

**HEARING ON THE NOMINATION OF
VICTOR M. MENDEZ TO BE ADMINISTRATOR
OF THE FEDERAL HIGHWAY ADMINISTRATION**

HEARING
BEFORE THE
**COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE**
ONE HUNDRED ELEVENTH CONGRESS
FIRST SESSION

JUNE 2, 2009

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ONE HUNDRED ELEVENTH CONGRESS
FIRST SESSION

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**HEARING ON THE NOMINATION OF VICTOR
M. MENDEZ TO BE ADMINISTRATOR OF THE
FEDERAL HIGHWAY ADMINISTRATION**

TUESDAY, JUNE 2, 2009

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

The full Committee met, pursuant to notice, at 10 a.m. in room 406, Dirksen Senate Office Building, Hon. Barbara Boxer (chairman of the full Committee) presiding.

Present: Senators Carper, Inhofe, Lautenberg, Voinovich, Bond, Klobuchar, Udall, and Merkley.

**OPENING STATEMENT OF HON. BARBARA BOXER,
U.S. SENATOR FROM THE STATE OF CALIFORNIA**

Senator BOXER. The hearing will come to order. Oh, nice to see you, Senator Kyl.

I want to welcome you, Mr. Mendez.

Today we are holding a hearing on the nomination of Victor M. Mendez to be the Administrator of the Federal Highway Administration. I would like to thank Mr. Mendez for being here today and I welcome him to the Committee.

FHWA is an agency of the Department of Transportation that is charged with oversight of several programs, the largest of which, the Federal Aid Highway Program, provides funding to the States to assist in constructing highways and making highways and traffic operations safe and more efficient.

Another major program overseen by the FHWA is the Federal Lands Highway Program through which FHWA works with the Federal Land Management Agencies and Indian tribes to manage the approximately 300,000 mile road network that serves Federal and Indian lands.

Combined, these programs are maintained at about \$40 billion a year. States depend on this Federal funding. Traditionally, the Federal Government has provided about 40 percent of the Nation's total investment in transportation. Without continued funding, States would have to make significant cuts to their already underfunded transportation programs.

Highways and bridges built in the 1950s and 1960s are reaching the end of their expected service life and additional funding is needed for major repair or replacement. Similarly, transit systems are aging and many communities are in need of new or expanded service.

This means we need to make significant investment in the short term just to maintain our infrastructure at safe levels, followed by even larger investments over the next 20 to 30 years to completely replace aging infrastructure and accommodate expected growth in population.

A key issue for the next Administrator will be management of dwindling resources in the Highway Trust Fund, which supplies most of the funding that FHWA administers. According to DOT, and this is really not good news for all of us, the Highway Trust Fund is expected to have insufficient cash by August of this year to make good on prior commitments. Therefore, an additional \$5 billion to \$7 billion will be needed to keep the Highway Trust Fund solvent through the end of this fiscal year.

In addition, Administration officials have estimated that an additional \$8 billion to \$10 billion is needed to pay immediate cash needs if the overall program is to be maintained at current funding levels.

The need to maintain a sustainable funding source for our critical infrastructure must be a central focus of all of our efforts across party lines. And I am happy to say that in this Committee we do work very strongly across party lines on these issues. We all know that investment in transportation is crucial to our prosperity and we all know it creates jobs.

The current highway transit and highway safety authorization, SAFETEA-LU, expires at the end of fiscal year 2009. Additional revenue will be needed to merely maintain existing programs and much more will be needed if we want to provide additional resources to our States which are struggling to improve existing infrastructure.

The Committee is working on a new bill called MAP-21, Moving Ahead for Progress in the 21st Century. This bill gives us the opportunity to take a fresh look at the current program and make the transformational changes necessary to ensure our Nation's system will meet the needs as we move forward.

This Committee, working across party lines, has agreed to about eight principles for the new bill and we will look forward to working with you, Mr. Mendez, as we get to reauthorize the transportation programs of our Nation. We really do look forward to your working with us.

So, thank you very much for appearing before this Committee. I certainly look forward to hearing from you. I will call on Senator Inhofe and then, if no other Senators are here by then, we will go right to Senator Kyl for the introduction.

Senator INHOFE. Madam Chairman, it is all right with me, it would be OK to have Senator Kyl go ahead with the introduction, because he has another commitment that he needs to take care of.

Senator BOXER. Sure.

Senator Kyl, please proceed.

**OPENING STATEMENT OF HON. JON KYL,
U.S. SENATOR FROM THE STATE OF ARIZONA**

Senator KYL. Thank you, Madam Chairman. And thank you, members of the Committee.

Incidentally, Madam Chairman, I compliment you for coming up with a much better name than some of the previous names. That MAP-21 sounds good to me.

Senator BOXER. Well, can I quickly tell you a funny story? I was telling my husband how the name SAFETEA-LU came into play. It had to do with one of our colleagues' spouses whose name is Lulu. I said to my husband, I have bad news and good news for you. He said what is the bad news? I said, can you believe that we named the highway bill after somebody's wife? And he said so what is the good news? And I said I am going to name it SAFETEA-STU, after him.

[Laughter.]

Senator BOXER. He said he would absolutely destroy me limb from limb if I did it. So, we went to MAP-21.

[Laughter.]

Senator KYL. Thank you, Madam Chairman.

It is my pleasure to introduce Victor Mendez, the President's nominee to serve as Administrator with the Federal Highway Administration.

Victor will bring a wealth of experience to FHWA, primarily from his years of experience at the Arizona Department of Transportation. We call it ADOT, and that is where I got to know Victor. He joined ADOT in 1985 as a civil engineer and quickly worked his way up through the ranks. By 2001, Victor was appointed by then-Governor Janet Napolitano as Director of ADOT and served in that capacity until February of this year.

As Director, Victor led an organization of over 4,600 employees with an annual operating budget of approximately \$430 million. The 5-year capital budget consisting primarily of highway projects was approximately \$6 billion in State and Federal funds. It needs to be much more than that, incidentally, I would mention to my two colleagues.

The transportation issues that Arizona faced during Victor's tenure, population growth, outdated infrastructure, funding obstacles, prepared him well for his role as Administrator of FHWA. Instead of maintaining the status quo, Victor has had the vision to implement many new financing, technological and research methodologies that were used to meet many of Arizona's transportation challenges.

For instance, Victor successfully accelerated the construction schedule for the Valley Regional Freeway System in the Phoenix area, advancing the project's completion from 2014 to 2007. He also led the Arizona management of the construction of the Hoover Dam Bypass Bridge with Nevada and the United States Department of Transportation. The Hoover Dam Bypass Bridge is a \$241 million project that has transportation security and trade implications. With Victor's leadership, the project is on budget and expected to be completed next year.

I have no doubt that Victor will continue to utilize innovative methods to ensure that our Nation's transportation infrastructure needs are met.

And to the point you made, Madam Chairman, we discussed the financing issues that he will necessarily face. He has got a lot of ideas and he does not think we can rely on one silver bullet. He

says there are a whole variety of things that have to be utilized. So, I know you will be working with him on that.

Finally, to round out his transportation experience and demonstrate other things that he has been willing to do in his work for the State of Arizona, he also served as President of the American Association of State Highway and Transportation Officials and co-chaired the Transportation Infrastructure and Ports Committee of the Arizona-Mexico Commission, which in Arizona is a big deal.

In 2008, Victor was elected as Leader of the Year in Public Policy in Transportation by the Arizona Capitol Times. So he is recognized as a leader, and I commend the President for choosing such a fine candidate and congratulate Victor on his nomination.

I look forward to working with him and commend him to the Committee.

Thank you, Madam Chairman, for your courtesy.

Senator BOXER. Thank you very much, Senator, and we know that you have places to go so please have a good day and we will see you on the floor of the Senate.

Senator KYL. Thank you.

Senator BOXER. Senator Inhofe.

**OPENING STATEMENT OF HON. JAMES M. INHOFE,
U.S. SENATOR FROM THE STATE OF OKLAHOMA**

Senator INHOFE. Madam Chairman, I have the same problem that I always have on Tuesday mornings. We have the Armed Services Committee hearing. We have General McChrystal there, and it is imperative that I be in both places.

I want to welcome Mr. Mendez. I have had a chance to talk to him in my office and we have a lot of mutual friends, one of which is our Secretary of Transportation, Gary Ridley. I have often said that Gary Ridley, in my opinion, is the best Transportation Secretary in America. I highly respect his opinions, and he holds Mr. Mendez in very, very high regard. I think we are fortunate. I agree with Senator Kyl, we are fortunate that the President has chosen to nominate Victor Mendez to this position.

The challenges in continuing to provide the safe and free transportation network have really never been greater. We went through a problem last fall where we came up with a shortfall, and that shortfall came from the fact that the increase in the fuel causes a decrease in the revenues that are directed to the Highway Trust Fund. A lot of people think it is a percentage, but it is not, it is a centage. So that was a problem.

We were able to correct that problem by going and undoing something that should not have been done in 1998 when Senator Clinton took \$8 billion from the Trust Fund and put it into the General Fund. When I look at that, I think that took care of the crisis then. We have another crisis now.

I think there are a couple of things that we can do. I just offer this, not necessarily asking any questions since I probably will not be here during the question and answer time. One is we were successful in getting that, but that was \$8 billion and that did not include the interest over a 10-year period. We have a figure calculated for that right now which should be very helpful. The second thing is that, with the unprecedented spending that has never hap-

pened before in the history of this Country, the hundreds of billions of dollars, I cannot believe that we have such a low priority on infrastructure. So, it is complicated. And the reauthorization is set to expire, as the Chairman said, in October.

Solving these challenges will require us all to work together. Unfortunately, there was a troubling development 2 weeks ago. This Administration hosted a conference call about the status of the Highway Trust Fund, sharing new technical information about the inability of the Trust Fund to make required reimbursements to States. The White House set up this conference call and only invited Democrat staff to participate. This is unacceptable.

One of the things that I would ask you, and I ask everyone that is nominated, would you commit to responding to the minority side the same as you would respond to any request that comes from the majority side during your tenure after you are confirmed, which you will be?

[Mr. Mendez responds in the affirmative.]

Senator INHOFE. Let the record reflect that he said yes.

All right. I look forward to working with you. We have a huge problem in front of us. It is something that is insurmountable. As often as Chairman Boxer and I disagree on many issues, we agree on the infrastructure. And the problem that we have in this Country is that it is not enjoying the high priority that it should enjoy.

We were proud of the amount of money that we were able to get in the 2005 Reauthorization Bill, but, in retrospect, that really just barely maintained what we already had. I agree with the two Governors and Mayor Bloomberg who are coming up with ideas on really getting a more robust bill. I think if we are going to be able to face the problems that are out there, we are going to have to think in bigger numbers. But we have to get there.

I look forward to your testimony and your confirmation.

[The prepared statement of Senator Inhofe follows:]

STATEMENT OF HON. JAMES M. INHOFE, U.S. SENATOR
FROM THE STATE OF OKLAHOMA

Thank you, Chairman Boxer. I would like to welcome Mr. Mendez. I have met with this nominee and I believe after our conversation that he is well qualified for this important position. The Federal Highway Administrator has always been a valuable partner of this Committee during the re-authorization process and I expect that this next bill will be no different.

I am pleased that the Administration has chosen such a qualified individual, and someone who recognizes the diverse transportation needs of this country. Heavily weighing in your favor was a conversation I had with my State's Secretary of Transportation, Gary Ridley, who proudly relayed his support of your nomination. I greatly respect the opinion of Secretary Ridley, whom I believe is the best Transportation Secretary in the country.

The challenges in continuing to provide a safe and free flowing transportation network have never been greater. Making matters worse, we recently learned that the Highway Trust Fund will run out of money sometime before August of this year, and will require an infusion of \$5 billion to \$7 billion to get through the rest of fiscal year 2009. An additional \$8 billion to \$10 billion will be required in 2010.

Secretary Ridley has notified me that if we fail to fix the trust fund Oklahoma and most other States will not have the cash to honor infrastructure projects that have already been agreed to. As a result, my State will be forced to deprogram between \$50 million and \$80 million in projects. This will be done by canceling new projects and existing contracts that have already been signed, in addition to slowing down projects that have already broken ground. Clearly this would have a detrimental effect on the economy and will negate any gains made by the stimulus—which as I've said before, dramatically underinvested in infrastructure.

This truly complicates our efforts to reauthorize SAFETEA, which expires this October. Solving these challenges will require us all to work together. Unfortunately, there was a troubling development 2 weeks ago. This Administration hosted a conference call about the status of the Highway Trust Fund, sharing new, technical information about the inability of the Trust Fund to make required reimbursements to States. The White House set up the conference call and only invited Democratic staff to participate. This is completely unacceptable.

