

**Questions Submitted for the Record**  
**Committee on Transportation and Infrastructure Hearing on**  
**“Oversight of the Department of Transportation’s Policies and**  
**Programs and Fiscal Year 2025 Budget Request”**  
**Thursday, June 27, 2024**

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## **Questions for the Record from Chair Sam Graves:**

**Question:** Secretary Buttigieg, Beyond Visual Line of Sight (BVLOS) drone operations present numerous operational and economic advantages. In the drone delivery space, BVLOS operations offer a cost-effective alternative to traditional delivery methods, most notably in their ability to expedite transportation of both consumer goods and medical materials. These benefits promise to drive economic growth and innovation, expand connectivity, and keep America at the forefront of a rapidly evolving global drone market.

Can you commit to prioritizing the BVLOS rulemaking to meet the statutory deadlines set forth in Section 930 of the *FAA Reauthorization Act of 2024*?

**Answer:** The FAA is working to publish the notice of proposed rulemaking, “Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations,” which is expected to expedite the introduction of BVLOS operations. In the meantime, the FAA has streamlined approval processes for BVLOS operations approved through waivers or exemptions and is working to exercise the flexibility provided in the FAA Reauthorization Act of 2024 to enable more scalable BVLOS operations in advance of rulemaking.

## **Questions for the Record from Rep. Rick Crawford:**

**Question:** 49 U.S.C. 5323(r) states that recipients of Federal transit financial assistance “may not deny reasonable access for a private intercity or charter transportation operator to Federally funded public transportation facilities.” Earlier this year, a representative of the American Bus Association shared that noncompliance with this provision is widespread, and that many bus operators across the country are being denied access to intermodal facilities that receive funds from your Department.<sup>1</sup>

What is being done to ensure that this rule is being followed? And how does DOT enforce this law and resolve disagreements between Federal grant award recipients and private bus operators?

**Answer:** A limited number of situations over the past year have been brought to the agency’s attention through intercity or charter operators. Upon receiving such a concern, FTA’s first step is to engage with the recipient to ensure the recipient has analyzed whether the facility has capacity to accommodate the private providers, which is stipulated in the statute; the law requires accommodation only if there is capacity. FTA generally does not intervene in local decisions about the recipient’s use of a facility and/or determination if there is extra space to allow a private provider to use the facility. Rather, FTA attempts to facilitate resolution between recipients and private providers.

**Question:** Does DOT have a process in place to monitor or record instances of access to Federally funded transit facilities being delayed, denied, or otherwise offered under unreasonable conditions to private bus operators?

**Answer:** In the few instances where FTA has received complaints about a denial of access, FTA has engaged with the recipients to understand the basis for the denial.

**Question:** 49 U.S.C. 5323(d), *Condition on Charter Bus Service*, prevents public transit agencies from providing charter trips outside their regularly scheduled services in competition with private motorcoach operators.<sup>2</sup> This provision was initially codified in law as part of the *Urban Mass Transportation Act of 1964* (P.L.88-364).<sup>3</sup> On June 10, 2024, the Federal Transit Administration (FTA) issued a Dear Colleague letter to transit agencies across the country providing “advice, reminders, and considerations to keep in mind” in preparation for the upcoming 2026 World Cup and 2028 Olympic and Paralympic Games, both being held in the

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<sup>1</sup> *Rural Transportation Challenges: Stakeholder Perspectives before the Subcomm. on Highways and Transit of the H. Comm. on Transp. and Infrastructure*, 118<sup>th</sup> Cong. (Mar. 21, 2024) (statement of Jeff Greteman), available at [https://transportation.house.gov/uploadedfiles/03-21-2024\\_ht\\_hearing\\_-\\_jeff\\_greteman\\_-\\_testimony.pdf](https://transportation.house.gov/uploadedfiles/03-21-2024_ht_hearing_-_jeff_greteman_-_testimony.pdf).

<sup>2</sup> 49 U.S.C. § 5323.

<sup>3</sup> Urban Mass Transportation Act of 1964, Pub. L. No. 88-365, 78 Stat. 302.

United States.<sup>4</sup> While acknowledging that transit agencies must abide by the aforementioned charter regulations, the document included various suggestions about how public transit agencies could serve these large events without involving the private sector. Is the FTA fully committed to enforcing the provisions in 49 U.S.C. 5323(d) that have been law for half a century?

**Answer:** Yes.

**Question:** Does FTA intend to provide additional regulatory guidance, or “advice, reminders, and considerations,” related to the charter bus service rules in preparation for other large scale national events?

**Answer:** The FTA is always prepared to provide additional guidance to its recipients as necessary. The most recent Dear Colleague letter, dated June 10, 2024, is just one example of FTA’s proactive efforts to provide guidance in many different areas as needed.

**Question:** Is FTA considering changes to the way that the charter bus service rules are presently being enforced or have been enforced for the preceding fifty years?

**Answer:** FTA’s charter rule is currently scheduled for review and administrative changes on the Unified Agenda, but FTA is not considering any changes regarding how the charter rule has been enforced since its last substantive change in 2008.

**Question:** In June, Coach USA, the largest privately owned bus company in the United States, filed for Chapter 11 bankruptcy.<sup>5</sup> Greyhound Lines, the largest intercity bus service in North America, has terminated routes or otherwise cut back service in major cities across the United States in recent months in order to decrease costs.<sup>6</sup> Private bus service, especially those that serve smaller and rural areas, is a vital part of the national transportation network. What is your current assessment of the commercial bus industry and is the Department considering policies or efforts to sustain this mode of public transportation?

**Answer:** FTA agrees that intercity bus service provides a critical connection for people in rural and urban areas alike to the services and places that are important to them. FTA is able to support the intercity bus industry through its grant programs. Intermodal facilities that serve intercity bus are eligible under the Buses and Bus Facilities competitive grant program as long as those facilities also serve public transportation. FTA’s Formula Grants for Rural

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<sup>4</sup> Dear colleague letter from Veronica Vanterpool, Acting Administrator, FTA, (Jun 10, 2024), available at <https://www.transit.dot.gov/sites/fta.dot.gov/files/2024-06/Dear-Colleague-Letter.pdf>.

<sup>5</sup> Nathaniel Meyersohn, *Greyhound Bus Stops are Valuable Assets. Here’s Who’s Cashing in on them*, CNN, (Dec. 18, 2024), available at <https://www.cnn.com/2023/12/17/business/greyhound-buses-transportation-cities/index.html>.

<sup>6</sup> Isabelle Stanley, *Greyhound Bus Network in Crisis as Scores of Stations Close Across the Country, Threatening Transport Options for 60 million People who Rely on Intercity Coaches*, DAILY MAIL, (Dec. 17, 2023), available at <https://www.dailymail.co.uk/news/article-12873931/Greyhound-bus-network-crisis-scores-stations-close-country-threatening-transport-options-60-million-people-rely-intercity-coaches.html>.

Areas program requires that a state provide 15% of their rural formula funds for intercity bus projects unless they certify that the intercity bus needs of the state have been met, which means that in FY24 around \$140 million was available from that program for intercity bus projects.

**Question:** Last fall, the Subcommittee on Highways and Transit held a hearing on “The Future of Automated Commercial Motor Vehicles: Impacts on Society, the Supply Chain, and U.S. Economic Leadership.” Testimony was received on efforts the autonomous vehicle trucking sector is taking to improve safety on our roadways. In preparation for deployment, the AV trucking industry has developed a flashing light-based system mounted to the cab as a solution to the currently required triangles or flares hand-placed behind a truck when stopped or pulled to the side of the highway. This light-based system would provide immediate and effective notice to approaching motorists, and studies found it to be equally or more effective in enabling road users to recognize and react to the stopped truck when compared to traditional warning devices.

Under FMCSA’s regulations (49 CFR 381.320), the agency attempts to make a decision on applications within six months, yet this narrow exemption application for the AV trucking industry has been pending for 17 months.<sup>7</sup>

On June 26, 2024, in response to a question for the record submitted after my subcommittee’s December 13, 2023, hearing, the FMCSA stated that it is “currently reviewing and considering numerous public comments received in response to the Federal Register notice.”

Considering the amount of time that has passed compared to the typical timeline, what is the reason for the delay on this petition? Please also provide the committee a specific timeline in which you expect to issue a decision.

**Answer:** Petitions of a complex or novel nature sometimes require additional internal consultation and time to thoroughly review and consider the petition, the comments submitted, and whether the exemption, if granted, would likely achieve a level of safety equivalent to, or greater than, the level of safety achieved by the regulation. On March 3, 2023, FMCSA published a Federal Register notice, 88 FR 13489 (clarified, and comment period extended, March 9, 2023, 88 FR 14665) announcing that it received an application from Waymo LLC, and Aurora Operations, Inc. for a 5-year exemption from the warning device placement requirements of 49 CFR 392.22(b) and use of a warning device that does not meet the steady-burning lamp requirement of 49 CFR 393.25(e). The exemption seeks to allow all motor carriers that operate Level 4 autonomous commercial motor vehicles (CMV) to use a warning device for stopped vehicles that is not currently authorized in 49 CFR 393.95(f).

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<sup>7</sup> *Parts and Accessories Necessary for Safe Operation; Exemption Application From Waymo LLC, and Aurora Operations, Inc.*, 88 Fed. Reg. 13489 (Mar. 3, 2023), available at <https://www.federalregister.gov/documents/2023/03/03/2023-04385/parts-and-accessories-necessary-for-safe-operation-exemption-application-from-waymo-llc-and-aurora>.

The Secretary of Transportation may only grant an exemption from a regulation if the Secretary finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. FMCSA has completed its review of the exemption application, the public comments, and cited documentation submitted in response to the Federal Register notice. The Agency continues to diligently work through its analysis and final written decision on the exemption application.

**Question:** I appreciate the productive discussion regarding the Department's authority to ensure that the testing for safety sensitive transportation positions will continue, regardless of the Administration's proposal to reclassify marijuana from Schedule I to Schedule III. I appreciate your stating:

"Our commitment to testing continues regardless of the schedule... we believe our authorities are intact because they don't call for testing by reference to where marijuana sits in its classification. So whether we're talking about the regulated community — truck drivers — or our own personnel, such as an air traffic controller, our understanding is that nothing about that reclassification would change."

Please share with the Committee the basis for that understanding.

**Answer:** The basis for the Department's understanding is the Omnibus Transportation Employee Testing Act of 1991, which gives the Secretary the authority to test for any controlled substance under section 102(6) of the Controlled Substance Act (21 U.S.C. 802(6)) whose use the Secretary has determined has a risk to transportation safety.

**Question:** The Department of Health and Human Services (HHS) is key to DOT's ability to conduct drug testing of its own employees and to regulate safety-sensitive employees in the transportation industries. What steps has the DOT taken to coordinate with HHS regarding the potential rescheduling of marijuana to Schedule III and its impact on the HHS-certified laboratories that conduct marijuana drug testing on both the DOT-regulated public and DOT's own employees?

**Answer:** DOT has actively engaged with HHS and the White House regarding the impact of rescheduling on DOT's drug testing programs. These discussions are ongoing, and DOT will provide a more detailed response after these discussions conclude.

## **Questions for the Record from Rep. Scott Perry:**

**Question:** The Lancaster Airport (LNS) announced it will begin offering non-stop flights to Orlando beginning on October 8, 2024. Will this expansion in service result in LNS losing its essential air service subsidies?

**Answer:** No. Air service currently operating from Lancaster Airport (LNS) to Orlando International Airport (MCO) does not satisfy the community's essential air service (EAS) requirements per federal law, so Lancaster airport's existing EAS subsidies are not impacted. Under 49 U.S.C. § 41732, "basic EAS" requires, among other things, two daily round trips, 6 days a week (12 round trips per week) to a medium or large hub airport less than 650 miles from the eligible place. As announced by Breeze Airways, the air carrier will offer only two round trips per week between LNS and MCO, and the distance from LNS to MCO is 855 miles. Accordingly, the service will not meet the basic EAS requirements related to frequencies or distance to the hub airport.

## **Questions for the Record from Rep. Garret Graves:**

**Question:** Section 912 of the FAA Reauthorization Act of 2024 requires the Office of the Secretary to, not later than 270 days after enactment, establish a Department of Transportation program to provide competitive grants to state, local and tribal governments to use small drones to help address the backlog in critical infrastructure inspections in the United States. This language enjoyed bipartisan support in both the House and Senate and will help make critical infrastructure inspections safer for workers and more efficient for the users of the critical infrastructure. What steps has the USDOT taken to establish the Drone Infrastructure Inspection Grant (DIIG) program and will you commit to this Committee to meet or exceed the statutory deadline to establish the DIIG program?

**Answer:** Infrastructure inspection using safe and reliable, domestically produced drones presents a way to better ensure the safety and stability of the national infrastructure and to enable economic benefits of drones. These inspections can and do happen across the country today under 14 CFR Part 107 line of sight operations. Even the Department uses drones to inspect critical highway infrastructure. The Department appreciates Congress' support in developing this capability through provisions in the FAA Reauthorization Act of 2024 (Pub. L. 118-63, May 16, 2024) that would enable the FAA to inspect its own infrastructure and manage a grant program for state governments to establish their own drone inspection programs. While this new program introduces important requirements, it has not yet received appropriations sufficient to fully implement them. We look forward to collaborating with Congress to ensure that adequate funding is secured for all new programs mandated by the Reauthorization. The Department is fully committed to meeting the legislative requirements for this and all provisions of the FAA Reauthorization. We are currently developing a management strategy that will allow us to implement the infrastructure inspection program to the best of our ability, despite competing priorities and financial constraints.

**Question:** The absence of a unified framework for BVLOS operations in the U.S. is stalling the growth of the domestic drone industry. Despite recommendations from an expert committee over two years ago, urging the FAA to establish regulations for safe BVLOS operations, no draft rule has been issued. The FAA Reauthorization Act, passed with broad bipartisan support, requires the FAA to propose its draft BVLOS rule by September. Considering the prolonged delay, what actions are the DOT and FAA taking to meet this deadline and provide a draft rule by September 15th?

**Answer:** The FAA is working to publish the notice of proposed rulemaking, "Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations," which is expected to expedite the introduction of BVLOS operations. In the meantime, the FAA has streamlined approval processes for BVLOS operations approved through waivers or exemptions and is working to exercise the flexibility provided in the FAA Reauthorization Act of 2024 to enable more scalable BVLOS operations in advance of rulemaking.



**Question:** Mr. Secretary, you have a responsibility in ensuring MARAD administers the Deepwater Port Act program, which authorizes permits for ports from which to export LNG to our allies but MARAD has failed to meet statutory deadlines) and notices imposed by last year's NDAA. Additionally, DOT has not held any regular or any in-person meetings with applicants so that they can possibly understand the agency's concerns. It is a mistake for MARAD to delay approval for port applications over a misguided position that the Administration's moratorium on LNG export means they cannot approve port applications. Secretary Granholm has indicated that a moratorium will be short-lived and "in the rearview mirror" by next year. Congress's interest in this provision is clear—so what is the problem?

**Answer:** MARAD has conducted timely approvals as part of the deepwater port application process. Processing a Deepwater Port License involves coordination among multiple state and federal agencies, and MARAD and all of these agencies strive to meet all established statutory timeframes. MARAD meets regularly with applicants who have an application under review when it is appropriate and pertaining to the deepwater port license application. Applicants who have questions about the environmental review portion of the application may also schedule a meeting with the U.S. Coast Guard. This step within the process involves the explicit engagement of resources to perform this phase of the licensing process. The environmental review is one of the most critical and technical parts of the processing of the deepwater application. The Deepwater Port Act at 33 U.S. Code § 1503 (c)(3) lists the conditions for issuance of a deepwater port license where a national interest determination is made independent of any determination by the Department of Energy.

**Question:** The recently enacted FAA Reauthorization Act increased the authorized funding level for FAA's workforce grant programs for pilots and maintenance technicians from \$15,000,000 to \$20,000,000 per year. Congress has been providing funding for these grants since Fiscal Year 2022. Given the significant pilot workforce shortage in the United States, how does DOT plan to engage other federal agencies and key industry stakeholders to ensure that there is an adequate pipeline of young men and women seeking these professional positions in aviation?

**Answer:** The FAA is performing outreach for the Aviation Workforce Development grant program. This outreach provides information to key stakeholders and industry on the overall grant program. The 2024 FAA Reauthorization expanded the eligible applicant pool to include 501(c)(3) organizations and Tribal and territorial governments. The FAA is providing technical assistance to educate applicants on the application process to improve the quality of applications that consist of grassroots initiatives and projects that create pipelines for young people to pursue aviation careers. Consideration may be given to applicants who would serve populations that are underrepresented in the aviation industry, including in economically disadvantaged geographic areas and rural communities, address the workforce needs of rural and regional airports, and aviation programs at a minority serving institution.

**Question:** One of the emerging innovations in aviation is growth of the advanced air mobility industry – utilizing electric vehicle takeoff and landing aircraft to move people and cargo from point to point in urban and rural settings. The FAA Reauthorization Act extended the

Advanced Air Mobility Infrastructure pilot until 2026. How soon will we see eVTOL aircraft operating in the National Airspace System transporting people and cargo to key communities? What are the most promising applications for these aircraft? What changes or additions to the FAA's workforce will be needed to manage these aircraft in the NAS?

