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U.S. Senate

Date: Wednesday, July 10, 2024

Committee on Environment
and Public Works

Washington, D.C.

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

Wednesday, July 10, 2024

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Committee on Environment and Public Works

Washington, D.C.

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

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

STATEMENT OF THE HONORABLE THOMAS R. CARPER, A UNITED STATES
SENATOR FROM THE STATE OF DELAWARE

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

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

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

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

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

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

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

Working hand in glove, the Federal, State, and local

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

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

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

Next, we will assess the impact the collapse has had on

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

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

Finally, with debris removal nearly complete and the Federal channel back in full operation, much of the work remaining to be done will now focus on rebuilding the bridge. Planning efforts are still underway, and rebuilding the bridge will be an immense effort that will very likely require continued collaboration between State, Federal, and local agencies for years to come.

Rebuilding the bridge is also expected to be a large financial undertaking. President Biden, as we all know, has committed the resources of the Federal Government to help Maryland rebuild. With that said, Administrator Bhatt testified before this committee just last month that the proceeds of

insurance payments and other future claims will be used to reimburse the Federal Government for a considerable portion of the cost of rebuilding the bridge.

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

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

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

events that have transpired on March 26th and the work that still lies ahead to rebuild the Key Bridge.

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

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

Senator Capito?

[The prepared statement of Senator Carper follows:]

STATEMENT OF THE HONORABLE SHELLEY MOORE CAPITO, A UNITED STATES
SENATOR FROM THE STATE OF WEST VIRGINIA

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

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

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

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

As chairman of the committee, he developed a strong tradition of tackling the Nation's infrastructure in a

bipartisan and thoughtful manner, a tradition that sent many bills to the President's desk for signature. I am pleased that this committee has continue his tradition.

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

[Laughter.]

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

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

In total, the U.S. Army Corps of Engineers, in coordination with the U.S. Navy Supervisor of Salvage and Diving, cleared more than 50,000 tons of debris from the river. The Corps' effective management of these operations allowed for the

establishment of limited capacity channels, while a team of experts worked to clear the river and restore a critical component of our supply chain, of which West Virginia coal was on the other side, and uses the port quite frequently for exports.

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

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

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

Federal Highways has also been lending its broad technical expertise to Maryland DOT to help get the project for the new bridge underway. Through the ER Program, the Federal Government

plays a key role in helping State DOTs repair highways and bridges that have been damaged by natural disasters and other emergencies.

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

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

The Committee will have to contend with the Highway Trust Fund's shortfall when we begin our work on the next Surface Transportation Reauthorization Bill, which we will begin probably in the beginning of next year. In the meantime, the Biden Administration transmitted an additional supplemental

appropriations request to Congress, which builds on their request from last fall. I expect that Congress will need to consider a supplemental appropriations bill to address the funding shortfall of the ER Program and other pressing needs in the coming months.

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

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

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

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

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

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

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

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

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

[The prepared statement of Senator Capito follows:]

Senator Carper. Thank you, Senator Capito.

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

Senator Cardin, welcome. You are recognized.

STATEMENT OF THE HONORABLE BENJAMIN L. CARDIN, A UNITED STATES
SENATOR FROM THE STATE OF MARYLAND

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

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

[Laughter.]

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

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

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

people in that tragedy. They are always in our thoughts and our prayers, and always with their families.

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

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

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

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

I want to thank Administrator Bhatt and Secretary Buttigieg. They were there immediately, providing the expertise

and resources, as Senator Capito pointed out. Sixty million dollars was released almost immediately to deal with the cleanup operations of the bridge itself. I want to thank General Spellmon and Colonel Pinchasin.

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

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

As the Chairman pointed out, our incredible thanks go out to our first responders. It is almost unbelievable that we only

lost six lives. The quick action of the first responders kept other vehicles from being on the bridge. We are talking about seconds, that is all that it was between the original alert and the bridge coming down, and they were able to prevent other cars from going onto the bridge, saving many lives.

