

**NOMINATION OF MAYOR ANTHONY FOXX  
TO BE SECRETARY OF THE  
U.S. DEPARTMENT OF TRANSPORTATION**

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**HEARING**

BEFORE THE

**COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE**

**ONE HUNDRED THIRTEENTH CONGRESS**

FIRST SESSION

\_\_\_\_\_  
MAY 22, 2013  
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Printed for the use of the Committee on Commerce, Science, and Transportation



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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

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**NOMINATION OF MAYOR ANTHONY FOXX  
TO BE SECRETARY OF THE  
U.S. DEPARTMENT OF TRANSPORTATION**

WEDNESDAY, MAY 22, 2013

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

The Committee met, pursuant to notice, at 2:35 p.m., in room SR-253, Russell Senate Office Building, Hon. John D. Rockefeller IV, Chairman of the Committee, presiding.

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

The CHAIRMAN. Ladies and gentlemen, this hearing will come to order. And we have a very distinguished guest to be introduced by two very distinguished Senators who are good friends of mine.

Senator Burr, do you want to introduce?

Senator BURR. I would be happy to, Mr. Chairman. I thought you and the ranking member would—

The CHAIRMAN. No, no.

Senator BURR—probably go first.

The CHAIRMAN. We will, but we don't want to hold you up. We are kind people.

[Laughter.]

Senator BURR. That means there is a baseball game on this afternoon—

[Laughter.]

Senator BURR [continuing]. And you would like to get this over with.

The CHAIRMAN. You are right.

[Laughter.]

**STATEMENT OF HON. RICHARD BURR,  
U.S. SENATOR FROM NORTH CAROLINA**

Senator BURR. Mr. Chairman, thank you. Thank you, Ranking Member Thune and members of the Committee.

It is really a pleasure to be here this afternoon with my colleague from North Carolina, Senator Hagan. I want to thank you for holding quickly this important hearing and for the opportunity to introduce a friend and the Mayor of Charlotte, Anthony Foxx.

First, I want to publicly thank him for his commitment and his willingness to serve in this capacity. I know it can't be easy to leave behind the beauty of North Carolina to come to Washington

and to take on the challenges that come with this position. I understand it is not the easiest transition, so I especially want to thank his wife, Samara, and his two children, Hillary and Zachary, for the support that they continue to give to him in what has been a very quick life of public service.

Anthony's leadership and his record of service has brought him before you today, and I am confident that he will serve our nation in the same manner that he served the people of North Carolina, specifically the city of Charlotte.

A homegrown talent, Anthony was born in Charlotte, where he attended West Charlotte High School before moving on to Davidson College. While in undergrad, Anthony served as student body president, the first African-American to do so at Davidson.

The CHAIRMAN. That is amazing.

Senator BURR. His passion for public service awarded him the Root-Tilden Scholarship to study law at New York University. Prior to joining DesignLine as Deputy General Counsel in 2009, Anthony worked as a Litigation Attorney at Hunton and Williams.

He has the distinction of serving in all three branches of the Federal Government: as a law clerk on the United States Sixth Circuit Court of Appeals, a trial attorney for the Civil Rights Division of the United States Justice Department, and a staff counsel to the U.S. House of Representatives on the Judiciary.

Anthony began his political career in 2005 with his election to the city council as an at-large representative and served two terms before being elected Mayor on November 3, 2009. I might add, the youngest mayor in the city's history.

Much like our state, the City of Charlotte continues to grow by leaps and bounds. And as mayor, Mayor Foxx has kept the charge of meeting and staying ahead of the needs of a major metropolitan area. As mayor, he has done an outstanding job of building stronger relationships with state and Federal leaders to meet the infrastructure needs of a growing metropolitan area.

My office has enjoyed a great working relationship with the mayor. He has been a steadfast advocate of the citizens of Charlotte, North Carolina. It is my great honor to be here with him today. I commend the president for looking toward North Carolina for this kind of leadership, and I urge my colleagues to offer him their full consideration.

Mr. Chairman, let me say there are not just three North Carolinians here. Four with Mayor Foxx, and we claim Mo as a North Carolinian—

[Laughter.]

Senator BURR—since his family, his parents reside in North Carolina.

Mr. Chairman, if confirmed, I am confident that as Secretary of Transportation, Mayor Foxx will be up to the challenge of not only keeping our Nation moving, but moving in the right direction.

I thank the Chair.

The CHAIRMAN. I thank you, sir.  
Senator Hagan?

**STATEMENT OF HON. KAY HAGAN,  
U.S. SENATOR FROM NORTH CAROLINA**

Senator HAGAN. Thank you, Mr. Chairman.

Chairman Rockefeller and Ranking Member Thune and all of the members of the Committee, it certainly is a pleasure to be here with my colleague, Senator Burr, so that we both can welcome and introduce Anthony Foxx to you. I do appreciate the opportunity.

I also want to thank the Mayor's family for their steadfast service and commitment while he has served as Mayor of Charlotte and moved through this nomination process. His wife, Samara—thank you. And his two children, Hillary and Zachary, have stayed in Charlotte to go to school.

So I am honored to have the opportunity to introduce a man who has been a tremendous asset to our entire state. While it is going to be sad to see him leave Charlotte and the Charlotte government process, I am pleased that when he is confirmed the entire country will benefit from Anthony Foxx's leadership as Secretary of Transportation.

He earned an undergraduate degree, as you have heard, in history from Davidson College in North Carolina and did blaze a trail as the school's first African-American student body president. He received a law degree from New York University and has held positions in all three branches of the Federal Government. Beginning as a judicial clerk on the U.S. Court of Appeals for the Sixth Circuit, Anthony Foxx went on to become a lawyer for the Department of Justice and counsel for the House Judiciary Committee.

In 2005, he was elected as an at-large member of the Charlotte City Council, and during his 4 years of service as councilman, he chaired the Transportation Committee and was a member of the Economic Development and Planning Committee. Since 2009, he has served as the mayor of Charlotte, one of our country's fastest-growing cities.

Given his experience and the strength of his resume, it is hard to believe that Anthony could be one of the youngest Cabinet secretaries in history.

When he became Mayor, Charlotte's unemployment rate was almost 13 percent. Through his tireless efforts, he helped attract and create more than 8,400 new jobs in the Charlotte area.

Most importantly, he has been a true champion of transportation and infrastructure development, securing forward-looking investments in Charlotte's roads, airport, and mass transit. Under his leadership, the I-485 has been approved for expansion; he secured funding toward the completion of the Blue Line Light Rail Extension Project; and oversaw the opening of a third runway at the Charlotte International Airport. All of these projects occurred as we worked and as we are still working to climb out of the recession.

These smart investments in infrastructure and transit-oriented development are continuing to fuel Charlotte's economic growth. South End, which is a historic Charlotte neighborhood which saw the city's first railroad line back in the 1850s, is being revitalized with the help of the LYNX light rail. This neighborhood is now home to more than 750 small businesses and 11 new residential developments.

And investments at the Charlotte airport are establishing the city as an international hub. With direct flights to London and soon to Brazil, Charlotte and North Carolina are increasingly connected to businesses across the world.

And the I-85 Corridor Improvement Project, which has been a top priority for the state of North Carolina for many years, is finally moving forward. I-85 is one of the most heavily traveled routes in the Southeast. Sixty thousand vehicles use one part of this roadway every day, and that number is expected to double by 2025. The improvement project, which relied heavily on support from local leaders across the region, including Mayor Foxx, is expanding and improving the integral roadway so it can really meet the needs of businesses and residents for years to come.

Anthony Foxx's direct experience working directly with transportation departments at the Federal, state, and local levels and his proven record of success make him well-prepared, Mr. Chairman, to serve as the next secretary of transportation. I have worked closely with Mayor Foxx during my time in Washington, and I have the utmost confidence that he will serve in this role with great distinction.

I thank him for his service and willingness to step up when his service is needed, and I encourage a swift confirmation by this committee.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Hagan.

I detect, Mayor Foxx, a certain friendliness from your two introducers here.

[Laughter.]

The CHAIRMAN. Now, I am not kicking you out, but I am offering you the opportunity to leave, because—unless you want to listen to John Thune and myself speak.

[Laughter.]

Senator BURR. Never miss a great invitation. Thank you, Mr. Chairman.

[Laughter.]

Senator HAGAN. Thank you.

The CHAIRMAN. Thank you very much.

Mayor Foxx, I have to say, I have been here on this committee for 26, 27-something years, and I have never seen a greater press crush in my entire life.

[Laughter.]

The CHAIRMAN. I want to congratulate you, Mayor Foxx, be you seated or not—and you have to introduce your wife, for sure—on your nomination for the position of Secretary of the United States Department of Transportation.

This high honor is, unhappily, a very great challenge, a very great challenge. As Secretary LaHood so ably demonstrated, the job requires a deep understanding of the policy and the political savvy to accomplish the administration's goals, all of which in an era of constraint which doesn't seem to relax.

The Department of Transportation is enduring a tumultuous time of constrained resources. Despite this, the department is tasked with implementing a large number of new safety mandates and simultaneously presiding over a transportation infrastructure

network in need of significant and immediate investment. And how to pay for that, nobody seems to be able to figure out.

The country's—well, I mean, I can figure it out, but it is not a prevailing view.

[Laughter.]

The CHAIRMAN. The country's transportation network has been a critical factor in our long-term economic growth. However, years of underinvesting in our roads, airports, air traffic control systems, rails, and ports have left us with an overstrained transportation system. And I think that is probably the greatest weak link in our national economic picture, only to get much worse.

The weakness in our transportation system has been a drag on our growth. I believe we are on the brink of losing our competitive edge in the global marketplace as a result. The evidence is clear that this interconnected system was not built to withstand the wear and the tear that it is forced to endure today.

The Federal Government has a critical role to play in transportation. I am among the first to admit that we in Congress have not done our jobs in this area. Instead, we have grown accustomed to an ad hoc approach to investing in our transportation network by using a grab bag of unrelated pay-fors and budget gimmicks just to keep funding levels static. Too many seem content with this approach, but I certainly am not and I don't think you are.

Turning our backs on this growing problem ignores what we truly need, desperately need in this country: a strategic, long-term vision for rebuilding our transportation system in all of its forms. A Band-Aid approach to fixing our infrastructure just doesn't cut it.

We need to take a hard look at what we need from our ports, rail, air, and highway systems over the long term and commit to making appropriate investments. We must get away from overly siloed, programmatic funding mechanisms that don't allow for flexibility necessary to make strategic multimodal investments. We need to get smart about working with the private sector to increase overall funding. You have done that very successfully in your city.

In short, we need to rethink how we fund transportation in this country as we look, hopefully, toward a future. We all need to come together—the Congress, the White House, and the stakeholder community—and truly explore all options. We won't get anywhere unless we work together.

Investing in infrastructure also means investing in safety. Now, and I should tell you that we, the Commerce Committee, has now very much become a consumer affairs committee and a safety committee, looking out for little things that we sort of looked past in years past. Since becoming chairman, I really have worked on protection of people and safety as a priority. For transportation, I hope I have your commitment on this across the department, and I am sure I will.

While we have required new safety requirements across the air, rail, and highway systems, the work has only just begun. The department needs do everything in its power to implement these safety requirements in a timely way. We are very good at passing rules and, you know, legislation and then others pass rules and regulations; then they never get implemented. And we think they have

been because we passed them, but they haven't been. And therein lies a huge problem.

I am concerned about delays we are seeing on some very important issues and worried about more. Should you be confirmed, I need your help in making sure that these new requirements are put in place as soon as possible.

On the aviation side, it has been a tough year, between the challenges involving the 787 and sequestration impacts. Sequestration took a serious hit out of FAA's finances. Unfortunately, we face the same difficulties next year and into the future until we come to our collective senses.

All of this has taken attention away from other key efforts, such as modernizing the air traffic control system, which is sort of the thing I care most about but get to talk least about because it has been pushed down the road by the situation we are faced with.

I expect you to make a renewed effort to focus the agency on implementing new pilot qualification and training requirements. Implementing the NextGen air traffic control system, as I indicated, is of personal importance for me. For 10 years, I have worked to help FAA make NextGen a reality. The system is vital to the future of our air transportation network, and I will continue to make it a priority. I promise you that.

So, Mayor Foxx, as you know, you have a huge job in front of you. The challenges are many, and the solutions are hard. However, if you are confirmed, I want this Committee to be a partner in your efforts. This will take communication and transparency from the department; it will take honesty and frankness from us.

And I thank you for being here today and look forward to hearing your thoughts.

Before I turn this over to my distinguished friend, Senator Thune, I should point out that, one, we have two votes at 4 o'clock. So we are going to change our rules a little bit. I spoke a little bit long, but of course I always do. So Senator Thune and I will talk for 7—give our opening statements. And then on the questions, everybody will have 7-minute rounds rather than 5-minute rounds.

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

Senator THUNE. Thank you, Mr. Chairman, and thank you for holding the hearing today.

Mayor Foxx, welcome to the Committee.

This hearing gives our committee the opportunity to perform one of the most important constitutional responsibilities provided to members of the United States Senate, the power to give advice and consent on the president's executive and judicial nominees. Today we are going to consider Mayor Anthony Foxx to be the 17th Secretary of Transportation.

Established in 1967, the Department of Transportation employs approximately 53,000 full-time employees and has over \$72 billion in budget authority.

If confirmed, Mayor Foxx, not only will you be responsible for overseeing this important agency, but you will also be the principal advisor to the President on all matters relating to transportation.

I know most of the individuals here today understand what an important position this is for our country, but every American is directly affected by our nation's transportation systems, including through personal and business travel, employment, the interstate movement of the products we grow, manufacture, and purchase, and their impact on the overall health of our economy.

Specifically, over 12 million Americans are employed in the transportation labor force. That works out to just over 9 percent of the Nation's entire non-agriculture work force. The average American family spends roughly 17 percent of their total budget on transportation-related costs, and \$1.6 trillion, or almost 10 percent of the U.S. GDP, is comprised of transportation-related goods and services.

Even a rural state like my home state of South Dakota is directly impacted by the decisions made by the Secretary of Transportation. For instance, the regulations produced by the DOT have a direct impact on the ability of Daktronics, an industry leader in electronic scoreboards and display systems located in Brookings, South Dakota, to produce and sell dynamic message signs used on freeways and roadways to provide instructions, travel times, and road conditions to motorists.

DOT components like the Federal Aviation Administration and the Federal Highway Administration play an important role in maintaining a robust national airspace and highway system to transport agriculture goods to market, enable tourists to visit South Dakota's many historic sites like Mount Rushmore, Crazy Horse, and the Badlands, or enjoy our world-class pheasant hunting.

And regulations placed on truck safety by another DOT agency, the Federal Motor Carrier Safety Administration, impact more than 20,000 individuals in South Dakota employed by the trucking industry. The secretary's decisions also shape the role the Federal Railroad Administration plays in ensuring our freight rail lines are safe so that South Dakota's agricultural goods can make it to market quickly and efficiently.

The position you are nominated for is certainly an important one, and to be successful the administration and Congress will need to work together to address the numerous transportation challenges we face ahead.

Mayor Foxx, I look forward to hearing your testimony today and to learning about you and your qualifications to be the next secretary of transportation.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

And we will now have the honor of listening to our hope for Secretary.

**STATEMENT OF MAYOR ANTHONY FOXX, SECRETARY-  
DESIGNATE, U.S. DEPARTMENT OF TRANSPORTATION**

Mr. FOXX. Thank you, Mr. Chairman. And thank you, Ranking Member Thune and members of the Committee. It is an honor for me to appear today before you as President Obama's nominee to be U.S. Secretary of Transportation.

I want to thank Senators Richard Burr and Kay Hagan for their very kind introductions. And I also want to thank my beautiful wife, Samara, who is behind me now, for being with me here today. My children, Hillary and Zachary, wanted to be here, but they have school obligations that their parents wanted them to meet today.

If I have the honor to lead the department, I will bring the perspective of serving as mayor of Charlotte, which is the 17th largest city in America. As mayor, I know transportation from the ground up, but I learned the value of quality transportation and hard work even earlier.

I was born and raised in Charlotte by my mother and my grandparents, who were public school teachers. Things were not always easy growing up. Many times there would be a \$20 bill on the table, and my family would have to choose between basic necessities and funding a school fieldtrip. Somehow, they always made the investment in me, and for that I am forever grateful. Together, they taught me to take pride in hard work, to take responsibility for my actions, and to understand that education would unlock countless doors.

My first job, when I was 12 years old, was at Charlotte's Discovery Place Museum. To get there, I rode the No. 6 bus after school. The No. 6 connected me to the larger world of opportunity. And I truly believe that whether it is a bus, a road, a train, a plane, or a ship, our transportation system, at its best, connects our people to jobs and a better quality of life.

When I became Mayor in 2009, Charlotte was facing an economic downturn and steep revenue declines. I decided to make efficient and innovative transportation investment the centerpiece of Charlotte's job creation and economic recovery efforts. These investments included extending the LYNX light rail system to the University of North Carolina at Charlotte, expanding Charlotte Douglas International Airport, breaking ground on the Charlotte Regional Intermodal Facility, completing our I-485 beltway, repairing the Yadkin River Bridge, and starting the Charlotte Streetcar Project.

Today, more than 19 million riders have used the existing light rail system since it opened in 2007, with more than 15,000 riders on an average weekday. Passenger traffic at Charlotte Douglas Airport reached a record high in 2012. And our Streetcar Project is expected to connect people with jobs, schools, medical facilities right in the heart of my city.

The truth is we did not accomplish these successes alone. Business, the public, and all levels of government worked together to find pragmatic solutions for the transportation challenges we faced while not using a one-size-fits-all approach. It is the kind of bipartisan approach that I believe made Secretary LaHood so effective at the Department of Transportation and a model I will also follow.

If confirmed, I plan to focus on three key areas:

First, ensuring that our transportation system is the safest in the world will be my top priority, as it has been for Secretary LaHood, the dedicated DOT work force, and this committee.

My second focus will be on improving the efficiency and performance of our existing transportation system. Cutting-edge transportation leaders across the country are finding new ways to boost

productivity through better use of technology, data, economic analysis, and private-sector innovation, such as public-private partnerships, to bring more private-sector capital and innovation into the infrastructure marketplace.

Third, we must build this country's infrastructure to meet the needs of the next generation of Americans. The private sector cannot do this alone, and the Federal Government has a responsibility to help ensure our global competitiveness by investing in a robust, multimodal transportation system, a stronger national freight network, and key innovations like NextGen and advanced roadway and rail technology.

As a mayor who has delivered projects to my constituents, I know too well that future uncertainty at the Federal level makes it difficult to do smart, cost-effective, long-term planning and project development. We also need investments and policies that promote opportunity, enhance quality of life, promote environmental sustainability, and reduce our dependence on foreign oil.

I look forward to working with Congress and the broader transportation community to tackle the tough challenges and seize the exciting opportunities we have to innovate, invest, and make the American transportation system the best in the world.

To conclude, Mr. Chairman, thank you again for scheduling this hearing. I will be happy to respond to any questions you and the members may have.

[The prepared statement and biographical information of Mr. Foxx follow:]

PREPARED STATEMENT OF MAYOR ANTHONY FOXX, SECRETARY-DESIGNATE,  
U.S. DEPARTMENT OF TRANSPORTATION

Chairman Rockefeller, Ranking Member Thune, members of the Committee, it is an honor for me to appear before you today as President Obama's nominee to be U.S. Secretary of Transportation.

I want to thank Senators Richard Burr and Kay Hagan for their kind introductions.

And I also want to thank my beautiful wife, Samara, who is here with me today. My children, Hillary and Zachary, wanted to be here but couldn't miss school.

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Cutting edge transportation leaders across the country are finding new ways to boost productivity through better use of technology, data, economic analysis, and private sector innovation, such as public-private partnerships, to bring more private sector capital—and innovation—into the infrastructure market.

Third, we must build this country’s infrastructure to meet the needs of the next generation of Americans. The private sector cannot do this alone, and the Federal Government has a responsibility to help ensure our global competitiveness, by investing in a robust, multimodal transportation system, a stronger national freight network, and key innovations like NextGen and advanced roadway and rail technology. As a Mayor who has delivered projects to my constituents, I know too well that future uncertainty at the Federal level makes it difficult to do smart, cost-effective long-term planning and project development.

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I look forward to working with Congress and the broader transportation community to tackle the tough challenges and seize the exciting opportunities we have to innovate, invest and make the American transportation system the best in the world.

To conclude Mr. Chairman, thank you again for scheduling this hearing. I will be happy to respond to any questions you and the Members may have.

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#### BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Anthony Renard Foxx.
2. Position to which nominated: Secretary of Transportation.
3. Date of Nomination: April 29, 2013.
4. Address (List current place of residence and office addresses):  
 Residence: Information not released to the public.  
 Office: 600 E. 4th Street, 15th Floor, Charlotte, NC 28202.
5. Date and Place of Birth: 04/30/1971; Charlotte, NC.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage):  
 Samara Ryder Foxx (wife)—Novant Health (Charlotte, NC), Community Liaison; children: Hillary Foxx (daughter)—age 8; Zachary Foxx (son)—age 6.
7. List all college and graduate degrees. Provide year and school attended.  
 Juris Doctor—New York University School of Law (New York, NY), 08/1993–05/1996  
 Bachelor of Arts in History—Davidson College (Davidson, NC), 08/1989–05/1993
8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

Mayor, City of Charlotte, 12/2009 to present

Member, City Council for the City of Charlotte, 12/2005–12/2009

Deputy General Counsel, DesignLine USA, LLC, 12/2009 to present

Contract Attorney, Hunton & Williams LLP, 04/2009–12/2009\*  
 Litigation Associate, Hunton & Williams LLP, 10/2001–03/2009  
 Campaign Manager, Mel Watt for Congress, 02/2004–11/2004  
 Counsel, U.S. House of Representatives, Committee on the Judiciary, 03/1999–10/2001  
 Trial Attorney, U.S. Department of Justice, Civil Rights Division, 06/1998–03/1999  
 Law Clerk, U.S. Court of Appeals for the Sixth Circuit, 05/1997–05/1998  
 Associate, Smith, Helms, Mulliss & Moore LLP, 09/1996–05/1997  
 Legal Intern, NAACP, Legal Defense Fund Inc., 05/1995–08/1995  
 Legal Intern, Ferguson, Stein Law Firm, 06/1994–08/1994  
 Intern, U.S. House of Representatives, 06/1993–08/1993

9. Attach a copy of your resume. A copy is attached.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last five years. None.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last five years.

President, New American City Committee, Inc. (2011 to present)  
 Trustee, Davidson College (2009 to present)  
 Board of Directors, North Carolina Center for the Advancement of Teaching (NCCAT) (2008 to present)  
 Board of Directors, Lynnwood Foundation (2009 to present)  
 Board of Directors, Project Leadership and Investment for Transformation (LIFT) (2010 to present)  
 Board of Directors, Project Life (2012 to present)  
 Board of Directors, TreesCharlotte Foundation (2013 to present)  
 Member, U.S. Conference of Mayors (2009 to present)  
 Member, Professional Golfers Association of America (PGA) Diversity Initiative (2010 to present)  
 Member, North Carolina Metropolitan Mayors Coalition (2009 to present)  
 Board Member, Charlotte-Mecklenburg Development Corporation (2005–2009)  
 Fellow, The Aspen Institute Rodell Fellowship Program for Public Leadership (2011 to present)  
 Candidate, The Anthony Foxx Campaign Committee (2005 to present)

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

North Carolina Bar (1997 to present)  
 North Carolina Bar Association (1997 to present)  
 Mecklenburg County Bar Association (1997 to present)  
 Leary Bar Association (2006–2008)  
 Mecklenburg County Bar Foundation (2003–2007)  
 Sigma Pi Phi Fraternity (2008-present)—all male membership  
 Old Catawba Society (2010 to present)  
 Charlotte City Club (2002 to present)  
 Good Fellows (2009 to present)—all male membership (sister organization is Good Friends)  
 Charlotte Rotary Club (2007 to present)  
 Davidson College Alumni Association (1993 to present)

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\* pending campaign for Mayor of Charlotte

New York University Law School Alumni Association (1996 to present)  
 Friendship Missionary Baptist Church (Charlotte, NC) (1978 to present)  
 Charlotte-Mecklenburg Black Political Caucus (2003–2009)—all African-American membership  
 National Association for the Advancement of Colored People (NAACP) (2003)  
 Omicron Delta Kappa Honorary Society (2006 to present)  
 Mecklenburg County Democratic Party (1990 to present)  
 North Carolina Democratic Party (2000 to present)  
 Charlotte in 2012 Democratic National Convention Host Committee (2011–2012)  
 U.S. Conference of Mayors (2009 to present)  
 National Conference of Black Mayors (2010)

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

Since December 2009, I have been the elected Mayor of the City of Charlotte. From 2005 to 2009, I was an elected member of the City Council of the City of Charlotte. None of the four campaigns in which I ran for election has any outstanding debt.

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.

<i>Federal—Personal Contributions</i>		
03/23/10	\$500	DNC Services Corp./Democratic National Committee
10/08/08	\$1,000	Hagan, Kay R. via Hagan Senate Committee Inc.
12/17/03	\$500	Bowles, Erskine via Erskine Bowles for U.S. Senate
<i>State/Local—Personal Contributions</i>		
06/21/04	\$500	Citizens for Grier Martin

My campaign committee (The Anthony Foxx Campaign Committee) has made numerous contributions during its existence, each of which has been fully reported to the Mecklenburg County Board of Elections as required by law.