**Answer:** The FAA is actively working with several companies to review and establish certification requirements for several powered-lift models, some of which are eVTOL aircraft. On March 8, 2024, the FAA published the final special class airworthiness criteria for the Joby Model JAS4-1 powered-lift aircraft, and on May 24, 2024, the FAA published the final special class airworthiness criteria for the Archer Model M0001 powered-lift aircraft.

In order to mitigate safety gaps that exist due to the absence of operational regulations specifically applicable to powered-lift, in October 2024, the FAA published an advance copy of a final Special Federal Aviation Regulation, "Integration of Powered Lift: Pilot Certification and Operations; Miscellaneous Amendments Related to Rotorcraft and Airplanes." This final rule will be published in the Federal Register in November 2024 and provides alternate eligibility requirements to safely certificate initial groups of powered-lift pilots, and identifies the operating rules that apply to powered-lift on a temporary basis

The most promising applications will be the transportation of people and cargo in addition to the future potential for the transportation of medical supplies. AAM has the potential to provide new levels of accessibility, convenience, and connectivity for people and cargo-- and localize aviation in new ways, providing a series of benefits: enhanced mobility for the traveling and shipping public, improvements to environmental sustainability through the electrification of aviation, quieter operations with less impact to those living near aviation infrastructure, increased connectivity to the existing legacy aviation system in the United States, new jobs, and lower costs. Future use cases for AAM include more dynamic emergency response capabilities, rapid transportation of goods from cargo terminals, on demand shuttle services better connecting urban areas to large airports, and regional air service to areas without existing rapid or reliable transportation links.

The FAA is working through its research and development labs along with industry applicants to understand what changes to the workforce are needed to manage these aircraft.

**Question:** Secretary Buttigieg, as AAM aircraft get certified for operation, it is critical that the FAA establish a clear, achievable path for civilians to acquire a powered-lift certificate. How is DOT coordinating with the FAA to ensure the necessary pilot rules are in place to establish an AAM pilot workforce?

**Answer:** In October 2024, the FAA published the Notice of an advance copy of a final Special Federal Aviation Regulation, "Integration of Powered-Lift: Pilot Certification and Operations; Miscellaneous Amendments Related to Rotorcraft and Airplanes". In this final rule which will be published in the Federal Register in November 2024, the FAA provides alternate eligibility requirements to safely certificate initial groups of powered-lift pilots, as well as determine which operating rules to apply to powered-lift aircraft on a temporary basis

to enable the FAA to gather additional information and determine the most appropriate permanent rulemaking path for these aircraft.

Although the FAA has existing regulations in 14 CFR Part 61 for training and certifying powered-lift flight instructors and pilots, those regulations do not adequately address the unique challenges of introducing a new category of aircraft to civil operations. To maintain a level of safety commensurate with that expected for airplanes and helicopters, the FAA has finalized new requirements for pilots to hold type ratings for each powered-lift they fly and also finalized qualification requirements for powered-lift pilots serving in 14 CFR Part 135. To address the obstacles to airman certification in existing regulations, the FAA proposed alternatives to certain requirements in Part 61 to facilitate the training and certification of the initial cadre of powered-lift instructors and powered-lift pilots.

**Question:** Part 121 and Part 135 air carriers are legally required to meet a statutory definition of being a “citizen of the United States” (49 U.S.C. § 40102(a)(15)) to limit foreign ownership and control over this critical American industry. What resources does the Department devote to enforcing compliance with the U.S. citizenship requirement for air carriers? What can the Committee and the aviation industry expect as to how swiftly and aggressively the Department will investigate credible allegations that an air carrier is operating in violation of the U.S. citizenship requirement? What can the Committee and the aviation industry expect as to what enforcement tools the Department will use to stop an air carrier that the Department has determined is operating in violation of the U.S. citizenship requirement?

**Answer:** The Department is committed to ensuring air carriers comply with U.S. citizenship requirements. For new applicants, the Department reviews applications for compliance before granting economic authority. For existing carriers, it conducts detailed reviews upon complaints or during fitness evaluations. If a carrier fails to meet citizenship requirements, the Department may suspend, revoke, or modify its certificates or impose penalties. The Department uses various tools, including investigations and penalties, to address compliance issues.

## **Questions for the Record from Rep. Jenniffer González-Colón:**

**Question:** Thank you, Mr. Secretary, for your call yesterday and your well wishes, and I would like to take this opportunity to draw your attention to issues in Puerto Rico transportation and ask questions related to projects located in Puerto Rico. Late last week, my office received notice of the approval of over \$21 million for the Wharf D Reconstruction and Resiliency Project in San Juan through the RAISE Program. I understand these funds will be used for much needed activities in the Puerto Nuevo Docks, promoting economic activity at our ports. This is a very welcome announcement, and I would like to make sure we all understand the next steps. Could you please inform us what are those next steps and the anticipated completion date of the project?

**Answer:** In July 2024, the Department hosted a welcome webinar for all FY 2024 RAISE grant recipients and emailed each recipient their partially prepopulated grant agreement. The next step is for the Port Authority of Puerto Rico to fulfill federal requirements prior to executing the grant agreement. The Port Authority has estimated construction would begin in July 2025 and be completed in June 2027.

**Question:** Related also to ports, I'd like to take the opportunity to request that the Department consider supporting more safety related projects, such as the fire suppression infrastructure at the Port of San Juan which currently does not meet Coast Guard standards due to inadequate water pressure. Requiring the port users to fund these types of projects means such costs get passed onto the people and communities of Puerto Rico. These types of safety related projects are infrastructure improvements and should be given more consideration in programs like the Port Infrastructure Development Program.

**Answer:** The extent to which a project advances safety is an important part of the statutory criteria reviewers consider when evaluating each project. In the past, we have awarded funding to projects that advance this key criterion, including projects in Puerto Rico. Most recently, for example, the Port Authority of Puerto Rico received a RAISE grant for its Wharf C Reconstruction and Resiliency Enhancement Project. This \$25 million award funds needed improvements to Wharf C, including replacing the wharf's concrete platform and making related utility improvements, including rehabilitating the port's existing fire protection system.

**Question:** Secretary Buttigieg, as you know, Puerto Rico has two non-contiguous island municipalities on the Eastern coast of the main Island, Vieques and Culebra, with a combined population of close to 10,000 inhabitants. In addition to residents, both municipalities host students and employees who travel to and from Vieques and Culebra to work. They all share the need for reliable and efficient ferry services.

Recently, the Puerto Rico government announced their plans to improve services using federal dollars to design and purchase 4 new vessels and build a new ferry terminal in Vieques. I

would like to emphasize the importance of completing this work. Could you please provide us a status of these projects and when do you anticipate their completion?

**Answer:** Following the sinking of the passenger vessel Culebra II after Hurricane Irma, the FTA awarded Emergency Relief funding of \$23,035,000 in fiscal year (FY) 2020 for the acquisition of a new passenger vessel with cargo capabilities. This improvement was directly in response to the needs of the citizens of Vieques and Culebra. The new vessel is in the final phase of construction, currently in the water for testing, and its construction is expected to be completed in December 2024 or earlier.

Additionally, the FTA is in the process of approving two grants totaling \$44 million to fund three more cargo-passenger vessels for the Maritime Transport Authority (MTA)'s Island Service to the two non-contiguous island municipalities. These vessels are also under construction; two of them are expected to be completed by 2025, and the completion of the third vessel is expected in early 2026.

Further projects are underway to rehabilitate the Mosquito Ferry Terminal in Vieques. Funds for this project and the additional vessels have been programmed through the Puerto Rican Statewide Transportation Improvement Program (STIP). We are assisting MTA in developing their grant applications.

**Question:** Mr. Secretary, the Integrated Transportation Authority in Puerto Rico is currently undergoing a payment modernization project that will change how transportation fees are collected for popular public transportation modes, including Tren Urbano and our network of buses known as AMA. I understand the transition could take up to 6 months total and cost about \$20 million in federal funds. Could you please provide us with the status of this project and when do you anticipate completion?

**Answer:** The Puerto Rico Highway and Transportation Authority (PRHTA) is in the process of implementing a modernized Automatic Fare Collection (AFC) System for the Tren Urbano (TU) heavy rail system, bus systems [including Metropolitan Bus Authority (MBA), Metrobus, Tu Conexión, and Metro Urbano], and Metro-Ferry system. The modernized AFC system includes modern gates, ticket vending machines (TVMs), and alternative payment methods such as debit, credit, and mobile application payment, among other improvements. Federal investment is approximately twenty-two million dollars (\$22M), distributed among six (6) FTA awards.

The AFC project is expected to go live by December 11, 2024. As of August 29, the overall project status is:

- TU system gates and TVM installation at approximately 98%.
- Routers and validators are installed on approximately 99% of buses. Cash-only operation to commence in late August 2024.
- PRHTA is working with the AFC system vendor and third-party ferry system operator to integrate the respective fare systems.
- PRHTA continues to negotiate with a qualified merchant processor and obtain banking

industry certification for payment processing. Completion is expected within the next 60 days.

- Equity analysis associated with the changes in fare collection method was completed on May 31, 2024.
- After December 2024, PRHTA expects to continue public outreach with “hands-on” demonstrations and educational material distribution, among other efforts.
- The project “ribbon cutting” is expected on December 18, 2024.

**Question:** Secretary Buttigieg, as you know, Puerto Rico residents rely on DOT field offices for technical assistance and other tasks to receive approval or funding for their projects. Can you please share with us a breakdown of staffing levels for DOT in PR, including any vacancies and what are the Department’s plans to fill these vacancies?

**Answer:** DOT has 246 permanent federal employees located in Puerto Rico. As of June 2024, DOT has 12 vacancies (technicians, civil engineers, and safety inspectors) in Puerto Rico with plans to use on-the-spot hiring authority and/or tailored recruitment activities to fill the positions. In addition, relocation incentives will be used for individuals willing to locate to Puerto Rico.

**Question:** Congress and the Administration have enabled special considerations to take into account empowerment zones and strategic seaports that apply for federal grant awards. While these considerations have helped increase the competitiveness for ports in Puerto Rico, Alaska, and Hawaii, I’d like to request you consider ways to further address the needs of ports in these non-contiguous areas that provide such essential services.

**Answer:** The Notice of Funding Opportunity (NOFO) announcing the availability of discretionary grant funding for the FY 2024 Port Infrastructure Development Program includes a number of provisions that help address the needs of ports in non-contiguous states and territories. For example, as provided for in Section 3513 of the National Defense Authorization Act for Fiscal Year 2024, large projects in non-contiguous states and territories do not need to meet the cost effectiveness determination that applies to similarly-sized projects in the continental United States. Small projects in non-contiguous states and territories are also exempt from this requirement because of a further statutory provision. In addition, the NOFO asks applicants to identify whether their projects are in Historically Disadvantaged Communities, a designation that, based on the results of previous application cycles, applies to the vast majority of projects submitted by ports in Puerto Rico, Alaska, and Hawaii. Finally, we are hosting or engaging in focused outreach activities to improve the competitiveness of applications received from ports in Puerto Rico, Alaska, and Hawaii. On November 15, 2024, the Maritime Administration announced its FY24 Port Infrastructure Development Grants and Puerto Rico Ports Authority received a grant totaling \$53,526,756.

## **Questions for the Record from Rep. Dusty Johnson:**

**Question:** Secretary Buttigieg, it is critical as a country that we ensure that taxpayer dollars are not spent on technology manufactured by Chinese military companies or introduces cybersecurity risks to our critical infrastructure. One such technology of concern is Chinese light detection and ranging (LiDAR) sensors, which collect real-time 3-D measurements of U.S. critical infrastructure, geography, and human behaviors. Chinese LiDAR is increasingly installed across our transportation infrastructure to automate traffic lights, monitor crowd flows at major transit hubs, control drawbridges, and more.

In January 2024, the Department of Defense named the leading Chinese LiDAR manufacturer, Hesai, a “Chinese Military Company” operating in the United States.

A May 2024 Congressional Research Service report found that Chinese firms were developing LiDAR sensors for “Smart Cities” applications that China could use “to acquire sensitive information or exquisite mapping of U.S. infrastructure” or “introduce malware via a software update and degrade the performance of systems using the technology.” Chinese LiDAR companies have flooded the U.S. market with heavily subsidized LiDAR sensors targeting sales to state and local governments for applications using federal funds. This is similar to the playbook we saw with drones—creating an unfair playing field that threatens domestic LiDAR manufacturing capacity and puts our security at risk.

What can the Department do today under its existing authorities to prevent further federal spending on technology manufactured by Chinese military companies, such as LiDAR sensors?

**Answer:** The Department is certainly aware of these national security concerns. We are aware that LiDAR is an increasingly essential element of Advanced Driver Assistance Systems (ADAS) and Automated Driving System (ADS) systems, that China holds approximately 60% of the global market for automotive LiDAR, and that LiDAR is increasingly being used to collect detailed information for infrastructure planning, design, construction and maintenance. We also note that China has proposed a technology export ban on LiDAR from China.

The Department does not set procurement rules or guidance outside of the Federal Acquisition Regulation (FAR) or of requirements contained in legislation. The Department implements all requirements of the FAR and of guidance and direction provided by cognizant Departments and Agencies (e.g., Department of Commerce/ Bureau of Industry and Security regulations, Federal Communications Commission ban on certain equipment authorizations, FY19 National Defense Authorization Act Section 889). The Department’s implementation of such guidance is limited to Federal contracts and covered subcontractors; the Department has no authority to prohibit the operation, procurement, or contracting for LiDAR equipment beyond Federally-owned or -contracted assets and cannot issue such prohibition to recipients of Federal financial assistance (grants) or to the private sector.

Further, the Department is aware of and engaged with Department of Commerce/Bureau of

Industry and Security (BIS) on BIS's advance notice of proposed rulemaking, "Securing the Information and Communications Technology and Services Supply Chain: Connected Vehicles (89 FR 15066; March 1, 2024). BIS sought public comment on issues and questions related to transactions involving information and communications technology and services (ICTS) that are designed, developed, manufactured, or supplied by persons owned by, controlled by, or subject to the jurisdiction or direction of foreign countries or foreign nongovernment persons identified in the Department's regulations, pursuant to the Executive Order (E.O.) entitled "Securing the Information and Communications Technology and Services Supply Chain," and that are integral to connected vehicles (CVs), including LiDAR technologies. The Department will implement any BIS determination of technologies and market participants that may be most appropriate for regulation pursuant to the E.O.

**Question:** Given the risks that Chinese LiDAR sensors pose to U.S. national security, does the Department of Transportation support Congress enacting legislation to prohibit taxpayer spending through the Department's various grant and formula funding programs on Chinese LiDAR sensors that pose national security risks identified by the Department of Defense and the Congressional Research Service?

**Answer:** The Department will work to implement any legislation that Congress may enact.

**Question:** Secretary Buttigieg, in December 2023, FMCSA made effective a rule that narrows the scope of automatic regulatory relief when an emergency has been declared. The rule reduced automatic regulatory relief to 14 days, as opposed to the current standard of 30 days. Your agency admitted in its final rule it had "no specific quantitative evidence that the current emergency exemption rules have led to a degradation of safety."<sup>8</sup> I have concerns that shortening the automatic emergency window restricts Governors' ability to respond during stressful and often time-sensitive disasters, and unnecessarily limits the ability of truckers to respond to emergencies. This is especially true when responding to disasters that require long-term recovery, such as the devastating flooding South Dakota and surrounding states encountered in June 2024.

When asked about the data justification for this regulatory change in past inquiries, your administration responded that the 14-day period will allow sufficient time for States to request that FMCSA extend the initial relief period, and that the Agency has an "excellent" track record of issuing emergency exemptions very quickly in response to disasters. This explanation did not address the core concern for lack of an evidentiary record for the change.

What specifically prompted FMCSA to reduce the automatic regulatory relief time period from 30 to 14 days, if no quantitative evidence called for the change?

**Answer:** FMCSA reduced both the scope of the automatic regulatory relief and the duration to provide safety guardrails when there is a state emergency declaration. FMCSA proposed

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<sup>8</sup> *Clarification to the Applicability of Emergency Exemptions*, 88 Fed. Reg. 70897 (Oct. 13, 2023), available at <https://www.federalregister.gov/documents/2023/10/13/2023->



taking this action because the Agency believes that most direct assistance to emergencies necessitates relief only from the hours-of-service requirements, and that the need for relief generally ends within 5 days. Therefore, FMCSA initially proposed a 5-day period. However, as noted in the preamble of the final rule, FMCSA acknowledged there may be circumstances that result in the need for more time for responders to complete their emergency relief efforts. In certain cases, coordination efforts between the State and FMCSA may take longer than a 5-day exemption period would allow. Therefore, in the final rule, FMCSA revised the duration of the automatic regulatory relief triggered by a regional declaration of emergency to 14 days.

