

OVERSIGHT OF THE DEPARTMENT OF TRANSPORTATION'S POLICIES AND PROGRAMS AND FISCAL YEAR 2025 BUDGET REQUEST

(118-63)

HEARING
BEFORE THE
COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES
ONE HUNDRED EIGHTEENTH CONGRESS
SECOND SESSION

—————
JUNE 27, 2024
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Committee on Transportation and Infrastructure



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Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

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JUNE 21, 2024

SUMMARY OF SUBJECT MATTER

TO: Members, Committee on Transportation and Infrastructure
FROM: Staff, Committee on Transportation and Infrastructure
RE: Full Committee Hearing on “*Oversight of the Department of Transportation’s Policies and Programs and Fiscal Year 2025 Budget Request*”

I. PURPOSE

The Committee on Transportation and Infrastructure will meet on Thursday, June 27, 2024, at 10:00 a.m. ET in 2167 of the Rayburn House Office Building to receive testimony at a hearing entitled, “*Oversight of the Department of Transportation’s Policies and Programs and Fiscal Year 2025 Budget Request.*” The hearing will provide Members an opportunity to discuss all aspects of the United States Department of Transportation (DOT), including policy decisions, the fiscal year (FY) 2025 budget request, and program implementation. At the hearing, Members will receive testimony from DOT Secretary Pete Buttigieg.

II. BACKGROUND

UNITED STATES DEPARTMENT OF TRANSPORTATION

Pursuant to House Rule X(1)(r), the Committee on Transportation and Infrastructure (Committee) authorizes programs carried out by the following DOT modal administrations and offices:

- Federal Aviation Administration (FAA);
- Federal Highway Administration (FHWA);
- Federal Motor Carrier Safety Administration (FMCSA);
- National Highway Traffic Safety Administration (NHTSA);
- Federal Transit Administration (FTA);
- Federal Railroad Administration (FRA);
- Maritime Administration (MARAD);
- Pipeline and Hazardous Materials Safety Administration (PHMSA);
- Great Lakes Saint Lawrence Seaway Development Corporation (GLS);
- Office of the Secretary (OST); and
- Office of the Inspector General (OIG)

On December 15, 2020, President Biden nominated Pete Buttigieg to be the Secretary of Transportation. The Senate Committee on Commerce, Science, and Trans-

portation held a confirmation hearing on the nomination on January 21, 2021.¹ The Senate confirmed Secretary Buttigieg on February 2, 2021, by a vote of 86–13.²

III. FY 2025 BUDGET REQUEST

The President's FY 2025 Budget requests \$109.3 billion for DOT, an increase of \$1.7 billion, or 1.6 percent, compared to FY 2024 enacted levels.³ In addition, DOT will receive \$36.8 billion in advance supplemental funding from the Infrastructure Investment and Jobs Act (IIJA) (P.L. 117–58), bringing DOT's total FY 2025 budgetary resources to \$146.2 billion.⁴ Of the requested funding, the President's Budget proposes \$21.8 billion for FAA, \$62.8 billion for FHWA, \$16.8 billion for FTA, \$3.2 billion for FRA, \$1.3 billion for NHTSA, \$965 million for FMCSA, \$860 million for MARAD, \$401 million for PHMSA, \$41 million for the GLS, \$1.1 billion for OST, and \$122 million for the OIG.⁵ DOT's budget largely supports contract authority programs funded from the Highway Trust Fund and Airport and Airway Trust Fund, competitive grants, operations, and other modal administration spending.

IV. ANALYSIS OF SELECT DOT POLICIES AND PROGRAMS

IIJA

On November 15, 2021, the President signed IIJA into law, representing the largest Federal investment in decades in the United States' infrastructure.⁶ This legislation authorized and appropriated a combined \$1.2 trillion for infrastructure programs over the five-year period from FY 2022 to FY 2026, to sustain and modernize the Nation's infrastructure, including roads, bridges, transit, railroads, ports, and airports, as well as energy and broadband.⁷ Of the total funding authorized and appropriated in IIJA, approximately \$661 billion is administered by DOT, for FY 2022 through FY 2026.⁸ This is more than twice the amount of funds authorized in the previous five-year authorization law.⁹

Since IIJA's enactment, as of June 2, 2024, DOT has announced \$318 billion in IIJA formula funding and grant awards to states, local governments, transit agencies, airports, ports, and other project sponsors.¹⁰ FHWA has distributed approximately \$164.6 billion under the Federal-aid Highways program and has announced another \$29 billion in Highway Infrastructure Programs grants.¹¹ Analysis of FHWA data by the American Road & Transportation Builders Association (ARTBA) indicates that states have committed to use these formula funds to support over 70,200 new projects, through March 31, 2024.¹² Additionally, FTA has distributed approximately \$43.1 billion in Transit Formula Grants funding and has announced another \$18.9 billion in transit grants. FRA has announced nearly \$36 billion in grants, FAA has announced \$11.6 billion in airport funding, and OST has announced approximately \$9.5 billion in grants for various programs.¹³ See Appendix

¹ *Consideration of the Nomination of Peter Buttigieg to be Secretary of the United States Transp. Dep't: Hearing before the S. Comm. on Commerce, Science, and Transp.*, 117th Cong. (Jan. 21, 2021).

² See Sen. Roll Call Vote No. 11 (Feb. 2, 2021) (on the Nomination of Peter Paul Montgomery Buttigieg, of Indiana, to be Sec'y of Transp.; confirmed 86 yeas to 13 nays), available at https://www.senate.gov/legislative/LIS/roll_call_votes/vote1171/vote_117_1_00011.htm.

³ DOT, FY 2025 BUDGET HIGHLIGHTS, (Mar. 11, 2024), available at https://www.transportation.gov/sites/dot.gov/files/2024-03/DOT_Budget_Highlights_FY_2025_508.pdf.

⁴ *Id.*

⁵ *Id.*

⁶ IIJA, Pub. L. No. 117–58, (2021), 135 Stat. 429 [hereinafter IIJA].

⁷ FHWA, *Bipartisan Infrastructure Law*, available at <https://www.fhwa.dot.gov/bipartisan-infrastructure-law/> (last updated Mar. 20, 2023).

⁸ See DOT, *IIJA, Authorized Funding FY 2022 to FY 2026*, available at https://www.transportation.gov/sites/dot.gov/files/2022-01/DOT_Infrastructure_Investment_and_Jobs_Act_Authorization_Table_%28IIJA%29.pdf (Comm. on Transp. and Infrastructure calculation).

⁹ DEP'T OF TRANSP., OFF. OF INSPECTOR GEN., DOT SHOULD ENHANCE ITS FRAUD RISK ASSESSMENT PROCESSES FOR IJJA-FUNDED SURFACE TRANSP. PROGRAMS, REP. ST2023023, (June 20, 2023) available at https://www.oig.dot.gov/sites/default/files/DOT%20Fraud%20Risk%20Assessment_Final%20Report_06-20-23.pdf.

¹⁰ DOT, *Investment in Infrastructure and Jobs Act—Financial Summary as of June 2, 2024*, (June 18, 2024, 12:28 p.m.), (on file with Comm.) [hereinafter *IIJA Funding Table*].

¹¹ *Id.*

¹² ARTBA, *Highway Dashboard—IIJA*, (last visited June 17, 2024), available at <https://www.artba.org/market-intelligence/highway-dashboard-ijja/>.

¹³ *IIJA Funding Table*, *supra* note 10.

I for additional information on budgetary resources by modal agency provided by DOT.

During a March 7, 2024, Full Committee hearing, the Committee received testimony indicating that there have been significant delays in the execution of grant agreements after grants have been announced. Any increase in project costs prior to grant agreement execution are absorbed by states, localities, and other grant recipients.¹⁴ Additionally, some witnesses suggested reforms to the grant making process, including that DOT should provide greater consistency and transparency in its processes for soliciting and awarding grants.¹⁵

FAA REAUTHORIZATION

On May 15, 2024, the House passed H.R. 3935, the Federal Aviation Administration Reauthorization Act of 2024, by a vote of 387 to 26.¹⁶ The bill was signed into law the following day.¹⁷ This legislation provides critical aviation safety enhancements, improves the flying public's travel experience, ensures a robust general aviation sector, expands opportunities for America's aviation workforce to grow, invests in infrastructure at airports of all sizes, and sets clear priorities for advancing the integration of new airspace entrants.¹⁸ DOT and FAA are now largely responsible for ensuring provisions of the law are effectively implemented in a timely manner.

SELECT ONGOING NATIONAL SAFETY TRANSPORTATION BOARD (NTSB) INVESTIGATIONS

Francis Scott Key Bridge

On March 26, 2024, the *DALI*, a Singapore-flagged cargo vessel, collided with the Key Bridge in Baltimore, Maryland, resulting in the collapse of center spans of the Key Bridge into the Patapsco River and significant damage to the vessel.¹⁹ Prior to the collision, the pilot aboard the vessel issued a radio call that the *DALI* had lost power as it approached the Key Bridge.²⁰ In response, a Maryland Transportation Authority (MDTA) police officer radioed two police officers on either side of the Key Bridge, resulting in the closure of all lanes with access to the Key Bridge and the cessation of bridge traffic, saving countless lives.²¹

Within the Committee's jurisdiction, the initial Federal response involved the United States Coast Guard, the National Transportation Safety Board, the United States Army Corps of Engineers, and FHWA. FHWA's actions fall under DOT's purview.

On March 28, 2024, FHWA received and approved an application from the Maryland Department of Transportation (MDOT) for \$60 million in Emergency Relief (ER) funding.²² These "quick release" funds are intended to help with initial emergency response and repair costs and may be released prior to completion of detailed damage inspections and cost estimates.²³ According to FHWA, the \$60 million represents approximately five percent of the preliminary estimated project cost of \$1.2 billion.²⁴ The Maryland Transportation Authority (MDTA) has reportedly said the rebuild will cost between \$1.7 billion and \$1.9 billion, and the target for completion

¹⁴ *Department of Transportation Discretionary Grants: Stakeholder Perspectives: Hearing Before the H. Comm. on Transp. and Infrastructure*, 118th Cong. (Mar. 7, 2024) (statement of Jared W. Perdue, P.E., Sec'y, Florida Dep't of Transp.).

¹⁵ *Id.* (statement of Chuck Baker, President, American Short Line and Regional Railroad Ass'n).

¹⁶ H.R. 3935, 118th Cong., Roll Call Vote no. 200.

¹⁷ The Federal Aviation Administration Reauthorization Act of 2024, Pub. L. No. 118-63.

¹⁸ *Id.*

¹⁹ NTSB, *Contact of Cargo Vessel Dali with Francis Scott Key Bridge and Subsequent Bridge Collapse*, (last visited May 2, 2024), available at <https://www.nts.gov/investigations/Pages/DCA24MM031.aspx> [hereinafter NTSB Investigation Announcement].

²⁰ @NTSB_Newsroom, Twitter, (Mar. 27, 2024, 9:14 PM), available at https://twitter.com/NTSB_Newsroom/status/1773156557045276972/photo/1.

²¹ *Id.*

²² FHWA, *Biden-Harris Administration Announces \$60 million for Emergency Work in Wake of the Collapse of the Francis Scott Key Bridge in Baltimore*, (Mar. 28, 2024), available at <https://highways.dot.gov/newsroom/biden-harris-administration-announces-60-million-emergency-work-wake-collapse-francis>.

²³ *Id.*

²⁴ Email from FHWA to Staff, H. Comm. on Transp. and Infrastructure, (Mar. 28, 2024, 4:32 p.m.), (on file with Comm.) [hereinafter FHWA Mar. 28 Email].

is fall 2028.²⁵ MDTA released a request for proposals (RFP) for design-build proposals for the rebuild project on May 31, 2024.²⁶

The ER program receives funding from a permanent annual authorization of \$100 million in contract authority from the Highway Trust Fund (HTF) and periodic supplemental appropriations from the General Fund.²⁷ From FY 1990 to FY 2023, Congress provided nearly \$23 billion in supplemental appropriations from the General Fund and HTF for the ER program, in addition to the \$100 million annual authorization from the HTF.²⁸ All supplemental appropriations have been derived from the General Fund since FY 2005.²⁹ IIJA amended the period from 180 to 270 days after a disaster, during which the Federal cost share would be provided at 100 percent for “eligible emergency repairs to minimize damage, protect facilities, or restore essential traffic.”³⁰ After that, the Federal cost share payable is 90 percent or 80 percent, depending on the classification of the project or total project cost.³¹ For example, the Federal cost share for projects on the Interstate System is 90 percent and is generally 80 percent for other highways.³² Additionally, current law allows a 90 percent cost share for eligible repairs “if the eligible expenses incurred by the State due to natural disasters or catastrophic failures in a Federal fiscal year exceeds the annual apportionment of the State.”³³

Despite being located on Interstate 695, at the time of the collapse the Key Bridge was not part of the Interstate Highway System. While the bridge was shielded as I-695, it was part of a larger segment that comprises Maryland State Route 695, which includes sections not on the Interstate Highway system, including the Key Bridge.³⁴ According to FHWA, prior to its collapse, the facility never received any Federal funding.³⁵ The Key Bridge was historically a toll facility, but because it did not receive Federal funds, it was never required to comply with Federal requirements, including tolling requirements. However, upon MDOT’s receipt of ER funding, the facility was considered “Federalized,” and became subject to all Title 23, United States Code, requirements going forward.³⁶

On April 19, 2024, MDOT submitted an application to designate an 18.8-mile segment of MD-695, which includes the Francis Scott Key Bridge, as part of the Interstate System, and FHWA approved the application on April 29, 2024.³⁷ The Federal share for permanent repairs for this event under the ER program under current law is 90 percent.³⁸ On FHWA’s most recent report estimating unmet needs of the ER program, which shows estimated remaining payments from the Federal Government to a state for an event, not the total cost of each event, the state of Maryland estimates the current Federal share of the rebuild as of May 13, 2024, is \$1.5 billion.³⁹ Information provided by FHWA indicates that the assessment for the Key Bridge is still ongoing. FHWA’s most recent report indicates that there is a total unmet need for the ER program of \$4.4 billion, with \$886 million in available ER funding. This means there is an estimated \$3.5 billion “backlog” (ER funding available minus unmet needs) in the ER program.⁴⁰ However, because ER is a reimbursable program the Federal Government does not provide a state with lump sum payment,

²⁵Michael Laris and Erin Cox, *Rebuilding Baltimore’s Key Bridge expected to cost up to \$1.9 billion*, WASH. POST, (May 2, 2024) available at <https://www.washingtonpost.com/dc-md-va/2024/05/02/baltimore-key-bridge-rebuilding-cost/>.

²⁶Press Release, MDTA, *MDTA Invites Proposals for the Rebuilding of the Francis Scott Key Bridge*, (May 31, 2024), available at https://www.keybridgerebuild.com/images/press_release/Key_Rebuild_RFP_2024_5_31.pdf.

²⁷See 23 U.S.C. § 125.

²⁸FHWA March 28 Email, *supra* note 23.

²⁹*Id.*

³⁰IIJA, Pub. L. No. 117–58, 135 Stat. 429; *see also* 23 U.S.C. § 120(e).

³¹*Id.*

³²*Id.*

³³*Id.*

³⁴John Lloyd, Maryland.gov, *MDOT SHA Roadway National Highway System*, (see segments), available at <https://data-maryland.opendata.arcgis.com/datasets/maryland:mdot-sha-roadway-national-highway-system-nhs/explore?location=39.209822%2C-76.584433%2C12.00>.

³⁵Email from FHWA to Staff, H. Comm. on Transp. and Infrastructure, (Mar. 26, 2024, 3:49 p.m.), (on file with Comm.).

³⁶*Id.*

³⁷Letter from Paul J. Wiedefeld, Sec’y, MDOT, to Ms. Valeriya Remezova, Maryland Division Administrator, FHWA, (Apr. 19, 2024) (on file with Comm.); Letter from the Hon. Shailen P. Bhatt, Administrator, FHWA to Paul J. Wiedefeld, Sec’y, MDOT, (Apr. 29, 2024) (on file with Comm.).

³⁸Email from FHWA to Staff, H. Comm. on Transp. and Infrastructure, (May 20, 2024, 11:05 a.m.), (on file with Comm.).

³⁹*Id.*

⁴⁰*Id.*

but rather a state receives payment after making repairs and submitting vouchers to FHWA for reimbursement of the Federal share.⁴¹

Incident in East Palestine, Ohio

On February 3, 2023, a Norfolk Southern Railway (NS) freight train derailed 38 railcars in East Palestine, Ohio.⁴² The NTSB has been investigating the probable cause of the derailment.⁴³ The NTSB's preliminary report stated that 11 of the 38 derailed tank cars carried hazardous materials. Fires from these cars then damaged an additional 12 non-derailed railcars. First responders implemented a one-mile evacuation zone surrounding the derailment site that affected up to 2,000 residents.⁴⁴ NTSB will hold its final board meeting on the East Palestine derailment on June 25, 2024.⁴⁵ During the public meeting, NTSB board members will vote on the final report, including probable cause and safety recommendations.⁴⁶

V. WITNESS

- The Honorable Pete Buttigieg, Secretary, United States Department of Transportation

APPENDIX I

[The additional information on budgetary resources by modal agency provided by DOT is retained in committee files and is available online at <https://docs.house.gov/meetings/PW/PW00/20240627/117172/HHRG-118-PW00-20240627-SD003.pdf>]

⁴¹ FHWA, Emergency Relief (ER) and Program Administration: Steps for Receiving Reimbursement of ER Expenses, (last visited May 2, 2024), available at <https://highways.dot.gov/fed-aid-essentials/videos/other-programs/emergency-relief-er-and-program-administration-steps>.

⁴² NTSB, *Norfolk Southern Railway Train Derailment with Subsequent Hazardous Material Release and Fires*, (Feb. 3, 2024), available at <https://www.nts.gov/investigations/Documents/RRD23MR005%20East%20Palestine%20OH%20Prelim.pdf>.

⁴³ NTSB, *Norfolk Southern Railway Train Derailment with Subsequent Hazardous Material Release and Fires*, (last visited June 20, 2024), available at <https://www.nts.gov/investigations/Pages/RRD23MR005.aspx>.

⁴⁴ *Id.*

⁴⁵ NTSB, *NTSB Board Meeting on East Palestine, Ohio, Train Derailment Set for June 25*, (Feb. 7, 2024), available at <https://www.nts.gov/news/press-releases/Pages/NR20240206.aspx>.

⁴⁶ *Id.*

OVERSIGHT OF THE DEPARTMENT OF TRANSPORTATION'S POLICIES AND PROGRAMS AND FISCAL YEAR 2025 BUDGET REQUEST

THURSDAY, JUNE 27, 2024

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
WASHINGTON, DC.

The committee met, pursuant to call, at 10:05 a.m. in room 2167 Rayburn House Office Building, Hon. Sam Graves (Chairman of the committee) presiding.

Mr. GRAVES OF MISSOURI. The Committee on Transportation and Infrastructure will come to order.

I would ask unanimous consent that the chairman be authorized to declare a recess at any time during today's hearing.

And without objection, that is so ordered.

As a reminder, if Members insert a document into the record, please also email it to DocumentsTI@mail.house.gov.

At this point, I now recognize myself for the purposes of an opening statement.

OPENING STATEMENT OF HON. SAM GRAVES OF MISSOURI, CHAIRMAN, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. GRAVES OF MISSOURI. I want to thank you, Mr. Secretary, for being here today to discuss the Department of Transportation's policies, programs, and fiscal year 2025 budget request.

Last month, the House approved the FAA Reauthorization Act of 2024 by a very strong, bipartisan vote of 387 to 26, and the President signed it into law the following day. This legislation provides some critical aviation safety enhancements. It improves the flying public's travel experience, ensures a robust general aviation sector, and expands opportunities for America's aviation workforce to grow. It invests in infrastructure at airports of all sizes, and sets some clear priorities for advancing integration of new airspace entrants.

Congress gave the Federal Aviation Administration strong and decisive direction to help ensure America's aviation system maintains its gold standard, and I look forward to working with you, Mr. Secretary, and the FAA to ensure that this law is implemented in a timely and effective manner.

Now that the committee has completed its work on FAA reauthorization and has passed legislation out of committee to authorize the Coast Guard, reauthorize our Nation's pipeline safety pro-

grams, and a WRDA bill, we must begin to contemplate the next surface transportation bill.

We are more than halfway through the current authorization of the Infrastructure Investment and Jobs Act, which authorized and appropriated nearly \$661 billion for the Department of Transportation, and I remain concerned about the slow pace at which the Department is distributing IIJA funds. Despite having received more than \$364 billion since IIJA's enactment, DOT has obligated a little more than half and outlaid only 27 percent of the available funds.

We are not seeing the realization of project benefits that were advertised following IIJA's enactment. Earlier this year, we heard from witnesses who testified that delays in distributing IIJA grant funds has caused costs to balloon, ultimately forcing grant recipients to absorb the increased costs or, unfortunately, in some cases, abandon the project entirely.

We also, I think, have to consider ways to pay for those infrastructure investments, which includes addressing—and we are going to have to address—the Highway Trust Fund's funding challenges. The Congressional Budget Office most recently projected that the Highway Trust Fund is going to become insolvent in fiscal year 2028, and is going to face a cumulative shortfall of about \$274 billion over the next decade.

I think we must maintain the user pays principle, and find some solutions for putting the Highway Trust Fund on a more sustainable fiscal path. The Department could do its part by more aggressively implementing the alternative funding pilot program, which is currently way behind schedule.

But with that, I again very much want to thank you, Mr. Secretary, for being here today, and I look forward to a very productive hearing.

[Mr. Graves of Missouri's prepared statement follows:]

Prepared Statement of Hon. Sam Graves of Missouri, Chairman, Committee on Transportation and Infrastructure

Thank you, Secretary Buttigieg, for being here today to discuss the Department of Transportation's policies, programs, and fiscal year 2025 budget request.

Last month, the House approved the FAA Reauthorization Act of 2024 by a strong, bipartisan vote of 387–26, and the President signed the bill into law the following day. This legislation provides critical aviation safety enhancements, improves the flying public's travel experience, ensures a robust general aviation sector, expands opportunities for America's aviation workforce to grow, invests in infrastructure at airports of all sizes, and sets clear priorities for advancing the integration of new airspace entrants.

Congress gave the Federal Aviation Administration (FAA) strong and decisive direction to help ensure America's aviation system maintains its gold standard, and I look forward to working with you, Secretary Buttigieg, and the FAA to ensure this law is implemented in a timely and effective manner. Now that the Committee has completed its work on an FAA reauthorization, and has passed legislation out of Committee to authorize the Coast Guard, reauthorize our nation's pipeline safety programs, and a Water Resources Development Act (WRDA), we must begin to contemplate the next surface transportation bill.

We are more than halfway through the current authorization—the Infrastructure Investment and Jobs Act (IIJA), which authorized and appropriated nearly \$661 billion for the Department of Transportation. I remain concerned about the slow pace at which the Department is distributing IIJA funds. Despite having received more

than \$364 billion since IIJA's enactment, DOT has obligated a little more than half and outlaid only 27 percent of available funds.

We're not seeing the realization of project benefits that were advertised following IIJA's enactment. Earlier this year, we heard from witnesses who testified that delays in distributing IIJA grant funding has caused project costs to balloon, ultimately forcing grant recipients to absorb the increased costs or abandon the project entirely.

We must also consider ways to pay for our infrastructure investments, including addressing the Highway Trust Fund's funding challenges. The Congressional Budget Office's most recent budget projections indicate that the Highway Trust Fund will become insolvent in fiscal year 2028 and will face a cumulative shortfall of \$274 billion in the next decade.

We must maintain the "user pays" principle and offer solutions for putting the Highway Trust Fund on a more sustainable fiscal path. The Department could help do its part by more aggressively implementing the alternative funding pilot program which is currently way behind schedule.

With that, I again want to thank the Secretary for being with us today and I look forward to a productive hearing.

Mr. GRAVES OF MISSOURI. And now I want to recognize Ranking Member Larsen for his opening statement.

OPENING STATEMENT OF HON. RICK LARSEN OF WASHINGTON, RANKING MEMBER, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. LARSEN OF WASHINGTON. Thank you, Chair Graves, for holding this hearing.

And welcome back, Mr. Secretary, to answer questions and give us an update on DOT's progress, as well as your budget. We have a large committee; we appreciate your time.

Today, we are going to hear about how Federal funds provided by Congress and distributed by the DOT—how those funds are building a cleaner and greener, safer, and more accessible transportation system. The BIL provides record funding for these infrastructure projects. States and local governments, Tribes, transit agencies, rail, airports, ports, travelers, and workers all benefit from this investment. Thanks to the BIL, 57,000 projects are underway in every congressional district across the country.

The pace of grantmaking has been impressive. DOT has announced \$318 billion in grants since the enactment of the BIL, and the list is in the staff memo, I won't go through it all, but there are a lot of dollars out there being spent right now, creating jobs.

We are less than 3 years through a 5-year bill, which means there is more to come. And just this week, the Department announced over \$1.8 billion in Rebuilding American Infrastructure with Sustainability and Equity, or RAISE, grants for 148 projects across the country, including the Port of Bellingham, to modernize its shipping terminal in my district, and to the Tulalip Tribes to improve road safety on and near their reservation. And this week, DOT is also announcing the availability of the remainder of BIL culvert grant program funds, which my home State of Washington will be watching with great interest.

Federal investment in Washington State and across the country means jobs—jobs with good wages, benefits, and working conditions. And the impacts have been clear. In 2023, the highway construction industry added 2,800 jobs per month—the highest rate of job creation since the Bureau of Labor Stats began tracking the data.

Congress directed investments in the BIL to reduce carbon pollution and improve safety and equity outcomes to our transportation system, as well, and I applaud the DOT's efforts to implement these provisions to measure and reduce carbon pollution from transportation resources and to improve highway safety.

Yet transportation emissions continue to rise, and an epidemic of fatalities and injuries continues to plague our Nation's roads. Addressing these priorities will continue to be a high priority for committee Democrats as we look forward to the reauthorization.

On the FAA, as the chair noted, we passed a bill, had a strong bipartisan vote in the House and in the Senate. The legislation does a variety of things, including boosting airport project funding, advancing our leadership in aviation safety, and diversifying the aviation workforce. Provisions are now in the hands of DOT and, of course, the FAA, and we are eager to see the FAA turn these words into benefits for communities and aviation workers.

Finally, I want to commend my fellow committee members, including Representative Emilia Sykes and Representative Chris Deluzio, who led the charge to improve railway safety. Rail incidents and accidents continue to occur around the country, endangering people and communities. In fact, in 2023, there were approximately 1,500 train accidents. Just 2 days ago, the NTSB released its findings from the Norfolk Southern derailment in East Palestine and confirmed the urgent need to address rail safety.

So, I urge this committee to take long overdue action on rail safety so passengers and communities with rail in their backyards have a level of safety oversight and protection afforded to other modes of transportation.

We are going to hear a lot about many topics today, Mr. Secretary, and we look forward to your answers. With that, I will turn it back over to the chair, and we can get started on your testimony and Member questions.

And with that, I yield back.

[Mr. Larsen of Washington's prepared statement follows:]

**Prepared Statement of Hon. Rick Larsen of Washington, Ranking Member,
Committee on Transportation and Infrastructure**

Thank you, Chairman Graves, for holding this hearing.

And welcome back, Mr. Secretary, to answer questions and give us an update on DOT's progress, as well as your budget. We are a large Committee. We appreciate your time.

Today, we will hear how federal funds, provided by Congress and distributed by DOT, are building cleaner, greener, safer and more accessible transportation systems.

The Bipartisan Infrastructure Law provides record funding for these infrastructure projects. States, local governments, Tribes, transit agencies, railroads, airports, ports, travelers and workers all benefit from this investment.

Thanks to the BIL, 57,000 projects are underway in every Congressional district across the country.

The pace of grantmaking has been impressive. DOT has announced \$318 billion in grants since enactment of the BIL. The list is in the staff memo, so I won't go through it all, but there are a lot of dollars out there right now being spent creating jobs.

We are less than three years through a five-year bill, which means there is much more to come.

Just this week, the Department announced over \$1.8 billion in Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grants for 148 projects across the country.

In my district, these funds will enable the Port of Bellingham to modernize its shipping terminal and the Tulalip Tribes to improve roadway safety on and near the reservation.

This week DOT also announced the availability of the remainder of the BIL culvert grant program funds, which my home state of Washington will be watching with interest.

Federal investment in Washington State and across the country means jobs—jobs with good wages, benefits, and working conditions.

The impacts are clear. In 2023, the highway construction industry added 2,800 jobs per month—the highest rate of job creation since the Bureau of Labor Statistics began tracking this data.

Congress directed investments in the BIL to reduce carbon pollution and improve safety and equity outcomes on our transportation systems, as well.

I applaud DOT's efforts to implement these BIL provisions, to measure and reduce carbon pollution from transportation sources, and to improve highway safety.

Yet transportation emissions continue to rise, and an epidemic of fatalities and injuries continues to plague our nation's roads. Addressing these priorities will continue to be a high priority for Committee Democrats as we look forward to the surface reauthorization next Congress.

On the FAA, as the Chair noted, we passed a bill with a strong, bipartisan vote in the House and in the Senate.

This Committee also led the way to enact the robust bipartisan FAA Reauthorization Act of 2024.

This legislation does a variety of things including boosting airport project funding, advancing our leadership in aviation safety and aerospace innovation and diversifying the aviation workforce. The provisions are now in the hands of the DOT, and of course the FAA, and we are eager to see the FAA turn these words into benefits for communities and aviation workers.

Finally, I want to commend my fellow Committee Members, including Rep. Emilia Sykes and Rep. Chris Deluzio, who have led the charge to improve rail safety.

Rail incidents and accidents continue to occur around the country, endangering people and communities. In 2023, there were approximately 1,500 train accidents.

Just two days ago, the NTSB released its findings from the Norfolk Southern derailment in East Palestine and confirmed the urgent need to address rail safety.

I urge the Committee to take long overdue action on rail safety so that passengers and communities with rail in their backyards have a level of safety oversight and protection afforded to other modes of transportation.

We're going to hear a lot about many topics today, Mr. Secretary, and we look forward to your answers. With that, I'll turn it back over to the Chair, and we can get started on your testimony and Member questions. I yield back.

Mr. GRAVES OF MISSOURI. All right. I would ask unanimous consent that the witness' full statement be included in the record.

And without objection, that is so ordered.

I would ask unanimous consent that the record of today's hearing remain open until such time as the witness has provided answers to any questions that may be submitted to him in writing.

Without objection, that is so ordered.

I would also ask unanimous consent that the record remain open for 15 days for any additional comments and information submitted by Members or our witness to be included in today's hearing record.

And without objection, that is so ordered.

So, with that, Mr. Secretary, again, welcome to the committee, and you have 5 minutes.

**TESTIMONY OF HON. PETE BUTTIGIEG, SECRETARY OF
TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION**

Secretary BUTTIGIEG. Thank you very much, Chairman Graves, Ranking Member Larsen, and all members of the committee. I want to thank you for the opportunity to testify today and for your continued partnership.

Before I begin, I do want to take a moment to remember Representative Donald Payne, Jr. He was a pleasure to work with. As you know, he was a constant champion for more accessible and resilient transportation, and we will miss him.

Just 3 years ago, I was making the case for the Bipartisan Infrastructure Law in front of this committee, and now we are in the middle of an infrastructure decade unlike anything this country has seen since the Eisenhower administration. I am proud to report that we are now supporting over 50,000 transportation projects in all 50 States, DC, Puerto Rico, and all U.S. Territories. Our country has chosen to end decades of underinvestment, and I would like to share a few examples of what this new level of investment in infrastructure means to the American people and economy.

I will start by mentioning the Brent Spence Bridge between Kentucky and Ohio, one of 9,400 bridge projects nationwide. Anyone who has traveled along I-71 and I-75 knows this bridge is a critical thoroughfare. It is also one of the worst trucking bottlenecks in the country. Improvements have been talked about for years, and this administration is finally acting to make them happen. Just last month, the project cleared its comprehensive environmental review, and the construction that will upgrade the existing bridge and break ground on a new companion bridge will start soon.

When it comes to rail, we are modernizing and upgrading our freight and passenger rail systems to make them safer. Across every region of the country, we are building new tunnels, expanding routes, and upgrading tracks. Through the Railroad Crossing Elimination Program, a first-of-its-kind initiative created by President Biden's infrastructure package, we are improving or eliminating over 400 railroad crossings. In addition to addressing the inconvenience of waiting for a train to pass, these projects are creating safer crossings for drivers and pedestrians.

We are also using our authority to make our freight rail system safer. Earlier this year, we issued final rules to require emergency escape breathing apparatus for trains carrying hazardous materials and to establish minimum safety requirements for traincrew size. We have conducted 7,500 focused inspections along high-hazard flammable train routes, issued safety advisories, and developed a new rule to require railroads to provide real-time information to first responders when a hazmat incident occurs.

Turning to aviation, airports of all sizes are undergoing major upgrades to meet the increasing number of people flying. I have seen some of this work firsthand in recent months. I was in Georgia in April to celebrate a construction milestone for the new Terminal D at the Atlanta airport—done without major service disruptions, which is important for the busiest airport in the world.

In May, I got to see the work going on at Missoula Airport in Montana, where they are updating an 80-plus-year-old terminal to

match current passenger capacity, and ultimately offer more flights, recruit more airlines, and keep travel costs down for passengers.

And under the leadership of FAA Administrator Mike Whitaker, we have refocused the oversight of Boeing and will continue to hold Boeing accountable as they carry out their action plan and regain trust on safety and quality improvements.

A little over 2 weeks ago, I joined leaders in Maryland to mark the reopening of the Port of Baltimore. After the shocking collapse of the Francis Scott Key Bridge in late March, we quickly released emergency funding to put toward rebuilding the bridge. We have worked closely with county, local, and State governments, as well as other partners to help mitigate the impact on our supply chains while that critical port was temporarily closed. And now, less than 100 days later, the Port of Baltimore is once again open and fully operational.

Put simply, there is a lot of important work going on right now making communities more accessible, creating good-paying jobs across the country, and keeping our supply chains strong. And our work has helped lower the number of traffic fatalities on our roads for the past eight quarters, and continues to make all of our transportation systems safer for everyone who uses them.

There is much more to be done, and we need the continued partnership of this committee and of the Congress to fully realize the potential of this new infrastructure era.

I want to thank this committee for getting the FAA reauthorization passed and to President Biden's desk. Thanks to your bipartisan leadership, the FAA has vital resources that will further modernize our aviation infrastructure and keep our aviation system as the safest and most efficient in the world.

I am also pleased that this law protects the automatic refunds rule, and supports other consumer protection work this Department has fought so hard for, like getting rid of fees that parents have had to pay to sit next to their young children on a flight.

Yet this country needs similar bipartisan leadership when it comes to rail safety. As I mentioned, the Department is doing everything possible under our existing authority to upgrade and modernize our rail infrastructure and make our operations safer. We need to set even higher standards, and we need Congress to pass the Railway Safety Act to make tracks, cars, and working conditions safer for those who work on freight rail, and to protect those who live in nearby communities. And I know we can get it done, because the last 3½ years have been a testament to what is possible when our Department works closely with this committee. With your partnership, we can keep this momentum going, deliver good projects for more communities, build and rebuild our transportation systems to meet the 21st- and even 22nd-century needs of Americans.

Thank you again, and I look forward to your questions.

[Secretary Buttigieg's prepared statement follows:]

**Prepared Statement of Hon. Pete Buttigieg, Secretary of Transportation,
U.S. Department of Transportation**

Chairman Graves, Ranking Member Larsen, and all the Members of this Committee: thank you for the opportunity to testify today—and for your continued partnership.

Before I begin, I want to take a moment to remember Representative Donald Payne, Jr. He was a pleasure to work with, and a constant champion for more accessible and resilient transportation. He will be greatly missed.

Just three short years ago, I was making the case for the Bipartisan Infrastructure Law in front of this committee. Now we're in the middle of an infrastructure decade unlike anything this country has seen since the Eisenhower Administration. I'm proud to report that we are now supporting more than 50,000 transportation projects in all 50 states, D.C., Puerto Rico and all U.S. territories.

Our country has chosen to end decades of underinvestment. And I would like to share a few examples of what this new level of investment in infrastructure means to the American people and economy.

I'll start with the Brent Spence Bridge between Kentucky and Ohio, one of the 9,400 bridge projects nationwide. Anyone who's traveled along I-71 and I-75 knows this bridge is a critical thoroughfare—it's also one of the worst trucking bottlenecks in the country. Improvements have been talked about for years, and this Administration is finally making them happen. Just last month, the project cleared its comprehensive environmental review and the construction that will upgrade the existing bridge and break ground on a new, companion bridge will start soon.

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Turning to aviation, airports of all sizes are undergoing major upgrades to meet the increasing number of people flying. I've seen some of this work first-hand in recent months. I was in Georgia in April to celebrate a construction milestone for the new Terminal D at the Atlanta Airport—done without major service disruptions, which is big when you're the busiest airport in the world. In May, I got to see the work going on at Missoula Airport in Montana, where they're updating an 80+ year old terminal to match current passenger capacity—and ultimately offer more flights, recruit more airlines, and keep travel costs down for passengers. And under the leadership of FAA Administrator Mike Whitaker, we have refocused the oversight of Boeing—and we will continue to hold Boeing accountable as they carry out their action plan and regain trust on safety and quality improvements.

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Put simply: there's a lot of important work going on right now. Our work is making our communities more accessible. Our work is creating good-paying jobs all across the country and keeping our supply chains strong. And our work has helped lower the number of traffic fatalities on our roads for the past two years and continues to make all of our transportation systems safer for everyone who uses them.

There is much more to be done and we need the continued partnership of this Committee and the Congress to fully realize the potential of this new infrastructure era.

I want to thank this Committee for getting the FAA Reauthorization passed and to President Biden's desk. Thanks to your bipartisan leadership, the FAA has critical resources that will further modernize our aviation infrastructure and keep our aviation system the safest and most efficient in the world. I'm also pleased that this

law protects the automatic refunds rule and supports other consumer protection work this Department has fought so hard for, like getting rid of fees parents have had to pay to sit next to their young children on a flight.

Yet this country needs similar bipartisan leadership when it comes to rail safety. As I mentioned, this Department is doing everything possible under our existing authority to upgrade and modernize our rail infrastructure and make operations safer.

But we need to set even higher standards, and we need Congress to pass the Railway Safety Act to make tracks, cars, and working conditions safer for those who work on freight rail—and to protect those who live in the surrounding communities.

And I know we can get it done, because the last 3.5 years have been a testament to what's possible when our Department works closely with this Committee.

With your partnership, we can keep this momentum going, we can deliver good projects for more communities, and we can build and rebuild our transportation systems to meet the 21st, and even 22nd, century needs of Americans.

Thank you, and I look forward to your questions.

Mr. GRAVES OF MISSOURI. Thank you, Mr. Secretary.

Before we begin with Members' questions, I do want to flag that we anticipate two vote series today. The first one is starting at 10:30, and the Secretary has a hard stop. So, what I am asking is: Let's be respectful of the Secretary's time, and try to keep our questions to 5 minutes. Stay underneath our rules.

So, with that, I am going to turn to Ranking Member Larsen for opening questions.

Mr. LARSEN OF WASHINGTON. Thank you, Mr. Secretary, for coming today, I appreciate it.

There is a lot of math out there in terms of how much you spent, how much hasn't been spent, what is going on. By my math, we are about 52.8 percent of the way in terms of timeline to September 30, 2026. Also by my math, the DOT has distributed about 48.1 percent of the dollars. So, pretty close. Not exact, but pretty close. Almost half and half.

Can you talk a little bit about some of the challenges you have had getting dollars out the door and what you have done to address those challenges so communities can benefit from the dollars in the BIL?

Secretary BUTTIGIEG. Thank you, yes. As you noted, we are more or less right in the middle of the 5-year life of this authorization, and depending on how you measure, but by the most basic measure of funds flowing out, we made roughly half of the funding available.

As you know, our funding works typically on a reimbursement basis, which means not only do we have to announce an award, but there needs to be an agreement making clear that Federal requirements have been met for that project, and the project sponsor needs to undertake it, and then the dollars can be fully outlaid after obligation. But we have been trying to work within that to try to create flexibility where appropriate, with tools like pre-award authority, so that work can begin if, again, appropriate, and if the right checks and balances are there. We want to make sure that process is never a barrier to things getting done.

There are a lot of challenges along the way: the complexity of the projects, supply chain and workforce challenges, given the enormous volume of work that we are doing. And while the overall number, from the best data that I can gather, the overall number of projects delivered now is on par with what we would have seen at this point in a previous administration.

We really want to accelerate and compress the timelines, especially the time between an award announcement and a grant agreement. We have stood up teams that I personally engage with and do a great deal of work under the hood to try to speed up those processes.

Mr. LARSEN OF WASHINGTON. Are there specific actions that you can outline for us that you have taken with regards to that process?

Secretary BUTTIGIEG. Yes, I would point to the Center of Excellence that we have established on project delivery. We brought some of the best talent and some of the best data that we have to try to get that done. We have used steps like programmatic approaches and sometimes combined NOFOs in order to have less redtape and fewer steps associated with the same number of projects.

We have also undertaken a new level of technical assistance with our grant sponsors, because often it is the first time that they have done a Federal grant of this magnitude, especially the rural and Tribal communities that we have been working with.

And so, through both structured programs like the Thriving Communities Program and just our running capacity for technical assistance, we are standing side by side with our project sponsors. The instructions I have given to our team is, even if the delay in some Federal process is coming from the State or the county or the city not yet being ready with something, we should take ownership of that and we should take responsibility for that and not just say, it is your problem, you fix it. We are going to be side by side with you, helping you navigate these processes, even while we are working to make them simpler on the front end, which begins just with my quest to get NOFOs below 100 pages, which was not the norm we inherited. But it is just one small example of what we are trying to do to make this a more user-friendly Federal grant process.

Mr. LARSEN OF WASHINGTON. Thanks. Moving to rail safety, and now that the NTSB had their hearing Tuesday, the report is out—I think we are being briefed tomorrow morning on the report, if I am not mistaken, here on the committee—has the Department looked at specific actions, legislative actions that we need to take versus any regulatory actions that the Department can take?

Secretary BUTTIGIEG. We have undertaken a number of regulatory actions, but, of course, are assessing the recommendations that have been made public, even though they haven't been formally transmitted yet to us as a Department, to make sure that we are doing everything we can within our existing regulatory authority to keep freight rail safe.

But the reality is, while we are going to keep doing everything we can short of an act of Congress, it is going to take an act of Congress to give us some of the tools that we need. I would point to two things in particular that I think are important that are contemplated in the bipartisan legislation that has been put forward and that we urge this committee and this Chamber to act on.

One has to do with increasing the statutory caps on fines to put more teeth in our enforcement. Right now, they are capped in the neighborhood of \$220,000, which just isn't that much to a multibillion-dollar corporation.

Another thing I would point to is the acceleration of the adoption of DOT 117 tank cars, which the FAST Act set at 2029, later than what the Department had planned on previous to that congressional intervention. My understanding of the information that has been made public by the NTSB is, if those tank cars had been in use, what happened in East Palestine might not have.

Mr. LARSEN OF WASHINGTON. All right, thank you.

I yield.

Mr. GRAVES OF MISSOURI. Mr. Crawford.

Mr. CRAWFORD. Thank you, Mr. Chairman.

Thank you, Mr. Secretary, for being here today. I want to address something that we have talked about before, and that is the Federal Highway Administration's proposed greenhouse gas emissions performance measure to force State departments of transportation and metropolitan planning organizations to cut carbon emissions stemming from transportation on the National Highway System.

You know that I have voiced my concerns about this in opposition to this proposal, which demonstrably exceeds the administration's authority. The policy was specifically considered and disposed of during negotiation of the Infrastructure Investment and Jobs Act. The Federal Highway Administration announced its final rule last November, despite not having the authority to do so, and, as a result, 22 States sued as part of 2 separate lawsuits. This spring, two Federal courts found that the rule exceeds the Federal Highway's statutory authority. Yet now we learn that you are going to appeal that ruling.

Can you tell us why? Why are you squandering time and resources to appeal a decision that has been adjudicated in court?

And clearly, you had no authority to make that rule. So, explain that, if you would.

Secretary BUTTIGIEG. Sure. I am not going to comment on our courtroom strategy. What I will say is that any—

Mr. CRAWFORD [interrupting]. I am not asking for that. I am asking for the sense behind why you are challenging the ruling when you clearly didn't have the authority.

Secretary BUTTIGIEG. We don't believe that that is accurate. And of course, we will comply with any and all relevant court rulings. That is what we are doing in the meantime.

Mr. CRAWFORD. Let me ask you this. How much is this setting you back? And by "you," I mean the Department of Transportation. And by "Department of Transportation," I mean the American taxpayer. How much is this costing?

Secretary BUTTIGIEG. I haven't seen a costing in terms of hours of work spent on this.

Mr. CRAWFORD. That is a shame. You have got \$661 billion to the Department of Transportation in the Infrastructure Investment and Jobs Act, \$661 billion. And the things that we should be focusing on, like for example, parking spaces for truckdrivers—

Secretary BUTTIGIEG [interrupting]. I am glad you raised that. As you probably know, we are building parking spaces for truckdrivers—

Mr. CRAWFORD [interrupting]. I will get to that in a minute, but instead of spending the money on parking spaces, you are spending the money on appeals in the court system.

Secretary BUTTIGIEG. The grant programs for parking spaces don't come out of the same part of the budget as lawyers working on appeals, Congressman.

Mr. CRAWFORD. Do you really think it is a good allocation of taxpayer resources to challenge a legal decision for which you had no authority to make a rule on?

Secretary BUTTIGIEG. Yes, anything we do——

Mr. CRAWFORD [interrupting]. You do?

Secretary BUTTIGIEG [continuing]. We think is a good allocation of taxpayer resources, otherwise we wouldn't do it.

Mr. CRAWFORD. Well, I guess the taxpayers probably feel differently about it, because I hear about this all the time from folks in my district that actually build the highways. See, we are responsible for paying for the highways. You are responsible for making sure they are getting done. But the people who actually do the work, they have got a problem with this.

Let me turn to another matter. Since I was first elected to Congress, I have worked to improve the safety of our Nation's roadways. The American public should remain confident that our professional commercial motor vehicle drivers are operating safely throughout the country. In 2011, I introduced the Safe Roads Act, which was incorporated into MAP-21 and the creation of the Federal Motor Carrier Safety Administration's national Drug and Alcohol Clearinghouse.

My Drug Free Commercial Driver Act, which was included in the FAST Act, would allow hair testing for CMV drivers, which is a much better way to ensure that habitual drug users are not operating in safety critical roles. The Department of Health and Human Services continues to fail to implement that requirement, and I am going to continue to remind them to do their job.

The Department of Justice just published a rulemaking seeking to reclassify marijuana from a schedule I narcotic to schedule III. Under current law, trucking and other safety critical transportation workers are required to be tested for certain drugs, including marijuana. Marijuana continues to be the drug most frequently seen by CMV drivers in their testing reported to FMCSA Drug and Alcohol Clearinghouse. The rescheduling and deregulation of marijuana will inevitably cause the number of people driving impaired, while high, to grow.

The American Trucking Associations has transmitted two letters to your agency highlighting these concerns. I would ask unanimous consent to submit those into the record.

[The information follows:]



Letter of May 15, 2024, to the Attorney General, U.S. Department of Health and Human Services, and U.S. Department of Transportation, from Dan Horvath, Senior Vice President, Regulatory Affairs and Safety Policy, American Trucking Associations, Submitted for the Record by Hon. Eric A. “Rick” Crawford

MAY 15, 2024.

The Honorable MERRICK GARLAND,
Office of the Attorney General,
U.S. Department of Justice, 950 Pennsylvania Avenue N.W., Washington, DC 20530.

The Honorable XAVIER BECERRA,
U.S. Department of Health and Human Services,
200 Independence Avenue, S.W., Washington, DC 20201.

The Honorable PETE BUTTIGIEG,
U.S. Department of Transportation,
1200 New Jersey Ave. S.E., Washington, DC 20590.

RE: Impact of Reported Marijuana Rescheduling on Public Safety and Safety-Sensitive Industries

DEAR ATTORNEY GENERAL GARLAND, SECRETARY BECERRA, AND SECRETARY BUTTIGIEG:

On behalf of the American Trucking Associations (ATA), I write to bring to your attention significant concerns about the reported forthcoming regulatory action by the U.S. Drug Enforcement Administration (DEA) to reschedule marijuana, or cannabis, from a Schedule I to a Schedule III drug under the Controlled Substances Act (CSA). Absent an explicit allowance for continued employer marijuana testing of safety-sensitive workers, this change may have considerable negative consequences for highway safety and safety-sensitive industries.

While recent media reports surrounding DEA’s potential reclassification create many uncertainties, ATA is alarmed by the possibility that certain industries could be prohibited from screening for drug use by workers performing safety-sensitive roles. If the trucking and broader transportation industries’ ability to conduct drug testing is restricted, the risk of impaired drivers operating on our nation’s roadways undetected would increase, endangering all who share the road. As the largest national trade association representing the interests of the trucking industry with more than 37,000 members, ATA remains focused on maintaining workplace and roadway safety through effective countermeasures like employer drug testing.

Recent news reports indicate DEA is seeking to reschedule marijuana from its current Schedule I to a proposed Schedule III status as set out by the CSA—effectively regrouping marijuana from the drug class considered having the highest “potential for abuse and the potential to create severe psychological and/or physical dependence,” alongside drugs like heroin and LSD, to a category of drugs considered “less dangerous” with low to moderate potential for abuse, such as ketamine or codeine. Although this purported change would not outright legalize marijuana at the federal level, it would largely deregulate marijuana for medical use, create ambiguity and confusion around state-level recreational marijuana legalization and use, and result in serious safety impacts to safety-sensitive industries.

ATA recognizes that the implications of the policy change DEA is reportedly considering cannot be fully understood in the absence of a formal rule, and at this time, judgments on what and how this may occur remain speculative. However, rescheduling marijuana could significantly affect the Department of Transportation’s (DOT) responsibility and ability to ensure the safety of the national transportation network. As outlined in 49 CFR Part 40, DOT is required to conduct workplace drug and alcohol testing for federally regulated transportation industries.

DEA’s potential regulatory action has serious ramifications because it could altogether eliminate employers’ ability to conduct and report marijuana testing of DOT-designated “safety-sensitive” workers—including commercial truck and bus drivers, pilots, train operators, and other transportation workers—that are currently subject to DOT drug and alcohol testing regulations. Current DOT drug and alcohol testing requirements are governed—and therefore limited in their testing authority—by the Department of Health and Human Services (HHS) Mandatory Guidelines for Federal Workplace Drug Testing Programs, which allow regulated employers to test

only for those drugs listed in Schedule I or II of the CSA.^{1,2} Therefore, without additional action, deregulation or rescheduling of marijuana would have the likely consequence of precluding testing for all professional drivers and transportation workers as part of the DOT testing program.

ATA believes it is critical to the safety of our nation’s traveling public and all transportation industry members that any change in the law must be accompanied by an explicit allowance for the testing of marijuana use by DOT-regulated safety-sensitive groups. As of March 2024, marijuana represented around 60 percent of all positive employer drug tests of regulated CMV drivers reported to the Federal Motor Carrier Safety Administration’s (FMCSA) Drug and Alcohol Clearinghouse.³ While ATA acknowledges the prevalence and increasing societal acceptance of marijuana for medical and recreational purposes, absent an impairment standard, testing for marijuana use by safety-sensitive employees must remain in place. Just last year, the National Transportation Safety Board (NTSB) released research showing that marijuana and alcohol remain the most-detected drugs in impaired driving crashes resulting in serious or fatal injuries.⁴ A separate study published in the *National Journal of Medicine* revealed that state-level marijuana legalization “was associated with a 6.5% increase in injury crash rates and a 2.3% increase in fatal crash rates.”⁵

Last summer, a truck driver in Indiana fatally collided with a series of vehicles, killing seven; the driver’s toxicology report ultimately showed marijuana in his system at the time of the crash.⁶ And just this year, in Buda, Texas, a cement truck driver who admitted to ingesting marijuana the night prior—among other drugs in the preceding hours—veered head-on into a school bus carrying pre-K children, killing one child as well as the driver of another vehicle and injuring nearly a dozen others.⁷ Rescheduling marijuana without an explicit drug testing carveout for safety-sensitive workers could ultimately lead to more devastating tragedies like these and add to the ever-increasing death toll on our nation’s roadways.

Further, an accurate and reliable standard and test for determining *impairment*—rather than intoxication—from marijuana consumption (like the blood alcohol content measure used to detect alcohol impairment) does not yet exist. While perceived intoxication may only last a few hours, cognitive impairment from marijuana—impacting core motor skills, coordination, perception, and peripheral vision that are critical to safe, focused driving—has been found to last up to 24 hours in some instances.⁸ Thus, in the absence of an impairment standard, it remains critically important that employers retain the ability to test for marijuana use in safety-sensitive contexts like trucking.

While we recognize the speculative nature of our concerns until the DEA releases a formal rule, ATA believes that it is vitally important that your agencies ensure an ongoing allowance for marijuana testing of safety-sensitive workers to avoid deterioration of highway safety. If this rulemaking is permitted to move forward without appropriate regulatory review, oversight, and deliberation, ATA is concerned that it will severely curtail the ability of motor carriers and other employers of safety-sensitive positions to maintain a safe working environment, threatening the safety of all road users.