*Rendered Services*

2011–12—Co-Chair, Charlotte in 2012 Democratic National Convention Host Committee (including welcome speech to convention audience)

2004—Campaign Manager, Mel Watt for Congress

15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

Livingstone College, Doctor of Humane Letters (2013)

Queens University, Doctor of Humane Letters (2012)

Root-Tilden-Snow Public Interest Law Scholar, New York University Law School (1994–1996)

Davidson Scholar, Davidson College (1989–1993)

The Aspen Institute's Rodel Fellowship Program for Public Leadership, Fellow (2011 to present)

Fayetteville State University, Chancellor's Medallion (2010)

Omicron Delta Kappa Honorary Society, Member (2006 to present)

Urban Land Institute Daniel Rose Center for Public Leadership, Fellow (2010–11)

Young Democrats of North Carolina, Legacy Award (2008)

Young Democrats of Mecklenburg County, Robert F. Kennedy Award (Elected Official of the Year) (2008)  
 Charlotte Junior Chamber, Frank K. Sims Recognition (2008)  
 Charlotte Business Journal, 40-under-40 (2007)  
 North Carolina Bar Association, Citizen Lawyer Award (2007)  
 Charlotte Junior Chamber, 10 Outstanding Charlotteans (2006)  
 Black Political Caucus, Political Award (2006)  
 West Charlotte High School, Anthony Foxx Scholarship Program (2009 to present)

16. Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

I have done my best to identify all books, articles, columns, or other publications and relevant speeches, including a thorough review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find or remember. I have located the following:

*Published Writings*

Taking the Next Transit Step—10/25/12, *The Charlotte Observer*  
 How China Can Boost Charlotte Business—12/04/11, *The Charlotte Observer*  
 City, County, School Leaders: We See Each Other as Teammates—02/13/11, *The Charlotte Observer*  
 Growing Exports is a Key to Growing Jobs—09/16/10, *The Charlotte Observer*  
 Susan Burgess: A Fighter for All the People, All the Time—06/20/10, *The Charlotte Observer*  
 Legislators Must Include Perdue's Mobility Fund in Final Budget 06/17/10, *The Charlotte Observer*  
 Fixing Homelessness Would Truly Honor MLK—01/10/10, *The Charlotte Observer*  
 Foxx: Charlotte Will Adjust—12/09/09, *The Charlotte Observer*  
 What Can Charlotte Do to Reduce Crime?—04/30/08, *The Charlotte Observer*  
 Keep All Our Youth Safe and Out of Trouble, 07/15/07, *The Charlotte Observer*  
 Where Politics is a Family Affair, 05/06/07, *The Charlotte Observer*  
 A Pitch for Second Ward, 10/29/06, *The Charlotte Observer*  
 Rebuilding Community—04/27/92, *The Davidsonian*  
 Questionin' That: 2007: Toxic Waste in the Commons & An All White Davidson?—01/20/92, *The Davidsonian*  
 A Conversation on Chambers—12/09/91, *The Davidsonian*  
 FOXX Explains SERCH—11/04/91, *The Davidsonian*  
 Shout Outs & Sell Outs—11/04/91, *The Davidsonian*  
 Questionin' That: What Does Knowledge & Learning Mean?—10/21/91, *The Davidsonian*  
 Questionin' That: On A Certain Particular Advertisement—10/14/91, *The Davidsonian*  
 Questionin' That: A Conversation on the Tracks—09/09/91, *The Davidsonian*  
 Junior Anthony Foxx Travels to South Africa—09/02/91, *The Davidsonian*  
 Era of Neo-Apartheid—08/26/91, *The Davidsonian*

*Speeches*

2013 State of the City (SOTC)—February 4, 2013 (highlighted extension of new light rail project and local, state and Federal collaboration involved)  
 2011 Oath of Office—December 2011 (installation speech discussing major work plan for the upcoming City Council term, including passage of a capital improvement plan to build new roads, bridges and other city infrastructure)  
 Announcement Speech for Second Term—July 2011 (remarks celebrating accomplishments and forward-going work, including accelerated work on completing the 1-485 outer loop, transit successes and airport expansion)

2010 State of the City—December 11, 2010 (highlighted the Urban Circulator Grant to bring streetcars back to Charlotte for the first time in 50 years, third parallel runway expansion at the Charlotte-Douglas International Airport and state funding to close the 1-485 loop and repair the Yadkin River Bridge)

100 Days—March 2010 (remarks touched on the need to accelerate mass transit plan and help the state of North Carolina deliver on its pledge to complete the 1-485 loop ahead of schedule)

2009 Oath of Office—December 7, 2009 (installation speech in which the need to accelerate transportation infrastructure is highlighted as a job-creation strategy and as a long-term competitiveness issue)

Rally Speech—August 2, 2009 (speech referencing the need to promote more effective Federal and state partnerships to improve infrastructure and to ensure the new infrastructure enhances the economic strength of the entire city)

Filing at Mecklenburg County Board of Elections—July 15, 2009 (remarks upon filing for the Office of Mayor, referencing the need to build 21st Century infrastructure to create jobs and build a strong city)

Launch Day—(remarks announcing run for Mayor in 2009 in which reference was made to building a 21st century infrastructure)

17. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

I have never testified before Congress.

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

Infrastructure is a fundamental aspect of local government. As the mayor of the largest city in the fastest-growing U.S. metropolitan region, I know firsthand the role transportation plays in the everyday lives of Charlotte residents and citizens across America. Quality public transportation, safe and accessible roads and bridges, and a modern airport can mean better jobs for families and can make communities more attractive to businesses seeking to expand and grow. I look forward to bringing a local perspective, if confirmed, to the Nation's infrastructure challenges and opportunities, where creativity and solution-oriented work is transforming our country from the ground up.

Under my leadership, we broke ground on the Charlotte Streetcar Project, which will bring modern electric tram service to the city and, despite lagging transit sales tax revenue, extended the LYNX light rail system to the University of North Carolina at Charlotte. At a time when many sprawl pressures are rising, expanding transit options for the city will spur economic development and improve access to jobs, education and medical facilities while putting our city on a more environmentally sustainable path. Working with a dedicated team of city staffers, we worked with Norfolk Southern Corporation to make the Charlotte Regional Intermodal Facility a reality. Last spring, we broke ground on a revolutionary center that will improve the efficiency of freight movement from Charlotte to ports around the world. We also opened the third parallel runway at Charlotte/Douglas International Airport, which increased capacity and will help the city and the region compete in our global economy. We have done so despite the resource-constrained environment in which we have had to operate because we know these investments create jobs.

I am an effective consensus builder, and I would enter this role believing strongly that there is truly no Democratic or Republican infrastructure. We all own what previous leaders built, and it is our responsibility to maintain, enhance and improve infrastructure for future generations. When the state of North Carolina received ARRA high speed rail funds, our legislature nearly rejected it. I helped build a bipartisan coalition of mayors to persuade them otherwise, and as a result, North Carolina is on track to implement high speed rail. More recently, as our transit sales revenues dipped, I have brought together a bipartisan group of elected officials, business leaders and other stakeholders to reimagine how to pay for our 2030 Transit Plan. We are looking at a variety of funding approaches that will include a mix of public-private partnerships, accelerating projects to reduce cost, tax-increment financing and other non-conventional sources. With enormous private capital sitting on the sidelines, we have an opportunity to create pathways for putting private capital to work to build America, just as we are looking to build Charlotte. If confirmed, I will bring to the USDOT not only the ability to work across differences,

but also the willingness to look at new approaches to solving national funding challenges.

These are just a few examples of my demonstrated transportation experience. They underscore not only my qualifications for the position of U.S. Secretary of Transportation, but also my commitment to improving all aspects of our Nation's transportation system. Transportation is the engine behind our economic recovery and future prosperity. My experience shows that I well understand the opportunities and challenges in this arena, and I am prepared to lead. If confirmed, I look forward to taking on this critical role for our country.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

If confirmed as Secretary, the ultimate responsibility for the Department's management and accounting controls rests with me. Under my leadership, USDOT would do its best to execute its mission efficiently and effectively, correct issues that will undoubtedly arise swiftly and be transparent and fair as we do so.

Working with my senior management team, if confirmed, I will ensure that DOT has the proper management and accounting controls in place and will work to continuously improve the Department's internal controls and financial management, as several recent reauthorization bills and executive orders also require. I am aware that the Department's annual financial audits for the last several years reveal a series of clean audit opinions with no material weaknesses identified. These audits do identify areas where improved processes and controls are recommended, and they will be one focus of my efforts. Furthermore, the Office of the Inspector General (OIG) regularly reports on its "Top Ten" recommendations to improve the conduct of the Department's programs and operations. This independent analysis and review of the Department's management should also be closely examined.

I note that my experience as Mayor of Charlotte is also helpful here. During my first term of office, Charlotte lost nearly \$200 million in revenue out of a \$1.8 billion budget. Despite that loss, we did not raise property taxes. We worked within our means. I have led the city to right-size its public safety pay plan, which was on the brink of insolvency, and supported single stream recycling efforts that have increased recycling activity by thirty percent while saving taxpayers \$40 million over 10 years. While doing so, we still put transportation bonds on the 2010 ballot, which passed overwhelmingly. And, perhaps most importantly, we have maintained our long-standing AAA bond rating.

20. What do you believe to be the top three challenges facing the department/agency, and why?

The USDOT under this Administration has compiled a strong record on safety, the most important focus of the Department overall. Let me say at the outset that, if confirmed, I will continue the effort to ensure America's transportation system is the safest in the world. That said, I see three major challenges facing USDOT.

*Efficiency and effectiveness.* We know that infrastructure investments generate jobs, putting people to work today while establishing important building blocks for future growth. Whether an interstate; bridge, airport, port or rail project, infrastructure helps America compete. USDOT is operating in a resource-constrained environment. In future years, it is possible that its ability to deliver on its mission may be compromised. As a Department, USDOT must work ahead of these risks to minimize such impacts by working as efficiently and effectively as possible. If confirmed, I will not hesitate to use the opportunities provided by MAP-21, for instance, to streamline our process and reduce costs to deliver higher value for the dollar. I will try my best to deliver savings that can mitigate the impact of future funding challenges.

However, even at our most efficient, we will not cut our way to national prosperity. I offer two promises in this regard. First, I will continue the work of using creative strategies to promote public-private partnerships. I believe we have opportunities through existing public-private programs and perhaps other tools to be developed—to bring more private capital into the infrastructure market place precisely when trillions of dollars of private capital remain on the sidelines. I will work hard, if confirmed, to deliver an efficient, effective, open and fair USDOT.

Second, we clearly need a funding plan for the Nation's infrastructure, and consistent with the Administration's priorities, I pledge to work with this Congress to help solve that problem, if confirmed.

*Implementing MAP-21.* Moving Ahead for Progress in the 21st Century (MAP-21), which took effect October 1, 2012, requires USDOT to make extensive programmatic reforms and consolidations, issue guidance, and coordinate successfully with State DOTs, transit agencies and other transportation stakeholders to deliver maximum value for the dollar. The bill contained approximately 100 statutory man-

dates for USDOT, which I understand the Department estimates will result in 5060 separate rulemakings over two years, including project delivery and performance measurement and target-setting in areas like safety, infrastructure performance, congestion and freight. I am further aware that the Department is also focusing on successfully implementing the expanded TIFIA Program and a new freight program, including creating a National Freight Advisory Committee and writing a National Freight Strategic Plan. If confirmed, I pledge to build on the work to date.

*Critical reauthorization legislation, including the development of successor legislation to MAP-21, PRIIA and RSIA.* The Passenger Rail Investment and Improvement Act (PRIIA) and the Rail Safety Improvement Act (RSIA) expire at the end of FY2013. Both have helped enhance safety, ridership, reliability, investment levels, and financial performance within the rail industry. MAP-21 then expires the following Fiscal Year. If confirmed, I look forward to working with Congress to reauthorize these important laws to create a safe, efficient, performance-based and integrated national transportation system.

#### B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

I currently receive a salary from the City of Charlotte for my position as Mayor. I also currently receive a salary from DesignLine USA, LLC for my position as Deputy General Counsel. If confirmed, I will resign from these positions.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain. No.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with DOT's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with DOT's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. Describe any activity during the past ten years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

As both Councilmember and Mayor of the City of Charlotte, I worked on behalf of the community regarding federal, state, and local legislation affecting the City's budget, operations, and public policy matters. As a member of the U.S. Conference of Mayors, I participated in various legislative matters brought before the Conference.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with DOT's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

#### C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain. No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain. No.

3. Have you or any business of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? If so, please explain.

I am aware of four civil suits in which I was named in my official capacity as Mayor of the City of Charlotte. None resulted in a finding of wrongdoing on my part:

*Mauney v. Obama et. al.*, Mecklenburg County Superior Court (May 2, 2011 to December 19, 2012): Plaintiff alleged violation of his constitutional rights by defendants (including the entire Charlotte City Council) claiming he was prevented from riding his bicycle around a protected perimeter before a 2008 campaign event. The case was dismissed by the trial judge.

*Mauney v. Obama et. al.*, United States District Court for the Western District of North Carolina (May 2, 2011 to December 28, 2012): Same claims as above. The case was dismissed.

*Bey v. Cooper et. al.*, United States District Court for the Western District of North Carolina (July 24, 2012 to August 14, 2012): Plaintiff alleged violations of his constitutional rights by multiple named defendants, in addition to violations of the Universal Declaration of Human Rights, due to his sovereignty in the Moorish Nation. The case was dismissed.

*Bey v. Officer Pictrus K., et. al.*, United States District Court for the Western District of North Carolina (February 9, 2012 to August 13, 2012): Plaintiff alleged violation of his civil rights by Charlotte officials. The case was dismissed.

Additionally, DesignLine USA, LLC, for which I am Deputy General Counsel, has twice been named as defendant in Federal civil litigation and once in North Carolina state court, though none of the cases resulted in a finding of wrongdoing on my part:

*Veolia Transportation Services, Inc. v. DesignLine USA, LLC* filed on 10/26/2011: Breach of Contract case dismissed.

*Danita Pharr a/k/a Danita Johnson v. DesignLine USA, LLC* filed on 04/05/2011: Job Discrimination case dismissed.

*Airborn Manufacturing, LLC v. DesignLine USA, LLC*, filed on 08/2009 (Gaston Co. Superior Court): Breach of Contract case dismissed.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain. No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain. No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination. None to my knowledge.

#### D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees? Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

#### RESUMÉ OF ANTHONY FOXX

*Anthony Foxx* was elected mayor of Charlotte on November 3, 2009, becoming the city's forty-eighth and youngest mayor. He began his political career in 2005 with his election to City Council as an At-Large Representative and served two terms before being elected mayor.

Foxx took office at a time when Charlotte—the second largest banking center in the U.S.—faced the deepest downturn since the Great Depression. Recognizing the

need to restore momentum, Foxx set three goals: strengthening and diversifying the area economy, improving quality of life, and building stronger relationships with state and Federal leaders to accelerate infrastructure work. Over three and a half years, Foxx has successfully worked to turn negative job losses into positive job growth, put more police officers on the street resulting in the lowest crime rates on record in Charlotte and has worked with leaders at every level to make progress on major road, bridge, airport, transit and regional rail projects:

- Foxx worked with former North Carolina Governor Beverly Perdue to accelerate the 1-485 outer belt loop using a creative design-build-finance approach, the first major project of its kind in North Carolina.
- Foxx joined with regional, local, state and Federal leaders on a successful push to repair of the Yadkin River Bridge, widely known as the worst bridge in North Carolina.
- Foxx worked closely with U.S. Transportation Secretary Ray LaHood and USDOT to finance a new streetcar starter project and light rail extension in Charlotte. The latter is the largest capital project ever undertaken by the city.
- Foxx, working with dedicated city staff, has helped to expand the Charlotte-Douglas International Airport, the sixth busiest in the world, including a new third parallel runway and intermodal rail yard.

Along the way, Foxx introduced a series of initiatives aimed at helping small businesses and focused on improving government efficiencies, public safety, and various social matters, including the implementation of the 10-year plan to end homelessness. These accomplishments occurred in a time when the City of Charlotte experienced revenue shortfalls of as much as \$200 million in its capital and operating budgets—and without a property tax increase.

During his first term, Foxx led a successful citywide bid for the Democratic National Convention. Mayor Foxx served as a co-chair of the Charlotte in 2012 Host Committee.

As a Council Member, Foxx chaired the Transportation Committee, where he helped shepherd the largest transportation bond package in the city's history, enabling Charlotte to take advantage of record low interest rates and favorable construction pricing to stretch city dollars beyond initial projections. Foxx also developed a reputation as a voice of regionalism through his work on the Mecklenburg-Union Metropolitan Planning Organization. As a member of the Economic Development Committee, Foxx worked with Charlotte business leaders to turn attention to urban "infill" development by setting aside business corridor funds that have been used to remove blight and build new developments in urban Charlotte.

Foxx received a law degree from New York University's School of Law as a Root-Tilden Scholar, the University's prestigious public service scholarship, and earned a bachelor's degree in History from Davidson College, where he also was the school's first African-American student body president. He is a member of the Mecklenburg County Bar and a graduate of its Leadership Institute. He is also a member of the North Carolina Bar and an Aspen Rodel Fellow.

Foxx has been recognized as one of *The Charlotte Business Journal's* "40 Under 40" and received the North Carolina Bar Association's Citizen Lawyer Award.

Prior to joining DesignLine USA, LLC as Deputy General Counsel in 2009, Foxx was a litigation attorney at Hunton & Williams. He also served in all three branches of the Federal Government, as a law clerk on the United States Sixth Circuit Court of Appeals, a trial attorney for the Civil Rights Division of the United States Department of Justice, and staff counsel to the United States House of Representatives Committee on the Judiciary.

He and his wife, Samara, have two children, Hillary (8) and Zachary (6).

The CHAIRMAN. Thank you very much, Mayor Foxx.

I am going to keep my questions very, very few so that everyone is able to ask their questions. We have 13 people here, at least on the list, which is very unusual.

This question is about transportation silos—the stovepipe concept which pervades so much of our government. In order to have a 21st century transportation system, all of our intermodal work must be done together. That means thinking strategically about how to invest limited Federal funding. Nevertheless, Federal programs are siloed. They always have been; maybe they will always

be. Maybe that is just the nature of a bureaucracy, but it is a bad nature and one which you can undo. We have to address highways, we have to address rail transit issues separately, preventing us from developing a comprehensive strategy across the board.

So my question is, do you think it makes sense to move beyond the current formulaic funding programs toward a more multimodal strategic model? And, how did multimodal programs like TIGER help you address transportation needs in Charlotte?

Mr. FOXX. Thank you for the question, Mr. Chair. And I will say a couple of things on this point.

I do believe that a multimodal approach is necessary to move our country forward. We have a variety of transportation systems in this country. All of them are important. But I do think that we have to work in a way that helps communities, states, and local governments, as well as the Federal Government, move this country forward in a very robust way.

To accomplish that, I do think there are some models that have already been done at the Federal level that have allowed for multimodal approaches to transportation. You mentioned TIGER, which is one of them.

In Charlotte, we have had a good experience with TIGER. We used it to help us build extensions to our platforms for our light rail line. And, interestingly, the reason why we needed to extend them was because of the very point that you made about the siloed approach. We weren't able to build the platforms correctly the first time, so TIGER helped us get those extended.

We have also looked across our region at various projects that are of regional significance, such as the Yadkin River Bridge, which received a portion of its funding from TIGER to help repair one of the worst bridges in North Carolina.

I think that we have to continue thinking in a multimodal fashion. You have my commitment to work on those issues and to try to help us reduce some of the siloed thinking and to improve and enhance the infrastructure in this country.

The CHAIRMAN. Let me ask a quick second question. Let's suppose you were going to be the veterans administrator. Just thank God you are not, for your sake.

[Laughter.]

The CHAIRMAN. Two hundred and twenty thousand people work for them, and they have spent a lifetime, with some very good VA directors and some not very good VA directors, trying to figure out how you take a bulk of people that large who have a common mission and then get down into that level where people who have been there 15 to 30 years—so they don't make the decisions, but they actually do make all the decisions because the piles of paper that they say yes or no to are the ones they do. And that mentality is killing our government. You can see it in some of the discomforts, to say the least, that are coming out these days.

Roosevelt used to reach down to the midpoint of an agency, and he would call people up, infuriating Cabinet members, call people up who had been there for 20 or 30 years or whatever and say, well, what are you doing, how could you be doing it better, what gets in your way, and what do you think is wrong.

How do you take something like the Department of Transportation, which is already siloed just by nature of all the different modes of transportation, and try and get it working together from an organizational point of view?

Mr. FOXX. Well, a couple of things, Mr. Chairman.

You may be surprised to know that local government can be siloed, too. And I can tell you from my experience as mayor that I have worked very hard to break down some of those siloes, even across governmental lines. In Charlotte, we have a different school board, we have a different county commission, and I have done more to try to help our schools and to help our county in some situations that have broken down some of those barriers.

But having said that, to your point, I do think you have some successes to draw upon, and TIGER is one of them.

TIGER has required the department's teams to work across modes to figure out how to invest in the most impactful projects across the country. And I think that is an opportunity that we could continue to extend into other opportunities.

I also am aware that we have an opportunity with reauthorizations that are forthcoming to continue this conversation and to look at a performance measurement base using data and real, hard information to figure out which projects will be most impactful.

I will also say one final thing, which is that at the local level and the state level many of our governments in states and local governments are already thinking across modes and have plans that actually draw on this very idea that you have mentioned. And we should listen to them because they have good ideas for how to extend our transportation network and make us globally competitive.

The CHAIRMAN. NextGen is just desperately important to me, because without it our airways will be clogged as more planes come online, people will get angrier and angrier, and you may have more accidents. The FAA doesn't have the money to build NextGen. If we don't build NextGen, we are not going to have the money to do almost anything; people won't be able to travel efficiently.

When you think of NextGen, does it excite you? Is it something that you want to see get going? How in heaven's name do we come up with a way to fund it?

Mr. FOXX. Mr. Chairman, I suspect that NextGen is an area in which there is broad support, including mine, by the way, to help not only get it built on schedule and built out on schedule but perhaps even to accelerate it.

I think one of the things that we have an opportunity to do is to engage the stakeholders, the folks that stand to benefit the most from NextGen, in a conversation about how we actually get there.

The good news is that we are seeing some of the fruits of NextGen already. Pieces of it have been deployed, the Metroplex project in Houston, and there are others around the country that are already starting to happen.

I think it is an exciting opportunity to use technology to make our airspace safer, to make our airspace more efficient, to save our carriers money, and to improve the travel experience for many passengers.

The CHAIRMAN. Thank you, sir.

My distinguished colleague, Senator Thune.

Senator THUNE. Thank you, Mr. Chairman.

Mayor Foxx, the oversight of the activities of government departments and agencies is a serious responsibility of all members of this committee. If confirmed, do you pledge to give thorough and timely responses to requests for information and other correspondence to all members of this committee?

Mr. FOXX. Thank you for the question, Mr. Ranking Member. And I will tell you that my goal as transportation secretary, if confirmed, would be to be as open and transparent as possible and to do my very best at all times to be responsive to this committee and to members of this Congress.

Senator THUNE. I would like to point out that there are several outstanding letters that I sent, along with the House Transportation and Infrastructure Chairman Shuster and with Chairman Rockefeller, to the FAA and DOT that remain unanswered. They are items that, in my view, need to be fully answered before I can support your nomination being reported from the Committee.

And so I just wanted to make sure that, in terms of the responsiveness of the department to the members of this committee, that we would get your response on the record in terms of your intentions in that regard.

Mr. FOXX. Yes, sir.

Senator THUNE. Let me ask you, there was the big issue that came up here in the last few months in the way that the Department of Transportation and the Federal Aviation Administration handled spending reductions as a result of the Budget Control Act. The DOT and the FAA had over a year to plan for implementation of reductions, but the poor planning resulted in disruptions in FAA staffing and delays for passengers across the country.

The Budget Control Act is the law of the land, and unless a grand bargain comes together, I think many of us agree that agency leaders should be prepared to plan for the contingencies of budget caps in the Budget Control Act.

And so my question is: what experiences have equipped you to plan toward delivering safe and efficient air traffic control services within the current budgetary realities?

Mr. FOXX. Well, Mr. Ranking Member, I will say a couple things.

As a mayor, I serve in a capacity in which we have to balance budgets and we have to work within what is there, and I have lots of experience in doing that. When I took the oath of office in Charlotte in 2009, our revenues were \$200 million less than what they had been the year before, and we had to work within that. We didn't raise taxes to get there; we actually had to work within the resources.

And we found some innovative ways to do it. We were able to negotiate a new public safety pay plan. We were able to reduce the range of pickups and recycling projects. And we outsourced our recycling, which allowed us to increase recycling 30 percent and save \$40 million over a 10-year period. So I have experience at working within the means to get there.

On a broader point that you raise, I hope that this Congress—and I will be a partner in trying to help get us there—can achieve a broader answer to our budget challenges as a country in a balanced way. The President has put some ideas on the table. I know

there are some ideas around Congress. And I think that is an important conversation that needs to be had.

If we are left with sequester, it would be my goal to do an effective job of working within the administration and working with this Congress to have a no-surprises result, and that is what I will be trying to do.

Senator THUNE. OK.

Shifting modes here: As secretary, what role do you see yourself playing in the reauthorization process when it comes to MAP-21? The highway bill expires at the end of the next year. We are going to be going through that process again. And I am wondering what your thoughts are with respect to that particular process and what role you see yourself playing in it.

Mr. FOXX. Well, I would like to be an active participant in the discussions about reauthorization of MAP-21.

Of course, we are about 7 months into the bill as it is. And it is a 2-year bill that achieves many things that I think are important, such as looking at performance measures. There are more than 60 rulemaking provisions that are contained in the bill.

But, clearly, we need a longer-term surface transportation bill. We need a longer-term answer to the sustainability of our funding sources. And those are questions that I want to be an active advocate, both within the administration and with Congress.

Senator THUNE. With regard to this issue, there always seem to be more projects than there is funding, and I am curious, as mayor, how you have gone about setting priorities when it comes to determining which projects get funded and which don't.

Mr. FOXX. Well, you know, Charlotte has had a long history of working very carefully with state and Federal partners to get projects done. And in a city, there are some situations in which there is a state road and you need state help to be able to get that road completed or expanded. And we have had great success making the case for that, using regional partnerships not only within the city but in some of the rural areas around the city.

