annually, and motor carriers pride themselves on a safety-first mentality. NHTSA has the opportunity to be a leader in promoting safe driving habits on the road by providing necessary resources and clear directions to states.

Morrison will bring critical public and private expertise to NHTSA at the dawn of revolutionary safety technology. Interstate by nature, the trucking industry needs a Federal framework for testing and deployment of autonomous vehicles that considers all road users—including passenger vehicles, commercial trucks, and buses—as well as the supporting infrastructure. As developers continue to submit voluntary safety self-assessments, they need an active partnership with NHTSA to ensure innovation can thrive and the U.S. will remain a global leader in developing this technology. With such high stakes, ATA would welcome the leadership of Mr. Morrison at NHTSA.

Trucking is the lifeblood of our economy and moves over 70 percent of the Nation’s freight. As the largest national trade organization representing over 8.5 million men and women working in the trucking industry, ATA strongly encourages the Committee to approve the Morrison nomination so that he can be confirmed by the full Senate at the earliest opportunity.

Sincerely,

CHRIS SPEAR,
President and CEO,

American Trucking Associations

cc: Members of the Senate Committee on Commerce, Science, and Transportation

U.S. TIRE MANUFACTURERS ASSOCIATION
July 15, 2025

Hon. TED CRUZ,
 Chairman
 Committee on Commerce, Science, and
 Transportation,
 U.S. Senate,
 Washington, DC.

Hon. MARIA CANTWELL,
 Ranking Member,
 Committee on Commerce, Science, and
 Transportation,
 U.S. Senate,
 Washington, DC.

RE: USTMA Support for Morrison NHTSA Confirmation

Dear Chairman Cruz and Ranking Member Cantwell:

On behalf of the U.S. Tire Manufacturers Association and our member companies, I am pleased to share our full support for the nomination of Jonathan Morrison to be the Administrator of the National Highway Traffic Safety Administration (NHTSA) at the U.S. Department of Transportation.

Mr. Morrison is a highly qualified and respected leader with extensive experience in the automotive sector. His nomination to head NHTSA restores critical leadership to an agency that sits at the crossroads of renewed attention and progress in the transportation sector. We believe Mr. Morrison will return to a sharp focus toward regulations that spur competition, safety and much-needed innovation. The U.S. Tire Manufacturers Association believes he is an excellent candidate and looks forward to supporting him in this capacity.

Given his unique experiences and keen understanding of our industry, we encourage the committee to advance Jonathan Morrison's vote to the full Senate so that he may be confirmed as the new NHTSA Administrator.

Sincerely,

ANNE FORRISTALL LUKE,
President and CEO,
 U.S. Tire Manufacturers Association.

GOVERNORS HIGHWAY SAFETY ASSOCIATION
Washington, DC, July 8, 2025

Hon. TED CRUZ,
 Chairman,
 Committee on Commerce, Science, and
 Transportation,
 United States Senate,

Hon. MARIA CANTWELL,
 Ranking Member,
 Committee on Commerce, Science, and
 Transportation,
 United States Senate,

Dear Chairman Cruz and Ranking Member Cantwell:

On behalf of the Governors Highway Safety Association (GHSA), I write to express strong support for the nomination of Jonathan Morrison to serve as the Administrator of the National Highway Traffic Safety Administration (NHTSA).

GHSA is a national nonprofit association representing every State and territorial Highway Safety Office (SHSOs). The SHSOs receive highway traffic safety grants from NHTSA to implement behavioral highway safety programs.

Mr. Morrison is a proven safety leader. He demonstrated this in his previous role as NHTSA Chief Counsel, where he worked effectively with GHSA and SHSOs to prioritize safety and reduce regulatory burdens that hinder state-level progress and innovation. His collaborative approach and commitment to improving the efficiency of the state highway safety grant program allowed critical safety resources to be more effectively deployed.

With more than 40,000 people killed on our roads in 2023 and drunk driving deaths up 33 percent since 2019, strong and stable leadership at NHTSA is urgently needed. The agency has lacked a Senate-confirmed leader for nearly all of the past eight years, even as roadway fatalities have reached crisis levels. Mr. Morrison's experience and leadership will be instrumental in reversing these trends.

GHSA urges the Committee and the full Senate to quickly confirm Mr. Morrison. If confirmed, we look forward to working with him to advance proven roadway safety solutions and ensure every American can travel safely on our roads.

Regards,

JONATHAN ADKINS,
Chief Executive Officer,
 Governors Highway Safety Association.

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE
Alexandria, VA, June 11, 2025

Hon. JOHN THUNE,
 Majority Leader,
 United States Senate,
 Washington, DC.

Hon. TED CRUZ,
 Chairman,
 Committee on Commerce, Science, and
 Transportation,
 United States Senate,
 Washington, DC.

Hon. CHARLES E. SCHUMER,
 Minority Leader,
 United States Senate,
 Washington, DC.

Hon. MARIA CANTWELL,
 Ranking Member,
 Committee on Commerce, Science, and
 Transportation,
 United States Senate,
 Washington, DC.

Dear Majority Leader Thune, Minority Leader Schumer, Chairman Cruz, and Ranking Member Cantwell:

On behalf of the International Association of Chiefs of Police (IACP), I am pleased to offer our endorsement of Mr. Jonathan Morrison as Administrator of the National Highway Traffic Safety Administration (NHTSA). Mr. Morrison's extensive experience in transportation safety and his demonstrated commitment to collaboration make him well-qualified to lead NHTSA.

The IACP recently had the opportunity to meet with Mr. Morrison. During our discussion, he expressed a clear and thoughtful vision for advancing traffic safety across the Nation. He emphasized the importance of working in close partnership with state, local, and tribal law enforcement agencies to reduce roadway fatalities and improve safety outcomes for all road users. He understands the challenges faced by policing in traffic safety enforcement and is committed to evidence-based strategies.

If confirmed, Mr. Morrison would bring a well-rounded and informed perspective to the role. As NHTSA's Chief Counsel during President Trump's first term, he demonstrated a strong grasp of the agency's mission and regulatory responsibilities. His career spans both public service and private industry—giving him a comprehensive understanding of the transportation landscape. This diverse experience positions him to foster the kind of collaboration and innovation needed to address today's complex traffic safety challenges.

The IACP firmly believes that Mr. Morrison's track record makes him abundantly qualified to lead NHTSA. We are confident that, under his leadership, NHTSA will continue to advance its mission of reducing traffic related injuries and deaths, ensuring safety, and enhancing enforcement.

The IACP urges the Committee on Commerce, Science, and Transportation and the members of the United States Senate to swiftly confirm the nomination of Mr. Morrison.

Sincerely,

KEN A. WALKER,
President,
 IACP.

CONSUMER TECHNOLOGY ASSOCIATION
Arlington, VA, June 17, 2025

Hon. TED CRUZ,
 Chair,
 Committee on Commerce, Science, and
 Transportation,
 United States Senate
 Washington, DC.

Hon. MARIA CANTWELL,
 Ranking Member,
 Committee on Commerce, Science, and
 Transportation,
 United States Senate,
 Washington, DC.

Dear Chairman Cruz and Ranking Member Cantwell,

On behalf of the Consumer Technology Association (CTA) and its more than 1200 member companies, I write in support of Jonathan Morrison's nomination to lead the National Highway Traffic Safety Administration (NHTSA). CTA is North America's largest technology trade association representing the U.S. consumer technology industry, which supports over 18 million U.S. jobs. Our members include companies driving vehicle innovation—from manufacturers and software firms to transportation platforms and component makers.

Mr. Morrison brings deep expertise to the role. As NHTSA Chief Counsel during the first Trump administration, he helped shape policy and rules on advanced vehicle technologies and automated vehicles. His leadership will be vital as NHTSA works to modernize Federal Motor Vehicle Safety Standards, streamline crash reporting under the Standing General Order, and build a strong regulatory framework for AVs.

We believe Mr. Morrison is well suited to lead NHTSA and urge the Senate to confirm his nomination.

Sincerely,

GARY J. SHAPIRO,
CEO and Vice Chair,
Consumer Technology Association.

DAIMLER TRUCK NORTH AMERICA
Portland, OR, July 11, 2025

Hon. TED CRUZ,
Chairman,
Committee on Commerce, Science, and
Transportation,
United States Senate
Washington DC.

Hon. MARIA CANTWELL,
Ranking Member,
Committee on Commerce, Science, and
Transportation,
United States Senate,
Washington DC.

Dear Chairman Cruz and Ranking Member Cantwell,

On behalf of Daimler Truck North America (DTNA), I am writing to express our strong support for the nomination of Jonathan Morrison for Administrator of the National Highway Traffic Safety Administration (NHTSA).

DTNA is the largest commercial vehicle manufacturer in the United States, with over 40 percent market share in the Class 7 and 8 heavy-duty on-highway segment. This market leadership means that fully 30 percent of America's goods are delivered using our products daily. Whether it's hauling freight, transporting people, or building and maintaining critical infrastructure, our truck and bus brands, including Freightliner, Western Star, Thomas Built Buses, Freightliner Custom Chassis, and Detroit Diesel, are trusted by our Nation's fleets. Our 18,000 U.S. employees are dedicated to keeping America moving. DTNA strongly believes in investing in America to drive economic growth, create jobs, and ensure a stable and prosperous future for all Americans.

As the market leader, DTNA has a long history of working closely with NHTSA and recognizes the enormous responsibilities of the Administrator. Having worked with Mr. Morrison in his previous capacity as Chief Counsel of NHTSA, we believe strongly of Mr. Morrison's exceptional leadership and vision.

DTNA is confident that under Mr. Morrison's leadership, the American people will benefit from his tireless work and commitment to service. DTNA strongly encourages you to support Mr. Morrison's swift nomination and we look forward to the positive impact he will bring to NHTSA.

DTNA eagerly anticipates working with the Committee, President Trump, and NHTSA on advancing policies and regulations, including through the upcoming Surface Transportation Reauthorization, that will support reliable transportation nationwide, the economy, roadway safety, and innovation.

Sincerely,

JOHN O'LEARY,
President and CEO.

CC: Jonathan Morrison, Nominee, Administrator of National Highway Traffic Safety Administration

ALLIANCE FOR AUTOMOTIVE INNOVATION
Washington, DC, July 14, 2025

Hon. TED CRUZ,
 Chairman,
 U.S. Senate Committee on Commerce,
 Science, and Transportation,
 Washington DC.

Hon. MARIA CANTWELL,
 Ranking Member,
 U.S. Senate Committee on Commerce,
 Science, and Transportation,
 Washington DC.

Dear Chairman Cruz and Ranking Member Cantwell:

On behalf of Alliance for Automotive Innovation, I write to urge the United States Senate to swiftly confirm Jonathan Morrison, President Trump's nominee for Administrator of the National Highway Traffic Safety Administration (NHTSA).

Alliance for Automotive Innovation represents the auto manufacturers producing nearly all vehicles sold today in the U.S., as well as major equipment suppliers, battery manufacturers, semiconductor makers, and autonomous vehicle and technology corporations.

Automaking is America's largest manufacturing sector and underpins our industrial base. The sector employs 10 million Americans in all 50 states. We build 10.3 million vehicles annually—here at home—and export 1.5 million. The industry generates five percent of U.S. GDP and drives \$1.2 trillion into the economy annually.

Mr. Morrison has the right background to lead NHTSA at this moment.

He previously served as the agency's chief counsel where he worked on a range of automotive policy and regulatory matters. He also has firsthand experience working inside the automotive industry to develop next-generation automotive safety technologies.

Mr. Morrison is committed to a partnership between the automotive industry and others to advance shared goals: saving lives, reducing crashes, and deploying the safest and most advanced vehicles ever.

He will prioritize a regulatory environment that supports innovation and maintains American leadership in next-generation automotive safety technologies. He also understands the importance of predictable and balanced fuel economy standards that reflect current market dynamics.

NHTSA needs leadership committed to keeping the U.S. auto industry healthy and competitive—and in a position to guarantee the country's economic and national security.

I'm confident these will be priorities during Mr. Morrison's tenure. Thank you for your support of this nomination.

Sincerely,

JOHN BOZZELLA,
President and CEO,
 Alliance for Automotive Innovation.

INTELLIGENT TRANSPORTATION SOCIETY OF AMERICA
June 11, 2025

Hon. TED CRUZ,
 Chairman,
 Committee on Commerce, Science, and
 Transportation,
 United States Senate
 Washington, DC.

Hon. MARIA CANTWELL,
 Ranking Member,
 Committee on Commerce, Science, and
 Transportation,
 United States Senate
 Washington, DC.

On behalf of the Intelligent Transportation Society of America (ITS America), I write to express our enthusiastic support for the nomination of Jonathan Morrison to serve as Administrator of the National Highway Traffic Safety Administration (NHTSA). Mr. Morrison's previous tenure as Chief Counsel at NHTSA as well as his deep experience at the intersection of industry, technology, and policy will position him for strong success leading the agency.

In his previous roles at NHTSA and the U.S. Department of Transportation, Mr. Morrison displayed a strong commitment to improving transportation safety. He played a pivotal part in shaping safety policy for automated vehicles, vehicle communications systems, and advanced driver-assistance technologies. His efforts helped lay the groundwork for thoughtful Federal engagement in these areas, furthering public sector and industry efforts to utilize these technologies for substantial safety benefits for the traveling public. We are confident that he will continue to

remain engaged on these critical opportunities as NHTSA Administrator, just as we believe he will underscore transportation safety as NHTSA's top regulatory priority.

Additionally, Mr. Morrison's extensive private sector experience will be an essential enabler of coordination between Federal regulators and industry as emerging technologies are implemented in scaled throughout our national passenger vehicle fleet. As NHTSA faces the dual challenge of addressing historic roadway fatalities while preparing for a more automated and connected transportation future, Mr. Morrison is uniquely positioned to bridge policy, technology, and industry engagement. He understands the importance of Federal leadership, public-private coordination, and performance-based regulation—each vital to ensuring that innovation is utilized to serve the public good.

We are confident that, under Mr. Morrison's leadership, NHTSA will continue to uphold its core mission while evolving to meet the safety challenges and opportunities of the 21st century. We urge the Senate to swiftly confirm his nomination.

Sincerely,

LAURA CHACE,
President and CEO,
Intelligent Transportation Society of America.

AMERICAN TRUCKING ASSOCIATIONS
July 9, 2025

Hon. TED CRUZ,
Chairman,
Committee on Commerce, Science, and
Transportation,
United States Senate,
Washington, DC.

Hon. MARIA CANTWELL,
Ranking Member,
Committee on Commerce, Science, and
Transportation,
United States Senate,
Washington, DC.

Dear Chairman Cruz and Ranking Member Cantwell:

On behalf of the American Trucking Associations (ATA), I write to offer ATA's full support for the nomination of Derek Barrs to be Administrator of the Federal Motor Carrier Safety Administration (FMCSA) of the U.S. Department of Transportation (USDOT).

With nearly two decades of experience in law enforcement and the commercial motor vehicle sector, Mr. Barrs' career has been defined by his emphasis on making our roads safer for all motorists. He has a proven track record of strengthening ties between the trucking industry and public safety officers to address top transportation challenges such as drug impairment, cargo theft, and human trafficking.

Mr. Barrs has served in various law enforcement capacities for the Florida Department of Transportation and Florida Highway Patrol. Most recently, he has been a consultant on traffic-related and commercial motor vehicle safety projects across numerous states. He has also been an active member of ATA's Law Enforcement Advisory Board since 2021, and he has been an active member of the Commercial Vehicle Safety Alliance in multiple roles, including serving as the President of the Associate Members, where he represented motor carriers and suppliers.

Mr. Barrs' deep knowledge of the trucking industry and his collaborative approach will make him an invaluable asset to USDOT. Under his leadership, ATA is confident that FMCSA will make significant progress towards achieving our shared priorities of improving highway safety and efficiently delivering the Nation's freight.

Mr. Barrs would make a superb FMCSA administrator and support the 8.5 million hardworking men and women employed in the trucking industry in every state. We urge members of the Committee to swiftly report his nomination favorably to the full Senate for consideration.

Sincerely,

CHRIS SPEAR,
President and CEO,
American Trucking Associations.

cc: Members of the Senate Committee on Commerce, Science, and Transportation

COMMERCIAL VEHICLE TRAINING ASSOCIATION
July 9, 2025

Hon. TED CRUZ,
 Chairman,
 U.S. Senate Committee on Commerce,
 Science, and Transportation,
 U.S. Senate,
 Washington, DC.

Hon. MARIA CANTWELL,
 Ranking Member,
 U.S. Senate Committee on Commerce,
 Science, and Transportation,
 U.S. Senate,
 Washington, DC.

Dear Chairman Cruz and Ranking Member Cantwell:

On behalf of the Commercial Vehicle Training Association (CVTA), I am writing to express our strong support for the confirmation of Chief Derek Barrs as the next Administrator of the Federal Motor Carrier Safety Administration (FMCSA). We believe Chief Barrs is uniquely qualified to lead FMCSA, particularly in the critical area of Entry-Level Driver Training (ELDT) enforcement: an issue of paramount importance to CVTA's national membership.

As the Nation's largest association of professional truck driver training schools, CVTA is committed to ensuring that all new drivers are properly trained and that bad actors who undermine safety standards are held accountable. Unfortunately, despite the safety benefits of the ELDT Rule, we have long been concerned about inconsistent enforcement and the continued presence of substandard training providers on the FMCSA's Training Provider Registry (TPR).

Chief Barrs' distinguished background in law enforcement, particularly his leadership in Florida enforcing trucking regulations, positions him as a leader capable of driving meaningful progress in this area. His extensive experience managing and overseeing complex law enforcement initiatives will be invaluable in ramping up enforcement actions against non-compliant training providers. We are confident that Chief Barrs will bring a strong, solutions-oriented approach to FMCSA's enforcement practices, ensuring that bad actors who are placing unqualified drivers on the road are swiftly identified and removed from the TPR.

CVTA believes that Barrs' law enforcement background equips him with the necessary tools to not only ensure that entities are licensed, but also to take the next critical step in investigating and auditing training programs that may be operating outside the bounds of the law. His ability to lead strategic, targeted enforcement efforts will help safeguard public safety and reinforce the integrity of our industry.

Given his background, commitment to safety, and understanding of the importance of effective regulation, we are confident that Chief Barrs is the right person to lead FMCSA at this pivotal moment in the enforcement of the ELDT Rule. We strongly urge you to support his confirmation as Administrator.

Thank you for your attention to this matter and for your ongoing support of policies that promote safety and professionalism within the commercial vehicle industry.

Sincerely,

ANDREW POLIAKOFF,
Executive Director,
 Commercial Vehicle Training Association.

TRANSPORTATION INTERMEDIARIES ASSOCIATION
July 10, 2025

Hon. TED CRUZ,
 Chairman,
 United States Senate,
 Committee on Commerce, Science, and
 Transportation,
 Washington, DC.

Hon. MARIA CANTWELL,
 Ranking Member,
 United States Senate,
 Committee on Commerce, Science, and
 Transportation,
 Washington, DC.

Dear Chairman Cruz and Ranking Member Cantwell,

The Transportation Intermediaries Association (TIA) strongly supports the nomination of Derek Barrs as Administrator of the Federal Motor Carrier Safety Administration (FMCSA). With over 30 years of law enforcement experience, including his tenure as Chief of the Florida Highway Patrol, Mr. Barrs brings a proven record of leadership across both the public and private sectors. His service with the American Trucking Associations' Law Enforcement Advisory Board, the Florida Trucking Association, and the Flagler Sheriff's Employee Assistance Trust Board further dem-

onstrates his deep commitment to transportation safety and the success of the industry.

Mr. Barrs' expertise in transportation policy and safety uniquely positions him to lead FMCSA in addressing the complex challenges facing the third-party logistics (3PL) industry. TIA looks forward to working with FMCSA and Congress to combat freight fraud, promote fair market competition, and modernize the Safety Fitness Determination (SFD) process. His forward-thinking leadership will be essential in protecting both the supply chain and the traveling public.

Combating Supply Chain Theft and Strategic Fraud

Since the onset of the COVID-19 pandemic, cargo theft has evolved into highly sophisticated, coordinated criminal activity. TIA's 2025 State of Fraud in the Industry report documents a staggering 1,500 percent increase in fraud since 2021, with consumer losses now exceeding \$35 billion annually. In the first quarter of 2025 alone, Highway reported 561 unauthorized carrier login attempts from 42 countries outside North America—a clear sign that freight fraud is now a global threat.

These criminal schemes today extend far beyond physical theft to include system manipulation, carrier impersonation, payment diversion, and exploitation of regulatory gaps. These activities not only inflate costs but also jeopardize the integrity of the supply chain. TIA strongly supports restoring FMCSA's authority to penalize fraudulent actors and urges the establishment of a multi-agency task force to enhance enforcement and improve cross-agency-jurisdictional coordination.

Protecting Consumers and Market Competition

TIA opposes the Biden Administration's proposed rule, *Transparency in Property Broker Transactions*, which would require brokers to disclose confidential business information, including pricing structures and margins. This mandate would stifle competition, expose proprietary business data, and ultimately harm consumers without delivering measurable public benefits.

Beyond the immediate economic impact, FMCSA's proposed rule also raises serious concerns regarding business privacy, operational security, and the potential for future regulatory overreach. Requiring private companies to disclose proprietary contract terms would erode long-standing protections for confidential business information, disrupt established business relationships, stifle innovation, and create a dangerous precedent for unnecessary government intervention across other sectors.

Modernizing the Safety Fitness Determination (SFD)

The current three-tier SFD system is outdated, lacks transparency, and does not reflect the realities of today's logistics industry. TIA supports transitioning to a simplified, two-tier rating system—"Fit" or "Unfit"—that relies on real-time safety data from inspections, crash reports, and electronic logging devices.

A modernized system would improve roadway safety, provide brokers with clearer and more reliable carrier assessments, and help reduce liability risks. TIA urges FMCSA to engage closely with industry partners throughout this modernization process to ensure the revised system is practical, data-driven, and aligned with real-world operations.

For over 47 years, TIA has championed policies that support a safer, more efficient, and competitive supply chain. Mr. Barrs' nomination presents a valuable opportunity to address organized freight fraud, protect market fairness, and modernize critical safety oversight. TIA stands ready to work with FMCSA, Congress, and the Trump Administration to advance these shared priorities and build a stronger, safer future for freight transportation.

Respectfully,

CHRIS BURROUGHS,
President and CEO,

Transportation Intermediaries Association (TIA).

Chairman TED CRUZ,
Ranking Member MARIA CANTWELL,
United States Senate,
Commerce, Science, and Transportation Committee,
Washington, DC.

Dear Chairman Cruz and Ranking Member Cantwell:

We write in regard to President Trump's nomination of Mr. Paul Roberti to serve as the administrator of the Pipeline and Hazardous Materials Safety Administration

(PHMSA). On behalf of the American Gas Association,¹ the American Fuel & Petrochemical Manufacturers,² the American Petroleum Institute,³ the American Public Gas Association,⁴ GPA Midstream Association,⁵ the Interstate Natural Gas Association of America,⁶ and the Liquid Energy Pipeline Association,⁷ we encourage your expedited consideration of this highly qualified nominee.

The members of our associations partner with PHMSA to ensure our country has safe and reliable pipelines, delivering the energy Americans need. Collectively, we engage with PHMSA in many ways, such as commenting on impactful regulatory actions, supporting research and development, and collaborating on grant opportunities. With appropriate consideration of industry input, PHMSA can be an invaluable partner. We believe Mr. Roberti's background and leadership position him to strengthen and guide the agency during this pivotal time for pipeline safety.

Mr. Roberti's experience also sets him up to be a successful administrator. Prior to his nomination, Roberti served as Chief Counsel at PHMSA, where he played a crucial role in shaping regulatory policy and ensuring the safe transport of energy through pipelines. His public service career also includes a tenure as Assistant Attorney General in Rhode Island and as a Commissioner on the Rhode Island Public Utilities Commission, where he oversaw critical infrastructure and utility regulation.

In summary, Mr. Roberti's deep understanding of PHMSA and pipeline safety regulations, prior experience in the organization, as well as his personal commitment to pipeline safety are key assets for him to lead the agency. We endorse his nomination, and we respectfully urge the Committee to move expeditiously in considering this nomination.

Sincerely,

American Gas Association
American Fuel & Petrochemical Manufacturers
American Petroleum Institute
American Public Gas Association
GPA Midstream Association
Interstate Natural Gas Association of America
Liquid Energy Pipeline Association

AMERICAN BUS ASSOCIATION
July 9, 2025

Hon. TED CRUZ,
Chair,
Committee on Commerce, Science, and Transportation,
United States Senate,
Washington, DC.

Hon. MARIA CANTWELL,
Ranking Member,
Committee on Commerce, Science, and Transportation,
United States Senate,
Washington, DC.

Dear Chair Cruz and Ranking Member Cantwell:

On behalf of the American Bus Association (ABA), I write to express our strong support for the nomination of Derrek Barrs to serve as Administrator of the Federal Motor Carrier Safety Administration (FMCSA).

Founded in 1926, ABA is the leading national trade association representing the private motorcoach and group travel industries. Our members provide environmentally efficient, safe, and vital transportation to hundreds of millions of passengers each year across intercity, charter, tour, and commuter services. The industry encompasses a wide range of operators—from small, family-owned companies to large national carriers—serving both rural and urban communities alike.

¹For more information, visit www.aga.org.

²For more information, visit www.afpm.org.

³For more information, visit www.api.org.

⁴For more information, visit www.apga.org.

⁵For more information, visit www.gpamidstream.org.

⁶For more information, visit www.ingaa.org.

⁷For more information, visit www.liquidenergypipelines.org.

