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Committee on Environment  
and Public Works

Washington, D.C.

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HEARING ON IMPLEMENTATION OF THE INFRASTRUCTURE INVESTMENT AND  
JOBS ACT AND THE INFLATION REDUCTION ACT BY THE FEDERAL HIGHWAY  
ADMINISTRATION

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The committee met, pursuant to notice, at 10:10 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, Markey, Kelly, Fetterman, Cramer, Lummis, Sullivan, Ricketts.

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

Senator Carper. With that, I am pleased to call this hearing to order. Welcome to all of our witnesses, welcome to our guests, especially thanks to Senator Capito and her colleagues for being here for this important hearing.

Today we are here to discuss the Federal Highway Administration's implementation of the Bipartisan Infrastructure Law and the Inflation Reduction Act. I am enormously proud, I know Senator Capito is as well, of the work that this committee did, literally providing the foundation for the Bipartisan Infrastructure Law.

People say to me, and I am sure they say to you, Senator Capito, when you travel back to West Virginia or around the Country, what can't you guys and gals just work together and get stuff done. As it turns out, in this committee, that is what we do. We reported out our parts of the Bipartisan Infrastructure legislation, unanimously, 20 to zip. Ten Democrats, ten Republicans. We are proud to have helped lay the foundation for what has turned out to be one of the biggest investments in the Nation's infrastructure ever. And it started right here in this room.

So I think we have made some history, and hopefully we will continue to make that history going forward.

Before we begin, I want to take just a moment to acknowledge the disaster that occurred this past weekend just north of Philadelphia. My wife and I live about five miles from the Pennsylvania line, so this was too close to home. There is a lot of work that has been going on, and I know our witness today, Shailen, has been up there for quite a time. We will hear a little bit about that as well.

On Sunday, a tanker truck carrying 8,500 gallons of gasoline caught fire on the off-ramp causing an overpass on I-95 literally to collapse as you have probably all seen on television. Administrator Bhatt has already been to the site of the crash a couple of times. He and his team are working to support State officials there as they restore mobility on this critical corridor for our Nation.

I-95 is really like our Nation's highway. It goes all the way from Maine all the way down to Florida. The amount of traffic on that which goes through my State is just incredible.

I want to thank our Administrator and the rest of his team at the Federal Highway Administration for the important work they are doing. We appreciate very much your being with us today.

It has been a little more than two years since this committee unanimously marked up the highway bill that would go on to serve as the foundation for the Bipartisan Infrastructure

Law. When we did, we noted that it included historic funding for our Nation's highway programs. I also noted that it included the first-ever climate title in a bill of that nature.

In our highway bill, we created the Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation, as known as the PROTECT, program. We did so with the intent of improving the resilience of our transportation systems and reducing our vulnerability to extreme weather.

We have all heard the old saying that an ounce of prevention is worth a pound of cure. That is certainly the case with investments in resilience. Building protective features and natural infrastructure helps keep transportation assets able to withstand disasters for years. The earlier those protections are in place, the greater the benefit will be.

With that in mind, I am pleased that the Federal Highway Administration is now accepting applications for the first round of PROTECT grants. It is my hope that the Federal Highway Administration works quickly to award these program funds and begins to improve the resilience of communities nationwide.

Our bill also created dedicated programs to develop electric vehicle or EV charging networks across our Country. It also included a 70 percent increase in funding for programs to build safe, accessible pedestrian and bicycle pathways across

our Country.

In addition, our surface transportation bill authorized the Reconnecting Communities program. This was the first-ever Federal program to address the safety and pollution impacts of highways that have divided and hurt neighborhoods in many places across our Country.

Importantly, not only did our highway bill focus on the critical issues of climate, safety, and equity, but it did so in a lasting, bipartisan way. My colleagues have heard me say, and Shailen a million times, bipartisan solutions are lasting solutions. We are very proud that that is the approach we took with the Bipartisan Infrastructure bill.

During that markup two years ago, I also noted that the Infrastructure Bill alone was not enough to address climate change. Once we passed the Bipartisan Infrastructure Law, we got to work on legislation that eventually became the Inflation Reduction Act.

The Inflation Reduction Act authorized several new programs under the purview of the Federal Highway Administration. This included a program to reduce the industrial emissions from construction materials, as well as funding to facilitate efficient environmental review and permitting times. The Inflation Reduction Act also provided funds to mitigate air, noise, and water pollution and other impacts of highway

infrastructure on disadvantaged communities.

Together, the Bipartisan Infrastructure Law and the Inflation Reduction Act represent the most significant investment in clean energy and transportation infrastructure, as well as equity and climate resilience in our Nation's history. Still, there is no shortage of work that remains to be done. There are key questions that the Federal Highway Administration must address around implementation, regulation, and guidance.

That is why I am delighted to welcome our friend, not just from Delaware, but a friend who has actually been Secretary of Transportation in Delaware and Colorado, he has worked with USDOT in any number of responsible positions to prepare him for this day. This is his first time before our committee since the Senate confirmed his nomination to be Administrator of the Federal Highway Administration by a voice vote in December 2022. We look forward to hearing your testimony today about the extensive work that you have led in the past six months or so.

As I noted, Congress provided the Federal Highway Administration with historic funding and the authorities necessary to revitalize highways across our Country. The agency must also use its regulatory authority to address ongoing needs.

One such need for regulation is to help reduce emissions from our transportation sector, which accounts for nearly 30 percent of our Nation's greenhouse gas emissions, the largest

single source in our economy. It is my recollection 30 percent of our emissions come from cars, the vehicles, trucks that we drive. Cars are mobile sources. And another 25 percent comes from our power plants across the Country, and another roughly 25 percent comes from our manufacturing base, the manufacturing operations. But the biggest of those three is our roads, highways and bridges.

Last July, the Federal Highway Administration proposed a rule that would require States and metropolitan areas to measure their performance on greenhouse gas emissions and set targets to reduce those emissions. Once finalized, this will be a critical tool to steer infrastructure investments toward better climate outcomes. I hope that the agency will move quickly to finalize that rule.

Finally, I would like to emphasize the importance of improving safety. Last year, nearly 43,000 people tragically lost their lives on our Nation's roads, the highest number in 16 years. I will say that again. Last year, nearly 43,000 people tragically lost their lives on our Nation's roads, the highest number in 16 years.

The U.S. Department of Transportation has taken an important step toward this goal by releasing its National Roadway Safety Strategy, which set a goal of zero fatalities for U.S. roads for the first time. Zero for the first time. Still,



there is more work that the Federal Highway Administration can and should be doing to prioritize safety. That includes working with states and metropolitan areas to plan streets that are safer for all users and choosing highway designs and roadway designs that don't encourage speeding and other unsafe behaviors.

With that, we look forward to hearing about the work that Administrator Bhatt has done and will continue to do to advance these priorities.

Before that, I want to turn to our Ranking Member, Senator Capito, whose leadership was critical to the passage of the infrastructure programs we are discussing today. Senator Capito, you are recognized for as long as you wish to speak.

[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, Chairman Carper, for calling today's hearing, and your ongoing willingness to conduct oversight on the IIJA and the Inflation Reduction Act.

Administrator Bhatt, it is very good to see you. I know that you have been extremely busy here over the last several days. Since your confirmation you have maintained a very open line of communication with me and my staff. I want to express our appreciation for doing that.

I also want to thank your hardworking staff at the agency. I know they are working on a lot of different issues.

I would also like to acknowledge the tragic incident on I-95 in Philadelphia. The pictures are just overwhelming. And I know you have been on the ground. I appreciate the responsiveness of FHWA in providing assistance to the State of Pennsylvania. I know the investigation is underway and Congress will be provided more information when it is available.

I am very proud that this Committee, as the chairman said, developed the legislation that served as the foundation of the IIJA, and we did so together, bipartisan through regular order. I was proud to manage the bill on the Floor with the chairman, and to attend the signing ceremony at the White House.

Unfortunately, our bipartisan product was jeopardized, this

was before you got there, by FHWA's December 2021 policy memorandum. But I want to thank you, Administrator Bhatt, for issuing a substantially revised policy memorandum that superseded the original one. I appreciate that you recognized the original memorandum diminished the bipartisan accomplishments of this Committee and contradicted the statutory text and clear intent of Congress.

When the IIJA was signed into law, we promised the American people that the legislation would deliver results by improving our Nation's core transportation infrastructure, and we are starting to see real tangible benefits of that investment. In negotiating the legislation, I prioritized the inclusion of a robust project delivery and process improvement title that included the codification of the One Federal Decision policy for surface transportation projects.

I look forward to receiving an update from you today on how the agency is implementing those provisions and others in the IIJA. Proper implementation of the law is the only way to see the full benefits of the IIJA.

So, now on to the inaptly named Inflation Reduction Act, which has not, and will not, reduce inflation. Following passage of the IIJA, the Administration embarked on a partisan exercise to pass what I believe are misguided policies through the budget reconciliation process.

That effort began with the introduction of the so-called Build Back Better legislation in 2021, and culminated with President Biden signing the IRA into law in August of 2022. The original version of the reconciliation legislation included a provision that would have directed FHWA to establish a greenhouse gas emissions performance measure and associated targets.

I challenged that provision as violating the Byrd Rule of the Congressional Budget Act, and that provision was stripped from the legislation. That removal of language was the second time since I became Ranking Member of this committee that we have dealt with this policy. And that was the second time that Congress directly rejected FHWA the authority to establish a greenhouse gas performance measure and associated targets.

Providing this authority to FHWA was also debated, and ultimately left out of the bipartisan IIJA. The Biden Administration, through your agency, is now attempting, and the chairman just talked about this, to impose a greenhouse gas emissions performance measure and associated targets on State departments of transportation and metropolitan planning organizations, without any authority from Congress. This rulemaking feels very similar to the December 2021 policy memorandum. Yet again, this Administration is trying to implement partisan policies they wish had been included the IIJA

and the IRA through agency action.