Within the City of Charlotte, in terms of our budgeting, we have had to make some very tough choices. We have, over the past couple of years, been talking about a significant capital program, but that program is about a fifth of the size of the needs of projects that we have within the city.

So we are working very hard, we are always working to make our priorities. But here is how I would look at it from a transportation perspective: Number one, which priorities are going to be the most helpful in helping us ease some of our mobility challenges, connecting people to jobs and to the global marketplace and leverage what is there? In Charlotte, we try to leverage housing and other commercial developments that are near our transportation systems.

There are some other considerations that may exist in places that aren't as urban as Charlotte, and we want to be very sensitive to that, and I certainly would be as transportation secretary.

Senator THUNE. One final question. You have a 53,000-employee staff, workforce. The American people, a lot of people depend upon you, look to you, and need to be able to build trust. We have had

some recent examples of government agencies where that trust has broken down.

Give me just a little bit of your thoughts about how you would build that kind of trust and credibility, not only with the people that would be under you but also with the American people who will be looking to you for leadership.

Mr. FOXX. Well, I think one of the most important things is to be present. One of the things that I have learned as mayor is that you can't stay in the bubble of your office. You have to go out and you have to see what is happening on the ground, and you have to talk to people, both within the department and out in communities where projects are happening. That is how you learn, that is how you build the connection, that is how you build the trust.

And with each member of this committee, I have had some wonderful interactions with all of you. And I happen to feel that there is real agreement on this committee that infrastructure is an important goal for this country. And I look forward to working with you to advance the interests of infrastructure.

Senator THUNE. OK.

My time has expired. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Thune.

For my colleagues, it now says there are no votes before 4:35, so we can relax a little bit.

Senator Blumenthal?

**STATEMENT OF HON. RICHARD BLUMENTHAL,  
U.S. SENATOR FROM CONNECTICUT**

Senator BLUMENTHAL. Thank you, Mr. Chairman.

And congratulations, Mayor Foxx. And my thanks to you and to your family for your willingness to serve and your service in the past.

As you know, my state has just been through a major transportation crisis, an incident that certainly speaks to the need for investment, not only in rail but in all forms of transportation, but most especially rail, because I think that this incident, an accident that could have cost even more lives, caused more injuries, and done even greater damage, fortunately was less severe than it might have been. And that fact is due to the investment that was made in the most advanced, at least to date, the more advanced type of railroad cars, the M8 railcars, on the Metro-North line, which most likely prevented more injuries and limited the severity of the ones that occurred. Fortunately, there have been no fatalities.

The lack of investment in our rail lines, in our tracks and other equipment, has left them without important quality and safety upgrades. So I would like a commitment from you that you will prioritize investments in infrastructure and safety measures for all of our railroad lines but most especially in the Northeast Corridor.

Mr. FOXX. Well, thank you, Senator. And let me say that the tragic collision in Bridgeport is one that all of us as a country feel, and it speaks to the issue of maintaining a good state of repair with our existing infrastructure.

And you have my commitment to keep safety as the number one priority, whether it is rail or any other mode of transportation. And

as we look to reauthorization of rail legislation going forward, I look forward to working with you to make sure that is a priority, specifically in the Northeast.

Senator BLUMENTHAL. And I think what that collision or accident shows is that our rail lines are deteriorated and outdated and decrepit in many sections of that Northeast Corridor. Would you agree with me?

Mr. FOXX. Well, I think we have some general challenges with state of good repair, and I think rail is one of them. And I know of some tracks that are probably 100 years old that haven't been repaired adequately in the past, so yes.

Senator BLUMENTHAL. In my view, this incident really can be a teaching moment. And I hope that you will be one of the teachers. I hope that you will take your message as a very articulate and powerful spokesperson on the road.

And I want to make you an offer that maybe you can refuse but I hope not: that you make one of your first trips to visit us in Connecticut, specifically in Bridgeport, and come with me to the site of that collision.

Mr. FOXX. Well, I would look forward to it.

Senator BLUMENTHAL. Let me be more specific. You have made the offer, and I am grateful for it, that you will work with me, but I would ask you to work with our entire delegation in developing a consensus around the Northeast Corridor rail financing plan. And that really relates not only to Connecticut but really to the collection of states that depend on this vital artery—it is an artery—that right now is back in operation but for a time, because of that Bridgeport accident, was essentially choked and strangled in the ability to move people and freight and other essentials along that Northeast Corridor.

And I am hoping that you will work with our delegation and with representatives and senators from throughout our region.

Mr. FOXX. I will.

Senator BLUMENTHAL. Let me also ask about perhaps some of the advances in technology and science that have to do with rail transport that perhaps we can help to implement. Are you aware of advances in the technology that would prevent such accidents?

Mr. FOXX. Well, let me say this, that I am aware that the Federal Rail Administration has inspectors on the ground in Bridgeport today. The National Transportation Safety Board will conduct an investigation into the cause of the collision. And so, as that process moves forward, we need to react to the problems that are identified.

So I don't want to presuppose to know the exact answer to exactly what caused it. I think the investigation will reveal that. But it will also reveal that we have some critical infrastructure needs in the country.

Senator BLUMENTHAL. And I agree with you that we should not be prejudging the results of that investigation. The National Transportation Safety Board, I will say very commendably, was on the scene literally within hours. An investigator was there that night. And I met with Earl Weener, the board member who was assigned to this responsibility, along with a very able team, that very next morning.

So we don't want to prejudge what the results will show, but I hope—here is my main point about the investigation—that it will be done more quickly than perhaps the projections are right now. They are talking about a year before results and recommendations are available.

I think that it ought to be expedited. I hope that you will do whatever you can—I know it is an independent board—to assure that we know what the results are. Because, right now, we are focusing on the track. We know of the fracture; we are not sure whether it was the cause or the result. But anything you can do to expedite it will be appreciated.

Mr. FOXX. You have my commitment to do all within my power to get a quick investigation done.

Senator BLUMENTHAL. Thank you.

And in the less than a minute that I have left, I would like to ask for your continuing support for our air controllers and air control towers, the contract control towers, which we and the Congress have said are vital to air safety, economic development, and jobs in those areas served by the airport. And Secretary LaHood has reaffirmed his commitment; I hope that you will, as well.

Mr. FOXX. I am committed to them. I want to thank you for your help with some of the legislation that was passed recently to avoid further conversation about closures, at least for the time being. And I look forward to working with you on those issues going forward.

Senator BLUMENTHAL. Thank you, Mayor. And thank you very much for your commitment to public service. And, again, thank you to your wife and your children, as well.

Mr. FOXX. Thank you.

The CHAIRMAN. Thank you, Senator Blumenthal.

I am unendingly embarrassed here because, according to order of arrival, Senator Klobuchar and Senator Cowan are the next two. And I expect to have a revolt on the Republican side, people walking out on me, throwing things out me.

[Laughter.]

Senator COWAN. I concur, sir.

[Laughter.]

The CHAIRMAN. Senator Klobuchar?

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

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

Thank you, Mayor, for being here. And welcome to your wife, as well. This is probably one of the most pleasant hearings on the Hill today, and you have—

[Laughter.]

Senator KLOBUCHAR.—you have clearly done your homework, so thank you for your good work.

I enjoyed our meeting. And after you visit Connecticut, I hope you also come to Minnesota and see our 10,000 lakes and our beautiful new Twins stadium. I can't promise the Twins will win, but we would love to have you there.

And I think you would also see the Central Corridor, our light rail system, near up and running, as well as a number of highways

that need a lot of work. I was just visiting just this past week with people near Rogers, Minnesota, where Highway 94 is a bottleneck in a certain area; U.S. Highway 10 in Anoka, Minnesota, which is adjacent to nine towns and is considered one of the fastest-growing corridors in the U.S.

And, clearly, the funding issues on the Federal side. While Senator Boxer and Senator Inhofe did an amazing job getting that bill done, and Senator Rockefeller and this committee had a lot to do with that as well, there is more to be done.

And last Congress, I introduced the Rebuild America Jobs Act, which would have provided \$50 billion for direct infrastructure investments. Some of the work that Senator Blumenthal talked about could have been paid for; some of the work that we saw needed to be done after that bridge collapsed in the middle of the Mississippi River just six blocks from my house on a beautiful summer day. And as I said that day, when that eight-lane highway headed into that river, a bridge just shouldn't fall down in the middle of America, but it did.

This money is similar to what the president has put forth in his Fix It First proposal in his recent budget. A similar proposal was included in the recently passed Senate budget.

How would you partner with Congress to help move forward on some of these ideas? What do you think of this idea of a public-private infrastructure bank? What do you suggest we do to get the kind of funding that we need to really get goods to market and make this country strong again for infrastructure?

Mr. FOXX. Well, thank you for the question, Senator.

And, you know, when a bridge collapses in America, and the types of pain that is experienced by communities when something like that happens, it is inexcusable. And yet we do have challenges figuring out a long-term path to funding our infrastructure.

And for that reason, we should be looking both in the box and out of the box at ways to help us get that infrastructure built. And I happen to think that the idea of an infrastructure bank is a good idea. It is not a complete solution to every problem we have, but it is another way that we can get progress made on our infrastructure, both repair and new projects.

Senator KLOBUCHAR. Very good.

During his tenure, Secretary LaHood made ending distracted driving a priority. And I think some strides have been made, but, as you know, it is still a major problem when you look at the statistics. I think it just came out recently as the major cause of driving deaths with teens.

And do you intend to keep this a focus of the Department's work?

Mr. FOXX. Let me say that one of Secretary LaHood's legacies will be the real push on distracted driving. And I think he has baked that into the DNA of the Department of Transportation. And I don't think you have anything to worry about in terms of that issue continuing to be one that will be a focus.

I am aware that 10 percent of our roadway fatalities are tied to distracted driving, and if we can eliminate that 10 percent, we save lives.

Senator KLOBUCHAR. Exactly.

Well, now that you have your new job, you are going to be dealing with things like snowmobiles, something you might not have in North Carolina.

[Laughter.]

Senator KLOBUCHAR. And I worked hard with several of my colleagues to ensure that the Recreational Trails Program was maintained in MAP-21. This program is very important in my state as well as other northern states. RTP funds off-highway vehicle, snowmobile, and nonmotorized trail uses and derives its funding from gas taxes paid by off-highway vehicle users when they fill up their machines.

If confirmed, will you work to ensure that this valuable program continues to meet the needs of all trail users in Minnesota and across the nation?

Mr. FOXX. I would look forward to working with you on those issues, for sure.

Senator KLOBUCHAR. OK. Well, we will talk more about it.

Mr. FOXX. You got it.

Senator KLOBUCHAR. Maybe we will get you out on a snowmobile.

One of the few industries to enjoy an exemption from antitrust laws is the freight railroad industry. I know that Chairman Rockefeller has been working on the Surface Transportation Board reforms to address this issue. I support the work that he has been doing.

The other way to do this is to simply get rid of the exemption. This actually came through the Judiciary Committee on a bipartisan vote.

Are you aware of the shipper concerns about the high prices that many shippers are paying—we call them captive shippers—at the very end of a line, particularly in rural areas?

Mr. FOXX. I am aware of the issue. It is one that I would like to drill down a little bit more and study a little more and hear from some of the stakeholders. But I am definitely aware of the issue and look forward to working with you and the Chairman on that.

Senator KLOBUCHAR. Just remember the numbers 63 and 4. We used to have 63 rail carriers; we now have only 4 major rail carriers, which happens to be the exact number on the Monopoly board.

[Laughter.]

Senator KLOBUCHAR. So we think that there needs to be some work done here.

We need to continue to work to improve general aviation safety in this country. One of the most promising initiatives involved re-writing regulations for smaller airplanes. It is called Part 23. It will enable better safety technologies to be fielded to address issues like loss of control, which is the number one case of general aviation accidents.

I am introducing a bill with Senator Murkowski of Alaska to push this effort forward at the Federal Aviation Administration. And I hope you will look into this bill, and we would love to have your support for this work.

Mr. FOXX. I will look forward to looking into it.

Senator KLOBUCHAR. Well, very good.

Again, I just want to thank you. We have some other questions I will put on the record on air traffic controllers and towers, such an issue for so many of us, to make sure that they are maintained.

And also I truly think it is great to have a mayor in this role. I know if Senator Begich was here, he would welcome it. I think mayors have a sense of knowing on the front line what is going on, and we need that in a transportation secretary.

I was sitting here remembering the former mayor of Minneapolis, who is quite old now, but he once told me the story that he got a call on a Sunday from a constituent who said that the trash was not picked up in his neighborhood. And the Mayor said, "You know what, look, buddy, I will give you the number of our public works person; you can call him directly today on a Sunday." And the constituent paused and he said, "I know who that guy is, but I don't want to bother him on a Sunday."

[Laughter.]

Senator KLOBUCHAR. And so I think that you will be—as we talked, many of us believe Secretary LaHood did an amazing job in working with Members of Congress and local communities and mayors, understood that frontline ability to accomplish even more if you understand what people need in their areas and understand Senator Blumenthal's concerns about Connecticut. And I hope that you will bring that forward from your work as a mayor and never let that go.

Mr. FOXX. Thank you.

Senator KLOBUCHAR. Thank you.

The CHAIRMAN. Thank you, Senator Klobuchar.

We have achieved here a Mikhail Gorbachev moment of historic proportions. For the first time in my memory, we are breaking the order-of-arrival sanctity, and Senator Cowan has, with utmost graciousness, yielded his place to Senator Scott.

Senator COWAN. From one member of the senatorial black caucus to the other.

[Laughter.]

**STATEMENT OF HON. TIM SCOTT,  
U.S. SENATOR FROM SOUTH CAROLINA**

Senator SCOTT. Senator Cowan, I thought it was perhaps because Mr. Rockefeller thought I was Senator Cowan.

[Laughter.]

Senator SCOTT. Thank you very much, Senator. I am glad that you know the difference, at least. This is good.

[Laughter.]

Senator COWAN. Yes. In the spirit of getting the last word on this, I am glad we are both here together so we can put truth to the rumor that there is only one of us.

Senator SCOTT. Absolutely, yes, sir.

[Laughter.]

Senator SCOTT. Let's talk on June 26.

[Laughter.]

Senator SCOTT. This probably is perhaps the most amazing confirmation process I have seen so far in my short term in the Senate. I will tell you that so often I hear pointed questions with pointed responses and a lot of deliberation about nothing. Today I have

heard very kind comments and perhaps still a lot of deliberation so far about nothing. So let's get to a couple very important issues.

Mr. Foxx, Mayor Foxx, it is good to have you with us. It is very good that you took the time to meet with me a couple days ago. And, certainly, as a mayor of a city, I certainly have an affinity for folks who have served locally, having served myself. I know that you probably recognize that most of us who have served in local government have had an opportunity to serve on the aviation authority, local highway transportation commissions, as well as transit organizations. So your footprint and your involvement in local transportation needs is impressive.

A couple questions that come to the national level, to the Federal surface, would be one that has to do with the process that some states are going through, North Carolina perhaps being one of the leading states, as it relates to tolling interstates.

I will tell you that, from my perspective, tolling I-95 would be a disaster for a couple reasons. Number one, I think it would transfer parts of the transportation routes to secondary roads that may not be as safe. And, second, I think, because they are not as safe, it will actually raise concerns as it relates to transportation on those secondary roads.

So my question to you really is, what is your position on the plan North Carolina has as it relates to tolling I-95, and what would be your approach as the secretary of transportation going forward?

Mr. FOXX. Well, thank you for the question, Senator.

Tolling, in my work as mayor, it has a place, but it is sort of like when we were talking a little earlier about an infrastructure bank; we are not going to toll our way to prosperity as a country. It is a tool that can be used in some instances, for example, to add capacity and to pay for that capacity privately. But I don't think it is a complete solution to how we deal with our surface transportation issues.

Senator SCOTT. I would say that, as your neighbor to the south, the tolling impact would be harmful from our perspective. So we hope that you take a serious look at the entire corridor as it relates to the tolling process.

The second question comes really from the area of the TIGER grants. TIGER grants have been celebrated as a success, providing much-needed resources to the local level. I will tell you that there seems to be, according to GAO and the DOT inspector general, they have both raised some concerns as to how the awards are made.

How do you plan to ensure that these grant projects will be selected on a transparent, merit-based system?

Mr. FOXX. Thank you for the question, Senator.

And, first of all, I am hopeful that we have some funds down the road to do future TIGER grant opportunities. But having said that, you have my commitment to be fair and transparent about how the department would work on those issues.

TIGER is a challenging thing to evaluate, and I would like to take some time to look at the GAO study and maybe have some more conversation with you about it.

Senator SCOTT. That would be great.

Mr. FOXX. But when you are, as the Chair mentioned, looking across modes and trying to get the highest impact out of the var-

ious projects you could do, there is bound to be some controversy about which projects were more meritorious than other ones.

Having said that, I think TIGER has done a great service to our country by rewarding innovation and helping local communities and states really prioritize and try to figure out which projects will be the most impactful catalysts.

Senator SCOTT. I would tell you that a project-specific, merit-based system would be welcomed versus what sometimes appears to be a district-specific, red districts versus blue districts, funding formula that seems to be en vogue at times.

My final question—and I will try to do something that seems to perhaps be celebrated by my colleague from the North, is to reserve and give back the balance of my time, which I want you to pay attention to that, as we have 7 minutes instead of 5.

I would say that I would echo the comments that you have heard about towers. The importance of them cannot be overstated. It is a major part of the economic engine of our nation. We should protect it. I think we have done a good job in the last several weeks in making sure that happened. I would just encourage you to continue.

My final question is on this notion of aviation user fees. The idea pops up and down very often. It seems to be back. The administration had it in their budget. Congress has rejected it repeatedly.

I would hope that you would find it within your approach to being the secretary of transportation where you would find alternative solutions as opposed to having a user fee, which would of course be cumbersome and challenging in the aviation footprint.

Mr. FOXX. Thank you. I will say that my approach to this role would be the very same approach that I have as mayor, which is I want to hear from all stakeholders on various questions that involve industry. And that doesn't always mean agreement, but what it means is that I want to get to a point where I can say the talking points for people on a variety of positions. And that is what I would endeavor to do in my role.

Senator SCOTT. I will yield my 68 seconds to the senator from Massachusetts.

The CHAIRMAN. Who will generously accept it.  
Senator Cowan?

**STATEMENT OF HON. WILLIAM COWAN,  
U.S. SENATOR FROM MASSACHUSETTS**

Senator COWAN. Thank you, Mr. Chair and Ranking Member Thune, my friend from South Carolina.

Mr. Mayor, greetings and congratulations. Good to see you again.  
Mr. FOXX. Thank you.

Senator COWAN. Congratulations to you and your family, your lovely wife, Samara, and your beautiful children. And welcome to Washington, D.C.

If confirmed, I am confident you will be—as I hope you will be, and I am sure you will be—you will serve this country well as the head of DOT.

It is clear from our conversation not just the other day but conversations you and I have had in your capacity as Mayor of the Queen City of North Carolina and mine as Chief of Staff of the

great Commonwealth of Massachusetts that you truly understand the importance of transportation, not just the means from getting from here to there, but as a method of opening up economic opportunity, creating jobs, and fostering healthier communities.

And I hope that we continue to have a rich conversation today about projects that are critical to Massachusetts that you know are near and dear to my heart.

One of those, of course, is the South Coast Rail project. I know Governor Patrick has spoken with you about this previously; you and I talked about it last week. This is a project that I think is a great example of the transformative power of transportation, rail in particular, which would open up the entire south coast region of Massachusetts to opportunity untold.

We have been working for years to try to bring this to fruition, and I thank Secretary LaHood for his efforts on that behalf. That said, you know, we are still not where we need to be, and we have been working with the Army Corps of Engineers to try to move things along. We are waiting for some environmental studies.

And so my first question to you is, when you come up north to visit Senator Blumenthal and the folks in Connecticut, I trust you will stop in Massachusetts, come see where we are on the South Coast Rail project.

And I hope I can get your commitment that you will continue to look at this project for what it is, a great opportunity not just for Massachusetts but the whole northeast region and the Nation to spur economic activity, and that you will work with us and the Army Corps of Engineers to move this project along, a project that is long delayed.

Mr. FOXX. I look forward to, if confirmed, visiting you and learning more about the project and trying to do what we can to help.

Senator COWAN. Good. You come anytime; I would be happy to drive you down there myself and see all the prosperity that is just waiting to unleash.

In addition, we have been working on the expansion of the MBTA Green Line project. You and I discussed this last week. It has been a source of contention. This is a project that former Governor Mitt Romney signed into law as a condition of the so-called "Big Dig" project, and we are looking to complete the work on his pledge. And we have had some starts and fits with Transportation, who wanted to see more of an effort on the state side. And as I mentioned to you last week, that effort is in place and the results are there, and we are ready to move forward.

Again, I am hoping I can count on you. When you come to visit, you will sit with our state transportation officials and the local officials in Somerville, Medford, and the surrounding towns to talk about the economic opportunity that, again, is waiting for this rail line to bring forth.

Mr. FOXX. Yes, sir. I can tell you from my experience in Charlotte, and the senators mentioned this in their introduction, that transportation investments have a variety of benefits, and sometimes mobility is the thing that is the most important; sometimes it is mobility and economic development.

And we have seen this type of progress in Charlotte with the light rail line, which was \$462 million of public money split be-

tween the Federal, state, and local governments. It is now generating \$1.4 billion of private investment.

So I am very familiar with how infrastructure projects can be catalysts for other things. And those things are usually good for jobs and economic development.

Senator COWAN. And the last Massachusetts-specific project, because I am sure some of my colleagues are growing weary of me talking about Massachusetts projects, but the Worcester Airport. Secretary LaHood has been very cooperative and a great partner with us in opening up that modal for expanded growth in the second-largest city in Massachusetts, which is in the center of the state.

And I am pleased to say that, while I was saddened to see Lieutenant Governor Tim Murray today announce that he was stepping down, I am pleased that he is going to run the Worcester Chamber of Commerce. And I know you know him as a former mayor. And he is going to bring great energy to that job.

Worcester is important to Massachusetts, as is that airport. I am hoping that you will take the time to see how, again, that airport, that venue is going to open up the region and you will continue the support that Secretary LaHood has been providing in recent years.

Mr. FOXX. I will look forward to going up and checking it out.

Senator COWAN. And I will go with you.

[Laughter.]

Mr. FOXX. OK. Thank you.

Senator COWAN. Last but not least, Mr. Mayor, I would love to hear you talk a little more—Senator Klobuchar talked about the infrastructure bank. And you mentioned, I believe, in your response that you see value in the infrastructure bank. It is perhaps, I think to paraphrase you, it may not be the only answer.

Could you expound on that a little bit and perhaps any other thoughts you may have about how we take advantage of what little resources we have right now or what new resources are needed to really grow our infrastructure and deal with some of the state-of-repair issues that you and I know are holding us back, so that we can make sure our roads and bridges are safe and productive for our economic needs?

Mr. FOXX. Well, thank you for the question, Senator.

We are seeing, even in this situation in which many local and state governments are stretched, some real creative strategies that are happening at the local and state level. And the idea of an infrastructure bank picks up on a lot of the conversation that state and local leaders are having.

What an infrastructure bank allows us to do is to capture some of the trillions of dollars in the private markets that are sitting on the sidelines, not being reinvested in this country, and creating a pathway for those dollars to be put to work to build America.

The administration, and through the legislative efforts of this committee and others, have built tools that are in use already, like TIFIA, private activity bonds, Build America Bonds.

What I would bring to the Department is not just, you know, advocating for those specific tools, but I will keep looking at my partners in state and local governments who are coming up with some great, creative ideas and working to mine those ideas and bring

them to the Federal level or provide the type of assistance at the Federal level that can help those ideas continue to move forward.

Senator COWAN. Thank you, Mr. Mayor. I see my time has expired. I just want to say, from one native North Carolinian to another, I wish you well.

Mr. FOXX. Thank you very much, Senator.

The CHAIRMAN. Thank you, Senator Cowan.

Now Senator Fischer, to be followed by Senator Cantwell, to be followed by Senator Cruz.

**STATEMENT OF HON. DEB FISCHER,  
U.S. SENATOR FROM NEBRASKA**

Senator FISCHER. Thank you, Mr. Chairman. I appreciate it.

Mayor Foxx, it is so nice to see you again, and I—

Mr. FOXX. Nice to see you.

Senator FISCHER—welcome you to the Committee and appreciate you taking the time to be here to answer our questions.

Mr. FOXX. Thank you.

Senator FISCHER. As we discussed in our meeting, I previously served as Chair of the Transportation and Telecommunications Committee in the Nebraska legislature, and so I have a huge interest in infrastructure issues. I believe infrastructure is a core responsibility, a core priority for government, and at the Federal level I believe it is only second to our national security.

Without efficient, secure, and reliable infrastructure, our country will falter. Whether it is roads, bridges, ports, airports, infrastructure is the backbone of our economy and helps to maintain strong communities all across this country.

And the Federal Government plays an important role. It plays an important role in the funding and the managing of our national infrastructure system. However, this must be in a responsible manner that is worthy of those hard-earned taxpayer dollars.

As you know, the Department is huge. It has a huge budget. And I believe we have to find ways to streamline that department. We need to find efficiencies. We need to figure out how we are going to stretch the revenue that we have available so that we can meet the needs all across this country.

As we talked about looking for those efficiencies when you were in my office, I asked you if you had any examples. I am wondering at this time if you have had the opportunity to visit with some people in the department in order to maybe tell me some examples where you might look for efficiencies within that huge department.

Mr. FOXX. Well, let me try to break the question down because I think there are several components to it that are relevant and responsive.

The first place is, there are enormous amounts of dollars that flow into project-specific infrastructure. And I think we have opportunities to look at how we can streamline the delivery process for projects, which could help us achieve savings and help our stakeholders achieve savings at the state and local levels.

So, from that standpoint, there is actually through MAP-21 some progress in helping us move toward performance measurement, using data and other tools to help us achieve some of those objectives. Of course, that is not across all modes, but it is a start.

