

# THE DEPARTMENT OF TRANSPORTATION'S FISCAL YEAR 2011 BUDGET

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## HEARING

BEFORE THE

COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

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MARCH 4, 2010

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ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

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## **THE DEPARTMENT OF TRANSPORTATION'S FISCAL YEAR 2011 BUDGET**

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**THURSDAY, MARCH 4, 2010**

U.S. SENATE,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The Committee met, pursuant to notice, at 4:18 p.m. in room SR-253, Russell Senate Office Building, Hon. John D. Rockefeller IV, Chairman of the Committee, presiding.

### **OPENING STATEMENT OF HON. JOHN D. ROCKEFELLER IV, U.S. SENATOR FROM WEST VIRGINIA**

The CHAIRMAN. I apologize to all for being late, but votes are votes. Actually, votes sometimes aren't votes, but you have to do them anyway.

I'll just make my opening statement. Senator Begich is going to be here, and then we'll ask you questions, after you've given your statement. And I thank you for coming, and I thank you for your patience.

So, we meet today to look at the Department of Transportation's \$79 billion request for 2011.

Transportation is our country's lifeblood; it facilitates every aspect of the economy, creates jobs, drives new growth here at home while connecting even our smallest communities to something called a "global marketplace." Yet, unfortunately, our world-class transportation system, which was, is aging and has failed to keep pace with the needs of our national economy and our growing population. That could be said—some could say, "Well, that's inevitable." We can't afford to say that. We may not get the money to do it, but we can never stop fighting for that.

And while everyone understands that we have to put more money into our transportation system, we need to have national goals in drawing those plans up, and we have to have very clear objectives to guide and justify any kind of increase we get in funding, particularly under the new budget world that we are now living in.

That's why Senator Lautenberg and I introduced the Federal Service Transportation Policy and Planning Act of 2009. To us, this was important legislation, because it establishes goals for Federal service transportation programs so that the American taxpayers are confident that their tax dollars are going to support transportation projects that improve safety, combat congestion, promote energy independence, address climate change, and, most importantly, allow our economy to grow.

I believe that the Department of Transportation's budget proposal is an important first step that still recognizes the call for serious cost controls, which is what we have mandated upon us. And I'm pleased that this proposal makes sure that our agencies have the resources they need—I hope—to bring safety stage-center.

Secretary LaHood and the DOT have been on the forefront of issues like distracted driving. I'm going to be doing an event on that when I go to West Virginia this weekend—just on that subject. There'll be a large turnout, I guarantee you. And it's great to see that he's proposing \$50 million for a new distracted driver prevention program.

I have proposed my own bill to combat distracted driving, because we already have seen too many lives needlessly cut short, and that doesn't even—it's going to get more and more complicated, worse and worse, and people will come to understand its threat to an even greater extent.

This week, we heard important testimony about NHTSA's deficiencies in enforcing vehicle safety regulations. Therefore, there must be an increase in NHTSA's funding. I feel very strongly about that. I actually gave a question to one of my colleagues, because it was so good that I felt like being generous. But, it made the point that we're spending more to secure and protect our new embassy in Baghdad than we are on all of NHTSA, and therefore all of safety in—you know, in all of its forms. And that happens every year.

So, again, we have to have an increase in NHTSA's funding, to hire more vehicle safety engineers, to investigate vehicle defects. The FAA has hundreds of them. You know, NHTSA, somehow, just doesn't have that many. They're going to get 60 more; that's not enough. They have to cover all modes of transportation. And I feel strongly about that, but we'll see what we can do.

I know the Administration has proposed a slight increase for more personnel, but that proposal is simply not enough to address the problems that this committee has uncovered to date with vehicle safety, much less other kinds of transportation safety.

I look forward to continuing our work with DOT to bring a revived and very proactive commitment to safety and shared responsibility to our roads, and to ensure the resources are there for other agencies to take a similar focus on safety, as well.

For example—I just said this—the FAA is committed to addressing pilot fatigue and training. They have the people to do that; they have the people to stay on that, a problem that was terribly highlighted in that Colgan flight, tragic accident, just over a year ago.

This budget also proposes \$1.1 billion to jump-start the modernization of our air-traffic control system. I could go on for 3 days talking about that and my frustrations in fighting for that in the past several years. We have to have that. It—we're the only country in the industrial world that doesn't have it. Mongolia has it. We don't. They do. But, we've got—I think, what—36,000 airplanes in the sky at any given moment, during the course of a day, probably fewer in the nighttime. So, the question—these TRACONs, they have to keep track of these folks, and they're just using ground radar, and it's like X-rays, as opposed to MRIs or CAT scans. And it means that airplanes have to be farther apart. They can't mon-

itor activity on the tarmac as well. They can't bring people in as carefully as they could if they had a digitalized GPS system. And therefore, we could reduce congestion, we could reduce delays. But, we don't do anything about it. I'm not blaming you, I'm blaming us.

One billion dollars has been proposed for a high-speed and inter-city passenger rail, which continues to be a priority for this committee and for the Administration. And I'm encouraged to see that DOT's commitment to finally addressing the deplorable conditions—and this is distressing to me—that the Merchant Marine Academy, by providing \$31 million to capital improvement programs—I'm going to ask you, in view of how small their budget actually is and how large their capital improvement requirements may be, How much is \$31 million? I support your effort to restore the Academy to the premier educational institution that we all know it should be and that the students there deserve.

I also want to take this opportunity to say that I know that we sometimes take it for granted that the engineers at NHTSA, the National Highway Traffic Safety Administration, never stop investigating the safety of our vehicles. There just aren't enough of them. This budget funds the agency's vehicle safety program, and as we explored in this week's hearing with Toyota's recall, NHTSA's success is fundamental to our public safety. They have to do it right. We need to make sure it has the tools and resources it needs to do the job we expect.

I also look forward to learning more about DOT's proposed infrastructure fund to make Federal investments in transportation projects of national or regional economic importance, and how that funding mechanism could incorporate the ideas that I presented on measuring the performance of our transportation system.

Finally, as we begin the reauthorize—to authorize—reauthorize the Federal Surface Transportation programs, we need to continue to push for a long-term extension so that we have the time to develop a strong reauthorization bill that anticipates our Nation's future needs, while also avoiding another disastrous delay, as we saw recently for a couple of days. And I'm going to ask you about that, and you—you can say, "Well, that's history." Well, it isn't history. It can happen again.

Now, I know that DOT faces many important challenges ahead, even as it works to provide the safest transportation to the American people. But, I'm absolutely confident that, given proper resources and clear direction, you can, and the Secretary is determined to, meet these challenges and succeed. I assure you this committee will be tracking DOT's performance closely, but I also want to assure you that we're for you, that we're here to advocate for you as well as to, you know, to point to shortcomings when those might appear.

So, thank you. I appreciate your coming, as I do appreciate the coming of the gentleman who can just open his front door and see Russia.

Senator BEGICH. Absolutely, Mr. Chairman.

The CHAIRMAN. And I'm very grateful that you are here.

Senator BEGICH. It's always a pleasure to join my Chairman in the Committee.

The CHAIRMAN. No, but, now you have to——

Senator BEGICH. I have no eloquent opening——

The CHAIRMAN. You have to. You have to——

Senator BEGICH. I have——

The CHAIRMAN.—so that my blathering attempt is put in some context.

[Laughter.]

Senator BEGICH. Then I have to just make up stuff here for a minute. No.

**STATEMENT OF HON. MARK BEGICH,  
U.S. SENATOR FROM ALASKA**

Senator BEGICH. I will say this. Mr. Chairman, thank you very much.

I am looking forward to your statement. And, you know, when you think about all the work we're doing down the floor on jobs, there is no better producer of jobs than the focus of what you do every day in the different departments that you operate on, from FAA to Transportation, to others; these are truly job creators. So, I'm looking forward to your comments, and then I have a series of questions. Some will be parochial, but some will be a broader perspective, and some that I'm very interested in how the system that you operate under can literally be reformed to be more streamlined.

As a former mayor, I've been subjected to—and I say that in a somewhat positive but negative way, too—of the Federal DOT system. And I think there are opportunities out there that could move these dollars faster to local governments to produce the road projects and other projects that you want to see done. So, I have some thoughts I want to put on the table at the appropriate time.

Mr. Chairman, I can never outdo your eloquence and your speech, so I will just cease there, before I use up my time and get thrown off the table, here.

Mr. Chairman.

The CHAIRMAN. Do you know—thank you very much, Senator. There's nothing wrong with the word "parochial." I mean, in your case, parochial is like 50 percent of the United States of America. So, I wouldn't get too uptight about that.

Senator BEGICH. Thank you for that recognition.

The CHAIRMAN. And that's what we're here for; we fight for our states, we fight for our people. And we try to—and do the work of the Nation, too. But, you, above all, should not feel uncomfortable with the word "parochial."

Senator BEGICH. I'm glad these are recorded. I am taking notes for a later opportunity, Mr. Chairman.

[Laughter.]

The CHAIRMAN. We welcome you.

Senator BEGICH. Thank you.

The CHAIRMAN. Mr. Deputy Secretary—does that mean I—I can call you "Mr. Secretary," can't I?

Mr. PORCARI. You can call me whatever you like, Mr. Chairman.

[Laughter.]

The CHAIRMAN. Well, I know—I understand that. But, I——

Senator BEGICH. Now you see how I feel.

Mr. PORCARI. Very good.



The CHAIRMAN. Please proceed.

**STATEMENT OF HON. JOHN D. PORCARI, DEPUTY SECRETARY,  
U.S. DEPARTMENT OF TRANSPORTATION**

Mr. PORCARI. Thank you, Chairman Rockefeller, and thank you, Senator.

It's great to be here to discuss the Administration's Fiscal Year 2011 budget request for the Department of Transportation.

Secretary LaHood and I have traveled to more than 32 states and 72 cities in the last year, and we've seen firsthand, up close, how much our citizens depend on a safe, modern, and reliable transportation system to access jobs, healthcare, and other essential services.

The President's request for next year totals \$79 billion. That's a \$2-billion increase over Fiscal Year 2010 levels. These resources will support the President's and DOT's top transportation priorities for safety on the roads and in the air, making communities livable and sustainable, and modernizing our infrastructure.

Safety is our highest priority at DOT. Our leadership campaign against the perils of distracted driving—and you've heard Secretary LaHood being very eloquent on this—which kills thousands of Americans every day—every year—has been very effective. It's critical that we continue to lead the charge. That's why we're seeking \$50 million for the National Highway Traffic Safety Administration to develop an incentive-based grant program that encourages more states to pass laws prohibiting the unsafe use of cell phones and texting while driving. The President is also asking for 66 additional personnel assigned to highway and vehicle safety issues at NHTSA.

Turning to aviation, the President's plan includes over \$1 billion for NextGen, the program to modernize our air traffic control system. That's a \$275-million, or 32-percent, increase over the Fiscal Year 2010 levels. These funds are essential for transitioning from a ground-based radar surveillance system to a more accurate and safer satellite-based one. This system, I'm pleased to report, is already in use in the Gulf of Mexico, and we look forward to building on our success in the area.

Our groundbreaking investments also in high-speed passenger rail service, which have generated tremendous excitement around the country, will go a long way to enhance livability in many communities. Our budget seeks \$1 billion to continue the 5-year, \$5-billion pledge made in this year's budget.

We want to thank the Congress for its commitment and leadership on high-speed rail. The \$2.5 billion provided the Department high-speed rail grants last year, combined with the \$8 billion from the Recovery Act that we announced recently, brings us closer to ushering in a new era for passenger rail service in this country.

In the area of transit safety, we're seeking \$30 million to establish a new rail transit safety oversight program within the Federal Transit Administration. We have never had that before. This program will carry out a comprehensive safety oversight strategy by establishing common standards—safety standards nationwide, as envisioned by the Administration's transit safety bill.

This is an important step forward for the rail transit industry, which has suffered recent accidents, as you know, in Washington,

D.C., Boston, and San Francisco. These accidents are unacceptable, and we must put strong remedies in place as soon as possible. We urge the Congress to pass this legislation this year.

Going forward, we have to find new ways to finance infrastructure, so we're requesting \$4 billion to establish a national infrastructure innovation and finance fund. These first-year funds would be used to invest in multimodal transportation projects of regional and national significance. Our crosscutting, outcome-based approach to funding will enable us to move away from the silo mentality that has long hindered our ability to respond to local and regional needs.

On reauthorization, the President proposes to continue current spending levels, with \$42.1 billion for highway and bridges and \$10.8 billion for transit. This request includes \$150 million for the Washington Metropolitan Area Transit Authority to address much-needed safety-related infrastructure improvements.

Transportation has to be not only safe, but contribute to livable, sustainable neighborhoods. The President's plan provides record-level investments to make our communities more livable. Specifically, we're seeking \$527 million for livable communities, which will help us build on the tremendous successes we've achieved through our sustainability partnership with HUD and the EPA. Together, we're helping State and local governments make smarter investments in their transportation, energy, and housing infrastructure, with better outcomes for our citizens.