In regard to the bridge replacement, we have a major issue. City streets are being now inundated by truck traffic. We have seen an 18 percent increase in the tunnel traffic, which is causing major delays through our tunnels. For hazardous materials and those who choose to take the detour around the beltway, it is a 25-mile detour through a part of the beltway that already was congested with major delays, now having even more major delays.

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

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

port, but those that are using our streets. Neighborhoods are impacted, so we need to get this moving as quickly as possible.

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

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

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

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

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

the replacement of the bridge.

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

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

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

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

[The prepared statement of Senator Cardin follows:]

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

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

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

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

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

of that.

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

[Laughter.]

Senator Van Hollen. I will second that.

Senator Carper. No. Go ahead, Chris.

STATEMENT OF THE HONORABLE CHRIS VAN HOLLEN, A UNITED STATES
SENATOR FROM THE STATE OF MARYLAND

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

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

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

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

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

[Laughter.]

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

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

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

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

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

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

Then, as you mentioned, Senator Capito and Senator Carper, huge chunks of debris went into the channel, blocking the ships, putting 8,000 people out of work temporarily, impacting and harming small businesses and others who depend for their economic livelihood on the Port of Baltimore. It deprived the

region of that key transportation link, and this is why we are so urgently seeking support for the new bridge.

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

President Biden did reach out personally to myself and Senator Cardin and the Governor, Governor Moore, and others and quickly ordered the Federal Government to use all parts of our power to support Baltimore and Maryland in this hour of need.

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

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

interest in making sure that it is fully replenished. That covers 90 percent of the cost.

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

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

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

could, of course, be any other State tomorrow, and we thank you for all your efforts to make sure that we continue that tradition. Thank you.

[The prepared statement of Senator Van Hollen follows:]

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

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

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

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

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

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

STATEMENT OF THE HONORABLE SHALEN BHATT, ADMINISTRATOR, FEDERAL
HIGHWAY ADMINISTRATOR

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

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

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

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

Under Secretary Buttigieg's leadership, FHWA coordinated

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

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

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

On March 28th, within hours of receiving the request for funding assistance from MDOT, we announced the immediate

availability of \$60 million in Quick Release Emergency Relief funds. These funds serve as a down payment toward initial costs, and additional ER program funding will be made available as the work continues.

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

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

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

Federal laws.

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

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

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

entirety of the new bridge.

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

[The prepared statement of Mr. Bhatt follows:]

Senator Capito. [Presiding.] Thank you, Administrator Bhatt.

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

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

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

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

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

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

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

levels of government to form a unified command.

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

The guidance from the President to me was clear from the beginning. He called me early in the morning of March 26th and told me the Corps' top priority, number one priority, was to remove the wreckage from the Federal navigation channel and get it reopened. We had three tools at our disposal to move fast and execute this mission. We had the right authority, the right funding, and the right contracting capacity.

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

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

Trust Fund O&M projects across the Country.

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

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

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

support approximately 70 percent of the vessels, the port traffic, calling on the Port of Baltimore.

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

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

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

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

this incredible task.

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

[The prepared statement of General Spellmon follows:]

Senator Capito. Thank you, General Spellmon.

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

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

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

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

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

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

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

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

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

felt nationwide until the bridge is rebuilt.

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

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

For this reason, I am urging you to support the enactment of legislation introduced by the Maryland Congressional Delegation, the Baltimore BRIDGE Relief Act. This legislation will ensure that the Federal Government supports 100 percent of the replacement cost of the vital bridge. Additionally, this legislation specifies that funds recovered from insurance proceeds and culpable parties will be applied to reduce the cost ultimately borne by the Federal Government. These sums are expected to be substantial.

This funding approach parallels the action the Federal Government has taken in response to other disasters that require

immediate, focused response and dwarf the capabilities of State and local governments. The Federal Government often intervenes after major disasters. It pays for the upfront cost of disasters while pursuing recovery actions against insurance companies and culpable parties.