There is also the possibility of savings that are created to external stakeholders. And I would say NextGen is a good example of that. NextGen gives us an opportunity to save our air carriers millions of dollars in fuel by developing more precise air routes and preventing this, I think it is, like, 7 million gallons of fuel that will be saved potentially by 2020 as a result of it.

Well, if we are able to obtain those types of savings, that gets to the bottom line for the carriers and, ultimately, we hope, to the passengers who are using those carriers. So I think that technology gives us the ability to create more efficient systems that end up having a good bottom-line effect.

The third component of your question I think gets to operational savings. And there, I think there is still the potential for technology to play a role there. I am not in the department today. I would like to, if confirmed, get there before I start having a whole lot of conversation about what kind of operational savings might be achieved. But it is something that I definitely have my eye on because, in this environment, dollars that we save can be repurposed and pushed into other projects.

Senator FISCHER. Nebraska is a state of distances, and we understand the importance of our highway system in order to promote commerce, in order to promote the safety of citizens all across our state, in order to connect us all. And we are concerned, as other states are across this country, about lack of sufficient revenue to not just maintain our roads and maintain our bridges so that they are in safe condition and can handle added capacity as needed but we need to build. We need to build.

The Federal Government has a role in that. They did years ago with the interstate system. You know, it connected us as a country. It provided for growth of our economy. Where do you see us headed? Where do you see us headed? Where is this secure, certain, stable source of revenue going to come from?

You know, we can talk about an infrastructure bank, but that is not going to work either unless we have a dedicated source of revenue going into it. So where do you see that coming from?

Mr. FOXX. Well, thank you, Senator, for the question. And I think the answer, perhaps disappointingly, is more art than science.

The truth of the matter is that we can devise a strategy through authorizations that achieves the objectives we may have as a country across a variety of modes. Then you find yourself with the arithmetic problem of how do you get there, which is the question you are asking.

I think that, in talking to members of this committee across the political spectrum, there seems to be broad agreement that we need to figure that question out. And I know that the president has put ideas on the table as recently as his Fiscal Year 2014 budget to help us achieve longer-term authorizations and funded authorizations in the future.

I actually think that if there is agreement that we need to make the trip to figure this out, that that is the starting point for walking back into the tactical questions of methods and means. And I don't want to prejudge the result, but what I will tell you is one of my goals would be to pull together a wide variety of stakeholders, both within government and outside of government, to

squarely discuss how we can build a consensus to get there and to work with you and others to try to help us move forward.

Senator FISCHER. Thank you. And thank you for your openness and willingness to work together on these very, very important issues that are before us. And I look forward to working with you in the future.

Thank you.

Mr. FOXX. Thank you, Senator.

The CHAIRMAN. Thank you, Senator.

The order now, by the re-arrival of the distinguished Senator from Missouri, will be Senator Blunt and then Senator Cantwell, then Senator Cruz.

**STATEMENT OF HON. ROY BLUNT,  
U.S. SENATOR FROM MISSOURI**

Senator BLUNT. Thank you, Chairman.

And thank you, Mayor Foxx, for being here and stepping up and being willing to take this responsibility.

I don't want to repeat a lot of things that you have already been asked and probably answered for the few minutes I was gone. I may have some questions for the record. I do have a couple based on our conversation the other day.

I think the Chairman mentioned NextGen, pilot training. You know, I think a third of the air traffic controllers right now are eligible to retire, and a significant number of them are about to get to the mandatory retirement time. So there has just been this training proposal of a training facility that has been out there and almost got awarded a few years ago.

I know when we talked about this your understanding of it was pretty strong. And my view would be that I hope we can continue to pursue how we get that training into a system that works better than the moving-around training that is going now.

Have you had a chance to think about that any more since we talked?

Mr. FOXX. Well, Senator, I know—

Senator BLUNT. This was the FAA training center.

Mr. FOXX. Yes, sir. And thank you for the question. And I actually know that there is a new process that has been initiated to review that question. It is ongoing. And, if confirmed, I will look forward to working with you on that.

Senator BLUNT. OK. You know we have to have trained people doing this job.

And, you know, the other thing that I think we all need to collectively work on is figuring out a strategy of how to prioritize furloughs and other things. And you are starting at a time when it is pretty obvious what happens when we are not all open with each other about that. And, you know, we had the FAA administrator in just 48 hours before they announced a lot of air traffic controller furloughs, and I think he was asked, I guess not quite directly enough, but pretty directly in a way that should have gotten more information than we got. And so there are lessons to learn there.

Positive train control, have you talked about that?

You know, a lot of the things I think we want to send to your—almost unfair to—they are technical enough in nature. But this is

something the Chairman has felt strongly about. I just think we need to be sure that, when it comes time to do it, we are really ready to do it. And I think we are going to have to look at that and be sure that is implemented in the right way.

And then have you had a chance to talk yet today about your views generally on the next highway bill? Would you?

Mr. FOXX. Well, sir—

Senator BLUNT. Do you want to talk a little about—or the next transportation bill.

Mr. FOXX. Yes.

Senator BLUNT. I mean, that is one of the things we were able to get done in the last 2 years, but we only got it done for 2 years, so that is coming up pretty quickly.

I believe the normal request for reauthorization that would have come from the Secretary of Transportation did not come because Mr. LaHood is leaving. And so it is something he didn't have to do but something I would think you would quickly want to get into that discussion and—

Mr. FOXX. Yes, I would. It is a vitally important issue for this country. Surface transportation is how many of our people all across this country are able to get to work and get to pick up their kids from school and a variety of other uses.

I think, as we have talked about already today, that one of the biggest questions is, how do we fund that reauthorization? And I would look forward to engaging on that question, both with colleagues within the administration as well as with Congress.

Senator BLUNT. Well, as we change vehicles, the kinds of vehicles, the mix of vehicles on the road, and as we try to make vehicles more efficient, get more miles out of the gallon of the vehicles that are paying the per-gallon tax, obviously you are working away from your funding stream every time you put more vehicles on the road longer that use less fuel, which obviously we would want to do that, but it doesn't make the formula work like it did.

And I would just say, as—today one of my colleagues said, "Well, why is everybody here? This is a pretty noncontroversial nomination." And I believe it is going to turn out to be a noncontroversial nomination. But my response is: Because everybody we work for is totally dependent on everything he is going to be responsible for. And the relationship that we have with you and you have with us is important. And I am glad you are stepping up to do this job.

Mr. FOXX. Well, Senator, thank you. I enjoyed our conversation and, if confirmed, look forward to working with you.

Senator BLUNT. Thank you, Chairman.

The CHAIRMAN. Thank you, Senator.

Senator Cantwell?

**STATEMENT OF HON. MARIA CANTWELL,  
U.S. SENATOR FROM WASHINGTON**

Senator CANTWELL. Thank you, Mr. Chairman.

And welcome, Mayor Foxx, and to your family. And congratulations on your nomination.

Mr. FOXX. Thank you.

Senator CANTWELL. I am very excited that U.S. DOT is working right now on the first national multimodal freight strategic plan.

You and I had a chance to talk about this, but I want to hear your thoughts or public commitment to whether you will continue the work that Secretary LaHood started in implementing a national freight policy.

Mr. FOXX. Senator, I am very excited about this initiative, and I want to thank you for your leadership on it. Freight is a critical player in our economy and can be an even greater force in our ability to reach out into global markets and to move goods quickly within our borders.

I am aware that there is activity associated with populating the National Freight Council and that the national freight strategic plan is going to be the product of a lot of stakeholders coming together. And I really am excited about the possibility of working with you and others on that project.

Senator CANTWELL. One of the issues related to that is obviously the level of congestion that affects our ports or affects our roadways in moving U.S. products to their destination. Some estimates are that it costs U.S. business more than \$200 billion a year.

So do you believe that there is a need to establish a dedicated source of funding for nationally and regionally significant freight mobility projects?

Mr. FOXX. I think it is something that should be looked at and I am sure would be looked at by the Freight Council. And as the process moves forward, I look forward to working with the council to help implement the ideas that come out of it.

Senator CANTWELL. Thank you.

A very Washington-state-centric issue: Our ferry systems carry annually more than double the amount of people compared to the Amtrak Northeast Corridor. Our ferries are like many of the national transportation systems; they face congestion or problems. But oftentimes the funding falls between the cracks.

And so I want to make sure that I have your assurances that the ferry system and its funding from the Department of Transportation will receive the support that they deserve as part of our National Highway System.

Mr. FOXX. I will absolutely work to advocate for critical transportation systems. And, obviously, in Washington state, the ferry system is one of those.

Senator CANTWELL. Thank you.

One of the priorities that Chairman Rockefeller, under his leadership, passed was the Aviation Safety Act of 2010, and this was to address the aftermath of the 2009 Colgan Air crash, something that included several rulemakings which have been completed, but there are some that still haven't been. Administrator Huerta told the Committee multiple times that new rules for pilot qualifications for these regional aircrafts will be completed before August 1, 2013.

This is something that is very important to many of us on this committee, and wanted to get your support in confirming that the Committee can count on you to ensure that these rules do get implemented or, I should say, published by the August 1 deadline.

Mr. FOXX. My understanding is that the process is on track, and I would look forward to working to meet those deadlines if confirmed.

Senator CANTWELL. OK.

And one last issue if I could get your thoughts on is the transparency in airline ticket pricing. Last year, airlines collected about \$6 billion in baggage and reservation-change fees from passengers, but because of the growing menu of ancillary fees, it has been increasingly difficult for consumers to compare and shop for airfares.

And I know that there has been a lot going on both with the department and challenges by the airlines to some of these rules, you know, almost all the way to the Supreme Court.

So I know that there are some proposed airline ticket transparency rules now under review by OMB, but I wanted to get your thoughts on the importance of giving consumers better information so that they can make the right pricing decisions.

Mr. FOXX. Well, as someone who purchased airline tickets to get here, I certainly would support efforts so that I know as a consumer and other consumers know what they are being charged for.

And, of course, the processes that you just described are in process and are being worked through with stakeholders, and I certainly would like to have a chance to hear all sides of those issues as they move along. But as a consumer, I certainly understand.

Senator CANTWELL. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Cantwell.

Senator Cruz?

**STATEMENT OF HON. TED CRUZ,  
U.S. SENATOR FROM TEXAS**

Senator CRUZ. Thank you, Mr. Chairman.

Mayor Foxx, welcome.

Mr. FOXX. Thank you.

Senator CRUZ. Congratulations on your nomination.

Mr. FOXX. Thank you, sir.

Senator CRUZ. And I appreciate your coming by my office. We had, I think, a very good and productive conversation.

Mr. FOXX. Yes, sir.

Senator CRUZ. And I appreciate your time here answering our questions. I would like to follow up on a couple of the areas that you and I discussed in my office.

Mr. FOXX. Sure.

Senator CRUZ. And I want to start by revisiting the conversation you just had a moment ago with Senator Blunt concerning the FAA air traffic controller furloughs and sequestration.

In my judgment, the sequestration funding levels are quite likely to continue. And, indeed, given the fiscal and economic challenges we have, we may see even further budgetary cuts at some point in the future.

And quite a few of us have been concerned that the administration, in implementing sequestration, has been looking for ways to implement those cuts that are visible and painful and exacerbate the pain of the cuts. And, indeed, quite a few of us, I think, believed that the air traffic controller furloughs was an example of that.

Can we have a commitment from you that, in implementing sequestration and in implementing whatever further budget cuts may

occur down the road, that you will employ your very best efforts to target waste, fraud, and abuse, to target redundancy, to target ways to trim the fat and tighten the belt, while minimizing the pain and inconvenience to customers, to the American people, while minimizing unnecessary inconvenience to consumers?

Mr. FOXX. Well, thank you for the question, Senator. And I did enjoy our visit. I have been telling people that, and they seem to act surprised. I don't know why.

[Laughter.]

Mr. FOXX. But I have had a good visit with you.

And let me say a couple things. I come from local government, where you have to work within what you have. And as I said in response to Senator Fischer, I will be looking for ways to help the Department not only work more efficiently but to be even more effective at what it is charged to carry out.

But I don't enter into this presupposing what that actually plays out into, in terms of actual reductions or whatever. I still actually have hope that this country will develop a broader approach to both deficit reduction and investing in infrastructure. I am hopeful that we can get there. But, if not, what you can count on from me is that I will do my best to make the best of the situation we have with sequestration, if that is indeed what we have.

I cannot guarantee you that there will be painless choices. By definition, the sequester is a bit of a blunt instrument. And my guess is that, given the fact that three-quarters of the Department's budget isn't subject to the sequester and yet the overall caps on spending are, that there will probably be some places where there is significant pain.

But I don't walk into the door looking to make life miserable for people. I am walking in the door trying to help make our transportation system work.

Senator CRUZ. And so it is fair to say that you would look for ways to minimize the pain and not to exacerbate it.

Mr. FOXX. I would look for ways to make our department function as effectively as possible with the least amount of pain possible. But I think we are in a situation, with sequester, where there is going to be pain.

Senator CRUZ. I would like to shift to another topic that you and I, I think, had a very productive conversation on, and that concerned regulation and the impact of government regulation retarding economic growth, killing jobs, and the need for regulatory reform, which is a principle that the president has publicly espoused.

And in our conversation, you, likewise, expressed significant agreement with that. Is that a fair characterization of your views?

Mr. FOXX. Regarding regulatory burdens?

Senator CRUZ. Yes.

Mr. FOXX. Well, yes. And I actually think the president agrees with that. He has issued Executive Orders across agencies asking them to review their regulations to figure out ways to streamline and, as recently as last week, announced another streamlining set of provisions.

So I think that there is broad agreement that if we can streamline processes, make them move more efficiently and effectively, and deliver projects faster, that is good for the country.

Senator CRUZ. I would note that just recently the Congressional Research Service released a report that indicates that during the first 4 years of President Obama's administration that the administration issued more than 13,000 final rules, which was substantially more than its predecessor. And, indeed, there were 330 major rules, rules that have economic impact of \$100 million or greater. And that represented a 24 percent increase from the second term of the Bush administration.

And given the concerns you raised about working to minimize the harm of regulations, would you agree in your first 100 days as secretary, if you are confirmed, to work to identify at least three regulations within your purview that, in your judgment, are unduly burdensome and to work with me to ameliorate that burden?

Mr. FOXX. Senator, let me say this, that if I find 10 that we can eliminate or reduce, I would like to do that. But I can't do it blindly. I am not in the job now. If confirmed, I would like an opportunity to visit with you and extend this conversation and see where we can take things.

But, you know, my interest is in making sure that this department continues to serve its mission. So, safety—critical mission of the agency. There are a lot of ways in which the agency touches on the environment. And so, to the extent that we can figure out ways to minimize the burden without compromising safety, without compromising the delivery of projects and so forth, I think that we have some common ground that we can work on. But I couldn't tell you chapter and verse where that is today.

Senator CRUZ. Well, I will certainly accept as a friendly amendment to work on 10 instead of 3.

[Laughter.]

Senator CRUZ. And if I may ask the Chairman's indulgence to ask one additional question, although my time has expired.

And the final question I wanted to ask is, there is a provision in MAP-21 that allows states to assume responsibilities for environmental studies and clearances. And one of the significant impediments to building new transportation projects can be those clearances. It is referred to as NEPA delegation.

And prior to this year, California was the only state to assume NEPA delegation. The state of Texas is now embarking on the same path. Indeed, the legislature recently passed legislation, the Governor signed it, to do so. California has already been able to realize a 25 percent cost and time savings as a result of the NEPA delegation.

And Texas will now have to petition the Department to be granted authority for NEPA delegation. And if you are confirmed, I wanted to ask your approach to how you will approach that petition that will be forthcoming.

Mr. FOXX. Well, of course, there are systems in place to review those types of petitions, and I would have to have the information in front of me with a recommendation from the Department to be able to review.

But I think that if we can find ways, this is another way to help streamline processes. You know, if the requirements are met and we can move forward, I would look forward to doing that. But I would count that as 1 of the 10.

[Laughter.]

Senator CRUZ. We are agreed on that.

And let me say, thank you for your candor. I look forward to our working together, and I look forward to supporting your nomination.

Mr. FOXX. Thank you, Senator.

The CHAIRMAN. Thank you, Senator.

Mr. Mayor, there are actually no more questions, I don't think, but I want to make a statement, which arises from this hearing, which I have been living with as somebody who represents West Virginia, where there are needs, human and physical, of vast proportions, and it is a very small state. And that is the hypocrisy that we put you through during a nomination hearing and everybody asks for—infrastructure is the lifeblood of the country and NextGen is so important, but we hate rules and regulations, and there are 13,000 or whatever it is. And then people talk about minimizing pain, as opposed to not maximizing pain, as if that is a brighter light.

What is needed in this country for you to be a successful Secretary of Transportation, and for us to be a successful country, is a willingness to bite a bullet which some in this Congress, in both houses, refuse to bend to, thus causing others who would bend to it not to bend to it because of the fear of what would happen in the next primary. It has developed into a fairly fine art, and it is the fastest way to destroy the future of our country that I can possibly think of. The prospect is based upon the fact that if you simply eliminate all rules and regulations and certainly don't do any tolls and raise no revenues, that by simply avoiding waste, fraud, and abuse, which I have been hearing for 50 years in government and which is certainly pertinent and will be done—you know, in Medicaid and Medicare, it is pretty hard to find that stuff.

Medicaid and Medicare are so much more efficient than the private healthcare system, it is not even close. They are about 2 or 3 percent administrative costs. But, no, you don't want to do that because if you expand Medicaid—the senator's state has rejected that and has an enormous number of uninsured citizens, but that seems to be OK.

We cannot function as a country and we can certainly not achieve greatness again as a country without having research, without having infrastructure, without having trained people, without having business having confidence in our future and thus deciding to invest in our future because they see that we in the government are willing to invest in our future and they know it as well as we do.

They don't want their taxes to skyrocket, but they know, as do a lot of people with a lot of money, that you can't wish for something or you can't minimize yourself into greatness. You can minimize yourself into just a minimal thing. Then you can feel good all along and win election after election, but you are doing the country no favors.

So when you talk—and I don't want you to say one word in response to this.

[Laughter.]

The CHAIRMAN. When you talk about, you know, doing all the things that you have been asked to do, they are going to cost money. And you can get all the squeezing and tightening—I just can't wait for you to take a look at the FAA and find all the money just sitting there waiting for you to squeeze a couple billions dollars out. It isn't there. The size of the U.S. Government in number of people is currently smaller than anytime since Dwight Eisenhower. I don't think there is any American who knows that, and the press certainly doesn't talk about that.

It used to be that we were constantly besieged with talks, with sermons on our deficit problems and how that was a symbol of how America was wasting, you know, just wasting. And, of course, now the deficit is beginning to disappear, so everything has changed to the debt.

None of that is actually what I want to say to you. What I want to say to you is I want you to be a good secretary of transportation. And you cannot do that without new revenue. And you cannot do that without goading us in the Congress, which will be hard—you have to get OMB to agree to it, but sometimes—you know, your predecessor was pretty good at just going around and saying what he wanted and getting away with it.

[Laughter.]

The CHAIRMAN. You can't do that without revenue. You can't pretend that everything stands still for the last 10 years and you have no more money to do it and expect to have it. You won't have greatness, you won't have resources, you won't have infrastructure.

It is great to talk of infrastructure banks, it is great to talk about the \$3 trillion sitting in the coffers of the American enterprise system, but that \$3 trillion would come out if they felt that they weren't going to have to do the whole thing all by themselves.

People need to pay, on a fair basis, personal taxes. We need to raise in this country, if we are going to cure cancer, diabetes, or all the other things that plague us, as well as get rid of MRSA, which is one of the great killers in our society—it has come basically out of the hospitals, hospital bathrooms that aren't clean.

And the work on that is being done in the International Space Station, to try and get the cure for MRSA, which is something most people don't know about, but it is a terrible killer in this country, and there is no cure for it.

So I just want to register a strong counter voice about—I totally believe in America's future, but we are not going to get there if all of our demands of you and our aspirations for you are that you cut out more people—you will do that necessarily as a manager because managers know how to do that, as Governors do. I had to do that. I had to lay off 10,000 people once when I was Governor. And it is no fun, but you do what you have to do.

But to simply accept the premise—I mean, being a mayor, frankly, is not the same thing as being the President or a Congressperson. We have national responsibilities. If you are going to build a fast freight system or a fast rail system, you don't do it intrastate, you do it interstate, and it is a larger function.

If you are going to take the CDC seriously or take the NIH seriously or the National Science Foundation seriously or the National Institute of Science and Technology seriously, if you are going to

take cybersecurity seriously, if you are going to take any of these things seriously, take our economy seriously, we are going to have to spend money. And the great game around here is you just don't talk about it. You just don't talk about it. Because there are some that can't wait for you to do it so that they can get somebody to run against you in the next primary.

The beauty of politics is when politics overcomes that kind of smallness. The un-beauty of politics is when that is not possible, when people are driven into submission about honest answers for the future of our country.

So I will simply conclude by saying that I hope that you will push us. And the director of OMB is a West Virginian, so by definition—I mean, next to South Dakota, that is about as good as you can get.

[Laughter.]

The CHAIRMAN. And she is a West Virginian, and she understands the problems of small, rural states and the whole country which she has worked in.

But goad us. If you can't do something because you don't have the money to do it, let us have it. Express your frustrations. Say, I have squeezed this, I have squeezed that, I have squeezed that, NextGen I can't do, don't have the money for it.

Or, you know, safety inspections of airlines or safety inspections of parts of new planes, each one of which is—and I have seen this because we tried to develop a jet in West Virginia, and there were 13,000 parts to that jet which were individually inspected by inspectors from, I guess, the FAA, individually inspected. You cut FAA way back, those people disappear, innovation, entrepreneurship disappears.

You don't necessarily create an entrepreneurial society by starving it. You don't do it by burying it in taxes. You do it by something that is responsible. And responsible" means that you have revenues and you have discipline, you have focus, you have leadership, but you have the money to do what you have to do, whether it is the military or whether it is the rest of the country.

So I would ask that you would keep that in mind.

And unless my colleague wants to say something—

Senator THUNE. Mr. Chairman, if I could just add to what you have said—and I do have another question or two, but I can put those on the record, because I know you are going to be responding to some questions on the record.

But I think one observation I would make with regard to where we are, the one thing we can't do—and this is why I asked the question about the next highway bill and what you saw your role as being—we cannot continue to borrow from the general fund to fund highways.

We either have to decide that we are going to pay for it and figure out how we are going to do it or we are going to have to have a lot smaller appetite when it comes to infrastructure. The one outcome that is not acceptable to me is to continue to borrow and to transfer from the general fund and basically put that on the backs of our children and grandchildren.

My frustration is that, when the DOT secretaries come in front of the Committee and we have asked for specific suggestions about

how to do that, you know, we usually get the answer, “We will work with you, with Congress,” and we understand that. I mean, we have to play a role in that, too. But I also hope that you will lead, that the President will lead, and come up and put specific ideas on the table about how to solve these problems.

Infrastructure is important. It is important to our country, it is important to our competitiveness, it is important to our economy. And the best way to deal with debt and deficits is to get a growing, expanding economy. And so everything that we do, we ought to have a focus on, what will this do to grow the economy, to create jobs, and to improve the take-home pay of middle-class Americans? And I think a robust, strong infrastructure that supports that economy is critical and vital to that, but it has to be paid for.

And so I hope that you will get your pencils out and find as many savings as you can within the department’s budget and look at doing things more efficiently, but then when it comes to putting proposals forward, with regard, for example, to the next highway bill, to be specific and, you know, come at us with your ideas. And we will try and work with you.

So thank you, Mr. Chairman.

And I do have a question, if I might. I want to get you on the record on this, because I mentioned in our meeting that Senator McCaskill and I were successful last year in enacting the European Trading Scheme Prohibition Act. And based on our discussion, I think you are familiar with the issue. And I just want to know if you are prepared to exercise your authority granted in the law to protect U.S. aviation users from the ill effects of the EU ETS if that is necessary.

Mr. FOXX. Absolutely.

Senator THUNE. And—

The CHAIRMAN. He feels very strongly about that.

Mr. FOXX. Yes.

The CHAIRMAN. And I agree with him.

Senator THUNE. OK.

And do you believe that ICAO is the place, which operates through international consensus, is the proper venue and manner to address international aviation emissions reductions?

Mr. FOXX. I do.

Senator THUNE. Good. We may be facing that issue here again in the not-too-distant future, so I look forward to working with you on that.

Thank you, Mr. Chairman.

And thank you, Mayor. It is an honor to have you in front of us, and we wish you well.

Mr. FOXX. Thank you, Senator.

The CHAIRMAN. Thank you, Senator Thune.

I adjourn this hearing on the presumption that you will just ride the fast rail right into the secretaryship.

[Laughter.]

The CHAIRMAN. Hearing adjourned.

Mr. FOXX. Thank you, Mr. Chairman.

[Whereupon, at 4:30 p.m., the hearing was adjourned.]

# A P P E N D I X

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

## **Truck Safety**

*Question 1.* In MAP-21, Congress made substantial truck and bus safety improvements, such as requiring electronic logging devices to prevent fatigued drivers from getting behind the wheel. DOT has been working on implementation, but we continue to see delays. As truck-related deaths and crashes continue to be a substantial safety problem, I am concerned about the pace of implementing MAP-21's safety provisions, especially the electronic logging device rule. What actions will you take to ensure that the FMCSA substantially reduces truck crash deaths and injuries?

Answer. If confirmed, I will strive to prioritize FMCSA's actions that will result in the largest safety benefit, including implementing the provisions contained in MAP-21, and will direct the Agency to continue to work with all large truck and bus safety stakeholders to continue to identify new and improved methods to improve commercial motor vehicle safety.

*Question 2.* The government is unlikely to be able to cover the entire cost of improving our infrastructure. To what extent should the Federal Government use its resources to incentivize private investment?

Answer. There is no doubt that private investment can play a critical role in expanding our Nation's transportation infrastructure in the same way it can support our energy, water, and social infrastructure.