And finally, we're seeking \$30 million to make long-overdue infrastructure improvements at the U.S. Merchant Marine Academy, which our Nation depends on to educate and train a new generation of military and civilian maritime leaders. We've been to Kings Point. We know these investments will have a lasting, positive effect on this institution.

Mr. Chairman, this concludes my remarks, and I'll be happy to answer the Committee's questions.

[The prepared statement of Mr. Porcari follows:]

PREPARED STATEMENT OF HON. JOHN D. PORCARI, DEPUTY SECRETARY,  
U.S. DEPARTMENT OF TRANSPORTATION

### **Introduction**

Chairman Rockefeller, Ranking Member Hutchison and members of the Committee, thank you for the opportunity to appear before you today to discuss the Administration's Fiscal Year (FY) 2011 budget request for the U.S. Department of Transportation.

The Administration's FY 2011 budget request for the U.S. Department of Transportation reflects the importance of strengthening our Nation's transportation system. We have travelled throughout the country and we know first-hand how important a safe and reliable transportation system is to all Americans. The President's request totals \$79 billion, a nearly \$2 billion increase over FY 2010 levels. These resources will support the President's top transportation priorities: improving transportation safety, investing for the future, and promoting livable communities.

### **Highway Safety**

Safety is and will continue to be our top priority. The budget contains a number of new initiatives to increase road, transit, and aviation safety. One of the most serious issues facing drivers today is distracted driving. We must end the dangerous practice of unsafe cell phone use or texting while driving. Too many lives have been lost already due to distracted driving. Working together, we believe that we can stop this dangerous practice—and save lives. The President's Budget requests \$50 million for the National Highway Traffic Safety Administration's (NHTSA) for a new

incentive grant program to promote State laws to curtail unsafe cell phone use and eliminate texting while driving. Today, our children don't think twice when they "buckle up"—and our goal is that tomorrow, our future generations won't think twice about putting down their cell phone so that they can drive safely. This new program will work alongside NHTSA's other highway safety programs in making our highways safer for everyone. The President is also asking for funds to support 66 additional personnel for NHTSA to be assigned to highway and vehicle safety issues, and \$7 million for the Federal Motor Carrier Safety Administration for 118 new truck safety personnel.

#### **NextGen**

The future of aviation is in our hands. The President's FY 2011 plan includes over \$1 billion—an increase of \$275 million over the Fiscal Year 2010 levels—for "NextGen"—the program to modernize the air traffic control system. Currently, the Federal Aviation Administration is undertaking a long-term effort to improve the efficiency, safety, and capacity of the aviation system. But while we are talking about the future of aviation, I'm pleased to report that it's happening now. The funds requested under the Fiscal Year 2011 budget request will support the transformation from a national ground-based radar surveillance system to a more accurate, satellite-based surveillance system. This system is already being used in the Gulf of Mexico, which is improving the safety and accuracy of air traffic services in the Gulf. We will be building on the successes of our research and development, to improve capacity to the flying public. We will be developing more efficient routes through the airspaces, and improving aviation weather information. As always, as we launch these critical new applications, we will continue to keep our strong focus on safety. Under our budget request, our vision of a modernized air traffic control system is becoming a reality.

#### **High Speed Rail**

The budget also continues President Obama's vision to better connect communities with a new, high-speed rail network. The budget includes an additional \$1 billion for High Speed Rail. This request builds on the historic \$8 billion down payment provided through the Recovery Act, and continues the 5-year, \$5 billion pledge made in the Fiscal Year 2010 budget. The \$2.5 billion provided to the Department for high speed rail grants last year along with our recent announcements of the first awards of the High Speed Rail Program will put us one step closer to making High Speed Rail a reality.

This is an exciting time for the Nation. Looking ahead, high-speed rail will one day provide the traveling public with a practical alternative to flying or driving, particularly in highly congested areas. With trains efficiently connecting city and business centers, travelers will enjoy a new level of convenience not available in many parts of the country today.

#### **Rail Transit Safety**

The President's request also includes resources to address rail transit safety. While rail transit is safe, we must take substantive steps now to make it even safer for the future. We are all well aware that rail transit has the potential for catastrophic accidents resulting in multiple injuries, considerable property damage, and heightened public concern. Following the recent tragic accidents in Washington D.C., Boston, and San Francisco, it is clear that we need to strengthen the safety oversight of transit rail operations. Our budget requests \$30 million to establish a new transit safety oversight program within the Federal Transit Administration. This program will implement a comprehensive safety oversight strategy, as proposed in the Administration's transit safety bill, to establish common safety standards nationwide and to ensure the safety of our Nation's transit riders.

#### **Investing in Transportation Infrastructure**

As we continue to focus on improving transportation safety, we must also rethink the way we invest in our future transportation infrastructure. That is why the President's plan includes \$4 billion to establish the new National Infrastructure Innovation and Finance Fund (Infrastructure Fund). This is the first year of a 5-year plan to capitalize the fund with \$25 billion. This Fund will invest in projects of regional or national significance, and marks an important departure from the Federal Government's traditional way of spending on infrastructure through mode-specific grants.

Instead, the Infrastructure Fund will directly provide resources for projects through grants or loans, or a blend of both, enabling us to effectively leverage non-Federal resources, including private capital. The projects funded under the Infrastructure Fund will be based on demonstrable merit and analytical measures of per-

formance. Only the most worthwhile projects from around the Nation will be selected. Projects eligible for funding from the Infrastructure Fund consist of multi-modal projects that include highway, transit, rail, aviation, ports and maritime components. This marks a bold new way of thinking about investments in our transportation infrastructure and will become a key component of the Administration's future surface transportation proposal.

The reauthorization of the Nation's surface transportation programs is complex and has critical long-range implications for the future. While the President and the Congress continue to work on a long-term strategy for surface transportation, the President's plan continues the current levels of spending: \$42.1 billion is proposed for highways and bridges and \$10.8 billion for transit. Within this funding, \$1.8 billion is included for "New Starts" and "Small Starts," and \$150 million to enable the Washington Metropolitan Area Transit Authority to focus on badly needed safety-related infrastructure improvements. Reauthorization is a challenging issue facing our Nation and we look forward to working with the Congress to design a new Federal surface transportation program that leads to higher performing investments, increases transportation options, and promotes a sustainable environment.

#### **Livability**

The President's plan also provides a record investment to make our communities more livable. Our budget request allocates over \$500 million toward investments that support the President's multi-agency Partnership for Sustainable Communities. We have joined with the Department of Housing and Urban Development and the Environmental Protection Agency to stimulate comprehensive regional and community planning efforts that integrate transportation, housing, energy and other critical investments. Together, we will help State and local governments make smarter investments in their transportation infrastructure, to better leverage that investment and advance sustainable development.

#### **Recovery Act**

February 17th marked the one-year anniversary of the Recovery Act and I am pleased to report that much has been accomplished to improve transportation infrastructure throughout the Nation. Overall, the Recovery Act provided \$48.1 billion for transportation programs to be used for improvements to our Nation's highways and bridges, transit systems, airports, railways, and shipyards. To date we have obligated \$36 billion on more than 13,700 projects nationwide.

In addition, Section 1512 of the legislation calls upon Recovery Act fund recipients to report on the number of jobs created on individual projects. We have now completed two rounds of recipient jobs reporting. Based on the recent October–December 2009 reporting period, we have created about 41,000 direct full time equivalent jobs for transportation programs nationwide. I want to emphasize that the jobs estimates included in this report are only those directly associated with the individual transportation projects and do not include the many other jobs created due to increased demand on supply chains and other supporting services. When these indirect jobs are also taken into account, it is clear that the Recovery Act resources have made a significant impact on jobs and we expect these numbers to hold steady as some of the larger transportation projects continue to come on-line.

#### **Conclusion**

Finally, I am proud of the proposed investments the President's budget makes in the U.S. Merchant Marine Academy—one of our Nation's five service academies. I have visited the young men and women at Kings Point, and I'm greatly concerned about the conditions of their facilities. They are old and badly in need of basic repair. The President's plan includes \$26 million to make long overdue capital improvements that will help ensure midshipmen have a positive learning environment.

Thank you for the opportunity to appear before you to present the President's FY 2011 budget proposal for the Department of Transportation. This plan supports our Nation's key transportation priorities, and makes investments that will benefit all for years to come. We look forward to working with the Congress to ensure the success of our newest initiatives.

I will be happy to respond to your questions.

The CHAIRMAN. Thank you.

I'm going to start with Senator Begich.

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

Thank you very much, for being here. Last time we had a conversation is when—through your confirmation process. So, now

you've been subjected to the process of working in the Department, and now presenting the budget.

Couple of things. One, I greatly appreciate the increase that is in the NextGen. As you know, that was piloted with the Capstone project in Alaska, and NextGen is an incredible technology. The \$275 million additional amount that you talked about, can you tell me, do you have a sense of what the estimate is from DOT's perspective, and what it will take to implement, in total, NextGen? In other words, you have a billion going that direction—275 add-on. What will it really take to finish out NextGen, in total dollars? Do you have a number of that magnitude?

Mr. PORCARI. Senator, I'll have to get you a total dollar number. This is a multiyear program, and the planning horizon for NextGen goes all the way to 2020—

Senator BEGICH. Right.

Mr. PORCARI.—when you add in the general aviation implementation and equipage, for example. I'll be happy to get you that number.

[The information referred to follows:]

FAA'S capital investment for this mid-term system is expected to be \$9.6 billion through 2015. This cost does not include research, the airport and associated airfield improvements, or the aircraft equipage that is necessary to realize a fuller set of NextGen benefits. NextGen costs beyond FY 2015 are still under development.

By 2018, the mid-term NextGen system (as characterized in the FAA's 2010 NextGen Implementation Plan) will include improvements in every phase of flight and fundamentally change the way things operate in the National Airspace System (NAS). Technologies such as Automatic Dependant Surveillance-Broadcast and Data Communications, combined with performance-based navigation procedures, will increase safety and capacity as well as save time and fuel, decreasing carbon emissions and improving FAA's ability to address noise. Common weather and system status information will dramatically improve flight planning.

Mr. PORCARI. The increase proposed in this budget allows us to move forward with some really important components of NextGen. I mentioned ADSB in the Gulf of Mexico has already started. That's a portion of the Nation's airspace system, where we have, at best, limited radar coverage now.

Senator BEGICH. Right.

Mr. PORCARI. We have about 10,000 flights a day. NextGen brings a much increased level of safety to those flights.

Likewise, some of the enabling technologies that are required for NextGen, like ERM, are now operational in places like Salt Lake City. So, there's a steady progression of the components—and, as you know, NextGen is a system of systems—

Senator BEGICH. Right.

Mr. PORCARI.—that will be completed over the next years. I'll be happy to put that together for the Committee and provide that.

Senator BEGICH. That'd be great. So, you can kind of show me, on the national scale and then also, as you said, with the general aviation fleets and so forth, what their—what you think that will all play out, costwise and so forth; I'd like to get a good sense. Because I'm assuming, as you start ratcheting up, that number should increase, over the next couple years, to a higher number. But, if you could do that, that'd be great.

Mr. PORCARI. I'd be happy to do that, Senator.

Senator BEGICH. Along with that, there are a couple of things. And, again, very pleased with the proposal; I think it's \$182 million for the EAS funding—the Essential Air Service program. As you can imagine, in Alaska, that is critical, and we appreciate the President's support, appreciate your support, and, obviously, Secretary LaHood's, for recognizing the importance. That's just more for—you know, to say thank you for that.

In regards to the National Infrastructure Innovation and Finance Fund, I want to, if you could, just make sure I understand. There are two parts. One, in your comment, I think you said "multimodal," which I'm all for, but what happens, multimodal—rural states usually don't benefit as aggressively as large urban—states with large urban populations. So, I—when you said that phrase—I liked the idea, then I heard that phrase. I got a little nervous, to be very frank with you, because in rural states, sometimes just getting—you know, I can't put multimodal in Kotzebue, Alaska, but I can put a better transportation system for their interior road structures there, that moves traffic better and cuts down dust pollution, which is a huge problem in rural Alaska. But, when it suddenly becomes multimodal, they're out of the question, because there's going to be limited multimodal in Kotzebue, but a huge demand. So, in this new program, how do you deal with, kind of, the rural states—and I use mine as one that's very rural, but I know West Virginia has very rural components—how do you deal with that to make sure we're not lost in the mix? Now, maybe you haven't thought that far out; I don't know. I'm just asking the question.

Mr. PORCARI. Senator, actually we have thought about that, because an infrastructure fund that works for the country's varied needs—and they vary greatly throughout the country—needs to be able to adapt to whatever the local needs are. So, for example, in the infrastructure fund, the Secretary would have the authority to waive the minimum amount, which specifically could help rural projects which tend to be smaller, more specific, more localized. That's a specific response to make the fund as helpful as possible for our rural areas, as well.

