Description of document:	A copy of each response to a Question for the Record (QFR) provided to Congress by the Department of Transportation (DOT) and its components, FY 2014
Requested date:	13-June-2014
Released date:	09-March-2015
Posted date:	30-November-2015
Source of document:	Freedom of Information Act Request Department of Transportation 1200 New Jersey Ave. SEW94-122 Washington, DC 20590 Fax: (202) 366-8536 Email: ost.foia@dot.gov

U.S. Department
of Transportation

Office of the Secretary
of Transportation

General Counsel

1200 New Jersey Ave., S.E.
Washington, DC 20590

MAR 0 9 2015

File No.: FY 2014-242

This is in response to your Freedom of Information Act (FOIA) request dated June 13, 2014. You requested a copy of each response to a Question for the Record (QFR) provided to Congress by the Department of Transportation (DOT) or its components since January 1, 2009, or if voluminous, January 1, 2012.

Responsive records that were provided to two other FOIA requesters for the same information, but limited to 2014, are provided on the enclosed CD-ROM. Please let us know if this is not sufficient for you.

If you have any questions, please contact Jeff Davis at (202)366-5531.

Sincerely,

for Kathy Ray
FOIA Officer

Enclosure

ALL C40

Post-Hearing Questions for the Record
Submitted to the Honorable John D. Porcari
From Chairman Mark Begich

"ONE YEAR LATER: EXAMINING THE ONGOING RECOVERY FROM HURRICANE SANDY"
NOVEMBER 6, 2013

1. The Federal Transit Administration is in a unique position which allows them to fund a project that may also later receive Public Assistance funding from FEMA. How many of these projects are currently receiving funding from both funding sources?

   Answer. No projects are receiving funds from both sources. Some multimodal agencies are receiving funds from both sources for different types of projects. FTA is funding transit projects and FEMA is funding non-transit projects.

   a. How are you ensuring that both of the federal agencies are not paying for the same things?

      Answer. FTA and FEMA have developed a joint tracking system by which each agency notifies the other of grants awarded. In addition, FTA and FEMA communicate regularly regarding grant awards and other issues as they arise.

   b. We have observed that FTA grants take a "systems approach" to a rebuild project, which can differ from FEMA's "replace as-is" approach. We would like your insights on what are the differences between these two programs, and what might be the potential advantages.

      Answer. Transit assets, and transportation assets in general, differ from other built infrastructure (such as buildings) in that obsolete equipment cannot usually easily be rebuilt or replaced. Furthermore, replacement in kind may be more expensive, both at the outset and in the long run, than procuring equipment meeting current technological and design standards. Since a significant portion of the seriously damaged transit infrastructure was technologically obsolete, and hence not appropriate to replace in-kind or to restore to the exact previous condition, FTA decided to fund recovery and rebuilding projects that bring transit assets up to a state of good repair. FTA believes this is an

important difference between the FTA emergency relief program and FEMA's program, and that a requirement to replace damaged assets to the previous condition would potentially increase the duration and reduce the effectiveness of the recovery process.

For the purposes of Hurricane Sandy recovery, FTA defines "state of good repair" as a project that consists of the installation of comparable equipment that meets the same basic function, class, or capacity of the equipment replaced and also meets current technological or design standards, or a like-new condition. FTA may permit some adjustment to meet current needs, for example, to match other recent equipment purchases of an agency and to ensure compatibility or consistency (e.g. replacing a 35 foot bus with a 40 foot bus, purchasing a bus with a different propulsion system; or installing the same fare payment systems as other recent acquisitions). It is also important to note that FTA is not allowing projects that significantly alter the function or capacity of the underlying transit asset or infrastructure, except with funding allocated specifically for resilience improvements.

2. To what extent are DOT disaster grant funds being used by States and locals for structural mitigation programs such as flood protection structures (that meet NFIP certification 44 CFR 65.10)?

Answer. FTA disaster grant funds are not being used to build levees. In the second allocation of Sandy funding, FTA made available $1.3 billion for project elements or freestanding projects that increase the resiliency of the affected transit systems to future disasters. Projects can include building floodwalls to divert water around transit infrastructure.

3. How are States and locals also using CDBG funds to address their mitigation needs in conjunction with transportation and transit projects?

Answer. States allocate CDBG funds. FTA's grantees have not used CDBG funds as local match for FTA grants, however, one or more grantees may use CDBG for future grants if they receive funds from the States. FTA is not aware of grantees using CDBG funds in conjunction with transit projects.

   a. Are there any challenges or barriers (from legislation, regulation or administration policies) that are restricting a speedy recovery?

Answer. FTA has not identified any challenges or barriers that restrict a speedy recovery. GAO, in its May 2014 report "Emergency Transportation Relief: Agencies Could Improve Collaboration Begun during Hurricane Sandy Response, stated, "[w]hen we completed our review, transit agency officials we spoke with were generally positive about the FTA Public Transportation Emergency Relief Program and told us that, in their experience, FTA has not caused them any delays in receiving funding."

November 14, 2013 Hearing on Hurricane Sandy Recovery
Questions for the Record

Question #1:
Mr. Mendez, in your written testimony you indicate there are two methods for processing a State request for ER funding- "traditional" and "quick release."

a. What are the differences in process between these two methods?
b. What types of projects are eligible for quick release funds?
c. How much faster does funding get to a State through quick release versus your traditional methods?

Answer #1:

a. The first method, the “traditional” or "standard" method, is the general process to apply for and receive ER funds. The second, the "quick release" method, is intended to quickly provide limited, initial ER funds for disasters. Quick release funds are intended as a "down payment" to immediately provide funds for emergency operations. Most quick release allocations have been in the $1 million to $3 million range, although larger amounts have been approved for very large events such as Hurricane Sandy and the 2013 Colorado floods.
b. Quick release funds may be used like any other ER fund allocation on any eligible repairs for an ER event. However, quick release funds are usually used for immediate emergency repair needs, such as opening a roadway to essential traffic or providing traffic control.
c. Quick release funds are usually provided within one or two days after the occurrence of a disaster. Traditional ER allocations will follow a quick release allocation at a later date once the State has better estimates of repair costs and has submitted an application with a comprehensive list of all eligible project sites and repair costs. ER requests for prior events will be added to the nationwide ER obligation plans and will typically be provided on a 6 month cycle. The amount of the allocation will be made based on the ER fund balance available for allocation and the State’s relative share of national ER needs.