Public Private Partnerships (PPPs) can offer an innovative new delivery approach for some of our country's most complex and challenging projects when they are appropriately structured, when they provide better value as compared to traditional public sector delivery approaches, and when the underlying projects are well-aligned with public policy objectives.

The TIFIA loan program is a successful example of how the Federal Government currently incentivizes private investment. MAP-21 has rightly expanded the program to meet demand. TIFIA can benefit private sector investors by providing flexible terms and low cost financing that often makes the difference between whether a project does or does not make sense financially.

The President's Rebuild America Partnership proposal recognizes the important role private sector investment can play in transportation infrastructure. It strengthens existing programs such as TIFIA and Private Activity Bonds and introduces America Fast Forward Bonds to ensure that we continue to incentivize private investment in transportation infrastructure. If confirmed, I will support these efforts.

## **National Freight Strategic Plan**

*Question 3.* MAP-21 requires DOT to create a national freight strategic plan. What will you do to ensure that the National Freight Strategic Plan does not favor one mode of transportation over another, and that it produces a balanced approach to intermodal freight movement?

Answer. Section 1115 of MAP-21 directs the Secretary of Transportation to develop a national freight strategic plan. While some of the legislative language describing this strategic plan focuses on highway freight transportation, other provisions refer to freight transportation in general. I strongly believe that, for a national freight strategic plan to be useful, it must look at the national freight system as an integrated whole, with freight moving along different modes of transportation depending on the distance to be traveled, the commodity to be carried, and the delivery deadline to be met. We need to provide our freight shippers with the full range of freight transportation modes so that they can choose the mode that meets their needs most efficiently. Only with this kind of multimodal freight system can we ensure that our Nation remains globally competitive. The Secretary of Transportation has broad authority under Title 49 of the United States Code to initiate policies to promote efficient intermodal transportation in the United States, and I would, if

confirmed, use that authority to ensure that the national freight strategic plan produces a balanced approach to intermodal freight movement that allows each mode of freight transportation to play the role that it can play most efficiently in the overall national freight transportation system.

#### **Maritime Industry**

*Question 4.* The U.S.-flag maritime industry plays an important role in U.S. national and economic security. Programs like the Maritime Security Program, cargo preference, food aid, and the Jones Act are important not only to the maritime industry, but also to the Nation's military sealift and transportation needs. What are your plans for promoting, maintaining, and encouraging continued investment in the U.S.-flag maritime fleet?

Answer. If confirmed, I would work to ensure that the programs that assist all sectors of the maritime industry work together in promoting, maintaining and encouraging investment in the U.S.-maritime fleet to the greatest extent.

I understand that due to Continuing Resolution and sequestration, funding for all Maritime program has been reduced.

#### **Passenger Rail**

*Question 5.* The Administration has made passenger and high-speed rail a central part of their transportation agenda. As Secretary, you will serve on the Amtrak Board and play an important role in advancing this agenda. What is your vision for the future of intercity passenger rail in the nation?

Answer. The U.S. rail industry is currently experiencing a resurgence. Safety, ridership, reliability, investment levels, and financial performance are setting records or trending in positive directions. I will strive to build on the positive developments and will work to further enhance safety and strengthen both passenger and freight rail. In particular, I hope to enhance world-class safety; modernize our rail infrastructure; meet growing market demand; promote innovation; and to ensure transparency and accountability in all investments.

*Question 6.* Amtrak's authorization expires this year and we have already started holding hearings. When will we see a reauthorization proposal from the Administration?

Answer. I understand that the Administration's Budget Proposal is intended to serve as a blueprint for reauthorization and as a mechanism to enhance safety, modernize our infrastructure and workforce, meet growing market demand, and ensure transparency. If confirmed, I look forward to working with Congress on legislation to accomplish these important goals as soon as possible.

*Question 7.* What role do you think the private sector plays in supporting passenger and high-speed rail projects?

Answer. I recognize the critical role the private sector must play in improving the overall rail system. I am open to private sector investment and participation in high-speed rail corridors and projects. Private investment will likely be attracted to rail operations that are highly reliable and efficient, generating high ridership and producing an operating surplus. Therefore, the best way to encourage private investment is to execute projects successfully.

If confirmed, I look forward to working with Congress to ensure that all of the programmatic tools available to the Department of Transportation to encourage private investment are used to their fullest extent.

#### **Rural Transportation**

*Question 8.* Rural areas face new transportation challenges. For example, the development of shale gas production in my state of West Virginia has provided positive economic outcomes. However, as I heard at a hearing last year on this issue, the development of this industry has also resulted in increased truck damage to roadways and rail traffic at unprotected grade crossings. In light of the vast industrial development in parts of West Virginia and rural areas across the country, how can DOT make sure that transportation infrastructure in rural areas receives the support it needs to be safe and in good repair?

Answer. I understand that rural areas are important economic generators that need transportation infrastructure. The example you describe in West Virginia illustrates the importance of a comprehensive approach to addressing the many challenges facing the U.S. transportation system. It is vital that we consider the specific needs of each community as Federal, State, and local governments work together to move this country forward. MAP-21, with its emphasis on data-driven, outcome-oriented investment in surface transportation, should result in more effective use of our transportation resources in urban and rural areas.

Additionally, I understand that safety on rural roads has long been a challenge and I am committed to finding ways to address this need.

If confirmed, I will work to improve transportation for all Americans living in rural and urban areas to support our economy and an improved quality of life.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BARBARA BOXER TO  
ANTHONY FOXX

**MAP-21 Implementation and Reauthorization**

*Question 1.* One of the major landmarks of MAP-21 is the greatly expanded and improved TIFIA (*Transportation Infrastructure Finance and Innovation Act*) program. Will you commit to personally ensuring that the TIFIA program receives all the attention and resources it needs so that the TIFIA funds provided by Congress in MAP-21 are fully and effectively utilized to address the great demand that we have seen from across the country?

Answer. I understand the importance of leveraging Federal funding to encourage broader investment of private capital in transportation infrastructure, and TIFIA is a great resource to help States invest in major transportation projects and create jobs in the process. It is my understanding that since passage of MAP-21, the Department has taken a number of steps to implement the changes to the TIFIA program and expand the TIFIA Joint Program Office to meet increasing demand. If confirmed, I will continue to engage the project sponsors and will move expeditiously in advancing eligible projects.

*Question 2.* MAP-21 expires at the end of September 2014 and it is projected that the Highway Trust Fund will run out of funds early in Fiscal Year 2015. Developing the next surface transportation bill and addressing the transportation funding shortfall is of critical importance and key to fixing our crumbling infrastructure. Can you discuss how the Department will work together with Congress to address these looming challenges?

Answer. There seems to be bipartisan agreement that current funding mechanisms are insufficient to meet our national infrastructure needs. Addressing funding issues for transportation requires close coordination with the Department's partners within the Administration, as well as with Congress, and if confirmed, I will work hard to do so. The President in his FY 2014 Budget proposed that savings from winding down military operations overseas should be go toward supporting significant new infrastructure investments through a long-term surface transportation reauthorization. I know others have made different proposals to fund this country's infrastructure needs. If confirmed, I will work with Congress on a bipartisan basis to find a solution to this challenging issue.

*Question 3.* MAP-21 included significant policy changes which substantially transformed our Federal transportation programs. These include instituting performance measures and targets, consolidating programs, and establishing a focus on goods movement. Can you explain how the Department will work with Congress, states, cities, and stakeholders to ensure that these reforms are implemented in a meaningful and responsible way?

Answer. In MAP-21, Congress gave the DOT a clear directive to make our transportation system more strategic and performance-driven. The challenges facing our Nation's public transportation system cannot be solved by Federal action alone. Therefore, to meet this directive, the Department needs to work closely with Congress, the public and private sectors, transportation advocates, and industry representatives. The Department should continue to conduct aggressive outreach with stakeholders and to work with each modal administration to issue well-defined guidance to help the Nation's Federal, State, local, and tribal transportation agencies carry out MAP-21 programs and provisions. By actively listening to their concerns and incorporating their feedback into rulemakings, guidance, and policy, the Department will help States and MPOs make efficient use of limited resources and achieve better outcomes.

I understand that the Department has taken a number of actions to implement MAP-21. These efforts have included numerous outreach meetings with transportation stakeholders, implementing the project delivery sections of MAP-21, and moving forward on the freight provisions. The Department has already announced a National Freight Advisory Committee (NFAC), which is composed of stakeholders, under the Federal Advisory Committee Act (FACA), which will help the Department assess national freight needs and identify policies and investments needed to improve the national freight system.

I think the Department has made great strides in the implementation of MAP-21 and, if confirmed, I will continue this successful approach.

#### **Rental Car Safety/Vehicle Recalls**

*Question 4.* On May 21, 2013, in this Committee, we held a hearing on legislation I have co-authored to require rental car companies to fix vehicles under a safety recall before renting or selling them (*S. 921, the Raechel and Jacqueline Houck Safe Rental Car Act of 2013*). To me, this bill is basic common sense, and I was pleased that the NHTSA Administrator, David Strickland, agreed.

One issue that arose in the hearing is that apparently, some auto manufacturers fail to make enough parts to fix vehicle safety recalls in a timely fashion. This raises very serious safety concerns for all consumers—whether it's a mom trying to get a recall on her own minivan fixed, or a family renting a car that is under recall. We need to do more to get these recalls fixed right away.

Will you commit to personally ensuring that the Department provides strict oversight over manufacturers' recall policies, including making repair parts readily available to all who need them?

Answer. I share your safety concerns regarding recalls for rental vehicles, and yes, I will certainly commit to ensuring that NHTSA carefully monitors how promptly recall remedies are made available. Under existing law, I understand that NHTSA can require a manufacturer to accelerate its recall program if it is not being implemented within a reasonable time.

#### **Pipeline Safety**

*Question 5.* In 2010, a tragic natural gas transmission pipeline explosion occurred in San Bruno, California, killing 8 people and injuring 52 others. Since then, I have worked with other Members of this Committee to enact many new safety requirements into law—but much work still remains to be done.

Will you commit to working to ensure: 1) continued progress on improving the safety of our Nation's pipeline infrastructure, and 2) providing strict Federal oversight to hold pipeline operators accountable for their safety measures?

Answer. Thank you for your leadership in helping to secure passage of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Act). I believe the Act has given the Pipeline and Hazardous Materials Safety Administration (PHMSA) additional tools and authority needed to help achieve its mission. I understand that PHMSA has taken the lead on implementing this important safety legislation and completed all of the mandates that were due by January 3, 2013. If confirmed, I will ensure that everyone at PHMSA remains dedicated and committed to fulfilling the remaining mandates and improving the safety of our Nation's pipeline infrastructure.

#### **Train Safety/Positive Train Control**

*Question 6.* Following a tragic train collision in Southern California in 2008 that killed 25 and injured 138, I worked with this committee to enact legislation requiring the installation of Positive Train Control (a collision avoidance technology) on major passenger, commuter, and freight lines by 2015.

Will you commit to holding railroad operators accountable for doing everything possible to implement this technology on their systems quickly?

Answer. I am a firm believer in the ability of advanced technologies, such as Positive Train Control, to reduce the potential for accidents such as those that occurred at Chatsworth, California, and Graniteville, South Carolina. I understand, however, that there are a number of significant technical and programmatic challenges associated with Positive Train Control implementation that the Federal Railroad Administration identified in its August 2012 report to Congress that must be successfully resolved to enable the successful deployment of this vital technology. If confirmed, I look forward to working with Congress to resolve these challenges.

*Question 6a.* Will you also work with Congress to ensure the Department provides funding to assist railroad operators with the implementation of this technology?

Answer. I understand that the President's FY 2014 budget for the Department of Transportation provides money for Positive Train Control installation on Amtrak and commuter railroads. I further understand that the costs associated with the procurement and deployment of Positive Train Control technologies are significant, and represent major capital expenditures by the railroad industry. Funding this effort, without adversely impacting service will be challenging and will require close collaboration between the Department and Congress. If confirmed, I hope to work with Congress to address Positive Train Control issues, as well as other critical national transportation infrastructure safety investment needs.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BILL NELSON TO  
ANTHONY FOXX

*Question 1.* We must ensure the highest possible level of safety for children in and around cars. Do you believe the Department of Transportation and NHTSA should lead industry to develop, and adopt or require technology to improve children's safety in non-traffic related scenarios, such as back-over prevention requirements or alerts when a child may be left in a vehicle?

Answer. I am very concerned about the safety of children in and around cars, and I am committed to finding the most appropriate countermeasures to reduce the frequency of incidents involving children. I understand that NHTSA proposed a requirement for improvements to passenger vehicle rear visibility to prevent backovers and is currently working on a final rule. NHTSA also has developed a national education campaign (through radio, online, social media, and stakeholders) to educate parents and caregivers about the dangers of heatstroke to children left in cars. Children are our most vulnerable population, and I take safety risks to children very seriously.

*Question 2.* Do you think our communities are prepared for the unique mobility challenges of an aging population? Are there steps that you took as Mayor of Charlotte to ensure that area residents could comfortably age in place?

Answer. Communities should help seniors stay connected as they age. One way to ensure connectivity is by offering communities a variety of transportation options, including transit, walking, and biking. As our demographics shift, so will the need to improve safe and effective transportation options for seniors. Whether the transportation activities include increased sidewalks, improved bus services, safer curbs, adjustments to pedestrian signal timing, or increased safety for older drivers, we must be prepared to provide transportation choices that accommodate the unique mobility challenges of an aging population.

During my tenure as Mayor, I took numerous steps to ensure that area residents could comfortably age in place. With initiatives such as the light rail blue line extension and Charlotte Streetcar Project, I strove to put all Charlotte residents in close proximity to good transportation choices. To enable new housing choices for seniors along new transit corridors, we also have adopted significant land use plans of pre-zoned adjacent parcels for dense, multi-family accessible dwelling units.

More specifically, through the Charlotte Area Transit System's (CATS) program, Seniors in Motion, CATS serves to provide seniors the mobility and freedom to maintain their lifestyles. As part of the program, CATS staff visit seniors at residential facilities, church groups, and senior centers and introduce their services to interested parties. CATS staff members take seniors on demonstration rides, assist them with reading public timetables, and answer any questions they may have about using the system, which runs throughout the city. Notably, because seniors ride for half price on CATS, the service is more affordable to them.

*Question 3.* Aviation manufacturing is an important industry in Florida, with commercial and general aviation manufacturing providing good jobs. For this industry to grow the FAA must efficiently certify their products, unfortunately, the current system suffers frequent delays. FAA Administrator Huerta has sought to improve the system, but improvements must be implemented moving forward. Do you think that improving the certification process is a priority for the FAA?

Answer. I believe that the FAA is continually improving the certification process to enhance the industry's ability to bring products to market quicker and make them more competitive in an international arena. If confirmed, I will support Administrator Huerta's initiative to improve the system.

*Question 4.* Domestic shipbuilding and repair is important for our maritime industry and our national defense preparedness. As Secretary will you be supportive of the Jones Act and of programs to maintain the strength of our maritime industry?

Answer. If confirmed, I would support the Jones Act and the programs available to maintain the strength of our maritime industry, including proper funding and administration of the Maritime Security Program. The America's Marine Highways program also could be used to offer an important new market for Jones Act vessels. I would work closely with the Department of Defense, industry, and labor to monitor the health of the U.S.-flag fleet, facilitate the retention of vessels and mariners, and develop a national sealift strategy that ensures the long term viability of the U.S. Merchant Marine as a naval auxiliary and as a U.S. presence in international trade. I would work to ensure the viability of the cargo preference programs by providing efficient administration and regulation, while gaining a broader base of support through education and a transparent approach to enforcement. I would continue to promote the education and preparation of individuals entering the maritime work-

force through the U.S. Merchant Marine Academy and by providing assistance to the six State maritime academies.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO ANTHONY FOXX

*Question 1. I-5 Skagit River Bridge.* Mayor Foxx, as you're well aware, on May 23, 2013, the northern-most span of the Interstate-5 Skagit River Bridge in Washington state collapsed after being struck by an oversized vehicle. Secretary LaHood has pledged the full support of USDOT and the Federal Highways Administration in establishing a temporary repair by mid-June, and a permanent repair by late September 2013.

- Can I have your commitment that you will do everything in your power as Secretary of U.S. Department of Transportation to support efforts to repair the Interstate 5 Bridge over the Skagit River in Washington state?
- Under MAP-21, transit is eligible for Emergency Relief funding from the Federal Highways Administration. Can you confirm that passenger rail transit service and van-pool transit service are appropriate uses of Emergency Relief funding? In Washington state, many alternatives will be necessary to help reduce congestion on the temporary replacement.

Answer. If confirmed as Secretary, I would do everything in my power to support efforts to repair the I-5 Skagit River Bridge. Ensuring the continued safety and reliability of our transportation infrastructure is central to the responsibilities of the Secretary of Transportation, and, if confirmed, I would offer this same level of commitment regarding any other instance where our country's transportation infrastructure may be compromised by a similar event.

With respect to the Emergency Relief program, I understand that transit service is only an eligible expense under the program when providing substitute traffic service around a damaged facility. The actual and necessary costs of operation and maintenance of ferryboats and additional transit service providing temporary substitute highway traffic service, less the amount of fares charged, are eligible for Emergency Relief funding.

*Question 2. Freight Mobility.* As we've discussed, I'm glad that you've committed to continuing the national freight policy I worked on with Secretary LaHood, including continuation of the Federal Freight Policy Council and National Freight Advisory Committee. Freight mobility will be one of my top priorities in the next surface transportation reauthorization bill.

- With that in mind, I'm interested in your initial thoughts on what more can be done on the Federal level to improve Federal freight mobility policy?

Answer. I think we need a stronger multi-modal funding source for surface transportation that would include funding for freight projects. The President's proposal for a National Infrastructure Bank embodies most of what I consider important to include in such a program. It is multi-modal, so that funding can be directed to projects in whichever mode most effectively addresses the transportation problem we are trying to solve. It provides a national perspective on our transportation problems, so that we can focus funding on freight transportation projects that benefit the Nation as a whole. It uses a combination of grants and loans, so that we can provide funding and financing for a wide range of projects—both those that can generate a revenue stream and those that cannot—while leveraging our limited resources as much as possible. And it uses robust economic analysis to select projects that provide us with the greatest benefits relative to their costs. But to make such an infrastructure bank effective, we need to have a robust freight planning process so that we can identify where the freight infrastructure investment needs of our Nation are greatest. MAP-21's requirement for a National Freight Strategic Plan is a good start in that direction. Finally, we need to make effective use of the performance management provisions in MAP-21 so that we can keep track of where our freight transportation system is performing well, and where it needs improvement.

*Question 3. Last Mile Connections.* Mainline capacity—whether for waterways, highways, or rail—is important to the movement of goods. But many major freight bottlenecks occur in the “last mile” as goods are arriving to, or leaving, a major transfer point.

Washington state has been taking a strategic look at freight planning for more than a decade now, and—building on those plans—our state freight investment

board has invested more than \$100 million to address those last mile challenges. The funding comes from a mix of our state gas tax and transportation fees.

One dollar of state investment board money leverages five dollars in private, local, and Federal investment—putting nearly four hundred million into critical projects over the past decade. But despite this, there is still a lot more need.

- In light of your experience in Charlotte with the new intermodal hub, do you believe that states, local governments, and industry have enough resources to address last mile and intermodal connection infrastructure needs?
- If not, do you believe that we need stronger Federal role for assisting last mile and intermodal connections, which are key components of our national network? Or are they more of a state and local transportation policy issue?

Answer. The short answer is “no”—we don’t have enough resources to address critical last-mile and intermodal connections. There are a large number of freight projects that are delayed or not built at all because of lack of funding. The experience of DOT’s TIGER Grant program has been that many highly recommended projects, including freight projects, lack the necessary funding. These projects often have wide-ranging benefits on the overall global competitiveness of the United States, so it is important for the Federal Government to take the lead in funding them.

Transportation policy is a partnership, where the Federal Government needs to partner with State and local governments to ensure that these national needs are met. Freight supply chains are often interstate or international in scope, so it is important for the Federal Government to have the resources to provide the transportation networks needed to support these supply chains. The National Freight Strategic Plan, which DOT is directed to develop under MAP-21, will allow the Federal Government to identify those last-mile and intermodal connectors that are most critical for the Nation’s economy, and we must all work together to create capacity to these projects in place.

*Question 4. Highway and Vehicle Safety, and Unsecured Loads.* Mr. Foxx, one thing that I am interested in is the collection of data and the safety issues associated with unsecured loads—that is, goods being carried by vehicles that are improperly tied down to the roof, trunk, or truck bed.

The GAO looked into this issue in November 2012 and found that while unsecured loads are a safety risk, improvements must be made to data collection so that NHTSA can better understand the scope of this problem. According to the report, NHTSA is updating its current data collection system this year and is likely to recommend changes to the Model Minimum Uniform Crash Criteria during the next update cycle.

We do know that in 2010, there were 51,000 crashes and 440 known fatalities resulting from a vehicle striking a non-fixed object in the roadway; unfortunately, the exact number of crashes due to unsecured loads versus natural elements (for instance, a fallen tree) is unclear. However, the Environmental Council of the States (ECOS) believes that our Nation spends \$11.5 billion dollars on litter cleanup, education, and/or disposal programs—and between 20 to 40 percent of all litter found on roadways comes from unsecured loads.

- Could you share your thoughts on what you would do as Secretary about unsecured loads and their impact to driver safety and our environment?
- Can you discuss your broader approach to highway and vehicle safety and how you will continue making it a priority for USDOT?

Answer. I agree both that this is an important highway safety concern and that data deficiencies, plus the Federal Motor Carrier Safety Administration’s jurisdictional limitation to commercial vehicles, means that more effort is needed in this area. I would place greater emphasis on data collection improvements if confirmed and try and raise public awareness of the risks of unsecured loads. More broadly, safety across all transportation modes would be my highest priority if confirmed as Secretary. I believe that a comprehensive approach, including heightening public awareness, such as Secretary LaHood has done successfully in the case of distracted driving, enacting good laws, and promoting effective enforcement would contribute significantly to real progress.

*Question 5. Jones Act.* Mayor Foxx, as you know, the Obama Administration strongly supports the Jones Act. I also support the Jones Act because it preserves American shipbuilding capacity, fosters a highly skilled maritime workforce, and provides our government, when we need it, access to a U.S.-owned and operated fleet. Can I count on your strong support for this fundamental American maritime law?

Answer. Yes, if confirmed, I will continue the Department's strong and historic support of compliance with the Jones Act.

**Question 6. Long Term Challenges for Investment.** Mayor Foxx, as you know, the projections for the highway trust fund are fairly dire—the Congressional Budget Office estimates that bringing the trust fund into balance in 2015 would require cutting obligation authority under current law from \$51 billion to \$4 billion, or raising motor fuel taxes by 10 cents per gallon.

At the same time, our infrastructure is struggling under our current rate of investment, with roads and transit systems ranked a “D” by the American Society of Civil Engineers. And the United States was ranked 20th internationally for the quality of road infrastructure by the World Economic Forum.

- Mayor Foxx, can you discuss your thoughts on how America can adequately invest in infrastructure when the challenges—and trust fund shortfall—is so large?
- Do you believe that transportation financing tools—like bonds and the Federal Transportation Infrastructure Finance and Innovation Act (TIFIA) loan program can meet our current infrastructure needs? Can you share how financing and Federal funding work in tandem for cities that need to make transportation improvements?

Answer. As the President has stated, we need to invest more resources in our infrastructure. Particularly when interest rates are low and Americans need the jobs that can help us recover from the recession, we should be spending more on the transportation networks necessary to enhance our economic competitiveness. Also, clearly, the Highway Trust Fund will not provide the resources required to meet our transportation infrastructure needs. That is why I continue to support the President's National Infrastructure Bank proposal, which brings to bear all the resources of the Federal Government on addressing these critical transportation investment requirements. The National Infrastructure Bank concept uses a combination of grant and loan funding to leverage and stretch our dollars as far as possible. Transportation financing tools like TIFIA, the Railroad Rehabilitation and Improvement Financing program (RRIF), and Private Activity Bonds are valuable options, but they cannot meet all of our needs. Some projects, by their nature, cannot generate the revenue streams that are necessary to repay the capital borrowed under these financing approaches. So we need to have surface transportation grant funding at the Federal level to address needs that cannot be met by financing approaches. In developing the Charlotte Regional Intermodal Facility, for example, we used a combination of funding from the Norfolk Southern Railway, which would be repaid from Norfolk Southern's revenues, and grant funding from the State and Federal Government (with complementary roadway improvements paid for by the City of Charlotte). We could not have paid for it if we had relied solely on loan financing repaid from the facility's revenues.

**Question 7. Municipal Bonds.** Mayor Foxx, as you know, the tax status of municipal bonds is under debate. Can you discuss if you used municipal bonds during your time as Mayor of Charlotte, and the potential impacts removing the tax-exempt status of these bonds would have on the ability of state and local government to fund needed transportation infrastructure projects?

Answer. Charlotte, like many cities around the country, relies on flexible financing mechanisms such as municipal bonds to address infrastructure needs. We have made roadway improvements, expanded the airport, and built new police and fire stations through tax exempt municipal bonds. As a Mayor, I know how much basic state and local infrastructure relies upon this financing tool. As our country works to reduce deficits in a balanced way, I look forward to sharing my perspective as a product of local government within the Administration.

I would also note that the President's Budget presents a comprehensive economic plan that on net provides substantial additional support for infrastructure, and additional funding for ongoing surface transportation investments; proposing a “Rebuild America Partnership” to leverage private capital; and turning off the sequester.

As part of that comprehensive plan, the President's Budget calls for \$1.8 trillion of balanced deficit including entitlement savings, a \$50 billion up front-infrastructure investment, and \$580 billion of additional revenue from closing loopholes and reducing high-income tax benefits. The Budget would obtain this revenue in part by limiting the value of high-income tax benefits to 28 percent.