Senator BEGICH. Would you—and I—my—the clock says zero, so I'm not sure if I ran out of time already, but maybe I could ask—

The CHAIRMAN. There is no clock.

Senator BEGICH. Oh, there is no clock. OK. Thank you, Mr. Chairman. I'll just try to be brief and ask a follow-up on that.

Would the—I'm nervous about waivers. Just so you know, because that—you know, when you have a huge project come along in a small rural area, it's a hard—it's hard to compete, to be very frank. I mean we have a hard time on Corps of Engineer projects, because of that exact fact. So, would you be willing to, maybe, have an internal discussion about a rural component of that, that is the same kind of innovation, same competition, but maybe it's rural-to-rural? I'm nervous, to be very frank with you—I just can give you the list of projects that I hear, later on from the Federal Government, that says, "Well, it didn't score as high," and—because of A, B, C. And usually A, B, C is—we can't change that; we're in a rural community. Is there a willingness to examine that and maybe work with us on, maybe, some ideas on how to—I don't want to call it

a “carve-out” because I’m—I want to make sure that it’s a fair system that’s competitive, but maybe in a rural-to-rural versus rural competing against—Kotzebue competing against Los Angeles, we lose.

Mr. PORCARI. We would be very happy to do that, Senator. It’s a—

Senator BEGICH. OK.

Mr. PORCARI. Again, the fund needs to be relevant throughout the country. We will be drafting some of the specifics of the infrastructure fund. We will be happy to have that discussion. Likewise, we would be happy to brief you on it and go through the specifics as we’re developing it, putting the specific proposal together.

Senator BEGICH. That’d be great. I—and I—you know, I speak for Alaska, but I know West Virginia has some rural parts. I know some other states that serve on this committee.

The last comment I’ll just make, and—on this one is—and you don’t have to do it now, unless you have a very quick answer—and that is, How does this compare to the TIGER grants, or are they two separate—or is this kind of the merging of it into a more formal, sustainable program, or what—help me understand those combos.

Mr. PORCARI. They’re not formally merged, but I think one way to think of it is—to think of the TIGER grant process as a precursor and in some ways maybe a prototype for—

Senator BEGICH. OK.

Mr. PORCARI.—how an infrastructure fund, which could be loans or grants, would function; the idea of merit-based project selection, of being able to fund projects that don’t fall neatly into the silo programs that—

Senator BEGICH. Very good.

Mr. PORCARI.—we have within our existing program. Those same principles would likely apply within the infrastructure fund. It’s a recognition that we’re looking for performance-based outcomes and measurable outcomes on these transportation improvements, as well.

Senator BEGICH. The TIGER grants had such a great demand—59 billion or 50-some billion. I know mayors across the country saw this as a great—I mean, this is like their dream, because it’s actually flexible; they don’t get stuck in a silo. So, could I say this, that the—that a TIGER grant—or this new program—TIGER grants could morph into this newer program—and I don’t want to put words in your mouth, but that’s kind of where—as you called it, kind of a prototype. I’m not objecting to that, I just want to make sure we don’t create more programs, but we have a very good, open program that creates flexibility, and that’s what you’re trying to achieve, I think.

Mr. PORCARI. That is what we’re trying to achieve, because the principles are the same. I think that’s a fair characterization of it.

Senator BEGICH. Very good.

Mr. Chairman, I’ll stop there. I know you have questions, too, and I don’t want to burn up all the time.

The CHAIRMAN. And we can go back and forth.

Senator BEGICH. Oh, that’d be great.

The CHAIRMAN. We can interrupt each other.

Senator BEGICH. We don't do that here. So, this is good. I look forward to it.

The CHAIRMAN. Yes. No, this is—that's why I'm so glad you came, because—

Senator BEGICH. Thank you, Mr. Chairman.

The CHAIRMAN.—it's a freer, open forum.

I'm interested in—I said "60," in my statement, and it's 66 new employees for NHTSA. But, what concerns me is that they—the language appears to spread them, in terms of their availability, across either NHTSA or the agency—I'm not—but I think it's probably NHTSA. Our focus is on safety, and the comparison and the shortfall of the comparison between safety people available for all forms of transportation in NHTSA and just anything else—you know, FAA, when they inspect. I mean, we were, and still are, building a small jet airplane in West Virginia, and there are 13,000 parts. And FAA—particularly in the first few models of it, FAA scours each one of those 13,000 parts. They have the people to do it; hundreds of people. Now, you've got very few, and now you're going to have 66 more, and I'm wondering why those aren't specifically targeted. You have a very good reason.

Mr. PORCARI. Mr. Chairman, it's a great question. What we're trying to do with those 66 positions is attack all elements of safety. The Office of Defects Investigation is clearly one of them. The rule-making process has brought some real safety innovations to the industry. Making sure that we have a strong rulemaking process is also important. The enforcement side of it, likewise. The research component of it—the industry technologies are changing very quickly. Safety, we think of, really, as a system, and within that system, we want to make sure that we're addressing every one of those safety issues. If there is one thing that is—

The CHAIRMAN. Do you contract out for new innovations? Do you insist on doing it in-house, or do you contract out for it?

Mr. PORCARI. We do both, Mr. Chairman. We have in-house personnel. Because technology moves very quickly, we do need to go outside and get very specific expertise, which we do all the time, and we will continue to do. So, it's a combination of in-house and outside, specialized expertise.

The CHAIRMAN. But, I interrupted you.

Mr. PORCARI. If there's one thing, I think, that is drilled into all of our heads since we began our positions, it's Secretary LaHood's admonition that safety is our most important priority, and that certainly applies in this case. You have heard, from him, that we will not rest until we know the specifics of some of the recent defects that have been mentioned. We will use whatever resources we need to, to do that. We think of safety across the board, both within NHTSA and across the Department, as a really important priority.

I would mention that one aspect of this—Secretary LaHood created a safety council that cuts across all the modal lines. So, for example, in your very apt illustration of the Federal Aviation Administration as a leader in safety, we can draw on their expertise for the other portions of the transportation system. I chair this activity for the Secretary. It's a very conscious attempt to draw on the best ideas and resources.



Issues like fatigue and distraction cut across transportation modal lines, and so, a more aggressive safety effort includes new thinking along those lines, as well.

The CHAIRMAN. OK. We're joined by Senator Thune, and the—our rules here, there is no time limit, so you can talk for 3 hours. [Laughter.]

The CHAIRMAN. Now, Mark and I will be unhappy about that, but you can technically do that.

[Laughter.]

The CHAIRMAN. But, you know, one of the things—we had a hearing the other day; we talked about complaints. And you get a lot of complaints. Now, where do they go? How are they handled? Do the safety people read them? Because there's a direct relationship between doing safety and reading complaints.

The President talks about reading 10 letters every night, and people think that's just kind of a joke. You know, I ought to be doing that. I read a lot of letters, but to sort of have the discipline of getting varied letters that you need every night that are fresh off of somebody's frustration and pen is really a good idea. So, how are complaints handled when they come in to your agency?

Mr. PORCARI. NHTSA alone gets, I believe, about 30,000 complaints a year. Every one of those is looked at by staff. It's one of the better ways—

The CHAIRMAN. Staff. Is that the safety staff? Is it a separate staff?

Mr. PORCARI. The specific staff. I will get back to you, Mr. Chairman, and outline the specific staff.

[The information referred to follows:]

NHTSA'S Office of Defects Investigation (ODI) currently collects consumer complaints in four primary ways. Complaints that are submitted by consumers via the Internet or by a Hotline representative are automatically entered into NHTSA's complaint data base. Complaints that are submitted by consumers via letter, hard copy vehicle owners' questionnaire or e-mail are entered into NHTSA's complaint database by NHTSA contractors.

Every complaint received by NHTSA is reviewed at least twice by a technical expert in the ODI. If the complaint is about an issue already under investigation, the complaint is added to the appropriate investigation file. If the complaint describes a problem that is unique or for which no failure trend is yet apparent, it is retained in NHTSA's complaint database and reviewed again, with other complaints to determine whether there is an emerging safety issue that warrants a defect investigation.

The CHAIRMAN. I really want to know that, because it's—it becomes incredibly important. Because complaints, if they're taken seriously, motivate. They can change a person's day—dump a person on his back or make him or her optimistic. They're really important, and they're—and, obviously, they're very real. I assume some of them are just people making it up, but I don't think many of them are.

Mr. PORCARI. These are very real. If people are taking the time to send in a complaint, in whatever form, we need to and do take the time to look at every single one of them. And it's—

The CHAIRMAN. Who does, and where does it go after it's been read?

Mr. PORCARI. I will outline that for you, Mr. Chairman: who reads it, where it goes. And one of the primary users of that information is our Office of Defect Investigation.

The CHAIRMAN. See, the word “users” is ephemeral, because—how do you “use” a complaint unless you’ve “read” a complaint? I want the answer, of course, to be that they read the complaint and then use the information from that to motivate them to do whatever. That may be totally unreasonable if there are 30,000 coming in a year. But, it’s a question that I care about a great deal.

Let me ask one more, then I’ll go to Senator Thune.

You talked about NextGen, and that really has been on—has bugged me for years. And you know the efforts that I tried and failed on. I still think I’m right, but others don’t, so I gracefully exit the field, temporarily. But, I mean, there needs to be an equity in the way our air traffic control system is paid for. Every single plane, be it private or commercial, legacy or not, requires the same attention. It may have three people on it, it may have 300 people on it, but it requires the same attention, both at landing and take-off, TRACONS—all the way through. And yet, one pays virtually 90 percent of the cost of the whole system. And I’m not—I don’t think that’s fair. So, yes, we are increasing general aviation about 30 cents-a-gallon, and that’s fine; we get a certain amount of money for that. But, I really don’t have a sense, in my own mind, of—I think the Secretary—or maybe you said it—no, it was in—I guess it was in my briefing, that you expect to, obviously, expand what you’ve done in the Delta area.

But, to get it done across the country is kind of a—an urgent demand. It’s like safety—not having it cost lives, but that doesn’t get chalked up to a lost life, because it’s not an accident. It’s just—it’s something that happens—a crash or a tarmac incident that happens because we didn’t have accurate, you know, laser-like oversight of it. So, you have some more money for that, but I’m not sure exactly how you’re going to use it.

Mr. PORCARI. One of the ways that we’ve been using it is, as I mentioned, the greater usage of ADSB in the Gulf of Mexico. It is also being pioneered in other parts of the country. We, at the same time, need to move forward on the equipage issue for aircraft, to make sure that they’re equipped. We’re trying to incentivize that through the concept of best equipped, best served. So, the aircraft with the—

The CHAIRMAN. How do you equip an aircraft, if you don’t have a ground system? Or you can do it, of course, but to what advantage?

Mr. PORCARI. What we’re trying to do, Mr. Chairman, is synchronize those so that the ground elements of NextGen, in—at least in a rough sense—and the equipage, keep pace with each other. You’re right, we need to do both of them. There are some very substantial gains, as you know, in safety, in efficiency, and on the environmental side, in things like fuel-burn from implementation. So, we’re actively evaluating and looking at where elements of NextGen like ADSB can best be implemented in the near future to get the best—the most gains, and we’ll continue to do that.

The increase in NextGen funding is to accelerate those opportunities and get some—quite frankly, some early wins that show the benefits of NextGen to the industry, to our traveling public, from all three of those perspectives—from safety, capacity, and in environmental savings.

The CHAIRMAN. OK. Thank you.  
Senator Thune.

**STATEMENT OF HON. JOHN THUNE,  
U.S. SENATOR FROM SOUTH DAKOTA**

Senator THUNE. Thank you, Mr. Chairman.

The CHAIRMAN. You have a statement you want to make?

Senator THUNE. Yes, if I could, Mr. Chairman. I'll submit it for the record, and move into some questions.

[The prepared statement of Senator Thune follows:]

PREPARED STATEMENT OF HON. JOHN THUNE, U.S. SENATOR FROM SOUTH DAKOTA

Thank you, Mr. Chairman, and thank you for rescheduling this afternoon's hearing. I would also like to thank Deputy Secretary Porcari for being here today; I look forward to your testimony.

I have one principal concern with the Administration's budget proposal, and that is its policy recommendations that I believe would be more appropriately considered by this committee as part of authorizing legislation. For example, the budget proposes imposing a user fee on the Nation's railroads to offset \$50 million of the cost of rail safety inspectors and related activities. That decision should be made only after a careful policy debate by this committee in the context of the rail safety program as a whole.

The budget also proposes a new "National Infrastructure and Finance Fund," initially funded at \$4 billion, which would make multi-modal grants and loans to projects of national and regional significance. I understand the Administration will be submitting authorizing legislation for the Fund, and again, believe that a careful review of the policy implications of such a Fund should be made by the Committee of jurisdiction before any action is taken by the appropriators. I also have great reservations about this type of fund, which I believe would principally benefit large metropolitan areas and ignore the needs of rural states like my own.

