

**HEARING ON THE NOMINATION OF
SHAILEN P. BHATT TO BE ADMINISTRATOR
OF THE FEDERAL HIGHWAY ADMINISTRATION
OF THE DEPARTMENT OF TRANSPORTATION**

HEARING
BEFORE THE
**COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS**
UNITED STATES SENATE
ONE HUNDRED SEVENTEENTH CONGRESS
SECOND SESSION
SEPTEMBER 14, 2022

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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

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**HEARING ON THE NOMINATION OF SHAILEN
P. BHATT TO BE ADMINISTRATOR OF THE
FEDERAL HIGHWAY ADMINISTRATION OF
THE DEPARTMENT OF TRANSPORTATION**

WEDNESDAY, SEPTEMBER 14, 2022

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The Committee, met, pursuant to notice, at 10:02 a.m. in room 406, Dirksen Senate Office Building, Hon. Thomas R. Carper (Chairman of the Committee) presiding.

Present: Senators Carper, Capito, Cardin, Whitehouse, Markey, Kelly, Inhofe, Cramer, Lummis, Boozman, Sullivan, and Ernst.

**OPENING STATEMENT OF HON. THOMAS R. CARPER,
U.S. SENATOR FROM THE STATE OF DELAWARE**

Senator CARPER. Good morning, everyone. We are delighted to welcome all of you today to consider the nomination of Shailen Bhatt to serve as Administrator of the Federal Highway Administration.

I see that you are joined by your wife, Neelam.

Neelam, it is very nice to see you, and your daughters, Saanvi and Nandini.

How are you?

And Neelam, by your parents. It is not every day that the in-laws show up to say a good word for the nominee. That is especially noteworthy.

We thank you all for your willingness to share Shailen with us today, if confirmed, as the Administrator of the Federal Highway Administration.

We are also pleased to welcome here in a few minutes, Senator John Hickenlooper, former Governor of Colorado, who is going to be introducing our nominee shortly. We thank you all for joining us on this beautiful, sunny day.

I also want to thank Deputy Administrator Stephanie Pollack for her leadership at the Federal Highway Administration over the past year and a half, and particularly for her work to implement the Bipartisan Infrastructure Law, much of which was authored in this Committee, which Senator Capito and I are privileged to lead.

Let me begin today by offering a few words about our especially well qualified nominee. I have had the pleasure of knowing Shailen since 2011, more than a decade, when he assumed the role of Secretary of the Delaware Department of Transportation.

As Secretary of DelDOT, Shailen helped the department integrate performance management measures to improve accountability. He also embraced innovative practices to improve services and helped to reduce the agency's debt.

As a Delawarean, I am deeply grateful for Shailen's 4 years of service, during which he and the DelDOT team that he led delivered critical transportation projects from one end of the First State to the other. As Chairman of this Committee, I am delighted that he is again willing to serve our country, this time in the role of Administrator of the Federal Highway Administration.

Shailen is no stranger to this Committee. He has been called to testify twice previously for hearings: Once when the Committee was considering innovative transportation mobility and a second time to testify on security threats to our physical infrastructure. Throughout his interactions with our Committee, he has demonstrated a commitment to being responsive, something that is very important to all of us. He has been responsive to the questions and the concerns that we have raised with him throughout the years.

Shailen also brings a wealth of experience to this role. In addition to serving as the State transportation leader in Delaware and in Colorado, he has served in the Federal Government as Associate Administrator for Policy and Government Affairs at the Federal Highway Administration. Just as important, he is experienced at the local level and with transportation non-profit advocacy organizations, as well as in the private sector in his role as Senior Vice President at AECOM, a multinational infrastructure consulting firm that I think most of us are familiar with.

There is little doubt that this is why his nomination has been welcomed warmly by numerous transportation stakeholder associations. They include the American Association of State Highway and Transportation Officials, which awarded Shailen their President's Special Award of Merit in 2020 for his outstanding and exemplary contributions to the transportation field.

Outside of his qualifications and accolades, it is important to note that Shailen's nomination comes at a pivotal time for the Federal Highway Administration.

Last year, our Committee led the way in drafting the surface transportation legislation that became the foundation on which the Bipartisan Infrastructure Law was built. We literally wrote it in large part in this room. And as you will recall, this historic law provides much more than \$350 billion of investment in our Nation's highway programs, including a significant increase in funding for competitive grants to be administered by the Federal Highway Administration.

As we know, last month, the Congress also passed the Inflation Reduction Act, providing more than \$5 billion in funding for grants to improve equity and access to reduce emissions from cement, from steel, and other roadway construction materials. The Inflation Reduction Act also includes additional fundings to facilitate timely environmental review of transportation projects, ensuring that the American people feel the benefits of these investments without delay.

From day one, the current Administration set a goal of partnering with Congress to rebuild and enhance critical infrastructure while improving climate and equity outcomes. Less than 2 years later, I am proud to say we have made great progress toward that goal.

Now, the work of implementing these historic investments could not be more urgent. We know that far too many Americans continue to lack access to safe walkways and reliable public transportation. Traffic crashes and fatalities, which were already far too high, have risen sharply since the start of the pandemic more than 2 years ago.

And as the largest source of greenhouse gas emissions in the United States, dramatic changes are still needed to significantly reduce emissions from the transportation sector, from the cars and trucks and vans that we drive. We must do so while also protecting the American people and our critical infrastructure from the effects of extreme heat, flooding, and other climate disasters.

Addressing these goals of safety, of equity, and of climate mitigation have been priorities at the U.S. Department of Transportation during the implementation of the Bipartisan Infrastructure Law. I have confidence that Shailen will be able to pick this ball up and run with it, as he has done time and time again.

I pray that the Senate will move expeditiously to confirm him for this important role. It has been left vacant for far too long. From our years of working together, I know Shailen to be hard working, intelligent, fair, and open minded. If confirmed, I am confident that he will be committed to working with all 50 States and territories and every Senator to address the transportation priorities in their communities.

We will hear from Shailen shortly, but before we do, let me first turn to Senator Capito for her opening statement.

Senator Capito.

**OPENING STATEMENT OF HON. SHELLEY MOORE CAPITO,
U.S. SENATOR FROM THE STATE OF WEST VIRGINIA**

Senator CAPITO. Thank you, Mr. Chairman, and thank you for calling the hearing today.

Good morning and welcome to Mr. Bhatt and his very beautiful family. It is so nice to see you all, right there on the front row, reading your books. I love that. That is great.

Congratulations on your nomination to serve as the Administrator of the Federal Highway Administration, FHWA, and I appreciate the frank conversation that we had yesterday in my office, and thanks for spending so much time with me.

As we discussed, for almost 2 years, we have been operating without a Senate confirmed Administrator of FHWA, and it has been 2 years for the agency, much too long. The President signed the Infrastructure Investment and Jobs Act, IIJA Act, into law almost a year ago.

It was cold that day, remember that? It was cold out there.

Senator CARPER. I remember you stood out in the crowd.

Senator CAPITO. Yes, I did. Thank you.

[Laughter.]

Senator CAPITO. The foundation of the IIJA was our Bipartisan Surface Transportation Reauthorization Act of 2021. The IIJA included unprecedented funding to address the needs of our Nation's road and bridge infrastructure. It stood up a number of new programs and included significant project delivery provisions, such as an environmental review and permitting reforms for highway and bridge projects. This legislation proved that Congress can come together on pressing issues facing our Nation, and we know that we can find bipartisan solutions that deliver results for the American people.

The staff at FHWA has been working hard to implement the IIJA. But there is still a lot of work to be done in order to ensure that funding gets out the door, shovel ready, and worthy projects move forward, and the law is implemented as Congress intended it.

As we mentioned yesterday, time is money, and in this inflationary times it has become, I think, much more of a challenge with supply chain issues, as well.

I am troubled and concerned by some of the implementation actions that the FHWA has taken in the absence of a Senate confirmed Administrator. While we all expected FHWA would prioritize the actions of the IIJA that advance the priorities of the Biden administration, I do have a great deal of concern when it appears the agency is outright neglecting to implement certain provisions of the bill, mainly the project delivery actions.

I submitted questions for the record regarding implementation of the project delivery sections as a follow up to our March meeting with Secretary Buttigieg on IIJA implementation, but we have still not received any responses from DOT. Simple questions like, "What modal administration is overseeing implementation of each section of the law?" shouldn't be a hard question to answer. Implementation deadlines should be readily available for the department to provide.

With these easy questions unanswered, it begs the question: Is the department not actively planning implementation of certain sections of the law? This question is even more pressing as FHWA took it a step further by prioritizing the implementation of policies that were purposely left out of the law. This was the subject of our hearing, for me, anyway, with Secretary Buttigieg.

We have seen this carried through in numerous guidance memorandum beginning with the December 16th FHWA memorandum to staff entitled "Policy on Using the Bipartisan Infrastructure Law Resources to Build a Better America," and then in programmatic guidance documents from the National Highway Performance Program, the Surface Transportation Block Grant Program, and the PROTECT Program, just to name a few.

Among those other items, these guidance documents encourage recipients of highway formulas to flex funding into transit investments. It discourages States from moving forward with projects that add highway capacity. It imposes a one size fits all approach by discouraging transferring program funds to where they are needed most, which was a flexibility that was intentionally built into the law to ensure that the States' unique needs could be met.

You know, as a former State administrator in two different States, State flexibility is crucial to ensure that our transportation network can successfully meet the needs of all of our constituents.

I invite you and anyone from the department, and we talked about this, to travel to my home State so that you can fully understand that some policies are not going to solve the transportation problems that we have in the State and in the mountains of West Virginia. While I have been told repeatedly that these are just guidance documents, my frustration is building when I consider the time that limited staff at the department and FHWA are devoting to such documents instead of implementing the law in its entirety.

In July, the West Virginia Department of Transportation received a letter encouraging them not to transfer from one program to another, 3 months after the agency had approved the transfer. Let me reiterate the last part. The transfer had already occurred under an approval 3 months before, and then they were notified 3 months afterward that that behavior is to be discouraged.

I am also hearing about a lack of responsiveness from FHWA and inconsistency in responses from division offices across the country, another issue that we talked about in my office.

Recipients of funding are looking for consistent direction from FHWA that adheres to the law. If this does not happen, we run the risk of this investment not being fully utilized and the goals of the legislation not being fully realized as inflation adds urgency to maximizing this historic investment.

It is time that the FHWA stops spending limited staff resources on what the political appointee's wish list is and instead focuses these resources on implementing what is actually in the law, the entire law, that Congress negotiated and passed with strong bipartisan support, and that the President signed.

I am very interested to hear if and how you plan to turn this situation around and to understand what your priorities would be if confirmed. Will things look different than they do now, or will it be more of the same?

This is a pivotal moment. FHWA has the opportunity to provide the States and other funding recipients with the guidance and support necessary to build a modern transportation network that works for all Americans, or the agency can serve as a roadblock.

I am hopeful, that, if confirmed, you will lead FHWA in upholding the law, that your priorities as Administrator will recognize that transportation needs throughout our Nation are different in every State, and that you will not push a one size fits all approach.

Chairman Carper, I yield back.

Senator CARPER. Thanks very much for that statement.

We are going to hear from Senator Hickenlooper; he will come by and say a good word for Shailen.

When I was coming near the end of my time as Governor of Delaware, people would say to me, what do you want to do next? I would say, I would like to move to another State and be their Governor, too. People would say, what State would that be? I would always say, West Virginia. You have a Chair and a Ranking Member here who care a lot about West Virginia, so I know that you will keep that in mind as you assume these responsibilities, should you be fortunate enough to be confirmed.

We appreciate very much, Senator Governor Hickenlooper, for your being here and saying some words on behalf of Shailen. Please share with us the good, the bad, and the ugly at this time, please. Thanks.

**STATEMENT OF HON. JOHN HICKENLOOPER,
U.S. SENATOR FROM THE STATE OF COLORADO**

Senator HICKENLOOPER. There is only good. There is no bad; there is no ugly.

I am delighted to be here to talk to you, Chair Carper and Ranking Member Capito and members of the Committee. Thank you for allowing me a moment to introduce Shailen Bhatt, who has been nominated to serve as Administrator of the Federal Highway Administration.

When I was just entering my second term as Governor, I had an opening. My director of transportation left, and my staff went through a process, got the final three candidates, and one of them was from Delaware: Shailen Bhatt. Jack Markell, the Governor of Delaware, was one of my favorite Governors, one of my close friends, and it is with a heavy heart—

Senator CARPER. Would you say he is one of your two all time favorite Governors?

Senator HICKENLOOPER. Exactly.

Senator CARPER. Thank you.

[Laughter.]

Senator HICKENLOOPER. I heard he was the second best Governor in the history of Delaware.

Senator CARPER. I wouldn't go that far.

[Laughter.]

Senator HICKENLOOPER. I went to great lengths. I called, with a heavy heart, Jack, and said, I won't even interview this person if it is a problem, because I knew Jack was the kind of person who would never accept that, and he would insist that Shailen get his fair interview.

But the first thing that Jack said was, I have 22 other senior staff members in cabinet and senior staff. You could pick any one of them, just don't pick Shailen Bhatt. We laughed.

And of course, Shailen was so remarkably prepared to run a State like Colorado. He came in as Executive Director of the Colorado Department of Transportation, and his ability to work with disparate interests in different groups all over the State was truly remarkable. I am delighted to see he is here with his wife, Neelam, his daughters, Nandini and Saanvi, reading those books. They work almost as a unit. And I think Shailen gets a lot of his power, his superpowers, from his family.

He got off to a quick start at the Colorado Department of Transportation. He opened the I-70 Mountain Corridor, which connected with nearby express lanes. He launched something we called "Bustang," which was a bus service in the mountains. Get it, Bustang, Mustang? One thing about working with Shailen is, everybody has fun, the staff, everyone is working on ways to do the work properly and quickly and efficiently, but to make sure that they are having fun along the way.

He is probably most famous in Colorado for fixing what we called the Gap, which was a 12 mile stretch of I-25 between Denver and Colorado Springs. It had been just two lanes in each direction since the interstate was built. The traffic congestion was unspeakable. Shailen took it on, and not only took it on, but got it done. It opened, and it was a massive enterprise. It opened last year, almost 10 years before schedule.

He would be equally happy to go to Boulder, Colorado, to work on biking lanes as he was to go town to the San Luis Valley in the far southern part of the State to work on getting crops to market more quickly. He strove at all times to deliver results for all Coloradans, and I think Shailen put his heart and soul into that.

He also helped create a forward looking transportation future. He led a feasibility study to build something called the Hyperloop, which I was told the rumors of him using in back office, referring to the Hyperloop as some twisted concoction of my name. I was told with great confidence that that wasn't true.

He oversaw the world's first commercial delivery by a self-driving truck, an autonomous vehicle. He deployed new autonomous protection vehicles to protect construction crews from distracted drivers, in other words, having vehicles that were protecting workers on the road at the same time, without putting a driver at risk there.

All of this really demonstrated his bold initiative toward innovation and looking at how do we meet our evolving transportation needs as we implement this massive investment in our infrastructure. I cannot think of anyone better suited to lead the Federal Highway Administration.

He is apolitical; he is focused on results; he is able to bring people from all different facets and backgrounds to the same point of compromise, and he really will ensure safety and reliability on our highways at the same time he is creating efficiency in getting things built.

When Mr. Bhatt left Colorado, which was a sad day for us all, the Denver Post described him as a fierce advocate for transportation innovation. Given this experience, I not only support his nomination, I really look forward to his confirmation.

I am happy to answer questions from any of the members at any point along the process. Thank you for inviting me to make this introduction.

I yield back to the Chair.

[The prepared statement of Senator Hickenlooper follows:]

Remarks by Senator Hickenlooper
“Hearing on the Nomination of Shailen P. Bhatt to be Administrator of the Federal
Highway Administration of the Department of Transportation”
U.S. Senate Committee on Environment and Public Works

Chair Carper, Ranking Member Capito, members of the Committee, thank you for inviting me to this hearing to introduce Shailen Bhatt and celebrate his nomination to serve as the Administrator of the Federal Highway Administration (FHWA).

During my time as the Governor of Colorado, Mr. Bhatt served as Executive Director for the Colorado Department of Transportation (CDOT). We actually persuaded Mr. Bhatt to join our team while he was serving as the Secretary of Transportation in Chairman Carper’s home state of Delaware. Today, it seems only right that I appear before this Committee to help Mr. Bhatt onto his next chapter where his work will now benefit all of our states.

When Mr. Bhatt started at CDOT, he hit the ground running. His Colorado success stories include opening the I-70 Mountain Corridor and nearby express lanes, and launching CDOT’s popular intercity bus service named “Bustang”. His most important project fixed what was known as “the Gap”—a 12 mile stretch of I-25 between Denver and Colorado Springs that had been just 2-lanes since the interstate was built. When traveling through “the Gap” between our two largest cities, you were guaranteed to sit in traffic. This improvement project was long needed and Mr. Bhatt got it done: it opened late last year, **ten years** ahead of schedule.