Whether one looks at the broadest elements in the budget or focuses on the package that was put forward as an offer to the Republicans House leadership, one thing that remains the same is a commitment that the budget be a net positive for infra-

structure. While the President understands that no one gets 100 percent of what they want in a budget agreement, he also is clear that he would only support a budget that, on net, includes provisions that led to State and local governments being in a more positive position to invest in the modern infrastructure our economy needs for both jobs and our future competitiveness.

*Question 8. **Vehicle Miles Traveled (VMT).*** Mayor Foxx, as revenues deposited to the Highway Trust Fund revenues have continued to shrink, many people have begun debating how to better finance surface transportation programs, including the merits of “Vehicle Miles Traveled” (VMT) tax. As you know, transportation funding based on a VMT, rather than a gas tax like we currently have, would not be impacted by improvements to fuel economy standards and adoption of hybrid/electric vehicles—two of many factors currently eroding revenue deposited into the trust fund. While there are challenges to implementing a national VMT, a recent GAO report identified pilot projects around the country that are demonstrating ways to address privacy concerns and exploring appropriate, practical, and low-cost technology options for collections.

- Can you share your philosophy related to VMT?
- Do you believe that, if technological and privacy hurdles are overcome, VMT is a viable option for sustainable long-term revenue for transportation projects?

Answer. Addressing funding issues for transportation requires close consultations within the Administration and with Congress, as well as with key external stakeholders. The President in his FY 2014 Budget proposed that savings from winding down military operations overseas should be go toward supporting significant new infrastructure investments through a long-term surface transportation reauthorization. I know others have made different proposals to achieve the similar end of funding this country’s infrastructure needs. If confirmed, I will work with Congress on a bipartisan basis to find a solution to this challenging issue.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. FRANK R. LAUTENBERG TO  
ANTHONY FOXX

*Question 1.* Following Superstorm Sandy, the Northeast Corridor (NEC) was shut down due to flooding. To prevent future shutdowns, it is critical that the Department of Transportation (DOT) moves forward on Amtrak’s Gateway Tunnel project, which would build a new, modern tunnel into New York under the Hudson River. The NEC is currently operating at 95 percent capacity, and commuter demand is projected to double in the next 20 years. The project would expand service capacity and prepare the corridor for high-speed rail, all while hardening rail infrastructure against future storms. The Administration has previously committed their support for this project. Funding the Gateway project will take cooperation from federal, state, and local entities. Can we count on the Department’s continued support for this critical project?

Answer. Yes. I understand the Department is working closely with the regional stakeholders as the Gateway project develops. It is also my understanding that the Federal Railroad Administration, in developing a regional planning framework and a rail investment plan for future investments in the Northeast Corridor as part of NEC FUTURE, will analyze the long-term trans-Hudson capacity needs.

*Question 2.* The Gateway project is estimated to cost \$13 to \$15 billion. What existing or new tools would you recommend for financing a project of this magnitude?

Answer. The private sector is currently playing a robust role in the development and redevelopment of the major train stations serving the Northeast Corridor, including Washington Union Station and Moynihan Station in New York City. Private investment in the commercial development in and around these stations has and will continue to provide a source of revenue for the development of the transportation functions of these stations, including new concourses and train halls.

Furthermore, I am aware that as part of the NEC FUTURE planning process, the Federal Railroad Administration will also be evaluating potential funding scenarios, including private sector opportunities as part of a Service Development Plan for the Corridor. I also hope to review work that I understand was recently undertaken by Amtrak regarding potential private investment in the Northeast Corridor.

*Question 3.* A provision in the “Disaster Relief Appropriations Act” (P.L. 113–2) effectively restricts Amtrak’s ability to use funding appropriated to protect critical Northeast Corridor rail infrastructure from future storms and flood events. The law prevents Amtrak from utilizing its working capital to transfer funding between its

capital and operating accounts as a condition of accepting the disaster relief assistance. Will you commit to working with me to address this issue?

Answer. I understand that the law does effectively prevent Amtrak from being eligible to receive \$86 million in funding to make the Northeast Corridor more resilient to future disasters and I look forward to working with you to address this important funding issue.

*Question 4.* Unlike highways and transit, which receive dedicated long-term funding through the Highway Trust Fund, Amtrak's funding is subject to the annual appropriations process. This makes it difficult to execute complex, multi-year infrastructure projects needed to increase passenger rail capacity, improve reliability, and add higher-speed rail service. Recent budget difficulties, such as sequestration, have made it difficult for Amtrak to plan for short-term and maintenance projects. The President's FY 2014 budget called for a dedicated, multi-year capital funding commitment for passenger rail development. As Congress looks to reauthorize Amtrak this year, will you support dedicated funding for Amtrak?

Answer. I understand that the President's FY 2014 Budget Proposal includes dedicated funding for rail infrastructure and services through the National High Performance Rail System (NHPRS) program. The NHPRS program is proposed at \$6.4 billion in FY 2014 to maintain, modernize, expand, and improve the Nation's rail capacity and services.

This is part of the Administration's five-year \$40 billion reauthorization proposal funded from a new Rail Account of the Transportation Trust Fund. Dedicated funding from the Transportation Trust Fund for rail would bring it to parity with other modes who can make educated planning decisions for capital investments and service levels based on predictable funding levels.

*Question 5.* When will we receive the Administration's Amtrak reauthorization proposal?

Answer. I understand that the President's FY 2014 Budget Proposal is intended to serve as a detailed blueprint for reauthorization, as well as a mechanism to enhance safety, modernize our infrastructure and workforce, meet growing market demand, and ensure transparency. If confirmed, I look forward to working with Congress to accomplish these important goals as soon as possible.

*Question 6.* Superstorm Sandy devastated the region's transportation systems. New Jersey estimated more than \$1 billion in damage and Amtrak estimated \$336 million. Congress has appropriated \$13 billion for Sandy transportation damage and future mitigation. Will you commit to working with me to ensure that New Jersey transportation systems get their fair share to rebuild stronger and prevent future damage from storms?

Answer. Thank you, Senator, for your continued work and support of public transportation, especially as we continue to recover from the single greatest transportation disaster ever to hit our country.

I can assure that I will continue to work with you and all stakeholders to ensure that the impacted transportation network is fully recovered and that we take the necessary steps to build a more resilient system better able to withstand future storms.

*Question 7.* The U.S. airspace system remains the most complex air traffic control (ATC) network in the world, and the current ATC system simply does not have the capacity to accommodate projected traffic growth in a safe and efficient manner. Further, the air traffic control tower at Newark Liberty International Airport—one of the most complex and busiest airports in the country—is consistently understaffed. To maintain our global competitiveness, we must make substantial improvements to upgrade our aviation system by adequately supporting current air traffic control efforts and implementing Next Generation Air Transportation System (NextGen) modernization.

At FAA Administrator Michael Huerta's 2010 confirmation hearing, Administrator Huerta committed to fully staff the Newark tower with certified controllers; however, as of April 2013, Newark had 22 certified professional controllers—the recommended range is 29 to 36. Will you commit to ensuring that the Newark Liberty air traffic control tower is fully staffed with certified professional air traffic controllers by the summer of 2014? Please provide a plan for how you will meet this staffing level.

Answer. I understand that some of the FAA's air traffic control facilities currently face staffing challenges. In addition, as a result of the reduced funding levels with sequestration, the FAA has a hiring freeze in place, which may only be modified with the approval of the Administrator. I will be pleased to work closely with Administrator Huerta to ensure that we have sufficient staffing levels at Newark and other facilities, given the budget constraints that the FAA is experiencing.

*Question 8.* Additionally, a high rate of attrition among controller trainees continues to be an issue at Newark Liberty. In addition to the simulator at the tower, what steps will you and Administrator Huerta take to improve and increase training?

Answer. I understand that the FAA is in the process of revamping training programs for controllers and technicians and I will be pleased to follow up with Administrator Huerta on the overall training strategy and schedule.

*Question 9.* Budget cuts imposed by the sequester have threatened to disrupt the efforts of the more than 1,000 employees at the FAA William J. Hughes Technical Center in New Jersey—efforts critical to the successful implementation of NextGen. As the Department continues to face difficult budget decisions, what steps will you take to ensure efforts at the Technical Center to modernize our air traffic control system are not delayed?

Answer. I understand that the FAA is continuing to analyze the effects of sequestration on the implementation of NextGen. The William J. Hughes Technical Center is an integral part of NextGen's success and I will be pleased to keep you updated on any effects of sequestration on the program and the facility.

*Question 10.* Each year, on average 4,000 people are killed in truck crashes in the U.S. and another 80,000 are injured. Bigger and heavier trucks pose safety risks, including longer stopping distances and increased risks of rollover or trailer swaying. And long hours and demanding schedules contribute to truck driver fatigue, which has been recognized as a major safety concern and a contributing factor to fatal truck crashes—nearly half of truck drivers admit that they had actually fallen asleep while driving in the previous year.

The 2012 surface transportation law, MAP-21, requires DOT to complete a two-year comprehensive study on the effects of increasing truck sizes and weights on our Nation's roads. Concerns have been raised by safety advocates about the contractor that was chosen to do the study because the contractor has previously done a number of studies in favor of heavy trucks.

- Will you commit to working with the safety advocates to address their concerns?
- Additionally, will you take steps to make sure that there is careful scrutiny of the key features of the study, including the study plan, data collection and analysis, the work of the contractor and subcontractors, as well as the Federal Highway Administration's supervision of that work?

Answer. Let me begin by assuring you that I understand that safety advocates have expressed their concern that the study be objective and free of any bias. I am aware that since the enactment of MAP-21, the Department has been working hard to accommodate requests to maximize stakeholder input, provide for independent peer review, and ensure the highest degree of impartiality of the entities that will be assisting with the study. Although I was not involved in the hiring decision of the contractor, if confirmed, I am committed to ensuring that the Department will waste no time in advancing work that will ultimately produce a comprehensive, objective, and data-driven report.

*Question 11.* MAP-21 also requires the Department to complete a rulemaking to mandate all commercial trucks have Electronic On-Board Recorders, which help monitor the number of hours that truck drivers can be on the road to reduce fatigue-related crashes. This rule has already faced some delays. Will you work to ensure that this rulemaking is completed and submitted to the Office of Management and Budget before the end of the year?

Answer. If confirmed, I will work with FMCSA and the Office of Management and Budget to better understand the delays associated with this rule, and I will work toward accomplishing the requirements identified in MAP-21.

*Question 12.* The National Highway Traffic Safety Administration (NHTSA) has been considering a rulemaking to require the installation of speed limiting devices on heavy trucks since 2011. However, the expected date for a proposed rule was recently delayed by another six months, until December 2013. Will you commit to working with me to ensure that this rulemaking is completed in a timely manner?

Answer. If confirmed, I commit to working toward the completion of this rulemaking as expeditiously as possible.

*Question 13.* MAP-21 requires NHTSA to issue eight regulations to improve motorcoach safety. Will you ensure that the basic motorcoach safety regulations are issued within the timeframes in the statute and without delay?

Answer. I understand that the motorcoach safety regulations in the Motorcoach Enhanced Safety Act of 2012 are in various stages of development, and in one case, nearly completed. If confirmed, I will ensure that the Department does its best to

meet the balance of its responsibilities within the timeframes identified in MAP-21.

*Question 14.* Although driving injuries and fatalities have decreased significantly over the past several decades, alcohol-impaired driving continues to result in more than 30 percent of motor vehicle fatalities. In 2011, 9,878 people were killed in drunk driving crashes, and 50 to 75 percent of drunk drivers whose licenses are suspended continue to drive.

The Centers for Disease Control and Prevention found that re-arrest rates for drunk driving decreased by 67 percent for convicted drivers that had ignition interlocks as compared to those who just had their license suspended. What would be the safety benefits of requiring ignition interlocks for all first time drunk-drivers?

Answer. Ignition interlocks have been shown to be highly effective in preventing repeat drunk driving offenses when installed on vehicles driven by drunk driving offenders. This preventative effect has been demonstrated for both those who have been convicted for their first drunk driving offense and those who have had one or more previous offenses. If confirmed, I will ensure that DOT continues to support the strategy of requiring that drunk drivers use ignition interlocks and to continue the progress that DOT has made in reducing the problem of drunk driving.

*Question 15.* Since 2008, the auto industry has collaborated with NHTSA to invest in emerging technologies that would stop drivers from operating a vehicle if drunk, such as Driver Alcohol Detection System for Safety technology. The Insurance Institute for Highway Safety estimates the project, once fully realized, could save 7,000 lives each year. How can DOT expedite the technology development?

Answer. I understand that DOT is currently in discussions about a new research and development agreement with auto industry partners. The new agreement could represent a significant increase in the Department's investment in technologies that would prevent drunk drivers from operating vehicles. This increased investment should allow additional technology development and testing. If confirmed, I will ensure that DOT remains committed to these types of efforts and to the development of vehicle technologies that reduce the problem of drunk driving.

*Question 16.* The American Society for Civil Engineers estimates a five-year investment need of \$2.2 trillion to meet the needs of our Nation's infrastructure, including our Nation's rails, bridges, roads, transit systems, and ports. A number of proposals have been introduced that would create an infrastructure bank to finance and fund large-scale, multimodal transportation infrastructure projects. The Administration has been supportive of utilizing both financing tools, such as the TIFIA loan program, and multimodal grant programs, such as TIGER, to build critical infrastructure.

If you are confirmed, will you support including the authorization of a multimodal grant program in any national infrastructure fund or bank created to support transportation infrastructure projects?

Answer. A well-functioning transportation system is critical to America's economic future, and we need to increase our investment if we are going to maintain a well-functioning system. I believe both financing programs, such as TIFIA, and grant programs, such as TIGER, have an important role to play.

In the Charlotte area, we've taken advantage of both financing and grant programs to get projects off the ground and start investing in the future. Through the TIGER program, DOT has invested \$18 million in our light rail system, expanding its capacity to meet larger than expected demand. Without the TIGER program, it may have taken several years to assemble the funding to make the necessary improvements. TIGER also provided \$10 million in funding for the I-85 Yadkin River Bridge outside of Charlotte to help get that project moving. The I-77 HOT Lanes project North of Charlotte has received a Private Activity Bond allocation and is also pursuing a TIFIA loan.

Some projects can generate a revenue stream, and can be financed with loan programs; other projects cannot generate a revenue stream, and must be funded with grants. Some projects require a combination of loans and grants. I think that an effective infrastructure bank should have available both kinds of funding, with multimodal eligibility, so that it can assemble funding packages that can combine grant and loan funding to meet the unique needs of each project. This will allow us to leverage our limited funds by using grant funds only when they are necessary for a project to move forward.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. AMY KLOBUCHAR TO  
ANTHONY FOXX

*Question.* Air Traffic Controllers and Towers. I am committed to investing in our Nation's infrastructure and making sure we have the safest skies from airport to airport, both large and small. I have fought with my colleagues to keep both towers open and controllers on the job.

Will you commit to protecting the safety of our national airspace system and investing in local communities of all sizes with economies that depend on their local towers and air fields?

Answer. I can assure you that safety will be my primary focus, and that I will do what I can to avoid furloughs and contract tower closures.

Fortunately, the Reducing Flight Delays Act of 2013 (P.L. 113-9) provided FAA with the budget flexibility needed to end employee furloughs across the agency and keep low-activity contract towers originally slated for closure open for the remainder of Fiscal Year 2013. The transfer authority allowed FAA to forestall some of the most acute impacts of sequestration to the flying public. However, as you well know, the current sequestration environment, if it continues, will require painful choices in the future, particularly at FAA.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARK WARNER TO  
ANTHONY FOXX

**Infrastructure Bank**

*Question 1.* It is clear that we need solutions on how to make the necessary investments in our Nation's infrastructure. We cannot fill that hole with additional Federal spending alone. We need to leverage private capital that, right now, is either sitting on the sidelines or being invested in other countries. To do that, I am proposing creation of a national infrastructure financing authority or revolving fund, modeled on the successful Export-Import Bank, that could use a modest one-time capitalization of \$10 billion to leverage total project investment of \$300 to \$500 billion.

- Is it your view that the TIFIA program has sufficient staffing and resources to perform its duties, including all credit and risk analysis?
- Is it your view that U.S. infrastructure could benefit from an independent self-sustaining Federal entity, isolated from political influence, that could house a stable of credit and project finance experts and provide low interest loans and loan guarantees to viable infrastructure projects?

Answer. It is my understanding that since the passage of MAP-21, the Department has taken a number of steps to implement the changes to the TIFIA program and expand the TIFIA Joint Program Office to meet increasing demand. If confirmed, I will work to ensure that adequate resources are available to carry out this program.

I agree that finding sustainable funding for the Federal surface transportation program is an urgent challenge. Recently, President Obama reiterated his desire to create a national infrastructure bank. I believe this could be a great resource to help States invest in major transportation projects and create jobs in the process. If confirmed, I am committed to work with Congress and be part of the national conversation to find solutions on how to make the necessary investments in our Nation's infrastructure.

**Performance Metrics**

*Question 2.* MAP-21 contained some good performance language, and they are currently working towards some proposed rulemakings on the subject. But, more work can be done to ensure we are looking across all modes, and moving towards a true linkage between funding and system performance.

- What are your views on how we develop appropriate performance measures?
- How do you think we can move towards a more performance-based transportation system so that our precious dollars are invested in the most cost-effective way?

Answer. Good performance measures start with well-defined goals. We need to have a clear idea of what we want our transportation system to achieve, so we can design appropriate performance measures to track how well we are doing in achieving those goals. In setting performance measures, it is important to consult with stakeholders to develop measures that accurately measure performance and that are

feasible for States and localities to implement. The Department should also be mindful that variances between states and localities and, sometimes even within states, will not lend themselves to a one-size-fits-all evaluation of performance data. In order to invest our resources in the most cost-effective way, we need to apply the best analysis from planning, engineering, and economics to assess what investments will have the most cost-effective impact on raising our performance. Providing more resources for multi-modal programs with broader eligibility is a good way to steer dollars toward the infrastructure projects that will improve our performance most cost-effectively.

#### **Rail to Dulles**

*Question 3.* Secretary LaHood made it a top priority that we move forward with the Silver Line project that will bring metrorail to the Dulles International Airport and beyond, out into Loudoun County. A TIFIA loan is necessary to ensure that the three funding partners can move forward with phase 2 of this project. Can you commit to maintaining this project as a priority for U.S. DOT, and commit that U.S. DOT staff will maintain its effort and interest in moving this project forward?

*Answer.* As it was a priority for Secretary LaHood, I can commit that this project will continue to be a priority for U.S. DOT. As a result of a Letter of Interest being submitted by MWAA, Fairfax and Loudoun Counties, three TIFIA loans—one to each borrower—are being evaluated. If confirmed, I will maintain U.S. DOT's effort and interest in moving this project forward.

#### **NASA & Advanced Composites Certification**

*Question 4.* I have been working closely with NASA Langley and many industry stakeholders in the aeronautics field to bring about a public-private partnership focused on accelerating the development of advanced composite materials for use in the aviation sector. The FAA plays a crucial role in this area, due to the fact that they are responsible for the certification of every component used in new aircraft. Therefore, it is essential that the FAA plays an active role in the Advanced Composites Initiative being led by NASA Langley and that FAA works closely with all partners through the development of advanced composite materials. Can you commit to working with me to ensure that FAA remains an active and constructive partner in this endeavor?

*Answer.* It is my understanding that the FAA has had a long-standing relationship with NASA in Composite Materials as well as in other areas. If confirmed, I will work with you to ensure that the FAA remains an active and constructive partner in this endeavor.

#### **FAA—One Engine Inoperative**

*Question 5.* I understand that the FAA is considering changes to its Part 77 determinations that would incorporate One Engine Inoperative (OEI) procedures. These procedures are currently conducted by airlines, and are dependent on the type of airplane involved, planned route, etc. The FAA change would result in a standardized rule nationwide that would also limit building heights near airports. My staff has met with some of the parties that might be affected by such a change, and I understand that the formula being considered by FAA would limit the heights of more than 4,000 proposed structures and about the same number of existing ones—including several hundred in Virginia. Given the huge impacts this change would have, many argue that a thorough and open rulemaking process is needed to ensure that all voices are heard before the FAA decides whether it will move ahead with the OEI issue. Can you provide any insight as to how you would approach this issue, and do you believe that there should be an open and thorough rulemaking process?

*Answer.* The Charlotte/Douglas International Airport is the Nation's 6th busiest airport. As Mayor of Charlotte, I had the opportunity to work with both the airlines and stakeholders on a range of issues. I understand how important it is to listen to all parties to ensure proper decisions are made. If confirmed, I will use my experience, along with the experience and research of the FAA, to further investigate this issue.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARK BEGICH TO  
ANTHONY FOXX

*Question 1.* Shipbuilding generates jobs at U.S. shipyards and in supplier industries, and given the importance of sealift to overseas DOD operations, ensures the U.S. maintains an industrial base in a critical national defense industry. We have tightened environmental regulations on U.S. shipping recently with the air emission

standards from the IMO's Emission Control Areas (ECA). This has caused many U.S. flagged carriers to need to make large capital investments in upgrading their fleet or building new ships. When we last had major new ship-related environmental protection regulations under OPA '90 we used Title XI authorities to provide federally-backed loans to help shippers meet the new mandates. Is it appropriate to look to Title XI again to help shippers with the new mandates under ECA? The administration has not requested any funding for Title XI in FY14. Why not?

Answer. I strongly support the mission of the Maritime Administration, which is to improve and strengthen the U.S. marine transportation system to meet the economic, environmental and security needs of the Nation. The Title XI program's existing funding capacity is estimated to provide over \$400 million in loan guarantees.

The Maritime Guaranteed Loan Program (Title XI) is only one of the programs that supports this mission. The TIGER program, Small Shipyard Grants, and the Capital Construction Fund also promote the growth and modernization of the U.S. merchant marine and U.S. shipyards.

*Question 2.* There have been a large number of Jones Act waivers in recent years, including an unfortunate number of waivers during the Strategic Petroleum Reserve drawdown in 2011. While some waivers may occasionally be warranted, we want to ensure that Americans are capable of manning, building and maintaining ships in this country. What will you do to ensure waivers do not undermine confidence in the Jones Act?

Answer. If confirmed, I would work to ensure that the Jones Act fleet is used to the maximum extent possible and that waivers are issued only when U.S.-flag vessels are unavailable. I also would continue working with industry and the Department's Federal partners to ensure that U.S.-flag vessels are used to the maximum extent possible in any drawdown of the Strategic Petroleum Reserve (SPR). In addition, I would carry out the direction Congress has provided in legislation to maximize the use of U.S.-flag vessels in any drawdown and to ensure transparency related to any waivers of the Jones Act.

*Question 3.* The Navy strongly supports the Jones Act because of the importance of maintaining a strong domestic shipbuilding infrastructure and a skilled worker base. A recent GAO study said the commercial shipbuilding industry is more important than ever because of reductions in military spending. What will you do to keep our military shipbuilding capabilities strong and affordable?

Answer. It is my understanding that new construction projects are creating the prospects of much stronger employment in U.S. shipbuilding in the future, replacing some of the void left from a reduction in U.S. Navy shipbuilding contracts. If confirmed, I would work to ensure that our shipyards and their workers remain employed and capable. I understand that the America's Marine Highway program is one mechanism that could provide an important new market for Jones Act vessels. Smaller shipyards are also benefiting from investments made under the Small Shipyard Grant Program, which enables them to produce or service vessels more efficiently.

*Question 4.* America's maritime heritage is memorialized with the preservation of historic ships and lighthouses and support for maritime museums and other organizations that support the U.S. sea services and the merchant marine. Funding for the National Maritime Heritage grants program comes from the profits of scrapping ships in the National Defense Reserve Fleet. There is about \$6M available from ship scrapping for a grants program that would support preservation and education projects, and create jobs. Paperwork on this was forwarded by MARAD to the DOT executive level, yet has not moved from there. Do you support continuation of this program to assist in preserving America's vibrant maritime heritage?

Answer. If confirmed, I would continue to support preservation of America's important maritime heritage and the continuation of the Maritime Heritage Grant Program.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BRIAN SCHATZ TO  
ANTHONY FOXX

*Question 1.* The successful completion of Honolulu's Rail Transit System is a top priority for Hawaii's transportation system and successful economic development. Rail transit will take about 40,000 cars off of our roads each weekday, reduce congestion and connect people to jobs. Will you please confirm that the U.S. Department of Transportation (DOT) will honor the full funding grant agreement for this project and see it through to successful completion?

Answer. If confirmed, I will work with you, FTA, and the Honolulu Authority for Rapid Transportation (HART) to complete Honolulu's Rail Transit System. I understand that FTA and HART expect the project to re-start construction this fall and that, subject to annual Congressional funding, FTA fully expects to advance the annual Federal-funding increments set out in the full funding grant agreement for this project.

*Question 2.* Bus operations in rural and small urbanized areas are extremely vital to the State of Hawaii. For example, the Maui Bus was one of the fastest growing bus systems in the country during its first five years of operation (it began operations in 2006) enjoying more than 100 percent growth rates year over year. The system now carries nearly 3 million passengers per year. The Big Island's Hele-on bus service, though smaller in total ridership has an equally important impact on Hawaii County. Unfortunately, both the Maui and the Big Island bus systems are nearly 3,000 miles from the closest Federal Transit Administration (FTA) Regional Office.

Will you to look at the needs of these small, but vital systems and urge FTA: (1) to offer them the technical advice that they need and (2) to examine their operations and offer advice about effective use of the resources available to them? Time and distance can result in a lack of communication on the challenges these systems confront. Will you to support travel by FTA technical staff to meet with these agencies?

Answer. If confirmed, I will work to provide assistance to rural areas on the Big Island and Maui. Similar to past assistance that FTA has provided for the completion of ferry harbor improvements on Lanai, Molokai, and Maui, FTA would extend resources to address the concerns and operations of the local bus systems.