Finally, Mr. Porcari, I understand the Department will be submitting its principles for reauthorizing the highway program within 90 days. However, news reports suggest that actual legislation won't be forthcoming until next year. I hope that is not the case. The Administration's input, particularly on motor carrier and NHTSA programs, will be important to keep the programs moving in the right direction. But we need a formal proposal this year for it to be relevant to the debate.

Thank you again, Mr. Chairman, and I look forward to today's discussions.

Senator THUNE. But, I want to thank the Secretary for being with us today and responding to some of these questions on the budget.

I think some of the ground that I was going to cover has already been covered by Senator Begich. But, I do want to ask you, too—and maybe this question's been answered—when the Administration does intend to submit a formal proposal for reauthorizing the highway program, including the motor carrier and NHTSA safety programs. Do you have a timeline for releasing that?

Mr. PORCARI. Senator, we're working on building a proposal right now. We have been supporting an 18-month extension, which would take us to March of next year, and it's our intention to have a proposal together, including all—the many elements that we need for a really comprehensive authorization proposal in that time-frame.

Senator THUNE. And I guess I know that there's a proposal right now to extend this into next year, but I was sort of hoping that that wouldn't be the case. I think there's a lot of uncertainty out there right now, with the State DOTs and highway programs, about what the funding levels are going to be, and I would like to see us get to work on a highway bill this year. But, I guess, after

what you've just said with regard to timing, are there any recommendations, other than those that are in the budget request, that you can talk about? Do you know any aspects of that that are—that you can discuss at this point?

Mr. PORCARI. Some of the general principles have been widely discussed, things like more flexibility. The point was made earlier, for State and local partners on the ground that actually are building and operating these projects in return for performance measures, where we know and can measure what the results are.

I would point out, also, in terms of timing, the extension until December 31, starts to give the State and local partners the kind of consistency and predictability you need, which is a real contrast to short-term, 30-day extensions or even orderly shutdowns of the program, which we just experienced.

Senator THUNE. Right. And I wouldn't disagree with that. I think that a longer term is better than these short, you know, month-to-month type extensions that we've been dealing with here lately.

One of the things that the Department's asked for is \$500 million for this new Livable Communities program, and it seems to me that it's a program that's going to overwhelmingly focus on urban areas, and I guess I'm wondering what a program like this will do, if anything, to help rural states, like South Dakota.

Mr. PORCARI. It's a fair question, Senator. It applies equally throughout the country. In fact, some of the principles and the examples of Livable Communities really were getting back to the quality of life that many of us enjoyed in small towns in the more rural areas. The concept of making transportation an enabler for that kind of quality of life is really one of the concepts behind Livable Communities. It is not specific just to the urban areas.

If you look at some of the efforts that we've had, jointly, with HUD and EPA, if you look at where some of the TIGER grants have gone, it's clear that the livability portion of those efforts really applies, as well, in rural areas as it does anyplace else.

Senator THUNE. One of the other programs that is, I think, included in your proposals—and I think Senator Begich may have covered a little bit of this already, but—this proposed infrastructure fund and how that might be organized and how useful that would be to rural states—and maybe you already elaborated on that, but the question I would ask is, How is that fund going to impact TIFIA?

Mr. PORCARI. One way to think about the infrastructure fund, sir, is—TIFIA, as an existing program, could be part of a larger infrastructure fund. It could be one tool as part of an infrastructure fund. TIFIA's been a very successful program. Likewise, our RRIF program for railroads could be considered in the same context, part of a larger infrastructure fund that has both loans and grants available to attack specific transportation problems.

Senator THUNE. And you think it would—the infrastructure fund would have some value in rural areas?

Mr. PORCARI. I think it certainly would. One of the advantages of that infrastructure fund would be its flexibility to meet local needs, whatever those might be.

Senator THUNE. Would each State get some assurance or guarantee of funding under that? It would be formula-based? How is that structured?

Mr. PORCARI. The specifics of the infrastructure fund are something we're working on right now and we will be submitting as a detailed proposal. I hesitate to characterize it one way or another now, knowing that there's a lot of discussion and collaboration that we will want to go through before we have a specific proposal in front of you.

Senator THUNE. The—one of the other things that you—and I think it was a proposal in the budget, as well—deals with a railroad safety user fee to help offset the costs associated with rail safety inspectors and their activities. I think that's a proposal that's been made in the past on numerous occasions. What, I guess, gives you reason to believe that, this year, Congress might approve it?

Mr. PORCARI. Well, first, Senator, it's very consistent with ways that we fund other safety activities in the Department. If you think about our HAZMAT program, and pipeline safety, as two examples, they are funded by similar fees.

It was also, I'm told, instituted between 1991 and 1995, so there is some history of that. We believe that, given the safety imperative of the railroad system, that it's a fair and equitable and an appropriate way to raise revenue—again, similar to other parts of the transportation system.

Senator THUNE. And I would—the only thing I would say—and, Mr. Chairman, I think this is one of those issues that really ought to—it would be more appropriately considered, by this committee, as part of an authorizing bill. And a decision like that, I think, should only be made after there's a careful policy debate by the Committee, in the context of the rail safety program as a whole. But, I know it's a recommendation that gets made every year.

Those are all the questions I have, Mr. Chairman. Thank you, sir.

Mr. PORCARI. Thank you, Senator.

The CHAIRMAN. Thank you, Senator Thune.

You've got a report coming out—or advisory coming out on pilot fatigue? I don't think it's out yet.

Mr. PORCARI. Yes. There are a couple of things going on, Mr. Chairman, including a rulemaking process on the hours and on flight and duty hours. The "Call to Action" that Administrator Babbitt led immediately in the aftermath of Colgan Air is—was one of the more immediate efforts on that issue. There's a lot of research going on related to that, as well, all leading to what we think will be a much more comprehensive approach.

The CHAIRMAN. Comprehensive approach. Let's just look at that. I have to tell you—I mean, it's—I almost hate saying it, because it makes me sound trivial, but it was scary, this thing, with the child, that was landing—a couple kids landing airplanes for 3 or 4 minutes. And, you know, that that happens once in a century—I was just shocked. I was absolutely shocked. I mean, it—so, people just didn't care. There's never—and, you know, in that business, in the tower, there's no such thing as downtime, ever.

I don't want tarry on that. I—but, I—you carry that over to the question of fatigue, and Senator Thune and I both represent states where, you know, we don't have a whole lot of jets landing in—you may, in South Dakota—we don't, in West Virginia. It's this stuff. And the pilots are more junior, I would guess. You tell me. They're probably paid less. And yet, you're coming out with a notice of rule-making or whatever. But, at some point, you only have so many pilots, or the airplane—airlines can only afford to have so many people.

So, one, I want to know, with Iraq and Iran going on, each of them—well, both of them, somewhat down in their use of airplanes—what the supply is out there, and therefore, what I have a right, on the Commerce Committee, to expect the availability of people who are skilled pilots, who are professional pilots with military experience—maybe not private experience, but that they can transfer easily—who just don't do things like that. You know, they don't fall asleep, they don't—I'm not talking about the tower thing, I'm just taking about fatigue and what happened in Buffalo.

You don't—you know, when people get tired, they get tired. And my real question is that—you know, that can be unexpected; they could have been up all night, for whatever reasons, and—human behavior is a tough thing to change. You have to start with an ample supply of people who can fly airplanes, and do it well, and be aggressive, and they're young and strong and healthy, and well enough paid. And then you have to have two of them up there all the time, and there has to be sort of an alertness. You can't put that into rulemaking, I don't think. That's called "human nature." And it means, I think, that the supply is adequate, that the pay is adequate to keep the supply motivated, and that there is, you know, a lot of these—you get onto an airplane, and it's called "Colgan," but it's actually owned by somebody else, and so you—the flying public doesn't really know who it is, unless it's one of the legacy airlines. So, it's kind of a diffused responsibility in smaller aircraft, piston aircraft.

But, how do you—you know, you say that you're going to put on a rulemaking. I mean, this fatigue business has to stop, and that's like saying people can't get fatigued. Nobody in the world can make that statement. So, what are some of the things that you think might come out of this?

Mr. PORCARI. There are a number of points you made there, Mr. Chairman. And one of them is—the rulemaking process, as it's being developed now, does need to recognize that adequate rest is an imperative, that there are different ways to get that, and trying, through the science behind it, to work around things like circadian rhythms and the need to have, not just downtime, but adequate quality rest time. That is, specifically, one of the things that we're trying to get to through this rulemaking process.

The CHAIRMAN. Now, does the rulemaking go to the airlines, which then enforces it, or does it come directly from you to the pilots?

Mr. PORCARI. It would go to the airlines, and they would be required to enforce it. The important underlying concept here is one level of safety, Mr. Chairman, where—it shouldn't matter if it's an international flight, a domestic flight, or a regional turboprop—that

one level of safety applies. Administrator Babbitt is very committed to this—and has been in his previous professional experience, too—to get to that one level of safety, recognizing that it will take different strategies for different parts of the aviation system.

There's an important part of this, as well—the professionalism, which I think you've alluded to, in some of the questions you've asked, things like observing the sterile cockpit rule and paying attention to the primary flight instruments and making sure that the workload management within the cockpit is distributed correctly. All of those things are a product of professionalism.

We do, and will, have fewer military pilots going into commercial aviation in the future; that is a fact. So, in the past, where there has been a fairly large supply of pilots coming in with thousands of hours of flight experience before they're getting into the commercial arena at all, will be less and less prevalent. That puts a premium on training skills and maintaining those skills. Again, I think that's part of a larger system of safety. We need to attack every single aspect of that, and that's what we're committed to doing.

The CHAIRMAN. Well, let me give you an example. I cannot tell you how many times, flying out of Charleston or Morgantown or Clarksburg or Bluefield or whatever, that pilots just aren't available and they have to be flown in. So, you wait for several hours, and it's worth the wait, because that's the only place you're going to get to where you want to go—and so, they're flown in. But, by the act of flying them in, you're saying two things: One is they may very well be tired, but they're reacting to an emergency situation. And then, second, that gets back to supply. Why does that happen? I mean, it's not like a mechanical failure at an airline. I mean, it's just that there weren't enough people. So, again, the supply of people. Yes, it may be diminishing, but right now, I would think, would be a fairly healthy supply. So, can you address those for me?

Mr. PORCARI. Well, first, I think the rulemaking process certainly will have implications for the supply and the scheduling of pilots. We want to make sure that the industry is doing more realistically and more appropriately scheduling the flight and duty time. That's really one of the underlying precepts behind the rulemaking effort right now.

The CHAIRMAN. But, the scheduling—I mean, I'm just not going to let you get away with that—the scheduling is done, and two pilots are scheduled to fly from here to there, then something intervenes, something happens. On the receiving end, in Charleston, West Virginia, I'm waiting for a couple of hours for two pilots to fly in from Cincinnati or Detroit or whatever, and I don't know what their—you know, how long they've been flying before that. Now, the airlines does. So, in order to attack the problem, you're going to have to be fairly severe with the airlines.

Mr. PORCARI. Yes. We will have to be—and the airlines will have to be both realistic and rigorous about having rested pilots. In your example, coming from Cincinnati to relieve the pilots, that clearly has to be part of the process.

The CHAIRMAN. OK. So, what is the supplying situation now of professional pilots?

Mr. PORCARI. What I'd like to do, Mr. Chairman, is get you the exact numbers. I don't know them offhand.

[The information referred to follows:]

The FAA does not have projections for pilot retirements. The agency does publish the number of pilots certificated in both General Aviation and Commercial categories.

While the FAA does not maintain pilot retiree projections, the Bureau of Labor Statistics projects a 12 percent increase in the demand for aircraft pilots and flight engineers through 2018, equating to need for over 27,000 new pilots and flight engineers.

Mr. PORCARI. But, we do know that there's almost a generational bow wave, as it were, of retirees—pilot retirees—that will require a lot of new entrants. I think the entire industry is worried about having an adequate supply of trained, experienced pilots. As the industry grows, that problem becomes even more acute.

The CHAIRMAN. Well, that's going to be very interesting, what your report, so to speak, has to say on that, because that's—as well as your response to my question—because that's extremely important.

I've just, basically, got two more questions I—well, I've got a lot of questions, but I'm just going to do two more.

On Amtrak—and Senator Thune was bringing that up—and I'm—I don't—does Amtrak go through South Dakota, in part or in whole? It doesn't.

Mr. PORCARI. I don't believe so.

The CHAIRMAN. Well, it—West Virginia is lucky, in that it does. You're getting another billion dollars for Amtrak. And so, I have a couple questions. Is Amtrak planning on expanding? You're asking for a billion dollars. A billion dollars to do what? It says here, "Amtrak system, in complying with Americans With Disabilities Act." I guess that would mean that—the cars and the trains themselves, but—or how you get on or get off—but, what else does that billion dollars do?