The last Administration was widely criticized last August for not being more open and transparent with Congress and States over this very issue. I would have hoped this Administration would not repeat mistakes previously made and be open and transparent—especially with technical information.

At confirmation hearings, I ask every nominee if they will share information with both sides of the aisle at the same time. I will ask you the same thing, but will add a very strong caution. I cannot support your nomination unless you commit to me that the minority will be treated equally in getting information and responses to questions from the FHWA. Will you make such a commitment to me now?

Thank you. I look forward to your confirmation and working with you.

Senator BOXER. Thank you, Senator.

Senator Udall.

Senator UDALL. I am going to pass so that we can get to the witness. Thank you very much, Madam Chair.

Senator BOXER. Thank you.

Senator Voinovich.

**OPENING STATEMENT OF HON. GEORGE V. VOINOVICH,
U.S. SENATOR FROM THE STATE OF OHIO**

Senator VOINOVICH. Thank you, Madam Chairman, and Ranking Member Inhofe.

I want to thank you, Mr. Mendez, for your being here today and your willingness to serve in this new capacity. And I thank your family for their past sacrifices and for the sacrifices that they will make in order to serve your Country.

Having served as a mayor, Governor and now as a Senator, I understand the different needs, concerns and responsibilities that each level of government brings to bear on the challenges we face as communities and as a Nation. I am very pleased that you are familiar with the State and local perspective, having served as the Director of the Arizona Department of Transportation and then serving as President of AASHTO.

I believe your experience with the FHWA at the State Department of Transportation level is going to serve you well in performing your job. I am very anxious to have you on board because I think that your experience is going to be valuable in helping us put together what I would like to consider as a new paradigm in terms of a transportation piece of legislation.

I am also hopeful that you will have the courage to stand up and influence the Administration to understand that if we are going to do the job that we need to do in terms of our service transportation in this Country, we are going to have to have more money. And one of those sources of revenue has to be an increase in the gas tax. I know that does not go down very well with some folks, but the fact of the matter is almost everybody in this Country that cares, in fact, almost all of them that care, understand the realities of that situation.

I am not going to go into details. You know what the needs are. If you take the Service Transportation Commission and the folks that came back about recommendations, we are talking about

\$1.6 trillion over this 5-year period. We know that is not possible. But we are talking in the neighborhood of \$450 billion to \$500 billion in order to just get us where we are supposed to be.

SAFETEA-LU, we fell behind. We knew it was not enough at the time. It was worse because of inflation, and now we are going to have to go back and find some more money if we are just going to fund it at the level that we funded in the past.

So, I want you to know that I really look forward to working with you. I hope you are allowed to be engaged in this work that we are doing right now. I hope it is something very special. You have probably been looking at this for a long time. Now, you have got a chance to do something about it. So, I hope you take advantage of it.

Thank you.

[The prepared statement of Senator Voinovich follows:]

STATEMENT OF HON. GEORGE V. VOINOVICH, U.S. SENATOR
FROM THE STATE OF OHIO

Madam Chairman and Ranking Member Inhofe, thank you for holding this nomination hearing.

I would like to thank you, Mr. Mendez, for being here today, and for your willingness to serve. Even more importantly, I want to thank your family for their sacrifices.

Having served as a mayor, Governor and now as Senator, I understand the different needs, concerns and responsibilities that each level of government brings to bear on the challenges we face as communities and as a Nation. I am very pleased that you are also familiar with the State and local perspective, having served as director of the Arizona Department of Transportation, and as president of the American Association of State Highway and Transportation Officials (AASHTO). I believe your experience working with FHWA at the State DOT level will serve you well.

I am very anxious to have you on board because your experience will be valuable to provide the input we need to change our transportation policy. I think it is important for you to do two things as the next Administrator. First, you can provide input on how we should draft the next transportation reauthorization bill. And, second, I hope you can convince the Administration that without a gas tax increase, we cannot do what we need to do.

As you certainly know, the Nation's transportation needs greatly exceed current investment at all levels of government. DOT's 2006 Conditions and Performance Report stated that the average annual investment level needed just to maintain the current condition and performance of our highway system is \$78.8 billion, while the cost necessary to improve our highways and bridges would be \$131.7 billion.

More recently, the National Surface Transportation Infrastructure Financing Commission reported the Federal highway and transit funding gap totals nearly \$400 billion in 2010 through 2015 and grows to about \$2.3 trillion through 2035.

Although SAFETEA-LU provided increased funding for the States and localities to improve the condition of deteriorating and unsafe highways and to increase capacity and performance, the system is still aging, and in need of additional investment. I predicted that the money spent from that authorization bill would not be enough. Sadly, I was right. Because of the rising costs of construction and energy, the purchasing power from SAFETEA-LU has significantly declined. This bill did not keep up with inflation, and as a result, we have fallen behind. According to DOT, the Highway Trust Fund will need an additional \$5 billion to \$7 billion to keep it solvent through the end of fiscal year 2009.

I believe our failure to invest in the improvements necessary to keep pace with our growing population and increasing demands remains a significant obstacle to moving our economy forward. American businesses cannot compete globally, without strong infrastructure at home.

These are daunting challenges facing FHWA, DOT, and this Committee as we move toward reauthorization. I look forward to hearing your thoughts on the next reauthorization bill, your suggestions for ensuring that enough funding is being invested in our highways and infrastructure, and your vision for FHWA's role in ensuring that our Nation has the transportation infrastructure necessary to remain economically competitive for future generations.

Again, I think you for coming before this Committee today, and for your willingness to serve your country.

Senator BOXER. Thank you so much. I love it when you get so enthusiastic.

[Laughter.]

Senator BOXER. It is good. It is good.

Senator Klobuchar.

**OPENING STATEMENT OF HON. AMY KLOBUCHAR,
U.S. SENATOR FROM THE STATE OF MINNESOTA**

Senator KLOBUCHAR. Thank you very much, Chairman Boxer.

Congratulations, Mr. Mendez, for your nomination. We look forward to working with you.

The role of your agency is very important in my State. It could not have been more clear than the day the bridge collapsed on August 1st, 2007, taking 13 people's lives. I said that day that a bridge just should not fall down in the middle of America. Not an eight-lane highway and not one that is just six blocks from my house.

So, I have spent a lot of time working with, I am sure you are familiar with Chairman Oberstar, who is also from Minnesota, working with him on the issues of bridge safety. We have a bill that I am sure parts of which we will try to incorporate in the upcoming SAFETEA-LU legislation. But this is about making sure that the money spent on bridge maintenance is truly spent on bridge maintenance and, in fact, is not spent on building new projects that are good for ribbon cuttings but then allow our other infrastructure to deteriorate in this Country.

According to the Federal Highway Administration, which we hope you will soon head up, more than 25 percent of the Nation's 600,000 bridges are either structurally deficient or functionally obsolete. We have many challenges here, not only for safety, but also, of course, for economic development. We got a good start with the Recovery Act. Also, there is the congestion that we have in so many of our areas where workers remain idle in traffic. Americans spend 4.2 billion hours a year stuck in traffic at a cost to the economy of \$78.2 billion or \$710 for each motorist.

So to me this involves not just better roads and bridges, but also a mix of transportation options. I have been very surprised, pleasantly surprised, at the support for rail in our State in areas of the State that did not traditionally support it. It just took the Vice President out to St. Cloud, Minnesota where we are building the North Star Rail very close to St. Cloud. That is something that we care a lot about.

And, of course, when it comes to highways, the right use of these roads, including smart ideas of how to control traffic better. We have been working with IBM, which has a substantial project in Minnesota, on some of the technology that they want to develop to have intelligence transportation solutions. So it is going to be a mix of special lanes for bikes, pedestrians, and also better roads and bridges.

We are very much looking forward to working with you. Thank you for appearing here today.

Senator BOXER. Thank you, Senator.

We will go to Senator Bond.

**OPENING STATEMENT OF HON. CHRISTOPHER S. BOND,
U.S. SENATOR FROM THE STATE OF MISSOURI**

Senator BOND. Thank you very much, Madam Chair, and Senator Inhofe.

It is a pleasure to welcome Mr. Mendez and to join with the hallelujah and amen chorus in applauding your nomination, recognizing the great contributions you have made, not only in your State, but in your service in the national organization.

As a former Governor, as we have discussed, I understand full well the challenges you had to face, and having someone in your position, who has gone through that, is extremely important. And I believe you also have worked closely with our director in Missouri, Pete Rahn. We had a good opportunity to talk about that.

These are tough times. You have got a really tough battle ahead. You face an insolvent Highway Trust Fund that will need more than a Band-Aid to fix, rising construction costs, and a transportation system that literally is bursting at the seams.

It is going to require long-term vision, vision for surface transportation with all of the other components we have discussed which go into that transportation system. It is quality infrastructure, in my view, and I believe you share that. It connects people and communities with one another, it attracts and sustains jobs and a high quality of life. I do not think there is anything more important the Government can be doing in this Country and certainly, in Missouri and across the Country, there is a growing concern about the real strains coming up in transportation.

Vehicle miles traveled remain at historic highs, congestion rates are up with more and more people sitting in traffic, extra trucks carrying products to and from businesses around the globe, construction. Construction is a real problem. It is not only frustrating, but it takes a real toll on our economy and our productivity.

We have to work together on the authorization bill to make sure that essential infrastructure investments provide a good return to taxpayers. You and I have spoken about some of the additional alternatives, ideas that have come up for dedicated commercial lanes for truck traffic and how to fund them.

And another area where I know you share concern is on project delivery times. As we speak the costs of transportation projects around the Country are increasing while contractors, municipalities and State DOTs wade through the mess of bureaucracy that is our current project development process. We cannot afford to continue on the path where it takes 10 to 15 years to deliver highway projects. It does not take a mathematician to figure out that such as impediment means project costs tripling, congested highways, increased productivity and compromised road safety.

We thought we had made some progress on the streamlining in the SAFETEA bill on which we worked very hard with the help of your department. But, obviously, we have got to do more. We have got to deliver these projects, make sure we touch all the bases, but do it in an efficient manner.

Then there is a real problem, and I have another hearing as most people do today, that I would ask you to address. What are we

going to do about the \$8.7 billion rescission? We are talking about spending big money on shovel ready projects. This \$8.7 billion rescission that we had to put in SAFETEA is going to unstimulate, unstimulate, projects that are shovel ready, ready to go. And right now the prospect of shutting them down means that we are not doing the work of preparing to put people to work on highways where they could be doing something.

I think it was a big mistake. I am very sorry that the Stimulus Bill, which I think got off track, only put 4 percent into transportation and did not even deal with the rescission. Now, of all the things that we ought to do, we ought to do something to stop Government action that will unstimulate the economy. I look forward to hearing any thoughts you have on that.

I would say, also, I noticed that as Deputy Director of ADOT you oversaw one of Arizona's first design-build projects. It seems to be working in Missouri. I hope you will be an advocate for that, that can reduce some of the burdens of long project delivery time at the Federal level as well, and we look forward to reading your testimony.

I congratulate you on your nomination and, most of all, as my colleagues have said, we look forward to working with you on this very challenging and important job you have.

Thank you.

Senator BOXER. Thank you, Senators, all.

I just wanted to say, Mr. Mendez, given all of the problems that we have thrown at you, we hope that you will still want this job. We obviously all agree that you are an excellent choice.

So it is your time now. Speak to us. If you have any family members here, or friends, please feel free to introduce them, and then once you get started with your statement we will start the clock.

STATEMENT OF VICTOR M. MENDEZ, NOMINATED TO BE ADMINISTRATOR, FEDERAL HIGHWAY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION

Mr. MENDEZ. Thank you, Chairman Boxer. I do appreciate the magnitude of the job here.

I will not be introducing anyone. I think it is just time to get down to business and, as you have all articulated very well, we have a lot of challenges. So I will begin with my statement right now.

Good morning, Chairman Boxer, Ranking Member Inhofe, and Members of the Committee. I appreciate the opportunity to be here today as you consider my nomination for Administrator of the Federal Highway Administration (FHWA).

I would like to extend my sincere thanks to Senator Kyl for that very kind introduction. I really appreciate that from him.

It is an honor and privilege to have been recommended by Secretary LaHood and nominated by President Obama for this very important position. I appreciate the significant role this Committee plays in establishing transportation policy and, if confirmed, I look forward to working closely with all of you to improve the delivery of the Federal-aid highway program.

As the former director of the Arizona Department of Transportation and former president of the American Association of State

and Highway Transportation Officials (AASHTO), I am very well aware of the many responsibilities and challenges that lie ahead for the next Federal Highway Administrator. In the immediate future, we near the expiration of the Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (SAFETEA-LU), coupled with the impending cash shortfall in the Highway Trust Fund. Then, in the long term, we must identify sustainable funding mechanisms to address our aging infrastructure and congested roads, all in the face of a struggling economy.