The emergency exemption is intended to facilitate direct assistance incident to the immediate restoration of essential services or essential supplies and not for transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed. FMCSA believes the 14-day time limit represents an important safety guardrail and does not believe it will result in a delay in providing relief to interstate motor carriers providing direct assistance in response to emergencies. In those cases where an extension of a declaration is necessary, FMCSA is still able to grant an extension either on its own initiative or by request.

FMCSA is currently preparing responses to several petitions for reconsideration of the final rule asking FMCSA to reconsider the 14-day provision.

**Question:** Is there data showing the 30-day limit posed a safety risk? Is there data showing 14 days reduces said risk?

**Answer:** FMCSA does not have a quantitative analysis comparing the risk of a 30-day limit to a 14-day limit. However, as noted in the final rule, the Agency believes decreasing the period to 14 days reduces the safety risks associated with the automatic regulatory relief provided with the initial emergency declaration by significantly reducing the amount of time drivers operate outside of the hours-of-service regulations.

**Question:** During my line of questioning, we discussed the need for greater flexibility for Governors in times of need. Do you have concerns the FMCSA's rule may do the opposite?

**Answer:** The 2023 final rule does not limit Governors' ability to make emergency declarations to support the delivery of critical supplies and the restoration of vital services to their constituents following an emergency. FMCSA's emergency exemption rule is intended to facilitate direct assistance incident to the immediate restoration of essential services or essential supplies and not for transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed. FMCSA believes the new time limit represents an important safety guardrail and does not delay relief to interstate motor carriers providing direct assistance in response to emergencies. In those cases where an extension of a declaration is necessary, FMCSA is able to grant an extension either on its own initiative or by request. In fact, the final rule made it even easier for states to seek relief by providing one centralized email inbox

address for making extension requests, as opposed to directing states to one of several FMCSA field offices.

Requests from states to FMCSA that the Agency issue its own initial emergency exemption (when the State for various reasons prefers that FMCSA rather than State do so) ordinarily come into FMCSA within hours of the event, or even, in the case of approaching storms, a few days before any damage begins to occur. States have rarely if ever needed more than a day or two – a week at the most – to submit a request to FMCSA for an emergency exemption.

And in every case, on many scores of occasions over the past 20 years, FMCSA has issued its responsive declaration within a few days, often within hours. Most recently, on July 8, 2024, Governor Noem of South Dakota transmitted an extension request for an emergency exemption at 4:30 pm on the 14th day of an exemption triggered by her emergency declaration, and FMCSA issued the extension prior to the exemption's 11:59 p.m. expiration that evening. See <https://www.fmcsa.dot.gov/emergency/wsc-south-dakota-extension-emergency-declaration-no-2024-004>.

## **Questions for the Record from Rep. Jefferson Van Drew:**

**Question:** Secretary Buttigieg, as you've said publicly there is an ongoing and longstanding shortage of air traffic controllers. The FAA's request to increase the annual controller hiring target to 2,000 for FY25, with plans for additional increases in future years, is a step in the right direction. The FAA's efforts to establish the Enhanced-CTI program to bolster the ranks of new controller trainees is also a welcome development.

However, much work remains, and this will be a long-term effort to resolve the air traffic controller staffing shortage. I understand that the FAA, in a recent briefing to aviation stakeholders, indicated it plans to reduce the controller hiring targets in FY27 and FY28 after planned increases in FY25 and FY26. However, the recently enacted Federal Aviation Administration (FAA) Reauthorization Act of 2024 requires the FAA to set annual hiring controller targets at the maximum number able to be trained at the FAA Academy through FY28, and to study and implement an expansion of the Academy's capacity.

As you have noted, solving the ongoing shortage of air traffic controllers is a priority for DOT and FAA. Will DOT and FAA commit to complying with the ATC maximum hiring provisions through FY28 as the law now requires?

**Answer:** Ensuring that the FAA returns to healthy staffing levels remains among my top priorities. The FAA exceeded its goal of hiring 1,800 air traffic controllers in 2024, with a final total of 1,811 for Fiscal Year 2024. As the largest number of hires in nearly a decade, this marks important progress in the FAA's work to reverse the decades-long air traffic controller staffing level decline. The 2024 Controller Workforce Plan released in April included facility-specific staffing targets from both the Staffing Standards process and the Collaborative Resource Workgroup process. We are committed to completing a study comparing these two staffing models and methodologies, and implementing the model selected by the FAA Administrator as outlined in section 437 of the FAA Reauthorization Act of 2024.

We regularly monitor and assess our current staffing and attrition levels and publish our staffing needs and outlook annually in the Controller Workforce Plan. We are planning hiring efforts to exceed controller attrition due to retirements, promotions, or other losses. Our hiring needs for FY27 and FY28 will depend on the impact of the work we are doing today to outpace attrition.

**Question:** Regarding the FAA Training Academy and getting more controllers hired and trained, what key factors may you need to review? Do you anticipate any major challenges to expanding training capacity, and what is a realistic timeline for these actions?

**Answer:** With higher FY25 CWP training requirements, the FAA has been executing a plan to increase overall air traffic training capacity at the Academy by 30% for FY25. This increase supports both Initial Qualification Training (IQT) for new hire students (Track 1),

and Non-Job-Jeopardy (NJJ) field students that circle back to the FAA Academy for initial qualification training. This capacity expansion is on track to meet FY25's hiring goals, which represent an increase over the FY24 hiring goal.

As instructors are key to the success of this effort, the FAA expects to continue to utilize both FAA employees and contract instructors. Accordingly, the FAA is currently working with a contractor to ensure that instructor availability is commensurate with the FY25 increase in training demand and releasing Certified Professional Controllers from the field for the FAA Academy instructor requirements.

**Question:** The FAA's budget request included a new proposal for a Facility Replacement and Radar Modernization (FRRM) program, totaling an extra \$1 billion above base appropriations for FY25 and \$8 billion total over the next five years. Many aviation industry stakeholders and observers have expressed concerns about the FAA's continued reliance on aging equipment and facilities. I share those concerns.

First, would you please explain why the FAA made this new request, and why it's important to fix this aging FAA infrastructure?

**Answer:** The FAA shoulders the crucial responsibility of overseeing the infrastructure of a vast network of nearly 350 air traffic control towers (ATCT) and terminal radar approach control (TRACON) facilities, in addition to managing 21 air route traffic control centers (ARTCC). Re-capitalization is necessary to sustain safe and efficient National Airspace System (NAS) operations in the decades to come. A failure to replace facilities and modernize radar networks in a timely manner will degrade FAA's capacity to keep pace with the aviation economy and undermine opportunities to improve safety.

**Facilities:** The FAA confronts a pressing challenge – aging buildings. Air traffic control facilities have structural deficiencies and chronic issues that cannot be resolved through maintenance or sustainment work. These issues include water leaks, mold, tower cab window condensation, deterioration due to old designs, and general disrepair. Drivers for replacement include material degradation; deficiencies in building codes compliance; and poor insulation and energy efficiency. As the age of these facilities continues to rise, these types of issues will grow exponentially. Air traffic controllers must have safe and secure towers to effectively manage and ensure the safety of air traffic. Replacement of these structures will provide the new standard in construction, health, safety, and operational efficiency.

Many of the FAA's facilities are large and complex, often requiring expensive and lengthy replacement efforts. Due to their size, costs are typically spread out across multiple fiscal years and the instability of annual appropriations can make it difficult to commit funding to such projects. By proposing a new stream of funding over the next five years, the FAA's proposal offers an opportunity to replace at least 20 of these aging facilities.

**Radar Systems:** The FAA's plan also focuses on the timely and strategic modernization of surveillance radars. Airports use these radars to detect and display the presence and position

of aircraft in the terminal area as well as the airspace around airports. The aging radars pose a significant challenge for air traffic management. As these radar systems age, they are more prone to technological obsolescence, making it increasingly difficult to maintain their performance and integrate them with modern aviation infrastructure. The potential for increased downtime due to repairs can negatively impact airport operations and compromise the efficiency of air traffic control. Moreover, aging radar systems struggle to keep pace with the growing demands of air travel and evolving regulatory standards. To address these challenges, this plan invests in the replacement of radars opting for new technologies that offer improved performance, enhanced reliability, and compatibility with the latest air traffic management initiatives.

The FAA maintains 618 radar systems across the nation. These systems, deployed across many decades, are a critical tool used by air traffic controllers to safely and efficiently manage air traffic. Modern aviation could not exist without these radar systems. In addition to the re-capitalization of air traffic control facilities discussed above, this proposal will allow the FAA to replace and modernize 60 percent of its radars by 2031.

FAA radar systems provide safety critical information to air traffic controllers, including an aircraft's position and identity as well as weather information. FAA radar systems provide a backup to Automatic Dependent Surveillance–Broadcast information, providing essential information in the event of Global Positioning System (GPS) degradation. This information is also essential for homeland security and national defense missions. As FAA radar systems exceed their intended lifespan, outages increase in frequency and duration, and service restoration becomes more difficult as antiquated components become increasingly difficult to obtain. The absence of critical aircraft position and identity information increases the risk of airborne collision and results in increased separation requirements, reducing operational efficiency.

**Question:** The FAA reauthorization bill includes a provision that allows the FAA to submit an “unfunded priorities” list to Congress and to DOT for ATC system Facility & Equipment needs that were not included in the President’s budget. Will you allow FAA to use this authority?

**Answer:** Yes, the FAA provides the “unfunded priorities” list, as required by section 213 of the reauthorization law.

The FAA Reauthorization Act of 2024 includes a requirement that the FAA Administrator notify the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on any unfunded capital investment needs of the air traffic control system that the President did not include in the annual budget request. The FAA Administrator will provide a summary description of the unfunded capital investment need(s); the objective to be achieved if the unfunded capital investment need is funded in whole or in part; the additional amount of funds recommended in connection with each objective; the budget line item program and budget line item number associated with each capital investment need (as

applicable); and the statutory requirement associated with such unfunded capital investment need (as applicable). Finally, the briefing will present the unfunded capital investment need(s) in overall urgency of priority.

**Question:** The FAA Reauthorization Act of 2024 included a provision to require the FAA to equip all of its towers with Tower Simulation Systems (TSS) technology. TSS systems—ranging from permanent large systems to mobile “suitcase” systems—allow controllers and controller trainees to conduct realistic training scenarios that are not easily replicated in day-to-day operations such as severe weather events, runway closures, and in-flight emergencies. This training is important for both new controllers and experienced controllers who must undergo recurrent training.

From what I understand, TSS technology is cost-effective and has reduced training time by 27%, but it is currently present at only about 70 of the 263 FAA-operated towers. The FAA’s budget request asks for about \$5 million to upgrade TSS capabilities, add network connectivity, and provide additional simulators to expand the program.

Could you please elaborate on how FAA is using TSS to enhance controller training, and why expanding the program would be beneficial to ATC operations? And please provide the Committee with updated budget estimates to install TSS at every FAA tower, along with making all of the necessary system and network updates moving forward?

**Answer:** The TSS provides an immersive environment where new hire trainees can learn and practice their decision-making skills and current air traffic control procedures in a controlled environment. It gives the trainee an opportunity to work traffic and practice scenarios that they might see when they become a controller at an ATC facility. A reduction in time to certification allows the FAA to get a new hire out to the field faster so that they can then certify at their assigned facility. The TSS is a valuable tool for ATC operations and overall safety in the National Airspace System because it allows a Certified Professional Controller (CPC) to complete refresher training and practice their skills in the same controlled environment. It also allows the CPC to practice emergency procedures. Expanding the TSS footprint allows us to supply all ATC facilities with vital training equipment, so CPCs are prepared to respond to safety-related procedures as well as maintain their certification without concern of travel or significant time away from their position to do so.

The FAA must complete its due diligence before procuring any additional simulators. We want to ensure that we have accounted for all considerations, including control tower space constraints before we begin deployment. For FY 2025, \$5.1 million is requested to add capabilities to the TSSs to reduce overall maintenance costs and acquire additional simulators to expand the program’s current footprint.

## **Questions for the Record from Rep. Burgess Owens:**

**Question:** Mr. Buttigieg, what are your department's plans to prevent a potential strike at the East and Gulf Coast ports on September 30 and if the strike does occur, what steps will be taken to mitigate the harm to the American consumer?

**Answer:** Along with our partners at the Department of Labor and in the White House, we engaged with both parties to bring them to the table and reach a tentative agreement on wages that ended the strike after less than 72 hours. We're carefully monitoring the continuing negotiations between the International Longshoremen's Association and the United States Maritime Alliance. We know how important the supply chain is to keep our economy productive and prices low. We support the collective bargaining process and encourage the parties to continue to bargain.

**Question:** Mr. Buttigieg, USDOT recently updated the estimate of August Redistribution of unused federal highway dollars to \$8.7 billion. This is a huge amount of dollars being asked of the state DOTs to obligate, due to the slow-spending competitive grant programs administered by the department. What kind of flexibility are you providing to make sure that states have the tools necessary to handle this ask? And what are you doing about this in the longer term to avoid what seems like a fire drill each summer?

**Answer:** FHWA engaged in early and consistent outreach to states on August Redistribution to help them plan for another large redistribution in FY 2024. In May 2024, FHWA notified states of their share of an updated estimate of \$8.7 billion for the FY 2024 August Redistribution for planning purposes.

FHWA has taken steps to speed up project delivery and is working to reduce the time it takes to process grant agreements from award announcement to obligation, including obligation of discretionary grant funds that are subject to obligation limitation. This will lower the amount of obligation limitation redistributed each fiscal year. FHWA Division Offices collaborated with State DOTs to identify potential projects, obligate discretionary grant funding, and utilize planning and programming flexibilities. Additionally, FHWA worked closely with FTA to determine transit capital activities that were ready for obligation as an option of transferring funds to FTA for eligible transit projects and coordinated with FTA to transfer funding late into September to provide maximum flexibility. For FY 2024, states requested approximately \$9 billion of additional formula obligation limitation under August Redistribution, an amount that exceeded the amount of obligation limitation returned for redistribution. On August 27, 2024, FHWA successfully redistributed approximately \$8.7 billion in obligation limitation to the states. The formal process for the next August Redistribution will commence in July 2025.

Additionally, the FY 2025 President's Budget request proposes legislative language to address this annual statutory issue. If enacted, the legislative proposal would have an immediate impact on the FY 2025 August Redistribution by lowering the amount estimated to

be redistributed by approximately \$3.2 billion. This legislative proposal would also have a beneficial impact to the FY 2026 obligation limitation distribution, providing states with more of their formula obligation limitation up front.

Further, the FY 2025 President's Budget proposes to repurpose \$800 million in unobligated balances from the Transportation Infrastructure Finance and Innovation Act (TIFIA) program to fund the National Infrastructure Project Assistance grant program (Mega) and the local and regional project assistance grant program (Rebuilding American Infrastructure with Sustainability and Equity, or RAISE). The repurposing proposal would have a positive impact on the August Redistribution process by redirecting the carryover of TIFIA funding to Mega and RAISE, which would reduce the amount available for August Redistribution and thus alleviate some of the burden on the states. The Department is happy to work with Congress on how we can address August Redistribution.

**Question:** Mr. Buttigieg, as you know, there is considerable concern within the transportation stakeholder community regarding USDOT's proposal to discontinue the long-standing waiver of Buy America requirements for manufactured products. Manufacturers, state departments of transportation and local governments are all struggling with how the elimination of the current waiver can be implemented without significant project delays, cancellations or cost increases.

Is USDOT willing to have a multi-year transition process for the implementation of Buy America requirements for manufactured products? And is USDOT also willing to consider an expanded use of targeted waivers of Buy America requirements for products that cannot be reasonably sourced domestically?

**Answer:** On March 12, 2024, FHWA published a Notice of Proposed Rulemaking (NPRM) to discontinue its longstanding general waiver of Buy America requirements for manufactured products and establish standards for applying the agency's statutory Buy America requirements to manufactured products. The public comment period closed on May 13, 2024. A final rule was submitted to OMB on October 7, 2024.

FHWA also acknowledged in the preamble to the NPRM that "there may be some products that are not currently produced in the United States and, for various reasons, might not be able to be produced in the United States in the near future. For such products, FHWA intends to consider whether it should propose any targeted waivers, with these waivers providing a timeline to encourage manufacturers to ramp up domestic production. To that end, FHWA is concurrently publishing a Request for Information (RFI), seeking specific and detailed information on what products are not and cannot be produced in the United States in the near future. Based on information received, FHWA intends to propose time-limited and targeted waivers covering such products, if it determines it would be appropriate to do so."

Through the NPRM, FHWA also sought comment on whether a "transition period is needed for its proposed standards for manufactured products to allow contracting agencies, contractors, and manufacturers time to create appropriate systems and processes, as well as train staff on compliance with the proposed standards. The FHWA specifically seeks comment



on the minimum time required for these purposes and, accordingly, the effective date for the proposed Buy America requirements for manufactured products.”

FHWA will consider the information received through the RFI and comments received as it determines its next steps regarding any potential targeted, time-limited waivers for specific products.