Mr. Bhatt was equally eager to go to Boulder to plan new roadways that incorporated bike paths as he was to travel to our rural San Luis Valley to hear creative proposals to help get agricultural crops to market more quickly. We strived to deliver results for ALL Coloradans and Mr. Bhatt really took that to heart.

Mr. Bhatt wanted to shape a forward-looking transportation future. He led a feasibility study to build the “Hyperloop”, a new, high-speed passenger rail service (*and also a common mispronunciation of my own name*). He helped complete the world’s first commercial delivery by a self-driving truck in our state and deployed a new autonomous protection vehicle to better protect construction crews from distracted drivers. This is the kind of bold vision we need in order to spur innovation and help meet the evolving transportation needs of the American people.

As we move forward with implementing the transformative investments made in the Bipartisan Infrastructure Law, Mr. Bhatt’s leadership of the Federal Highway Administration will ensure these funds are used effectively to improve the safety and reliability of our nation’s highways.

When Mr. Bhatt left Colorado, the Denver Post described him as, “*a fierce advocate for transportation innovation.*” Given his extensive experience, I wholeheartedly support his nomination and I look forward to his confirmation.

Thank you for inviting me to make this introduction. I yield back.

Senator CARPER. Senator Hickenlooper, thank you very much. That was a wonderful statement. I watched the faces of the family behind you, and they, I know, deeply appreciated it as well.

I know you have a lot of other things going on this morning. You are welcome to stay for as long as you can. We will have other questions off the record, if we can just reach out to you and say, from time to time, during the confirmation process. That would be much appreciated. It was great of you to come this morning. Thank you.

Senator HICKENLOOPER. Thank you.

Senator CARPER. With that, I am pleased to welcome Mr. Bhatt to the table where he has sat before.

We want to thank you again for joining us today. You are now recognized for your opening remarks. Please proceed.

STATEMENT OF SHAILEN P. BHATT, NOMINEE TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION

Mr. BHATT. Thank you so much.

Chairman Carper, Ranking Member Capito, and members of the Committee, thank you for the opportunity to appear before you today as you consider my nomination to be Administrator of the Federal Highway Administration.

I am honored and humbled by President Biden and Secretary Buttigieg for the opportunity to serve in this position. Thanks to their leadership and the tremendous work, passion, and commitment of this Committee, this is an incredibly consequential time for FHWA. If confirmed, I look forward to working with you to deliver the promise of the Bipartisan Infrastructure Law to the American people.

With me today are my daughters, Saanvi and Nandini. They are missing school, but we hope today is educational. I would also like to thank my wife, Neelam, for her tireless sacrifices. Without them, I would not have had the career that I have had. I would also like to thank my in-laws who are here today and my mom and family who are watching. Thank you also to Senator Hickenlooper for the kind introduction and for being such a great boss.

Before I speak about my qualifications, I want to convey the enormous respect I have for the leadership and staff of the FHWA. During my previous tenure there, as well as my time as a State DOT leader, I have always been impressed by the commitment, dedication, and passion of these public servants. I know that staff is working tirelessly to implement and deliver on the Bipartisan Infrastructure Law. I give you my commitment that, if confirmed, I will work hard to match the quality and spirit of this team.

There are many challenges we face as a Nation with our transportation system. The National Highway Traffic Safety Administration projected that an estimated 42,915 people died in traffic crashes in 2021, a 10.5 percent increase from the previous year. We must deploy every tool to immediately reverse this trend.

We must also restore economic strength. The interstate system that helped America emerge triumphant in the last century requires investment and innovation so we keep our competitive advantage for the 21st century. We must ensure equity in transportation because we are stronger as a Nation when we remove bar-

riers so that everyone can share in the prosperity. And we must address the challenges of the climate crisis so that we do not put at further risk the trillions of dollars that have been invested in our transportation network.

In addition to being an appointee at FHWA, I have had the great privilege to serve as a leader with three State DOTs across the country. I first served as a Deputy Executive Director with the Kentucky Transportation Cabinet. I learned first hand how critical transportation investments were to every one of the 120 counties in the Commonwealth. Whether it was a \$200,000 sidewalk to help students get to a new school in a rural county, or \$2.5 billion to build new bridges over the Ohio River in Louisville, I will never forget the impact of these projects.

I also served as the Secretary of the Delaware Department of Transportation where I got to work closely with the senior Senator from Delaware. I watched in awe as he would show up to projects around the State in his well worn minivan.

Chairman Carper, thank you for your kindness, hard work, and leadership for Delaware and the Nation.

In Delaware, we worked with our Federal partners to achieve many goals. We added capacity to our interstate and installed electric charging stations on I-95 and US 13. We went from 31st to 4th in bicycle friendly States. We deployed technology and transit to get people to the beaches. We then used those same tools to evacuate and aid surrounding States when we were struck by Hurricane Irene and Superstorm Sandy.

Finally, I also served under Governor Hickenlooper as the Colorado DOT Executive Director. Colorado had a different set of transportation challenges. Like many western States, we had a transportation system that was struggling with an influx of people and freight. Again, we used an all of the above approach. We added capacity but also linked those projects with transit and cycling investments.

We created Bustang to provide intercity bus service. We partnered with Utah and Nevada to plan a regional EV corridor so that EVs could get across the region. We used technology to deploy the first self-driving work zone vehicle to protect vulnerable road workers, and we reconnected a neighborhood cut apart by the construction of the interstate by putting a four acre park over the new roadway.

I share these experiences with this Committee because my career has taught me that we get the best results when we work together and listen. It is important for local leaders to listen to their constituents who are most impacted by these projects. It is important for State officials who own and operate the network to listen to the needs of their communities.

Most importantly, it is critical that FHWA listen and understand the needs of the people they serve to be a true partner. Having served at the local, State, and Federal level, as well as in the private sector, to deliver these projects, I fully understand the importance of listening and partnering. If I am confirmed in this role, I promise to be a trusted partner and commit to strengthening our world class highway system while enhancing the quality of life for all Americans.

Thank you for your time and consideration. I look forward to your questions.
[The prepared statement of Mr. Bhatt follows:]

Testimony of Shailen Bhatt
Nominee to be Administrator of the Federal Highway Administration
U.S. Department of Transportation
Before the Senate Committee on Environment and Public Works
September 14, 2022

Chairman Carper, Ranking Member Capito, and Members of the Committee, thank you for the opportunity to appear before you today as you consider my nomination to be Administrator of the Federal Highway Administration (FHWA). I am honored and humbled by President Biden and Secretary Buttigieg for the opportunity to serve in this position. Thanks to their leadership and the tremendous work, passion, and commitment of this Committee, this is an incredibly consequential time for FHWA. If confirmed, I look forward to working with you to deliver the promise of the Bipartisan Infrastructure Law to the American people.

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around the state in his well-worn minivan. Chairman Carper, thank you for your kindness, hard work, and leadership for Delaware and the nation. In Delaware we worked with our federal partners to achieve many goals. We added capacity to our Interstate and installed electric vehicle (EV) charging stations on I-95 and US 13. We went from 31st to 4th in bicycle-friendly states. We deployed technology and transit to get people to the beaches. We then used those same tools to evacuate and aid surrounding states when we were struck by Hurricane Irene and Superstorm Sandy.

Finally, I also served under Governor Hickenlooper as the Colorado DOT Executive Director. Colorado had a different set of transportation challenges. Like many western states, we had a transportation system that was struggling with an influx of people and freight. Again, we used an “all of the above” approach. We added capacity but also linked those projects with transit and cycling investments. We created Bustang, to provide intercity bus service. We partnered with Utah and Nevada to plan a regional EV corridor so that EVs could get across the region. We used technology to deploy the first self-driving work zone vehicle to protect vulnerable road workers. And, we reconnected a neighborhood cut apart by the construction of the Interstate by putting a four-acre park over the new roadway.

I share these experiences with this Committee because my career has taught me that we get the best results when we work together and listen. It is important for local leaders to listen to their constituents who are most impacted by these projects. It is important for state officials who own and operate the network to listen to the needs of their communities. Most importantly, it is critical that the FHWA listen and understand the needs of the people they serve to be a true partner. Having served at the local, state, and federal level, as well as in the private sector to deliver these projects, I fully understand the importance of listening and partnering. If I am confirmed in this role, I promise to be a trusted partner and listener and commit to strengthening our world class highway system while enhancing the quality of life for all Americans.

Thank you for your time and consideration. I look forward to your questions.

Senate Committee on Environment and Public Works
Hearing Entitled, "Hearing on the Nomination of Shailen P. Bhatt to be Administrator of the
Federal Highway Administration of the Department of Transportation"
September 14, 2022
Questions for the Record for Shailen P. Bhatt

Senator Duckworth:

1. Motor vehicle traffic deaths reached a twenty-year high in the first quarter of this year when an estimated 9,560 people died in car crashes. This was a 7 percent increase from the first quarter of 2021. In Illinois, however, the increase has been much worse. During the first quarter of this year, traffic fatalities jumped an estimated 24 percent from the same time in 2021, which is very disturbing especially at a time when more cars are being sold with more safety features.
 - a. Many factors contribute to this kind of increase in traffic deaths, but how much of this is a roadway design issue and what more can the Federal Highway Administration do to curb this disturbing trend?

If confirmed, safety will be my number one priority, and I will support FHWA's continued work pertaining to safer roads and safer speeds.

Fatal crashes typically involve a myriad of factors that together result in this worst possible outcome. If confirmed, I will build on the Federal Highway Administration's (FHWA) steadfast pursuit to save lives by ensuring that responsibility for a safe system is a shared responsibility. Our Nation can only get to zero deaths when the entire roadway transportation community and the American people see roadway deaths as preventable.

If confirmed, I will support the continuation of a performance-based approach to roadway design that focuses on providing roadway design improvements at locations where they are needed based on the existing safety performance of a facility. I will also strive to build on FHWA's efforts in emphasizing a Complete Streets Design Model, which focuses on street designs that are safe for all users of the facility based on context.

Finally, the Department of Transportation's (Department) and FHWA have adopted the Safe System Approach (SSA), which focuses on five key objectives: safer people, safer roads, safer vehicles, safer speeds, and post-crash care. The SSA is at the core of the National Roadway Safety Strategy (NRSS), which describes the major actions the Department of Transportation will take to make a meaningful difference over the next few years.

- b. Does the Federal Highway Administration need any additional authority or resources to better address this rise in traffic deaths?

If confirmed, I will work with my team at FHWA, the Secretary, and Congress to identify any additional authority or resources to better address the rise in traffic deaths.

2. The Illinois Department of Transportation (IDOT) and the Chicago Transit Authority (CTA) are partnering on a plan to make significant improvements to the I-290 Eisenhower Expressway multimodal corridor and are seeking a MEGA grant to help make that happen. The Eisenhower was the first expressway to include a both a rapid transit line and an expressway in the same corridor. It was innovative and multimodal. But that was the 1950s, and its age is showing.

The CTA Blue Line that runs along the middle of the expressway is in desperate need of repair. The need for transit here is higher than the rest of the region, but this stretch has not been rehabilitated since it was first installed in 1958. The stations are also still inaccessible to passengers with disabilities.

The highway portion of this corridor is one of the most congested expressways in the country, and one of the most unsafe roadways in the region. According to the Illinois Department of Transportation, it averages 2,000 crashes per year.

Why is overhauling a 1950s-designed expressway like the Eisenhower a good investment to improve safety and reduce congestion?

As I stated in my testimony, the Interstate system that helped America emerge triumphant in the last century requires investment and innovation. Safety is the number one priority, and, if confirmed, I would support investments that improve safety and reduce congestion.

3. The Eisenhower MEGA project would create more than 19,000 construction-related jobs, but will also, more broadly, help grow the economy.

How would an investment in a project like this, in a congested multimodal corridor, would help grow a regional economy?

The Bipartisan Infrastructure Law is a once-in-a-generation investment in our Nation's infrastructure that will help grow the economy, enhance U.S. competitiveness, create good jobs, and make the U.S. economy more sustainable, resilient, and equitable. The \$550 billion in new Federal funding provided by the law will not only help address major infrastructure needs but will also spur economic growth in the communities where these projects are located. For example, construction of transportation facilities supports the local, regional, and national economy through the creation of jobs, providing access to local businesses and essential services, and by providing mobility for the movement of goods and people. If confirmed, I will support opportunities provided by the Bipartisan Infrastructure Law that will stimulate economic growth.

Senator Kelly:

1. As you know, Metropolitan Planning Organizations or MPOs, are the regional board or task force of local officials who makes transportation planning decisions for a region. MPOs play a critical role in the transportation planning process, and they're especially important in rural and underserved communities, because they allow small governments to work together to advocate for their priorities on the state level, and with FHWA. However, previous FHWA Administrators have pushed proposals to require that small MPOs be consolidated into larger MPOs – in the name of efficiently and streamlining transportation planning. I'm concerned that these proposals often come at the expense of small and rural communities, who rely on their local MPO to advocate for their needs and priorities. Mr. Bhatt, do you support proposals to require MPO streamlining or coordination?

I agree that Metropolitan Planning Organizations (MPOs) play a critical role in the transportation planning process, including working with local governments to communicate local and regional priorities at the State and Federal level. If confirmed, I will perform the role of FHWA Administrator with accountability to all stakeholders, including States, MPOs, and Regional Transportation Planning Organizations (RTPOs), as they participate in the transportation planning process.

- a. If FHWA were to pursue MPO reform regulations, how would you ensure rural and disadvantaged communities remain able to advocate for their unique needs and priorities?

If confirmed, I will work with all communities, including rural and disadvantaged communities, to help them address their unique needs and transportation challenges through the transportation planning process.

2. As we prepare for a once in a generation investment in infrastructure - I wanted to ask about resource management. One of the tools that I helped to champion to do this is the ROCKS Act, which became law as part of the infrastructure law. This bill, which I introduced with Senator Portman, will create a working group for aggregates, like sand, stone, and gravel, which are literally the building blocks of infrastructure. This working group would ensure that sufficient sources of aggregates exist here in the United States to support increased demand due to new infrastructure funding – but unfortunately, FHWA has yet to stand up the working group. Mr. Bhatt, if you are confirmed, will you commit to working with my office to ensure this working group is quickly stood up? And what value can efforts like this play in ensuring we have sufficient raw materials to support current and future infrastructure projects?

If confirmed, I will work with the Department to ensure this working group is stood up as expeditiously as possible. We will look at the report developed by the working group, and take any necessary next steps, in compliance with statutory requirements.

3. As you know, the current formulas used to allocate federal funding to states have not been updated in years. While updating formula funding allocations is the role of Congress and this committee, many have raised concerns that the formula methodologies are a black box. It would be helpful for states and metropolitan planning organizations to have a better understanding of the factors used to determine formula allocations, to project future funding allocations, and identify areas for reform. Do you believe that FHWA can create more transparency in how formula funding methodologies are developed and shared?

If confirmed, I will be committed to providing transparency in the factors and methodologies used to distribute formula funding.

As you note, FHWA does not determine the formulas, factors, or methodologies used in the distribution of Federal highway apportionments to States: Congress specifies all of these in statute. However, I understand that FHWA already takes significant steps to provide transparency in this area. If confirmed, I will continue to support these activities. In addition, if confirmed, I commit to looking at any other avenues where it would be possible to provide additional transparency beyond what FHWA does already.

4. The Rural Surface Transportation Program in the bipartisan infrastructure law is focused on areas with populations of less than 200,000, and the eligibility includes capital projects like roads and bridges, but there is also an eligibility to “develop, establish or maintain on demand mobility services.” In updated guidance that DOT issued right before the grant application deadline in May, the Department clarified that operating costs are not eligible. However, we have heard from Senate EPW staff that the congressional intent was to cover both capital and operating expenses. This is a huge blow to rural communities looking to apply to this program because operating expenses are critical, particularly for smaller communities, for operating a mobility services. The Rural Surface Transportation Grant Program in the bipartisan infrastructure law was created to provide better access and mobility to those who live in rural areas. I was a big supporter of this program because there is such a need for better transportation in rural Arizona. Will you commit to working to find a way to make all costs associated with on-demand mobility services projects eligible in future funding rounds for the Rural Surface Transportation Grant Program?

It is important that rural communities compete on a level playing field when seeking discretionary grant funding across all of the Department's discretionary grant programs. If confirmed, I commit to working with you and the Federal Transit Administration to expand and enhance transit service in rural areas, including on-demand transit. Better transportation options are critical to increase safety, accessibility, mobility, and quality of life – particularly for people that live in rural areas. I am aware of some of the statutory constraints on the Rural Surface Transportation Grant program

and commit to working with you and your staff, including providing technical assistance, to address your concerns if confirmed.