I am hopeful that under your leadership this rulemaking for a greenhouse gas emissions performance measure and associated targets will not move forward.

On a related note, I also want to express my concern with a proposal that the President's Fiscal Year 2024 budget request has. The budget request included legislative language that would repurpose \$60 million in unobligated contract authority from the TIFIA program to the Active Transportation Infrastructure Investment Program. This is in the weeds but I know you understand what I am talking about. The IIJA did not provide contract authority for that program. It received an authorization but it is subject to appropriations.

This committee determines what programs receive contract authority and how much, not the Department. I hope this is not something that your agency plans to pursue, as once again, the committee has already made a decision here.

Finally, I want to raise an issue that is not directly related to either of the laws that we are discussing today, but may have a significant impact on how State DOTs manage their programs and their ability to move forward. I am referring to the \$3.5 billion discrepancy in contract authority between the two fiscal management systems, known as FMIS and Delphi. I appreciate that you brought this issue to my attention in

January and look forward to receiving an update from you on how the DOT plans to resolve this discrepancy.

In summary, the topics of our hearing today starkly contrast the different outcomes in quality and durability. We get great quality and durability when the Senate pursues bipartisan legislation through regular order. And we compare that to a partisan legislation through budget reconciliation process that I believe falls short.

Nevertheless, oversight of your implementation of these two laws is a critical function of this committee.

I would like to take one moment to say farewell to a much beloved and incredible member of our staff over here, the Republican staff at EPW. Lauren Baker will be leaving us. I don't know if it is today or tomorrow but way, way too soon. She really helped to shepherd the IIJA through our committee. She is an incredible resource. I know she will be successful where she goes.

But Lauren, we will miss her and I know your department will miss her as well because of the great give and take that we have been able to have with her and through your department. So thank you for letting me bid Lauren a fond farewell.

[The prepared statement of Senator Capito follows:]

Senator Carper. Lauren, thank you for your work. One of the joys of working on this committee is working with our colleagues on the other side of the aisle. It is not just member to member, but staff as well. To Adam and Courtney and members of our respective staffs, thank you for that great spirit. You have heard of the trickle-down theory. When the leaders of a committee like this work together and reflect that kind of behavior, the staff picks up on it as well. It is a good thing for us.

Senator Capito. Lauren, stand up.

[Applause.]

Senator Carper. Do you know where Lauren is going to go next?

Senator Capito. Private sector.

Senator Carper. Okay. Before I turn it over to Shailen Bhatt for his testimony, I would note, when driving to the train station in Delaware this morning, I was listening to NPR news. They were giving some updates. They announced that with respect to the IRA, people say, well, the IRA doesn't really help reduce inflation, but at the end of the day, on the morning news this morning we just learned that inflation continues to actually drop. I think the annualized number is down to 4 percent.

Last job creation number, the report out of the Department of Labor a few weeks ago, new jobs, 340,000 new jobs in the last

month. And our unemployment rate for our Country is still holding down around 3.5 percent, which is a pretty darned good number. It is not perfect, there are still things we can do better. But it isn't bad, where I come from, that isn't bad.

Thank you, Senator Capito. We will now hear from our witness, Shailen Bhatt. Shailen pronounces his name Bhatt, but a lot of us in Delaware pronounce it Bhatt. He will answer to either one.

He is the Administrator of the Federal Highway Administration and was sworn into his current role on January 13th, 2023, after being unanimously confirmed by the Senate on December 8th of last year. As Administrator, Mr. Bhatt oversees an agency with more than 2,700 employees, which includes staff who work in all 50 States, U.S. territories as well, and the District of Columbia, to carry out Federal Highway programs.

Welcome, Shailen. You may now proceed with your testimony.



STATEMENT OF THE HONORABLE SHAILEN BHATT, ADMINISTRATOR, FEDERAL  
HIGHWAY ADMINISTRATION

Mr. Bhatt. Thank you, Chairman Carper and Ranking Member Capito, and members of the committee. Thank you for the opportunity to appear before you today to discuss implementation of the Infrastructure Investment and Jobs Act, otherwise known as the Bipartisan Infrastructure Law, and the Inflation Reduction Act.

These historic investments in our Nation's infrastructure add new opportunities to build a clean energy economy that creates good jobs and lowers costs for working families. When I appeared before this committee for my confirmation hearing, I noted that FHWA staff have been working tirelessly. I have hit the ground running since being confirmed. The dedication of FHWA staff in carrying out these laws and getting real results for the American public is inspiring.

I have always said that a transportation agency exists for two reasons, to save lives and to make people's lives better. This past Monday, I joined members of the Pennsylvania congressional delegation as well as the Pennsylvania Department of Transportation secretary in touring the site of the partial collapse in Philadelphia that occurred on Interstate 95 involving a truck fire which resulted in the tragic loss of life. The I-95 corridor is a vital connection for people and

goods traveling along the east coast. FHWA has offered support and assistance to State and local officials to help them safely reopen this section of I-95 as quickly as possible. We are working diligently with our divisions in all surrounding States as well as with our sister agencies on emergency relief support and maximizing all best practices.

Having led the Delaware Department of Transportation through the I-495 bridge emergency in 2014, I am critically aware of how important an artery I-95 is for the State, region and Nation. Every day of closure will affect people and freight on this vital corridor. We are laser focused on working with our partners to get the road open as quickly as possible.

In addition to our commitment to safety, FHWA's work is guided by an initiative we refer to as DRIVEN for the 21st Century. There are six aspects of this initiative: delivery, resilience, innovation, values, equity, and our Nation. Each of the six aspects of the DRIVEN initiative guide our efforts to implement the many programs and funding opportunities authorized by the Bipartisan Infrastructure Law and the Inflation Reduction Act.

Delivery is the first aspect of DRIVEN. Thanks to these acts, we have the funding necessary to make major improvements in our transportation system. FHWA has taken numerous actions that will support implementation of projects that improve safety

and people's lives, including distributing more than \$120 billion in highway formula funding to States and issuing notices of funding opportunity for approximately \$4.6 billion in available funds.

We are also administering nearly 900 awards totaling \$7.5 billion across nine discretionary programs. These are more than just numbers. These dollars mean projects that will improve both safety and people's lives.

FHWA has a longstanding practice of engaging with our stakeholders and providing technical assistance. But we have placed an even greater emphasis on these efforts since the passage of the legislation. FHWA is committed to supporting our stakeholders and the State, tribal and local levels. We have specific efforts in place to provide training and technical assistance.

Resilience is an important part of building a modern transportation system, as it will help us keep our infrastructure strong and fulfill our most important duty: getting people where they need to go, and getting them there safely. FHWA has already made significant progress in carrying out many funding programs that are specifically targeted at addressing climate change, including distributing funding under the PROTECT formula program and carbon reduction program, and publishing a NOFO for the PROTECT discretionary grant program.

Innovation is essential for the future of transportation infrastructure. It will help us tackle a broad range of issues, such as improving safety, increasing the resilience of our infrastructure, and finding new ways to combat the climate crisis. The current round of FHWA's Every Day Counts program supports innovation specifically aimed at climate change concerns, safety, and equity.

While the tireless service of FHWA employees is evidenced by the quality of our transportation system, we are also responsible for the members of our agency. FHWA is committed to all of our core organizational values and caring for our staff. Equity is one of FHWA's primary values and drives every one of our programs, projects and initiatives. Not only do the Bipartisan Infrastructure Law and the Inflation Reduction Act include programs specifically intended to address equity issues, but the historic investment in our infrastructure will benefit those who find well-paid work rebuilding their communities.

Every aspect of FHWA's work is driven by the people and the Nation that we serve. We must create a transportation system that delivers for our economy and all of our people, while getting individuals and goods safely to their destination, a transportation system that literally unites us as Americans. DRIVEN will allow us to build results for both the U.S. transportation system and Americans as a whole.

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

[The prepared statement of Mr. Bhatt follows:]

Senator Carper. Great. Thanks for that testimony.

I am going to start our questions by asking you about the recent disaster that took place just north of us in Pennsylvania on I-95 near Philadelphia. I know from our conversations that you spent a fair amount of time there in the days since then.

I understand the Governor Shapiro is making an announcement literally in real time as we are gathered here today and that you might be in a position to comment on what he is saying a little bit later in our hearing. I look forward to that.

To start off, could you please talk with us this morning about the role that the Federal Highway Administration will play in coordinating with State and local agencies to respond to the bridge collapse and restore the movement of goods and people around the Philadelphia region while this bridge is being rebuilt?

Mr. Bhatt. Thank you, Chairman Carper. As you and the Ranking Member mentioned, FHWA staff have been working tirelessly on BIL. I just want to highlight that. In addition to standing up this law, which has been a lot of effort, we also have to deal with the business of keeping the Federal highway system up and running.

I want to highlight for the committee that on Sunday, when the calls started coming in, we had dozens of Federal Highway staff here in D.C. and Pennsylvania just on calls all day long

and I just want to thank them for their efforts. I showed up in Philly on Sunday, met with PennDOT. Secretary Carroll has been doing an amazing job of marshaling the people there. They have all the experts they need.

We are acutely aware of the impacts that this closure is having not just on the City of Philadelphia or the State of Pennsylvania but the region and the Nation. Secretary Buttigieg went to visit yesterday and got a briefing. The President has asked for daily briefings on this project.

So every lever that we can pull is being pulled. We released "quick release" funds last night for \$3 million for the State of Pennsylvania and the bulk of these costs will be covered by the ER program.'

Senator Carper. All right, thank you. Just as a follow-up, are there any initial takeaways that we can learn from this disaster that might help prevent similar disasters in the future?

Mr. Bhatt. Senator, I think you are keenly aware of this, and members of the committee, just how critical our transportation system is. I think sometimes we take it for granted that it just operates and then when something like this happens, it becomes very apparent why these investments are so important, why this infrastructure is so important.