**Question:** Mr. Buttigieg, recently, the Highways and Transit Subcommittee heard testimony about labor supply challenges in the industry. Transit workforce development is critical to keeping the nations’ investment in transit viable. In my state, the Utah Transit Authority has created a program called Bilingual Bridges, an English as a Second Language (ESL) pilot partnership with the Utah State Board of Education, Granite School District, and the Utah Department of Workforce Services. This program, which has now graduated two classes with ESL certificates, is a paid, integrated ESL and job skills training course lasting between 8 and 12 weeks, which prepares participants to work at UTA while learning English. Can you please share how your Department will help agencies fund and supervise training programs such as this?

**Answer:** FTA provides flexibility to transit agencies to use various FTA funding sources for their unique workforce training needs, including those related to ESL training. There are four main sources of funds FTA recipients may use for workforce development activities. Recipients can use FTA’s Technical Assistance and Workforce Development Program (49 U.S.C. § 5314), FTA’s Urbanized Area Program (49 U.S.C. § 5307), FTA’s State of Good Repair Program (49 U.S.C. § 5337), and FTA’s Bus and Bus Facilities Program (49 U.S.C. § 5339). There are specific provisions related to each of these programs and FTA would be happy to share more details if needed on these various funding opportunities.

## **Questions for the Record from Rep. Rudy Yakym:**

**Question:** As you well know, there is a longstanding, acute shortage of air traffic controllers. The FAA's request to increase the annual controller hiring target to 2,000 for FY25, with plans for additional increases in future years, is a step in the right direction, as are its efforts to establish the Enhanced-CTI program.

However, much work remains. I am troubled by reports that the FAA, in a recent briefing to aviation stakeholders, indicated it plans to reduce controller hiring targets in FY27 and FY28 after planned increases in FY25 and FY26. This contravenes the recent FAA Reauthorization Act of 2024, which requires the FAA to set annual hiring controller targets at the maximum number able to be trained at the FAA Academy through FY28.

Will DOT and FAA commit to complying with the ATC maximum hiring provisions through FY28 as the law now requires?

**Answer:** Ensuring that the FAA returns to healthy staffing levels remains among my top priorities. The FAA exceeded its goal of hiring 1,800 air traffic controllers in 2024, with a final total of 1,811 for Fiscal Year 2024. As the largest number of hires in nearly a decade, this marks important progress in the FAA's work to reverse the decades-long air traffic controller staffing level decline. The 2024 Controller Workforce Plan released in April included facility-specific staffing targets from both the Staffing Standards process and the Collaborative Resource Workgroup process. We are committed to completing a study comparing these two staffing models and methodologies, and implementing the model selected by the FAA Administrator as outlined in section 437 of the FAA Reauthorization Act of 2024.

We regularly monitor and assess our current staffing and attrition levels and publish our staffing needs and outlook annually in the Controller Workforce Plan. We are planning hiring efforts to exceed controller attrition due to retirements, promotions, or other losses. Our hiring needs for FY27 and FY28 will depend on the impact of the work we are doing today to outpace attrition.

**Question:** Do you anticipate any major challenges to expanding the FAA Training Academy's training capacity, and what is a realistic timeline for these actions?

**Answer:** With higher FY25 CWP training requirements, the FAA has been executing a plan to increase overall air traffic training capacity at the Academy by 30% for FY25. This increase supports both Initial Qualification Training (IQT) for new hire students (Track 1), and Non-Job-Jeopardy (NJJ) field students that circle back to the FAA Academy for initial qualification training. This capacity expansion is on track to meet FY25's hiring goals, which represent an increase over FY24's hiring goal.

As instructors are key to the success of this effort, the FAA expects to continue to utilize both FAA employees and contract instructors. Accordingly, the FAA is currently working with a contractor to ensure that instructor availability is commensurate with the FY25 increase in training demand and releasing Certified Professional Controllers from the field for the FAA Academy instructor requirements.

**Question:** The FAA Reauthorization Act of 2024 required that the FAA put forward its draft Beyond Visual Line of Sight (BVLOS) rule for by mid-September. Given the delays that have occurred and the impact a BVLOS rule would have by unlocking innovation and driving economic activity, can you commit today that DOT and FAA will prioritize meeting this legally-mandated deadline and put forward a draft BVLOS rule by September 15, 2024?

**Answer:** The FAA is working to publish the notice of proposed rulemaking, “Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations,” which is expected to expedite the introduction of BVLOS operations. In the meantime, the FAA has streamlined approval processes for BVLOS operations approved through waivers or exemptions and is working to exercise the flexibility provided in the FAA Reauthorization Act of 2024 to enable more scalable BVLOS operations in advance of rulemaking.

**Question:** Drone technology is increasingly used for inspecting critical transportation infrastructure, such as bridges, tunnels, and highways, due to its ability to enhance worker safety and improve productivity. Given the recent authorization of the Drone Infrastructure Inspection Grant program in the FAA Reauthorization Act of 2024, how do you plan to prioritize the use of drone operations in areas such as infrastructure inspections? Additionally, could you provide insight into the funding strategies and measures you will carry out to ensure that these advancements in technology translate into tangible safety benefits for workers involved in these critical inspection and maintenance activities?

**Answer:** Infrastructure inspection using safe and reliable, domestically produced drones presents a way to better ensure the safety and stability of the national infrastructure and to enable economic benefits of drones. These inspections can and do happen across the country today under 14 CFR Part 107 line of sight operations. The Department uses drones to inspect critical highway infrastructure. The Department appreciates Congress’ support in developing this capability through provisions in the FAA Reauthorization Act of 2024 (Pub. L. 118-63, May 16, 2024) that would enable the FAA to inspect its own infrastructure and manage a grant program for state governments to establish their own drone inspection programs. While this new program introduces important requirements, it has not yet received appropriations sufficient to fully implement them. We look forward to collaborating with Congress to ensure that adequate funding is secured for all new programs mandated by the Reauthorization. The Department is fully committed to meeting the legislative requirements for this and all provisions of the FAA Reauthorization. We are currently developing a management strategy that will allow us to implement the infrastructure inspection program to the best of our ability, despite competing priorities and financial constraints.

## **Questions for the Record from Rep. Derrick Van Orden:**

**Question:** Assaults on transit workers are at an all-time high. While some of the discourse about crime on public transit is exaggerated, the threat to workers is very real. The perception of public safety on public transit is one of the main reasons passengers have been slow to return to public transit. Until this issue is solved, transit agencies will continue to struggle with farebox revenue. The FTA has acknowledged the importance of this issue through its General Directive on Preventing Assaults.

Secretary Buttigieg, what is the timeline for action on the general directive and further rulemakings to protect workers and riders from assault?

**Answer:** DOT and FTA are committed to ensuring the safety of transit workers nationwide who are responsible for moving millions of Americans to their jobs, schools, and other daily activities. Everyone deserves a safe workplace, including and especially the frontline transit workers. FTA issued General Directive 24-1 on September 25, 2024. The General Directive, the first one to be issued by FTA, will require more than 700 transit agencies nationwide to take action to protect frontline transit workers from the risk of assaults. It requires each transit agency to do the following:

- Conduct a risk assessment of assaults on the agency's transit workforce, using the Safety Management System processes outlined in its Agency Safety Plan.
- If a transit agency has determined it has an unacceptable level of risk of assaults on transit workers, it must identify strategies to mitigate that risk and improve transit worker safety.
- Every transit agency serving a large, urbanized area (with a population of 200,000 or more) must comply with Public Transportation Agency Safety Plans (PTASP) requirements to involve the joint labor-management Safety Committee when identifying safety risk mitigations and strategies.
- Finally, each transit agency must provide information to FTA within 90 days on the risk level identified in its system, how it is mitigating those risks, and how it is monitoring the safety risk associated with assaults on transit workers.

Transit agencies are required to respond to the General Directive by December 26, 2024. The General Directive builds upon previous steps by the Biden-Harris Administration to strengthen transit worker safety.

FTA intends to use information submitted to it pursuant to the General Directive and other FTA initiatives to inform future FTA actions, including rulemakings such as the planned Transit Worker and Public Safety rule. In 2025, FTA anticipates publishing a Notice of Proposed Rulemaking (NPRM), which will propose establishing minimum baseline standards and risk-based requirements to address transit worker and public safety, including but not limited to Fixing America's Surface Transportation Act (FAST Act) (Pub. L. 114-94, Dec. 4, 2015) section 3022 requirements.

**Question:** What effects does the perception of violence onboard public transportation have across transit systems (ridership, worker retention and recruitment, security costs, etc.)?

**Answer:** While crime rates are down across the country, FTA believes that transit riders deserve to feel safe as they travel around their communities, and transit workers deserve a safe workplace. That is part of why FTA requires at least 1 percent of all urban transit formula funding be spent on security for transit systems. In addition, the Bipartisan Infrastructure Law requires at least .75 percent of all urban transit formula funding to be set aside for safety, which includes efforts to prevent assaults on transit workers.

FTA is currently funding research through the Transit Cooperative Research Program (TCRP) on [Improving Transit Customer Perception of Personal Security](#). The project will document the current practices transit systems use to improve customer perception of personal security, including the strategies that are being used to increase customer perception of security on transit; whether the strategies are successful; how these strategies are communicated to the public; and the associated change in customers' perceptions. FTA recently published a new [Transit Customer Assault Prevention](#) webpage for transit agencies to provide more resources to help prevent and address crime in their systems, which includes research on the factors contributing to customer assault events, trends in assault data, and mitigations.

FTA is also working with agencies nationwide to promote best practices that have been shown to reduce crime in and around transit facilities, including increased security personnel, non-uniformed ambassadors and other active measures to protect the riding public and individuals in need of supportive social services. FTA also continues to work to protect transit workers through landmark rulemaking recently finalized to implement the Bipartisan Infrastructure Law (BIL). That regulation, the [Public Transportation Agency Safety Plans](#) final rule, gives transit workers more of a voice in the safety and security of themselves, their passengers and the systems they operate.

To help ensure the continued safety of our nation's public transit systems, FTA launched the [Enhanced Transit Safety and Crime Prevention Initiative](#) to provide information and resources to help transit agencies address and prevent crime on their systems and protect transit workers and riders. FTA resources can be used by transit agencies to prevent and address crime in their systems and protect transit workers and riders. Certain agencies can also use these resources for overtime pay for enhanced security personnel presence and mental health and crisis intervention specialists.

**Question:** Prior to beginning a journey, each freight rail car connected to a train is required to undergo an inspection. Car inspectors are often required to perform this 100+ point inspection in less than 60 seconds for each car for trains that extend for as long as 3 miles. Railroads have recently begun testing AI alternatives to quickly test rail cars in motion as a substitute for the traditional inspection process.

Secretary Buttigieg, how are you reviewing new rail technology like this in light of the

Department's Innovation Principles?

**Answer:** DOT and FRA are committed to implementing the Department's Innovation Principles, and technology plays a key role, as do workers. Following the Norfolk Southern derailment in East Palestine, OH, on February 3, 2023, I called on Norfolk Southern and the entire freight railroad industry to act immediately to deploy new inspection technologies without seeking permission to abandon human inspections. Requests have been framed by industry to set up a false choice between technology and human oversight. We need both to keep our nation's railroads safe.

FRA has a long history of working with railroads and the supply industry to develop, test, verify, and validate technology solutions, as well as addressing comments from labor organizations, other stakeholders, and the public when evaluating technology for approval to operate. Importantly, in some situations and depending on the new technology, FRA may not have a role in its implementation. An often-overlooked aspect of introducing new technology is ensuring that railroad employees are properly trained to safely use new technology. In addition, FRA encourages the railroads to engage with rail labor organizations at different stages in the development of technology to leverage the knowledge and experience of the workers and obtain their support for implementation.

In some situations, FRA's Office of Railroad Safety provides assistance in the development of new technology and in navigating the regulatory requirements for implementation in the form of attending design reviews, providing subject matter expertise, observing testing, and if necessary, approving or disapproving a railroad's request for use of new technology in revenue operations. FRA's support in the industry's successful implementation of Positive Train Control (PTC), a development and implementation process covering more than a dozen years, is an example of this coordination and cooperation. The agency plans to leverage these existing processes to assist in the introduction of new technology, including those based on AI, to enable their safe introduction into the system.

**Question:** CRISI grants help short line railroads repair and rehabilitate worn-out track and rail infrastructure—the leading cause of derailments on short line railroads. Short line freight railroads operate nearly 50,000 miles of the national freight rail network and have been successfully competing for these resources since the program was created in 2015's FAST Act (but first funded in 2017), making their rail network safer—and their supply chain more efficient.

Secretary Buttigieg, can you discuss the importance of ensuring CRISI funds are made available to be used to help short line freight railroads invest in safety upgrades?

**Answer:** FRA's Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant program is unique in that it can provide direct assistance to help both small and large communities invest in rail safety and capital projects for stronger supply chains, can directly support short line railroads, and make major investments in intercity passenger rail. The Bipartisan Infrastructure Law significantly increased the amount of funding available in CRISI, including \$1 billion in advance appropriations each year, and expanded project

eligibilities within the program. In response to the Fiscal Year (FY) 2023/2024 notice of funding opportunity, FRA reviewed 271 eligible applications from 48 states and the District of Columbia, requesting \$ 7,397,542,372. In October 2024, FRA awarded \$2.5 billion in FY23/24 CRISI funding to 122 rail improvement projects in 41 states and the District of Columbia. Over 40 percent of this funding flowed to rural communities, and over \$1.3 billion was awarded to projects that improve freight and short line railroad infrastructure, representing over 50 percent of all awards. DOT values our short line partners and their continued participation in the CRISI Program.

**Question:** As we've seen travelers return to our nation's airports at record levels this summer, the signs of strain on the National Airspace System seem more apparent in the form of traveler delays and disruptions, safety incidents, and the imposition of "voluntary" limits on slots to key airports. I know that travelers from my state of Wisconsin have been directly impacted by these issues. Air traffic controller workforce issues have contributed to this strain, as FAA Administrator Whitaker noted in his remarks when he met with NATCA in February.

Secretary Buttigieg, can you provide an update on the status of controller hiring and training initiatives?

**Answer:** We continue to work on several initiatives to increase our hiring pipeline and bolster training throughput. The FAA has a robust hiring process in place to ensure that the best candidates are selected and placed at facilities with the greatest need. We've taken the following actions to recruit, train, and hire the best candidates for ATC positions:

- Revised our Academy placement process for Academy graduates offering more locations to reduce the need for controller transfers.
- Revised the Previous Experience Public Notice Announcement to provide greater flexibility to applicants departing the military.
- Revised the Tier 2 Medical/Minnesota Multi-Phase Personality Inventory (MMPI) Retest Process, resulting in both cost savings and an increase in applicants.
- Invested in En Route and Tower simulation technology, adding an additional En Route lab at the FAA Academy, and modernization of our Tower Simulation System across the National Airspace System.
- Successfully launched the Enhanced Air Traffic Collegiate Training Initiative (E-CTI), which will not only increase our hiring input but also will bolster throughput. To date, 32 schools have applied and three have successfully completed the certification process.

In FY 2024, the FAA hired 1,811 new controllers, surpassing the year's goal of 1,800 and the 1,514 controllers hired in FY 2023. For FY 2025, the FAA has increased its hiring goal to 2,000 air traffic controllers.

**Question:** Can you also provide an estimate of when you expect these initiatives to eliminate the need for voluntary slot restrictions and address safety and delay concerns?

**Answer:** The Slot Administration program office continues to monitor these initiatives and manage slot usage waivers according to their progress. Effective on October 27, 2024, staffing-related relief will continue via the extended Limited Waiver of the Slot Usage Requirement, originally published on September 20, 2023, through the Winter 2024/2025 Slot season and until the end of the Summer 2025 Slot Season on October 25, 2025.

The FAA expects increased delays and cancellations in the New York region to exceed those experienced over Summer 2022 and Winter 2022/2023 if a waiver similar to the one that has been in effect for the Summer 2023, Winter 2023/2024, and Summer 2024 season is not in place for the Winter 2024/2025 and Summer 2025 scheduling season to allow carriers to reduce schedules without penalties for non-use of slots or previously approved operating times.

Reducing schedules will improve the alignment between scheduled operations and actual operations, will help prevent unnecessary delays, will help optimize the efficient use of the airports' resources, and will help deliver passengers to their destinations more reliably and on time.

**Question:** Secretary Buttigieg, as you've said publicly there is an ongoing and longstanding shortage of air traffic controllers. The FAA's request to increase the annual controller hiring target to 2,000 for FY25, with plans for additional increases in future years, is a step in the right direction. The FAA's efforts to establish the Enhanced-CTI program to bolster the ranks of new controller trainees is also a welcome development.

However, much work remains, and this will be a long-term effort to resolve the air traffic controller staffing shortage. I understand that the FAA, in a recent briefing to aviation stakeholders, indicated it plans to reduce the controller hiring targets in FY27 and FY28 after planned increases in FY25 and FY26. However, the recently enacted Federal Aviation Administration (FAA) Reauthorization Act of 2024 requires the FAA to set annual hiring controller targets at the maximum number able to be trained at the FAA Academy through FY28, and to study and implement an expansion of the Academy's capacity.