Question #2
Your testimony states that FHWA is requiring states to use the best available flood risk design standard for all Sandy-related highway rebuilding projects that use ER funding. Is this a new requirement and if so, under what authority is FHW A implementing it?

a. Will this standard be applied to other federal-aid highway projects?

Answer #2
The FHWA floodplain regulation (23 CFR 625) provides such authority, including requirements regarding design standards for projects in floodplains (23 CFR 650.115). The FHWA floodplain regulation requires States to consider as part of their assessment of capital costs and risks, the overtopping flood (which in this case is Hurricane Sandy) or the base flood, whichever is greater, as well as the greatest flood which must flow through the highway drainage structure(s). Determining this "greatest flood" is subject to the state-of-the-art capability to estimate (23 CFR 650.115(a)(1)). The Hurricane Sandy Task Force recommended that States use the best available flood risk design standard - the Advisory Based Flood Elevation plus one foot (ABFE+1)

standard developed by FEMA - for all Sandy-related rebuilding. In this case, the ABFE+1 standard became the state-of-the-art capability to estimate the greatest flood and it incorporates information about the overtopping flood (i.e., Hurricane Sandy); therefore, it is consistent with the design standards and floodplain regulations. FHWA used similar risk and resilience approaches to allow State DOTs to rebuild bridges destroyed by Hurricanes Ivan (2004) and Katrina (2005).

Question #3
Has the Secretary utilized his new authority to extend the 180-day period for 100 percent federal share of emergency work yet and if so, what were the circumstances?

Answer #3
Approval to extend the 180-day period, if granted, is done by the individual FHWA Division Office in the affected State. Such approval is based on the ability to access facilities to evaluate damages and repair costs. Because this is location specific, it is necessary for a State to request FHWA Division Office approval on a case-by-case basis. Such approvals are not tracked on a national level; however, this authority has not been utilized yet.

Question #4
Each of the emergency relief programs within your agencies carry different requirements as conditions for receiving federal funding. If a recipient does not want to follow the requirements one program should it be permitted to apply for funding under another program assuming the project is eligible under both?

a. Should Congress amend these programs to ensure that there is no overlap in eligibilities?

Answer #4
FHWA's Emergency Relief Program and FEMA's Public Assistance Program each have different eligibility requirements that do not provide an opportunity for overlap. The eligibility under each program is dependent on the type of emergency declaration and the functional classification of the damaged highway. A State cannot arbitrarily choose one of these two programs for a given damage scenario since eligibility will only fall under one program.

1. What steps are the Department of Transportation (DOT) and the National Highway Traffic Safety Administration (NHTSA) taking to get reliable metrics on drugged driving statistics? In other words, what are you doing to oversee how states are distinguishing DUI alcohol from DUI drugs in terms of arrests and convictions, so that there can be accurate analysis and tracking of the impact of marijuana legalization has on public safety?

Answer:

We note that this question has been asked of both the DOT and NHTSA. NHTSA, on behalf of DOT, is responsible for this area of research and analysis. The following describes NHTSA's, and thus the DOT's, approach in tracking and analyzing both alcohol related DUI's and drugged driving DUIs.

In a 2009 Report to Congress, *Drug Impaired Driving: Understanding the Problem and Ways to Reduce It*, NHTSA recommended that States develop record systems that are capable of distinguishing among cases involving drugs, alcohol or both. The Report to Congress also recommended that State record systems be capable of documenting which drugs are used by drug-impaired driving offenders. Recognizing that record keeping is often aligned with State policies, the Report to Congress further recommended that State statutes provide separate and distinct sanctions for alcohol and drug impaired driving. Such sanctions could be used individually or in combination, as appropriate, for a single case.

NHTSA conducts research to understand the prevalence of drugged driving and the role of drugs in crashes. These important projects will help us gain a better understanding of how marijuana legalization impacts traffic safety. NHTSA is now analyzing data collected in 2013-2014 for the National Roadside Survey of Alcohol and Drug Use by Drivers and will release a final report by the end of 2014. The National Roadside Survey is a voluntary and anonymous survey that the agency conducts on an approximately ten-year cycle to measure the proportion of nighttime weekend drivers who have alcohol or other drugs in their system. This is the second time that the survey has included drug testing, so we will soon be able to compare current levels of use with those measured in 2007.

Using similar methods, NHTSA partnered with the State of Washington to conduct a roadside survey to explore the prevalence of marijuana use among drivers before retail sales of the drug were legalized. Follow-up surveys will be conducted over the coming year to assess changes in driver marijuana use after legalization. Findings from this study will be released in the fall of 2015.

In addition to tracking the prevalence of marijuana use among drivers, the agency is conducting a crash risk study to determine how marijuana affects crash risk odds. Data collection for this study is complete and analyses are near completion. Findings from this study will be released in the fall of 2014.

2. What is NHTSA doing to help states with the roadside testing needed to determine when fatalities and injuries are the result of crashes involving marijuana?

Answer:
In late 2012, NHTSA and the Office of National Drug Control Policy (ONDCP) co-hosted a roundtable on drug testing technology and the criminal justice process. One result of that discussion was a NHTSA study now underway on the feasibility of the use of portable drug screening devices by law enforcement officers. This study will evaluate the practicality of these devices in a law enforcement setting and their utility in facilitating the criminal justice process. If the results of this investigation support broader use of these devices, NHTSA will develop information for use by the States.

NHTSA also supports a nationwide network of law enforcement officers who are specially trained to serve as Drug Recognition Experts (DREs). More than 7,000 of these DRE officers have received the required two weeks of training and practicum to prepare them to identify and document signs and symptoms of drug use. Drug evaluations are conducted of drivers who have been arrested for impaired driving or involved in a crash and are suspected of being under the influence of substances other than alcohol. These evaluations are performed according to strict science-based procedures and have proven to be effective in supporting prosecution. NHTSA recently worked with ONDCP on the development of an online training program that is available to a broader group of officers, enabling them to better utilize the services of the more highly trained DREs. More than 10,000 officers completed this basic level drug recognition training in 2013.

NHTSA is working with the ONDCP, the Substance Abuse and Mental Health Services Administration and the National Transportation Safety Board on the development of a compendium of drug tests that are most critical for drivers. Experts have gathered for a number of meetings and coordination is taking place with a concurrent process regarding the use of oral fluids in the Federal Workplace Drug Testing Program.

3. Have you solicited input from law enforcement officials regarding roadside testing technology, including those from States that have legalized marijuana?