I would say, I think it will be important to wait for the

NTSB investigation into the cause, and learn any lessons that we can. But I feel, having been in a lot of those meetings over the weekend and into yesterday that truly, when you just have all of these engineers trying to solve a problem and you have all the experts in the room, there is just an amazing energy and unified focus. You wouldn't be able to tell who were Democrats and who were Republicans in the room there. I think that is emblematic of infrastructure solutions.

Senator Carper. That is great. Thank you.

My second question, then I will yield to Senator Capito, deals with the VMT pilot, vehicle miles traveled pilot. For more than a decade, Federal fuel tax revenues have not kept up, as you know, with transportation investment needs. A dozen States have used Federal funds to study vehicle miles traveled fees. Those pilots are showing some success, as you know.

The Bipartisan Infrastructure Law directs USDOT to create an advisory board on funding alternatives and to undertake a national study of VMT fees. The goal of that work is to produce meaningful data that would provide timely input for the next reauthorization bill. Given that deadline it is essential that the work begin, and begin quickly.

Unfortunately, neither the advisory board nor the national study have been established yet. My question is, what is the timeline for the Federal Highway Administration setting up the



advisory board and getting the national study underway?

Mr. Bhatt. Thank you, Senator. I am aware of your interest in this particular program dating back to when I was the Secretary in Delaware, and was part of the Mileage Based User Fee Alliance.

Senator Carper. I am not a Johnny-come-lately on this issue.

Mr. Bhatt. Yes. And in Colorado, when I was Vice Chair of the Western Road Usage Charge Consortium. So we are going to work expeditiously to get the advisory committee set up and will make sure that we get this important data for the committee as we look to reauthorize the program.

Senator Carper. Great. Thank you. That is good to hear, music to my ears. Thanks so much.

Senator Capito?

Senator Capito. Thank you. In my opening statement I talked about the debate that we had over the Greenhouse Gas Emissions Performance measure and targets that we have rejected it here in the Congress, and you are pursuing a measure that would achieve this through rulemaking.

What is your response to what I said in my opening statement? What authority do you have to be moving in this direction, do you believe you have?

Mr. Bhatt. Thank you, Ranking Member Capito. Before I

address that question, I would also like to echo your comments about Lauren. We will miss her grace and professional knowledge.

My reaction to your comments is, I hear you, and I heard you during my confirmation hearing about your concerns about the GHG piece. From the authority perspective, obviously we have lawyers at Federal Highways who will examine that, lawyers at USDOT.

I believe MAP-21 did provide authority to measure the performance of the transportation system. I think we are in an open rulemaking right now; we have received 40,000 comments from folks. Before we move forward in that rulemaking, we would want to understand all those public comments.

Senator Capito. I probably need a little more clarity on what authority. But we will follow back up with you on that.

Let's go to the FMIS and Delphi discrepancy that is definitely in the weeds but very impactful for many States, including the smaller States. We had asked about this, how are you going to address this. The quote that came back was, "Once the task force has completed its review, USDOT and FHWA will determine the type of adjustment required and the applicable authority." Seems like we need the authority before we can make the decision.

Where are you on this issue and where is the task force

work?

Mr. Bhatt. Thank you, Senator, thank you, Ranking Member. Specifically on the FMIS-Delphi issue, as soon as I became aware of that, we have been in close contact with the States. We did establish a task force. I think they are diligently working through all of the potential impacts here.

When you have an issue of a \$3.5 billion discrepancy, we want to make sure that we have looked at every angle here. So I am hopeful that we will be able to provide you a little bit more detail soon. But my update here would be that we are working toward getting a resolution as quickly as we can.

Senator Capito. Okay. So would that by the end of summer or end of the year?

Mr. Bhatt. I would say as quickly as possible, definitely this year. Some of this involves other coordination, but we will continue to be in close contact.

Senator Capito. Okay. It looks like I am over my time by three minutes, but I don't feel like I have been that long.

[Laughter.]

Senator Capito. So I am going to ask one more question.

Mr. Bhatt. It feels long to me, but that is okay.

[Laughter.]

Senator Capito. [Presiding.] Okay, that is pretty good. In January, NTSB Chair Homendy raised concerns about the safety

impacts of electric vehicles on our roadways. Looking into this, the realization that these vehicles weigh a heck of a lot more than gasoline vehicles do. So we reached out to FHWA to ask how you are planning to look at this from the future safety of our roadways. I am sure it is going to have impacts on not just the bridge safety, guardrails, and also impacts.

Our response from them, from you, was that while FHWA does not currently have any research planned on how the weight and weight distribution of EVs may impact guardrails, bridge safety, and the longevity of the highway, safety is number one priority, we know that, safety is number one, why does the agency not have planned research in this area as we are being pushed in this area to move toward the EVs?

Mr. Bhatt. Thank you, Ranking Member, for that question. I will double check where we are in terms of research. Size and weight is something that we take a look at, particularly with regard to bridges and the performance of guardrail is obviously something that we would want to understand the impacts.

Just as a personal example, I have a minivan that has an electric battery. I would want to again verify, but I feel like it is in the same weight range. But particularly as freight some of these Class 8 haulers become electrified, that is something.

I will be happy to come back for you and get you some

specifics around our research.

Senator Capito. Thank you. This issue was raised by our State DOT, that they are concerned about what kind of impacts this could have on highway safety. We will follow up with that. Thank you.

Senator Cardin. Administrator Bhatt, first off, welcome. It is nice to have you here. This past week, the Maryland Federal Congressional Delegation had our annual meeting with Governor Moore. He was here with his cabinet, with Secretary Wiedefeld. They were very optimistic and very thankful for the support they have gotten from the Federal Government in the new programs.

The Governor specifically mentioned the concerns of communities that have been adversely impacted from transportation programs in the use of our funds. In order to deal with that we had our Reconnecting Communities that is being implemented.

But he also indicated that as we build new transportation programs, we need to be more sensitive to community needs. Part of the Infrastructure Bill was a significant increase in the Transportation Alternative Program, 10 percent of the formula funding. Can you share with us how you are administering that program to make sure the intent of Congress to help communities deal with transportation challenges under the Transportation

Alternative Program is being implemented?

Mr. Bhatt. Thank you, Senator Cardin. We have heard from communities across the Nation, including in Maryland, how excited they are about the opportunity to transform their communities. I will give you one very specific example. When it comes to Complete Streets, which are an important part of active transportation and transportation alternatives, as an example, we have waived the local match on planning requirements around Complete Streets for communities who want to be able to access these funds but may not have the local match or the planning expertise in-house. So that is one example.

I think Transportation Alternatives is a very important program, one that I have deployed in Delaware and Colorado and am happy to provide further details to your office.

Senator Cardin. Thank you. One of the areas we are looking at is how we can deal with traffic safety, including the use of Transportation Alternative Program funding. I have introduced legislation, working legislation, that would honor Sarah Langencamp, who was a distinguished Foreign Service officer and a constituent who was killed while riding her bike in Bethesda. The legislation is being authored to allow a more liberal use of our funds for highway and traffic safety, including the TAP program.

We see the increased numbers of safety episodes, injuries

and deaths on our highways. Tell me the urgency of your efforts to deal with traffic safety?

Mr. Bhatt. Sir, I remember when I became the Director of the Colorado DOT, we had 484 fatalities. When I left three years later, we were over 714, a 10 percent increase year over year, the vast majority among vulnerable road users. For me as the steward of the Federal Highway Administration and our role there, I take every one of those fatalities incredibly seriously.

We want to make sure that safety is out there and available for people who want to take alternatives like biking, like walking. So it is an imperative for me as the Federal Highway Administrator.

Senator Cardin. One of the challenges we have in multi-modalism, which is a way in which we can really improve safety as well as convenience and more efficient highway and transportation system, is to encourage more multi-modalism. We have that in our State. The challenges I that we have stovepipe funding in many cases, so it is hard to coordinate a multi-modal forum.

Tell me the efforts you are making in order to encourage that type of transportation cooperation which is in the best interest of our communities.

Mr. Bhatt. Senator, thank you for that question. I think

this is a primary focus for Secretary Buttigieg at USDOT, bringing an all-of-DOT approach. So we want to make sure that as communities are reaching out, whether it is Federal Highway funds or FTA funds or rail funds, as an example with Reconnecting Communities, that we are looking at it through a multi-modal lens so that the solutions that come out are the best ones for those communities and not a federally prescribed approach.

Senator Cardin. [Presiding.] Thank you. Senator Cramer.

Senator Cramer. Thank you, Senator Cardin, and thank you, Senator Capito, for this very good and important hearing.

Mr. Administrator, thanks for being here. I am going to drill down a little more, I am going to go back to Senator Capito's concerns about the proposed rule. Not only the lack of authority, I believe there is a lack of authority even to do it. But also in the practicality of it.

But first, on the authority side before I get to why it is not going to work in North Dakota or other places that aren't going to require commuter buses or subways. In the Inflation Reduction Act, it dedicated \$27 billion for a Green Bank, something that the EPA withdrew almost immediately after getting the authority to do it. They created instead this sort of group slush fund for grants.

Now, there is nothing new in the law that expressly



prohibits such a thing, and this has been the tradition of decades of administrations, Republican and Democrat alike, to take the absence of a prohibition in a law that authorizes certain things as a license to do whatever is not prohibited.

But I want to speak to two really big recent Supreme Court cases that are using the major questions doctrine, stating emphatically that agencies don't have authority that isn't given them in law. That, of course, the first one being *West Virginia v. EPA*, and the other one being the WOTUS Rule. Now they are going to take up maybe a Chevron issue. We will see how that turns out. I think it is becoming increasingly clear that the bureaucracy is not a fourth branch of government, or policymakers.