ABA has a long history of constructive engagement with FMCSA on issues ranging from vehicle safety and regulatory compliance to workforce development, educational outreach and emergency response coordination. We believe Mr. Barrs' background—as a seasoned law enforcement official and elected transportation industry representative within a national trade association—positions him exceptionally well to lead the agency during a pivotal time. He brings a steady, pragmatic approach to safety oversight, and stakeholder engagement that is both collaborative and grounded in real-world understanding.

As we look ahead, ABA is eager to work with Administrator Barrs on key priorities critical to the motorcoach industry's safe and sustainable future, including:

- *Ensuring Appropriate Regulatory Distinctions:* Motorcoach operations differ significantly from freight trucking. FMCSA policy must reflect the unique safety and operational profile of passenger carriers.
- *Maintaining Federal Preemption in Driver Hours Rules:* A consistent national framework is essential to protect safety, reduce legal uncertainty, and avoid conflicting state mandates.
- *Reconsideration of Speed Limiter Mandates:* We support efforts to withdraw or revise proposals that would impose truck-based speed restrictions on motorcoach carriers.
- *Improving Implementation of English Language Proficiency Rules:* Greater clarity and consistency in enforcement would help support safety without compounding workforce challenges.
- *Reinvesting in FMCSA's Passenger Carrier Division:* Strengthening leadership and staff capacity is vital to improving outreach, oversight, and engagement with the passenger sector.

We look forward to engaging directly with Administrator Barrs and FMCSA leadership in the weeks ahead and building a strong, solutions-oriented partnership to advance shared goals around safety, accessibility, and regulatory clarity.

Thank you for your consideration of Mr. Barrs' nomination. ABA stands ready to support the Committee's work and contribute industry-informed insights to help FMCSA fulfill its mission.

Thank you for your consideration.

FRED FERGUSON,
President and CEO,
American Bus Association.

WOMEN IN TRUCKING ASSOCIATION
July 14, 2025

Hon. TED CRUZ,
Hon. MARIA CANTWELL,
U.S. Senate Commerce Committee,
Washington, DC.

Dear Chairman Cruz and Ranking Member Cantwell:

On behalf of the Women In Trucking Association (WIT), I write to express our strong endorsement for Chief Derek Barrs of Florida to serve as the next Administrator of the Federal Motor Carrier Safety Administration (FMCSA). WIT is a trade association of over 8,000 members with the mission to advance the employment of women in trucking, eliminate barriers, and celebrate successes.

Given Chief Barrs' expertise, hands-on vehicle enforcement experience and commitment to commercial vehicle operator safety, we believe Chief Barrs is a strong pick to lead FMCSA, to address the plethora of issues facing an industry that is inextricably tied to not only the continued economic success of our country, but to global supply chains as well.

Women In Trucking remains committed to common sense public policies related to increasing truck driver parking capacity, security of truck drivers both on and off the road, workforce development initiatives to foster opportunities for both men and women and, of course, safety for all aspects of the trucking ecosystem. WIT believes that Chief Barr's law enforcement expertise and broad experience in both the public and private sectors will serve him well as FMCSA balances the interests of a broad set of stakeholders in a dynamic and evolving industry. It is paramount that the FMCSA incorporate the perspectives of a broad group of stakeholders when initiating new programs, enforcement and compliance actions, and current regulatory obligations.

Finally, please know that WIT remains willing to serve as a resource to the Commerce Committee on trucking related issues under the purview of the FMCSA, and broader USDOT issues as appropriate.

Sincerely yours,

JENNIFER HEDRICK,
President and CEO.

TRUCKERS AGAINST TRAFFICKING
Englewood, CO, July 10, 2025

Hon. TED CRUZ,
Chairman,
Committee on Commerce, Science, and Transportation,
U.S. Senate.

Hon. MARIA CANTWELL,
Ranking Member,
Committee on Commerce, Science, and Transportation,
U.S. Senate.

Dear Chairman Cruz and Ranking Member Cantwell,

Truckers Against Trafficking (TAT) conveys strong support for the nomination of Derek Barrs for the role of FMCSA administrator and encourages the Senate Committee on Commerce, Science, and Transportation to advance his nomination to the full Senate for approval as soon as possible.

TAT is a nonprofit organization that educates, equips, empowers and mobilizes members of key industries and agencies to combat human trafficking. We work alongside key leaders in the commercial vehicle industry as well as with commercial vehicle enforcement agencies throughout the Nation seeking to make our Nation's roadways safe from exploitation and human trafficking.

FMCSA's primary mission is to prevent commercial motor vehicle-related fatalities and injuries. Mr. Barrs's experience and exceptional leadership with the Florida Highway Patrol demonstrate his commitment to this mission. Beyond that, another one of FMCSA's high priorities has been and continues to be the prevention of human trafficking. Mr. Barrs partnered with TAT when he was Chief of the Commercial Vehicle Enforcement unit of the Florida Highway Patrol to raise awareness about this crime to members of the commercial vehicle industry traveling throughout his state.

Mr. Barrs continued his advocacy for prevention and intervention of this crime after he retired and began working in the private sector, making introductions to law enforcement leaders throughout the Nation and encouraging their participation in both the Commercial Vehicle Safety Alliance's Human Trafficking Awareness Initiative as well as with TAT for ongoing awareness and prevention measures. If confirmed, TAT looks forward to working with Mr. Barrs in this new role to help keep our Nation's roadways safe for all.

If you have further questions or comments, please do not hesitate to contact me by phone at 918-695-2153 or by e-mail at klanier@tatnonprofit.org.

Respectfully,

KYLLA LANIER,
Deputy Director/Senior Director of External Affairs,
Truckers Against Trafficking.

Hon. TED CRUZ,
 Chairman,
 Committee on Commerce, Science, and Transportation,
 United States Senate
 Washington, DC.

Hon. MARIA CANTWELL,
 Ranking Member,
 Committee on Commerce, Science, and Transportation,
 United States Senate,
 Washington, DC.

Dear Chairman Cruz, Ranking Member Cantwell, and Members of the Committee:

The Coalition for Reimagined Mobility (ReMo) is pleased to submit this letter in strong support of the nomination of Jonathan Morrison to serve as Administrator of the National Highway Traffic Safety Administration (NHTSA).

ReMo is a bipartisan initiative of the nonprofit organization SAFE, that is committed to transforming how people and goods move by accelerating the adoption and scale of innovative transportation technologies. Through cross-sector collaboration, industry-leading research, and forward-looking policy development, ReMo identifies and addresses barriers to progress. Its work drives solutions that enhance economic competitiveness, strengthen national security, and foster mobility innovation—advancing a 21st-century transportation system that is safe, secure, efficient, and sustainable.

ReMo views safety as a foundational pillar of future mobility and recognizes NHTSA's critical role in ensuring that regulatory frameworks evolve alongside rapid technological change. A key priority in this effort must be the establishment of a comprehensive Federal framework for automated vehicle (AV) technologies. Such a framework is essential to provide regulatory certainty for industry, enable responsible scaling of the technology, and unlock the broad societal benefits AVs can deliver—from expanded mobility access to reduced crashes and emissions. Without Federal leadership, innovation risks being constrained by a patchwork of state-level rules, undermining both safety outcomes and U.S. competitiveness.

Mr. Morrison's extensive background in transportation safety, including his prior service as Chief Counsel at NHTSA, makes him exceptionally qualified to lead the agency at a time when Federal leadership is urgently needed. His experience spans both the public and private sectors, and he brings a practical understanding of how to uphold safety standards while enabling innovation in vehicle technologies.

Stakeholders across the transportation ecosystem—including automakers, safety advocates, and state and local officials—have expressed confidence in Mr. Morrison's qualifications and steady leadership. ReMo shares that confidence and believes his confirmation would bring much-needed stability and vision to the agency.

ReMo urges the Senate to confirm Mr. Morrison without delay. NHTSA's mission to reduce roadway fatalities and ensure the safe deployment of new mobility technologies cannot wait. ReMo believes Mr. Morrison will bring principled, experienced leadership to these pressing challenges, and we look forward to working together.

Sincerely,

AVERY ASH,
Executive Director,
 Coalition for Reimagined Mobility (ReMo).
Senior Vice President of Government Affairs
and Special Initiatives,
 SAFE aash@secureenergy.org
 ASHLEY SIMMONS,
Deputy Director,
 Coalition for Reimagined Mobility (ReMo)
asimmons@reimaginedmobility.org

RESPONSIBILITY.ORG
July 10, 2025

Hon. TED CRUZ,
Chairman,
Committee on Commerce, Science, and
Transportation
United States Senate.

Hon. MARIA CANTWELL,
Ranking Member,
Committee on Commerce, Science, and
Transportation,
United States Senate.

Dear Chairman Cruz and Ranking Member Cantwell:

On behalf of the Foundation for Advancing Alcohol Responsibility (Responsibility.org), I extend our enthusiastic support for Jonathan Morrison to be confirmed as Administrator of the National Highway Traffic Safety Administration (NHTSA). We appreciate the Committee prioritizing the appointment of a strong leader for this agency, which is critical to ensure a committed, comprehensive approach to solving our Nation's roadway safety crisis.

For over 30 years, it has been the mission of Responsibility.org to eliminate drunk driving and underage drinking. We are a national, not-for-profit organization funded by the following leading distillers: Bacardi U.S.A., Inc.; Beam Suntory; Brown-Forman; Campari Group; Constellation Brands, Inc.; DIAGEO; Edrington; Hotaling & Co.; Mast-Jägermeister US; Moët Hennessy USA; Ole Smoky; Pernod Ricard USA; and William Grant & Sons.

We believe Mr. Morrison's extensive experience, including serving as NHTSA's chief counsel during President Trump's first term, demonstrate his understanding of the agency and underpin his commitment to traffic safety. In our fight to end impaired driving and underage drinking, we pledge our commitment to work with Mr. Morrison and like-minded stakeholders to implement priorities such as the Advanced Impaired Driving Prevention Technology Rulemaking required by the bipartisan HALT Drunk Driving Law.

The NHTSA Administrator is a key position for the traffic safety community and has not been filled by a Senate confirmed leader for much of the past eight years. We are confident that by working together, we can make significant strides in preventing impaired driving and creating safer roads for all Americans. If we can be of any further assistance, please do not hesitate to contact Kelly Poulsen (kelly.poulsen@responsibility.org).

Sincerely,

LESLIE KIMBALL,
Executive Director,
Responsibility.org

NATIONAL ASSOCIATION OF PIPELINE SAFETY REPRESENTATIVES
July 15, 2025

Senator TED CRUZ,
Chairman,
Senate Committee on Commerce, Science, and Transportation,
Washington, DC.

Re: Nomination and Confirmation of Paul Roberti as PHMSA Administrator

Dear Senator Cruz and Committee Members:

The National Association of Pipeline Safety Representatives (NAPSR), established in 1982, is an organization of state agency pipeline safety managers, directors, and technical personnel who are responsible for the administration of their state's Pipeline Safety Programs. NAPSR's mission is "to strengthen state pipeline safety programs through promotion of improved pipeline safety standards, education, training, and technology" and provides an effective mechanism for fostering the federal/state partnership between state pipeline safety programs and the Pipeline and Hazardous Materials Safety Administration (PHMSA).

The state agencies that have partnerships with PHMSA are responsible for pipeline safety oversight of approximately¹:

- 93 percent of U.S. total (102,988 miles) of jurisdictional gas gathering pipelines,
- 35 percent of U.S. total (103,713 miles) of gas transmission pipelines, and

¹Based on 2024 PHMSA Annual Report data.

- >99 percent of U.S. total (2,361,946 miles) of gas distribution main and service pipelines.

Additionally, NAPSRS members have safety oversight of 80 percent of the liquefied natural gas (LNG) plants (147) and 71 percent of the LNG tanks (194) in the United States.

The responsibility for oversight and legal jurisdiction (by certifications or agreements with PHMSA) of these pipelines is borne by all NAPSRS member states. As PHMSA partners, the state members of NAPSRS have an interest in developing and enforcing regulations that not only increase pipeline safety, but that are fair, clear, unambiguous, and consistent.

NAPSRS has been made aware of the upcoming confirmation hearing to consider Mr. Paul Roberti as the incoming Administrator of the Pipeline and Hazardous Materials Safety Administration (PHMSA). NAPSRS would like to take the opportunity to communicate our support for Mr. Roberti as he moves through the confirmation process. Many of NAPSRS's state pipeline safety program managers have had interactions with Mr. Roberti since 1991 when he was a member of the Rhode Island Public Utilities Commission as a Commissioner, then subsequently during his time at PHMSA as the Chief Counsel. Mr. Roberti has also been active within the National Association of Regulatory Utility Commissioners (NARUC) where he interacted with the state pipeline safety program managers. Mr. Roberti has demonstrated an understanding of regulated utility and pipeline operations and has consistently supported a responsible regulatory environment that encourages and enhances public safety. NAPSRS believes that this understanding of state pipeline safety programs, state commissions, and pipeline operations, including the challenges faced by each, is valuable when considering his qualifications for Administrator. Mr. Roberti's prior position as Chief Legal Counsel for PHMSA has also provided him with experience in dealing with various Federal safety aspects relating to the transportation of hazardous materials that fall within PHMSA's jurisdiction. Mr. Roberti has always been professional and enthusiastic when discussing pipeline safety issues with members of the NAPSRS organization. NAPSRS supports the consideration of Mr. Roberti for the position of Administrator of PHMSA. If confirmed, we look forward to continuing NAPSRS's relationship with Mr. Roberti in this new role.

Thank you for your consideration. Please feel free to reach out to me or Mr. Robert Clarillos (NAPSRS Administrative Manager) if you have any questions.

Sincerely,

DAVID CHISLEA,
NAPSRS National Chair,
chislead@michigan.gov

C: Robert Clarillos, rclarillos@gmail.com
Maria Cantwell, Senate Committee Ranking Member
NAPSRS Officers and Board of Directors

OWNER-OPERATOR INDEPENDENT DRIVERS ASSOCIATION
Grain Valley, MO, July 14, 2025

Hon. TED CRUZ,
Chairman,
Senate Committee on Commerce,
Science, and Transportation,
Washington, DC.

Hon. MARIA CANTWELL,
Ranking Member,
Senate Committee on Commerce,
Science, and Transportation,
Washington, DC.

RE: Letter of support for Mr. Derek Barrs as Administrator of the Federal Motor Carrier Safety Administration

Dear Chairman Cruz and Ranking Member Cantwell:

The Owner-Operator Independent Drivers Association (OOIDA) is the largest trade association representing the views of small-business truckers and professional truck drivers. We have approximately 150,000 members located in all fifty states that collectively own and operate more than 240,000 individual heavy-duty trucks.

We are writing to express our strong support for Derek Barrs to be confirmed as Administrator of the Federal Motor Carrier Safety Administration (FMCSA). Mr. Barrs' experience as a law enforcement officer, as a member of the Commercial Vehicle Safety Alliance (CVSA), and in other roles throughout the trucking and transportation sectors give him a well-rounded background to understand the important and complex issues facing our industry today. During Mr. Barrs' time as a leader at CVSA, we appreciated his willingness to hear the concerns of small-business truckers and take them into account during the Alliance's work, and we believe he

will continue this commitment to working with the men and women who make their living behind the wheel as Administrator.

Given his knowledge and experience in the industry, we believe Mr. Barrs will be able to carry out commonsense, cost-effective initiatives that are already underway at FMCSA. In particular, we look forward to working with Mr. Barrs as FMCSA implements the initiatives, pilot programs, and regulatory updates announced by Secretary Duffy on June 27th as part of the U.S. Department of Transportation's pro-trucker policy package, as well as the President's previously-announced executive order regarding English Language proficiency. Truckers have asked for these regulatory actions for years, which include things like withdrawing an unsafe and unpopular speed limiter mandate proposal and providing overdue transparency and fairness to the DataQ process. Further, we know he understands that bolstering driver training and licensing requirements is critical for improving highway safety. With Mr. Barr's confirmation, we believe FMCSA will finally make progress on these priorities.

We also look forward to working with Mr. Barrs on a critical broker transparency rulemaking to ensure that small-business truckers can protect themselves against fraud and other unfair practices. This rulemaking process dates back to August 2020, when OOIDA's petition to initiate a rulemaking was granted by FMCSA during President Trump's first term. We strongly support the Notice of Proposed Rulemaking (NPRM) later issued in 2024 (Docket # FMCSA-2023-0257, "Transparency in Broker Transactions"), and hope that Mr. Barrs will focus on this issue at FMCSA. Improving transparency regulations will enable carriers to verify claims charged against them after they finish hauling a load and better identify fraudulent activity that has plagued our industry.

Given his past experience and demonstrated commitment to working with small trucking businesses and professional drivers, we encourage your Committee to approve Mr. Barrs' nomination without delay.

Thank you,

TODD SPENCER,
President and CEO,

Owner-Operator Independent Drivers Association, Inc.

cc: Members of the Senate Committee on Commerce, Science, and Transportation

NATIONAL TANK TRUCK CARRIERS
July 11, 2025

Chairman TED CRUZ,
U.S. Senate Committee on Commerce,
Science, and Transportation,
Washington, DC.

Ranking Member MARIA CANTWELL,
U.S. Senate Committee on Commerce,
Science, and Transportation,
Washington, DC

Chairman Cruz and Ranking Member Cantwell:

The National Tank Truck Carriers (NTTC) expresses its strong support for Derek Barrs to serve as the Administrator of the Federal Motor Carrier Safety Administration (FMCSA). As the leading voice of the American tank truck industry, NTTC recognizes the critical importance of FMCSA's leadership in ensuring public safety and operational excellence for our Nation's transportation sector.

Mr. Barrs brings decades of law enforcement, regulatory, and highway safety experience that uniquely qualifies him to lead FMCSA in pursuit of its mission to reduce crashes, injuries, and fatalities involving large trucks and buses. As a Florida Highway Patrol Chief, Mr. Barrs demonstrated a commitment to data-driven enforcement, industry engagement, and high safety standards.

Additional leadership and service with the Commercial Vehicle Safety Alliance and American Trucking Associations showcased Mr. Barrs' clear understanding of both the regulatory and operational sides of commercial transportation. NTTC is convinced that as Administrator, Mr. Barrs will prioritize safety solutions that reflect real-world conditions.

NTTC urges the Senate to prioritize this nomination and confirm Mr. Barrs as Administrator of FMCSA without delay. NTTC is ready to collaborate with Mr. Barrs and all Department of Transportation component agencies to advance policies that enhance safety, efficiency, and sustainability across all modes of transportation.

Regards,

RYAN STREBLOW,
President and CEO.

NATIONAL SHERIFFS' ASSOCIATION
July 15, 2025

Hon. TED CRUZ,
 Chairman,
 Committee on Commerce, Science, and
 Transportation,
 Washington, DC.

Hon. MARIA CANTWELL,
 Ranking-Member,
 Committee on Commerce, Science, and
 Transportation,
 Washington, DC.

Dear Chairman Cruz and Ranking Member Cantwell:

On behalf of the National Sheriffs' Association and the 3,081 elected Sheriffs serving communities nationwide, I am pleased to offer our strong endorsement of Jonathan Morrison's nomination to serve as the Administrator of the National Highway Traffic Safety Administration.

Mr. Morrison brings deep expertise and demonstrated leadership to the role. As NHTSA Chief Counsel during the first Trump Administration, he played an instrumental role in shaping policies and regulatory frameworks that continue to evolve and require strong, knowledgeable leadership. His understanding of Federal transportation safety law makes him exceptionally able to lead NHTSA through this next chapter.

The National Sheriffs' Association has long worked with NHTSA through our Traffic Safety Committee to advance national road safety initiatives, and Mr. Morrison has played a key role in supporting this mission. He has helped the agency deploy resources effectively particularly to sheriffs' offices, which often serve as both law enforcement and public safety leaders, and has championed increased visibility for traffic safety programming within these agencies. Under his leadership, we expect NHTSA to continue working closely with NSA to address priority issues such as impaired and distracted driving, occupant protection, and speed enforcement. His deep policy knowledge and understanding of law enforcement will help align local needs with national safety goals.

We are confident Jonathan Morrison will bring steady leadership, unmatched experience, and a deep respect for law enforcement to the role of Administrator, ultimately resulting in a continued partnership that advances the shared goal of reducing roadway fatalities and enhancing public safety. We enthusiastically endorse his nomination and urge the Committee to act swiftly. We look forward to his confirmation by the full Senate.

Very Respectfully,

SHERIFF CHRIS WEST,
Canadian County, OK President,
 National Sheriffs' Association.

Cc: POTUS
 Senator John Thune, Majority Leader
 Senator Charles Schumer, Minority Leader
 Secretary John Duffy, USDOT
 Jonathan Thompson, Executive Director/CEO

NATIONAL AUTOMOBILE DEALERS ASSOCIATION
July 15, 2025

Hon. TED CRUZ,
 Chairman,
 Committee on Commerce, Science, and
 Transportation,
 U.S. Senate,
 Washington, DC.

Hon. MARIA CANTWELL,
 Ranking Member,
 Committee on Commerce, Science, and
 Transportation,
 U.S. Senate,
 Washington, DC.

Dear Chairman Cruz and Ranking Member Cantwell:

The National Automobile Dealers Association ("NADA"), which represents over 16,000 franchised automobile and truck dealerships that sell new and used motor vehicles and engage in service, repair, and parts sales, write to strongly support the nomination of Jonathan Morrison of California to be the Administrator of the National Highway Traffic Safety Administration ("NHTSA").

NADA works closely with its state association counterparts through advocacy and compliance assistance efforts. In this capacity, NADA collaborated with Mr. Morrison on several key safety issues during his eight years as director of legal and regulatory affairs for the California New Car Dealers Association. We had similar experience working with Mr. Morrison as president of Auto Advisory Services.

In addition to his policy work related to auto retailing, Mr. Morrison has extensive automotive safety experience, including through his prior service as Chief Counsel for NHTSA. In these positions, he has established that he is well-equipped to lead NHTSA and support the administration's safety goals. For example, Mr. Morrison worked diligently on such issues as vehicle autonomy and the modernization of Federal odometer disclosure regulations. NADA is confident that Mr. Morrison will successfully lead NHTSA to fulfill its core mission "to save lives, prevent injuries, and reduce economic costs due to road traffic crashes, through education, research, safety standards, and enforcement."

Thank you for your consideration.

Sincerely,

MIKE STANTON,
President and CEO.

TRUCKLOAD CARRIERS ASSOCIATION
May 30, 2025

Hon. TED CRUZ,
Chairman,
United States Senate,
Committee on Commerce, Science and
Transportation,
Washington, DC.

Hon. MARIA CANTWELL,
Ranking Member,
United States Senate,
Committee on Commerce, Science and
Transportation,
Washington, DC.

Dear Chairman and Ranking Member:

On behalf of the Truckload Carriers Association (TCA), I strongly support Jonathan Morrison's nomination as the next Administrator of the National Highway Traffic Safety Administration (NHTSA).

The truckload segment of the trucking industry moves approximately 75 percent of all freight transported by all modes in the United States. As such, our industry plays a vital role in keeping America's supply chain moving and ensuring goods reach communities across the Nation safely and efficiently.

To protect all drivers on our Nation's highways, TCA continues to advocate for the continuous development of safety technologies such as Automatic Emergency Braking Systems and finding other ways to reduce accidents, big or small. Morrison's leadership and experience make him exceptionally well-suited to lead the NHTSA in advancing these priorities.

We fully believe in Mr. Morrison's abilities and respectfully ask the Senate to confirm his nomination. We know that he will bring his expertise and dedication to the role.

Sincerely,

JIM WARD,
President,
TCA.

MAJOR COUNTY SHERIFFS OF AMERICA
June 29, 2025

Hon. TED CRUZ, Chair,
Hon. MARIA CANTWELL, Ranking Member,
Senate Committee on Commerce, Science, and Transportation,
Washington, DC.

Dear Chair Cruz, Ranking Member Cantwell, and Members of the Committee:

On behalf of the *Major County Sheriffs of America (MCSA)*, I write to express our support for the nomination of *Jonathan Morrison* to serve as Administrator of the *National Highway Traffic Safety Administration (NHTSA)*. MCSA represents the largest Sheriff's offices in the country—serving counties with populations of 400,000 or more and employing over 700 personnel. Collectively, we protect more than one-third of the U.S. population.

Our leadership recently met with Mr. Morrison, who demonstrated a strong commitment to rebuilding NHTSA's partnership with law enforcement and emphasized the need for greater collaboration to address the Nation's rising traffic fatality crisis. He identified enforcement of traffic safety laws—particularly impaired driving—and advancing public safety innovation as key priorities. Mr. Morrison expressed readi-

ness to work closely with MCSA and other stakeholders to support effective policies, improved testing technologies, and consistent enforcement.

Next Generation 911 (NG911) remains a top priority for MCSA. Mr. Morrison indicated a willingness to engage further on how NHTSA can support NG911 implementation and ensure emergency communications upgrades meet the evolving needs of public safety agencies nationwide.

We also discussed challenges law enforcement faces in obtaining vehicles for their fleets due to manufacturing slowdowns and supply backlogs. Mr. Morrison acknowledges the importance of addressing these issues and expressed his commitment to working with MCSA and other stakeholders to find solutions that ensure officers have access to safer, reliable vehicles.

With a career spanning legal, regulatory, and executive roles across the automotive and technology sectors—including service as NHTSA Chief Counsel—Mr. Morrison brings strong, relevant experience to the agency.

We urge the Committee to confirm Jonathan Morrison and look forward to working with him to enhance public safety and reduce roadway fatalities across the country.

Sincerely,

MEGAN NOLAND,
Executive Director,
Major County Sheriffs of America.