*Question 3.* For years, the Federal Government has used roadway design guidelines that fall far short of what is needed to protect cyclists and pedestrians, which has made streets unsafe for these vulnerable road users. Per capita vehicle miles traveled peaked in the U.S. in 2007. Recent studies have also shown that growing numbers of younger Americans are choosing not to get drivers licenses. People are cycling more and walking more, and thus pedestrian and cycling safety has to be a priority. Our nation's transportation needs and travel preferences are changing and DOT needs to continue to change with them.

As Secretary, will you follow through on Secretary LaHood's plans to create a standard guide for modern streets that work for everyone who depends on them? When do you expect DOT to release new street guidelines?

Answer. As Mayor of one of the country's fastest growing cities, I understand the importance of meeting the increasing needs of bicyclists and pedestrians and ensuring their safety. In Charlotte, I helped make significant progress in improving the bicycle network in our city, establishing a bike share system, and making pedestrian improvements, including connections to transit. I also supported a Complete Streets initiative that accomplished many of our important safety objectives. I admire the work that Secretary LaHood has done regarding building modern streets that work for all users. I understand he recently held two bicycle safety summits to bring together Federal, State, and local officials, planners, designers, engineers, law enforcement, safety experts, and others throughout the bicycle community to get input into these standards and to identify innovative ideas for improving bicycle safety in every community. I share Secretary LaHood's commitment to facilitating stakeholder discussions in this area, and these are efforts I would expect to continue if confirmed as Secretary.

*Question 4.* In your confirmation hearing testimony, you discussed performance measures that DOT has to set under MAP-21. I am particularly interested in the performance measures on safety and what DOT will do to ensure that states measure the safety of all users, including bicyclists and pedestrians. As a share of overall roadway fatalities, bicycling and walking fatalities are on the rise and now make up 15.8 percent of all traffic fatalities. Unfortunately, few states prioritize non-motorized safety in their usage of Highway Safety Improvement Program (HSIP) funds. In fact, from FY 2007 to 2011, states used just 0.4 percent of their HSIP funds on non-motorized safety.

Will DOT to create separate performance measures for motorized and non-motorized safety to help ensure that states examine their record on bicycle and pedestrian safety and take steps to improve it?

Can you please describe how, under your leadership, DOT will ensure that the safety of bicyclists and pedestrians is addressed through performance measures without reducing the prevalence of biking and walking?

Answer. Bicycling and walking are an increasingly important part of our transportation network, and offering the public safe transportation choices would remain a priority at the Department if I am confirmed as Secretary.

I understand that MAP-21 limits the Secretary to establishing performance measures in specific areas. However, as the Department moves through the rulemaking process to create performance measures, we would consider this and all comments received.

*Question 5.* Given your work as Mayor, you are aware of the value of Complete Street policies. How do you envision Complete Streets principles influencing Federal policy?

Answer. As Mayor of a city that has been nationally recognized as a model for Complete Streets planning and design, this is certainly an area about which I care greatly. I think it is important to keep in mind that each community has a unique context, such that the transportation needs in one area may differ from the transportation needs in another area of the country. If confirmed as Secretary, I would look for ways to help ensure that each community has the tools it needs to make transportation decisions that accommodate growth, create transportation choices, and improve livability.

*Question 6.* In 2009, U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson, U.S. Secretary of Transportation Ray LaHood, and U.S. Secretary of Housing and Urban Development Shaun Donovan created an interagency Partnership for Sustainable Communities to help improve access to affordable housing, more transportation options, and lower transportation costs while protecting the environment in communities nationwide. This interagency collaboration around a common set of Livability Principles has accomplished much and helped communities in all states—including Hawaii. In order for silo-busting interagency efforts like this to succeed, clear, articulate direction and vocal, consistent support from the head of each agency is essential. This is particularly true at a time when DOT and EPA are both transitioning to new leadership.

What will you do within the first 60 days of your tenure to clearly communicate to all DOT staff and external stakeholders that you intend to prioritize this partnership and the principles that guide it?

Will you meet with HUD Secretary Donovan and EPA Administrator McCarthy (if she is confirmed) to discuss the future direction of this partnership within 90 days of your confirmation?

Answer. I support the Partnership for Sustainable Communities and, if confirmed, look forward to continuing to work closely with HUD and EPA in the next few years. America is ready for better connectivity, more transportation choices, and better quality of life. I applaud Secretary LaHood's efforts to incorporate such principles throughout DOT's policies and programs, and I will continue to find ways to invest in providing transportation choices for local communities.

As Mayor of Charlotte, I supported our city's efforts to become more livable and sustainable and welcomed the support of our Federal partners. In Charlotte, for example, funding from DOT was used to develop a new streetcar connecting people to the 10,000 jobs and array of top-flight medical services at Presbyterian Hospital. It will also connect to Central Piedmont Community College, whose students are all commuters, and the Charlotte Transportation Center for access to the Charlotte Area Transit System's many bus lines and Lynx light rail system.

I am thrilled to continue working with Mayors across the country on similar projects, creating jobs and economic development by providing mobility choices.

*Question 7.* Hawaii is one of the most remote inhabited places on the planet. This means that Hawaii has some unique transportation needs that make it very different from any other state. For example, we are more reliant on air and maritime transportation than other states. We have enjoyed a close working relationship with DOT to help address these needs. Will you commit on the record that DOT will continue to recognize and help address Hawaii's unique transportation needs?

Answer. I am aware of Hawaii's unique transportation issues, and that DOT has made several investments in Hawaii's transportation facilities in recent years. The Maritime Administration established a partnership in 2005 with the Hawaii Department of Transportation, Harbors Division to assist them in developing and modernizing the various commercial harbors within the State. In establishing this program, the agency's role has been to provide Federal oversight and coordination of projects, to act as a central procurement organization, leveraging Federal and non-Federal funding resources, and streamlining the environmental review and permitting process. Approximately \$3 million has been spent for improvements at Kawaihae Harbor under this initiative.

In 2009, the Department awarded a TIGER grant of \$24.5 million to the State of Hawaii for improvements to the Pier 29 container yard in Honolulu. In 2011, Hawaii received another \$13.5 million for improvements to Saddle Road on the island of Hawaii.

The EAS program continues to provide a vital safety net for communities in Hawaii with a guarantee of air service to some of the most isolated communities in the Nation. All communities in Hawaii that received regularly scheduled air service from a certificated airline are guaranteed to continue to receive at least some level of scheduled air service going forward.

*Question 8.* Modernization of our Nation's airport infrastructure and the air traffic control system is important to the efficiency of the Nation's air transportation system. The travel and tourism industry, which is a key economic driver in my home state of Hawaii, relies on the national airspace system to move approximately 750 million passengers each year. It is expected that the number of passengers traveling by air will increase to one billion by 2015. Modernizing airport infrastructure and the air traffic control system will assist in eliminating flight delays and managing the increased passenger capacity.

Given the importance of improving the Nation's airport infrastructure, what recommendations would you make, if any, for policy changes to ensure airports have adequate funding for infrastructure costs?

*Answer.* The President's 2014 budget proposal includes an increase in allowable PFC collection authority per enplaned passenger for commercial service airports. This would give these airports greater flexibility to access capital funding sources with less reliance upon the Federal Government. If all commercial service airports increase the PFC collection to the level proposed in the President's budget that could generate significant additional annual funding sources for airport projects. There may be other ideas out there to be considered, and I look forward, if confirmed, to working with Congress and the Administration to finding a solution to this important issue.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. WILLIAM COWAN TO  
ANTHONY FOXX

*Question.* We all know that our highway infrastructure is critical to our Nation's success, and also that it needs to be improved. Part of that improvement includes better ways to communicate and provide information to alleviate congestion while at the same time enhancing safety.

What are your thoughts on how to improve our highway information and communications systems? Specifically, what are your thoughts today on the value of technologies that are (or will be) integrated into our highway system and vehicles?

*Answer.* I understand that one of the most effective tools we can use to increase safety and reduce congestion on our roadways is technology. Intelligent Transportation Systems (ITS) applications connect information and communications technologies with infrastructure, and with State Department of Transportation partners, DOT has already deployed ITS applications for improved traffic management, mobility and emergency management across many sectors of the highway system. I am becoming more familiar with the work that the Department is doing with its partners in the private and academic sectors to develop technology that would allow vehicles to communicate with one another—vehicle-to-vehicle technology—and that would allow vehicles to communicate with the roadways, traffic signals, and other infrastructure—vehicle-to-infrastructure technology.

I believe that this technology has the potential to significantly reduce the number of crashes on our roadways and save lives. That same connectivity also can help manage traffic on roadways, use the existing infrastructure more efficiently, and reduce congestion for drivers. Reduced congestion saves both time and fuel, and reduces emissions.

While these technologies offer enormous potential, I would, if confirmed, want to make sure that these systems protect driver privacy, avoid driver distraction, and are secure. If confirmed, I look forward to working with the Department to ensure that the Department continues to work with its partners throughout the public, private, and university sectors to deploy this and other developing technologies to increase the safety and capacity of our roads.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
ON BEHALF OF HON. SHERROD BROWN

*Question 1.* If confirmed, will you ensure that the basic motorcoach safety regulations in the Motorcoach Enhanced Safety Act of 2012, included in MAP-21, are issued within the statutory timeframes and without delay?

Answer. I understand that motorcoach safety regulations in the Motorcoach Enhanced Safety Act of 2012 are in various stages of development, and in one case, nearly completed. If confirmed, I will ensure that the Department does its best to meet the balance of its responsibilities within the timeframes identified in MAP-21.

*Question 2.* The MAP-21's motorcoach safety regulations were based on long-standing recommendations made by the National Transportation Safety Board and was sponsored by members of the Senate and the House, supported by industry and safety advocates—including crash victims and their families. Can you give your pledge that you will do everything in your power to make motorcoach safety a top priority of your administration?

Answer. Safety is my number one priority and, if confirmed, I am committed to improving motorcoach passenger safety. The Department is currently undertaking an extensive array of research activities and considering rulemakings to improve passenger safety on motorcoaches.

The insights offered by bus manufacturers and operators, consumer advocates, the National Transportation Safety Board, researchers, and many others will be critical to developing a strategic approach for making motorcoach transportation safer for the American public.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO  
ANTHONY FOXX

*Question 1.* The Federal Motor Carrier Safety Administration's CSA (Compliance, Safety, Accountability) program is an enforcement and compliance model that targets motor carriers for safety reviews based on their scores in seven "BASICS". Many industry stakeholders have criticized CSA, and point to the fact that scores in some of the BASICS may not bear a statistical correlation to crash risk. They are also concerned about the publication of BASIC scores on the FMCSA website, and worry that it will cost some companies business unfairly. If confirmed, will you commit to conducting a comprehensive review of the CSA program?

Answer. Safety is my number one priority. I believe the FMCSA team is working to increase safety through the CSA program, and I look forward to working with them as they continue to enhance the program.

*Question 2.* The Passenger Rail Investment and Improvement Act of 2008 (PRIIA) required that railroads install Positive Train Control (PTC) on all lines carrying passengers or toxic-by-inhalation materials, by December 31, 2015. Freight and passenger railroads have both expressed concerns about this mandate, and many railroads seem unlikely to meet the deadline. You worked with Norfolk Southern to construct the Charlotte Intermodal Regional Facility. During your work with them, did you ever discuss the PTC mandate? Would you support efforts in Congress to extend this deadline? How would you proceed if a freight or passenger railroad was unable to meet the deadline for PTC implementation?

Answer. I did not specifically discuss PTC with Norfolk Southern. While I am aware of industry and U.S. Department of Transportation (USDOT) concerns with the implementation schedule, this technology is Congressionally mandated. If confirmed, I would examine this issue carefully and work with the rail industry to ensure compliance as soon as possible. My approach on these issues would depend highly upon the circumstances. Under my leadership, the Department would work hard to be a good partner with industry, Congress, and other stakeholders to achieve compliance and the safety objectives of the statutory mandate as an initial priority precisely to obviate the need for enforcement activity.

*Question 3.* In your Committee questionnaire you cite several examples of major transportation achievements you have made in Charlotte as mayor, including breaking ground on the Charlotte Streetcar Project, extension of the LYNX light rail system, the Charlotte Regional Intermodal Facility, and a third runway at Charlotte/Douglas International Airport. As you note, this was all done "despite the resource-constrained environment in which we have had to operate." Can you provide an overview on how you were able to finance these specific projects? Please include the total cost of each project, as well as the amount of funds the city, county, State, Federal Government, and private partnerships contributed to each project. For Federal contributions, can you include the specific program these funds came from and if they were loans or grants (competitive, formula, or congressionally directed)?

Answer. In 2010, the City Council set aside \$12M in capital savings and submitted an application for an USDOT Urban Circulator grant, which we later re-

ceived. The urban circulator grant (competitive) of \$24.99M was awarded in 2010, and the total cost of the project is \$37M.

The Lynx Blue Line Extension (BLE) is the newest light rail project in Charlotte and is scheduled for service in 2016/2017. The projected cost of the project is \$1.162B and is the largest single capital project in the history of Charlotte. The local match of \$281M will be paid for using the local transit sales tax. The state of North Carolina has agreed to provide \$299.1M in matching funds. We obtained a full funding grant agreement under the USDOT's New Starts Program of \$580M (competitive) to complete the project's funding.

Beyond these two projects, I initiated a transit funding working group composed of local business leaders, regional community leaders, and elected officials to develop a strategy for completing our transit plan, which is currently underfunded by \$4.5B. The final report was released in May 2013, and calls for an array of revenue sources to complete the region's 2030 Transit Plan, including expanded transit sales tax, increased use of tax increment financing, municipal service districts, and other private-public partnership tools. This report will be the blueprint from which future regional leaders will seek State legislative approval to move the transit system forward.

The Charlotte Intermodal Facility is a \$92M public-private partnership. The City of Charlotte offers lease terms to Norfolk Southern for more than 166 acres of land having a fair market value of \$9.7M. The annual lease payments will be ten percent of the fair market value. Norfolk Southern is also investing more than \$76M in direct expenditures to construct the facility, which is also supported by a \$15M grant from the Federal Rail Administration's Freight Intermodal Distribution Pilot Grant Program, which is administered by FHWA. The total cost of the intermodal facility is estimated at \$92M.

The third parallel runway was a \$200M project and was supported by local airport enterprise funds (\$70.3M), the North Carolina Department of Transportation (\$3M) and Federal grants (\$129.1M)—which as I understand it were funded through the Federal Aviation Administration's Airport Improvement Program.

*Question 4.* When North Carolina received American Recovery and Reinvestment Act (ARRA) funds to build a high speed rail in your state, I understand that you led a bipartisan coalition of mayors to persuade the state legislature to accept the funding. Why did you decide to take on this cause, why do you think you were successful, and what was your biggest challenge?

Answer. North Carolina received \$461M of high-speed rail funds to pay for upgrades to tracks between Raleigh and Charlotte, to complete bridges and crossing safety improvements, to improve speed and reliability of passenger service, as well as station expansions in four cities along that path, and construction of a maintenance facility in Charlotte. Aside from these general statewide advantages, within the Charlotte area, the improvements benefit the Blue Line Extension and the proposed Red Line Commuter Rail from Center City Charlotte to the northern towns of Huntersville, Cornelius, and Davidson, reducing the cost of both projects. For example, the \$129 million NS/CSX Grade Separation project in Center City Charlotte, which primarily benefits freight and intercity passenger rail passing through the City, provides secondary benefits to the proposed Red Line Commuter Rail project. In other words, the value of the investment could be leveraged across multiple long-range and short-range rail capacity enhancements in our area. We were successful because local communities, both rural and urban, and political leaders, both Democratic and Republican, joined together and made a forceful case that the investments gave our state a competitive edge. Our biggest challenge was that the bill to reject high speed rail funds was moving fast, and we had to pull together the coalition quickly.

*Question 5.* In your Committee questionnaire you mention that as a member of the U.S. Conference of Mayors (USCM) you participated in legislative matters brought before the Conference. Please provide a list of any of these matters that were transportation related and explain the level and nature of your participation.

Answer. I listed the USCM legislative agendas, which are approved annually by the full body of the Conference and always on a voice vote. The following are matters approved by the Conference during my tenure:

*2010 Annual Meeting—Oklahoma City*

Adopted Resolutions on Transportation and Communications:

[http://usmayors.org/resolutions/78th\\_conference/AdoptedResolutionsFull.pdf](http://usmayors.org/resolutions/78th_conference/AdoptedResolutionsFull.pdf)

- Investing in America's Emerging High Speed Rail Network
- The Tiger Grant Program

- Improved Transit Funding
- Promoting Sustainability and Local Economies Through Public Transit
- Streetcar Renaissance and Leadership
- Calling on the Obama Administration to Create an Office Dedicated to the Promulgation of Sustainability Principles Practices and Policies
- HUD, DOT, and EPA Partnership for Sustainable Communities Support for Sustainable Development in Cities
- America's Clean, Domestic, and Affordable Urban Transportation Solution
- Recommendations of the U.S. Conference of Mayors that a National High-Speed and Intercity Passenger Rail Funding Source Be Included in the Surface Transportation Reauthorization

*2011 Annual Meeting—Baltimore*

Adopted Resolutions on Transportation and Communications:

[http://usmayors.org/resolutions/79th\\_conference/AdoptedResolutionsFull.pdf](http://usmayors.org/resolutions/79th_conference/AdoptedResolutionsFull.pdf)

- In Support of the President's High Speed Rail Initiative
- A Metropolitan Transportation Reauthorization
- Acceleration of Locally Sponsored Transportation Projects in the Federal Program Through Local Grant Administration "America Fast Forward: Creating Jobs the Right Way"
- In Support of Increasing the Passenger Facility Charge
- In Support of the Use of Red Light And Speed Safety Cameras to Reduce Injuries and Fatalities on Our Nation's Roads

*2012 Annual Meeting—Orlando*

Adopted Resolutions on Transportation and Communications:

[http://usmayors.org/resolutions/80th\\_conference/](http://usmayors.org/resolutions/80th_conference/)

- Federal Funding for Pedestrian and Bicycle Programs
- In Support of Alternative Modes of Transportation, Such as Bikesharing Programs, As a Means to Increase Transportation Mobility and Mode Choice
- State Substitution for NEPA Resolution
- Capital Investment Grant Program
- America Fast Forward: Rebuilding Our Infrastructure and Generating Jobs
- In Support of High Speed Rail
- National Exports and Ports Policy
- Require that the U.S. Department of Energy Focus on the Treatment and Storage of Radioactive Waste On-site Where Appropriate to Mitigate Health and Environmental Risks of Transporting Low, High and Mixed Level Waste to Off-site Treatment Facilities
- Supporting Electric Vehicles

*Question 6.* The Maritime Administration has indicated that as a result of sequester participants in the Maritime Security Program (MSP) will receive only part of their monthly stipend in August 2013, and will receive no stipend in September 2013. If confirmed, are there steps you can take as Secretary to prevent vessels from leaving the MSP, or to otherwise mitigate the impacts of sequester on the MSP?

*Answer.* If confirmed, I would make certain that all available funding in Fiscal Year 2013 is accounted for in order to be available to the agreement holders to minimize the shortfall in funding. I would also work to ensure that the Maritime Administration continues to engage in open dialogue with the MSP agreement holders so that they can adequately plan and prepare for any financial shortfall.

*Question 7.* Are you familiar with the Federal Highway Administration's use of "Project Labor Agreements" on large scale Federal procurement projects? Do you feel that the way they are currently utilized is appropriate and beneficially to taxpayers?

*Answer.* In February 2009, President Obama issued Executive Order 13502 on the use of project labor agreements (PLA) for Federal construction contracts. I believe that PLAs are beneficial to taxpayers because they assist in promoting the economical, efficient, and timely completion of construction projects. The Executive Order specifically permits the use of project labor agreements in connection with large-scale construction projects receiving Federal financial assistance, including projects financed by the Federal Highway Administration.

*Question 8.* The Federal Government currently limits the length and weight of trucks on certain highways, and in many cases these laws simply do not make sense, and actually have a negative impact on safety, highway maintenance, and the State's economy. For example, in South Dakota, several two lane highways have been four laned since the 1991 LCV free took effect, yet LCVs are forced to use less safe two lane routes which were grandfathered, some of which increase trip lengths by hundreds of miles. Do you think it's time to reevaluate Federal policy and consider allowing states to make commonsense changes to their size and weight regulations?

Answer. I understand that Federal statutes limit the size and weight of trucks on certain highways. It is also my understanding, though, that the Department is currently conducting a comprehensive truck size and weight limits study that should help inform this exact issue. I understand that the Department is working hard to accommodate requests to maximize stakeholder input, provide for independent peer review, and ensure the highest degree of impartiality of the entities that will be assisting with the study. If confirmed, I am committed to ensuring that the Department will waste no time in advancing work that will ultimately produce a comprehensive, objective, and data-driven report to Congress.

*Question 9.* Many motor carriers have begun conducting hair tests for drugs as they have found this testing method to be far superior to urine-based tests. In fact, these companies have found that a hair test is three times more likely to detect illegal drug use. Yet, the Department of Transportation will not accept the results of hair tests to meet regulated drug testing requirements. Knowing that hair tests can keep many more truck drivers who use illegal drugs off the road, do you think the Department of Transportation should encourage hair testing by allowing it to be used to meet regulated testing requirements?

Answer. If confirmed, I will follow the U.S. Department of Health and Human Services' (HHS) drug testing guidance, and if HHS decides to recognize hair testing, I will work with the motor carrier and other regulated industries and all other affected parties to determine how to use hair testing to meet the Department's drug testing requirements.

*Question 10.* In the past year both the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have taken the position that the *Buy America Act* applies to utility relocation work. In the case of FHWA, it appears that the agency would extend the *Buy America Act* requirements to projects being funded directly by cities or municipalities if the utility relocation project is related to a federally-funded project. Do you believe that the *Buy America Act* requirements should apply to utility relocations? If you are confirmed, would you commit to reviewing the current status of the FHWA and FTA interpretations of *Buy America*?

Answer. I agree with supporting American workers. I further understand that MAP-21 amended the Buy America statute, and, those amendments have been interpreted to broaden the application of Buy America requirements to any contract eligible for Federal highway funding within the scope of an applicable National Environmental Policy Act document regardless of the contract's funding source, including utility relocation work even when not paid for with Federal-aid funds. I understand that Secretary LaHood has heard from concerned stakeholders about this issue. If confirmed, I will also engage stakeholders, and I would be happy to meet with you to discuss the Department's implementation of the provision.

*Question 11.* As you know, MAP-21 replaced the Indian Reservation Roads Program with the Tribal Transportation Program and the Indian Reservation Roads Inventory was replaced with the National Tribal Transportation Facility Inventory (NTTFI). Can you provide the Committee with an update on recent actions of the Federal Highway Administration (FHWA) and the Bureau of Indian Affairs (BIA) to consult with tribes under this new program as well as the actions of the respective departments to update regulations used to determine the eligibility of roads to be added to, or remain in, the NTTFI? Can you also provide the Committee with information regarding the NTTFI quality assurance review and ongoing actions to improve the accuracy of the NTTFI? Can you provide a timeline for when the FHWA and BIA estimates a formal rulemaking will be completed for new regulations necessary under MAP-21, including those concerning the NTTFI, and when additional consultations will take place?

Answer. Although I am not privy to the specific actions the FHWA and the BIA have taken to date, I am aware that the two agencies are facilitating discussions with Tribes under this new program in an effort to ensure meaningful consultation regarding the new program and the inventory. These are important discussions to have, and if confirmed, I am committed to ensuring that the necessary government-to-government dialogue continues and that any required rulemakings are completed

as expeditiously as possible, taking into consideration tribal consultation and all public comments received.

*Question 12.* The Committee would like to understand obligation patterns for the programs of the Federal Aviation Administration (FAA). Please provide actual obligations for the last quarter of FY 2012 as well as the first two quarters of FY 2013 and estimated obligations for the remaining two quarters. Please provide this information by line of business and account.

Answer. As a nominee, I am not personally familiar with the information requested but I understand that the Department and FAA have been in communication with your office on this request and have worked out an agreement.

*Question 13.* As a result of the sequester which contracts were amended and what were the costs associated with these contract adjustments? What methodology did FAA utilize to revise contracts given the sequester? Have contracts been amended to include new language to give FAA the flexibility to adjust contracts subject to the availability of funds?

Answer. As a nominee, I am not personally familiar with the specific information requested but I understand that DOT and FAA have been in communication with your staff on this request and will be providing information about the process used to review contracts for potential reductions. I am told that the majority of actions FAA has taken to date did not require contract modifications, but instead were decisions not to award new task orders or additional funding on existing contracts and not to award new contracts. I am informed that all FAA contracts, regardless of contract type, include clauses granting the agency flexibility in response to the availability of funding. I am informed that these clauses were included at award.

*Question 14.* It has been reported that FAA contracts are susceptible to mismanagement and, as a result, can experience large budget overruns. What methodology is currently in use to safeguard against such mismanagement in the future? What new methods are being explored to safeguard against budget overruns?

Answer. As a nominee, I am not personally familiar with the methodologies requested. I am informed that FAA has taken a multifaceted approach to contract management. I understand that methods include formal pre-and post-awards reviews by the FAA's finance, acquisition, and information technology offices, oversight of all significant acquisitions by the FAA's investment review board, and improved training of acquisition personnel. I am told that the FAA also uses earned value management and a variety of data mining techniques and metrics to monitor its contracts and look for opportunities for cost savings as well as detect possible problems. I am informed that effective review of proposed acquisitions, especially requirements for support services has allowed FAA to reduce redundant requirements/solutions, ensure programs have adequate controls established to administer contracts and reduce overall agency risk associated with major acquisitions.

*Question 15.* What other savings was realized due to the sequester that would impact the FAA's FY 2014 budget? What long term plans are in place to reflect a further commitment to finding savings in the FAA budget? Please provide this detail by account and by line of business.

Answer. As a nominee, I am not personally familiar with the specific information requested regarding savings in the FAA budget that would impact the FY2014 budget. Unless we find a solution to sequestration, FAA will again be faced with making difficult choices in order to operate at a reduced funding level in FY 2014. If confirmed, I look forward to working with you, other members of Congress, and the Administration to find a solution to replace the across-the-board budget cuts mandated under sequestration with balanced deficit reduction that restores critical services to the American public. Even if we do not reach such a solution, I am committed to working with you to make every effort to preserve safety and efficiency of our national airspace system as we implement these painful cuts.