First of all, what is your sense of the actual authority to do these things? Secondly, again I want to stress that it is impractical in places, rural places, especially, we just aren't going to build subways in North Dakota to get people to their farm. I would hope, if this is going to proceed, I would rather have you withdraw, like you wisely did with the previous memorandum, but short of that, I hope there is consideration for the uniqueness or the different qualities of different places across our very diverse Country.

Mr. Bhatt. Senator, I thank you for that question and statement. I would frame this, you had a two-part piece there.

On the legal authority, I am not a lawyer, but I start virtually all my meetings within Federal Highways as, we will follow the law. We have lawyers on staff. I take that very seriously.

So I don't want to opine as a lawyer. I will follow the direction that our lawyers give us on following the law very clearly.

I hear you on the impacts particularly for rural States and others around this piece, not likely to build a subway around Devil's Lake. But I would simply say here on this piece that this Bipartisan Infrastructure Law did have a climate change title in it. From a performance management perspective, when I was in Delaware, it was hard to get folks to talk about performance management, bridge conditions, pavement conditions.

I think what we are trying to look at here is not sort of penalizing States for their greenhouse gas emissions, but just get them to begin tracking greenhouse gas emissions. If 30 percent of our GHG is coming from the transportation sector, this is the piece of it. Maybe it is not a subway, but maybe it is alternative fuels, other things, electric vehicles, other ways to drive that down.

I know it has become a very political hot button issue here, but as with most of my efforts, I try to focus on the, here is what we are trying to get to, and we will follow the law, but not to be punitive but more from a tracking

perspective.

Senator Cramer. I appreciate that. But I also, on this particular topic, for example, while here is a title that relates to the basic issue, we discussed this specific issue and decided not to do it. In other words, there is not a lot of ambiguity about the intent of the Congress in this legislation.

So again, your lawyers will duke that out or they will find some way around it eventually. But short of the Supreme Court weighing in specifically on a lawsuit down the road, this is so far not a rule, so we don't want to get too far ahead of ourselves.

But I think we have to consider that if we are going to be this sort of general with our authorities at the administrative level, the next administration might be of a different persuasion and take that slush fund at the EPA and say, hey, let's build a wall with solar panels at the southern border. It seems extreme, and it probably is. But there is a lot of less extreme examples that I could probably come up with that I think Democrats would find objectionable for good reason.

With that, I appreciate your hanging in there with the law. I always dismiss the lawyers after I get their advice before I make big decisions. So thank you.

Senator Capito. [Presiding.] Senator Whitehouse?

Senator Whitehouse. Thank you very much. Thank you, Mr.

Bhatt, for being here.

I would offer a different view than my distinguished Republican friends. I think that if Congress specifically authorizes you to do something, then that is good and you have a clear direction from Congress. If Congress fails to specifically authorize you to do something, then what you referred to as your innate executive authorities, and if Congress wishes, it could forbid you to pursue those inherent executive administrative authorities which they have done with things like Republican-driven efforts to prevent the IRS from policing political dark money.

So there are examples of doing that. I don't think it is correct to say that when Congress considers a specific authorization and then doesn't pass it, that failure is a lawful restriction on your ability to do what you need to do using your innate administrative powers.

As a State which has a coastline, which we believe is going to intrude quite far on our current seaside and bayside boundaries, predictably in the years ahead, we are looking at very significant changes to the actual map of Rhode Island. So dealing with climate change responsibly is a deadly serious matter for my State. I would strongly encourage you to pursue your greenhouse gas performance measures to the full extent of your executive authorities. It matters to States like mine that

you get this right.

Whatever pressure there is to the contrary, please remember those of us who are highly vulnerable to the effects of climate change, to the ocean acidification, the ocean warming, to the sea level rise, to the coastal erosion, to the air quality effects, all of that. I offer that as a contrary view to what Congress intended by not specifically authorizing you.

The Bridge Investment Program, is that going to get another round of funding? Are you going to have another round of applications?

Mr. Bhatt. Thank you, Senator. Yes, bridge investment, there will be another round that comes out, I believe, this summer.

Senator Whitehouse. What is the timing for that more specifically, if you know?

Mr. Bhatt. More specifically, other than this summer?

Senator Whitehouse. Yes. Do you have a date or a month?

Mr. Bhatt. July or August.

Senator Whitehouse. Some time in July or August?

Mr. Bhatt. Yes.

Senator Whitehouse. Okay, so you will be accepting applications during that period for that second round?

Mr. Bhatt. Yes, sir.

Senator Whitehouse. Okay, good to know. Thank you for

that.

I think that is all I have. Let me recognize Cory Baba from Newport, who is with us. Good to have a Rhode Islander in the house. I look forward to working with you, to support you in every way possible on the emissions dangers and having proper information in order to assess and address those dangers appropriately. There are many, many, many Americans who are counting on you to make the right decision, not the one that the fossil fuel industry wants. Thank you.

Senator Capito. Senator Merkley. We are waiting for Senator Ricketts, but we will go with Senator Merkley. There is so much going on, so we are going to have a lot of in and out here.

Senator Merkley. Thank you very much. I appreciate your testimony and your work.

A couple of questions. I want to start with the issue that has been brought up in my State. Oregon is in the Cascadia subduction zone. There is a lot of preparation for essential infrastructure to survive the big one, if you will. We have been told by the Department of Transportation that they don't consider the need for seismic resiliency as relevant to a number of their grant pool applications.

That certainly is a concern. We are working to rebuild one of our bridges to make sure that there is at least one bridge

that survives.

Can you speak a little bit to why seismic resiliency is not considered a factor for you all in a number of these grant programs?

Mr. Bhatt. Thank you, Senator, and am always made aware when I travel to the west coast and in these seismic zones the difference in bridge piers, and the size of those piers as compared to non-seismic activity.

I would want to double check on that. I know that the Golden Gate large bridge investment that was made for \$400 million was a seismic retrofit for the Golden Gate Bridge. That was a critical piece of that funding. So I would want to double check where we stood on that.

Senator Merkley. Okay. I would love to follow up with you in regard to the specific project and the concern that is relevant to the multi-modal project discretionary grants, the bridge investment program, and the RAISE grant program. Because a bridge may be functional now, but if we don't have any bridges that survive a quake, then addressing the emergency at that time is a real challenge, and thus trying to responsibly reinforce key infrastructure.

I want to turn next to a project that really began with Lamar Alexander of Tennessee, who served here previously. They developed a program in his home State where along the highways

they did pollinator plots and had different clubs maintaining different pollinator plots. Our highways create an enormous opportunity to address the pollinator Armageddon. We have lost massive numbers of butterflies and bees along our highways.

One of the species that catches the public attention is the Western Monarch. The Western Monarch went from a high of about 10 million 40 years ago down to as low as 2,000 butterflies two winters ago. It has had a couple good years, then we had the huge storms over the winter in Southern California back this late winter, early spring this year. Another huge hit.

That pollinator butterfly travels four generations to go north, one generation to go back south to California. Nobody sees Monarchs in Oregon anymore. They think they see them, and they are actually seeing the yellowtail butterfly. It is not orange, but it is yellow, so hey, close enough, maybe I saw a Monarch.

[Laughter].

Senator Merkley. The bigger issue is that we could really have clubs sponsor plots of land along our north-south corridors, just as Tennessee did along their highways. We got this bill, the Pollinator-Friendly Practices on Roadsides and Highways Act into the Bipartisan Infrastructure Law. But you all haven't stood it up yet.

It is really an opportunity for folks to directly



participate in establishing plots along these major corridors that would assist with all kinds of species. I mentioned the Monarchs, and people think milkweed. Yes, milkweed is essential for the female butterflies to lay their eggs. But the adult butterflies need the pollinator flowers, just like other pollinators do. So it would help a whole lot.

Are you familiar with this program? Can you tell me how the stand-up is going?

Mr. Bhatt. Thank you, Senator. I remember when I was the Secretary in Delaware, we had a bee truck overturn on I-95. Millions of bees, and just trying to make sure that we were able to get that to a successful ending, because of the importance of pollinators.

I would want to double check and come back to you exactly where we are in standing up that program. But I hear you on the importance of ensuring that from an agriculture perspective and just from our national environment, those pollinators are critical.

Senator Merkley. You can imagine hundreds of clubs saying, just like they adopt a mile of highway now to keep it clean, saying yes, we want to go seed pollinator nectar-producing flowers and milkweed and contribute to a major opportunity to use the sides of our highways that are otherwise just not contributing much. But there is a perfect possible connection.

Finally, I want to encourage the work to roll out the EV charging stations. I think the model for this program is that it has to be as easy to charge up as it is to fuel up. If you have driven an electric vehicle any distance, you are probably aware that is often not the case because of the great complexity of the different charging technologies that are out there by different companies. I really pushed the Department of Transportation to have a national standard, so it is as simple to charge up as it is to fuel up.

How do you see that program going?

Mr. Bhatt. Thank you, Senator. Obviously, the President has set a goal of 500,000 chargers. I agree with you, if we are going to be successful with the EV rollout for the American public that they do need to be able to charge as easily as they are able to fill up.

I think I would give the committee credit for the investments that are being made through the Bipartisan Infrastructure Law. We are actually seeing the market moving now with the big announcement between Tesla, Ford, GM, and lots of other companies now looking to move that standard. I think that is a very positive outcome and hopefully one where we will continue to see consolidation.

Senator Merkley. Thank you very much. Thanks, Mr. Chairman.

Senator Carper. [Presiding.] Before I turn to Senator Ricketts, I apologize for being out of the room. We have hearings going on in other committees. In the Homeland Security Committee on which I serve they are actually business and votes. So they need to drag me in there every now and then. I apologize for leaving.

While I was out of the room there was some discussion, and I just want to make a comment if I can. In my absence, I would have said something else if I had been here.