Senator Padilla:

1. President Biden has set an ambitious goal to increase the share of federal contracts going to small, disadvantaged businesses by 50 percent by 2025, which would translate to an additional \$100 billion for these businesses. Late last year, the Biden-Harris Administration announced a set of reforms to help accomplish this goal, including, for the first time, asking agencies to increase their goals so that governmentwide spending results in 11 percent of contracting dollars being awarded to small disadvantaged businesses. I appreciate the Department's commitment to advancing equitable access to contracting opportunities, including proposing improvements to its disadvantaged business enterprise programs. In March, I was proud to introduce legislation that would increase the statutory funding cap for the Federal Highway Administration's Disadvantaged Business Enterprise Supportive Services Program, which helps these businesses become self-sufficient and more competitive in pursuing federally funded opportunities, for the first time in nearly 50 years. My legislation also would create similar programs at the Federal Aviation Administration and the Federal Transit Administrations. How will you work to promote equity by leveling the playing field for underserved small businesses?

I am committed to promoting equity and I agree that we should work to level the playing field for underserved small businesses. I understand that FHWA has taken several steps to help level the playing field, such as engaging with and keeping small businesses informed through industry and small business events, posting planned procurements to the Department's public-facing website, and promoting the use of Small Disadvantaged Businesses. If confirmed, I will continue FHWA's commitment to providing equitable opportunities for underserved small businesses.

2. From severe wildfires and drought in the West to intense flooding and high temperatures in various parts of the country, we are seeing how the climate crisis is leading to more extreme weather and more dangerous, numerous natural disasters. As we work to address this reality, we must improve the resiliency of our roads and bridges to adapt to and recover from these events. The Bipartisan Infrastructure Law created the new PROTECT program to fund projects that improve the resiliency of our surface transportation infrastructure. I was proud to author language that added wildfires to the list of natural disasters relevant to resiliency improvement grants under the PROTECT program, made vegetation management practices in transportation rights-of-way eligible for grant funding, and prioritizes resiliency improvement grants for addressing the vulnerabilities of surface transportation assets with a high risk of failure due to the impacts of wildfires. How will you ensure that our States and communities have the resources they need to improve the resiliency of our surface transportation infrastructure from wildfires and other natural disasters and climate vulnerabilities?

I recognize the stresses that increasingly severe natural disasters are having on our Nation's infrastructure and, if confirmed, will work to ensure that the historic

investments in the Bipartisan Infrastructure Law improve the resilience of transportation infrastructure. FHWA's Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Formula Program Implementation Guidance highlights the importance of addressing wildfires, floods, storms, and other natural hazards exacerbated by climate change. If confirmed, I will support State and community efforts to improve resiliency under that program and will also provide additional resources under the PROTECT Discretionary Grant Program.

3. Under current regulations, the Federal Highway Administration is allowed to begin to claw back Emergency Relief funding if those projects do not initiate construction by the end of the second fiscal year following the year in which the disaster occurred. While States can apply for extensions provided in one-year increments for delays "caused by the need for extensive environmental evaluation, litigation, or complex right-of-way acquisition," the Federal Highway Administration has previously denied such requests for a number of projects to repair disaster damage. Will you commit to working with me to ensure States and communities have practical requirements and a reasonable period of time to carry out significant and often complex projects necessary to repair or reconstruct transportation assets after a disaster occurs?

As you noted, my understanding is that FHWA provides extensions to the regulatory construction timeframe requirement when requested by States. The Emergency Relief (ER) program supports State and other agency efforts to quickly address damaged infrastructure in conditions of emergency without the risk of financial burdens. Although emergency repairs are needed quickly after disaster strikes, I know from my experience as a State Department of Transportation CEO that it may take more time to design and construct the ultimate permanent repairs when emergency work is a temporary fix. If confirmed, I will continue to support an approach to granting extensions that considers the need for States and communities to have a reasonable period of time to permanently repair or reconstruct transportation assets and would be happy to discuss further with you.

4. I am proud that the Bipartisan Infrastructure Law links carbon reduction, land use, and transportation in federal law. As you know, land use plays a critical role in reducing greenhouse gas emissions from the transportation sector. California agencies, like our metropolitan planning organizations, have been leaders in recognizing this critical tie between land use and transportation funding. How will you work to leverage current best practices to encourage agencies to utilize their federal funds and address these key issues to reduce carbon emissions?

I understand that FHWA is committed to helping States and MPOs reduce carbon emissions and currently provides technical assistance, tools, and methods to assist States and MPOs in this endeavor. If confirmed, I will ensure that FHWA leverages best practices, tools, methods, and innovations to encourage States and MPOs to reduce transportation related carbon emissions.

5. The Bipartisan Infrastructure Law’s Carbon Reduction Formula Program was designed to provide 65 percent of formula funding to regional and local governments. While regional governments are intended to have the final say over suballocated funding, FHWA guidance to date has been focused on States. Will you ensure that guidance clarifies that ultimate project selection for suballocated funds lies with local and regional governments like Metropolitan Planning Organizations?

I understand that the authority to select projects using Carbon Reduction Program suballocated funds follows existing statutory and regulatory requirements. If confirmed, I will ensure that we follow the law on this point.

- a. Will you commit to working to ensure that this program provides flexibility in the use of funds, including using dollars for operating support of programs that create mode shift?

If confirmed, I commit to follow the statutory requirements for this program. Consistent with such requirements, I will work to ensure that recipients have flexibility to select Carbon Reduction Program projects that demonstrate reductions in transportation emissions over the project’s lifecycle, including eligible options that support mode shift.

6. Section 13006 of the Bipartisan Infrastructure Law directs the establishment of a program to accelerate the implementation and deployment of advanced digital construction management systems. This important program is intended to support broad state adoption of digital design and construction management technologies in transportation infrastructure development, which can save time and money, improve worker safety, and lead to more sustainable infrastructure. How do you believe the Federal Highway Administration can help project sponsors take advantage of these technologies?

If confirmed, I commit to ensuring that the FHWA delivers the Advanced Digital Construction Management Systems (ADCMS) Program to promote, implement, deploy, demonstrate, showcase, support, and document the application of advanced digital construction management systems, practices, performance, and benefits. I also will ensure that FHWA provides appropriate technical assistance to project sponsors under this program.

Ranking Member Capito:

1. Do you commit to implementing the Infrastructure Investment and Jobs Act (IIJA) as enacted if confirmed?

Yes.

2. On December 16, 2021 the Federal Highway Administration (FHWA) issued a policy memorandum entitled “Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America”. This policy mirrors proposed language by the House of

Representatives that was not included in the IJJA. If confirmed, do you commit to issue a notice to all FHWA division administrators rescinding the language in the memorandum that does not align with the statutory text and congressional intent of the IJJA?

As I understand it, the Secretary has clarified the memorandum on several occasions, and if confirmed, I commit to following the law. I will also maintain an open-door policy with all State Department of Transportation CEOs so that I can hear directly from any State that has questions or trouble implementing the law or has any lingering questions about the memorandum.

3. Section 126 of Title 23, United States Code provides states the ability to transfer up to 50 percent of certain highway program funds to other eligible highway programs, do you commit to upholding this section of law?

Yes, I will follow the law and commit to upholding the States' ability to transfer apportioned funding consistent with that section.

4. On July 15, 2022 FHWA released a notice of proposed rulemaking (NPRM) for a National Performance Management Measure; Assessing Performance of the National Highway System, Greenhouse Gas (GHG) Emissions Measure (Docket No. FHWA-2021-0004). The FHWA does not have statutory authority to undertake this rulemaking, do you agree?

In the Notice of Proposed Rulemaking (NPRM), FHWA lays out its argument for the legal authority to establish the proposed greenhouse gas (GHG) measure. However, I understand that there are different perspectives on FHWA's legal authority in this area. FHWA has requested public comments on the NPRM, and I expect that many comments will address the legal authority for the rulemaking. If confirmed, I will take the comments received on the NPRM into consideration before making any final determinations.

5. In your opinion, should a GHG performance measure include an exemption for rural states?

As FHWA has an open rulemaking proposing to establish a GHG performance measure, I believe it would be premature for me to take a position on an exemption for rural States. FHWA has published an NPRM for public comment, and many comments are likely to speak to this issue. If confirmed, I will consider the comments received on the NPRM before making any final determinations about the rulemaking.

6. Should FHWA impose penalties on states for the failure to achieve a declining target under a GHG performance measure?

As FHWA has an open rulemaking proposing to establish a GHG performance measure, I believe it would be premature for me to take a position on this issue. FHWA states in its NPRM that FHWA is not proposing specific penalties for the failure to achieve

performance targets. If confirmed, I will consider the comments received on the NPRM before making any final determinations about the rulemaking.

7. Do you agree that state departments of transportation are limited in their ability to achieve a reduction in GHG emissions under a GHG performance measure?

FHWA's proposed GHG measure would establish national tracking of performance based changes in tailpipe carbon dioxide emissions on the National Highway System and require States to set targets for reducing GHG emissions from on-road mobile sources. According to FHWA's NPRM, States would have broad flexibility under the proposed rule in determining what their targets should be, how those targets would be achieved, and what programs and strategies to implement. States may also be able to use the significant finding that Congress has provided through the Bipartisan Infrastructure Law, consistent with statutory requirements, to help implement their programs and strategies. FHWA has requested public comments on the NPRM. If I am confirmed, I will take into consideration the comments received including any that describe States' ability to achieve reductions in GHG emissions under the proposed performance measure, before making any final determinations on the rulemaking.

8. Do you commit to immediately implement each section in Subtitle C of Title I of Division A of the IIJA that FHWA is responsible for?

If confirmed, I commit to implementing all elements of the Bipartisan Infrastructure Law that FHWA has responsibility for, including those in Subtitle C of Title I of Division A, as expeditiously as possible.

9. The U.S. Department of Transportation (USDOT) recently issued a set of questions and answers as interim guidance for certain environmental review provisions in the IIJA. This release included a commitment to release "additional in-depth guidance in the future." Do you commit to sharing a time frame for this information with the committee if confirmed?

I understand this question to be in relation to guidance on the provisions of section 139 of Title 23, United States Code (U.S.C.). If confirmed, I commit to working with the Federal Transit Administration and the Federal Railroad Administration to share with you and the committee a timeframe for the release of the additional in-depth guidance on that section of law.

10. The USDOT provided a temporary waiver of Buy America requirements for certain construction materials in May; the waiver will expire on November 10, 2022. Do you support an extension of this waiver? Please explain your response.

I am aware that the Department issued a Request for Information (RFI) for Construction Materials Used in Federal Financial Assistance Projects for Transportation Infrastructure in the United States Under the Build America, Buy America Act on July 28, 2022. I am also aware that the Made in America Office (MIAO) plays a critical role in

decision making to ensure that any waivers from Made in America laws are applied clearly, consistently, and transparently across federal agencies. If confirmed, I will work with the Department and the MIAO on this issue.

11. Will you commit to open and transparent dialog with federal funding recipients and industry stakeholders throughout the implementation of Buy America provisions in the IIJA?

Yes. The new Buy America requirements will affect a wide range of federal funding recipients and industry stakeholders, therefore open and transparent dialog is a critical element of FHWA's Buy America implementation plan. If confirmed, I commit to ensuring an open and transparent dialog with recipients and stakeholders.

12. For states that have NEPA assignment status, do you commit to transparent and open communication during renewal of a state's NEPA assignment memorandum of understanding under section 327 of Title 23, Unites States Code?

I understand that the FHWA meets regularly with States that have NEPA assignment status during the process to renew their NEPA assignment memorandums of understanding (MOU). If confirmed, I commit to continuing to have transparent and open communication during the renewal of a State's NEPA assignment MOU.

13. Do you commit to providing timely responses to questions and briefing requests, and proactively communicating agency actions to the Environment and Public Works Committee in a timely manner?

Yes.

14. Do you commit to visiting West Virginia if confirmed as Administrator?

Yes, if confirmed I would welcome the opportunity to visit West Virginia again.

Senator Cramer:

1. The Federal Highway Administration's (FHWA) December 16, 2021 memorandum of policy entitled "Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America" shared with FHWA leadership and division offices, suggests a general aversion to infrastructure projects adding new highway capacity and emphasizes projects for the repair and maintenance of existing transportation infrastructure. This broad preference, sometimes called a 'Fix it First' approach, isn't in the law. Congress considered general Fix it First type language and very deliberately did not include it in the law. Appearing before the U.S. Senate Committee on Environment and Public Works on March 3, 2022, in a hearing regarding the implementation of the Infrastructure Investment and Jobs Act (IIJA), the U.S. Department of Transportation Secretary Pete

Buttigieg confirmed the guidance reflects this administration's priorities. Secretary Buttigieg further acknowledged it "will certainly guide" the agency's "decisions" and "approach to the competitive grants" funding. In the IIJA, Congress created a brand-new discretionary grant program to improve the surface transportation infrastructure in rural areas. Communities in rural America, as you know, having served as the state DOT director in Colorado, which has very large rural areas, are looking for increased capacity and road access, not less.

a: How will this memorandum impact your review of discretionary grant applications specifically for the Rural Surface Transportation Grant Program?

It will not have any impact. The Notice of Funding Opportunity for the Department's Multimodal Project Discretionary Grant Opportunity included the Rural Surface Transportation Grant Program. That Notice of Funding Opportunity, which closed on May 23, 2022, outlines the evaluation and selection criteria for the program.

b: Will applicants be expected to prioritize 'fix it first' when applying for discretionary grants?

The evaluation and selection criteria for discretionary grant programs are outlined in the Notice of Funding Opportunity, which is based on the statutory language applicable to the program. If confirmed, I will ensure that Notices of Funding Opportunity issued by FHWA are consistent with the relevant statutory language for the program.

c: Will any road widening or expansion project be rejected based on the memorandum?

No, my understanding is that the memorandum does not prohibit widening or capacity projects. As I stated during the hearing, if confirmed, I will ensure that the FHWA judges capacity projects according to the law. As the Secretary has stated, it is up to the State Departments of Transportation how to invest apportioned highway dollars, and nothing in the memorandum changes that. And, as stated above, the evaluation and selection criteria for discretionary grant programs are outlined in the Notice of Funding Opportunity, which is based on the statutory language applicable to the program. If confirmed, I will ensure that Notices of Funding Opportunity issued by FHWA are consistent with the relevant statutory language for the program and that all eligible project proposals receive fair consideration.

2. At your confirmation hearing you did recognize that, at least sometimes, one size does not fit all. North Dakota is very different than states that include very large population metropolitan areas and rules and program decisions motivated by problems identified in high population states can be ill suited to rural states.

a: Should you be confirmed, how will you consider the suitability of draft rules and program decisions to the rural setting including consideration of the need for adjustments and exceptions in the text for rural states and areas?

Having served as a leader in three State Departments of Transportation across the country, I understand that different areas may face different and unique transportation challenges. If confirmed, I will follow the law and will work with all States and areas to address their unique challenges and deliver projects, recognizing that a one-size-fits-all approach will not always work or be appropriate.

3. Congress included in the IJA codification of the “One Federal Decision” approach to streamlining and expediting the environmental review process. The December 16, 2021 memo did not specifically mention “One Federal Decision”, rather the memo just referred to it as “NEPA Review” and specifically wrote off entire types of projects from being eligible for streamlined review. Prompt and consistent implementation of it should be a top priority for FHWA.

a: Should you be confirmed, will you work hard and promptly to ensure the One Federal Decision framework is fully implemented so that the nation can benefit from prompt, thorough review of major projects?

As noted, the Bipartisan Infrastructure Law codified the principles of “One Federal Decision” into 23 U.S.C. 139. If confirmed, I commit to continue to fully implement these changes in 23 U.S.C. 139.

4. The IJA codified the “One Federal Decision” requiring cooperation between federal agencies so that the review schedule for major projects pursuant to the National Environmental Policy Act (NEPA) and other statutes will be consistent with an average review time two years from the issuance of the Notice of Intent. (NOI).

a: The law provides a two-year line timeline, which is not an aggressive aspiration concerning permitting and project review. Will you be making a strong and consistent effort to meet the two-year review timeframe for review of major projects?

I understand that the FHWA works with project sponsors to develop timeframes to complete an environmental impact statement. If confirmed, I will ensure that we comply with the two-year agency average to complete an environmental impact statement while preserving environmental protections.

b: Based on your experience as a former state director and the new streamlined One Federal Decision authority granted in the IJA, how will you revise and improve the system to meet or beat Congress’ timelines?

If confirmed, I will work with project sponsors and federal permitting agencies to explore ways to revise and improve the environmental review process to ensure efficient project delivery while preserving environmental protections.