Our highways must be made safer. Our transportation system must be equipped to meet the growing demands of freight movement if we are to compete in a global economy and stimulate economic growth in the Nation.

We must also consider multimodal solutions to reduce the transportation sector's greenhouse gas emissions. I share Secretary LaHood's commitment to safety as the highest priority at the Department. Although fatalities and injuries on our roads are declining, too many people still die or are injured in highway crashes each year. If confirmed, I will work with the Administration, Congress, the States, transportation safety advocates and the public to continue the downward trend in highway fatalities and injuries.

I will also focus on the successful deployment of highway dollars under the American Recovery and Reinvestment Act (Recovery Act). Like the President and the Secretary, I strongly believe that, through the efficient implementation of Recovery Act projects, FHWA plays a key role in creating jobs, putting people back to work, and keeping families from foreclosure.

Another priority, if I am confirmed as the Administrator, will be to develop a robust transportation reauthorization solution in partnership with Congress, the Administration, Secretary LaHood, and the various transportation stakeholders. Too often, we think about economic competition among cities and regions within the United States. However, in the next reauthorization of surface transportation programs, we must not forget that America must compete with nations such as China and India.

We must keep both rural and urban America moving and economically competitive in the 21st century. We must meet the needs of the American public and business community to ensure safety, a better quality of life and a vibrant economy. We must support environmental stewardship, blend public and private sector collaboration, and ensure accountability and transparency of public expenditures in transportation.

I will work closely with Secretary LaHood and other officials to consider coordinated strategies and multimodal solutions to address our transportation challenges.

If confirmed, I will also encourage the use of innovation, research and technology to solve our transportation problems. We need to identify and develop innovative environmental, congestion and finance solutions, and share best practices in the delivery of projects and in other areas of importance to transportation stakeholders.

I am mindful of the challenges that face the next Administrator. With my background in civil engineering and a transportation career spanning over 25 years, including at the Arizona Department of Transportation for seven and one-half years, I bring the experi-

ence, knowledge, management and leadership skills to bring FHWA through the challenges that lie ahead. The employees at FHWA possess an incredible wealth of knowledge and expertise, and I look forward to the opportunity to work with them as well to find solutions.

I am committed to working with you, the Administration, Secretary LaHood, and all transportation stakeholders as we look for ways to meet our Nation's transportation needs.

Madam Chairman, thank you for the opportunity to appear before you today and for your consideration. I would be happy to answer your questions.

Thank you very much.

[The prepared statement of Mr. Mendez follows:]

**Statement of
Victor M. Mendez
Administrator-Designate, Federal Highway Administration
U.S. Department of Transportation
Before the
Committee On Environment and Public Works
U.S. Senate**

June 2, 2009

Introduction

Chairman Boxer, Ranking Member Inhofe, and Members of the Committee, I appreciate the opportunity to be here today as you consider my nomination for Administrator of the Federal Highway Administration. It is an honor and privilege to have been recommended by Secretary LaHood and nominated by President Obama for this very important position. I appreciate the significant role this Committee plays in establishing transportation policy and, if confirmed, I look forward to working closely with you and your staff to continue to improve delivery of the Federal-aid highway program.

As the former Director of the Arizona Department of Transportation (ADOT) and former President of the American Association of State Highway and Transportation Officials (AASHTO), I am well aware of the many responsibilities and challenges that lie ahead for the next Federal Highway Administrator. In the immediate future, we near expiration of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) coupled with the impending cash shortfall in the Highway Trust Fund, and in the long-term, we must identify sustainable funding mechanisms to address our aging infrastructure and congested roads in the face of a struggling economy. Going forward, we must ensure that our transportation system is equipped to meet the growing demands of freight movement if we are to remain competitive in a global economy. We must also consider multimodal solutions to reduce the transportation sector's greenhouse gas emissions. Our highways must be made safer, our existing infrastructure must be preserved, and its performance improved, and future surface transportation needs must be met if we are to stimulate economic growth in our Nation.

If I am confirmed, my key focus areas will include safety; implementation of the American Recovery and Reinvestment Act (ARRA); reauthorization; and transportation solutions through innovation, research, and technology.

Safety

First, with regard to safety, I share Secretary LaHood's commitment to safety as the highest priority at the Department. While recent statistical evidence shows that fatalities and injuries on our roads are declining, too many people still die or are injured in highway crashes each year. If I am confirmed as the FHWA Administrator, I will work

with the Administration, Congress, State DOTs, transportation safety advocates, and the public to continue the downward trend in highway fatalities and injuries.

ARRA Implementation

If confirmed, I will also focus on ensuring the successful deployment of highway dollars under ARRA. Like the President and the Secretary, I strongly believe that, through the efficient implementation of Recovery Act projects, FHWA plays a key role in creating jobs, putting people back to work, and keeping families from home foreclosure.

FHWA has been in the forefront of working with the States to assist in advancing infrastructure projects funded with Recovery Act funding, and FHWA has seen much success to date. Recently, Secretary LaHood celebrated the 2000th project approved—rebuilding a \$68 million interchange on I-94 in Portage, Michigan, which is expected to create 900 jobs this summer. And, according to the Recovery.gov website, as of May 22, FHWA authorized 3,497 projects in all 50 States, the District of Columbia, Puerto Rico, Guam and the Virgin Islands for a total of \$12.01 billion in obligations, which equates to 45 percent of total funds available.

As Administrator, I will work diligently to ensure that these funds continue to be distributed as quickly and effectively as possible.

Reauthorization

Another priority, if I am confirmed as FHWA Administrator, will be to develop a robust transportation reauthorization solution in partnership with Congress, the Administration, Secretary LaHood, and the various transportation stakeholders. Too often, we think about economic competition among cities and regions in the United States. However, in the next authorization of surface transportation programs, we cannot forget that America must compete with such nations as China and India.

We need a transportation solution that:

- keeps both rural and urban America moving and economically competitive in the 21st century;
- meets the needs of the American public and business community to ensure safety, a better quality of life and a vibrant economy;
- considers the diverse needs of regions and populations throughout the Nation;
- supports environmental stewardship;
- blends and synchronizes public and private sector collaboration; and
- ensures accountability and transparency of public expenditures in transportation.

If confirmed, I will work closely with Secretary LaHood and the other modal administrators to consider coordinated strategies and multimodal solutions to address our transportation challenges.

Innovation, Research

If confirmed as the Federal Highway Administrator, I will also encourage the use of innovation, research, and technology to solve our transportation problems—for example, to enhance transportation system safety and performance. We also need to identify and develop innovative environmental, congestion, and finance solutions, and share best practices in the delivery of projects and in other areas of importance to transportation stakeholders.

Conclusion

I am mindful of the challenges that face the next Federal Highway Administrator. With my background in civil engineering and a transportation career spanning over 25 years, including leading ADOT for 7 and 1/2 years, I bring the experience, knowledge, management, and leadership skills to guide FHWA through the challenges that lie ahead. The employees at FHWA possess an incredible wealth of knowledge and expertise, and I look forward to the opportunity to work with them as well on these challenges.

During my tenure as Director, ADOT successfully: 1) built the Regional Freeway System in the Phoenix area six years ahead of schedule, 2) delivered the statewide transportation construction program on time for the past eight years, and 3) continued to provide excellent customer service at all Motor Vehicle Division (MVD) field offices throughout the State. This was accomplished through innovative management strategies and solutions during a time of hyper-growth in Arizona, when demand for MVD services increased dramatically and the highway construction program doubled. I also led ADOT in implementing many innovations in the areas of funding and financing, technology, infrastructure, research, planning and internal operations, that resulted in improved agency operations and program delivery.

I am committed to working with you, the Administration, Secretary LaHood, and all transportation stakeholders to find ways to meet our Nation's transportation needs.

Madam Chairman, thank you for the opportunity to appear before you today and for your consideration. I would be happy to answer your questions.

**Environment and Public Works Committee Hearing
June 2, 2009
Follow-Up Questions for Written Submission**

Questions for Mendez

Questions from:

Senator Barbara Boxer

1. Will you work with this Committee to address the significant contribution to greenhouse gas emissions from the transportation sector?

RESPONSE:

Yes, if I am confirmed, I will work with you to address this very important issue. The environment is an area where the Department contributes to national goals and where I see a key set of challenges. Making climate change a top priority and dealing with other air quality concerns will require a new level of attention to our transportation system as well as a new focus for the agency. Cleaner, more energy-efficient vehicles and smarter freight and passenger transportation systems will help alleviate the growing problems associated with greenhouse gases. The development of strategies to improve transportation system performance and to reduce the growth in vehicle miles travelled will also play an important role in this issue.

Senator Thomas R. Carper

1. Should the Federal Highway Administration support more robust regional planning for transportation emission reductions?

RESPONSE:

Yes. The environment is an area where the Department contributes to national and regional goals and where I see a key set of challenges. Making climate change a top priority and dealing with other air quality concerns will require a new level of attention to our transportation system as well as a new focus for the agency.

The transportation planning process is critical in addressing emissions. Climate change and air quality considerations should be integrated throughout the transportation decision-making process—from planning through project development and delivery.

2. How should the existing regional planning process be strengthened?

RESPONSE:

Better coordination, better collaboration, better consensus-building and better resource management will strengthen the existing transportation planning process. I support using available staff and resources to target the areas that require our attention the most. Furthermore, the existing transportation planning process can be strengthened and expanded to be performance-based, and to explicitly link expected performance results to investment strategies and outcomes.

3. Should a reduction in Vehicle Miles Traveled (VMT) be a goal of climate change legislation?

RESPONSE:

One of the primary strategies for reducing greenhouse gas emissions from the transportation sector is to reduce VMT.

If confirmed, I would continue and strengthen FHWA's dialogue with pivotal stakeholders to consider and develop effective policy approaches for addressing the issue of VMT.

Senator Benjamin L. Cardin

1. In your time at the Arizona Department of Transportation, you helped to implement a multi-billion dollar freeway system, a project which gave you valuable experience in transportation funding, technology, infrastructure, research and planning. As we work to improve national infrastructure, it will be important for states and the federal government to collaborate on interstate highway projects. In your view, how should the federal government facilitate and help fund costly multi-state projects?

RESPONSE:

As you note, there are system improvements that have regional or national benefits beyond the jurisdiction of any one State. I believe that system improvements of this type should be financially supported by Federal transportation programs, using a clear, objective, transparent and rigorous selection process to determine which projects should be advanced and funded. The National Infrastructure Bank proposed by the President is another way of advancing this goal. We also must make sure that innovative financing options through mechanisms such as tolling, pricing, and public private partnerships, are fully explored for large, costly projects and used when appropriate. In addition, the institutional capacity to engage in multi-jurisdictional decision making to advance multi-state projects needs to be improved.

2. Maryland is home to the largest estuary in the nation, the Chesapeake Bay. In recent years the Bay has suffered from the effects of stormwater runoff from highways and roads, and stormwater runoff is the only source sector of pollution that is still growing. How can we improve the federal aid highway program to address water quality, as well as to meet other broad environmental goals like reducing greenhouse gas emissions?

RESPONSE:

I know that the FHWA is committed to advancing environmentally sensitive transportation infrastructure. Minimizing damage from, and mitigating negative impacts of, highways on the human and natural environments is important -- from the initial planning and design stages, through development and construction, to operation and maintenance. It is particularly important that federal-aid highway projects be developed and constructed with adequate stormwater management so as to not cause harm to our ecosystems. The expenditures to address stormwater are already eligible under the federal-aid program. Projects that reduce water pollution due to runoff from existing highways are also eligible for funding under the Transportation Enhancement funding. Maryland is a national leader in the use of Transportation Enhancement funds to reduce stormwater pollution.

If confirmed, I would also work on building strong relationships with resource agencies and all our constituencies so that the FHWA can deliver green transportation projects and ultimately a green transportation system.

3. As we work to address climate change on a national level, it is increasingly important that we address the environmental emissions from the transportation sector. The federal aid highway program presents a unique opportunity to create large-scale change. How can we improve the federal aid highway program to contribute toward meeting broader environmental goals such as improved water quality and lower greenhouse gas emissions?

RESPONSE:

The next transportation reauthorization bill will determine how hundreds of billions of dollars of Federal investment in transportation infrastructure are spent. Those investment decisions will have a lasting impact on greenhouse gas (GHG) emission levels from transportation.

The Department has a strong role to play in developing strategies to align Federal programs and policies to better integrate transportation, land use and housing planning processes, increase the efficiency of the transportation system, prepare for the potential impacts of climate change on the transportation system, and to plan and fund transportation infrastructure, including public transportation.