But there was a fair amount of discussion on the greenhouse gas performance measure and the fact that the Bipartisan Infrastructure Law did not amend the performance measure section of the law in order to require a greenhouse gas measure. I would note that my own recollection is that our committee actually did consider a provision that would require a stringent greenhouse gas performance measure while also exempting half the States in the Nation from that measure.

We declined to include that language in favor of retaining the existing authority to set performance measures for environmental sustainability which include greenhouse gas emissions. That authority was created by MAP-21 in 2012. I am glad that the Federal Highway Administration is still using that authority. Thank you.

All right, let me yield now to Senator Ricketts for his

questions. Go ahead, Senator Ricketts. Thanks for joining us.

Senator Ricketts. Thank you, Chairman Carper, Ranking Member Capito.

Senator Carper. Thank you for being such a faithful attendee.

Senator Ricketts. No problem. My pleasure. I told you I love this committee.

Senator Carper. We do, too.

[Laughter.]

Senator Ricketts. My first question, Administrator Bhatt, first of all, I do want to thank your team for the relationship with the Nebraska Department of Transportation. Prior to me, I was Governor, got sworn in in 2015, and prior to that, I think it was a pretty poor relationship between our Department of Transportation and the Federal Highway Administration.

Your team has really helped repair that, and I know that my first director, Kyle Schneweis, through John Selmer, now Vicki Kramer, appreciate the working relationship. So thank you very much for continuing to build upon that relationship. It is very important that we continue to work very closely between the Federal Highway Administration and the State departments of transportation. So I really appreciate that.

I also reiterate what Senator Capito said about making sure that our agencies take legislation that we pass and faithfully

execute that legislation in the way that Congress intended it to be implemented.

With that, I would like to jump into the Infrastructure and Jobs Act and talk a little bit about the August redistribution. I believe for Fiscal Year 2022 the August redistribution jumped up to \$6.2 billion. I think with the Infrastructure Investment and Jobs Act we can expect to see that August redistribution continue to climb.

However, as you know, there is a very limited amount of time then with which departments of transportation, specifically the Nebraska Department of Transportation in my case, can take that, get that money back and redeploy it efficiently and effectively. As that number becomes larger, that is going to become an increasing challenge. We want to make sure obviously those dollars are spent effectively.

What do you see with regard to that August redistribution? How can we make that process one where State departments of transportation will be able to have access to that money and be able to use it in a way that it is not going to be inefficient?

Mr. Bhatt. Thank you, Senator, and yes, your first director that worked for you had a much more challenging last name than mine to pronounce.

[Laughter.]

Senator Ricketts. And spell, too.

Mr. Bhatt. Kyle is a great friend and grateful that we are rebuilding that relationship in Nebraska.

You raised a very important issue, Senator, the August redistribution. In addition to the FMIS Delphi issue, when I came in in January, one of the first things we did was sit down with AASHTO at the TRB meeting in January to say, listen, we were at \$6.2 billion last year, we are going to be higher. We generally notify States in July of the impending August redistribution numbers. We have been in close contact with the States since basically March saying, this is coming, please get ready, what can we do to help you, what flexibilities can we get through?

Our goal is, and I know the AASHTO goal and even within communities within those States is to make sure that all that ObLim does get used. That is one of our very primary focuses the next few weeks.

Senator Ricketts. Are there additional flexibilities or specific flexibilities that you have in mind to be able to give State DOTs so that they can again employ these dollars? Essentially, does it get bigger, in a more effective way?

Mr. Bhatt. Senator, thank you for that. Yes, what I say, and this is always very important for me, I say we have to follow the law, let us follow the law, absolutely follow the law, but for each of our division administrators, when you are

working with all of those States, whether it is West Virginia, Delaware, Nebraska, if the State has a creative idea that says, hey, we might be able to apply some of this ObLim on a project here, and they have contract authority, we want to work. Then going forward, I think this is something that because of the size of the Bipartisan Infrastructure Law if the August redistribution is going to be at this level, it might be something we might want to look at for a legislative fix going forward.

Senator Ricketts. Okay, fair enough, thank you.

Also in relation to the IIJA, you have these discretionary grants. One of the things I am hearing from folks in my home State is about the process, especially if you think about some of the smaller localities that may not be able to apply for some of these grants, the challenge of getting through the application process, what sort of resources do you have or do you think you can do for some of these localities to make it easier specifically navigating like the BIL launchpad for example. I have heard of some challenges with that. Again, especially for smaller communities.

What can you do to provide extra resources or make the process easier for those communities to be able to apply for these discretionary grants?

Mr. Bhatt. Thank you, Senator. You know, I think what we

want to make sure is that for all of these communities, whether they are large State DOTs or cities or smaller communities, we want to get them an award and then also get them across the finish line with a successful project. We have LTAB, Local Technical Assistance Program, Tribal Technical Assistance Program. We have set up websites. The Secretary's office is very engaged.

So if there are specific communities you would like us to reach out to, we would be happy to do that.

Senator Ricketts. Great. Thank you very much. I appreciate that offer.

With that, Mr. Chairman, I will turn the time back over to you.

Senator Carper. Thanks so much.

Senator Markey has arrived. Senator Markey, you are recognized.

Senator Markey. Thank you so much, Mr. Chairman.

Ambassador Bhatt, it is good to see you again. I want to come back to our favorite subject, the Cape Cod bridges, and the need to ensure that now that they are nine months older than the last time you testified, that they are in even more desperate need of replacement. If a severe storm were to strike Cape Code, I am extremely worried that the bridges will become a bottleneck for residents and visitors seeking to evacuate,



creating a very severe safety risk.

Can you reaffirm your commitment to working with me to replace the Cape Cod bridges?

Mr. Bhatt. Thank you, Senator. Just as in my confirmation hearing, now I know them as the Bourne and Sagamore bridges, not just the Cape Cod bridges. After Brent Spence, these are probably the bridge projects that I have heard quite a bit about, and absolutely, this is a priority focus for our Administration. I am happy to continue to work with you on it.

Senator Markey. It is just so important. It is the only way off Cape Cod. So when that storm comes, and it is coming, evacuation will be catastrophic for those bridges out there.

The highways and roads of the past splintered and displaced communities. As we drive into our clean energy future, we can't greenlight more inequality. We have to put those injustices in the rearview mirror. In cities like Philadelphia, Chicago, and New York, the majority white census tracts are more likely to have electric vehicle charging stations.

We are reckoning with that in Massachusetts and Boston. Most EV charging infrastructure is located in the seaport, Fenway, Beacon Hill. But neighborhoods like Roxbury, Dorchester, and Charlestown have limited to no options. That is why last Congress I introduced the Community Vehicle Charging Act, which would invest in EV charging infrastructure in

environmental justice communities. Intentional and equitable deployment of electric vehicle charging must be a priority in the Bipartisan Infrastructure Law implementation. One way that Boston is increasing access is by deploying chargers in city-owned parking lots in low-income and Black and Brown communities.

So Administrator Bhatt, how does the charging and fueling infrastructure discretionary community charging program help cities and States to tackle this conundrum, making sure that the charging stations are in those inner-city communities?

Mr. Bhatt. Thank you, Senator Markey. The significant investments in electric vehicles that this committee put forward in the Bipartisan Infrastructure Law, we are working with States on their NEVI programs and ensuring that they are adhering to the standards that we have put in place.

CFI actually just closed the discretionary grant program on June 13th. So we are anticipating opening all of those applications. That is a critical lens for us to make sure that we not only have the interstates covered, but also all of our communities, and the very communities that you mentioned in your comments.

Senator Markey. Great. Thank you so much. It is very, very important.

Do you think mobile charging has a role to play in the

charging and fuel infrastructure program as well, particularly to provide resilience to charging systems in case of emergency?

Mr. Bhatt. Thank you, Senator. Yes, I think that this is a very exciting time in this nascent industry. It is one that I think the President is very clear he wants America to lead in. So we are going to look at an all-of-the-above approach to make sure this transition is successful.

Senator Markey. Yes, and technical assistance is going to be very important for front-line communities to be able to apply for the Bipartisan Infrastructure Bill programs and for the Inflation Reduction Act programs. Is the Federal Highway Administration supporting communities so that they can make the most of these funding opportunities in front-line communities?

Mr. Bhatt. Thank you, Senator. Yes. I think what is both a blessing and a new burden is the fact that while we have traditionally worked with State DOTs to administer this program, there are many, many direct recipients. So again, as I said before, we want to make them successful in getting an award and also cutting a ribbon on that project.

Senator Markey. Thank you. Finally, I was proud to secure \$45 million in the 2023 Omnibus for my Active Transportation Infrastructure Investment program, which promotes walking and biking infrastructure and supports active transportation networks that allow people to safely travel without a car, and

those active transportation networks reduce transportation emissions, increase mobility. So now that the program is officially funded, the Federal Highway Administration needs to deploy those funds as quickly as possible.

Can you commit to swiftly implementing my Active Transportation Infrastructure Investment program?

Mr. Bhatt. Yes, Senator. I think everyone within Federal Highways knows that I am a huge supporter of active transportation.

Senator Markey. Thank you. And Senator Sullivan and I, we partnered on that. It is just amazing how much Alaska and Greater Boston have in common.

[Laughter.]

Senator Markey. In that partnership we can just see a future that works for everyone. Thank you.

Senator Carper. You see, Shailen, Markey and Sullivan, Massachusetts and Alaska, it is a marriage made in heaven.

[Laughter.]

Senator Carper. Senator Sullivan, you are on.

Senator Sullivan. Mr. Chairman, I am over here kind of cracking up, because Senator Markey was mentioning his bill. I was just going to say it is really our bill. But he is the lead, but I think I was your lead Republican cosponsor on that.

Senator Markey. But I saved that, I thought I did a good

job of digging out of the hole I was in. No?

[Laughter.]