MOTHERS AGAINST DRUNK DRIVING
Irving, TX, July 15, 2025

Hon. TED CRUZ,
Chairman,
Committee on Commerce, Science, and
Transportation,
United States Senate,
Washington, DC.

Hon. MARIA CANTWELL,
Ranking Member,
Committee on Commerce, Science, and
Transportation,
United States Senate,
Washington, DC.

Dear Chairman Cruz and Ranking Member Cantwell:

On behalf of Mothers Against Drunk Driving (MADD), thank you for considering the nomination of Jonathan Morrison as Administrator of the National Highway Traffic Safety Administration (NHTSA). This nomination hearing comes at a critical time for traffic safety in America, and Mr. Morrison's confirmation as NHTSA's leader will position the agency to tackle the hard work ahead to save lives and prevent injuries on America's roads.

In recent years, our Nation has experienced an alarming spike in traffic deaths primarily due to impaired driving, speeding, and not using seat belts. For the first time in more than a decade, alcohol-impaired driving deaths rose to more than 13,000 during 2021 and 2022.

MADD stands ready to support the crucial work ahead for safer roads. Victims and survivors whom MADD serves every day know their voices can bring change and prevent tragedy from striking other innocent families. Alongside them and our partners, MADD is working toward a future when technology will prevent an intoxicated person from driving, as intended in the HALT Drunk Driving Law.

We look forward to working with Mr. Morrison and NHTSA to advance the law's requirement for an Advanced Impaired Driving Prevention Technology rulemaking.

Putting an end to the violent, preventable crime of substance-impaired driving requires collaboration among government, industry, traffic safety experts, and advocates. NHTSA has been without a confirmed Administrator for far too long, and the confirmation of Mr. Morrison will provide the leadership needed to guide our Nation out of this heartbreaking public health and safety crisis.

Sincerely,

STACEY D. STEWART,
CEO,
Mothers Against Drunk Driving (MADD).

LYFT
July 10, 2025

Hon. TED CRUZ,
Chairman,
Committee on Commerce, Science, and
Transportation,
United States Senate,
Washington, DC.

Hon. MARIA CANTWELL,
Ranking Member,
Committee on Commerce, Science, and
Transportation,
United States Senate,
Washington, DC.

Dear Chairman Cruz and Ranking Member Cantwell,

On behalf of Lyft, I write to express strong support for Jonathan Morrison's nomination to serve as the next Administrator of the National Highway Traffic Safety Administration (NHTSA). Mr. Morrison's expertise and leadership will prove invaluable in this critical role, and we look forward to the opportunity to partner with him and NHTSA to advance the safety and leadership of the American transportation industry.

Lyft is driven by our purpose: to serve and connect. Through innovative technology and strategic partnerships, Lyft has enhanced access to transportation, connecting approximately two million riders and drivers daily, while fostering economic growth by offering flexible earning opportunities for drivers. Lyft facilitates transportation for tens of millions of workers to reach their jobs, interviews, training sessions, and business travel destinations, thereby fostering a more productive and efficient workforce. We also have programs designed to enhance transportation access for seniors and veterans.

We are proud of the vital role Lyft plays in complementing traditional transportation systems to help people reach their destinations more safely and efficiently. Each year, Lyft surveys tens of thousands of riders and drivers and publishes our findings via our Economic Impact Report. Our *2024 Report* found that:

- 61 percent of riders use Lyft to find a rideshare driver when they are planning to drink alcohol or use another substance that could impair their driving ability
- 94 percent of riders living with a disability or other chronic condition say Lyft has increased their access to transportation
- 42 percent of riders use Lyft to get around outside of transit operating hours

Since Day One, we have designed our policies and features to protect both drivers and riders, and we are always looking for ways to make Lyft even safer for our community. For example, our *Smooth Cruiser* program provides reports to drivers to help inform them of their driving behavior and encourage them to adopt safer driving practices. Results from the program have shown it is helping drivers make better informed decisions on the road, thus contributing to safer roads for all community members.

As autonomous vehicles (AVs) attain a growing footprint on U.S. roads, Lyft will play a *key role*. We believe the future of ridesharing will be a hybrid model—combining both human-driven cars and autonomous vehicles. As a result, the AV industry will grow alongside the rideshare sector. We have planned partnerships with leading AV manufacturers and technology companies to deploy AVs on our platform. Our world-class fleet management, sophisticated marketplace engine, and large-scale demand represent the best way for AV companies, OEM manufacturers, and fleet owners to commercialize their assets. With Mr. Morrison's leadership and previous work at DOT as NHTSA chief counsel, we're optimistic about the opportunities to enable and promote the continued development and deployment of AVs in the United States.

At Lyft, we are committed to fostering efficient mobility solutions. We align with the goal of modernizing the transportation network and are eager to support the Department of Transportation's initiatives to advance transportation policy and innovation for the benefit of all Americans—including the recent AV Framework announcement. We urge the Senate Commerce, Science, and Transportation Committee to favorably report Mr. Morrison's nomination expeditiously so he can begin serving as the next NHTSA Administrator.

Sincerely,

JERRY GOLDEN,
Chief Policy Officer.

SCHNEIDER NATIONAL, INC.
Green Bay, WI, July 1, 2025

Hon. TAMMY BALDWIN,
 U.S. Senate,
 Washington, DC.

Dear Senator Baldwin,

On behalf of Schneider National, Inc., I write to express my support for the nomination of Derek Barrs to be Administrator of the Federal Motor Carrier Safety Administration (FMCSA) of the U.S. Department of Transportation (DOT). As you know, Schneider has been headquartered in Wisconsin for 90 years and currently moves approximately 9.1 million freight miles per day.

Mr. Barrs has accumulated invaluable knowledge after nearly two decades of experience working with the commercial motor vehicle industry. Mr. Barrs spent most of his career in various roles within the Florida Department of Transportation and Florida Highway Patrol, including as Chief of the Florida Highway Patrol. Mr. Barrs further honed his industry knowledge and relationships through his involvement with various trade associations, including the American Trucking Association and the Commercial Vehicle Safety Alliance (CVSA). At CVSA, his expertise led him to become President of the Associate Members and Chairman of the Enforcement and Industry Modernization Committee.

Through these roles, he demonstrated his ability to foster partnerships between the trucking industry, public officials, and law enforcement officers. This skillset is vital for an effective FMCSA Administrator, and Mr. Barrs' experience has given him firsthand knowledge of current matters like the importance of increasing truck parking capacity, the dangers of cargo theft and impaired driving, and the potential of autonomous vehicles.

Schneider had the opportunity to work with Mr. Barrs in some of his past roles, and we expect that he will bring the same effectiveness to his post at the FMCSA. I urge you to support his nomination in the Senate Commerce, Science and Transportation Committee and on the Senate floor.

Sincerely,

MARK ROURKE,
President and CEO,
 Schneider National, Inc.

NATIONAL ASPHALT PAVEMENT ASSOCIATION
Greenbelt, MD, July 15, 2025

Hon. TED CRUZ,
 Chairman,
 Senate Committee on Commerce,
 Science, and Transportation,
 Washington, DC.

Hon. MARIA CANTWELL,
 Ranking Member,
 Science Committee on Commerce,
 Science, and Transportation,
 Washington, DC.

Dear Chairman Cruz and Ranking Member Cantwell,

On behalf of the National Asphalt Pavement Association (NAPA), I'd like to express our support for President Trump's Nominee, Mr. Jonathan Morrison, of California, to be Administrator of the National Highway Traffic Safety Administration (NHTSA).

NAPA is the lone Washington DC trade association representing over 1,100 companies involved in asphalt pavement production and paving application across the Nation. Our industry produces over 400M tons of asphalt pavement annually, supporting close to 350,000 jobs nationwide, with plants in virtually every Congressional district. Asphalt comprises roughly 94 percent of the roadway market, and over 80 percent of the airfield pavement market. Asphalt mix plants provide the critical pavement materials needed to build and maintain the Nation's almost 4 million roadway miles.

Over the past decades, asphalt pavers and contractors have faced the grim reality of dangerous work environments. Time and time again, we see crashes, injuries, and fatalities plaguing the road building community. Although the annual number of crashes is down over the past decade, crash severity and impact has increased, in large part due to erratic, distracted and intoxicated driving. We continue to see nearly 1,000 fatalities in work zones annually—many of which are workers, but the vast majority are drivers.

We welcome the opportunity to work with Administrator Designee Morrison on this critical issue as work zone safety policy directly impacts the wellbeing of our workers. NHTSA plays a key role in providing valuable data, safety expertise, and recommendations for the State Departments of Transportation (DOTs) and car manufacturers. Without the tools and resources that NHTSA provides, the Federal Highway Administration (FHWA) and State DOTs will not be able to improve the conditions for the workers who are building the foundation of the American economy. We see NHTSA as a key partner as we continue to craft and advance policies to improve work zone safety, and we welcome Nominee Morrison to the agency.

Thank you for your consideration and please consult NAPA as an industry resource as your Committee works on critical regulatory policies and highway reauthorization legislative text this Congress.

Sincerely,

NILE ELAM,
Vice President of Government Affairs,
National Asphalt Pavement Association.

PREPASS SAFETY ALLIANCE
July 15, 2025

Hon. TED CRUZ,
Chairman,
Committee on Commerce, Science, and
Transportation,
United States Senate,
Washington, DC.

Hon. MARIA CANTWELL,
Ranking Member,
Committee on Commerce, Science, and
Transportation,
United States Senate,
Washington, DC.

Dear Chairman Cruz and Ranking Member Cantwell:

PrePass Safety Alliance strongly supports the nomination of Retired Chief Derek Barrs of Florida to serve as Administrator of the Federal Motor Carrier Safety Administration (FMCSA).

Chief Barrs is widely respected throughout the commercial vehicle safety community following a distinguished career with the Florida Highway Patrol. His professional background, including his current role in the private-sector, reflects a deep understanding of the federal-state partnership that underpins FMCSA's work and demonstrates his appreciation for the perspectives of both regulators and industry. His longstanding engagement with the American Trucking Associations and the Commercial Vehicle Safety Alliance further affirms his capacity to unite stakeholders around common-sense, safety-driven policy.

As the Nation's most successful non-profit, public-private partnership between state enforcement agencies and the motor carrier industry, PrePass Safety Alliance operates the PrePass program that enables safe and compliant carriers to bypass at weigh stations nationwide. This allows enforcement resources to be focused on higher-risk operators. The Alliance's carrier customers span from single-truck owner-operators to the country's largest fleets and includes specialized carriers across the Nation. With over \$1 billion invested in highway safety infrastructure—without the use of taxpayer funds—PrePass® advanced technologies contribute meaningfully to both safety and the efficient flow of commerce across the country.

A productive, transparent, and collaborative relationship between FMCSA, state agencies, and the trucking industry is essential to achieving shared safety goals on our Nation's highways. Since FMCSA's establishment in 2000, PrePass Safety Alliance has built a strong working relationship and engaged consistently with the agency. FMCSA's safety data is also foundational to the Alliance's operations and supports the safety compliance efforts of its 46 partner states.

PrePass Safety Alliance believes that Chief Barrs will bring principled, effective leadership to FMCSA at a time when the agency's mission is critically important. His nomination deserves prompt confirmation. FMCSA's charge—to reduce crashes, injuries, and fatalities involving large trucks and buses—requires experienced, steady leadership.

The Alliance looks forward to working with Chief Barrs in pursuit of safer and more efficient highways. We urge his swift consideration by the Committee and confirmation by the Senate.

Sincerely,

MARK DOUGHTY,
President and CEO,
PrePass Safety Alliance.

DAIMLER TRUCK NORTH AMERICA
Portland, OR, July 11, 2025

Hon. TED CRUZ,
 Chairman,
 Committee on Commerce, Science, and
 Transportation,
 United States Senate,
 Washington DC.

Hon. MARIA CANTWELL,
 Ranking Member,
 Committee on Commerce, Science, and
 Transportation,
 United States Senate,
 Washington DC.

Dear Chairman Cruz and Ranking Member Cantwell,

On behalf of Daimler Truck North America (DTNA), I am writing to express our strong support for the nomination of Derek Barrs for Administrator of the Federal Motor Carrier Safety Administration (FMCSA).

DTNA is the largest commercial vehicle manufacturer in the United States, with over 40 percent market share in the Class 7 and 8 heavy-duty on-highway segment. This market leadership means that fully 30 percent of America's goods are delivered using our products daily. Whether it's hauling freight, transporting people, or building and maintaining critical infrastructure, our truck and bus brands, including Freightliner, Western Star, Thomas Built Buses, Freightliner Custom Chassis, and Detroit Diesel, are trusted by our Nation's fleets. Our 18,000 U.S. employees are dedicated to keeping America moving. DTNA strongly believes in investing in America to drive economic growth, create jobs, and ensure a stable and prosperous future for all Americans.

As the market leader for heavy-duty vehicles, DTNA has a long history of working closely with FMCSA and recognizes the enormous responsibilities of the Administrator. Mr. Barrs's extensive experience on both the public and private sides of the commercial motor vehicle industry is a testament to the leadership and vision he will bring to FMCSA.

Members of my organization have worked closely with Mr. Barrs in his previous roles and DTNA is confident that under his leadership, the American people will benefit from his tireless work and commitment to service. DTNA strongly encourages you to support Mr. Barrs's swift nomination and we look forward to the positive impact he will bring to FMCSA.

DTNA eagerly anticipates working with the Committee, President Trump, and FMCSA on advancing policies and regulations, including through the upcoming Surface Transportation Reauthorization, that will support reliable transportation nationwide, the economy, roadway safety, and innovation.

Sincerely,

SEAN T. WATERS,
Vice President, Product Integrity,

CC: Derek Barrs, Nominee, Administrator of Federal Motor Carrier Safety Administration

DAMAGE PREVENTION ACTION CENTER
July 16, 2025

Chairman TED CRUZ,
 Ranking Member MARIA CANTWELL,
 United States Senate,
 Commerce, Science, and Transportation Committee,
 Washington, DC.

Re: Support for Paul Roberti to lead the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration

Dear Chairman Cruz and Ranking Member Cantwell:

The Damage Prevention Action Center (DPAC) is writing to express its support for President Donald J. Trump's nomination of Mr. Paul Roberti to serve as Administrator of the Pipelines and Hazardous Materials Safety Administration (PHMSA). Given Mr. Roberti's extensive qualifications, experience, and the importance of pipeline safety to communities across the country, we encourage you to expedite your consideration of his nomination.

DPAC is a coalition of energy, utility and construction industry leaders advocating for public policies and industry practices that protect America's critical underground utility infrastructure and those who work and live near these important assets.¹

Damage to buried utilities costs America \$30 billion annually,² disrupts businesses and communities, cuts off critical utility service, and can result in injuries and fatalities. As America's infrastructure continues to expand, strong leadership is crucial to safeguarding our critical buried utilities and pipelines.

Mr. Roberti's demonstrated leadership positions him to be a strong PHMSA Administrator during this critical time in pipeline safety. As Chief Counsel of PHMSA during President Trump's first term, he helped shape important public policies to improve pipeline safety, and as Commissioner of the Rhode Island Utility Commission, he oversaw critical utility and infrastructure regulation.

DPAC urges swift confirmation of Mr. Roberti and looks forward to collaborating with Mr. Roberti, PHMSA leaders, this committee, and Congress to pass the PIPES Act, and enhance and improve our industry's safety while delivering quality and safe underground utility infrastructure projects to America.

Sincerely,

SARAH K. MAGRUDER LYLE,
Executive Director,
Damage Prevention Action Center.

FLORIDA TRUCKING ASSOCIATION
Tallahassee, FL, July 10, 2025

Hon. TED CRUZ,
Chairman,
United States Senate,
Committee on Commerce, Science, and
Transportation,
Washington, DC.

Hon. MARIA CANTWELL,
Ranking Member,
Committee on Commerce, Science, and
Transportation,
United States Senate,
Washington, DC.

Dear Chairman Cruz and Ranking Member Cantwell:

On behalf of Florida Trucking Association (FTA), I write to offer FTA's full support for the nomination of Derek Barrs to be Administrator of the Federal Motor Carrier Safety Administration (FMCSA) of the U.S. Department of Transportation (USDOT).

With an extensive background in law enforcement, particularly through his distinguished service with the Florida Highway Patrol, coupled with his exemplary collaboration with Florida Trucking Association, Derek brings a wealth of experience, insights, and dedication that would be invaluable to the committee.

Mr. Barrs has demonstrated outstanding leadership and commitment throughout his tenure with the Florida Highway Patrol. As a Chief within the force, he has continually exhibited exemplary professionalism, integrity, and a steadfast commitment to upholding the law.

Mr. Barrs' close working partnership with FTA is a testament to his ability to foster collaborative relationships between law enforcement agencies and key stakeholders in the transportation industry. His efforts in this regard have enhanced safety measures on Florida's roadways and facilitated strategies and policies to both protect and promote the trucking industry.

Mr. Barrs possesses a deep understanding of the complexities and challenges facing the trucking industry—from individual driver to large national fleet. His insights into emerging trends, best practices, and innovative solutions make him a valuable asset in working to promote the mission of USDOT.

Mr. Barrs would make an excellent FMCSA administrator. We ask members of the Committee to report his nomination favorably to the full Senate for consideration.

Sincerely,

ALIX MILLER, PH.D.,
President and CEO,
Florida Trucking Association.

cc: Members of the Senate Committee on Commerce, Science, and Transportation

¹Damage Prevention Action Center members: <https://damagepreventionactioncenter.com/members/>

²Common Ground Alliance's DIRT Report: <https://dirt.commongroundalliance.com/>

TRUCKING ALLIANCE
July 10, 2025

Hon. TED CRUZ,
Chairman,
Committee on Commerce, Science, and
Transportation,
U.S. Senate,
Washington, DC.

Hon. Maria Cantwell,
Ranking Member,
Committee on Commerce, Science, and
Transportation,
U.S. Senate,
Washington, DC.

Dear Chairman Cruz and Ranking Member Cantwell,

The Alliance for Driver Safety & Security (aka The Trucking Alliance) urges your committee's bipartisan support of *Derek Barrs as the next FMCSA Administrator*. The Trucking Alliance is a coalition of trucking, logistics and intermodal companies that collectively employs more than 102,000 people in serving the Nation's supply chain network.

The FMCSA has one stated mission: "*to reduce crashes, injuries, and fatalities involving large trucks and buses.*" The Trucking Alliance supports that mission and, in fact, believes that with the right safety reforms, our industry can eliminate all large truck crash fatalities.

Derek Barrs experience in commercial vehicle law enforcement will be a tremendous asset to achieving FMCSA's mission. Mr. Barrs understands the challenges that truck drivers face to safely deliver the goods upon which all of us depend. We believe he will lift up the truck driver's public image and their importance to the U.S. economy, while also making sure that the laws and regulations that can make the industry safer are never ignored. Derek Barrs is the perfect choice to lead FMCSA.

Sincerely,

LANE KIDD,
Managing Director,
Trucking Alliance.

AMERICAN TRUCKING ASSOCIATIONS
Washington, DC, January 28, 2025

Secretary SEAN DUFFY,
U.S. Department of Transportation,
Office of the Secretary of Transportation,
Washington, DC.

Mr. Secretary:

On behalf of the American Trucking Associations (ATA), the undersigned organizations, and the 8.5 million hardworking men and women employed in the trucking industry in every state and congressional district, we write to express full support for the nomination of Derek Barrs to be Administrator of the Federal Motor Carrier Safety Administration (FMCSA) of the U.S. Department of Transportation (DOT).

Mr. Barrs's experience in the commercial motor vehicle industry spans nearly 17 years, demonstrating dedication to ensuring highway safety while serving in various law enforcement capacities for the Florida Department of Transportation and Florida Highway Patrol. Mr. Barrs's extensive leadership in commercial enforcement equips him with a unique perspective on issues impacting the commercial motor vehicle industry and positions him as an exceptionally qualified candidate to lead the FMCSA. Beyond Mr. Barrs's experience in commercial vehicle enforcement, he brings over five years of industry experience, working most recently as a consultant on traffic-related and commercial motor vehicle safety projects across various states. The experience and expertise Mr. Barrs gleaned through these roles ultimately led him to a position on ATA's Law Enforcement Advisory Board in 2021, where he has helped strengthen the ties between the trucking industry and the law enforcement community. This group's active collaboration with Federal and state officials, along with local, state, and national law enforcement organizations, has been instrumental in securing hundreds of millions of dollars in Federal grant funding to expand truck parking capacity nationwide. Additionally, as a member of the Board, Mr. Barrs has provided critical insights into pressing issues affecting the CMV community and highway safety, including marijuana and drug impairment, cargo theft, and human trafficking. Mr. Barrs has also dedicated countless hours to the Commercial Vehicle Safety Alliance, serving in multiple roles and most recently as the

President of the Associate Members, representing motor carriers and suppliers to the industry.

Mr. Barrs extensive work history would be an invaluable resource to the FMCSA and the men and women employed in the trucking industry who share a common goal of highway safety. He would undoubtedly facilitate a reliable and effective partnership between DOT and the commercial motor vehicle industry.

ATA, the National Tank Truck Carriers, and Truckload Carriers Association believe that Derek Barrs would make a superb FMCSA Administrator, and we urge the DOT to swiftly nominate him to this position.

Sincerely,

CHRIS SPEAR,
President and CEO,
American Trucking Associations.

JIM WARD,
President and CEO,
Truckload Carriers Association.

RYAN STREBLOW,
President and CEO,
National Tank Truck Carriers.

PREPASS SAFETY ALLIANCE
Phoenix, AZ, February 21, 2025

Hon. DONALD J. TRUMP,
The White House,
Washington, DC.

Dear President Trump,

PrePass Safety Alliance is America's largest and most successful public-private partnership between state law enforcement agencies and the trucking industry. The PrePass program allows safe and responsible motor carriers to bypass most highway weigh stations so that law enforcement can focus on carriers that need more attention. Our membership includes America's largest trucking companies, single-truck owner-operators, and many specialized carriers. We have invested over \$1 billion in highway safety infrastructure at no cost to taxpayers. Bypass promotes the safe and efficient transportation of goods throughout the country.

The Alliance has worked closely with the Federal Motor carrier Safety Administration since its inception in 2000. FMCSA safety data is crucial to our program and the states' safety compliance programs. We know a proactive, respectful, and responsive working relationship between the agency, states, and the motor carrier industry is critical to motor carrier safety and efficiency.

With this experience in mind, the PrePass Safety Alliance is pleased to support your consideration of Retired Chief Derek Barrs of Florida to be FMCSA Administrator. Chief Barrs is widely respected in the highway safety community following his successful career with the Florida Highway Patrol. He would also bring an appreciation of the role of states in a Federal agency whose success relies on collaboration with its state partners and industry. Chief Barrs' effective engagement with American Trucking Associations and the Commercial Vehicle Safety Alliance further demonstrates his understanding of our industry from all stakeholder perspectives. His exceptional track record speaks volumes about his ability to lead, innovate, and make a lasting impact on public safety and commercial vehicle transportation. I believe Chief Barrs will represent your administration and FMCSA with integrity, energy, and common sense.

Thank you for considering my views.

Sincerely,

MARK DOUGHTY,
President and CEO.

Cc: The Honorable Sean Duffy, Secretary of Transportation

COMMERCIAL VEHICLE SAFETY ALLIANCE
Washington, DC, July 9, 2025

Hon. TED CRUZ,
 Chairman,
 Committee on Commerce, Science, and
 Transportation,
 U.S. Senate.

Hon. MARIA CANTWELL,
 Ranking Member,
 Committee on Commerce, Science, and
 Transportation,
 U.S. Senate.

Dear Chairman Cruz and Ranking Member Cantwell,

The Commercial Vehicle Safety Alliance (CVSA) expresses strong support for the nomination of Derek Barrs for the role of FMCSA administrator and encourages the Senate Committee on Commerce, Science, and Transportation to quickly advance his nomination to the full Senate for approval.

CVSA is a nonprofit organization comprised of local, state, provincial, territorial and Federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to prevent commercial motor vehicle crashes, injuries and fatalities and believes that collaboration between government and industry improves road safety and saves lives. Our mission is to improve commercial motor vehicle safety and enforcement by providing guidance, education and advocacy for enforcement and industry across North America.

FMCSA's primary mission is to prevent commercial motor vehicle-related fatalities and injuries. Mr. Barrs's history of leadership in commercial motor vehicle safety and enforcement gives him the experience and exposure necessary to guide FMCSA in this mission. In his previous roles at the Florida Department of Transportation and Florida Highway Patrol, he demonstrated his dedication to ensuring highway safety and equipped him with a unique perspective on issues impacting the commercial motor vehicle industry.

Following his retirement from the state, Barrs continued to be an active, vocal leader in the commercial motor vehicle safety arena. If confirmed, CVSA looks forward to working with Barrs in this new capacity to improve commercial motor vehicle safety.

The Alliance works to closely monitor, evaluate and identify potentially unsafe transportation processes and procedures as well as to help facilitate and implement best practices for enhancing safety on our highways. Commercial motor vehicle safety continues to be a challenge, and we need the involvement of all affected parties to help us better understand these issues and put into place practical solutions.

If you have further questions or comments, please do not hesitate to contact me by phone at 202-998-1008 or by e-mail at collin.mooney@cvsa.org.

Respectfully,

COLLIN B. MOONEY, MPA, CAE,
Executive Director,
 Commercial Vehicle Safety Alliance.

DRIVEWYZE
Madison, WI, July 11, 2025

Hon. TED CRUZ,
 Chairman,
 Committee on Commerce, Science, and
 Transportation,
 United States Senate,
 Washington, DC.

Hon. MARIA CANTWELL,
 Ranking Member,
 Committee on Commerce, Science, and
 Transportation,
 United States Senate,
 Washington, DC.