Answer:
NHTSA has taken several steps to solicit law enforcement viewpoints on the potential use of roadside drug testing technology. In 2012, NHTSA and the Office of National Drug Control Policy (ONDCP) co-hosted a roundtable on drug testing technology and the criminal justice process. Experts on drug test technology, toxicology, and impaired driving met with representatives of the judiciary, prosecution and law enforcement to discuss the potential benefits of improved testing technology and identify functional attributes that would be necessary to enable its use in the criminal justice setting.

In 2013, NHTSA initiated a study following a recommendation of the 2012 roundtable focusing on the feasibility of the use of portable drug screening devices by law enforcement officers. This study will evaluate the practicality of these devices in a law enforcement setting and their utility in facilitating the criminal justice process. This study is being conducted in the State of California in several locations with sufficient frequencies of drugged driving offences and with law enforcement agencies which are willing and able to accommodate the necessary research protocols. If the results of this investigation support broader use of these devices, NHTSA will provide appropriate information to the States.

The State of Washington invited NHTSA to conduct a roadside survey of drug and alcohol use by drivers before and following their legalization of retail sales of marijuana. Data collection took place in June 2014 before legalization and is planned to be repeated later in 2014 after legalization begins.

4. Similarly, have you discussed the need to adopt impairment standards that accurately reflect when a DUI drugs occurs?

Answer:
At the current time, there is no scientific consensus for the establishment of impairment thresholds for other drugs that would be analogous to the 0.08 breath alcohol concentration for alcohol. With regard to marijuana, a sufficiently precise and reliable correlation has not been identified between levels of the active compound detected in an individual's system and driving impairment.

While research continues on methods for detecting impairment, measures of drug presence can be utilized to support criminal justice actions. Seventeen States have adopted drug per se laws under which driving with a specified minimal measurable amount of certain drugs is an impaired driving offense. Other States can utilize drug presence as supporting evidence for an impaired driving charge along with an officer's observation of driving impairment.

NHTSA is working with the Office of National Drug Control Policy, the Substance Abuse and Mental Health Services Administration and the National Transportation Safety Board on the development of national guidance regarding the types and specifications of testing that are most critical for confirming drug presence among drivers. Experts have gathered for a number of meetings, papers have been written for discussion purposes and coordination is taking place with a concurrent process for the development of workplace drug testing. Completion of this national guidance is anticipated during 2015.

Committee on Transportation and Infrastructure
Subcommittee on Railroads, Pipelines, and Hazardous Materials
Hearing on "A Review of the Challenges Facing California High-Speed Rail"
January 15, 2014

Karen Hedlund
Deputy Administrator
Federal Railroad Administration - USDOT

Questions for the Record

Dear Chairman Denham:

Thank you for the opportunity to appear and testify at the January 15, 2014 hearing of the Subcommittee on Railroads, Pipelines and Hazardous Materials regarding California's High Speed Train (HST) system. Responses to the Subcommittee's additional questions for the record are provided below.

Responses to Questions from Chairman Denham (in the order submitted):

1. The California High-Speed Rail Authority (CHSRA) submitted its required Funding Contribution Plan (FCP) on January 31, 2014. Federal Railroad Administration's (FRA) Office of Program Delivery, Office of Chief Financial Officer, and Office of Chief Counsel all reviewed the document for issues that fall within their areas of expertise. Where necessary, FRA requested clarification from the CHSRA about the FCP. CHSRA edited the document to provide the additional clarification necessary for FRA to feel satisfied that it reflected the most current information to justify its approval. FRA's Senior Project Manager for California High-Speed Rail who works in the Office of Program Delivery signed the approval letter on February 21, 2014 in response to a revised FCP resubmitted by CSHRA for FRA approval on February 20, 2014.

   FRA approved the FCP that CHSRA submitted in February 2012 because we determined that it accurately reflected the timing for expected expenditures toward the Project and the funding contributions at the time of approval. The FCP also reflects the Governor of California's sizable pledge of additional funding for the project though the state's cap and trade program. The Governor included in his budget proposal an initial $250 million in cap and trade funds for the project. This proposal became a reality on June 15, 2014 when the California legislature passed a budget that includes $250 million in cap and trade funds that can be used for the Project this fiscal year. The Budget also includes additional funds from the cap and trade program available in future years to provide a continued source of state investment in the project.

2. The Cooperative Agreement (Agreement) between FRA and CHSRA provides FRA with the rights necessary to protect the Federal taxpayer's investment. Under the Agreement, FRA has the right to enforce CHSRA's commitment to provide matching funds, including through

several potential remedies. The authority to exercise these rights is in the agency's discretion and they are intended to provide maximum flexibility in addressing any potential issue that may arise.

3. While the Authority usually provides a description of the costs it incurs for each invoice in the supporting invoice narrative, the invoices themselves do not include a detailed cost breakdown for each individual service or line item for which funding is requested. As such, the invoices do not show the Federal and state shares for each service or line item included in the invoice. That detailed record is kept by the grantee and is subject to FRA review during monitoring which includes a targeted review of invoices and supporting documentation.

3.A. FRA0115.

- In general, these efforts involved stakeholder outreach conducted pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The efforts are further summarized in the environmental documents for each project section including any relevant alternatives analysis and environmental impact report(s)/environmental impact statement(s). With the exception of the information contained in the environmental documents, FRA does not have a list of all outreach meetings conducted and the topics that were discussed. This type of information is normally collected and retained by the Authority's consultants who draft the environmental documents.

- The small business/industry forums included workshops in the Central Valley, including one held in the City of Merced. The workshops were conducted in May, June, July, August, October and November of 2013 and focused on providing technical assistance for on-the-spot online certification of small businesses from the California Department of General Services. Information on State of California procurement opportunities was also shared. FRA does not have a list of the participants.

- FRA does not maintain a list of former Department of Transportation employees who are currently employed by Parsons Transportation Services.

3.B. FRA0118.

- Invoices to FRA do not include the Authority's Program Management Team (PMT) contract task numbers. Instead invoices are tracked according to the FRA grant task number. The detailed expenditures by PMT contract are monitored by the Grantee but are subject to further FRA review and verification during monitoring.