Senator Sullivan. Thank you. Administrator, you are seeing some very important bipartisanship here. And I do want you to spend all that \$45 million from our bill, particularly there is a project outside of Anchorage called Moose Loop. If you can take a hard look at Moose Loop, this has a great potential. It is right up the alley of what Senator Markey was talking about.

So that is my first issue I wanted to raise with you. Have you heard of Moose Loop yet?

Mr. Bhatt. I have now, sir.

Senator Sullivan. Okay, now you have.

Senator Markey. In the Boston public guidance, we have "make way for the ducklings." Not moose, but --

[Laughter.]

Senator Sullivan. It is the same concept. These may be a little bit bigger animals.

Thank you, Senator Markey. In all seriousness, it was great legislation. I was very honored to cosponsor it. I think it is going to benefit a lot of people across the Country. So we will send you information on Moose Loop.

Let me get back to another issue that relates to Alaska, Administrator. We still have to get you up there, right?

Mr. Bhatt. It is on my list, probably more summer than winter. But we will do Moose Loop together.

Senator Sullivan. We can do that, for sure. That is a good idea.

I want to talk about another part of the Infrastructure Bill, I did vote for the Infrastructure Bill, which is the PROTECT program. That is about resiliency. Alaska has more coastline than the rest of the lower 48 States combined. So when you talk about resiliency for coastal America, we are over 50 percent of it for the whole Country.

You might remember, it didn't make a lot of press back here, but last fall, the west coast of Alaska was hit by a typhoon, Typhoon Merbok, a very big storm that did a lot of damage. Our State DOT has been working with FEMA and your agency on faster ways to complete the repairs to the damaged infrastructure that took place after this typhoon.

I am wondering, what are you doing to implement the PROTECT program particularly in the coastal communities in America, but in my State, given like I said that we constitute over 50 percent of all the coastline in America?

Mr. Bhatt. Thank you, Senator Sullivan. I think whether it is a typhoon hitting Alaska or flooding in Kentucky and West Virginia, there is just no shortage of weather events that are testing the resiliency of our system. I remember being in

Juneau a couple of years ago for the WASHTO events and hearing about some of the impacts of sea level rise and climate change there.

I was just recently at the WASHTO event and met with the Alaska director of DOT, talking about the very unique coastal aspects and needs.

Senator Sullivan. Good.

Mr. Bhatt. So specifically, with PROTECT, we have distributed the funds to the States through the formula program and have also launched the discretionary programs. I am happy to visit with you if there are any discretionary opportunities. I share your concern and the importance for that program.

Senator Sullivan. Okay, good. Let me mention another topic that I know you and I have talked a lot about. Senator Capito has been leading the charge on it here in the Senate. That of course is the ever-endless goal of so many of us, including a lot of my Democratic colleagues on permitting reform. We have a system that is just dysfunctional, that it takes forever to get projects, whether roads or ports or bridges or mines, or energy projects off the ground. It hurts the Country, hurts workers. And it is self-inflicted.

So the Infrastructure Bill has some decent permitting reforms we negotiated here actually in this committee. Not enough in my view. Then so did the debt ceiling agreement. So

I have two parts to my question.

One is, what are you doing to implement those? Very bipartisan, we want to keep them going. Certain groups in America don't like it, but they are definitely in the minority.

Second, with regard to permitting, one of the most egregious things that I have seen that really, really kind of is starting to put us in the world of Venezuela and banana republics is, and I have seen it a lot in this Administration, particularly as it relates to Alaska, we had a number of projects that went through final EISs six, seven years, millions of dollars. Got record of decisions from the previous administration, professional, Federal employees doing that.

And this Administration, the Biden Administration, has come back and is looking at all these records of decision on infrastructure, on roads, in Alaska saying, you know, you didn't consult enough. So we are going to reverse that. So literally opening up records of decisions that are four years old. I mean, this is just nuts.

Any views on both of these issues relating to permitting in general? And then reopening records of decision that are four years old. I mean, that is not the rule of law. It is not America. But the Biden Administration is doing a lot to my State, and it is outrageous.

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



say on the first part, having been a State DOT secretary in two States, I have anxiously awaited a record of decision or a finding of no significant impacts. As a project delivery person, coming from the private sector, before I took this job, I am always resolutely focused on the critical path, how can we deliver these projects on time and on budget.

From a Federal Highways perspective, recognizing that we are not a permitting agency, we are the ones who are actually going to our sister agencies who do issue the permits. However, we do have great relationships with Army Corps, Fish and Wildlife. So I think we are trying to leverage those relationships to try to get the important reforms put in place.

In terms of opening records of decision, I would love to visit with you offline about that. As I say, we want to follow the law, and that is my commitment, that we will do that.

Senator Sullivan. Thank you. Thank you, Mr. Chairman.

Senator Carper. Thank you, Senator Sullivan.

Senator Fetterman, you are next. You are recognized, please proceed. Welcome. Thanks for coming.

Senator Fetterman. Thank you, Mr. Chairman.

Senator Carper. We had earlier today some comments about the tragic accident on I-95. If you want to make any comments with respect to that, feel free. You are recognized.

Senator Fetterman. The I-95, obviously you are pretty much

preoccupied with I-95. I certainly am too. We know it is a major artery, not just for Pennsylvania, but for the east coast. A lot of Pennsylvanians are worried that delays in repairs will bring it to a standstill.

I am glad to see last night you were so quick to get \$3 million to the emergency relief, the funds got out so quickly. Just personally, it seemed \$3 million wasn't enough. It seems like it is going to be a lot more expensive than that. But I get the sense, President Biden, I was standing next to a collapsed bridge in western Pennsylvania, and things moved on very quickly and got it down. I am confident that the same is going to happen in east Pennsylvania as well.

But right now, you have an incredible asset in SEPTA, that is the regional rail and subway lines that I think could be a game changer. SEPTA still needs support to expand temporary capacity to ease congestion on the roads.

My question to you, Administrator, could you provide emergency relief on other funds, so that your agency could help SEPTA's temporary operating costs to make transit a viable alternative for local travel? Will you commit to working with the Secretary to get the SEPTA support in the next few weeks?

Mr. Bhatt. Thank you, Senator. I know how important this project is. Chairman Carper had reached out to me on Sunday, and I know had connected us. I know you are very engaged on

this.

Specifically to the \$3 million on the quick release, all of the costs of this will be borne through the emergency relief program. The \$3 million is sort of a down payment. It is about a 10 percent estimate of what they think they are going to need. If that number goes up, we will provide more funding. But that was the reason for the \$3 million.

Specifically on SEPTA, I was with Leslie Richards, who is the general manager of SEPTA, yesterday. Secretary Buttigieg was briefed on that. We again, back to this concept of following the law, Federal Highway ER funds specifically relate to added capacity on SEPTA. We are working to stand that up. Secretary Buttigieg has also asked us to look at what FTA provisions they may have. But SEPTA is a critical link here for that corridor.

Senator Fetterman. Yes. While I am here, I also want to talk about the Federal Government's dragging its feet in implementing expert advice and making streets safer as well. I reached out twice to express my concerns about the actions your agency should be taking to make streets safe, and frustration at the delays I have been witnessing with some key guidelines.

When can we expect that these actions will be finalized and will you commit to working with my office to address the concerns that I have raised?

Mr. Bhatt. Thank you, Senator. I think Secretary Buttigieg is very clear that safety is our number one priority. As part of the National Roadway Safety Strategy, safe streets, safe design, safer speeds, these are all things that we talk about incessantly within Federal Highways. I can follow up with your staff around any concerns you may have raised, so that we can more quickly deploy safety in our system.

Senator Fetterman. Thank you. I look forward to your response to my other question. Thank you very much, Administrator.

Mr. Bhatt. Thank you, sir.

Senator Fetterman. And I cede my balance to the chair.

Senator Carper. The chair is happy to have it.

We will turn to the issue of I-95 a little bit later in the hearing. Thank you, Senator Fetterman.

Senator Lummis, you are next. Following you is Senator Kelly.

Senator Lummis. Thank you, Mr. Chairman.

First of all, truck parking. I have a bill with Senator Kelly called the Truck Parking Safety Improvement Act, where we are going to authorize some additional funding to your agency to address the backlog. But as we continue to debate that bill, I am interested to hear what work you are doing now on this issue.

Mr. Bhatt. Thank you, Senator Lummis. I remember when I

was Colorado DOT director, we would get the closure notices for I-80 often. We would start reaching out to our commercial vehicle partners to let them know they didn't need to come up, we tried to stop them before they got up and got stacked up too much. So this is a critical issue for us.

I would say this is an eligibility that we have extended through our formula funds. There are even discretionary grants that have been awarded that involve truck parking. So I know this is something that myself and Secretary Buttigieg are supportive of.

Senator Lummis. Thank you. We just had an absolutely outrageous winter in Wyoming this year. Road closures were extremely common. I think they are bound to continue to be, so you know the challenges of that high plains environment.

I want to switch to the Inflation Reduction Act a little bit, a few questions about that. Last year, I had major concerns regarding the program that the IRA created called the Neighborhood Access and Equity Grant program. My concerns there are I don't want it just to be a way to funnel taxpayer dollars to urban areas and neglect rural areas.

Can you give me some assurance that that is not happening? Or do you have some information about how that money is going out? How is it being awarded?

Mr. Bhatt. Thank you, Senator Lummis. Obviously for any

of the discretionary programs, we will issue a notice of funding opportunity that has great detail and prescribes how we award the funding. I am quite certain we have examples of rural communities that have received funds. So I would be happy to follow up with you directly after the hearing.

Senator Lummis. Super. I will look forward to that.

I want to touch on some issues that were also discussed by Senator Sullivan. The environmental review system is effectively broken. It really affects highway dollars, because of the massive increase in inflation in the construction industry. It exceeds inflation in other areas of our economy. So delays in construction are hugely costly.