And my second question is—it would be my impression, in the rest of rail traffic, that the private trains that, you know, perform most of this, that they take care of their rail system, that they take care of the upkeep. On Amtrak, I don't know. Do you—does Amtrak—responsible for that? Do they pay for the upkeep of that?

Mr. PORCARI. Amtrak is either responsible for the upkeep of its own lines, which are the Northeast Corridor, essentially, or is paying, through access fees, at least indirectly, paying for the upkeep of lines that it operates on that it does not own.

I would also point out on the Americans With Disabilities Act, which you mentioned, would include both the rolling stock, which in many cases is not ADA-accessible, but the stations and the—

The CHAIRMAN. The stations themselves.

Mr. PORCARI.—stations, as well.

The CHAIRMAN. In which case, a billion dollars isn't much.

Mr. PORCARI. That's correct. The need is large. I would point out, on the positive side, that the \$1.6 billion in the President's budget, if enacted, would be the highest—I believe, the highest number ever for Amtrak. Significant progress, I think, was made through the Recovery Act. The \$1.3 billion in the Recovery Act for Amtrak returned to service some coaches that had been sidelined—in some



cases, for years. Things like replacing a 102-year-old bridge over the Niantic River. So, some really critical and long-overdue improvements were funded through the Recovery Act. So, it is far from taking care of all of Amtrak's needs, but I will tell you the trend lines are positive.

I think it's also important to state that Amtrak, for the first time in a long time, has put together a comprehensive capital program that I think is both realistic and prioritizes their critical needs. Like everyone else, there is more need than money, but they are working hard and, I think, have a good plan for moving forward.

The CHAIRMAN. OK. The final thing comes out of a frustration with something called "upkeep." I have a massive frustration, with respect to the Coast Guard—not against them, but on behalf of them—that they always seem to, you know, take a second place to the other services. But, they save 5,000 lives a year. And their youngest ice cutters are—big ones—are 45 years old. In other words, they—when it comes to the budget, they just get shafted. When it comes to their leadership, they're not four-star, they're three-star. I personally think they ought to be four-star. I don't know what we're going to do about that, but we may try to do something about that; simply because, in this town, if you're a three-star, people listen to you a whole lot less than if you're a four-star. And I'm not trying to interpret the military culture, but that's sort of the way it works, and I don't think the Coast Guard should take a second seat to anybody, in terms of our Nation's needs.

Now, in the MARAD account, you have the Merchant Marine Academy. You spoke about it. And you may not be able to give me now, but I want to have a sense of, over the past decade, what has been their tendency. I'm mean I'm not just talking about painting windows, but basic replacement of pipes and electrical circuitry and all the rest of it that keeps, simply, the facility going. I'm not talking about the educational program or anything else. I'd like to, but I'm not, on this. And what, you know, is—you have—the 2011 request is \$352 million, which is a cut of \$11 million. The first place, when it comes to cut, is deferred maintenance.

[The information referred to follows:]

Here is a list of capital improvement projects that have been completed or in progress over the last ten Fiscal Years.

The majority of the buildings on the U.S. Merchant Marine Academy's 82-acre campus were built within 18 months during World War II. Many of the original campus buildings, academic structures, and gymnasium still remain the same as when they were first built in 1943.

To identify the Academy's capital improvement needs, a detailed facilities master plan was developed in 2002 by an Architecture/Engineering firm. This plan was subsequently updated in March 2008. Through Fiscal Year 9, the Academy has received close to \$119 million which is consistent with this capital plan. The table below provides a list of completed capital improvement projects that have been completed or are in progress.

USMMA Capital Improvement Plan Projects Completed or In Progress

Projects:	Total
Design of six barracks and modification of rooftop parapets	\$3,000,000
Reconstruction of roofs to Barry and Jones Halls (Dormitories)	2,900,000
Construction contract for Jones Hall (1st of 6 Dormitories)	12,900,000
Safety, ADA, EPA, OSHA Projects	7,400,000
Critical deferred Maintenance for Academic Facilities and Physical Plant	28,300,000

## USMMA Capital Improvement Plan Projects Completed or In Progress—Continued

Projects:	Total
Capital maintenance for TV KINGS POINTER	3,400,000
Restoration of Waterfront Seawall (First of several phases)	5,200,000
Construction contract for Barry Hall (2nd of 6 Dormitories)	12,500,000
Preliminary design for Ceremonial Center (Supplemental Operational Funds)	419,000
Mariner's Memorial Chapel Structural Repairs	3,500,000
Maintenance Dredging of Basin to Permit Training Ship Unrestricted Access	3,200,000
Initial Design of Mallory and Crowninshield Pier Renovations	600,000
Construction Contract for Palmer Hall (3rd and Largest of 6 Dormitories)	17,690,000
Construction Contract for Murphy Hall (4th of 6 Dormitories)	17,750,000
Total	\$118,759,000

I was President of a private college for 4 years, and—during the early recession, in the 1980s—and that doesn't work well. You defer maintenance, you pay, big-time, for it later on. In terms of attracting people into the academy—students to come there—maintenance is important—what their rooms look like, how are they equipped, are they computer-friendly, all the rest of that.

So, what do you do when you have an \$11-million cut for MARAD, and you want to keep up to date on renovating the campus facilities at the Marine Academy?

Mr. PORCARI. Secretary LaHood has made the Merchant Marine Academy a real priority and a personal priority. In part, I think it's fair to say, it's because of his perception, when he first visited, of the state of the physical infrastructure on the campus.

I think all of us who are involved in it feel the same way. We know—and I'll be happy to put together for you, Mr. Chairman, what's happened over the last decade, in terms of investment or lack of investment. And it shows. We have made a commitment to the midshipmen, we have made a commitment to the families, and to the faculty and staff, that we are going to improve that.

What you see in the President's budget is a substantial commitment, and actually the beginnings of a real capital program, to first renovate some of the facilities that are far behind the curve for renovation, and getting to a more rigorous system of maintaining a state of good repair of the facilities. Again, none of us would argue that that exists now. It is something we are very much committed to. We believe that the specific improvements that we will be undertaking, and the dollar amounts, are sufficient to actually get us started on that road and make a substantial beginning on it.

We also have a blue ribbon committee, led by Admiral Barrett, the previous Deputy Secretary, who have looked comprehensively at the Academy, including the facilities and the facility needs, and will be reporting in shortly on that. So, this is a diamond-in-the-rough, in a sense, for the Nation. It has an incredibly important mission for the Nation's future maritime leaders. I think all of us would concede that we have not done the job we need to in the past in maintaining the facilities, in providing the opportunities, both with physical infrastructure and other elements of the academy. We're committed to doing that, and Secretary LaHood has devoted considerable personal time to making sure that happens.

The CHAIRMAN. Well, you tell him I'm pleased, that I'm really glad he feels that way, because when it—with the size of the budget he has, and all the responsibilities that he has, that Academy

needs a champion. And I'm not saying there aren't a lot of champions that are fighting for it, but I'm saying having the Secretary of Transportation fighting for it is really, really important. And so, I'll be interested to hear from you and see what's going on there.

Mr. PORCARI. I look forward to that.

The CHAIRMAN. But, those places——

Mr. PORCARI. He's clearly——

The CHAIRMAN. I mean, that's—those are fine young men and women; I've seen them. We have 200 of them in West Virginia. And they're spectacular. I don't think anybody in West Virginia knows they're there. I didn't until I went to visit them.

Mr. PORCARI. And when they graduate, sir, they're in incredible demand. They form the underpinnings, really, of a U.S. maritime fleet and a U.S. maritime capability. Whether they're in civilian service or in the military services—and they, as you know do both—they're incredibly valuable and well-trained.

The CHAIRMAN. I agree. Look, I thank you very much. I mean, this——

Mr. PORCARI. My pleasure.

The CHAIRMAN.—this could go on endlessly. But, you've been very forthcoming and very good, and I appreciate it.

Mr. PORCARI. It's my pleasure, Mr. Chairman.

The CHAIRMAN. And I'm sorry that I was late.

Mr. PORCARI. Not a problem at all. My pleasure.

The CHAIRMAN. Well, at least we had a full turnout.

Mr. PORCARI. Thank you.

The CHAIRMAN. Thank you.

[Whereupon, at 5:30 p.m., the hearing was adjourned.]



## A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
TO HON. JOHN D. PORCARI

*Question 1.* Does the FAA's budget proposal provide sufficient resources to adequately implement the NextGen initiatives required by [the Senate version] of FAA reauthorization?

Answer. The FY 2011 budget request will allow FAA to accomplish its current NextGen commitments and milestones. If the provisions of the Senate version of FAA reauthorization are passed, FAA will make the appropriate adjustments to reflect any necessary changes to existing plans.

*Question 2.* Why has the budget for installing ADS-B infrastructure—the cornerstone of the FAA's GPS-based system—been reduced in FY 2011 at a time when it is being deployed nationwide?

Answer. The baseline funding profile for ADS-B accounts for a significant amount of development work (defining, designing, and building the system) to be performed leading up to the In Service Decision (ISD) in September 2010. The ISD will authorize FAA to proceed with full NAS-wide deployment. While there is an extensive amount of work required to deploy the system, it is anticipated that there will be a reduction in required resources as the program shifts from the development to deployment phase.

In addition, most of the software development efforts for the automation platforms, with the exception of ERAM, will be completed in 2010. Also, the contract with ITT will transition from being cost-plus to a fixed price subscription charge for ITT services to provide surveillance inputs.

*Question 3.* On March 1, 2010, the Department of Transportation had to furlough nearly 2,000 employees and shut down highway reimbursements to states worth hundreds of millions of dollars because the Senate failed to extend the authorizations of the surface transportation programs. What is the total financial impact of this furlough on the states? What is the value of the productivity lost because of the furlough?

Answer. The Federal Highway Administration (FHWA) temporarily suspended reimbursements to states from March 1, 2010 through March 2, 2010, due to the expiration of authority to make expenditures from the Highway Trust Fund. This meant a delay in reimbursing the states over \$141 million for costs already incurred. On March 2, 2010, the Temporary Extension Act of 2010 (Public Law 111-144) extended surface transportation programs and the related authority to make expenditures from the Highway Trust Fund. All pending State reimbursement requests were processed the next day minimizing, if not eliminating, any direct financial impact on the states.

The value of productivity lost because of the furlough is difficult to determine but must take into account the work lost for nearly 2,000 Department of Transportation employees being unable to oversee the many programs and billions of dollars in their charge. States, which depend on Federal funds as an important component of their total highway investment and capital planning, generally took a wait and see approach and did not modify their practices during the two-day period.

I am pleased that Congress has since passed an extension of surface transportation programs through December 2010. This will give Congress and the Administration more time to reach consensus on new, long-term legislation and a way to fund it.

*Question 4.* What is your timeline for submitting a reauthorization proposal to Congress?

Answer. Secretary LaHood has committed to releasing principles for a reauthorization bill as soon as they are ready in order to lay out a framework for reauthorization and engage in more substantive conversations with our partners on Capitol Hill. We hope to use the time between now and the end of the year, when the cur-

rent extension of the surface transportation program runs out, to make progress in developing long-term legislation.

*Question 5.* Besides using this committee's recommendations, how else does the Administration's plan address the dangers of distracted driving?

Answer. The Department is developing a Distraction Plan which will outline our efforts in four categories: improving the understanding of the problem, reducing driver workload from in-vehicle systems (interfaces), keeping distracted drivers safe (e.g., crash avoidance warning and distraction monitoring system research), and increasing public awareness to recognize the risks and consequences of distracted driving. The National Highway Traffic Safety Administration (NHTSA) has also published a model law, which can be used by states when drafting new texting laws.

We have already begun several other projects outlined in the Plan. For example, NHTSA is exploring ways to improve police reporting of distraction-related crashes. NHTSA has also begun demonstration programs in New York and Connecticut to test whether the High Visibility Enforcement model used in other programs ("*Click It or Ticket*" and "*Drunk Driving. Over the Limit. Under Arrest.*") would be effective for distracted driving.

*Question 6.* When do you anticipate that the DOT will issue the UCR fee assessment rulemaking for 2010 so that states will have funding certainty for their motor carrier safety enforcement efforts?

Answer. The Department submitted the UCR fees draft final rule to OMB on March 9, 2010. The Department anticipates publication of the final rule in the summer of 2010. In addition, on March 2, 2010, the Federal Motor Carrier Safety Administration published in the *Federal Register* Regulatory Guidance Concerning the Applicability of Fees for the Unified Carrier Registration Plan and Agreement (see 75 FR 9487). This guidance allows states participating in the UCR Plan to consider the option of assessing and collecting fees for registration year 2010 by applying the current fee structure. This option allows participating states to continue meeting their commitment, in accordance with 49 U.S.C. § 14504a(e)(1)(B) "that an amount at least equal to the revenue derived by the State from the unified carrier registration agreement shall be used for motor carrier safety programs, enforcement, or the administration of the UCR plan and UCR agreement." In addition, participating states will also have funds available to meet their share of the costs of participating in the Motor Carrier Safety Assistance Program's grants, as permitted by 49 U.S.C. § 31103(a).