- <u>Vendor Name & Amount Invoiced</u>
  California Department of Fish & Wildlife - $69,488.46
  California Department of Transportation - $1,436,226.72
  California State Land Commission - $5,577.29
  Capitol Corridor Joint Powers Board - $60,213.95

City of Fresno - $178,072.63
County of Fresno - $1,197.70
Kaplan Kirsch & Rockwell LLP - $13,396.89
Parsons Brinckerhoff - $1,122,772.05
Pacific Gas & Electric - $150,300.00
Remy Moose Manley LLP - $88,253.50
San Joaquin Regional Rail Commission - $20,469.97
Southern California Edison - $113,661.86
Southern California Regional Rail Authority - $8,110.26
TOTAL - $3,267,741.28

3.C. FRA0120.

- The PMT meets regularly with the Authority's External Affairs department to discuss the status of the environmental process and the related upcoming milestones, dates for publication of environmental documents, and public notices and meetings as required in the CEQA and NEPA environmental processes.

- The Authority's External Affairs department is notified of upcoming environmental milestones including publication of environmental documents. The department helps to ensure that the public is aware of the upcoming public meetings/notices and the availability of environmental documents so that the public has the opportunity to participate in the environmental process.

3.D. FRA0152.

- In general, these types of outreach efforts involve providing a status update of the environmental review process consistent with CEQA and NEPA. Please contact the CHSRA for specific information on who was contacted and the issues that were discussed during the outreach meetings.

- See the following link for presentation: http://www.sjpnet.org/PDFs/High-Speed_Rail.pdf

3.E. FRA0173-0174.

- The Public Involvement Plan submitted to the CHSRA as required per contract is currently being edited by the Design Build Contractor to incorporate comments by the CHSRA. We will provide a copy when final edits are made.

3.F. FRA0181.

- FRA does not require the grantee provide the exact cost for every individual expenditure with each invoice. The grantee is responsible for keeping track of the cost of supplies, which FRA may request at any time and/or may be subject to FRA review during monitoring. FRA has a robust monitoring program that includes targeted reviews of

invoices and supporting documentation. The items listed are considered supplies if they are under $5,000. Under 49 CFR § 18.3, *"supplies"* is all tangible personal property other than "*equipment*" as defined. "*Equipment"* is all tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. Supplies are also allowable per 2 CFR 225, Appendix B.

Responses to Questions from Representative Valadao:

With regard to the questions from Representative Valadao, I will address as many of these questions as possible. However, several questions are related to issues of state law or process and should therefore be addressed by CHSRA. For example, a number of Representative Valadao's questions are related to the "Usable Segment." The term "Usable Segment" is a legal term of art from California state legislation AB 3034, also known as Proposition 1A. This term is not used by FRA and is not referenced in the Cooperative Agreement between FRA and CHSRA. Pursuant to the Cooperative Agreement between FRA and CHSRA, CHSRA is obligated to complete preliminary engineering and environmental analysis for Phase 1 of the California HST System and ultimately design and construct the First Construction Section (130 miles) between the City of Madera and just north of the City of Bakersfield.

Funding for the First Construction Section is provided through two FRA High-Speed Intercity Passenger Rail grants. Through the Agreements, the state of California is required to contribute non-Federal funding to the Project. The anticipated source of that non-Federal contribution is Proposition 1A funds. However, Governor Brown has also identified in his current budget proposal an additional funding source, known as "Cap and Trade" funds, which provides another substantial funding source for the California HST system. The California legislature recently passed a budget that includes $250 million that the Authority can use for the Project and identifies a continuing source of revenue in the coming fiscal years. The Governor's proposal demonstrates California's commitment to ensure that all Federal funds are matched in accordance with FRA's Cooperative Agreements and the most recently approved Funding Contribution Plan for the Project. FRA has not found CHSRA to be in violation of the terms of the Agreement; therefore, there are no grounds to withhold Federal funding at this time. FRA expects the Authority will deliver on its obligation to complete the Project as it is defined in the Cooperative Agreements. The FRA will continue to exercise its due diligence in the proper monitoring and oversight of the Project throughout its delivery to ensure compliance.

CHSRA is advancing final design and construction between Madera and just south of the Fresno station (Construction Package 1) and is scheduled to begin construction activities in May 2014. Following completion of the environmental review process for the Fresno to Bakersfield Section, CHSRA anticipates award of a contract for the next phase of final design and construction (Construction Package 2-3) in December 2014. The remaining construction packages (Construction Packages 4 and 5) are anticipated for award in 2015. The Authority will make the detailed construction plans available to the public as design is completed for each of the five construction packages. The First Construction Section will be designed and constructed to accommodate electrified high-speed train operations and CHSRA is currently participating in a joint procurement with Amtrak for high-speed electric trainsets. Details on that procurement can be found on the CHSRA website at:

http://www.hsr.ca.gov/docs/newsroom/archives/ATK_14_011_Amtrak_Ca_Request_Bids_Hi_Speed_Trainsets.pdf

Each project section of the California HST System (i.e. Merced to Fresno and Fresno to Bakersfield) terminates at a station located in a major metropolitan city (e.g. stations in Merced and Fresno). However, the Fresno to Bakersfield Section also includes a potential station location in the Kings-Tulare Region. CHSRA and FRA completed the environmental review processes for the Merced to Fresno and Fresno to Bakersfield Sections of the California HST System which included a detailed analysis of the potential station locations. The environmental review was based on the appropriate level of design necessary to analyze the potential beneficial and adverse environmental impacts of the Project. FRA will consider any modifications to the Project as design progresses consistent with the legal requirements of NEPA.

With respect to operations, FRA's Agreements with CHRSA require that the FRA investment demonstrate independent utility or "operational independence" and stipulate funding may be used for Positive Train Control (PTC) for this purpose. For the latest publicly released information on ridership and revenue forecasts as well as CHSRA's commitment to operate service with no subsidy, please see the following documents on CHSRA's website:

Ridership and Revenue Forecasts:
http://www.hsr.ca.gov/docs/about/ridership/ridership_revenue_source_doc5.pdf

Funding and Finance:
http://www.hsr.ca.gov/docs/newsroom/fact%20sheets/High-Speed%20Rail%20Funding%20and%20Finance.pdf

Finally, Representative Valadao asked a series of questions regarding the status of FRA's response to questions from his constituents regarding a due process claim in 2012. FRA provided a written response and determined that the requested remedies were outside of the jurisdiction of FRA's Office of Civil Rights. FRA continues to work on the Freedom of Information Act (FOIA) request and will prioritize the response and release any documents responsive to that request.