5. At your confirmation hearing, Sen. Capito noted that some questions for the record she posed to a USDOT official in March remain unanswered. I simply note here that

questions I submitted in writing as part of that hearing process remain unanswered as well, and the responses would be welcomed.

I commit to answering questions posed to me by Members of Congress in a timely manner. I have also communicated to the Office of the Secretary your and the Ranking Member's concerns on the delay in the Secretary's responses to the Questions for the Record from the committee's March 2022 hearing. I understand the work is being done to respond fully and completely as soon as possible.

Senator Lummis:

1. FHWA has implemented numerous requirements for the National Electric Vehicle Infrastructure (NEVI) Program that were not contained in statute. As a result, many states including Wyoming are forced to request waivers from these provisions.

- a. If confirmed, will you commit to reviewing these waiver requests and accepting as many as possible?

If confirmed, I will commit to review future exception requests under a process that recognizes the unique challenges that States may face in meeting the criteria of the National Electric Vehicle Infrastructure (NEVI) program. If confirmed, I commit to ensuring FHWA continues to collaborate with the Joint Office of Energy and Transportation to provide technical assistance and work with States to address program requirements.

- b. In a more general sense, do you believe that states requesting waivers should be given significant leeway, given their on-the-ground knowledge for the needs of their own states?

I believe that States are given flexibility under the NEVI Program to develop State Electric Vehicle Infrastructure Deployment Plans that contribute to a national electric vehicle charging network and provide electric vehicle users with the confidence that they can travel long distances and expect reliable access to charging stations when needed, while also recognizing the unique needs of different regions and communities. If confirmed, I commit to ensuring FHWA continues to collaborate with the Joint Office of Energy and Transportation to provide technical assistance and work with States to address program requirements.

2. In the *Infrastructure Investment and Jobs Act (IIJA)*, I had a provision included that required FHWA to conduct a cost allocation study for the first time in nearly three decades. The study was required to be completed prior to the end of the current authorization for FHWA. Can you please provide an update on how progress on that study is going?

The Bipartisan Infrastructure Law directs the Secretary to carry out a highway cost allocation study, in coordination with State Departments of Transportation, within four

years of enactment. If confirmed, I would be happy to provide you with an update on the Department's progress towards completing that requirement.

3. Wyoming is keenly interested in the Wildlife Crossing Pilot Program that was established and funded under the *IIJA*. Can you please provide an update as to when Wyoming and other stakeholders can expect a Notice of Funding Opportunity for that program?

If confirmed, I will work to implement this program as expeditiously as possible, and I would be happy to provide you with an update on implementation.

4. FHWA recently released its proposed 'greenhouse gas (GHG) performance measure,' which if adopted would require states to demonstrate progress towards reducing their on-road emissions. This provision was debated and ultimately excluded from the text of the *IIJA*.

- a. Given that programs contained in the *IIJA* have still not been implemented by FHWA, do you believe it is an efficient use of career staff time to focus on non-statutory policies without congressionally mandated deadlines?

As I stated in my testimony, I know that FHWA staff is working tirelessly to implement and deliver on the Bipartisan Infrastructure Law. I understand that FHWA is working as expeditiously as possible and has already made significant progress, including distributing Federal-aid highway formula funding to States, distributing to States funding for two major new formula programs under the Bipartisan Infrastructure Law: the Bridge Formula Program and the National Electric Vehicle Infrastructure Formula Program, distributing funds for construction of the Appalachian Development Highway System, and publishing Notices of Funding Opportunity for several discretionary grant programs. In addition, FHWA has published a customer-friendly, public-facing Bipartisan Infrastructure Law implementation website that houses useful information for stakeholders, including guidance and fact sheets.

If confirmed, I commit to continuing FHWA's efforts to implement the Bipartisan Infrastructure Law as expeditiously as possible.

- b. If confirmed, how would you balance the priorities of the current administration with the directives given by Congress in statute?

If confirmed, I commit to working with Congress to ensure FHWA successfully implements the actions statutorily required of FHWA in the Bipartisan Infrastructure Law.

- c. How would you envision smaller states complying with the GHG performance measure, given the lack of densely populated areas in states such as Wyoming?

As I read in FHWA's NPRM to establish a GHG performance measure, each State would have flexibility under the proposed rule to develop strategies that make sense for its own unique circumstances. The proposed rule would not limit

a State in making decisions about strategies to comply. FHWA has requested public comment on the NPRM, and I expect that many comments will address implementation in States that lack densely populated areas. If confirmed, I will consider the public comments on the NPRM before making any final determinations on the rulemaking.

Senator Ernst:

1. Last December, the FHWA issued a memo that encouraged states to prioritize IJA funds on existing roads before adding capacity projects. In Iowa, we have areas with freight and operational challenges for which capacity improvements would lead to a safer more efficient road. How would you protect the role of the states to direct federal aid funds where needed and ensure that FHWA provides only the assistance Congress intended?

I understand that States select what projects to build with their formula funds. If confirmed, I will follow the law and will work with States to help them deliver the projects they select.

2. With the increases in formula funds and discretionary grant programs under IJA, how will you ensure transparency and accountability for federal aid Highway funds so that citizens know how their taxes are being spent?

I believe that it is important that the FHWA be transparent and accountable for the funds for which it is entrusted by taxpayers. I understand that FHWA publishes a semi-annual Status of Federal-aid Highway Funds Report. This report contains various funding data for apportioned and allocated programs. Further, FHWA publishes an annual report to capture various detailed project-level data for projects with a total estimated cost of more than \$25 million. Both the semi-annual and annual reports are publicly posted on FHWA's web site. Other resources that citizens may look at to determine how their tax dollars are being used include the Bipartisan Infrastructure Law funding page on FHWA's website, and the USAspending website.

Senator CARPER. Shailen, thanks very much for your testimony. Now, we are ready to begin with some questions for you. Senator Capito and I have agreed to two 5 minute rounds of questions with additional rounds at the discretion of the Chair. To begin, though, this Committee has three standing yes or no questions that we ask of all nominees who appear before us. Let me ask you those questions.

No. 1, do you agree, if confirmed, to appear before this Committee or designated members of this Committee and other appropriate committees of the Congress and to provide information subject to appropriate and necessary security protections, with respect to your responsibilities? Do you?

Mr. BHATT. I do.

Senator CARPER. Second question: Do you also agree to ensure that testimony, briefings, documents, and electronic and other forms of communication or information are provided to this Committee and its staff and other appropriate committees in a timely manner? Do you?

Mr. BHATT. I do.

Senator CARPER. Finally, do you know of any matters which you may or may not have disclosed that might place you in a conflict of interest if you are confirmed?

Mr. BHATT. I am not aware of any matters that would place me in a conflict of interest that have not been disclosed.

Senator CARPER. Fair enough.

With that, we have a request from Senator Inhofe to proceed out of order. He needs to leave early.

Senator Inhofe, we are happy to do that. Go right ahead.

Senator INHOFE. Thank you, Mr. Chairman. I appreciate that very much. I have the same problem that I had once before, and I am going to make sure that it doesn't happen again.

Mr. Bhatt, in my home State of Oklahoma, our State Department of Transportation maintains an 8 year transportation plan directing funds to projects that will have the greatest benefit to the people of Oklahoma. And I mention this because, as we discussed in my office, that is what really needs to be done. You get on with it, get it done, and quit talking about it. You have a great reputation for keeping that kind of discipline, which I appreciate very much.

Due to the great work of our people in Oklahoma, Oklahoma has climbed from, listen to this, from 49th to 5th in the Nation in highway bridge infrastructure condition rankings, with less than 1 percent of all highway bridges considered to be structurally deficient. I bring this up because this folds right into the amount of work that you can get done because of your proven work ethics. I look forward to that.

In your experience, how do project delays affect infrastructure investment made by States and the Federal Government?

Mr. BHATT. Thank you for that question, Senator Inhofe. I am still good friend with the former director, Mike Patterson, and I am really pleased to hear that Oklahoma has made such great progress in bridge condition, because that is a critical component of a transportation network.

In terms of project delays, I think that whenever you have a project that is delayed, as the Ranking Member mentioned, the

costs tend to go up, because that is just the way. The longer things go, the more that they cost.

I always start with safety as our No. 1 priority. And I believe that, hopefully every time we are doing a new project, we are increasing safety. Any time we have a project that is delayed, we are continuing in an unsafe condition up until we can get that project delivered as quickly as possible.

In my time as a DOT leader, I have tried to always push as quickly as possible to get projects completed. If confirmed, I will bring that same mindset to the Federal Highway Administration.

Senator INHOFE. Good. I have no doubt about that, because I am concerned that the Department of Transportation may not award or may unfairly limit future grant funding to eligible projects simply because those projects do not meet the Administration's overarching policy goals.

Mr. Bhatt, what would be your vision of how the Department of Transportation would judge projects that add capacity to future grant programs?

Mr. BHATT. Thank you for that question as well, Senator Inhofe. I think you started by talking about the plan that Oklahomans have come up with for their transportation system. And that is a product of input of local officials, State officials, and to me, that represents the will of the people of Oklahoma for their transportation system.

Senator INHOFE. And they priorities that they have. That is right.

Mr. BHATT. The priorities that they would put forward. I believe that, in terms of capacity projects, if there are capacity projects that States are going to bring forward, in my time as a DOT director, I have added capacity in every State that I have worked in. We will, if confirmed, judge those projects according to the law.

Senator INHOFE. I am sure you will.

I have to add that it is unfair that you have all that beauty wrapped up into those little girls.

Mr. BHATT. Just in the interest of time, I will be brief. I was hoping they would look like me until later in life.

[Laughter.]

Senator INHOFE. All right. Thank you, Mr. Chairman.

Senator CARPER. You are quite welcome.

Mr. Bhatt, as Chairman of the Committee, I have sought to find ways for our infrastructure investments to also promote equity for communities that have not always been treated fairly. Every State here that is represented on this Committee has communities like that, every one of us, certainly in Delaware, certainly in West Virginia, and frankly, every other State as well.

The Bipartisan Infrastructure Law and the Inflation Reduction Act both included programs with an emphasis on improving equity, as you know. If confirmed, how will you help States and local communities invest in projects that uplift economically disadvantaged and marginalized communities? What opportunities do you see to improve the technical capabilities of disadvantaged communities to receive Federal funds and successfully deliver projects?

Mr. BHATT. Thank you for that question, Mr. Chairman. Before I was ever considered for this position, I think equity is an incred-

ibly important concept because we don't want transportation to be something that people feel is being done to them. We want it to be something that people feel like we are doing with them.

Governor Hickenlooper mentioned some of the projects that we did in Colorado. I would point to our I-70 viaduct replacement. It was a 50 year old bridge that was in really bad condition. The challenge in Denver was that on one side, there were some important businesses for the city, and on the other side, there was a school, there were neighborhoods that had been cut asunder.

I just think about going to some pretty intense public meetings there and the community wanting to be heard. And so as I mentioned in my opening statement, we tried to reconnect that community. We went to the school there and offered to build them a new school, and they said no, this school is our school. This is our school and our communities. We want improvements made here.

Some people thought that we were maybe taking too long, or it was not a good use of money. My daughters go to a school called Gate Elementary in Michigan, and if there was a big highway project going in right beside them, I would want a voice in that process. My commitment is I have seen these projects from all levels, and if confirmed, I will make sure that equity is at the front of everything that we do.

Senator CARPER. Good, thank you. Senator Inhofe is good enough to host in his hideaway most Thursdays that we are in session a Bible study. It includes Democrats and Republicans. Probably most folks would never imagine that we would gather and read the scripture together, pray together, share stuff together, but we do.

One of the things that we always come back to in those meetings is the Golden Rule: Treat other people the way we want to be treated, whether they live on the other side of the street, the other side of town, the other side of the world. It is an important ingredient in the legislation that we have written. We are anxious to see that we pay full attention to it going forward.

I am going to ask a question, if I could, about resilience. The National Oceanic Atmospheric Administration updated their projections for sea level rise in a report recently that found that sea levels will rise by an additional foot by 2050. Let me say that again: Sea levels will rise by an additional foot by 2050. This is NOAA, the National Oceanic and Atmosphere Administration's most recent projections.

They also found that disruptive and damaging floods will occur 10 times as frequently, 10 times as frequently, given what we have seen in places like Kentucky where my sister lives and where you used to live and play an important role. The future is, with respect to flooding, the present is frightening.

It is clear that at this point, the world cannot avoid the effects of global warming. Communities will need to find ways to adapt to higher temperatures and more frequent natural disasters.

My question: If you are confirmed as administrator, how would you have States account for these risks in the planning and design of future highways and other federally funded assets?

Mr. BHATT. Thank you, Senator. Listening to your question, I think about Prime Hook, which is a community on the coast of Delaware that I first learned about during Hurricane Irene. Then

I found out that their community there, access to the community floods even during a high tide now because the water has been continuing to rise.

I look at all of the climate challenges that are affecting weather; it is tornadoes in Kentucky, fires in Colorado, drought. This is something that our infrastructure was not designed to deal with. I think, if confirmed, I will want to make sure that we take an approach that we did in Colorado, which was looking at our assets from a climate resiliency standpoint. We actually discovered a culvert on I-70 that was really critical, that if it had washed out, would have caused a massive road detour. Bringing a scenario approach to it, to say you need to consider this, might be a good approach.

Senator CARPER. All right, thank you.

With that, let me turn to Senator Capito. It is your turn.

Senator CAPITO. Thank you, Mr. Chairman.

As you and I talked about, and I mentioned it in my opening statement, I am concerned about the ongoing IJJA implementation. It began with the December 16th memorandum that was put out that really, I think, brought a lot of confusion, but also some concern that the flexibilities that each State has enjoyed to be able to make the determinations, whether it is equity or climate or capacity, those States have been able to make those decisions.

It is also important to note that included in the memo was direct language from the bills that came out of the House, which the Chairman and I, in our negotiations, was not included in our bill. That is the will of Congress. What is your view of this memorandum, and how do you see it being used by FHWA moving forward?

Mr. BHATT. Thank you, Ranking Member Capito. Yes, I heard you clearly yesterday, and I have also watched the hearing from March.

Even outside of that, I have heard from a lot of stakeholders in the industry about, initially, was there some confusion from States, I would say, that I believe that a lot of that confusion is beginning to abate because of segments from the Secretary where he has said that he intends to uphold the law.

I would say that, if confirmed, I would want to make sure that, working with our State partners, that they understand that we just want to be consistent in following the law and that we will absolutely do that. I would just point to, as I mentioned yesterday, the project in Maryland that did receive a record of decision that evolves at a capacity as a signal that, even before my confirmation is being considered that FHWA is moving forward with some capacity projects.

Senator CAPITO. Thank you.

The other issue that we talked about was the inconsistency between the divisions, where West Virginia might get an answer in one area, and then North Carolina might get a different answer from their division. And I think that is particularly important when you look at this in light of the guidance that is out there, but also the effects of the law and the intentions of the law.

What can you do to resolve those broad inconsistencies? I think you recognize they do exist.

Mr. BHATT. Thank you for that question, as well. I would say that, from my experience before with Federal Highways, one of the backbones of Federal Highways is the fact that we have a division office in all 50 States. And that is a great thing.

But what can be challenging is those divisions are filled with people. People can hear or read one thing and maybe interpret it a little bit differently. Then that creates some of the inconsistency, potentially.

One of the things, if confirmed, is I will plan to issue, obviously, clear communication, but then also follow it up with a lot of communication and visits with those division offices to make sure that we are able to spread this message of we are one agency, and therefore there is one answer that gets consistently delivered to all of our States.

Senator CAPITO. I think that would be much appreciated in some sense, because it does eliminate time. If you think your other States or other regions are doing things differently, you are going to go back and keep trying, and that is more time; that is more money. That is more inability to get things done.

I mentioned the thing that happened in West Virginia where the transfer of the funds, of the 50 percent of the funds went to another program, which is allowable in the law, and that they had received 3 months after they were given permission to do that, a letter discouraging them from doing that, which makes you wonder who is writing the letters.

I would like to know that you would uphold the right of States to transfer up to 50 percent of certain highway programs to other eligible highway programs, and if you have any thoughts on that particular issue.

Mr. BHATT. Thank you.

Senator CAPITO. Did you ever do that in Colorado?

Mr. BHATT. Thank you, Ranking Member Capito. Absolutely, we have flexed dollars. Delivering projects is a delicate balance of Federal dollars, State dollars, so you flex, you have CMAC money, and there are eligibilities for it. So I think when States are coming and saying, we need to flex funds, we want to make sure that we are making sure that we are allowing them to deliver those projects as quickly and effectively as possible.

Senator CAPITO. When you were the transportation administrator in Colorado, you flexed funds, as much as 50 percent? Don't recall?