*Question 7.* What is or what should be the collective plan between Congress, the DOT, and the public and private railroads to make sure the investments are made to meet the Positive Train Control (PTC) installation deadline?

Answer. FRA recognizes the regulatory responsibility public and private railroads face in meeting the December 31, 2015 PTC implementation mandate. There are significant costs associated with procurement and installation of the necessary equipment and with the resolution of technical challenges posed by the requirement for interoperability.

Cost to comply with the Positive Train Control rule will be borne by the regulated entities, the railroads and rail system users. However, at the Federal level there are a number of programs available that railroads can access to finance investments like PTC. They include the Railroad Refinancing Investment Fund (RRIF) loan program, the DOT TIGER grant program, and the proposed National Infrastructure and Investment Fund (I-Fund).

In FY 2010, the authorized level of \$50 million was appropriated to FRA for the Railroad Safety Technology Grant Program. To generate the maximum impact with these funds, FRA plans to target awards to projects that have a multiplier effect and that can effectively address broader PTC implementation issues such as the resolution of the technological challenges created by the PTC interoperability requirements. FRA has posted this funding opportunity on *Grants.gov* and applications are due July 1, 2010. FRA intends to announce award recipients by the close of the calendar year.

*Question 8.* What progress has PHMSA made on its hazardous materials special permits action plan to address these issues?

Answer. PHMSA has taken aggressive, comprehensive and expedited action to address the issues identified by the Office of the Inspector General (OIG) and House Transportation & Infrastructure (T&I) Committee. A number of actions have been completed and even more are underway to address every issue identified in both the special permits and approvals program, including improving standard operating procedures, implementing company fitness determination, IT modernization and training of personnel. With current funding levels, PHMSA has been able to utilize staff and resources to continue addressing these commitments.

To further improve our strong safety record PHMSA has conducted thorough reviews of its policies, procedures, staffing needs and action plans. Addressing these various areas has already significantly improved oversight and accountability. We are dedicated to ensuring that operations authorized by special permits and approvals meet the same high safety standard provided by the Hazardous Materials Regulations (HMR).

PHMSA has begun to execute action plans that have been specially designed to establish initiatives prioritized according to a combination of criteria including deadlines, overall urgency, staffing and budget resources. To implement these initiatives, PHMSA assessed and identified a means to enhance procedures, reduce redundancies, and increase oversight and accountability.

Another key effort in this mission is to enhance data analysis to strengthen program oversight through IT modernization. This is especially important for facilitating the special permits and approvals process. System modernization will enable the agency to process applications to synthesize their safety and performance information more efficiently—a process that will also benefit private companies when applying for special permits or approvals.

A special management team is designated to address and monitor the causes and effects of PHMSA's plans. The team routinely evaluates whether action items are complete or whether additional revisions are needed.

More information regarding PHMSA's three action plans (listed below) can be found at <http://hazmat.dot.gov>.

- Action Plan for Special Permits Program
- Action Plan for IT Modernization and Data Collection/Analysis
- Action Plan for Approvals Program

*Question 9.* How does the Department propose to provide the same or improved level of air service to small communities while spending less money on Essential Air Service?

Answer. The FY 2011 EAS request of \$182 million (including \$50 million of mandatory funding from over-flight fees) was based on our best estimate of the FY 2010 annualized cost of the EAS program at the time the FY 2011 Budget was developed. The budget proposes authority to restrain the rate of growth of the program by limiting it to those communities receiving subsidized service on October 1, 2010. In addition, the FY 2011 Budget provides for the transfer funds from FAA to cover additional subsidy costs that may arise in FY 2011, such as subsidy rate increases, thereby ensuring that adequate funds will be available to fully fund the EAS program.

*Question 10.* Providing sufficient funding for the EAS program has been a continuing challenge. Is the Department working on finding long-term solutions to make certain small communities continue to have access to air service?

Answer. The Department is reviewing the challenges facing EAS and looks forward to working with Congress in an effort to develop a more efficient and sustainable program. We have also formed the Federal Aviation Advisory Committee to provide advice and guidance on a broad range of aviation issues, including rural air service issues.

*Question 11.* The budget proposes to limit EAS to those communities that receive subsidized service on October 1, 2010. How will small communities that do not receive service on that date deal with this restriction in the future?

Answer. The Department has considerable experience in working with small communities and carriers on air service issues, and will be pleased to extend that technical assistance to affected communities.

*Question 12.* Local and State governments are currently facing a lack of access to credit markets. Has this led to an increase in demand for TIFIA loans, loan guarantees, and lines of credit? DOT announced a new round of applications for the TIFIA program in December but the program is expected to once again be oversubscribed. How will the Administration prioritize these projects? What can be done to provide funding for worthy projects of regional or national significance that do not receive funding?

Answer. The TIFIA Program has seen a huge increase in demand for credit assistance as a result of the financial crisis. TIFIA has been oversubscribed since FY 2008 and does not have sufficient budget authority to support all the projects seeking credit assistance.

In a recently published Notice of Funding Availability (NOFA), TIFIA solicited Letters of Interest (LOIs) from project sponsors seeking to apply for a limited amount of TIFIA resources currently available. TIFIA received 39 LOIs in response, requesting almost \$13 billion in credit assistance to finance over \$41 billion in total

project costs. The magnitude of requests for the TIGER Discretionary Grant Program was even greater—\$59.7 billion in requests for only \$1.5 billion in available grant money. Whether it is through grants or loans, State and local governments are clearly seeking Federal support to deliver transportation projects.

In addition to announcing the availability of a limited amount of TIFIA resources to support new loans, the NOFA clarified TIFIA selection criteria by incorporating consideration of livability, economic competitiveness, safety, sustainability, and state of good repair. In general, DOT will give priority to projects that have a significant impact on desirable long-term outcomes for the Nation, a metropolitan area, or a region.

TIFIA may exercise its authority to charge borrowers an up-front fee to help offset a portion of the cost to the Government of providing credit assistance as a means to stretch limited resources and further leverage Federal dollars. This would make TIFIA credit assistance available to more qualified projects than otherwise possible.

*Question 13.* What role can the TIFIA program play with the Livable Communities program in the President's FY 2011 budget? Will the partnership with HUD and EPA on livable communities be extended to include financial assistance for communities that are looking to promote these types of projects?

Answer. Our current livable communities proposal is focused on capacity building exercises, not construction. While this work is important and will save money long-term through better planning with better information, it is not expensive and would not require financing.

A sponsor seeking funding for a project that improves livability will have the same options as any other sponsor. Should DOT identify barriers to funding these types of projects, we may propose changes to programs in reauthorization to help remove those barriers.

For states that turn to the TIFIA program for support for large scale projects that improve livability, those applications would have to meet TIFIA standards and requirements and be competitive against other applications. Through competitive grant programs, like TIGER, there might also be projects that support livability seeking innovative financing. However, those projects would be reviewed according to the same criteria as any other application for funding.

*Question 14.* The Administration has requested 33 new FTE positions for NHTSA or 66 positions. How many of those positions would be dedicated to vehicle safety? What steps are being taken to provide NHTSA the internal software and electrical engineering expertise necessary to identify vehicle defects in the market?

Answer. The President's FY 2011 budget requests an additional 66 positions (33 FTEs) to be strategically used by NHTSA to address high priority safety areas. Of the 66 additional personnel requested, 46 positions (46 full time positions-FTEs; 23 full time equivalents-FTEs) would be dedicated to support electrical vehicle safety, light vehicle and heavy duty truck fuel economy and labeling standards, and import surveillance of automotive equipment coming into the U.S. from foreign countries.

NHTSA's Office of Defense Investigation, which conducts vehicle research investigations, is assessing its need to determine what additional resources in electronics, computer science, or other areas of specialization are needed.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BILL NELSON TO  
HON. JOHN D. PORCARI

*Question 1.* We are very grateful in Florida to have been awarded one of the largest high speed rail grants for the first phase of our statewide system, which will go between Tampa and Orlando. As with many of the grant winners Florida was awarded half of what it requested—so it will be able to get well underway with construction, but still has to find the rest of the money somewhere too. Since I know you want to see this project be successful just as much as we do, considering you are investing a great deal in it, how do you plan on awarding future high speed rail grants in the future? Will you focus on the projects you have already chosen, or will it be a new competition every time?

Answer. Florida offers an opportunity for an early success for high-speed rail, but many issues, including program management structures and the State's commitment to ensure operating costs will not become the responsibility of the Federal Government, still need to be addressed before the Department will commit significant funds for construction. These issues have been conveyed to the State.

The HSIPR Program remains a competitive program. The Federal Railroad Administration (FRA) will solicit applications under its FY 2010 program later this spring. If Florida demonstrates all of the identified issues have been resolved, it may score well against the evaluation criteria for these new applications.



*Question 2.* Why does the budget request for FY 2011 not include any funding for the MARAD Title XI loan guarantee program?

Answer. While the request does not include new loan subsidies for FY 2011, the request does include \$3.7 million for Title XI administrative expenses to enable the Title XI program to comply with the Federal Credit Reform Act and the OIG and GAO recommendations on portfolio management. No new funding for subsidies is requested in FY 2011 because ample resources received from DOD are available.

The current Title XI subsidy balance for new loans is \$78 million. The \$78 million comprises carryover funding and funds provided in FY 2010 appropriation. The funding will enable MARAD to issue commitments to several credit-worthy applicants whose projects are technically, financially, and economically sound.

- FY 2010 carryover subsidy is \$43 million (\$48 million was received in Department of Defense FY 2009 appropriations for loan subsidies).
- \$30 million is provided in the Department of Defense FY 2010 appropriation.
- \$5 million is provided in the Department of Transportation FY 2010 appropriation.

The recent Vessel Management loan to subsidy ratio was 17 to 1. Projecting this ratio on the remaining subsidy funds could generate approximately \$1.3 billion in additional loan guarantees.

As of December 31, 2009, MARAD's current portfolio was approximately \$2.3 billion. This represents 63 loan guarantee contracts for 2 shipyard modernizations and over 300 vessels.

*Question 3.* We've talked a lot about the huge number of applications you received for TIGER grant funding—over 1,400 applications worth almost \$60 billion, for only \$1.5 billion in available money. I know that the budget request has \$4 billion for a new Infrastructure Fund; could you expand on how that will work, and how it will address the massive need we have to invest in regionally-significant infrastructure projects?

Answer. The National Infrastructure Innovation and Finance Fund (I-Fund) will be established as a new entity within the Department. The I-Fund would be headed by a Director, appointed by the President, who would oversee the day-to-day operations and report to the Secretary. The I-Fund investments would be governed by a policy and investment advisory group of Federal officials that would establish and maintain the criteria for the evaluation of investment projects and make investment recommendations to the Secretary of Transportation. The administrative structure of the I-Fund would include offices of policy, budget, finance, administration and others as appropriate.

The I-Fund will have the authority to issue loans, grants, or a combination of both. Although the request for FY 2011 is \$4 billion, the requested I-Fund capitalization over a 5-year period is \$25 billion. By using credit assistance to leverage the Federal investment, the I-Fund could assist with over \$60 billion in infrastructure projects. The projects that would receive the highest priority are those that are regionally or nationally significant and would be difficult to fund otherwise. These projects would have a demonstrable merit and provide a significant economic benefit.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO  
HON. JOHN D. PORCARI

*Question 1.* The United States currently lags behind other developed countries in use of passenger rail. Development of a strong high speed rail network is critical to reducing congestion in the air and on the roadway network. Unfortunately although the Intermountain West has been identified as the fastest growing region in the United States, only minimal funding was provided to states in the region wishing to develop high speed rail.

This budget provides for \$1 billion in High Speed/Intercity Rail funds. How will you ensure that these funds support a high speed rail system that is truly a national system that includes the intermountain west?

Answer. The Department believes that the high-speed intercity passenger rail program needs to be national in scope, under which projects are identified where significant investment is justified relative to the regional and national economic and transportation benefits generated.

We recognize that many states have not yet undertaken the basic planning necessary to develop a comprehensive intercity passenger rail plan at a level of detail

that supports allocation of significant amounts of limited resources in a merit-based competitive program.

As part of the Department's FY 2011 President's Budget request, we specifically proposed funding for high-speed rail planning activities to assist states, such as those in the intermountain west, develop their plans so that they are better positioned to participate in the High-Speed Intercity Passenger Rail Program.