¹ Under current law, DOT must “incorporate the Department of Health and Human Services scientific and technical guidelines” (i.e., the Mandatory Guidelines. 49 U.S.C. § 31306(c)(2)) “for laboratories and testing procedures for controlled substances.” See also Mandatory Guidelines for Federal Workplace Drug Testing Programs, 88 Fed. Reg. 70,768, 70,780 (Oct. 12, 2023), which limits federally mandated workplace drug testing authority to Schedule I and Schedule II drugs.

² 88 Fed. Reg. 70,768 (Oct. 12, 2023).

³ FMCSA Drug and Alcohol Clearinghouse February 2024 Monthly Report, U.S. Department of Transportation. https://clearinghouse.fmcsa.dot.gov/content/resources/Clearinghouse_MonthlyReport_Feb2024.pdf.

⁴ National Transportation Safety Board, “Alcohol, other drug, and multiple drug use among drivers.” <https://www.nts.gov/safety/safety-studies/Documents/SRR2202.pdf>.

⁵ Charles M. Farmer, Samuel S. Monfort, and Amber N. Woods, “Changes in Traffic Crash Rates after Legalization of Marijuana: Results by Crash Severity,” *Journal of Studies on Alcohol and Drugs* 83, no. 4 (July 2022): 494–501, <https://doi.org/10.15288/jsad.2022.83.494>.

⁶ “Truck Driver Sentenced in Fatal Indiana Toll Road Crash for Driving While on Marijuana,” WVPE, September 5, 2023, <https://www.wvpe.org/wvpe-news/2023-09-05/truck-driver-sentenced-in-fatal-indiana-toll-road-crash-for-driving-while-on-marijuana>.

⁷ “Texas school bus crash: Concrete truck driver admits to using drugs before fatal crash, report says,” Fox 4 KDFW, March 29, 2024, <https://www.fox4news.com/news/hays-cisd-bus-crash-jerry-hernandez-cocaine-marijuana-use>.

⁸ Lauren Eadie et al., “Duration of Neurocognitive Impairment with Medical Cannabis Use: A Scoping Review,” *Frontiers in Psychiatry* 12 (March 12, 2021), <https://doi.org/10.3389/fpsy.2021.638962>.

Thank you for your consideration of an issue vital to safety and for continuing to take steps toward reducing fatalities on our nation's roadways. ATA welcomes the opportunity to answer any questions you may have.

Sincerely,

DAN HORVATH,
*Senior Vice President, Regulatory Affairs and Safety Policy,
 American Trucking Associations.*

Letter of June 20, 2024, to Hon. Pete Buttigieg, U.S. Department of Transportation, from Dan Horvath, Senior Vice President, Regulatory Affairs and Safety Policy, American Trucking Associations, Submitted for the Record by Hon. Eric A. "Rick" Crawford

JUNE 20, 2024.

The Honorable PETE BUTTIGIEG,
*U.S. Department of Transportation,
 1200 New Jersey Ave. S.E., Washington, DC 20590.*

DEAR SECRETARY BUTTIGIEG:

In light of the U.S. Department of Justice's (DOJ) May 21st, 2024, proposal to transfer marijuana from a Schedule I to a Schedule III drug under the Controlled Substances Act (CSA), I write on behalf of the American Trucking Associations (ATA)¹ to request information regarding whether the U.S. Department of Transportation (DOT) will maintain the authority and means to conduct testing of marijuana use by commercial motor vehicle (CMV) drivers and other safety-sensitive transportation workers. As stressed in ATA's May 15th letter to DOJ, DOT, and the Department of Health and Human Services (HHS), it is critical for transportation safety that we maintain the scope and scrutiny of testing that currently exists for individuals engaged in safety-sensitive industries, including commercial trucking, bussing, airlines, and rail. This is imperative given the current absence of a proven impairment standard.

While ATA does not maintain a formal position on marijuana legalization or the ongoing testing of non-safety sensitive employees under HHS's Federal Workplace Drug Testing Programs, we remain concerned about the broad public health and safety consequences of reclassification on the national highway system and its users. ATA commends the DOT's focused efforts to combat drug- and alcohol-impaired driving as part of its robust national roadway and transportation system safety initiatives, specifically through effective programs like its DOT Drug & Alcohol Testing Program and the Federal Motor Carrier Safety Administration's (FMCSA) Drug & Alcohol Clearinghouse. Though ATA understands that the process and content of DOJ's rulemaking falls outside the purview of DOT, we believe DOT and ATA share the goals of achieving zero highway fatalities and ensuring the commercial driving workforce is qualified to safely operate on our nation's roadways.

Last year, the National Transportation Safety Board (NTSB) released a study showing that marijuana and alcohol remain the most detected drugs in impaired driving crashes resulting in serious or fatal injuries.² Similarly, researchers at the National Institute on Alcohol Abuse and Alcoholism found that, between 2000 and 2018, crash deaths involving marijuana more than doubled, from 9% to 21.5%.³ Separate studies revealed that state-level marijuana legalization "was associated with a 6.5% increase in injury crash rates and a 2.3% increase in fatal crash rates,"⁴ while immediately following Canada's 2018 legalization of marijuana, the country's emergency rooms saw a 94% increase in the rate of marijuana-involved traffic inju-

¹ ATA is a united federation of motor carriers, state trucking associations, and national trucking conferences created to promote and protect the interests of the trucking industry, with more than 37,000 members. Directly and through its affiliated organizations, ATA represents motor carriers in the United States encompassing every type and class of motor carrier operation.

² "Alcohol, Other Drug, and Multiple Drug Use among Drivers," The National Traffic Safety Board, January 12, 2023, <https://www.nts.gov/safety/safety-studies/Documents/SRR2202.pdf>.

³ Lira, Marlene C, et al. "Trends in Cannabis Involvement and Risk of Alcohol Involvement in Motor Vehicle Crash Fatalities in the United States, 2000-2018," *American Journal of Public Health*, November 2021, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8630490/>.

⁴ Farmer, Charles M, et al. "Changes in Traffic Crash Rates after Legalization of Marijuana: Results by Crash Severity," *Journal of Studies on Alcohol and Drugs*, <https://pubmed.ncbi.nlm.nih.gov/35838426/>.

ries.⁵ In light of such statistics, ATA is confident DOT shares our urgency in preventing a dramatic increase in crashes and deaths involving impaired driving.

While ATA stresses the importance of continued marijuana testing across all transportation modes, within the CMV industry alone, marijuana continues to lead as the drug most frequently used by drivers. As of May 2024, marijuana (Δ9-THCA) represented around 60 percent—150,647 total—of all positive employer drug tests of regulated CMV drivers since the January 2020 implementation of the FMCSA Drug and Alcohol Clearinghouse. Given the ongoing prevalence of marijuana use among commercial drivers and the preventability of tragedies caused by marijuana-impaired driving, like those cited in our May 15th, 2024 correspondence, ATA respectfully seeks additional information on DOT's efforts to engage DOJ, HHS, and other federal partners to ensure that any change in the law regarding the status and legality of marijuana use is accompanied by an explicit allowance for the testing of marijuana use by DOT-regulated safety-sensitive workers.

As you are aware, DOT is required by statute to rely on the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs for the certification of laboratories to carry out its DOT Drug and Alcohol Testing Programs.⁶ ATA remains concerned about the ensuing impact that rescheduling may have on HHS's laboratory certification process and promulgation of testing procedures, specifically for marijuana. While ATA recognizes that scientific and laboratory certification processes intrinsic to employee drug testing fall outside DOT's scope, we nevertheless urge you to work with HHS and relevant lawmakers to ensure ongoing marijuana testing, guidance, and laboratory certification for the DOT programs.

The safety of our drivers and the motoring public is a chief priority to ATA, and we again applaud the DOT's focus on drug- and alcohol-impaired driving prevention and, more broadly, national transportation system safety. Given the seemingly inevitable increase in marijuana-impaired driving following a federal rescheduling, ATA is committed to working with DOT and other stakeholders to prevent marijuana-related crashes and fatalities.

Thank you for your consideration of this vital safety issue, and we look forward to continued dialogue and partnership together in addressing it.

Sincerely,

DAN HORVATH,
*Senior Vice President, Regulatory Affairs and Safety Policy,
American Trucking Associations.*

cc: The Honorable Polly Trottenberg, Deputy Secretary, U.S. Department of Transportation
Sue Lawless, Acting Deputy Administrator, Federal Motor Carrier Safety Administration

Mr. CRAWFORD. Mr. Secretary, I think it is safe to assume that the number of all impaired drivers on our roadways would increase with that ruling. Can you speak to what your Department is doing to ensure that transportation workers in safety-reliant positions can continue to be tested for marijuana use if this proposal goes forward, and how your Department plans to address transportation safety in light of DOJ's rulemaking?

Secretary BUTTIGIEG. Thank you, yes. Any impaired driving, be it alcohol, marijuana, or any other source of impairment is, of course, a major safety concern.

Our understanding of the rescheduling of marijuana from schedule I to schedule III is that it would not alter DOT's marijuana testing requirements with respect to the regulated community. For private individuals who are performing safety-sensitive functions subject to drug testing, marijuana is identified by name, not by reference to one of those classes. So, even if it moves in its classifica-

⁵Myran, Daniel T, et al., "Cannabis-Involved Traffic Injury Emergency Department Visits after Cannabis Legalization and Commercialization," JAMA network open, September 5, 2023, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10483310/>.

⁶49 U.S.C. §31306(c)(2).

tion, we do not believe that that would have a direct impact on that authority.

Likewise, I should mention for Federal employees, including any DOT employees who have a security clearance or a safety-sensitive position, we do not understand that to be changed—any drug testing requirement relevant to that to be changed based on the reclassification decision. But we are continuing to evaluate any indirect impacts that it might have.

Mr. CRAWFORD. Thanks. I yield back.

Mr. GRAVES OF MISSOURI. Congresswoman Napolitano.

Mrs. NAPOLITANO. Thank you, Mr. Chair.

Secretary Buttigieg, I reiterate the invitation for you to visit the 31st Congressional District in California again.

But as you know, Los Angeles is preparing for the 2028 Olympics, representing the ninth time our Nation has hosted the world's greatest sporting event. DOT is aware of the scale and scope of games to be hosted by southern California in 2028. What steps are you taking or do you envision taking to make sure the mobility plan for the athletes, officials, and fans is fully supported by DOT, sir?

Secretary BUTTIGIEG. We are enthusiastic, of course, about the Olympics coming to the United States. I have met with L.A. 28 leaders and leaders from the region. We want to make sure that we are teaming up well with the Olympic Committee and the city, everybody who is involved because, of course, one of the most complex dimensions of running the Olympic Games is getting people to where they need to be.

They have an ambitious vision for making newly borrowed transit vehicles from around the country available. We are working with them on that through our Federal Transit Administration, and welcome opportunities to work with Congress, too, to make sure the right resources are in place.

Mrs. NAPOLITANO. Wonderful. I know that the last time the Olympics were hosted in L.A., they talked about nighttime driving of delivery trucks.

Secretary BUTTIGIEG. I am sorry?

Mrs. NAPOLITANO. Nighttime driving, the delivery trucks, nighttime.

Secretary BUTTIGIEG. Yes. Yes, we want to make sure that that is available, as well. And we think the partnerships with our Department and the technical assistance, including experience gained from prior iterations, is going to be helpful here.

Mrs. NAPOLITANO. Thank you.

The BIL law, we approved funding and requirements for the installation of protective shields in buses to prevent assault on busdrivers. How has the provision been implemented?

And have there been obstacles to improving safety measures for busdrivers from passengers? We hear they want more protection now.

Secretary BUTTIGIEG. We are very focused on making sure that we support both transit worker safety and rider safety. And in my discussions with operators and their representatives, there is certainly an interest in the physical dimension of that.

FTA has published a proposed general directive on actions to mitigate the risk of assaults on transit workers. We have also updated the National Public Transportation Safety Plan to enhance the guidance on how to make sure that systems are performing adequately and that we have some visibility on that.

We finalized a rule known as the PTASP, the Public Transportation Agency Safety Plans regulation that has a number of requirements, including performance targets, the advancement of systems, as you mentioned, that can help protect riders and workers, as well as things like de-escalation training, but with a real focus on making sure that we protect workers and riders. And we welcome further opportunities to do so, partnering with this committee.

Mrs. NAPOLITANO. Great, because we had a hearing here in Washington years ago, and many of the drivers indicated they were assaulted in various ways, and they want more protection. Well, we passed some requirement, but is it enough? Has it been enough? Are they requiring more now?

Secretary BUTTIGIEG. I think it is safe to say that we have raised the bar with the new rule. But part of what the rule is doing is laying out standards or tools for the transit agencies themselves to use.

So, we really need to maintain a partnership. We will keep working to set not just a floor, but a set of best practices as we can at the Federal level, but we really need to work agency by agency, knowing that the needs are going to be different, the conditions are going to be different. But the commitment is absolutely the same, which is to make sure that anyone operating one of these transit vehicles knows that they are safe because they deserve a dignified as well as a safe workplace. People count on them to get to where they are going; they ought to be able to count on that basic level of safety.

Mrs. NAPOLITANO. Thank you very much.

DOT recently provided an update to the Justice40 initiative. The Department has exceeded its goal of delivering 40 percent of the benefits of Federal investments to disadvantaged communities. We applaud the agency for doing it, ensuring the funds from BIL to communities that have been historically neglected by the Federal Government. Can you elaborate in 20 seconds or more the implementation?

How does the Department plan to build on the successes of Justice40?

Secretary BUTTIGIEG. To us, Justice40 is a way of keeping a promise that the President has made that communities that were overburdened and underserved, especially with regard to past rounds of transportation investment, get their due. And that is what led to that 40 percent commitment, that at least that many of the investments going out to clean energy and transportation would go to such communities.

Mrs. NAPOLITANO. Thank you, sir.

Secretary BUTTIGIEG. Oh, are we out of time? OK.

Mrs. NAPOLITANO. I yield back.

Secretary BUTTIGIEG. I will be happy to share more in writing.

Mr. GRAVES OF MISSOURI. Mr. Perry.

Mr. PERRY. Thank you, Mr. Chairman.

Mr. Secretary, I want to begin by giving credit where credit is due. I want to thank you for visiting south-central Pennsylvania, and providing some attention to that. And, of course, you are probably aware, as you probably or likely crossed the South Bridge across the Susquehanna River, we have got a big construction project there, bipartisan support, and I would just encourage your continued attention and support of that.

I want to turn to the electric vehicle market, as you can imagine. It seems to me that the industry is in a bit of a tailspin, and the Government-funded EV bubble appears to be deflating, even though we are subsidizing it to the tune of billions of dollars. The fact of the matter is 98 percent of all the cars on the road today are traditionally powered, 97 percent of the annual car purchases are traditionally powered.

I know you are likely to talk about the 7-percent share of new car sales being EVs, but the truth of the matter is that it belies the fact that three-quarters of those car sales are used vehicles which aren't EVs. And the cost of those grows every single day as EV costs go higher, driving the cost of traditional vehicle sales higher.

The Energy Information Administration has found that the U.S. share of electric vehicles dropped in Q1 of 2024, and the context is tens of billions of dollars being showered down on the industry, and still this is happening. We are literally paying folks to produce the cars and sell the cars and buy the cars. But the consumer sentiment continues to be moving away.

Now, according to McKinsey and Company, your former employer, nearly half, 46 percent, of electric vehicle owners are likely going back to traditional fuel vehicles. Consumer Report found EVs to be associated with 79 percent more problems than conventional vehicles. J.D. Power found customer satisfaction declining across the board, especially regarding level 2 charging, with roughly 20 percent of attempted charges ending without success. I can't imagine going to the gas station 20 percent of the time leaving empty. Cox Automotive found that EV inventory is nearly twice that of the overall market, and 3,500 car dealers, some of which visited me and I represent, sent a letter begging you and the administration to stop these mandates.

Now, recognizing that attempts to bribe the industry and the public into EV adoption have literally failed at this point—continued mandating CAFE standards, EPA tailpipe standards that are de facto EV mandates, and ideological allies in 12 States are seeking to ban the sale of non-EV cars—now, we can talk about the proper role of Government. That would be a great conversation, because I don't think that we have the authority or should have the authority to limit what consumers can buy in this regard or what they can own.

But clearly, Mr. Secretary, this isn't working. So, I am wondering, is there some point—and if you have identified some point—where you will stop, where the administration will stop, where the Federal Government will stop this requirement, and let the market decide, as opposed to the central planning model and this dictatorial policy?

Secretary BUTTIGIEG. Well, thank you. Given time is limited, I will confine myself to addressing the factually incorrect portions of what you have said, beginning with the assertion that EV sales are going down. They are, in fact, going up—

Mr. PERRY [interrupting]. Does that include the Government sales, or—

Secretary BUTTIGIEG [continuing]. Every single year—

Mr. PERRY [continuing interruption]. Private sales?

Secretary BUTTIGIEG [continuing]. Every single year—

Mr. PERRY [continuing interruption]. Private sales or Government—

Secretary BUTTIGIEG [continuing]. More Americans have purchased EVs.

Mr. PERRY [continuing interruption]. Sales, Mr. Secretary?

Secretary BUTTIGIEG. The entire market, overall—

Mr. PERRY [interrupting]. The Government is forced to buy them, so, sales are going up. But private sector—

Secretary BUTTIGIEG [interrupting]. No, private sales, too, yes.

Mr. PERRY. I would like those numbers.

Secretary BUTTIGIEG. Sure, 1.2 million EVs were sold in the U.S. in 2023.

Mr. PERRY. How many Government and how many private?

Secretary BUTTIGIEG. We will get you that breakout, but, as you know, more private citizens buy EVs than Government purchases.

Mr. PERRY. No, I don't know that. I don't think—

Secretary BUTTIGIEG [interrupting]. Let me address the second factual mistake in your remarks, which was that EV costs are getting higher. They are in fact getting lower and, according to J.D. Power, have now reached parity or are slightly lower than—

Mr. PERRY [interrupting]. With or without subsidy—

Secretary BUTTIGIEG [continuing]. The equivalent gas-powered car.

Mr. PERRY [continuing interruption]. Mr. Secretary? With or without—

Secretary BUTTIGIEG [interrupting]. That does—yes, that does include the subsidy. That is right. But the point is they are going lower—

Mr. PERRY [interrupting]. But they are not, because we are all buying—

Secretary BUTTIGIEG [continuing]. Your statement that they are going up is incorrect.

Mr. PERRY. We are all paying for them.

Secretary BUTTIGIEG. The third incorrect assertion you made is that sales dropped in Q1. They did not drop compared to Q1 of the previous year. Of course, if you compare them to Q4, they dropped because they always do, because car sales are seasonal. But I would imagine most people are aware of that.

Mr. PERRY. No, I am talking about—

Secretary BUTTIGIEG [interrupting]. And fourth, I want to address—

Mr. PERRY [continuing]. In particular, EV Q4 to Q1, EV. Not just overall car sales.

Secretary BUTTIGIEG. Any car sales go down Q1 to Q4 because more people buy cars in Q4. But what I am telling you is every sin-

gle year more Americans buy EVs than the year before. And the word “tailspin” is just a bizarre word to use for a growing sector of our economy.

We also think that, since that is the way that the market is headed, we should not allow China to build on the advantage that they developed during the Trump administration, not because they are environmentalists, but because they understand the economic power of trying to dominate the EV market. We want those EVs to be made in America, and increasingly they are.

Mr. PERRY. I am happy to have them made in America, Mr. Secretary. What I am not happy about is the mandate. The American people should be able to buy—

Secretary BUTTIGIEG [interrupting]. That brings me to the fourth and final thing—

Mr. PERRY [continuing]. Any vehicle that they want.

Secretary BUTTIGIEG [continuing interruption]. That I need to challenge as being factually inaccurate, which is there is no mandate. You can purchase a gas car if you want to pay gas prices at the pump. But if you don’t, you can purchase an EV with our help.

Mr. GRAVES OF MISSOURI. We are going to try to get one more question in.

Mr. Cohen.

Mr. COHEN. Thank you.

Secretary Buttigieg, thank you for coming, Mr. Secretary. I appreciate your coming and testifying, and it is always good to see you and discuss America’s needs and Memphis’ needs, which are America’s needs, as you well know. Your Department and your leadership have made tireless efforts and been instrumental in advancing our infrastructure.

The Infrastructure Investment and Jobs Act, we have had the most significant investment in infrastructure in decades, addressing critical needs in our roads, bridges, transit systems, and more. I thank you and President Biden and those that voted for this bill.

Several discretionary grant programs such as the Rebuilding American Infrastructure with Sustainability and Equity discretionary grant program, RAISE, important, just funded a program, which I appreciate, in my district that completed the Wolf River Greenway, a 26-mile pedestrian and bicycle path that needed to be completed. And it is a great opportunity for people to get exercise and get away from some communities and get into better natural surroundings.

And we passed almost unanimously—not unanimously, but with great bipartisan support—the FAA reauthorization. Those improvements were needed yesterday, but we have got them now.

Let me ask you about the I-55 bridge. I know you have heard from multiple stakeholders in my district about the bridge investment program to replace the I-55 bridge. Only two bridges cross the Mississippi River in Memphis, one of which you came to Memphis to see, the I-40, when it was closed for several months because of problems and basically caused by Arkansas not inspecting it well, but now it is clear we need a new bridge. This was built at a time when there were not—it was before the Interstate Highway System, so, it didn’t have any interstate highway levels of pro-

tection and stats. And it was before we had seismic vulnerabilities for older bridges.

The bridge investment program is very competitive, I understand, but this is an important bridge for America. Can you give me any idea of when the FHWA ratings will be shared with applicants, and when funding might be announced?

Secretary BUTTIGIEG. Thank you. As you noted, I had an opportunity to see for myself the critical importance of the I-55 bridge, both for individuals and for America's supply chains. And we are conscious that that bridge project has approached the Department in the bridge investment program.

Right now, Federal Highway is going through its process with a preliminary review and rating, and then a dialogue with applicants that gives them an opportunity to supplement their applications based on anything they have learned. We reached out to Tennessee's DOT earlier this year to provide some of that feedback and then continue that process.

I also want to note that any highly recommended or recommended bridge project application that doesn't give an award in the year when it comes in will be automatically carried forward for consideration under the next fiscal year, unless they opt out.

In terms of timing, we are working through it right now for the 2023–2024 cycle, hoping to make a round of awards later on this summer. And again, we are very conscious of the importance of that particular opportunity for the community in the region.

Mr. COHEN. Thank you. Thank you, Mr. Secretary.

Passenger rights has been an important part of my service on this committee, and I know you have done a lot with it, and I thank you for your recent rules on fee transparency and cash refunds for flight cancellations. What do the implementation timelines and enforcement of these rules look like?

Secretary BUTTIGIEG. So, the rulemakings each have their own clock, typically 6 months or less, to comply. Although I will note that the refund provisions that were included in the FAA reauthorization go into effect right away. And so, it is simply a matter of us aligning the mechanisms to be able to do so, which we are working to do promptly.

We are proud of our record on passenger protection. We know there is always more work to do, as well. And so, we are continuing rulemakings on topics like making sure that you don't have to pay extra to sit next to your kid on a flight, and looking into the issue of compensating passengers for extreme delays, in addition to—

Mr. COHEN [interrupting]. Can you pay extra for not sitting next to somebody else's kid?

[Laughter.]

Mr. COHEN. Let me ask you about the airplane seat sizes, which is something I have worked on for many, many years, trying to—they have gotten smaller and more crowded. There were 26,000 comments about the discomfort of current seat sizes. Given your recent efforts to improve the passenger experience, nothing could be more important than a comfortable seat. Can you assure us that seat width and pitch do not will not get smaller?

Secretary BUTTIGIEG. We continue to assess what our authorities might be in this regard. I can certainly assure you, as a frequent

flier, that I have experienced the squeeze you are describing. And, of course, in order for us to undertake regulatory action, it would need to align with one of our statutory authorities. FAA has looked into some of the safety implications of that.

Mr. COHEN. Let me just ask you this. When they do the study, they—last time they didn't have anybody over 60 or 65—

Secretary BUTTIGIEG [interposing]. Yes.

Mr. COHEN [continuing]. And nobody under 18, nobody with a disability, nobody with a dog. Can you make sure it looks like the flying public? That was an absurd test they did.

Secretary BUTTIGIEG. We are conscious of the limitations under the study that was run before, and we will certainly hold that in mind going into any future study or simulation.

Mr. COHEN. And my last—Safe Streets. Memphis was, unfortunately, first in pedestrian deaths, and we need more Safe Streets money. And we want to—I know you are dying to ride the train from Memphis to Nashville to Atlanta, and I look forward to doing it with you.

I yield back the balance of my time.

Secretary BUTTIGIEG. Likewise, thank you.

Mr. GRAVES OF MISSOURI. I knew the Cohen row of seats was going to come up at some point in this hearing.

[Laughter.]

Mr. GRAVES OF MISSOURI. With that, we do have a vote series going on, and I apologize to you, Mr. Secretary, for this. They obviously didn't consult us when it came to timing of the votes.

But we will stand in recess until we finish, and hopefully that will be sooner, rather than later.

Secretary BUTTIGIEG. Thank you, Chairman.

Mr. GRAVES OF MISSOURI. The committee stands in recess.

[Recess.]

Mr. WESTERMAN [presiding]. We are reconvening the previously recessed hearing.

As a reminder, Members should limit their remarks to the allotted 5 minutes. With that, I recognize myself for 5 minutes of questions.

And Secretary Buttigieg, I am hearing from constituents that they are concerned about a potential port strike across the entire east and gulf coast ports if a contract agreement is not reached by September 30. This will be devastating for Arkansas businesses that rely on the ports to move their import and exports to customers. We are 90 days out, and I have learned that the negotiations have been called off. This is alarming, and it is up to the Biden administration to bring the parties back to the table to avert this economic catastrophe in September. What are your plans to make sure a port strike doesn't happen?

Secretary BUTTIGIEG. Thank you. Yes, this is something we are monitoring closely, and our message to the parties is that it is vital that they come together and arrive at a deal that does right by port workers and allows port operations to flow.

We had a similar level of intense negotiations around the west coast ports with ILWU. That came to a successful conclusion. Our hope is that the same will take place with ILA, and I am in fre-

quent discussion with the acting Secretary of Labor and other administration members on what we can do to urge the parties—

Mr. WESTERMAN [interrupting]. So, you are optimistic there is not going to be a shutdown? Because people have to plan way in advance for alternate routes and things. So—

Secretary BUTTIGIEG [interrupting]. Yes, yes, we can't speak for the parties, but of course we are urging them to get to a deal before that September 30 date.

Mr. WESTERMAN. Good. So, earlier this year, the Federal Highway Administration issued a proposed rule that would waive Federal regulations governing the procurement and administration of engineering and design services by local governments. Now, I have heard serious concerns from engineering companies about the potential impact of this change, which could undermine the long-standing and successful qualifications-based selection process that has been the Federal standard for decades.

I appreciate the Department's interest in easing administrative burdens on local governments that receive Federal grants. But as a professional engineer—and I think maybe the only one in Congress—I am concerned about the potential drawbacks of this particular proposal. Studies have shown that hiring most qualified engineering companies saves time and money, and results in better projects and more satisfied owners.

The QBS method also gives small and minority-owned firms an even playing field to compete, based on their specific proficiencies.

It is my understanding that more than 740 public comments were filed in nearly unanimous opposition to the FHWA proposal. Can you please ensure that the administration will carefully consider the views of the engineering community and the potential negative impact of the proposed rule on public safety and project cost?

Secretary BUTTIGIEG. Yes, I will take care to look into that, and we want to make sure that anything we do that affects the relationships with the engineering community is responsible and conducive to good, effective, safe project delivery.

Mr. WESTERMAN. And I want to shift gears a little bit and talk about carbon emissions, carbon reductions. I know that is something that you care about. And can you tell us what percentage of the world's carbon emissions does the U.S. produce?

Secretary BUTTIGIEG. I think it is less than one-fifth, depending on how you count it, of which the single biggest economic sector is transportation.

Mr. WESTERMAN. Right, so, the Government data says 13.49, 13.5 percent is from the U.S. And like you said, the biggest sector is transportation. What is the percentage of that?

Secretary BUTTIGIEG. I don't have that off the top of my head, sorry.

Mr. WESTERMAN. It is 29 percent. So, if we take 29 percent of 13.5 percent, that gets us down to between 3 and 4 percent of global emissions come from U.S. transportation. What percentage of that is passenger cars and light-duty vehicles?

Secretary BUTTIGIEG. So, I know it is one of the single largest categories. I don't have a percentage breakout for you.

Mr. WESTERMAN. It is about 57 percent of that. So, if we take 57 percent of that second number, we are down around 2 percent. So, if every internal combustion engine vehicle in the United States was magically converted to an EV overnight, what would that say the potential to reduce global greenhouse gas emissions would be?

Secretary BUTTIGIEG. By that logic, Congressman, none of us should ever vote. We are all doing our part to do something about a global change, and I believe America should lead the world.

Mr. WESTERMAN. I disagree with you on that. We should vote smartly. We should put smart policy in place. And last count, we tried to find the number, over 120-and-some-odd billion taxpayer dollars have been put in subsidies for EVs. Now, that is if all the fuel going into these EVs came from noncarbon-emitting sources. Do you know how much electricity in the United States comes from noncarbon-emitting sources?

Secretary BUTTIGIEG. Even if all of that electricity came from fossil sources, it would still be cleaner because EV engines are more efficient.

Mr. WESTERMAN. I think you need to go back and look at physics a little bit—

Secretary BUTTIGIEG [interrupting]. OK, the physics, Congressman, are that an EV engine is 90 percent efficient, where even the best ICE engines are lucky to get to 40 percent.

Mr. WESTERMAN. But the plant that made the energy is not 90 percent efficient. And internal combustion engines are 25 to 30 percent efficient, but you have got the efficiency of the generating plant plus the losses in transmission. And don't try to make the efficiency argument. The bottom line is—

Secretary BUTTIGIEG [interrupting]. Well, I am definitely going to try to make the efficiency argument, because I think it is important.

Mr. WESTERMAN. Well, use good data if you are going to do that.

Secretary BUTTIGIEG. Sure. Well, the good data is that between the regenerative braking and the 77 percent—

Mr. WESTERMAN [interrupting]. Yes, you are talking about once the energy is in the—

Secretary BUTTIGIEG [continuing]. Efficiency you get before that, you get to about 90 percent.

Mr. WESTERMAN. Once the energy is in the EV. But the bottom line is only 40 percent of energy in the United States comes from noncarbon-emitting sources. So, that 2 percent—if you could make every vehicle in the United States an EV overnight, you would be less than 0.9 percent of the world's global greenhouse gas emissions, and we are creating great turmoil and change in our country with taxpayer dollars being spent inefficiently.

I am all for EVs, but let the technology catch up, and don't try to ban internal combustion engines at the rate that you are doing.

I am out of time, and I yield back and recognize the gentleman from California, Mr. Garamendi, for 5 minutes.

Mr. GARAMENDI. I thank you, Mr. Chairman.

Boy, would I love to spend the next hour on that debate, and get that information out there. I will point out that the petroleum industry has been subsidized for the better part of 120 years, and continues to this day to have very, very significant subsidies.

However, Mr. Buttigieg, Secretary, thank you so very much. I am thinking back on the very first days of the Biden administration, within a few months the Infrastructure Investment and Jobs Act became law. After 4 years, where the previous President said we are going to do an infrastructure bill, it never happened in the previous administration, but during your tenure it did.

And thank you so very much for your very significant leadership in making it happen, and also picking up a very, very important part of an American policy, and that is: make it in America, buy American. And I know that you have worked hard on that throughout. It was one of the major pieces of the legislation, and it is going into place.

However, all of that seemed to have been held in abeyance by a waiver to a 1983 law that waived the Buy America requirements for transportation. So, the good news is, you are well into solving that problem. A couple of months ago, actually about a year ago, several of us brought to your attention this waiver, general waiver of the Buy America requirements of the 1983 law. My understanding is that you have a proposed rule out to terminate that waiver. And I understand that the finalization may be in progress. Could you please bring us up to date on that?

Secretary BUTTIGIEG. Thank you. Yes, Congressman, we are very focused on making sure that we square the need for swift and efficient project delivery with our administration's commitment to make sure that, when we use American taxpayer dollars, it is buying things that are using materials made in America.

We recognize that that is a long game because we are building for gaps in our manufacturing base that won't be filled overnight. But we know that we have an opportunity here to build those industries through both the demand and the rules that we have.

Right now, DOT and the operating administrations are working to provide guidance over the guidance that came out from OMB to help specify any answers to questions that project sponsors might have, knowing that there is a lot of complexity to this.

To be clear, some waivers may be required, but they will be limited, targeted, and conditional, and only offered when we are confident that it is the right thing to do and still does right by our overall goals to build American capacity.

Mr. GARAMENDI. Thank you for that. Those of us that have been on the Buy America train/road for the better part of our careers are going to watch very closely about the breadth of those waivers and the length of them. Short-term waivers, perhaps necessary, but if they become long-term waivers then we have accomplished nothing on the Buy America, make it in America, and rebuilding our industry.

I want to thank you and the President for putting in place an industrial policy for the United States. This is one piece of it. There are a couple of other elements out there I want to bring to your attention with regard to Buy America.

Now, Chairman DeFazio, when he was here, and Senator Cornyn, and I, and others brought to the attention of all of us that the China Railway Construction Corporation and BYD were finding a way of bringing into the United States Chinese rolling stock from Chinese Government-controlled companies. That seems to have

been abated. I urge you to watch carefully. They are trying to get around that in many different ways.

Finally, the application of all of this to airports. Waivers may apply to the airports. Watch carefully. The policy of the President was to make it in America, buy America. You and I and others will work diligently to see that that happens. Thank you.

Secretary BUTTIGIEG. Thank you. You have my commitment to work with you on that.

Mr. GARAMENDI. Thank you.

I yield back.

Ms. MALOY [presiding]. The gentleman yields. Mr. Babin is recognized for 5 minutes for questioning.

Dr. BABIN. Thank you very much. Thank you for coming to the Hill today, Mr. Secretary.

In 2023, the State of Texas received less than 2 percent of all DOT Federal grant awards, despite having contributed over 10 percent of the funding to the Highway Trust Fund. Is the Department of Transportation making any attempts to be more equitable in their distribution of Federal grants across the States?

Secretary BUTTIGIEG. Thank you, Congressman. We pay close attention to the importance of geographic distribution as one of the considerations in our competitive programs. Of course, each program has its own criteria. Project proposals are evaluated based on how they score against their criteria.

Certainly, a number of some of the most compelling projects that we have been able to support have been in Texas. We recently were able to award \$25 million to the Port of Houston Authority, for example, out of our reduction of truck emission at port facilities program. This is over and above the formula dollars.

But one other commitment we have is if a project comes in, they don't quite make the cut because it is an extremely competitive round, we will work with that project sponsor to help them—

Dr. BABIN [interposing]. Excellent.

Secretary BUTTIGIEG [continuing]. Put their best foot forward coming around next time.

Dr. BABIN. Thank you. Why did DOT release Notices of Funding Opportunity, or NOFOs, for Federal grants such as Mega, Rural, and INFRA for fiscal year 2025 and fiscal year 2026, while we are still in fiscal year 2024?

And should not these grants be awarded in their respective fiscal years, rather than potentially circumventing a new administration?

Secretary BUTTIGIEG. The short answer is in order to cut redtape. While there are some programs that are administered on such a routine basis that it makes sense to have an annual process and run it again every year, we think in other cases, by folding in either multiple programs, multiple fiscal years, or both, in the same way that a common application for college means you don't have to fill your zip code in seven different times, we can reduce the amount of bureaucracy for project sponsors and the amount of processing work for our own team as we are working through that.

Dr. BABIN. What steps is U.S. DOT taking to address the issue of grant agreements between U.S. DOT and Federal discretionary grant awardees that are taking more than a year to complete?

And how can we expedite these agreements to ensure a timely disbursement of funding to the award recipients?

Secretary BUTTIGIEG. This is a topic that I am very focused on right now. Both in recent years and in the prior administration, it was not always considered unusual for it to take more than a year to get from an award announcement to a grant agreement. We think compressing that amount of time is part of what it will take to deliver projects more quickly.

Part of the challenge, of course, is that a grant agreement can only certify that a project meets Federal requirements if it is actually true. But I want to make sure we take some responsibility for a project sponsor working through that process, rather than just folding our arms and saying, we are not going to sign off until you do everything on your own.

Dr. BABIN. OK.

Secretary BUTTIGIEG. So, I can assure you we talk about this just about every week, and are taking a number of steps that we think will help compress that process.

Dr. BABIN. International freight movement continues to increase at incredible rates. And in Texas, our State agencies, including the Texas Department of Transportation and our Department of Public Safety, are working with the autonomous vehicle industry to make border crossings seamless, effective, and efficient, while ensuring illegals are not coming across the border.

What national support and funding enhancements, specifically to the border region, will be proposed to accommodate the increase in freight coming from Mexico into the United States and passing through to Canada?

Secretary BUTTIGIEG. Well, as you note, there is a strong and swiftly growing demand and flow of goods across that border, and it is going to be more important than ever to make sure it is safe and secure, and at the same time, that it flows efficiently. Several of our grant awards have gone to modernizing land ports of entry in ways that we think will help them efficiently do so. And our Federal Motor Carrier Safety Administration is very focused on making sure that inspection capacities keep with the times.

We would certainly welcome an opportunity to work with Congress on any authorities or resources that might help us take advantage of those new technologies.

Dr. BABIN. All right, and one last, final question. Perhaps you read the editorial in last weekend's Wall Street Journal entitled, "Biden's LNG Export Pause Hits Ukraine." And I have a copy of it here, which I would like to enter into the record, Madam Chairman, that decried the Biden administration's decision to block LNG exports to our allies. This article, specifying Ukraine—and this would—seemingly plays right into the hands of Vladimir Putin.

[The information follows:]

Editorial entitled, “Biden’s LNG Export Pause Hits Ukraine: Kyiv’s Deal With a Major U.S. Supplier Faces a White House Obstacle,” by the Editorial Board, Wall Street Journal, June 21, 2024, Submitted for the Record by Hon. Brian Babin

BIDEN’S LNG EXPORT PAUSE HITS UKRAINE

Kyiv’s Deal With a Major U.S. Supplier Faces a White House Obstacle

by the Editorial Board

Wall Street Journal, June 21, 2024

https://www.wsj.com/articles/ukraine-dtek-lng-deal-biden-administration-russia-energy-e93c0f23?st=ogsoax16a9sujee&reflink=desktopwebshare__permalink

Good news: Ukraine last week struck a major deal with a U.S. liquefied natural gas (LNG) supplier to help wean Eastern Europe off Russian natural gas. The bad news: Standing in the way of the deal’s success is President Biden.

Europe has diversified its energy supply since Russia’s Ukraine invasion, notably by importing more LNG from the U.S. But many countries still depend on Russian gas that travels through a pipeline that crosses Ukraine. A five-year transit agreement with Russia’s Gazprom expires at the end of this year, and Ukraine doesn’t intend to renew it.

The agreement’s expiration has hastened the imperative for the region to procure alternative supply. That’s why Ukraine’s largest private energy company, DTEK, last week signed a deal with Virginia-based Venture Global. DTEK would buy LNG from Venture Global’s Plaquemines facility “to support near to medium term energy security needs for Ukraine and the broader Eastern European region.”

Under the deal, DTEK will also be able to purchase up to two million tonnes of gas each year—enough to heat about 28 million homes for one month—from the company’s CP2 facility that is underway. Yet there’s a big hitch: CP2 is ensnared in the Administration’s moratorium on new LNG export projects, which could continue if Mr. Biden wins re-election.

In January Mr. Biden surrendered to an army of TikTokers by halting permits for new LNG export projects, supposedly while the Energy Department studies their environmental impact. DOE must approve permits to export LNG to countries with which the U.S. doesn’t have free-trade agreements to ensure they are in the “public interest.” This includes Europe and Ukraine.

You’d think the Administration would greenlight any project that helps Europe and the rest of the world break their dependence on Russian energy. Russia still accounts for about 15% of Europe’s gas supply. Last month Europe imported more gas from Russia than the U.S. for the first time in nearly two years amid problems at a U.S. LNG facility.

If Europeans can’t get gas from the U.S., they will have to turn to Russia. The same goes for other countries. CP2 could supply about 5% of the world’s LNG by 2026. It already has contracts with Germany and Japan in addition to eastern Europe. Yet climate activists have made stopping LNG exports a cause celebre. CP2 is their new Keystone XL pipeline.

Biden officials have told allies not to worry, and that the Administration’s permitting pause won’t have an immediate impact on U.S. LNG exports. But worry is appropriate. The moratorium has caused enormous political uncertainty about the future supply of U.S. gas. If Mr. Biden wins re-election, will he spurn his progressive supporters by approving CP2 and other LNG projects? Our guess is he’ll make the moratorium permanent.

Mr. Biden presents himself as a more reliable ally than Donald Trump. But his LNG embargo shows that his overriding loyalty is to the climate lobby.

Dr. BABIN. Secretary Buttigieg, you have a responsibility in your Department for the Deepwater Port Act, which would improve our Nation’s ability to export energy products around the world. However, I understand that your Department is not implementing the statutory deadlines and notices imposed by last year’s NDAA, and is not having regular or any in-person meetings with applicants so they can possibly understand the agency’s concern. I have heard so much runaround, and I would just like to know what the truth is, if you can.

Secretary BUTTIGIEG. I could assure you our Maritime Administration team works diligently on applications that come through. They are not subject to the restrictions that were cited in that article that are more on the Department of Energy side.

We would be happy to provide you an update on the status of some of the pending applications.

Dr. BABIN. That would be great, thank you.

And I yield back, out of time.

Ms. MALOY. The gentleman yields. Ms. Titus is recognized for 5 minutes for questions.

Ms. TITUS. Thank you very much.

Mr. Secretary, it is nice to see you again. And thank you for your patience and waiting for us to come back to vote. It was great to have you in District 1 as we announced the speed train to California. That is going to create a lot of good union jobs, and it is going to be funded right out of that Bipartisan Infrastructure Law. So, thank you for working with us on that.

You have heard from many of my colleagues—and I agree with them—that Boeing’s safety track record is a problem. In fact, I saw a cartoon in the paper the other day that said that the airlines were giving extra mileage points if you would sit in the exit row and hold the door on during the flight. That is not the image that we want to project, because we have always been the leader in safety.

But another safety issue that I wish you would address is the number of air traffic controllers. I have heard you say that it is a problem, we have a real shortage, there is a hiring target of 2,000 in the fiscal year 2025. I worked with Mr. Yakym on an amendment to the FAA bill to do maximum hiring through the FAA Academy. Could you talk about those deadlines, and if there is anything we need to do to help the Academy with resources or changes that will help us to try to catch up to this shortage?

Secretary BUTTIGIEG. Thank you for your attention to this issue. We share that concern.

Over many, many years, the number of air traffic controllers qualified and working has gone down. The good news is that has finally stabilized and begun to go up a little bit. But the problem is, we need it to go up much more quickly. In order to do that, we have requested, as you mentioned, funding to hire 2,000 in the coming fiscal year. We would welcome your support for that funding.

We have also worked to increase what we call the force multiplier of CTI, Collegiate Training Initiative, that can work alongside—never at the expense of, but alongside—our excellent facility in Oklahoma City to help get more controllers qualified quickly. And I am certainly eager to continue working with you both to implement all the provisions of the FAA reauthorization and just to make sure that the funding and the recruiting stays on pace.

Ms. TITUS. I was going to ask you about the recruiting. How have you beefed that up? Where do you recruit? Whom do you recruit?

Secretary BUTTIGIEG. So, we get a remarkable number of applicants every time we open a cycle, and we are encouraging people from all walks of life to consider a career that can be rewarding

and lucrative. It is very rigorous, though, and not everybody who comes through the door even makes it through the first few steps.

Of course, that rigor is a good thing, and I should assure you none of the measures we are taking involve reducing that high bar of qualification. But we do want to make sure we support those applicants and help them meet those high bars so that they can have a great career, and we can have the numbers we need in our air traffic control workforce.

Ms. TITUS. Well, thank you for that. If I can shift gears a little bit to the drone industry, domestic drone industry and the rule-making that has occurred in the past for the line of sight issue, you had 90 experts who submitted a report saying we need to do this, and they made some recommendations to the FAA. A rule was put forward. I worked with Mr. Graves, who chaired the Aviation Subcommittee, hoping to get something by September. Can you tell us kind of how that process is going? Will you meet the deadline? Are there any problems we need to address?

Secretary BUTTIGIEG. We certainly understand the importance of that rulemaking. There is complexity in this, the novelty of this issue. We also see the growth of these drones, and we know there is going to be more and more of them entering the national airspace. So, I know the team is hard at work at that.

I will try to get you more of—

Ms. TITUS [interposing]. Thank you.

Secretary BUTTIGIEG [continuing]. An update, and we are conscious of the reauthorization provision creating a timeframe for that work to get completed.

Ms. TITUS. I just don't want to see us fall further and further behind other places: Europe, Australia.

Secretary BUTTIGIEG. Understood.

Ms. TITUS. Well, thank you. If you will let me know, I appreciate it.

Secretary BUTTIGIEG. Will do. Thank you.

Ms. TITUS. Thank you.

Ms. MALOY. The gentlewoman yields back. Mr. Graves is recognized for 5 minutes for questioning.

Mr. GRAVES OF LOUISIANA. Thank you, Madam Chair.

Mr. Secretary, thank you for being here. It is nice to see you again. I want to raise three things with you.

Number one, an issue you and I have talked about both at hearings and otherwise, just concerns about the impact of the IIJA when considering things like inflation, supply chain, and construction costs. As a matter of fact, an analysis by the Federal Highway Administration shows that for when the Biden administration came in until now, we have seen about a 69-percent increase in the cost of construction. And at home, that is on the lower end of what we have seen. We have seen projects come in substantially higher.

I think when you add in the regulatory agenda of the administration, you are seeing delays. And as you know, the burn rate of the IIJA dollars is not really appropriate. It is not as fast as I know you would like to see it. It is not as fast as I would like to see it. And I think the regulatory agenda, by heaping all of these new regulations, particularly in an environmental space, is slowing things down.

So, I want to read a quote from our former Democratic Governor, who just left office in January. He said, “We are slated to receive \$6 billion from that act,” meaning the IJA, “over 5 years for traditional infrastructure-related surface transportation, and that is going to be very helpful. But we also have to manage expectations. Of that \$6 billion, \$5 billion we were going to get anyway. So, the additional funding is about \$200 million a year. Again, that is very helpful. But there are a lot of people who think that the \$6 billion is on top of the base funding. It is not. And in exchange for the \$200 million we are going to get each year, our match obligation is going to be going up by about \$50 million.”

And so, again, the Governor of Louisiana, former Governor of Louisiana, was saying \$200 million a year. You have an inflation rate, again, adding 69 percent in there. You do the math, that means that Louisiana is actually getting behind, not getting ahead in terms of the legislation, which I know is not an objective that you or I would like to see.

Secondly, I have raised with you a number of times the criteria that we have concerns with, where you came in and unilaterally, without statutory action, said that in all of your grants, you are going to consider climate change, racial equity, environmental justice, and enhancing union opportunities, criteria that I have concerns with because of the lack of metrics or specificity.

And so, translating that into impacts on the State that I represent, Louisiana, according to an analysis by Politico, we are one of the fifth worst States per capita—one of the fifth worst States per capita—in terms of receiving funding under the legislation, concerning because a bridge program that former Congressman Sean Patrick Maloney and I wrote is in there that we thought was actually going to help our State; concerning because some of the PROTECT Act programs that we also were involved in drafting are in there, Louisiana got zero—zero—out of that one, which is designed for adaptation and resiliency.

So, I am very, very concerned about what I tell people in Louisiana when folks look at IJA and expecting it to be positive, whenever the inflation rate results in it actually not being helpful, the regulations are making it difficult to actually execute—which I know aren’t all your issue, other agencies are giving you environmental obligations—and then, at the end of the day, when our home State is one of the fifth worst performers in the country in terms of a per capita receipt, it is very, very concerning.

Then the last thing, if—in the 90 seconds I am giving you, if you could, just give us a little bit of advice on your thoughts on how we address this growing deficiency in the Highway Trust Fund, with the user fee being a static 1993 figure.

Secretary BUTTIGIEG. I will do my best to cover that in a short amount of time. I will start with a point of agreement, which is I think the environment we have with cost escalation just increases the pressure to get projects delivered quickly, get grant agreements signed quickly, and really improve on the pace that, I should note, is a pace that we inherited, where it is just considered typical to take a year or two. Now, sometimes a project isn’t ready to go, but we want to help them get ready to go.

I do think that suggesting that the cost escalation can be attributed to the administration's measures flies in the face of the data showing commensurate cost escalations in every developed economy in this sector, although maybe we could unpack that to see, within a more granular level, how it is affecting your particular region.

I certainly want to work with project sponsors in Louisiana to build on the successes that have happened with Lake Charles, I-10, Lake Calcasieu, the natural gas distribution infrastructure, \$10 million that came to your district, and the areas where they have been—some ferries and other areas where Louisiana has been successful. We want every State to succeed as much as possible in getting those projects done that might not have happened otherwise.

I won't claim to have a magic solution on the Highway Trust Fund, but I join you in being concerned about it. I think by the time of the 2026 vote on a future—or potential vote on a future reauthorization, that question will really come to a head, and Congress will need to decide whether the user pays principle is the future, or whether to continue turning to other sources of funding to fund our roads.

Mr. GRAVES OF LOUISIANA. Before I yield back, I just want to commend you. I saw your 3-mile time on the race that you did recently. It looks like your running is getting a good bit better, and I just want to congratulate you.

Secretary BUTTIGIEG. I appreciate you. I was huffing and puffing there, but we made it.

Ms. MALOY. The gentleman yields back. Mr. Carbajal is recognized for 5 minutes.

Mr. CARBAJAL. Thank you, Madam Chair.

Secretary Buttigieg, I understand that the U.S. Department of Transportation has announced that \$520 million is available for cycle 1 Charging and Fueling Infrastructure, CFI. This is for applications that are highly recommended or recommended.

In my district on the central coast of California, the Santa Barbara County Association of Governments is spearheading a \$20 million grant application that would fund the installation of 21 direct-current DC fast-charging stations along the U.S. 101. SBCAG's application has been listed as recommended. When should applicants start hearing from your Department regarding the outcome of their applications?

Secretary BUTTIGIEG. Thank you for the question. We are hard at work on the CFI program, which is a companion to the NEVI program. Already, 47 awards have been made, amounting to \$623 million. And, of course, future rounds will bring future awards.

We would be happy to get more information to your office about a timeline. I know that we had our latest Notice of Funding Opportunity out on May 30. Part of what we are trying to do with those rolling applications is to get quicker answers to our project sponsors, because we know how important these facilities, especially those DCFC—DC fast-charging—facilities that are challenging sometimes for the private sector to do on their own. We know how important those are to communities like those that you serve.

Mr. CARBAJAL. Thank you. I want to pivot to another issue of importance to my district that was brought to my attention by the

county of San Luis Obispo. For decades, the Federal Government has required commercial service airports to use fluorine firefighting foams that contain PFAS. The recently passed FAA reauthorization bill includes a provision that I helped write for a new grant program that gives airports \$350 million over the next 5 years to assist in their transition from aqueous film-forming foam, AFFF, to fluorine-free foam, F3, or foams that don't contain PFAS. What is the FAA doing now to help airports in their transition to these new foams?

Secretary BUTTIGIEG. Well, thank you for your attention to this issue. We know this is not just an environmental and safety concern, but also an economic concern for airports.

FAA has done a lot of technical work, found that performance standard in partnership with DoD, that does not require the use of PFAS. And now that that new standard has been put forward, there is a transition plan—an aircraft firefighting foam transition plan—published roughly a year ago with stakeholders from the DoD to firefighters to environmental groups.

We will continue to work closely with our airport partners, helping them identify best practices, helping them prepare for this transition and, to the extent resources are an issue for them, welcome further opportunities to work with you on making sure they have what they need.

Mr. CARBAJAL. Thank you. Last year, OMB finally, after 2 years of uncertainty, clarified the Buy America provisions established in the Bipartisan Infrastructure Law that did not apply to construction materials such as aggregate and asphalt binder. This would have put significant restrictions on supply chains for aggregate and asphalt binder. Will the administration continue to pursue new Buy America provisions?

And if so, does the administration plan to allow for waivers on manufactured products?

Secretary BUTTIGIEG. We are continuing to work to try to ensure that project delivery is kept swift and affordable while meeting our Buy America commitments. The new guidance, we hope, is helpful to our project sponsors, but we know that sometimes it needs interpretation, and we want to make sure that we provide further guidance as needed.

The Federal Highway, FAA, FTA, and FRA rules for iron and steel manufactured products have not changed, but we continue to be ready to work on whether it is waivers or policy guidance to help make sure our project sponsors understand what is required.

Mr. CARBAJAL. Thank you. Mr. Secretary, one of the FAA's most successful and cost-effective Government-industry partnerships for taxpayers is the FAA Contract Tower Program. There are 264 airports in the program, including the SLO County Airport in my district. This critical air traffic safety program supports general aviation operations, DoD flight training operations and military readiness, commercial air service, and flight schools across the country. What assurances can you give us that contract towers will remain a high priority for DOT and FAA?

Secretary BUTTIGIEG. These are certainly an important part of our National Aviation System. There is currently a total of 263 contract towers in the program. I would note, as one indication of the

importance we place on them, that the President's fiscal 2025 budget request seeks \$256 million to fund that program. It includes measures to try to cover the cost of growth that has taken place. Vendor contract prices have escalated about 22 percent from 2020 to December last year. We are continuing to work to help them keep up.