As you have noted, solving the ongoing shortage of air traffic controller is a priority for DOT and FAA. Will DOT and FAA commit to complying with the ATC maximum hiring provisions through FY28 as the law now requires?

**Answer:** Ensuring that the FAA returns to healthy staffing levels remains among my top priorities. The 2024 Controller Workforce Plan released in April included facility-specific staffing targets from both the Staffing Standards process and the Collaborative Resource Workgroup process. We are committed to completing a study comparing these two staffing models and methodologies, and implementing the model selected by the FAA Administrator as outlined in section 437 of the FAA Reauthorization Act of 2024.

In FY 2024, the FAA hired 1,811 new controllers, surpassing the year's goal of 1,800 and the



1,514 controllers hired in FY 2023. For FY 2025, the FAA has increased its hiring goal to 2,000 air traffic controllers.

We regularly monitor and assess our current staffing and attrition levels and publish our staffing needs and outlook annually in the Controller Workforce Plan. We are planning hiring efforts to exceed controller attrition due to retirements, promotions, or other losses. Our hiring needs for FY27 and FY28 will depend on the impact of the work we are doing today to outpace attrition.

**Question:** Regarding the FAA Training Academy and getting more controllers hired and trained, what key factors may you need to review? Do you anticipate any major challenges to expanding training capacity, and what is a realistic timeline for these actions?

**Answer:** With higher FY25 CWP training requirements, the FAA is executing a plan to increase overall air traffic training capacity at the Academy by 30% for FY25. This increase supports both Initial Qualification Training (IQT) for new hire students (Track 1), and Non-Job-Jeopardy (NJJ) field students that circle back to the FAA Academy for initial qualification training.

As instructors are key to the success of this effort, the FAA expects to continue to utilize both FAA employees and contract instructors. Accordingly, the FAA is currently working with a contractor to ensure that instructor availability is commensurate with the FY25 increase in training demand.

**Question:** Earlier this year an asphalt producer from my state - The Walbec Group - testified before the House T&I Committee regarding the Administration's Buy America rulemaking at FHWA and the long-delayed acknowledgment of Buy America exemptions for construction materials, like asphalt binder and aggregate. Unfortunately, it took 2+ years of IIA implementation before this bipartisan provision was finally affirmed at OMB.

Can you provide more detail as to how you anticipate this Administration utilizing evolving Buy America rulemakings in the future and how your agency will provide industry partners, like construction material producers, certainty and clarity on this critical procurement process?

**Answer:** With regard to the products that you cite, the Office of Management and Budget has consistently acknowledged the exclusion of certain types of materials from being considered construction materials under the Build America, Buy America Act (BABA), as enacted by Congress, in both its initial and final implementation guidance. DOT is following that guidance in applying the BABA requirements to its financial assistance programs for infrastructure. The Federal Highway Administration has also posted guidance Q&As on its website describing the application of the BABA requirements to the Federal-aid Highway Program, including standards for construction materials.

**Question:** The IIJA provided for significant investment in rural surface transportation infrastructure across the country through the Rural Surface Transportation Grant Program.

How is DOT supporting small and rural communities to ensure they have the resources necessary to take advantage of these funding opportunities?

**Answer:** The Department is committed to supporting the unique transportation needs of small and Tribal communities by investing in rural America through discretionary grant programs. Since 2022, we have awarded \$11.5 billion in new discretionary grants to rebuild and modernize rural roads, bridges, transit, ports, and airports – which is twice as much discretionary funding awarded to rural applicants than in the previous 4 years combined. For example, the Department has awarded \$900 million to 30 projects across 26 states under the Rural Surface Transportation Grant (Rural) program. We made significant strides to streamline the application process by combining the Notice of Funding Opportunity (NOFO) for the Rural program with the INFRA and Mega programs, which gives these rural projects the best opportunity to compete for all available funding, and simplifying the evaluation criteria for Rural program applicants seeking less than \$25 million.

In addition, the Department offers technical assistance and resources to support project planning, development, and funding and financing strategies so that new and prior applicants are successful in delivering transformative infrastructure projects. Since 2022, DOT has awarded nearly \$1.5 billion to first-time rural and Tribal discretionary grant applicants.

- The Thriving Communities Program, funded in FY2022 and FY2023 appropriation bills, funds Capacity Builders who provide no-cost technical assistance to help state, local, Tribal, and territorial governments better access federal funding for projects in their communities. Over 680 letters of interest have been submitted by communities requesting support through the program. A total of 176 communities are currently being supported, of which two-thirds are rural. As of August 2024, 62 percent of our FY22 Thriving Communities that had never received a DOT grant became first time awardees. Between RAISE and SS4A alone, Thriving Communities have received over \$71 million dollars to support critical transportation infrastructure and safety projects in communities across the country, including Douglas (AZ), Wrangell (AK), York (AL), Rexburg (ID), and the First Tennessee RPO. Thriving Communities has also coordinated with federal partners for site visits to rural and tribal communities, including Standing Rock Indian Reservation (ND and SD), Shoalwater Bay Indian Tribe (WA), and Upper Kanawha Valley (WV).
- The Rural and Tribal Assistance Pilot Program funds communities seeking early-stage support in developing projects in rural and Tribal communities. DOT received over 400 applications requesting more than \$127 million in response to the first NOFO. The 2024 NOFO will be out this summer and will provide \$27 million (\$2 million from BIL and \$25 million from FY 2024 appropriations).
- Within the Office of the Under Secretary for Transportation Policy, the Rural Opportunities to Use Transportation for Economic Success (ROUTES) Initiative prioritizes the needs of rural America by supporting rural transportation policy and

equitable access for rural and Tribal communities that face challenges relating to transportation safety, mobility, and economic development. ROUTES develops user-friendly tools and information, aggregates DOT resources, and provides technical assistance to better connect rural project sponsors with the funding, financing, and outreach resources available. For instance, the Rural Grant Applicant Toolkit for Competitive Federal Transportation Funding helps rural applicants understand the federal grant process and the opportunities that are available to support rural transportation projects. The ROUTES Initiative also partners with USDA's Rural Partners Network and DOE's Interagency Working Group on Coal & Power Plant Communities & Economic Revitalization to support rural communities in need of targeted technical assistance.

**Question:** The 2024 FAA Reauthorization Act contains provisions related to high-speed and high-altitude flight. These are designed to ensure that the FAA is ready to regulate and integrate supersonic and hypersonic aircraft into our airspace when the time comes. The bill also aims to maintain U.S. leadership in aviation. President Biden's National Aeronautics and Space Technology Priorities highlights hypersonic transportation as a priority. The State Department, together with key allies including Canada, the UK, the EU countries, and Japan, issued a joint statement in December 2023 calling on ICAO to prioritize and expedite higher airspace operations in its work program.

How does the Department plan to accomplish this critical work, meet the deadlines, and ensure that the United States leads the world in high-speed and high-altitude aviation?

**Answer:** The FAA recognizes the numerous challenges associated with high-speed and high-altitude flight airspace provisions, including noise considerations, emissions, unique aircraft design challenges associated with high-speed flight, and other certification and operational considerations. The FAA works across multiple agencies such as the National Aeronautics and Space Administration, directly engages with international aviation authorities, and participates in standards development organization meetings to support aircraft certification to ensure this critical work is well-coordinated and comprehensive. We will continue to work in partnership with aircraft manufacturers currently designing and testing prototype supersonic aircraft and engine technologies to identify drivers of new airworthiness requirements unique to such aircraft.

### **Questions for the Record from Rep. Marcus Molinaro:**

**Question:** Mr. Secretary, I understand that SAI's structure allows for such capabilities. Can you work with the FAA to ensure that safety alerts are a required capability for SAI as that new surface surveillance system is installed at airports throughout the country?

**Answer:** The establishment of the SAI program was in response to last spring's (2023) Safety Call to Action to reduce runway incursions. In a matter of months, the FAA released a solicitation to industry and awarded contracts to three separate solution providers, and 90 days after those contracts were awarded, the service was operational at four airports. The FAA is now focusing its efforts to deploy SAI capabilities as quickly as possible. The FAA has not assessed what additional surface safety capabilities might be required following the deployment of SAI. Surface safety alerting can be beneficial but can have detrimental safety impacts if not appropriately designed and implemented. Following the deployment of the SAI capability, surface safety alerting may be considered as a future capability.

**Question:** Mr. Secretary, would SAI be improved if FAA required that the new surveillance system also utilize automated safety alerts to continuously scan the situation at that airport, identify issues, and generate audible and visual alerts to the controllers when a dangerous scenario is about to occur?

**Answer:** Automatic surface safety alerting can be beneficial but can have detrimental safety impacts if not appropriately designed and implemented. Following the deployment of the SAI capability, surface safety alerting may be considered as a future capability. If the FAA decides to require safety alerting in the SAI systems, the FAA first must develop requirements to determine the safety alert capabilities which must be analyzed for safety risk, developed, tested, and implemented.

**Question:** If the FAA used safety alert for all of its surface surveillance technology, wouldn't this simplify controller training and standardize operations while ensuring the same level of safety at all airports around the country?

**Answer:** The current surface safety alerting capabilities are specific to the Airport Surface Detection System, Model X (ASDE-X) and ADS-B Airport Surface Surveillance Capability (ASSC) surface surveillance systems in use at 44 airports today. These systems have design features that are not commensurate with SAI. To the extent standardization could be implemented to simplify operations and training, that will be pursued (similar to the way the SAI user interface was standardized with the interface of the existing surface surveillance systems). Before safety alerts could be added, the FAA must develop requirements to determine the safety alert capabilities which must be analyzed for safety risk, developed, tested, and implemented.

**Question:** Can't the safety alerting capabilities from ASDE-X and ASSC, that the FAA invested in and refined for the last two decades, be leveraged and used for SAI?

**Answer:** If the FAA determines that safety alerting is appropriate to be added into SAI, the alerting behavior of the safety alerting capabilities from ASDE-X and ASSC could be leveraged and used for SAI to the extent that they are applicable to specifics of the SAI system design. The specific safety alert capability of ASDE-X and ASSC is unique to those specific system designs. For example, SAI does not provide a surface surveillance radar detection capability, which would need to be considered in leveraging the reuse of existing safety alerting capabilities.

**Question:** Mr. Secretary, would you agree that safety alerts in the control tower of potentially dangerous situations are an essential layer of ensuring airport surface safety?

**Answer:** SAI being deployed today will improve safety, providing surface situational awareness where such capabilities do not exist. Getting SAI deployed to additional control towers is the current priority to provide a foundational safety improvement to more locations in the National Airspace System. The FAA has not assessed what additional surface safety capabilities might be required following the deployment of SAI. Surface safety alerting can be beneficial but can have detrimental safety impacts if not appropriately designed and implemented. Following the deployment of the SAI capability, surface safety alerting may be considered as a future capability.

**Question:** Advanced Air Mobility promises to bring safe and efficient operations and economic growth in American communities through the certification and use of powered-lift aircraft. The future of these operations hinges on FAA's development of the 'powered-lift SFAR.' It is critical that this rulemaking process thoroughly 1) incorporates the collective responses received from the NPRM last August, 2) addresses the provisions of Sec. 955 of FAA Reauthorization, and 3) aligns with the ICAO standards the FAA already supports. Mr. Secretary, can you assure me that these 3 factors will be fully and comprehensively considered in the final powered-lift SFAR?

**Answer:** In October 2024, the FAA published an advance copy of the final Special Federal Aviation Regulation, "Integration of Powered-Lift: Pilot Certification and Operations; Miscellaneous Amendments Related to Rotorcraft and Airplanes." This final rule, promulgated in accordance with the requirements of the Administrative Procedure Act, addresses the requirements of section 955 of the FAA Reauthorization Act of 2024. Further, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARP) to the maximum extent possible. In the final rule, the FAA explained that its approach conforms with ICAO SARPs to the maximum extent practicable and provides an equivalent level of safety that meets or exceeds the ICAO standards. This includes leveraging the ICAO-accepted definition of powered-lift and working with ICAO in the Advanced Air Mobility Study Group to ensure the regulatory gaps are identified and

addressed in future ICAO Annexes.

## **Questions for the Record from Rep. Mike Collins:**

**Question:** Passed as Section 514 of the Frank LoBiondo Coast Guard Authorization Act of 2018 and signed into law in December 2018, the National Timing Resilience and Security Act (Timing Act) requires the Secretary of Transportation to deploy a ground-based GPS backup timing system that would utilize existing but dormant Coast Guard communications towers through a public-private partnership (P3) within two years of enactment. The legislation was consistent with a January 2021 study conducted by the Department that recommended the implementation of three key technologies to address GPS vulnerabilities: low Earth orbit (LEO) satellites, regional beacons, and a nationwide enhanced long-range navigation (eLORAN) service.

Despite three years of appropriations from Congress to support this initiative, recent test beds have not included a ground-based system. This is concerning, given the critical importance of this backup system for national security and infrastructure resilience.

Could you please provide an update on the Department's plans to fully implement this legislation? Specifically, what steps are being taken to expedite the deployment of the ground-based GPS backup timing system, and what is the projected timeline for its completion?

**Answer:** Under 49 U.S.C. 312 (Timing Act), the Secretary of Transportation is required to “provide for the establishment, sustainment, and operation of a resilient, and reliable alternative timing system” subject to the availability of appropriations. The Department of Transportation has not received appropriations specifically directed to or sufficient for such activity. However, the Department has ensured that the priority goal of availability of a resilient alternate timing system for use by critical infrastructure owners and operators in the face of increasing jamming and spoofing operations against civil positioning, navigation, and timing (PNT) sources, most notably GPS, has been maintained in all complementary PNT activities. The team has focused on implementing [EO 13905](#), *Strengthening National Resilience Through Responsible Use of Positioning, Navigation, and Timing Services*, and [Space Policy Directive 7](#), *The United States Space-Based Positioning, Navigation, and Timing Policy* (SPD-7). The former focuses on engaging the public and private sectors to identify and promote the responsible use of PNT services, rather than on system development; the latter on sustainment of GPS and GPS augmentations.

In pursuit of the EO/SPD goals and the Timing Act-recognized need for alternative timing sources, the DOT Volpe National Transportation Systems Center in 2020 conducted field demonstrations of candidate PNT technologies that could offer complementary service in the event of GPS disruptions, including terrestrial PNT technologies. The purpose of the demonstrations was to gather information on PNT technologies at a high technology readiness level (TRL) that can work in the absence of GPS. Resilient timing scenarios were among the technology demonstrations measured and analyzed. The culmination of the demonstration program was the 2021 Report to Congress, [Complementary PNT and GPS Backup Technologies Demonstration Report](#). The report cited the Timing Act, along with the FY17 and 18 National Defense Authorization Acts, as guiding requirements for the demonstrations.

As a result of this technology demonstration, DOT determined that: 1) no single solution or the provision of a back-up or Complementary PNT service can meet the diversity of critical infrastructure application requirements, and 2) it would be inefficient, anti-competitive, and potentially harmful to the existing market for back-up/complementary PNT services for the federal government to procure or otherwise fund a specific solution for non-federal users. This determination has guided the Department's implementation of further complementary PNT activities, and not including systems development.

The Department has continued to undertake efforts to further identify potential technical solutions and/or services that would "to the maximum extent practicable" satisfy the requirements set forth in 49 U.S.C. 312(b)(2) for an alternative timing system. In 2023, DOT published a [Complementary PNT Action Plan](#) to drive CPNT adoption across the Nation's transportation system and within other critical infrastructure sectors. The plan describes actions that the DOT is pursuing over the next several years, including engaging PNT stakeholders; monitoring and supporting the development of CPNT specifications and standards; establishing and instrumenting field test ranges for CPNT testing and evaluation; and creating a Federal PNT Services Clearinghouse. Taken together with efforts of other Federal partners, these initiatives will continue to strengthen the resilience of the Nation's PNT-dependent systems, resulting in safer, more secure critical infrastructure.

In February 2024, DOT issued a solicitation seeking proposals from vendors with operationally ready CPNT services interested in fielding those services for test and evaluation in the Rapid Phase of the Field Trial and Test Range Development Program. DOT received 29 proposals, more proposals than could be funded under Simplified Acquisition Procedure guidelines. On June 18, 2024, DOT awarded contracts to nine Complementary PNT technology vendors (<https://www.transportation.gov/pnt>) in response to the Rapid Phase of the DOT Complementary PNT (CPNT) Action Plan (<https://www.transportation.gov/pnt/complementary-pnt-action-plan>).

Awarded through the DOT Volpe Center and totaling over \$7.2 million, these awards provide funding for instrumentation, testing, and evaluation of CPNT technologies at field test ranges in conjunction with critical infrastructure owners and operators. The technologies selected comprise a diversity of Complementary PNT technologies, including terrestrial timing capabilities. The four categories of CPNT contracts awarded are: Time Over Fiber, Terrestrial Radiofrequency (RF), Low Earth Orbit (LEO), and Map Matching/Map Tracking. The CPNT technologies will be fielded within six months after award at a diverse set of test range models (Federal Government-Hosted, Critical Infrastructure, and Vendor-Fielded).