Dear Chairman Cruz and Ranking Member Cantwell,

On behalf of Drivewyze, I am honored to provide this letter of recommendation for Derek Barrs in his consideration for the position of Administrator at the Federal Motor Carrier Safety Administration (FMCSA). Having known and collaborated with Derek for over ten years, both in his governmental and industrial roles as well as his leadership position within the Commercial Vehicle Safety Alliance—where he worked with enforcement and industry partners nationwide to find common ground and achieve significant progress—I can confidently assert that he is an outstanding candidate for this vital leadership role.

Drivewyze is a technology leader in the commercial vehicle industry, with the largest connected truck platform in North America. Our vision is a safe, efficient and sustainable commercial transportation system with no crashes and zero fatalities. We strive to achieve this through innovative technologies and solutions to sup-

port the programs of our government agency partners. We have implemented roadside technologies on highways with 27 state enforcement agencies and run the largest commercial vehicle preclearance network in the USA through public-private partnerships with 45 state agencies.

Derek's extensive 17-year career in commercial vehicle compliance with the Florida Department of Transportation and the Florida Highway Patrol has shaped him into a respected leader in transportation safety and enforcement. His deep understanding of the commercial vehicle sector, coupled with his unwavering commitment to public safety, makes him uniquely qualified to lead FMCSA.

Throughout his career, Derek has demonstrated not only technical expertise but also an innovative approach to solving complex transportation challenges. He possesses a rare ability to balance regulatory policy with industry-driven innovation, ensuring that safety and efficiency work hand in hand. His leadership in addressing emerging issues in the commercial vehicle space has set him apart as a forward-thinking professional who is always ahead of the curve.

Beyond his professional accomplishments, Derek is a person of integrity and honor. He has earned the respect of colleagues across enforcement agencies, the transportation community, and the industry at large. His ability to engage stakeholders, foster collaboration, and drive meaningful change will be invaluable in his role as FMCSA Administrator.

I can think of no finer choice to lead FMCSA into the future. I strongly support Derek's candidacy and have no doubt that his leadership will make a lasting impact on commercial vehicle safety and compliance. Please do not hesitate to contact me if you require any further information.

BRIAN MOFFORD,
SVP, Drivewyze Infrastructure Solutions,
Drivewyze by Fleetworthy.

AUTONOMOUS VEHICLE INDUSTRY ASSOCIATION
July 10, 2025

Hon. TED CRUZ,
Chairman,
Committee on Commerce, Science, and
Transportation,
United States Senate,
Washington, DC.

Hon. MARIA CANTWELL,
Ranking Member,
Committee on Commerce, Science, and
Transportation,
United States Senate,
Washington, DC.

Dear Chairman Cruz and Ranking Member Cantwell,

The Autonomous Vehicle Industry Association ("AVIA") writes to encourage the Committee on Commerce, Science, and Transportation to move forward expeditiously with Jonathan Morrison's nomination as Administrator of the National Highway Traffic Safety Administration ("NHTSA"). Having Senate-confirmed leadership in place will allow NHTSA to better carry out its vital role of supporting motor vehicle safety nationwide, including actions to support the safe deployment of autonomous vehicle ("AV") technologies. AVs will play a pivotal role in addressing critical challenges facing our nation, including reducing the persistent and unacceptable level of traffic fatalities in our country, increasing access to transportation, enhancing supply chain efficiency, and expanding economic output.

In the last several years, U.S. states have raced ahead on AV policy, and today 26 U.S. states have AV deployment statutes. State-level interest in this game-changing technology is welcome, but it is no substitute for Federal leadership. AVIA commends Secretary Duffy and his team at the U.S. Department of Transportation ("USDOT") for their early and significant attention to AVs, including the new Automated Vehicle Framework that was announced in April.¹ AVIA looks forward to working closely with members of the Senate Commerce Committee on autonomous vehicle legislation that advances American leadership on this transformative technology.

¹See *Trump's Transportation Secretary Sean P. Duffy Unveils New Automated Vehicle Framework as Part of Innovation Agenda*, U.S. DEPT OF TRANSP. (Apr. 24, 2025), <https://www.transportation.gov/briefing-room/trumps-transportation-secretary-sean-p-duffy-unveils-new-automated-vehicle-framework>.

To further accelerate the safe and timely deployment of AVs, earlier this year AVIA released *Securing American Leadership in Autonomous Vehicles*,² a comprehensive set of Federal AV policy recommendations that includes specific recommendations for NHTSA. These recommendations include:

- Initiating rulemaking to create a new Federal Motor Vehicle Safety Standard (“FMVSS”) that requires AV manufacturers to self-certify their autonomous driving systems (“ADS”) demonstrate a basic level of driving proficiency appropriate for its operational design domain.
- The creation of a new FMVSS to require that ADS manufacturers develop, and provide upon request, a detailed “safety case” that describes the manufacturer’s conclusion that the design, construction, and performance of an ADS protects against an unreasonable risk to motor vehicle safety, as defined in 49 U.S.C. § 30102(a)(9).
- Clarification by NHTSA or Congress that regulatory requirements for manually operated driving controls and certain indicators and telltales are not applicable to Level 4 or Level 5 ADS-dedicated vehicles because those controls, indicators, and telltales are intended for an in-vehicle human driver.
- Creation of a National AV Safety Data Repository to include relevant data about AV incidents and make information available to state transportation regulatory agencies.
- Moving forward with a voluntary AV demonstration program that is an enhanced pathway to the deployment of AVs whose designs require exemptions from current FMVSSs, but which achieve at least an equivalent level of safety.

By expeditiously moving forward with the nomination process for Mr. Morrison the Committee will help position NHTSA and the USDOT to develop and implement these policies and others that will unlock the full potential of AVs, ensuring that the United States remains the world leader in autonomous vehicle technology. The autonomous vehicle industry looks forward to working closely with Administrator Morrison and the team at NHTSA.

Sincerely,

JEFF FARRAH,
Chief Executive Officer,

Autonomous Vehicle Industry Association.

CC: Jonathan Morrison, Nominee, NHTSA Administrator

AUTONOMOUS VEHICLE INDUSTRY ASSOCIATION
July 10, 2025

Hon. TED CRUZ,
Chairman,
Committee on Commerce, Science, and
Transportation,
United States Senate,
Washington, DC.

Hon. MARIA CANTWELL,
Ranking Member,
Committee on Commerce, Science, and
Transportation,
United States Senate,
Washington, DC.

Dear Chairman Cruz and Ranking Member Cantwell,

The Autonomous Vehicle Industry Association (“AVIA”) writes to encourage the Committee on Commerce, Science, and Transportation to move forward expeditiously with Derek Barrs’s nomination as Administrator of the Federal Motor Carrier Safety Administration (“FMCSA”). Having Senate-confirmed leadership in place will allow FMCSA to better carry out its vital role in regulating commercial motor vehicle (“CMVs”) and motor carrier safety nationwide and taking action to support the safe deployment of CMVs equipped with autonomous vehicle (“AV”) technologies. Autonomous CMVs will play a pivotal role in addressing critical roadway safety and supply chain efficiency challenges facing our nation, while also helping expand economic output.

In partnership with Congress, the Trump Administration has the opportunity to promote the continued development and deployment of AVs in the United States, and AVIA commends Secretary Duffy and his team at the U.S. Department of

²AUTONOMOUS VEHICLE INDUS. ASS’N, *SECURING AMERICAN LEADERSHIP IN AUTONOMOUS VEHICLES* (2025), <https://theavindustry.org/resources/Securing%20American%20Leadership%20in%20Autonomous%20Vehicles1.pdf>

Transportation for their early and significant attention to AVs.¹ We are optimistic that this progress will continue under the leadership of a confirmed FMCSA administrator. AVIA looks forward to working closely with members of the Senate Commerce Committee on autonomous vehicle legislation that advances American leadership on this transformative technology.

To fully realize the benefits offered by AVs, a supportive and uniform nationwide Federal policy framework is essential, as AVIA laid out earlier this year in our publication, *Securing American Leadership in Autonomous Vehicles*.² Our proposed framework includes specific actions that FMCSA can undertake to support the safe and timely deployment of autonomous technology, such as:

- Codifying FMCSA's 2018 interpretation that the Federal Motor Carrier Safety Regulations do not require a human driver to operate or be present in a CMV being operated by a Level 4 or 5 Autonomous Driving System.³ AVIA research has determined that this groundbreaking interpretation unlocked more than \$6 billion in private capital investment into autonomous CMV companies, with even more in the public markets.⁴
- Address the warning device requirements included within 49 C.F.R. §§392.22 and 393.95, which require the physical placement of warning devices by a human being in front of and behind a stopped CMV and limit the types of warning devices that can be used. FMCSA should reverse its denial of an AV-industry backed exemption request that would have allowed the use of new emergency warning device solutions that utilize cab-mounted beacons instead of driver placed devices, a solution that not only allows ADS-equipped CMVs to meet the warning device requirement, but also gives human drivers a safe alternative to exiting their vehicles on busy highways.
- Supporting efforts to build on the existing consensus approach to autonomous truck inspection protocols, in partnership with state law enforcement officials and industry that is informed by real-world experience. For example, FMCSA should continue to support the Commercial Vehicle Safety Alliance on its Enhanced CMV Inspection Program for autonomous CMVs.

By expeditiously moving forward on Mr. Barrs's nomination process, the Committee will help position FMCSA to implement these and other policies to foster the further deployment of autonomous CMVs and unlock their full potential. The autonomous vehicle industry looks forward to working closely with Administrator Barrs and the team at FMCSA.

Sincerely,

JEFF FARRAH,
Chief Executive Officer,

Autonomous Vehicle Industry Association.

CC: Derek Barrs, Nominee, FMCSA Administrator

AUTONOMOUS VEHICLE INDUSTRY ASSOCIATION

AVIA CONGRATULATES DEREK BARRS ON NOMINATION TO LEAD FMCSA

WASHINGTON—AVIA released the following statement from CEO Jeff Farrah on the recent nomination of Derek Barrs to lead the Federal Motor Carrier Safety Administration:

“AVIA congratulates Derek Barrs on his nomination to serve as the next FMCSA Administrator. Mr. Barrs brings years of law enforcement and transportation policy experience to the position and will be an important voice in the Department of

¹See *Trump's Transportation Secretary Sean P. Duffy Unveils New Automated Vehicle Framework as Part of Innovation Agenda*, U.S. DEPT OF TRANSP. (Apr. 24, 2025), <https://www.transportation.gov/briefing-room/trumps-transportation-secretary-sean-p-duffy-unveils-new-automated-vehicle-framework>.

²AUTONOMOUS VEHICLE INDUS. ASS'N, *SECURING AMERICAN LEADERSHIP IN AUTONOMOUS VEHICLES* (2025), <https://theavindustry.org/resources/Securing%20American%20Leadership%20in%20Autonomous%20Vehicles1.pdf>

³U.S. DEPT OF TRANSP., *PREPARING FOR THE FUTURE OF TRANSPORTATION: AUTOMATED VEHICLES 3.0* (AV 3.0) 9 (Oct. 2018), <https://www.transportation.gov/sites/dot.gov/files/docs/policy-initiatives/automated-vehicles/320711/preparing-future-transportation-automated-vehicle-30.pdf>.

⁴*The Trump Administration policy that kickstarted a supply chain revolution*, AVIA (April 23, 2025), <https://www.theavindustry.org/blog/the-trump-administration-policy-that-kickstarted-a-supply-chain-revolution>.

Transportation for the development of Federal autonomous vehicle policy. We look forward to working with Mr. Barrs and Secretary Duffy to strengthen American leadership in autonomous vehicles.”

Earlier this year, AVIA released its comprehensive Federal policy framework, “*Securing American Leadership in Autonomous Vehicles*.” The recommendations for policymakers emphasize the urgent need for Federal action to secure the United States’ position as a global leader in autonomous vehicle (AV) technology while ensuring safety, fostering innovation, and promoting economic resilience.

AVIA’s framework builds upon the Department of Transportation’s Framework for Automated Driving System Safety, first introduced in 2020 and prioritizes:

AV Safety, Transparency, and Accountability

- Establishing a National AV Safety Data Repository for incident reporting and transparency.
- Commencing rulemaking on a core set of Autonomous Driving System (ADS) competency requirements and require that commercially deployed ADS manufacturers develop a safety case.

Advancing American Leadership on AVs

- Modernizing Federal Motor Vehicle Safety Standards (FMVSS) by NHTSA clarifying, through interpretation and/or regulatory changes, that requirements for manually operated driving controls are not applicable to Level 4 and 5 ADS-equipped vehicles.
- Encouraging Federal legislation on, cybersecurity, privacy, and accessibility initiatives.

Supporting Supply Chain Resiliency Through Autonomous Trucking

- Support for America’s supply chain with Federal policy on autonomous trucking, including codification of previous Federal Motor Carrier Safety Administration (FMCSA) 2018 interpretation that a human driver need not be present in a commercial motor vehicle operated by a Level 4 or 5 ADS
- FMCSA action to allow use of cab-mounted warning beacons on autonomous trucks to support road safety and innovation.

Supporting Safety Regulators with Enhanced Resources

- Increasing funding for the Department of Transportation (DOT), National Highway Traffic Safety Administration (NHTSA), and Federal Motor Carrier Safety Administration (FMCSA) to ensure expert regulators have the resources they need on AV policy.

Protecting National Security While Promoting AV Leadership

- Bolstering domestic manufacturing of critical AV hardware, such as sensors. Read the full recommendations *here*. [<https://theavindustry.org/resources/Securing%20American%20Leadership%20in%20Autonomous%20Vehicles1.pdf>]

AMERICAN PIPELINE CONTRACTORS ASSOCIATION
July 15, 2025

Hon. TED CRUZ,
Chair,
Committee on Commerce, Science, and
Transportation,
United States Senate,
Washington, DC.

Hon. MARIA CANTWELL,
Ranking Member,
Committee on Commerce, Science, and
Transportation,
United States Senate,
Washington, DC.

Re: APCA letter of support for Paul Roberti to lead the U.S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (PHMSA)

Dear Chair Cruz and Ranking Member Cantwell:

The American Pipeline Contractors Association (APCA) fully supports President Donald J. Trump’s nomination of Paul Roberti to serve as Administrator of the Pipeline and Hazardous Materials Safety Administration (PHMSA).

APCA represents construction firms, manufacturers, and suppliers who build and maintain interstate pipeline systems. Every day, APCA members provide the manpower to build the infrastructure needed to deliver critical energy across the country. Safety is always our top concern.

APCA is impressed that Mr. Roberti's career includes six years as a utility regulator in his home state of Rhode Island. He previously served as PHMSA's general counsel, where he oversaw enforcement of the agency's safety regulations.

APCA's leadership and member companies strongly urge Senators to vote to confirm Paul Roberti as PHMSA Administrator.

Our organization looks forward to working with Mr. Roberti to enhance and improve our industry's safety while delivering quality energy pipeline infrastructure to America.

Sincerely,

TIM WAGNER,
Executive Director,
American Pipeline Contractors Association.

ASSOCIATED GENERAL CONTRACTORS OF AMERICA
March 4, 2025

Chairman TED CRUZ,
Commerce, Science, and Transportation
Committee,
United States Senate,
Washington, DC.

Ranking Member MARIA CANTWELL,
Commerce, Science, and Transportation
Committee,
United States Senate,
Washington, DC.

RE: AGC Support for Paul Roberti's Nomination to the Pipeline and Hazardous Materials Safety Administration

Dear Chairman Cruz and Ranking Member Cantwell:

The Associated General Contractors of America (AGC) supports the nomination of Mr. Paul Roberti as Administrator of the Pipeline and Hazardous Materials Safety Administration (PHMSA). AGC is a national construction trade association representing more than 28,000 construction firms with chapters and members in every state, the District of Columbia and Puerto Rico. AGC members are engaged in excavation and utility construction including pipelines and understand the importance of their safety and infrastructure.

Mr. Roberti has demonstrated leadership in pipeline safety when he served as PHMSA Chief Counsel during the previous Trump administration. This role gave him valuable background experience and an understanding of the needs of America's pipeline system. Mr. Roberti also has pipeline experience from serving as Commissioner on the Rhode Island Public Utilities Commission, which provides him with additional knowledge and experience that can benefit PHMSA's work nationwide.

Importantly, Mr. Roberti understands the important role pipelines serve in transporting energy safely and efficiently into our economy. The construction of pipelines will provide cheaper energy for Americans and support well-paying construction jobs across the country.

AGC looks forward to working with Mr. Roberti on the construction and safety of our pipeline system. As such, we urge the Senate to quickly confirm his nomination.

Sincerely,

JEFFREY D. SHOAF,
Chief Executive Officer.

CC: All members of the U.S. Senate Committee on Commerce, Science, and Transportation

MONTANA DEPARTMENT OF TRANSPORTATION
Helena, MT, May 9, 2025

Hon. TIM SHEEHY,
United States Senate,
Washington, DC.

Re: FMCSA Administrator—Letter of Support for Derek Barrs

Dear Senator Sheehy,

On behalf of the Montana Department of Transportation I am honored to write this letter in strong support of Derek Barrs consideration for the position of Administrator of the Federal Motor Carrier Safety Administration (FMCSA).

Mr. Barrs spent over 17 years in the commercial motor vehicle industry while serving in various law enforcement capacities for the Florida Department of Transportation and Florida Highway Patrol, which gives him a wealth of knowledge in commercial vehicle enforcement. After retiring from the state, Mr. Barrs remained in the commercial motor vehicle safety industry and has over 5 years of industry experience. During this time, he was actively involved in leadership roles within the Commercial Vehicle Safety Alliance (CVSA), Florida Trucking Association, and serving on the American Trucking Associations' Law Enforcement Advisory Board, further demonstrating his commitment to be an active leader in the commercial motor vehicle safety realm.

The knowledge and experience that Mr. Barrs brings from both enforcement and industry perspectives affords him the opportunity to be a unique and exceptionally qualified candidate to lead the FMCSA. Mr. Barrs's experience and work history would be invaluable to FMCSA and the commercial motor vehicle community, and I would urge the Committee to report his nomination favorably to the full Senate for consideration.

Sincerely,

CHRISTOPHER DORRINGTON,
Director.

TRUCK SAFETY COALITION

★ HELPING FAMILIES & SAVING LIVES ★
FOR OVER 30 YEARS

July 09, 2025

The Honorable Ted Cruz, Chair
The Honorable Maria Cantwell, Ranking Member
United States Senate
Washington, D.C. 20510

Dear Chair Cruz and Ranking Member Cantwell:

Quietly, and with scant attention from the media, a truck crash fatality crisis is occurring on our highways. Truck crash deaths have surged by nearly 62 percent since 2009.¹ In 2023, NHTSA estimates roughly 5,500 people lost their lives in crashes involving large trucks, with another 150,000 sustaining injuries.² These preventable tragedies irreparably alter the lives of everyday Americans in every state across the nation, leaving lasting consequences.

The first two words in the National Highway Traffic Safety Administration's (NHTSA) mission are 'save lives,' while the Federal Motor Carrier Safety Administration's (FMCSA) mission is to **'reduce crashes, injuries, and fatalities involving large trucks.'** Safety stands as the unquestioned north star for both agencies. The Truck Safety Coalition (TSC), comprised of Citizens for Reliable and Safe Highways (CRASH) and Parents Against Tired Truckers (PATT), request the Administration nominees for FMCSA and NHTSA, Mr. Derek Barrs and Jonathan Morrison respectively, unequivocally commit to prioritizing safety and using every tool at their disposal to save lives and reduce injuries from truck crashes.

It is of the utmost importance that any Senate-confirmed NHTSA and FMCSA Administrators complete the joint agency Heavy Truck Automatic Emergency Braking Rulemaking, required by the Infrastructure Investment and Jobs Act. Already two years behind schedule, this rulemaking is set to save hundreds of lives and prevent tens of thousands of injuries. Research conducted by the Insurance Institute for Highway Safety (IIHS) and the National Highway Traffic Safety Administration (NHTSA) estimated AEB could prevent or drastically reduce the crash severity of 41% of heavy-duty truck and 56% of medium-duty truck front-to-rear crashes.³ ⁴ Heavy Truck AEB is a game-changer for safety, and TSC urges the respective nominees to commit to completing this rulemaking as proposed in the Notice of Proposed Rulemaking as soon as possible following their confirmation.

Putting the needs of America first means keeping Americans safe. The public deserves DOT leadership that never wavers from this core principle. Truck Safety Coalition crash victims and

¹ Overview of Motor Vehicle Traffic Crashes in 2023, NHTSA, Apr. 2025, DOT HS 813 705.

² Id.

³ IIHS, Effectiveness of front crash prevention systems in reducing large truck crash rates, September 2020, Available at: <https://www.iihs.org/topics/bibliography/ref/2211>

⁴ NHTSA, Medium-Truck Special Study, September 2022. DOT HS 813 371.

survivors have experienced agonizing loss of life from large truck crashes, and the public can always count on TSC to be a trusted and valuable resource to any confirmed Administrator in our shared mission to save lives and reduce injuries from large truck crashes.

Sincerely,



Zach Cahalan
Executive Director, Truck Safety Coalition (TSC)

Tami Friedrich
President
Truck Safety Coalition & Citizens for Reliable and Safe Highways Board Member
Tami's sister, Kris, brother-in-law, Alan, and two of their children, Brandie and Anthony, were killed in 1989 when a tanker truck overturned in front of them and exploded.

Russell Swift
Co-Chair
Parents Against Tired Truckers & Truck Safety Coalition Board Member
Russ' son, Jasen, was killed instantly, as was a fellow Marine, while they drove in the dark to work in 1993, by a seventeen-year-old truck driver on an invalid learner's permit whose truck was stuck across two lanes after trying a U-turn, causing the car to drive into and under the side of the trailer, causing a fatal underride crash.

Daphne & Steve Izer
Co-Chair
Parents Against Tired Truckers
Daphne and Steve's son, Jeff, and three of his friends were killed in 1993 when a semi-truck driver fell asleep at the wheel and ran over their parked car.

Jennifer M. Tierney
Chair
Citizens for Reliable and Safe Highways
Jennifer's father, James Mooney, was killed on a dark, rural road in 1983 when he crashed into a truck with no visible lights blocking the roadway

Dawn King
Vice-President
Truck Safety Coalition & Citizens for Reliable and Safe Highways Board Member
Dawn's father, Bill Badger, was killed in 2004 while slowed in traffic when he was hit from behind by a truck driver who had fallen asleep at the wheel.

Pam Biddle
Board Member

Citizens for Reliable and Safe Highways

On May 13, 2017, Pam's 23-year-old son, Aaron Lee, was in the car with his father, Brian, and Brian's partner, Stephanie Swaim. They were stopped in traffic due to a car carrier that had a brake fire and was still partially in their lane of traffic. A semi-driver failed to slow down and rear-ended the Lee's car which was pushed into and under another semi in front of them resulting in a rear underride crash. The vehicles then burst into flames killing Aaron, Brian, and Stephanie.

Anna Guardipee

Board Member

Citizens for Reliable and Safe Highways

In 2019, Anna Guardipee and her best friend, Jenny Burton, in stopped on I-77 when a distracted semi-truck driver slammed into the back of their car, pushing them into the semi they were stopped behind. Jenny and Anna were air-lifted to the hospital. Anna survived with severe life-altering injuries, Jenny did not survive.

Jena Frost

Board Member

Parents Against Tired Truckers (P.A.T.T.)

Jena's son, Wyatt, was 5 years old when he was killed by a box truck that was not equipped with AEB.

Lee Jackson

Board Member

Citizens for Reliable and Safe Highways (CRASH)

Truck crash survivor and honorably retired CMV enforcement unit officer with Ft. Worth Police Department

Jeffrey Burns

Board Member, Citizens for Reliable and Safe Highways (CRASH) & Parents Against Tired Truckers (P.A.T.T.)

Paul Huffman, Board Member, Parents Against Tired Truckers (P.A.T.T.) & Truck Safety Coalition

Kevin Donovan, Board Member, Parents Against Tired Truckers (P.A.T.T.) & Truck Safety Coalition

Joseph Hanslip, Board Member, Parents Against Tired Truckers (P.A.T.T.) & Truck Safety Coalition

APPENDIX A: LARGE TRUCK CRASH ACCOUNTS
With AEB, these horrific catastrophes can be averted

Anesa Noelle Acosta, Quintin Michael McGowan, Brekkin Riley Bruce, and Trentin Beau Bruce
- Ohio

On July 9, 2020, Anesa Noelle (15), Quintin Michael (13), Brekkin Riley (8), and Trentin Beau (6), were with their father, Aaron Bruce, traveling from his home in Kansas City to his sister's home in Columbus, OH. The family was slowed in merging construction traffic when a semi pulling a loaded box trailer did not slow down and slammed into their car. The semi pushed them into the semi in front of them and then continued to push them into the wires and tie rods when the car burst into flames. Aaron was pulled from the vehicle with severe injuries, but the children were not able to be rescued. All four of them were killed. The driver of the truck that hit them had methamphetamine and fentanyl in his system. He plead guilty to four counts of causing death when operating a motor vehicle while intoxicated and one count of causing catastrophic injury when operating a motor vehicle while intoxicated. He was sentenced to 45 years in prison.



Scott Arrington - South Carolina

On the morning of April 9, 2012, at 7:30 am, Scott Arrington was on his way to work in North Charleston, South Carolina, when he was hit and killed by a semi-truck. Scott was riding his motorcycle and traveling in the right lane of traffic, when the truck driver, who had been sitting in the center median, got tired of waiting on traffic. The truck driver suddenly turned right, crossed two lanes and hit Pina's husband. Even though Scott was wearing his helmet, he died from blunt force trauma to his head. The truck driver was charged with reckless homicide and taken to jail. He has since been released.