Mr. CARBAJAL. Thank you very much. I yield back.

Ms. MALOY. The gentleman yields. Mr. LaMalfa is recognized for 5 minutes for questioning.

Mr. LAMALFA. Thank you, Madam Chair.

Secretary, thank you for appearing with us here today once again. I appreciate it.

Secretary BUTTIGIEG. Good morning.

Mr. LAMALFA. Let's see. So, on electric vehicles and the chargers, in the infrastructure bill a while back, there was \$7½ billion put forth for that, \$5 billion that was allocated to States individually to build their own networks with that seed money. So, the report I have is that since then, we have seen an intense amount of money go out, but we have only accomplished approximately seven charging stations spread amongst four States. So, we have this term "investment" that doesn't seem to be hitting much of a goal, as people are still frustrated with the—the electric vehicle owners we have still seem to have a lot of challenges finding what they need in order to go more than 30 miles from home, for example.

And then the nature of the EV stations themselves are—they are exempted from the Buy America provisions. So, we are buying these components from China and other overseas. So, that is disturbing, because we should be building it here when we are, and we would have the ability—which leads to a couple more questions—but Secretary, with—my understanding, there is another \$1.3 billion that was added to that initial \$7.5 billion. Why are we doubling down on more when the performance so far has been basically only seven stations?

Secretary BUTTIGIEG. Well, so, to be clear, there are 186,000 public chargers across the United States. That is about double what it was when President Biden arrived. Most of those have been put in by the private sector, but we believe that public-sector involvement is necessary to build out the rest of the network, hence the NEVI program that you referred to.

That program is intended to install tens of thousands of chargers in the second half of this decade, and we have already had 38 of the States that we are providing funding to release their solicitations for the program. We are even going to see the first few hundred of those chargers installed this year. As you mentioned, there is even a tiny handful that are up and running today. But I want to emphasize our expectations have been that the peak year for installation would be 2027 or 2028, because this is a totally new program for the States.

I do want to emphasize also that this charging program is subject to Build America, Buy America provisions. There is flexibility in that to recognize the fact that we are standing up what is effectively a new industry in the United States. But we are committed to making sure that that new American industry is home grown, is creating jobs right here on U.S. soil. And as the States work to-

ward their procurement, we think we are going to really see that demand signal lead to a burgeoning of that industry here in the United States of America.

Mr. LAMALFA. The difficulty of the Buy American is that we don't seem to be able to produce in this country. Well, the mined raw materials have to come from somewhere else, and then the manufacturing pretty much stays in those other areas. And so, we are not doing well at Buy American on what comes from the mines, as well as the finished product, so—

Secretary BUTTIGIEG [interrupting]. Well, that is a big part of what we are changing through the President's initiatives. DOE now estimates with the new awards, for example, for producing a domestic battery supply chain, that we will have enough graphite to support 47 percent of the U.S. demand domestically.

We are also working on partnerships with friendly countries so that when we do need to turn abroad for materials or refinement, we are not necessarily turning to places like China.

And increasingly, recycling will be important because some—

Mr. LAMALFA [interrupting]. Well, let me drill down on that.

Secretary BUTTIGIEG [continuing]. Of these materials live indefinitely.

Mr. LAMALFA. Thank you. Let me drill down on that. Would you be part of a group of voices that would say we need to mine these products in this country, instead of somewhere else?

Secretary BUTTIGIEG. I certainly would prefer that they be sourced domestically.

Mr. LAMALFA. OK, thank you. On the EVs themselves now, we are seeing that there seems to be a turning around of attitude on that. Like, Ford Motor Company, they lost \$4½ billion on them. They are bringing down the price of their electric pickup quite a bit, which—that is probably going to be a loser for them, I don't know. And they are letting their dealers off the hook from having to install hundreds of thousands of dollars' worth of infrastructure to be EV dealerships.

So, it is—you see a retraction of that, as well as 7 out of 10 Americans said they do not want to buy an EV because it takes—the charging isn't there, the battery technology. And then current EV owners, half of them are considering switching back to gas vehicles. So, shouldn't we be tailoring it to people that want them—it seemed like 10 or 15 percent—instead of forcing people up to, you know, a complete ban by 2035 like California is talking?

Secretary BUTTIGIEG. Well, one of the reasons that we have not forced anyone to purchase any particular vehicle is we want this to be led by consumers making choices, and consumers are choosing EVs more every single year than they did the previous year. And I think that reflects the fact that, as the prices come down, more and more Americans decide it is the right answer for them.

Mr. LAMALFA. Thank you, Madam Chair.

Ms. MALOY. The gentleman yields back. The Chair recognizes Mr. García for 5 minutes.

Mr. GARCÍA OF ILLINOIS. Thank you, Madam Chair and Ranking Member, and thank you, Secretary Buttigieg, for being here today.

From the passage of the Infrastructure Investment and Jobs Act in 2021 to today, there has been an immense amount of investment

and steady—sometimes slow—progress towards our infrastructure goals for the country. As we look to fiscal year 2025, I am hopeful that we can build on this progress and continue to make transportation safer, equitable and cleaner.

Chicagoland is home to the Nation's largest rail network. All the Class I railroads, as you know, traverse through Chicago, and my district has countless rail grade crossings, rail yards, and rail workers. As such, rail safety is a huge priority for my constituents. And with the recently released NTSB report on the East Palestine derailment, it is a reminder that we must continue to press this issue.

Secretary Buttigieg, I know that rail safety has been a focus for DOT in recent years, but there is yet to be comprehensive rail safety changes at the Federal level. In addition to the recommendations for more inspections, infrastructure improvements, and better emergency plans, what is being done to ensure that rail workers aren't put in harm's way?

Secretary BUTTIGIEG. Thank you for the question. As you noted, this is a central focus for us. We have sought to do everything that we can do, short of an act of Congress, in order to enhance rail safety.

Two recent measures I would point to that we think are particularly important is our rule on minimum crew size. Most Americans would probably be shocked to discover that, until we acted, there was no rule saying that you had to have more than one person, even on a 2-mile-long train. And the Class I rail corporations seemed to prefer it that way. We thought it was very important to do this.

We also recently finalized a rule requiring emergency escape breathing apparatus to be available for traincrews and other employees as they are transporting hazardous materials, and cleared up the information railroads need to provide to community first responders about hazardous materials.

But we urgently need legislation from this Chamber and the Senate in order to raise the bar and give us more capabilities. A lot of people in this Chamber had a lot to say about rail safety 1½ years ago, in the wake of East Palestine. I hope that they will end their silence on this topic now, and join you and others in insisting that there be action. Because with the NTSB report now complete, there is really, in my view, no remaining excuse for inaction when we need that legislation.

Mr. GARCÍA OF ILLINOIS. Thank you, and I am going to try to do two more questions, so, brevity would be appreciated.

How is the FRA encouraging participation in its Confidential Close Call Reporting System?

And what can we do to get more rail lines to participate?

Secretary BUTTIGIEG. In short, there has been a lot of phone calls, a lot of letters, and a lot of pressure to urge the rails, the Class I railroads, to honor their commitment to join that system. So far, we have brought Norfolk Southern on board with a pilot covering approximately 1,000 of their employees at several sites, and BNSF in April agreed to join, as well, with an agreement covering about 650 of their employees represented by the Dispatchers Association.

But we would like to see participation at 100 percent, and would welcome opportunities to work with you to drive that up.

Mr. GARCÍA OF ILLINOIS. Thank you. The fiscal cliff that transit agencies are facing nationwide, our local Metropolitan Agency for Planning, also known as CMAP, has developed a visionary plan for action. Transit, as you know, is a fundamental cog that keeps communities like mine moving. Cutting service would have disproportionate impacts on those who rely on it.

Secretary, what is U.S. DOT—how are you supporting metropolitan planning organizations to rethink public transit and commuter rail systems as the funding cliff approaches?

Secretary BUTTIGIEG. Transit is so important to so many Americans. It provided 7.1 billion trips in 2023, and we have got to make sure they can stay ahead of these looming fiscal challenges.

In addition to engaging MPOs, as you mentioned, I also want to note that the President's 2025 budget proposes flexibilities that would allow transit agencies to use urbanized area formula funds and flex funds for operating expenses. We think that that flexibility may be helpful for certain agencies as they try to bridge that gap.

Mr. GARCÍA OF ILLINOIS. Thank you very much.

I yield back, Madam Chair.

Ms. MALOY. The gentleman yields. The Chair recognizes Mr. Bost for 5 minutes.

Mr. BOST. Thank you, Madam Chair.

Mr. Secretary, with the higher demand of goods and services, many of the industries rely on freight trucks to deliver goods and services to customers. The administration has focused a lot on rail transit and aviation within the budget request, but continues to leave out some important things involving truckdrivers, specifically truck parking.

Now, while rail is vital and the rural areas of this Nation rely on the delivery of those trucks, we have also seen an increase in the amount of women that are now driving, thank heaven. While the industry continues to grow, all of these trucks are struggling to find places to rest while trying to abide by the Federal hours-of-service requirements.

My legislation, the Truck Parking Safety Improvement Act, addresses a shortfall on the truck parking to allow safe places for our drivers to take a break from the long road without fearing accidents, assaults, or robberies.

Now, I am asking—and I asked about this topic last year, and was told that the administration was working on the truck parking, and I was upset to see the budget request did not include anything regarding truck parking. What are you planning to do to address this issue? Because this issue came out—the first study was in 2002, how bad it is that we need truck parking.

Secretary BUTTIGIEG. Well, first of all, let me applaud your attention to the issue of truck parking, and make clear that we are applying not just words, but dollars and cents to this issue.

We have been able to fund projects in Wyoming, Tennessee, Florida, and other locations to support truckdrivers. So, I can assure you, even if it doesn't have its own line item, it is something that we consider important for a number of programs like INFRA, and also are urging our State partners to consider this as a use of their

Federal formula dollars, and are encouraging them to remember that they have that flexibility.

I spent some time just last week with truckdrivers, including a number of women truckdrivers who we are pleased to see coming into that career. It remains as vital a career as ever. And we have got to make sure that we are supporting the drivers we count on in every way. We are taking a number of measures, including dealing with predatory leasing and towing, and encouraging veterans to get their costs paid for training.

But I certainly agree with you that parking is probably the number-one issue we hear when we talk to drivers, and we are working on it.

Mr. BOST. If we can shift gears on my next question, the Attorney General is initiating a rulemaking—I think this was brought up by Representative Crawford earlier in the day—to change marijuana from a schedule I to a schedule III controlled substance act.

As a truckdriver myself that grew up in the trucking business—my brother is still in the trucking business—I know it is difficult to hire and make sure that our drivers are safe. As a matter of fact, it is a real difficult part of hiring right now because of the drug testing. But part of the safety includes knowing the driver could pass that drug test. It is not something that we want to stop.

So, I want to ask you about the—I want to—since the—DOJ's actions will stop marijuana testing of DoD-regulated safety-sensitive employees—now, let me tell you who all this includes—including schoolbus drivers, airline pilots, train engineers, subway and public bus operators, ferry operators, truckdrivers, pipeline operators, FAA air traffic controllers, will you commit to ensure that DOT will continue to test for marijuana, as it currently is permitted to do, even if it moves to a schedule III drug?

Secretary BUTTIGIEG. Yes, our commitment to that testing continues, regardless of the schedule. And we believe our authorities are intact, too, because they don't call for testing by reference to where marijuana sits in its classification, but rather it is specifically named. So, whether we are talking about the regulated community, those drivers you were talking about, or whether we are talking about our own personnel, somebody with a security clearance or somebody in a tower, our understanding—at this time—is that nothing about that reclassification would change our practices.

Mr. BOST. Then here is the problem. Well, just so you know, 1980s is when DOT did the result—and the result of the program, that the accidents were caused by people using marijuana and the problems that occurred.

If we don't stay with that program—and the thing that is difficult about that is, right now, when we have a driver shortage, you can have a beer on Sunday and you are not impaired to drive on Monday. Now, you can smoke a joint on Friday. You may not be impaired, but it is going to show up in that test, and it will show up for 30 days.

Something has got to be figured out as far as that's concerned if we are going to continue down this path, because it makes it very difficult, as a truck owner and a business owner, to find the employees that aren't spending their time smoking dope in their parents' basement and are more concerned about having a job. We

have got to figure this out, and I hope that you will continue to work on that to make sure that not only is it safe, but that we can also have drivers, and figure out how we are going to do this if we are going to continue down this path.

Secretary BUTTIGIEG. Agreed.

Mr. BOST. Thank you.

I yield back.

Ms. MALOY. The gentleman yields. Mr. Pappas is recognized for 5 minutes.

Mr. PAPPAS. Thank you very much, Madam Chair.

And Mr. Secretary, welcome back to the committee. I appreciate your thoughtfulness and how much time and how accessible you always are to this committee. So, it is great to have you back.

And it is always a good time to talk about how the Bipartisan Infrastructure Law is working for our districts. I see that in New Hampshire. We are set to receive about \$1.4 billion in State formula funds for highways and bridges over 5 years, which represents a significant increase over what we could count on in previous years. And already, about \$850 million has been announced for New Hampshire roads, bridges, roadway safety, and other major federally funded projects.

So, Secretary Buttigieg, as you know, Federal law allows States like New Hampshire to use toll credits to cover local match requirements for federally funded projects. But since States could historically only use toll credits for projects within the State where credits were accrued, many States left extra toll credits on the table. That is why I have advocated for legislation, the Toll Credit Marketplace Act, provisions of which were included in the Infrastructure Law, which will develop a Federal marketplace for toll credits which will allow States to sell any excess credits to cover the match required for federally funded projects. I think it is a commonsense change.

We discussed this last year when you were before our committee. I am wondering if you can update us on any progress with the Toll Credits Exchange Pilot Program that is anticipated to roll out soon.

Secretary BUTTIGIEG. Thank you. And first let me associate myself with your enthusiasm for what the Infrastructure Law has brought. And most recently, congratulations to your district on the Rockingham Planning Commission successfully receiving that Seacoast Greenway Hampton Marsh trail funding.

With regard to the Toll Credit Marketplace program, we recognize the importance of the value of an innovative program like that that you worked to create. And I know that they are looking to use their toll credits in new ways. I can report to you that the Federal Highway Administration has made a lot of progress on that. As you know, any time you stand up a novel program it leads to a lot of work that goes on in the background, which we are working through.

But the focus right now has been developing the right program procedures, including the application and the selection process, making that as transparent and as rigorous as possible. And we will continue to keep you updated on the team working expeditiously to get it stood up and ready to use.

Mr. PAPPAS. Well, I appreciate that. I know my State has itself hundreds of millions of dollars of unused toll credits that are on the table, and I know other States are eager to be able to deploy these resources to make the necessary investments that will improve roadway safety and improve our economy.

Now, my State is at a decided disadvantage when it comes to formula funding distribution. And since coming to Congress, I have worked to evaluate current funding structures to ensure States like mine get the adequate support that they need, and that it is distributed in an equitable fashion.

The calculations used to come up with the formula are, I believe, grossly outdated. For example, a State like Rhode Island, with half the roadway mileage of my State, received 30 percent more funding in fiscal year 2024. Vermont, which has about half the population of my State, and fewer Federal miles, received nearly 23 percent more in Federal highway funds than New Hampshire did in fiscal year 2024. There are other States that are treated, I believe, inequitably by the formula, including Texas.

I am wondering if you will conduct a study or provide any information for our committee as we think about the future of highway funding in terms of the formula, and areas where we can look to make it more balanced and equitable for States like mine.

Secretary BUTTIGIEG. Thank you. We would certainly stand ready to provide any information, data analysis, or technical assistance requested as Congress contemplates future changes to the formula.

As you know, we work to implement the formula as provided by Congress, but certainly hear loud and clear from many States who have found that the formula is not consistent with their expectations, based on their needs, and I am happy to do anything we can to make sure that Congress' deliberations about that are well informed.

Mr. PAPPAS. I appreciate that.

Drunk and impaired driving traffic deaths have increased by 33 percent in the last 5 years. Even as vehicles are getting safer, crashes, injuries, and fatalities are still on the rise. In the United States, someone is killed or injured in a drunk driving crash every 39 minutes, and an average drunk driver has driven drunk nearly 80 times before their first arrest.

Currently, only 24 States and the District of Columbia, including my State, require ignition interlock devices to be installed in the vehicles of first-time offenders. Studies have shown that the use of these interlocks reduce recidivism by up to 70 percent in first-time, repeat, and high-risk offenders. That is why I have introduced legislation on this, and I am wondering if you can comment on ignition interlock systems and the role that they can play in terms of roadway safety.

Secretary BUTTIGIEG. We certainly recognize the promise and the potential of these interlock systems, given, as you noted, the proportion of highway fatalities and road injuries and fatalities that are associated with impairment.

NHTSA has been working to help research, develop, and test solutions, including ignition interlock programs and the driver alcohol detection system for safety. A lot goes into that and, of course,

we need to make sure that anything that goes out into the field is ready to meet the high bar we are going to set for it.

I would note that there was an advance notice of proposed rule-making put out in December to gather more information on technology and research in this regard, and we will be working through that ANPRM and continue to keep you apprized of progress there.

Mr. PAPPAS. Thanks. We look forward to more information.

I yield back.

Ms. MALOY. The gentleman yields. Mr. Johnson is recognized for 5 minutes.

Mr. JOHNSON OF SOUTH DAKOTA. Thank you, Madam Chair.

Mr. Secretary, of course, there are always going to be a certain number of things you and I disagree on, but I have to start with a compliment. In a town where so many folks, both in my party and your own, seem to peddle fear and anger, some of them almost exclusively, you bring a far more professional and respectful approach to your work. And the communication that I get from you and your team, I think, helps all of us be better. So, thank you with that.

As you know, sir, we have a tremendous amount of flooding in my State and surrounding States. It is just devastating to watch people, friends of mine who—their home, everything, all the physical possessions that they own, washed away by these floodwaters.

As you know, during disasters, the Federal Motor Carrier Safety Administration has the ability to waive some rules, things like weight limits, hours of service so that impacted communities can get help more quickly. I have got some concerns that a recently finalized rule by FMCSA is going to make it more difficult for Governors to access those flexibilities. I just wanted to gauge any thoughts you would have on that promulgation.

Secretary BUTTIGIEG. Let me certainly, first of all, tell you that our heart goes out to those we saw impacted by recent storms in your State, Iowa, and other communities, and would agree that it has been important to have flexibility on things like hours of service in the context of those disasters.

Now that you have raised this, I want to become more familiar with some of the areas of overlap or concern where more recent rulemakings could diminish flexibility on that, because we certainly leaned into that at many moments, notably including the Baltimore bridge collapse, to try to provide some relief.

Mr. JOHNSON OF SOUTH DAKOTA. And I think we have got to—and listen, I get it. A lot of these independent and quasi-independent agencies, it is not like they work for the Cabinet Secretary. It is not like a memo comes out and they salute, and—it is more complicated than that. They need to make their decisions based on an evidentiary record. Clearly, these decisions need to be abiding. They need to go to court and defend them. That is what is so surprising about this.

I mean, the previous flexibility, the waiver authority for Governors, allowed them a 30-day period. This is going to shorten it to 14. Keep in mind, the evidentiary record before the administration is that there hasn't been any particular abuse that they identified, and that there is no evidence that there has been a degradation of public safety because of a 30-day waiver period. And so, to

the extent we should have good decisions based on good data, I am grateful for your commitment to dive in and better understand that situation.

Let's go to permitting. This has been a consistent area of agreement that you and I have shared as you have appeared before the committee. I think, in the couple of years you and I have been talking about this, we have made some progress. Let's be honest, it is modest progress. It is still, as you have talked about in your comments in the past, far, far more difficult to get a project sited in this country than it is in most every other developed nation. This is not an area of American excellence.

I have had some success in working with my colleagues to advance a digital NEPA review, gotten that language in the aviation bill yesterday, on the water resources bill. I wanted to just touch base with you, sir, and see if your shop has been able to make any progress, particularly in the area of digital NEPA review and processing.

Secretary BUTTIGIEG. Thank you. I share your sense of urgency and interest here, and I would not challenge your assessment that, while there has been progress, it has been modest.

We have taken a number of steps to try to make the NEPA and permitting process more efficient. We have expanded a liaison program that can provide targeted assistance to project sponsors who would benefit from that. We have been doing more with programmatic agreements so that, if multiple projects have similar characteristics, they can travel together, and we think they can cut some of the redtape that way.

Specifically to your question about web-based, digital, or sometimes e-NEPA is the term of art, we certainly see a lot of potential here. There is too much literal paperwork in the paperwork.

One thing we have done to try to embrace that is a \$750,000 Modernizing NEPA Challenge, knowing that some of the best ideas probably won't come from the building, but will come from around the country. That just launched in April, but we are looking forward to seeing the different ideas that come back from project sponsors there.

And of course, we are working to maximize the use of categorical exclusions, which just bring a lot less of that process with them.

Mr. JOHNSON OF SOUTH DAKOTA. I do think categorical exclusions are a ripe area. I mean, we obviously make use of a lot of them, but I think there is so much more "there" there.

My closing comment, Mr. Secretary, would be at some point, you are just going to have a brainstorm—and maybe as you drift off to sleep or you are eating your Cheerios in the morning—of an idea that might be a little politically dangerous. It might upset people on your team or on my team, because let's get it—I mean, we both get it: the siting of large projects in this country is fraught with tremendous emotion and political peril. If you are looking for partners to advance your big, dangerous, but important idea, this committee is ready to work with you. Thank you.

Secretary BUTTIGIEG. I appreciate that and welcome that. Thank you.

Ms. MALOY. The gentleman yields. Mr. Auchincloss is recognized for 5 minutes.

Mr. AUCHINCLOSS. Thank you, Madam Chair, and I will associate myself with my friend from South Dakota, both in his offer of partnership and his compliments to your professionalism and responsiveness in your role.

And I also want to say that your work in implementing the Bipartisan Infrastructure Law has been critical, and I will commend the Biden administration's efforts to quickly allocate the funds to our communities, as well, for maximum impact. I am seeing the difference in the suburbs of Boston, in the ability of people to connect to jobs and services and improve standards of living.

As Congress begins to think about the next surface transit reauthorization, I want to examine what additional tools Congress should be considering to finance transportation projects, and to move away from an Eisenhower-era, car-centric infrastructure system towards one that is focused on mobility, holistically defined.

While the recent reversal of New York's congestion pricing plan is extremely disappointing, it has nothing to say about the actual policy of congestion pricing itself. Congestion pricing allows cities to accurately reflect the cost of having cars in dense areas. Strong Towns has pointed out that this is not just a reflection of the negative externalities of air pollution, traffic, and emissions, but also allows cities to price in the space that vehicles take up. Manhattan has limited space for car traffic, and it should be allowed to reflect that scarcity through tolls, and then use those revenues to fund things like transit and walkability improvements.

Mr. Secretary, should Congress consider provisions in the next surface transportation reauthorization that would allow for additional flexibility for communities to price the externalities of driving as they see fit, including through congestion pricing and tolling?

Secretary BUTTIGIEG. I believe those flexibilities would be welcomed in communities around the country. As you noted, many of the true costs of the status quo are not reflected in the traditional models that we have. There may be a range of ways to take that on board through different forms, all of which we would like to be able to support to the extent statute allows us to.

Mr. AUCHINCLOSS. Would you also encourage us to consider looking at the way that we fund highways versus transit, and to say the amount of Federal dollars that are matched for highways, being something like 80 to 20 versus transit at 50 to 50, and excluding operating costs?

Secretary BUTTIGIEG. I recognize and respect that a lot of this will probably be hashed out in the coming years as we move toward the next authorization, but I certainly welcome any readiness to have a more holistic approach to pricing both the benefits and the costs associated with developing any mode of transportation, knowing that we have inherited a model where sometimes, instead of a range of options, people were presented with one option, which was a car.

Mr. AUCHINCLOSS. Another way that Congress can finance better transportation operations and capital projects is by restoring employers' deductibility of transportation fringe benefits. I am preparing bipartisan legislation that would make it cheaper and easier for businesses, especially small businesses, to offer transit benefits

to their employees. This will help increase ridership, encourage commuters to shift transportation modes towards public transit and away from cars, and will do so without further subsidizing parking.

Mr. Secretary, can you speak to the importance of incentivizing transit use through our tax code and how the private sector can encourage commuters to use public transit?

Secretary BUTTIGIEG. Well, to your prior point about externalities, there are so many benefits in terms of safety, congestion, affordability when people have an opportunity to use transit.

I would also note one of the things that we undertook toward the end of my tenure as mayor of my hometown of South Bend was a pilot covering those costs for employees. And employers reported back to us that the benefits in terms of less absenteeism and overtime from providing that kind of certainty through subsidy for workers' transportation costs was something that they wanted to double down on.

I believe that much of this particular authority rests with Treasury, but we would consult with them and certainly be eager to consult with you on how to expand access to transportation and transit benefits for employees across the country.

Mr. AUCHINCLOSS. Thank you. And I would just note that making owning a car an option rather than a requirement for younger people is an important way to reduce costs, right? You take a car, and you drive it off the lot, and it loses one-third of its value, and it is really a depreciating asset ever after. Whereas, you take that same amount of money and you can invest it, you can use it to invest in yourself. It is a way to build wealth. And at a time when people are really struggling with cost of living, making cars one of many options for them to get around, I think, is an important way to take some of that steam off.

And I will yield back.

Secretary BUTTIGIEG. Thank you.

Ms. MALOY. The gentleman yields. Mr. Nehls is recognized for 5 minutes.

Mr. NEHLS. Thank you, Madam Chairwoman.

Good to see you, Mr. Secretary.

Secretary BUTTIGIEG. Good afternoon.

Mr. NEHLS. Sixteen months since East Palestine. Obviously, the NTSB report came out the other day. I have been placing close attention to it, as I am the chair of the Railroads, Pipelines, and Hazardous Materials Subcommittee here, and I believe that she produced a very detailed report. And some of her findings, quite honestly, are very disturbing.

One of the areas is the post-derailment actions. And when the American people saw this big bloom, this cloud above their city, the decision to vent and burn—and that procedure, according to the report, it appeared that Norfolk Southern made that decision. Apparently, they were able to—I don't want to say convince—get the incident commander to agree with that. The report appears that the NTSB said that—and Norfolk Southern compromised the integrity of that decision to vent and burn the tank cars by not communicating expertise and dissenting opinions. The justification, ac-

ording to the report, is polymerization, which is that chemical reaction that could cause the explosion.

So, a point is that they said we have to do the vent and burn because we feel this thing could blow up. What are your thoughts on that? How would we—how would incident commanders allow them to do that when we had dissenting opinions?

Secretary BUTTIGIEG. One of the most troubling things in that report, I agree, was the finding that the vent and—the polymerization that was feared by those who thought that by undertaking that vent and burn action, they were preventing an explosion might not have actually occurred, meaning that the vent and burn did not have to happen.

So, certainly, while that will go to different parts of the decision chain than those that our Department is directly involved with, we want to closely follow how NTSB's recommendations are taken on board, both in terms of how they apply to a railroad and how they apply to anybody in that incident command.

Mr. NEHLS. Sure, and I can understand it was in a rural area, first responders, many of them volunteers driving to incidents in their pickup truck with bunker gear in the back. Maybe the—I don't want to say the skill set wasn't there, but they just didn't—if a derailment like that would have happened in the city of Houston or Boston or someplace, I don't think you would have burned it. You would have had a massive showing of logistical support with hazmat teams, this and that.

But hey, in your testimony, I am concerned about the Railroad Crossing Elimination Program. We know we have about 700-plus deaths a year as it relates to rail. And your testimony says it is improving, or eliminating 400 rail crossings. In IJJA, it is \$500 million. My friend, I don't think that is enough. We need to do more.

I mean, if that is a safety issue, we need to do more. What do you think we should do with that program?

Secretary BUTTIGIEG. If you would like to propose growing that program—

Mr. NEHLS [interposing]. I will.

Secretary BUTTIGIEG [continuing]. We would love to work with you on it.

Mr. NEHLS. I will.

Secretary BUTTIGIEG. It is—we have had our chance to go out to some of the first projects—

Mr. NEHLS [interrupting]. We are going to do it.

Secretary BUTTIGIEG [continuing]. Funding there. We announced it in North Dakota. The enthusiasm—

Mr. NEHLS [interrupting]. We are going to do it.

Secretary BUTTIGIEG [continuing]. In communities is extraordinary. And I think it has so far been very well received.

Mr. NEHLS. How about the AskRail? What do you think about the AskRail? The report says they didn't know what was in the cars. They didn't—the first responders didn't know the chemicals, they didn't know the consist in the cars. But the actual consist was up in the locomotive, but they didn't get it for a couple of hours. So, here, these first responders are out there trying to figure out what the hell is in these cars, and they didn't have it.

Now, the AskRail, I think, is a good thing. I think all Class I's use it. But we have to do something to make sure that we have the connectivity with cell service in these rural areas, because the AskRail app will be combat ineffective if we don't have it.

One of the colleagues mentioned about the close call reporting system. I support it. I think it is a good idea. How do you think that—quickly, how do you think that will improve safety in our rail industry?

Secretary BUTTIGIEG. We think it creates one more opportunity to flag safety issues. We are glad to have a handful of participants but we really believe it ought to be everybody. And—

Mr. NEHLS [interposing]. I agree.

Secretary BUTTIGIEG [continuing]. Whether that is done by some kind of requirement through Congress or whether we all just continue pushing the Class I's, I really hope we can get them—

Mr. NEHLS [interrupting]. Automated track inspection. Obviously, a lot of technology out there. I don't think a lot of people know about it. How can we—this is the tough sell. How do we get labor and the railroads together on the same page as it relates to these technologies? ATI is a great thing. I mean, it could do a lot.

Secretary BUTTIGIEG. Yes, I think—

Mr. NEHLS [interrupting]. How do—

Secretary BUTTIGIEG [continuing]. I think a lot of the best technologies in the history of our economy have a track record of creating and expanding jobs, even if they change some of the aspects of what those jobs are like. But our posture is that any—

Mr. NEHLS [interposing]. Sure.

Secretary BUTTIGIEG. And to be clear, we support and sometimes even ourselves use ATI. We just haven't seen the data that allows us to be confident that you can remove the human factor.

Mr. NEHLS. Sure. One quick thing.

Secretary BUTTIGIEG. We think it needs to be alongside—

Mr. NEHLS [interrupting]. Do you support two-man crew?

Secretary BUTTIGIEG. We do.

Mr. NEHLS. OK, last one, the tank cars, the DOT-111s, the 105s, 117s—I don't know if anybody understands that, but we want to phase those out, right, the 111s by 2029. I think we can do it quicker. I think we can do it quicker. I would like to move that up, and I will do everything I can to do that.

Secretary BUTTIGIEG. That is great news, and one of the provisions we are most excited about in the pending bipartisan legislation.

Mr. NEHLS. All right. Thank you.

Ms. MALOY. The gentleman yields. Mrs. Sykes is recognized for 5 minutes.

Mrs. SYKES. Thank you, Madam Chair, and thank you, Ranking Member Larsen, for holding this hearing, and, of course, Secretary Buttigieg, for your testimony. I am certainly going to piggyback a little bit off of my colleague and continue to talk about rail safety.

As you know, the East Palestine train derailment happened just next door to my district, and we have been very much involved and engaged. Since we have heard from the NTSB, we have penned a letter to this committee, including to Chairman Nehls, to hold a hearing on rail safety. I have signed that letter with my colleague,

Nikema Williams from Georgia, who is also very interested in making sure that we are holding corporate actors accountable and protecting the safety and security of people across the Nation.

And thank you, Mr. Secretary, for your efforts in supporting bipartisan rail safety provisions in many of the things that we just heard about.

I also want to say thank you for visiting Ohio's 13th District, the best district, of course, in the Nation, as we all say, to highlight some of the local efforts to create workforce development opportunities, expand apprenticeships, and invest in infrastructure to lower costs. And none of these would be possible without the historic legislation like the Bipartisan Infrastructure Law and the implementation work that you have done. We are very grateful for those funds that have made it to our communities, and a lot of people have gotten great jobs, union jobs, especially, that pay well and are safe.

But one thing that we didn't get to do in the district during your visit this week was visit our crown jewel, which we call the Akron-Canton Airport, which is CAK. They have received over \$3 million in funding, and this airport was established during World War II, and served as a vital asset for economic development in the community, and generated over \$1 billion in the area and over 4,000 jobs.

However, even with this type of activity and ridership, passenger rides, it has not protected this airport from threats faced by other small to mid-sized regional airports. So, for example, CAK has seen major airlines consolidate their routes to Cleveland Hopkins, in part because CAK is designated within the Cleveland airport as one market based on the Department of Transportation, and this designation has unfairly excluded CAK from the list of airports that require maximum air service levels, and limits their ability to optimize their role as a key promoter of economic development. And this directly impacts my constituents because these were their jobs that now have moved.

So, Mr. Secretary, how can airports like Akron-Canton distinguish itself as a unique, standalone market when some of the decisions by agencies don't allow them to do so?

Secretary BUTTIGIEG. Well, first, let me thank you for welcoming us to the district. It was a very informative and inspiring visit. And also let me thank you for your work on rail safety legislation that we are very hopeful gets quick action and results in this Chamber.

Having been the mayor of a city that had a small airport that was within driving distance of a big airport but meant a lot to our community, I certainly understand and sympathize with the aspirations of Akron-Canton, and want to make sure that airport gets the support that it needs and deserves. I know that we have been in dialogue with the airport about planned upgrades for the air traffic control tower there, but also understand that there is a level of market pressure that is affecting the region.

While some of the ways that these radii are set up may be pursuant to statute, to the extent there is any flexibility we would welcome opportunities to work with you on that so that it really makes sense for the region, for the market, and for a community or a facility like Akron-Canton.

Mrs. SYKES. Thank you, Mr. Secretary. We have felt the downside of the consolidations, and larger airlines, going way back to US Air, American Airlines, when we had Northwest, Delta, even with full flights, loyal customers, and large populations based close to our airport and really a segment of our rural communities really preferring this route, it has been very, very impactful.

And so, again, we just want to work with you on that very specific need in our community. We do not want to see this airport go away. It would negatively impact not just northeast Ohio, my district, but the entire eastern region of the State that certainly needs a lot of love.

But with that, Mr. Secretary, I promised you when you were in the district that we were going to be very positive and give you good vibes, because I do know that this can be tough, sitting in meetings for several hours. And I am going to yield back my final 13 seconds so you can take a breath.

Thank you, Mr. Chair, I yield back.

Secretary BUTTIGIEG. Thank you, Representative.

Ms. MALOY. The gentlewoman yields. Mr. Mann is recognized for 5 minutes.

Mr. MANN. Thank you, Madam Chair.

And Mr. Secretary, thank you for being here again today. I represent 60 primarily rural counties in central-western Kansas, a little bit of eastern, as well. In Kansas, we know full well that it is imperative that our highways and roads are drivable, that commercial and cargo aviation are able to efficiently operate, and that our railroads are able to deliver goods and provide the transportation that we all need. A handful of questions, Mr. Secretary.

America, as you know, we have 5,000 commercial-grade airports, but only 500 of these airports are currently served by commercial services. Around the country, we have seen a steady decline in air services, with more than 150 communities losing air service in the last 20 years. In rural Kansas, this issue is all too real. FAA Administrator Whitaker has emphasized the need for regional aircraft with a capacity between 9 and 50 seats to better serve these smaller communities, and mentioned plans to prioritize manufacturing efforts for such aircraft.

How do you envision new-generation regional aircraft helping to restore regional air service?

And what plans does DOT have to accelerate the production of smaller regional aircraft in the country?

Secretary BUTTIGIEG. Well, thanks for the question, and I certainly can relate to the perspective of a community served by a small airport, wondering whether there is a future for commercial air service there.

And part of what I think is compelling about the FAA's most recent work is how it might be able to open up new opportunities in that kind of sandwiched category between one size of aircraft and the next that is a step up. Of course, our primary imperative has to do with safety. That will guide everything that the FAA does. But we also want to make sure we are paying attention to the economic dimensions of that, to the extent that we are permitted to do that through some of the authorities that we have on the OST of the house.

And we make sure that our team works alongside the FAA safety folks because we have seen what EAS has done and can do for support of air service to small communities and rural areas. But we also see there is much more need than has been supported by the resources that we have.

Mr. MANN. And we got to keep delivering aircraft in the certain size that is going to make these smaller airports continue to be viable, as I see it.

The next question, Mr. Secretary, in my mind, it's imperative that we maintain our Nation's highways and roads so our economies and supply chains can thrive. I think we all agree on that. As has been mentioned earlier today, electric batteries are far heavier than car batteries. And no doubt these heavier vehicles are going to lead to more wear and tear on our roads quicker than gas-powered cars.

Has the DOT considered how its electric vehicle mandates might impact our roads, or offered any thoughts on how these vehicles will pay their fair share when it comes to contributing to the Highway Trust Fund?

Secretary BUTTIGIEG. Well, if the DOT were ever to contemplate an electric vehicle mandate, we would do so. Since we have not, I wouldn't phrase it that way. But that is not to take away from the fact that we are conscious of the fact that the increasing use of EVs comes with increasingly heavy vehicles.

By the way, so has consumer choice evolving more toward SUVs and trucks, relative to what you would have seen 10, 20, 30 years ago, whether we are talking about combustion or EVs. And this brings me to one of my favorite, though admittedly unfashionable, topics, which is pavement durability.

I would encourage you to, if you get the opportunity, to visit our Turner-Fairbank facility operated by the Federal Highway Administration not too far from where we are sitting here. And I was able to see a test bed we have there, where there are 12 seemingly identical strips of asphalt next to each other. But if you dig beneath the surface, literally, what you would find is different makeup, different composite, different stacking, and about 300 sensors that are helping beam real-time information about how they weather the different conditions they are subject to.

In terms of the other side of your question about funding, we are conscious that as we move toward an increasingly electric future, the gas tax model will not be sufficient to capture the principle of user pays, nor has it been sufficient for some time just to keep pace with demand.

I think by the time of the next reauthorization, Congress and the country really will face a choice about whether to remain committed to the user pays principle, in which case there will have to be some revenue source that can equitably collect from EVs the same way that, if you have a gas car, you are paying a gas tax, or be willing to set aside that principle, which in a way is happening de facto with the portion of the Highway Trust Fund that is being gapped with general fund dollars coming from Congress.

But I don't think that is a considered decision. I think it is just a measure Congress has had to undertake in order to make ends meet.

Mr. MANN. Right, yes. Thank you.
I yield back the balance of my time.
Thank you, Mr. Secretary.

Ms. MALOY. The gentleman yields back. Ms. Scholten is recognized for 5 minutes.

Ms. SCHOLTEN. Thank you so much, Madam Chair.

Thank you, Mr. Secretary, for taking the time to be here today. This must be the regional air service portion of the hearing.

So, the Department of Transportation's EAS program, of course, plays such a vital role in ensuring communities have access to air travel provided by certified air carriers. I am fortunate to have two great airports in my district.

The one I want to ask about today is Muskegon County Airport, MKG. Their EAS provider has not met the needs of the community with documented poor operational reliability, widespread concerns regarding the customer experience, and failure to meet the terms of its contract. To quantify this poor performance, MKG—their current EAS provider's actual completion rate sits below 70 percent; 68 percent of those completed flights were delayed significantly.

Due to a lack of confidence across Muskegon, at the end of 2023, MKG requested a change in its EAS provider, which I fully support. Despite the Muskegon County commissioners and my support for a new EAS provider, as well as a nonobjection letter from the current provider, the Department has yet to complete its contract to ensure that folks can access reliable, quality flights in and out of this vital part of the lakeshore.

Does the Department's EAS and Domestic Analysis Division have the resources that it needs to address these contract changes? We obviously can't do it without the Department's sign-off. If not, can you speak to where these delays might be coming in?

Secretary BUTTIGIEG. Well, thank you. I know that we have a small and hard-working team seeking to keep up with the demand for processing of all of these EAS applications and developments. So, I will commit to learning more about the Muskegon application and anything that can be done to move it along.

As far as resources, we, again, have a small but mighty team. They do a great job with the resources that they have, but we would welcome opportunities not just in terms of the administrative side, but just more generally, to make sure that EAS is robust so that it can meet the needs of these smaller communities that need and deserve good commercial air service.

Ms. SCHOLTEN. Thank you. I appreciate your attention to that matter.

On to my next question. We are both proud Michiganders now, and we know that Michigan put the world on wheels, and we are going to keep it moving forward. A big way in which we do that is through the trucking industry. Close to one-quarter of a million jobs in Michigan are—the trucking industry supports one-quarter of a million jobs, and 1 out of every 15 jobs is considered a trucking job in the State of Michigan. These individuals work long hours, risk their safety to ensure supply chains run smoothly.

Unfortunately, an ongoing shortage of safe and accessible truck parking throughout the country threatens the safety of all drivers. I know we touched on this earlier in the hearing, as well. It is in-

cumbent on us here in Congress to fix this, which is why I am such a proud cosponsor of my colleague Mr. Bost's Truck Parking Safety Improvement Act, which advanced out of committee this past year.

Mr. Secretary, I understand that while some IIJA dollars were directed towards truck parking funds, these funds were not specifically dedicated for that use, leaving State transportation departments to choose between pursuing truck parking and critical infrastructure projects. Given these pressing needs, how is the Department planning to address this gap and provide the necessary resources to keep truckers and everyday drivers safe?

Secretary BUTTIGIEG. Well, let me first applaud your attention to the issue of truck parking. It is, far and away, the number-one thing we hear whenever I am with drivers and trucking organizations.

As you noted, we have a number of projects going on across the country, but none of them come from a program or a fund that is dedicated for that purpose. So, whether it is a scenario like you described, where a State is making tough choices about what to prioritize, or our own discretionary grantmaking processes, where I am very keen to make sure we support truck parking, but that is competing with every other worthy cause coming in, it would be different if there were specific, dedicated funding for that. And we would welcome working with you on that bipartisan legislation to make sure that there are more resources than before going to this clear and mounting need, which, by the way, is not just a convenience issue for drivers, but really a safety issue for everybody.

Ms. SCHOLTEN. It absolutely is for the drivers and pedestrians, the truckdrivers themselves, others who encounter them. We will absolutely continue doing everything we can in Congress to allocate that funding. But of course, the Department of Transportation has the ability to specifically designate that, as well, and I just want to thank you for your attention there.

I yield back.

Ms. MALOY. The gentlelady yields back, and the gentleman from the great State of Utah, Mr. Owens, is recognized for 5 minutes.

Mr. OWENS. Thank you. Thank you so much.

And Mr. Secretary, thanks for being here. I am going to start off with something very Utah-specific, and thank you for the collaboration we have right now with the Federal.

The State of Utah is the fastest growing State in the Union over the past decade, with over 80 percent of our population along a 100-mile stretch of I-15 between the Wasatch Mountain Range and the Great Salt Lake, Utah now is also preparing to host for the 2034 Winter Olympic Games. With the growth, it is imperative to have a safe, efficient, and reliable public transportation system to maintain the high quality that we now have in this region.

Projects like the double tracking of Utah's FrontRunner commuter rail systems are key to addressing traffic congestion, air quality, and affordable housing. The double tracking system is projected to double the ridership and double the frequency of trains. The State of Utah has provided over \$400 million to this project, and is now seeking a collaborative Federal partnership to complete this critically important regional project.

The project is now currently in a developmental stage with FTA's Capital Investment Grant, and I am pleased to see that this project was listed on the President's most recent budget request. Can you affirm the administration's commitment to continuing working with Utah to get the FrontRunner's strategic double tracking project approved into the engineering phase this year?

Secretary BUTTIGIEG. Absolutely. FTA has allocated \$494 million to date in CIG funding for this. We have worked closely with Utah's DOT, and we applaud their attention to growing transit needs in, as you mentioned, a very fast-growing area that is really going to require and benefit from those kinds of investments.

With every major project, there are challenges to be met. We want to meet those challenges together. And we anticipate an entry into engineering pending, of course, various requirements that have to be met. But we anticipate that in the year ahead, and would love to be able to celebrate this entering into revenue service.

Mr. OWENS. Well, thank you for that. And I will just say this. Utah is the most innovative. We come under budget, we balance our budget. So, continue to use us as an example for the rest of the country. I think we will all be well served. So, thanks so much for that.

We will switch topics real quickly. I am concerned whenever Government solutions become highlighted more than the free market. And I fear that we are repeating a mistake that we made in the past when we led a worldwide blind eye to man's inhumanity to man. We are talking about back in the day, when something as simple as the cotton gin was a game changer. Now, before the cotton gin, slavery was just not a profitable venture. It was too labor intensive. It could not scale. The cotton gin allowed it to scale unlimited, as long as it had pickers, and those pickers were slaves. It took 72 years and over 600,000 lives to change that trajectory.

My concern right now is EVs are dependent on Congo, the cobalt that is produced in these mines. The U.N. has come up with a report that over 40,000 children as young as 6 years old are being used in these mines. I will call that slave labor because children do not want to do that on their own. And my concern again is that we are out of sight, out of mind. We allow man's natural avarice or greed to put in place our goals, as opposed to the—what might be getting to make that happen.

So, here is my question: How does the administration justify the use of taxpayers' subsidy for this type of environment in which so many children are being used for labor?

Secretary BUTTIGIEG. In order to save American lives. But to be clear, we do not tolerate child labor or forced labor—

Mr. OWENS [interrupting]. Just real quickly, you said in order to save American lives?

Secretary BUTTIGIEG. Yes. There is no justification for, of course, for child labor or forced labor. But if you are asking the justification for our enthusiasm for EVs, it is to save American lives and in order to prevent forced labor or child labor from going into any of our supply chains.

Cobalt is one of the 159 products listed by the Department of Labor as an area of concern—

Mr. OWENS [interrupting]. Mr. Secretary, I need you to just answer that question, because I am having a little trouble digesting that. You are saying to build EVs and using child labor is saving American lives?

Secretary BUTTIGIEG. No, of course not. Nobody is saying that anything brought into the United States should include forced labor or child labor. This is one of the reasons why we have acted to reduce the extent to which cobalt is included. As a matter of fact, we believe that 80 percent less cobalt is now going into today's EV batteries, and we are encouraged to see developments that might drive that even lower.

But if you want to know why we believe it is important to adopt electric vehicles, part of the reason has to do with the 29,000 American—

Mr. OWENS [interrupting]. Could I—

Secretary BUTTIGIEG [continuing]. Gas-associated pollution every year—

Mr. OWENS [continuing interruption]. Could I make a real—I am sorry, and I apologize, I ran out of time. I am so sorry for that. I just want to say this. We are now representing what the cotton gin represented back 200 years ago. We are the impetus. We are allowing this to be scaled, China and the United States. We need to let the free market work, so innovation come in. We will figure out a much better way of doing it. And Americans will decide whether they want to buy not on subsidy, but based on all the areas, all these factors that factor into developing this industry.

With that I yield back. And I am sorry I ran out of time there.

Ms. MALOY. The gentleman yields. Mr. Foushee is recognized for 5 minutes—Mrs. Foushee, sorry.

Mrs. FOUSHEE. Thank you to the chairman and the ranking member for holding this hearing today.

And thank you, Mr. Secretary, for being here. We realize your time is valuable, and I am sure I can speak for my colleagues that we appreciate your appearing before the committee today to speak about the important work that the Department of Transportation is doing across the country.

As I brought up in our Railroads, Pipelines, and Hazardous Materials Subcommittee hearing earlier this month, 2023 was a remarkable year for North Carolina passenger rail. Amtrak ridership in the State saw a staggering year-over-year increase of 33.7 percent. We received a number of Corridor ID grants to further build out seven different rail corridors throughout the State, and North Carolina's S-Line project was awarded over \$1 billion via the Federal-State Partnership for Intercity Passenger Rail to help us design and build a high-performance passenger rail line connecting North Carolina and Virginia.

So, from your vantage point at DOT, can you speak to the ways in which the investments from BIL have spurred the growth and development of passenger rail in regions of the country like the Southeast Corridor, where communities have historically lacked access to passenger rail as a legitimate transportation alternative?

Secretary BUTTIGIEG. Well, thank you. I am enthusiastic about the creation of opportunity for passenger rail, and seeing how that has benefited the North Carolina and the Southeast corridor is, I

think, a prime example of how the Bipartisan Infrastructure Law is allowing us to transform our Nation's rail network.

Amtrak set a record for ridership last year in North Carolina, surpassed 1 million riders for the first time, which also brings it all the way back and on track to exceed all of the pre-COVID numbers that we had seen. And as you mentioned, that billion-dollar grant to develop a new passenger rail route between Raleigh and Richmond, we think, is going to bring enormous opportunity.

I want to emphasize that we think that is just the beginning of the corridor development we can do both with conventional, and in the future, we think, high-speed rail opportunities—because we don't see any reason why Americans should have any less access to excellent passenger rail than people living in any other developed country.

Mrs. FOUSHEE. And I am sure you are aware passenger and freight railroads have recently begun testing AI-enhanced camera portal technologies for railcar inspections. And while this technology has the potential to increase the effectiveness of inspections and the overall level of safety in our rail system, I am concerned that railroads won't be utilizing properly trained personnel to review the data these AI-enhanced technologies generate.

In the rail industry, there are qualified mechanical inspectors whose sole jobs are to make sure railcars are inspected and safe when departing a rail yard. It is imperative that AI-enhanced technology be tested by these inspectors, and that the results of the AI-facilitated inspections be reported to qualified inspectors to ensure that appropriate corrective actions are being taken when safety defects in railcars are identified.

Can you speak generally about how the Department is reviewing and evaluating new rail technology like this, in light of the DOT's innovation principles?

And more specifically, can you commit to having DOT review the use of this technology in rail yards to ensure that qualified mechanical inspectors are being appropriately utilized to review the data that is being produced?

Secretary BUTTIGIEG. Thank you. Yes, we are committed to ensuring we maintain the high standards that our Department enforces for the expert-led inspection and quality assurance that keeps our railroads safe. There are certainly any number of new technologies that can help with that. We welcome the development of new technologies, but we don't view that as a replacement for what we now have, given the data that we have seen, nor do we think it represents an excuse to lower our standard when it comes to what we expect of our railroads.

So, we will continue to support and evaluate research on different forms of technology for things like track inspection and other safety and quality control functions, but there is no substitute for the human expertise that has gone in so many ways toward keeping our railroads safe. And we will continue to work with those who have spent their lives on this important domain of rail safety as we look to the future.

Mrs. FOUSHEE. Agreed. Thank you.

I yield back, Ms. Chairman.

Ms. MALOY. The gentlewoman yields back. Mr. Yakym is recognized for 5 minutes.

Mr. YAKYM. Thank you, Madam Chairwoman.

And Mr. Secretary, it is good to see you again. I want to discuss two IJA programs, the National Electric Vehicle Infrastructure, or NEVI, and the Charging and Fueling Infrastructure, or CFI programs.

As you know, NEVI was funded at \$5½ billion and CFI at \$2½ billion. After 2½ years, it appears that just the ninth NEVI-funded EV charging station was brought online this month in Pennsylvania. A few weeks ago, I asked FHWA Administrator Bhatt how many NEVI funding charging stations he expects to have brought online in 2024. He said he expects it to be in the “hundreds to thousands range” brought online this year. Do you agree with his estimate?

Secretary BUTTIGIEG. Yes. The bulk of the NEVI chargers will be installed in 2027 and 2028, but I have been impressed to see that some of them will actually come online this year, 2024, and a few of them have even already been installed.

Mr. YAKYM. So, you do expect hundreds, if not thousands—

Secretary BUTTIGIEG [interrupting]. Yes, I think the first—

Mr. YAKYM [continuing]. By the end of this year.

Secretary BUTTIGIEG. Right. Like I said, 2027, 2028 is when you are going to see most of the installations, but I expect the first few hundred to come online this year.

Mr. YAKYM. OK, thank you. Let’s turn our attention to CFI.

That \$2½ billion program has brought in zero charging stations online in the last 2½ years because the first grants were only announced in January of 2024. Now, I am happy to report that one of those recipients is the Michiana Area Council of Governments, or MACOG, as I know you are familiar with in your old stomping grounds, but I think their experience is perhaps emblematic of why NEVI and CFI have fallen a bit flat on their face out of the blocks, because 5 months after the announcement, MACOG still doesn’t have a fully executed grant agreement, and of course, no work can start until that is in place.

Mr. Secretary, of the 47 CFI awards announced in January of 2024, how many grant agreements have been finalized?

Secretary BUTTIGIEG. I doubt that it has been possible to do grant agreements on most of them that quickly. It is not typical, especially on a brandnew program, to do them on anything close to a 5-month timeframe. I am impatient to do them, but I just want to make sure nobody moves the goalpost here for a program that we expect will do the bulk of its work in the second half of this decade.

Mr. YAKYM. But do you know how many have been completed? Is it zero? Is it five? Is it 10? Is it half—

Secretary BUTTIGIEG [interrupting]. I would have to pull that, but I would not expect any of them to be done yet.

Mr. YAKYM. OK, I mean, it is a little bit disappointing that you wouldn’t know the answer, because I did give your staff a heads-up that we would be asking that question here.

I do believe that slow grant agreements certainly seem to be a hallmark of the Biden administration’s what seems to be kind of

the build nothing ever agenda. A most recent report on IIJA RAISE grants shows that only 118 of the 415 grant agreements have been executed, which certainly is at a time of high inflation, and these delays certainly serve to bust budgets and put projects in jeopardy.

So, when would you expect all 47 of the original grant agreements to be executed?

