

**Questions Submitted for the Record  
Submitted by the Honorable Rick Crawford  
Committee on Transportation and Infrastructure  
Committee Hearing on “Reviewing and Examining the Francis Scott Key Bridge Federal  
Response”  
Wednesday, May 15, 2024**

**Questions for The Honorable Shailen Bhatt<sup>1</sup>, Administrator, Federal Highway  
Administration, United States Department of Transportation:**

1. Administrator Bhatt, during the hearing, you confirmed that the Federal Highway Administration (FHWA), on April 29, 2024, approved a request by the Maryland Department of Transportation (MDOT) to designate a segment of highway including the Francis Scott Key Bridge (“the Bridge”) as part of the Interstate System.

I understand that MDOT sought a concurrent process for its request to designate the Bridge as part of the Interstate System, meaning it submitted requests to both FHWA and the American Association of State Highway and Transportation Officials (AASHTO) at the same time.

- a. Are such requests routinely submitted and/or considered concurrently?

*Approval of modifications to the Interstate Highway System are made by the Administrator. This includes the numbering of segments on the Interstate Highway System. FHWA regulations on Interstate System modifications require States to coordinate proposed numbering of Interstate Highway System segments with the Route Numbering Committee of the American Association of State Highway and Transportation Officials (AASHTO). FHWA considers that committee’s decisions in route numbering approvals. The AASHTO Route Numbering Committee’s decisions are made via a rolling review process.*

- b. If yes, please provide examples.

*FHWA does not track specific dates of the submission of requests to AASHTO. States often submit their proposed numbering schemes to AASHTO in advance of submitting modification requests to FHWA. However, sometimes the submissions to AASHTO and FHWA occur close in time.*

2. Due to the collapse of the Bridge, the MDOT letter requesting the Bridge be designated as part of the Interstate System asked FHWA for “expedited approval.” Understanding that the MDOT request was submitted to FHWA on April 19, 2024, and subsequently approved on April 29, 2024, that represents a ten-day timeline.

- a. Is that considered an “expedited process?”

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<sup>1</sup> Administrator Bhatt resigned from the Federal Highway Administration (FHWA) effective September 10, 2024. These responses are provided on behalf of FHWA.

*“Expedited process” is an informal term that States use when they would like to have a modification request considered more quickly. This can occur for a number of reasons, but often it is because a governor or local officials would like to hold an event (such as a ribbon cutting) to commemorate the opening of an Interstate Highway segment. FHWA works closely with States to support their timelines, when possible.*

- b. How often has FHWA approved such requests accommodating an expedited process?

*FHWA does not track requests for an expedited process, but they are not common. As noted above, FHWA works closely with States to support their timelines, when possible.*

- c. Please explain and provide examples.

*FHWA processed an expedited request by the State of Indiana to add a section of congressionally designated future I-69. The State held an event on August 6, 2024 to commemorate the opening of the last section of the I-69 corridor between Evansville and Indianapolis.*

3. Please detail FHWA’s typical process and timeline for approval of Interstate designations.

- a. Does this process typically take weeks, months, or years?

*Once the highway segment meets all standards of a highway on the Interstate System and is a logical addition or connection to the Interstate System, the State can request the segment’s addition to the Interstate Highway System. The duration of the approval process varies, depending on the complexity of the request. In addition to working with the requestor, FHWA coordinates with AASHTO on the route number, as noted above.*

- b. Please provide examples.

*The length of the approval process varies, depending on the complexity of the request. Below are some recent examples:*

	Received	Approval
New York I-86	June 2024	Pending
Indiana I-69	June 2024 (revised version)	July 2024
Maryland I-695	April 2024	April 2024
Nevada I-11	February 2023	November 2023
Indiana I-69	September 2022	December 2022

Texas I-69E	June 2022	September 2022
North Carolina I-587	May 2021	November 2021
Arkansas I-555	January 2021	April 2021

4. Are there other instances of a facility being designated as part of the Interstate System when that facility no longer exists?

a. If yes, please provide examples.

*In the case of the segment of I-695 that included the Francis Scott Key Bridge, part of the facility still exists (the designation was for an 18.8-mile segment). FHWA is unaware of any examples of a designation where no facility exists.*

5. Historically, has FHWA retroactively designated facilities as part of the Interstate System following either a natural disaster or a catastrophic failure from any external cause?

a. If yes, please explain and provide examples.

*FHWA is not aware of any examples, or requests by States to make such a designation. The portion of MD-695 that included the Francis Scott Key Bridge was signed as an Interstate, and anyone using the facility before the bridge collapsed would have thought it was already on the Interstate System. States request modifications only a few times a year, and none of the recent requests were under similar circumstances.*

6. I understand that prior to its collapse, the Bridge was a toll facility. How much revenue did tolls on this facility generate in 2023?