Senator Bernard Sanders

1. I am a strong supporter of NEPA requirements and of careful transportation planning; FHWA regulations and environmental safeguards often protect both communities and the environment. Yet I am also concerned about the red tape and delay that often accompany federal highway funding. This is particularly concerning with regards to smaller scale projects, such as those for local bicycle and pedestrian paths, where a different approach, in design standards for instance, than is used for highway projects is often more appropriate.

Can you share with us your thoughts generally on how FHWA can speed project delivery while still protecting the environment? Do you anticipate administrative opportunities to right-size regulations for bicycle and pedestrian projects in an environmentally-friendly and transparent process?

RESPONSE:

Compliance with NEPA, National Historic Preservation Act, Americans with Disabilities Act and other associated statutes is required by law; however, I understand that the US DOT continues to encourage more programmatic approaches to streamline NEPA compliance for projects with smaller scopes. Most local government projects that are funded using federal highway funds tend to be small in scope, and do not require the more in-depth process such as an Environmental Impact Statement.

If confirmed, I would identify and implement any other appropriate streamlining opportunities that could further reduce the process required for smaller projects, like the ones you have cited.

2. The Transportation Enhancements program funds numerous types of important improvements - from streetscape refurbishments, rehabilitation of historic structures and construction non-motorized transportation infrastructure. Given the strong demand for all of these types of projects would you, as FHWA Administrator, support a program specifically for bike and pedestrian infrastructure, either within FHWA or as a separate office in DOT? As a key figure in the Department of Transportation would you be supportive of creating a dedicated funding stream for such a program?

RESPONSE:

FHWA has many Federal Aid funding sources that can be used for walking and bicycling facilities. I know that Secretary is very supportive of walking and bicycling within his Livability Initiative, and, if confirmed, I would plan for FHWA to be a key player in that initiative.

3. FHWA has control over a large amount of land through its oversight over highway right-of-way around the country. Recently, there has been a major effort in the Senate Energy and Natural Resources Committee, on which I sit, to increase renewable energy production nationally. I do not believe that FHWA has, like the Department of the Interior, taken a look at a comprehensive strategy for encouraging renewable energy production. As Administrator of FHWA would you be willing to initiate a review of the potential for and obstacles to encouraging renewable energy production on federal-aid highway land?

RESPONSE:

Yes, if confirmed, I would be willing to review the potential for and obstacles to encouraging renewable energy production on Federal-aid highway rights-of-way, while being mindful of the critical need to ensure that such efforts would not compromise safety. On a related note, I understand FHWA has been sponsoring a pilot program/research effort in New Mexico and Minnesota that examines the potential for sequestering carbon in highway rights-of-way. The results of this work could inform any assessment of the benefits of biomass production on highway lands as well as any obstacles. Additionally, Oregon DOT has implemented a solar highway initiative that I believe may provide some opportunities in this arena. I am interested in such innovative efforts as well as exploring the potential to use highway rights-of-way for accommodating renewable energy systems in a manner that does not affect the ability to safely operate and maintain the facility for continued transportation.

4. What do you see as the appropriate role for FHWA in encouraging the planning and construction of renewable refueling and electric recharging infrastructure along the National Highway System? What other actions could you see FHWA undertaking to encourage the penetration of alternatively fueled vehicles in to the domestic fleet?

RESPONSE:

I am committed to environmental gains and reduced carbon dioxide emissions, and alternative-fueled vehicles can play a major role in accomplishing these goals in the transportation sector. If confirmed, I plan to work closely with Congress, other DOT agencies, the Department of Energy, and other stakeholders to ensure that FHWA plays an appropriate role in supporting the implementation of infrastructure to support alternative-fueled vehicles, including refueling and recharging facilities.

Senator Sheldon Whitehouse

1. Most of the current roadway infrastructure in the U.S., including federal highways, is based on guidelines that emphasize vehicle mobility and safety and minimize short-term upfront costs, with less consideration given to social and environmental aspects. This phenomenon is especially true in heavily congested areas with minimal capacity for outward growth, such as in New England. As Administrator of the Federal Highway Administration, how do you plan to incorporate sustainable design guidelines as part of the design, planning, and engineering of our nations road network? Would you support a

greater role for landscape architects, and other sustainable design professionals, to work with your agency to help minimize the environmental impacts of new road construction?

RESPONSE:

DOT is committed to advancing environmentally sensitive transportation infrastructure. Minimizing damage from, and mitigating negative impacts of, transportation facilities on the human and natural environments is important -- from the initial planning and design stages, through development and construction, to operation and maintenance. If confirmed, I would promote the Context Sensitive Solutions approach that engages all the stakeholders and uses professionals from all relevant disciplines to understand and address sustainability and minimize impacts as highway projects are developed.

Senator Tom Udall

1. Streamlining the federal grant process

There are many different federal transportation grant programs, with each one often containing different sets of rules, eligibility restrictions, and requirements. This can place extra administrative burdens on our state and local officials.

- I would appreciate any recommendations you may have for streamlining federal transportation program requirements to provide more flexibility for state and local officials while still ensuring accountability and transparency.

RESPONSE:

Compliance with NEPA, the National Historic Preservation Act, and other environmental statutes is required by law before Federal funds can be used on a transportation project. However, most smaller scope projects don't require the more in-depth NEPA process such as an Environmental Impact Statement (EIS) or environmental assessment. Such projects qualify for Categorical Exclusions (CE) that require minimal process to comply with NEPA.

SAFETEA-LU included provisions for delegating NEPA Categorical Exclusion approvals to the States. If confirmed, I would assess which States have applied for such authority and which others might qualify to do so.

2. Indian Reservation Roads

I believe the Indian Reservation Roads program is important for addressing the transportation challenges facing tribes in my state and across the nation.

The stimulus package made available \$310 million dollars specifically for the Indian Reservation Roads program. However, tribes in New Mexico are actually seeing a decline in their annual funding under this program—apparently due to how the Federal Highway Administration includes a vast number of county, state, and even Interstate roads in the inventory of roads supported by the Indian Reservation Roads program.

I believe Congress intended the Indian Reservation Roads program to be primarily for tribes, rather than for roads that have other sources of funding.

- Do you have any recommendations on how we can restore the program to its original purpose?
- If confirmed as FHWA Administrator, will you commit to address the concerns raised by large, land-based tribes from New Mexico and across the nation about the Indian Reservation Roads Program?

RESPONSE:

I am aware of the issues and concerns regarding the fund distribution of the Indian Reservation Roads (IRR) Program, and I am firmly committed to improving

transportation options on tribal lands. The IRR Program is jointly administered by the Bureau of Indian Affairs (BIA) and FHWA, and provides funds to over 562 federally recognized Tribes and Alaska Native Villages to help address their transportation needs. If confirmed, I would work closely with the Tribes, through the IRR Program Coordinating Committee (IRRPC) and other venues, as well as the Department of Interior, to review the adequacy of the IRR program and the inventory process.

3. Drunk Driving

The state of New Mexico is aggressively addressing the problem of drunk driving and has significantly reduced the number of alcohol-impaired driving fatalities through a combination of enforcement and education efforts.

Although the last highway bill provided grant programs to help states tackle the problem of drunk driving, it is still a problem of great concern.

• What would you do as Federal Highways administrator to further efforts to reduce drunk driving?

RESPONSE:

The State of New Mexico is to be commended for its remarkable rate of progress over recent years in reducing drunk driving. I was very impressed by Governor Richardson's announcement earlier this year that the number of DWI-related deaths in New Mexico has decreased 35 percent since 2002. Yet I fully agree that even at this reduced level, there are still far too many drunk driving deaths – in New Mexico and across the Nation - and we need to continue looking for every possible remedy for this problem.

If confirmed as FHWA Administrator, I would work with my colleagues at the National Highway Traffic Safety Administration and throughout the Department to provide the leadership, guidance and resources that States need to address the drunk driving problem. States need support in assessing and adopting a range of potential countermeasures, including effective public awareness campaigns, law enforcement operations, and improvements in adjudication and sanctioning systems, including the use of ignition interlocks.

4. Ignition Interlocks

New Mexico was also the first state to require those convicted of drunk driving to use ignition interlock devices.

• Do you support requirements for the use of ignition interlocks already mandated by eleven states?

RESPONSE:

If confirmed, I would work with my NHTSA colleagues on this important issue. I believe that technology plays an important role in addressing the Nation's drunk driving problem. Ignition interlocks have proven effective in preventing repeat drunk driving offenses and are increasingly being adopted by states as part of their legal system for addressing this problem.

The Department of Transportation can play an important role in furthering use of ignition interlocks by evaluating State approaches for administering interlock programs, creating guidance to steer efforts to improve the deployment of interlocks and providing technical assistance to States which adopt or strengthen interlock laws.

5. Railroad Crossing Safety

New Mexico has almost 1,700 rail crossings yet receives just \$1.5 million in "Section 130" FHWA funding for rail safety. This level of funding allows my state to upgrade only five to seven crossings per year.

Given nationwide efforts to promote passenger rail and the anticipated growth in freight rail traffic, it seems to me that the need for improving rail crossing safety will only become more acute in the future. The American Association of State Highway and Transportation Officials (AASHTO), for example, supports increasing funding for the Section 130 grade crossing program, which has saved thousands of lives since its inception in the 1970s.

- Do you agree that the Section 130 program serves a valuable purpose and should be funded at higher levels?

RESPONSE:

I share Secretary LaHood's position that safety is the top priority for the Department of Transportation and, if confirmed, I will do my best to advance highway safety, including highway-rail crossing safety. SAFETEA-LU required the states to develop multidisciplinary Strategic Highway Safety Plans that should be guiding the investment of safety funds, including the section 130 funds and Highway Safety Improvement Program funds to yield the greatest safety gains. If confirmed, you can be assured that I will take the issue of grade crossing safety seriously.

- How will you work to implement rail safety programs to prevent rail crossing accidents?

RESPONSE:

If confirmed, I will work closely with FHWA's partners in the Federal Railroad Administration and the States to improve rail crossing safety. The cooperative efforts of our agencies will continue to include inspection, enforcement, and

research efforts where they are most likely to reduce the number and severity of rail-crossing crashes.

- How will you work to introduce new technologies to improve rail safety, especially for tracks that cross roads and pass through populated areas?

RESPONSE:

I have a strong personal interest in innovation and, if confirmed, will lead FHWA's continued work with DOT research staff and other safety research partners to: (1) explore and experiment with applications of new technologies, such as ITS intersection collision avoidance systems, signal system pre-emption/interconnection systems, and low-cost warning device systems for highway-rail grade crossing traffic control and warning systems; (2) test and evaluate new devices and incorporate promising new signing, marking and signalization devices into the standards for signs and signals; and, (3) provide policy guidance, technical assistance, and training to States to implement new technologies.

6. Advancing "Green" Highways Technology

I am interested in ways that roads can be made more "green" through use of recycled construction materials, methods to reduce runoff, and other innovations.

- How will FHWA work to advance "green highway" technologies and practices to make our road system more environmentally sustainable?

RESPONSE:

I know that the FHWA is committed to advancing environmentally sensitive transportation infrastructure. Minimizing damage from, and mitigating negative impacts of, highways on the human and natural environments is important -- from the initial planning and design stages, through development and construction, to operation and maintenance. It is important that federal-aid highway projects be developed and constructed with adequate stormwater management so as to not cause harm to our ecosystems. We will also need to support continued research on environment and transportation issues. Further, if confirmed, I would support the development of technologies and specifications that promote the incorporation of recycled materials into highway projects.

7. Bicycles and "Complete Streets"

As a member of the Senate Bike Caucus, I appreciate how commuting to work by bicycle burns calories rather than fossil fuels. Constituents from my state also have raised concerns about safety and accessibility for bicycles on roadways that would be addressed by the "Complete Streets" act.

- What policies or initiatives should be included in federal highway transportation planning or projects to encourage greater use of bicycles and improve safety where drivers and cyclists share the same roadways?

RESPONSE:

I know that FHWA takes non-motorized transportation seriously, as I did when leading Arizona DOT. I support Secretary LaHood's Livability Initiative which features bicycling and walking as prominent elements and, if confirmed, will make sure that FHWA plays a leading role in this initiative.

I understand that FHWA, in conjunction with AASHTO, will be co-chairing an International Scan this May to look at European best practices for improving bicycle safety and mobility. The Scan team will develop a strategy for implementing these best practices here in the U.S.

If confirmed, I want to work with Congress to advance various strategies to achieve improved availability of walking and bicycling options for surface transportation reauthorization.

Senator James M. Inhofe

1. The most pressing issue in transportation today is the pending insolvency of the Highway Trust Fund. As I mentioned in my opening statement, this would have an enormous impact on State DOTs. Can you draw on your experiences from Arizona DOT and AASHTO when this happened last year to elaborate what this means to State DOTs and the impact not fixing it would have on construction jobs?