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

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

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

[The prepared statement of Mr. Wiedefeld follows:]

Senator Capito. Thank you, Mr. Secretary.

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

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

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

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

Mr. Bhatt. Thank you, Ranking Member Capito, for that question. I think it is a fair question to ask. I think that,

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

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

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

Senator Capito. Okay, so scope and scale.

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

You mentioned the possible cost of the bridge would be \$1.7

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

Mr. Wiedefeld. Three hundred fifty million.

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

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

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

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

to rebuild the bridge. Right?

Mr. Wiedefeld. You could, sure, if that was --

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

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

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

Senator Capito. So there is a standard cost?

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

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

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

Senator Capito. For ongoing maintenance, which is what the dedication of the tolls is for, as well. Is it unreasonable to assume that, and I know we are making assumptions that the bridge that, I think it was in Minnesota, got the 100 percent cost share when it collapsed, it was not a toll bridge. You are

going to put the tolls back on when this is completed. You have pretty much stated that. I think the State of Maryland is going to do that, which I would do that, too, if I was the State of Maryland. I am not being critical of that.

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

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

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

Senator Capito. So, are you telling me that the State of Maryland now, and I know I am over my time, but I think this is really the crux of the, I don't even want to say it is a disagreement so much as try to figure out the best way to do

this, is that the cost that the State if Maryland is bearing now should also play into what Maryland should bear in terms of the rebuild of the bridge?

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

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

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

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

Senator Cardin, you are next.

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

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

scale, is this sort of off the charts?

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

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

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

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

scale.

In regard to the toll revenues, and I will repeat this again because I want to make sure, Secretary Wiedefeld, you have a chance to respond on this, the overwhelming expenses, as I understand it, is the operations of these facilities, not the infrastructure cost itself. Am I right on that?

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

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

Mr. Wiedefeld. We have nine.

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

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

Another option is to go around the beltway where there are no tolls. That is going to probably be the preferred option for the larger vehicles that can't go through the tunnels, anyway. They don't pay any tolls doing that, so there is a significant

part of the traffic that will avoid paying tolls for the next couple of years, costing the toll facilities those revenues that were projected.

Now, do you have a way of recovering that?

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

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

Senator Cardin. And they are not under the Emergency Relief coverage?

Mr. Wiedefeld. No.

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

Mr. Wiedefeld. Right.

Senator Cardin. I guess the last point on this is that, additionally, the State of Maryland is going to incur

considerably more expenses, and the recoveries, 100 percent of the recoveries related to the bridge are returned to the Emergency Relief Fund, are they not?

Mr. Wiedefeld. Yes, they are.

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

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

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

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

benefitting from this from all emergencies, because each one is different.

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

Thank you, Madam Chair.

Senator Capito. Senator Ricketts?

Senator Ricketts. Thank you, Senator Capito.

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

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

Of course, maintaining the Nation's infrastructure is a key priority for what we do in the Federal Government, and the bridge, in general, is something that has been pointed out as a key part of our economy. In fact, talking to a small business owner in Omaha, Nebraska, he was talking about how he was having his product being shipped out through the Port of Baltimore, and obviously, the bridge collapsed and impacted that, and he had to find another way to be able to ship. He was actually exporting

his product overseas, so trying to get there was not an easy task. We know that this is an important thing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Is that accurate, am I understanding this correctly?

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

million of that came back years later.

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

Mr. Bhatt. Yes.

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

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

Senator Ricketts. But you do think this is the first time that you have done this?

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

Senator Ricketts. What would happen, then, to the toll

fees? Does that change anything with regard to the toll fees and how Maryland uses it, designating it as part of the interstate highway system?

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

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

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

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

Mr. Bhatt. No, sir.

Senator Ricketts. Okay, very good.

I have other questions, but if we go to the second round, I would like to get to those. If we don't, we can just submit

them in writing. Great, thank you very much.

Senator Carper. [Presiding.] Thank you, Senator Ricketts.

Who is next, would it be Sheldon Whitehouse?

Senator Whitehouse. It would be.