*Question 16.* FAA has indicated that in January 2013, the Agency granted "pay increases" (including, but not limited to OSIs, SCIs, and cash awards) to a quarter of the agency's 45,000 employees. When were these increases approved, and what was the total dollar amount provided in January? (Please provide details on the breakout by appropriations account and by line of business.)

Answer. As a nominee, I am not personally familiar with the specifics of this decision. I understand, however, that in 1996, Congress passed a law directing the FAA to create a compensation system that provided greater flexibility to address the "unique demands on the agency's workforce." In response to this directive, I understand that the FAA replaced the general schedule pay scale with a compensation system designed to incorporate pay for performance measures in order to operate more efficiently and effectively as an organization. Under FAA's Core Compensation system, general increases, longevity-based step increases, and quality step increases

paid under the Federal General Schedule system were eliminated and replaced with two new types of annual performance-based increases: Organizational Success Increase (OSI) and Superior Contribution Increase (SCI). Using OSI and SCI, FAA ties agency performance and individual performance to employee annual pay.

I am informed that in January 2013, in accordance with the Core Compensation system, approximately one quarter of FAA's 47,000 employees and operational managers received a small pay increase averaging 1.6 percent.

*Question 17.* It is our understanding that as a result of collective bargaining agreements with employee unions, many FAA employees will receive 1.6 percent pay increases this June unless a prohibition of within grade step increases is enacted by statute. What is the projected cost of these pay increases for FY 2013 and FY 2014 that are guaranteed by the union contracts? Will the FAA need to adjust any spending plans to accommodate such pay increases? Given the tight budget environment for the foreseeable future, how will you balance employees' requests for higher pay with the need to deliver a safe and efficient national airspace system within budget realities?

Answer. While I am not familiar with the details of these agreements, I am informed that approximately 25,000 FAA employees, including air traffic controllers, technicians, and engineers, will receive pay increases this June as required under their collective bargaining agreements. A core component of preserving our safe and efficient national airspace system is ensuring we retain a qualified, well-trained workforce.

*Question 18.* It is our understanding that reemployed annuitants and term employees were separated from service due to the sequester. How many of these types of employees did the FAA and DOT have? How many were separated? How much money did those separations save the FAA and DOT compared to full time employees?

Answer. As a nominee, I do not have personal knowledge of the facts requested. However, I understand, as of today, 168 of FAA's temporary employees and re-employed annuitants have separated from service due to the agency's mitigating actions put in place after the sequester's mandatory budget cuts were imposed. I am further advised that the estimated FY 2013 cost savings for separations of FAA temporary employees and re-employed annuitants is \$4.9 million in the Operations Account and \$ 263 thousand in Facilities and Equipment.

*Question 19.* The Charlotte Douglas International Airport (CLT) control controversy has been referred to in the press as your "biggest struggle as mayor." This March, a bill passed the North Carolina Senate, and is expected to pass the House, to remove Charlotte Douglas International Airport from city control and hand it over to a regional authority. In May, a city-commissioned report by independent consultant Oliver Wyman also concluded that the airport should be governed by an independent authority, citing reduced political involvement in airport management and greater assurances that airport spending avoids expanding from government influence. Can you explain why an independent consultant hired by the city and the North Carolina Senate both proposed to transfer control of the airport away from the City of Charlotte now, after the City has successfully run the airport for over 50 years?

Answer. The North Carolina State Legislature appears to be on a path of converting all major airports within the State authorities. I note that similar legislation was passed last year to convert the city-controlled Asheville airport into an authority. Having interviewed all stakeholders and considered the reasons offered by proponents of changing airport control, the independent consultant found:

It is important to stress that our conclusion as to the best form of governance for the Charlotte Airport is not based on any real or perceived wrong-doing, mismanagement, or other failing by the City of Charlotte. In fact, just the opposite. As is well-recognized, the Airport has thrived under City management, with the lowest costs among peers, a high customer service ranking, and proven ability to plan and execute capital expansion and improvement programs. The Airport has continued to innovate, from rocking chairs to restroom attendants, to the intermodal rail facility. Furthermore, during our interviews, we did not detect any suggestion that the Airport suffers from the issues/problems that have triggered additional oversight and governance changes at other airports, such as patronage, political favoritism, or contracting irregularities.

The report further finds that the airport is "the most unlikely candidate for a change in governance than any of its peers." Having reviewed the report, I believe the consultant reached a conclusion that an authority is an industry best practice and should be considered by the city irrespective of the current legislative effort.

*Question 20.* In April, a *Wall Street Journal* editorial listed ways in which the City of Charlotte proposed to increase operating expenses and taxes at CLT airport, increasing air travel costs and potentially jeopardizing the airport's status as a hub. In a constrained sequestration budget environment, if confirmed will you ensure that airport operating expenses are minimized by maintaining vigilant oversight and enforcement of the law prohibiting airport revenue diversion? For example, would it be inappropriate to be build a rail yard for a city streetcar line on airport property using airport funds?

Answer. To the first question, yes. Again, the Charlotte-Douglas International Airport remains one of the lowest cost, highest efficiency airports in the United States and recent cost concerns arose from a well-known, widely-publicized security breach in which a loss of life occurred. If anything, this should reinforce the importance I have placed on safety. Further, under my stewardship of the airport, there has not been a single instance of airport funds being diverted for a non-airport purpose. On the second question, I have supported using airport grounds for rail yards, as the aforementioned intermodal facility attests. Having said that, I am not aware of an instance in which Charlotte or any other city has ever proposed putting a "rail yard for a streetcar line" on an airport premises. There are, however, many positive instances of airports employing transit—either by bus or rail—to *connect* airport users to cities. If confirmed and presented with a request to use limited funds to support a transit connection to an airport, I would be guided by all applicable statutes, rules and regulations as well as competing proposals and national aviation needs in assessing whether to support such a connection.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER F. WICKER TO  
ANTHONY FOXX

*Question 1.* The future success of America's transportation system depends on its ability to connect all corners of America. If confirmed, what do you plan to do in order to ensure that America's transportation system serves all Americans, regardless of whether they live in urban or rural America?

Answer. The desire for safe, affordable, and accessible transportation is shared by every American community, whether urban, suburban, or rural. If confirmed as Secretary, I will work to ensure that America's transportation system works for all Americans, not just those located in certain areas of the country. To accomplish this objective, I will work within the Department's Modal Administrations, stakeholders, and the public to develop policies and programs that provide states, MPOs, and communities a menu of options to consider when deciding whether to plan or implement transportation projects. This will ensure that the transportation resources and tools needed to address economic, environmental and social concerns for all communities are available and in-use.

One great challenge we face is developing consensus in working on effective and appropriate ways to fund these investments. If confirmed, I look forward to working with you, the Administration, with Congress, and other stakeholders to address this critical issue.

I am aware that MAP-21 provides new opportunities for the Department to connect all corners of America. The consolidation of existing programs and creation of new programs should help the Department strengthen our transportation system and better serve the American public. Like those in large metropolitan areas, rural Americans greatly depend on transit to access schools, jobs and job training. Our transportation system must meet the demands of a growing economy and provide efficiency in the movement of people and goods. Under my leadership, the Department will continue to focus on meeting the needs of large and small cities and rural areas.

*Question 2.* The Reducing Flight Delays Act gave the FAA increased flexibility to fund air traffic controllers, contract towers, and other vital FAA programs. The act's passage showed that we can prioritize and make modest savings in our non-defense budget without inflicting painful service disruptions. Sadly this provided only a short term solution in our continually constrained budget environment. How do you plan to implement sequestration budget cuts across the department without service disruptions, furloughs, or cuts to important cost effective safety programs, such as the Federal Contract Tower Program?

Answer. Safety is my number one priority. If confirmed, I will thoroughly review each Operating Administration's budget controls to ensure safety remains our top priority, and I look forward to working with Congress to ensure that transportation safety is not compromised due to sequestration. While the flexibility in the Reducing Flight Delays Act allowed the FAA to maintain its core safety functions, I am con-

cerned that the cuts made to system modernization projects and airport improvement projects removes capital dollars that may not be replenished.

*Question 3.* The maritime industry is by far the most economical form of domestic transportation, moving more than 1 billion tons of cargo annually at a fraction of the cost of other modes. The domestic maritime industry transports one-quarter of America's domestic cargo for just 2 percent of the national freight bill. America's domestic shipping industry is responsible for nearly 500,000 jobs and more than \$100 billion in annual economic output. All of these advantages are dependent upon the Jones Act. I am interested in hearing your views on this important issue.

Answer. If confirmed, I will continue the Department's strong and historic support of compliance with the Jones Act.

I would also work to ensure that we have maximum use of the Jones Act fleet and that waivers are issued only when U.S.-flag vessels are unavailable. In addition, I would carry out the direction Congress has provided in legislation to maximize the use of U.S.-flag vessels in any future drawdown of the Strategic Petroleum Reserve (SPR) and to improve transparency related to any waivers of the Jones Act.

*Question 4.* The Maritime Administration is responsible for administering the Maritime Security Program, which was recently reauthorized through 2025 in last year's NDAA. Under the reauthorized program, the Department of Defense will continue to have access to the U.S.-flag commercial assets—ships, mariners, and intermodal logistics networks—that transported 95 percent of the DOD supplies transported during Operation Iraqi Freedom and Operation Enduring Freedom. What is your position on the reauthorized MSP program and its importance to the maintenance of the U.S.-flag fleet?

Answer. I understand the importance of the MSP program to the maintenance of the U.S.-flag fleet and fully support it. I further understand that the Department worked with Congress to ensure extension of the MSP as part of the National Defense Authorization Act of 2013, due to the critical importance of this program that maintains an international trading U.S.-flag fleet, owned and operated by U.S.-citizen companies and mariners. At the present time, MSP carriers are considering committing to this new 10-year agreement extension to 2025. This long term commitment to 2025 of sealift and intermodal capability would be a significant decision given reduced government impelled cargos as a result of the military drawdown in Afghanistan and lower agricultural cargo levels. If confirmed, I would work hard to ensure the long term stability of the MSP program.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DAN COATS TO ANTHONY FOXX

*Question 1.* In a time of decreasing resources for the Federal budget the Department of Transportation, like many Hoosier families, will have to do more with less and make hard decisions on where to make fiscal cuts. I can't imagine you would take on the responsibility of leading an organization like the Department of Transportation without doing substantial due-diligence into the challenges the organization faces.

- As you've gone through and reviewed the department's operations, what areas have you identified early on for reorganization, consolidation, and elimination in order to provide savings to the taxpayer?
- How will you prioritize the Department's functions in order to do more with less?

Answer. Safety is my number one priority. If confirmed, I plan to thoroughly consider the Department's existing programs to find cost savings that do not compromise safety. I have not yet identified areas for reorganization, consolidation, and elimination, but I look forward to the opportunity to work with the people at DOT to find these efficiencies.

*Question 2.* I'd like to discuss the concept of aviation user fees, which I hope you have done some in-depth research on given the city's management of the airport and the fact that you've been nominated to lead the DOT. I think the current mechanism for funding infrastructure and services via the fuel tax remains the best plan. The system for collecting these funds is simple and allows for any necessary increases to fund services or infrastructure enhancements to be easily implemented. The President continues to propose a \$100 per flight user fee in his budget to fund everything from deficit reduction to air traffic control services. General and business aviation is very important to Indiana, and I continue to hear from Hoosiers who tell me that they are not opposed to paying more for such services, but the mechanism

should be an increase in the tax on jet fuel and not user fees. I think this is the wrong way to fund our aviation system. What do you think about these user fees in general, and specifically will you be an advocate for the President's proposal?

Answer. I support the Administration's goal of achieving balanced deficit reduction without compromising a safe and efficient national infrastructure system. While I am not privy to the policy considerations that went into the Administration's FY 2014 budget proposal, this issue presents one of the many tough choices we face as a Nation. If confirmed, I will work with Congress and all of the relevant stakeholders on this issue.

*Question 3.* An issue that I know a number of us feel strongly about is the lack of responsiveness by the DOT to the members of the Commerce Committee. I personally have two letters that I have recently sent to the FAA and the DOT. The first is a letter from April 23, almost one month ago now, to Secretary LaHood and Administrator Huerta on the FAA's decisions relating to the sequester. The second is a letter from last week signed by 17 Senators to Administrator Huerta on bonuses at FAA. If confirmed, how will you improve the Department's and its agencies' responsiveness to the Committee's requests?

Answer. It is my understanding that the Department has provided a response to both of the above mentioned letters. You have my commitment that, if confirmed, the Department's communication with Congress will be handled in a manner so as to provide accurate information as quickly as possible.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROY BLUNT TO  
ANTHONY FOXX

*Question 1.* In the past year, both the Federal Highway Administration (FHWA) and the Federal Transit Authority (FTA) have been taking the position that the provisions of the Buy America Act apply to utility relocation work, which is a new interpretation of that law. In the specific case of the FHWA, it appears that the agency would extend the Buy America Act requirements to projects being funded directly by cities/municipalities if the utility relocation project is part of an overall federally-funded project. Would you agree it important to assess the impact of extending these types of requirements on cities/municipalities' current projects and those in the pipeline before such interpretations become effective?

- Do you believe that a formal rulemaking would be a better vehicle for DOT and its sub-agencies to examine whether these types of requirements even apply to utility relocations and the effect of taking that interpretation?
- If you are confirmed as Secretary of Transportation, would you commit to reviewing the current status of the FHWA and FTA interpretations of the Buy America Act requirements and their effect on cities/municipalities and affected utilities?

Answer. I agree with supporting American workers. I further understand that MAP-21 amended the Buy America statute and those amendments have been interpreted to broaden the application of Buy America requirements to any contract eligible for Federal highway funding within the scope of an applicable NEPA document regardless of the contract's funding source, including utility relocation work even when not paid for with Federal-aid funds. If, in fact, MAP-21 requires this practice, I would be obligated to follow it. I understand that Secretary LaHood has heard from concerned stakeholders about this issue. If confirmed, I will listen to stakeholders, and I would be happy to meet with you to discuss the Department's implementation of the provision.

*Question 2.* In the President's FY 2014 Budget, the Administration requested \$6.6 billion as part of a proposal to upgrade current, intercity passenger rail systems to become high speed rail systems. Do you believe that expanding high speed rail in the United States should be a spending priority of the Federal Government? Knowing that we are facing a funding shortfall for transportation programs, how would you prioritize high speed rail funding compared to funding which updates outdated bridges and interstates?

Answer. I believe that we should be multimodal in our national transportation approach and advance projects and programs that address our Nation's pressing transportation needs in the most cost-effective and market-responsive way, while also dealing with the state of good repair and safety needs of all modes. The President's budget request has proposed significant funding for both new rail infrastructure and "Fix-It-First" activities on our roads, rails and bridges, and I support his approach.

I do believe that intercity rail, including high-speed rail, shows promise and presents opportunities in many markets. Recently, for example, I understand that the Brookings Institution noted that rail has been the fastest-growing intercity travel mode during the past 15 years in the US, suggesting that substantial market demand exists for further investments.

*Question 3.* We all share a common goal of making our passenger rail networks safe. As part of the Passenger Rail Reauthorization in 2008, Congress required all train operators to have Positive Train Control systems operational on their locomotives and track by the end of 2015. If that deadline is not workable, either because of a lack of funding or, equally likely, because the technology to implement this new requirement simply isn't ready yet, would you support a move by Congress to delay the implementation date for PTC to be in use on all passenger rail systems?

Answer. I strongly support the implementation of positive train control systems. I understand, however, that there are a number of technical and programmatic challenges associated with positive train control system implementation that may preclude the full deployment of positive train control on all required rail lines by the December 31, 2015 deadline. If confirmed, I hope to work with Congress to further address positive train control issues.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARCO RUBIO TO  
ANTHONY FOXX

*Question 1.* Aviation is important to Florida's economy, particularly general and business aviation. It is a billion dollar industry in Florida, and my constituents can attest to how vital general aviation is to get around the state and to conduct business, particularly in rural areas. But my concern is that some of the rhetoric and policies coming out of this Administration would hurt general aviation, including the attacks on corporate jets and the proposed user fees. Every time these comments are made, it impacts the general aviation community, a community that goes beyond the "fat cats" in corporate jets that the Administration likes to invoke. It involves aircraft manufacturers, pilots, repair stations, flight schools, and all the jobs and communities tied to these businesses.

- If confirmed, will you commit to work with the general aviation community and support the industry?
- If confirmed, will you commit to avoiding rhetoric that would negatively impact the general aviation community?
- Please explain your views on general aviation and whether you believe it is an important sector of our economy.

Answer. I understand that support for general aviation (GA) is part of the Administration's goal to invest in the Nation's transportation infrastructure, and I will work to support this effort, including continued direct support to airports, improved safety, airport access, and level of service for GA operators through the NextGen Air Transportation System, safety enhancements, and improving access to information data.

I recognize the critical role that GA plays in supporting jobs and generating significant economic activity for the country. If confirmed, I will work to support GA, and I look forward to opportunities to work with the GA community and industry moving forward.

*Question 2.* Despite consistent rhetoric to the contrary, business aviation contributes significantly to our Nation's economy. Each year, over \$150 billion are directly attributable to business aviation, which also provides over 1.2 million well-paying jobs. Unfortunately, many in Washington are under the false assumption that these tax incentives solely affect the wealthy. The tax depreciation of business aircraft are treated no different than investments in new equipment made by other types of business. Do you support changing the tax depreciation schedule for business aircraft, even though it could threaten an industry that supports so many good-paying U.S. jobs?

Answer. I value the important contribution business aviation makes to the national economy. At the same time, I recognize that our Nation is faced with severe fiscal challenges that will require difficult choices balancing across all sectors of the economy.

*Question 3.* The Administration has proposed \$100 per flight user fees. What is your position on aviation user fees?

Answer. I support the Administration's goal of achieving balanced deficit reduction without compromising a safe and efficient national infrastructure system. While

I am not privy to the policy considerations that went into the Administration's FY 2014 budget proposal, this issue presents one of the many tough choices we face as a Nation. If confirmed, I will work with Congress and all of the relevant stakeholders on this issue.

*Question 4.* In recent years there have been several cuts and proposed cuts to the FAA's Airport Improvement Program, which provides funds to airports for capital projects to enhance safety, capacity, and security. These include cuts to AIP to limit the impacts of sequestration, including the furloughs of air traffic controllers, as well as proposals to cut AIP in the President's budget, which are contingent upon finding another source of funding for airport projects. One alternative that has been suggested is allowing airports to increase their Passenger Facility Charge (PFC), which is a local fee used for airport capital projects. Would you support increasing the PFC?

*Answer.* The President's 2014 budget proposal includes an increase in allowable PFC collection authority per enplaned passenger for commercial service airports. This would give these airports greater flexibility to access capital funding sources with less reliance upon the Federal Government. If all commercial service airports increase the PFC collection to the level proposed in the President's budget, that could generate significant additional annual funding sources for airport projects. This is one good option. As the President has said, and as I believe, if there are other ideas out there, they will be seriously considered.

*Question 5.* If you are confirmed, a priority for DOT should be encouraging private sector initiatives and projects for all modes of transportation. With the funding issues facing transportation, the private sector must play a role in meeting our transportation challenges, and DOT will need to encourage public-private partnerships and private sector investment. One area of concern with respect to high costs is passenger rail. Currently, in Florida, there is an example of a private sector initiative to provide passenger rail: the All Aboard Florida project. If confirmed, will you commit to supporting private sector initiatives? Will you commit to reducing regulatory barriers and implementing expedited reviews of projects where the private sector is putting forth a viable project that will reduce the burden on taxpayers?

*Answer.* There is little doubt that private investment can play a critical role in expanding our Nation's transportation infrastructure. Public-private partnerships (PPPs) can offer an innovative new delivery approach for some of our country's most complex and challenging projects when they are appropriately structured, when they provide better value as compared to traditional public sector delivery approaches, and when the underlying projects are well-aligned with public policy objectives. DOT's recent experience demonstrates that, when creatively utilized, the flexibility afforded by Federal credit assistance can be a powerful catalyst for PPPs, including complex projects involving multiple public and private sector stakeholders.

The multi-modal TIGER program has also shown that many transportation infrastructure projects that have both public and private benefits and can be built quickly and effectively when the public and private sectors share the cost. The Crescent Corridor project, a multi-billion dollar collaboration between Norfolk Southern, the Federal Government, and several Southern States including North Carolina, will improve efficiency of freight moving through the Southeast, reducing carbon emissions and congestion on the interstate. It's a great example of how public and private investment can work together to improve our infrastructure.

The President's Rebuild America Partnership proposal recognizes the important role private sector investment can play in transportation infrastructure. It strengthens existing programs such as TIFIA and Private Activity Bonds and introduces America Fast Forward Bonds to ensure that we continue to incentivize private investment in transportation infrastructure. If confirmed, I will support these efforts wholeheartedly.

*Question 6.* If you are confirmed, I encourage you to look closely at Amtrak's operations and find opportunities for the private sector to increase revenues so the burden on taxpayers can be lessened. One such area would be at finding a private sector partner to increase non-rail revenues along the corridor. An example is in my state—the All Aboard Florida passenger rail project is trying to meet this need. Will you look at reducing Amtrak's losses a priority during your tenure?

*Answer.* I am committed to delivering cost-effective transportation facilities for the American people and maximizing the benefits of public investment in Amtrak. I also support the President's Rebuild America Partnership proposal, which recognizes the important role private sector investment can play in transportation infrastructure. But while these partnerships have the potential to assist agencies in meeting significant funding challenges, they are not a panacea and we must also

maintain a robust Federal program which encourages and incorporates appropriate private investment.

I understand that FRA closely monitors Amtrak's financial position. And, as described in the President's FY 2014 budget request, FRA has proposed a significant new approach to providing Federal funding for Amtrak. Under this proposal, Amtrak will be required to annually submit to FRA a five-year business plan for each business line. FRA would approve these plans, provide copies to Congress, and then manage Amtrak's grant against the plans. By allocating resources based on multi-year planning and analysis, Amtrak can better prioritize and sequence investments to meet the needs of rail passengers across all services.

*Question 7.* If confirmed, you will oversee the FAA, which in turn oversees commercial space launches and flights, which are obviously important to Florida's Space Coast. The FAA has the dual statutory responsibility to regulate and facilitate the commercial space industry. With the number of commercial space flights increasing and space tourism soon to be a reality, more regulations will be implemented to ensure the safety of passengers and the public, and that is important. But my priority is that the Department of Transportation and the FAA continue to abide by the duty to promote and encourage the industry. Do you believe that the United States should continue to lead the world in space travel and exploration?

Answer. Absolutely. As the President has said, one of our central goals is to promote peaceful cooperation and collaboration in space, which not only will ward off conflict, but will help to expand our capacity to operate in orbit and beyond. As our reliance on satellites and other space-based technologies increases, so too does our responsibility to address challenges such as debris and other hazards. No longer is space just a destination to reach; it is a place where we must be able to work in ways that are responsible, sustainable, and safe. The American commercial space transportation industry is leading the world to safe, affordable access to low earth orbit. I will do everything I can as Secretary of Transportation to support that effort.

*Question 7a.* If confirmed, will you work with NASA and the commercial industry, and ensure that DOT is fostering innovation and encouraging the development of cost-effective, commercial spaceflight capabilities?

Answer. Yes. I fully support the President's National Space Policy and believe that a robust and competitive commercial space sector is vital to continued progress in space. The United States is committed to encouraging and facilitating the growth of a U.S. commercial space sector that supports U.S. needs, is globally competitive, and advances U.S. leadership in generating new markets and innovation-driven entrepreneurship.

*Question 7b.* How do you envision DOT, under your leadership, playing this role?

Answer. In order to encourage a robust American commercial space industry as the industry advances, I will work to ensure that DOT regulates only to the extent necessary to protect public health and safety, safety of property, and national security and foreign policy interest of the United States.

*Question 8.* What is the appropriate Federal role in transportation policy?

Answer. I believe the Federal Government has four key responsibilities in transportation policy. First, the Federal Government should take the lead in setting safety standards for the national transportation system. These standards should be set at the national level because it would be impossible for our transportation carriers to function efficiently if they encountered a new set of safety standards every time they crossed a State boundary.

Second, the Federal Government should take the lead in improving the efficiency and performance of our transportation system. The Federal Government should take the lead in funding research, data collection, performance measurement, and economic analysis that are essential to an efficient and productive national transportation system. The Federal Government should also take the lead in exploring new financing models (such as public-private partnerships) and contracting models that can speed the delivery and reduce the cost of transportation investments.

Third, the Federal Government should fund the infrastructure investment that is needed to improve the Nation's global competitiveness. This includes investing in rail to expand the speed and capacity of the transportation links that connect our cities, improved transit to get people to work faster in the cities that power so much of our economy, improved freight transportation that can carry our exports to our global trade partners, and new facilities and equipment like NextGen that can make our aviation and other transportation networks more efficient.

Fourth, the Federal Government has a role in setting the stage for national infrastructure priorities through collaborative planning. NextGen is a national priority, as is the development of a multi-modal national freight policy. This planning helps

DOT, Congress, and transportation industries work together to ensure our national competitiveness.

We should advance these key priorities while paying attention to other important goals as well—making our transportation system environmentally sound, enhancing the livability of our communities, improving the resilience of our transportation infrastructure, and meeting the transportation requirements of national security.

*Question 9.* If a citizen is engaged with a dispute with an agency within DOT, do you believe that the agency should act in good faith when resolving the dispute? If you are confirmed, will you commit to ensure that agencies, particularly the FAA, act in good faith when handling disputes and individual cases?

*Answer.* Yes, DOT agencies should always act in good faith when resolving a dispute with any citizen. If I am confirmed, I will commit to ensure that FAA and all modes of the DOT act in good faith when handling disputes and individual cases.