RESPONSE:

Had the shortfall and the shift to weekly payments continued for any length of time, many states would have had difficulty paying the bills from contractors from their own funds. The financial status of states is generally worse now than it was last year; therefore, delayed or partial payments would be even more difficult, if not impossible, for them to manage. If the cash shortage in the Highway Trust Fund were to prevent the continuation of adequate program levels for surface transportation programs, I believe our economy would suffer, both from the direct loss of construction and other jobs and from the failure to invest sufficiently in the transportation facilities that support our economy.

2. What role do you think the private sector can play in bridging the gap between the traditional federal highway program and the growing unmet needs on our nation's highways?

RESPONSE:

In today's constrained fiscal environment, it is important that all options be on the table for financing and implementing critical improvements to our Nation's transportation infrastructure. By involving the private sector where appropriate, we can make our scarce public resources go further.

3. Probably the greatest challenge we will face as we reauthorize SAFETEA is on the funding side. Do you have any thoughts on how to pay for the next bill? [HPL]

RESPONSE:

I certainly agree that funding will be the greatest challenge. We have the benefit of the comprehensive analyses of the two major Commissions established by SAFETEA-LU to flesh out proposals for our transportation future and the funding aspects of surface transportation reauthorization. We need innovative ideas on sources of funds and methods of financing for surface transportation investment to supplement the current funding system, such as a national infrastructure bank for priority infrastructure projects of significant national or regional economic benefit

4. Administration officials at the White House, DOT and EPA have stated that the Administration will work to significantly increase vehicle fuel economy and reduce vehicle miles travelled (VMT), while at the same time failing to offer any valid funding solutions. Any of these policies individually would constrain the ability to pay for a

sufficiently-sized reauthorization bill; taken together the constraints are further magnified. How then do you envision paying for much needed surface transportation infrastructure investments?

RESPONSE:

I regard efforts to increase fuel economy as an important issue to—reduce dependence on imported fuels and reduce vehicle related pollution. Of course, as you correctly note, it reduces the productivity of the fuel tax and presents challenges for funding important surface transportation needs. This will be an issue that will require creative thinking by the Administration, Congress and stakeholders. If confirmed, I pledge to work with all concerned to identify short and long-term solutions to the funding challenges we face.

5. In light of our infrastructure crisis, it is increasingly more important that we use highway and bridge funds in the most cost effective ways possible. One way to help contain costs is by eliminating bureaucratic delays to the project delivery process. Your testimony, however, does not list this issue as a key focus area, why not? How are you planning to lead FHWA and to work with other agencies to get highway projects delivered quickly?

RESPONSE:

I wholeheartedly agree that we need to invest highway and bridge funds in the most cost effective ways possible. I know that the Federal Highway Administration has been looking into ways to minimize the delays in the project delivery process and, if confirmed, I would continue to seek new and different approaches. I look forward to working with Congress on new proposals for reauthorization that will assist in reducing the delivery time for projects. I am committed to this objective and would seek additional thoughts on ways to continue and improve the project delivery process.

6. From your experiences running a State DOT, what do you think are the greatest problems with the current Highway program? What are the most needed reforms? [HPL]

RESPONSE:

I think that the focus of the Federal-aid highway program has been lost in the large number of individual programs, all of which serve important purposes, but make focusing on the particular problems facing a State much more difficult and complicated. I believe we need to streamline the number of programs. I am also a strong believer in performance management—in focusing resources on the investments that will create the greatest improvement to the problems currently experienced on our highways, such as safety, congestion, productivity, and impact on the environment. Finally, we need to identify solutions to shorten the project delivery process.

7. SAFETEA-LU included several provisions aimed at shortening the amount of time it takes to complete environmental reviews of highway projects. Some of these provisions,

however, seem to have issues with implementation that have resulted in not much improvement in project delivery times. As Administrator, would you support efforts to improve these provisions? In particular, would you support efforts to allow States to assume the responsibilities of the Secretary of Transportation for environmental reviews? Would you support efforts to further rationalize the section 4(f) review process?

RESPONSE:

As you know, SAFETEA-LU included provisions for delegating NEPA Categorical Exclusion approvals to the States. It is my understanding that, so far, only California and Utah have requested and received such delegation. On a pilot basis, SAFETEA-LU also provided for delegation of all NEPA approvals for highway projects to the State DOTs. And I understand that only California has taken advantage of this provision. If confirmed, I would work with any states interested in these authorities to help them evaluate its benefits. I also welcome other ideas that could reduce the project delivery timeframes.

8. Executive Order 13274 was intended to enhance environmental stewardship as well as streamline the environmental review and development of transportation projects. Among other things, the Secretary of Transportation is directed to designate, and amend as appropriate, a list of high-priority transportation projects to receive expedited agency reviews. What are your thoughts on the benefits or drawbacks of this Executive Order? Would you support continued implementation of it during the Obama Administration?

RESPONSE:

I understand that Executive Order 13274, through the creation of an interagency Transportation Infrastructure Streamlining Taskforce, has provided an opportunity for Federal agencies that are involved in the development of transportation projects to work together and with state agencies in streamlining project development and review. I am not sufficiently familiar with the implementation of the Executive Order to give an opinion at this point, but if confirmed, I will review the matter as I work with you and the Committee on the important issue of improving the project delivery process.

9. I have long been skeptical of the benefits of the Congestion Mitigation and Air Quality program. In SAFETEA-LU, we included some modifications to the program aimed at improving the effectiveness and the cost-effectiveness of the program. What are your thoughts on the CMAQ program? Do you have any ideas on how to improve it further?

RESPONSE:

The CMAQ program was intended to realign the focus of transportation planning toward a more inclusive, environmentally-sensitive, and multimodal approach to addressing transportation problems. Through this program, and its modifications in SAFETEA-LU, FHWA has supported a wide variety of very effective projects.

If confirmed, I would work to ensure that the CMAQ program continues to improve in efficiency and cost-effectiveness.

Senator George V. Voinovich

Funding

1. You acknowledged in your testimony that we must identify sustainable funding mechanisms to ensure that our transportation system is equipped to meet the ever increasing demands placed upon it. I agree that it is clear we need to be doing something new over the long-term, because our current efforts are not getting the job done.

However, in the short-term we must still address the Highway Trust Fund's shortfall. For the first time, we have major transportation groups and industries supporting a gas tax increase. I would like to hear your thoughts on the gas tax, and if not a gas tax, what do you suggest in the short-term to deal with the Highway Trust Fund shortfall?

RESPONSE:

There is no question that funding will be the biggest challenge for both the short and the long term. I know that the Administration is already working on a plan to address the potential Highway Trust Fund shortfall this summer. If confirmed, I will be an active participant in the effort. I believe my experience at the state department of transportation level will be helpful in this regard.

2. There is widespread agreement that we must increase annual transportation investment to assure our country's ability to compete globally. What is your best judgment as to the investment levels needed, and how do you envision FHWA leading the efforts to determine the best stream of funding for long-term transportation investment.

RESPONSE:

I certainly agree that investment in transportation infrastructure is critical to the Nation's economic vitality. The responsibility for this investment is shared by the Federal, state, and local governments. Federal investment must address the most critical national and regional needs and ensure that all parts of the country and all of our citizens have access to vital transportation resources. If confirmed, I expect to become very involved in this issue and look forward to working with the Congress and stakeholders.

Streamlining

3. Last year, the National Surface Transportation Policy and Revenue Study Commission reported that it takes on average, 13 years, for a transportation project to reach completion. In SAFETEA-LU, I worked on revising the 4(f) process. I am disappointed that DOT has not finalized the regulations for this. The result is unnecessary cost and schedule overruns. A prime example of this is the reconstruction of Cleveland's I-90 Innerbelt. What started as a \$500 million replacement of an aging bridge was stretched by federal expansion of the project's scope and by process-oriented delays. Fixing the Innerbelt stands now, at least, at \$1.6 billion, and growing each month.

What suggestions do you have for the next reauthorization to streamline the review process, and what else can be done to reduce the lag time on these critical projects?

RESPONSE:

I understand that, on March 12, 2008, the Department published the final regulations for the Section 4(f) provision you mentioned, and that the regulations became effective on April 11, 2008. I also understand that the key 4(f) provisions of SAFETEA-LU were already implemented through guidance prior to the regulations being finalized.

I know that the Federal Highway Administration has been looking into ways to minimize any delays in the project delivery process and, if confirmed, I would continue to seek new and different approaches. I look forward to working with Congress on new proposals for reauthorization that will assist in reducing the delivery time for projects.

Multimodal Transportation

4. The American Recovery and Reinvestment Act calls for more collaboration between federal highway, transit, rail and maritime agencies and state and local governments.

What role do you envision FHWA playing in transforming our transportation system into a multimodal network that provides a mix of roadway, rail, water, air and public transportation facilities to help create jobs and compete globally?

RESPONSE:

I believe it is vital for FHWA to work with the other modal administrations within the Department and to view the transportation network from a systems and performance perspective, rather than as a collection of different modes. The Federal government should focus its efforts on solving national transportation problems, such as safety, congestion, economic productivity, and impacts of the transportation system on the environment.

5. Every year, an estimated \$417 billion of freight crosses the Brent Spence Bridge across the Ohio River in Cincinnati. That's roughly equivalent to 3% of the U.S. gross domestic product in 2008. The amount of freight traffic is expected to increase to \$830 billion by 2030. This bridge is essential infrastructure to the American economy. The estimated cost to replace the structure is nearing \$3 billion, which is more than the total appropriation for both Ohio and Kentucky in highway funds on an annual basis.

What is your position on establishing a separate funding stream for projects with national significance, such as the Brent Spence Bridge?

RESPONSE:

I believe that system improvements that have national or regional benefits should be supported by the Federal government through programs like the proposed National Infrastructure Bank, using a clear, objective, transparent and rigorous selection process to determine which projects should be advanced and funded. If confirmed, I would ensure that innovative financing options through mechanisms such as tolling, pricing, and public private partnerships are explored for large, costly projects and used where appropriate. In addition to bringing Federal funding to

system improvements that have national or regional significance, the institutional capacity to engage in multi-jurisdictional decision-making to advance multi-state projects needs to be improved.

Senator David Vitter

1. It seems to be apparent that the FHWA's interpretation of Section 5514 of SAFETEA-LU is contrary to the intent of congress and ignores that importance of that language. Is FHWA currently working on clarification in its implementation so that states will not be forced to accept greater risk in their use of highway culvert materials?

RESPONSE:

It is my understanding that the FHWA utilized a Federal Register public notice and comment process in issuing a revised regulation to implement the provisions of SAFETEA-LU Section 5514. By deleting Appendix A of Title 23 Code of Federal Regulation section 635.411, Subpart D, the FHWA eliminated the specific requirements for culvert materials. Thus, the selection of culvert materials is now governed by the same material selection policy as all other materials used in the Federal-aid highway program, which ensures that States provide for competition in culvert material selection.

Senator Mike Crapo

1. I appreciate that your testimony states that we need a transportation solution that keeps both rural and urban America moving and economically competitive in the 21st century. Do you agree that federal legislation needs to continue to distribute highway funds in a way that recognizes that there is an important national interest in transportation investment in and across rural states, not just in more heavily populated areas?

RESPONSE:

I believe we need to look at transportation from a national perspective and identify the best ways to link points of population and commerce, including the farms where our food is grown, the industrial areas, recreational opportunities, and the land borders and ports. It is not possible to have a healthy economy if we ignore a significant part of the nation.

Senator Christopher S. Bond

1. With the Highway Trust Fund in the situation it is in, do you think it makes sense to continue with the \$8.7 billion rescission scheduled at the expiration of SAFETEA-LU?

RESPONSE:

As I understand it, the rescission would do little to help or harm the status of the Highway Trust Fund. However, I know that states are concerned that it will impact funds that are truly available for use by the states, like Equity Bonus funds. If confirmed, I would like to work with you to see if we can address this issue.

2. In Missouri, the rescission would cost the state about \$205 million and would be about 7,100 jobs.

RESPONSE:

As I stated above, I would like to work with you on this issue.

3. With the demand for more capacity and limited highway funds, what steps can be taken to stretch the taxpayer's dollar on the project side of things?

RESPONSE:

I would like FHWA to lead an effort in the adoption of newer technologies or materials that present the opportunity for both upfront and life cycle cost savings. It is also important for States to aggressively adopt asset management principles and approaches to take care of their existing transportation assets. Timely investments in keeping good roads and bridges in a good state of repair, while at the same time reducing the percentage of poor and failing assets is a sound use of taxpayer funds.

If confirmed, I will lead efforts to improve project development and to adopt innovative practices and materials.

Senator BOXER. Thank you so much.

I will start, and each of us will have 5 minutes and as long as people want to stay.