Secretary BUTTIGIEG. We can only certify a grant agreement if it actually meets Federal requirements. So, I can't guarantee on behalf of any project sponsor when they will be ready. What I can guarantee is that we will work with them to get ready, but we can only certify that something meets Federal law if it is actually true.

I also respectfully think you are mistaken to characterize this timing as delayed, especially given that it is the same general time to grant agreement as we saw in the previous administration. That is not to say I don't want it to be faster, I just want to make sure we are being honest about the—

Mr. YAKYM [interrupting]. What should the target be—

Secretary BUTTIGIEG [continuing]. Patterns that we have inherited when it comes to how long it takes to get from an award announcement to a grant agreement, especially when we are talking about a novel program.

Mr. YAKYM. What do you believe the general target should be for new grant agreements to be put in place?

Secretary BUTTIGIEG. So, again, it really depends on what kind of project. For example, if MACOG were to come to us, they said they want to do an interchange, they are hoping to get it to construction by 2027, we may recognize that if they are not ready to have the pieces in place for a grant agreement until 2026, that might be workable. Whereas, for another program, where they want to be running in the next construction season, we are going to want them to turn that quickly.

But it is extremely rare—and I mean extremely rare—for any project to lapse past the obligation deadline set by Congress.

Mr. YAKYM. Thank you. The most recent quarterly NEVI update showed that there are now 183,000 publicly available charging ports. How many of those were built by the Federal Government?

Secretary BUTTIGIEG. Those were built by the private sector.

Mr. YAKYM. Yes, so, there are—so, with those being built by the private sector and the most recent NEVI quarterly report showing that we have got 37 charging ports out of 183,000 built by the Government, do you believe that there is still an appropriate role for the Federal Government to play here, given the fact that the private sector is doing so well in building these charging ports?

Shouldn't the Federal Government pull back and just get out of the business?

Secretary BUTTIGIEG. No, we think it is really important to fill in some of the gaps in areas that won't pencil for the private sector.

Look, the vast majority of EV charging takes place at home. But having those public chargers out there is going to be important. And it has been very clear from our research that the private sector alone won't reach some of the areas, whether we are talking about low-income areas, rural areas that are spread out, they just don't pencil. That is why Congress created this program, which is designed to create tens of thousands of chargers in the second half

of this decade. But I am pleased to see the very first handful of them already online.

Mr. YAKYM. Thank you, Mr. Secretary.

And Madam Chair, I yield back.

Ms. MALOY. The gentleman yields. Mr. Deluzio is recognized for 5 minutes.

Mr. DELUZIO. Thank you, Madam Chair.

Mr. Secretary, good to see you here today. I will start with a bit of thanks. I was very excited to hear the Department and you, Mr. Secretary, select Sharpsburg in my district for a competitive RAISE grant, \$25 million. I know you heard from me and the Department heard from me on this, a big deal for my region, a big deal for Sharpsburg. So, thank you.

Turning to rail safety, which I am sure is no surprise, I have been very encouraged today to hear colleagues on both sides of the aisle express support for rail safety, for some commonsense measures to make freight rail safer to protect communities like mine. I appreciated your and the administration's strong support of the Railway Safety Act. I was very encouraged to hear subcommittee Chair Nehls express some support there. I look forward to working with him and others to get something done.

It has been more than a year since the East Palestine derailment and Norfolk Southern's train. My constituents, many within the evacuation zone, infected—affected, excuse me—in their homes, farms. Certainly, our neighbors in Ohio bear much of the cost of this, as well. Many are still dealing with the uncertainty around the safety of their air, their soil, their animals, water. We have got the NTSB findings now. I know we have had some discussion here today. Chair Homendy has talked about at length the main cause, of course, being overheated wheel bearing and faulty detectors on the tracks.

What shocked me—and we have heard some reports of this before the findings—was Norfolk Southern and its contractors withholding information from first responders, the incident commander on the ground, specifically information from the manufacturer of the chemicals, who was telling Norfolk Southern and its contractors that, in fact, they were not at risk of explosion, those cars. The cars were more modern, and thus able to withstand what had happened and, in fact, were cooling.

That information was not conveyed to the folks on the ground. They were pressured, in my opinion, to authorize the vent and burn, which sent a toxic fireball over the sky of my constituents and our neighbors in Ohio, imperiling their health. I find it unacceptable. It didn't need to happen. And I think the question is, why? It seems to me the railroad wanted to get the trains moving again, putting their profit, their lust for profit above the safety of my constituents.

So, I ask a very simple question, Mr. Secretary, to start: Do you trust the railroads to regulate themselves?

Secretary BUTTIGIEG. Absolutely not.

Mr. DELUZIO. Me neither. I think what we saw in this derailment and in conduct thereafter is they cannot be trusted. I think we have a bipartisan path forward.

I think what also reinforces that need for us to take bold action here is what Chair Homendy said about the railroad interfering with the investigation, which she said was an unprecedented and reprehensible way. I think it speaks to a lack of commitment to public safety, a thirst for profit that is unending.

And of course, some in Congress have said that, well, we have to wait for the final NTSB findings to act. We have those. I think that excuse is gone. I am—again, I am excited to see that there are folks here in both parties who want to work together to get this done.

The Railway Safety Act, as you know, I think may be the only piece of legislation that Joe Biden and Donald Trump agree about. This ought to be an easy thing for this committee to work on.

You mentioned two legislative actions specifically from the findings, one being caps on fines the railroads pay. Currently, I think it is around \$225,000. The Railway Safety Act increases that tremendously to 1 percent of railroad's annual operating income. So, the bill addresses that point.

And then another piece, which you have mentioned, I heard Chairman Nehls also expressed support about, increasing or accelerating the upgrade timeline for tank cars. We have these provisions. We can get this done. I would urge my colleagues to support me in doing that.

I will give you a chance, Mr. Secretary. Plenty of things you and the Department are doing around rail safety, but you need help from Congress. What else do you need us to do?

Secretary BUTTIGIEG. We need this legislation. Look, we are doing everything we can, short of an act of Congress, but we are urgently calling for Congress to act because legislation like the legislation you have put forward will give our Department a stronger hand to hold railroads accountable and to keep our railroads safe.

We are talking about an extremely—some would say ridiculously—profitable industry. They have the means to operate more safely. But unless a law requires it of them, it will not happen. And I believe the provisions that we have talked about like the increased fines, acceleration of the adoption of stronger tank cars, as well as measures that would enhance the handling and the flow of information about hazardous materials are going to save lives. And the moment Congress gets that action through this Chamber and the Senate, where, of course, the committee in the Senate has already heard it, we will get to work right away implementing that.

Mr. DELUZIO. Very good. We will do our best here, sir. I encourage my colleagues to join me on this.

Madam Chair, I yield back.

Ms. MALOY. The gentleman yields. Mr. Kean is recognized for 5 minutes.

Mr. KEAN OF NEW JERSEY. Thank you, Madam Chair.

Mr. Secretary, it is good to see you. Thank you for being here today.

This hearing could not have come at a better time, at least for my constituents in New Jersey. Mr. Secretary, as you know, during this past week, the Northeast Corridor, particularly between New York Penn Station and Newark, saw major delays due to its myriad of issues, some related to power challenges, potentially out-

dated infrastructure, and system failures. Not only have these major delays and cancellations become all too regular, but now constant, with 16 such incidents within the last 6 weeks alone.

Just last week, I wrote to Amtrak CEO Stephen Gardner requesting information and remedies for recent delays and cancellations. Today, I was informed that Amtrak and New Jersey Transit have reached an agreement to investigate these issues, and I am reviewing that agreement now.

Additionally, I, along with my colleagues in the New Jersey delegation, sent you a letter this week requesting an investigation into the failures along the affected section of the Northeast Corridor. And I hope that my colleagues and I will receive a response soon because these regular delays prevent working parents from attending their children's sporting events and missing cherished family dinners. I look forward to working with you and your team on fixing these important issues.

Mr. Secretary, the commuter railroads that operate up and down the Northeast Corridor—New Jersey Transit, Long Island Rail Road, and Metro-North, SEPTA in Philadelphia, and others all have board of directors meetings that are open to the public so that the public can see the decisions that affect them are being made, and so, they can give their input to leaders directly. Still, Amtrak's board meetings are not open to the public. Mr. Secretary, would you support Amtrak becoming like the other railroads and holding open public meetings?

Secretary BUTTIGIEG. I haven't had a chance to evaluate what effect that would have on Amtrak's governance. Obviously, they operate by different requirements than a Government entity because of their quasi-government role, but I certainly agree that a high level of transparency is important in how a corporation of that public importance conducts its business.

Mr. KEAN OF NEW JERSEY. Could you please investigate that and get back to me directly in writing what your opinions are on that?

Because I think it is very important, and I agree with you, the more transparency for everybody involved in this, especially those people who are subject to any decisions of any board of directors needs to be public. Thank you.

Increased funding for Amtrak has allowed the agency to hire a significant number of employees in the last few years. How many employees has Amtrak hired for key operational functions such as flagging, track and tie repair, and electric traction repair?

Secretary BUTTIGIEG. I am sorry, the question is?

Mr. KEAN OF NEW JERSEY. Yes, how many employees has Amtrak hired for key operational functions such as flagging, track and tie repair, and electric traction repair?

Secretary BUTTIGIEG. I don't have a tabulation of hires by employee category handy, but I would be happy to request one from Amtrak on your behalf if you would have trouble getting that.

Mr. KEAN OF NEW JERSEY. Thank you. How is U.S. DOT ensuring that Amtrak is investing in positions that actually do improve day-to-day operations?

Secretary BUTTIGIEG. Well, ultimately, it is a question of performance, and we want to make sure that Amtrak is meeting the performance marks that are expected of them, whether we are talk-

ing about on-time performance, maintenance issues, or their fiscal condition.

We have certainly seen a lot of improvement on the fiscal side, in terms of them moving their operating numbers closer to break even or into the black pre-COVID, and would encourage them to continue that work. But also in very specific ways we fund—mainly on the capital side—their operations in order to make—or their growth in order to make sure they have the equipment they need.

I was concerned to see the recent mark from the House cut funding for Amtrak. I think they are working with resources that are sometimes spread thin, but working toward a very important mission.

Mr. KEAN OF NEW JERSEY. As you know, I support Amtrak and continued service, and we need to have more stops, as we have discussed in the past, in Trenton, as well as in Metropark and throughout the entire Northeast Corridor in New Jersey.

How specifically do you ensure that Amtrak's internal processes prioritize day-to-day operations from the top down?

Secretary BUTTIGIEG. Well, it is certainly something that we communicate in our engagements with Amtrak, the desire for a focus on results for the end user. I know they are balancing a lot of competing priorities in terms of their capital needs, operations and maintenance, and their vision for the future. But we know that one of the biggest obstacles to Amtrak's reliability has been underinvestment. And we believe that the historic investment we are making through the President's infrastructure package is helping them to get ahead of that.

Mr. KEAN OF NEW JERSEY. Thank you, I yield back.

Ms. MALOY. The gentleman yields. Ms. Norton is recognized for 5 minutes.

Ms. NORTON. Mr. Secretary, we have recently seen overall traffic fatalities start to decrease, but fatalities of vulnerable road users such as pedestrians and bicyclists continue to rise. Under the Infrastructure Investment and Jobs Act, Congress required States to complete vulnerable road user safety assessments. The law also required States with high rates of pedestrian and bicyclist fatalities to dedicate a portion of their highway safety funds to stopping these needless deaths.

What is the Department learning from the implementation of these provisions, and what else is needed to reduce pedestrian and bicyclist fatalities?

Secretary BUTTIGIEG. Well, thank you for the question. Like you, we have been heartened to see improvements in the overall numbers of roadway fatalities over the last eight quarters in the U.S., but we continue to see very troubling patterns in terms of pedestrian and cyclist injuries and fatalities, or vulnerable road users.

Part of what we have been able to do about it is through our Safe Streets and Roads for All program to help communities, including those undertaking the assessments you have described, implement plans that better protect vulnerable road users from exposure to traffic.

I fear sometimes that media or other accounts of things like bike lanes treat them as ornamental, when they are really about life safety. And whether we are talking about bike lanes, lighting, sign-

age, or other measures, many of the things that we are now able to fund in hundreds of communities across the country are, we believe, contributing toward a safer environment for pedestrians, cyclists, and other vulnerable road users to go about their commute, their trip, whatever they are doing, without harm.

Ms. NORTON. Mr. Secretary, last fall, the Department issued guidance on how two loan programs, TIFIA and RRIF, can be used to support transit-oriented development, including conversions of unused office space to new housing, which is particularly needed in the District of Columbia, which I represent. Has the Department authorized any Federal funds for office conversion projects, and how can we get more funds out the door?

Secretary BUTTIGIEG. We have got a number of those in the pipeline, and our first transit-oriented development loan was closed in April, the Mount Vernon Washington Library Commons project, which is now under construction. We are very hopeful that this program will lead to support for those conversions you were describing.

Post-COVID commuting patterns are changed, and the mix of what different cities require in terms of housing versus commercial square footage is different. We want to make sure we are helping them make use of opportunities to do those conversions, knowing the housing crunch that so many communities face. We can't predict a definite timeline for when some of the other applicants will be ready, but we are working through a number of applications as we speak. We would be happy to keep you apprised of the development of that new pipeline in the TOD funding.

Ms. NORTON. I want to discuss the importance of strengthening consumer protection in transportation.

This past April, the Department issued a final rule requiring aircraft carriers to provide automatic refunds when airlines cancel or significantly change their flights. I recently introduced the Household Goods Shipping Consumer Protection Act with Representative Ezell to give the Federal Motor Carrier Safety Administration more authority to protect consumers from fraud in the interstate transportation of household goods.

The Federal Motor Carrier Safety Administration receives thousands of complaints every year from Americans who are victims of fraud in the shipment of household goods, and my bill would grant the agency the authority to reimburse States for enforcing Federal consumer protection laws related to the transportation of household goods, and to assess civil penalties against unregistered shippers and against entities that hold consumer personal goods.

What other steps is the Department taking to strengthen consumer protection in transportation, Mr. Secretary?

Secretary BUTTIGIEG. We see how fraud in the movement of goods has created just gut-wrenching stories from people who are vulnerable when somebody else has possession of their goods during a move. So, FMCSA has increased its efforts to combat external fraud relating to commercial motor vehicle and driver operations.

Legislation such as what you have led on introducing, could give FMCSA the explicit authority needed to assess civil penalties for violations of commercial regulations, withhold registration from applicants who have failed to provide the right verification dem-

onstrating that they are legitimate, and allow us to expand our household goods program by engaging States as force multipliers. So, we welcome this, and appreciate your work on it.

Ms. NORTON. Thank you, I yield back.

Mr. BURLISON [presiding]. Thank you. The Chair now recognizes himself for 5 minutes.

Secretary Buttigieg, you have recently—just earlier today, you have answered a lot of questions related to the slow implementation of the EV charging stations. And one of the conversations that you had, I thought, was concerning, and I want to kind of touch upon it, was the statement that this push towards electric vehicles, even though there is a cost of slave labor, and that we are seeing—and it is not just cobalt. We have got lithium and other items that are being supplied by—90 percent of it is coming from China, so, we are empowering someone who is an aggressor to the United States, and yet you are saying that it's fine, so long as we are saving lives in America.

Secretary BUTTIGIEG. That is not an accurate characterization of what I have said.

We wish you would have supported us in moving more of this onshore, so it would be produced in America. But the legislation did pass. And to take graphite alone, we are going to be able to supply, we estimate, 47 percent of it domestically.

Nobody believes in allowing any product that doesn't meet labor standards to be imported to the United States. And if you would like to work with us on making sure any of the 159—

Mr. BURLISON [interrupting]. So, let's—

Secretary BUTTIGIEG [continuing]. Items of concern to include cobalt—

Mr. BURLISON [continuing interruption]. Let's talk about—

Secretary BUTTIGIEG [continuing]. Will be better enforced, we welcome that.

Mr. BURLISON [continuing interruption]. Your view that it saves lives.

Secretary BUTTIGIEG. We believe that preventing harmful pollution—well, we don't believe, it is a fact that preventing harmful pollution in the U.S. will save lives.

Mr. BURLISON. Have you done any calculations—given the current rate of fires that occur, and these fires, as reports indicate, take hundreds of thousands of liters of water to extinguish when an electric vehicle catches fire, do you have any research that indicates how many people might die from some of these fires?

Secretary BUTTIGIEG. I haven't seen a projection of that. I am sure you are aware that flammable liquids are also a safety concern. And either way, we work to make sure that they are handled in a safe fashion.

Mr. BURLISON. We are not seeing the reports of vehicles, like an epidemic of regular gasoline vehicles catching fire—

Secretary BUTTIGIEG [interrupting]. You're not?

Mr. BURLISON [continuing]. Across the United States.

Secretary BUTTIGIEG. You have never heard of gasoline fires in vehicles?

Mr. BURLISON. Does it take 150,000 liters of water to put out?

Secretary BUTTIGIEG. Are you familiar with what happened to the I-95 bridge? Let me assure you that the use of flammable liquids to propel hundreds of millions of vehicles includes hazards.

Let me also make you aware that the American Chemical Society estimates that 9,700 Americans a year die from the pollution associated with passenger vehicle use in this country.

Mr. BURLISON. Let me ask this question. There have been reports of individuals who have been locked in an electric vehicle. There was a recent story. Renee Sanchez found her 20-month-old granddaughter stuck in an electric vehicle in the heat. The battery had died, and they couldn't get the child out. They had to call and get firefighters to come break the glass in order to get the child out.

Just recently, last year, Secretary Granholm had an embarrassing incident where she had a PR tour that went south. It was promoting electric vehicles and that push, driving across the country in electric vehicles. Apparently, she had an advance team that was in a gas-powered vehicle. That advance team occupied the charging station, the one charging station that a family needed, causing that—who had an infant—that family to have to call 911 so that they could make sure that they were able to provide some kind of care for their infant child in that heat.

Secretary BUTTIGIEG. I imagine you are aware that the number of publicly available chargers has nearly doubled since we took office, and we are investing to fill in the gaps. Now, 80 percent-plus of charging happens at home, but for the rest of it, that is where those public chargers are so important.

Mr. BURLISON. But do you see my point—

Secretary BUTTIGIEG [interrupting]. But we have just never been the kind of country that holds on to old technology because we are working on problems with the new technology.

Mr. BURLISON. Do you see my point that the American people are seeing what is happening, and they have serious concerns? And yet we are pushing ever more in this direction. And I don't know that we are actually taking into consideration the human costs that these are also bringing with them: the potential for batteries to die, people to be stranded in places without air conditioning, without support.

And I would think that your administration would want to have those facts, as well, how many people might die because of fires occurring from these batteries.

Secretary BUTTIGIEG. A battery dying is a problem, just like running out of gas is a problem, which is why we are investing in addressing that. I have just never thought of that as an excuse to hang on to dirty and expensive fuels and old technology.

Mr. BURLISON. Well, the American people disagree. They do—

Secretary BUTTIGIEG [interrupting]. Well, no, the American people disagree with you because every year—

Mr. BURLISON [continuing]. They are not buying—

Secretary BUTTIGIEG [continuing interruption]. They are buying more EVs.

Mr. BURLISON. No, the Government is buying—

Secretary BUTTIGIEG [interrupting]. Why do you think they are buying more EVs every year than before?

Mr. BURLISON. Because it was—present the numbers, because every—

Secretary BUTTIGIEG [interrupting]. Sure, 1.2 million vehicles were purchased last year, and every single quarter—

Mr. BURLISON [interrupting]. And how many of them were Government?

Secretary BUTTIGIEG [continuing]. Every—how is that?

Mr. BURLISON. How many of them were purchased by the Government?

Secretary BUTTIGIEG. Approximately 0.5 percent.

Mr. BURLISON. Of—so, of the number, you are saying that—

Secretary BUTTIGIEG [interrupting]. Of the EVs, about 0.5 percent were purchased by the Federal Government.

Mr. BURLISON. The only reason why people are buying them is because of the subsidy.

Secretary BUTTIGIEG. Well, the subsidy makes it more affordable and helps people buy them. That is true.

Mr. BURLISON. Thank you. My time has expired. I recognize Mr. Johnson from Georgia.

Mr. JOHNSON OF GEORGIA. Thank you, Mr. Secretary, great to see you. And you arrive at my doorstep on a high, as far as electric vehicles are concerned. I want you to continue on this streak that you are on right now, explaining why it is important that our economy lead in terms of adopting new forms of clean, renewable energy, automobiles representing a big part of that.

I want to open the floor to you to kind of talk about why we are heading in this direction, why it is important that we continue to do so.

Secretary BUTTIGIEG. I appreciate the question, and I want to emphasize part of why I care so much about this is that I grew up in northern Indiana, the industrial Midwest, and the home of what had been the Studebaker car company, which went out of business 20 years before I was born, and that meant that I grew up surrounded by crumbling and decaying factories that were a consequence of our automotive economy and our part of the Midwest not keeping up with the most recent and necessary processes and technologies. So, I know what is at stake, economically, for our country in terms of the importance of us leading the EV market, instead of finding excuses to hold on to dirty and expensive fuels and old technology for as long as humanly possible.

I also appreciate the opportunity to return to one of the important dimensions of the exchange I was just having with Representative Burlison, which is life safety. ACS data suggests that 29,000 deaths per year are attributable to human-caused domestic omissions, including 7,700 from truck use and 9,700 from passenger vehicle use. We have a chance to change that. And if there is any problem, safety or otherwise, with any new technology, that is not an excuse to stop pursuing new technology, it is an imperative to make sure that that new technology unfolds well, unfolds safely, and that is what our Department has been doing for as long as it has existed.

Mr. JOHNSON OF GEORGIA. Yes, our EV technology is world-leading at this point, but it is subject to being overshadowed by what is taking place in other nations. Can you talk about that?

Secretary BUTTIGIEG. Well, China has invested hugely in its EV capabilities. I don't believe that is because the Chinese Communist Party is enthusiastic about the environment. I believe it is because they perceive the economic and strategic benefits of trying to dominate that market, which is one of the reasons why the Biden administration is protecting the U.S. market with appropriate tariffs on that unfairly subsidized Chinese industry.

We face fierce competition from around the world, just as we did in the first chapter of the automotive industry, but we are determined as an administration—and I am determined as a child of the industrial Midwest—to make sure that America leads the way in the EV revolution, just as we led the way the first time around in the arrival of automobiles a little over 100 years ago.

Mr. JOHNSON OF GEORGIA. The Biden administration has been responsible for creating 16 million-plus new jobs during this 3½ years in office. Can you tell us about job growth that is associated with the EV industry?

Secretary BUTTIGIEG. Well, we have seen EV battery and manufacturing facilities rise across the country. Of course, in Georgia; in my home State, both my new home State of Michigan that I married into and my State where I grew up of Indiana, and whether we are talking about the battery side or the manufacturing side, we know that we have got the opportunity to create new, good-paying jobs.

Part of what was at stake in the UAW strike and the historic contract that those workers earned was to make sure that that EV economy continues to create not just large numbers of jobs, but good-paying jobs. And that is part of why the President was so proud to be with those auto workers as they sought that great opportunity.

Mr. JOHNSON OF GEORGIA. The first time a President has been on a picket line.

Secretary BUTTIGIEG. That is true, yes, sir.

Mr. JOHNSON OF GEORGIA. And I will note that the union movement has just exploded since the Biden administration came into office.

Secretary BUTTIGIEG. It has been an extraordinary time for American workers, historic contracts in many sectors, including, of course, transportation and manufacturing.

Mr. JOHNSON OF GEORGIA. Thank you. Let me ask you this question. The Metropolitan Atlanta Rapid Transit Authority and the Georgia Department of Transportation applied for the Department of Transportation's Mega grant program for their Georgia 400 Express Lanes project. This project will combine the Georgia Department of Transportation's express lanes and dedicated bus rapid transit lanes to significantly improve congestion and transit access to over 120,000 jobs within a mile radius of the 5 stations.

Can you discuss the strategic timing and expected outcomes of the Mega grant awarded to support this initiative?

Secretary BUTTIGIEG. Thank you. We are working through those Mega grant applications through the course of this year. I certainly recognize the enthusiasm around this project, and I can commit to you I will make sure it gets every fair consideration, and I will become more familiar with the specific project.

Mr. JOHNSON OF GEORGIA. Thank you, I yield back.

Secretary BUTTIGIEG. Thank you.

Ms. MALOY [presiding]. The gentleman yields. Ms. Chavez-DeRemer is recognized for 5 minutes.

Mrs. CHAVEZ-DEREMER. Thank you.

Mr. Secretary, the last time you were before this committee, we discussed the shortsighted—in my opinion and many others—tolling plans in Oregon. Since then, Oregon Governor Tina Kotek, thankfully, has shelved those plans to toll our Oregon commuters.

Another flawed tolling plan was also recently suspended in New York City, when Governor Kathy Hochul announced that she would pause the congestion pricing for commuters in Manhattan, a plan that a few of my colleagues on both sides of the aisle on this very committee opposed.

Mr. Secretary, do you think the suspension of these tolling plans is indicative of a larger trend?

And to follow up with that, the general public seems to me, and I think to many others, they have finally have had enough of paying these exorbitant prices. And as former mayors—and we discussed that earlier—we care about what is happening on the ground in our districts, and that is where we get the feedback.

So, can you answer those questions for me?

Secretary BUTTIGIEG. Well, of course, we take care to respect the role that State and local governments have in making decisions that are in their jurisdiction, and often these tolling calls are among them.

I also recognize that States and local jurisdictions face a lot of challenges in funding roads, bridges, other things that are needed.

Where we come in is to make sure that any measure that is taken meets any Federal requirements if it is a Federal road, but also that we provide funding to help so that there is the capital in place that—now, I want to be clear, I am not saying it is a substitute for local or State funding. In fact, the more State or local communities ready to step up, often the more we can do in turn. But we do want to make sure we move out of the era that we lived in back when I was mayor, when it sounded like the answer too often from the Federal Government was you are on your own to find a way to fund this project.

Mrs. CHAVEZ-DEREMER. OK. So, if—our Governors are concerned—I just mentioned two of them—with the pricetags of these large-scale infrastructure projects during the time of high inflation, and we are seeing that today. And so, I think it is a good idea.

And with the chairwoman sitting behind me from Utah, we are talking about permitting reform. And Congresswoman Maloy and I have a new bill, the Full Responsibility and Expedited Enforcement, or the FREE, Act. This legislation aims to streamline the Federal permitting process by introducing a permit by rule system. Permit by rule is an approach where preset standards are established for permit issuance, allowing for automatic approval once these standards are met by the applicant. This method reduces wait times, minimizes bureaucratic delays, and focuses on compliance enforcement, rather than lengthy initial reviews of the permit application.

The reconstruction of significant infrastructure, like the Francis Scott Key Bridge, requires coordinated efforts between the Federal and State agencies. Permit by rule can enhance this coordination and lead to more efficient uses of resources and faster completion.

Another large infrastructure project my constituents are all too familiar with is the I-5 bridge replacement, which is slated to begin construction in late 2025, but not completed as a project until 2033, 8 years. I can't help but imagine that if permit by rule were to be implemented to at least some portions of the project, that Oregonians and Washingtonians would be able to traverse the Columbia River much sooner.

So, with that said, Mr. Secretary, how are the Federal and State agencies collaborating to ensure a smooth permitting process for bridge reconstruction?

Secretary BUTTIGIEG. Well, we want to make sure that the permitting process is not an obstacle to project delivery—

Mrs. CHAVEZ-DEREMER [interrupting]. But it is.

Secretary BUTTIGIEG [continuing]. And we have undertaken a number of measures to help with that. That has included programmatic agreements, so that you can batch projects if they might travel together because they have certain things in common. Just digitizing the NEPA process we find could add a lot of value.

We have launched a Modernizing NEPA Challenge, and we are promoting more of those kind of web-based approaches, and we are maximizing the use of categorical exclusions. Now, admittedly, that won't apply in a project as large and complex as the IBR. We understand that.

Mrs. CHAVEZ-DEREMER. But do you think that implementing the permit by rule, which, again, would provide the clear standards, expedite permit issuance, serve as a model for future infrastructure projects to enhance that interagency coordination and reduce those permitting delays, I mean, that seems to be the problem, and it costs money.

Secretary BUTTIGIEG. Well, I am interested in anything that can reduce unnecessary delays. So, I would welcome a chance to see more about the text of your proposal and how it might be put to work.

Mrs. CHAVEZ-DEREMER. OK. Well, a smaller scale project, installing the EV chargers. There was some conversation, but it was recently reported that despite the administration's commitment to install half a million chargers by 2030, only 8 have been installed since the IIJA was enacted 2 years ago.

Mr. Secretary, installing an EV charger can't be that hard if the funding is already allocated. And if the projects were to receive categorical exclusion designation under NEPA, would permit by rule help alleviate delayed construction of the chargers as well?

Secretary BUTTIGIEG. Without knowing the particulars of the structure of the program you are describing, it is certainly possible that anything that simplifies environmental processes could lead to a faster project delivery.

Mrs. CHAVEZ-DEREMER. Well, I like the world of possibilities, for sure, so, I look forward to working with your office on this, Congresswoman Maloy and I, and further discussing the permit by rule on both the small and the large capacities.

And with that, I will yield back my time. Thank you, Mr. Secretary.

Ms. MALOY. The gentlewoman yields—and thank you for the plug of my bill—and the Chair recognizes Mr. Huffman for 5 minutes.

Mr. HUFFMAN. Thank you, Madam Chair.

And Mr. Secretary, welcome back to the committee. You are breaking good news in incredible ways to communities all over this country because of the legislation we passed in the last Congress, and because of your good work implementing it, so, thank you for that.

But some of the questions that you have had from across the aisle have been, frankly, just casting about wildly to malign electric vehicles. And I was surprised to hear the suggestion that EV battery fires are somehow a great risk to public health, but no discussion of the fossil fuel infrastructure and vehicles and other fossil fuel aspects that are exploding and burning and harming and killing people every day in this country.

Could you just sort of speak to the relative threat to human life, safety, and public health as between EV batteries and all of the fossil fuel vehicles, tankers, trucks, pipelines, and refineries that are going boom seemingly every day somewhere in America?

Secretary BUTTIGIEG. Well, it would certainly be absurd to dismiss the danger and damage that has been associated with flammable liquids being used to propel our vehicles over the course of the last 100 years. Of course, there is a framework of regulation to try to minimize that danger and harm, just as we are building a framework of regulation to make sure that any harm or risk associated with electric or any other propulsion—hydrogen, you name it—is appropriately managed. We just don't view any of those risks as an excuse to stick to dirty and expensive fuels and older technology that, again, as we have been shown in sometimes shocking fashion, can lead to the destruction of property and life in incidents, not to mention the destruction of property and life being documented as a consequence of the pollution.

Mr. HUFFMAN. Well said. My colleague from Pennsylvania, Mr. Perry, kind of broke the fact-check machine with some of his attacks on electric vehicles. He stated that the cost of electric vehicles is going up. Just for the record, Mr. Secretary, I believe that is false. Can you tell us what the cost of electric vehicles is doing these days?

Secretary BUTTIGIEG. The cost of electric vehicles is going down, and we have even seen research indicating that, if you look at apples—which can be a little challenging, but the basic determination when you compare an EV to a comparable internal combustion engine, according to J.D. Power, is about \$53,600 for an EV; \$54,400, on average, for the gas vehicle. That is before you account for the \$2,000 or so a year that an EV owner can save in fuel costs, and the \$6,000 or so in lifetime lower maintenance and repair costs, simply because an EV tends to have fewer moving parts.

Mr. HUFFMAN. Right. According to my just quick Google search just now, new EV prices are down year over year 18 percent, which is much more than for non-EVs over the same year over year period. And for used EVs, the prices are down even more, a 27-per-

cent decline in price year over year. So, is that consistent with your understanding of where we are headed on prices?

Secretary BUTTIGIEG. Yes, and I think it is intuitive if you consider how new EV technology is relative to internal combustion technology.

In other words, any improvements we see in cost today on an ICE engine or after 100 years of refinement, whereas the stage we are at with EVs might be better compared to where we were when internal combustion got as far as the Model T. More work will happen that will make them more efficient, and it is not surprising that that cost curve is moving down faster for EVs than for ICE cars right now.

Mr. HUFFMAN. My colleague also suggested the Federal Government was buying the majority of EVs in America. You thankfully put that in—I think there is a math problem over there because it was 0.5 percent, according to—

Secretary BUTTIGIEG [interrupting]. That is the most recent data that I have seen.

Mr. HUFFMAN. Yes, pretty far from a majority.

On the issue of why bother—because my colleague from Arkansas pointed out that if we electrified our transportation system overnight here in the United States, it would still be only about 1 percent of global emissions—my understanding is that, while U.S. emissions are overall declining, the transportation sector is still going the wrong way. Could you just expand on the sort of “why bother” argument that has been suggested today?

Secretary BUTTIGIEG. I think any time there is a national effort, or certainly a human effort that is going to require a lot of different people to hit their marks in order to succeed, that should motivate us to go above and beyond, not to sit on our hands. America has never been the kind of country that waited for other countries to solve a problem. And I believe we need to lead in this regard. As we do, again, we will see not only climate benefits, but a benefit in terms of those deaths from particulate matter that I mentioned earlier.

Mr. HUFFMAN. Thank you, Mr. Secretary, and just to close with an invitation to my district in Humboldt County, where you awarded a \$426 million INFRA grant to modernize a port that will support the floating offshore wind industry. We would love to show you that incredible project. It certainly puts a light on the notion that this administration has a build nothing ever agenda.

And with that, I yield back.

Ms. MALOY. The gentleman yields. The Chair recognizes Mr. Collins for 5 minutes.

Mr. COLLINS. Thank you, Madam Chair.

Good afternoon, Mr. Secretary. I kind of want to take a tour around the transportation industry here for my 5 minutes, but I think everybody is kind of focused on EVs, so, we are going to kind of start in that direction first.

There is a 400-plus-billion-dollar backlog in highway repair right now. We got congested interstates, and a lot of that is not due to road maintenance or accidents, it is just congestion. And we don't even have a diesel engine that will beat the 2027 certifications. There is a clear push to EVs on class 8 tractors from this adminis-

tration, and that is just among a lot of things: rising costs of equipment, truck parking—we hear it here—workforce issues, cargo theft, fraud, just freight fraud in general. What is the game plan with EV tractors? Because they weigh more than the diesel-equipped class 8 tractors do, and you are going to have to have more trucks on the road just to move the same amount of freight that you do with a diesel engine as you do with an EV.

Secretary BUTTIGIEG. Yes, trucking is a little different from the personal vehicle and light-duty side, but we are seeing alternative fuels emerge on the trucking side too. The electric is more for lower distance routes than over the road. Hydrogen has also shown a lot of promise when it comes to those over the road routes, but—

Mr. COLLINS [interrupting]. Yes, but I just—

Secretary BUTTIGIEG [continuing]. It is not electrifying—

Mr. COLLINS [interrupting]. That is what I just said. The EPA has structured it where we don't even have an engine for 2027.

The majority of the talk again here today has been about EVs, and that is what you have been talking about. I am part of that dirty gas-burning diesel people that you talk about. I am in the trucking industry. So, what is the game plan? Because for every six loads that you haul with an EV truck, you are going to have to have another truck to put in there. Do you know how much an EV class 8 tractor weighs?

Secretary BUTTIGIEG. Not offhand, no.

Mr. COLLINS. 32,000 pounds. Do you know how much a class 8 diesel tractor weighs, decked out with everything?

Secretary BUTTIGIEG. Less.

Mr. COLLINS. 17,000.

Secretary BUTTIGIEG. Yes.

Mr. COLLINS. There is a big discrepancy there.

Secretary BUTTIGIEG. Yes.

Mr. COLLINS. The roads don't even handle the additional weight. We had one of your people in here not too long ago, and they said they were going to increase the weights that we could carry on the roads. If the roads can handle that, why don't you do it now so that we can get the congestion off the roads with the diesel engines that we do have out there?

Secretary BUTTIGIEG. Well, we are certainly working on developing solutions for pavement durability to make sure, as they come under increased pressure, whether it is from traffic, weather, or anything else, that they last longer than—

Mr. COLLINS [interrupting]. I don't—

Secretary BUTTIGIEG [continuing]. They used to.

Mr. COLLINS [continuing interruption]. Think you have a solution, EV-wise, really, in reality, for—

Secretary BUTTIGIEG [interrupting]. I would say—

Mr. COLLINS [continuing]. Class 8 trucks—

Secretary BUTTIGIEG [continuing interruption]. I would certainly say the development of the technology on the trucking side is less advanced and, I think, less likely to lend itself to a single technology than on the light-duty side.

Mr. COLLINS. All right, I am burning time. Let's move on to the aviation side of this thing.

You plan to propose a European-style compensation scheme of sorts for flights that are delayed or canceled. Congress has already passed legislation to make airlines refund passengers. The cancellation in 2023 was lower by one point some percent than it has been in decades. How do you think the rule—this rule, when it addresses circumstances that are uncontrollable, like when the Government's at fault or when traffic controllers are at fault, is the Government going to pay?

Secretary BUTTIGIEG. First of all, thanks for acknowledging the cancellations are down on our watch.

When it comes to rules for holding companies accountable, that is—

Mr. COLLINS [interrupting]. Well, I don't think the cancellations are necessarily due to you. It could be due to the industry—

Secretary BUTTIGIEG [interrupting]. Well, I would like to believe that we helped, given the—

Mr. COLLINS [interrupting]. Yes, I know—

Secretary BUTTIGIEG [continuing]. Work that we did—

Mr. COLLINS [continuing]. We all want to take the credit where we can.

Secretary BUTTIGIEG [continuing]. Both to press industry and to make sure—

Mr. COLLINS [continuing]. But that is OK. What—

Secretary BUTTIGIEG [continuing]. That FAA was able to adopt new GPS technologies—

Mr. COLLINS [interrupting]. I am sorry to interrupt you. So, should the—

Secretary BUTTIGIEG [continuing]. To more efficiently use the airspace.

Mr. COLLINS. So, should the Government pay when they are at fault?

Secretary BUTTIGIEG. Charging the taxpayer for a delay doesn't make a lot of sense to me.

Mr. COLLINS. Well, you talk like it is your funds. I mean, this is the Department of Transportation. Tell me. You want to make the airlines pay when it is their fault. When it is your fault, should you step up and pay?

Secretary BUTTIGIEG. Again, I don't understand why you would charge the taxpayer for a problem the way you charge a for-profit company if they fail to live up to the regulations of how they take care of customers.

Mr. COLLINS. But you are charging anyone that is at fault. You said who is at fault should pay.

Secretary BUTTIGIEG. Yes. If it isn't weather, if it is controllable by the airline—

Mr. COLLINS [interrupting]. If—

Secretary BUTTIGIEG [continuing]. Then the airline ought to deal with it—

Mr. COLLINS [continuing interruption]. If it is—

Secretary BUTTIGIEG [continuing]. If it is controllable by the FAA, then we come to Congress for help dealing with it.

Mr. COLLINS. If it is covered by the Government, then you should step up and pay. That is right.

Secretary BUTTIGIEG. You mean the—you expect the taxpayer to pay who?

Mr. COLLINS. I expect the people at fault to. And if you are going to demand that, you should demand it of yourself to be better.

Secretary BUTTIGIEG. So, you don't think we should fine any companies unless we also fine taxpayers?

Mr. COLLINS. But I think we both can agree. Don't you think that, either way, that the person that is going to pay for all this is going to be the person buying the airline ticket?

Secretary BUTTIGIEG. Well, that is interesting. So, those arguments have been raised any time we have tried to hold airlines accountable. But what we have seen is there are countries that do this, right, that say if an airline sticks you—

Mr. COLLINS [interrupting]. I realize that, but—

Secretary BUTTIGIEG [continuing]. With an unreasonable delay, you get some money for that. I am not saying—we haven't drawn any conclusions—

Mr. COLLINS [continuing interruption]. I know that, I understand that—

Secretary BUTTIGIEG [continuing]. From the U.S. version, but—

Mr. COLLINS [continuing interruption]. There is one other thing that I wanted to comment on real quick, and I have got to comment on these rail issues because, the Boeing CEO, he was hammered for not prioritizing safety over DEI initiatives. Norfolk Southern, in their annual shareholders report, said that they were going to focus on DEI initiatives over anything else, and that is what led to that accident. They weren't hiring people who were qualified to put grease—

Secretary BUTTIGIEG [interrupting]. I have never seen a single shred of data or evidence—

Mr. COLLINS. I have got the annual—

Secretary BUTTIGIEG [continuing interruption]. Associating what happened and somehow—

Mr. COLLINS [continuing]. I have got the—

Secretary BUTTIGIEG [continuing interruption]. Trying to blame that on women and minorities I think really is not consistent with—

Mr. COLLINS [continuing]. That is not my—

Secretary BUTTIGIEG [continuing interruption]. What the NTSB found.

Mr. COLLINS. Here is my question, if you will give me a second, but we are out of time. But here is my question for you—

Secretary BUTTIGIEG [interrupting]. Blaming women and minorities is not—

Mr. COLLINS [continuing]. What does the Department of Transportation—

Secretary BUTTIGIEG [continuing interruption]. Consistent with what the NTSB found.

Mr. COLLINS [continuing]. Prioritize more, DEI initiatives or safety and maintenance on America's highways?

Secretary BUTTIGIEG. The top priority of this Department is and has always been safety.

Mr. COLLINS. How many employees do you have right now that are full-time back in the office 5 days a week?

Secretary BUTTIGIEG. I can tell you that about 75 percent of our work-hours are performed on site. Of course, we have a lot of workers who are——

Mr. COLLINS [interrupting]. Not work-hours. How many employees do you have full-time back in the office today?

Ms. MALOY. The gentleman's time has expired.

Secretary BUTTIGIEG. So, all worker—in terms of 100 percent? I would have to pull that. But all workers——

Ms. MALOY [interrupting]. The gentleman's time has expired.

Secretary BUTTIGIEG [continuing]. Are expected to work in person, unless they are telework eligible, depending on the remote work arrangement.

Ms. MALOY. The time has expired.

Mr. COLLINS. OK, thank you. I appreciate it.

Ms. MALOY. Thank you.

Mr. COLLINS. Thank you, ma'am.

Ms. MALOY. The gentleman yields. Ms. Hoyle is recognized for 5 minutes.

Ms. HOYLE OF OREGON. Thank you, Madam Chair.

Thank you for being here, Mr. Secretary. You may recall I represent the southwest coast of Oregon, and I want to thank President Biden, the Department of Transportation, and yourself personally for the work you have done to explore the viability of different Federal investment options for the public-private partnership for the Port of Coos Bay intermodal project.

This project is continuing to move forward. We still need Federal investment, specifically in channel dredging, so U.S. companies don't have to rely on Canadian ports to move products to middle America. The Canadians are putting billions of dollars and allowing foreign interests to put billions of dollars into their ports, and we have the ability to make sure American farmers and manufacturers have reliable access to international markets, while also bringing back thousands of middle-class jobs to a region that had been economically robust prior to the shutdown of timber harvests and our Federal forests. We can be an economic engine again.

And first I just want to say thank you to the administration; thank you to you personally.

But for my question, this week, the National Transportation Safety Board adopted its final report on East Palestine, the Ohio derailment, and Federal track safety regulations require railroads to conduct various track safety inspections, which include visual inspections at specified minimal intervals done by human beings.

Now, railroads are increasingly using a technology, as you know—you have spoken about it here today—called automatic track inspections, or ATI, that uses a machine to detect track geometry defects. Now, in order to use ATI track inspection machines, there are no requirements for railroads to waive or suspend Federal rail safety regulations. But railroads have been seeking to waive the required visual track inspections that are done by rail workers.

So, I think that we do better when we have labor at the table to figure out how we can use this technology best with a combination of both new technology like ATI and visual human inspection,

as human traffic inspectors look for 23 possible types of track defects, while ATI machines can only detect 6 types of track defects.

So, a couple of questions are, can you confirm that there are no Federal Railroad Administration regulations that prohibit railroads from running ATI technology as much as they want, without reducing human track inspections, and do you agree or disagree that visual track inspections plus ATI is a safer approach than just using ATI?

Secretary BUTTIGIEG. Yes, and I appreciate your clarifying question, because I think sometimes it has been suggested that if we don't provide a waiver we are preventing somebody from using ATI. Railroads are more than welcome to use this technology. We are just saying it has got to be used in combination with visual inspections. We think of it as a sort of belt and suspenders approach, enhancing the success of the human inspection regime with new capabilities that these technologies may be able to deliver.

So, we will continue to work with the railroads on test programs that assess the effectiveness of that autonomous track geometry measurement in combination with visual inspections. But we also believe it is important to do both.

Ms. HOYLE OF OREGON. Thank you. And with that, I would like to invite you to come to the southwest coast, to come visit the Port of Coos Bay to see all the work that we are doing. And again, I cannot tell you what it means to the people of the south coast to have hope that we will have jobs again so that we don't have to ship our kids to somewhere else for them to have a really good middle-class life. Thank you.

Secretary BUTTIGIEG. Understood. I hope we get the chance. Thank you.

Ms. HOYLE OF OREGON. I yield the remainder of my time.

Ms. MALOY. The gentlewoman yields. Mr. Ezell is recognized for 5 minutes.

Mr. EZELL. Thank you, Madam Chairman.

And thank you, Mr. Secretary, for being here today, and I thank you for what all you have been doing to help deliver some needed resources in my district in south Mississippi. I've got several questions I want for us to try to get through today. So, I normally talk kind of slow, so, I will try to pick it up a little bit. So, let's me and you see if we can't get through this without us dragging it out too much.

So, firstly, your agency is very important to the projects in my district. Starting with the two ports in the district, the Port of Gulfport and the Port of Pascagoula, my hometown, both have a vital role in supply chain in our Nation's economy. I am aware that the Notices of Funding Opportunity for the PIDP, it stated the Secretary may give priority to providing funding to strategic seaports in support of national security requirements, as required by the 2024 National Defense Authorization Act.

How will DOT evaluate and prioritize the critical need for the strategic seaport to support our military when ranking these grant applications?

Secretary BUTTIGIEG. Thank you for the question.

Our Maritime Administration works closely with our military partners, and seeks to gain understanding of the strategic signifi-

cance of various ports when they are applying for funding. Not the only criterion, but certainly one that, to the extent statute calls for it, we consider.

Mr. EZELL. OK, very good. It was also brought to my attention there is a high record amount of obligation funds available through the U.S. Department of Transportation. States like Mississippi benefit greatly from the additional funds. However, requiring State DOTs to obligate millions of funds in 1 month is just nearly impossible.

Mr. Secretary, what steps can be put in place to help streamline this process and allow ample time for the State DOTs to obligate these funds?

Secretary BUTTIGIEG. We are certainly aware of the pressure that the State DOTs feel when that August redistribution comes around, and we want to make sure that we have as much flexibility as possible.

I will note that the President's budget for 2025 for Federal Highway does have some provisions that would help, we believe, make that easier, more flexible, reduce that pressure. And we would welcome working with you in a little more detail on that, because we know that it is a very intense exercise on top of the work the DOTs are already doing.

Mr. EZELL. OK, thank you. Additionally, can you explain why you requested almost half of what you requested in fiscal year 2024 for fiscal year 2025 for the CRISI grants?

Secretary BUTTIGIEG. So, CRISI is an excellent, popular, oversubscribed, and important program. We are proud of the work we have been able to do with CRISI.

We are also trying to color within the lines of the top-line limits provided by the Fiscal Responsibility Act, but are hopeful that there will continue to be adequate funding to do projects. We always get more applications than we can say yes to.

Mr. EZELL. Thank you. As we get ready for the hurricane season, it is crucial that U.S. Department of Transportation, along with other relevant State and Federal agencies, coordinate to prepare for the season. Can you tell me what you have been able to do to help coordinate with Mississippi so that we can get ready for hurricane season?

Secretary BUTTIGIEG. I was just in Mississippi a few days ago, a different part of the State up in the Delta, but I got a sense of how that is already on everybody's mind there.

Mr. EZELL. Yes.

Secretary BUTTIGIEG. We are mindful at our Department, too, of the opportunity to work with State DOTs and anybody else we need to coordinate with. We do that through our Transportation Operations Center and the emergency support function assigned to us by statute, and we stand ready to help. We hope it is a hurricane season everybody can get through without incident, but we know what we are up against, and we will be there to help.

Mr. EZELL. Thank you very much. And the last one: Several members of my district have expressed concerns over your agency's goal to achieve zero emissions on their electric vehicles, mainly the—like the public transport and those kinds of things. Does U.S. DOT plan to mandate a forced phase-in over time of electric vehi-

cles, or will the agency continue to allow transit systems to determine what type of alternative fuel technologies works best for them?

Secretary BUTTIGIEG. Our approach has been to create options and to provide economic support. Whether we are talking about personal EVs or whether we are talking about those low-emission buses that we are buying for a lot of transit agencies, we know that it is not a one-size-fits-all and we want to work with those transit agencies on answers that make sense for them.

Mr. EZELL. Very good, and we yield back with 22 seconds. Thank you.

Secretary BUTTIGIEG. Thank you.

Ms. MALOY. The gentleman yields. The Chair recognizes Mr. Allred for 5 minutes.

Mr. ALLRED. Well, thank you, Madam Chair.

And thank you, Mr. Secretary, for joining us again. I appreciate your patience today. I want to thank you for your continued support in getting the IIJA funding out of DC and into our communities.

This legislation has had a significant impact in north Texas, and will continue to shape our community for years to come. In fact, you just mentioned low-emission buses. In June of last year, DART, the Dallas Area Rapid Transit agency, received a \$103 million Federal transit grant to help us modernize our bus fleet. In March of this year, the Southern Gateway Park and Klyde Warren Park and other north Texas projects received \$80 million in funding from U.S. DOT, thanks to grants as part of the Bipartisan Infrastructure Law or the IIJA.

But one project that you and I have discussed several times in this setting that I would like to highlight is Amtrak's partnership with Texas Central to develop a high-speed rail connecting Dallas and Houston, two of the largest metropolitan areas in Texas and the country. In December of 2023, the project was awarded a \$500,000 grant as part of the Corridor ID program funded through the IIJA. And this now public-private partnership, I think, is a great example of this administration's and our commitment to environmentally sustainable transportation while simultaneously supporting economic growth.

And so, you talked a little bit about this when you were last in Dallas on TV. But here could you just mention a little bit about how serious your agency is and you are about high-speed rail in Texas?

Secretary BUTTIGIEG. Thank you. We are enthusiastic about the potential. And the funding that comes with this Corridor ID designation is both direct funding for planning activities and a signal of the potential that we see.

When you look across the geography of the United States, the best candidates for high-speed rail service are geographies where you have two major metropolitan areas that are fairly close to each other, but really a short flight that borders on the realm of impracticality or a long drive that also borders on the realm of impracticality. And creating that third option of a good, high-speed ride can, we think, unlock enormous economic potential and, even for

the people who don't use it, bring benefits in the form of reduced congestion on those roadways and those airports.

So, we look forward to seeing this proposal continue to develop, and I would be surprised if it did not lead to more applications for support as the vision continues to take shape.

Mr. ALLRED. I think that is right. And you mentioned, of course, reducing congestion. I have made that drive many times from Dallas and Houston. It is not an easy drive. The flight is not always the most convenient option. To me this would just spur so much economic growth, and it is a commonsense idea.

But there is also the technology involved in it that I just wanted to briefly discuss, which is—I think it is the Shinkansen bullet train, which is made in Japan. It is the world's safest transportation technology, really, in many ways, operating without a fatality since 1964. Can you speak about your experience with this technology? And I understand that you might have had a chance to ride on one of these.

Secretary BUTTIGIEG. Yes, I had the privilege of riding on the Shinkansen train in Japan when I was attending the G7 meetings hosted by Japan last year for transportation ministers and my counterparts. It was an extraordinary experience, especially sitting up in that cab, where I had an opportunity to observe the operator, and seeing the operations center behind the scenes where they conduct those safe and efficient operations.

It is rare for them to be more than a few seconds at variance from their published schedule. And as you mentioned, in a technology and a train going back to the 1960s, they have an unbelievable safety record, too. I think any American who sees that comes home and says, "Why can't we have something like this?" and I think that is the kind of quality and the kind of efficiency that we should aspire to here in the U.S.

Mr. ALLRED. I am convinced that if we get one of these lines in Texas, we will get more. We are a perfect candidate for this.

And really quickly, in the last 30 seconds I have here, I just want to commend you, as the father of two small kids—I know your growing family—and to highlight the fact that passengers will no longer have to pay more to sit next to their kids on flights. To me, this is just common sense, but it is the kind of thing that really can make an impact in people's lives, and I think it is an example of your leadership.

And at some point in our next discussion, I would love to talk to you about our air traffic controllers and how this FAA bill is going to help us restore that workforce. But with that, I will yield back.

Secretary BUTTIGIEG. Thank you.

Ms. MALOY. The gentleman yields. Mr. Duarte is recognized for 5 minutes.

Mr. DUARTE. Hello, Secretary. Thank you for joining us here today. The last time we were here, we talked about two things. One was the high-speed rail project in my district, which is the California high-speed rail project, the \$128 billion high-speed rail project that was a State initiative that will move from Merced, a city of 60,000, down to Bakersfield, a city of approximately 350,000, I believe.

Are those the type of metropolitan centers that you were just meaning to describe when you talked about the best candidates for high-speed rail?

Secretary BUTTIGIEG. On their own and in a vacuum, it is unlikely that they would generate that justification. But of course, that Merced-to-Bakersfield segment represents a step toward connecting two of the largest economic areas in the United States.