Heather Baker - Indiana

On October 27, 2020, Heather and her three colleagues were headed to spend a couple of days at a bed and breakfast. They were all medical professionals taking a break together during the height of the pandemic. They witnessed a collision between a semi and a pickup truck and stopped to check on the drivers. As they were heading back to their vehicle, another semi failed to slow down for the traffic from the first crash, struck a vehicle, jackknifed and the trailer hit Heather and one of her friends. Heather was killed. Heather had a smile that would light up a room, and her laugh was infectious. Heather not only worked in the medical field, she volunteered to serve the homeless, and she ultimately gave her life in service to others.

**Sylvia Bingham - Ohio**

On September 15, 2009, Sylvia was riding her bike to work when she was struck by a box truck and killed. The driver left the scene but a witness identified him to the police. He was eventually convicted of aggravated vehicular homicide.

Sylvia was a graduate of Yale and had recently begun work as an AmeriCorps volunteer at the time of her death. Sylvia dedicated her life to social justice. From environmental justice to issues related to economic inequality, Sylvia found every opportunity to make a positive impact.



Sylvia was intelligent and passionate. She was a dedicated friend and a talented cook. In 22 short years, Sylvia's impact on her various communities and the world at large was profound.

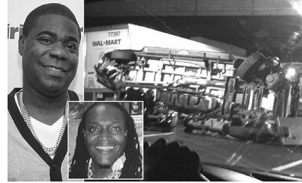
Kimberly and Piper Britton, Ulrike Blopleh, Vicky Palacios - Illinois

On Monday, July 21, 2014, a tractor-trailer driver traveling northbound on I-55 came upon traffic stopped in a construction zone, abruptly changed lanes and crashed into three vehicles. Four of the vehicle occupants were killed in the crash including Kimberly Britton, and her daughter, Piper, Ulrike Blopleh, and Vicky Palacios. Four other victims were injured and transported to hospitals. One of those was airlifted. It was later revealed that the truck driver was blind in one eye. The truck driver was indicted on 15 counts of reckless homicide.



James McNair, Tracy Morgan, Andre Fuqua, Jeff Millea, Harris Stanton - New Jersey

On June 7, 2014, the dozing driver of a speeding tractor trailer slammed into the back of a vehicle carrying comedian Tracy Morgan and his associates, causing it to spin and flip over. At the time of the crash, the Morgan vehicle was slowed due to construction traffic. The crash created a chain reaction involving six vehicles total. A criminal complaint against the truck driver cites that he had been awake for more than 24 hours prior to the crash. James McNair was killed in the crash that also seriously injured Morgan and Millea, and injured Fuqua and Stanton.



Lindsey Williams, Yazmin and Arielle Goldman, Yvette Williams, Jamin and Jazmin Osborne, Amado Mangual - Indiana

On August 15, 2013, the family's SUV was stopped in traffic approaching a work zone when they were rear-ended by a speeding semi-truck that failed to slow or stop for traffic. The initial impact pushed the SUV into another semi ahead of them. The SUV subsequently burst into flames. The crash took the lives of Lindsey Williams, 27, and her two children, Yazmin Goldman, 5, and Arielle Goldman, 3, Lindsay's sister Yvette Williams, 35, and her two children, Jamin Osborne, 5, and Jazmin Osborne, 7, and the Williams sisters' Uncle, Amado Mangual, 49. The truck drivers involved suffered minor injuries.



Morgan Lake - Maryland

On July 19, 2013, while slowed to a near stop for traffic on the Chesapeake Bay Bridge, Morgan's car was hit from behind by a distracted truck driver traveling at approximately 50 mph. The impact sent Morgan's car up and over the bridge railing, where it teetered before plunging 27 feet into the water. The impact shattered the windows, and the car rapidly filled with water. Morgan freed herself from the car and swam to a bridge support pillar. She was rescued from rocks at the base of the bridge pillar and treated for shock and injuries.

**Brian and Aaron Lee and Stephanie Swaim - Indiana**

On May 13, 2017, Brian Lee, Aaron Lee, and Stephanie Swaim were stopped in traffic that was backed up due to a brake fire on a car carrier, when they were rear-ended by a distracted semi driver. The car was pushed underneath the flatbed semi ahead of them, caught fire, and Brian, Aaron, Stephanie, as well as the truck driver, were killed at the scene.

Brian Lee was a hard-working devoted father who loved spending time with his family. He loved God, hunting, and fishing. His belly laugh and smile filled the room. His love for God and family will always be remembered.



Chuck Novak, Theresa Seaver, Alvin and Gail Kimble, Amber Reid - North Carolina

Charles "Chuck" Novak, Theresa Seaver, Alvin and Gail Kimble and Amber Reid died as a result of a multi-vehicle truck crash on October 24, 2010, in Henderson County, North Carolina, caused by a speeding tractor-trailer that crashed into a line of cars stopped on Interstate 26 due to an earlier crash. Ten other victims were injured in the crash, one suffering permanent disabilities. The truck did not slow down or brake and there were no skid marks on the road.

The truck driver was charged with five counts of involuntary manslaughter as well as charges of having falsified records and an improper medical certificate. The small company that the truck driver drove for had been cited a dozen times in 2010 for violations, and the truck driver had not been medically examined or certified.



Susan, Peter and Matthew Slattery - Ohio

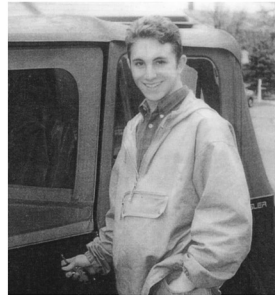
On August 16, 2010, Susan and her sons, Peter and Matthew, were on their way home from Ohio when only an hour into their drive they were rear-ended by a truck driver who fell asleep behind the wheel of a triple trailer truck. The impact of the crash pushed the Slattery family's car into the semi in front of them killing Susan and critically injuring Peter and Matthew.

Following the impact with their car, the truck went on to hit two other semis and four more passenger vehicles before stopping in the divider and bursting into flames. Peter suffered a broken pelvis and a facial fracture. Matthew, who was in a coma from massive head trauma, is now permanently disabled. Ed has participated in many interviews on truck driver fatigue and in support of truck safety improvements.



Nick Liberatore - Maryland

Nick Liberatore, was killed on June 9, 1997, just south of the Delaware/Maryland state line, by a fatigued truck driver. Nick was traveling to Six Flags Great Adventure in New Jersey with five or six carloads of friends. When the cars were separated while traveling north on Interstate 95, a few of them pulled over on the shoulder of the highway to wait for the others to catch up. Nick was sitting in the back seat of a car on the shoulder of the highway when a tired trucker carrying a load of steel veered across three lanes, and ran over the car. The truck driver had not slowed as he approached the toll booth which was about 1,000 feet past the crash site.

**Wanda and John Lindsay - Texas**

Wanda and her husband John were on their way to Kentucky to visit family on May 7, 2010, when they stopped for traffic on I-30 as they were coming into the west side of Texarkana, Texas. They were the last car stopped in a two mile long, very visible line of traffic, in a well-marked construction zone when a Celadon tractor-trailer slammed into the rear of their car. The truck was traveling 65 mph with the cruise control engaged when it hit John and Wanda. John died on Mother's Day, May 9, as a result of his extensive injuries. After the crash the Lindsay family learned that about two months prior to the collision the truck driver had been diagnosed with severe, uncontrolled sleep apnea, which among other health issues results in chronic, serious fatigue. Yet, he was still allowed to drive a truck even though he was not being treated and monitored for his condition.

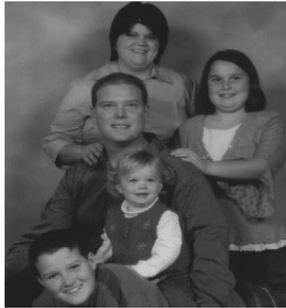


Vickie, Curt, Crystal, Cody and Abbey Johnson - South Carolina

On October 1, 2009, Vickie and Curt Johnson were on the way to the beach with their daughter Abbey and Vickie's stepchildren Crystal and Cody. As they headed across a **bridge near Florence, SC, they noticed a stalled dump truck in the right lane.** The dump truck had his flashers on and the Johnson family found themselves stuck behind the dump truck and unable to get into the left lane because of traffic.

As the Johnson family waited for an opportunity to move around the dump truck a semi-truck slammed into the rear of the family's car causing it to burst into flames. Crystal and Curt were killed in the crash.

Vickie, Abbey and Cody survived the crash with serious injuries. The Johnson family later found out that the truck driver's cell phone records indicate he had been using his cell phone around the time of the crash.



Bill Badger - Georgia

Bill Badger, was killed on December 23, 2004, just over the Georgia state border by a tired trucker who fell asleep at the wheel and crashed into Bill's car as it was slowed in traffic. At the time of the crash, Bill was on his way to the airport to fly to New Jersey and join his four children for Christmas. The truck driver stated that he had been driving all night in order to get to Atlanta by 7:00 a.m. so that he could be assigned to another truck which was headed to Florida. The driver had been enticed to make the overnight drive on time in order to spend Christmas at home in Florida with his family.



David and Mary Kathryn Mathis - Florida

On March 25, 2004, David and his wife Mary Kathryn, were killed in a truck crash in Titusville, Florida as they drove home from their honeymoon. They had only been married for five days. David and Mary Kathryn were stopped in traffic because of an earlier wreck on I-95 when a truck driver, who had fallen asleep behind the wheel, rear-ended their car. The impact of the crash shoved them into the back of the truck in front of their car and set the car on fire.

**Orbie Wilburn - Oklahoma**

On Sept. 2, 2002, Orbie was killed instantly when a tired truck driver slammed his semi into the rear of Orbie's car doing an estimated 75 miles per hour. Orbie's car, which was stopped behind another semi due to a stalled car on the highway, exploded on impact. After the crash, it was revealed that the truck driver who crashed into Orbie's car had repeatedly falsified logs and violated safety procedures while the company he worked for turned a blind eye.

**Stone and Holt Weeks - Virginia**

On July 23, 2009, brothers Stone Weeks, 24, and Holt Weeks, 20, were happily on their way home to Washington DC from Rice University in Houston. They were to visit friends and family and to celebrate Stone's work at the inaugural publication event honoring The Wilderness Warrior: Theodore Roosevelt and The Crusade for America. Stone was author Douglas Brinkley's researcher for the history book. Holt was a history student and summer research intern for other professors. Both worked at The James A. Baker III Institute for Public Policy.



Driving on Interstate 81 in Virginia with only an hour left to go, Stone and Holt were in the right-hand lane preparing to exit onto Interstate 66 -- when traffic stopped because of a jackknifed tractor trailer ahead. The brothers stopped at the end of the miles-long line, and were then slammed from behind by a 40-ton Peterbilt tractor trailer rig traveling full-speed. The severity of the impact shot Stone's and Holt's car under the tractor trailer ahead of them. Catastrophic fire obliterated their car and both tractor trailers. This carnage and devastation melted and seared the road to the extent it had to be remilled and repaved. The striking truck with refrigerated trailer was hauling fruit cross-country from California to Maryland and the two men inside were able to escape. The man who claimed to be driving said he did not remember anything. The other claimed to be asleep. No blood alcohol tests were ever done. There had been warning signage overhead signaling traffic was stopped ahead. The crash occurred on a straight away with clear visibility. Stone's and Holt's parents learned that the drivers responsible for killing their only children, were -- a 21-year old on his first professional cross-country trip who had recently obtained a CDL with the minimum training required, and a 24-year old owner-operator whose license was suspended on a DUI conviction. Stone's and Holt's remains could only be identified through dental records and DNA mouth swabs from their parents.

Santiago Calderon - California

On April 10, 2014 I was in the last few months of my senior year in high school. I was accepted to Humboldt State University and was offered a free trip to tour the school. Of course I said yes and met in LA to board a charter bus. With over 40 other high school seniors at the time, 3 chaperones from Humboldt State and the bus driver.

It was to be about a 10-12 hour trip that day. About 7 hours into the trip, a FedEx Double Tractor trailer truck, heading south on the I-5 freeway, crossed over the median and crashed into the charter bus I was in head on. We were on the other side of the highway heading northbound.



After impact I instantly stood up, looked to the front of the bus and it was engulfed in flames. I knew it was going to explode and I had to escape, in order to survive. Frantically I look for any way out, couldn't find one. I remember accepting death in those very moments. Suddenly, I see a kicked open window and get out head first. I landed on my shoulder, from jumping out, in excruciating pain with full belief I had broken it. Adrenaline filled my body and I forgot about the pain for some time. The bus had not yet exploded and I knew I had to get away because the fire was getting bigger and bigger.

It looked like a war scene, blood, smoke and burns were on people's faces. I was in complete shock. I turn around and look at the Charter Bus and FedEx truck. 3 explosions then went off from the fire and I had this instant feeling people were dead. I feel like I'm there as I write this. It's such a sad, overwhelming feeling then and now.

It's so sad to say, 10 innocent lives were taken that day. 5 high school seniors at the time, all 3 chaperones and both drivers of the vehicles. They were such beautiful souls, from the short time I experienced with them. May they forever Rest In Peace.

Kaitlyn Cooley - Missouri

On August 25th, 2020, at 5 a.m., Kaitlyn was on her way to work. She had passed a semi driver and went to exit the interstate. All she saw was headlights, and then there was a loud and heavy impact. The semi driver was not paying attention and hit her going 70 mph, while Kaitlyn was only going 40 mph. Kaitlyn sustained significant injuries, she has several discs out in her neck and back, a brain injury, and PTSD, at only 20 years old. Kaitlyn pushes through the bad days to make them good and works hard to have a normal life with her wonderful baby girl.



Karen Goggin - Virginia

On July 15, 2021, Karen and her husband were driving from their home in Virginia to Decatur, Georgia. They were on their way to help their son move out of his apartment. Shortly after lunchtime, they entered a construction zone and were stopped safely behind a line of traffic on I-85 in South Carolina. A semi-truck failed to stop and hit them from behind. Karen was killed in the crash, along with two others. Her husband was injured in the crash but survived.



At the time of her passing, Karen had just retired and moved to Virginia to be closer to family. After spending nearly 40 years as a nurse, she was finally ready to relax, travel, and watch her two sons make lives of their own. She was a cancer survivor and battled fiercely for her family and friends. She spent every day savoring the little moments with loved ones and devoting her time to bettering her community. She is survived by her husband, Tom Goggin and her two sons, Brian and Sean Goggin.

Trevor Doom - Kentucky

On August 2, 2021, Trevor Doom, age 26 along with his fiancé, her mother, her mother's boyfriend, and a 14-year-old cousin of the fiancé were in their car exiting the driveway of a business when semi driver ran a red light and hit them broadside. 5 lives were lost in an instant from the impact of the crash. Trevor was the front seat passenger. It was estimated the semi was traveling 55 to 60 mph at the time of impact. Trevor and his fiancé were recently engaged and formal introductions of their families were never able to occur.



Trevor Doom was born 3 months prematurely weighing only 1 lb. 11oz. He was given only a 10-15% chance of surviving. He spent 3 months in Kosair Children's Hospital before coming home with only mild cerebral palsy. His parents were told that he may never walk, talk, see, or hear but he overcame all other odds and lived only with his left side being weaker than his right. He never let his disability slow him down on pursuing his dreams. He wanted to become the 3rd generation volunteer firefighter in his family just as his grandfather and uncle had been, which he did through hard work and perseverance.

He not only became a firefighter, but he had been the fire chief of the Wickliffe Rural Fire Department for two years when he passed away. He was known as the 1st to arrive on scene and the last to leave the station after cleaning up after a call. Trevor Doom dedicated his life to serving his community and giving back to others. He loved telling people how you can achieve anything if you believe in yourself. He would tell you that he never looked at things with an "I can't" attitude, but rather "how can I adapt this situation with my limitations to achieve what I want."

Anna Guardipee and Jenny Burton - North Carolina

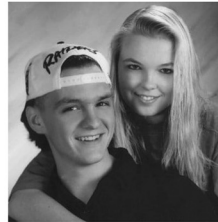
On October 27, 2019, Anna and Jenny were returning to Virginia from a trip to North Carolina for Anna's granddaughter's baptism. They were stopped in traffic on I-77 when a distracted semi driver failed to notice the stopped traffic and slammed into the back of their car, pushing them into the semi they were stopped behind. Jenny and Anna were air lifted to the hospital. Jenny died on November 2, having never regained consciousness. Anna survived and is paralyzed from the waist down. In the county where the crash occurred, the prosecutor determined the charge for the



driver would be a misdemeanor. Anna and her community organized a letter writing campaign, demanding the driver be charged with a felony for causing Jenny's death. The campaign was successful, and the driver eventually plead guilty to involuntary manslaughter and assault with a deadly weapon inflicting serious injury. He was sentenced to 10 months in jail.

Jeff Izer and Angie Dubuc - Maine

On October 10, 1993, Jeff Izer and Angie Dubuc were killed by a fatigued Wal-Mart truck driver. They were with a group of friends, on their way to a haunted hay ride. They had pulled into the breakdown lane on the Maine turnpike, when the truck driver fell asleep and ran over the top of their car. As a result of this horrific but preventable crash, four teenagers were killed and one was seriously injured.



Bill Bailey - Colorado

On April 25, 2019, Bill was on his way home from his passion, flying his RC planes. He was slowed in traffic on I-70, when a semi slammed into the line of traffic at nearly 85 mph. The driver had burnt out his brakes traveling out of the Rocky Mountains, failing to use any of the available options to avoid such an outcome as he descended the steep terrain. Bill was killed along with 3 other people and many more were injured. The driver was convicted on 27 counts and sentenced to 110 years in prison. The sentence was later reduced to 10 years by the governor. The issues surrounding the crash that took Bill's life are numerous. The driver was not well trained and should not have been in the mountains, the owner of the company had little experience and carried only the federal minimum \$750,000 insurance policy, which was exhausted before many victims had time to recover any damages, and the public outrage at the driver's 110 year sentence as well as the governor's subsequent commutation, ahead of an already scheduled hearing, did nothing to help the grieving families. Bill's wife, Gage Evans, has worked tirelessly to advocate for justice and truck safety reform in his honor.



Dylan Wood - Georgia

On November 21st, Dylan was involved in a hit and run early in the morning by a semi-truck, which, without attempting to swerve or slow down, drove over the top of his Honda Accord and fled the scene without calling for help.

Thankfully, witnesses called 911 and he remains in ICU where he is receiving treatment for multitudes of life altering injuries including traumatic brain injury, fractures to the skull, neck, and back, as well as internal injuries.

Dylan's injury/condition is a C1 Complete Spinal Injury, which means he is now a quadriplegic and has no feeling or control of any muscles other than his face and mouth; he cannot hold up his head or turn his neck without assistance and the doctor have stated that due to the severity of this injury, the likelihood of Dylan regaining function of his limbs is highly improbable. Also due to the severity of Dylan's spinal cord injury, his body was not able to naturally be weaned off the ventilator; however Shepherd Center was able to eliminate his vent dependency through the use of a Diaphragmatic Pacemaker (DPS). A DPS stimulates the diaphragm's nerves, forcing the lungs to suck in air. Even so, Dylan's trach tube remains, and a backup ventilator and oxygen tanks will forever live in the home in case of emergencies. His wife, Alexandra, had to drop out of law school in order to help support the exorbitant cost of Dylan's medical care and provide him with the caregiving he now needs.



Eileen, Brandon and Bryan Kosc

On August 12, 2013, Eileen and her two sons, Brandon (12) and Bryan (7) were headed home from a vacation at the beach in Ocean City, Maryland. They were almost home when, in Smyrna, Delaware, they experienced a traffic back-up and the cars were at a complete stop. The Kosc's car, while almost fully stopped, was hit by an inattentive box truck driver going approximately 65 mph at 10 pm that night. Part of the truck came through the back window striking Bryan in the head and he experienced severe head trauma. The truck continued on and hit four other vehicles before finally coming to a stop. Eileen and Brandon were all taken to the hospital with injuries, but Bryan did not survive. If that box truck had been equipped with AEB, Bryan would likely still be here today.



Sandra Anderson, Tiffany Watts, Kelsie and Savannah Garrigues – Tennessee

On June 25, 2015, Kelsie and Savannah Garrigues arrived in Atlanta for a summer visit with their mother, Tiffany Watts. Tiffany and her mother, Sandra Anderson, picked Kelsie and Savannah up at the airport and were headed home to Tennessee. The four of them were stopped in construction traffic on I-75 near Chattanooga, TN, when a tractor-trailer failed to stop in time and collided with eight vehicles. The truck traveled more than the length of football field from the initial point of impact to its final rest position. In total, six people, including Tiffany, Kelsie, Savannah, and Sandra, were killed and another six people were injured in what several veteran officers stated was the most horrific crash they had ever seen. This was one of the few surface transportation crashes that the National Transportation Safety Board (NTSB) investigated that year.



Dana Wood – Virginia

Dana Wood and a friend were killed on October 15, 2002 on I-95 in Virginia. Dana and her friend were driving to East Carolina University when a truck driver, who neither slowed nor attempted to change lanes, struck Dana's car pushing it 1,500 feet down the highway. He had already clocked nine hours behind the wheel on that day and was driving on a suspended license.



Betsy Wood – Texas

On September 20, 2004, Betsy Wood, her daughter Lisa Wood Martin, her three grandchildren, Chance, Brock and Reid Martin, were killed just outside Sherman, Texas. A tractor trailer driver fell asleep behind the wheel and crossed a median into oncoming traffic on a busy North Texas highway. The driver collided with two vehicles, killing a total of ten people and injuring two more. The truck driver eventually pleaded guilty to 10 counts of manslaughter in the 2004 crash. It was this particular crash that set an investigative team from The Dallas Morning News on a 14 month-long exploration that revealed – among other things – unqualified drivers, dangerous working conditions, lack of safety inspections, and very little oversight of an industry that affects every city in the country.



700 Pennsylvania Ave, Suite 200, Washington, DC 20003

TRUCKLOAD CARRIERS ASSOCIATION
July 10, 2025

Hon. TED CRUZ,
Chairman,
United States Senate,
Committee on Commerce, Science, and
Transportation,
Washington, DC.

Hon. MARIA CANTWELL,
Ranking Member,
United States Senate,
Committee on Commerce, Science, and
Transportation,
Washington, DC.

Dear Chairman and Ranking Member:

On behalf of the Truckload Carriers Association (TCA), I am writing to express our strong support for Derek Barr's nomination as the next Administrator of the

Federal Motor Carrier Safety Administration (FMCSA). The trucking industry moves approximately 75 percent of all freight transported by all modes in the United States. As such, our industry plays a vital role in keeping America's supply chain moving and ensuring goods reach communities across the Nation safely and efficiently.

To protect all drivers on our Nation's highways, TCA continues to advocate for allocating dedicated funding to address the ongoing truck parking crisis, continuing to improve safety technologies, and supporting policies that foster a resilient and thriving supply chain. Mr. Barrs' leadership and experience make him exceptionally well-suited to lead the FMCSA in advancing these priorities.

Throughout his career, Mr. Barrs has demonstrated a steadfast commitment to strengthening collaboration between the trucking industry and law enforcement. He has held multiple leadership roles within the Florida Department of Transportation and the Florida Highway Patrol, where he was instrumental in advancing safety initiatives for commercial motor vehicles. Most recently, he has consulted on traffic-related and commercial motor vehicle safety projects across numerous states, bringing his expertise to diverse regions and stakeholders.

TCA members who have worked with Mr. Barrs speak highly of his thoughtful leadership and dedication to improving safety and compliance across the industry. His track record reflects a clear understanding of the complex realities facing motor carriers today and a strong commitment to working collaboratively toward effective, practical solutions.

We have full confidence in Mr. Barrs' abilities and respectfully urge the Senate to confirm his nomination. We are confident he will bring integrity, experience, and a results-driven approach to FMCSA at a time when the agency's work is more important than ever.

Sincerely,

JIM WARD,
President,
TCA.

AMERICAN CHEMISTRY COUNCIL
July 16, 2025

Hon. TED CRUZ,
Chairman,
U.S. Senate,
Committee on Commerce, Science, and
Transportation,
Washington, DC.

Hon. MARIA CANTWELL,
Ranking Member,
U.S. Senate,
Committee on Commerce, Science, and
Transportation,
Washington, DC.

Dear Chairman Cruz and Ranking Member Cantwell:

I write to you on behalf of the American Chemistry Council (ACC) in support of the confirmation of Paul Roberti as Administrator of the Pipeline and Hazardous Materials Safety Administration (PHMSA) at the Department of Transportation. Mr. Roberti has an impressive history of public service and a proven track record of getting things done in his previous role at PHMSA. If confirmed, we are confident that he will lead the agency with integrity and work to advance hazardous materials transportation safety while improving efficiency and modernizing agency procedures.

ACC represents more than 190 of America's leading chemical companies. Our members produce a wide variety of chemicals, polymers, and related products that make our lives and our world healthier, safer, more productive, and more sustainable.

The business of chemistry supports over 25 percent of the U.S. Gross Domestic Product and directly touches nearly all manufactured goods. We rely on all modes of transportation to safely deliver chemicals crucial to everyday life and the chemical industry is one of the largest shipping customers for both freight rail and trucking. These chemicals are used in critical functions such as water treatment, food production, healthcare, and much more. We rely on a strong, resilient, and efficient freight transportation network to support our domestic and international supply chains.

It is critical that PHMSA puts forward regulatory solutions that allow American businesses to fully and safely utilize the United States' dynamic transportation system. Mr. Roberti's experience at the agency will help guide it to future success.

We strongly recommend confirming Mr. Roberti as PHMSA Administrator.

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

CHRIS JAHN,
President and CEO,
American Chemistry Council.