I have to say that at 10 minutes of the hour, I have to go to the floor to speak in favor of Gina McCarthy, who is up for a very important post at the EPA, so if Senator Lautenberg is not here, Senator Udall, would you take the gavel? Oh, thank you.

The Obama administration told us that the Highway Trust Fund will run out of cash before August. You were Director of the Arizona DOT when this same situation developed last fall. What were the impacts on your program? And, based on that experience, how will you manage the Federal payments?

Mr. MENDEZ. Madam Chairman, I think it is important that you do frame it in terms of drawing from my experience in Arizona. Clearly, one of the issues that we faced last year as we became aware of the pending shortfall, at the time, was the fact that we were notified at pretty much the last minute. So one of the things that I know the Administration is currently undertaking is advance notification of the situation.

As you are aware, and it has been mentioned here before, a lot of that communication has already started with you and members of your Committee. I think it is important to keep that in mind. Early notification is, indeed, very important.

With that said, I think that provides the States the opportunity to prepare themselves in case there is not a solution to the shortfall that is expected here in the summer, which I understand is sometime in August. I believe somebody here mentioned that we are anticipating a shortfall somewhere between \$5 billion to \$7 billion coming in August, and that would be one of my highest priorities if I am confirmed, and I would work with you very closely to ensure that we find a solution for this along with the Administration.

Senator BOXER. Good. Could I just ask you now, will you do everything in your power to keep us all informed, Democrats and Republicans on this Committee, as to the deliberations? I think Senator Inhofe was concerned that he was not called by the Administration. So, will you be our liaison on those issues?

Mr. MENDEZ. Madam Chairman, absolutely.

Senator BOXER. Excellent.

And my last question. Your predecessor, in both Arizona and as FHWA Administrator, Mary Peters, who I like very much, clearly supported devolution of most, if not all, Federal highway programs back to the States. On that, I did not agree with her. And I am happy to report that the big four over here already have had our meetings and we, across party lines, believe a Federal role must be continued. I would like to ask you, because she was pushing for devolution, do you think that a strong Federal role is needed to assure that our highway system is in good condition and serves the entire Nation?

Mr. MENDEZ. Madam Chairman, it is a very interesting question that you raise. From my perspective, and again I have not had the opportunity to have detailed discussions on principles with the Secretary being in this nomination situation, but I clearly believe that there is a need for national strategies and a national program to ensure that we, as a Nation, address national and regional issues.

In many cases, as you are aware, States may look at their own needs, but there are times when you have multi-State and regional issues that should be coordinated, probably on a national policy level. So, I believe there certainly is a role for the Federal Government in establishing the long-term future for transportation and it needs to be coordinated through some national oversight, and a national policy that address future needs.

Senator BOXER. Well, I think that what you have said really underscores what came about in the 1950s by President Eisenhower when he envisioned this kind of a role. I do have two quick, three quick questions, just a matter of, we have to do this to make sure that you get confirmed. So, I will ask each one and then ask you to say yes or no.

Do you agree, if confirmed as Administrator of the Federal Highway Administration, to appear before this Committee, or designated Members of this Committee and other appropriate committees of Congress, and provide information subject to appropriate and necessary security protection with respect to your responsibilities as the Administrator?

Mr. MENDEZ. Yes.

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

Mr. MENDEZ. Yes.

Senator BOXER. And last, do you know of any matters which you may or may not have disclosed that might place you in any conflict of interest if you are confirmed as Administrator?

Mr. MENDEZ. No.

Senator BOXER. Excellent.

So, what I am going to do is hand the gavel over to Senator Lautenberg, who has agreed to take over. I will call on Senator Voinovich and then, Senator Lautenberg, if you would continue this hearing and complete it, that would be great. I have to go speak on the floor about our nominee, Gina McCarthy.

Thank you, Senator Lautenberg.

Senator Voinovich.

Senator VOINOVICH. Thank you, Madam Chairman.

Mr. Mendez, every year, an estimated \$417 billion of freight crosses the Brent Spence Bridge across the Ohio River in Cincinnati. That is between Cincinnati and Kentucky. That is roughly equivalent to 3 percent of the United States Gross Domestic Product in 2008. The amount of freight traffic is expected to increase to \$830 billion by 2030.

This bridge has five times more accidents than the average highway in the State of Ohio. The bridge is the biggest choke point in the Country in terms of the interstate system. It contributes probably in the top five in terms of degradation of our air. In fact, EPA is doing a study in the vicinity there, we have housing, on the impact diesel emissions are having on children's health.

It is important to the infrastructure of the American economy. The cost at this stage of the game is nearly \$3 billion, which is more than the total appropriation for both Ohio and Kentucky on an annual basis.

I would like to know what your position is in terms of creating a separate funding stream for projects with national significance, such as the Brent Spence Bridge. This is one the things that the Committee is considering in terms of the next highway bill, of looking out around the Country and looking at rankings, for example, big congestion problem too, of course, with this. What is your thought about that approach?

Mr. MENDEZ. Senator, I am not specifically familiar with the location that you mentioned to me. But I think it is very important on a broad basis to comment on—

Senator VOINOVICH. It is the second most used bridge in the interstate system in the Country.

Mr. MENDEZ. OK. In terms of some of these major, as I mentioned earlier, regional and national projects, it is important for us, on a national basis, to establish some level of policy that may address some of these issues now. I also need to be able to work with the Secretary to ensure that we are all on the same page. At this point in time, I have not had the opportunity to talk about some of the principles and some of the specific elements you mention here.

Senator VOINOVICH. Well, the fact of the matter is that you have done the job in Arizona. You have been the President of ASSHTO. You have got to have had a \$35,000 look at this and, overall, what is your thought about the fact that we should do these kinds of projects that are really impacting negatively on our commerce, environment and the rest of it?

Mr. MENDEZ. Right. Senator, one of the discussions that I have had recently is about some of the literature where we have a map that shows the major congested arteries throughout the United States. I think that is the kind of information that we need collectively in Congress, with the Administration, to begin to look at as we consider issues that are going to be very important within reauthorization and sit down and develop national strategies to address situations such as what you just described. It may be part of that artery map that all of us have been looking at.

But beyond that, I think that it is important for us to work collectively and try and bring all of these issues to the table and try and come up with national strategies or policies to address some of the issues such as you described.

Senator VOINOVICH. And there is the issue of how long it takes to build a bridge. We have another bridge over on I-90 over the Cuyahoga River. It was started out at \$500 million. Now it is \$1.6 billion with all of the red tape that one has to go through in order to go forward with a project. Again, it is just impossible.

I work very, very hard. In fact, I was pleased that AASHTO honored me several years ago for what we did with 4(f). It is really interesting that we revised the 4(f) process and, to this date, the Department of Transportation has not finalized the regulations for this. It appears to me that there is not anybody over there that is really staying on top of trying to speed these, you know, move this along. Thirteen years the National Commission said it takes on these major issues.

What are you going to do about that?

Mr. MENDEZ. Mr. Senator, I understand the situation. I am very well aware that the project delivery process does take a long time. Similar to what Senator Gillibrand mentioned earlier, there have been some innovations that were implemented where there have been crises, where we have been very innovative and very creative in executing project delivery.

If I am confirmed, I would be very happy to work with all of you on some of these solutions. I can tell you that is an issue. We have worked with many stakeholders and tried to streamline the entire project delivery system, not with respect to just environmental issues, not just the bridge issues, but the overall project delivery process. Thirteen years is, in fact, way too long.

Senator VOINOVICH. Can we get a commitment from you that you are going to get the regulations done on 4(f) that we got done in the last highway bill, pronto?

Mr. MENDEZ. Mr. Senator, I will look into that and I will do whatever I can within my power to execute that.

Senator VOINOVICH. Thank you.

Senator LAUTENBERG [presiding]. Thank you.

Next we will hear from Senator Udall.

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

Congratulations, Mr. Mendez, on your nomination and thank you for your courtesy visit to my office last week or several weeks ago.

I wanted to ask you about a couple of issues. First is the issue of railroad crossing safety, which I am sure you have dealt with as the highest highway official in the State of Arizona. New Mexico has almost 1,700 rail crossings, yet receives just \$1.5 million in Section 130 highway funding under FHWA for rail safety. This level of funding only allows the State to upgrade maybe five to seven crossings per year. As you are probably aware, AASHTO supports increasing funding for the Section 130 Grade Crossing Program, which has ended up saving thousands of lives since its inception in the 1970s.

The first question: do you agree that Section 130 should be funded at current or higher levels? How will work to implement rail safety programs to prevent rail crossing accidents? And will you work to introduce new technologies to improve rail safety, especially for tracks that cross roads and pass through populate areas?

Mr. MENDEZ. Thank you, Senator. If I might, please, I would like to correct myself. I did not mean to say—

Senator UDALL. Senator Klobuchar.

Mr. MENDEZ. I am sorry for that mistake.

Senator UDALL. We all recognize Senator Klobuchar. You would not be able to mislead us. We know her, we know her laugh. Do not worry.

Mr. MENDEZ. My apologies, Senator.

Let me address the Section 130 issue. Again, drawing from my experience in Arizona, throughout the Nation, that is an issue. I can tell you the Administration, Secretary LaHood, as well as a lot of us, I do, in fact, as I mentioned in my earlier comments, place transportation safety as our highest priority. So, if confirmed, I really do look forward to working with you as we develop these reauthorization scenarios, strategies and principles to address specifi-

cally those needs and see what we can do to actually resolve some of those issues.

Senator UDALL. One of the other issues is the issue of green highways or new technology. I am very interested in ways that roads can be made more green through the use of recycled construction materials, methods to reduce runoff and other innovations. And I hope that you will work diligently to push the envelope on innovation.

As the Arizona Highway official and also on AASHTO, I am sure you are very familiar with Indian reservation roads. The Indian Reservation Roads Program is important for addressing the transportation challenges facing tribes in my State and across the Nation.

The Stimulus Package made available \$310 million specifically for the Indian Reservation Roads Program. However, tribes in New Mexico are actually seeing a decline in their annual funding under this program, apparently do to how the Federal Highway Administration includes a vast number of county, State and even interstate roads in the inventory of roads supported by the Indian Reservation Roads Program.

Congress intended this program to be primarily for tribes, rather than for roads that have other sources of funding. I am sure you are aware of this situation in Arizona because you also share the Navajo Reservation with New Mexico and Utah. Do you have any recommendations on how we can restore the program to its original purposes?

Mr. MENDEZ. Mr. Senator, as you just mentioned, being from Arizona, we clearly have a lot of coordination functions with the Native American tribes there in Arizona. So I am familiar with the issues.

I do understand the scenario that, on a national basis, the Indian tribes do lack in terms of resources. I would be very happy to work with you on those same issues to ensure that priorities are established properly so that we can get the maximum return out of those investments on the Indian tribes and the tribal reservations.

Senator UDALL. Thank you, Mr. Mendez, and I will submit additional questions for the record and we look forward to your speedy approval and you assuming your position. Thank you very much.

Mr. MENDEZ. Thank you.

Senator LAUTENBERG. Senator Klobuchar.

Senator KLOBUCHAR. Thank you, Mr. Chairman.

Mr. Mendez, I am going to be soon introducing legislation called Dig Once with Senator Warner and others and it will incorporate road construction projects with the deployment of broadband infrastructure on Federal projects. Road construction season in Minnesota is short because of our weather and the multiple diggings are a big hassle and cost a lot of money for taxpayers.

So we are trying to encourage, as much as we can, a joint deployment of these. Have you had any familiarity with this in Arizona? Or are you willing to work with us to develop a policy on this?

Mr. MENDEZ. Senator, thank you for the question. As I mentioned earlier in my comments, I am an advocate for research, technology and innovation. I believe the idea that you raise in terms of what can we do to implement broadband, for example, that is a

great idea. I like that. So, I am more than happy to work with you on these innovative solutions. There are a lot of great ideas out there and I would be more than happy to work with you on that.

Senator KLOBUCHAR. I talked, in my opening comments, about the bridge maintenance and the Bridge Maintenance Fund. I do not know if you are familiar with this issue and the bill that I had with Senator Boxer and Senator Durbin, as well as Congressman Oberstar was sponsoring in the House, focusing on requiring States to use their bridge maintenance money for bridge maintenance instead of other things.

I know the States want some flexibility when it comes to these funds, but it turned out some of them were being used for projects completely unrelated to bridge maintenance. I wonder if you had, again, any familiarity in your past job or any view on this?

Mr. MENDEZ. Yes, Senator, clearly, probably every State faces the same situation. As you are aware, as State officials, we have advocated for that flexibility. At the same time, I would say to you, once we settle in on solutions with Congress and the Administration, we absolutely do intend to follow the letter of the law. I would like to add to that that safety, whether it is bridge safety or just roadway safety, is of highest priority to all of us.