Mr. BHATT. I don't want to give absolutes, but we absolutely worked with DRCOG in Denver for CMAC money to go to them, and then we would match it with State dollars. I am sure some of the Bustang funding, I just want to go back and double check, but yes, flexing is something that came out of Federal law a few years ago, and it is a great tool for States.

Senator CAPITO. I appreciate your emphasis on that. Thank you.

Senator CARPER. Thank you, Senator Capito.

Next, I think Senator Cardin is going to join us by Webex.

Senator Cardin, are you there?

No, he is not on Webex.

All right, Senator Cramer is next in line. He is not here just yet; he has left.

Senator Whitehouse is here. I see we have been rejoined by Senator Hickenlooper in the back.

Thank you for coming, returning, to show your support.

Senator Whitehouse, please.

Senator WHITEHOUSE. Thank you, Chairman, and welcome, Mr. Bhatt. I am sure you are a wonderful gentleman, and Senator Hickenlooper insists that Colorado is a wonderful State. But you do have a terrible disadvantage, which is that you have no coast, or at least you haven't in several million years.

I am from Rhode Island, which is a coastal State. I don't know how well you know Rhode Island, but we have areas like Bristol, which are now part of our State, that will soon become islands due to sea level rise based on the existing projections by our Coastal Resources Management Council and by NOAA.

There is a part of Warwick called Warwick Neck that is going to become Warwick Neck Island. The town of Warren, Rhode Island, is working very hard on a plan to deal with the loss of some of its major business areas along the coast and moving uphill to a different road as its central business area. It is a very deliberate and well thought through plan.

If you are trying to get away from Warren and Bristol in a flood, you get onto Route 114, which takes you through Barrington, but Route 114 is a huge flood risk itself. An evacuation route from a flood that is itself flooded is not a very good situation. We already have fire and rescue equipment having to be positioned on Warwick Neck so that when it floods temporarily in big storms, those people are not separated from the emergency services that they may need.

These coastal problems that we face as we look at sea level rise, which are slow and deliberate, and to some degree, inevitable, but are accelerated by storms and storm surge and huge prodigious rains that pour down, it creates a real risk for us.

You will be implementing the Resilience Act that we call PROTECT that I fought very hard for in the bill. The formula grants are out, but the competitive grant program still needs to be developed.

And I need your assurance that as you develop the competitive grant program, the particular and urgent needs of coastal communities that are at risk of losing vital transportation access are put at the very forefront of the department's concerns.

Mr. BHATT. Thank you, Senator. I appreciate your concern. From my time in Delaware, dealing with Hurricane Irene, Superstorm Sandy, looking at some of the inundation maps where basically east of Route 1, just because of the topography and the lack of any kind of elevation, we had to develop massive plans around evacuation, how do we get people out, how do we provision them when they are there, what do we do with debris.

So I completely understand and appreciate that challenge for coastal States. My commitment, if I am confirmed, will be to work very diligently on this issue, because it is one that we have been looking at for a while. It is a mix of adaptation, some hardening. It is a big challenge.

Senator WHITEHOUSE. And an important piece of this is the planning that small, particularly coastal communities have to do. If you

are New York City, you can take care of yourself, or you are Boston, you can take care of yourself. If you are Charlestown, Rhode Island, it can be pretty difficult to figure out what is going to happen. You have Moody's, your bond insurer, banging on your door saying, what are you going to do about this, because there is a foreseeable loss of property value, and therefore municipal revenue when the valuable coastal properties are flooded out or become uninsurable or become un-mortgageable. And to have the resources, if you are a small, coastal community to figure out what you need to do and get the studies right is really vital. Not every coastal community has that capacity.

So I hope that you will pay particular attention to small, coastal communities seeking planning assistance in dealing with this risk.

Mr. BHATT. Absolutely, Senator. And I had mentioned Prime Hook as a classic example. We have a causeway that connected them. It was already flooding during high tides. So I remember them talking about their school bus, how their school bus couldn't get back in, not even during a hurricane, just a high tide.

Senator WHITEHOUSE. The other thing I want to work with you on is low carbon transportation materials. We both have a law in place and a bipartisan law that has been reintroduced by myself and Senator Collins, and it is to give composites and other types of materials a fair chance. I love iron and steel. But if you can do just as well with composites, and it lasts longer, support to pay the up front difference could be very helpful. But it is also important that the highway standards allow for those alternatives. Because if the only standards that an engineer can go to the book and find are iron and steel standards, you just put a huge obstacle in front of these alternatives. So I hope we can work out way through that as well.

I have gone beyond my time, so I will just leave it there.

Senator CARPER. Thank you for going beyond your time and wrapping it at that point. Those are good points.

We are joined by Senator Cramer.

It is great to see you. You are on; take it away.

Senator CRAMER. Thank you, Mr. Chairman.

Thank you for your willingness to take on the task, and for our discussion the other day.

I want to follow up a little bit on the same line of questioning that Senator Capito brought up. I want to speak specifically to a different rulemaking process, and that is the greenhouse gas emissions performance measure notice of proposed new rulemaking, and how I believe that that directly contradicts the bipartisan bill as well, the Infrastructure Bill.

I come from a rural State, North Dakota. We have a lot more miles of highway than we have people. But we are rather proud of the fact that we grow a lot of, and take very seriously that we grow a lot of, commodities, food commodities that feed a hungry world. That big world that is hungry is far from North Dakota. We grow a lot of energy for a growing national economy, and a global economy. We used to do a lot more of it, but we would like to do it again.

So this vast system of highways that we manage is very important. And it is very, very rural. I am going to focus on rural for

a minute. I think the regulations that come out of the Federal Highway Administration need to reflect that, that not every place is New York; not every place has a coast, but the coast has fierce advocates, and the mountains have fierce advocates, and so do the prairies of the Midwest. I think everybody is just a little bit different, and the rules have to reflect that.

In the proposed rule that I am talking about, the Greenhouse Gas Emissions Reduction Rule, one of the things it indicates is DOTs can replace cars and trucks with a transit system. Well, we don't have the type of population densities in North Dakota that that is even plausible or possible, much less should be part of any rule. Getting back to flexibility, flexibility is really, really critical.

I want to highlight that we reached a consensus in this country, and we agree that there is a need to streamline regulatory review. And the one agency decision rule that we have talked about already was part of the bill. We codified that in the bill.

We discussed other things that didn't become part of the bill. One of my frustrations is that we are having a debate in the Senate right now over permitting reform, is that it seems that the bureaucracy requires, and I think coming from States like you have, and by the way, the fact that Senator Hickenlooper vouches for you is good, but the fact that former Governor Hickenlooper vouches for you is even better. He is like all these former Governors that are in the Senate, we have lots of them, they bring a level of common sense that is not as common as it ought to be around here.

That said, I would like to hear your input on that overriding issue. What I worry about with the bureaucracy is that when we come up with permitting reforms, and we try to legislate them, what I have noticed is that unless we tell the bureaucracy exactly what they are required to do, and furthermore tell them exactly what they are prohibited from doing, they will do whatever they want to do.

So please help me be reassured that you are going to advocate for States and for States' rights.

Mr. BHATT. Thank you, Senator. As I mentioned, you don't have a coast, but Devil's Lake is a place I visited a couple of times.

You touched on a few things in our meeting and in that question. All I can say is, I understand that in Colorado, as an example, the transportation solutions that made sense in the Denver metro area were not what we were discussing out in the eastern plains or in other more rural parts of the State. My commitment is that I think the best solutions are the ones that are brought forth from the States and make sense in that it is not a one size fits all, it is that local decision that makes sense.

On the permitting side, as I had spoken to earlier, it is just so critical from a safety perspective, for cost effectiveness, that we get these projects delivered on time and on budget. That would be my commitment if confirmed.

Senator CRAMER. I appreciated Senator Hickenlooper's quoting of the Denver Post that you are a fierce advocate for innovation. That is hopeful. I do believe that there are innovations that can allow us to do more quicker, efficiently, without compromising the integrity of our care for the environment and tax dollars.

With that, I look forward to the second round. Thank you.

Senator CARPER. Thank you very much, Senator Cramer.

We are joined by Senator Markey, who will be succeeded by Senator Lummis, and then by Senator Boozman, and then by Senator Sullivan.

Senator Markey, welcome.

Senator MARKEY. Thank you, Mr. Chairman, very much.

Mr. Bhatt, the Cape Cod bridges are a crucial artery connecting 250,000 residents of Cape Cod to the rest of Massachusetts. They are the only route to and from Cape Cod for cars, so they are essential for emergency evacuation.

The two bridges are nearly 90 years old, structurally deficient, in desperate need of replacement. Fortunately, the Bipartisan Infrastructure Law included billions of dollars for this exact type of project, including the \$12.5 billion Bridge Investment Program run by the Federal Highway Administration.

Mr. Bhatt, do you agree that the Bridge Investment Program is designed to fund critical projects like the Cape Cod Bridges, and will you commit to working with me on that project?

Mr. BHATT. Thank you, Senator Markey. As we discussed at length yesterday, I understand how critical these bridges are for Massachusetts. I would agree that from my reading of the language that that is exactly the kind of project that we want to support with that bridge money. And if confirmed, I look forward to working with you to solve that challenge.

Senator MARKEY. Thank you. I appreciate that. No project is more worthy of Federal funding than that project. The Federal Government built those bridges almost 90 years ago, and if they are not replaced, we are going to have big problems up in Massachusetts.

Over the past decade, fatalities for pedestrians and bicyclists have risen by 50 percent, in 10 years, fatalities for pedestrians and bicyclists have increased by 50 percent in the United States. That is why I fought for the Bipartisan Infrastructure Law to include my Active Transportation Infrastructure Investment program, which promotes walking and biking infrastructure and supports active transportation networks that allow people to safely travel without needing a car. Active transportation networks help reduce transportation emissions, increase mobility, and improve physical fitness. We have to ensure that our streets are safe for all road users.

Mr. Bhatt, do you agree that active transportation networks both improve auto safety and reduce emissions?

Mr. BHATT. Thank you, Senator. Absolutely. In Delaware, we went from 31st to 4th in bicycle friendly States, and I did that as the Secretary. I now am really concerned about this as a father. My daughters and I and my family go biking a lot. Absolutely, active transportation is a critical component, and safety.

Senator MARKEY. So I urge the Federal Highway Administration to begin issuing grants under this program, as soon as Congress provides funding.

Climate change, I also want to talk about the Federal Highway Administration's new Greenhouse Gas Emissions Performance Standards. That rule is long overdue, and critical to addressing the climate crisis. The transportation sector accounts for an estimated 31 percent of total carbon emissions in the United States in 2021.

We are driving our climate off a cliff. If we are going to live in a net zero emissions future, we need to drastically cut our transportation related emissions, starting now.

Mr. Bhatt, do you agree that we have to immediately act to reduce our transportation emissions?

Mr. BHATT. Thank you for that question, Senator. It is pretty clear that there is a link now between emissions and greenhouse gases, and some of the climate events. I am really glad the Bipartisan Infrastructure Law had the first title recognizing that.

Yes, I would agree that we should take an all of the above approach to try and make an effective change there.

Senator MARKEY. Thank you. I am looking forward to working with you as the Federal Highway Administration finalizes its Greenhouse Gas Emissions rule. I am looking forward to working with you in the future.

Thank you, Mr. Chairman.

Senator CARPER. Thank you, Senator Markey, for joining us.

Senator Lummis, you are next, and unless someone else comes in between you and Senator Boozman, Senator Boozman will be next after you.

Senator Lummis, welcome. Thanks for joining us.

Senator LUMMIS. Thanks, Mr. Chairman. The great diversity of this Nation is just going to be displayed between Senator Markey's questions and mine, because in my State, there are only nine communities where the population is higher than the elevation. Think about that, where the population of the town is higher than the elevation of the town.

The point being, Wyoming has extremely high elevations and extremely small populations. And EVs don't function as well at altitude. You can't go as far on a charge. So it is very challenging for States like Wyoming to reduce greenhouse gases through its automotive sector on our highways. You have been on Interstate 80; you know it is a commercial truck transportation corridor of real significance, linking the Nation between east and west.

So I really understand why coastal States, States with small geography and massive populations, want this addressed. But in my State, I am concerned that this rule might be an electric vehicle mandate which Congress explicitly excluded during debates on the Infrastructure Bill. Or that it will, Federal Highway Administration will focus on this to the exclusion of congressional intent to recognize this massive diversity in our country.

Can you help me know how you are going to balance between the understandable desires that Senator Markey just articulated and the concerns I have in a much different State?

Mr. BHATT. Thank you, Senator Lummis, and thank you for that conversation yesterday. I would say that having worked in Delaware and in Kentucky and in Colorado, you become very aware of what a beautifully diverse country this is, and how one size fits all doesn't always work. I would say that when Governor Hickenlooper, we were working as the cabinet, they were trying to get us to buy alternate fuel vehicles for all the State agencies. As the DOT, we had a lot.

We did that to an extent. But as I mentioned yesterday, performance of those vehicles in the mountains at altitude, the cold, if you

are pushing snow, you want to make sure you have the right vehicle for that context. So my commitment, and I also want to be clear that this is a rulemaking, it is still open in public comment period. So we will take all of those comments in before anything were to come out.

I just want to make sure that we are making common sense decision. That is what I commit to if I am confirmed.

Senator LUMMIS. Thank you. Electric vehicles and the mileage they can travel between charges is tested on flat ground, 70 degrees. There is no such place in Wyoming. So there is no way to get the same kind of mileage out of a charge in a State like Wyoming that you can in the areas where those vehicles are tested. Thank you so much.

And thank you, Senator Markey, for your testimony as well. I recognize the differences between our two States.

Senator MARKEY. And I thank you.

You have represented, Denver is called the Mile High City, is it not?

Mr. BHATT. Yes, it is, sir.

Senator MARKEY. So you probably have a lot of experience in high elevations and electric vehicles. So we will look forward to your expertise.

Thank you.

Senator LUMMIS. He does, indeed. I drive frequently between Denver and Cheyenne. Cheyenne is substantially higher than Denver.

[Laughter.]

Senator CARPER. This could go on for a while.

[Laughter.]

Senator LUMMIS. I will switch to the highway cost allocation study. I had a legislation with another member of this Committee that would ensure future Congresses had better data by requiring the Federal Highway Administration to conduct a highway cost allocation study before the current authorization expires. Can you provide an update on that study?

Mr. BHATT. Thank you, Senator, for that question. I would be happy to more accurately do it through a for the record, if that would be acceptable.

Senator LUMMIS. Absolutely, yes. Thank you.

We talked a little about truck parking. I want to bring that up again. As I mentioned, the truck traffic in Interstate 80 through Wyoming is phenomenal. You will drive for miles and see no passenger vehicles. It is just truck after truck after truck; it is truly a ribbon of highway uniting east and west for commercial trucking purposes.

And the lack of truck parking is a major concern. So I want to get your thoughts on that issue. And I want your commitment you will work with me to help solve that problem, if you are confirmed.

Mr. BHATT. Absolutely, Senator Lummis. Through all my time in transportation, the critical importance of freight and making sure that when we talk about safety, the issue that those trucks have a place to spend their rest time is critical. I absolutely commit if confirmed to working with you on this important issue.

Senator LUMMIS. We have been informed that with a looming railroad strike, it would take almost 500,000 trucks to replace the freight that is transported by rail. So that sort of illustrates how important some of our intermodal opportunities are in this country.

I understand that there is an updated Jason's Law report that remains unavailable to the public. This report outlines the lack of available parking for truckers nationwide. Will you commit to an expeditious release of that report if you are confirmed?

Mr. BHATT. Senator Lummis, I would commit to an expeditious release to the extent that I would have purview, if confirmed, within Federal Highways.

Senator LUMMIS. Thank you. I have a couple other questions. We sort of touched on them yesterday, about wildlife crossing pilot programs—

Senator CARPER. You are almost out of time. Do you want to ask them for the record? Or we are going to have a second round.

Senator LUMMIS. Oh, great. I will probably just stay for the second round then. Thank you.

Senator CARPER. Senator Cardin has returned. To your point on the importance of freight rail, by rail, you can move one ton of freight from Washington, DC, to Boston on one gallon of diesel fuel. One gallon. It underlines the importance of your point.

All right, Senator Cardin has rejoined us.

Thanks for coming back.

Senator CARDIN. Thank you, Mr. Chairman, and let me thank our nominee for your previous public service and your willingness to serve in this critically important position. I also want to thank your family because it is a shared sacrifice. We appreciate your being shared for public service. Very impressive background.

I first want to compliment you on your testimony. The balance between dealing with keeping our communities safe in the transportation programs and making sure that we can move people around our country, the concerns about local communities, I appreciate your commitment in regard to what you did in Delaware for cyclists. All these are important priorities, and I thank you for that.