The CHAIRMAN. Senators will have until the close of business on Friday, July 18, to submit questions for the record. The nominees will have until the close of business on Monday, July 21, to respond to those questions.

That concludes today's hearing. The Committee stands adjourned.

[Whereupon, at 12:01 p.m., the hearing was adjourned.]

A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JERRY MORAN TO DEREK BARRS

Question 1. The previous Surface Transportation Reauthorization included the Safe Driver Apprenticeship Pilot Program (SDAP), established by FMCSA to assist 18-, 19-, and 20-year-old individuals to pursue interstate trucking careers.

The Biden administration added onerous and costly requirements that deterred motor carriers from participating in the program, which took Congressional action to remove. Providing additional uncertainty, the program is set to expire later this year.

If confirmed, will you commit to supporting the continuation of the SDAP program as Congress further considers this issue as part of the next surface transportation bill?

Answer. As a former law enforcement officer and a member of the Florida Trucking Association, with decades of experience in public safety, my priority has been and will continue to be the safety of both drivers and the traveling public. The SDAP program is set to expire in November. The data needs to be examined and a report will be sent to Congress. If confirmed, I will work with the Secretary, as well as Congress to explore the next steps necessary to set the future generation of truck drivers up for success.

Question 2. I have heard from drivers that they are not being allowed access to restrooms at various facilities, including shippers, receivers, and warehouses. I know certain states, including Washington, have taken steps to ensure access to these facilities.

If confirmed as FMCSA Administrator, will you support legislative or regulatory efforts to restore basic human dignity to the men and women who keep our supply chain moving and ensure our Nation's truck drivers have access to these facilities?

Answer. I believe in dignified working conditions for all drivers on the road. Part of the effort to improve motor carrier safety must include improving working conditions, which in turn helps to retain safe and experienced drivers. If confirmed, I am willing to further discuss this important issue to restore human dignity to our Nation's truck drivers and explore potential solutions.

Question 3. Integral to the mission of the agency you are nominated to lead is coordination with other Federal departments and agencies and with states, localities, and industry stakeholders to deliver safe and efficient transportation networks.

How will you leverage relationships with state departments of transportation, metropolitan planning organizations, local governments, and other partners to navigate diverse transportation safety needs while upholding a uniform standard of safety throughout the country?

Answer. As you mentioned safety is integral to the mission, and coordination with other entities to ensure our Nation's roadways are safe and efficient is paramount. FMCSA relies on the work our state inspectors conduct every day to ensure the motoring public is safe.

Secretary Duffy recently announced the launch of a nationwide audit of state practices for issuing non-domiciled Commercial Driver's Licenses (CDLs). Ensuring that our state partners are issuing CDLs at the level the Agency deems necessary is critical to a safe and efficient supply chain.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TED BUDD TO DEREK BARRS

Question 1. The Entry Level Driver Training Rule created minimum standards for truck driver training, but many CDL mills and bad actors continue to disregard the rule. This is a safety issue, but FMCSA has made little progress on removing unfit

training organizations from the Training Provider Registry. Will you commit to increasing enforcement of the Training Provider Registry and removing bad actors within 90 days of a complaint?

Answer. Ensuring bad actors are not training the commercial motor vehicle drivers of tomorrow is critical in maintaining national safety on our roadways. The FMCSA is authorized to audit and investigate providers in order to identify and address those who are not compliant with the regulations or who are engaging in fraudulent or criminal activities. If confirmed, I will commit to auditing and removing bad actors within a timely manner.

Question 2. I understand some autonomous trucking companies have previously sent a petition to FMCSA seeking to be allowed to use new warning devices on their vehicles, but were denied by the last administration. If confirmed, would you be willing to take another look at that petition? How should FMCSA adapt regulations to new technologies, including autonomous trucking?

Answer. The core mission of FMCSA is, and always will be, safety. FMCSA's unwavering commitment is to save lives and prevent injuries and crashes involving large trucks and buses. Every decision FMCSA makes and every regulation it considers must be viewed through the lens of this fundamental responsibility. FMCSA should support innovation while ensuring the highest level of safety on our Nation's roadways. This means FMCSA must guarantee the safe integration of Automated Driving Systems (ADS)-equipped commercial motor vehicles. A critical component of this is ensuring that these vehicles meet a level of safety that is equivalent to or greater than the safety standards we currently have in place for all commercial motor vehicles. Any petition that comes before the agency should be given a fresh and comprehensive review based on the latest available safety data and technological analysis. Additionally, if confirmed, I will review the ADS rulemaking for alignment with the Department's and Administration's priorities and will be updating the status and next steps in the Unified Agenda of Regulatory and Deregulatory Actions.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TIM SHEEHY TO
DEREK BARRS

Question 1. Chief Barrs, a speed-limiter rule would disrupt the economy in rural states like Montana and jeopardize safety. Will you continue to engage small-business truckers in preventing any speed-limiter mandate, and commit to engaging with them on other important safety issues?

Answer. On June 27, 2025, Secretary Duffy unveiled the Department's "Supporting American Truck Driver" initiative that is in line with the President's "Enforcing Commonsense Rules of the Road For America's Truck Drivers" Executive Order. As part of the Pro-Trucker initiative, FMCSA and NHTSA jointly announced and subsequently have taken actions to withdraw a proposal to require speed-limiting devices on heavy vehicles.

This decision respects the professionalism of drivers and acknowledges the proposed rulemaking lacked a sufficiently clear and compelling safety justification.

Question 2. Montana is home to cutting-edge photonics technology being deployed in autonomous systems. Do you see opportunities at FMCSA to embrace innovation, including autonomous systems, to make meaningful improvements to roadway safety?

Answer. During my time in law enforcement, I utilized many different tools in the proverbial toolbelt in order to ensure safety is maintained. If confirmed, I am happy to work with Congress to explore opportunities for alignment with the Department's and Administration's priorities to utilize automation to make meaningful improvements to roadway safety.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO
DEREK BARRS

Federal Workforce Staffing Cuts

In May, DOT paused its planned reductions in force due to ongoing litigation. On July 8, the Supreme Court allowed the Administration to move forward with widespread firings. There is now uncertainty about what actions DOT plans to take. Meanwhile, 13.7 percent of Federal Motor Carrier Safety Administration (FMCSA) employees have already left the agency through the deferred resignation program.

Question 1. Yes or No: Do you oppose a reduction-in-force at FMCSA, particularly when the agency has already lost nearly 14 percent of its workforce?

Answer. I support Secretary Duffy and President Trump and will ensure that safety continues to be priority number 1.

Question 2. Are you concerned that widespread departures may be contributing to the decline in enforcement of commercial motor vehicle safety laws?

Answer. It is my understanding that critical safety positions are exempt and not eligible to participate in the deferred resignation program.

Autonomous Vehicle Safety and AI Moratorium

Mr. Barrs, some of my colleagues have proposed prohibiting state and local governments from regulating AI. This would include prohibiting states from imposing safety and reporting requirements on autonomous vehicles.

Question 1. Are you aware of any Federal requirements to ensure the safe operation of autonomous trucks?

Answer. While a comprehensive Federal regulatory framework for autonomous trucks has not been released, FMCSA may exercise its existing authority to ensure their safe operation. A motor carrier operating in interstate commerce may not operate an autonomous truck unless it complies with all current operational requirements and standards for parts and accessories as prescribed by the Federal Motor Carriers Safety Regulations (FMCSRs). FMCSA retains full enforcement authority and can place a vehicle out of service if an automated system creates an “imminent hazard.” Furthermore, any equipment installed that decreases the safety of operation can subject the motor carrier to additional enforcement action. If a company cannot fully comply with existing regulations, it must seek an exemption by demonstrating a likely equivalent to or greater level of safety.

Question 2. If the Federal government does not have any safety requirements, do you think it make sense to prohibit states like Florida from ensuring autonomous trucks are safe to operate on public roads?

Answer. Uniformity across our Nation’s roadways—particular with interstate commerce—ensures there isn’t a patchwork of different rules and regulations that would deter truck drivers from focusing on their day to day operations of safely moving freight.

Fatigue and Truck Accidents

There were 54 fatal accidents with large trucks in Washington State last year, and 1,200 more accidents that resulted in injuries. The NTSB has frequently cited fatigue as a significant factor in fatal truck crashes. To ensure that truck and bus drivers are getting the rest they need, drivers must comply with hours-of-service requirements.

However, in President Trump’s first term DOT created a loophole to allow truck drivers to continue driving a loaded truck as long as it was for a personal reason known as personal convenience. The Commercial Motor Vehicle Safety Alliance found that about 40 percent of drivers were misusing this flexibility, and those drivers were four times as likely to be in a crash.

Question 1. Yes or No: If confirmed, would you work to close this loophole?

Answer. There is no question that fatigued driving is a direct threat to public safety. No driver should ever operate a commercial motor vehicle when their alertness is impaired to a degree that would prevent the safe operation of that vehicle. The Hours-of-Service regulations are a cornerstone of FMCSA’s efforts to combat fatigue.

Commercial motor vehicle drivers operating in interstate commerce must comply with the FMCSRs. Any operation of a commercial motor vehicle outside the limits of these safety regulations is unacceptable and should be subject to appropriate enforcement action. If confirmed, I will ensure the Agency’s rulemakings are data driven to improve the safety on our Nation’s roadways.

Reconciliation Bill and Overtime for Truck Drivers

President Trump has touted his recent tax bill as the largest tax cut in history for middle-and working-class Americans.” One key provision is intended to eliminate taxes on overtime for workers. There are 3.5 million truck drivers employed in this country, including 34,500 truck drivers in the State of Washington. Truck drivers are exempted from receiving overtime under the Fair Labor Standards Act of 1938. We hear from the Trucking Industry frequently about the driver shortage.

Question 1. Do you think that preventing truck drivers from receiving a tax exemption on overtime payments will help or hurt the trucking industry’s ability to recruit new drivers?

Answer. The millions of truck drivers in this country are the backbone of our economy and absolutely critical to the strength of our supply chain. They deserve

to be treated with dignity and respect for the difficult and essential work they perform every day. Addressing challenges like driver recruitment and retention is vital for our Nation's economic prosperity.

Questions of overtime pay and tax policy are important ones and impact the lives of drivers. However, the laws and regulations governing overtime for truck drivers are rooted in the Fair Labor Standards Act, which is administered by the Department of Labor, and tax policy is determined by Congress. The mission of FMCSA is focused solely on safety. My commitment, if confirmed, is to lead FMCSA with a laser focus on that safety mission.

Driver Training

Currently Federal entry level driver training requirements do not require truck drivers to spend a certain number of hours training behind the wheel of a truck. However, in a negotiated rulemaking a broad coalition of trucking companies, drivers, and safety groups agreed that it would be appropriate for drivers to receive at least 30 hours of behind the wheel training.

Question 2. Do you think the Entry Level Driver Training requirements need to be reviewed to require some amount of behind-the-wheel training?

Answer. Proficiency behind the wheel is the ultimate goal of the entry level driving training. We must be confident that when a driver gets behind the wheel of a large truck the driver is trained and ready to operate safely on America's roadways. If confirmed, ensuring that only the safest drivers are behind the wheel of a commercial vehicle will continue to be among the Agency's top priority.

Under 21-Year-Old Truck Drivers

According to the American Trucking Associations (ATA), the industry is facing a shortage of 60,000 truck drivers. However, truck drivers under the age of 21 are not permitted in interstate commerce, despite being able to drive in intrastate commerce in most states.

Question 1. Do you believe that allowing 18-year-olds to drive in interstate commerce is a good solution to address ATA's concerns about a trucking shortage?

Answer. As a former law enforcement officer and a member of the Florida Trucking Association, with decades of experience in public safety, my priority has been and will continue to be the safety of both drivers and the traveling public, as well as the efficient delivery of our Nation's freight. Ensuring that only the safest drivers are behind the wheel of a commercial vehicle will continue to be among the Agency's top priority. The Safe Driver Apprenticeship Program (SDAP) is set to expire in November. The data needs to be examined and a report will be promptly sent before Congress. If confirmed, I will work with the Secretary, as well as Congress, to explore the next steps necessary to set up the future generation of truck drivers for success.

Lease to Own Agreements

The Bipartisan Infrastructure Law created a task force to study predatory lease to purchase agreements for truck drivers. The task force, made up of a broad group including carriers, owner-operators, lessors, attorneys, and economists recommended that these lease to purchase agreements be banned.

Question 1. Do you agree these agreements should be banned?

Answer. If confirmed, I will work with the industry to ensure safety is the top priority when operating a commercial motor vehicle business.

Questions 2. What steps will you take at FMCSA to address the recommendations in this report?

Answer. If confirmed, I will work with the industry to ensure safety is the top priority when operating a commercial motor vehicle business.

Universal Identifiers

The Commercial Vehicle Safety Alliance, which represents many state commercial vehicle enforcement organizations, has recommended that FMCSA require universal identifiers on all trucks to improve enforcement efficiency. However, some truck drivers have raised privacy concerns with the technology.

Question 1. Do you think that universal identifiers are beneficial to truck safety enforcement?

Answer. I served as the chairman of the Commercial Vehicle Safety Alliance's Enforcement and Industry Modernization Committee and President of the Transportation Industry membership.

There, I helped advance initiatives in connected and automated vehicle technologies, data sharing, and cross-jurisdictional collaboration. If confirmed, I will work with industry and stakeholders to progress technologies and improve safety.

Question 2. What actions regarding universal identifiers would you take at FMCSA?

Answer. If confirmed, I will work with industry to create collaborative ways to improve safety.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. EDWARD MARKEY TO
DEREK BARRS

Automatic Emergency Braking

The Bipartisan Infrastructure Law required DOT to issue a final rule to require Automatic Emergency Braking (AEB) on all newly manufactured large trucks by November 2023. DOT estimates this technology will save over a hundred lives, prevent thousands of injuries, and tens of thousands of crashes involving large trucks every year. This critical standard is nearly 2 years overdue.

Question 1. Do you commit to expedite the completion of the final AEB rule? When is your target date to issue the final rule?

Answer. Safety on America's roadways is critical and vehicle technology can play an important role. If confirmed, I will review this rulemaking for alignment with the Department and Administration priorities and will be updating the status and next steps in the Unified Agenda of Regulatory and Deregulatory Actions.

Quarterly Motor Carrier Safety Progress Report

Question 1. Do you commit to ensuring Quarterly Motor Carrier Safety Progress Reports are transparently published in a timely manner?

Answer. If confirmed, I will commit to ensuring all reports are published in a timely manner.

Truck Underrides

The FMCSA report on side underride guards published in 2020 excluded any data on the number of pedestrians, cyclists, and motorcyclists that would be saved by the device. Subsequently, NHTSA did not account for these lives in its cost-benefit analysis in the 2023 ANPRM. This means the lives of at least two of my constituents—Minh-Thi Nguyen and Sidney Olson—were not accounted for in the benefits of a safety regulation that could have saved their lives. In April, the FMCSA denied a petition by the Insurance Institute for Highway Safety to correct its report and include lives saved of pedestrians, cyclists, and motorcyclists.

Question 1. Do you commit to reverse this decision and ensure the lives of my constituents are included in the FMCSA's report on the benefits of side underride guards?

Answer. If confirmed, I commit to connect with you and your staff to further discuss, as well as engage with my colleagues at NHTSA. Underrides and all Federal motor vehicle safety standards are under the purview of NHTSA, not FMCSA.

Staffing Cuts

According to recent reporting by *Politico*, 13.7 percent of FMCSA's employees took the Delayed Resignation Program offer.

Question 1. At an agency whose chief mission is safety, do you support these drastic cuts to FMCSA's workforce?

Answer. I support Secretary Duffy and President Trump and will ensure that safety continues to be priority number 1. If confirmed, I commit to carrying out FMCSA's mission to reduce crashes, injuries, and fatalities involving large trucks and buses.

Question 2. What actions will you take to ensure FMCSA has the staff it needs to deliver on its safety mission?

Answer. It is my understanding that critical safety positions are exempt and not eligible to participate in the deferred resignation program.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. GARY PETERS TO
DEREK BARRS

Question 1. The impact of heavier and longer trucks on our roads has been an ongoing concern I've heard from trucking, labor, and law enforcement. As the cost of replacing aging infrastructure continues to rise and accidents involving larger trucks climb, will you commit to working with a diverse industry stakeholder group when considering any changes to Federal weight and length limits for trucks?

Answer. If confirmed, I will talk with all stakeholders who are willing to discuss safety matters. Specific to size and weight, that falls outside of the purview of FMCSA, but I am happy to work with Congress, stakeholders, and FHWA on considering any changes to Federal weight and length limits for trucks.

Question 2. One of the most persistent and dangerous challenges in the freight sector is the national shortage of safe and available truck parking. When drivers are unable to find parking, they are forced to make unsafe choices—such as parking on highway shoulders or in unsecure locations—which puts both them and other road users at risk. New technologies that leverage real-time data sharing and predictive intelligence could offer solutions to help fleet managers and drivers locate available parking, and help state DOTs better plan where to best locate new parking capacity. If confirmed, how will you work to advance safe and adequate truck parking nationwide, and will you include the use of innovative technologies in addressing this challenge?

Answer. Having adequate and safe truck parking is one of the most significant safety issues facing the industry. I applaud Secretary Duffy for his hard work on prioritizing safe truck parking and if confirmed, I will continue to work with the Secretary, Congress, and FHWA to advance safe and adequate truck parking nationwide.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BEN RAY LUJÁN TO
DEREK BARRS

Question 1. The role of the Department of Transportation is to ensure all vehicles, including those equipped with partially or fully automated driving systems, are safe for all road users. In 2024, nearly 70 percent of all vehicles sold in the U.S. had some form of automated driving system. One of the most prevalent issues leading to AV crashes is over-trust in the automated system, leading to lack of oversight by the human in the loop. Trust in these systems is built on the assumption that the government is performing its oversight duties to ensure cars and roads are safe for everyone.

(a) What do you plan to do to ensure drivers' trust in commercial AV technology is not misguided? How do you plan to enforce safety mechanisms in commercial autonomous vehicles so we can all benefit from the promise of these technologies?

(b) What do you believe are the biggest safety concerns or challenges that are unique to commercial autonomous vehicles?

Answer. The core mission of FMCSA is, and always will be, safety. FMCSA's unwavering commitment is to save lives and prevent injuries and crashes involving large trucks and buses. Every decision FMCSA makes and every regulation it considers must be viewed through the lens of this fundamental responsibility. FMCSA should support innovation while ensuring the highest level of safety on our Nation's roadways. This means FMCSA must guarantee the safe integration of Automated Driving Systems (ADS)-equipped commercial motor vehicles. A critical component of this is ensuring that these vehicles meet a level of safety that is equivalent to or greater than the safety standards we currently have in place for all commercial motor vehicles. Any petition that comes before the agency should be given a fresh and comprehensive review based on the latest available safety data and technological analysis. Additionally, if confirmed, I will review the ADS rulemaking for alignment with the Department and Administration priorities and will be updating the status and next steps in the Unified Agenda of Regulatory and Deregulatory Actions.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN HICKENLOOPER TO
DEREK BARRS

Commercial Driver's License Audits & Oversight

Last year, we witnessed tragic fatalities in Jefferson County, Colorado, that involved trucking companies failing safety standards or employees unlicensed truck drivers. In response to our Sept. 2024 *letter* expressing these safety concerns to the Federal Motor Carrier Safety Administration (FMCSA), we learned:

- In Fiscal Year 2023, 705 motor carriers were identified with Commercial Drivers License (CDL) violations;
- In Fiscal Year 2024, 683 motor carriers had CDL violations.

Every violation by motor carriers to ensure their drivers maintain valid CDL licenses puts more lives at risk.

How will FMCSA improve its oversight and increase frequency of auditing the CDL registrations for commercial truck drivers?

Answer. Safety is integral to the mission and coordination with other entities to ensure our Nation's roadways are safe and efficient is paramount. FMCSA relies heavily on the work our state inspectors conduct every day to ensure the motoring public is safe. Secretary Duffy recently announced the launch of a nationwide audit by the Department of state practices for issuing non-domiciled CDLs. It is critical to ensure that all state licensing agencies are issuing commercial driver's licenses that meet all Federal requirements that FMCSA deems necessary to promote a safe and efficient supply chain.

Automatic Emergency Braking

The Infrastructure Investment and Jobs Act (IIJA) required DOT to issue a final rule to require Automatic Emergency Braking (AEB) on all newly manufactured large trucks by November 2023. DOT estimates this technology will save over a hundred lives, prevent thousands of injuries, and tens of thousands of crashes involving large trucks annually. This critical standard is nearly 2 years overdue.

What steps will you commit to taking to expedite the completion of the final AEB rule? When is your target date to issue the final rule?

Answer. Safety on America's roadways is critical and vehicle technology can play an important role. If confirmed, I will review this rulemaking for alignment with the Department's and Administration's priorities and will be updating the status and next steps in the Unified Agenda of Regulatory and Deregulatory Actions.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO JONATHAN MORRISON

Question 1. Mr. Morrison, do you agree that autonomous vehicles (AVs) have the potential to improve traffic safety?

Answer. Yes. Properly developed and operated AVs have the unique ability to prevent the vast majority of crashes, injuries, and fatalities caused by human choices and errors—impairment, distraction, and speeding.

Question 2. If confirmed, will you commit to making the adoption and deployment of new safety technologies like AVs a priority at the National Highway Traffic Safety Administration?

Answer. While AV and other technology developers have the ability to deploy without pre-approval from NHTSA, the agency can foster development and deployment by engaging with industry and establishing best practices, guidance, removal of unintended barriers to designs enabled by automated driving systems, and eventual regulation. If confirmed, I will work with the Secretary to realize his vision for an AV framework to assure safe deployment.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JERRY MORAN TO JONATHAN MORRISON

Question 1. The National Highway Traffic Safety Administration, under the previous administration, had taken requirements from the last Surface Transportation Reauthorization for the State Highway Safety Grant Programs and expanded them beyond the Congressional intent—resulting in increased red tape in delivering these safety programs.

Will you work with the states to find ways to reduce administrative red tape so that more of the money intended for safety programs can be put to work improving safety on our roadways?

Answer. If confirmed, I would help implement the Secretary's vision for reducing red tape. While the agency must ensure that taxpayer dollars are appropriately spent, removal of unnecessary bureaucratic hurdles to the efficient distribution of safety-focused grant funding would be a priority. This would likely involve working with the States to identify specific areas for streamlining administrative requirements.

Question 2. Under the last administration, NHTSA changed how State Highway Safety Offices (SHSOs) plan and report on their use of Federal grant funds, requiring they submit plans every three years and an annual update on changes and grant activity for the Fiscal Year. Kansas' Annual Grant Application for FY24 ended

up being 493 pages to provide all the information required by NHTSA, creating an overly cumbersome process.

How will you work with the states to find ways to enhance coordination and collaboration in prioritizing safety, while also being cognizant of minimizing cumbersome tasks?

Answer. If confirmed, I would help implement the Secretary's vision for reducing red tape. This would likely involve creation of working groups with States, NHTSA headquarter officials, and NHTSA regional offices to identify specific areas for streamlining administrative requirements in a manner that maintains appropriate oversight over taxpayer dollars to ensure they are used to maximize safety outcomes.

Question 3. Integral to the mission of the agency you are nominated to lead is coordination with other Federal departments and agencies and with states, localities, and industry stakeholders to deliver safe and efficient transportation networks.

How will you leverage relationships with state departments of transportation, metropolitan planning organizations, local governments, and other partners to navigate diverse transportation safety needs while upholding a uniform standard of safety throughout the country?

Answer. Consistent communication between NHTSA headquarters and regional offices, State and local governments, and other safety stakeholders, is critical to understanding the safety challenges unique to each locale while also setting expectations for deployment of countermeasures.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. MARSHA BLACKBURN TO
JONATHAN MORRISON

Question 1. NHTSA has a horrible track record of meeting deadlines set by Congress. A 2022 GAO report revealed that NHTSA failed to complete 17 of 22 mandated rulemakings by their statutory deadlines. These deadlines are not suggestions—they're law. President Trump has focused on cutting through bureaucracy and right-sizing Federal agencies to ensure that deadlines are met and efficiency is a priority. What steps are you planning to decrease the long delay times for NHTSA responses to official requests?

Answer. Federal Motor Vehicle Safety Standards are technical/engineering standards that must meet strict criteria in the Motor Vehicle Safety Act and notice-and-comment rulemaking requirements of the Administrative Procedure Act. Ensuring standards are objective, practicable, meet the need for motor vehicle safety and grounded upon a sound scientific basis is critical both to ensuring legal sufficiency, cost-effectiveness, and avoiding unintended adverse safety consequences. Ensuring the necessary scientific basis requires research. If appropriate and relevant research on a particular technology does not yet exist, NHTSA must carry out or sponsor that research itself, which takes time to plan and conduct. If confirmed, I will ensure NHTSA's rulemaking resources are appropriately allocated to required rulemaking. Further, I understand that the Government Accountability Office recently issued recommendations to NHTSA on reducing the rulemaking timeline, with which the agency concurred. If confirmed, I will work to ensure these recommendations are implemented where appropriate.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TED BUDD TO
JONATHAN MORRISON

Question 1. It's critical for America that NHTSA writes new FMVSS specifically for AVs. Harmonizing AV regulation nationally via robust Federal AV rules will promote regulatory certainty for industry and will ensure all American consumers are protected by the same regulations. If NHTSA cannot get the right regulations in place soon to support the safe and quick deployment of this technology, we'll see other countries try to steal America's lead. China is already trying to take advantage and leapfrog the U.S. like they have in so many other industries. As NHTSA administrator, do you commit to establishing ADS-specific FMVSS and prioritizing the U.S. remaining the global leader on AVs?