Senator KLOBUCHAR. Given your experience as a State transportation leader, do you have any just general ideas about how to improve the areas where the Highway Administration can improve on the Federal level?

Mr. MENDEZ. Senator, as I mentioned in my opening comments, I do have some priorities that I want to pursue very quickly, including implementation of the economic recovery projects and such and, of course, reauthorization. But when I talk about innovation, research and technology, those are the arenas where I believe we can really drill into looking at different ways of conducting business, not just in terms of the technical elements of building highways, but also about innovations in terms of using technology, for example, to make a road safer and monitor bridges from a safety perspective, that kind of thing. So, that is sort of what I am looking for when I am talking about innovation.

We have a lot of great ideas, a lot of great people in the industry and we should find some kind of a venue to really be able to flesh out, sit down and share those ideas and maybe even build on those ideas.

Senator KLOBUCHAR. How about public-private partnerships? You know we have talked about that as part of the solution to our transportation problems. There are a number of bills out there focusing on that or some kind of a fund or bonding. There are some bonding requirements or allowances in the Recovery Act, but can you talk about that? I know we will have a debate on how to fund this. We took money already from the General Fund, \$8 billion, and may have to use that route again to try to fund this. Have you looked at this idea of public-private partnerships?

Mr. MENDEZ. Senator, yes, indeed. It has been an issue that has been out there for several years now. I think the important thing, of course, is on a broader basis. We are looking for innovative ideas in terms of funding and financing. I believe public-private partnerships (P3s) do play an important role.

However, I do want to caution that, in my mind, public-private partnerships are not the silver bullet. It just seems to be that when we, collectively, as transportation and industry stakeholders come up with a final solution on transportation, that we are going to be looking at a compendium or a compilation of various sources of funding. I believe P3s play a very important role in that.

Senator KLOBUCHAR. Have you looked at that vehicles miles travel experiment that they did in Oregon as a way of funding things and do you think that has much promise? I know there is concern in rural areas about that.

Mr. MENDEZ. Yes, Senator, being a former State Director, as that experiment was underway we watched and tracked it very closely through various discussions and dialogs at various conferences through AASHTO. We looked at that. It is an interesting and innovative approach. I believe as we begin to look at some of these solutions, the Secretary has been very clear that he wants to put all the ideas on the table. So, I am assuming that is what will happen.

Senator KLOBUCHAR. All right. Thank you very much.

Senator LAUTENBERG. Thank you.

Senator Merkley.

Senator MERKLEY. Thank you very much, Mr. Chair, and it is a pleasure to have you here today, Mr. Mendez.

I wanted to start by just asking you to share your thoughts. I know that you are well aware that transportation emissions are one of the biggest contributors to global warming and a significant factor in our dependence on foreign oil. What are your thoughts on how this can be addressed in the process of planning and building transportation systems, specifically at the Federal Highway Administration?

Mr. MENDEZ. Thank you, Senator. Let me begin by looking at the bigger picture. We look at the literature on greenhouse gas emissions and, depending on what you read, somewhere between 28 to 33 percent of greenhouse gases are attributed to the transportation sector. With that in mind, it is important for us to look at those issues and see how transportation, specifically, can address that.

Now, it is my understanding that within the Department there already is an internal working group looking at ways to adapt for some of these issues in terms of global warming and greenhouse gas emissions. It is my understanding that, under the President, there is an interagency working group underway that includes 13 agencies, including housing, to look at some of the broader policies beyond transportation because transportation needs to be integrated and coordinated, for example, with other housing policies and local land use policies.

Then we look at, really, some of the issues specific to transportation. I believe there are four strategies that we traditionally consider and one of the strategies is that you need to begin to look at is to reduce vehicle miles traveled. We know that would be a major benefit. There are other strategies that involve the transportation sector. For example, low carbon fuels and improving vehicle technologies. So, there are a lot of strategies that are specific to the sector that need to be looked at.

But it is not necessarily just a United States DOT effort. So, if I am confirmed, I would be more than happy to work with you on some of these ideas and some of your thoughts on this.

Senator MERKLEY. Thank you. I look forward to that.

One of the ideas that have pursued in Oregon is we have dedicated 1 percent of our State Highway Funds to bicycle and pedestrian infrastructure, which is kind of a win-win because it keeps more cars off the roads and reduces congestion, reduces global warming gases, and increases health from the exercise component. Do you see any sort of a parallel with what could be done at the Federal Highway Administration?

Mr. MENDEZ. Senator, I believe, as we have listened very carefully to the President and the Secretary, multimodal options have been very important in terms of potential principles that will be laid out, livability concepts have been discussed very clearly, and I believe all of that fits very well with what you have just described. So, it is something that we need to continue to work on.

Senator MERKLEY. Let me throw out another idea from Oregon. We have the Nation's first solar highway, which is utilizing a stretch of right-of-way to produce energy and feed it directly into the grid. The crude estimate is that, using about 2 percent of the rights-of-way, the surplus rights-of-way on the shoulders, would easily meet all of the lighting demands of the highway system, and everything beyond that could be fed back in to provide renewable energy elsewhere. Large stretches of right-of-way with good access, in general, to transmission lines. Is that a concept that you have thought about or are interested in taking a further look at?

Mr. MENDEZ. Mr. Senator, when I met with you, I believe the following day you were going to go visit that solar highway.

Senator MERKLEY. I was and I have been there and I was very impressed.

Mr. MENDEZ. OK, so I got the answer. I have not visited that highway. In fact, when Oregon DOT undertook that, I thought, wow, they beat me to the punch. Being from Arizona, which is sunny most of the time, I thought that should have been our initiative. But again, that is one of the types of ideas, the innovations that we need to be pursuing in transportation, to do exactly what may become a standard practice 20 years from now. And we will look back and say, look everybody is now doing it nationwide.

Senator MERKLEY. Thank you. One more piece of infrastructure I am interested in is ways we can support electric vehicles. Do you have any thoughts about how that might be incorporated into the highway system?

Mr. MENDEZ. Mr. Senator, I think, again, that is one of the issues that we need to really sit down, discuss in earnest and look at all the options. I have not personally taken the time to look at the elements that are important to make something like that happen. But clearly, under an innovations initiative, I would more than happy to sit down and work through those issues.

Senator MERKLEY. Terrific. I really look forward to working with you. Thank you.

Senator LAUTENBERG. Thank you very much, Mr. Mendez. Welcome.

You bring a distinguished background to this opportunity and we are pleased and, very frankly excited about, the fact that you stand a very good chance of being confirmed and that you have an even better chance to make a huge difference in the way our Country travels.

No matter where you go, there is too much traffic for the roads, delays. It does not matter what part of the Country you are in, almost what part of the world you are in. And the fact that you, in a major project in Arizona, were able to meet the target deadline by a substantial period of time, that kind of a record will earn you lots of friendships here and across the Country.

When we look at the problems with congestion, it is not only not getting there on time, wherever there is, but it is the accompanying problems with environmental pollution that is just overwhelming us. And the imported oil problem is an enormous problem for Americans. The transfer of wealth is going the wrong way. We have got lots of problems, including the deficient and deteriorated bridges and infrastructure that we have.

So, we are pleased about the change that is facing us with you coming with your experience and your record. And I want to work with you to address all kinds of things, particularly safety problems that threaten our families, such as the presence of large trucks on our roads.

There is no question that trucks play a critical role in getting products that we rely upon from our ports and factories to our stores. But we have seen it in New Jersey. Trucks that are too heavy and too long pose a threat to our roads and bridges and the drivers and passengers that use them. Now, these large trucks weigh more than 80,000 pounds and can lead to bridge fatigue damage. And these trucks are responsible for a disproportionate share of highway deaths when compared to cars or small trucks.

Despite their proven safety problems, proponents of bigger trucks have tried to weaken Federal highway laws to make trucks even heavier and bigger. My view is that adding bigger trucks to our roads is a recipe for disaster. I was able to write legislation some years ago to keep them only in the places that they were grandfathered and, this past April, I introduced a bill to protect our infrastructure and improve safety by helping to keep dangerously large trucks off our roads. If confirmed, I look forward to working with you, Mr. Mendez, to accomplish these and other goals.

By way of information, the Committee has received letters from the following organizations in support your nomination: AAA, American Association of State Highways and Transportation Officials, American Counsel of Engineering Companies. I seek unanimous consent to insert these letters into the hearing record in my full statement and that record as well.

[The referenced material follows:]



Washington Office
607 14th Street, NW, Suite 200
Washington, DC 20005
202/942-2050
FAX: 202/783-4788

June 1, 2009

The Honorable Barbara Boxer
United States Senate
Chairman, Committee on Environment and Public Works
SD-410
Washington, DC 20510

Dear Madam Chairman:

AAA strongly supports the nomination of Victor Mendez for Administrator of the Federal Highway Administration (FHWA) and urges speedy Senate confirmation of his appointment to this vital position.

Mr. Mendez's nomination comes at a time when FHWA is faced with significant challenges, including a dwindling Highway Trust Fund, the expiration of SAFETEA-LU and the need to shape new transportation policies, and the near-term increase of federal government employee retirements. An urgent task facing Mr. Mendez is helping to define the parameters of the new surface transportation authorization legislation. Strong leadership within FHWA is required to meet these challenges.

Both AAA and AAA Arizona have worked closely with Mr. Mendez on the national and state level in his capacity as past-President of the American Association of State Highway and Transportation Officials (AASHTO) and former Director of the Arizona Department of Transportation.

In these various capacities, Mr. Mendez demonstrated an ability to bring a variety of different perspectives together to accomplish common goals. Mr. Mendez's track-record of leadership on transportation issues gives me confidence he will be able to guide FHWA through challenging times.

Again, please regard this letter as AAA's enthusiastic endorsement of the confirmation of Victor Mendez for FHWA Administrator. I am confident his leadership skills and experience will serve the country well.

Sincerely,

A handwritten signature in cursive script that reads 'Jill Ingrassia'.

Jill Ingrassia
Managing Director, Government Relations & Traffic Safety Advocacy



ALLEN D. BIEHLER, PRESIDENT
SECRETARY, PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

JOHN HORSLEY, EXECUTIVE DIRECTOR

444 NORTH CAPITOL STREET NW, SUITE 249, WASHINGTON, DC 20001
(202) 624-5800 FAX: (202) 624-5806 • WWW.TRANSPORTATION.ORG

May 26, 2009

The Honorable Barbara Boxer
Chairwoman
Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairwoman Boxer:

I am writing to you on behalf of the American Association of State Highway and Transportation Officials, which represents the departments of transportation in all fifty states and the District of Columbia and Puerto Rico. We commend to you Victor Mendez, former Secretary of the Arizona Department of Transportation and 2007 AASHTO President, for the position of Federal Highway Administrator.

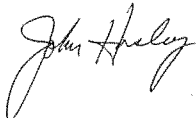
Mr. Mendez is an outstanding choice for this key leadership position at the U.S. Department of Transportation especially as we move toward authorization of the federal surface transportation program. As a 24-year veteran of ADOT, including 8 years as director, Mr. Mendez brings an in-depth, working knowledge of transportation, gained on the front lines of a state department of transportation. The experience and insight he offers will be invaluable as Congress and the Administration with your state, local and private partners consider how to reform and improve the delivery of transportation services for America.

During his years at ADOT, Victor implemented the accelerated schedule for the Valley regional freeway system, advancing its completion from 2014 to 2007. As deputy director, he led an ADOT team that completed the first major design-build project in Arizona—the \$80 million widening of I-17 and launched ADOT's largest project to date, the widening of the Superstition Freeway.

In his activities within AASHTO, Mr. Mendez served as chair of the Standing Committee on Research, as chair of the Operations Council of the Standing Committee on Highways, and as chair of the Transportation Research Board's oversight group for the Long-Term Pavement Performance 20-year program.

We respectfully recommend confirmation of Mr. Mendez for U.S. Federal Highway Administrator.

Sincerely yours,



John Horsley
Executive Director



DAVID A. RAYMOND
PRESIDENT & CEO

June 1, 2009

The Honorable Barbara Boxer
Chair
Senate Committee on Environment &
Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable James M. Inhofe
Ranking Member
Senate Committee on Environment &
Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators Boxer and Inhofe:

On behalf of the American Council of Engineering Companies (ACEC) – the voice of America’s engineering industry – I am pleased to offer our strong support for the nomination of Victor Mendez as the Administrator of the Federal Highway Administration (FHWA).

Mr. Mendez has outstanding experience and skills to lead this important agency. As Director of the Arizona Department of Transportation, he was known for both his administrative competence and wise policy development. In particular, he has a reputation for valuing collaboration with a broad transportation stakeholder community. At a time when the FHWA faces tremendous challenges – including a Highway Trust Fund with declining balances – we believe that Mr. Mendez’s instincts for gaining broad advice and applying critical thinking and management skills will serve the American public well.