Senator Cramer mentioned the importance of State input in these decisions. And I agree with that. But I want to talk about local governments, our county governments, our municipal governments.

One of the major changes in the Bipartisan Infrastructure package was a significant increased capacity on the Transportation Alternative Programs, 10 percent of the formula funding. And those programs' success depends upon the ability of local governments to have the ability to direct how those priorities are set. It is meant for the local communities, to enhance communities, particularly those that have traditionally not had the same degree of attention.

I appreciate that you and I had a chance to talk about how you can help us understand, if there is a need for change in law, let us know, but how you can administer this program with the intent of Congress to allow local communities to be able to get access to these funds to improve the ability of safety, livability, those issues.

Mr. BHATT. Thank you, Senator. And I appreciate our conversation the other day. Having run an NPO, having run a State DOT,

and having worked at the Federal level, I am so aware of the immediacy of these transportation impacts on local communities and how local communities have the most relevant information. Even taking the Federal side out of it, in States I have worked in, WILMAPCO in Wilmington, and in northern Delaware, at DRCOG, these planning organizations in coordination when there is a good relationship there, you get some good outcomes.

But I understand as well that the intent of the law is for there to be some more local control around these decision and funding. We will work hard to make sure that we are able to achieve those goals, if I am confirmed.

Senator CARDIN. Quite frankly, it has worked in the past. We have had States that have really stepped up and have carried this out appropriately. On the other hand, there is great need locally. Some of these municipalities or county governments are relatively small in the political structure of a State. So if there is a need for a modification of the authorizing statute, we would appreciate if you would keep us informed as you try to carry out our intent.

Mr. BHATT. Absolutely, Senator, if confirmed.

Senator CARDIN. The second part I want to talk about is reconnecting communities. And I want to thank Senator Carper for his leadership on that. In Baltimore, we have the famous Franklin Mulberry Corridor, which was a highway to nowhere that divided inner city communities. It was a real harm to the community. Our intent is to now be able to use transportation funds to help deal with communities that have been adversely impacted by transportation programs. So the Infrastructure Bill made a specific effort in that regard.

Can you share with us how your position can help us in making sure that part of the Infrastructure Bill is carried out?

Mr. BHATT. Thank you, Senator. If confirmed, I would bring that understanding of having gone to some very intense public meetings and hearing from folks how directly impacted they have been by the infrastructure, and decisions that we made in the past. I would bring that experience to have empathy, and to listen, and to be a good partner.

Senator CARDIN. I think the key here is balance. We recognize how important transportation infrastructure is to our economies. We have major needs in the State of Maryland, I went over some of them with you, on highways, and on bridges that are going to take major investment. So we are going to need the Federal Government to help us in that regard.

We also have communities that have been left behind in the past. What we want to see is how we can administer these programs to deal with both. So I think balance here is going to be critically important.

Thank you, Mr. Chairman.

Senator CARPER. Thanks for those questions. Thanks very much, Ben, for your leadership as our relevant Subcommittee Chair on a lot of the issues we are talking about here today.

Senator BOOZMAN, thank you for your patience. You are now recognized.

Senator BOOZMAN. Thank you, Mr. Chairman, very much.

Thank you for being here, Mr. Bhatt. We had a good conversation the other day that I think was really very, very helpful.

Recently I have had the opportunity to work with Senators Rosen and Blumenthal about a bill called the Drone Infrastructure Inspection Grant Act. What we are trying to do there is get drones more involved in the sense of all the wonderful things that they can do.

One of the reasons that I am championing the legislation is because the Arkansas Department of Transportation has really embraced the use to augment human inspectors and spot flaws. We had a situation with the shutdown of the bridge separating Arkansas and Tennessee. Through that, we learned a great deal about different ways to inspect and become much more efficient.

Really what I would like to know is your feelings about using that kind of technology. Also, the idea of instead of just arbitrarily putting 2 inches of asphalt on a road, having the drones overfly using the software or maybe one section just needs an inch, another one needs 2 and a half inches, and you have a much more level surface that is going to hold up a lot longer. All of those things that you know much more about than I do.

Mr. BHATT. Thank you, Senator Boozman. I really enjoyed our conversation on that technology piece. I would say, having been in a bucket truck and looked under those bridges with some of our DOT forces out in the field, someone who doesn't deal well with heights, I would appreciate the drone especially. But it is a more efficient use; if you get the same safety outcome in using ground penetrating radar. My private sector experience with AECOM, our CEO Troy Wood talks a lot about technology and this intersection of transportation and technology and deploying new opportunities. So if confirmed, I would be really excited to work with you on that.

Senator BOOZMAN. Very good. I want to emphasize again, Senator Lummis brought it up, about the truck parking. Arkansas, as you know, is a big trucking State, one of the biggest in the country. I am told that it is not uncommon at all for truck drivers literally to drive around 2 to 3 hours looking for a parking space, in the sense that they are getting dinged if they don't find it. It is that big of an issue.

We talk about climate, how important that is; we talk about the supply chain, the fact that these things are so fragile anyway. We don't have the ability to have the truck drivers and the fleets that we need right now to transport anyway. Then the carbon that is emitted by maybe a third of the day, a quarter of the day spent instead of doing something productive, like I said, just driving around looking for a spot.

So I guess really what I am asking is for you to commit, you are going to have some discretionary dollars that you can work with, to work with us so that we really come up with a solution. We have studied this thing, we have this and that, but it is low hanging fruit. It is something that we really could make a huge difference in for the supply chain.

Mr. BHATT. Thank you, Senator. I know this is a very important issue. It came up with Senator Lummis as well.

I would just say that those hours of service are so precious that we want to make sure they are productive. There are technology

solutions that alert drivers as to where they might be able to find a rest spot. So we want to try to push that with all the eligibility that is available under the law.

Senator BOOZMAN. The House has introduced the Truck Parking Safety Improvement Act. It is being passed by T&I. The committee right now is not able to move forward. I am being told that part of the reason it is stalled because of the delay in receiving technical assistance from Federal Highway.

So that is something else I would really like for you to look into. You can probably do that for me now, and I know that folks are listening; we greatly enjoy working with the Commission. They do a very, very good job. But we need to move forward on that.

Tell me, as we talk, in 25 seconds, tell me, do you have any other ideas about the supply chain, things that you can do to be helpful? And is there any other low hanging fruit out there that we can help you with?

Mr. BHATT. Thank you, Senator, for that. I think the supply chain has been a critical issue for DOT since Secretary Buttigieg has got there. I would just say very briefly, you have ports, and you have bottlenecks for the roads that come out, there is traffic, there are equity issues. My commitment if confirmed, I want to take an all of the above approach to say like what is the low hanging fruit that we can go out quickly and make some positive impact.

Senator BOOZMAN. Thank you.

Thank you, Mr. Chairman.

Senator CARPER. Senator Boozman, thanks for coming early and staying late. Thanks for your questions as well, and participation.

Next is Senator Kelly, then we will move to Senator Sullivan.

Senator KELLY. Thank you, Mr. Chairman.

Thank you, Mr. Bhatt, for being here with your family. I see your daughters reading Charlotte's Web over there. Fantastic. It is a good book.

[Laughter.]

Senator KELLY. I want to begin by discussing some of the important infrastructure projects that we have in Arizona. Arizona is different, just different than most States. When the interstate highway system was designed in the 1950s and 1960s, Arizona's infrastructure needs, they just looked different. Compared to other regions, our interstate highways are not designed to meet the needs of our growing State and the growing Southwest region.

Right now, portions of Interstate 10 between Phoenix and Tucson, which are the two largest metropolitan areas in the State, they still just have two lanes with no access road. And a single accident can cause traffic jams for hours. This happens almost every day. Despite being two of the fastest growing cities in the country, Phoenix and Las Vegas still are not connected via an interstate highway.

So that is why I worked to create the new National Infrastructure Project Assistance Program, which we are calling the Mega Projects Program, to fund major transportation projects with national or regional economic mobility and safety benefits. Or in other words, projects like this I-10 expansion between Phoenix and Tucson or the construction of a highway between Phoenix and Las

Vegas, or even Tucson and all the way to Las Vegas, which would be called I-11.

The Arizona Department of Transportation and our regional partners are committed to getting these projects done. And I am hopeful that the Federal Highway Administration can be a partner in these efforts. Mr. Bhatt, do you agree that Arizona and other fast growing States have different roadway infrastructure needs than other States?

Mr. BHATT. Thank you, Senator Kelly. I actually heard you bring that up in the March hearing as well. Senator Hickenlooper talked about the gap, there was a 12 mile stretch between Colorado Springs and Denver that we worked to accelerate that delivery. To me it is not just a capacity issue, it is a safety issue. If you have a crash on a two lane road, you have one lane taken by the crash, one lane for emergency vehicles, you shut down the entire roadway. If confirmed, I would look forward to working with you to try to resolve these issues.

Senator KELLY. Do you think this infrastructure law can help States like Arizona or Colorado fund long overdue interstate expansion projects?

Mr. BHATT. Thank you, Senator. I would say it would be my great hope that if that is what the people of Arizona wish to pursue, that we would be a good partner to help them deliver.

Senator KELLY. So, a little bit different topic here in my remaining time. As you know, nearly all of the Federal Highway Administration's funding programs require localities to provide a local match in order to receive grant or formula funding. This often puts small and rural jurisdictions at a big disadvantage when it comes to competing for funding from the Infrastructure Law. In some instances, rural communities, they can sometimes find a way to meet the minimum local match requirement. But then they are outcompeted by larger and more well resourced jurisdictions, who can offer a higher local match. Or worse, worst case, many rural communities may choose not to apply for funding because they cannot meet a local match requirement.

Congress has provided some flexibility to these requirements. For example, the Rural Surface Transportation Program allows applicants to use other sources of Federal funding to satisfy a local share. And States are stepping up, too. This year the Arizona legislature created a \$50 million smart fund. And this fund is used by the State to help small, rural, disadvantaged communities meet Federal cost share requirements, or cover planning and design costs.

Mr. Bhatt, the Federal Highway Administration, what can you do there to help make competitive grant programs accessible to communities with limited capacity in terms of developing applications and having to meet a local match?

Mr. BHATT. Thank you, Senator. I understand it is important that all communities are able to take advantage of that, and I know there is some technical assistance that is available. If confirmed, I look forward to working with you to make sure that all communities of all sizes are able to participate.

Senator KELLY. All right. Thank you.

Thank you, Mr. Chairman.

Senator CARPER. You bet. Senator Kelly, thanks for your faithful attendance to these hearings.

I like to say we are saving the best for last, but that might be a little bit of a stretch, I am not sure.

Senator Sullivan, it is always great to be with you. And you are recognized, my friend.

[Laughter.]

Senator SULLIVAN. Thank you, Mr. Chairman.

Senator CARPER. Take as long as you wish. Well, maybe not quite that long.

Senator SULLIVAN. Mr. Bhatt, congratulations to you and your family. Thanks for your willingness to serve.

I want to build on what Senator Lummis had talked about in terms of the diversity of our great Nation. I don't always like to brag about Alaska; well, actually, I do like to brag about Alaska.

[Laughter.]

Senator SULLIVAN. We are what I like to say a resource rich but infrastructure poor State.

I know you have spent time in Delaware, Colorado, Kentucky. To just give you a little sense of the size, Senator Markey is not here right now, but we are 73 times bigger than Massachusetts, yet we have way less roads. Fourteen times bigger than Kentucky, 20 percent of the roads. Six times bigger than Colorado, 15 percent of the roads that Colorado has. I don't like doing this to the Chairman, but since he is here, 228 times bigger than Delaware and much, much less road miles than Delaware in Alaska.

Over 82 percent of the communities I represent don't have roads connecting them at all. So we are uniquely challenged. And I will raise another area in which we are uniquely challenged. When you try to build a road in Alaska, a simple road, not very controversial in the lower 48, pretty much every radical far left environmental group in America sues to stop it. They want to keep Alaska "pristine." Ambler Road, King Cove Road, roads of the national forest, and the Biden administration is in on it with them.

The big joke in Alaska is the Biden administration loves talking about environmental equity, environmental justice. I am all for that, Secretary Buttigieg. But there is a big exception. They don't want to give environmental justice or equity to indigenous people in Alaska, the Native people. Twenty percent of the population, almost. This Administration turns equity issues on its head because they discriminate against Alaska Natives. You and I are going to learn about this.

Have you ever been to Alaska?

Mr. BHATT. I have been to Juneau, sir, for a WASHTO conference.

Senator SULLIVAN. OK, so one of the things I would like to get your commitment on if confirmed is to commit to me to get up to my State with me, without me, it doesn't matter, and get around and see. You can't build a road in Alaska. And the people it is hurting most are indigenous people. And Pete Buttigieg and everybody else talks about equity and all this stuff. In my State, they don't give a darn about the people who really need infrastructure. And it is the Native people mostly.

So can you commit to come to Alaska with me and see these issues first hand?

Mr. BHATT. Absolutely, sir, if confirmed, I will.

Senator SULLIVAN. As you can tell from my voice, I think you are very well qualified. This is just a gigantic frustration of mine. It is remarkable how people get away with it. They partner with the radical enviros and shut down the ability to build infrastructure in some of the poorest communities in America. Nobody talks about it. The New York Times, Washington Post, they will never write a story about this happening.

Related to this, our Alaska DOT, when we meet next week I would like to go into a little bit more detail on this. There is an MOU, it is the MOU that FHWA is looking at revising on the ability to take away NEPA authorities on a highway project upon a civil rights or environmental justice accusation. Are you familiar with that?

Mr. BHATT. I am not familiar with the specific case you are talking about. Are you talking about the assignment of NEPA authority to States?

Senator SULLIVAN. Correct. There is a new MOU that says the Feds can take that away if there is a civil rights or environmental justice accusation, very broad language that they are looking at. I would appreciate for next week when we meet if you can get up to speed on that. Like I said, my State DOT is very concerned about that. Again, just because we feel that there is already racial discrimination going on in my State with regard to this Administration as it relates to indigenous people and their ability to get roads and access. I would like to have the opportunity to discuss that with you.

Finally, I know you have already heard about the Acting Administrator Pollack and a lot of our concerns about the December 21st memo. We did a lot of the work on the Infrastructure Bill in this Committee. I voted for the Infrastructure Bill in part because it had good permitting reform provisions. Then you have this administrator who puts out a memo, and she is adding and kind of taking away all the things that we did in the Congress, and a lot of it was compromise, with regard to the Infrastructure Bill particularly as it relates to highways.

Can I just get your commitment, if confirmed, that you will implement the policies and funding priorities that we put into law? The ability of an administrator to just say, hey, you know what, I really like certain issues, so I am going to make these a priority, and you know, whatever the Congress did, I am not going to really pay much attention to that.

Can you commit to me if confirmed that A, you are not going to do that, like Acting Administrator Pollack did, but B, that you are going to be faithful to the statutory provisions that your office will have on the implementation of this very important Infrastructure Bill, which we all worked hard together on, to get compromise language on? But that is what you have to abide by, not your own interests and your own personal desires. Do you understand the question I am asking? It is a really important one.

Mr. BHATT. I do, Senator Sullivan, and I hear the passion in your voice and how important this issue is to you, both for the infra-

structure in Alaska and on the regulatory or interpretation issues. I would commit that if confirmed, I will follow the law. I have heard this issue from several folks, and that would be my commitment, to follow the law if confirmed.

Senator SULLIVAN. Great.

Thank you, Mr. Chairman.

I look forward to meeting with you next week, Mr. Bhatt. I look forward to getting you up to Alaska and seeing where our country really needs infrastructure, and my goodness, it is hard to build in my State. We need your help on it. Thank you.

Mr. BHATT. Thank you, sir.

Senator CARPER. While Senator Sullivan is still in the hearing room, one of the best family trips my family ever took was to Alaska, when our sons were just a little bit older than the Bhatt girls. We went to, among other places, Denali, the great one. We still talk about what a wonderful trip that was. Maybe you can find a way to combine business and pleasure.

Senator SULLIVAN. I was going to mention, you bring the family, too, right? Sometimes I ask nominees to come like in February, when it is 45 below zero in Fairbanks. By the way, that is another reason, the EV issue, if it is 50 below, I am not sure how much the batteries are going to work on these EV trucks in my State. But that is another topic. We welcome the whole family.

Mr. BHATT. Thank you.

Senator CARPER. Senator Capito has offered to go ahead and kick off the second round, then to go vote. We expect the votes to start almost any minute.

Senator Capito, thanks for joining us.

Senator CAPITO. Thank you.

Thank you again for being here.

I just have a quick statement. I mentioned in my opening statement that I had submitted questions for the record for the Secretary from his opportunity in March. It has been 6 months. We haven't received any answers. So I would ask that you take that back, that my frustration at not having been responded to is not taken lightly by me. And I would appreciate some responses.