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

Senator Whitehouse. Thank you, Chairman.

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

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

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

We are where we are as a result, and it is going to be

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

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

Mr. Bhatt. Thank you, Senator. I am well aware, both through my visits and our numerous conversations, of the importance and the impact to East Providence, and the entire State. I actually flew into Providence when I was on my way up to visit the Cape Cod bridges, just so I could see how things were going. It is good to see that, because of the efforts of Rhode Island DOT, that some of the --

Senator Whitehouse. The flow is better.

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

Senator Whitehouse. Close contact is nice, but the request is that we stay on a time track similar to the Key Bridge project, and that there be significant resources available. We

are dealing with a very significant expenditure for the State of Rhode Island for a really essential piece of Federal infrastructure.

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

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

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

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

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

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

Thank you very much, Chairman.

Senator Carper. You are quite welcome.

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

I am going to ask a question, if I can, of General Spellmon, if I may. Federal and State agencies, including the Corps, came together quickly, I think that is really an understatement, quickly to coordinate a timely multi-agency response to the bridge collapse. The results were impressive.

They were beyond impressive. They were, I think, amazing. I continue to applaud the efforts of all who participated and pulled together to respond to the disaster that occurred.

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

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

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

In terms of best practices, I will just mention two items. First is the importance of authorities that Congress gives to us. I will mention emergency reprogramming authority that you give the Chief of Engineers. It comes in Section 101 every year of our Energy and Water Appropriations Act. And then for the Navy, the Salvage Facilities Act. All of those allowed us to move fast on this. Within a couple of hours of the bridge coming down, Colonel Pinchasin was able to exercise those

authorities in our interagency agreements, and we had tools and people ranging from New York, New Jersey, all the way from Galveston, Texas sailing toward Baltimore, incredibly helpful.

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

Senator Carper. Did you say the President called you?

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

Senator Carper. Does he call you often?

General Spellmon. Not too often.

Senator Carper. How did he get your number?

[Laughter.]

Senator Carper. Go right ahead.

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

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

families. At the time, we still had two missing workers.

I was asked in a national media interview how we were going to take the remaining section of Span 18 off of the Dali. I said we were going to use explosives, and what those families heard and what the Governor's team heard was, I was going to go out and create a mushroom cloud in the Patapsco River.

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

Senator Carper. Thanks very much.

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

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

My question is, how is Maryland incorporating more robust

collision protection into the design of the replacement bridge? Is the State contemplating whether to add that type of protection for other bridges like, for example, the Chesapeake Bay Bridge?

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

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

Senator Carper. Okay, thanks very much.

Senator Merkley, you are next. Welcome.

Senator Merkley. Well, thank you very much.

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

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

How important are these Disaster Supplemental requests?

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

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

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

The event with the Francis Scott Key Bridge and a few other

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

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

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

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

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

Senator Merkley. Thank you. Thank you, Mr. Chairman.

Senator Carper. Thank you, Senator Merkley.

Senator Kelly, you are next. Welcome.

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

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

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

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

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

Mr. Bhatt. Thank you, Senator, for that question. That has been a key focus for us since the FSK disaster. There are about 620,000 bridges in our national bridge inventory. About

4,000 of those, give or take, have, as part of the inspection process, we require States to look at the dolphins and fenders and other pieces. We are working with AASHTO and the NTSB right now to get that full inventory looked at to see which bridges have the up-to-date protection, and what can be done in order to bring them up to speed and up to code.

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

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

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

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

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

For example, today, we have harbors, major harbors in the

Country where they don't have a 700 foot channel, they have a 500 foot channel for vessels of this size, and they are not going to get any wider.

Senator Kelly. What is the beam on this vessel?

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

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

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

Senator Kelly. So you don't have a timeline?

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

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

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

General Spellmon. Sir, in their preliminary report that they released in mid-May, they mentioned that they are looking at other bridge collapses: one in Tampa, Florida, one in

Oklahoma, and Texas to look at the protective measures, the dolphins and the fendering systems and what can we take from the new bridges at those locations and bring forward to modernize our current inventory.