*FHWA does not track toll revenue for specific facilities. For the most accurate responsive information, we defer to the source, the Maryland Transportation Authority (MDTA), which reported toll revenue for the Francis Scott Key Bridge for fiscal year 2023 of approximately \$56 million.*

7. In your testimony, you discussed how discretionary funding may be pursued to repair the Bridge. Please provide a comprehensive list of the existing programs, discretionary and formula, for which bridge projects are eligible for funding.

*Bridge projects are eligible for funding under a number of FHWA formula programs, subject to program-specific requirements: the Surface Transportation Block Grant Program (STBG), the National Highway Performance Program (NHPP), the Bridge Formula Program (BFP), and the Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation Program (PROTECT) Formula Program. Bridge construction is also an eligible expense for a number of discretionary grant programs, subject to program-specific requirements, including:*

- *National Infrastructure Project Assistance Program (MEGA);*
- *Rebuilding American Infrastructure with Sustainability and Equity (RAISE);*
- *Bridge Investment Program (BIP);*
- *Infrastructure for Rebuilding America Program (INFRA);*
- *PROTECT;*
- *Rural Surface Transportation Grant Program (RURAL);*
- *Reconnecting Communities Pilot Program; and*
- *Competitive Highway Bridge Program (CHBP).*

8. I appreciate the Federal Motor Carrier Safety Administration's (FMCSA's) efforts to provide regulatory relief for commercial motor vehicle drivers following the collapse of the Bridge. I understand FMCSA has extended this relief since its initial issuance in late March. How has this regulatory relief helped maintain commerce?

*FHWA has conferred with FMCSA to provide this response. The relief both supported the unprecedented emergency work relating to the Francis Scott Key Bridge, as well as supply chains impacted by the collapse that relied on the Port of Baltimore or Baltimore's nationally significant freight infrastructure. For example, the relief allowed motor carriers engaged in emergency-related activities, such as salvage and recovery operations, to conduct the necessary work of removing bridge debris, without violating Federal requirements, including hours of service. Additionally, it helped in the efficient and safe rerouting of freight flows to other East Coast ports because of the collapse and the transport of critical fuel products to and from the Port of Baltimore that support the surrounding megaregion, especially regional industries, military bases, and aircraft operations at BWI Airport. Fuel and other hazardous material commodities experienced the most transportation impacts as the FSK Bridge was the key hazardous materials route through Baltimore along the I-95 corridor, and rerouting around the region significantly added to travel times. The two additional hours of service helped fuel-related businesses to complete their runs in the region efficiently and with a level of flexibility until adjustments in operations were made to accommodate new travel times in the region.*

*Data indicates that diversion routes (as of mid-May) were taking 2 to 4 times longer for some traffic and trucks compared to prior to the bridge collapse. Collisions also increased along alternate routes. I-95 experienced an increase in traffic (on average) of 12% following the collapse of the bridge. More recent data shows some of this is improving but still remains elevated. This is likely to change as commodities and freight begin to fully return to Baltimore. FMCSA is actively monitoring these impacts and working with the State of Maryland, Maryland Motor Truck Association, and other stakeholders to assess travel impacts and truck parking challenges.*

9. You mentioned at the hearing that the Bridge rebuilding process would likely utilize a FHWA Categorical Exclusion (CE).

a. Can you detail exactly which CEs FHWA will be using?

*On July 23, 2024, FHWA determined the reconstruction of the Francis Scott Key Bridge is appropriately classified as a Categorical Exclusion (CE) in accordance with Council on Environmental Quality (CEQ) regulations and 23 CFR 771.117(c)(9) and 23 CFR 771.117(d)(13). The Project, which proposes rebuilding the Francis Scott Key Bridge connection along I-695 over the Patapsco River, does not involve any significant environmental impacts.*

*The Project will benefit socioeconomic resources by restoring community connectivity and commerce across the Patapsco River. The anticipated impacts to natural resources are minimal and will comply with the required permits and stormwater management approval to further minimize impacts. Unanticipated impacts to cultural resources, if any, will be addressed per the Section 106 Programmatic Agreement for the project. The Project will not provide additional capacity or provide new access points. As a result, the Project will not induce significant foreseeable alterations in land use or affect development and growth beyond what is already expected to occur.*

**b. Please provide an explanation of which CEs have been used previously for similar projects.**

*Similar projects involving a bridge collapse over a navigable waterway were also processed as categorical exclusions due to the limited scope of the bridge replacements within existing rights-of-way along similar alignments as the previous structures. Example projects include the I-35W Bridge over the Mississippi River in Minneapolis, Minnesota, and the I-10 Bridge over Escambia Bay in Florida.*