House T&I Committee Questions for the Record
"A Review of the Challenges Facing California High-Speed Rail"
January 15, 2014

Questions for
Karen J. Hedlund
Deputy Administrator
Federal Railroad Administration

Questions from Rep. Corrine Brown

1) **What is FRA doing to help conduct appropriate oversight of federal taxpayer dollars provided for high-speed and intercity passenger rail projects generally?**

FRA has developed and implemented a comprehensive oversight program for projects funded by the High-Speed Intercity Passenger Rail (HSIPR) program. The oversight program includes day-to-day monitoring of federal investment by FRA's subject matter experts and formal monitoring activities that include programmatic reviews (scope, schedule, and budget), compliance reviews (terms and conditions of the grant agreement) and fiscal reviews (identification of fraud, waste, and abuse).

In Fiscal Year 2013, FRA conducted formal monitoring activities on projects totaling approximately $8.5 billion in awarded HSIPR program funds. Formal monitoring activities are continuing in 2014 and will be further supplemented this spring through a partnership with the Department of Transportation's Volpe National Transportation Systems Center (Volpe). This partnership will provide FRA with additional oversight expertise using Volpe's subject matter experts and expert resources from 10 competitively procured contractor teams. These additional resources will join with FRA to provide additional oversight and technical assistance using new monitoring procedures developed by FRA.

FRA has either placed or is currently hiring project managers in the field for to oversee major HSIPR corridor programs where collectively 85 percent of all program funds are concentrated. These new field staff will be supported by FRA headquarters staff and the contractor teams mentioned above.

Moreover, the Government Accountability Office (GAO) and Department of Transportation Office of Inspector General (OIG) have issued 10 audit reports, with 28 recommendations, on HSIPR, grants, and PRIIA implementation. In addition, OIG recently initiated an audit of FRA's grant amendment process. FRA welcomes the auditors' perspectives and recommendations, which supplement FRA's comprehensive oversight program.

2) **What is FRA doing to help conduct appropriate oversight of federal taxpayer dollars provided specifically for all aspects of the California high-speed rail project to ensure that it moves forward and meets its obligations?**

As with any FRA grant, our primary responsibility with the California High-Speed Rail Project is to protect the federal taxpayer's investment. Consistent with the Common Grant Rule, FRA is committed to continued oversight and management of the grant agreement, which contains strong protections of the taxpayers' investment.

To oversee and monitor FRA's grant agreements with the California High Speed Rail Authority (CHSRA) FRA's oversight team is currently comprised of a full-time FRA Senior Project Manager stationed in Sacramento, CA supported by technical staff at FRA Headquarters and oversight contractor staff located in California. FRA and its contractors have daily interaction with CHSRA and routinely attend project meetings. In addition to day-to-day oversight, FRA has also conducted formal monitoring activities in accordance with its oversight program.

In spring 2014, FRA will transition other contractors into the project through a partnership with the Department of Transportation's Volpe National Transportation System Center (Volpe). FRA anticipates that some of the contractors will be stationed in California full-time. Monthly multi-day on-site monitoring meetings will be held between CHSRA and FRA. At key milestones, contractors will conduct intensive project reviews for scope, schedule, cost, risk, and technical capacity and capability of CHSRA's expanded team. On an as-needed basis, FRA will conduct other specific reviews for safety/security, financial planning, railroad system planning and operations modeling, and other issues. FRA and its federal partners at Volpe will conduct these oversight reviews focusing on proactive engagement, dialogue, accountability, and problem solving.

In March 2013, GAO issued an audit report[1] on the California program, finding that most cost, ridership, and revenue estimates were reasonable. GAO recommended that FRA improve its estimating guidance, and we will implement an action plan to address the recommendation for future grantees.

3) Are there sufficient protections under the grant agreement for federal taxpayer dollars? What rights does FRA have if the Authority fails to meet its obligations?

Yes. The grant agreement between FRA and CHSRA provides FRA with the rights necessary to protect the federal taxpayer's investment. It does so in two important ways. First, in addition to FRA's oversight of the project as described above, the grant agreement requires CHSRA to provide FRA with information at various stages of project development. This includes written notice of certain issues that may arise outside of the grant agreement but may still be relevant to CHSRA's ability to deliver the project including adverse decisions in litigation. These notice requirements provide FRA with the information necessary to manage the project and make timely and well-informed decisions.

Second, under the grant agreement FRA has the ability to enforce the CHSRA's commitment to the federal taxpayer and to ensure accountability. This includes the right to suspend or terminate the agreement and, in certain circumstances, FRA has retained the right to require the CHSRA to repay the entire grant (or appropriate portion thereof). These are discretionary decisions that

[1] GAO, *California High Speed Rail: Project Estimates Could be Improved to Better Inform Future Decisions*, GAO-13-304 , March 29, 2013

FRA would make in light of the information available at the time. While FRA retains the right to suspend and terminate the grant agreement, FRA has full confidence that the CHSRA understands its obligations and will take all necessary steps to comply. In this regard it is important to note that the CHSRA is a political subdivision of the State of California and as such the CHSRA's legal commitments to the FRA are commitments of the State of California.

Committee on Transportation and Infrastructure
Subcommittee on Railroads, Pipelines, and Hazardous Materials
Hearing on "Oversight of Passenger and Freight Rail Safety"

February 26, 2014
FRA Administrator Joseph C. Szabo
Questions for the Record

Questions from Representative Jeff Denham:

1. **Do you believe any of the Class I freight railroads are going to meet the PTC deadline?**

   No. Based on the technical challenges that Southern California Regional Rail Authority (Metrolink), Union Pacific Railroad Company (UP), and BNSF Railway Company (BNSF) have experienced, and the other railroads' state of progress, the Federal Railroad Administration (FRA) believes it unlikely that any Class I freight railroad will be able to fully complete Positive Train Control (PTC) system development and approval by the December 31, 2015 deadline. Many will, however, be able to accomplish partial to substantial deployment. FRA believes that BNSF will most likely be the furthest along in the deployment process, with the other railroads following behind them.

   a. **What factors do you see as the major obstacles in fully implementing PTC?**

      The obstacles to completion basically remain unchanged from those identified in the FRA August 2012 Report to Congress: "Positive Train Control Implementation Status, Issues, and Impacts" (http://www.fra.dot.gov/eLib/details/L03718) and later in the Government Accountability Office's (GAO) June 2013 report (http://www.gao.gov/assets/660/655298.pdf). After publication of the FRA report, a new issue was identified and discussed in the GAO report: the deployment of PTC communications towers (antennas).