Answer. If confirmed, I will prioritize realizing the Secretary's vision of an AV framework that enables safe deployment of the technology to ensure the United States remains the global leader in AV technological development and deployment.

Question 2. On December 3, 2024, NHTSA issued a final decision notice adding four new advanced driver assistance systems technologies to the New Car Assess-

ment Program. This notice includes these new technologies in NHTSA's assessment starting with the 2026 Model Year, which manufacturers could begin selling in January 2025. Essentially, NHTSA provided only 1 month of lead-time to the industry for this program. If confirmed, will you work with industry to set more reasonable timeframes for NHTSA programs?

Answer. Yes.

Question 3. Under the last administration NHTSA expanded reporting and compliance requirements for several grant programs. Instead of working to reduce drunk driving or encourage seatbelt use, state employees are spending their time jumping through hoops and filling out paperwork. If confirmed, will you work with states to reduce administrative red tape so that NHTSA's programs can actually be put to work improving safety on our roadways?

Answer. Yes. While the agency must ensure that taxpayer dollars are appropriately administered, removal of unnecessary bureaucratic hurdles to the efficient distribution of safety-focused grant funding will be a priority, should I be confirmed.

Question 4. Last month, our friends across the Capitol held a hearing on the state of the auto industry. Each panelist had the same message: industry needs a well-resourced and transparent regulator in order to flourish and maintain U.S. Competitiveness, but NHTSA is not working well. Safety groups, regulated parties, and the Insurance Institute for Highway Safety all agree that NHTSA needs to be better than it has been in the recent past. What are your top ideas to make NHTSA a collaborative and transparent agency again?

Answer. If confirmed, I plan to provide avenues for consistent and deep communication between agency leadership and staff, industry, and technical safety experts. Doing so is critical to ensuring NHTSA understands how technology is developing, and industry understands agency priorities and concerns.

Question 5. Many innocent people have lost their lives in a gruesome and preventable kind of traffic crash known as "underride." These underride crashes can happen at the rear and sides of large commercial trucks and are caused by the mismatch between the tall bottom edge of trailers and the relatively lower heights of all other vehicles that share the roads with them. Many of these underride casualties are pedestrians and bicyclists, who are especially vulnerable to being trapped under the tandem wheels of large trucks in low-speed encounters on town and city streets.

Those fatalities can be prevented by side underride guards, which act to block pedestrians and cyclists from falling beneath the tractor-trailer and being crushed to death under its rear wheels. NHTSA knows about this problem and announced a proposed rulemaking for side underride guards, which remains pending. In the last administration, however, NHTSA did not count preventing the deaths of pedestrians and bicyclists as a benefit of its proposed rulemaking.

Will you, as NHTSA Administrator, conduct a full cost-benefit analysis of this pending proposed rulemaking or any future rulemaking on side underride guards?

Answer. If confirmed, I would work with agency economists to ensure that appropriate factors are considered as part of any benefit-cost analyses.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ERIC SCHMITT TO
JONATHAN MORRISON

Question 1. In the past, vehicle owners controlled the data their cars generated—like its mileage, tire pressure, and location. But with connected vehicles, automakers are increasingly limiting that access. When owners have access to and control over their data, they can ensure proper maintenance and monitor driving safety, which will ultimately help improve traffic flow. Given the implications raised by some stakeholders, can you commit to working with me to ensure owners retain appropriate access to their vehicle data?

Answer. Failure to appropriately maintain or service vehicles has safety consequences ranging from brake failure to sudden loss of motive power to tire blow outs. The ability of vehicle owners to service and maintain their own vehicles, or have their vehicles serviced or maintained at the facility of their choice is important to ensuring safety. If confirmed, I would support efforts to provide consumers with secure access to data necessary to maintain or service their vehicles.

Question 2. As part of the Infrastructure Jobs and Investment Act (IIJA), NHTSA's regulations are required to define what constitutes both "public participation and engagement" and "effective community collaboration". They have even gone so far as to say that if a highway safety program did not originate from a request of the affected community, then such a program does not meet public participation expectations of the law. For example, if Missouri Department of Transportation

(MoDOT) were to go to a school district or a local community that has low seat belt use and recommend some programs or countermeasures the school or community could implement, NHTSA has, at times, only deemed this eligible for a grant if the idea originated from the community itself. This has resulted in increased administrative burdens for highway safety programs, diverting time and resources from implementation.

How do you plan to work with states to reduce administrative red tape so that the states and their highway safety partners can spend more time implementing safety programs than administering them?

Answer. If confirmed, I would help implement the Secretary's vision for reducing red tape. While the agency must ensure that taxpayer dollars are appropriately spent, removal of unnecessary bureaucratic hurdles to the efficient distribution of safety-focused grant funding would be a priority. This would likely involve working with the States to identify specific areas for streamlining administrative requirements.

Question 3. Vehicle-to-Everything technology, or "V2X", has demonstrated significant potential to reduce crashes, save lives, and improve traffic efficiency. However, the Department of Transportation's National Deployment Plan for V2X was recently taken down, creating uncertainty about the Federal government's direction on this critical safety technology. Meanwhile, state and local governments are making considerable investments in V2X infrastructure to improve roadway safety and efficiency.

Given this momentum of V2X, are you willing to work collaboratively with public and private sector stakeholders to develop a voluntary framework for national V2X deployment? And will you ensure that NHTSA provides leadership and coordination to support these ongoing investments and maximize the safety and mobility benefits of V2X for all Americans?

Answer. V2X technologies provide great potential safety and efficiency benefits for next generation vehicles, other road users, and infrastructure. If confirmed, I would work with the Secretary to achieve his vision for efficient and effective V2X deployment to achieve positive safety outcomes.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO
JONATHAN MORRISON

Federal Workforce Staffing Cuts

In May, the DOT paused its planned reductions in force due to ongoing litigation. On July 8, the Supreme Court allowed the Administration to move forward with widespread firings. There is now uncertainty about what actions DOT plans to take. Meanwhile, 27.8 percent of National Highway Traffic Safety Administration (NHTSA) employees have already left the agency through the deferred resignation program.

Question 1. Yes or No: Do you oppose a reduction-in-force at NHTSA, particularly when the agency has already lost over 27 percent of its workforce?

Answer. Since I'm not yet at the agency, I'm not aware of how NHTSA's staff is allocated amongst the various divisions, nor how workstreams are currently staffed.

Question 2. Are you concerned that widespread departures undermine NHTSA's ability to ensure public safety and pursue investigations?

Answer. Since I'm not yet at the agency, I'm not aware of how NHTSA's staff is allocated amongst the various divisions, nor how workstreams are currently staffed.

Stalled Safety Standards

Nearly 40,000 people die in traffic accidents every year, including 731 people who died in Washington State last year. The most common causes of traffic accidents are impaired and distracted driving, and speeding. NHTSA is responsible for setting and enforcing vehicle safety standards.

During your previous time at DOT, the agency did not issue a single new Federal motor safety standard. Currently, there are 19 outstanding congressionally mandated vehicle safety requirements the agency has not completed. This includes automatic emergency braking for trucks, which could prevent 19,000 crashes annually, and lane keep assist, which could reduce crashes by 24 percent.

Question 1. What Congressionally mandated Federal motor vehicle safety requirement rulemakings will you prioritize to decrease the number of fatal accidents on our roads, if confirmed?

Answer. Since I'm not yet at the agency, I'm not aware of how far staff has progressed in its various ongoing rulemakings. If confirmed, I would be briefed on the status of all outstanding rulemaking mandates.

Question 2. If confirmed, will you commit to completing congressionally mandated vehicle safety rulemakings in a timely manner?

Answer. If confirmed, I will exercise my leadership to ensure that all laws are faithfully executed and statutory mandates complied with.

Autonomous Vehicle Safety and AI Moratorium

Mr. Morrison, some of my colleagues have proposed prohibiting state and local governments from regulating AI. This would include prohibiting states from imposing safety and reporting requirements on autonomous vehicles.

Question 1. Does DOT have any requirements to ensure the safe operation of autonomous vehicles?

Answer. Pursuant to the Motor Vehicle Safety Act, manufacturers have the obligation to file a defect notice and commence the recall process within five days of having reason to believe that the vehicle or equipment has a defect in design, construction, or performance posing an unreasonable risk to safety. This applies to all vehicles, including AVs.

Question 2. If the Federal government does not have any safety requirements, does it make sense to prohibit states from ensuring autonomous vehicles are safe to operate on public roads?

Answer. As described in response to Question 1, all vehicles, including autonomous vehicles, are subject to the Motor Vehicle Safety Act's broad defect authorities. I will defer to Congress on legislative efforts to restrict State regulation of Autonomous Vehicles.

Safe Systems Approach for Roadway Safety

Roadway fatality rates in the United States are 15 percent higher than they were a decade ago. Clearly, we need to fix the safety culture on our roads. Currently, three Federal agencies work with three different agencies in each state to address their own aspects of roadway safety, often without any coordination.

We have learned from other industries, including the aviation industry, that looking at safety holistically and creating redundancy is essential to preventing mistakes that could lead to fatal accidents.

Question 1. Yes or No: Do you agree that a safe system approach is the best way to reduce roadway fatalities?

Answer. Yes—multi-prong approaches that provide for redundancy, such as a safe system approach, provide for a better and more comprehensive means to reduce fatality risks.

Question 2. How do you believe NHTSA can work with other modal administrations at the DOT to address safety holistically?

Answer. NHTSA can work with other modal administrations to address safety in several areas. This takes consistent collaboration on areas of adjacent or overlapping authority (*e.g.*, the Federal Motor Carrier Safety Administration on trucking safety). If confirmed, I would look forward to working with the Secretary on ensuring that intermodal workstreams are aligned to achieve the most effective results.

Question 3. Yes or No: Do you support state and local efforts to implement comprehensive safety plans also known as "vision zero plans?"

Answer. Yes, if those plans are followed with concrete steps to address safety risks.

Suppressing Safety Data

Last year I sent a letter to DOT requesting documents related to allegations NHTSA suppressed safety data that showed side underride guards on truck trailers were cost beneficial. You were NHTSA's Chief Counsel at the time.

Question 1. While serving as NHTSA's Chief Counsel, did you allow any industry group to view, edit, or provide comment on a cost-benefit analysis or proposed research compiled by DOT's Volpe Center related to side underride guards?

Answer. No.

Question 2. Did you participate in a January 2020 meeting of DOT, NHTSA, and FMCSA officials related to the Volpe Center and side underride guards? If not, did any NHTSA attorneys in your office participate?

Answer. Yes.

Question 3. Did you participate in any meetings with members of the American Trucking Association related to the Volpe Center and side underride guards? If so, provide the dates, participants, and purpose of each meeting.

Answer. No.

Question 4. Do you think it's appropriate to allow industry groups to have special access to pre-decisional government reports that have a direct financial impact on them?

Answer. No.

Question 5. If confirmed, do you commit to full transparency at NHTSA regarding meetings with industry lobbyists on issues related to public safety?

Answer. If confirmed, I will follow the law.

Apple

Mr. Morrison, after working at NHTSA during the first Trump Administration, you worked in the Special Projects Group at Apple for the past four years. According to reports, during your tenure at Apple, the company spent billions of dollars developing a self-driving car, named "Project Titan." Little information is known about Project Titan, although some reports indicate Apple largely ended this effort last year.

Question 1. Mr. Morrison, please describe in detail your work on Project Titan or any other self-driving car project at Apple.

Answer. I am subject to non-disclosure requirements that do not allow me to discuss non-public work I performed at Apple.

Question 2. I understand you informed my staff during your interview on May 28, 2025, that you would not disclose the specifics of your work at Apple due to multiple non-disclosure agreements (NDAs). Is that still your position today?

Answer. Yes.

Question 3. Have you asked Apple to release you from these NDAs?

Answer. No.

Question 4. If a Member of this Committee directed you to ask Apple to release you from your NDAs, would you do so? If no, explain why not.

Answer. I will work with the Committee, if confirmed.

Question 5. Do you believe it is appropriate to conceal the work you did for a private company when it is directly relevant to the position for which you have been nominated?

Answer. If any matter arises that could have implications for Apple, I will consult with NHTSA's Designated Ethics Official prior to any engagement.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. EDWARD MARKEY TO
JONATHAN MORRISON

Driver Automation

Almost every manufacturer of driver automation systems and partial driver automation systems restrict their systems only to the roads and driving conditions the systems are designed for. Manufacturers do this using a technology known as "geofencing." Tesla is an industry exception, allowing its Autopilot and Full-Self drive features to be enabled on any road and in any driving condition. During your hearing, you said regulation is appropriate when "a technology is fully understood and after an industry consensus has already been reached." Geofencing driving automation systems appears to meet both these criteria given its widespread adoption by industry with the exception of Tesla.

Question 1. Do you agree that NHTSA should require all driving automation systems, including partial driving automation systems like Autopilot, to be constrained to the specific roads and conditions they are designed for?

Answer. Level 3 and Level 4 automated driving systems are inherently limited to use within their operational design domain, and failure to include a fallback maneuver to achieve a minimal risk condition when an operational design domain is exceeded would present a safety risk subject to the Motor Vehicle Safety Act's defect requirements. With driver assistance systems, a human is driving under all circumstances and responsible for safe operation of the vehicle. The manufacturer of the system is expected to provide countermeasures to address reasonably foreseeable misuse, which may include a combination of geofencing, driver monitoring, and other technologies to provide assurance that the system is being used properly. Failure to include such countermeasures would present a safety risk subject to the Motor Vehicle Safety Act's defect requirements.

Truck Underrides

Q: During your hearing, you told Senator Lujan that you were not familiar with the truck underride side guard rulemaking. However, files released under the Freedom of Information Act show you were the direct recipient of e-mails regarding the publication of an FMCSA report on this topic. Records also show your direct reports were heavily involved in the report's revision and publication. The *report itself* was highly controversial due to investigative reporting at ProPublica.

Question 1. Now that you have had the chance to refamiliarize yourself with the issue, can you commit to ensuring the lives of my constituents—Minh-Thi Nguyen and Sidney Olson—and all vulnerable road users are included in any cost-benefit analysis NHTSA conducts while reviewing this rule?

Answer. If confirmed, I would work with agency economists to ensure that all appropriate factors are considered as part of any benefit-cost analyses.

Distracted Driving

Research suggests distracted driving may be implicated in as many as 30 percent of all crashes. The *Bipartisan Infrastructure Law* required NHTSA to conduct research on distracted driving and, if appropriate, propose rulemaking to prevent distracted driving. The research was mandated to be conducted within three years of enactment and is now long overdue.

Question 1. Can you commit to expeditiously completing this research and undertaking a rulemaking to mitigate distracted driving?

Answer. If confirmed, I will be briefed on the status of the research and provide resources to ensure the research is completed in a timely manner. Upon completion of the research, and based upon the findings of that research and other relevant information pursuant to the Motor Vehicle Safety Act, I will work with staff and the Secretary to determine whether a rulemaking is appropriate.

Seatback Safety

For decades, front seats in vehicles have endangered back seat riders' lives when they collapse and become projectiles during rear-end collisions. The *Bipartisan Infrastructure Law* mandated NHTSA propose rulemaking to update the standards for seat back safety and protect back seat riders, many of whom are children. NHTSA announced a proposed rule in July 2024.

Question 1. Do you commit to expeditiously finalizing this long overdue rule and protecting the lives of children in back seats?

Answer. If confirmed, I will be briefed on the status of the rulemaking and will exercise my leadership to ensure that all laws are faithfully executed, and statutory mandates complied with.

Staffing Cuts

According to recent reporting by *Politico*, 28 percent of NHTSA's employees took the Delayed Resignation Program offer.

Question 1. At an agency whose chief mission is safety, do you support these drastic cuts to NHTSA workforce?

Answer. If confirmed, I would seek to ensure that the agency has sufficient staffing to accomplish its mission, and look forward to working with NHTSA's fantastic team of safety professionals.

Question 2. What actions will you take to ensure NHTSA has the staff it needs to deliver on its safety mission?

Answer. Since I'm not yet at the agency, I'm not aware of how NHTSA's staff is allocated amongst the various divisions, nor how workstreams are currently staffed.

CAFE Standards

The reconciliation bill zeroed out penalties for automakers who violate the Corporate Average Fuel Economy standards—unless the Department of Transportation explicitly notifies them of noncompliance.

Question 1. Will you commit to publishing a public list of violators, including who has received official noncompliance notices from the Department of Transportation?

Answer. If confirmed, I will follow the law.

Scientific Research

Question 1. Will you commit to ensuring that the findings of scientific research conducted by your agency will be communicated accurately, methodology will be transparent and available to those who wish to understand it, and that the scientists who generated the work will have an opportunity to correct any misrepresentations of their work prior to dissemination?

Answer. Transparency of research methodology and findings is critical to ensuring that NHTSA's research continues to set the gold standard in the vehicle and behavioral safety research fields, and I will ensure that the agency continues to be transparent in these areas.

Question 2. Do you pledge to use the best available scientific evidence to inform decisions and evidence-based policies, and to communicate clearly and accurately with the public regarding the evidence that informed these decisions and policies?

Answer. Yes.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. GARY PETERS TO
JONATHAN MORRISON

Question 1. Over the course of Administrations under both parties, NHTSA has fallen behind on rulemakings in response to Congressional mandates. Studies have also found that it takes NHTSA over 5 years on average to complete a rulemaking.

a. If confirmed, what is your plan to complete this rulemaking backlog and what steps do you think might be appropriate to improve NHTSA's operations?

Answer. Federal Motor Vehicle Safety Standards are technical/engineering standards that must meet strict criteria in the Motor Vehicle Safety Act and notice-and-comment rulemaking requirements of the Administrative Procedure Act. Ensuring that standards are objective, practicable, meet the need for motor vehicle safety and grounded upon a sound scientific basis is critical both to ensuring legal sufficiency, cost-effectiveness and avoiding unintended adverse safety consequences. Ensuring the necessary scientific basis requires research. If appropriate and relevant research on a particular technology does not yet exist, NHTSA must carry out or sponsor that research itself, which takes time to plan and conduct. If confirmed, I will ensure that NHTSA's rulemaking resources are appropriately allocated to required rulemaking. Further, I understand that the Government Accountability Office recently issued recommendations to NHTSA on reducing the rulemaking timeline, with which the agency concurred. If confirmed, I will work to ensure that these recommendations are implemented where appropriate.

b. Will you commit to providing timely and transparent updates to Congress on NHTSA's regulatory agenda and progress on specific rulemakings?

Answer. I will work toward delivering on NHTSA's regulatory agenda.

Question 2. I have long been a champion of autonomous vehicle technology and believe that, if deployed correctly and responsibly, this technology can transform roadway safety.

a. Will you commit to maintaining transparency and safety as guiding principles as you work to provide a regulatory framework for the deployment of autonomous vehicles on our roads?

Answer. Yes.

b. What rulemakings do you think it would be appropriate for NHTSA to pursue related to autonomous vehicle testing and deployment?

Answer. I believe a combination of amending existing FMVSS to remove unnecessary and unintended barriers to designs enabled by automated driving systems and establishment of performance requirements for automated driving system competency will be necessary. In the meantime, NHTSA can issue guidance documents and best practices to help align industry toward appropriate and safe development, testing, and deployment of automated driving systems. Lastly, strong agency oversight and transparency are necessary to foster consumer trust.

c. Will you commit to sharing updates with Congress, including my staff, on your progress related to an AV framework?

Answer. Yes, as appropriate.

d. If confirmed, will you support maintaining NHTSA's Standing General Order on collecting crash data on autonomous and semi-autonomous systems?

Answer. Yes.

Question 3. Vehicle-to-Everything technology, or "V2X", has demonstrated significant potential to reduce crashes, save lives, and improve traffic efficiency. However, the Department of Transportation's National Deployment Plan for V2X was recently taken down, creating uncertainty about the Federal government's direction on this critical safety technology. Meanwhile, state and local governments are making considerable investments in V2X infrastructure to improve roadway safety and efficiency.

a. Are you willing to work collaboratively with public and private sector stakeholders to develop a voluntary framework for national V2X deployment?

Answer. V2X technologies provide great potential safety and efficiency benefits for next generation vehicles, other road users, and infrastructure. If confirmed, I would work with the Secretary to achieve his vision for efficient and effective V2X deployment to achieve positive safety outcomes.

b. And will you ensure that NHTSA provides leadership and coordination to support these ongoing investments and maximize the safety and mobility benefits of V2X for all Americans?

Answer. If confirmed, I would work with the Secretary to achieve his vision for efficient and effective V2X deployment to achieve positive safety outcomes.

Question 4. NHTSA's pending ANPRM on side underride guards estimated very few preventable deaths could be expected with a side underride guard requirement on tractor trailers, making the costs of regulation exceed benefits. This estimate reflected assumptions in the rulemaking's cost-benefit analysis that excluded whole categories of preventable deaths, the largest of which was vulnerable road users (pedestrians, bicyclists, and motorcyclists).

a. If confirmed, will you commit to considering vulnerable road users (pedestrians, bicyclists, and motorcyclists) in cost-benefit analyses to the furthest extent possible in rulemakings, including reconsidering its use in the above ANPRM?

Answer. If confirmed, I would work with agency economists to ensure that all appropriate factors are considered as part of any benefit-cost analyses.

Question 5. As an avid Motorcyclist and Co-chair of the motorcycle caucus, I am strongly supportive of efforts to improve motorcycle safety given the disproportionate injuries and deaths experienced by motorcycle riders on our roads each year.

a. If confirmed, will you commit to working to improve motorcycle safety, including by continuing to carry out the Motorcycle Advisory Council Act, which was passed in 2021?

Answer. If confirmed, I commit to working to improve motorcycle safety and will follow the law—including the Motorcycle Advisory Council Act.

Question 6. Mr. Morrison, it seems that NHTSA's bumper standards under Part 581 are overdue for an update, particularly since they restrict the placement of critical ADAS sensors used in Automatic Emergency Braking and other modern safety systems. If confirmed, will you look into modernize these standards to support new safety technologies?

Answer. If confirmed, I would look to evaluate regulations that may pose unnecessary barriers to safety innovation, including Part 581.

Question 7. Thank you for answering my question on NHTSA's global leadership at the hearing. How important do you believe it is for NHTSA to prioritize harmonizing with global standards on rulemakings when possible?

Answer. Given the massive and expensive inefficiencies involved in developing different vehicles for different markets, harmonization is important to achieving cost savings that can make vehicles more affordable and quicken fleet turnover into safer and cleaner new vehicles. That said, NHTSA must meet the statutory requirements of the Motor Vehicle Safety Act and the Administrative Procedure Act in promulgating standards, and cannot merely adopt standards from other countries for the sake of harmonization. An important part of the agency's work is playing a leadership role in the UNECE World Forum for Harmonization of Vehicle Regulations to create Global Technical Regulations for new technologies. This forum enables the United States to help ensure that new technical regulations are consistent with the tenets of the Motor Vehicle Safety Act.

Further, a critical part of the Motor Vehicle Safety Act is a requirement that standards be practicable—an important aspect of which includes affordability. Ensuring that new Federal Motor Vehicle Safety standards are compatible with regulations elsewhere can help minimize additional costly design, engineering, and testing efforts.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BEN RAY LUJÁN TO
JONATHAN MORRISON

Question 1. The Honoring the Abbas Family Legacy to Terminate Drunk Driving Act—also known as the HALT Act—is a bipartisan law enacted in 2021 as part of the Infrastructure Investment and Jobs Act. This historic law requires all new vehicles to be equipped with advanced anti-drunk driving technology and, according to the Insurance Institute for Highway Safety (IIHS), will save more than 10,000 lives a year when fully implemented. NHTSA's annual budget request to Congress states

that implementing standards for advanced drunk and impaired driving technology will be an agency priority.

How will you prioritize dedicating the necessary time and resources to complete NHTSA's rulemaking on anti-drunk driving technology? Please provide exact details and a proposed timeline.

Answer. I'm not yet at the agency, so I don't yet have the information necessary to develop a detailed plan or timeline. That said, as mentioned in your office and during the hearing, getting briefed on the state of the DADSS technology and status of research and rulemaking progress will be a priority if I am confirmed.

Question 2. Critics of the HALT Act have cited privacy concerns regarding advanced anti-drunk driving technology. However, the technology is meant to be a vehicle safety feature that simply prevents illegally drunk drivers from operating motor vehicles and putting others on the road at risk. It is NOT meant to put a police officer in your car or otherwise spy on drivers. Moreover, NHTSA is fully capable of building in privacy guardrails and protections in its final rule to safeguard consumer privacy. In fact, in its Advanced Notice of Proposed Rulemaking, NHTSA acknowledged that consumer privacy is critical toward establishing public acceptance of this technology.

Do you pledge as NHTSA Administrator to protect privacy and incorporate strong privacy principles in the final regulation implementing the HALT Act?

Answer. With any Federal Motor Vehicle Safety Standard, the rule must be practicable—which means not only technically feasible and affordable, but also acceptable to the driving public, since the Federal government cannot force Americans to embrace new technologies through regulatory mandates. A technology that would threaten to expose sensitive information would likely face consumer resistance, and any rulemaking in this area should factor in privacy considerations.

Question 3. NHTSA has a pending Advanced Notice of Proposed Rulemaking on side underride guards, with a cost benefit analysis that estimates that side underride guards will prevent very few deaths. As a result, according to NHTSA, the cost of installing side guards exceeds the benefits. Unfortunately, to reach this estimate, NHTSA makes assumptions in their cost benefit analysis that excludes whole categories of preventable deaths of vulnerable road users such as pedestrians, bicyclists, and motorcyclists. As shown in this video (<https://www.youtube.com/watch?v=GTRZ1Pj9r7g>) side underride guards can prevent pedestrians and bicyclists from being crushed underneath, causing further injury and death in many circumstances.