Mr. DUARTE. So, after we have spent \$128 billion going over flat land between Merced and Bakersfield, we will then think about how we are going to get through the mountains and the urban areas of Los Angeles and the bay area to then finish the high-speed rail project someday in the distant, distant future?

Secretary BUTTIGIEG. Well, the Bakersfield-to-Merced segment comes first. And yes, as I understand it, the vision of the project sponsors is ultimately to fully connect all the way—

Mr. DUARTE [interrupting]. You can't—

Secretary BUTTIGIEG [continuing]. Through to the downtowns of those two regions.

Mr. DUARTE. Are you capable of recognizing a hopeless boondoggle? Because that is what we are discussing right now.

Secretary BUTTIGIEG. I have seen a lot of the most compelling and ambitious human projects characterized as hopeless boondoggles during the time that they were taking shape, and I am not surprised, for a project that represents the first movement in the United States of America toward this kind of technology, that it has proven to present a lot of challenges for those first movers.

Mr. DUARTE. Thank you. Let's move on to something even more important, in my opinion.

Representative Owens, a good friend of mine, earlier discussed the electric vehicle trade, the proxy imperialism that American taxpayers are sponsoring in the Congo in the pursuit of cobalt. I don't know, I guess God shined on us today because, just walking in the atrium of Rayburn Office Building here, we have a Congolese delegation talk about economic development in Congo.

So, I got a quote from Abraham Leno, who was sitting in here a few a little while ago, but his schedule does not permit for him to be here right now. Nonetheless, I would encourage you to speak to him on your way through there today. Let me quote Abraham Leno. He actually provided me a quote that I will read verbatim: "Children are working in situations with exposure to chemicals like mercury, and going into mines with no safety regulations or oversight. Beyond the daily tragedy, Congo is losing the productive labor force of the future and people who would contribute to a brighter future with a stronger civil society."

I have read the book—or at least audio-booked, I will admit—"Cobalt Red." As you pursue these electric vehicle technologies, this—you call it technology, but technology, in my book, makes lives better. I don't see electric vehicles making lives tremendously better here in the United States. They are crushing lives around the world. We have got slave trade in Congo—

Secretary BUTTIGIEG [interrupting]. I just don't—

Mr. DUARTE [continuing]. You have got slave labor—

Secretary BUTTIGIEG [continuing interruption]. I just can't accept that that is a necessary consequence—

Mr. DUARTE [interrupting]. Then don't accept it.

Secretary BUTTIGIEG [continuing]. Of newer technology.

Mr. DUARTE. Don't accept it. If you feel a glow driving an electric vehicle here today in America, go ahead and feel that. There are children in mines being crushed. There are families being broken. There are warlords forcing these people into slavery around the world. Provide that—

Secretary BUTTIGIEG [interrupting]. And I trust anyone serious about confronting that—

Mr. DUARTE [continuing]. Provide that glow, or whatever you feel driving an electric vehicle today—

Secretary BUTTIGIEG [continuing interruption]. Will join us in enforcing our protections against forced and child labor.

Mr. DUARTE. You—that is your value system, I can appreciate it.

Secretary BUTTIGIEG. I must also say that I am puzzled to find people who have shown—

Mr. DUARTE [interrupting]. If you want to support world slavery, and you—

Secretary BUTTIGIEG [continuing]. No interest in dealing with forced and child labor in any other product suddenly become concerned about it.

Mr. DUARTE. You are forcing child labor in the Congo.

Secretary BUTTIGIEG. No.

Mr. DUARTE. It is documented. It has been known for decades. You want to talk about reparations? Your party wants to talk about proxy imperialism in our history? We are practicing imperialism today through the Chinese Communist government going in to extract the minerals necessary—

Secretary BUTTIGIEG [interrupting]. We are competing with the Chinese Communist government to build this on U.S. soil.

Mr. DUARTE [continuing]. You are—

Secretary BUTTIGIEG [interrupting]. And we wish we would have your help on that.

Mr. DUARTE. You are subsidizing the Chinese Government today with your EV—

Secretary BUTTIGIEG [interrupting]. We are subsidizing the American auto industry.

Mr. DUARTE. You are subsidizing—you are not going to tell me you believe—go ahead. Tell me you believe that the majority of batteries produced for American EVs that are receiving Federal subsidies today are being produced with constituents and components sourced in America and are slavery free.

Secretary BUTTIGIEG. What I can tell you is that today's EV—

Mr. DUARTE [interrupting]. No, that is a very simple statement. Do you believe the constituent components in American electric vehicles being subsidized by our Government today are slavery free?

Secretary BUTTIGIEG. Here is what I can tell you. Eighty percent less cobalt is going into today's EV batteries. Most of the cobalt that is used comes as a byproduct from nickel and copper mining and major battery makers—

Mr. DUARTE [interrupting]. So, you don't want to end slavery.

Secretary BUTTIGIEG. Could you please let me finish the sentence?

Mr. DUARTE. No, you are not finishing. I asked you about slavery, you are telling me about constituents in other components. Just answer the question I actually asked, which is: Do you believe the electric vehicles being produced and subsidized by American taxpayers today are slavery-free, fair-trade vehicles?

Secretary BUTTIGIEG. I should certainly hope that they are. And if there is any specific evidence of any violation of any provision to prevent forced and child labor of any product, any of the 159 products listed—

Mr. DUARTE [interrupting]. Will you speak to our friends from the Congo—

Secretary BUTTIGIEG [continuing]. We will work on that.

Mr. DUARTE [continuing interruption]. After—

Secretary BUTTIGIEG [continuing]. Now, what I would also—look, we can do one of—

Mr. DUARTE [continuing interruption]. Will you speak to our friends from the Congo out here in the atrium on your way out?

Secretary BUTTIGIEG. I am just astonished that people who have shown zero interest—

Mr. DUARTE [continuing interruption]. Will you—

Secretary BUTTIGIEG [continuing]. In confronting forced or child labor on any of the other 158 products listed are suddenly terribly concerned about it on this one product—

Mr. DUARTE [interrupting]. We are subsidizing this with American taxpayer—

Secretary BUTTIGIEG [continuing]. Which we can actually do without that much cobalt.

Mr. DUARTE. This isn't just about unfair competition, this is about subsidizing child labor through American policy.

Secretary BUTTIGIEG. Then why didn't you vote for the provision to move it onto U.S. soil?

Ms. MALOY. The time has expired. The gentleman's time has expired.

Mr. DUARTE. Thank you, I yield back.

Ms. MALOY. The gentleman yields back. Mr. Moulton is recognized for 5 minutes.

Mr. MOULTON. Thank you very much, Madam Chairwoman.

Mr. Secretary, good to see you. Thank you very much for joining us here today. I would actually like to start exactly where my colleague began, with California high-speed rail. I understand the project is over budget. It is not a model for project completion. I understand there is a lot of frustration with its starting in the middle, as opposed to starting at the end. But I have one very simple question for you.

To meet 2050 travel demand in California, will it cost less taxpayer dollars or more taxpayer dollars to meet that with high-speed rail or by expanding highways and airports?

Secretary BUTTIGIEG. In my estimation, a highway and airport-only approach would cost more.

Mr. MOULTON. There is a lot of documentation and studies that show that, too. So, I agree with my colleague that this should be run more efficiently. I also think taxpayer dollars should get a good return on investment, a better return than they are getting today. And at the end of the day, we need to solve these transportation

problems efficiently and in a 21st-century way that uses taxpayer dollars more efficiently than just building more airports and highways where people can still sit on tarmac in thunderstorms, fight traffic on ever-congested highways, as opposed to going 200 miles per hour or 220 miles per hour like the rest of the world. So, I hope we can pursue that more vigorously.

Right now, of course, if you want to build an interstate highway, you get a ton of money from the Federal Government. If you want to build an airport, you get a ton of money from the Federal Government. We have a Highway Trust Fund. We have an Airport Trust Fund. We don't have any rail trust fund whatsoever. There is not even just a simple level playing field so that the famous American free market can make these business decisions about which mode is best, because I am sure there are places where high-speed rail doesn't make sense, it would cost more to solve certain transportation problems. But in places where you get a better ROI, we should be choosing high-speed rail. That is not an option really for States today.

What can we do to ensure proper Federal funding to at least level the playing field so that transportation planners can just say let's make an honest, business-based decision about how to solve this congestion problem?

Secretary BUTTIGIEG. Thank you for the question. I think the key is to make sure we build on what we can demonstrate with the funding that we have now. What came in the IIJA was a step change in our ability to support passenger rail but, as you know, nowhere near what it will take to build a fully built-out U.S. high-speed rail network.

I also am convinced, though, that when Americans experience high-speed rail and revenue service on U.S. soil, there will be no going back. It is part of why it is so important to effectively deliver those projects now underway, California and Brightline—

Mr. MOULTON [interrupting]. Well, I have made this point to you since before you were sworn in. It is proven internationally. A ton of resistance to building the first high-speed rail line in Spain, tentacles for Madrid. All the provinces said as soon as Barcelona got their line, every other province wanted one, too. And the Spanish Government has made business-based decisions about where high-speed rail makes sense. They now have a national network. I think we need to look at that very carefully.

Now, while this hearing was happening, there was a 20-car Canadian national derailment outside of Chicago, including some hazmat cars in Madison, Illinois. It is clear that we can make more progress on freight rail safety, and I think we need some bipartisan legislation that will not take us back to the 1950s, but move us forward, push the industry forward to hopefully not only improve safety, but improve reliability and service, as well.

How do we develop freight rail legislation that doesn't just push more traffic onto trucks? Because we want our railways to be safer, but we don't want them to not be used. Because even in the horrific derailment in East Palestine, exactly zero people were killed. Every week on the highways, people die in hazmat accidents because that traffic is on trucks and not on trains.

Secretary BUTTIGIEG. You make an incredibly important point, which is that, pound for pound, rail transport is safer and less polluting than alternatives. Of course, trucks play a vitally important role, but in terms of making sure that we fully use our rail networks, there is a benefit to that many times over in congestion, air quality, emissions, and safety. So, that means we have to do, I think, a couple of things.

First of all, ensure the safety of freight rail. And I think that the bipartisan legislation being considered in this Chamber would help with that.

And secondly, I think that the companies need to invest in capacity. Unfortunately, under the so-called Precision Scheduled Railroading approach, leaders of those Class I freight railroads are under pressure to extract as much value as they can out of their railroads without really investing in capacity.

Mr. MOULTON. Yes, I agree with you, Mr. Secretary. I am almost out of time. I just want to extend this point to passenger rail, as well. When we spend billions of dollars subsidizing people to get into more cars, as an inevitable result of the EV policy, then we are going to have more congestion on our highways. We are going to have a lot of silent traffic jams, but they are still going to be traffic jams. We have got to level the playing field, and make sure Americans have the choices and the freedom to travel at 200 miles per hour, like the rest of the world.

Thank you, I yield back.

Secretary BUTTIGIEG. Thank you.

Ms. MALOY. The gentleman yields. Mr. Bean is recognized for 5 minutes.

Mr. BEAN OF FLORIDA. Thank you very much, Madam Chair. Good afternoon to you. Good afternoon, Transportation and Infrastructure Committee.

And good afternoon, Secretary, it is great to see you. The Biden administration is on a mission to force consumers to buy electric vehicles that they clearly don't want.

Secretary BUTTIGIEG. No, we are not.

Mr. BEAN OF FLORIDA. Of the 282 million—well, let me tell you, Mr. Secretary, you are, because the Biden administration is spending billions, billions in subsidies to force consumers to make these decisions. Two hundred and eighty-two million vehicles are on the roads today, 1 percent are electric. And they are only buying them because we are bribing consumers with \$7,500 to purchase that vehicle. They sit on the lots far longer on the dealership lots than their traditional counterparts.

And now, knowing that these cars are built with slave labor, is there a time that you will say, you know what, this is just too expensive, this is just too expensive, we want to rethink this policy. Is there ever a time that you are going to say that it is too expensive?

Secretary BUTTIGIEG. If you think this is expensive, wait until you find out how much oil and gas subsidies you have been supporting.

Mr. BEAN OF FLORIDA. Are you aware—

Secretary BUTTIGIEG [continuing]. Also, wait until you find out the economic impact that some economists have put at \$15 million

every hour or every day, trillions of dollars every year, from allowing the environmental conditions in this country and the planet to worsen. We are making sure that there is support—

Mr. BEAN OF FLORIDA [interrupting]. Mr. Secretary, that is not what consumers are saying.

Secretary BUTTIGIEG [continuing]. For a home-grown—

Mr. BEAN OF FLORIDA [continuing interruption]. Consumers are saying this. They are saying 46 percent—McKinsey and Company, a consumer survey company, did a survey of consumers, 46 percent, that bought these electric vehicles—

Secretary BUTTIGIEG [interrupting]. Having worked at McKinsey, I've got to tell you, it is not—

Mr. BEAN OF FLORIDA [continuing]. They don't want them.

Secretary BUTTIGIEG [continuing interruption]. Specialists and—

Mr. BEAN OF FLORIDA [continuing]. They don't want them, Mr. Secretary.

Secretary BUTTIGIEG. Whoa, whoa, whoa, whoa, whoa.

Mr. BEAN OF FLORIDA. Are you are aware of that? Are you aware of it?

Secretary BUTTIGIEG. With all due respect to my former colleagues at McKinsey, their study is an outlier, and even that one—

Mr. BEAN OF FLORIDA [interrupting]. One of the things they said—

Secretary BUTTIGIEG [continuing]. Does not show that a majority of the—

Mr. BEAN OF FLORIDA [continuing interruption]. Well, here is the thing. Let's just talk about it. Let's talk about it, because—

Secretary BUTTIGIEG [continuing]. It would be great if I could finish my sentence.

Mr. BEAN OF FLORIDA [continuing interruption]. One-third of them said they can't charge—

Secretary BUTTIGIEG [interrupting]. Why do you think more Americans buy EVs every year than the year before?

Mr. BEAN OF FLORIDA. Hold on, Mr. Secretary. I got a good question for you.

Secretary BUTTIGIEG. OK.

Mr. BEAN OF FLORIDA. And I want you to hear me, because 40 of those—the percentage, one-third said they can't charge their vehicle. We gave you some money, billions of dollars, to build some charging stations.

Secretary BUTTIGIEG. Yes, and that is going out to the States to build the chargers.

Mr. BEAN OF FLORIDA. How is that coming along?

Secretary BUTTIGIEG. It is coming along great. We are going to beat our goals of 500,000 chargers by 2030. And the reason why is because most of the States now have their money, and they are getting ready to do the procurement—

Mr. BEAN OF FLORIDA [interrupting]. What is the tally right now, though?

Secretary BUTTIGIEG [continuing]. And put those chargers in.

Mr. BEAN OF FLORIDA. I am keeping—last time—last month it was seven charging stations.

Secretary BUTTIGIEG. 186,000 public charging stations are available. The publicly supported chargers—

Mr. BEAN OF FLORIDA [interrupting]. How many—

Secretary BUTTIGIEG [continuing]. Can go in, the second—

Mr. BEAN OF FLORIDA [continuing interruption]. How many have we built? How many have you built?

Secretary BUTTIGIEG. Those are coming later. That was always the plan.

Mr. BEAN OF FLORIDA. Is it over seven?

Secretary BUTTIGIEG. What is that?

Mr. BEAN OF FLORIDA. Is it over seven?

Secretary BUTTIGIEG. They are coming later.

Mr. BEAN OF FLORIDA. So, it is not over seven. I am going to put you down at not over seven right now.

Secretary BUTTIGIEG. 2027, 2028 is when they are supposed to be built—

Mr. BEAN OF FLORIDA [interrupting]. And here is—

Secretary BUTTIGIEG [continuing]. But here is the other thing—

Mr. BEAN OF FLORIDA [continuing interruption]. Here is the big question. Here is the other big question for you.

Secretary BUTTIGIEG [continuing]. Are you conscious that 80 percent of EV charging happens at home?

Mr. BEAN OF FLORIDA. Wait a minute, I've got more questions. We got to go fast, Mr. Secretary. How are we going to fund roads if electric vehicles aren't paying into the gas tax to build roads? We know they are heavier. They do more damage to the roads. What is the plan? Do we have a plan? How are we going to build those roads?

Secretary BUTTIGIEG. Yes, we are working with Congress on how to make sure the Highway Trust Fund has adequate sources of revenue, knowing that receipts from the gas tax have been declining for some time.

Mr. BEAN OF FLORIDA. OK, hold on.

Secretary BUTTIGIEG. I don't think that is an excuse to stick with—

Mr. BEAN OF FLORIDA [interrupting]. Hold on.

Secretary BUTTIGIEG [continuing]. The dirty and expensive fuels of the past.

Mr. BEAN OF FLORIDA. Hold on, Mr. Secretary. Let me put you down. I got to put you down—no plan yet. Let me put that down.

Secretary BUTTIGIEG. Well, actually, you should put down something else on your little paper there, which is we are—

Mr. BEAN OF FLORIDA [interrupting]. So, when we build roads—

Secretary BUTTIGIEG [continuing]. Funding pilots to do vehicle-miles traveled.

Mr. BEAN OF FLORIDA. When we build roads, we use—

Secretary BUTTIGIEG [interrupting]. So, did you put that down?

Mr. BEAN OF FLORIDA. When we—

Secretary BUTTIGIEG [continuing interruption]. Did you put that down?

Mr. BEAN OF FLORIDA [continuing]. When we build roads—

Secretary BUTTIGIEG [continuing interruption]. Would you be so kind as to put that down on my behalf?

Mr. BEAN OF FLORIDA. I got you, I am putting it down right now, Mr. Secretary.

Secretary BUTTIGIEG. I appreciate it.

Mr. BEAN OF FLORIDA. Listen, when we build roads, we use aggregates and other—

Secretary BUTTIGIEG [interposing]. We do.

Mr. BEAN OF FLORIDA [continuing]. Rocks and materials. One of the companies that has part of their headquarters in Jacksonville, Florida, is Vulcan. Two years ago, Mexico took over their aggregate plant. They just walked in. The government walked in, took their plant, hasn't compensated them at all. And since that time, aggregate and building roads and building anything in America has gone up. Is that on your radar screen of how we can get this plant back, or get American assets that were taken over by Mexico? Is that on your radar screen? Are you aware?

Secretary BUTTIGIEG. I am not familiar with this plant, but I would love to learn more. Pavement is actually one of my unfashionable passions. I think that if we do better with pavement durability and sourcing—

Mr. BEAN OF FLORIDA [interrupting]. OK, just know that—

Secretary BUTTIGIEG [continuing]. We are going to do better on our highway—

Mr. BEAN OF FLORIDA [continuing interruption]. Mexico—if anybody is listening, Mexico took over a company, an American company, without compensation.

And I got one more question, and hopefully we can bring it in for a landing, and that is turbulence. Everybody who knows me knows I am scared of two things, clowns and turbulence. You said turbulence is caused by climate change. I want to give you a chance. Do you believe that?

Secretary BUTTIGIEG. Yes, the science—

Mr. BEAN OF FLORIDA [interrupting]. And here is the thing. It is just you and I, you don't have—

Secretary BUTTIGIEG [interposing]. Yes.

Mr. BEAN OF FLORIDA [continuing]. It is just you and I. You can tell me. You can tell me honestly.

Secretary BUTTIGIEG. Sure. So, scientists believe that turbulence, especially of the wind-shear variety, has increased as a consequence of climate change.

Mr. BEAN OF FLORIDA [interrupting]. Listen—

Secretary BUTTIGIEG [continuing]. Are you aware of that?

Mr. BEAN OF FLORIDA. Your National Transportation Safety Board said calling it climate change-caused turbulence is hogwash. I wish we could have—I love chatting with you.

Secretary BUTTIGIEG. I would be happy to send you the study.

Mr. BEAN OF FLORIDA. Mr. Secretary, I love chatting with you, and I regret that I am out of time. Thanks for coming.

Madam Chair, I yield back.

Secretary BUTTIGIEG. Good afternoon.

Ms. MALOY. The gentleman yields. Mr. Stanton is recognized for 5 minutes.

Mr. STANTON. Thank you so much, Madam Chair.

Thank you, Secretary Buttigieg, for being here today. Mayor Pete, you know that there is no better investment than public infrastructure. In the 3 years since the Bipartisan Infrastructure Law was signed, our country, especially Arizona, has benefited. In fact, just last week, Valley Metro received over \$15 million to expand the streetcar system from the city of Tempe into the city of Mesa. And in January, Arizona received a \$95 million INFRA grant to widen Interstate 10. And that investment directly benefits the Gila River Indian Community, helping fulfill the administration's goal to direct 40 percent of infrastructure dollars to historically disadvantaged communities.

And I know you agree the success of the 22 federally recognized Tribes is critical to all of Arizona, just like Tribal communities all across the United States of America. You know we have not kept up our treaty obligations to our Tribal partners, especially in underinvestment in infrastructure. And this administration wants equity in transportation investments, I applaud that.

What are you and DOT doing specifically to channel investment to our Tribes and Tribal communities?

Secretary BUTTIGIEG. Well, thanks for the question. Every time I am in Indian country, I see the extraordinary need and the demand that those Tribal governments face, maintaining often extraordinarily extensive road networks with shockingly little by way of funding. It is one of the reasons we have worked to increase support for Tribal as well as rural communities, and we have been pleased to see a lot of success in terms of some of the competitive grant processes, including, as you mentioned, the Gila River Indian Community. I am really excited about what we can do with them on I-10.

We now have an Assistant Secretary-level office for supporting Tribal communities, all 574 of them, and specific programs, including our Tribal Technical Assistance Program, to help make sure that these communities can succeed not just in winning those grants, but also in delivering them, because we know it can be a real challenge after you get the good news, to see those processes through.

Mr. STANTON. That is great. Mr. Secretary, you and I have both heard so many horror stories about the air travel experience for passengers with disabilities, particularly people who utilize mobility devices. This committee has worked hard on this issue on the recently passed FAA reauthorization, including a couple of bills that I authored to make the travel experience better. You have made this a priority, as well. Why is this important, and what more work do we have to do to support passengers with disabilities?

Secretary BUTTIGIEG. When you talk to passengers with disabilities, particularly wheelchair users, you hear so many stories of the experiences that they have had that reflect, really, a lack of access to safe and dignified air travel. So, we have issued a final rule that is requiring airlines to make lavatories on new, single-aisle aircraft large enough for passengers with wheelchairs after hearing stories of passengers who either dehydrate themselves or just don't fly at all because they don't have access to an accessible bathroom.

And in March, we published a notice of proposed rulemaking for new requirements on training and practices, making it clear that damaging or delaying wheelchairs is a violation that can be met with penalties. Some wheelchair users have told me that arriving in a destination without a wheelchair is like arriving without your legs. And it doesn't just ruin your trip, but if an airline takes forever to fix it, that affects you long after you have returned home.

So, we are going to continue to work with advocates, and we are going to take a tough line on any violations here, because it really is just unacceptable for passengers to go through what some passengers tell us about.

Mr. STANTON. I very much look forward to working with you on that, because it stops job opportunities and so many other ways that it impacts the lives of people with disabilities who are talented and deserve to have the passenger experience improved.

As mayor of Phoenix, I proposed and asked voters to approve the single largest transportation infrastructure plan in Arizona history, the first of its kind and scope, to expand public transit, including our light rail system, and modernize our roadways. They did, by an overwhelming margin. This year, the people of Maricopa County will decide again with Prop 479, a proposed dedicated half-cent sales tax extension to fund critical transportation.

Mr. Secretary, as communities across the country vie for competitive Federal funding, explain why it is important for States and localities to have their own dedicated transportation funding source to be competitive for those grants.

Secretary BUTTIGIEG. Well, I appreciate the question because, with the historic funding available through the Bipartisan Infrastructure Law, I don't want anybody to get the idea that that means States or local governments shouldn't do much. The reality is, the more you can put together on a State or local basis, the more you can unlock on the Federal side, and the better partner we can be. So, we applaud cities and States that are taking the initiative to fund their infrastructure needs, knowing that we have a wind at their back in the form of the programs and grants we have.

Mr. STANTON. Thank you very much.

I yield back.

Ms. MALOY. The gentleman yields. Mr. Kiley is recognized for 5 minutes.

Mr. KILEY. Good afternoon, Mr. Secretary. You have testified today on the topic of EVs that there is no mandate. You have said that we have not forced anyone to purchase any particular vehicle. You have testified that you want power to be in the hands of consumers. Is that a fair characterization of your testimony?

Secretary BUTTIGIEG. That we don't have an EV mandate? That is correct.

Mr. KILEY. That is correct. OK. So, I am of a similar view. I don't think that we—I am all for EVs. I have a lot of constituents who buy them, and I think that you are right, that there will be an increasing adoption of them going forward. However, I support the right of consumers to make their own choice. So, it sounds like we are on the same page there. So, do you, like me, then oppose California's effort to take that choice away from consumers by banning gas-powered vehicles?

Secretary BUTTIGIEG. We respect that States can make their own decisions about State policies. But at a Federal level, our approach has to do with economic incentives and support for chargers, not any kind of mandate coming out of the DOT on what technology you are supposed to buy for your vehicle.

Mr. KILEY. Sure. But you have said you support giving choice to consumers. Now you have said you support giving choice to States. But those two are conflicting, because the State is taking that right away from consumers. So, why is it that you side with giving the State the choice, as opposed to giving the consumer the choice?

Secretary BUTTIGIEG. Because this is Federal policy. I make Federal policy, and our Federal policy is to support consumer choice. But look, sometimes our Federal policy is a floor, and States decide to go above and beyond that.

Mr. KILEY. Sure. But as you are aware, the Federal Government has actually given California the authority to issue that ban through a waiver under the Clean Air Act. So, do you support the conferral of that waiver?

Secretary BUTTIGIEG. I think that is on the EPA side of the House, so, I want to make sure that I am conscious of the—

Mr. KILEY [interposing]. I understand.

Secretary BUTTIGIEG [continuing]. Jurisdictional differences. But—and I am not informed enough on EPA's processes to weigh in on their policy choices.

What I will say again is that, at the Federal level in the Biden-Harris administration, our strategy with regard to EVs is to make sure there are more chargers out there, and to make them more affordable.

Mr. KILEY. Sure, but I just want to—I am trying to parse out your position, because on the one hand you say you favor giving consumers choice, and yet on the other hand you seem to be standing behind an administration policy that is enabling the biggest State in the country to take that choice away. So, which is it?

Secretary BUTTIGIEG. I am talking about Federal policy when I talk about not—

Mr. KILEY [interrupting]. And Federal policy is enabling this choice that now California is also bringing 18 other States along with.

Secretary BUTTIGIEG. Yes, enabling, not requiring.

Mr. KILEY. So, do you support legislation to take that waiver away?

Secretary BUTTIGIEG. You mean Federal legislation to preempt the ability of States to make their own decisions?

Mr. KILEY. No, no, no.

Secretary BUTTIGIEG. As a general rule, no.

Mr. KILEY. That is not correct. It is a special authority that has been granted to the States to make that decision. So, you are supporting granting special authority to ban gas-powered vehicles, correct?

Secretary BUTTIGIEG. States may seek waivers. And if they qualify under the law, we will consider them. Again, I don't want to get into the weeds of something that another agency is doing because I am not privy to all—

Mr. KILEY [interrupting]. But you are the Secretary of Transportation, and this is a massive question of transportation policy. So, I was just wondering if you had a view, yes or no.

Secretary BUTTIGIEG. Yes, I mean, look, there are many cases where States have led the way by going above and beyond a Federal floor.

Mr. KILEY. Sure. Let's turn to high-speed rail for a moment. Your administration has given—or your Department has given \$3.1 billion to this project recently. Is that correct?

Secretary BUTTIGIEG. That is correct.

Mr. KILEY. And the Governor of California said this show of support from the Biden-Harris administration is a vote of confidence in today's vision for that project. Do you agree with that statement from Governor Newsom, that you have—your confidence in the current vision for California high-speed rail?

Secretary BUTTIGIEG. We don't approve awards for any project if we are not confident in the integrity of the application—

Mr. KILEY [interposing]. Sure.

Secretary BUTTIGIEG [continuing]. And the ability of the project sponsor to meet whatever is required for them through the application process—

Mr. KILEY [interrupting]. But you are aware that the project has been a nightmare in California, correct?

Secretary BUTTIGIEG. It is kind of a subjective question. What I am aware of is it is creating a lot of good-paying jobs, it has taken a long time, and it is a good investment.

Mr. KILEY. Well, this is actually the term the New York Times used in an article, "How California's Bullet Train Went Off the Rails." It called it a multibillion-dollar nightmare. The L.A. Times reported it is \$100 billion short in funding right now, and the New York Times also said that it is not on track to be finished this century, that it is not on track to be finished this century. Do you disagree?

Secretary BUTTIGIEG. I would be surprised if it took until the end of this century to deliver quality, high-speed rail in California. So, I suppose in that respect—

Mr. KILEY [interrupting]. When do you think it will be finished?

Secretary BUTTIGIEG [continuing]. I disagree. I didn't hear you, sorry.

Mr. KILEY. When do you think it will be finished?

Secretary BUTTIGIEG. I have seen projections for when the Merced-to-Bakersfield segment will come online. We are looking to the next decade, for sure, for the bulk of the revenue service.

Mr. KILEY. OK, but you earlier stated, in response to my colleague from California's questions, that the sort of funding is predicated on it ultimately going from L.A. to San Francisco. So, I am asking, when do you think that will be completed?

Secretary BUTTIGIEG. I am not going to get ahead of the high-speed rail authority there on their latest projections for when future stages—

Mr. KILEY [interrupting]. Well, no, you—

Secretary BUTTIGIEG [continuing]. Could be completed.

Mr. KILEY. You have already gotten there. You have given them \$3.1 billion. So, certainly you have some thought as to when—

Secretary BUTTIGIEG [interrupting]. For the Bakersfield-to-Merced segment.

Mr. KILEY [continuing]. This might actually be of some benefit to California consumers.

Secretary BUTTIGIEG. Well, obviously, the moment it is in revenue service it is a benefit to some California consumers.

Mr. KILEY. Right. So, do you think it will be before the century?

Secretary BUTTIGIEG. Yes.

Mr. KILEY. Do you think it will be before the mid-century?

Secretary BUTTIGIEG. Yes.

Mr. KILEY. You do? OK, so, when? What is your best estimate for when we will have operational, high-speed rail for—

Secretary BUTTIGIEG [interrupting]. I am not going to estimate a year for the San Francisco-to-L.A. corridor.

Mr. KILEY. OK. Do you think that the technology will still be state of the art by the time it is complete?

Secretary BUTTIGIEG. I think the technology will be a lot better than what Americans are accustomed to today.

Mr. KILEY. Thank you, I yield back.

Ms. MALOY. The gentleman yields. The Chair recognizes Mr. Menendez for 5 minutes.

Mr. MENENDEZ. Thank you, Madam Chair.

Secretary Buttigieg, thank you for being here today and all the important work that the Department of Transportation carries out every day.

While we appreciate everything the Department is doing to facilitate the historic Infrastructure Investment and Jobs Act and improve transportation across the country, our constituents are dealing with serious issues during their day-to-day commutes. Several times over the past month, NJ Transit riders have experienced significant delays during their daily commutes. These delays have left commuters stranded for hours, impacting their ability to work, travel, and see loved ones.

Over the course of the last 6 weeks, Amtrak disruptions have caused delays for NJ Transit riders over 20 times, including serious incidents last week that resulted in cancellations and suspension of service along the Northeast Corridor. Amtrak cites overhead wire and other infrastructure issues as the sources of these delays.

This week, I, along with Representative Mikie Sherrill, led the New Jersey delegation in sending you a letter, here, highlighting our concerns with persistent delays in Amtrak's failure to adequately address these issues.

Madam Chair, I ask for unanimous consent to submit this letter for the record.

Ms. MALOY. Without objection.

[The information follows:]



Letter of June 25, 2024, to Hon. Pete Buttigieg, Secretary, U.S. Department of Transportation, from the New Jersey Congressional Delegation, Submitted for the Record by Hon. Robert Menendez

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
WASHINGTON, DC 20515,
JUNE 25, 2024.

The Honorable PETE BUTTIGIEG,
Secretary,
U.S. Department of Transportation,
1200 New Jersey Avenue, S.E., Washington, DC 20590.

DEAR SECRETARY BUTTIGIEG:

Families across New Jersey count on accessible, efficient public transportation to get to work on time, be home for their children's soccer games, and make their lives more affordable and convenient. As the most densely populated state in the nation, New Jersey in particular has a unique reliance on public transportation and our passenger rail system to move our economy and communities forward. Given the centrality of Amtrak and NJ TRANSIT to these crucial goals and our long-running support in Congress for key investments in our region's railway network, we have been shocked and deeply concerned by the recent breakdown in Amtrak rail operations along the Northeast Corridor and the resulting many hours of delays for tens of thousands of New Jersey commuters.

Over the past week, our offices have been inundated with outreach from our constituents regarding dramatic delays in their Amtrak and NJ TRANSIT commutes that have greatly impacted their ability to work, travel, and see loved ones. On Thursday, June 20, Amtrak service along the entirety of the Northeast Corridor in New Jersey, particularly between Manhattan and Philadelphia, was suspended due to power issues as a result of malfunctioning circuit breakers on Amtrak tracks, alongside a brush fire in Secaucus that led to additional issues. Since some 60 percent of NJ TRANSIT's nearly 700 daily trains must use the Northeast Corridor for some or all of their trips—and 80 percent of NJ TRANSIT passenger rail trips touch the Northeast Corridor—all NJ TRANSIT service into and out of New York Penn Station was also suspended for the afternoon. More than 130 NJ TRANSIT trains were canceled or delayed, and thousands of New Jerseyans were stuck far from home for hours and were unable to have dinner with their families on Thursday night, as a result of these avoidable errors by Amtrak.

Again, on the morning of Friday, June 21, NJ TRANSIT customers were trapped in a commuting nightmare as service was suspended in and out of New York Penn Station due to Amtrak power problems. Many commuters undoubtedly gave up in disgust, either working from home, if they could, or climbing into their cars and fighting highway traffic, adding to our serious regional air pollution.

Unfortunately, these are not isolated incidents. Not counting the chaos last Thursday and Friday, Amtrak disruptions have created serious delays for NJ TRANSIT customers no less than 19 times over the past six weeks. These serious issues are occurring nowhere else on the 11 rail lines that NJ TRANSIT owns and maintains, only on Amtrak's Northeast Corridor.

This is especially frustrating for New Jersey citizens and their elected representatives, as NJ TRANSIT is merely a tenant on Amtrak's Northeast Corridor; NJ TRANSIT neither owns nor maintains the Corridor. Amtrak does, and Amtrak's troubles leave NJ TRANSIT in an impossible position—unable to direct repairs on Amtrak property and unable to provide proper, reliable service to paying customers who depend on them. This is seriously undermining the quality of life for New Jerseyans and their families, and if it continues it will threaten the state's economic health.

Needless to say, this situation is completely unacceptable.

As Amtrak works to address the underlying infrastructure problems that led to these delays, we therefore ask that the Department of Transportation conduct a thorough investigation into what led to the breakdowns along the Northeast Corridor route and what additional capital projects need to be completed to fix any structural deficiencies, and to present its findings to Members of Congress. We also ask that the Department provide information as to how it and Amtrak are planning to adapt to a greater frequency of extreme heat waves throughout the Northeast region, which likely played a role in last week's significant delays, and better communicate and coordinate with operators on Amtrak's lines, including NJ TRANSIT, in real time as issues arise. As these types of weather events are only expected to increase in frequency going forward, it is critical that Amtrak, NJ TRANSIT, and the

Department of Transportation work together to ensure that these transportation breakdowns don't happen again and that we are better prepared in case major circuit breaker malfunctions or other issues occur.

Additionally, we urge Amtrak to immediately prioritize replacement of catenary wires and other critical infrastructure upgrades such as signals and track using the funds allocated through the Bipartisan Infrastructure Law. These federal investments were made to ensure reliable train service and must be utilized promptly to prevent further severe disruptions along the Northeast Corridor.

Thank you for your attention to this critical matter that has greatly impacted families and businesses all throughout New Jersey. We have been proud to support significant new investments in public rail transportation throughout our region, including the Gateway program, but the breakdowns that we've seen last week and over the past month-plus are incredibly disruptive and only serve to deter families in our districts from taking the train in the first place. We look forward to working with you to resolve these issues and ensure that Amtrak and NJ TRANSIT emerge far stronger from this crisis.

Sincerely,

MIKIE SHERRILL,
Member of Congress.
ROBERT J. MENENDEZ,
Member of Congress.
FRANK PALLONE, JR.,
Member of Congress.
JOSH GOTTHEIMER,
Member of Congress.
THOMAS H. KEAN, JR.,
Member of Congress.
ANDY KIM,
Member of Congress.

DONALD NORCROSS,
Member of Congress.
BILL PASCRELL, JR.,
Member of Congress.
CHRISTOPHER H. SMITH,
Member of Congress.
JEFFERSON VAN DREW,
Member of Congress.
BONNIE WATSON COLEMAN,
Member of Congress.

cc: Coalition for the Northeast Corridor

Mr. MENENDEZ. Thank you.

We make several requests in the letter, including asking the Department to conduct a thorough investigation to what led to the breakdowns along the Northeast Corridor route.

I want to just put this in human terms. We both have young families. Imagine leaving for work and assuming that you will be able to get back to your children relying on public transportation. We want to relieve congestion, we want people to use mass transit. Imagine walking out your door and not knowing when you will be able to get back home. So, in your words, please, what is the Department doing to partner with Amtrak to ensure that breakdowns like this never happen again?

Secretary BUTTIGIEG. Well, we know that commuters on NJ Transit have been subject to infuriating delays, as you have described, and FRA personnel are involved on the ground, assessing what took place and trying to get an understanding of the causes of what appears to be physical damage to NJ Transit cars operating—for some of their trip, at least—on Amtrak resources.

I am aware that earlier today, Amtrak and NJ Transit announced a joint action plan. I haven't had a chance to review that. But one thing I will also direct FRA to do is to support in any way that they can that process, whether it is technical assistance, assessment.

And of course, more broadly, we are working to support both NJ Transit and Amtrak with the capital funding they need. Too soon to know exactly which issues have contributed to this, but I think it is safe to expect that, more broadly, reliability depends on good

state of repair. State of good repair is better served by the infrastructure funding that we are getting to them.

Mr. MENENDEZ. Absolutely, and I appreciate your support. I am just asking to treat this like the crisis that it is, because we are hearing from our residents every single day who don't want to go to work, who don't want to travel, who are worried about what childcare looks like because they are not sure—there is no reliability. And it is a crisis for so many residents. I am asking you to treat it as such.

Mr. Secretary, how can we ensure that Amtrak and other rail line owners are making infrastructure improvements and upgrades that result in better service?

Secretary BUTTIGIEG. Well, partly what we can do is directly help. The Infrastructure Investment and Jobs Act gives us unprecedented resources to help the various infrastructure owners. Sometimes it is Amtrak that New Jersey Transit counts on, sometimes it is a Class I freight railer that Amtrak counts on.

I also believe the Surface Transportation Board's work of stepped up enforcement and attention to the legal responsibility that host railroads have to allow passenger rail to take priority is an important part of this, and we welcome the attention that the STB is paying to that. And anything else we can do to support those processes is certainly something of great interest to us because on-time performance and reliability is vital for the reasons you just went through in terms of people's daily lives.

Mr. MENENDEZ. I appreciate that. And on this topic, lastly, can you describe how the Department tracks and monitors Amtrak spending, including how Amtrak allocates its funding to state of good repair versus other initiatives?

Secretary BUTTIGIEG. I know that the Department receives extensive documentation from Amtrak. I wouldn't be in a position, off the cuff, to characterize some of the breakdowns that appear there, but given Amtrak's unique kind of quasi-public structure, it is subject to a lot of requirements around transparency.

And of course, we get the challenge they face in balancing operations and maintenance personnel and their capital needs. Our ability to support them is mostly, of course, on the capital side, but we are also a stakeholder just in the sense that a lot of funding through our Department or from our Department goes to Amtrak to help them meet those needs.

Mr. MENENDEZ. I appreciate it, because this is why I appreciate the Gateway Program and all these long-term projects that are so critically important to the region. It is the day-to-day issues that matter to our residents and I know matter to you. So, I appreciate your partnership. I appreciate you putting the full weight of the Department behind this issue, and we work on this in a collaborative fashion so we can get it done.

With that, I yield back.

Thank you so much, again.

Secretary BUTTIGIEG. Thank you.

Ms. MALOY. The gentleman yields. Mr. Molinaro is recognized for 5 minutes.

Mr. MOLINARO. Thank you, Madam Chair.

Thank you, Mr. Secretary. I want to commend the Department's advancement in aviation for those with physical disabilities, in fact, making some strides. And we appreciate that, of course. Within the FAA reauthorization, we put some emphasis. I would ask for equal consideration for those with intellectual and developmental disabilities. We are simply not making adequate progress in any area of mass transportation when it comes to those that are neurodivergent, which gets me to my first question.

A year ago, we spoke about Amtrak's, what I will say, deplorable adherence to the ADA standards. They were given 20 years to advance access to their intercity rail. They are currently, all these years later—from 1990, the adoption of ADA to today, only 30 percent of the 385 stations have met that ADA compliance. A year ago—and again, I know the plate is full, but a year ago, we talked briefly about what the Department could do to advance and pressure Amtrak to make commitments and meet those benchmarks. Could you at least advise what can and has the Department done to put pressure on Amtrak to meet those expectations?

Secretary BUTTIGIEG. I know this has been a topic of discussion with FRA and Amtrak and also, of course, is in scope for what we have since been able to do a lot on more broadly in our transit and transportation systems, which is the ASAP funding that is helping us to retrofit old stations. But the need is enormous.

So, there are really two ways to come at this. One is support for capital improvements that are needed to get this done, but the other also is the enforcement side of the house. And so, we do have a title VI capabilities any time there is a more specific—

Mr. MOLINARO [interrupting]. Has the—

Secretary BUTTIGIEG [continuing]. Civil rights-related—

Mr. MOLINARO [continuing interruption]. How often does the Department take action using the enforcement mechanism as it relates to ADA compliance at Amtrak?

Secretary BUTTIGIEG. I would have to go back and pull that data.

Mr. MOLINARO. It would be helpful, because I suspect—and this is not just your administration, but prior administrations have allowed far too much leeway. And quite frankly, this population is just being unmet. And it truly is a disgrace and a violation of their own civil rights, if not simply an acknowledgment that there is lack of access.

Similarly, I have a concern as it relates to New York State's abandonment of congestion pricing. I know one of my colleagues may have mentioned it earlier. I will be candid with you. I think in New York State, congestion pricing actually causes a greater pain for those who can afford it least, in particular those who are forced to commute into the city of New York for employment. Did the Governor of the State of New York provide prior notice to the Department of Transportation that, in fact, the State would abandon congestion pricing?

Secretary BUTTIGIEG. I did get a call from the Governor that she was planning to take that step.

Mr. MOLINARO. Was that 24, 36, 48 hours before the announcement?

Secretary BUTTIGIEG. I don't recall what day it was, but it was that same week.

Mr. MOLINARO. It was almost immediately prior to that announcement.

Subsequent to her announcement, the DOT offered some additional approval of congestion pricing, knowing that, in fact, the State had abandoned it. Is it your understanding that the State's abandonment is temporary or permanent?

Secretary BUTTIGIEG. We don't know. That is up to the State. But what we know is we have certain responsibilities to process information and approvals and permits unless we are formally notified to do otherwise. So, the environmental assessment process continued, but the next step would be for the State to sign on the VPPP agreement. That has not taken place yet.

Mr. MOLINARO. So, is it some expectation that the—so, the State can now simply temporarily withhold signature indefinitely?

Secretary BUTTIGIEG. Effectively, yes, the State would either—

Mr. MOLINARO [interrupting]. "Yes," it can be indefinite?

Secretary BUTTIGIEG [continuing]. Proceed or would not proceed.

Mr. MOLINARO. But it—so, it is your—but it is fair for the State simply to, having gone through this process, to now just abandon it entirely? They can do that?

Secretary BUTTIGIEG. In terms of compliance with the environmental assessment, they have met their marks, and we have met ours.

Mr. MOLINARO. How many Federal dollars do you think have been committed to assisting either in the environmental review stage or planning stage, or even capital to the implementation of congestion pricing in the city of New York?

Secretary BUTTIGIEG. I can tell you it was a complex and thorough-going process. I am not sure I would be able to compute how many person-hours went into it.

Mr. MOLINARO. I think it is important for the American taxpayers, the New York taxpayers, to know how much has already been committed and how much is going to be set aside because of the State's abandonment.

It is clear to most of us in New York—and again, I have my reservations about it to begin with—that the Governor of New York made a political decision. That political decision has now left the taxpayers of the State of New York with a fairly significant budget hole. And as it relates to the first line of questioning, it also leaves those who don't have access to mass transportation and mass transit in and around the city of New York still sitting on the sidelines. And I do think that the Department ought to take some punitive action to recapture those dollars and at least hold States like New York accountable for wasting them.

I am out of time. But Mr. Secretary, I would appreciate some update on enforcement, at least as it relates to ADA compliance at Amtrak.

Secretary BUTTIGIEG. I will try to get that to you.

Mr. MOLINARO. I appreciate your time. Thank you.

Ms. MALOY. The gentleman yields. Mrs. Peltola is recognized for 5 minutes.

Mrs. PELTOLA. Thank you, Madam Chair.

Good afternoon, Secretary Buttigieg. It is good to see you again. Before I start my questions I really want to thank you sincerely for

coming to Alaska in August. It was great to have you in our State, seeing our complex challenges and amazing opportunities.

Alaska is enormous. If we were our own country, we would be the 18th largest country in the world. We are a very big State, and a lot of logistics and transportation issues are on the top of our mind. We are all really aware of when the next barge is coming in, when the next jet is coming in. So, I really want to thank you for all the work that you do.

One of my top priorities, one of the top priorities for the Alaska delegation, is the FAA Reauthorization Act, and we worked really hard to get exemptions to the deadline for the low-lead avgas for Alaska. There are a number of issues. We wanted to get an extension for Alaska into the FAA reauthorization. We have serious concerns about the pace of this proposed transition to potentially an inadequately proven alternative, its potential impacts on aviation safety in Alaska, as well as the logistical challenges for distributing a replacement fuel across Alaska and its many remote communities in terms of bulk fuel storage.

Since you are here today, I just wanted to underscore my concern and ask you if you would be willing to commit to working with my office and my constituents on this important issue. Eighty-two percent of Alaska is only accessible by air, and about 75 percent of those communities don't have a runway long enough for a jet or larger aircraft. So, that avgas is really important for Alaska's aviation community, and I just wanted to acknowledge that now.

Secretary BUTTIGIEG. Thank you. You mentioned my recent visit to Alaska. And certainly, one of the things that you come away with is just being astonished by the scale of the State and the proportion of communities that don't have road access where aviation is, literally, the only way to have access there. And so, we are very conscious that these general aviation aircraft are something that Alaska residents rely on for their basic daily needs. And you have my commitment that FAA's work on this transition will take that into account, and I will certainly welcome opportunities to work with you on how best to live up to that commitment.

Mrs. PELTOLA. OK, excellent.

My second question is during the pandemic, there was a real national awareness about the importance of onshoring critical minerals. And this was discussed a little bit ago, particularly where rare earth minerals, which play a critical role in our modern economy and national security—responsibly developing rare earth minerals here at home in the United States and especially in Alaska is a priority of mine.

However, along with what is an often extremely burdensome regulatory process, which was also mentioned a little bit ago, transportation is one of the key challenges companies often encounter in getting resources from point A to point B, and I was hoping you would be able to talk a little bit about opportunities you see for rail to help advance the United States efforts to onshore or produce these rare earth minerals domestically.

Secretary BUTTIGIEG. Thank you. Yes, certainly, part of the rationale for good rail investment is the relevance of those supply chains that are shifting. And if we want to make sure that more of the materials that we have increased demand for here in the

U.S. are sourced domestically, especially given these strategic and human rights concerns associated with some of the other countries vying to produce them, then we have got to make sure we have the infrastructure to support that process. And that is certainly part of what could qualify something, for example, to be convincing in an application for discretionary funding to improve rail assets.

Mrs. PELTOLA. OK. Another topic, hot topic, has been electric cars. And there are communities in Alaska where it makes sense to have electric cars. I think Juneau is a really good example of high usage of electric cars. However, when the majority of our communities are creating electricity with diesel that we ship in by barge, it doesn't make sense to be pushing electric cars. And it is also in communities where it is very cold and it is hard to keep a battery alive. So, my other request is that you keep outlier States like Alaska in mind when these blanket rules or proposed rules are issued.

And lastly, I really want to thank you for your responsiveness. You helped Alaska a great deal with the Port of Alaska, the Port of Anchorage issue. Your MARAD folks were really accommodating, and I just appreciate the level of response that we get from you and your Department.

Secretary BUTIGIEG. Well, thanks. And likewise, we appreciated the opportunity to work with you and your team on that.

Mrs. PELTOLA. Thank you, Madam Chair.

Ms. MALOY. The gentlewoman yields. Mr. Van Drew is recognized for 5 minutes.

Dr. VAN DREW. Thanks for being here, Secretary. The Biden administration is aggressively pushing to industrialize the east coast, as you know, with offshore wind. As Secretary, you have facilitated over \$200 million in Maritime Administration grants for wind ports. And honestly, few people support offshore wind as strongly as you do.

I want to be clear: I support clean energy. I support solar energy. I support nuclear energy. They are safe, they are economically viable. And offshore wind, in my opinion, is neither. Offshore wind negatively impacts transportation safety under this committee's jurisdiction—and that is why I ask you about it, I am not asking you an energy question—including maritime navigation and aviation.

Offshore wind interferes with radar systems. This includes maritime navigation radar and air traffic radar. And this is not me just saying this. A recent study found that Mid-Atlantic wind farms interfere with 36 different land-based radar systems. This interference diminishes safety at sea and in the air. The Bureau of Ocean Energy Management, which you are very familiar with, determined that offshore wind increases—again, it is not me saying this, it is them—the risk of maritime collisions, the risk of injury, and even the risk of death at sea.

Your own FAA is now reviewing the impact of offshore wind projects on major airports, including New York's JFK Airport and, in my district, the Atlantic City Airport. In both cases, offshore wind interferes with airport flightpaths. Somehow, these projects have already been approved by the Federal Government, despite the aviation safety conflicts that exist. I have a simple question, and I appreciate a yes or a no.

Can you commit to me that the DOT and the FAA, through the Federal environmental review process, will block offshore wind turbines from being built in areas if found that they will threaten air traffic safety in those areas? Would that be—

Secretary BUTTIGIEG [interrupting]. Well, the FAA will never permit an unsafe condition.

Dr. VAN DREW. So, you would help to make sure that that was blocked?

Secretary BUTTIGIEG. If there was no alternative, and it was going to be unsafe, then the FAA wouldn't be able to support it.

Dr. VAN DREW. I just wanted you on the record on that. In my opinion, these conflicts prove that safety evaluation is incomplete to this day, and that—and again, not just me saying—and that offshore wind is moving ahead, in my sense, prematurely.

The GAO office, the Government Accountability Office, is currently conducting a comprehensive study of the impacts of offshore wind. We requested that. It includes a major focus on safety impacts. It looks at the environment, the economy, national security, utility costs, noise, natural disaster resilience, not all of which falls under your bailiwick, but some of it does. We must understand the breadth of the impacts of offshore wind. It is a permanent industrialization of our ocean.

Should we wait—all I am asking here is for the GAO study to be completed. That is not a Republican study. It is not my study. It is the Government Accountability Office, totally nonpartisan. Shouldn't we wait until their safety analysis is done before we go ahead and build offshore wind, yes or no?

Secretary BUTTIGIEG. I can only weigh in on the transportation side of the house, but we will not proceed with anything we think harms safety. And if GAO or anybody else produced data or analysis that would affect a safety decision about transportation, we would want to know it.

Dr. VAN DREW. So, we are building those projects now. Shouldn't we wait until they come back and say whether they are safe or unsafe? A purely objective, nonpolitical, nonpartisan viewpoint.

Secretary BUTTIGIEG. As a general rule, we don't terminate economic development because research is underway. But when research is completed, we include that in our future work.

Dr. VAN DREW. Well, the shame of that is—and was alluded to before—if we go ahead and are in the middle of doing these projects and find that there are safety issues where they are being placed, now we have spent huge amounts—and I mean huge amounts—of taxpayer dollars, and we find out that we shouldn't move forward. Either way, we are going to move forward, and it will be unsafe or we wouldn't move forward and spent a ton of money that we shouldn't have spent.

And by the way, with offshore wind, everybody pays more. The Government, huge, multibillion-dollar subsidies. Taxpayers pay more for that reason. Families pay more because the utility rates are going to increase radically. See, the difference with solar panels is when you use solar panels, it decreases the cost to the family for their energy source. When you do wind, their costs and residential utility rates are going to go way up. These developers and—also are foreign countries. Now, all of that doesn't fall under you. I real-

ize that. But the safety issues do. They are enormously expensive, and the subsidies are great.

Do you support—OK, I have a last question—do you support the offshore wind financing strategy of increasing utility rates?

Secretary BUTTIGIEG. We support options for the American people when it comes to energy. Again, from a transportation perspective, that is mostly making sure there is adequate port facilities.

Dr. VAN DREW. I have more questions. I would like to ask unanimous consent to put them in the record.

Ms. MALOY. Where—

Dr. VAN DREW [interrupting]. No, I just want them in the record.

Ms. MALOY. Without objection, without objection.

Dr. VAN DREW. Thank you.

Ms. MALOY. The gentleman yields. Mr. Van Orden is recognized for 5 minutes, but we have got 8 minutes to vote, so, keep it brisk.