*Question 2.* New Mexico is a primarily rural state. The proposed National Infrastructure Innovation and Finance Fund is anticipated to work similar to the TIGER grants program and provide funding recommendations based on demonstrable merit and analytical measures of performance. You have testified that it will invest in projects of regional or national significance. What criteria do you foresee being established to ensure equitable distribution to ensure that projects from smaller, more rural states are competitive in the granting process?

*Answer.* The Administration recognizes that resources of the National Infrastructure Innovation and Finance Fund can benefit smaller states and rural areas as well as larger states and more urbanized areas. Although the minimum grant size for a capital project or a unified program of smaller, related projects would generally be \$25 million, the current proposal for the National Infrastructure Innovation and Finance Fund would allow the Secretary to waive the minimum grant size for the purpose of funding significant projects in smaller cities, regions or states.

*Question 3.* The Department of Transportation's FY 2011 budget proposes limiting the Essential Air Service program to those communities in the EAS program on October 1, 2010. This could impact three New Mexico that qualify for EAS but do not currently receive EAS support. While I agree that the program could be more efficient, I am concerned about how this DOT proposal could potentially harm two small communities in my state. How would the Administration propose to mitigate the impact to small communities that currently qualify for, but do not receive, EAS support if their sole commercial carrier decides to no longer provide service to their community?

*Answer.* The Department has considerable experience in working with small communities and carriers on air service issues, and will be pleased to extend that technical assistance to affected communities in New Mexico and elsewhere.

*Question 4.* The FY 2011 proposes \$527 million for a livable communities program. Livability is a term most often used in transportation discussions about large metropolitan communities. The budget provides for 10 employees but does not elaborate how the remaining funds will be distributed. How will the \$527 million be spent?

*Answer.* DOT requested \$527 million for livable community efforts for FY 2011. This funding will be divided into three programs: a Livable Communities Program within the Office of the Secretary (OST); transit funding to support livable communities in the Federal Transit Administration (FTA); and a capacity-building grant program in the Federal Highway Administration (FHWA). The purpose of these programs is to provide transportation practitioners with the tools, resources, and capacity they need to ultimately develop a transportation system that provides transportation choices and complements land use, housing, and water investments.

DOT has requested \$20 million in the FY 2011 budget to establish a new Livable Communities Program, including a new Office of Livability within OST. This Office will provide leadership for DOT's livability efforts, coordinate livability programs across the Department's modal administrations, provide grants and technical assistance for improving local public outreach, and assess the effectiveness of various programs in supporting livability. Having one office focused on aligning Departmental programs and priorities will significantly improve the effectiveness of DOT's program delivery. Additionally, the Office of Livability will serve as the focal point for interagency efforts such as the Partnership for Sustainable Communities. This will include spearheading efforts such as developing metrics and performance measures for livability.

DOT's request of \$307 million will refocus existing FTA programs to expand transit access for low-income families and increase the planning and project development capabilities of local communities. This program would provide effective transportation alternatives that increase access to jobs, health and social services, and other activities. Aligning current programs, such as the Job Access and Reverse Commute formula grants, Alternatives Analysis grants, and formula grants for State and metropolitan planning, would allow DOT to fund efforts with HUD and EPA to develop strategies that link quality public transportation with investments in smart development.

DOT has requested \$200 million in the FY 2011 budget to fund a competitive livability program within FHWA. The focus of this discretionary grant program is to

increase capacity at all levels of government to integrate transportation, housing, economic development, and water infrastructure planning and investments while enhancing natural resource conservation and improving health in urban and rural communities. The funds could be used to improve modeling and data collection—especially for transit and active transportation—provide training, and support organizational changes to better carry out integrated planning. This assistance would be available to states, local governments, and tribal partners.

*Question 5.* How will this funding improve the livability of communities in more rural states such as New Mexico?

Answer. The emphasis in the FY 2011 budget request for capacity building can specifically help small communities who have outdated models, poor data collection, and low technical expertise because of budget or personnel limitations. The competitive grants for capacity building would target those communities most in need of capacity building in order to promote regional capacity for comprehensive planning. This can be of great use to small and rural communities that need this type of assistance to succeed in the Federal grant process for other types of projects.

Additionally, Rural and small communities will have an opportunity to submit “Livable Communities Program” grant applications through the State Department of Transportation for consideration of an award by the FHWA. State Departments of Transportation, Metropolitan Planning Organizations, local governments (including rural and small communities), tribal governments, and transit authorities may all apply for “Livable Communities Program” funding for eligible projects that demonstrate the development and implementation of transformational changes and advances in livability.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. FRANK R. LAUTENBERG TO  
HON. JOHN D. PORCARI

*Question 1.* In February, Amtrak released a comprehensive plan for the recapitalization of its fleet. What are the Department’s views on this plan? What role do you envision for the Department in helping to implement it?

Answer. The Department recognizes that the fleet plan offers a comprehensive view of Amtrak’s current equipment needs. The plan also outlines the timing of acquisitions necessary to keep equipment availability from adversely impacting Amtrak’s continuing ability to meet current service needs with modest growth.

FRA is actively discussing with Amtrak, both separately and as part of the Next Generation Corridor Train Equipment Pool Committee, the financial structures and other opportunities available to help procure this essential equipment.

*Question 2.* One of the keys to realizing the President’s vision for high-speed rail will be integrating intercity passenger rail service and stations with local transportation systems and ensuring they are supported by land use patterns that are conducive to rail travel. To what extent do you envision complementary roles between the proposed FHWA and FTA Livable Communities programs and the President’s high-speed rail initiative, so as to promote not only sustainable and integrated transportation choices within communities, but also between them?

Answer. The President’s high-speed rail initiative supports the livability goal by providing modal choices for travelers and improving the sustainability of our transportation system. High-Speed Rail stations can serve as multi-modal hubs providing inter- and intra-city connectivity that is safe and reliable. Coordination between FRA and FTA and FHWA is essential to ensure complete access to these hubs. High-Speed Rail will enhance the livability of the communities it serves and the stations can be anchors for Transit Oriented Development Coordinating our development and planning dollars with the rail initiative will ensure that we can support the growth of livable communities in these new mobility centers.

Additionally, the increase in accessibility and mobility in the regions around high speed rail will certainly add to the area’s livability, as more people are able to travel further for cheaper, and have increased access to a greater number of destinations and goods.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARK BEGICH TO  
HON. JOHN D. PORCARI

*Question 1.* What is the DOT's current estimate on how much funding is required to fully deploy NextGen across the National Airspace?

Answer. FAA's capital investment for the mid-term system is expected to be \$9.6 billion through 2015. This cost does not include research, the airport and associated airfield improvements, or the aircraft equipage that is necessary to realize a fuller set of NextGen benefits. NextGen costs beyond FY 2015 are still under development.

*Question 2.* What is DOT's current cost estimate for commercial and private equipage with NextGen avionics?

Answer. The FAA is developing cost estimates for commercial and private equipage for NextGen. Equipage cost estimates will depend on the following types of variables:

- which Next Gen technologies are factored into the estimate;
- what the current fleet equipage rates are;
- whether equipage will require retrofits or forward fits;
- when the avionics will become available;
- when equipage is mandated by FAA; or
- the extent to which both the commercial and GA fleet must be equipped to achieve optimal cost/benefit.

For ADS-B Out, the FAA estimates that the aviation industry will incur total costs ranging from \$2.5 billion to \$6.2 billion to equip. Estimates for other technologies such as Data Communications or ADS-B In are still under development.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KAY BAILEY HUTCHISON TO  
HON. JOHN D. PORCARI

*Question 1.* Last year's budget proposal included a 'footnote' indicating future revenues from air traffic control user fees. This year, the budget makes no mention of user fees. Does this omission mean the Administration has now ruled out any future air traffic 'user fees'?

Answer. The FY 2011 President's Budget does not include a user fee proposal for FAA reauthorization. The Budget assumes a continuation of current law and anticipates future reauthorization.

*Question 2.* We are working hard to get an FAA Reauthorization bill passed this year. The current Senate bill is a 2-year reauthorization of the FAA. Does the Administration have any intent on advancing its own FAA Reauthorization proposal?

Answer. Immediate passage of a multi-year reauthorization is a priority for the Administration. At this point, the Administration's focus is on continuing to work closely with Congress to enact a bill during this session.

*Question 3.* Last year, the air traffic controller union was awarded \$750 million by an arbitration board. That \$750 million is supposed to be paid over the next 3 years. The proposed budget submitted by the administration includes \$166 million (sic, increase was stated as \$144M) for that contract in FY2011. In order to pay for that contract, the budget indicates FAA is reducing expenditures for a variety of activities. Could you provide the Committee with a list of the specific expenditure reductions by activity?

Answer. The final arbitration decision on the NATCA contract awarded the controllers \$669 million in additional pay over 3 years. In FY 2010, the additional cost to the agency is expected to be \$74 million. The FAA will cover the costs by permanently reducing level of effort in the areas listed below. In FY 2011, the incremental increase will be \$144 million which has been requested in the President's Budget.

We have taken a number of steps this year to pay for the \$74 million in additional pay requirements for air traffic controllers as a result of the binding arbitration agreement signed last summer with NATCA. These include:

- Slow controller hiring to match the reduced traffic and workload. There will be no operational impact since the slowed economy and reduced retirements have lowered near term controller requirements. (–\$15.0M)
- Reduce controller training to reflect reduced hiring and reduced retirements. (–\$8.0M)
- Cap the Air Traffic Organization's hiring except for critical air traffic control and NextGen positions. (–\$10.0M)

- Defer facility sustainment, repairs and renovations. (–\$17.0M)
- Reduce replacement efforts for administrative IT equipment and software. (–\$13.6M)
- Reduce expenditures in multiple areas including:
  - Second-level engineering contracts, (–\$1.5M)
  - Reduce Service Center contract support for back office functions, (–\$0.3M) and
  - Reduce administrative travel across the board (conferences, meetings, etc). (–\$5.6M)
- Reduce Airspace Management/Airspace Lab efforts in several areas including work on new automation tools, aeronautical studies, and digital maps; and delaying the establishment of disaster recovery sites at the William J. Hughes Technical Center and the Aeronautical Center for NAS support systems. (–\$3M)

*Question 4.* Additionally, what are the U.S. taxpayers receiving in return for the \$750 million pay raise? We are currently in a recession, air traffic is down, and it would seem like a bad time for such a large raise. What quantifiable benefits are we receiving as a result of the increased wages?

Answer. We are already seeing benefits as a result of the new contract with NATCA. Controller retirements have fallen well short of our projections, which has helped us maintain more experienced controllers at many of our larger and more complex facilities. Grievances filed during the first 5 months of this contract are well below the number of grievances filed in the first 5 months of the 2006 contract, which saves costs in processing grievances and the cost of arbitrations. Additionally, NATCA and the controller workforce are getting involved with more projects, such as facility realignments and NextGen, lending valuable controller expertise to these programs. Finally, our relationship with NATCA and our controller workforce is improving.

*Question 5.* The budget touts an increase of \$275 million for NextGen. However, only about \$35 million of that increase is for actual FAA capital accounts. We are very concerned that FAA will continue to expand the definition of NextGen in order to take advantage of any NextGen specific funding Congress provides. Do you agree that any funds delineated for 'NextGen' should be prioritized for capital expenditures instead of paying for operations? And, will you make sure NextGen funds are spent on capital projects, not operations?

Answer. The FY 2011 budget increases FAA's NextGen portfolio by a total of \$275 million over FY 2010 (from \$867.7 million enacted in FY 2010 to \$1,142.8 million requested in FY 2011). Of this amount, \$235 million is in the Facilities and Equipment (F&E) capital account, \$5 million is in the Research, Engineering and Development (RE&D) account, and \$35 million is in Operations.

The \$35 million cited in the question is the increase in the total F&E account, which incorporates both NextGen and non-NextGen investments. The NextGen increase is achieved through offsets to other F&E programs either nearing completion. For operations and RE&D, FAA has included under the NextGen umbrella only those projects that directly contribute to the NextGen mission.

*Question 6.* Could you explain how the proposed National Infrastructure Innovation and Finance Fund would operate and what types of projects would have the highest priority?

Answer. The National Infrastructure Innovation and Finance Fund (I-Fund) will be established as a new entity within the Department. The I-Fund would be headed by a Director, appointed by the President, who would oversee the day-to-day operations and report to the Secretary. The I-Fund investments would be governed by a policy and investment advisory group of Federal officials that would establish and maintain the criteria for the evaluation of investment projects and make investment recommendations to the Secretary of Transportation. The administrative structure of the I-Fund would include offices of policy, budget, finance, administration and others as appropriate.

Projects that would receive the highest priority are those that are regionally or nationally significant and would be difficult to fund otherwise. These projects would have a demonstrable merit and provide a significant economic benefit.

*Question 7.* Would projects be less likely to receive funding from the proposed innovation fund if the mode receives separate funding, for example, separate high-speed rail funding?