      FRA's report listed the following technical obstacles to completing PTC implementation that had been identified so far:

      1. Lack of necessary radio frequency spectrum.
      2. Lack of necessary radios.
      3. Lack of necessary design specifications.
      4. Lack of necessary back-office servers.
      5. Lack of necessary dispatch systems.
      6. Need for verification of track databases with accuracy more precise than that needed in a non-PTC environment.
      7. Need for engineering related to the installation of PTC system components.

8. Need for proof of the reliability and availability of installed PTC systems in order both to provide the desired level of safety and to minimize any adverse impact on the railroad's operations.

In addition, FRA's report noted two types of programmatic issues: (1) issues related to budgeting and contracting (e.g., the tightening of public-sector budgets and the need to comply with procurement regulations); and (2) issues related to an insufficient supply of qualified personnel and essential PTC system components, since railroads subject to the PTC mandate are all competing for a limited set of these resources.

Along the same vein, the GAO report cited "the numerous, interrelated challenges caused by the breadth and complexity of PTC." First, GAO highlighted that some key PTC components are still in development and that the installation of PTC components "is a time- and resource-consuming process." Regarding the installation phase of PTC implementation, GAO gave the example of the Federal Communications Commission's (FCC) request that railroads stop their construction of PTC-related antennas "to ensure proper installation procedures were being followed including consulting with either the tribal or state historical authorities prior to…installation." Second, GAO pointed to the need for system integration and field testing of PTC components, "many of which are first-generation technologies being designed and developed."

As previously indicated in both the FRA August 2012 Report to Congress and the GAO report, there is a limited pool of qualified personnel with PTC implementation experience. Many of these people have been diverted to support Metrolink and southern California PTC deployment efforts, which have left a shortage of qualified personnel to carry out PTC deployment in other locations.

In addition to personnel shortages, there are component development, supply, installation, and integration and testing issues. Any development must include sufficient testing to make sure that the systems work as intended. The current deadline, at a minimum, makes sufficient testing very difficult.

Regarding the development of PTC components and the installation of PTC systems, the GAO reported in its August 2013 PTC report that—

> some PTC components are still in development—most notably the [PTC] back office server. One or more of these servers will be installed in over a dozen railroads' back offices and are needed to communicate vital information between the back office, locomotives, and waysides. According to the [Association of American Railroads (AAR)] and the railroads, back office system delays are due to system complexity, interfaces to other systems, and lack of supplier resources. Nearly all of the freight railroads included in our review anticipate they will not have a final version

> of the back office system until 2014 and have identified it as one of the significant factors preventing them from meeting the deadline. In addition, PTC installation is a time- and resource-consuming process. For example, railroads collectively will have to install approximately 38,000 wayside interface units. According to AAR and freight railroads, the volume and complexity of installing these units is another significant reason most railroads cannot meet the 2015 deadline.

All components must properly function when integrated or else the PTC system could fail. To ensure successful integration, railroads must conduct multiple phases of testing—first in a laboratory environment, then in the field—before installation across the network. Representatives from all of the freight railroads express concern about the reliability of PTC and emphasize the importance of field testing to ensure that the system performs the way it is intended and that potential defects are identified, corrected, and retested. With some field tests, the PTC system components behaved differently than in the laboratory tests, because labs do not reflect field conditions completely. Identifying the source of these types of problems is an iterative process; consequently, correcting the problems and retesting can be time-consuming and potentially further contribute to railroads not meeting the 2015 deadline.

b. What is the FCC's role in the implementation?

The FCC shares spectrum management responsibilities and functions with the National Telecommunications and Information Administration (NTIA) of the U.S. Department of Commerce. Although the FCC has authority over commercial spectrum usage, as well as that of local and State governments, NTIA manages the Federal Government's use of spectrum for defense and other Federal purposes.

The FCC is also responsible for compliance with the National Historic Preservation Act (NHPA) and National Environmental Policy Act (NEPA) as they relate to communication system towers and stations.

FRA has no statutory or regulatory authority over spectrum allocation and availability or communication systems tower deployment.

c. What obstacles has the FCC presented?

FCC-associated challenges have arisen only from their congressional mandates. For example, the FCC, in compliance with the Balanced Budget Act of 1997, must use auctions to resolve mutually exclusive applications for initial licenses unless certain exemptions apply, including exemptions for public safety radio services, digital television licenses to replace analog licenses, and noncommercial educational and public broadcast stations. As a consequence, the FCC appears to be limited in its ability to carve out no-cost licenses for PTC spectrum, which requires the railroads to resort to the secondary market for spectrum.

In addition, the FCC has specific responsibilities pursuant to NEPA, NHPA, and other related statutes to evaluate the impact of its actions on the quality of the human environment. The Commission determined that these requirements apply to a wide range of communications facilities, including broadcast and cellular antenna structures, fiber optic lines, and undersea cables as well as antennas required to implement PTC. Compliance with these statutory requirements will likely add time to the PTC implementation schedule.

To facilitate the efficient review of PTC wayside facilities under Section 106 of the NHPA, the FCC is developing a Program Comment for consideration by the Advisory Council on Historical Preservation (ACHP). Once the Program Comment is submitted to the ACHP, pursuant to its regulations, unless an extension is granted, it will have 45 days to determine whether to adopt the proposal.

d. How has the FCC's Program Comment helped or hurt the process?

Although the FCC has not yet completed its proposed Program Comment or sent it to the ACHP for a decision, FRA supports the FCC in pursuing one of the program alternatives permitted by the regulations implementing Section 106 of the NHPA. The FCC's standard Section 106 review and approval method was not designed for the volume of reviews required to implement PTC, and an alternative solution is necessary. Section 106 program alternatives are intended to provide Federal agencies flexibility in implementing historic preservation reviews and creating efficiencies in the process. A Program Comment is one such program alternative and allows ACHP to establish an alternative process for a category of undertakings rather than conducting the individualized reviews under the normal Section 106 process. The FCC has collaborated with the railroad industry, Tribal Nations, and the historic preservation community throughout the process of developing the proposed Program Comment. FRA has also been consulting with the FCC in the role as the regulator of railroad safety, including PTC.