Mr. VAN ORDEN. Thank you, Madam Chair.

Please pull up that image, get it on the screen.

[Slide]

Mr. VAN ORDEN. Here it is. We have done this before, Mr. Secretary.

Are you aware that 70 percent of the world's cobalt is produced in the Democratic Republic of the Congo?

Secretary BUTTIGIEG. Yes.

Mr. VAN ORDEN. Are you aware that 4.3 percent of every electric car battery is comprised of cobalt?

Secretary BUTTIGIEG. What I can tell you is that today's EV batteries use 80 percent less cobalt and, in fact, most of the—

Mr. VAN ORDEN [interrupting]. Mr. Secretary, please—

Secretary BUTTIGIEG [continuing]. Cobalt now comes as a byproduct of—

Mr. VAN ORDEN [continuing interruption]. Mr. Secretary—

Secretary BUTTIGIEG [continuing]. Nickel and copper mining.

Mr. VAN ORDEN. Mr. Secretary—

Secretary BUTTIGIEG [interrupting]. I am also concerned about the cynical—

Mr. VAN ORDEN [continuing]. I have never—

Secretary BUTTIGIEG [continuing interruption]. Exploitation of images of child labor, when the reality is that anybody concerned about that could be teaming up with us to make sure that there is compliance on forced and child labor—

Mr. VAN ORDEN [continuing]. Mr. Secretary—

Secretary BUTTIGIEG [continuing interruption]. For any of the products that might entail them.

Mr. VAN ORDEN. I am going to remind you of something that apparently you have forgotten. I am a member of a co-equal branch of Government, and will be respected, and you will not interrupt me in my house.

Secretary BUTTIGIEG. Then I would ask you not to interrupt me either, Congressman.

Mr. VAN ORDEN. Very well. Are you aware that 4.3 percent of all electric batteries are comprised of cobalt?

Secretary BUTTIGIEG. Again, I don't know the recency of that data, but I can tell you the cobalt composition is going down.

Mr. VAN ORDEN. It is accurate. Are you aware that 15 to 30 percent of all of the cobalt mines in the Democratic Republic of the Congo are artesian mines?

Secretary BUTTIGIEG. I believe you.

Mr. VAN ORDEN. That is correct. Are you aware that approximately 40 to 255,000 cobalt miners in the Democratic Republic of the Congo are children working in slave conditions?

Secretary BUTTIGIEG. I am certainly aware of horrific conditions around the world in the extraction and mining industries of many minerals, including cobalt.

Mr. VAN ORDEN. The last time you were here, I asked you a very specific question: How many of these children do you estimate will have to die to make the goal of electrifying 50 percent of the fleet by 2030 electric? This was your response: "We have better data on how many children will die if we allow climate change to increase unimpeded." That tells me that you actually do have data on how many children will die from mining cobalt if you are able to tell me that you have more data on how many children will be dying from climate change.

So, I would like an answer to my question: How many children are going to have to die in those conditions to meet the artificial goal of 2030 of electrifying half of the fleet?

Secretary BUTTIGIEG. None, if you will work with us to make sure that anything imported is conforming to our requirements around forced and child labor.

Mr. VAN ORDEN. Until that is able to take place, how many children are going to have to continue to work in slave conditions in the Democratic Republic of the Congo to make sure that we can meet the artificial goal of 50 percent of the fleet being electrified by 2030?

Secretary BUTTIGIEG. None is the only acceptable answer.

Mr. VAN ORDEN. That is excellent. And guess what, sir?

[Slide]

Mr. VAN ORDEN. This is H.R. 8495, put in by my friend, Mr. Duarte from California. It is an EV fair trade bill. I am going to ask you publicly now, and I will send this to your office. If you will support this bill—you and me are six and seven. I know you got little kids. I have nine grandkids. I am going to have 11 by the end of the summer. I don't ever want your children to be exposed to any of this. I don't want my grandchildren to be exposed to any of this. And I don't think you do, either, Mr. Secretary.

Secretary BUTTIGIEG. If this legislation represents a serious effort to ensure compliance with forced and child labor requirements and make sure that none of that finds its way into products used in America, then I would be very interested to work on that.

Mr. VAN ORDEN. I will send it to you because it is laser-focused on that very specific issue. So, what I heard from this from you, Mr. Secretary, is that you do understand that there are children working in these horrific conditions, and we acknowledge this, and we acknowledge the fact that what is driving that—those conditions with these African children—and some of their folks are right across the way—what is driving these children, these African children, to work in slave conditions is our want and consumption of cobalt. That is factual.

Secretary BUTTIGIEG. Which is why we are trying to cut the use of cobalt, right? Because really, we have—in my view, we have four options: stop using batteries, have batteries that don't use cobalt, source cobalt from somewhere that doesn't have the conditions of the DRC, or have better conditions in the DRC. And I think it is a combination of the last three that is more realistic than stopping using batteries.

Mr. VAN ORDEN. I understand that. So, we do know and we are acknowledging publicly that this is taking place, and that we can work collectively to stop this because this is terrible. And no one who has a soul can look at those pictures and say that having an artificial date of 2030 established for 50 percent of our fleet to be electrified is worth a single child working in slavery.

Secretary BUTTIGIEG. No one here, to the best of my knowledge, accepts those kinds of conditions in any product. And I hope you are equally serious about the other 158 products that have been identified as being vulnerable to child or forced labor abroad.

Mr. VAN ORDEN. Mr. Secretary, I am deadly serious about that, and I am amazed that you and I found common accord, and I appreciate it.

Secretary BUTTIGIEG. Wonders never cease, Congressman.

Mr. VAN ORDEN. With that, I yield back.

Secretary BUTTIGIEG. Thank you.

Ms. MALOY. The gentleman yields. I recognize myself for one really quick minute.

Mr. Secretary, this morning, in response to my colleague, Mr. Crawford, you said "Anything we do we think is a good allocation of taxpayer resources, otherwise we wouldn't do it." I am not sure I agree with that. But as a member of the legislative branch with the responsibility to control the purse strings, I want to help you make that more true. So, I want to just really quickly ask for your cooperation.

My colleague, Ms. Chavez-DeRemer, talked about the FREE Act, and permit by rule, and how we could make these projects move faster. The first thing it does is ask the administration to identify places where permit by rule would be appropriate. Will you work with us on identifying some of those so that we can shorten up this time period and make it more cost effective for taxpayers?

Secretary BUTTIGIEG. I would be happy to.

Ms. MALOY. OK. Well, in that case, I yield back. Are there any further questions from any members of the committee who have not been recognized?

Seeing none, that concludes our hearing for today. I would like to thank the witness for his testimony.

The committee stands adjourned.

[Whereupon, at 3:46 p.m., the committee was adjourned.]

SUBMISSIONS FOR THE RECORD

Statement of the Zero Emission Transportation Association (ZETA), Submitted for the Record by Hon. Rick Larsen

Dear Chairman Graves and Ranking Member Larsen:

The Zero Emission Transportation Association (ZETA) is an industry-backed coalition of member companies spanning the entire electric vehicle (EV) supply chain, including vehicle manufacturers, charging infrastructure manufacturers and network operators, battery manufacturers and recyclers, electricity providers, and critical minerals producers, among others.

ZETA would like to thank the Committee on Transportation and Infrastructure for the opportunity to submit a statement for the record for the hearing on the Department of Transportation's FY 2025 budget request on June 27, 2024. In response, ZETA offers our perspective on some of the topics raised during the hearing.

CURRENT AND FUTURE DEMAND TRENDS

EV sales are at record highs, and are projected to grow even more in the coming years.¹ The average price of a long-range EV recently fell below that of the average new vehicle in the United States, before any purchase incentives are included.² EV technology and manufacturing capabilities are maturing rapidly and will drive down costs even further for consumers in the coming years.

To incentivize greater domestic investment in this developing sector, the passage of the Inflation Reduction Act expanded certain tax credit eligibility for EV manufacturers, among other recipients. The public-private partnerships supported by these federal investments have generated huge economic impacts, including \$177 billion of private investment in the EV supply chain,³ approximately 200,000 estimated direct and 800,000 indirect jobs,⁴ and 408 new or expanded facilities.⁵ The continued growth of this industry will provide ongoing economic benefits to the United States and expanded employment opportunities over time.

RECENT ENVIRONMENTAL PROTECTION AGENCY (EPA) REGULATIONS

Operating under its longstanding authority under §202 of the *Clean Air Act*, EPA recently finalized new emissions standards for light, medium, and heavy-duty vehicles.^{6, 7} The standards will take effect beginning with Model Year 2027 new vehicles and will preserve consumer choice while significantly reducing tailpipe emissions.

The final rules are not mandates to sell EVs but represent a technology-neutral effort to reduce tailpipe emissions on a fleetwide basis. Automakers can achieve emissions reductions through a combination of various technologies, including more efficient and lower-emission internal combustion engine (ICE) cars. Nothing in these regulations forces the purchase of any given technology or vehicle type.

¹“The Slowdown in US Electric Vehicle Sales Looks More Like a Blip,” Bloomberg, May 28, 2024, <https://www.bloomberg.com/news/articles/2024-05-28/the-slowdown-in-us-electric-vehicle-sales-looks-more-like-a-blip>

²“Long-Range EVs Now Cost Less Than the Average New Car in the US”, Bloomberg, June 7, 2024, <https://www.bloomberg.com/news/articles/2024-06-07/long-range-evs-now-cost-less-than-the-average-us-new-car>

³“EV Jobs Hub,” BlueGreen Alliance Foundation, (2024) <https://evjobs.bgafoundation.org/>

⁴Opening Statement for the Senate Energy and Natural Resources Committee “Hearing to Examine Federal Electric Vehicle Incentives Including the Government’s Role in Fostering Reliable and Resilient Electric Vehicle Supply Chains,” U.S. Deputy Secretary of Treasury Adeyemo, (January 11, 2024) <https://www.energy.senate.gov/services/files/AA567D87-DA99-4E39-A97F-C02CA2BE6E93>

⁵“EV Jobs Hub,” BlueGreen Alliance Foundation, (2024) <https://evjobs.bgafoundation.org/>

⁶89 Fed. Reg. 27842 (April 18, 2024)

⁷89 Fed. Reg. 29440 (April 22, 2024)

The rules include compliance flexibilities for automakers while providing regulatory certainty for the entire EV supply chain. These rules also support the supply chain's ability to smoothly scale and remain globally competitive. After thorough engagement with industry and other stakeholders, the publication of the final rules was met with overwhelming support across the automotive industry, including the Alliance for Automotive Innovation, GM, Ford, and Stellantis, who recognized that the rules respect consumer choice.

RESPONSIBLY-SOURCED SUPPLY CHAINS

ZETA shares the Committee's deep concerns about the use of unethical labor practices in the mining of certain battery materials, including cobalt, in foreign nations such as the Democratic Republic of the Congo (DRC). The problem of so-called "conflict minerals" and their use across advanced technological sectors is a complex one, and the EV industry is working rapidly to do its part, building up fully sustainable and responsibly sourced supply chains as quickly as possible. Automakers are intently focused on scaling up production in the U.S. and allied nations, as well as innovating on battery technology to minimize percentages of conflict minerals.

While the presence of forced labor in U.S. supply chains is guarded against by existing statutes—such as the Section 307 of the Tariff Act of 1930 (19 U.S.C. § 1307), the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–317), and the Uyghur Forced Labor Prevention Act (Public Law No. 117–78)—there is more work to be done. In order to further reduce the risk of unethical labor practices abroad as much as possible, ZETA urges Congress to consider ways to support domestic mining of battery minerals, which would not only decrease reliance on opaque supply chains, but also create mining jobs at home.

EVs AND THE HIGHWAY TRUST FUND (HTF)

It is critical to note that HTF shortfalls are due in large part to longstanding policy decisions that predate the recent wide-scale deployment of EVs, including a lack of updates to the gas tax, even index for inflation, since 1992. Discussions around sustainable support for the HTF must be part of a nuanced approach to the long-term solvency of the HTF. We urge the Committee to consider any future changes to the funding structure of the HTF in a holistic, thoughtful, and fair manner.

FIRE SAFETY

Safety is paramount as more lithium-ion batteries enter the marketplace. While concerns have been raised regarding the perceived risk of ignition and explosion, EV fires are rare—in fact, observational data examined by the National Transportation Safety Board found that EVs are less likely to catch fire than ICE vehicles.⁸ As a result, the National Highway Traffic Safety Administration (NHTSA) has stated that it "does not believe that electric vehicles present a greater risk of post-crash fire than gasoline-powered vehicles."

All EVs must meet the same Federal Motor Vehicle Safety Standards (FMVSS) used by gas-powered vehicles. In addition, the EV industry has adopted extensive safety and testing standards to better test and scrutinize battery products, ensuring that they are adequately designed to shut down when a collision or short circuit is detected. As part of its ongoing work to protect the safety of drivers, NHTSA recently sought feedback on its proposal to update FMVSS battery testing standards.⁹

⁸ "Safety Risks to Emergency Responders from Lithium-Ion Battery Fires in Electric Vehicles," National Transportation Safety Board, November 13, 2020. <https://www.nts.gov/safety/safety-studies/Documents/SR2001.pdf>

⁹ 89 Fed. Reg. 26704 (April 15, 2024)

Letter of June 26, 2024, to Hon. Sam Graves, Chairman, and Hon. Rick Larsen, Ranking Member, House Committee on Transportation and Infrastructure, from Catherine Chase, President, Advocates for Highway and Auto Safety et al., Submitted for the Record by Hon. Eleanor Holmes Norton

JUNE 26, 2024.

The Honorable SAM GRAVES,
Chair,
Committee on Transportation and Infrastructure, U.S. House of Representatives,
Washington, DC 20515.

The Honorable RICK LARSEN,
Ranking Member,
Committee on Transportation and Infrastructure, U.S. House of Representatives,
Washington, DC 20515.

DEAR CHAIR GRAVES AND RANKING MEMBER LARSEN:

We respectfully request that this letter be considered during tomorrow's Committee hearing, *Oversight of the Department of Transportation's Policies and Programs and Fiscal Year 2025 Budget Request*. Eliminating the preventable physical, emotional, and economic toll of motor vehicle crashes is a commitment shared by our organizations. To accomplish this safety priority, adequate resources for the U.S. Department of Transportation (DOT) and its agencies, including funds and staff for the National Highway Traffic Safety Administration (NHTSA, "Agency"), are vital.

According to NHTSA, traffic fatalities and injuries remain at historically high levels. In 2022, an average of 116 people were killed every day on roads in the U.S., totaling just over 42,500 fatalities.ⁱ An additional 2.38 million people were injured.ⁱⁱ This is a 29 percent increase in deaths in just a decade.ⁱⁱⁱ Early projections for 2023 traffic fatalities remain at a similar level; nearly 41,000 people are estimated to have died that year.^{iv} Approximately 7,522 pedestrians and 1,105 bicyclists were killed in 2022, representing a one percent and 13 percent increase respectively, from 2021.^v In 2022, 6,218 motorcyclists were killed, accounting for 15 percent of all traffic fatalities.^{vi} This is the highest number of motorcyclists killed since at least 1975.^{vii} Additionally, in 2022, nearly 6,000 people were killed in crashes involving a large truck.^{viii} Since 2009, the number of fatalities in large truck involved crashes has increased by 76 percent.^{ix} More than 160,600 people were injured in crashes involving a large truck in 2022, a nearly four percent increase over 2021.^x

Several leading behavioral issues continue to be leading factors in traffic fatalities including alcohol-impairment, speeding and lack of restraint use.^{xi} Driver distraction is also known to be a principal cause of motor vehicle crashes.^{xii} In 2022, alcohol-involved crashes claimed the lives of 13,524 people, speeding-related traffic crashes killed 12,151 people, and 11,302 people killed in crashes did not buckle up,

ⁱ Overview of Motor Vehicle Traffic Crashes in 2022, NHTSA, Apr. 2024, DOT HS 813 560. (Overview 2022).

ⁱⁱ Overview 2022.

ⁱⁱⁱ Traffic Safety Facts 2021: A Compilation of Motor Vehicle Crash Data, NHTSA, Dec. 2023, DOT HS 813 527, (Annual Report 2021); and Overview 2022; [comparing 2013 to 2022].

^{iv} Traffic Safety Facts: Crash Stats, Early Estimate of Motor Vehicle Traffic Fatalities in 2023, NHTSA, Apr. 2024, DOT HS 813 561.

^v Overview 2022.

^{vi} NHTSA, Motorcycle Safety, Overview, available at: <https://www.nhtsa.gov/road-safety/motorcycles#:~:text=Overview,killed%20since%20at%20least%201975>.

^{vii} *Id.*

^{viii} Traffic Safety Facts: Research Note Overview of Motor Vehicle Traffic Crashes in 2022, NHTSA, April 2024, DOT HS 813 560.

^{ix} *Id.* and Traffic Safety Facts 2021: A Compilation of Motor Vehicle Crash Data, NHTSA, Dec. 2023, DOT HS 813 527. Note, the 76 percent figure represents the overall change in the number of fatalities in large truck involved crashes from 2009 to 2022. However, between 2015 and 2016 there was a change in data collection at U.S. DOT that could affect this calculation. From 2009 to 2015 the number of fatalities in truck involved crashes increased by 21 percent and between 2016 to 2022, it increased by 27 percent.

^x Traffic Safety Facts: Research Note Overview of Motor Vehicle Traffic Crashes in 2022, NHTSA, April 2024, DOT HS 813 560.

^{xi} National Center for Statistics and Analysis. (2024, April). Overview of motor vehicle traffic crashes in 2022 (Traffic Safety Facts Research Note. Report No. DOT HS 813 560). National Highway Traffic Safety Administration.

^{xii} Blincoe, L., Miller, T., Wang, J.-S., Swedler, D., Coughlin, T., Lawrence, B., Guo, F., Klauer, S., & Dingus, T. (2023, February). The economic and societal impact of motor vehicle crashes, 2019 (Revised) (Report No. DOT HS 813 403).

when restraint use was known.^{xiii} Additionally, in 2021, the most recent year for which data is available according to the Non-Traffic Surveillance (NTS) system, an estimated 3,990 people were killed in non-traffic motor vehicle crashes, an increase of 26 percent from 2020.^{xiv} And, since 1990, at least 1,086 children have died in hot cars.^{xv} This dangerous road epidemic is predicated on dangerous roadway design (See 2024 Dangerous by Design report [<https://smartgrowthamerica.org/dangerous-by-design/>]). These issues are persistent, and the solutions are known and available, yet remain underused, underfunded or are not required as standard equipment in vehicles.

Roadway crashes also impose a tremendous cost burden on society. In 2019, crashes, injuries, and fatalities imposed a financial burden of nearly \$1.4 trillion in total costs to society—\$340 billion of which are direct economic costs, equivalent to a “crash tax” of \$1,035 on every person living in the U.S.^{xvi} Distracted driving crashes accounted for \$98 billion of the economic costs.^{xvii} In 2018, crashes alone cost employers \$72.2 billion.^{xviii} When adjusted solely for inflation, the amount is nearly \$90 billion in 2024. Sufficient funding and resources for NHTSA can be the catalyst for implementing effective safety countermeasures to prevent crashes, save lives, reduce injuries, and contain costs.

While traffic fatalities continue to be a public health crisis, the funding for NHTSA’s lifesaving mission has fallen woefully short for more than four decades as costs and statutory responsibilities have increased. While 95 percent of transportation-related fatalities involve motor vehicles, NHTSA historically receives only one percent of the overall U.S. DOT budget.^{xix} Despite persistently high crash deaths and injuries, increasingly complex vehicle technology and related issues, consistently high numbers of vehicle safety recalls, overdue motor vehicle and motor carrier safety rules mandated by Congress, and more requirements, the NHTSA’s actual spending for vehicle safety programs has dramatically declined based on inflation, as illustrated by the chart below.

^{xiii} National Center for Statistics and Analysis. (2024, April). Overview of motor vehicle traffic crashes in 2022 (Traffic Safety Facts Research Note. Report No. DOT HS 813 560). National Highway Traffic Safety Administration.

^{xiv} National Center for Statistics and Analysis. (2024, April). NonTraffic Surveillance: Fatality and injury statistics in non-traffic crashes in 2021 (Report No. DOT HS 813 539). National Highway Traffic Safety Administration.

^{xv} Child Hot Car Dangers Fact Sheet, Kids and Car Safety, available here: https://www.kidsandcars.org/document_center/download/hot-cars/Heatstroke-fact-sheet.pdf

^{xvi} The Economic and Societal Impact of Motor Vehicle Crashes, 2019, NHTSA, Dec. 2022, DOT HS 813 403.

^{xvii} Blincoe, L., Miller, T., Wang, J.-S., Swedler, D., Coughlin, T., Lawrence, B., Guo, F., Klauer, S., & Dingus, T. (2023, February). The economic and societal impact of motor vehicle crashes, 2019 (Revised) (Report No. DOT HS 813 403).

^{xviii} Cost of Motor Vehicle Crashes to Employers 2019, Network of Employers for Traffic Safety, March 2021.

^{xix} U.S. Department of Transportation, Bureau of Transportation Statistics, Transportation Statistics Annual Report 2023 (Washington, DC: 2023). <https://doi.org/10.21949/1529944>

FOR OVER 40 YEARS NHTSA’S VEHICLE SAFETY BUDGET SHRINKS WHILE PROGRAM NEEDS ESCALATE: COMPARISON OF NHTSA’S SAFETY BUDGET 1977 VS. 2024^{xx, xxi}

Account	Appropriations (millions)			Change in Spending Power	Percent Change
	1977	1977 (\$2024)	2024		
Vehicle Safety	\$72	\$380	\$110	-\$270	-71%
State & Community Grants	\$89	\$469	\$795	\$326	70%

The above table clearly demonstrates the disparity in funding for vehicle safety which should be increased at a rate commensurate with State and Community Grant funding.

Count (millions)	1977	2021	Change in Count	Percent Change
Licensed Drivers	138	233	+95	69%
Vehicle Registrations	135	303	+168	124%

We were pleased that the recently enacted Consolidated Appropriations Act, 2024 (Pub. L. 118–42) fully funded the safety improvements in the bipartisan Infrastructure Investment and Jobs Act (IIJA, Pub. L. 117–58) including for roadway infrastructure improvements consistent with the Safe System Approach (SSA) which are shown to prevent or mitigate crashes and interactions between road users. Further, we are encouraged by the Administration’s FY 2025 budget proposal for the U.S. DOT which provides an \$82.6 million increase in funding for NHTSA.^{xxii} This boost will help the agency address the shortfall in spending power detailed in the chart above and serve as a good “down payment” on the Agency’s work related to vehicle safety rulemaking, enforcement, research and analysis which has a high payoff.

As we elapse the halfway point between the enactment of the IIJA and the end of its five-year span, a majority of the directives to NHTSA to establish performance standards for critical vehicle safety technology are overdue or unfulfilled. Moreover, the Agency is responsible for a range of initiatives aimed at reducing risky driving decisions such as speeding, and distracted, drunk, drugged, and drowsy driving, improving occupant protection, and bolstering the safety of vulnerable road users, among others. The Section 402 Highway Safety Program and Section 405 National Priority Safety Program, in combination with state adoption of essential traffic safety laws, can assist these ongoing efforts. Additionally, the Agency’s Operations and Research (O&R) budget is crucial to important activities related to data collection, consumer information, and identification of vehicle safety defects. All these safety objectives can and should be realized by an adequately funded budget.

Our nation is at a transformative time in transportation with the rapid development and deployment of lifesaving vehicle safety technologies. The issuance of standards, as mandated by Congress in the IIJA, for proven vehicle safety technology, including advanced driver assistance systems (ADAS) and advanced impaired driving prevention technology, will be game-changing. History has proven this approach to be valuable. It is estimated that Federal Motor Vehicle Safety

^{xx} FY2025 Budget Highlights, Secretary of Transportation Pete Buttigieg, U.S. Department of Transportation. Available here: https://www.transportation.gov/sites/dot.gov/files/2024-03/DOT_Budget_Highlights_FY_2025_508.pdf; and Public Law 94–387, August 14, 1976, Available here: <https://www.govinfo.gov/content/pkg/STATUTE-90/pdf/STATUTE-90-Pg1171.pdf#page=8>

^{xxi} National Center for Statistics and Analysis. (2023, December). Traffic safety facts 2021: A compilation of motor vehicle traffic crash data (Report No. DOT HS 813 527). National Highway Traffic Safety Administration.

^{xxii} FY2025 Budget Highlights, Secretary of Transportation Pete Buttigieg, U.S. Department of Transportation. Available here: https://www.transportation.gov/sites/dot.gov/files/2024-03/DOT_Budget_Highlights_FY_2025_508.pdf

Standards administered by NHTSA are responsible for saving at least 600,000 lives between 1960 and 2012.^{xxiii} It is also incumbent upon NHTSA to exert leadership and strong oversight as vehicles are equipped with automated driving features, including the issuance of safety standards for the technologies and systems that are responsible for the driving task as well as cybersecurity, and to ensure data transparency. The Agency's ability to effectively protect the public and minimize potential safety risks necessitates additional funding and resources, including for hiring staff with essential skills and expertise.

This Committee plays a critical role in our efforts to curb highway deaths and injuries, and their enduringly high numbers demand decisive action. Adequate funding and staff resources for the U.S. DOT and its safety agencies are necessary to ensure timely implementation of the safety requirements of the IIJA and address the urgent need to advance additional proven and cost-effective solutions to prevent crashes and save lives.

Sincerely,

CATHERINE CHASE,
President, Advocates for Highway and Auto Safety.

JILL INGRASSIA,
Executive Director, AAA Advocacy & Communications.

GEORGES C. BENJAMIN, MD,
Executive Director, American Public Health Association.

MICHAEL BROOKS,
Executive Director, Center for Auto Safety.

JACK GILLIS,
Consumer Federation of America.

ROSEMARY SHAHAN,
President, Consumers for Auto Reliability and Safety.

JONATHAN ADKINS,
CEO, Governors Highway Safety Association.

JANETTE FENNELL,
Founder and President, Kids and Car Safety.

LORRAINE MARTIN,
President & CEO, National Safety Council.

DAPHNE AND STEVE IZER,
Founders & Co-Chairs, Parents Against Tired Truckers (P.A.T.T.).

RUSSELL SWIFT,
Co-Chair, Parents Against Tired Truckers (P.A.T.T.) and Board Member, Truck Safety Coalition.

TORINE CREPPY,
President, Safe Kids Worldwide.

STEPHEN HARGARTEN, MD, MPH,
Founding President, Society for the Advancement of Violence and Injury Research.

ANDREW MCGUIRE,
Executive Director, Trauma Foundation.

TAMI FRIEDRICH,
President, Truck Safety Coalition and Board Member, Citizens for Reliable and Safe Highways.

cc: Members of the U.S. House Committee on Transportation and Infrastructure

^{xxiii} Lives Saved by Vehicle Safety Technologies and Associated Federal Motor Vehicle Safety Standards, 1960 to 2012, DOT HS 812 069 (NHTSA, 2015); See also, NHTSA AV Policy, Executive Summary, p. 5 endnote 1.

APPENDIX

QUESTION TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. SAM GRAVES

Question 1. Secretary Buttigieg, Beyond Visual Line of Sight (BVLOS) drone operations present numerous operational and economic advantages. In the drone delivery space, BVLOS operations offer a cost-effective alternative to traditional delivery methods, most notably in their ability to expedite transportation of both consumer goods and medical materials. These benefits promise to drive economic growth and innovation, expand connectivity, and keep America at the forefront of a rapidly evolving global drone market.

Can you commit to prioritizing the BVLOS rulemaking to meet the statutory deadlines set forth in Section 930 of the FAA Reauthorization Act of 2024?

ANSWER. The FAA is working to publish the notice of proposed rulemaking, “Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations,” which is expected to expedite the introduction of BVLOS operations. In the meantime, the FAA has streamlined approval processes for BVLOS operations approved through waivers or exemptions and is working to exercise the flexibility provided in the FAA Reauthorization Act of 2024 to enable more scalable BVLOS operations in advance of rulemaking.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. ERIC A. “RICK” CRAWFORD

Question 1. 49 U.S.C. 5323(r) states that recipients of Federal transit financial assistance “may not deny reasonable access for a private intercity or charter transportation operator to Federally funded public transportation facilities.” Earlier this year, a representative of the American Bus Association shared that noncompliance with this provision is widespread, and that many bus operators across the country are being denied access to intermodal facilities that receive funds from your Department.¹

Question 1.a. What is being done to ensure that this rule is being followed? And how does DOT enforce this law and resolve disagreements between Federal grant award recipients and private bus operators?

ANSWER. A limited number of situations over the past year have been brought to the agency’s attention through intercity or charter operators. Upon receiving such a concern, FTA’s first step is to engage with the recipient to ensure the recipient has analyzed whether the facility has capacity to accommodate the private providers, which is stipulated in the statute; the law requires accommodation only if there is capacity. FTA generally does not intervene in local decisions about the recipient’s use of a facility and/or determination if there is extra space to allow a private provider to use the facility. Rather, FTA attempts to facilitate resolution between recipients and private providers.

Question 1.b. Does DOT have a process in place to monitor or record instances of access to Federally funded transit facilities being delayed, denied, or otherwise offered under unreasonable conditions to private bus operators?

¹*Rural Transportation Challenges: Stakeholder Perspectives before the Subcomm. on Highways and Transit of the H. Comm. on Transp. and Infrastructure, 118th Cong. (Mar. 21, 2024)* (statement of Jeff Greteman), available at https://transportation.house.gov/uploadedfiles/03-21-2024_ht_hearing_-_jeff_greteman_-_testimony.pdf.

ANSWER. In the few instances where FTA has received complaints about a denial of access, FTA has engaged with the recipients to understand the basis for the denial.

Question 2. 49 U.S.C. 5323(d), *Condition on Charter Bus Service*, prevents public transit agencies from providing charter trips outside their regularly scheduled services in competition with private motorcoach operators.² This provision was initially codified in law as part of the Urban Mass Transportation Act of 1964 (P.L.88-364).³ On June 10, 2024, the Federal Transit Administration (FTA) issued a Dear Colleague letter to transit agencies across the country providing “advice, reminders, and considerations to keep in mind” in preparation for the upcoming 2026 World Cup and 2028 Olympic and Paralympic Games, both being held in the United States.⁴ While acknowledging that transit agencies must abide by the aforementioned charter regulations, the document included various suggestions about how public transit agencies could serve these large events without involving the private sector. Is the FTA fully committed to enforcing the provisions in 49 U.S.C. 5323(d) that have been law for half a century?

ANSWER. Yes.

Question 2.a. Does FTA intend to provide additional regulatory guidance, or “advice, reminders, and considerations,” related to the charter bus service rules in preparation for other large scale national events?

ANSWER. The FTA is always prepared to provide additional guidance to its recipients as necessary. The most recent Dear Colleague letter, dated June 10, 2024, is just one example of FTA’s proactive efforts to provide guidance in many different areas as needed.

Question 2.b. Is FTA considering changes to the way that the charter bus service rules are presently being enforced or have been enforced for the preceding fifty years?

ANSWER. FTA’s charter rule is currently scheduled for review and administrative changes on the Unified Agenda, but FTA is not considering any changes regarding how the charter rule has been enforced since its last substantive change in 2008.

Question 3. In June, Coach USA, the largest privately owned bus company in the United States, filed for Chapter 11 bankruptcy.⁵ Greyhound Lines, the largest intercity bus service in North America, has terminated routes or otherwise cut back service in major cities across the United States in recent months in order to decrease costs.⁶ Private bus service, especially those that serve smaller and rural areas, is a vital part of the national transportation network. What is your current assessment of the commercial bus industry and is the Department considering policies or efforts to sustain this mode of public transportation?

ANSWER. FTA agrees that intercity bus service provides a critical connection for people in rural and urban areas alike to the services and places that are important to them. FTA is able to support the intercity bus industry through its grant programs. Intermodal facilities that serve intercity bus are eligible under the Buses and Bus Facilities competitive grant program as long as those facilities also serve public transportation. FTA’s Formula Grants for Rural Areas program requires that a state provide 15% of their rural formula funds for intercity bus projects unless they certify that the intercity bus needs of the state have been met, which means that in FY24 around \$140 million was available from that program for intercity bus projects.

Question 4. Last fall, the Subcommittee on Highways and Transit held a hearing on “The Future of Automated Commercial Motor Vehicles: Impacts on Society, the Supply Chain, and U.S. Economic Leadership.” Testimony was received on efforts the autonomous vehicle trucking sector is taking to improve safety on our roadways. In preparation for deployment, the AV trucking industry has developed a flashing

² 49 U.S.C. § 5323.

³ Urban Mass Transportation Act of 1964, Pub. L. No. 88-365, 78 Stat. 302.

⁴ Dear colleague letter from Veronica Vanterpool, Acting Administrator, FTA, (Jun 10, 2024), available at <https://www.transit.dot.gov/sites/fta.dot.gov/files/2024-06/Dear-Colleague-Letter.pdf>.

⁵ Nathaniel Meyersohn, *Greyhound Bus Stops are Valuable Assets. Here’s Who’s Cashing in on them*, CNN, (Dec. 18, 2024), available at <https://www.cnn.com/2023/12/17/business/greyhound-buses-transportation-cities/index.html>.

⁶ Isabelle Stanley, *Greyhound Bus Network in Crisis as Scores of Stations Close Across the Country, Threatening Transport Options for 60 million People who Rely on Intercity Coaches*, DAILY MAIL, (Dec. 17, 2023), available at <https://www.dailymail.co.uk/news/article-12873931/Greyhound-bus-network-crisis-scores-stations-close-country-threatening-transport-options-60-million-people-rely-intercity-coaches.html>.

light-based system mounted to the cab as a solution to the currently required triangles or flares hand-placed behind a truck when stopped or pulled to the side of the highway. This light-based system would provide immediate and effective notice to approaching motorists, and studies found it to be equally or more effective in enabling road users to recognize and react to the stopped truck when compared to traditional warning devices.

Under FMCSA's regulations (49 CFR 381.320), the agency attempts to make a decision on applications within six months, yet this narrow exemption application for the AV trucking industry has been pending for 17 months.⁷

On June 26, 2024, in response to a question for the record submitted after my subcommittee's December 13, 2023, hearing, the FMCSA stated that it is "currently reviewing and considering numerous public comments received in response to the Federal Register notice."

Considering the amount of time that has passed compared to the typical timeline, what is the reason for the delay on this petition? Please also provide the committee a specific timeline in which you expect to issue a decision.

ANSWER. Petitions of a complex or novel nature sometimes require additional internal consultation and time to thoroughly review and consider the petition, the comments submitted, and whether the exemption, if granted, would likely achieve a level of safety equivalent to, or greater than, the level of safety achieved by the regulation. On March 3, 2023, FMCSA published a Federal Register notice, 88 FR 13489 (clarified, and comment period extended, March 9, 2023, 88 FR 14665) announcing that it received an application from Waymo LLC, and Aurora Operations, Inc. for a 5-year exemption from the warning device placement requirements of 49 CFR 392.22(b) and use of a warning device that does not meet the steady-burning lamp requirement of 49 CFR 393.25(e). The exemption seeks to allow all motor carriers that operate Level 4 autonomous commercial motor vehicles (CMV) to use a warning device for stopped vehicles that is not currently authorized in 49 CFR 393.95(f).

The Secretary of Transportation may only grant an exemption from a regulation if the Secretary finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. FMCSA has completed its review of the exemption application, the public comments, and cited documentation submitted in response to the Federal Register notice. The Agency continues to diligently work through its analysis and final written decision on the exemption application.

Question 5. I appreciate the productive discussion regarding the Department's authority to ensure that the testing for safety sensitive transportation positions will continue, regardless of the Administration's proposal to reclassify marijuana from Schedule I to Schedule III. I appreciate your stating:

"Our commitment to testing continues regardless of the schedule . . . we believe our authorities are intact because they don't call for testing by reference to where marijuana sits in its classification. So whether we're talking about the regulated community—truck drivers—or our own personnel, such as an air traffic controller, our understanding is that nothing about that reclassification would change."

Please share with the Committee the basis for that understanding.

ANSWER. The basis for the Department's understanding is the Omnibus Transportation Employee Testing Act of 1991, which gives the Secretary the authority to test for any controlled substance under section 102(6) of the Controlled Substance Act (21 U.S.C. 802(6)) whose use the Secretary has determined has a risk to transportation safety.

Question 6. The Department of Health and Human Services (HHS) is key to DOT's ability to conduct drug testing of its own employees and to regulate safety-sensitive employees in the transportation industries. What steps has the DOT taken to coordinate with HHS regarding the potential rescheduling of marijuana to Schedule III and its impact on the HHS-certified laboratories that conduct marijuana drug testing on both the DOT-regulated public and DOT's own employees?

ANSWER. DOT has actively engaged with HHS and the White House regarding the impact of rescheduling on DOT's drug testing programs. These discussions are ongoing, and DOT will provide a more detailed response after these discussions conclude.

⁷*Parts and Accessories Necessary for Safe Operation; Exemption Application From Waymo LLC, and Aurora Operations, Inc.*, 88 Fed. Reg. 13489 (Mar. 3, 2023), available at <https://www.federalregister.gov/documents/2023/03/03/2023-04385/parts-and-accessories-necessary-for-safe-operation-exemption-application-from-waymo-llc-and-aurora>.

QUESTION TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. SCOTT PERRY

Question 1. The Lancaster Airport (LNS) announced it will begin offering non-stop flights to Orlando beginning on October 8, 2024. Will this expansion in service result in LNS losing its essential air service subsidies?

ANSWER. No. Air service currently operating from Lancaster Airport (LNS) to Orlando International Airport (MCO) does not satisfy the community's essential air service (EAS) requirements per federal law, so Lancaster airport's existing EAS subsidies are not impacted. Under 49 U.S.C. § 41732, "basic EAS" requires, among other things, two daily round trips, 6 days a week (12 round trips per week) to a medium or large hub airport less than 650 miles from the eligible place. As announced by Breeze Airways, the air carrier will offer only two round trips per week between LNS and MCO, and the distance from LNS to MCO is 855 miles. Accordingly, the service will not meet the basic EAS requirements related to frequencies or distance to the hub airport.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. GARRET GRAVES

Question 1. Section 912 of the FAA Reauthorization Act of 2024 requires the Office of the Secretary to, not later than 270 days after enactment, establish a Department of Transportation program to provide competitive grants to state, local and tribal governments to use small drones to help address the backlog in critical infrastructure inspections in the United States. This language enjoyed bipartisan support in both the House and Senate and will help make critical infrastructure inspections safer for workers and more efficient for the users of the critical infrastructure. What steps has the USDOT taken to establish the Drone Infrastructure Inspection Grant (DIIG) program and will you commit to this Committee to meet or exceed the statutory deadline to establish the DIIG program?

ANSWER. Infrastructure inspection using safe and reliable, domestically produced drones presents a way to better ensure the safety and stability of the national infrastructure and to enable economic benefits of drones. These inspections can and do happen across the country today under 14 CFR Part 107 line of sight operations. Even the Department uses drones to inspect critical highway infrastructure. The Department appreciates Congress' support in developing this capability through provisions in the FAA Reauthorization Act of 2024 (Pub. L. 118-63, May 16, 2024) that would enable the FAA to inspect its own infrastructure and manage a grant program for state governments to establish their own drone inspection programs. While this new program introduces important requirements, it has not yet received appropriations sufficient to fully implement them. We look forward to collaborating with Congress to ensure that adequate funding is secured for all new programs mandated by the Reauthorization. The Department is fully committed to meeting the legislative requirements for this and all provisions of the FAA Reauthorization. We are currently developing a management strategy that will allow us to implement the infrastructure inspection program to the best of our ability, despite competing priorities and financial constraints.

Question 2. The absence of a unified framework for BVLOS operations in the U.S. is stalling the growth of the domestic drone industry. Despite recommendations from an expert committee over two years ago, urging the FAA to establish regulations for safe BVLOS operations, no draft rule has been issued. The FAA Reauthorization Act, passed with broad bipartisan support, requires the FAA to propose its draft BVLOS rule by September. Considering the prolonged delay, what actions are the DOT and FAA taking to meet this deadline and provide a draft rule by September 15th?

ANSWER. The FAA is working to publish the notice of proposed rulemaking, "Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations," which is expected to expedite the introduction of BVLOS operations. In the meantime, the FAA has streamlined approval processes for BVLOS operations approved through waivers or exemptions and is working to exercise the flexibility provided in the FAA Reauthorization Act of 2024 to enable more scalable BVLOS operations in advance of rulemaking.

Question 3. Mr. Secretary, you have a responsibility in ensuring MARAD administers the Deepwater Port Act program, which authorizes permits for ports from which to export LNG to our allies but MARAD has failed to meet statutory deadlines and notices imposed by last year's NDAA. Additionally, DOT has not held any regular or any in-person meetings with applicants so that they can possibly understand the agency's concerns. It is a mistake for MARAD to delay approval for port applications over a misguided position that the Administration's moratorium on LNG export means they cannot approve port applications. Secretary Granholm has indicated that a moratorium will be short-lived and "in the rearview mirror" by next year. Congress' interest in this provision is clear—so what is the problem?

ANSWER. MARAD has conducted timely approvals as part of the deepwater port application process. Processing a Deepwater Port License involves coordination among multiple state and federal agencies, and MARAD and all of these agencies strive to meet all established statutory timeframes. MARAD meets regularly with applicants who have an application under review when it is appropriate and pertaining to the deepwater port license application. Applicants who have questions about the environmental review portion of the application may also schedule a meeting with the U.S. Coast Guard. This step within the process involves the explicit engagement of resources to perform this phase of the licensing process. The environmental review is one of the most critical and technical parts of the processing of the deepwater application. The Deepwater Port Act at 33 U.S. Code § 1503 (c)(3) lists the conditions for issuance of a deepwater port license where a national interest determination is made independent of any determination by the Department of Energy.

Question 4. The recently enacted FAA Reauthorization Act increased the authorized funding level for FAA's workforce grant programs for pilots and maintenance technicians from \$15,000,000 to \$20,000,000 per year. Congress has been providing funding for these grants since Fiscal Year 2022. Given the significant pilot workforce shortage in the United States, how does DOT plan to engage other federal agencies and key industry stakeholders to ensure that there is an adequate pipeline of young men and women seeking these professional positions in aviation?

ANSWER. The FAA is performing outreach for the Aviation Workforce Development grant program. This outreach provides information to key stakeholders and industry on the overall grant program. The 2024 FAA Reauthorization expanded the eligible applicant pool to include 501(c)(3) organizations and Tribal and territorial governments. The FAA is providing technical assistance to educate applicants on the application process to improve the quality of applications that consist of grassroots initiatives and projects that create pipelines for young people to pursue aviation careers. Consideration may be given to applicants who would serve populations that are underrepresented in the aviation industry, including in economically disadvantaged geographic areas and rural communities, address the workforce needs of rural and regional airports, and aviation programs at a minority serving institution.

Question 5. One of the emerging innovations in aviation is growth of the advanced air mobility industry—utilizing electric vehicle takeoff and landing aircraft to move people and cargo from point to point in urban and rural settings. The FAA Reauthorization Act extended the Advanced Air Mobility Infrastructure pilot until 2026. How soon will we see eVTOL aircraft operating in the National Airspace System transporting people and cargo to key communities? What are the most promising applications for these aircraft? What changes or additions to the FAA's workforce will be needed to manage these aircraft in the NAS?

ANSWER. The FAA is actively working with several companies to review and establish certification requirements for several powered-lift models, some of which are eVTOL aircraft. On March 8, 2024, the FAA published the final special class airworthiness criteria for the Joby Model JAS4-1 powered-lift aircraft, and on May 24, 2024, the FAA published the final special class airworthiness criteria for the Archer Model M0001 powered-lift aircraft.

In order to mitigate safety gaps that exist due to the absence of operational regulations specifically applicable to powered-lift, in October 2024, the FAA published an advance copy of a final Special Federal Aviation Regulation, "Integration of Powered Lift: Pilot Certification and Operations; Miscellaneous Amendments Related to Rotorcraft and Airplanes." This final rule will be published in the Federal Register in November 2024 and provides alternate eligibility requirements to safely certify initial groups of powered-lift pilots, and identifies the operating rules that apply to powered-lift on a temporary basis.

The most promising applications will be the transportation of people and cargo in addition to the future potential for the transportation of medical supplies. AAM

has the potential to provide new levels of accessibility, convenience, and connectivity for people and cargo—and localize aviation in new ways, providing a series of benefits: enhanced mobility for the traveling and shipping public, improvements to environmental sustainability through the electrification of aviation, quieter operations with less impact to those living near aviation infrastructure, increased connectivity to the existing legacy aviation system in the United States, new jobs, and lower costs. Future use cases for AAM include more dynamic emergency response capabilities, rapid transportation of goods from cargo terminals, on demand shuttle services better connecting urban areas to large airports, and regional air service to areas without existing rapid or reliable transportation links.

The FAA is working through its research and development labs along with industry applicants to understand what changes to the workforce are needed to manage these aircraft.

Question 6. Secretary Buttigieg, as AAM aircraft get certified for operation, it is critical that the FAA establish a clear, achievable path for civilians to acquire a powered-lift certificate. How is DOT coordinating with the FAA to ensure the necessary pilot rules are in place to establish an AAM pilot workforce?

ANSWER. In October 2024, the FAA published the Notice of an advance copy of a final Special Federal Aviation Regulation, “Integration of Powered-Lift: Pilot Certification and Operations; Miscellaneous Amendments Related to Rotorcraft and Airplanes”. In this final rule which will be published in the Federal Register in November 2024, the FAA provides alternate eligibility requirements to safely certificate initial groups of powered-lift pilots, as well as determine which operating rules to apply to powered-lift aircraft on a temporary basis to enable the FAA to gather additional information and determine the most appropriate permanent rulemaking path for these aircraft.

Although the FAA has existing regulations in 14 CFR Part 61 for training and certificating powered-lift flight instructors and pilots, those regulations do not adequately address the unique challenges of introducing a new category of aircraft to civil operations. To maintain a level of safety commensurate with that expected for airplanes and helicopters, the FAA has finalized new requirements for pilots to hold type ratings for each powered-lift they fly and also finalized qualification requirements for powered-lift pilots serving in 14 CFR Part 135. To address the obstacles to airman certification in existing regulations, the FAA proposed alternatives to certain requirements in Part 61 to facilitate the training and certification of the initial cadre of powered-lift instructors and powered-lift pilots.

Question 7. Part 121 and Part 135 air carriers are legally required to meet a statutory definition of being a “citizen of the United States” (49 U.S.C. § 40102(a)(15)) to limit foreign ownership and control over this critical American industry. What resources does the Department devote to enforcing compliance with the U.S. citizenship requirement for air carriers? What can the Committee and the aviation industry expect as to how swiftly and aggressively the Department will investigate credible allegations that an air carrier is operating in violation of the U.S. citizenship requirement? What can the Committee and the aviation industry expect as to what enforcement tools the Department will use to stop an air carrier that the Department has determined is operating in violation of the U.S. citizenship requirement?

ANSWER. The Department is committed to ensuring air carriers comply with U.S. citizenship requirements. For new applicants, the Department reviews applications for compliance before granting economic authority. For existing carriers, it conducts detailed reviews upon complaints or during fitness evaluations. If a carrier fails to meet citizenship requirements, the Department may suspend, revoke, or modify its certificates or impose penalties. The Department uses various tools, including investigations and penalties, to address compliance issues.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. JENNIFFER GONZÁLEZ-COLÓN

Question 1. Thank you, Mr. Secretary, for your call yesterday and your well wishes, and I would like to take this opportunity to draw your attention to issues in Puerto Rico transportation and ask questions related to projects located in Puerto Rico. Late last week, my office received notice of the approval of over \$21 million for the Wharf D Reconstruction and Resiliency Project in San Juan through the RAISE Program. I understand these funds will be used for much needed activities in the Puerto Nuevo Docks, promoting economic activity at our ports. This is a very welcome announcement, and I would like to make sure we all understand the next

steps. Could you please inform us what are those next steps and the anticipated completion date of the project?

ANSWER. In July 2024, the Department hosted a welcome webinar for all FY 2024 RAISE grant recipients and emailed each recipient their partially prepopulated grant agreement. The next step is for the Port Authority of Puerto Rico to fulfill federal requirements prior to executing the grant agreement. The Port Authority has estimated construction would begin in July 2025 and be completed in June 2027.

Question 2. Related also to ports, I'd like to take the opportunity to request that the Department consider supporting more safety related projects, such as the fire suppression infrastructure at the Port of San Juan which currently does not meet Coast Guard standards due to inadequate water pressure. Requiring the port users to fund these types of projects means such costs get passed onto the people and communities of Puerto Rico. These types of safety related projects are infrastructure improvements and should be given more consideration in programs like the Port Infrastructure Development Program.

ANSWER. The extent to which a project advances safety is an important part of the statutory criteria reviewers consider when evaluating each project. In the past, we have awarded funding to projects that advance this key criterion, including projects in Puerto Rico. Most recently, for example, the Port Authority of Puerto Rico received a RAISE grant for its Wharf C Reconstruction and Resiliency Enhancement Project. This \$25 million award funds needed improvements to Wharf C, including replacing the wharf's concrete platform and making related utility improvements, including rehabilitating the port's existing fire protection system.

Question 3. Secretary Buttigieg, as you know, Puerto Rico has two non-contiguous island municipalities on the Eastern coast of the main Island, Vieques and Culebra, with a combined population of close to 10,000 inhabitants. In addition to residents, both municipalities host students and employees who travel to and from Vieques and Culebra to work. They all share the need for reliable and efficient ferry services.

Recently, the Puerto Rico government announced their plans to improve services using federal dollars to design and purchase 4 new vessels and build a new ferry terminal in Vieques. I would like to emphasize the importance of completing this work. Could you please provide us a status of these projects and when do you anticipate their completion?

ANSWER. Following the sinking of the passenger vessel Culebra II after Hurricane Irma, the FTA awarded Emergency Relief funding of \$23,035,000 in fiscal year (FY) 2020 for the acquisition of a new passenger vessel with cargo capabilities. This improvement was directly in response to the needs of the citizens of Vieques and Culebra. The new vessel is in the final phase of construction, currently in the water for testing, and its construction is expected to be completed in December 2024 or earlier.

Additionally, the FTA is in the process of approving two grants totaling \$44 million to fund three more cargo-passenger vessels for the Maritime Transport Authority (MTA)'s Island Service to the two non-contiguous island municipalities. These vessels are also under construction; two of them are expected to be completed by 2025, and the completion of the third vessel is expected in early 2026.

Further projects are underway to rehabilitate the Mosquito Ferry Terminal in Vieques. Funds for this project and the additional vessels have been programmed through the Puerto Rican Statewide Transportation Improvement Program (STIP). We are assisting MTA in developing their grant applications.

Question 4. Mr. Secretary, the Integrated Transportation Authority in Puerto Rico is currently undergoing a payment modernization project that will change how transportation fees are collected for popular public transportation modes, including Tren Urbano and our network of buses known as AMA. I understand the transition could take up to 6 months total and cost about \$20 million in federal funds. Could you please provide us with the status of this project and when do you anticipate completion?

ANSWER. The Puerto Rico Highway and Transportation Authority (PRHTA) is in the process of implementing a modernized Automatic Fare Collection (AFC) System for the Tren Urbano (TU) heavy rail system, bus systems [including Metropolitan Bus Authority (MBA), Metrobus, Tu Conexión, and Metro Urbano], and Metro-Ferry system. The modernized AFC system includes modern gates, ticket vending machines (TVMs), and alternative payment methods such as debit, credit, and mobile application payment, among other improvements. Federal investment is approximately twenty-two million dollars (\$22M), distributed among six (6) FTA awards.

The AFC project is expected to go live by December 11, 2024. As of August 29, the overall project status is:

- TU system gates and TVM installation at approximately 98%.
- Routers and validators are installed on approximately 99% of buses. Cash-only operation to commence in late August 2024.
- PRHTA is working with the AFC system vendor and third-party ferry system operator to integrate the respective fare systems.
- PRHTA continues to negotiate with a qualified merchant processor and obtain banking industry certification for payment processing. Completion is expected within the next 60 days.
- Equity analysis associated with the changes in fare collection method was completed on May 31, 2024.
- After December 2024, PRHTA expects to continue public outreach with “hands-on” demonstrations and educational material distribution, among other efforts.
- The project “ribbon cutting” is expected on December 18, 2024.

Question 5. Secretary Buttigieg, as you know, Puerto Rico residents rely on DOT field offices for technical assistance and other tasks to receive approval or funding for their projects. Can you please share with us a breakdown of staffing levels for DOT in PR, including any vacancies and what are the Department’s plans to fill these vacancies?

ANSWER. DOT has 246 permanent federal employees located in Puerto Rico. As of June 2024, DOT has 12 vacancies (technicians, civil engineers, and safety inspectors) in Puerto Rico with plans to use on-the-spot hiring authority and/or tailored recruitment activities to fill the positions. In addition, relocation incentives will be used for individuals willing to locate to Puerto Rico.

Question 6. Congress and the Administration have enabled special considerations to take into account empowerment zones and strategic seaports that apply for federal grant awards. While these considerations have helped increase the competitiveness for ports in Puerto Rico, Alaska, and Hawaii, I’d like to request you consider ways to further address the needs of ports in these non-contiguous areas that provide such essential services.