DOT recognizes the quality of the proposals received and intends to move expeditiously to issue a Complementary PNT Rapid Phase II solicitation to expand the set of Complementary PNT technologies to be evaluated.

**Question:** The FAA Reauthorization Act of 2024 sets out the long-term framework for developing hypersonic aviation in the United States. China and other countries have developed



an early lead in hypersonic technology. So, successful development of a U.S. hypersonic industry has broad implications for our country beyond transportation. The Department of Transportation has a leading role here. How will the Department apply lessons learned from other new technologies like drones to avoid the delays and challenges they faced to ensure that the United States can lead in this field?

**Answer:** The FAA is focused on continuous improvement and will utilize the lessons learned from the certification of drones and their integration into the National Airspace System, as well as from the certification and operations of other aircraft, to ensure we remain the worldwide leader in aviation, including hypersonic technology. To do this, the FAA will leverage and strengthen our international partnerships, directly engage with other international aviation authorities, and participate in standards development organizations as we continue to use performance-based standards to support aircraft certification. We also plan to partner directly with the Department of Defense, the National Aeronautics and Space Administration, and U.S. manufacturers to proactively identify and inform the development of new airworthiness requirements for hypersonic flight-enabling technologies intended for civil aviation operations.

**Question:** Advanced Air Mobility promises to bring safe and efficient operations and economic growth in American communities through the certification and use of powered-lift aircraft. The future of these operations hinges on FAA's development of the 'powered-lift SFAR.' It is critical that this rulemaking process thoroughly 1) incorporates the collective responses received from the NPRM last August 2) addresses the provisions of Sec. 955 of FAA Reauthorization, and 3) aligns with the ICAO standards the FAA already supports. Mr. Secretary, can you assure me that these 3 factors will be fully and comprehensively considered in the final powered-lift SFAR?

**Answer:** In October 2024, the FAA published an advance copy of the final rule, "Integration of Powered-Lift: Pilot Certification and Operations; Miscellaneous Amendments Related to Rotorcraft and Airplanes." This final rule, promulgated in accordance with the requirements of the Administrative Procedure Act, addresses the requirements of section 955 of the FAA Reauthorization Act of 2024. Further, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARPs) to the maximum extent possible. In the final rule, the FAA explained that its approach conforms with the ICAO SARPs to the maximum extent practicable and provides an equivalent level of safety that meets or exceeds the ICAO standards. This includes leveraging the ICAO-accepted definition of powered-lift and working with ICAO in the Advanced Air Mobility Study Group to ensure the regulatory gaps are identified and addressed in future ICAO Annexes.

## **Questions for the Record from Rep. Mike Ezell:**

**Question:** Recently I introduced H.R. 8505 along with Congresswoman Eleanor Holmes Norton to address the rampant fraud in the supply chain that is costing stakeholders and consumers likely over a billion dollars annually. While the Department of Transportation has jurisdiction over this issue, there are antiquated internal systems and procedures at the Department of Transportation that inhibit progress. What strategy does the Department have in place to address rampant fraud in the supply chain?

**Answer:** Though criminal actions are outside FMCSA's regulatory authority, it is collaborating with other Federal agencies that may have sufficient authority and investigatory resources to pursue freight theft and fraud cases where possible. For example, because FMCSA lacks criminal authority, it is required to refer suspected crimes such as fraud to the Department's Office of Inspector General for further investigation and potential criminal prosecution. FMCSA has been actively working with the Office of Inspector General, as well as other federal agencies, to identify ways to leverage resources to better address fraudulent activity.

FMCSA formed an internal workgroup specifically targeted to work on issues involving broker oversight (including steps to address unlawful brokering) and compliance which FMCSA believes will assist in preventing fraud in motor carrier transportation.

To address potential vulnerabilities in its Information Technology systems, FMCSA continues its work on modernizing its registration systems to improve the security of those systems. This is expected to significantly increase the ability of FMCSA to thoroughly verify the identity of registrants and the legitimacy of the businesses of motor carriers and brokers being registered. This will greatly aid FMCSA and the Department in closing pathways that criminal entities currently use to obtain operating authority and/or unlawfully use the identity of legitimate carriers and brokers for freight fraud and theft purposes.

**Question:** What steps have you taken to improve infrastructure at land ports of entry to accommodate 21st-century trade across our nation's northern and southern borders?

**Answer:** DOT continues to cooperate with the Department of Homeland Security, the General Services Administration, the Department of State, and others to plan coordinated infrastructure investments and operations. This includes investments at 26 land ports of entry (LPOEs) which received funding via the Bipartisan Infrastructure Law (BIL) and support of the interagency Presidential Permitting process.

The FHWA continues to co-chair the Joint Working Committee on Transportation Planning with the Government of Mexico, which drives the creation of "Border Master Plans" that U.S. southern border states developed in partnership with their Mexican state counterparts. These plans help U.S. states anticipate their use of Title 23, United States Code funding for future

road infrastructure leading to LPOEs. Similarly, FHWA continues to co-chair the Transportation Border Working Group with the Government of Canada and leads the development of a Border Infrastructure Improvement Plan (BIIP). The BIIP helps U.S. states and Canadian provinces better understand current volume of operations across borders and plan for future requirements.

The Department also continues to use its discretionary grant programs to advance its LPOE improvement goals. For example, on the FY24 INFRA Grant awards, DOT awarded \$25 million to support repairs to the Alaska Highway, a corridor in the Canadian Yukon Territory leading to Alaska's primary LPOE with Canada. In FY22, DOT awarded the largest INFRA grant that year – worth \$150 million – to the San Diego Association of Governments to fund construction of the new Otay Mesa East LPOE. This LPOE will reduce wait times and allow more commercial vehicles to transit the U.S.-Mexico border with positive economic impacts for the region.

DOT is also providing technical assistance support to 4 LPOEs through our Thriving Communities Program. This includes helping these communities access federal funds for critical transportation projects in Douglas and San Luis, AZ; Brownsville, TX; and Sumas, WA, and to strengthen coordination with other federal agencies to support related investments needed in housing, economic development, and other types of infrastructure.

**Question:** Following your answers in committee, can you further elaborate on the following:

How the DOT evaluates and prioritizes the critical need for strategic seaports to support our military when ranking PIDP applications;

**Answer:** The Notice of Funding Opportunity (NOFO) announcing the availability of discretionary grant funding for the FY 2024 Port Infrastructure Development Program adds a definition of “strategic seaport” and clarifies, as provided in Section 3514 of the National Defense Authorization Act for Fiscal Year 2024, that the Department may give priority to projects at strategic seaports in support of national security requirements. As provided for in the NOFO, we will consider the status of an applicant as a strategic seaport and the extent to which the project proposed by the applicant supports national security requirements in making PIDP grants.

**Question:** What you have done to coordinate with the state of Mississippi's agencies to prepare for the upcoming hurricane season;

**Answer:** To prepare for this hurricane season, DOT's Regional Emergency Transportation Representative (RETREP) for Region IV, which includes Mississippi, has taken several key steps. We conducted comprehensive Transportation training for our Regional Emergency Transportation Cadre (RET-C) in June and July to ensure their readiness for deployment. These highly trained experts are ready to be activated during incidents. We are also coordinating with Mississippi state staff to update our contact list and discuss further

collaboration. Additionally, we will continue utilizing established coordination calls to maintain real-time communication with Mississippi, and other states.

**Question:** If DOT plans to mandate a forced phase in over time of electric vehicles or continue to allow transit systems to determine what type of alternative fuel technologies work best for them;

**Answer:** Local transit agencies identify and determine the type of propulsion system that best meets an agency's and community's needs.

**Question:** Why you requested half of what you requested in FY 2024 for FY 2025 CRISI grants; and

**Answer:** The Fiscal Responsibility Act of 2023 set government-wide discretionary budget caps for Fiscal Years 2024 and 2025. The target for FY 2024 was approximately equal to FY 2023, and the FY 2025 target was 1 percent higher than FY 2024. In order to maintain investments in the Department's critical safety mission and ensure implementation of the Bipartisan Infrastructure Law (BIL) was not hindered, the FY 2025 President's Budget makes reductions to discretionary grant programs that also receive funding under the BIL, including CRISI. The Department found that our appropriations committees made similar trade-offs in meeting the caps required for FY 2024 and the initial markups for the FY 2025 appropriations process.

The FY 2025 President's Budget requests \$250 million for CRISI compared to the FY 2024 President's Budget request for \$510 million. The proposed reduction in FY 2025 should not be misconstrued as a lack of support for CRISI—or other highly successful and oversubscribed programs that also saw reduced requests—but rather a necessary trade-off under challenging budget conditions. The \$250 million request for FY 2025 is also in addition to the \$1 billion advance appropriation provided to CRISI under BIL, bringing the total proposed FY 2025 CRISI resources to \$1.25 billion.

**Question:** What steps you are putting in place to assist state DOTs to allow ample time to obligate funds during the August redistribution.

**Answer:** FHWA engaged in early and consistent outreach to states on August Redistribution to help them plan for another large redistribution in FY 2024. In May 2024, FHWA notified states of their share of an updated estimate of \$8.7 billion for the FY 2024 August Redistribution for planning purposes.

FHWA has taken steps to speed up project delivery and is working to reduce the time it takes to process grant agreements from award announcement to obligation, including obligation of discretionary grant funds that are subject to obligation limitation. This will lower the amount of obligation limitation redistributed each fiscal year. FHWA Division Offices collaborated

with State DOTs to identify potential projects, obligate discretionary grant funding, and utilize planning and programming flexibilities. Additionally, FHWA worked closely with FTA to determine transit capital activities that were ready for obligation as an option of transferring funds to FTA for eligible transit projects and coordinated with FTA to transfer funding late into September to provide maximum flexibility. For FY 2024, states requested approximately \$9 billion of additional formula obligation limitation under August Redistribution, an amount that exceeded the amount of obligation limitation returned for redistribution. On August 27, 2024, FHWA successfully redistributed approximately \$8.7 billion in obligation limitation to the states. The formal process for the next August Redistribution will commence in July 2025.

## **Questions for the Record from Ranking Member Rick Larsen:**

**Question:** Secretary Buttigieg, USDOT has played an essential leadership role in the development of sustainable aviation fuels through the SAF Grand Challenge. However, just as important is the development of sustainable maritime fuels, which need a whole of government approach to not only push forward on implementation but also to identify which of several zero-emission fuel alternatives will emerge as the leading option. How does USDOT see its role in a parallel “grand challenge” effort on sustainable maritime fuels?

**Answer:** Recognizing the maritime sector is comprised of various vessel sizes and engine requirements, multiple low carbon fuels and technologies will be required to meet decarbonization goals. For example, fuels that may work for a tugboat may not necessarily work for a large oceangoing vessel. Fuel research/development is primarily being conducted by the Department of Energy (DOE). At DOT, the Maritime Administration (MARAD) supports such research through the Maritime Environmental and Technical Assistance (META) program. Under META, MARAD has been partnering with the DOE and National Laboratories to test and demonstrate a range of low carbon, alternative fuels for various maritime vessel applications. Tangentially, along with identifying what fuels work for specific applications, other challenges need to be addressed such as the availability of marine engines designed to use low carbon fuels, ample supply of low carbon fuels, and sufficient infrastructure. In addition to research, MARAD’s META program supports policy efforts such as the DOE-led Mission Innovation: Zero Emission Shipping Mission, multiple green corridor efforts, and representatives from the META program serve on the U.S. Delegation to the International Maritime Organization.

## **Questions for the Record from Rep. Steve Cohen:**

**Question:** The bipartisan Infrastructure Investment and Jobs Act (IIJA) requires the National Highway Traffic Safety Administration (NHTSA) to finalize a rule for the Honoring Abbas Family Legacy to Terminate Drunk Driving (HALT) Act by November of this year that would require technology that would passively detect illegal impairment, a provision that when implemented could save 10,000 lives per year.

Is NHTSA on track to complete that rule by the deadline?

**Answer:** NHTSA published an Advance Notice of Proposed Rulemaking for Advanced Impaired Driving Prevention Technology on January 5, 2024, and received more than 18,000 public comments. NHTSA is currently reviewing these comments. If the agency is unable to meet the rulemaking deadline, NHTSA will submit a report to Congress explaining (among other things) the reasons for not issuing a final rule, as required by the Bipartisan Infrastructure Law.

NHTSA continues to evaluate technologies and their potential to detect alcohol-based driving impairment. Significant progress has been made on the development of vehicle systems to passively detect impairment, but they are not yet equipped on vehicles offered for sale to the public. Further, these technologies are not expected to be introduced into the new vehicle fleet until 2025 or after. NHTSA plans to evaluate the effectiveness of in-vehicle production systems, including potential unintended consequences, and develop minimum performance standards and test procedures pursuant to requirements of the Motor Vehicle Safety Act, prior to issuing a final rule.

**Question:** In its Advance Notice of Proposed Rulemaking (ANPRM), NHTSA stated the need for personal privacy considerations that monitor driver behavior or condition.

What additional information can you share that will ensure advanced impaired driving prevention technology will stop drunk driving, potentially saving 10,000 lives every year, while also protecting the privacy and data of individuals?

**Answer:** NHTSA continues to consider the significant safety potential for impaired driving prevention technology to passively and accurately detect drunk driving, while also avoiding unintended safety consequences and protecting the privacy and data of individuals. NHTSA received more than 18,000 public comments to the Advance Notice of Proposed Rulemaking for Advanced Impaired Driving Prevention Technology, published on January 5, 2024. The Agency is currently evaluating those comments, including those focused on privacy.

**Question:** Some individuals have incorrectly stated that the rulemaking would require vehicles to have a "kill switch" that would allow law enforcement or third-party actors to remotely disable vehicles. The language in the bipartisan IIJA specifically directs for the vehicle to prevent movement if "illegal impairment" of a driver is detected.

Is it NHTSA's intent to include in the final rulemaking a technology that would allow for such a kill switch?

**Answer:** Section 24220 of the Bipartisan Infrastructure Law (BIL) directs NHTSA to issue a final rule establishing an FMVSS that requires new passenger vehicles to have “advanced drunk and impaired driving prevention technology.” IIJA defines this as technology that can passively monitor the performance of a driver of a motor vehicle to accurately identify whether that driver may be impaired and/or passively and accurately detect whether the blood alcohol concentration of a driver is above the figure specified in section 163(a) of title 23, United States Code (U.S.C.), and prevent or limit motor vehicle operation if such a detection is made. NHTSA is evaluating the public comments received in response to the Advance Notice of Proposed Rulemaking, published on January 5, 2024, and will issue a proposal that will be open to public comment before a rule is finalized.



## **Questions for the Record from Rep. John Garamendi:**

**Question:** Mr. Secretary, I also want to draw your attention to yet another outdated general waiver of “Buy America” requirements in your Department. Since 1978, Congress has required that all steel products used in projects funded by the Federal Highway Administration be sourced domestically, when available in sufficient quantity and of satisfactory quality. However, the Federal Highway Administration waived “Buy America” requirements for ferry boat equipment and machinery made from steel in 1994. Will you commit to examine this 1994 waiver of “Buy America” requirements for public ferry systems and consider repealing it?

**Answer:** DOT and FHWA are committed to reviewing all of our existing general waivers, as required by section 70914(d) of the Build America, Buy America Act (BABA). Consistent with the direction provided by Congress in the BABA statute, we intend to review product-specific general applicability waivers, including the FHWA waiver for ferryboat parts that you mention, and determine what, if any, action is required.

**Question:** In 2019, I worked with former Chairman DeFazio, Senator John Cornyn (R-TX), and others to shut out Chinese state-controlled enterprises that make rolling stock in mainland China and then reassemble knock-down kits in the United States from federal transit funding. With the China Railway Construction Corporation (CRCC) and BYD bus maker now banned from receiving Federal Transit Administration dollars, I was concerned those Chinese rolling stock manufacturers could pivot to selling their low-quality railcars and buses to federally funded airport improvement projects. The bipartisan FAA Reauthorization signed into law by President Biden this past May included my “Airport Infrastructure Vehicle Security Act” (H.R.2912) with Congressman Eric Swalwell (D-CA14). This applied the stronger “Buy America” requirements for federal transit funding to rolling stock procured with federal airport improvement grants. Mr. Secretary, will you ensure that the FAA fully enforces these stronger “Buy America” requirements for rolling stock, so that federally funded buses and trams at U.S. airports are made in the United States by skilled American workers and not by Chinese state-controlled enterprises?

**Answer:** The Department takes its oversight role in the implementation of transportation laws seriously, and is currently working on executing the bipartisan FAA Reauthorization Act of 2024 that was signed into law this May. FAA is committed to enforcing the Airport Infrastructure Vehicle Security Act requirements for rolling stock that you cite.

## **Questions for the Record from Rep. Dina Titus:**

**Question:** The Regional Transportation Commission of Southern Nevada is my district's public transit agency. It serves over 2.3 million residents and operates the 14<sup>th</sup> busiest bus system in the United States, transporting over 50 million passengers last year. In order to enhance rider safety, they have adopted AI technologies including for quickly detecting high-risk traffic incidents and integrating transit feeds for proactive service adjustments.