I know that is not your fault or in your realm of responsibility right now. But I do know that you are going to be having conversations. So if you would just relay that message for me, if they don't hear it right now, I wanted to reiterate it. But I really thank you and your beautiful family for being here. Thank you.

Mr. BHATT. Thank you, Ranking Member Capito. I am quite certain that your message has been transmitted effectively.

Senator CARPER. A couple more questions, and we will break for lunch around 1:30.

[Laughter.]

Senator CARPER. I want to say, I say this with tongue only partly in cheek, we are blessed with some wonderful sons. How old are your girls?

Mr. BHATT. Saanvi will turn nine on November 1st, and Nandini just turned seven.

Senator CARPER. I would like to say that if the shoe were on the other foot, and I were the witness testifying at my confirmation hearing, I am not sure I would have brought a 7 and a 9 year old

boy to sit behind me, and expect them to behave as well as your daughters have. It is a great tribute to both your wife and to you, and maybe their grandparents. Your performance was pretty impressive here today, but frankly, so is theirs. I can barely see your wife's lips move when you speak.

[Laughter.]

Senator CARPER. I have a couple of questions. A few of our colleagues may come by, I think Senator Lummis may come by and someone else may just drop in. You never know. But we will wrap up before too long.

A question with respect to transportation materials. As you know, vehicle emissions from the transportation sector represent the largest single source of carbon emissions in our country, accounting for something close to 30 percent for all U.S. emissions in 2020. The other major source of carbon emissions comes from the construction of the roads themselves and from the materials to build those roads.

The Inflation Reduction Act, signed and enacted by the President just a couple of weeks ago, provides the funding to Federal Highways to incentivize the use of lower carbon and carbon sequestered construction materials. My question, if you are confirmed as Administrator, what steps will you take to address the carbon emissions associated with roadway construction?

Mr. BHATT. Thank you, Chairman Carper. Yes, I think obviously if we are going to try to reduce carbon we want to take a look at every place where it is being introduced. I think there are a couple of things here. One of the benefits of the career I have had, I have had an opportunity to travel abroad, and I think there is a lot we can learn. We have warm mix asphalt from Europe where we could reduce the temperature of the asphalt as it was coming in. There is some really exciting work that is going on around recycled plastics in pavements, green cement.

So I would say that, we obviously want to make sure these materials perform to the standards as are needed. But if I am confirmed, I look forward to making sure we are deploying all the appropriate materials in the infrastructure.

Senator CARPER. Thank you.

I also want to ask a question with respect to assistance for local recipients. Historically, the Federal Highway Administration has worked primarily with States in administering the Federal Aid Highway Program. The Bipartisan Infrastructure Law and the Inflation Reduction Act create a number of new opportunities for local governments to be direct recipients of Federal Highway dollars.

However, these local agencies don't always have the institutional knowledge; they don't always have the knowledge of the highway procedures or regulations, and much of the requirements that come with that. So as these laws are implemented in the weeks and months ahead, it is going to be critically important for Federal Highways to provide hands on technical assistance and support for local agencies.

If confirmed as Administrator, will you work to ensure that agencies are providing, that the agency you would be leading, if confirmed, is providing all necessary assistance to counties, to cities,

to towns, to enable them to build local capacity to deliver Federal projects?

Mr. BHATT. Thank you, Mr. Chairman. Absolutely, we want people to be successful in their application, we want them to be successful with their groundbreaking, we want them to be successful all the way through their ribbon cutting. And I would commit to that if confirmed.

Senator CARPER. All right. Let me mention one other thing. I don't have any more questions. I don't know if I have said this to you before, but one of the questions I like to ask people when I travel around the country is what makes them happy. I like to ask people, what makes you happy in your life, in your work, whatever you do.

I am always struck by the responses; I like to help people. I like helping people. One of the great things in the jobs that you have done across the country and the jobs that we have here and in other roles we have played in our lives, we get to help people. One of the best ways we can help people and also help them help themselves is to make sure that they have a job and the ability to provide for themselves and their families.

My colleagues have heard me say this a time or two. In the 8 years I was privileged to be Governor of Delaware, more jobs were created in those 8 years, I am told, than any other 8 years in the history of the State of Delaware. I did not create one of them. But what I did is, we worked with a lot of stakeholders in government, outside of government, in order to try to create a nurturing environment for job creation and job preservation, work force. Clean air, clean water, low crime, access to elected officials and appointed officials, the ability to invest some of our public moneys in research, trying to figure out how could we monetize that research and turn it into job creation activities, all kinds of exports to make it possible.

But also critically important in creating a nurturing environment is the ability to move people and products where they need to go when they need to go and in a cost effective environment and in a friendly way. Are there any reflections you might want to add to that as they pertain to the job that you have been nominated to do?

Mr. BHATT. Thank you, Senator. The first part of the question was, what makes you happy. I always say that when people say that my daughters are well behaved, it is a general happiness. I think any parent just always feels like that, and actually is one of the biggest challenges of taking on this role. I want to thank my family for their willingness to sacrifice some of that time. Because I am not going to be able to spend as much time with them.

I would say the same. I remember in Delaware somebody telling me, we could fix your transportation budget if you just cut the transit spending, because we can spend a lot of that money on roads. And then going to meet with people who were dependent on that transit service to get to a job, to get to medical facilities, and realizing that a lot of us who make decisions in transportation are blessed to have access to means and cars and other things, and recognizing that for people in this country, mobility is freedom. And for some people it means it is a car, for other people it might mean

a bike path, for other people it might be transit. But just that understanding that in this career that I have had, there are projects that have been delivered and decisions that have been made that we have tried our best to help people. And in Delaware and in Kentucky and in Colorado, maybe things are a little bit better because we made and delivered some projects.

Senator CARPER. All right, thank you.

Before I make a short closing statement, is there anything else you want to add? Maybe there is a question you wish you had been asked but you weren't. If you want to take a shot at that, you are welcome to. Just any closing thought you would like to leave with us.

Mr. BHATT. They always ask me that in an interview; is there anything that you think we should have asked you. And I always feel like, you shouldn't say anything at that point, because if you have got this far, then why create another problem for yourself?

[Laughter.]

Senator CARPER. You would be amazed, whenever I do this at the end of the hearing, offer the witnesses a chance to say a question they wish they would have been asked, almost always they do take advantage of that, and almost never get in trouble.

Mr. BHATT. I have testified a number of times, and I am not one of those people that take advantage of that.

[Laughter.]

Mr. BHATT. I would only say, as a closing statement, as I said earlier, I am honored and humbled to be considered for this role. I am aware of the magnitude of the role. And if I am confirmed, I will strive to live up to the expectations I know that this Committee and the American people have for Federal Highways at this critical time.

Senator CARPER. All right. Thank you for that.

I want to thank you for taking the time to appear before us today. I want to thank your family for being here; your wife of how many years?

Mr. BHATT. There was no delay, the microphone was off.

[Laughter.]

Mr. BHATT. Married in 2010, so it will be 12 years. That was the highest—my blood pressure just spiked right there.

[Laughter.]

Senator CARPER. The best answer I have ever heard to that question is, not long enough. Not long enough.

Mr. BHATT. That, too.

Senator CARPER. I want to say to your bride and to your girls, and to your mother-in-law and your father-in-law, thank them so much for being here today and for the support that they conveyed by their presence and demeanor. My own wife and our sons can tell you that being the husband or the father or the child of someone who does this kind of public work, we work hard for the money. And it is a joy to do that. We are very, very grateful to them for sharing you with us.

Before we adjourn, I have two final items. First, I would like to ask unanimous consent to submit into the record a variety of materials related to today's hearing.

Without objection, so ordered.

[The referenced information follows:]



U.S. Chamber of Commerce

1615 H Street, NW
Washington, DC 20062-2000
uschamber.com

September 14, 2022

The Honorable Thomas R. Carper
Chair
Committee on Environment and
Public Works
United States Senate
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment and
Public Works
United States Senate
Washington, DC 20510

Dear Chair Carper and Ranking Member Capito:

The U.S. Chamber of Commerce supports the nomination of Mr. Shailen P. Bhatt to serve as Administrator of the Federal Highway Administration (FHWA) and urges the Committee to expeditiously advance his nomination.

Mr. Bhatt has spent decades working to develop strong partnerships between the public and private sector and to advance the development and modernization of transportation infrastructure. His experience as Executive Director for the Colorado Department of Transportation and Cabinet Secretary of the Delaware Department of Transportation would serve him well in the role of FHWA Administrator, a role that requires regular engagement with state and local governments on project execution. As President and CEO of the Intelligent Transportation Society of America, Mr. Bhatt worked with private sector stakeholders across the transportation spectrum to enable rapid adoption of electric and interconnected vehicles and understands the challenges these next generation vehicles pose. In his current position as Senior Vice President of Global Transportation Innovation and Alternative Delivery at AECOM, Mr. Bhatt has facilitated major public-private partnerships that are working to transform America's roadways.

As the Administration continues implementation of the historic Infrastructure Investment and Jobs Act, the country needs an experienced leader like Mr. Bhatt at the helm of the agency receiving the vast majority of the law's funding. We encourage the Committee to expeditiously review and favorably report his nomination to the full Senate.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil L. Bradley".

Neil L. Bradley
Executive Vice President, Chief Policy Officer,
and Head of Strategic Advocacy
U.S. Chamber of Commerce

cc: Members of the Senate Committee on Environment and Public Works



Shawn D. Wilson, Ph.D., *President*
 Secretary, Louisiana Department of Transportation and Development
 Jim Tymon, *Executive Director*

September 9, 2022

The Honorable Sen. Tom Carper
 Chair
 Committee on Environment and Public Works
 United States Senate
 456 Dirksen Senate Office Building
 Washington, DC 20510

The Honorable Sen. Shelley Moore Capito
 Ranking Member
 Committee on Environment and Public Works
 United States Senate
 410 Dirksen Senate Office Building
 Washington, DC 20510

Dear Chair Carper and Ranking Member Capito:

On behalf of the American Association of State Highway and Transportation Officials (AASHTO), I'm writing to express the Association's utmost support for Shailen P. Bhatt to be approved by the Senate Committee on Environment and Public Works and confirmed by the full Senate to become the next Administrator of the Federal Highway Administration (FHWA). Representing all 50 states, the District of Columbia, and Puerto Rico, AASHTO's mission is to support state departments of transportation (state DOTs) to connect America with the transportation system of today and tomorrow.

Mr. Bhatt has been a tireless transportation advocate for decades, especially in the areas of safety and technology, and he makes an excellent choice by the Biden Administration to lead FHWA. His leadership roles at both the Delaware and Colorado departments of transportation—as well as his time at the U.S. Department of Transportation (USDOT), Intelligent Transportation Society of America, and AECOM—demonstrate his ability to bring people together to ensure we have a safe, sustainable, equitable, and multimodal transportation system that enables mobility for everyone.

As state DOTs implement the Infrastructure Investment and Jobs Act in close partnership with USDOT and FHWA, a veteran public administrator like Mr. Bhatt with a deep understanding of the diversity of infrastructure needs in individual states across the country is crucial to lead FHWA. In addition, with state DOTs' notable progress on key policy priorities shared by Congress, the Biden Administration, and AASHTO—including system preservation, safety, climate change and resilience, innovation, equity, and efficient use of federal funds—emphasis should continue to be placed on FHWA supporting states in advancing these policy priorities under the Federal-aid Highway Program.

Thank you for the opportunity to support Mr. Bhatt's nomination, and we look forward to continue working with you.

Sincerely,

Jim Tymon
 Executive Director

555 12th Street NW | Suite 1000 | Washington, DC 20004 | 202-624-5800 Phone | [transportation.org](https://www.transportation.org)

American Association of State Highway and Transportation Officials



September 20, 2022

The Honorable Thomas R. Carper
Chair
Committee on Environment and Public Works
Hart Senate Office Building, 513
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment and Public Works
Russell Senate Office Building, 172
Washington, DC 20510

Dear Chairman Carper & Ranking Member Capito,

The American Motorcyclist Association respectfully thanks the Environment and Public Works Committee for its consideration of S. 2736, the "Recognizing the Protection of Motorsports Act" (RPM Act). As the sanctioning body for motorcycle racing as well as largest motorcycling organization in the United States, the AMA is seeking clarity for the motorcycle racing community and the industry that supports amateur and professional racing.

Founded in 1924, the AMA is the premier advocate of the motorcycling community. We represent the interests of millions of on- and off-highway motorcyclists. Our mission is to promote the motorcycling lifestyle and protect the future of motorcycling.

Motorcycle racing in the United States is largely divided into two broad categories with many disciplines in each category. These two categories are: off-road racing using off-highway motorcycles, and on-road racing using motorcycles that were originally certified for street use but have been converted into dedicated race vehicles, never being operated on public roads.

In 2015 the U.S. Environmental Protection Agency included language within a proposed rule for greenhouse gas emissions from trucks and buses, that stated it is illegal under the Clean Air Act to modify the emissions control system of any motor vehicle even if that vehicle is converted to a dedicated race vehicle. The EPA eventually withdrew this language but noted that it stands by this interpretation of the Clean Air Act despite 45 years of previous EPA policy, practice, and racing industry understanding of the law as it applies to dedicated race vehicles.

Under this new interpretation, the entirety of on-road motorcycle racing has been put in jeopardy as this racing depends on the act of converting a motor vehicle into a dedicated race vehicle, an act the EPA has reinterpreted as an act of tampering. While the EPA has noted that the agency has not pursued enforcement action against individual racers, this reassurance is not adequate or acceptable to the racing community that lives continues to live with the possibility that the EPA can begin enforcement at any time and end racing as we know it.

444 North Capitol Street, NW | Suite 837 | Washington, D.C. 20001
Phone (202) 220-1390 | Fax (202) 220-1399 | www.Americanmotorcyclist.com | @AMA_Rights

The RPM Act provides clarity to the motorcycle racing community and racing community at large that the Clean Air Act allows motor vehicles to be converted into dedicated race vehicles and that these conversions are not an act of tampering. This clarification does nothing to prevent the EPA from taking enforcement action against bad actors selling and installing racing parts and equipment for vehicles that will be used on public roads. Such activity will remain illegal, just as it is illegal today, if the RPM Act becomes law.

Converting motor vehicles, including motorcycles, into racing vehicles that compete in popular, sanctioned events is an integral part of our American motorsports heritage. The RPM Act protects this American pastime, thousands of jobs supporting the motor sports industry, and the ability of racers to purchase and install the parts that they need to compete. The AMA respectfully requests your support for this legislation that is vital to the future of motorcycle racing.

Sincerely,



Michael Sayre
Director of Government Relations
American Motorcyclist Association



Washington Office
 25 Massachusetts Ave. NW
 Suite 500
 Washington, D.C. 20001
 (202) 789 - 7850
 Fax: (202) 789-7859

September 14, 2022

The Honorable Tom Carper
 Chairman
 Committee on Environment and Public Works
 U.S. Senate
 410 Dirksen Senate Office Building
 Washington, D.C. 20510

The Honorable Shelley Moore Capito
 Ranking Member
 Committee on Environment and Public Works
 U.S. Senate
 456 Dirksen Senate Office Building
 Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito:

The American Society of Civil Engineers (ASCE) would like to express support for Shailen Bhatt's nomination to serve as administrator of the Federal Highway Administration (FHWA). ASCE urges the Senate Committee on Environment and Public Works to consider Bhatt's nomination and confirm him to this important role.

Bhatt possesses a valuable combination of private sector and government experience, which will serve him well as he helms the FHWA. As senior vice president of global transportation innovation and alternative delivery at AECOM, Bhatt understands the country's infrastructure needs and the importance of delivering projects on time. His previous roles leading the transportation departments of Colorado and Delaware, as well as his stint as a presidential appointee at the U.S. Department of Transportation (DOT), allowed Bhatt to gain government experience while pursuing partnerships and innovative transportation solutions.

Opportunities for improving the nation's roads and bridges have been enriched by advancements in technology. Bhatt, who previously served as CEO of the Intelligent Transportation Society of America (ITS America), an organization whose purpose is to advance the research and deployment of transportation technologies, is particularly well-suited to oversee the careful and safe deployment of these technologies.

On ASCE's *2021 Report Card for America's Infrastructure*, roads earned a D and bridges earned a C. ASCE believes Bhatt's skills will help guide FHWA toward some of the recommendations outlined in the Report Card, such as focusing on preserving a state of good repair while accelerating the deployment of new technologies and developing a balanced approach for our current aging bridge inventory.

ASCE was a strong supporter of the Infrastructure Investment and Jobs Act (IIJA), which includes substantial funds for roads and bridges. If confirmed, Bhatt will be in charge of administering IIJA initiatives such as the Bridge Replacement, Rehabilitation, Preservation, Protection, and Construction Program and the Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Program. His

experience leading transportation efforts in both the public and private sector will be useful as projects advance under these important programs.