Will you commit to counting pedestrians and bicyclists as preventable deaths for vulnerable road users in this cost benefit analysis and future rulemakings on side underride guards?

Answer. If confirmed, I would work with agency economists to ensure that all appropriate factors are considered as part of any benefit-cost analyses.

Question 4. The Driver Alcohol Detection System for Safety (DADSS) program is coming to an end in September 2025. At that time the reference design package will be handed over to the auto industry.

What will you do as NHTSA Administrator to work with auto industry leadership to ensure that this 17-year federal-funded program to develop anti-drunk driving tech in collaboration with the auto industry will be ready to go in cars and available to consumers as soon as possible?

Answer. As discussed during our meeting and at the hearing, if confirmed, I will be briefed on the state of the DADSS program. One of the critical aspects of the DADSS program is that the intellectual property behind the technology must be made available to automakers and suppliers on a royalty-free basis. I believe this technology can have a massive safety impact and will encourage its early adoption.

Question 5. The role of the Department of Transportation is to ensure all vehicles, including those equipped with partially or fully automated driving systems, are safe for all road users. In 2024, nearly 70 percent of all vehicles sold in the U.S. had some form of automated driving system. Yet the NHTSA has no formal requirements for testing or certifying these vehicles. Additionally, NHTSA has recently relaxed its reporting requirements for autonomous vehicle (AV) crashes, eliminated a significant number of staff specifically focused on AV safety, and has drastically reduced the number of enforcement actions since the start of this administration. One of the most prevalent issues leading to AV crashes is over-trust in the automated system, leading to lack of oversight by the human in the loop. Trust in these systems is built on the assumption that the government is performing its oversight duties to ensure cars and roads are safe for everyone. Yet NHTSA is not only failing

to enact mandatory standards to address the unique issues that arise with AVs, but they are loosening the reigns.

(a) What do you plan to do to ensure Americans' trust in AVs is not misguided? How do you plan to enforce safety mechanisms in autonomous vehicles so we can all benefit from the promise of these technologies?

Answer. Critically important is differentiating between driver *assistance* systems and driving *automation* systems. Driver assistance systems—effectively all the systems available for consumer purchase—are effectively a sophisticated form of cruise control that require driver attention at all times during operation. Automakers are expected to have countermeasures in place to address reasonably expected misuse, but the person behind the wheel is the driver and responsible for safe operation of the vehicle. Consistent communication with automakers and drivers on these responsibilities is important to achieving appropriate design and operation.

With driving automation systems, however, the vehicle itself is responsible for the driving task, and with very few limited exceptions in a handful of highline vehicles, are limited to operator-controlled fleets in specific geographical areas. Setting development, testing, and performance expectations through guidance and best practices can help ensure that developers are acting appropriately. Being transparent with the public on what is being tested and the state of the technology can foster consumer trust.

Both driver assistance systems and driving automation systems are subject to the requirements of the vehicle safety act—including NHTSA's recall authority. If confirmed, I would not hesitate to use the full force of NHTSA's enforcement authorities to address bad actors in either space. This, too, can help ensure the trust in the American public.

(b) What do you see as the most significant safety challenges that are unique to autonomous vehicles?

Answer. While AVs provide incredible potential safety and mobility benefits, they present their own unique risks. First and foremost, development of an automated driving system is one of the greatest engineering challenges ever attempted. Ensuring that industry development and testing appropriately mitigates risk is critically important to achieving safe outcomes.

Automated driving systems involve sophisticated sensor suites and powerful computing systems that drive incredibly complicated software to fuse and translate sensor data into meaningful depictions of the physical world, classify objects and assign potential kinematic actions to those objects, and develop motion plans to navigate through roadways toward the destination—all constantly changing in real-time. Hardware or software insufficiencies or errors in any part of the system can lead to adverse safety outcomes. Industry best practices and standards for functional safety, safety of the intended functionality, software development, public road testing, and safety cases help developers track and mitigate risk.

Question 6. You have agreed to recuse yourself from any matters in which Apple is a party for two years. However, because your non-disclosure agreements prevent you from disclosing your work there, we lack the visibility into what those matters might include.

How can we ensure your recusal is meaningful and effective if we do not have the relevant information?

Answer. During member and staff meetings, and in the resume and questionnaire I submitted to the Committee, I described the types of activities and general work I performed for Apple, but I am prohibited from describing specific technologies. That said, I am subject to criminal conflict-of-interest law, and have entered into a robust ethics agreement to ensure I do not engage in inappropriate activities. If any matter arises that could have implications for Apple, I would consult with NHTSA's Designated Ethics Official prior to any engagement on the matter.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN HICKENLOOPER TO
JONATHAN MORRISON

Autonomous Vehicles

Despite past Congressional efforts to establish such, there are currently no comprehensive Federal statutes or regulations that specifically apply to the testing or operational deployment of fully autonomous vehicles (AVs). Today, many states—including Colorado—have passed their own laws establishing strict requirements for testing and deploying autonomous vehicles. AVs can be a transformative technology only if targeted and rigorous safety regulations are in place.

To maintain robust safety standards and promote the adoption in AVs, what specific lessons do you believe the Federal government could learn from the enacted state laws in effect today?

Answer. While State laws provide for permitting or registration, and sometimes reporting, I am not aware of State regulations that create the sort of technical performance requirements and test procedures that would be appropriate under the Motor Vehicle Safety Act.

Which examples of AV safety testing or AV deployment from state AV laws do you believe are achievable within NHTSA's existing statutory authorities, and which do you believe would require new authorization from Congress for NHTSA to execute?

Answer. While State laws provide for permitting or registration, and sometimes reporting, I am not aware of State regulations that create the sort of technical performance requirements and test procedures that would be appropriate under the Motor Vehicle Safety Act.

Vehicle Communications Infrastructure

Vehicle-to-Everything technology, or "V2X", has demonstrated significant potential to reduce crashes, save lives, and improve traffic efficiency. However, the Department of Transportation's National Deployment Plan for V2X was recently taken down, creating uncertainty about the Federal government's direction on this critical safety technology. Meanwhile, state and local governments are making considerable investments in V2X infrastructure to improve roadway safety and efficiency.

Are you willing to work with public and private sector stakeholders to develop a robust voluntary framework for national V2X deployment?

Answer. V2X technologies provide great potential safety and efficiency benefits for next generation vehicles, other road users, and infrastructure. If confirmed, I would work with the Secretary to achieve his vision for efficient and effective V2X deployment to achieve positive safety outcomes.

Will you ensure that NHTSA provides coordination to support these ongoing investments and maximize the safety and mobility benefits of V2X technology?

Answer. If confirmed, I would work with the Secretary to achieve his vision for efficient and effective V2X deployment to achieve positive safety outcomes.

Automatic Emergency Braking

The Infrastructure Investment and Jobs Act (IIJA) required DOT to issue a final rule to require Automatic Emergency Braking (AEB) on all newly manufactured large trucks by November 2023. DOT estimates this technology will save over a hundred lives, prevent thousands of injuries, and tens of thousands of crashes involving large trucks annually. This critical standard is nearly 2 years overdue.

What steps will you commit to taking to expedite the completion of the final AEB rule? When is your target date to issue the final rule?

Answer. If confirmed, I will be briefed on the status of this rulemaking and any research necessary to provide the foundation necessary for rulemaking. I would also ensure that staff continues to work on the rulemaking. Without such information, I'm unable to provide a target date.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. LISA BLUNT ROCHESTER TO
JONATHAN MORRISON

NHTSA Overdue Rules

Question 1. Since Congress passed the Bipartisan Infrastructure Law and allocated more resources to NHTSA four years ago, the agency has now more than doubled its pace of rulemaking on critical safety issues. We still need to do better, but this represents progress.

Do you agree that the Bipartisan Infrastructure Law was effective in easing NHTSA's rulemaking backlog?

Answer. I have not worked with the agency since the Bipartisan Infrastructure Law was passed, and don't have information that would allow me to meaningfully weigh in on this question, but the agency was able to complete a number of rulemakings after passage of the law.

Question 2. Do you support the funding for staff resources and capacity for NHTSA in the Bipartisan Infrastructure Law?

Answer. The resources from the Bipartisan Infrastructure Law provided a significant plus up for vehicle and behavioral safety research. If confirmed, I will ensure the agency delivers on its mission.

Question 3. Will you commit to maintaining NHTSA's workforce that has proven so critical for safety?

Answer. Since I'm not yet at the agency, I'm not aware of how NHTSA's staff is allocated amongst the various divisions, nor how workstreams are currently staffed. If confirmed, I would seek to ensure that the agency has sufficient staffing to accomplish its mission.

NHTSA Hot Cars

Question 1. The Bipartisan Infrastructure Law directed NHTSA to issue rulemaking on child safety requiring cars to have a rear seat detector to help prevent children from dying in overheated vehicles. Will you commit to advancing this rule if confirmed?

Answer. If confirmed, I will be briefed on the status of this rulemaking and any research necessary to provide a foundation necessary for rulemaking. I would also ensure that staff continues to work on the rulemaking.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JERRY MORAN TO PAUL ROBERTI

Question 1. Next to agriculture, the aviation industry is central to the Kansas economy.

As the Aviation Subcommittee Chair, I've seen how FAA's information sharing systems have proven to be successful at encouraging collaboration between stakeholders. I've worked with the Commerce Committee to establish a similar mechanism at PHMSA to accelerate pipeline monitoring and raise safety standards.

How does voluntary information sharing among natural gas infrastructure operators enhance safety, security, efficiency, and regulatory compliance?

Answer. When operators see broader trends beyond their own networks, they can act more quickly on indicators of failure and collaborate to address shared vulnerabilities. Shared data can be analyzed to identify high-risk assets or regions, benchmark performance against peers, identify best practices, and develop new technologies. If properly implemented with the information protections needed to ensure operator participation, a successful Voluntary Information-Sharing program could serve as a trusted repository of high-volume, high-quality data and information that would advance pipeline safety and could lead to opportunities for reducing accidents and incidents, enhance safety management systems, and determine gaps in pipeline information to drive continuous improvement.

Question 2. Integral to the mission of the agency you are nominated to lead is coordination with other Federal departments and agencies and with states, localities, and industry stakeholders to deliver safe and efficient transportation networks.

How will you leverage relationships with state departments of transportation, metropolitan planning organizations, local governments, and other partners to navigate diverse transportation safety needs while upholding a uniform standard of safety throughout the country?

Answer. As a former state Public Utility Commissioner in Rhode Island, I know first-hand how important Federal, state, and local government cooperation is to enhance safety and ensure resources are being leveraged appropriately to protect the traveling public. As Administrator, I will continue to leverage the partnerships PHMSA has developed with these important stakeholders to ensure the safe movement of hazardous materials and energy products in all states and localities.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TED BUDD TO PAUL ROBERTI

Question 1. As we think about the lessons learned post-COVID about the importance of just in time deliveries, I am excited about the prospect of package delivery by drones. Drone deliveries bring a lot of advantages because they can travel as the crow flies and enable deliveries in less than 30 minutes. However, there are items that consumers seek to have delivered—like hand sanitizer, nail polish or small lithium ion batteries—are classified as hazardous materials creating issues delivering these items via drone. These small commercial items classified as hazardous materials are regularly carried onto airplanes in purses, backpacks and carry-on luggage, but PHMSA regulations create significant issues when these same items are delivered by drone. Section 933 of the FAA Reauthorization Act of 2024 required PHMSA to develop a risk-based approach to allow drones to deliver certain small commercial items classified as hazardous materials by drone by November 12, 2024. While some

progress has been made, PHMSA has not yet established such a risk-based approval process that can enable common small commercial items to be delivered by drone.

Mr. Roberti, if confirmed, would you ensure that PHMSA meets the obligation under the FAA Reauthorization Act to establish a risk-based approach for small commercial items classified as hazardous materials required by Section 933 of the FAA Reauthorization Act of 2024?

Answer. Yes. On August 22, 2024, PHMSA and the FAA hosted a public meeting to solicit comments from stakeholders on ideas for establishing a risk-based approach for small commercial items classified as hazardous materials as required by Section 933 of the FAA Reauthorization Act of 2024. If confirmed, I am committed to taking the next steps to follow the law and implement this Congressional mandate.

Question 2. I have concerns that over the past few years, PHMSA (pronounced FIM-zuh) has moved away from pipeline safety toward climate activism and environmental regulation. Pipelines are essential to American energy security, and if we do not have the necessary infrastructure to deliver oil and natural gas from producers to the end user, our energy security is at risk. Do you agree it is critical to maintain PHMSA's focus on safety regulation rather than environmental activism?

Answer. Yes. If confirmed, safety will be my top priority as Administrator.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO
PAUL ROBERTI

Federal Workforce Staffing Cuts

In May, the Department of Transportation paused its planned reductions in force due to ongoing litigation. On July 8, the Supreme Court allowed the Administration to move forward with widespread firings. There is now uncertainty about what actions DOT plans to take. Meanwhile, 13.1 percent of Pipeline and Hazardous Materials Safety Administration (PHMSA) employees have already left the agency through the deferred resignation program.

Question 1. Yes or No: Do you oppose a reduction-in-force at PHMSA, particularly when the agency has already lost over 13 percent of its workforce?

Answer. I am not currently at the agency or informed about its workforce needs, but, if confirmed, I will advocate for PHMSA to have the resources it needs to fulfill its critical safety mission.

Question 2. Are you concerned that widespread departures may be contributing to the decline in enforcement actions?

Answer. I understand the agency announced changes to its enforcement process in May and has brought numerous enforcement actions since then. A strong enforcement program will be a priority for me if confirmed.

Compliance with PHMSA Rulemaking Transparency Requirements

Congress required PHMSA to provide monthly updates on its progress in implementing congressionally mandated pipeline safety requirements. This is critical information needed to hold an agency accountable for completing Congressional mandates, some of which date back to 2011. However, we have not received a status update since January 2025.

Question 1. During your tenure at PHMSA the agency provided timely updates on the implementation of Federal law. Yes or No: Do you believe it is acceptable that current agency leadership has failed to keep Congress informed?

Answer. I am not currently at the agency, but, if confirmed, I will prioritize receiving an update on the status of these reports.

Question 2. If confirmed, will you commit to providing the monthly updates that Congress requires?

Answer. If confirmed, I am committed to following the law.

Continuing Pipeline Safety Trust Funding

The Pipeline Safety Trust was created in the aftermath of the Olympic Pipeline explosion that killed three kids in Bellingham, Washington. The trust works to ensure that other families in communities around the country do not have to face similar tragedies.

Question 1. The Trust currently receives grant funding to ensure communities understand the unique risks that pipelines pose to them so that they can adequately prepare. Do you think this kind of public education is important?

Answer. Congress created the Technical Assistance Grant program to provide funding to educate the public. If confirmed, I will follow the law.

Question 2. Do you support continuing the Pipeline Safety Trust's educational efforts?

Answer. I am not currently at the agency or familiar with the details of the Pipeline Safety Trust's recent educational efforts, but I look forward to getting up to speed on all PHMSA grant programs if confirmed.

Safer Rail Tank Cars

The National Transportation Safety Board has repeatedly found that DOT-111 tank cars do not perform well in derailments. The Board has recommended that these tank cars be phased out for the transportation of all hazardous materials and replaced with stronger DOT-117 tank cars, which have a much better track record of preventing spills during derailments.

Question 1. Do you agree that we should phase out DOT-111 tank cars for the transportation of all hazardous materials?

Answer. Congress mandated that DOT-111 tank cars be phased out by 2029 as part of the FAST Act. If confirmed, I am committed to following the law.

Improving Emergency Response Preparedness and Training

Just this month in Glendora, Mississippi, 12 fire departments and 50 fire trucks fought a fire caused by a train derailment for over 12 hours. The fire was not extinguished until Canadian National Railroad was able to bring specialized firefighting foam to the scene.

Question 1. Do you believe we should reform PHMSA's existing hazardous materials emergency response grant programs to ensure that firefighters—like those in Glendora and East Palestine—can obtain the training and equipment they need to respond more effectively to hazardous materials incidents?

Answer. PHMSA's Hazardous Materials Emergency Preparedness grants support important work. If confirmed, I am committed to working with the emergency response community to identify and implement changes that could make the program more effective.

Question 2. What more can we do to ensure that railroads are providing first responders with the information they need to adequately prepare for these kinds of emergencies?

Answer. If confirmed, I will prioritize ensuring effective implementation of PHMSA's recent regulation requiring railroads to maintain real-time train consist information and provide that information to first responders if an incident occurs. I will also work with the emergency response community to solicit additional thoughts about what they need to prepare for these emergencies.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. EDWARD MARKEY TO
PAUL ROBERTI

Enforcement

Question 1. Pipeline enforcement cases have fallen by more than two-thirds so far this Administration. Do you commit to reversing this trend and ensuring that enforcement actions continue?

Answer. I understand the agency announced changes to its enforcement process in May and has brought forth numerous enforcement actions since then. A strong enforcement program will be a priority for me if confirmed.

Question 2. How do you plan to ensure that pipeline operators are held accountable for regulatory violations?

Answer. PHMSA implements a comprehensive oversight program that involves rigorous inspections, robust enforcement, and the issuance of pipeline safety policies and regulations. As Chief Counsel, I oversaw cases with record setting civil penalties for the agency and prioritized swift resolution of enforcement actions. If confirmed, I will bring that same commitment to my role as Administrator.

Staffing Cuts

PHMSA has always struggled with insufficient staffing to carry out its mandates on pipeline safety. To make matters worse, in recent months, 20 percent of the agency's staff has departed. For example, the Community Liaisons—which were already understaffed with only a dozen FTEs covering the entire nation—are reportedly down to a team of three people.

Question 1. Do you believe reductions in staffing can affect safety, inspections, and community outreach?

Answer. I am not currently at the agency and am not aware of any recent staffing changes that would negatively impact PHMSA's ability to successfully advance its safety mission.

Question 2. What specific steps will you take to rebuild PHMSA's workforce?

Answer. I am not currently at the agency or informed about its workforce needs, but, if confirmed, I will advocate for PHMSA to have the resources it needs to fulfill its critical safety mission.

Question 3. Do you believe community outreach is an important component of PHMSA's work?

Answer. Yes.

Question 4. Will you commit to fully staff the Public Engagement Division?

Answer. I am not currently at the agency or informed about its workforce needs, but, if confirmed, I will advocate for PHMSA to have the resources it needs to fulfill its critical safety mission.

Liquid Natural Gas

PHMSA's existing liquefied natural gas (LNG) safety regulations are out of date; they have not been substantially updated in more than two decades and come from an era before the rapid proliferation of massive U.S. LNG export terminals. This regulatory gap is especially concerning given the flammable and explosive nature of LNG and the proximity of many facilities to communities. After two Congressional mandates in 2016 and 2020 to update LNG safety regulations, PHMSA recently published an advanced notice of proposed rulemaking on the topic.

Question 1. How do you plan to seek input from community members near LNG facilities? Please include how you will ensure physical and virtual accessibility, as well as transparency for community members.

Answer. I am not currently at the agency or informed about its plans for seeking input from community members on its open rulemaking proceedings.

Draft Carbon Dioxide Rule

Last Congress, I introduced a bill to improve pipeline accountability, safety, and environmental standards. Amongst multiple other priorities, my bill would finalize regulations on carbon dioxide pipelines to avoid future disasters like the one that devastated Satartia, Mississippi.

Question 1. Will you commit to finalizing the draft carbon dioxide pipeline rule, which PHMSA proposed in January of this year?

Answer. A draft rule was withdrawn from the Federal Register in January and is currently under review. I am not currently at the agency or familiar with the status of that review.

Question 2. If yes, by when would you ensure the rule is finalized?

Answer. The agency has multiple open rulemaking actions in progress. If confirmed, I will prioritize getting up to speed on the expected timeline for all agency rulemakings.

Question 3. If not, please explain why you do not support a rule to improve safety on this technology, particularly as it expands throughout the country.

Answer. Congress mandated that PHMSA complete a gaseous carbon dioxide pipeline safety rulemaking. If confirmed, I am committed to implementing congressional mandates.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. GARY PETERS TO PAUL ROBERTI

Question 1. Mr. Roberti, in your written testimony you mention "constant vigilance" as a key to ensuring pipeline safety. I wholeheartedly agree. However, "constant vigilance" isn't possible without proper staffing.

PHMSA is a relatively small agency that has faced hiring and retention challenges for several years. That's why the PIPES Act of 2020—which was signed into law by President Trump—included a mandate for PHMSA to hire 20 percent more pipeline inspectors in the succeeding three years.

Unfortunately, since the creation of DOGE, PHMSA employees have been encouraged to leave the agency, and many have. Some estimates suggest as much as 20 percent of the agency has left just in the first few months of this Administration.

PHMSA is not an agency I want to have spread thin. The stakes are just too high.

So, Mr. Roberti, can you speak to the importance of proper staffing levels at PHMSA to ensuring pipeline safety? As Administrator, will you work to ensure that

PHMSA is properly staffed and, specifically, that the staffing levels outlined in the 2020 PIPES Act are met?

Answer. I am not currently at the agency or informed about its workforce needs, but, if confirmed, I will advocate for PHMSA to have the resources it needs to fulfill its critical safety mission.

Question 2. Currently, state utility commissions and state pipeline inspectors oversee about 85 percent of the Nation's pipeline infrastructure. This federal/state partnership is critical, as our state inspectors are intimately familiar with local pipeline operations and their work can lead to more thorough and more frequent inspections than what PHMSA alone could provide. Recognizing the important role our states play in ensuring pipeline safety, in 2024, Congress boosted funding for state pipeline inspection programs to the tune of roughly 30 percent.

Mr. Roberti, do you support continuing to fund state pipeline inspection programs at the levels envisioned by Congress—at up to 80 percent of their costs—so that states have the tools to oversee pipeline safety and environmental protection?

Answer. States are critical partners for the agency. If confirmed, I will advocate for PHMSA to have the resources it needs to fulfill its critical safety mission.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BEN RAY LUJÁN TO
PAUL ROBERTI

Question 1. PHMSA has been tasked with drafting leak detection and repair standards for gas pipelines by Congress and signed by President Trump in 2020. PHMSA drafted a final rule that received broad support last year, but was withdrawn.

What timeline will you commit to ensuring PHMSA complies with this legislative mandate and what are your views on the withdrawn rule?

Answer. A draft rule was withdrawn from the Federal Register in January and is under review. I am not currently at the agency or familiar with the status of that review.

Question 2. PHMSA has had an unprecedented drop in enforcement over the past few months.

What are your plans to ensure that pipeline operators are held accountable for regulatory violations?

Answer. PHMSA implements a comprehensive oversight program that involves rigorous inspections, robust enforcement, and the issuance of pipeline safety policies and regulations. As Chief Counsel, I oversaw cases with record setting civil penalties for the agency and prioritized swift resolution of enforcement actions. If confirmed, I will bring that same commitment to my role as Administrator.

Question 3. Most of PHMSA's leadership team has left the agency in recent months. Other departments have been hit especially hard with retirements as well. For example, the Community Liaisons have apparently gone from 13 to 3.

(a) Do you believe the reduced staffing and leadership levels at PHMSA will impact safety?

Answer. During my time as Chief Counsel, I worked with many of the PHMSA leaders currently serving in an acting capacity at the agency and I am confident its safety mission is in good hands.

(b) If so, what specific steps will you take to rebuild PHMSA's institutional knowledge and leadership capacity?

Answer. I am not currently at the agency or informed about its workforce needs, but, if confirmed, I will advocate for PHMSA to have the resources it needs to fulfill its critical safety mission.

(c) How will you ensure communities have adequate access to pipeline safety information and emergency response coordination?

Answer. PHMSA administers multiple programs that support community access to pipeline safety information as well as emergency response coordination. If confirmed, I look forward to supporting that work.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. LISA BLUNT ROCHESTER TO
PAUL ROBERTI

PHMSA and Train Derailments

Question 1. There has been some discussion about renewing a proposal from the first Trump Administration that would allow for the transport of Liquefied Natural Gas by tanker rail cars without any restrictions on train routes, nor the number

of tanker cars allowed on a particular train. The National Transportation Safety Board and the National Association of State Fire Marshall have previously objected to this proposal.

As the nominee for PHMSA Administrator, can you share your thoughts on renewing this proposal? And will you be pursuing this proposal?

Answer. In June, PHMSA updated its Hazardous Materials Regulations to restore them to the version that existed prior to the effective date of the LNG by Rail Rule (August 24, 2020) that was overturned by the DC Circuit Court of Appeals earlier this year. I am not aware of any plans to revisit that rulemaking.

Question 2. Safety concerns have only increased following recent tanker rail car derailments, including one last month in Bear, Delaware, carrying crude oil—thankfully, no one was hurt.

Can you discuss the vulnerabilities of switching to tanker rail cars as opposed to approved UN portable tanks that PHMSA has historically required?

Answer. PHMSA regulations have long allowed both rail tank cars and UN portable tanks as safe, approved packages for transportation of crude oil. Under PHMSA regulations, the shipper of hazardous materials identifies which is appropriate for their needs.

PHMSA and Technology

Question 1. As you know, pipelines require continuous monitoring and inspections to protect public safety and prevent pipeline system failures and leaks.

As Administrator, how will you incorporate technology innovation into pipeline management?

Answer. PHMSA's research and development program has invested millions of dollars in support of new technologies to improve pipeline safety. These investments have led to many patent applications and new technologies entering the market. As Administrator, I will ensure the continued effectiveness of PHMSA's research and development program, advance new and updated regulations that encourage innovation and account for technological advancements, and encourage pipeline operators to continue making their own investments in technology to improve performance.