I strongly encourage you and your colleagues to support the nomination of Victor Mendez as Administrator of the FHWA.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Raymond", is written over a faint, larger version of the signature.

Senator LAUTENBERG. Yesterday, in New Jersey, we announced the availability of substantially increased rail service. Now, the corridor, it is not just the northeast corridor, it is the corridor that goes from New Jersey to New York, where hundreds of thousands of people make the crossing every day. We are working now on the development of a rail tunnel across the Hudson River and extending the availability of service there. When the tunnel is complete, we are going to be looking at 22,000 fewer cars on the highway. So we are excited about that. We are looking at reductions in toxic pollution. And that is a very promising thing.

But we have had another experience in New Jersey. We have been building rail spurs. In each case, like the one that we did yesterday, when it first opens, people were not, I would not say skeptical, but unrelated change happens.

The first year, the average ridership in the Secaucus Junction Station was 5,000 people. Now it is 17,000 people and we have just extended more rail service from there. From our capitol, Trenton, down to Camden, New Jersey, which is one of the biggest cities in the southern part of our State, when the rail line first opened up, it was modest ridership.

But something else happened. Businesses saw the convenience that employees might have getting back and forth to work on public transportation. Now, companies are opening along the line. It is a real spur to the economic situation which we desperately need to fix.

While you are looking at Federal highways, the one thing I know that your experience is broad enough to say, that you have got to look at other things as well. Whatever the influence, it is a question of whether that kind of process is acceptable, because it means dividing the revenues that are available to us. And also to try and somehow figure out the consequences of things that we are doing. It is so interesting.

Senator Moynihan was one of our great advocates of public transportation. He always used to point out that the National Highway System developed by President Eisenhower had an odd effect and result, and that was that it gave people an opportunity to abandon the cities and go find other places to live and move away from the problems of urban existence.

Well, as a consequence, what we have seen across our State and, frankly, across this Country, is the decay, in many cases, of the cities, the urban centers, because people did not want to wrestle with the problems. But the problems are there for us, whether we choose to have them or not. So, we have to be very select in the things that we do.

Earlier this year, Secretary LaHood said that in order to meet our future transportation demands, we cannot simply add lanes to our highways or invest our transportation dollars as we have in the past. Do you agree with that view?

Mr. MENDEZ. Mr. Senator, you articulated, in all your comments, what I would consider to be the coordination of a full transportation system. Of course, you need to move commerce, heavy commerce, trucks, et cetera, and there are challenges with that. But at the same time, you also need to move people safely. There are also the intramodal aspects of pretty much everything that you talked

about there. So, I think it is important as we move forward and begin looking at our solutions for the future, that we in earnest take a look at all the issues, just as you have articulated.

The solutions that I have heard from Secretary LaHood have been looking at multi-modal solutions, because I think we all recognize that our world has changed in the last 20 years, the last 10 years for that fact. So our behaviors have changed. The price of fuel, for example, last year seemed to really create a spike in public transportation usage. So, I think as we begin to look at the future proactively, it is important for all of us to take a good, hard look at that and assess the true needs.

My feeling on this is that we have to be looking at all the options that are out there to ensure the viability of, not just our economic system, but also to ensure that all of our citizens are able to go from Point A to Point B in a safe and efficient manner.

Senator LAUTENBERG. I recently introduced legislation that would establish a national transportation policy, a national transportation surface policy. Do you think we need that kind of a plan that places performance based measures on our Federal transportation programs? And let us see what happens as we do these things, to be sure that we focus on whether or not these investments are worthwhile and should be continued?

Mr. MENDEZ. Yes. Mr. Senator, everybody is more actively engaged and informed about Government and what we do in Government. It is very clear to me that both President Obama and Secretary LaHood want to ensure transparency in the way we expend public funds.

With that, I think, it is going to be very imperative for all of us in the transportation industry to, first of all, show accountability for those dollars, and second of all, to ensure that our performance is up to snuff. We need to ensure that, with limited resources, we place those resources where they are absolutely necessary and that they go to the highest priority infrastructure needs, and we need to ensure the public that we are doing the best we can with those funds.

Senator LAUTENBERG. You know, the pity of it is, we have neglected putting money into the transportation systems in our Country that are so much in demand. As a consequence, we now face a crisis situation. No one is anxious to increase taxes or costs for operating, but reality is there and as a consequence, we have got to accept the fact that there are different ways to move people and goods. We have got to work on it.

Over the past decade, the number of people killed in crashes with large trucks has averaged 5,000 each year. Further, large trucks place a major strain on our already stressed infrastructure. There is currently a ban on large trucks that weigh more than 80,000 pounds and are longer than 53 feet on our interstate highway system. Could you imagine what the consequences of relaxing that ban would be? Would you think it would have a serious negative effect?

Mr. MENDEZ. Mr. Senator, over the past decade or so, I have been engaged in that discussion. Being in Arizona, that issue was often raised. I think we look at, well, what is really the balance here? Clearly, under the current situation, safety is one of the fac-

tors that needs to be balanced out, along with productivity and, as you mentioned earlier, preserving our infrastructure. So, if I am confirmed, and if you as a Congress and the Administration choose to delve into that issue and look at different balances due to changes in the environment, I would be more than happy to do that.

Senator LAUTENBERG. I am going to now call on Senator Carper, who will Chair the Committee. Thank you very much for being available to us and for the kind of work we expect you to be doing.

Mr. MENDEZ. Thank you.

Senator CARPER [presiding]. Mr. Mendez, welcome. Thank you for joining us and for your willingness to serve. We have a vote underway, so this will last about five more minutes and then you will be free at last.

Mr. MENDEZ. Thanks.

Senator CARPER. I want to ask you to just share briefly with us your take on a couple of programs, one of which is legislation introduced by Senator Tom Harkin of Iowa called the Complete Streets Act. Your thoughts, if you would, on that legislation? And on another piece of legislation called Safe Routes to School Program, which I suspect you are familiar with by virtue of your own work. Take a minute on each of those, if you would, Complete Streets and the Safe Routes to School Program.

Mr. MENDEZ. Yes. Mr. Senator, I think what I would fall back on is not just my experience back in Arizona, because the Safe Routes to School Program was a critical program for us, but the concept of Complete Streets. I think when you bring all of that together, they fit very neatly within what I believe is Secretary LaHood's livability concepts.

Now, being a nominee, I have not had the privilege to actually delve into the details of his concepts. But I believe what you just described in terms of the projects, or these programs, are where you really bring the livability concepts to the table. One of the things that I mentioned earlier is that, as one of our strategies with regard to greenhouse gas emissions, if in fact we are trying to stem the growth of vehicle mileage travel, these are some of the exact same programs that fit within those strategies.

Senator CARPER. Do you have anything else that you would like to say?

Mr. MENDEZ. Pardon me?

Senator CARPER. Do you have anything else that you would like to say on either of those two programs?

Mr. MENDEZ. Well, I think they fit very neatly within those concepts. I know Safe Routes to School, back in Arizona, was a very big hit for us.

Senator CARPER. The President has just announced increases in the fuel efficiency standards so that by 2016, I believe, our fleet has to be up to about 35 or 36 miles per gallon. The last time we had a dramatic increase in CAFE standards was back, I think, in the 1970s. Between 1975 and 1985, we increased the standards by well over half. We found out that people drove a whole lot more. We ended up with a lot more vehicles and we ended up using a whole lot more fuel.

My question is, transportation, I think, after utilities, yields the most amount of CO₂ of any source of our economy and some of feel that, even if we increase fuel efficiency standards dramatically, we just simply drive more cars, end up with more time stuck in traffic, that we are not going to be really ahead of the game.

I want to ask you, do you think that the United States Department of Transportation should support more robust regional planning for transportation emission reductions with a real focus on CO₂ emissions? Do you believe that Federal supported projects that reduce transportation emissions should be a goal of climate change legislation?

Mr. MENDEZ. Mr. Senator, as I mentioned earlier, being the nominee, I have not had the opportunity to drill into the Secretary's thoughts on a lot of these issues. I can say that—

Senator CARPER. I think that he is going to yield to you for advice on this stuff, so—

Mr. MENDEZ. Well, I hope that I have a lot of input into that. But I really think that those issues that you raise are going to very important for all of us to work collectively, in concert with the rest of the Members of Congress and with the Administration so that we can address those exact same issues.

Senator CARPER. I will ask it again. Do you agree that the Department of Transportation should support more robust regional planning for transportation emission reductions?

Mr. MENDEZ. Mr. Senator, what I am prepared to do is to work with all of you on these strategies that will, in fact, have an impact on greenhouse gas emissions and if your idea is one of those that needs to be on table, I certainly would be more than happy to deal with that.

Senator CARPER. I will ask the second question again. Do you believe that the federally supported projects that reduce transportation emissions should be a goal of climate change legislation?

Mr. MENDEZ. Are you referring to specific projects or general policy issues?

Senator CARPER. General policy issues.

Mr. MENDEZ. Yes, I believe as we look at the reduction of greenhouse or climate change, however we want to frame that, with respect to transportation, it is going to be important for all us to look at all of these concepts.

Senator CARPER. With that, we will conclude this hearing. Thank you.

[Whereupon, at 11:15 a.m., the Committee was adjourned.]

[An additional statement submitted for the record follows:]

STATEMENT OF HON. BENJAMIN L. CARDIN, U.S. SENATOR
FROM THE STATE OF MARYLAND

Madam Chairman, thank you for holding this nomination hearing. I would like to thank and welcome Mr. Mendez for coming before our Committee to discuss the condition of the United States' highway system and his nomination to lead the Federal Highway Administration charged with the management of this vitally important infrastructure network.

Our country's highways connect together communities, big and small, from coast to coast. We often take the service and convenience that our roads provide us for granted, which may explain why our highway infrastructure has fallen into such disrepair.

The Road Information Project, a non-partisan national transportation research group, estimates that motorists spend 4.2 billion hours a year stuck in traffic at a cost of \$78.2 billion a year—which works out to \$710 per person. Drivers in the Washington, DC metropolitan area have to cope with some of the worst traffic congestion in the country—only to be outdone by the metropolitan regions of Los Angeles and San Francisco/Oakland in the Chairwoman’s home State.

The Road Information Project also found that 33 percent of America’s major roads are in poor or mediocre condition and 36 percent of the Nation’s major urban highways are congested. The American Society of Civil Engineers gave U.S. roads the abysmal grade of “D – “ in its 2009 infrastructure report card.

The 2007 National Surface Transportation Policy and Revenue Study, commissioned by Congress, determined it would cost \$187 billion annually to adequately address the outstanding maintenance and repair backlog for roads across the country. Maryland has a backlog of \$650 million worth of projects, and in Maryland we take a “fix-it first” approach to highway maintenance and repair.

Expanding the Nation’s highway system without first addressing the maintenance and repair needs of existing roads just compounds the problem over time. I would strongly encourage your agency to focus attention on fixing and improving the efficiency of existing highways and roads over expanding the system. I look forward to hearing your thoughts on addressing the highway maintenance backlog and what you see as the Federal Highway Administration’s service and construction priorities.

Let me shift your attention for a moment to two environmental issues as they relate to the Federal Highway System.

Maryland and our neighboring States share the important responsibility of caring for the country’s most productive estuary, the Chesapeake Bay. There are two particular environmental threats to the Bay, and water resources around the country, from highways and roads that the Federal Highway Administration must pay greater attention to: Polluted Stormwater runoff from highways and Greenhouse Gas emissions from the transportation sector.

Pollutants washed off roads include deicing agents, heavy metals, nitrogen, phosphorus, bacteria and sediment to local waterways.

Statistics from the Maryland State Highway Administration provide an illustrative example of the magnitude of the challenge. As of October 30, 2008, SHA calculates that 90 percent of Maryland State highways in the State’s eight largest counties funnel pollution to the Chesapeake Bay 24 hours a day.

EPA considers stormwater to be the largest source of water pollution in the country and this is a problem that grows larger with every new strip of highway. There are ways to reduce the flow of runoff and treat stormwater onsite using green infrastructure techniques that help preserve the natural hydrology of the landscape. I urge you to make water resource protection a priority for the Federal Highway Administration.

The transportation sector is estimated to contribute nearly a third of the greenhouse gases contributing to the climate crisis and therefore reducing emissions from the transportation sector is critical in finding solutions to climate change. I hope that we can work quickly to get you confirmed and I look forward to working with you to help build a more efficient multi-modal transportation system that helps people spend less time in their automobiles—idling in traffic and pumping more CO₂ into the atmosphere—and more time at their destinations.

Your expertise and experience with transportation issues are impressive and you are a clear leader in the transportation sector. I look forward to hearing your testimony.