Senator Kelly. It would be interesting to know, and I don't think you guys would have the info either, I think it might be something for the Maritime Administrator or somebody else in the Department of Transportation, how often we have had situations where ships have lost steering, maybe had to go to aft steering, which is a challenging thing to maneuver a ship, especially in close quarters when you are required to go to a guy who is basically at the back of the vessel in the engine room, and you are talking to him over a radio.

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

Thank you, Mr. Chairman.

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

Administrator Bhatt, General Spellmon, as we discussed earlier, the Key Bridge is only one of many bridges in the

United States that lacks functional pier protection. That list also includes bridges near major ports like New York, like Philadelphia, like New Orleans.

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

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

I will say the BRIDGE Program, the BRIDGE Improvement Program, is obviously oversubscribed. We do have a funding shortfall, so it is both identifying the needs that are out there and then finding funding priority to address those needs. We are going to continue to work closely with the NTSB as they provide their recommendations as to what the appropriate level of protection. As we know, there were dolphins on this bridge,

but they were not successful in protecting the Francis Scott Key Bridge.

Senator Carper. Thank you.

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

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

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

Senator Carper. Okay, thank you.

Secretary Wiedefeld, a question, if I could, on air quality impacts. The question is, last month, when we met with Governor

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

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

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

the short path of the bridge, so we are working with that.

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

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

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

Senator Carper. Thanks. Senator Capito, would you like to

go next, or yield to Senator Ricketts?

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

Senator Carper. Thanks. Senator Ricketts?

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

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

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

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

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

done.

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

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

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

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

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

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

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

Senator Ricketts. Okay. You said that you didn't have any knowledge of ways that you can waive NEPA. Is that accurate?

Mr. Bhatt. Again, waiving NEPA is not something that --

Senator Ricketts. You can't do that?

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

Senator Ricketts. Even though you said it didn't have to be an emergency to use the categorical exclusions?

Mr. Bhatt. Correct.

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

Mr. Bhatt. Under the authority of the Federal Highway Administration. There is a process that we follow, where the State says, we would like this redesignated. It happens quite a

bit, and we have to go through and say, here are the design exceptions that we would approve, so I would assume it is under Title 23.

Senator Ricketts. So there is a process. Did you follow that process for the Francis Scott Key Bridge?

Mr. Bhatt. Absolutely.

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

Senator Carper. Thank you very much.

Senator Cardin?

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

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

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

go out in the next few weeks, and we will have that decision late summer.

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

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

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

effort.

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

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

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

Every time you moved any of the debris, you had to resurvey, because the debris would shift and would affect the safety of the divers. You did it with complete safety and speed. That is a resource that, I must tell you, yes, you had

the talent, but you also had the commitment of those that serve at the Army Corps and our Coast Guard and the private sector to put together this team.

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

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

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

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

General Spellmon. Yes, ma'am, let me explain. Our initial estimate to clear the 700 foot by 50 foot deep channel was \$100 million. We are going to land that, we are in final

demobilization now. It is going to come in at about \$74 million. So we started off, we used \$52 million from Baltimore Harbor O&M to not remove sediment, but to remove steel and concrete.

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

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

Senator Capito. Thank you. Thank you all very much.

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

With that, let me say in closing, thank you to each of you for preparations, for your presence, and your response to our questions, and in some cases, you will be asked some additional questions, as you know. I believe that the Federal Government can and should work certainly with States, with local governments, the private sector to help us build the

infrastructure and rebuilt the infrastructure that we need to be a successful Nation in the 21st century, not only in Baltimore and in Maryland, but across our Nation.

For some final housekeeping, I ask unanimous consent to submit for the record a variety of materials that relate to today's hearing, including letters from stakeholders.

[The referenced information follows:]

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

Senator Capito, any other thoughts?

Senator Capito. No, I am good.

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

With that, I think this hearing is adjourned.

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