Answer. The mission of the I-Fund will be to seek out and invest in infrastructure projects of regional and national significance that would be difficult to fund other-

wise. The broad eligibility criteria for the I-Fund is intended to provide flexibility for the Department to fund projects that will meet a variety of transportation or transportation-related infrastructure needs. Availability of funding from other sources for some portion of a project would not necessarily disqualify that project from receiving I-Fund assistance.

*Question 8.* Why are the administrative costs of the proposed innovation fund so high? The budget proposes 7 percent of the fund's proceeds to be set aside for program administration (\$70 million), project planning and design (\$150 million), and benefit-cost analysis (\$50 million)—\$270 million total. Shouldn't the majority of these costs be borne by applicants seeking funding?

Answer. The I-Fund will be established as a new entity within the Department and all of the administrative costs will be directly paid by the I-Fund. The I-Fund will also rely on contractor support when in-house experts are not available. It is anticipated that the I-Fund would charge certain fees to help offset the cost to the Federal Government of providing funding assistance. The administrative cost set aside for the first year includes additional funds to help establish the entity.

The set aside for project planning and design would be awarded to fund required up-front expenses of planning and assessing potential opportunities. These costs can often prevent otherwise beneficial projects from becoming a reality and this funding provides the I-Fund with an opportunity to gather valuable information on a potential project prior to making a more significant commitment of resources. By offering a source of funds for the up-front costs of new projects, the program can help new and innovative infrastructure project proposals compete for construction phase funding once the concept is proven.

The set aside for benefit-cost analysis will enable the I-Fund to build a rigorous cross-modal evaluation tool capable of evaluating and comparing the complete social return on investment of a diverse array of potential projects. In addition, some of these funds will enable the I-Fund to assist potential applicants with data and analysis production required to complete its analytical work and make confident investment recommendations to the Secretary.

*Question 9.* Why are 100 new employees needed to administer the fund? That seems extraordinarily high.

Answer. The I-Fund will be a new entity within the Department and all of those personnel will directly report to the I-Fund. Duties for the proposed 100 FTE will include work for policy, financial, budget, legal and risk analysis. The 100 FTE is comparable to other large scale infrastructure programs. Further, the I-Fund will forge a revolutionary path forward in Federal infrastructure investing that includes multiple lines of business including both planning and project funding as well as project origination activities that go beyond the typical application solicitation approach. This forward-leaning entrepreneurship will require additional staff capable of understanding transportation infrastructure strategies nationwide.

*Question 10.* What types of aviation-related projects would be eligible? Would 'aircraft equipment' of NextGen technologies be eligible? Why or why not?

Answer. The types of aviation-related projects could include airport infrastructure projects currently eligible under Title 49.

*Question 11.* The Department has spoken about TxDOT's lack of a plan for the development of high-speed rail. What does the State need to do to be competitive for high-speed rail grants?

Answer. The State needs to make high-speed intercity passenger rail service a priority in its transportation planning and allocation of transportation resources.

With that as a foundation, the State needs to engage with passenger mobility stakeholders within the State to develop a realistic vision for high-speed intercity passenger rail service, a plan to implement this vision (*i.e.*, service development plan), and associated environmental reviews and documentation (*i.e.*, service development NEPA).

*Question 12.* What realistically can be accomplished with \$1 billion for high-speed rail? How does the Department plan to distribute the money it is requesting for high-speed rail? How can we ensure that states don't end up "holding the bag" or being forced to pay for projects if Federal funding dries up?

Answer. The FY 2011 request for \$1 billion supports the second year of the Administration's five-year, \$5 billion high-speed rail initiative. It is a complementary funding stream to FRA's high-speed rail initiative that began with the \$8 billion provided in the American Recovery and Reinvestment Act.

Delivering on the vision and realizing the potential benefits of high-speed rail requires a long-term commitment at both the Federal and State levels. This five-year initiative leverages resources at the State and local level, as well as the private sector to fund strategic investments that yield tangible benefits to intercity rail infra-

structure, equipment, performance and intermodal connections over the next several years, while building capacity for future corridor development.

FRA recognizes the long-term financial impact this program will have on states. As a result, the program guidance that was developed for the FY 2010 program, and that will be used as the basis for the FY 2011 program, requires all project and corridor development applicants to: (1) contribute a 20 percent match (in cash or in-kind) and (2) certify their ability to meet a number of program conditions including the ability to fund future system operations.

Finally, the proposed FY 2011 program set asides mirror the FY 2010 program in that additional funds are targeted for high-speed rail research and development activities (up to \$30 million); corridor planning activities (up to \$50 million); and agency oversight and administration of the program (up to \$50 million).

*Question 13.* As an independent agency, the Surface Transportation Board submitted its own budget request, asking for \$31 million for Fiscal Year 2011. Why did the Department submit a budget for the STB that calls for \$5 million less than requested by the agency?

Answer. The Department's budget request for the Surface Transportation Board (STB) reflects the Administration's proposed funding level for STB. However, section 703 of the statute (109 STAT. 934, P.L. 109-88) allows the Surface Transportation Board (STB) to submit a request level different from the DOT request level.

*Question 14.* Why did the Administration zero out the Rail Line Relocation Program? This program has a lot of potential for Texas and other states. I understand rail relocation projects would be eligible for funding under the innovation financing fund, but those projects would have to compete with all sorts of other rail, highway, port, and intermodal projects.

Answer. The Administration's vision for contributing to the Nation's transportation railroad infrastructure requirements places emphasis on funding larger, more flexible Federal assistance programs (*i.e.*, National Infrastructure Innovation and Finance Fund (I-Fund) and TIGER grants), rather than funding multiple smaller programs, with individual funding streams, which encourage program funding decisions based upon the availability of Federal resources versus greatest need or public benefit.

State investments needed for rail line relocation and improvements are projects and activities that could benefit from funding administered under programs such as I-Fund and TIGER.

*Question 15.* I have mentioned before that I believe states should be allowed to enact distracted driving laws that meet its specific needs. An approach that dictates too specifically to states how to regulate in this area is the wrong method, in my opinion. What is DOT's vision for this new distracted driving grant program and what criteria would a state need to meet in order to be eligible for a grant?

Answer. Distracted driving is a significant safety problem. NHTSA research indicates that approximately 6,000 people were killed in crashes in 2008 in which distracted driving was involved. At any given daylight time in 2008, estimates indicate that 800,000 drivers were using a cell phone while driving. Younger drivers appear to be more likely to use electronic communication devices while driving.

States are becoming increasingly active in addressing this threat: 21 states have laws that ban texting while driving, and 6 states have laws that ban hand-held cell phone use by all drivers. The Department will take into consideration the scope of these existing distracted driving laws in determining the criteria for any distraction grants funded by the Congress.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO  
HON. JOHN D. PORCARI

*Question 1.* Is it correct that a number of states have indicated they will not enforce the Department's ban on texting while driving for commercial drivers until a formal rulemaking is completed? How do you plan to proceed?

Answer. The Department's Federal Motor Carrier Safety Administration (FMCSA) recognizes that states are not required to adopt and enforce the Agency's regulatory guidance published in the *Federal Register* on January 27, 2010 (75 FR 4305). However, states are required to adopt and enforce compatible safety regulations as a condition of receiving Motor Carrier Safety Assistance Program (MCSAP) grants from FMCSA. States must adopt and enforce compatible rules within 3 years of the effective date of a new Federal Motor Carrier Safety Regulation. See 49 CFR § 350.335.

The purpose of the Department's regulatory guidance was to heighten industry awareness of the safety risks associated with texting while driving, and to emphasize that one of FMCSA's existing regulations may be cited by enforcement officials for taking action against truck and bus drivers who engage in this unsafe practice. Also, the guidance explains that a civil penalty of up to \$2,750 may be assessed against these drivers by FMCSA. The Department leaves to the discretion of the individual states the decision about what actions may be taken against texting truck and bus drivers based on their respective State laws and regulations, pending the completion of the Federal rulemaking on texting.

The Department published a Notice of Proposed Rulemaking (NPRM) to explicitly prohibit texting by truck and bus drivers on April 1 (75 FR 16391). The rulemaking would provide driver disqualification penalties for interstate truck and bus drivers, and amend the Department's commercial driver's license (CDL) rules to provide a disqualification provision for CDL holders convicted of violating State traffic laws concerning texting. The CDL provision would apply to commercial motor vehicle drivers employed by truck and bus companies or Federal, State and local government agencies, including school bus drivers. The public comment period for the NPRM ends on May 3, 2010. The Department will then consider all the public comments received in preparing a final rule later this year. States would then have 3 years to adopt and enforce compatible rules concerning texting.

*Question 2.* I am encouraged by FMCSA's development of the Comprehensive Safety Analysis 2010 program, since it will ensure that all motor carriers are rated for safety purposes on a regular basis, and that the rating is based on all of the safety data collected by Federal and state enforcement officers. But there are concerns about the accuracy of the data on which ratings will be based, especially given the problems with the current SafeStat system. What is the Department doing to address this concern?

*Answer.* The states are required to provide standard, basic information about large truck and bus crashes to FMCSA within 90 days of the crash event, and the results of roadside inspections within 21 days of inspection. The completeness, timeliness and accuracy of crash data—and to a lesser extent roadside inspection data—vary from State-to-State.

The FMCSA, in conjunction with our State partners, has made significant improvements in the reported crash and inspection data used to assess motor carrier performance. FMCSA's data quality program includes a multitude of activities aimed at improving the completeness, accuracy, and timeliness of motor carrier crash and inspection data. These activities include: (1) State-by-State monitoring of data quality on a monthly basis (as measured by the State Safety Data Quality map); (2) on-site and off-site assessments of State crash data, and data collection processes and procedures; (3) a process that allows for data challenges by motor carriers and commercial motor vehicle drivers via our "DataQ's" website; and (4) individual State training courses to assist State and local officers in properly collecting and reporting motor carrier crashes and inspections. Additionally, FMCSA currently has a grant program known as the Safety Data Improvement Program, or SaDIP, that provides states funding to improve data quality. Through these activities, there has been significant improvement in the overall quality and quantity of state reported data over the last several years as reflected below:

Data Quality	2007	2008	Jul 08– Jun 09
<i>Accuracy</i>			
Percentage of crashes reported to FMCSA matched to a carrier	94%	96%	96%
Percentage of inspections reported to FMCSA matched to a carrier	98%	99%	99%
<i>Timeliness</i>			
Percentage of crashes reported within 90 days	86%	88%	89%
Percentage of roadside inspections reported within 21 days	92%	94%	94%
<i>Completeness</i>			
Percentage of fatal crashes reported to FMCSA	100%	100%	100%
Percentage of nonfatal crashes reported to FMCSA	86%	86%	83%
Percentage of all crash reports with complete driver/vehicle data	69%	84%	92%

Sources: MCMIS (State-reported data); NHTSA (fatal crash data).  
For details, see [www.afmcsa.dot.gov/DataQuality](http://www.afmcsa.dot.gov/DataQuality).

FMCSA fully recognizes the importance of this data as the foundation for Comprehensive Safety Analysis (CSA) 2010. Working collaboratively with the Commer-



cial Vehicle Safety Alliance (CVSA), FMCSA is undertaking several additional data enhancements and related efforts.

FMCSA commenced these efforts at the CVSA annual meeting in October 2008. At that meeting CVSA founded the Data Uniformity Ad-hoc committee to develop strategies to improve data uniformity and consistency. The Ad-hoc committee has developed four core components of roadside data uniformity. The same four components then became the foundation for the collective efforts of the Committee. Those four components are:

1. Consistent documentation of roadside inspection and violation data.
2. Standardized processes for responding to data challenges and increased awareness of high level goals of the inspection program.
3. Uniform inspection selection processes.
4. Raising awareness that every inspection counts.

FMCSA is actively addressing each of the above components and has made significant progress in meeting these objectives. FMCSA's accomplishments thus far include:

- *Consistent documentation of roadside inspection and violation data*—Through a FMCSA-funded high-priority grant, in the spring of 2009, CVSA staff and State partners began work on guidance that promotes the consistent documentation of roadside inspection and violation data.
- *Standardized processes for responding to data challenges*—This initiative will provide procedural guidance on the management of the roadside inspection and crash data challenge process through our DataQ's management system. FMCSA and several state partner subject matter experts formed a group in the spring of 2009 to develop standardized procedures for the data challenge process.
- *Increased awareness of high level goals of the inspection program*—This component of the roadside data uniformity initiative focused on the increased importance of the roadside violation data and an understanding of how the data will be used. The goal is to ensure that the processes that are used in the collection of the roadside data are validated and promote the integrity of the programs that employ the data.
- *Uniform inspection selection processes*—CVSA is considering a proposed change to its operational policies that will encourage member jurisdictions to review and formalize their current policies that govern when and how commercial motor vehicles should be selected for an inspection. The goal is to raise awareness that a valid and consistent vehicle and driver inspection selection process operated within the scope of a jurisdiction's rules and policies is the critical foundation upon which the integrity of our programs rest.