2. DOT's comments on the FCC's recent draft Program Comment indicate that most of the 22,000 antennas needed for PTC "will be installed on railroad rights-of-way on ground that has been thoroughly disturbed by railroad construction and ongoing maintenance." Last year, the FRA adopted a categorical exclusion for "[i]nstallation, repair and replacement of equipment and small structures designed to promote transportation safety, security, accessibility, communication or operational efficiency that take place predominantly within the existing right-of-way." That exclusion specifically includes "train control systems, signalization, electric traction equipment and structures, electronics, photonics, and communications systems and equipment, equipment mounts, towers and structures, information processing equipment, and security equipment . . ." If FRA were the lead agency on the PTC antenna issue, how would that exclusion apply?

When appropriate, FRA may apply a categorical exclusion to an FRA action requiring review under the National Environmental Policy Act of 1969 (NEPA). A railroad would

not typically need an individual approval from FRA to install an antenna. As a result, in most cases, FRA does not conduct a NEPA or Section 106 review of the railroad's installation of this infrastructure. Even if FRA did conduct a NEPA and Section 106 review of antenna installation, because of the massive scale of the PTC implementation (i.e., up to 20,000 new antennas over thousands of track-miles), it is unlikely that FRA would be able to uniformly apply the NEPA categorical exclusion to all of the antennas necessary for the implementation of PTC. In addition, a NEPA categorical exclusion does not release FRA from its obligations under Section 106 and from its responsibility to consult with Tribal Nations on a government-to-government basis.

a. Can other agencies use FRA's exclusions to help speed up the process?

In general, without specific legal authority, Federal agencies may not adopt categorical exclusions developed by other Federal agencies. Please refer to the FCC for more information about its procedures under the National Environmental Policy Act.

3. DOT's comments to the FCC further state that activities in already disturbed industrialized locations that are unlikely to result in significant risk to historic properties should be exempted from Section 106 review in order to facilitate the timely installation of PTC. Would you agree that the FCC's proposed approach introduces additional delay and gives greater weight to this very small risk than to potentially significant improvements in rail safety?

PTC is a critical piece of DOT's comprehensive vision to lead the next generation of rail safety. However, FRA fully understands and supports the FCC's legal obligations and responsibilities to engage State Historic Preservation Officers and to conduct meaningful government-to-government consultations with Tribal Nations. FRA also respects the railroads' very difficult task of implementing a nation-wide system in a relatively short amount of time. FRA will continue providing the FCC with all possible assistance as it seeks efficiencies to approve the antennas necessary for PTC implementation so that the American people realize the safety benefits of this technology as soon as possible.

4. The FCC continues to assert that commuter railroads have no issues with regards to spectrum or its acquisition on the secondary market. But, so far, only a few commuter railroads have actually been able to acquire the spectrum they require. What is the Administration doing to assist commuter railroads with acquiring spectrum and do you support a set aside for PTC purposes?

FRA has no statutory or regulatory authority over spectrum allocation or availability. FRA is providing the FCC technical advice on the communications requirements of PTC. Ultimately, however, spectrum allocation is under the purview of the FCC.

5. FCC has stated that some commuter railroads can proceed with application for FCC approval of communication towers and antennas, based on the number they need to install–yet there are no formal guidelines and it's more of a let's figure this

out as we go along process. What can be done to provide greater clarity as commuter agencies attempt to proceed with tower and antenna installation?

FRA is encouraged to hear that the FCC will permit commuter railroads to proceed with the FCC approvals for communications towers and antennas. Clear communication and consistent direction from the FCC are essential for the commuter railroads to understand the FCC's environmental and historic preservation review process. FRA is willing to help the FCC with this outreach effort and to help educate commuter railroads.

6. **If we reach the December 31, 2015 deadline for PTC implementation, and Congress has not provided an extension, what action will the FRA take for those railroads that have not fully implemented by the deadline? The regulations say that you can shut down the railroad, or impose fines and civil penalties.**

   Will you shut the railroads down?

   Even though FRA has the statutory authority to assess civil penalties or take other enforcement action for each day that a railroad does not implement PTC after the required deadline, the agency has considerable discretion to decide whether to take enforcement action, depending on the specific circumstances of the noncompliance and other factors.

7. **In your testimony you explained that FRA is a data-driven agency and safety regulations are supported by data. Please outline for us the data you have in hand proving two-man crews are safer.**

   On August 29, 2013, FRA's Railroad Safety Advisory Committee (RSAC) agreed to create a working group to discuss train crew size issues arising from the July 6, 2013 catastrophic accident at Lac-Mégantic, Quebec, Canada, only 22 miles from the U.S. border. FRA established the RSAC in March 1996 to provide a forum for collaborative rulemaking and program development. The RSAC includes representatives from all of the agency's major stakeholder groups, including railroads, labor organizations, suppliers and manufacturers, and other interested parties. I provided RSAC with 6 months to make recommendations.

   So far, the RSAC Crew Size Working Group has held three meetings. Each meeting permitted working group members an entire day to present information on the subject and to identify any operational safeguards or concerns with existing operations where railroads have chosen to staff trains with less than the traditional two-person crew consisting of a locomotive engineer and conductor. FRA learned a great deal from these discussions that should lead to an improved rulemaking product. The working group has been able to provide FRA with significant information regarding the crew size issue.

   In the course of developing the rule, FRA will examine data from train accidents to determine to what extent the causes of these accidents could have been avoided or the severity of the accidents could have been reduced with the use of two-person crews. In addition, there is significant research to support the idea that a two-person train crew is

safer than a one-person crew. Before FRA asked RSAC to consider accepting a crew size task, FRA was aware that some research revealed significant safety concerns with one-person crew operations. To aid the working group in its development of recommendations for appropriate crew size minimum standards, FRA provided five FRA-sponsored research reports, as well as one Transportation Research Board (TRB) conference report that contains presentations from multiple research reports, prior to the first meeting.

These research reports—

- Identify all of the cognitive and collaborative demands on freight conductors, passenger conductors, and locomotive engineers.[1]
- Raise issues of fatigue that could impact one-person train crew operations.[2]
- Raise concerns regarding how new technology, such as PTC, does not necessarily reduce the number of tasks for a train crew and can force crews to operate differently than before PTC implementation, thereby creating risks of cognitive errors.[3]
- Discuss the key aspects of successful teamwork, which implicitly would be lost by using a one-person train crew.[4]

In addition to using this research, FRA plans to rely on analysis of data from investigations of train accidents. After the disastrous train accident at Lac-Mégantic, there have been several other train accidents in the United States and Canada that suggest the need for greater Federal oversight of crew size issues. FRA intends to detail the facts of some of these accidents when it initiates a rulemaking, to explain how well-trained train crew teams can improve safety. For example, the actions of multiple train crewmembers, following an accident in which the crewmembers were not the cause, are

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[1] *Cognitive and Collaborative Demands of Freight Conductor Activities: Results and Implications of a Cognitive Task Analysis–Human Factors in Railroad Operations*, Final Report, dated July 2012, DOT/FRA/ORD-12/13. DOT's John A. Volpe National Transportation Systems Center (Volpe Center), Cambridge, Massachusetts, performed the research and prepared the report. See http://www.fra.dot.gov/eLib/details/L04331. *Rail Industry Job Analysis: Passenger Conductor*, Final Report, dated February 2013, DOT/FRA/ORD-13/07. The Volpe Center performed the research and prepared the report. The report regarding the demands on locomotive engineers is cited in footnote 3, below.