Considering advancements in AI, does DOT have plans to support investments in similar technological solutions nationwide to increase rider safety and security?

**Answer:** On August 9, 2023, FTA announced a grant for \$500,000 under a cooperative agreement with the University of South Florida for a [research project to help transit agencies address transit worker and rider assaults](#). The project will identify public safety risks for transit workers and riders, determine the most effective mitigation strategies to minimize those risks, and promote the implementation of those strategies. FTA also continues to assess the utility of AI to address worker safety such as monitoring real-time video at transit stations. This will continue to be an area of research inquiry.

## **Questions for the Record from Rep. Mark DeSaulnier:**

**Question:** Mr. Secretary, as part of the Bipartisan Infrastructure Law, my bill the Clean Corridors Act was passed and established the Charging and Fueling Infrastructure Grant Program.

Can you share more on its implementation and how else we can support the expansion of electric vehicle charging across the country?

**Answer:** On March 14, 2023, FHWA announced its Round 1 Notice of Funding Opportunity (NOFO) for the Charging and Fueling Infrastructure (CFI) Discretionary Grant Program. This round of funding from fiscal years 2022 and 2023 was made available to strategically deploy electric vehicle (EV) charging and other alternative fueling infrastructure projects in publicly accessible locations in urban and rural communities, as well as along designated Alternative Fuel Corridors (AFCs). On January 11, 2024, FHWA announced \$623 million in grants under the CFI Program to help build out an EV charging network across the U.S., which will create American jobs and ensure more drivers can charge their EVs where they live, work, and shop. The awards will fund 47 EV charging and alternative-fueling infrastructure projects in 22 States and Puerto Rico, including construction of approximately 7,500 EV charging ports. On August 27, 2024, FHWA announced \$521 million in additional grants under the first round NOFO to fund the deployment of more than 9,200 EV charging ports across 29 States.

On May 30, 2024, FHWA released its Round 2 NOFO for the CFI Program to solicit applications. In addition, funds under the National Electric Vehicle Infrastructure (NEVI) Formula Program 10 percent set-aside will also be awarded under this NOFO. The NOFO released on May 30, 2024, also announced FHWA's intention to make additional awards for applications submitted under the Round 1 NOFO. Round 2 applications were due by September 11, 2024, and they are currently under review. Collectively, the NOFO issued on May 30, 2024, represents the largest single grant funding opportunity for EV charging in the nation's history, making up to \$1.3 billion available for projects that will accelerate public and private investment in clean transportation.

**Question:** The Bipartisan Infrastructure Law and the Inflation Reduction Act also provided significant funding for renewable energy and fuel. This is expected to lead to a significant increase in jobs in clean energy in the next decade. How can we further support this funding to ensure the workforce gets the help they need to transition towards these new and expanding industry fields?

**Answer:** DOT has prioritized the creation of good jobs and workforce training opportunities in all of our funding vehicles. For the vast majority of programs, including those that are funding clean energy projects, applicants are asked to address how they are training their project workforce. As examples, DOT has also made it clear how FHWA formula funds can be used for workforce development, as well as CRISI grants and FTA low/no bus facilities programs. DOT has taken an expansive view of workforce development that includes

transportation, childcare, and other supportive services that workers need during training. Transportation agencies are taking advantage of these opportunities.

Several states, including California, Maryland, and Pennsylvania, have announced new ways to use FHWA funding for workforce development. Each year more funding has been spent from CRISI grants on workforce development. The FTA low/no bus and bus facilities program has heavily encouraged applicants to take full advantage of the 5 percent set aside, leading to \$140 million dedicated to workforce development in this program alone.

**Question:** In particular, I have heard that due to the mass layoffs and early retirements during the Trump Administration, many agencies are still understaffed. How can we help support these agencies, in addition to understaffing at the state and local levels, that might slow rollout of funding or implementation of new policy programs?

**Answer:** Since the passing of the Bipartisan Infrastructure Law, the Department of Transportation has steadily increased its hiring and onboard strength, with over 5,600 employees hired in Fiscal Year (FY) 2024. In fact, at the end of FY 2024 DOT had more than 57,000 employees, the most it has had in over 10 years. At the Operating Administration (OA) level, all OAs saw an increase in the number of employees onboard in FY 2024 as compared to FY 2023.

## **Questions for the Record from Rep. Greg Stanton:**

**Question:** Secretary Buttigieg, section 912 of the FAA Reauthorization Act of 2024 requires the Office of the Secretary to, not later than 270 days after enactment, establish a Department of Transportation program to provide competitive grants to state, local and tribal governments to use small drones to help address the backlog in critical infrastructure inspections in the United States.

This language enjoyed bipartisan support in both the House and Senate and will help make critical infrastructure inspections safer for workers and more efficient for the users of the critical infrastructure.

What steps has the USDOT taken to establish the Drone Infrastructure Inspection Grant (DIIG) program and will you commit to this Committee to meet or exceed the statutory deadline to establish the DIIG program?

**Answer:** Infrastructure inspection using safe and reliable, domestically produced drones presents a way to better ensure the safety and stability of the national infrastructure and to enable economic benefits of drones. These inspections can and do happen across the country today under 14 CFR Part 107 line of sight operations. The Department has Part 107 licensed pilots using drones to inspect critical highway infrastructure. The Department appreciates Congress' support in developing this capability through provisions in the FAA Reauthorization Act of 2024 (Pub. L. 118-63, May 16, 2024) that would enable the FAA to inspect its own infrastructure and a manage grant program for state governments to establish their own drone inspection programs. While this new program introduces important requirements, it has not yet received appropriations sufficient to fully implement them. We look forward to collaborating with Congress to ensure that adequate funding is secured for all new programs mandated by the Reauthorization. The Department is fully committed to meeting the legislative requirements for this and all provisions of the FAA Reauthorization. We are currently developing a management strategy that will allow us to implement the infrastructure inspection program to the best of our ability, despite competing priorities and financial constraints.

**Question:** Mr. Secretary, I advanced two Arizonans, including a tribal member to serve on the working group for covered resources created by my ROCKS Act. Included in the Bipartisan Infrastructure Law (BIL) was bipartisan legislation, the ROCKS Act, I led that establishes a working group at DOT to examine and draft policies to ensure we have sustainable access to construction materials. My home state of Arizona has led the way in enacting such policies that keep prices low and ensure more sustainable options are available as we work to build the infrastructure funded by the BIL. I understand the list of individuals to serve on the group is pending your review. When can we expect the members of this group to be named?

**Answer:** FHWA published a notice in the Federal Register soliciting membership to the

Working Group on January 9, 2024. The deadline for nominations was March 11, 2024. We are currently reviewing the nominations in accordance with section 11526 of the Bipartisan Infrastructure Law, the Federal Advisory Committee Act (chapter 10 of title 5, United States Code), and the published notice. We expect to announce the membership in the near future.

## **Questions for the Record from Rep. Sharice Davids:**

**Question:** I want to commend you on your recent budget proposal which contained \$8 billion over 5 years in additional guaranteed Trust Fund spending for Federal Aviation Administration facilities and equipment. As you know, other programs, like surface Transportation Contract Authority, the Harbor Maintenance Fund and the Airport Improvement Program already have this authority. Can you describe why this proposal is critical to maintain and upgrading the Federal Aviation Administration's aging facilities?

**Answer:** The FAA shoulders the crucial responsibility of overseeing the infrastructure of a vast network of nearly 350 air traffic control towers (ATCT) and terminal radar approach control (TRACON) facilities, in addition to managing 21 air route traffic control centers (ARTCC). Re-capitalization is necessary to sustain safe and efficient National Airspace System (NAS) operations in the decades to come. A failure to replace facilities and modernize radar networks in a timely manner will degrade FAA's capacity to keep pace with the aviation economy and undermine opportunities to improve safety.

**Facilities:** The FAA confronts a pressing challenge – aging buildings. Air traffic control facilities have chronic issues that cannot be resolved through maintenance or sustainment work. These issues include water leaks, mold, tower cab window condensation, deterioration due to old designs, and general disrepair. Drivers for replacement include material degradation; deficiencies in building code compliance; and poor insulation and energy efficiency. As the age of these facilities continues to rise, these types of issues will grow exponentially. Air traffic controllers must have safe and secure towers to effectively manage and ensure the safety of air traffic. Replacement of these structures will provide the new standard in construction, health, safety, and operational efficiency.

Many of the FAA's facilities are large and complex, often requiring expensive and lengthy replacement efforts. Due to their size, costs are typically spread out across multiple fiscal years and the instability of annual appropriations can make it difficult to commit funding to such projects. By proposing a new stream of funding over the next five years, the FAA's proposal offers an opportunity to replace at least 20 of these aging facilities.

**Radar Systems:** The FAA's plan also focuses on the timely and strategic modernization of surveillance radars. Airports use these radars to detect and display the presence and position of aircraft in the terminal area as well as the airspace around airports. The aging radars pose a significant challenge for air traffic management. As these radar systems age, they are more prone to technological obsolescence, making it increasingly difficult to maintain their performance and integrate them with modern aviation infrastructure. The potential for increased downtime due to repairs can negatively impact airport operations and compromise the efficiency of air traffic control. Moreover, aging radar systems struggle to keep pace with the growing demands of air travel and evolving regulatory standards. To address these challenges, this plan invests in the replacement of radars opting for new technologies that offer improved performance, enhanced reliability, and compatibility with the latest air traffic management initiatives.

The FAA maintains 618 radar systems across the nation. These systems, deployed across many decades, are a critical tool used by air traffic controllers to safely and efficiently manage air traffic. Modern aviation could not exist without these radar systems. In addition to the re-capitalization of air traffic control facilities discussed above, this proposal will allow the FAA to replace and modernize 60 percent of its radars by 2031.

FAA radar systems provide safety critical information to air traffic controllers, including an aircraft's position and identity as well as weather information. FAA radar systems provide a backup to Automatic Dependent Surveillance–Broadcast information, providing essential information in the event of Global Positioning System (GPS) degradation. This information is also essential for homeland security and national defense missions. As FAA radar systems exceed their intended lifespan, outages increase in frequency and duration, and service restoration becomes more difficult as antiquated components become increasingly difficult to obtain. The absence of critical aircraft position and identity information increases the risk of airborne collision and results in increased separation requirements, reducing operational efficiency.

**Question:** One of FAA's most successful and cost-effective government/industry partnerships for taxpayers is the FAA Contract Tower Program. There are 264 airports in the program, including New Century AirCenter and Johnson County Executive Airport in my district. This critical air traffic safety program supports general aviation operations, U.S. Department of Defense flight training operations and military readiness, commercial air service, and flight schools across the country. Contract towers continue to get high marks from the U.S. Department of Transportation Inspector General and aviation users and have strong bipartisan support. It's also important to note that contract towers account for approximately one third of all tower operations and about 70 percent of contract controllers are veterans.

Can you describe the what priority contract towers have for the U.S. Department of Transportation and the Federal Aviation Administration going forward?

**Answer:** The FAA remains committed to ensuring the continued success of the Contract Tower Program. The FAA will continue to work with stakeholders to strengthen communication and enhance transparency to achieve mutual benefits.

**Question:** Staffing shortages also continue to be a challenge throughout the industry, including contract towers. What measures can we in government, the Federal Aviation Administration, and the industry undertake to address staffing challenges at these towers in a collaborative way?

**Answer:** Air traffic controller staffing shortages are at the forefront of discussions in the FAA. The FAA exceeded its goal of hiring 1,800 air traffic controllers in 2024, with a final total of 1,811 for Fiscal Year 2024. As the largest number of hires in nearly a decade, this marks important progress in the FAA's work to reverse the decades-long air traffic controller



staffing level decline

Staffing remains a priority for the FAA, and we are actively working on ways to sustain it to maintain the safety of the operation. The FAA has met with industry leaders to discuss possible solutions and is committed to exploring all available options to ensure the continued success of the FAA Contract Tower Program.

With the launch of the Enhanced Air Traffic Collegiate Training Initiative (E-CTI), the FAA instituted changes to FAA Order JO7210.3, which allows Federal Contract Towers (FCTs) to hire individuals who have graduated with an E-CTI endorsement. This is a new hiring pathway for FCTs that currently only hire controllers with previous experience in the FAA or military. E-CTI graduates are trainees with no previous experience, thus FCTs will need to provide more robust field qualification training in accordance with FAA Order JO3120.4.

**Question:** As you are likely aware, I have worked for years, along with other members of the House, to expedite the installation of new and updated navaid systems throughout the National Airspace. Can you please provide an update on the Federal Aviation Administration's schedule for deploying these devices?

**Answer:** The FAA deploys new and updated navigation aid systems such as the Instrument Landing System (ILS) and Medium Intensity Approach Lighting System with Runway Alignment Indicator Lights (MALSR). The FAA has been able to utilize a combination of Bipartisan Infrastructure Law and Landing and Lighting Portfolio funding to greatly increase the amount of installation projects under the ILS Program and MALSR Service Life Extension Program (SLEP) compared to previous years.

For ILS installations, there are currently 20 active projects planned to be completed by 2030, with 7 projects expected to be completed in the rest of CY2024.

For installations under the MALSR SLEP, there are currently 20 active projects planned to be completed by 2030, with 7 projects expected to be completed in the rest of CY2024.

**Question:** As you may be aware, the Professional Aviation Safety Specialists have a proposed pilot program for deploying these systems in 18 months. To your knowledge, is the Federal Aviation Administration considering this proposal?

**Answer:** The FAA is considering the Professional Aviation Safety Specialists' (PASS) proposal. The FAA's Program Management Organization and Technical Operations are coordinating with PASS regarding the proposed pilot program.

**Question:** Can you share with the committee why you have confidence in the Department's current plan, and why you believe that these systems, which are already functionally obsolete, will be able to reliably provide a safety-critical service when they are 100 years old?

**Answer:** There are no Instrument Landing System (ILS) systems in the NAS anywhere near 100 years old. The FAA acknowledges the aging navigation aid infrastructure; however, the agency has a navigation strategy designed to replace the older systems first with the existing ILS Contract. The FAA has begun to replace systems with modern ILS-420 technology.

The FAA also acknowledges the aging Medium Intensity Approach Lighting System with Runway Alignment Indicator Lights (MALSR) infrastructure, which is being addressed through the MALSR Service Life Extension Program (SLEP) to replace obsolete components. The FAA is prioritizing MALSR configurations for the SLEP that are experiencing the greatest obsolescence and cost impact on the NAS.

**Question:** As you are likely aware, cargo theft is increasingly an issue throughout the supply chain, especially for trucking and rail shippers. The average cost of each stolen shipment can exceed \$280,000, but these thefts result in millions of dollars in financial losses to large and small manufacturers, retailers and shippers, both in lost product and the intentional and unintentional sale of stolen goods through legitimate markets.

To what extent is the U.S. Department of Transportation aware of these increased rates of theft across the transportation supply chain network?

**Answer:** The Department has heard from concerned rail and truck shippers that increasing rates of theft are impacting their operations and resulting in increased costs, both in terms of lost goods and reduced efficiency from having to modify their operations in response.

**Question:** Can you elaborate on how the Department is coordinating with relevant agencies and affected stakeholders to ensure continued cargo theft doesn't continue to affect consumer costs?

**Answer:** Though criminal actions are outside FMCSA's regulatory authority, it is collaborating with other Federal agencies that may have sufficient authority and investigatory resources to pursue freight theft and fraud cases where possible. For example, because FMCSA lacks criminal authority, it is required to refer suspected crimes such as fraud to the Department's Office of Inspector General for further investigation and potential criminal prosecution. FMCSA has been actively working with the Office of Inspector General, as well as other federal agencies, to identify ways to leverage resources to better address fraudulent activity.

FMCSA formed an internal workgroup specifically targeted to work on issues involving broker oversight (including steps to address unlawful brokering) and compliance which FMCSA believes will assist in preventing fraud in motor carrier transportation.

To address potential vulnerabilities in its Information Technology systems, FMCSA continues its work on modernizing its registration systems to improve the security of those systems. This is expected to significantly increase the ability of FMCSA to thoroughly verify the

identity of registrants and the legitimacy of the businesses of motor carriers and brokers being registered. This will greatly aid FMCSA and the Department in closing pathways that criminal entities currently use to obtain operating authority and/or unlawfully use the identity of legitimate carriers and brokers for freight fraud and theft purposes.

**Question:** As you may be aware, the U.S. is hosting games as a part of the FIFA 2026 World Cup. To what extent is the U.S. Department of Transportation involved in the coordination with U.S. host cities in preparation for the influx of visitors our country will host?

**Answer:** DOT is actively working with Federal partners and stakeholders as part of the White House-led whole-of-government effort to coordinate successful “Global Sports” events like the World Cup. The Department is interested in doing all we can to make sure that America’s hosting is smooth and successful. DOT has formed an internal working group to better coordinate among our operating administrations and is participating in regular meetings with FIFA and host city organizers to coordinate on international, intercity, and intracity transportation.