So I have introduced a bill, it is called the Interactive Federal Review Act. It is to test interactive cloud-based platforms that are estimated to shorten the time spent reviewing the documents for large projects by as much as half.

Have you had a chance to look at this idea? Do you believe a step like that could help expedite project delivery?

Mr. Bhatt. Senator Lummis, thank you for that comment and that work. I was in the private sector before I came to this role. Digital delivery, digital tools for construction and bringing all of that, digital NEPA process I think are something that are very exciting. I am happy to work with your office on that.

Just on the inflation piece, I was in a global transportation role. I would say inflation is a huge issue in America for our transportation projects, but inflation was also an issue in the Middle East around transportation projects, in the U.K., in Asia. There is sort of a global issue with commodities now. So I wanted to highlight that, that it is a challenge we are dealing with globally, not just here in the U.S.

Senator Lummis. Good point. I want to run another thing by you that also deals with these types of delays. Congress updated the categorical exclusion in the IIJA for projects with limited Federal funding, \$6 million. So now that inflation has made a \$6 million contribution of Federal funds to a project, such a small contribution that you can't effectively use categorical exclusions, I am inclined to want to raise the CatEx amount to like \$12 million, double it, so that it can be meaningfully used instead of being almost irrelevant.

Do you have any comments on that?

Mr. Bhatt. Thank you, Senator. I am happy to work with your staff to evaluate what that right number would be. We want to be able to use a CE whenever possible. I think your notes on inflation, I am very focused on project delivery. If we can deliver these projects on time, it is going to help on the inflation issue as well.

Senator Lummis. Can I ask one more question about that? In your experience, what advantages does it give a project to qualify for a categorical exclusion?

Mr. Bhatt. From my experience, if you can get a CE, then you are not looking at doing the higher levels of environmental review. But that is always correlated with the impacts to a project. So if it is a major bridge project that has water impacts and it potentially some travel impacts or other issues, that is where you are going to start to add time in review, because there are just greater impacts for a project.

Senator Lummis. But the structural integrity of the project has to be evaluated regardless of whether you have a CatEx or not.

Mr. Bhatt. Thank you, Senator. Structural design elements would be different than the environmental impacts of a project.

Senator Lummis. Thank you very much. Thanks, Mr. Chairman.

Senator Carper. Senator Lummis, thanks as always for joining us.

Senator Kelly, good morning.

Senator Kelly. Thank you. Good morning, Mr. Chairman. Thank you.

Administrator Bhatt, thanks again for being here. It is great to see you. I want to start by discussing a project to



widen Interstate 10, which goes through Arizona, goes all the way across the Country, in fact. But the area between Phoenix and Tucson is a problem. Every single day, there is an accident that backs up this stretch of highway for hours.

It is because there are portions of this highway that are just two lanes in each direction. It is a major safety issue.

It is also worth noting that this stretch of roadway that I am talking about is within the Gila River Indian Community. Yet the infrastructure does not currently exist to adequately connect the community to this critical transportation corridor.

Fortunately, the Arizona Department of Transportation, the Gila River Indian Community, the local leaders from throughout Maricopa, Pinal and Pima Counties in the State of Arizona have come together to support a comprehensive plan to add an extra lane to the interstate in each direction, and add several critical interchanges to improve connectivity for the Gila River Indian Community.

To date, the State of Arizona and the Maricopa Association of Governments have committed more than \$850 million in State and local transportation funding to complete this project. It is a lot of money. We are hoping to make up the remainder of the funding with either an INFRA or a Mega grant this year.

Administrator Bhatt, can you provide any indication of when you expect the notice of funding opportunity for the INFRA and

Mega grants?

Mr. Bhatt. Thank you, Senator Kelly. I am very aware both of the importance of that interstate to those communities, Phoenix and Tucson, and also as a vital freight corridor for the United States. I am happy to be in contact with Director Toth as well, if that would be helpful. I will give you specifics, but we have so many of these NOFOs that are coming out. But again, I believe that would be one that would be coming out in the summer time frame as well.

Senator Kelly. Okay, some time in the summer. Can you get back to us with a specific date, back to my office?

Mr. Bhatt. Absolutely, sir.

Senator Kelly. Thank you. As you know, we applied for one of the Mega grants last year for this specific project. We didn't receive it. After that decision, I heard concerns from some in Arizona that the project was not selected in favor of some multimodal projects. I know you cannot comment on a specific project. Can you speak more broadly about whether projects to expand interstates, especially in fast-growing States like Arizona, could be competitive for a future Mega or an INFRA grant award?

Mr. Bhatt. Thank you, Senator. I think that what we always want to make sure is that, I think we think that States and locals are the ones who make the best decisions about their

transportation needs. We are happy to work with those communities.

On Mega, I think we are probably weeks, not months away on Mega.

Senator Kelly. Is there any reason why adding additional lanes to an interstate would not qualify for a Mega grant?

Mr. Bhatt. I know there are some of the carbon reduction program grants that specifically forbid it. But there is nothing expressly in the law that would prevent capacity under some of these programs.

Senator Kelly. Okay. Last year, there were nine Mega grants awarded, I think that was the number. None of these projects, we took a look at them closely, none of them appeared to be located on tribal land or meaningfully served tribal communities. So can you speak to the work that Federal Highways is doing to ensure that tribal communities are able to apply for and be competitive for grant funding opportunities like the Mega and INFRA grants?

Mr. Bhatt. Thank you, Senator. I worked closely with the Ute Mountain Ute Tribe in Colorado when I was the director there. I am aware of sometimes the unique circumstances. We have a tribal technical assistance program that we work directly with tribes to help them apply and I am happy to connect with your office to provide more details.

Senator Kelly. Helping them apply, does that also help them be competitive?

Mr. Bhatt. I believe those two would be synonymous. But I want to just double check.

Senator Kelly. All right, thank you.

Thank you, Mr. Chairman.

Senator Carper. Thank you, Senator Kelly. Senator Capito?

Senator Capito. Yes, thank you.

I wanted to go back to one of the questions that I had asked you about the safety on EVs. We talked about the weight limits, so my crack staff got me this from NTSB head Homendy, who was quoted as saying the Ford's F-150 Lightning EV pickup is 2,000 to 3,000 pounds heavier than the same model's combustion version. And the Mustang Mach-E electric SUV and the Volvo EC40EV, she said, are about 33 percent heavier than their gasoline counterparts. So this is an issue.

So I would just encourage you at the Department, among all your other things, to look as this increases in a number of EVs what it is going to do to our safety impacts on the highway. Because I think it will have an impact. We know weight has an impact on damages.

I want to ask about Buy America. I am understanding that there are inconsistencies with the implementation of Buy America-Build America provisions that we put into the IIJA. It

has kind of got a patchwork of State implementation challenges, causing some confusion.

So FHWA will play a major role in the Buy America waiver process. If not handled, this could bring some of our projects to a halt. I am hearing Buy America on all kinds of different issues, and it goes back to the supply issues that Senator Lummis was talking about.

Can you talk about the waiver process at FHWA and how you are preparing for the influx of requests that are going to be coming in the future as this market tightens?

Mr. Bhatt. Thank you, Ranking Member. Yes, your crack staff, I am sure provides you with a lot of information.

I would say very specifically on the Buy America, when I hear the President speak, I think I hear him talking about the transformational aspects of the law and building projects and improving our infrastructure. With equal passion, I hear the President talk about rebuilding the economy and ensuring that these are good-paying American jobs and these products are built here.

So as we are rebuilding our industrial capacity around some of these projects that are being reshored now, and we are getting battery plants built here, there is going to be a tension between getting projects built quickly and then getting those projects made with products that are made here in America.

So we are just going to have to find a way to thread this needle of ensuring that we are getting projects done quickly and then finding appropriate waivers to make that happen, but making sure that we are also rebuilding the industrial capacity.

Senator Capito. Are you finding any larger influx of requests for waivers?

Mr. Bhatt. Ranking Member, I would have to go back and double check. But generally, yes, we are hearing --

Senator Capito. Do you have the mechanisms set up to be able to address that growing challenge within the Department?

Mr. Bhatt. Every waiver request that would come in, we have a process for evaluating.

Senator Capito. You do?

Mr. Bhatt. Yes.

Senator Capito. Let me ask about One Federal Decision. I have been touting that as a way to streamline and obviously, it was in the debt bill that we just passed for other projects. There is concern, I think.

Has this been implemented enough to really make a difference? Are you seeing more streamlined implementation on these projects? You would know, coming from the State sector, whether it is moving faster. How many projects are on track to achieve that two-year goal for the EISs? Are you utilizing the provision that requires one environmental document?

Talk about One Federal Decision, your implementation and some of these specifics that I have mentioned.

Mr. Bhatt. Thank you, Ranking Member. I would say, as somebody with a project delivery background, I appreciate these efforts to just get greater clarity and accelerate project delivery. I am happy to come back with very specific lists of projects that we are implementing some of these reviews on. I would say that for all of these major projects, these are big forwarding issues, I think this is one of the issues where Mitch Landrieu, who works directly for the President on project delivery, is constantly saying, how can we get these agencies to work together better.

So I would say we have great awareness and great cooperation with the resource agencies. Right now it is just a matter of getting through some of the processes so we can get to these decisions more quickly.

Senator Capito. Are you seeing the end result here yet of this One Federal Decision?

Mr. Bhatt. I would say that I personally can think of examples where we are actively engaging with resource agencies proactively. We are talking about the timelines that have been established. I have been in the role for six months, so I don't know if I can say I have a project that went from start to finish in that two-year time frame.

Senator Capito. Okay, so we need to keep following up on that. Then lastly, you testified that FHWA is administering nearly 900 awards, and this sort of follows onto that One Federal Decision. I guess we could follow up with you and your staff more specifically, how many of those awards actually have project grant agreements in place? Are we getting to the end point here? You have a lot going on. We understand that. But are the awards being made in a timely fashion to satisfy you? Because we are hearing some blowback on that.