ANSWER. The Notice of Funding Opportunity (NOFO) announcing the availability of discretionary grant funding for the FY 2024 Port Infrastructure Development Program includes a number of provisions that help address the needs of ports in non-contiguous states and territories. For example, as provided for in Section 3513 of the National Defense Authorization Act for Fiscal Year 2024, large projects in non-contiguous states and territories do not need to meet the cost effectiveness determination that applies to similarly-sized projects in the continental United States. Small projects in non-contiguous states and territories are also exempt from this requirement because of a further statutory provision. In addition, the NOFO asks applicants to identify whether their projects are in Historically Disadvantaged Communities, a designation that, based on the results of previous application cycles, applies to the vast majority of projects submitted by ports in Puerto Rico, Alaska, and Hawaii. Finally, we are hosting or engaging in focused outreach activities to improve the competitiveness of applications received from ports in Puerto Rico, Alaska, and Hawaii. On November 15, 2024, the Maritime Administration announced its FY24 Port Infrastructure Development Grants and Puerto Rico Ports Authority received a grant totaling \$53,526,756.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. DUSTY JOHNSON

Question 1. Secretary Buttigieg, it is critical as a country that we ensure that taxpayer dollars are not spent on technology manufactured by Chinese military companies or introduces cybersecurity risks to our critical infrastructure. One such technology of concern is Chinese light detection and ranging (LiDAR) sensors, which collect real-time 3-D measurements of U.S. critical infrastructure, geography, and human behaviors. Chinese LiDAR is increasingly installed across our transportation infrastructure to automate traffic lights, monitor crowd flows at major transit hubs, control drawbridges, and more.

In January 2024, the Department of Defense named the leading Chinese LiDAR manufacturer [<https://media.defense.gov/2024/Jan/31/2003384819/-1/-1/0/1260H-LIST.PDF>], Hesai, a “Chinese Military Company” operating in the United States.

A May 2024 Congressional Research Service report [<https://crsreports.congress.gov/product/pdf/IF/IF12473>] found that Chinese firms were de-

veloping LiDAR sensors for “Smart Cities” applications that China could use “to acquire sensitive information or exquisite mapping of U.S. infrastructure” or “introduce malware via a software update and degrade the performance of systems using the technology.” Chinese LiDAR companies have flooded the U.S. market with heavily subsidized LiDAR sensors targeting sales to state and local governments for applications using federal funds. This is similar to the playbook we saw with drones—creating an unfair playing field that threatens domestic LiDAR manufacturing capacity and puts our security at risk.

Question 1.a. What can the Department do today under its existing authorities to prevent further federal spending on technology manufactured by Chinese military companies, such as LiDAR sensors?

ANSWER. The Department is certainly aware of these national security concerns. We are aware that LiDAR is an increasingly essential element of Advanced Driver Assistance Systems (ADAS) and Automated Driving System (ADS) systems, that China holds approximately 60% of the global market for automotive LiDAR, and that LiDAR is increasingly being used to collect detailed information for infrastructure planning, design, construction and maintenance. We also note that China has proposed a technology export ban on LiDAR from China.

The Department does not set procurement rules or guidance outside of the Federal Acquisition Regulation (FAR) or of requirements contained in legislation. The Department implements all requirements of the FAR and of guidance and direction provided by cognizant Departments and Agencies (e.g., Department of Commerce/Bureau of Industry and Security regulations, Federal Communications Commission ban on certain equipment authorizations, FY19 National Defense Authorization Act Section 889). The Department’s implementation of such guidance is limited to Federal contracts and covered subcontractors; the Department has no authority to prohibit the operation, procurement, or contracting for LiDAR equipment beyond Federally-owned or -contracted assets and cannot issue such prohibition to recipients of Federal financial assistance (grants) or to the private sector.

Further, the Department is aware of and engaged with Department of Commerce/Bureau of Industry and Security (BIS) on BIS’s advance notice of proposed rule-making, “Securing the Information and Communications Technology and Services Supply Chain: Connected Vehicles” (89 FR 15066; March 1, 2024). BIS sought public comment on issues and questions related to transactions involving information and communications technology and services (ICTS) that are designed, developed, manufactured, or supplied by persons owned by, controlled by, or subject to the jurisdiction or direction of foreign countries or foreign nongovernment persons identified in the Department’s regulations, pursuant to the Executive Order (E.O.) entitled “Securing the Information and Communications Technology and Services Supply Chain,” and that are integral to connected vehicles (CVs), including LiDAR technologies. The Department will implement any BIS determination of technologies and market participants that may be most appropriate for regulation pursuant to the E.O.

Question 1.b. Given the risks that Chinese LiDAR sensors pose to U.S. national security, does the Department of Transportation support Congress enacting legislation to prohibit taxpayer spending through the Department’s various grant and formula funding programs on Chinese LiDAR sensors that pose national security risks identified by the Department of Defense and the Congressional Research Service?

ANSWER. The Department will work to implement any legislation that Congress may enact.

Question 2. Secretary Buttigieg, in December 2023, FMCSA made effective a rule that narrows the scope of automatic regulatory relief when an emergency has been declared. The rule reduced automatic regulatory relief to 14 days, as opposed to the current standard of 30 days. Your agency admitted in its final rule it had “no specific quantitative evidence that the current emergency exemption rules have led to a degradation of safety.”¹ I have concerns that shortening the automatic emergency window restricts Governors’ ability to respond during stressful and often time-sensitive disasters, and unnecessarily limits the ability of truckers to respond to emergencies. This is especially true when responding to disasters that require long-term recovery, such as the devastating flooding South Dakota and surrounding states encountered in June 2024.

When asked about the data justification for this regulatory change in past inquiries, your administration responded that the 14-day period will allow sufficient time

¹Clarification to the Applicability of Emergency Exemptions, 88 Fed. Reg. 70897 (Oct. 13, 2023), available at <https://www.federalregister.gov/documents/2023/10/13/2023-22538/clarification-to-the-applicability-of-emergency-exemptions>.

for States to request that FMCSA extend the initial relief period, and that the Agency has an “excellent” track record of issuing emergency exemptions very quickly in response to disasters. This explanation did not address the core concern for lack of an evidentiary record for the change.

Question 2.a. What specifically prompted FMCSA to reduce the automatic regulatory relief time period from 30 to 14 days, if no quantitative evidence called for the change?

ANSWER. FMCSA reduced both the scope of the automatic regulatory relief and the duration to provide safety guardrails when there is a state emergency declaration. FMCSA proposed taking this action because the Agency believes that most direct assistance to emergencies necessitates relief only from the hours-of-service requirements, and that the need for relief generally ends within 5 days. Therefore, FMCSA initially proposed a 5-day period. However, as noted in the preamble of the final rule, FMCSA acknowledged there may be circumstances that result in the need for more time for responders to complete their emergency relief efforts. In certain cases, coordination efforts between the State and FMCSA may take longer than a 5-day exemption period would allow. Therefore, in the final rule, FMCSA revised the duration of the automatic regulatory relief triggered by a regional declaration of emergency to 14 days.

The emergency exemption is intended to facilitate direct assistance incident to the immediate restoration of essential services or essential supplies and not for transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed. FMCSA believes the 14-day time limit represents an important safety guardrail and does not believe it will result in a delay in providing relief to interstate motor carriers providing direct assistance in response to emergencies. In those cases where an extension of a declaration is necessary, FMCSA is still able to grant an extension either on its own initiative or by request.

FMCSA is currently preparing responses to several petitions for reconsideration of the final rule asking FMCSA to reconsider the 14-day provision.

Question 2.b. Is there data showing the 30-day limit posed a safety risk? Is there data showing 14 days reduces said risk?

ANSWER. FMCSA does not have a quantitative analysis comparing the risk of a 30-day limit to a 14-day limit. However, as noted in the final rule, the Agency believes decreasing the period to 14 days reduces the safety risks associated with the automatic regulatory relief provided with the initial emergency declaration by significantly reducing the amount of time drivers operate outside of the hours-of-service regulations.

Question 2.c. During my line of questioning, we discussed the need for greater flexibility for Governors in times of need. Do you have concerns the FMCSA’s rule may do the opposite?

ANSWER. The 2023 final rule does not limit Governors’ ability to make emergency declarations to support the delivery of critical supplies and the restoration of vital services to their constituents following an emergency. FMCSA’s emergency exemption rule is intended to facilitate direct assistance incident to the immediate restoration of essential services or essential supplies and not for transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed. FMCSA believes the new time limit represents an important safety guardrail and does not delay relief to interstate motor carriers providing direct assistance in response to emergencies. In those cases where an extension of a declaration is necessary, FMCSA is able to grant an extension either on its own initiative or by request. In fact, the final rule made it even easier for states to seek relief by providing one centralized email inbox address for making extension requests, as opposed to directing states to one of several FMCSA field offices.

Requests from states to FMCSA that the Agency issue its own initial emergency exemption (when the State for various reasons prefers that FMCSA rather than State do so) ordinarily come into FMCSA within hours of the event, or even, in the case of approaching storms, a few days before any damage begins to occur. States have rarely if ever needed more than a day or two—a week at the most—to submit a request to FMCSA for an emergency exemption.

And in every case, on many scores of occasions over the past 20 years, FMCSA has issued its responsive declaration within a few days, often within hours. Most recently, on July 8, 2024, Governor Noem of South Dakota transmitted an extension request for an emergency exemption at 4:30 pm on the 14th day of an exemption triggered by her emergency declaration, and FMCSA issued the extension prior to

the exemption's 11:59 p.m. expiration that evening. See <https://www.fmcsa.dot.gov/emergency/wsc-south-dakota-extension-emergency-declaration-no-2024-004>.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. JEFFERSON VAN DREW

Question 1. Secretary Buttigieg, as you've said publicly there is an ongoing and longstanding shortage of air traffic controllers. The FAA's request to increase the annual controller hiring target to 2,000 for FY25, with plans for additional increases in future years, is a step in the right direction. The FAA's efforts to establish the Enhanced-CTI program to bolster the ranks of new controller trainees is also a welcome development.

However, much work remains, and this will be a long-term effort to resolve the air traffic controller staffing shortage. I understand that the FAA, in a recent briefing to aviation stakeholders, indicated it plans to reduce the controller hiring targets in FY27 and FY28 after planned increases in FY25 and FY26. However, the recently enacted Federal Aviation Administration (FAA) Reauthorization Act of 2024 requires the FAA to set annual hiring controller targets at the maximum number able to be trained at the FAA Academy through FY28, and to study and implement an expansion of the Academy's capacity.

Question 1.a. As you have noted, solving the ongoing shortage of air traffic controllers is a priority for DOT and FAA. Will DOT and FAA commit to complying with the ATC maximum hiring provisions through FY28 as the law now requires?

ANSWER. Ensuring that the FAA returns to healthy staffing levels remains among my top priorities. The FAA exceeded its goal of hiring 1,800 air traffic controllers in 2024, with a final total of 1,811 for Fiscal Year 2024. As the largest number of hires in nearly a decade, this marks important progress in the FAA's work to reverse the decades-long air traffic controller staffing level decline. The 2024 Controller Workforce Plan released in April included facility-specific staffing targets from both the Staffing Standards process and the Collaborative Resource Workgroup process. We are committed to completing a study comparing these two staffing models and methodologies, and implementing the model selected by the FAA Administrator as outlined in section 437 of the FAA Reauthorization Act of 2024.

We regularly monitor and assess our current staffing and attrition levels and publish our staffing needs and outlook annually in the Controller Workforce Plan. We are planning hiring efforts to exceed controller attrition due to retirements, promotions, or other losses. Our hiring needs for FY27 and FY28 will depend on the impact of the work we are doing today to outpace attrition.

Question 1.b. Regarding the FAA Training Academy and getting more controllers hired and trained, what key factors may you need to review? Do you anticipate any major challenges to expanding training capacity, and what is a realistic timeline for these actions?

ANSWER. With higher FY25 CWP training requirements, the FAA has been executing a plan to increase overall air traffic training capacity at the Academy by 30% for FY25. This increase supports both Initial Qualification Training (IQT) for new hire students (Track 1), and Non-Job-Jeopardy (NJJ) field students that circle back to the FAA Academy for initial qualification training. This capacity expansion is on track to meet FY25's hiring goals, which represent an increase over the FY24 hiring goal.

As instructors are key to the success of this effort, the FAA expects to continue to utilize both FAA employees and contract instructors. Accordingly, the FAA is currently working with a contractor to ensure that instructor availability is commensurate with the FY25 increase in training demand and releasing Certified Professional Controllers from the field for the FAA Academy instructor requirements.

Question 2. The FAA's budget request included a new proposal for a Facility Replacement and Radar Modernization (FRRM) program, totaling an extra \$1 billion above base appropriations for FY25 and \$8 billion total over the next five years. Many aviation industry stakeholders and observers have expressed concerns about the FAA's continued reliance on aging equipment and facilities. I share those concerns.

Question 2.a. First, would you please explain why the FAA made this new request, and why it's important to fix this aging FAA infrastructure?

ANSWER. The FAA shoulders the crucial responsibility of overseeing the infrastructure of a vast network of nearly 350 air traffic control towers (ATCT) and terminal radar approach control (TRACON) facilities, in addition to managing 21 air

route traffic control centers (ARTCC). Re-capitalization is necessary to sustain safe and efficient National Airspace System (NAS) operations in the decades to come. A failure to replace facilities and modernize radar networks in a timely manner will degrade FAA's capacity to keep pace with the aviation economy and undermine opportunities to improve safety.

Facilities: The FAA confronts a pressing challenge—aging buildings. Air traffic control facilities have structural deficiencies and chronic issues that cannot be resolved through maintenance or sustainment work. These issues include water leaks, mold, tower cab window condensation, deterioration due to old designs, and general disrepair. Drivers for replacement include material degradation; deficiencies in building codes compliance; and poor insulation and energy efficiency. As the age of these facilities continues to rise, these types of issues will grow exponentially. Air traffic controllers must have safe and secure towers to effectively manage and ensure the safety of air traffic. Replacement of these structures will provide the new standard in construction, health, safety, and operational efficiency.

Many of the FAA's facilities are large and complex, often requiring expensive and lengthy replacement efforts. Due to their size, costs are typically spread out across multiple fiscal years and the instability of annual appropriations can make it difficult to commit funding to such projects. By proposing a new stream of funding over the next five years, the FAA's proposal offers an opportunity to replace at least 20 of these aging facilities.

Radar Systems: The FAA's plan also focuses on the timely and strategic modernization of surveillance radars. Airports use these radars to detect and display the presence and position of aircraft in the terminal area as well as the airspace around airports. The aging radars pose a significant challenge for air traffic management. As these radar systems age, they are more prone to technological obsolescence, making it increasingly difficult to maintain their performance and integrate them with modern aviation infrastructure. The potential for increased downtime due to repairs can negatively impact airport operations and compromise the efficiency of air traffic control. Moreover, aging radar systems struggle to keep pace with the growing demands of air travel and evolving regulatory standards. To address these challenges, this plan invests in the replacement of radars opting for new technologies that offer improved performance, enhanced reliability, and compatibility with the latest air traffic management initiatives.

The FAA maintains 618 radar systems across the nation. These systems, deployed across many decades, are a critical tool used by air traffic controllers to safely and efficiently manage air traffic. Modern aviation could not exist without these radar systems. In addition to the re-capitalization of air traffic control facilities discussed above, this proposal will allow the FAA to replace and modernize 60 percent of its radars by 2031.

FAA radar systems provide safety critical information to air traffic controllers, including an aircraft's position and identity as well as weather information. FAA radar systems provide a backup to Automatic Dependent Surveillance-Broadcast information, providing essential information in the event of Global Positioning System (GPS) degradation. This information is also essential for homeland security and national defense missions. As FAA radar systems exceed their intended lifespan, outages increase in frequency and duration, and service restoration becomes more difficult as antiquated components become increasingly difficult to obtain. The absence of critical aircraft position and identity information increases the risk of airborne collision and results in increased separation requirements, reducing operational efficiency.

Question 2.b. The FAA reauthorization bill includes a provision that allows the FAA to submit an "unfunded priorities" list to Congress and to DOT for ATC system Facility & Equipment needs that were not included in the President's budget. Will you allow FAA to use this authority?

ANSWER. Yes, the FAA provides the "unfunded priorities" list, as required by section 213 of the reauthorization law.

The FAA Reauthorization Act of 2024 includes a requirement that the FAA Administrator notify the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on any unfunded capital investment needs of the air traffic control system that the President did not include in the annual budget request. The FAA Administrator will provide a summary description of the unfunded capital investment need(s); the objective to be achieved if the unfunded capital investment need is funded in whole or in part; the additional amount of funds recommended in connection with each objective; the budget line item program and budget line item number associated with each capital investment

need (as applicable); and the statutory requirement associated with such unfunded capital investment need (as applicable). Finally, the briefing will present the unfunded capital investment need(s) in overall urgency of priority.

Question 3. The FAA Reauthorization Act of 2024 included a provision to require the FAA to equip all of its towers with Tower Simulation Systems (TSS) technology. TSS systems—ranging from permanent large systems to mobile “suitcase” systems—allow controllers and controller trainees to conduct realistic training scenarios that are not easily replicated in day-to-day operations such as severe weather events, runway closures, and in-flight emergencies. This training is important for both new controllers and experienced controllers who must undergo recurrent training.

From what I understand, TSS technology is cost-effective and has reduced training time by 27%, but it is currently present at only about 70 of the 263 FAA-operated towers. The FAA’s budget request asks for about \$5 million to upgrade TSS capabilities, add network connectivity, and provide additional simulators to expand the program.

Could you please elaborate on how FAA is using TSS to enhance controller training, and why expanding the program would be beneficial to ATC operations? And please provide the Committee with updated budget estimates to install TSS at every FAA tower, along with making all of the necessary system and network updates moving forward?

ANSWER. The TSS provides an immersive environment where new hire trainees can learn and practice their decision-making skills and current air traffic control procedures in a controlled environment. It gives the trainee an opportunity to work traffic and practice scenarios that they might see when they become a controller at an ATC facility. A reduction in time to certification allows the FAA to get a new hire out to the field faster so that they can then certify at their assigned facility. The TSS is a valuable tool for ATC operations and overall safety in the National Airspace System because it allows a Certified Professional Controller (CPC) to complete refresher training and practice their skills in the same controlled environment. It also allows the CPC to practice emergency procedures. Expanding the TSS footprint allows us to supply all ATC facilities with vital training equipment, so CPCs are prepared to respond to safety-related procedures as well as maintain their certification without concern of travel or significant time away from their position to do so.

The FAA must complete its due diligence before procuring any additional simulators. We want to ensure that we have accounted for all considerations, including control tower space constraints before we begin deployment. For FY 2025, \$5.1 million is requested to add capabilities to the TSSs to reduce overall maintenance costs and acquire additional simulators to expand the program’s current footprint.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. BURGESS OWENS

Question 1. Mr. Buttigieg, what are your department’s plans to prevent a potential strike at the East and Gulf Coast ports on September 30 and if the strike does occur, what steps will be taken to mitigate the harm to the American consumer?

ANSWER. Along with our partners at the Department of Labor and in the White House, we engaged with both parties to bring them to the table and reach a tentative agreement on wages that ended the strike after less than 72 hours. We’re carefully monitoring the continuing negotiations between the International Longshoremen’s Association and the United States Maritime Alliance. We know how important the supply chain is to keep our economy productive and prices low. We support the collective bargaining process and encourage the parties to continue to bargain.

Question 2. Mr. Buttigieg, USDOT recently updated the estimate of August Redistribution of unused federal highway dollars to \$8.7 billion. This is a huge amount of dollars being asked of the state DOTs to obligate, due to the slow-spending competitive grant programs administered by the department. What kind of flexibility are you providing to make sure that states have the tools necessary to handle this ask? And what are you doing about this in the longer term to avoid what seems like a fire drill each summer?

ANSWER. FHWA engaged in early and consistent outreach to states on August Redistribution to help them plan for another large redistribution in FY 2024. In May 2024, FHWA notified states of their share of an updated estimate of \$8.7 billion for the FY 2024 August Redistribution for planning purposes.

FHWA has taken steps to speed up project delivery and is working to reduce the time it takes to process grant agreements from award announcement to obligation, including obligation of discretionary grant funds that are subject to obligation limitation. This will lower the amount of obligation limitation redistributed each fiscal year. FHWA Division Offices collaborated with State DOTs to identify potential projects, obligate discretionary grant funding, and utilize planning and programming flexibilities. Additionally, FHWA worked closely with FTA to determine transit capital activities that were ready for obligation as an option of transferring funds to FTA for eligible transit projects and coordinated with FTA to transfer funding late into September to provide maximum flexibility. For FY 2024, states requested approximately \$9 billion of additional formula obligation limitation under August Redistribution, an amount that exceeded the amount of obligation limitation returned for redistribution. On August 27, 2024, FHWA successfully redistributed approximately \$8.7 billion in obligation limitation to the states. The formal process for the next August Redistribution will commence in July 2025.

Additionally, the FY 2025 President's Budget request proposes legislative language to address this annual statutory issue. If enacted, the legislative proposal would have an immediate impact on the FY 2025 August Redistribution by lowering the amount estimated to be redistributed by approximately \$3.2 billion. This legislative proposal would also have a beneficial impact to the FY 2026 obligation limitation distribution, providing states with more of their formula obligation limitation up front.

Further, the FY 2025 President's Budget proposes to repurpose \$800 million in unobligated balances from the Transportation Infrastructure Finance and Innovation Act (TIFIA) program to fund the National Infrastructure Project Assistance grant program (Mega) and the local and regional project assistance grant program (Rebuilding American Infrastructure with Sustainability and Equity, or RAISE). The repurposing proposal would have a positive impact on the August Redistribution process by redirecting the carryover of TIFIA funding to Mega and RAISE, which would reduce the amount available for August Redistribution and thus alleviate some of the burden on the states. The Department is happy to work with Congress on how we can address August Redistribution.

Question 3. Mr. Buttigieg, as you know, there is considerable concern within the transportation stakeholder community regarding USDOT's proposal to discontinue the long-standing waiver of Buy America requirements for manufactured products. Manufacturers, state departments of transportation and local governments are all struggling with how the elimination of the current waiver can be implemented without significant project delays, cancellations or cost increases.

Is USDOT willing to have a multi-year transition process for the implementation of Buy America requirements for manufactured products? And is USDOT also willing to consider an expanded use of targeted waivers of Buy America requirements for products that cannot be reasonably sourced domestically?

ANSWER. On March 12, 2024, FHWA published a Notice of Proposed Rulemaking (NPRM) to discontinue its longstanding general waiver of Buy America requirements for manufactured products and establish standards for applying the agency's statutory Buy America requirements to manufactured products. The public comment period closed on May 13, 2024. A final rule was submitted to OMB on October 7, 2024.

FHWA also acknowledged in the preamble to the NPRM that "there may be some products that are not currently produced in the United States and, for various reasons, might not be able to be produced in the United States in the near future. For such products, FHWA intends to consider whether it should propose any targeted waivers, with these waivers providing a timeline to encourage manufacturers to ramp up domestic production. To that end, FHWA is concurrently publishing a Request for Information (RFI), seeking specific and detailed information on what products are not and cannot be produced in the United States in the near future. Based on information received, FHWA intends to propose time-limited and targeted waivers covering such products, if it determines it would be appropriate to do so."

Through the NPRM, FHWA also sought comment on whether a "transition period is needed for its proposed standards for manufactured products to allow contracting agencies, contractors, and manufacturers time to create appropriate systems and processes, as well as train staff on compliance with the proposed standards. The FHWA specifically seeks comment on the minimum time required for these purposes and, accordingly, the effective date for the proposed Buy America requirements for manufactured products."

FHWA will consider the information received through the RFI and comments received as it determines its next steps regarding any potential targeted, time-limited waivers for specific products.

Question 4. Mr. Buttigieg, recently, the Highways and Transit Subcommittee heard testimony about labor supply challenges in the industry. Transit workforce development is critical to keeping the nations' investment in transit viable. In my state, the Utah Transit Authority has created a program called Bilingual Bridges, an English as a Second Language (ESL) pilot partnership with the Utah State Board of Education, Granite School District, and the Utah Department of Workforce Services. This program, which has now graduated two classes with ESL certificates, is a paid, integrated ESL and job skills training course lasting between 8 and 12 weeks, which prepares participants to work at UTA while learning English. Can you please share how your Department will help agencies fund and supervise training programs such as this?

ANSWER. FTA provides flexibility to transit agencies to use various FTA funding sources for their unique workforce training needs, including those related to ESL training. There are four main sources of funds FTA recipients may use for workforce development activities. Recipients can use FTA's Technical Assistance and Workforce Development Program (49 U.S.C. § 5314), FTA's Urbanized Area Program (49 U.S.C. § 5307), FTA's State of Good Repair Program (49 U.S.C. § 5337), and FTA's Bus and Bus Facilities Program (49 U.S.C. § 5339). There are specific provisions related to each of these programs and FTA would be happy to share more details if needed on these various funding opportunities.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. RUDY YAKYM III

Question 1. As you well know, there is a longstanding, acute shortage of air traffic controllers. The FAA's request to increase the annual controller hiring target to 2,000 for FY25, with plans for additional increases in future years, is a step in the right direction, as are its efforts to establish the Enhanced-CTI program.

However, much work remains. I am troubled by reports that the FAA, in a recent briefing to aviation stakeholders, indicated it plans to reduce controller hiring targets in FY27 and FY28 after planned increases in FY25 and FY26. This contravenes the recent FAA Reauthorization Act of 2024, which requires the FAA to set annual hiring controller targets at the maximum number able to be trained at the FAA Academy through FY28.

Question 1.a. Will DOT and FAA commit to complying with the ATC maximum hiring provisions through FY28 as the law now requires?

ANSWER. Ensuring that the FAA returns to healthy staffing levels remains among my top priorities. The FAA exceeded its goal of hiring 1,800 air traffic controllers in 2024, with a final total of 1,811 for Fiscal Year 2024. As the largest number of hires in nearly a decade, this marks important progress in the FAA's work to reverse the decades-long air traffic controller staffing level decline. The 2024 Controller Workforce Plan released in April included facility-specific staffing targets from both the Staffing Standards process and the Collaborative Resource Workgroup process. We are committed to completing a study comparing these two staffing models and methodologies, and implementing the model selected by the FAA Administrator as outlined in section 437 of the FAA Reauthorization Act of 2024.

We regularly monitor and assess our current staffing and attrition levels and publish our staffing needs and outlook annually in the Controller Workforce Plan. We are planning hiring efforts to exceed controller attrition due to retirements, promotions, or other losses. Our hiring needs for FY27 and FY28 will depend on the impact of the work we are doing today to outpace attrition.

Question 1.b. Do you anticipate any major challenges to expanding the FAA Training Academy's training capacity, and what is a realistic timeline for these actions?

ANSWER. With higher FY25 CWP training requirements, the FAA has been executing a plan to increase overall air traffic training capacity at the Academy by 30% for FY25. This increase supports both Initial Qualification Training (IQT) for new hire students (Track 1), and Non-Job-Jeopardy (NJJ) field students that circle back to the FAA Academy for initial qualification training. This capacity expansion is on track to meet FY25's hiring goals, which represent an increase over FY24's hiring goal.

As instructors are key to the success of this effort, the FAA expects to continue to utilize both FAA employees and contract instructors. Accordingly, the FAA is cur-

rently working with a contractor to ensure that instructor availability is commensurate with the FY25 increase in training demand and releasing Certified Professional Controllers from the field for the FAA Academy instructor requirements.

Question 2. The FAA Reauthorization Act of 2024 required that the FAA put forward its draft Beyond Visual Line of Sight (BVLOS) rule for by mid-September. Given the delays that have occurred and the impact a BVLOS rule would have by unlocking innovation and driving economic activity, can you commit today that DOT and FAA will prioritize meeting this legally-mandated deadline and put forward a draft BVLOS rule by September 15, 2024?

ANSWER. The FAA is working to publish the notice of proposed rulemaking, “Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations,” which is expected to expedite the introduction of BVLOS operations. In the meantime, the FAA has streamlined approval processes for BVLOS operations approved through waivers or exemptions and is working to exercise the flexibility provided in the FAA Reauthorization Act of 2024 to enable more scalable BVLOS operations in advance of rulemaking.

Question 3. Drone technology is increasingly used for inspecting critical transportation infrastructure, such as bridges, tunnels, and highways, due to its ability to enhance worker safety and improve productivity. Given the recent authorization of the Drone Infrastructure Inspection Grant program in the FAA Reauthorization Act of 2024, how do you plan to prioritize the use of drone operations in areas such as infrastructure inspections? Additionally, could you provide insight into the funding strategies and measures you will carry out to ensure that these advancements in technology translate into tangible safety benefits for workers involved in these critical inspection and maintenance activities?

ANSWER. Infrastructure inspection using safe and reliable, domestically produced drones presents a way to better ensure the safety and stability of the national infrastructure and to enable economic benefits of drones. These inspections can and do happen across the country today under 14 CFR Part 107 line of sight operations. The Department uses drones to inspect critical highway infrastructure. The Department appreciates Congress’ support in developing this capability through provisions in the FAA Reauthorization Act of 2024 (Pub. L. 118–63, May 16, 2024) that would enable the FAA to inspect its own infrastructure and manage a grant program for state governments to establish their own drone inspection programs. While this new program introduces important requirements, it has not yet received appropriations sufficient to fully implement them. We look forward to collaborating with Congress to ensure that adequate funding is secured for all new programs mandated by the Reauthorization. The Department is fully committed to meeting the legislative requirements for this and all provisions of the FAA Reauthorization. We are currently developing a management strategy that will allow us to implement the infrastructure inspection program to the best of our ability, despite competing priorities and financial constraints.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. DERRICK VAN ORDEN

Question 1. Assaults on transit workers are at an all-time high. While some of the discourse about crime on public transit is exaggerated, the threat to workers is very real. The perception of public safety on public transit is one of the main reasons passengers have been slow to return to public transit. Until this issue is solved, transit agencies will continue to struggle with farebox revenue. The FTA has acknowledged the importance of this issue through in its General Directive on Preventing Assaults.

Question 1.a. Secretary Buttigieg, what is the timeline for action on the general directive and further rulemakings to protect workers and riders from assault?

ANSWER. DOT and FTA are committed to ensuring the safety of transit workers nationwide who are responsible for moving millions of Americans to their jobs, schools, and other daily activities. Everyone deserves a safe workplace, including and especially the frontline transit workers. FTA issued General Directive 24–1 on September 25, 2024. The General Directive, the first one to be issued by FTA, will require more than 700 transit agencies nationwide to take action to protect frontline transit workers from the risk of assaults. It requires each transit agency to do the following:

- Conduct a risk assessment of assaults on the agency’s transit workforce, using the Safety Management System processes outlined in its Agency Safety Plan.

- If a transit agency has determined it has an unacceptable level of risk of assaults on transit workers, it must identify strategies to mitigate that risk and improve transit worker safety.
- Every transit agency serving a large, urbanized area (with a population of 200,000 or more) must comply with Public Transportation Agency Safety Plans (PTASP) requirements to involve the joint labor-management Safety Committee when identifying safety risk mitigations and strategies.
- Finally, each transit agency must provide information to FTA within 90 days on the risk level identified in its system, how it is mitigating those risks, and how it is monitoring the safety risk associated with assaults on transit workers.

Transit agencies are required to respond to the General Directive by December 26, 2024. The General Directive builds upon previous steps by the Biden-Harris Administration to strengthen transit worker safety.

FTA intends to use information submitted to it pursuant to the General Directive and other FTA initiatives to inform future FTA actions, including rulemakings such as the planned Transit Worker and Public Safety rule. In 2025, FTA anticipates publishing a Notice of Proposed Rulemaking (NPRM), which will propose establishing minimum baseline standards and risk-based requirements to address transit worker and public safety, including but not limited to Fixing America's Surface Transportation Act (FAST Act) (Pub. L. 114–94, Dec. 4, 2015) section 3022 requirements.

Question 1.b. What effects does the perception of violence onboard public transportation have across transit systems (ridership, worker retention and recruitment, security costs, etc.)?

ANSWER. While crime rates are down across the country, FTA believes that transit riders deserve to feel safe as they travel around their communities, and transit workers deserve a safe workplace. That is part of why FTA requires at least 1 percent of all urban transit formula funding be spent on security for transit systems. In addition, the Bipartisan Infrastructure Law requires at least .75 percent of all urban transit formula funding to be set aside for safety, which includes efforts to prevent assaults on transit workers.

FTA is currently funding research through the Transit Cooperative Research Program (TCRP) on Improving Transit Customer Perception of Personal Security. The project will document the current practices transit systems use to improve customer perception of personal security, including the strategies that are being used to increase customer perception of security on transit; whether the strategies are successful; how these strategies are communicated to the public; and the associated change in customers' perceptions. FTA recently published a new Transit Customer Assault Prevention webpage for transit agencies to provide more resources to help prevent and address crime in their systems, which includes research on the factors contributing to customer assault events, trends in assault data, and mitigations.

FTA is also working with agencies nationwide to promote best practices that have been shown to reduce crime in and around transit facilities, including increased security personnel, non-uniformed ambassadors and other active measures to protect the riding public and individuals in need of supportive social services. FTA also continues to work to protect transit workers through landmark rulemaking recently finalized to implement the Bipartisan Infrastructure Law (BIL). That regulation, the Public Transportation Agency Safety Plans final rule, gives transit workers more of a voice in the safety and security of themselves, their passengers and the systems they operate.

To help ensure the continued safety of our nation's public transit systems, FTA launched the Enhanced Transit Safety and Crime Prevention Initiative to provide information and resources to help transit agencies address and prevent crime on their systems and protect transit workers and riders. FTA resources can be used by transit agencies to prevent and address crime in their systems and protect transit workers and riders. Certain agencies can also use these resources for overtime pay for enhanced security personnel presence and mental health and crisis intervention specialists.

Question 2. Prior to beginning a journey, each freight rail car connected to a train is required to undergo an inspection. Car inspectors are often required to perform this 100+ point inspection in less than 60 seconds for each car for trains that extend for as long as 3 miles. Railroads have recently begun testing AI alternatives to quickly test rail cars in motion as a substitute for the traditional inspection process.

Secretary Buttigieg, how are you reviewing new rail technology like this in light of the Department's Innovation Principles?

ANSWER. DOT and FRA are committed to implementing the Department's Innovation Principles, and technology plays a key role, as do workers. Following the Norfolk Southern derailment in East Palestine, OH, on February 3, 2023, I called on Norfolk Southern and the entire freight railroad industry to act immediately to deploy new inspection technologies without seeking permission to abandon human inspections. Requests have been framed by industry to set up a false choice between technology and human oversight. We need both to keep our nation's railroads safe.

FRA has a long history of working with railroads and the supply industry to develop, test, verify, and validate technology solutions, as well as addressing comments from labor organizations, other stakeholders, and the public when evaluating technology for approval to operate. Importantly, in some situations and depending on the new technology, FRA may not have a role in its implementation. An often-overlooked aspect of introducing new technology is ensuring that railroad employees are properly trained to safely use new technology. In addition, FRA encourages the railroads to engage with rail labor organizations at different stages in the development of technology to leverage the knowledge and experience of the workers and obtain their support for implementation.

In some situations, FRA's Office of Railroad Safety provides assistance in the development of new technology and in navigating the regulatory requirements for implementation in the form of attending design reviews, providing subject matter expertise, observing testing, and if necessary, approving or disapproving a railroad's request for use of new technology in revenue operations. FRA's support in the industry's successful implementation of Positive Train Control (PTC), a development and implementation process covering more than a dozen years, is an example of this coordination and cooperation. The agency plans to leverage these existing processes to assist in the introduction of new technology, including those based on AI, to enable their safe introduction into the system.

Question 3. CRISI grants help short line railroads repair and rehabilitate worn-out track and rail infrastructure—the leading cause of derailments on short line railroads. Short line freight railroads operate nearly 50,000 miles of the national freight rail network and have been successfully competing for these resources since the program was created in 2015's FAST Act (but first funded in 2017), making their rail network safer—and their supply chain more efficient.

Secretary Buttigieg, can you discuss the importance of ensuring CRISI funds are made available to be used to help short line freight railroads invest in safety upgrades?

ANSWER. FRA's Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant program is unique in that it can provide direct assistance to help both small and large communities invest in rail safety and capital projects for stronger supply chains, can directly support short line railroads, and make major investments in intercity passenger rail. The Bipartisan Infrastructure Law significantly increased the amount of funding available in CRISI, including \$1 billion in advance appropriations each year, and expanded project eligibilities within the program. In response to the Fiscal Year (FY) 2023/2024 notice of funding opportunity, FRA reviewed 271 eligible applications from 48 states and the District of Columbia, requesting \$ 7,397,542,372. In October 2024, FRA awarded \$2.5 billion in FY23/24 CRISI funding to 122 rail improvement projects in 41 states and the District of Columbia. Over 40 percent of this funding flowed to rural communities, and over \$1.3 billion was awarded to projects that improve freight and short line railroad infrastructure, representing over 50 percent of all awards. DOT values our short line partners and their continued participation in the CRISI Program.

Question 4. As we've seen travelers return to our nation's airports at record levels this summer, the signs of strain on the National Airspace System seem more apparent in the form of traveler delays and disruptions, safety incidents, and the imposition of "voluntary" limits on slots to key airports. I know that travelers from my state of Wisconsin have been directly impacted by these issues. Air traffic controller workforce issues have contributed to this strain, as FAA Administrator Whitaker noted in his remarks when he met with NATCA in February.

Question 4.a. Secretary Buttigieg, can you provide an update on the status of controller hiring and training initiatives?

ANSWER. We continue to work on several initiatives to increase our hiring pipeline and bolster training throughput. The FAA has a robust hiring process in place to ensure that the best candidates are selected and placed at facilities with the greatest need. We've taken the following actions to recruit, train, and hire the best candidates for ATC positions:

- Revised our Academy placement process for Academy graduates offering more locations to reduce the need for controller transfers.

- Revised the Previous Experience Public Notice Announcement to provide greater flexibility to applicants departing the military.
- Revised the Tier 2 Medical/Minnesota Multi-Phase Personality Inventory (MMPI) Retest Process, resulting in both cost savings and an increase in applicants.
- Invested in En Route and Tower simulation technology, adding an additional En Route lab at the FAA Academy, and modernization of our Tower Simulation System across the National Airspace System.
- Successfully launched the Enhanced Air Traffic Collegiate Training Initiative (E-CTI), which will not only increase our hiring input but also will bolster throughput. To date, 32 schools have applied and three have successfully completed the certification process.

In FY 2024, the FAA hired 1,811 new controllers, surpassing the year's goal of 1,800 and the 1,514 controllers hired in FY 2023. For FY 2025, the FAA has increased its hiring goal to 2,000 air traffic controllers.

Question 4.b. Can you also provide an estimate of when you expect these initiatives to eliminate the need for voluntary slot restrictions and address safety and delay concerns?

ANSWER. The Slot Administration program office continues to monitor these initiatives and manage slot usage waivers according to their progress. Effective on October 27, 2024, staffing-related relief will continue via the extended Limited Waiver of the Slot Usage Requirement, originally published on September 20, 2023, through the Winter 2024/2025 Slot season and until the end of the Summer 2025 Slot Season on October 25, 2025.

The FAA expects increased delays and cancellations in the New York region to exceed those experienced over Summer 2022 and Winter 2022/2023 if a waiver similar to the one that has been in effect for the Summer 2023, Winter 2023/2024, and Summer 2024 season is not in place for the Winter 2024/2025 and Summer 2025 scheduling season to allow carriers to reduce schedules without penalties for non-use of slots or previously approved operating times.

Reducing schedules will improve the alignment between scheduled operations and actual operations, will help prevent unnecessary delays, will help optimize the efficient use of the airports' resources, and will help deliver passengers to their destinations more reliably and on time.

Question 5. Secretary Buttigieg, as you've said publicly there is an ongoing and longstanding shortage of air traffic controllers. The FAA's request to increase the annual controller hiring target to 2,000 for FY25, with plans for additional increases in future years, is a step in the right direction. The FAA's efforts to establish the Enhanced-CTI program to bolster the ranks of new controller trainees is also a welcome development.

However, much work remains, and this will be a long-term effort to resolve the air traffic controller staffing shortage. I understand that the FAA, in a recent briefing to aviation stakeholders, indicated it plans to reduce the controller hiring targets in FY27 and FY28 after planned increases in FY25 and FY26. However, the recently enacted Federal Aviation Administration (FAA) Reauthorization Act of 2024 requires the FAA to set annual hiring controller targets at the maximum number able to be trained at the FAA Academy through FY28, and to study and implement an expansion of the Academy's capacity.

Question 5.a. As you have noted, solving the ongoing shortage of air traffic controller is a priority for DOT and FAA. Will DOT and FAA commit to complying with the ATC maximum hiring provisions through FY28 as the law now requires?

ANSWER. Ensuring that the FAA returns to healthy staffing levels remains among my top priorities. The 2024 Controller Workforce Plan released in April included facility-specific staffing targets from both the Staffing Standards process and the Collaborative Resource Workgroup process. We are committed to completing a study comparing these two staffing models and methodologies, and implementing the model selected by the FAA Administrator as outlined in section 437 of the FAA Reauthorization Act of 2024.

In FY 2024, the FAA hired 1,811 new controllers, surpassing the year's goal of 1,800 and the 1,514 controllers hired in FY 2023. For FY 2025, the FAA has increased its hiring goal to 2,000 air traffic controllers.

We regularly monitor and assess our current staffing and attrition levels and publish our staffing needs and outlook annually in the Controller Workforce Plan. We are planning hiring efforts to exceed controller attrition due to retirements, promotions, or other losses. Our hiring needs for FY27 and FY28 will depend on the impact of the work we are doing today to outpace attrition.

Question 5.b. Regarding the FAA Training Academy and getting more controllers hired and trained, what key factors may you need to review? Do you anticipate any major challenges to expanding training capacity, and what is a realistic timeline for these actions?

ANSWER. With higher FY25 CWP training requirements, the FAA is executing a plan to increase overall air traffic training capacity at the Academy by 30% for FY25. This increase supports both Initial Qualification Training (IQT) for new hire students (Track 1), and Non-Job-Jeopardy (NJJ) field students that circle back to the FAA Academy for initial qualification training.

As instructors are key to the success of this effort, the FAA expects to continue to utilize both FAA employees and contract instructors. Accordingly, the FAA is currently working with a contractor to ensure that instructor availability is commensurate with the FY25 increase in training demand.

Question 6. Earlier this year an asphalt producer from my state—The Walbec Group—testified before the House T&I Committee regarding the Administration’s Buy America rulemaking at FHWA and the long-delayed acknowledgment of Buy America exemptions for construction materials, like asphalt binder and aggregate. Unfortunately, it took 2+ years of IIJA implementation before this bipartisan provision was finally affirmed at OMB.

Can you provide more detail as to how you anticipate this Administration utilizing evolving Buy America rulemakings in the future and how your agency will provide industry partners, like construction material producers, certainty and clarity on this critical procurement process?

ANSWER. With regard to the products that you cite, the Office of Management and Budget has consistently acknowledged the exclusion of certain types of materials from being considered construction materials under the Build America, Buy America Act (BABA), as enacted by Congress, in both its initial and final implementation guidance. DOT is following that guidance in applying the BABA requirements to its financial assistance programs for infrastructure. The Federal Highway Administration has also posted guidance Q&As on its website describing the application of the BABA requirements to the Federal-aid Highway Program, including standards for construction materials.

Question 7. The IIJA provided for significant investment in rural surface transportation infrastructure across the country through the Rural Surface Transportation Grant Program.

How is DOT supporting small and rural communities to ensure they have the resources necessary to take advantage of these funding opportunities?

ANSWER. The Department is committed to supporting the unique transportation needs of small and Tribal communities by investing in rural America through discretionary grant programs. Since 2022, we have awarded \$11.5 billion in new discretionary grants to rebuild and modernize rural roads, bridges, transit, ports, and airports—which is twice as much discretionary funding awarded to rural applicants than in the previous 4 years combined. For example, the Department has awarded \$900 million to 30 projects across 26 states under the Rural Surface Transportation Grant (Rural) program. We made significant strides to streamline the application process by combining the Notice of Funding Opportunity (NOFO) for the Rural program with the INFRA and Mega programs, which gives these rural projects the best opportunity to compete for all available funding, and simplifying the evaluation criteria for Rural program applicants seeking less than \$25 million.

In addition, the Department offers technical assistance and resources to support project planning, development, and funding and financing strategies so that new and prior applicants are successful in delivering transformative infrastructure projects. Since 2022, DOT has awarded nearly \$1.5 billion to first-time rural and Tribal discretionary grant applicants.

- The Thriving Communities Program, funded in FY2022 and FY2023 appropriation bills, funds Capacity Builders who provide no-cost technical assistance to help state, local, Tribal, and territorial governments better access federal funding for projects in their communities. Over 680 letters of interest have been submitted by communities requesting support through the program. A total of 176 communities are currently being supported, of which two-thirds are rural. As of August 2024, 62 percent of our FY22 Thriving Communities that had never received a DOT grant became first time awardees. Between RAISE and SS4A alone, Thriving Communities have received over \$71 million dollars to support critical transportation infrastructure and safety projects in communities across the country, including Douglas (AZ), Wrangell (AK), York (AL), Rexburg (ID), and the First Tennessee RPO. Thriving Communities has also coordinated with federal partners for site visits to rural and tribal communities, including Stand-

ing Rock Indian Reservation (ND and SD), Shoalwater Bay Indian Tribe (WA), and Upper Kanawha Valley (WV).

- The Rural and Tribal Assistance Pilot Program funds communities seeking early-stage support in developing projects in rural and Tribal communities. DOT received over 400 applications requesting more than \$127 million in response to the first NOFO. The 2024 NOFO will be out this summer and will provide \$27 million (\$2 million from BIL and \$25 million from FY 2024 appropriations).
- Within the Office of the Under Secretary for Transportation Policy, the Rural Opportunities to Use Transportation for Economic Success (ROUTES) Initiative prioritizes the needs of rural America by supporting rural transportation policy and equitable access for rural and Tribal communities that face challenges relating to transportation safety, mobility, and economic development. ROUTES develops user-friendly tools and information, aggregates DOT resources, and provides technical assistance to better connect rural project sponsors with the funding, financing, and outreach resources available. For instance, the Rural Grant Applicant Toolkit for Competitive Federal Transportation Funding helps rural applicants understand the federal grant process and the opportunities that are available to support rural transportation projects. The ROUTES Initiative also partners with USDA's Rural Partners Network and DOE's Interagency Working Group on Coal & Power Plant Communities & Economic Revitalization to support rural communities in need of targeted technical assistance.

Question 8. The 2024 FAA Reauthorization Act contains provisions related to high-speed and high-altitude flight. These are designed to ensure that the FAA is ready to regulate and integrate supersonic and hypersonic aircraft into our airspace when the time comes. The bill also aims to maintain U.S. leadership in aviation. President Biden's National Aeronautics and Space Technology Priorities highlights hypersonic transportation as a priority. The State Department, together with key allies including Canada, the UK, the EU countries, and Japan, issued a joint statement in December 2023 calling on ICAO to prioritize and expedite higher airspace operations in its work program.

How does the Department plan to accomplish this critical work, meet the deadlines, and ensure that the United States leads the world in high-speed and high-altitude aviation?

ANSWER. The FAA recognizes the numerous challenges associated with high-speed and high-altitude flight airspace provisions, including noise considerations, emissions, unique aircraft design challenges associated with high-speed flight, and other certification and operational considerations. The FAA works across multiple agencies such as the National Aeronautics and Space Administration, directly engages with international aviation authorities, and participates in standards development organization meetings to support aircraft certification to ensure this critical work is well-coordinated and comprehensive. We will continue to work in partnership with aircraft manufacturers currently designing and testing prototype supersonic aircraft and engine technologies to identify drivers of new airworthiness requirements unique to such aircraft.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. MARCUS J. MOLINARO

Question 1. Mr. Secretary, I understand that SAI's structure allows for such capabilities. Can you work with the FAA to ensure that safety alerts are a required capability for SAI as that new surface surveillance system is installed at airports throughout the country?

ANSWER. The establishment of the SAI program was in response to last spring's (2023) Safety Call to Action to reduce runway incursions. In a matter of months, the FAA released a solicitation to industry and awarded contracts to three separate solution providers, and 90 days after those contracts were awarded, the service was operational at four airports. The FAA is now focusing its efforts to deploy SAI capabilities as quickly as possible. The FAA has not assessed what additional surface safety capabilities might be required following the deployment of SAI. Surface safety alerting can be beneficial but can have detrimental safety impacts if not appropriately designed and implemented. Following the deployment of the SAI capability, surface safety alerting may be considered as a future capability.

Question 2. Mr. Secretary, would SAI be improved if FAA required that the new surveillance system also utilize automated safety alerts to continuously scan the sit-

uation at that airport, identify issues, and generate audible and visual alerts to the controllers when a dangerous scenario is about to occur?

ANSWER. Automatic surface safety alerting can be beneficial but can have detrimental safety impacts if not appropriately designed and implemented. Following the deployment of the SAI capability, surface safety alerting may be considered as a future capability. If the FAA decides to require safety alerting in the SAI systems, the FAA first must develop requirements to determine the safety alert capabilities which must be analyzed for safety risk, developed, tested, and implemented.

Question 3. If the FAA used safety alert for all of its surface surveillance technology, wouldn't this simplify controller training and standardize operations while ensuring the same level of safety at all airports around the country?

ANSWER. The current surface safety alerting capabilities are specific to the Airport Surface Detection System, Model X (ASDE-X) and ADS-B Airport Surface Surveillance Capability (ASSC) surface surveillance systems in use at 44 airports today. These systems have design features that are not commensurate with SAI. To the extent standardization could be implemented to simplify operations and training, that will be pursued (similar to the way the SAI user interface was standardized with the interface of the existing surface surveillance systems). Before safety alerts could be added, the FAA must develop requirements to determine the safety alert capabilities which must be analyzed for safety risk, developed, tested, and implemented.

Question 4. Can't the safety alerting capabilities from ASDE-X and ASSC, that the FAA invested in and refined for the last two decades, be leveraged and used for SAI?

ANSWER. If the FAA determines that safety alerting is appropriate to be added into SAI, the alerting behavior of the safety alerting capabilities from ASDE-X and ASSC could be leveraged and used for SAI to the extent that they are applicable to specifics of the SAI system design. The specific safety alert capability of ASDE-X and ASSC is unique to those specific system designs. For example, SAI does not provide a surface surveillance radar detection capability, which would need to be considered in leveraging the reuse of existing safety alerting capabilities.

Question 5. Mr. Secretary, would you agree that safety alerts in the control tower of potentially dangerous situations are an essential layer of ensuring airport surface safety?

ANSWER. SAI being deployed today will improve safety, providing surface situational awareness where such capabilities do not exist. Getting SAI deployed to additional control towers is the current priority to provide a foundational safety improvement to more locations in the National Airspace System. The FAA has not assessed what additional surface safety capabilities might be required following the deployment of SAI. Surface safety alerting can be beneficial but can have detrimental safety impacts if not appropriately designed and implemented. Following the deployment of the SAI capability, surface safety alerting may be considered as a future capability.

Question 6. Advanced Air Mobility promises to bring safe and efficient operations and economic growth in American communities through the certification and use of powered-lift aircraft. The future of these operations hinges on FAA's development of the 'powered-lift SFAR.' It is critical that this rulemaking process thoroughly 1) incorporates the collective responses received from the NPRM last August, 2) addresses the provisions of Sec. 955 of FAA Reauthorization, and 3) aligns with the ICAO standards the FAA already supports. Mr. Secretary, can you assure me that these 3 factors will be fully and comprehensively considered in the final powered-lift SFAR?

ANSWER. In October 2024, the FAA published an advance copy of the final Special Federal Aviation Regulation, "Integration of Powered-Lift: Pilot Certification and Operations; Miscellaneous Amendments Related to Rotorcraft and Airplanes." This final rule, promulgated in accordance with the requirements of the Administrative Procedure Act, addresses the requirements of section 955 of the FAA Reauthorization Act of 2024. Further, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARP) to the maximum extent possible. In the final rule, the FAA explained that its approach conforms with ICAO SARPs to the maximum extent practicable and provides an equivalent level of safety that meets or exceeds the ICAO standards. This includes leveraging the ICAO-accepted definition of powered-lift and working with ICAO in the Advanced Air Mobility Study Group to ensure the regulatory gaps are identified and addressed in future ICAO Annexes.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. MIKE COLLINS

Question 1. Passed as Section 514 of the Frank LoBiondo Coast Guard Authorization Act of 2018 and signed into law in December 2018, the National Timing Resilience and Security Act (Timing Act) requires the Secretary of Transportation to deploy a ground-based GPS backup timing system that would utilize existing but dormant Coast Guard communications towers through a public-private partnership (P3) within two years of enactment. The legislation was consistent with a January 2021 study conducted by the Department that recommended the implementation of three key technologies to address GPS vulnerabilities: low Earth orbit (LEO) satellites, regional beacons, and a nationwide enhanced long-range navigation (eLORAN) service.

Despite three years of appropriations from Congress to support this initiative, recent test beds have not included a ground-based system. This is concerning, given the critical importance of this backup system for national security and infrastructure resilience.

Could you please provide an update on the Department's plans to fully implement this legislation? Specifically, what steps are being taken to expedite the deployment of the ground-based GPS backup timing system, and what is the projected timeline for its completion?