**Question:** To what extent, if any, have local partners communicated potential needs to the Department?

**Answer:** During meetings with FIFA and host cities in 2024, DOT has heard from organizers and local stakeholders about their priorities and plans for delivering a successful World Cup. In July 2024, DOT organized three regional convenings between DOT, FIFA, and the 11 U.S. cities that FIFA has grouped into the West, Central, and East North American regions for the 2026 World Cup. Some host cities have requested and held individual meetings with DOT to discuss their potential needs and priorities. Through all of these engagements, DOT has been offering regular coordination, technical assistance for federal projects, and referral to existing DOT discretionary grants and formula funding sources.

## **Questions for the Record from Rep. Chris Pappas:**

**Question:** There were more than 160,000 large truck crashes nationwide in 2022, with more than 5,000 of these occurring in my state of New Hampshire. We know that one of the leading causes of large truck crashes is driver fatigue, yet truckers are often forced to continue driving beyond their allowed hours of service or park in unsafe locations along the highway due to a shortage of safe and accessible truck parking. In fact, 70% of drivers report having been forced to violate federal hours of service rules due to the lack of truck parking.

Increasing access to truck parking would support workforce recruitment and retention and improve supply chain connectivity while making our roadways safer. While I understand that the Federal Highway Administration is seeking to conduct its third nationwide Jason's Law truck parking survey to evaluate truck parking options, how else is the Department planning to address the shortage of truck parking nationwide?

**Answer:** FHWA released the Truck Parking Development Handbook in September 2022 to help states and localities consider truck parking needs and to design safe truck parking projects that will benefit drivers and local communities. DOT also convened a meeting of the National Coalition on Truck Parking in the fall of 2022 to highlight these opportunities and best practices in truck parking. FHWA convened another meeting of the National Coalition on Truck Parking in December 2023. The workshop focused on DOT modal commitments towards reducing our Nation's truck parking shortage and improving safety. DOT continues to raise the need for public investment in truck parking and has supported it by selecting truck parking projects for discretionary funding.

FHWA also continues to facilitate truck parking workshops for states, State Freight Advisory Committees, metropolitan planning organizations, and corridor coalitions across the country to support collaboration on solutions to address truck parking issues. FHWA has a free National Highway Institute Truck Parking Training Course (FHWA-NHI-139014<sup>9</sup>) available. The course is designed for a broad range of stakeholders, including planners, managers, and analysts within a public sector transportation agency such as a State DOT or metropolitan/regional planning organization as well as locally elected administrators, economic development officials and terminal operators such as air cargo and marine ports. Others who may benefit from the course include private sector personnel (e.g., truck stop operators, private industry truck stop operators, motor carriers and state trucking associations).

The Office of Multimodal Freight Infrastructure and Policy and FHWA are coordinating on the review and approval of State Freight Plans, which now must include analysis of truck parking needs as required under the Bipartisan Infrastructure Law. FHWA guidance makes clear that National Highway Freight Program (NHFP) and other Federal-aid highway program funds can be used for truck parking projects. However, states, in collaboration with State Freight Advisory Committees (where they have been stood up), decide whether to use NHFP

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<sup>9</sup> [https://www.nhi.fhwa.dot.gov/course-search?tab=0&key=truck%20parking&sf=0&course\\_no=139014](https://www.nhi.fhwa.dot.gov/course-search?tab=0&key=truck%20parking&sf=0&course_no=139014)

funding for truck parking or any other eligible project.

**Question:** While the Infrastructure Investment and Jobs Act authorized grants to support truck parking projects, these funds aren't exclusively dedicated to that purpose. States are now forced to make difficult choices between truck parking and critical infrastructure projects.

How else can the Department support states looking to submit applications for truck parking grants to increase their likelihood of success?

**Answer:** FHWA coordinates with FMCSA, MARAD, FRA, the Office of Multimodal Freight Infrastructure and Policy, and the Office of the Secretary to promote the use of Federal-aid highway funding and discretionary grant funding for public sector applicants to develop truck parking projects. Guidance on eligible funding was released in September 2022, widely distributed, and posted to the FHWA website through a memorandum on the Eligibility of Title 23 and Title 49 Federal Funds for Commercial Motor Vehicle Parking.<sup>10</sup> The Department encourages states to develop a plan outlining existing safety risks around the shortage of truck parking and identifying strategies to improve commercial driver safety through the expansion of truck parking facilities in their State.

The DOT Navigator<sup>11</sup> is another new resource to help communities understand the best ways to apply for grants, and to plan for and deliver transformative infrastructure projects and services, and the DOT Discretionary Grants Dashboard<sup>12</sup> helps communities identify discretionary grant opportunities that can aid in meeting their transportation infrastructure needs.

FMCSA has a Grants Resource Center<sup>13</sup> to search for trainings, guidance, tools, and more.

DOT and its modal administrations take every opportunity to publicize the use of grants for truck parking projects and to demonstrate how states and other recipients are using these funds for truck parking to encourage others who may be interested to replicate or make use of the grants as well. For example, FMCSA funds truck parking information systems and research through its HP-CMV and HP-ITD grants and has been working with recipients like states and universities to highlight the projects for other states and stakeholders via forums such as the Transportation Research Board, the American Association of State Highway and Transportation Officials, HP-ITD Program Manager Meetings, the National Coalition on Truck Parking, and other meetings. This has helped demonstrate to other states, for example, how to use the funding for truck parking successfully.

**Question:** Thank you for your comments during last month's hearing on the End DWI Act and the importance of ignition interlock devices. These public safety devices currently must be authorized by state law and are required by 24 states and the District of Columbia to prevent

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<sup>10</sup> [https://ops.fhwa.dot.gov/freight/infrastructure/truck\\_parking/title23fundscmv/title23\\_49\\_funds\\_cmv.pdf](https://ops.fhwa.dot.gov/freight/infrastructure/truck_parking/title23fundscmv/title23_49_funds_cmv.pdf)

<sup>11</sup> <https://www.transportation.gov/dot-navigator>

<sup>12</sup> <https://www.transportation.gov/grants/dashboard>

<sup>13</sup> <https://ai.fmcsa.dot.gov/Grants/ResourceCenter>

repeat offenders. NHTSA and the CDC recognize ignition interlocks as one of the most effective countermeasures to prevent impaired driving.

As you know, this technology is distinct from the Advanced Impaired Driving Technology that the DOT recently completed a federal rulemaking on.

With the knowledge that the rulemaking process for the Advanced Impaired Driving Technology is still ongoing, does DOT plan to address this urgent safety issue in the short term by utilizing ignition interlock devices?

**Answer:** Currently, ignition interlock devices are after-market devices installed in a motor vehicle to prevent a driver from operating the vehicle if the driver has been drinking. While NHTSA's existing authorities preclude regulation of after-market devices, to date, all states have enacted legislation that either require or permit courts to order the use of breath alcohol ignition interlock devices for individuals convicted of driving under the influence.

NHTSA conducted research into performance-based interlocks designed to prevent a drunk driver from starting the vehicle. To assist states in their administration of interlock programs, NHTSA published guidelines that include [model specifications for interlock devices](#). NHTSA has also published an ignition interlock toolkit, a program guide on key features for ignition interlock programs, and various case studies and evaluation reports.

## **Questions for the Record from Rep. Marilyn Strickland:**

**Question:** I appreciate that the Department of Transportation earlier this year designated Cascadia under its Corridor ID program to support the project's development. At the time of the award, Federal Railroad Administrator Bose said this program would provide the necessary tools to advance the project. Since the beginning of the year, the Washington State Department of Transportation and the Federal Railroad Administration have been working collaboratively towards an award for project planning development. The Washington State Department of Transportation is ready to move into Step 2 of the program, however, reaching agreement on the scope of work and funding amount is taking too long.

Can you give me your commitment to work with me to make sure my state receives the support it needs from the Federal Railroad Administration and the Department of Transportation to ensure the project can continue to move forward?

**Answer:** Yes. The U.S. Department of Transportation and Federal Railroad Administration have been, and are committed to continuing, working with the Washington State Department of Transportation at both the staff and senior leadership levels towards advancing this important project into Step 2 of the program, which is completion of the Service Development Plan (SDP). Upon successful completion of a SDP and dependent on funding availability, corridor sponsors may then enter into grant agreements for environmental review and preliminary engineering for projects identified in the corridor's SDP.

**Question:** In the Transportation, Housing and Urban Development Senate Appropriations Report Language, there was language about Transportation Demand Management (TDM) asking the Federal Highway Administration to provide guidance on (1) TDM strategies are eligible for Federal-aid highway funds, (2) ways to develop best practices, and (3) additional technical assistance to State Department of Transportation, Metropolitan Planning Organizations, and local governments to incentivize the use of TDM.

Will the Department of Transportation use its authority to act on this report language regarding TDM?

**Answer:** DOT is advancing the development of guidance, planning, case studies, and research in the application and design of active transportation and demand management (ATDM) approaches. In addition, FHWA's ATDM program provides lessons learned, standards, and best practices on key underlying ATDM planning, evaluation, analysis techniques and design elements that serve as a foundation for ATDM implementation. FHWA also provides technical assistance to make aware and inform State and local planning and transportation entities about various TDM strategies that may address safety and mobility performance when evaluating transportation improvements.

## **Questions for the Record from Rep. Troy Carter:**

**Question:** Mr. Secretary, I want to thank you for the historic infrastructure investments made in southeast Louisiana from the Department of Transportation through programs funded by the Bipartisan Infrastructure Law, including:

- \$300 million to the Port of New Orleans for construction of a new container terminal
- \$178 million award to re-establish passenger rail from New Orleans to Mobile for the first time since Hurricane Katrina damaged the line nearly 20 years ago
- Over \$100 million total to the New Orleans Regional Transit Authority to construct a new downtown transit center, a new passenger ferry terminal, and new electric buses and charging infrastructure, and
- Over \$20 million to design and construct train stations in Baton Rouge and Gonzales to advance passenger rail in south Louisiana.

These investments, among many other Bipartisan Infrastructure Law funded projects, will be transformational for my district in helping us reduce our air pollution, increase our resilience to the impacts of the climate crisis, and create good-paying clean energy jobs.

I also want to commend you and the Department of Transportation for your transparency, including keeping a public calendar of upcoming funding opportunities and reviewing proposals and providing feedback to applicants after funding decisions are made.

I mentioned earlier that the Port of New Orleans was awarded \$300 million to support the construction of a new state-of-the-art container terminal. Recently, however, it has been brought to my attention there are concerns regarding cost increases due to proposed tariffs on ship-to-shore cranes and other cargo handling equipment.

While I fully support the Administration's efforts to incentivize and create a domestic manufacturing base for cargo handling equipment - which is currently either non-existent or very limited - a new tariff, if implemented improperly could have a substantial negative impact on ports' abilities to meet growing cargo demand at their terminals.

Mr. Secretary, will your department work with me and this Committee to study the effects proposed tariffs would have on equipment critical for delivering goods through our ports?

**Answer:** DOT supports the Administration's efforts to curb unfair trade practices in China in strategic industries such as the manufacturing of Ship-to-Shore cranes. We will assist the Committee and Port community as best we can while industry adjusts to any tariff impacts.

**Question:** Another project of significance for my region is the West Bank Rail Realignment project, which will add a new connecting segment to an existing freight rail line, shortening the



total length of the corridor and moving freight train traffic from the existing corridor, in the middle of residential Gretna, Louisiana. Local officials have tried to relocate these tracks for nearly two decades, and the situation is more dire now that LNG development in neighboring Plaquemines Parish will increase train traffic through the area.

Though the City of Gretna and its public and private partners have identified matching funds, this project needs a strong federal commitment to ensure its completion. Can you commit the Department to continue to work with the City of Gretna to find funding to make this project a reality?

**Answer:** In April 2023, FRA's Deputy Administrator personally visited the site in Gretna with FRA staff to learn more about the project.

FRA and DOT staff are available to assist potential and past applicants who may seek funding under FRA or DOT grant programs. Prior to publication of a NOFO, FRA and DOT staff are available to meet with potential applicants, upon request, to provide technical assistance on project and program eligibility. Due to the demand for federal funding under the Bipartisan Infrastructure Law, some worthy projects may not be selected. If an applicant is not selected for funding under a NOFO for a FRA or DOT discretionary grant, the applicant may request a debrief after selections are announced. During a requested debrief, the applicant will have the opportunity to learn how they may improve their application for a future NOFO.

I would also direct applicants to the Department's DOT Navigator tool; a resource to help communities understand not only how to apply for grants, but also which grant opportunities best fit their needs. The DOT Discretionary Grants Dashboard also provides an overview of the Department's grant opportunities, as well as other federal grant programs that may be of interest to rural communities.

**Question:** The City of Gretna and their partners have applied for several different DOT programs, including INFRA, CRISI, and Reconnecting Communities without success. They currently have a CRISI grant pending with FRA. What other funding opportunities should they pursue for this project? Do you have any advice for the project to get over the finish line utilizing federal funds?

**Answer:** See response above.

## **Questions for the Record from Rep. Rob Menendez:**

**Question:** The ability for drone operators to conduct beyond visual line of sight (“BVLOS”) operations holds promise in addressing critical challenges, such as reducing traffic congestion and lowering carbon emissions. In the bipartisan FAA Reauthorization Act of 2024, which was signed into law May 16, 2024, Congress provided direction to the FAA to publish a draft BVLOS rule within 4 months of enactment and a final rule 16 months thereafter. Working with my colleague Rep. Rudy Yakym in introducing H.R. 3459, the Increasing Competitiveness for American Drones Act, we successfully advocated for the inclusion of language addressing BVLOS in the FAA bill and I have been a strong proponent of the FAA making this rulemaking a priority. Can you provide an update on the status of the BVLOS rule and any challenges you anticipate in being able to meet the Congressionally-mandated deadline?

**Answer:** The FAA is working to publish the notice of proposed rulemaking, “Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations,” which is expected to expedite the introduction of BVLOS operations. In the meantime, the FAA has streamlined approval processes for BVLOS operations approved through waivers or exemptions and is working to exercise the flexibility provided in the FAA Reauthorization Act of 2024 to enable more scalable BVLOS operations in advance of rulemaking.

## **Questions for the Record from Rep. Hillary Scholten:**

**Question:** As you know, Federal Transit Administration (FTA) regulations require that transit agencies conduct alcohol and drug testing for their vehicle operators. Those regulations also task agencies to use facilities certified by the Department of Health and Human Services (HHS) for oral testing. However, HHS has yet to certify a single facility for such testing. Can you provide an update on when HHS will certify facilities for alcohol and drug testing? Many agencies in states where marijuana use is legal—including Michigan—are struggling to oversee the timely and accurate testing of their employees, exacerbating the labor shortage in the transit industry.

Thanks in advance for your thoughtful response.

**Answer:** Like with the other DOT operating administrations (FMCSA, FAA, FRA, PHMSA), FTA-regulated employers are required to utilize HHS-certified laboratories to comply with DOT's drug testing regulations. DOT defers to HHS on providing an update on the certification of laboratories to administer oral fluid testing protocols. However, please be assured that HHS-certified urine drug testing laboratories are providing timely and accurate testing and results to DOT-regulated employers and that HHS is actively working with laboratories to bring oral fluid testing online.

## **Questions for the Record from Rep. Chris Deluzio:**

**Question:** One of the best ways to prevent derailments is with inspections, like those done by the IBEW workers in Western Pennsylvania. What is the Department of Transportation and the Federal Railroad Administration doing to ensure that the Class I railroads are properly inspecting and maintaining locomotives and rail cars?

**Answer:** Railroads are required to operate trains in compliance with Federal safety standards, and are expected to have inspection, testing, and maintenance programs to ensure compliance with those standards. FRA monitors railroads for compliance with Federal safety requirements and pursues enforcement action as necessary to ensure compliance. FRA's enforcement tools include civil penalties, special notices for repairs to remove cars from service, and orders directing compliance with any or all of the safety standards covering railroad or hazardous materials transportation safety.

FRA continues to push railroads to improve railroad safety through its traditional enforcement and oversight activities. In the form of inspection and audits, FRA conducts assessments of railroads' safety culture, as well as systemwide audits of railroad operations and focused inspections of equipment and infrastructure as appropriate, including identifying any deficiencies in railroads' inspection, testing, and maintenance programs.

In October 2024, FRA published a notice of proposed rulemaking (NPRM) that seeks to enhance railroad track safety by requiring certain railroads to supplement visual inspections by operating a Track Geometry Measurement System (TGMS) at specified minimum frequencies on certain types of track. TGMS technology, developed through an FRA-led research effort in collaboration with the rail industry, has been proven to quickly and accurately detect small changes in track geometry, and this proposed rulemaking will codify a standard for TGMS inspection frequencies to ensure that railroads live up to their safety responsibilities, now and in the future.

Among other measures, FRA also issues Safety Advisories making recommendations to the railroad industry, as well as more-immediate safety bulletins that describe circumstances and facts related to recent accidents/incidents that can be shared throughout the industry at job briefings and safety stand-downs. In evaluating the railroads' response to these recommendations, FRA speaks with railroad employees to learn if the railroads have responded effectively, and FRA will take additional action if deemed necessary.