Mr. Bhatt. Thank you, Ranking Member. We are working very closely with any of the award recipients to make sure that there is a grant agreement in place, that we are going to get them successfully. Because some of these programs have construction timeframes around obligation, or getting money obligated within timeframes. So we want to make sure. I am happy to provide you and your staff with any timelines and updates on projects.

Senator Capito. Yes, we would like some specific data on that following up on your opening statement. Thank you for being here, and thank you for everything that you are doing. I appreciate it.

Senator Carper. Thanks, Senator Capito.

I have a couple of questions, then right at the end I am going to return to I-95 and any last thoughts you have, especially in the wake of what I think the Governor of



Pennsylvania announced earlier today.

First, a question dealing with EV charging standards. This week, Ford and General Motors announced that they will rely on Tesla's charging technology for their electric vehicles as well. Since those three companies together represent I think about 75 percent of the EV sales in the U.S., this indicates some industry consolidation around the North American charging stations, or NACs.

Federal Highway Administration rules will require companies seeking EV charging grants from the Bipartisan Infrastructure Law to use an alternate standard via a combined charging system, or CCS. How does the existence of multiple industry standards affect the build-out of EV charging infrastructure? What is the FHWA's role in facilitating convergence around a single standard? Sort of a corollary to that is, additionally, if a single charging technology emerges as an industry standard, how will the Federal Highway Administration make sure that it is open, accessible, and reliable for all EVs?

Mr. Bhatt. Thank you, Chairman Carper. I think a couple of things. I think that the public should recognize that the coalescing of Ford, Tesla, and GM, kind of a new big three on EVs, is in no small part due to the investments that have been made in the Bipartisan Infrastructure Law and President Biden's focus on this. It is great to see the private sector coming

together and working to get a standard. I think that is part of our challenge as we are rolling out this new program, is we are making live decisions and the world is moving and evolving as we move forward. As somebody who has an electric vehicle that has a CCS charger, I want to make sure I am able to charge it.

I think one of the things that we are reassured by is that there are adapters that are available. So if for some reason the industry moves in a certain direction, this is not like a very finite, like you either have to choose one or the other right now. But we are excited to see industry coming together and we will work with our public sector partners to make sure we are in concert as much as possible.

Senator Carper. Good. As an electric vehicle owner, I feel the same sentiment that you have just expressed.

Climate title roll-out, the threat of climate change means we must urgently reduce greenhouse gas emissions. We are trying to do that. And just as urgently ensure that our transportation systems are resilient to the inevitable increase in natural disasters that are already being witnessed across the Country.

I strongly supported the inclusion of an historic climate title in the Bipartisan Infrastructure Law, including discretionary grants to build out EV charging in communities and to increase resilience.

I am somewhat concerned that these discretionary grant

programs have been slow to be implemented, and that no funds, I am told no funds have been awarded yet. Does Federal Highway Administration have the staff resources it needs to promptly begin awarding grants and meet the urgency of the moment in implementing the climate title?

Mr. Bhatt. Thank you, Chairman Carper. One of the things I have been very focused on is turning awards into projects since I have come here. I know that Secretary Buttigieg is also very focused on this. I will just give you one very specific example. On CFI, we had initially had a deadline in May for those communities to submit their applications. Because we got a lot of requests for more time, because these communities wanted to be successful in applying, we actually extended the deadline to June 13th.

So some of it is us, there are a lot of new programs, Federal Highways --

Senator Carper. That was yesterday. Just yesterday.

Mr. Bhatt. Yes. There is a lot going on. But yes, yesterday was the deadline there. But again, I can't stress this enough. I think Federal Highway staff, since this law was enacted, have been working around the clock to get all of these programs stood up. We will continue to work like that. But it is a balance of, we want to move swiftly but also thoughtfully to get to successful outcomes.

Senator Carper. I think you have in part answered this question, but I am going to ask it anyway. How is Federal Highway Administration working with States to ensure that States prioritize investments in EV charging infrastructure?

Mr. Bhatt. Thank you, Chairman Carper. Yes, I think we have a robust discussion with our State partners around NEVI, approving their plans, looking at some of the exceptions that they have asked for as they look to stand up these alternative fuel corridors. I think just like when the interstate system was built, we want to make sure that this EV network is one that Americans can go coast to coast, community to community, without fear of not being able to charge.

Senator Carper. Good. Bus rapid transit, I remember the first time I heard of this program, I thought, that is a clever idea. I wish I had come up with that. The bus rapid transit systems provide, as you know, fast, and in many cases reliable high quality public transportation routes. They are being adopted, I am happy to see, in cities across the Country and offer a way to connect in part suburbs to job centers, and to expand access to rail networks, among other things.

The Bipartisan Infrastructure Law provides new eligibility for States to use formula dollars to build bus rapid transit systems. I think this may have been raised when I was out of the room attending my other markup and business meeting in my

other committee. I missed this. But how is Federal Highway Administration providing information to States about the opportunities to build bus rapid transit systems? And a corollary to that, in general, how is Federal Highway Administration coordinating with the Federal Transit Administration to facilitate multi-modal investments?

Mr. Bhatt. Thank you, Chairman Carper. When I was Delaware Secretary, we also ran DTC, so I am very familiar with transit operations. I would say that from a Federal Highway perspective, we are constantly making States aware, and I think States are aware of their eligibility for flexing highway dollars for transit. We work very closely, Nuria and I, the FTA Administrator, are often in close communication with the Secretary's office.

I think we are bringing a multimodal approach more so than any other Department of Transportation has had that focus.

Senator Carper. All right, thank you. We talked earlier about the alarmingly high number of pedestrians who are dying in this Country. I think the fatality level has reached its highest level in decades, maybe 40 years or so. Those fatalities increased during the pandemic, because despite an overall decrease in driving, people just drove less, but we saw and continue to see an increase.

The Bipartisan Infrastructure Law invests, as you know,

heavily in safety, particularly for pedestrians, for bicyclists and other vulnerable road users. It also directs USDOT to reconsider some of the manuals and procedures that govern road design.

USDOT has also released its safety strategy that recognizes the danger that high speeds and overbuilt road designs pose to vulnerable road users. How has the USDOT safety strategy informed Federal Highway Administration in the Administration's implementation of the Bipartisan Infrastructure Law? Is Federal Highway Administration reconsidering design guides and procedures to discourage higher speeds?

Mr. Bhatt. Thank you, Chairman Carper. I think that Secretary Buttigieg often speaks about his focus on safety. The National Roadway Safety Strategy incorporates safer design, safer speeds into this. I think as the Federal Highway Administrator, what I often tell our folks and our State partners is, we need to differentiate our interstate system from where those interstates become arterials and those arterials become city streets.

I spoke at NACTO earlier this year and we really want to partner with communities who want to enact lower speed limits in these cities. I think what we are learning globally is that the cities that get the best outcomes and the safest cities are the ones where people feel safe to walk and bike. We want to make

sure that we are not just thinking about moving cars and trucks, but we are creating these places where people feel safe to be active in their transportation.

Senator Carper. All right, thank you. I have just been handed a notice that if I want to ask questions at the Finance Committee hearing that is going on right now, I need to wrap this up.

Before we do that, the Governor of Pennsylvania, Governor Shapiro, made some announcements this morning that I think are relevant to the discussion we are having today. If you could share with us just briefly what he announced, and your reaction to what he has announced, I would appreciate it.

Mr. Bhatt. Thank you, Chairman Carper. Yes, I have been in the hearing so I am not sure specifically what he announced. But it was my understanding that he was going to detail the timeline for the expected repair. I think that we were thinking it might be several months. I think PennDOT has come up with an expedited plan. I was part of those discussions yesterday.

But I think it is going to be an innovative fix that will get us to a resolution much quicker and restore traffic on I-95, which is crippling that region right now. So I am really grateful for the innovation of PennDOT and the cooperation of Philadelphia and our regional partners in the Federal Highway Administration.

Senator Carper. Great. Any questions that you haven't been asked that you would like to be asked?

Mr. Bhatt. I have several, sir, but I want you to get to your Finance Committee.

Senator Carper. My staff will appreciate that.

I just want to say what a joy it has been to sit here today and to hear from you and to hear your responses to questions that have been asked. For the other people in the room who may not know this, I was given the opportunity to suggest folks to the newly elected President a couple of years ago, people to serve in his Administration. Shailen Bhatt was one of the people I was especially pleased to recommend.

Sitting here listening to you today respond to questions in a forthright and frank and knowledgeable way makes me very happy. To your family who are sharing you with all of us across the Country, give your wife and your two girls, tell them that we appreciate their sharing their husband and dad with the rest of us.

Let's see here. Some boilerplate that I have to mention. In closing, I want to thank our witness, Administrator Shailen Bhatt, for his time and testimony today. As we have heard today, the Federal Highway Administration faces no shortage of important work as it continues to implement the critical programs that are authorized and funded by the Bipartisan



Infrastructure Law and in part by the Inflation Reduction Act.

We thank you for your willingness to serve, to lead the Federal Highway Administration at this pivotal time for rebuilding America's transportation infrastructure. We ask that you convey to the team that you lead across the Country our thanks, bipartisan thanks for the good work that is being done.

Everything I do, I know I can do better. I think the same is true for Federal Highway Administration. What does it say in the Constitution? In order to form a more perfect union, in the preamble. We are never going to be perfect, but that is our goal, and we will continue to strive to do that. We appreciate the spirit in which you lead this agency. Thank you.

Senators are going to be allowed to submit written questions for the record through the close of business on Wednesday, June 28th. We will compile those questions, that is two weeks from today, we will compile those questions, send them to the Federal Highway Administration and ask that they be responded to by you and your team by Wednesday, July 12th.

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

[Whereupon, at 12:04 p.m., the hearing was adjourned.]