ANSWER. Under 49 U.S.C. 312 (Timing Act), the Secretary of Transportation is required to "provide for the establishment, sustainment, and operation of a resilient, and reliable alternative timing system" subject to the availability of appropriations. The Department of Transportation has not received appropriations specifically directed to or sufficient for such activity. However, the Department has ensured that the priority goal of availability of a resilient alternate timing system for use by critical infrastructure owners and operators in the face of increasing jamming and spoofing operations against civil positioning, navigation, and timing (PNT) sources, most notably GPS, has been maintained in all complementary PNT activities. The team has focused on implementing EO 13905, *Strengthening National Resilience Through Responsible Use of Positioning, Navigation, and Timing Services*, and Space Policy Directive 7, *The United States Space-Based Positioning, Navigation, and Timing Policy* (SPD-7). The former focuses on engaging the public and private sectors to identify and promote the responsible use of PNT services, rather than on system development; the latter on sustainment of GPS and GPS augmentations.

In pursuit of the EO/SPD goals and the Timing Act-recognized need for alternative timing sources, the DOT Volpe National Transportation Systems Center in 2020 conducted field demonstrations of candidate PNT technologies that could offer complementary service in the event of GPS disruptions, including terrestrial PNT technologies. The purpose of the demonstrations was to gather information on PNT technologies at a high technology readiness level (TRL) that can work in the absence of GPS. Resilient timing scenarios were among the technology demonstrations measured and analyzed. The culmination of the demonstration program was the 2021 Report to Congress, *Complementary PNT and GPS Backup Technologies Demonstration Report*. The report cited the Timing Act, along with the FY17 and 18 National Defense Authorization Acts, as guiding requirements for the demonstrations.

As a result of this technology demonstration, DOT determined that: 1) no single solution or the provision of a back-up or Complementary PNT service can meet the diversity of critical infrastructure application requirements, and 2) it would be inefficient, anti-competitive, and potentially harmful to the existing market for back-up/complementary PNT services for the federal government to procure or otherwise fund a specific solution for non-federal users. This determination has guided the Department's implementation of further complementary PNT activities, and not including systems development.

The Department has continued to undertake efforts to further identify potential technical solutions and/or services that would "to the maximum extent practicable" satisfy the requirements set forth in 49 U.S.C. 312(b)(2) for an alternative timing system. In 2023, DOT published a Complementary PNT Action Plan to drive CPNT adoption across the Nation's transportation system and within other critical infrastructure sectors. The plan describes actions that the DOT is pursuing over the next several years, including engaging PNT stakeholders; monitoring and supporting the development of CPNT specifications and standards; establishing and instrumenting field test ranges for CPNT testing and evaluation; and creating a Federal PNT Services Clearinghouse. Taken together with efforts of other Federal partners, these ini-

tiatives will continue to strengthen the resilience of the Nation's PNT-dependent systems, resulting in safer, more secure critical infrastructure.

In February 2024, DOT issued a solicitation seeking proposals from vendors with operationally ready CPNT services interested in fielding those services for test and evaluation in the Rapid Phase of the Field Trial and Test Range Development Program. DOT received 29 proposals, more proposals than could be funded under Simplified Acquisition Procedure guidelines. On June 18, 2024, DOT awarded contracts to nine Complementary PNT technology vendors (<https://www.transportation.gov/pnt>) in response to the Rapid Phase of the DOT Complementary PNT (CPNT) Action Plan (<https://www.transportation.gov/pnt/complementary-pnt-action-plan>).

Awarded through the DOT Volpe Center and totaling over \$7.2 million, these awards provide funding for instrumentation, testing, and evaluation of CPNT technologies at field test ranges in conjunction with critical infrastructure owners and operators. The technologies selected comprise a diversity of Complementary PNT technologies, including terrestrial timing capabilities. The four categories of CPNT contracts awarded are: Time Over Fiber, Terrestrial Radiofrequency (RF), Low Earth Orbit (LEO), and Map Matching/Map Tracking. The CPNT technologies will be fielded within six months after award at a diverse set of test range models (Federal Government-Hosted, Critical Infrastructure, and Vendor-Fielded).

DOT recognizes the quality of the proposals received and intends to move expeditiously to issue a Complementary PNT Rapid Phase II solicitation to expand the set of Complementary PNT technologies to be evaluated.

Question 2. The FAA Reauthorization Act of 2024 sets out the long-term framework for developing hypersonic aviation in the United States. China and other countries have developed an early lead in hypersonic technology. So, successful development of a U.S. hypersonic industry has broad implications for our country beyond transportation. The Department of Transportation has a leading role here. How will the Department apply lessons learned from other new technologies like drones to avoid the delays and challenges they faced to ensure that the United States can lead in this field?

ANSWER. The FAA is focused on continuous improvement and will utilize the lessons learned from the certification of drones and their integration into the National Airspace System, as well as from the certification and operations of other aircraft, to ensure we remain the worldwide leader in aviation, including hypersonic technology. To do this, the FAA will leverage and strengthen our international partnerships, directly engage with other international aviation authorities, and participate in standards development organizations as we continue to use performance-based standards to support aircraft certification. We also plan to partner directly with the Department of Defense, the National Aeronautics and Space Administration, and U.S. manufacturers to proactively identify and inform the development of new airworthiness requirements for hypersonic flight-enabling technologies intended for civil aviation operations.

Question 3. Advanced Air Mobility promises to bring safe and efficient operations and economic growth in American communities through the certification and use of powered-lift aircraft. The future of these operations hinges on FAA's development of the 'powered-lift SFAR.' It is critical that this rulemaking process thoroughly 1) incorporates the collective responses received from the NPRM last August 2) addresses the provisions of Sec. 955 of FAA Reauthorization, and 3) aligns with the ICAO standards the FAA already supports. Mr. Secretary, can you assure me that these 3 factors will be fully and comprehensively considered in the final powered-lift SFAR?

ANSWER. In October 2024, the FAA published an advance copy of the final rule, "Integration of Powered-Lift: Pilot Certification and Operations; Miscellaneous Amendments Related to Rotorcraft and Airplanes." This final rule, promulgated in accordance with the requirements of the Administrative Procedure Act, addresses the requirements of section 955 of the FAA Reauthorization Act of 2024. Further, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARP) to the maximum extent possible. In the final rule, the FAA explained that its approach conforms with the ICAO SARPs to the maximum extent practicable and provides an equivalent level of safety that meets or exceeds the ICAO standards. This includes leveraging the ICAO-accepted definition of powered-lift and working with ICAO in the Advanced Air Mobility Study Group to ensure the regulatory gaps are identified and addressed in future ICAO Annexes.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. MIKE EZELL

Question 1. Recently I introduced H.R. 8505 along with Congresswoman Eleanor Holmes Norton to address the rampant fraud in the supply chain that is costing stakeholders and consumers likely over a billion dollars annually. While the Department of Transportation has jurisdiction over this issue, there are antiquated internal systems and procedures at the Department of Transportation that inhibit progress. What strategy does the Department have in place to address rampant fraud in the supply chain?

ANSWER. Though criminal actions are outside FMCSA's regulatory authority, it is collaborating with other Federal agencies that may have sufficient authority and investigatory resources to pursue freight theft and fraud cases where possible. For example, because FMCSA lacks criminal authority, it is required to refer suspected crimes such as fraud to the Department's Office of Inspector General for further investigation and potential criminal prosecution. FMCSA has been actively working with the Office of Inspector General, as well as other federal agencies, to identify ways to leverage resources to better address fraudulent activity.

FMCSA formed an internal workgroup specifically targeted to work on issues involving broker oversight (including steps to address unlawful brokering) and compliance which FMCSA believes will assist in preventing fraud in motor carrier transportation.

To address potential vulnerabilities in its Information Technology systems, FMCSA continues its work on modernizing its registration systems to improve the security of those systems. This is expected to significantly increase the ability of FMCSA to thoroughly verify the identity of registrants and the legitimacy of the businesses of motor carriers and brokers being registered. This will greatly aid FMCSA and the Department in closing pathways that criminal entities currently use to obtain operating authority and/or unlawfully use the identity of legitimate carriers and brokers for freight fraud and theft purposes.

Question 2. What steps have you taken to improve infrastructure at land ports of entry to accommodate 21st-century trade across our nation's northern and southern borders?

ANSWER. DOT continues to cooperate with the Department of Homeland Security, the General Services Administration, the Department of State, and others to plan coordinated infrastructure investments and operations. This includes investments at 26 land ports of entry (LPOEs) which received funding via the Bipartisan Infrastructure Law (BIL) and support of the interagency Presidential Permitting process.

The FHWA continues to co-chair the Joint Working Committee on Transportation Planning with the Government of Mexico, which drives the creation of "Border Master Plans" that U.S. southern border states developed in partnership with their Mexican state counterparts. These plans help U.S. states anticipate their use of Title 23, United States Code funding for future road infrastructure leading to LPOEs. Similarly, FHWA continues to co-chair the Transportation Border Working Group with the Government of Canada and leads the development of a Border Infrastructure Improvement Plan (BIIP). The BIIP helps U.S. states and Canadian provinces better understand current volume of operations across borders and plan for future requirements.

The Department also continues to use its discretionary grant programs to advance its LPOE improvement goals. For example, on the FY24 INFRA Grant awards, DOT awarded \$25 million to support repairs to the Alaska Highway, a corridor in the Canadian Yukon Territory leading to Alaska's primary LPOE with Canada. In FY22, DOT awarded the largest INFRA grant that year—worth \$150 million—to the San Diego Association of Governments to fund construction of the new Otay Mesa East LPOE. This LPOE will reduce wait times and allow more commercial vehicles to transit the U.S.-Mexico border with positive economic impacts for the region.

DOT is also providing technical assistance support to 4 LPOEs through our Thriving Communities Program. This includes helping these communities access federal funds for critical transportation projects in Douglas and San Luis, AZ; Brownsville, TX; and Sumas, WA, and to strengthen coordination with other federal agencies to support related investments needed in housing, economic development, and other types of infrastructure.

Question 3. Following your answers in committee, can you further elaborate on the following:

Question 3.a. How the DOT evaluates and prioritizes the critical need for strategic seaports to support our military when ranking PIDP applications;

ANSWER. The Notice of Funding Opportunity (NOFO) announcing the availability of discretionary grant funding for the FY 2024 Port Infrastructure Development Program adds a definition of “strategic seaport” and clarifies, as provided in Section 3514 of the National Defense Authorization Act for Fiscal Year 2024, that the Department may give priority to projects at strategic seaports in support of national security requirements. As provided for in the NOFO, we will consider the status of an applicant as a strategic seaport and the extent to which the project proposed by the applicant supports national security requirements in making PIDP grants.

Question 3.b. What you have done to coordinate with the state of Mississippi’s agencies to prepare for the upcoming hurricane season;

ANSWER. To prepare for this hurricane season, DOT’s Regional Emergency Transportation Representative (RETREP) for Region IV, which includes Mississippi, has taken several key steps. We conducted comprehensive Transportation training for our Regional Emergency Transportation Cadre (RET-C) in June and July to ensure their readiness for deployment. These highly trained experts are ready to be activated during incidents. We are also coordinating with Mississippi state staff to update our contact list and discuss further collaboration. Additionally, we will continue utilizing established coordination calls to maintain real-time communication with Mississippi, and other states.

Question 3.c. If DOT plans to mandate a forced phase in overtime of electric vehicles or continue to allow transit systems to determine what type of alternative fuel technologies work best for them;

ANSWER. Local transit agencies identify and determine the type of propulsion system that best meets an agency’s and community’s needs.

Question 3.d. Why you requested half of what you requested in FY 2024 for FY 2025 CRISI grants; and

ANSWER. The Fiscal Responsibility Act of 2023 set government-wide discretionary budget caps for Fiscal Years 2024 and 2025. The target for FY 2024 was approximately equal to FY 2023, and the FY 2025 target was 1 percent higher than FY 2024. In order to maintain investments in the Department’s critical safety mission and ensure implementation of the Bipartisan Infrastructure Law (BIL) was not hindered, the FY 2025 President’s Budget makes reductions to discretionary grant programs that also receive funding under the BIL, including CRISI. The Department found that our appropriations committees made similar trade-offs in meeting the caps required for FY 2024 and the initial markups for the FY 2025 appropriations process.

The FY 2025 President’s Budget requests \$250 million for CRISI compared to the FY 2024 President’s Budget request for \$510 million. The proposed reduction in FY 2025 should not be misconstrued as a lack of support for CRISI—or other highly successful and oversubscribed programs that also saw reduced requests—but rather a necessary trade-off under challenging budget conditions. The \$250 million request for FY 2025 is also in addition to the \$1 billion advance appropriation provided to CRISI under BIL, bringing the total proposed FY 2025 CRISI resources to \$1.25 billion.

Question 3.e. What steps you are putting in place to assist state DOTs to allow ample time to obligate funds during the August redistribution.

ANSWER. FHWA engaged in early and consistent outreach to states on August Redistribution to help them plan for another large redistribution in FY 2024. In May 2024, FHWA notified states of their share of an updated estimate of \$8.7 billion for the FY 2024 August Redistribution for planning purposes.

FHWA has taken steps to speed up project delivery and is working to reduce the time it takes to process grant agreements from award announcement to obligation, including obligation of discretionary grant funds that are subject to obligation limitation. This will lower the amount of obligation limitation redistributed each fiscal year. FHWA Division Offices collaborated with State DOTs to identify potential projects, obligate discretionary grant funding, and utilize planning and programing flexibilities. Additionally, FHWA worked closely with FTA to determine transit capital activities that were ready for obligation as an option of transferring funds to FTA for eligible transit projects and coordinated with FTA to transfer funding late into September to provide maximum flexibility. For FY 2024, states requested approximately \$9 billion of additional formula obligation limitation under August Redistribution, an amount that exceeded the amount of obligation limitation returned for redistribution. On August 27, 2024, FHWA successfully redistributed ap-

proximately \$8.7 billion in obligation limitation to the states. The formal process for the next August Redistribution will commence in July 2025.

QUESTION TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. RICK LARSEN

Question 1. Secretary Buttigieg, USDOT has played an essential leadership role in the development of sustainable aviation fuels through the SAF Grand Challenge. However, just as important is the development of sustainable maritime fuels, which need a whole of government approach to not only push forward on implementation but also to identify which of several zero-emission fuel alternatives will emerge as the leading option. How does USDOT see its role in a parallel “grand challenge” effort on sustainable maritime fuels?

ANSWER. Recognizing the maritime sector is comprised of various vessel sizes and engine requirements, multiple low carbon fuels and technologies will be required to meet decarbonization goals. For example, fuels that may work for a tugboat may not necessarily work for a large oceangoing vessel. Fuel research/development is primarily being conducted by the Department of Energy (DOE). At DOT, the Maritime Administration (MARAD) supports such research through the Maritime Environmental and Technical Assistance (META) program. Under META, MARAD has been partnering with the DOE and National Laboratories to test and demonstrate a range of low carbon, alternative fuels for various maritime vessel applications. Tangentially, along with identifying what fuels work for specific applications, other challenges need to be addressed such as the availability of marine engines designed to use low carbon fuels, ample supply of low carbon fuels, and sufficient infrastructure. In addition to research, MARAD’s META program supports policy efforts such as the DOE-led Mission Innovation: Zero Emission Shipping Mission, multiple green corridor efforts, and representatives from the META program serve on the U.S. Delegation to the International Maritime Organization.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. STEVE COHEN

Question 1. The bipartisan Infrastructure Investment and Jobs Act (IIJA) requires the National Highway Traffic Safety Administration (NHTSA) to finalize a rule for the Honoring Abbas Family Legacy to Terminate Drunk Driving (HALT) Act by November of this year that would require technology that would passively detect illegal impairment, a provision that when implemented could save 10,000 lives per year. Is NHTSA on track to complete that rule by the deadline?

ANSWER. NHTSA published an Advance Notice of Proposed Rulemaking for Advanced Impaired Driving Prevention Technology on January 5, 2024, and received more than 18,000 public comments. NHTSA is currently reviewing these comments. If the agency is unable to meet the rulemaking deadline, NHTSA will submit a report to Congress explaining (among other things) the reasons for not issuing a final rule, as required by the Bipartisan Infrastructure Law.

NHTSA continues to evaluate technologies and their potential to detect alcohol-based driving impairment. Significant progress has been made on the development of vehicle systems to passively detect impairment, but they are not yet equipped on vehicles offered for sale to the public. Further, these technologies are not expected to be introduced into the new vehicle fleet until 2025 or after. NHTSA plans to evaluate the effectiveness of in-vehicle production systems, including potential unintended consequences, and develop minimum performance standards and test procedures pursuant to requirements of the Motor Vehicle Safety Act, prior to issuing a final rule.

Question 2. In its Advance Notice of Proposed Rulemaking (ANPRM), NHTSA stated the need for personal privacy considerations that monitor driver behavior or condition.

What additional information can you share that will ensure advanced impaired driving prevention technology will stop drunk driving, potentially saving 10,000 lives every year, while also protecting the privacy and data of individuals?

ANSWER. NHTSA continues to consider the significant safety potential for impaired driving prevention technology to passively and accurately detect drunk driving, while also avoiding unintended safety consequences and protecting the privacy

and data of individuals. NHTSA received more than 18,000 public comments to the Advance Notice of Proposed Rulemaking for Advanced Impaired Driving Prevention Technology, published on January 5, 2024. The Agency is currently evaluating those comments, including those focused on privacy.

Question 3. Some individuals have incorrectly stated that the rulemaking would require vehicles to have a “kill switch” that would allow law enforcement or third-party actors to remotely disable vehicles. The language in the bipartisan IIJA specifically directs for the vehicle to prevent movement if “illegal impairment” of a driver is detected.

Is it NHTSA’s intent to include in the final rulemaking a technology that would allow for such a kill switch?

ANSWER. Section 24220 of the Bipartisan Infrastructure Law (BIL) directs NHTSA to issue a final rule establishing an FMVSS that requires new passenger vehicles to have “advanced drunk and impaired driving prevention technology.” IIJA defines this as technology that can passively monitor the performance of a driver of a motor vehicle to accurately identify whether that driver may be impaired and/or passively and accurately detect whether the blood alcohol concentration of a driver is above the figure specified in section 163(a) of title 23, United States Code (U.S.C.), and prevent or limit motor vehicle operation if such a detection is made. NHTSA is evaluating the public comments received in response to the Advance Notice of Proposed Rulemaking, published on January 5, 2024, and will issue a proposal that will be open to public comment before a rule is finalized.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. JOHN GARAMENDI

Question 1. Mr. Secretary, I also want to draw your attention to yet another outdated general waiver of “Buy America” requirements in your Department. Since 1978, Congress has required that all steel products used in projects funded by the Federal Highway Administration be sourced domestically, when available in sufficient quantity and of satisfactory quality. However, the Federal Highway Administration waived “Buy America” requirements for ferry boat equipment and machinery made from steel in 1994.

Will you commit to examine this 1994 waiver of “Buy America” requirements for public ferry systems and consider repealing it?

ANSWER. DOT and FHWA are committed to reviewing all of our existing general waivers, as required by section 70914(d) of the Build America, Buy America Act (BABA). Consistent with the direction provided by Congress in the BABA statute, we intend to review product-specific general applicability waivers, including the FHWA waiver for ferryboat parts that you mention, and determine what, if any, action is required.

Question 2. In 2019, I worked with former Chairman DeFazio, Senator John Cornyn (R-TX), and others to shut out Chinese state-controlled enterprises that make rolling stock in mainland China and then reassemble knock-down kits in the United States from federal transit funding. With the China Railway Construction Corporation (CRCC) and BYD bus maker now banned from receiving Federal Transit Administration dollars, I was concerned those Chinese rolling stock manufacturers could pivot to selling their low-quality railcars and buses to federally funded airport improvement projects. The bipartisan FAA Reauthorization signed into law by President Biden this past May included my “Airport Infrastructure Vehicle Security Act” (H.R.2912) with Congressman Eric Swalwell (D-CA14). This applied the stronger “Buy America” requirements for federal transit funding to rolling stock procured with federal airport improvement grants.

Mr. Secretary, will you ensure that the FAA fully enforces these stronger “Buy America” requirements for rolling stock, so that federally funded buses and trams at U.S. airports are made in the United States by skilled American workers and not by Chinese state-controlled enterprises?

ANSWER. The Department takes its oversight role in the implementation of transportation laws seriously, and is currently working on executing the bipartisan FAA Reauthorization Act of 2024 that was signed into law this May. FAA is committed to enforcing the Airport Infrastructure Vehicle Security Act requirements for rolling stock that you cite.

QUESTION TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. DINA TITUS

Question 1. The Regional Transportation Commission of Southern Nevada is my district's public transit agency. It serves over 2.3 million residents and operates the 14th busiest bus system in the United States, transporting over 50 million passengers last year. In order to enhance rider safety, they have adopted AI technologies including for quickly detecting high-risk traffic incidents and integrating transit feeds for proactive service adjustments.

Considering advancements in AI, does DOT have plans to support investments in similar technological solutions nationwide to increase rider safety and security?

ANSWER. On August 9, 2023, FTA announced a grant for \$500,000 under a cooperative agreement with the University of South Florida for a research project to help transit agencies address transit worker and rider assaults. The project will identify public safety risks for transit workers and riders, determine the most effective mitigation strategies to minimize those risks, and promote the implementation of those strategies. FTA also continues to assess the utility of AI to address worker safety such as monitoring real-time video at transit stations. This will continue to be an area of research inquiry.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. MARK DESAULNIER

Question 1. Mr. Secretary, as part of the Bipartisan Infrastructure Law, my bill the Clean Corridors Act was passed and established the Charging and Fueling Infrastructure Grant Program. Can you share more on its implementation and how else we can support the expansion of electric vehicle charging across the country?

ANSWER. On March 14, 2023, FHWA announced its Round 1 Notice of Funding Opportunity (NOFO) for the Charging and Fueling Infrastructure (CFI) Discretionary Grant Program. This round of funding from fiscal years 2022 and 2023 was made available to strategically deploy electric vehicle (EV) charging and other alternative fueling infrastructure projects in publicly accessible locations in urban and rural communities, as well as along designated Alternative Fuel Corridors (AFCs). On January 11, 2024, FHWA announced \$623 million in grants under the CFI Program to help build out an EV charging network across the U.S., which will create American jobs and ensure more drivers can charge their EVs where they live, work, and shop. The awards will fund 47 EV charging and alternative-fueling infrastructure projects in 22 States and Puerto Rico, including construction of approximately 7,500 EV charging ports. On August 27, 2024, FHWA announced \$521 million in additional grants under the first round NOFO to fund the deployment of more than 9,200 EV charging ports across 29 States.

On May 30, 2024, FHWA released its Round 2 NOFO for the CFI Program to solicit applications. In addition, funds under the National Electric Vehicle Infrastructure (NEVI) Formula Program 10 percent set-aside will also be awarded under this NOFO. The NOFO released on May 30, 2024, also announced FHWA's intention to make additional awards for applications submitted under the Round 1 NOFO. Round 2 applications were due by September 11, 2024, and they are currently under review. Collectively, the NOFO issued on May 30, 2024, represents the largest single grant funding opportunity for EV charging in the nation's history, making up to \$1.3 billion available for projects that will accelerate public and private investment in clean transportation.

Question 2.a. The Bipartisan Infrastructure Law and the Inflation Reduction Act also provided significant funding for renewable energy and fuel. This is expected to lead to a significant increase in jobs in clean energy in the next decade. How can we further support this funding to ensure the workforce gets the help they need to transition towards these new and expanding industry fields?

ANSWER. DOT has prioritized the creation of good jobs and workforce training opportunities in all of our funding vehicles. For the vast majority of programs, including those that are funding clean energy projects, applicants are asked to address how they are training their project workforce. As examples, DOT has also made it clear how FHWA formula funds can be used for workforce development, as well as CRISI grants and FTA low/no bus facilities programs. DOT has taken an expansive view of workforce development that includes transportation, childcare, and other

supportive services that workers need during training. Transportation agencies are taking advantage of these opportunities.

Several states, including California, Maryland, and Pennsylvania, have announced new ways to use FHWA funding for workforce development. Each year more funding has been spent from CRISI grants on workforce development. The FTA low/no bus and bus facilities program has heavily encouraged applicants to take full advantage of the 5 percent set aside, leading to \$140 million dedicated to workforce development in this program alone.

Question 2.b. In particular, I have heard that due to the mass layoffs and early retirements during the Trump Administration, many agencies are still understaffed. How can we help support these agencies, in addition to understaffing at the state and local levels, that might slow rollout of funding or implementation of new policy programs?

ANSWER. Since the passing of the Bipartisan Infrastructure Law, the Department of Transportation has steadily increased its hiring and onboard strength, with over 5,600 employees hired in Fiscal Year (FY) 2024. In fact, at the end of FY 2024 DOT had more than 57,000 employees, the most it has had in over 10 years. At the Operating Administration (OA) level, all OAs saw an increase in the number of employees onboard in FY 2024 as compared to FY 2023.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. GREG STANTON

Question 1. Secretary Buttigieg, section 912 of the FAA Reauthorization Act of 2024 requires the Office of the Secretary to, not later than 270 days after enactment, establish a Department of Transportation program to provide competitive grants to state, local and tribal governments to use small drones to help address the backlog in critical infrastructure inspections in the United States.

This language enjoyed bipartisan support in both the House and Senate and will help make critical infrastructure inspections safer for workers and more efficient for the users of the critical infrastructure.

What steps has the USDOT taken to establish the Drone Infrastructure Inspection Grant (DIIG) program and will you commit to this Committee to meet or exceed the statutory deadline to establish the DIIG program?

ANSWER. Infrastructure inspection using safe and reliable, domestically produced drones presents a way to better ensure the safety and stability of the national infrastructure and to enable economic benefits of drones. These inspections can and do happen across the country today under 14 CFR Part 107 line of sight operations. The Department has Part 107 licensed pilots using drones to inspect critical highway infrastructure. The Department appreciates Congress' support in developing this capability through provisions in the FAA Reauthorization Act of 2024 (Pub. L. 118-63, May 16, 2024) that would enable the FAA to inspect its own infrastructure and a manage grant program for state governments to establish their own drone inspection programs. While this new program introduces important requirements, it has not yet received appropriations sufficient to fully implement them. We look forward to collaborating with Congress to ensure that adequate funding is secured for all new programs mandated by the Reauthorization. The Department is fully committed to meeting the legislative requirements for this and all provisions of the FAA Reauthorization. We are currently developing a management strategy that will allow us to implement the infrastructure inspection program to the best of our ability, despite competing priorities and financial constraints.

Question 2. Mr. Secretary, I advanced two Arizonans, including a tribal member, to serve on the working group for covered resources created by my ROCKS Act.

Included in the Bipartisan Infrastructure Law (BIL) was bipartisan legislation, the ROCKS Act, I led that establishes a working group at DOT to examine and draft policies to ensure we have sustainable access to construction materials. My home state of Arizona has led the way in enacting such policies that keep prices low and ensure more sustainable options are available as we work to build the infrastructure funded by the BIL.

I understand the list of individuals to serve on the group is pending your review. When can we expect the members of this group to be named?

ANSWER. FHWA published a notice in the Federal Register soliciting membership to the Working Group on January 9, 2024. The deadline for nominations was March 11, 2024. We are currently reviewing the nominations in accordance with section 11526 of the Bipartisan Infrastructure Law, the Federal Advisory Committee Act

(chapter 10 of title 5, United States Code), and the published notice. We expect to announce the membership in the near future.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. SHARICE DAVIDS

Question 1. I want to commend you on your recent budget proposal which contained \$8 billion over 5 years in additional guaranteed Trust Fund spending for Federal Aviation Administration facilities and equipment. As you know, other programs, like surface Transportation Contract Authority, the Harbor Maintenance Fund and the Airport Improvement Program already have this authority. Can you describe why this proposal is critical to maintain and upgrading the Federal Aviation Administration's aging facilities?

ANSWER. The FAA shoulders the crucial responsibility of overseeing the infrastructure of a vast network of nearly 350 air traffic control towers (ATCT) and terminal radar approach control (TRACON) facilities, in addition to managing 21 air route traffic control centers (ARTCC). Re-capitalization is necessary to sustain safe and efficient National Airspace System (NAS) operations in the decades to come. A failure to replace facilities and modernize radar networks in a timely manner will degrade FAA's capacity to keep pace with the aviation economy and undermine opportunities to improve safety.

Facilities: The FAA confronts a pressing challenge—aging buildings. Air traffic control facilities have chronic issues that cannot be resolved through maintenance or sustainment work. These issues include water leaks, mold, tower cab window condensation, deterioration due to old designs, and general disrepair. Drivers for replacement include material degradation; deficiencies in building code compliance; and poor insulation and energy efficiency. As the age of these facilities continues to rise, these types of issues will grow exponentially. Air traffic controllers must have safe and secure towers to effectively manage and ensure the safety of air traffic. Replacement of these structures will provide the new standard in construction, health, safety, and operational efficiency.

Many of the FAA's facilities are large and complex, often requiring expensive and lengthy replacement efforts. Due to their size, costs are typically spread out across multiple fiscal years and the instability of annual appropriations can make it difficult to commit funding to such projects. By proposing a new stream of funding over the next five years, the FAA's proposal offers an opportunity to replace at least 20 of these aging facilities.

Radar Systems: The FAA's plan also focuses on the timely and strategic modernization of surveillance radars. Airports use these radars to detect and display the presence and position of aircraft in the terminal area as well as the airspace around airports. The aging radars pose a significant challenge for air traffic management. As these radar systems age, they are more prone to technological obsolescence, making it increasingly difficult to maintain their performance and integrate them with modern aviation infrastructure. The potential for increased downtime due to repairs can negatively impact airport operations and compromise the efficiency of air traffic control. Moreover, aging radar systems struggle to keep pace with the growing demands of air travel and evolving regulatory standards. To address these challenges, this plan invests in the replacement of radars opting for new technologies that offer improved performance, enhanced reliability, and compatibility with the latest air traffic management initiatives.

The FAA maintains 618 radar systems across the nation. These systems, deployed across many decades, are a critical tool used by air traffic controllers to safely and efficiently manage air traffic. Modern aviation could not exist without these radar systems. In addition to the re-capitalization of air traffic control facilities discussed above, this proposal will allow the FAA to replace and modernize 60 percent of its radars by 2031.

FAA radar systems provide safety critical information to air traffic controllers, including an aircraft's position and identity as well as weather information. FAA radar systems provide a backup to Automatic Dependent Surveillance-Broadcast information, providing essential information in the event of Global Positioning System (GPS) degradation. This information is also essential for homeland security and national defense missions. As FAA radar systems exceed their intended lifespan, outages increase in frequency and duration, and service restoration becomes more difficult as antiquated components become increasingly difficult to obtain. The absence of critical aircraft position and identity information increases the risk of airborne

collision and results in increased separation requirements, reducing operational efficiency.

Question 2. One of FAA's most successful and cost-effective government/industry partnerships for taxpayers is the FAA Contract Tower Program. There are 264 airports in the program, including New Century AirCenter and Johnson County Executive Airport in my district. This critical air traffic safety program supports general aviation operations, U.S. Department of Defense flight training operations and military readiness, commercial air service, and flight schools across the country. Contract towers continue to get high marks from the U.S. Department of Transportation Inspector General and aviation users and have strong bipartisan support. It's also important to note that contract towers account for approximately one third of all tower operations and about 70 percent of contract controllers are veterans.

Question 2.a. Can you describe the what priority contract towers have for the U.S. Department of Transportation and the Federal Aviation Administration going forward?

ANSWER. The FAA remains committed to ensuring the continued success of the Contract Tower Program. The FAA will continue to work with stakeholders to strengthen communication and enhance transparency to achieve mutual benefits.

Question 2.b. Staffing shortages also continue to be a challenge throughout the industry, including contract towers. What measures can we in government, the Federal Aviation Administration, and the industry undertake to address staffing challenges at these towers in a collaborative way?

ANSWER. Air traffic controller staffing shortages are at the forefront of discussions in the FAA. The FAA exceeded its goal of hiring 1,800 air traffic controllers in 2024, with a final total of 1,811 for Fiscal Year 2024. As the largest number of hires in nearly a decade, this marks important progress in the FAA's work to reverse the decades-long air traffic controller staffing level decline.

Staffing remains a priority for the FAA, and we are actively working on ways to sustain it to maintain the safety of the operation. The FAA has met with industry leaders to discuss possible solutions and is committed to exploring all available options to ensure the continued success of the FAA Contract Tower Program.

With the launch of the Enhanced Air Traffic Collegiate Training Initiative (E-CTI), the FAA instituted changes to FAA Order JO7210.3, which allows Federal Contract Towers (FCTs) to hire individuals who have graduated with an E-CTI endorsement. This is a new hiring pathway for FCTs that currently only hire controllers with previous experience in the FAA or military. E-CTI graduates are trainees with no previous experience, thus FCTs will need to provide more robust field qualification training in accordance with FAA Order JO3120.4.

Question 3.a. As you are likely aware, I have worked for years, along with other members of the House, to expedite the installation of new and updated navaid systems throughout the National Airspace. Can you please provide an update on the Federal Aviation Administration's schedule for deploying these devices?

ANSWER. The FAA deploys new and updated navigation aid systems such as the Instrument Landing System (ILS) and Medium Intensity Approach Lighting System with Runway Alignment Indicator Lights (MALSR). The FAA has been able to utilize a combination of Bipartisan Infrastructure Law and Landing and Lighting Portfolio funding to greatly increase the amount of installation projects under the ILS Program and MALSR Service Life Extension Program (SLEP) compared to previous years.

For ILS installations, there are currently 20 active projects planned to be completed by 2030, with 7 projects expected to be completed in the rest of CY2024.

For installations under the MALSR SLEP, there are currently 20 active projects planned to be completed by 2030, with 7 projects expected to be completed in the rest of CY2024.

Question 3.b. As you may be aware, the Professional Aviation Safety Specialists have a proposed pilot program for deploying these systems in 18 months. To your knowledge, is the Federal Aviation Administration considering this proposal?

ANSWER. The FAA is considering the Professional Aviation Safety Specialists' (PASS) proposal. The FAA's Program Management Organization and Technical Operations are coordinating with PASS regarding the proposed pilot program.

Question 3.c. Can you share with the committee why you have confidence in the Department's current plan, and why you believe that these systems, which are already functionally obsolete, will be able to reliably provide a safety-critical service when they are 100 years old?

ANSWER. There are no Instrument Landing System (ILS) systems in the NAS anywhere near 100 years old. The FAA acknowledges the aging navigation aid infrastructure; however, the agency has a navigation strategy designed to replace the older systems first with the existing ILS Contract. The FAA has begun to replace systems with modern ILS-420 technology.

The FAA also acknowledges the aging Medium Intensity Approach Lighting System with Runway Alignment Indicator Lights (MALSR) infrastructure, which is being addressed through the MALSR Service Life Extension Program (SLEP) to replace obsolete components. The FAA is prioritizing MALSR configurations for the SLEP that are experiencing the greatest obsolescence and cost impact on the NAS.

Question 4. As you are likely aware, cargo theft is increasingly an issue throughout the supply chain, especially for trucking and rail shippers. The average cost of each stolen shipment can exceed \$280,000, but these thefts result in millions of dollars in financial losses to large and small manufacturers, retailers and shippers, both in lost product and the intentional and unintentional sale of stolen goods through legitimate markets.

Question 4.a. To what extent is the U.S. Department of Transportation aware of these increased rates of theft across the transportation supply chain network?

ANSWER. The Department has heard from concerned rail and truck shippers that increasing rates of theft are impacting their operations and resulting in increased costs, both in terms of lost goods and reduced efficiency from having to modify their operations in response.

Question 4.b. Can you elaborate on how the Department is coordinating with relevant agencies and affected stakeholders to ensure continued cargo theft doesn't continue to affect consumer costs?

ANSWER. Though criminal actions are outside FMCSA's regulatory authority, it is collaborating with other Federal agencies that may have sufficient authority and investigatory resources to pursue freight theft and fraud cases where possible. For example, because FMCSA lacks criminal authority, it is required to refer suspected crimes such as fraud to the Department's Office of Inspector General for further investigation and potential criminal prosecution. FMCSA has been actively working with the Office of Inspector General, as well as other federal agencies, to identify ways to leverage resources to better address fraudulent activity.

FMCSA formed an internal workgroup specifically targeted to work on issues involving broker oversight (including steps to address unlawful brokering) and compliance which FMCSA believes will assist in preventing fraud in motor carrier transportation.

To address potential vulnerabilities in its Information Technology systems, FMCSA continues its work on modernizing its registration systems to improve the security of those systems. This is expected to significantly increase the ability of FMCSA to thoroughly verify the identity of registrants and the legitimacy of the businesses of motor carriers and brokers being registered. This will greatly aid FMCSA and the Department in closing pathways that criminal entities currently use to obtain operating authority and/or unlawfully use the identity of legitimate carriers and brokers for freight fraud and theft purposes.

Question 5.a. As you may be aware, the U.S. is hosting games as a part of the FIFA 2026 World Cup. To what extent is the U.S. Department of Transportation involved in the coordination with U.S. host cities in preparation for the influx of visitors our country will host?

ANSWER. DOT is actively working with Federal partners and stakeholders as part of the White House-led whole-of-government effort to coordinate successful "Global Sports" events like the World Cup. The Department is interested in doing all we can to make sure that America's hosting is smooth and successful. DOT has formed an internal working group to better coordinate among our operating administrations and is participating in regular meetings with FIFA and host city organizers to coordinate on international, intercity, and intracity transportation.

Question 5.b. To what extent, if any, have local partners communicated potential needs to the Department?

ANSWER. During meetings with FIFA and host cities in 2024, DOT has heard from organizers and local stakeholders about their priorities and plans for delivering a successful World Cup. In July 2024, DOT organized three regional convenings between DOT, FIFA, and the 11 U.S. cities that FIFA has grouped into the West, Central, and East North American regions for the 2026 World Cup. Some host cities have requested and held individual meetings with DOT to discuss their potential needs and priorities. Through all of these engagements, DOT has been offering reg-

ular coordination, technical assistance for federal projects, and referral to existing DOT discretionary grants and formula funding sources.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. CHRIS PAPPAS

Question 1. There were more than 160,000 large truck crashes nationwide in 2022, with more than 5,000 of these occurring in my state of New Hampshire. We know that one of the leading causes of large truck crashes is driver fatigue, yet truckers are often forced to continue driving beyond their allowed hours of service or park in unsafe locations along the highway due to a shortage of safe and accessible truck parking. In fact, 70% of drivers report having been forced to violate federal hours of service rules due to the lack of truck parking.

Increasing access to truck parking would support workforce recruitment and retention and improve supply chain connectivity while making our roadways safer. While I understand that the Federal Highway Administration is seeking to conduct its third nationwide Jason's Law truck parking survey to evaluate truck parking options, how else is the Department planning to address the shortage of truck parking nationwide?

ANSWER. FHWA released the Truck Parking Development Handbook in September 2022 to help states and localities consider truck parking needs and to design safe truck parking projects that will benefit drivers and local communities. DOT also convened a meeting of the National Coalition on Truck Parking in the fall of 2022 to highlight these opportunities and best practices in truck parking. FHWA convened another meeting of the National Coalition on Truck Parking in December 2023. The workshop focused on DOT modal commitments towards reducing our Nation's truck parking shortage and improving safety. DOT continues to raise the need for public investment in truck parking and has supported it by selecting truck parking projects for discretionary funding.

FHWA also continues to facilitate truck parking workshops for states, State Freight Advisory Committees, metropolitan planning organizations, and corridor coalitions across the country to support collaboration on solutions to address truck parking issues. FHWA has a free National Highway Institute Truck Parking Training Course (FHWA-NHI-139014¹) available. The course is designed for a broad range of stakeholders, including planners, managers, and analysts within a public sector transportation agency such as a State DOT or metropolitan/regional planning organization as well as locally elected administrators, economic development officials and terminal operators such as air cargo and marine ports. Others who may benefit from the course include private sector personnel (e.g., truck stop operators, private industry truck stop operators, motor carriers and state trucking associations).

The Office of Multimodal Freight Infrastructure and Policy and FHWA are coordinating on the review and approval of State Freight Plans, which now must include analysis of truck parking needs as required under the Bipartisan Infrastructure Law. FHWA guidance makes clear that National Highway Freight Program (NHFP) and other Federal-aid highway program funds can be used for truck parking projects. However, states, in collaboration with State Freight Advisory Committees (where they have been stood up), decide whether to use NHFP funding for truck parking or any other eligible project.

Question 2. While the Infrastructure Investment and Jobs Act authorized grants to support truck parking projects, these funds aren't exclusively dedicated to that purpose. States are now forced to make difficult choices between truck parking and critical infrastructure projects.

How else can the Department support states looking to submit applications for truck parking grants to increase their likelihood of success?

ANSWER. FHWA coordinates with FMCSA, MARAD, FRA, the Office of Multimodal Freight Infrastructure and Policy, and the Office of the Secretary to promote the use of Federal-aid highway funding and discretionary grant funding for public sector applicants to develop truck parking projects. Guidance on eligible funding was released in September 2022, widely distributed, and posted to the FHWA website through a memorandum on the Eligibility of Title 23 and Title 49 Federal

¹ https://www.nhi.fhwa.dot.gov/course-search?tab=0&key=truck%20parking&sf=0&course_no=139014

Funds for Commercial Motor Vehicle Parking.² The Department encourages states to develop a plan outlining existing safety risks around the shortage of truck parking and identifying strategies to improve commercial driver safety through the expansion of truck parking facilities in their State.

The DOT Navigator³ is another new resource to help communities understand the best ways to apply for grants, and to plan for and deliver transformative infrastructure projects and services, and the DOT Discretionary Grants Dashboard⁴ helps communities identify discretionary grant opportunities that can aid in meeting their transportation infrastructure needs.

FMCSA has a Grants Resource Center⁵ to search for trainings, guidance, tools, and more.

DOT and its modal administrations take every opportunity to publicize the use of grants for truck parking projects and to demonstrate how states and other recipients are using these funds for truck parking to encourage others who may be interested to replicate or make use of the grants as well. For example, FMCSA funds truck parking information systems and research through its HP-CMV and HP-ITD grants and has been working with recipients like states and universities to highlight the projects for other states and stakeholders via forums such as the Transportation Research Board, the American Association of State Highway and Transportation Officials, HP-ITD Program Manager Meetings, the National Coalition on Truck Parking, and other meetings. This has helped demonstrate to other states, for example, how to use the funding for truck parking successfully.

Question 3. Thank you for your comments during last month's hearing on the End DWI Act and the importance of ignition interlock devices. These public safety devices currently must be authorized by state law and are required by 24 states and the District of Columbia to prevent repeat offenders. NHTSA and the CDC recognize ignition interlocks as one of the most effective countermeasures to prevent impaired driving.

As you know, this technology is distinct from the Advanced Impaired Driving Technology that the DOT recently completed a federal rulemaking on.

With the knowledge that the rulemaking process for the Advanced Impaired Driving Technology is still ongoing, does DOT plan to address this urgent safety issue in the short term by utilizing ignition interlock devices?

ANSWER. Currently, ignition interlock devices are after-market devices installed in a motor vehicle to prevent a driver from operating the vehicle if the driver has been drinking. While NHTSA's existing authorities preclude regulation of after-market devices, to date, all states have enacted legislation that either require or permit courts to order the use of breath alcohol ignition interlock devices for individuals convicted of driving under the influence.

NHTSA conducted research into performance-based interlocks designed to prevent a drunk driver from starting the vehicle. To assist states in their administration of interlock programs, NHTSA published guidelines that include model specifications for interlock devices. NHTSA has also published an ignition interlock toolkit, a program guide on key features for ignition interlock programs, and various case studies and evaluation reports.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. MARILYN STRICKLAND

Question 1. I appreciate that the Department of Transportation earlier this year designated Cascadia under its Corridor ID program to support the project's development. At the time of the award, Federal Railroad Administrator Bose said this program would provide the necessary tools to advance the project. Since the beginning of the year, the Washington State Department of Transportation and the Federal Railroad Administration have been working collaboratively towards an award for project planning development. The Washington State Department of Transportation is ready to move into Step 2 of the program, however, reaching agreement on the scope of work and funding amount is taking too long.

² https://ops.fhwa.dot.gov/freight/infrastructure/truck_parking/title23fundscmv/title23_49_funds_cmv.pdf

³ <https://www.transportation.gov/dot-navigator>

⁴ <https://www.transportation.gov/grants/dashboard>

⁵ <https://ai.fmcsa.dot.gov/Grants/ResourceCenter>

Can you give me your commitment to work with me to make sure my state receives the support it needs from the Federal Railroad Administration and the Department of Transportation to ensure the project can continue to move forward?

ANSWER. Yes. The U.S. Department of Transportation and Federal Railroad Administration have been, and are committed to continuing, working with the Washington State Department of Transportation at both the staff and senior leadership levels towards advancing this important project into Step 2 of the program, which is completion of the Service Development Plan (SDP). Upon successful completion of a SDP and dependent on funding availability, corridor sponsors may then enter into grant agreements for environmental review and preliminary engineering for projects identified in the corridor's SDP.

Question 2. In the Transportation, Housing and Urban Development Senate Appropriations Report Language, there was language about Transportation Demand Management (TDM) asking the Federal Highway Administration to provide guidance on (1) TDM strategies are eligible for Federal-aid highway funds, (2) ways to develop best practices, and (3) additional technical assistance to State Department of Transportation, Metropolitan Planning Organizations, and local governments to incentivize the use of TDM.

Will the Department of Transportation use its authority to act on this report language regarding TDM?

ANSWER. DOT is advancing the development of guidance, planning, case studies, and research in the application and design of active transportation and demand management (ATDM) approaches. In addition, FHWA's ATDM program provides lessons learned, standards, and best practices on key underlying ATDM planning, evaluation, analysis techniques and design elements that serve as a foundation for ATDM implementation. FHWA also provides technical assistance to make aware and inform State and local planning and transportation entities about various TDM strategies that may address safety and mobility performance when evaluating transportation improvements.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. TROY A. CARTER

Question 1. Mr. Secretary, I want to thank you for the historic infrastructure investments made in southeast Louisiana from the Department of Transportation through programs funded by the Bipartisan Infrastructure Law, including:

- \$300 million to the Port of New Orleans for construction of a new container terminal
- \$178 million award to re-establish passenger rail from New Orleans to Mobile for the first time since Hurricane Katrina damaged the line nearly 20 years ago
- Over \$100 million total to the New Orleans Regional Transit Authority to construct a new downtown transit center, a new passenger ferry terminal, and new electric buses and charging infrastructure, and
- Over \$20 million to design and construct train stations in Baton Rouge and Gonzales to advance passenger rail in south Louisiana.

These investments, among many other Bipartisan Infrastructure Law funded projects, will be transformational for my district in helping us reduce our air pollution, increase our resilience to the impacts of the climate crisis, and create good-paying clean energy jobs.

I also want to commend you and the Department of Transportation for your transparency, including keeping a public calendar of upcoming funding opportunities and reviewing proposals and providing feedback to applicants after funding decisions are made.

I mentioned earlier that the Port of New Orleans was awarded \$300 million to support the construction of a new state-of-the-art container terminal. Recently, however, it has been brought to my attention there are concerns regarding cost increases due to proposed tariffs on ship-to-shore cranes and other cargo handling equipment.

While I fully support the Administration's efforts to incentivize and create a domestic manufacturing base for cargo handling equipment—which is currently either non-existent or very limited—a new tariff, if implemented improperly could have a substantial negative impact on ports' abilities to meet growing cargo demand at their terminals.

Mr. Secretary, will your department work with me and this Committee to study the effects proposed tariffs would have on equipment critical for delivering goods through our ports?

ANSWER. DOT supports the Administration's efforts to curb unfair trade practices in China in strategic industries such as the manufacturing of Ship-to-Shore cranes. We will assist the Committee and Port community as best we can while industry adjusts to any tariff impacts.

Question 2. Another project of significance for my region is the West Bank Rail Realignment project, which will add a new connecting segment to an existing freight rail line, shortening the total length of the corridor and moving freight train traffic from the existing corridor, in the middle of residential Gretna, Louisiana. Local officials have tried to relocate these tracks for nearly two decades, and the situation is more dire now that LNG development in neighboring Plaquemines Parish will increase train traffic through the area.

Question 2.a. Though the City of Gretna and its public and private partners have identified matching funds, this project needs a strong federal commitment to ensure its completion. Can you commit the Department to continue to work with the City of Gretna to find funding to make this project a reality?

ANSWER. In April 2023, FRA's Deputy Administrator personally visited the site in Gretna with FRA staff to learn more about the project.

FRA and DOT staff are available to assist potential and past applicants who may seek funding under FRA or DOT grant programs. Prior to publication of a NOFO, FRA and DOT staff are available to meet with potential applicants, upon request, to provide technical assistance on project and program eligibility. Due to the demand for federal funding under the Bipartisan Infrastructure Law, some worthy projects may not be selected. If an applicant is not selected for funding under a NOFO for a FRA or DOT discretionary grant, the applicant may request a debrief after selections are announced. During a requested debrief, the applicant will have the opportunity to learn how they may improve their application for a future NOFO.

I would also direct applicants to the Department's DOT Navigator tool; a resource to help communities understand not only how to apply for grants, but also which grant opportunities best fit their needs. The DOT Discretionary Grants Dashboard also provides an overview of the Department's grant opportunities, as well as other federal grant programs that may be of interest to rural communities.

Question 2.b. The City of Gretna and their partners have applied for several different DOT programs, including INFRA, CRISI, and Reconnecting Communities without success. They currently have a CRISI grant pending with FRA. What other funding opportunities should they pursue for this project? Do you have any advice for the project to get over the finish line utilizing federal funds?

ANSWER. See response above.

QUESTION TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. ROBERT MENENDEZ

Question 1. The ability for drone operators to conduct beyond visual line of sight ("BVLOS") operations holds promise in addressing critical challenges, such as reducing traffic congestion and lowering carbon emissions. In the bipartisan FAA Reauthorization Act of 2024, which was signed into law May 16, 2024, Congress provided direction to the FAA to publish a draft BVLOS rule within 4 months of enactment and a final rule 16 months thereafter. Working with my colleague Rep. Rudy Yakym in introducing H.R. 3459, the Increasing Competitiveness for American Drones Act, we successfully advocated for the inclusion of language addressing BVLOS in the FAA bill and I have been a strong proponent of the FAA making this rulemaking a priority. Can you provide an update on the status of the BVLOS rule and any challenges you anticipate in being able to meet the Congressionally-mandated deadline?

ANSWER. The FAA is working to publish the notice of proposed rulemaking, "Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations," which is expected to expedite the introduction of BVLOS operations. In the meantime, the FAA has streamlined approval processes for BVLOS operations approved through waivers or exemptions and is working to exercise the flexibility provided in the FAA Reauthorization Act of 2024 to enable more scalable BVLOS operations in advance of rulemaking.

QUESTION TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. HILARY J. SCHOLTEN

Question 1. As you know, Federal Transit Administration (FTA) regulations require that transit agencies conduct alcohol and drug testing for their vehicle operators. Those regulations also task agencies to use facilities certified by the Department of Health and Human Services (HHS) for oral testing. However, HHS has yet to certify a single facility for such testing. Can you provide an update on when HHS will certify facilities for alcohol and drug testing? Many agencies in states where marijuana use is legal—including Michigan—are struggling to oversee the timely and accurate testing of their employees, exacerbating the labor shortage in the transit industry.

Thanks in advance for your thoughtful response.

ANSWER. Like with the other DOT operating administrations (FMCSA, FAA, FRA, PHMSA), FTA-regulated employers are required to utilize HHS-certified laboratories to comply with DOT's drug testing regulations. DOT defers to HHS on providing an update on the certification of laboratories to administer oral fluid testing protocols. However, please be assured that HHS-certified urine drug testing laboratories are providing timely and accurate testing and results to DOT-regulated employers and that HHS is actively working with laboratories to bring oral fluid testing online.

QUESTION TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. CHRISTOPHER R. DELUZIO

Question 1. One of the best ways to prevent derailments is with inspections, like those done by the IBEW workers in Western Pennsylvania. What is the Department of Transportation and the Federal Railroad Administration doing to ensure that the Class I railroads are properly inspecting and maintaining locomotives and rail cars?

ANSWER. Railroads are required to operate trains in compliance with Federal safety standards, and are expected to have inspection, testing, and maintenance programs to ensure compliance with those standards. FRA monitors railroads for compliance with Federal safety requirements and pursues enforcement action as necessary to ensure compliance. FRA's enforcement tools include civil penalties, special notices for repairs to remove cars from service, and orders directing compliance with any or all of the safety standards covering railroad or hazardous materials transportation safety.

FRA continues to push railroads to improve railroad safety through its traditional enforcement and oversight activities. In the form of inspection and audits, FRA conducts assessments of railroads' safety culture, as well as systemwide audits of railroad operations and focused inspections of equipment and infrastructure as appropriate, including identifying any deficiencies in railroads' inspection, testing, and maintenance programs.

In October 2024, FRA published a notice of proposed rulemaking (NPRM) that seeks to enhance railroad track safety by requiring certain railroads to supplement visual inspections by operating a Track Geometry Measurement System (TGMS) at specified minimum frequencies on certain types of track. TGMS technology, developed through an FRA-led research effort in collaboration with the rail industry, has been proven to quickly and accurately detect small changes in track geometry, and this proposed rulemaking will codify a standard for TGMS inspection frequencies to ensure that railroads live up to their safety responsibilities, now and in the future.

Among other measures, FRA also issues Safety Advisories making recommendations to the railroad industry, as well as more-immediate safety bulletins that describe circumstances and facts related to recent accidents/incidents that can be shared throughout the industry at job briefings and safety stand-downs. In evaluating the railroads' response to these recommendations, FRA speaks with railroad employees to learn if the railroads have responded effectively, and FRA will take additional action if deemed necessary.