**c. If no similar projects have been permitted to use CEs, please provide an explanation of exactly how this Bridge project differs from previous projects.**

*As noted above, similar projects involving a bridge collapse over a navigable waterway have also been processed as CEs.*

**Questions Submitted for the Record**  
**Submitted by the Honorable Bruce Westerman**  
**Committee on Transportation and Infrastructure**  
**Committee Hearing on “Reviewing and Examining the Francis Scott Key Bridge Federal Response”**  
**Wednesday, May 15, 2024**

**Questions for The Honorable Shailen Bhatt<sup>2</sup>, Administrator, Federal Highway Administration, United States Department of Transportation:**

1. Maryland transportation officials stated in a public forum last week that the bridge replacement would be handled under a categorical exclusion - is that true, and how did FHWA arrive at that determination? What restrictions will a categorical exclusion place on the design of the new bridge and is it realistic?

*The project is currently proceeding with a Categorical Exclusion (CE), since the Maryland Department of Transportation (MDOT) has limited the project scope of the bridge replacement to occur within existing Maryland Transportation Authority (MDTA) right-of-way along the current centerline of the bridge and its approaches. Reconstruction is expected to begin within two years of Governor Moore’s declaration of a state of emergency. FHWA approved the CE for reconstruction of the Francis Scott Key (FSK) Bridge on July 23, 2024. The CE provides the appropriate level of information to allow for a streamlined permitting approach with the respective resource agencies. As the project progresses to final design, FHWA may change the NEPA class of action and require a higher level of documentation, based on level of impacts or other criteria established in FHWA’s NEPA regulations.*

2. What is the likelihood that FHWA might require a higher degree of NEPA study later in the process, such as after MD has selected a design-builder?

*As the project progresses to final design with the selected design-builder, re-evaluations may be necessary to determine whether supplemental analysis and documentation is needed. A re-evaluation is a review conducted by FHWA of any proposed change in action, affected environment, anticipated impact, applicable requirements, or mitigation measures as they relate to the environmental document or decision. As noted above, as the project progresses to final design, FHWA may change the NEPA class of action and require a higher level of documentation, based on level of impacts or other criteria established in FHWA’s NEPA regulations.*

3. Is it important that the new bridge be taller and/or have a wider clear span to accommodate future maritime needs? If so, how do those maritime requirements reconcile with the desire to limit NEPA to a categorical exclusion?

*The U.S. Coast Guard (USCG) has jurisdiction over the replacement bridge’s vertical clearance and a clear navigation span width. This determination is made by the USCG independent of the NEPA process considering maritime needs.*

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*FHWA and the Maryland Department of Transportation (MDOT) used the USCG determined minimum vertical and horizontal clearance for the approved CE. The USCG determination for the minimum vertical and horizontal clearance did not change the CE determination and approval since the new bridge is expected to be built within the existing right-of-way on the same alignment.*



**Questions Submitted for the Record  
Submitted by the Honorable Pat Ryan  
Committee on Transportation and Infrastructure  
Committee Hearing on “Reviewing and Examining the Francis Scott Key Bridge Federal  
Response”  
Wednesday, May 15, 2024**

**Questions for The Honorable Shailen Bhatt<sup>3</sup>, Administrator, Federal Highway  
Administration, United States Department of Transportation:**

1. Has a categorical exclusion been granted for reconstruction of the Francis Scott Key Bridge? If so, how did FHWA arrive at that determination? What restrictions will a categorical exclusion place on the design of the new bridge and is it realistic?

*The project is currently proceeding with a Categorical Exclusion (CE), since the Maryland Department of Transportation (MDOT) has limited the project scope of the bridge replacement to occur within existing Maryland Transportation Authority (MDTA) right-of-way along the current centerline of the bridge and its approaches. Reconstruction is expected to begin within two years of Governor Moore’s declaration of a state of emergency. FHWA approved the CE for reconstruction of the Francis Scott Key (FSK) Bridge on July 23, 2024. The CE provides the appropriate level of information to allow for a streamlined permitting approach with the respective resource agencies. As the project progresses to final design, FHWA may change the NEPA class of action and require a higher level of documentation, based on level of impacts or other criteria established in FHWA’s NEPA regulations.*

2. What is the likelihood that FHWA might require a higher degree of NEPA study later in the process, such as after Maryland has selected a design-builder?

*As the project progresses to final design with the selected design-builder, re-evaluations may be necessary to determine whether supplemental analysis and documentation is needed. A re-evaluation is a review conducted by FHWA of any proposed change in action, affected environment, anticipated impact, applicable requirements, or mitigation measures as they relate to the environmental document or decision. As noted above, as the project progresses to final design, FHWA may change the NEPA class of action and require a higher level of documentation, based on level of impacts or other criteria established in FHWA’s NEPA regulations.*

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