As implementation of the IJA continues, a Senate-confirmed administrator will be key at FHWA. ASCE believes Bhatt will be a strong and decisive leader at this agency. We urge the Senate Committee on Environment and Public Works to approve his nomination in a timely manner. Thank you for allowing us to voice our support.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. Smith III". The signature is written in a cursive style with a horizontal line underneath the name.

Thomas W. Smith III, ENV SP, CAE, F.ASCE
Executive Director



August 9, 2022

The Honorable Tom Carper
Chair
Committee on Environment & Public Works
513 Hart Senate Office Building
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment & Public Works
172 Russell Senate Office Building
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito,

On behalf of the American Traffic Safety Services Association (ATSSA), we strongly support the presidential nomination of the Honorable Shailen Bhatt to be Administrator of the Federal Highway Administration (FHWA).

Mr. Bhatt has demonstrated a long history of expertise, passion and dedication to the transportation safety community. He has highlighted these qualities throughout his career in the transportation sector, and we are excited by his nomination. Mr. Bhatt's commitment to the safety of the traveling public is unquestionable, and he will be a dynamic leader of the FHWA as they continue their work on advancing roadway safety.

We offer our sincere support and endorsement of Mr. Bhatt's nomination; we hope that the Committee will consider his nomination in a timely manner and that the U.S. Senate will quickly follow suit. Each year, tens of thousands of men, women and children die on our nation's transportation network, and many more are seriously injured. It is critical that the FHWA be as strong as possible to help combat this serious national safety concern.

Please let us know if we can be helpful during the nomination process of Mr. Bhatt. We are confident in his abilities and fully support his nomination.

Sincerely,

Stacy Tetschner

President and CEO



American Road
& Transportation
Builders Association

250 E Street, S.W.
Suite 900
Washington D.C. 20024

P 202.289.4434
W artba.org

September 13, 2022

Senator Tom Carper
Chairman
Environment and Public Works Committee
410 Dirksen Senate Office Building
Washington, DC 20510

Senator Shelley Moore Capito
Ranking Member
Environment and Public Works Committee
456 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito:

The American Road & Transportation Builders Association is pleased President Biden has nominated Shailen Bhatt to serve as administrator of the Federal Highway Administration (FHWA) and urge your support of his nomination. Senate-confirmed leadership of the FHWA will provide needed accountability for the critical work ahead to implement the investment and policy directives put in place by the Infrastructure Investment and Jobs Act (IIJA).

Mr. Bhatt's unique combination of state, federal and private sector experience would serve the nation well, as capitalizing on the new law's opportunities to revitalize the U.S. highway and bridge network demand both substantive knowledge and the ability to work productively with an array of stakeholders. To that end, Mr. Bhatt has a proven record of solving complicated infrastructure challenges in a timely and cost-effective manner.

ARTBA welcomes the opportunity to work with Mr. Bhatt, the Biden Administration and Congress to ensure the IIJA's bipartisan investment and policy agreements produce a transportation system that benefits all Americans and strengthens the U.S. economy for decades to come.

We appreciate the Environment and Public Works Committee moving forward with a hearing on Mr. Bhatt's qualifications and urge all senators to support his confirmation.

Sincerely,

A handwritten signature in black ink that reads 'David Bauer'.

David C. Bauer
President & CEO

cc: Senate Environment and Public Works Committee members



We're leading the movement to build a bicycle-friendly America for everyone

1612 K STREET NW, SUITE 1102, WASHINGTON, DC 20006
 | phone 202-822-1333 | fax 202-822-1334 |
 WWW.BIKELEAGUE.ORG

September 8, 2022

Dear Chairman Carper and Ranking Member Capito,

We write to you in support of Shailen Bhatt's nomination for the role of Administrator for the Federal Highway Administration. We believe he is an excellent candidate for this role because of his experience as a leader across the United States, his commitment to safety and to reducing the environmental impacts of transportation, and his track record of accomplishments. The League of American Bicyclists believes he would be an invaluable asset to the U.S. Department of Transportation.

Since 1880, the League of American Bicyclists has been people-powered, with a goal to make bicycling safer and easier as a means of transportation and recreation. Today, the League continues to improve lives and strengthen communities through bicycling. We are more than 200,000 members and supporters strong with more than 1,000 state and local advocacy groups and bike clubs as well as thousands of businesses, universities, and communities together leading the movement to create a Bicycle Friendly America for everyone.

Throughout his career, Shailen has been thoughtful about all people who use our transportation system and has brought that perspective to his leadership roles at several state Departments of Transportation. As a Deputy Executive Director with the Kentucky Transportation Cabinet, Shailen was a champion for the Safe Routes to School Program. Safe Routes is an approach that promotes students' ability to walk and bike to school and creates safe ways to include active transportation as part of an early education. As Secretary of Transportation for Delaware, Shailen worked with Governor Jack Markell to invest in bicycling and walking infrastructure across the state. Their efforts were so successful that Delaware rose from 31st to 4th in the League's ranking of Bicycle Friendly States during Bhatt's service. As the Executive Director of the Colorado Department of Transportation, Shailen worked with Governor John Hickenlooper to make critical investments in trails and pathways across the state, connecting communities and supporting local business. For decades our focus has been on building transportation systems focused on cars. Shailen's leadership at numerous state DOTs integrating all modes shows his commitment to build a safe, accessible and sustainable transportation system that works for everyone.

This is exactly the kind of leadership and commitment our nation needs to meet the moment we are in to build back better. Transportation has a critical role to play in meeting the challenges of COVID recovery and economic relief, racial justice and equitable opportunity, and addressing climate change. Shailen's track record of success in the public and private sector will make him an outstanding member of the US Department of Transportation team.

Please contact Caron Whitaker, Caron@BikeLeague.org or 202-215-3908, if you have any questions. Thank you for your consideration.

Sincerely,

Bill Nesper
 Executive Director



NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

September 12, 2022

The Honorable Tom Carper
Chairman
Senate Committee on Environment and
Public Works

The Honorable Shelly Moore Capito
Ranking Member
Senate Committee on Environment and
Public Works

Dear Chairman Carper and Ranking Member Capito:

On behalf of the 400 members of the National Stone, Sand & Gravel Association (NSSGA), I am writing to share our support for Shailen Bhatt's nomination to lead the Federal Highway Administration (FHWA).

NSSGA represents aggregates producers and those who manufacture equipment and services that support the construction industry. Our members are essential to the work of this country, and we represent more than 2.56 billion tons of stone, sand and gravel produced annually in the United States. Our members employ more than 100,000 hard-working men and women, who are responsible for the essential raw materials found in every home, building, road, bridge, and public works project.

The work of this committee over the past years to craft and advance responsible surface transportation reauthorizations, which were incorporated as the base of the Infrastructure Investment and Jobs Act (IIJA), has given FHWA a historic opportunity to improve our infrastructure that better the lives of every American. With \$383 billion in new contract authority and hundreds of billions in additional investments across dozens of new and existing programs, FHWA has an essential role in executing the IIJA investments that will modernize our transportation systems to eliminate congestion, improve the flow of goods that sustain our nation and every community.

Mr. Bhatt's decades of experience and career of work to advance infrastructure development will be critical as FHWA works to execute the largest infrastructure investments in our country's history. NSSGA looks forward to partnering with Mr. Bhatt, as we address ongoing implementation challenges that could disrupt IIJA's investment. One critical roadblock has been the lack of clear and conscious communication over the new Build America, Buy America regulations, including the exclusion for aggregates-based products. Clear, unambiguous communications to State DOTs, construction companies and construction materials, which follows the intent of Congress, is crucial to building new projects.



Further, as FHWA works to move IIJA funds, either through formula programs or discretionary grants, we urge the agency to avoid partisan policy mandates that limit flexibility. Whether investing in a new road in a rural community or a new transit system in an urban city, the taxpayer investments under IIJA should benefit all Americans. That is why we are concerned with proposed policies that were not included in IIJA that insert new, partisan criteria into the planning process, such as restrictions on new road capacity projects.

NSSGA members are diligently working across 9,000 operations to produce the essential materials needed to upgrade bridges, modernize roads and improve our transportation networks. Our members stand ready to work with Mr. Bhatt to rebuild our nation.

Thank you for your attention to the views of NSSGA, and we look forward to the Committee advancing the nomination of Mr. Bhatt as administrator of FHWA.

Sincerely,



Michael Johnson
President and CEO
National Stone, Sand & Gravel Association

CC: Members of the Senate Committee on Environment and Public Works





International Bridge, Tunnel and Turnpike Association
2021 L Street, NW
Suite 101-343
Washington, DC 20036

September 12, 2022

Honorable Senator Tom Carper
Chairman
Senate Environment & Public Works Committee
513 Hart Senate Office Building
Washington, DC 20510

Honorable Senator Shelley Moore Capito
Ranking Member
Senate Environment & Public Works Committee
172 Russell Senate Office Building
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito:

On behalf of the Board of Directors and members of the International Bridge, and Turnpike Association (IBTTA), I am pleased to extend IBTTA's overwhelming endorsement of the nomination of Shailen Bhatt as Administrator of the Federal Highway Administration (FHWA). As we look forward to continuing our strong partnership with the U.S. Department of Transportation and FHWA to advance the nation's transportation and infrastructure interests, we are enthusiastic at the prospect of working with a visionary and effective leader, such as Shailen Bhatt.

IBTTA is the worldwide association for the owners and operators of tolled and priced vehicular facilities and the businesses that serve them. Founded in 1932, IBTTA represents 129 toll operators in thirty-four states responsible for some of the nation's most critical infrastructure and implementing state-of-the-art infrastructure and systems, using innovative user-based transportation financing solutions to address the nation's transportation needs. Our Association provides a common place for advocacy, thought leadership, information exchange, and education, to ensure strong transportation leadership and vibrant mobility solutions for the 21st century.

Mr. Bhatt possesses the necessary qualifications and credentials to be confirmed as Administrator of FHWA. In his previous work at the U.S. Department of Transportation, his leadership of two state departments of transportation, his role as CEO of the Intelligent Transportation Society of America, and as Senior Vice President for AECOM, he has proven to have the knowledge and vision this country needs to address the climate, sustainability, resiliency, and funding challenges facing the transportation sector.

As the FHWA continues to implement the provisions of the Infrastructure Investment and Jobs Act, it is important that someone with Mr. Bhatt's extensive background in transportation policy and program management be at the helm of the agency. The confirmation of Shailen Bhatt as FHWA Administrator will be a great stride forward for the transportation industry and the American people.

Sincerely,

Diane Gutierrez-Scaccetti
President, IBTTA
Commissioner,
New Jersey Department of Transportation

Patrick D. Jones
Executive Director & CEO
IBTTA

**Environmental Defense Fund * Environmental Law & Policy Center * League of American Bicyclists
League of Conservation Voters * Natural Resources Defense Council * Rails-To-Trails Conservancy
Safe Routes Partnership * Sierra Club * Transportation for America**

September 13, 2022

The Honorable Tom Carper
Chairman
Committee on Environment and Public Works
United States Senate
456 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment and Public Works
United States Senate
456 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito,

The undersigned organizations strongly support the nomination of Shailen Bhatt to serve as Administrator of the Federal Highway Administration (FHWA). Mr. Bhatt is well-suited to lead the largest of modal agencies at the Department of Transportation in the implementation of the Infrastructure Investment and Jobs Act's (IIJA) historic transportation provisions. These vast new investments in our vast highway and road network will shape our future and Mr. Bhatt has demonstrated his commitment to fighting climate change, reducing harmful inequities, and boosting safety of communities and people.

Mr. Bhatt is returning to an agency where he served more than a decade ago, helping to steer investments from the American Reinvestment and Recovery Act (ARRA) and to promote sustainable communities. His familiarity with federal policy includes valuable experience in the non-governmental sector as well, for example in his service heading the Intelligent Transportation Society of America, the association of groups and companies advancing technology in transportation. Both these positions prepare Mr. Bhatt to lead FHWA given the unprecedentedly large amount of highway funding in IIJA and the game-changing role of technologies such as electric vehicle chargers, low-carbon construction materials, road pricing, and other means to improve the environmental performance of our highway system.

He also brings experience leading state transportation agencies, specifically three years at the Colorado Department of Transportation (CDOT) and three at the Delaware Department of Transportation (DeIDOT). At these agencies Mr. Bhatt managed large budgets and staff effectively, and he focused on innovative investments. For example, at CDOT he helped deliver new regional train and bus service and advanced autonomous vehicle road and truck designs. At DeIDOT he advanced projects that made biking and walking safer and more popular, moving the state into the top 10 of the League of American Bicyclists' most bicycle-friendly states list.

He also advanced performance management at DeIDOT, leading the creation of measures for tracking effectiveness of state investments and policies in achieving agency goals. His DeIDOT work prepares Mr. Bhatt for the higher level, important responsibility as Administrator: Building and telling the FHWA national and state performance story. Does the agency's portfolio of investments increase safety of all

those who drive, ride, bike, or walk? Does it reduce greenhouse gas emissions? Does it remedy racial injustices from past highway-building? These are the big-picture questions that Mr. Bhatt's experience prepares him to answer and communicate clearly to the American public.

Mr. Bhatt comes to FHWA at a critical time. Our transportation system needs to be transformed to reverse past damage and set a new course to improve equitable access to opportunity, reduce climate emissions, create resilience, save lives and support the economy of all communities. Mr. Bhatt's experience at the MPO, state and federal levels should prepare him to meet this historic moment as FHWA Administrator.

We expect great things from him and the nation will need a strong hand at the helm of this important agency. We strongly support his confirmation and look forward to working with him to modernize FHWA and our national highway system.

Signed,

Environmental Defense Fund
Environmental Law & Policy Center
League of American Bicyclists
League of Conservation Voters
Natural Resources Defense Council
Rails-To-Trails Conservancy
Safe Routes Partnership
Sierra Club
Transportation for America

CC: Members of the Senate Committee on Environment and Public Works



Portland Cement Association
200 Massachusetts Ave NW, Suite 200
Washington D.C., 20001
202.408.9494 Fax: 202.408.0877
www.cement.org

September 13, 2022

The Honorable Tom Carper
Chairman
Environment and Public Works Committee
Washington, D.C. 200510

The Honorable Shelley Moore Capito
Ranking Member
Environment and Public Works Committee
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito:

On behalf of the Portland Cement Association (PCA), which represents cement manufacturers across the country, I write to express support for the confirmation of Shailen Bhatt to serve as the Administrator of the Federal Highway Administration (FHWA).

As you may know, PCA is the premier policy, research, education and market intelligence organization serving America's cement manufacturers. PCA's members represent the majority of U.S. cement production capacity and have facilities in all 50 states. Our members manufacture portland cement, the primary ingredient in concrete, an essential construction material and a basic component of our nation's transportation infrastructure. Portland cement is used in the construction of highways, bridges, tunnels, mass transit systems, and sidewalks. Cement and concrete product manufacturing, directly and indirectly, employs approximately 600,000 people across the United States, and our collective industries contribute over \$100 billion to our economy.

As FHWA works to implement significant investments made by the Bipartisan Infrastructure Law in our nation's roadway network strong leadership at the top of the FHWA is critical. Mr. Bhatt's depth of knowledge of the federal-aid highway program, experience working for a multimodal infrastructure consulting firm, leading two state departments of transportation, and prior service at the U.S. Department of Transportation will be invaluable to FHWA to implementing the Bipartisan Infrastructure Law and ensure the delivery of safe, sustainable, and cost-effective transportation solutions for the 21st century.

Additionally, as PCA and our members work to reach carbon neutrality throughout the cement and concrete value chain, we look forward to working with the FHWA to continue to advance the use of lower-carbon building materials that reduce the carbon footprint of a transportation project over its full life-cycle.

PCA looks forward to continuing to work with the FHWA on the implementation of both the Bipartisan Infrastructure Law and the Inflation Reduction Act. If you have any questions, please do not hesitate to contact Sean O'Neill at soncill@cement.org or 703-321-6792.

Sincerely,

Sean O'Neill
Senior Vice President, Government Affairs
Portland Cement Association

Senator CARPER. I love making unanimous consent requests when there is nobody here who could object. It is one of my favorite things.

[Laughter.]

Senator CARPER. Finally, I would note that Senators are going to be allowed to submit written questions for the record through close of business on Wednesday, September 28th. We will compile those questions as they are submitted, and will send them to you, and we will ask for a reply by Wednesday, October 12th of this year.

Seeing no one else has joined us, either remotely or in person, this hearing is adjourned.

[Whereupon, at 11:46 a.m., the hearing was adjourned.]