[2] *Fatigue Status in the U.S. Railroad Industry*, Final Report, dated February 2013, DOT/FRA/ORD-13/06. www.fra.dot.gov/Elib/Document/2929. QinetiQ North America and an Engineering Psychologist within FRA's Office of Research and Development performed the research and prepared the report.

[3] *Technology Implications of a Cognitive Task Analysis for Locomotive Engineers–Human Factors in Railroad Operations*, Final Report, dated January 2009, DOT/FRA/ORD-09/03.
The Volpe Center performed the research and prepared the report. See www.fra.dot.gov/Elib/Document/381. *Using Cognitive Task Analysis to Inform Issues in Human Systems Integration in Railroad Operations–Human Factors in Railroad Operations*, Final Report, dated May 2013, DOT/FRA/ORD-13/31. The Volpe Center performed the research and prepared the report. See http://www.fra.dot.gov/eLib/details/L04589.

[4] *Teamwork in U.S. Railroad Operations*, A Conference, April 23-24, 2009, Irvine, California, Transportation Research Board, Number E-C159, dated December 2011. The many authors of the research and reports are listed in the publication. See http://onlinepubs.trb.org/onlinepubs/circulars/ec159.pdf.

indicative of how the general public can be more safely protected than when a train has only a one-person crew. Another major accident FRA intends to detail shows the inadequacy of relying on technology without considering the gaps in the technology. It is possible to fill in the technological gaps that permit accidents to happen by having an engaged, properly trained, second crewmember.

FRA will provide a sufficient explanation of the basis for any new proposed requirements in the preamble of the rule. Data and information supplied by the railroad associations suggest that there are few one-person operations in the United States. AAR reported to FRA that Class I railroads currently use two-person crews for over-the-road mainline operations. Railroads achieved an improving safety record during a period in which the industry largely employed two-person train crews.

8. How many FTE staff vacancies does FRA currently have in the Washington, DC headquarters?

As of April 5, FRA's salaries and operations onboard count was 839. FRA has set a goal of having 915 people on board by the end of the year funded from our safety and operations account. This will be accomplished through a combination of backfilling current vacant jobs and adding new positions. As soon as FRA received its FY 2014 appropriation, it advertised for new rail safety inspectors—FRA's current top staffing priority. Those positions are being filled now.

a. In which offices are these vacancies and how many from each office are there?

Going forward, FRA will fill open positions across the agency and add new positions in its Office of Railroad Safety and its Office of Railroad Policy and Development, as described in our FY 2014 budget.

b. Is it accurate that FRA engaged in "workforce balancing" that is eliminating Office of Safety Positions in Washington, DC and the Region field offices for other departments in FRA?

No. FRA's Office of Railroad Safety had an actual full-time employee (FTE) count of 670 in FY 2013, or 76 percent of FRA's total. As presented in our latest budget request to Congress, FRA aims for the Office of Railroad Safety's FTE count to increase to 678.5 and for the percentage of FRA overall FTE to remain at 76 percent.

c. Are the FRA's cutbacks on Safety Inspector positions, Chief Inspectors positions and administrative personnel viewed as productive?

FRA is not reducing the number of FRA safety field inspectors, but rather increasing its cadre of safety inspectors. Via attrition, FRA has also converted other positions to inspector positions. Some administrative positions were converted to field inspector positions by leveraging technology to reduce the need for administrative personnel. Additionally, in some cases, FRA converted chief inspector positions to field inspector

positions. Since inspector positions have lower grades than chief inspector positions and inspector positions are dedicated to field inspections, there is in an overall increase in inspections at a lower cost to the agency.

9. The FRA website lists 400 Federal safety inspectors who operate out of eight regional offices. How many inspectors do you actually have on payroll? How many Inspector vacancies do you currently have?

FRA has 325 rail safety inspectors as of April 5, 2014. FRA's FY 2014 hiring goal is 350.

a. What is your plan for filling these vacancies?

As mentioned above, FRA advertised for new inspector positions following the enactment of the FY 2014 appropriation, and FRA is in the process of bringing these people on board now. FRA expects to be able to meet its goal by adding new inspector trainees and by hiring experienced career professionals who often join FRA from the railroads.

b. How does FRA ensure that all inspections are made in regions with a less than full Inspector force?

When filling inspector positions, FRA relies on a Staffing Allocation Model, which is maintained by the Office of Railroad Safety. The computer model analyzes data on the types and locations of rail accidents, and produces an output allocating inspectors across FRA's eight regions and across its five safety disciplines. Office of Railroad Safety senior management reviews the output and makes final determinations about how to assign staff. This year, FRA placed an emphasis on ensuring the safe transportation of oil and hazardous materials. Of the new hires this year, FRA allocated five to the Hazardous Materials Discipline off the top.

c. Have inspections been missed due to an insufficient Inspector workforce?

No, FRA's railroad safety inspector workforce naturally rises and falls as people retire and new hires are added. Under the sequester, when FRA had to make difficult choices about staffing and other budget items, the agency chose to maintain its inspector workforce. As a result, FRA's inspector workforce has not fallen to levels that have diminished FRA's ability to provide sufficient oversight of railroad compliance with safety regulations.

10. Did FRA conduct an Office of Safety workforce survey in 2013, utilizing two consultants? What were the results?

No, a survey of the Office of Railroad Safety workforce was not conducted. However, FRA hired two contractors to audit the FRA inspection and enforcement program for compliance with statutes and regulations related to railroad safety. The contractors interviewed regional supervisors and grade crossing managers, American Federation of

Government Employees representatives from each region, and State participation program managers. When final, the results of the audit will be used to respond to the National Transportation Safety Board recommendation.

11. What were the Canadian securement rules at the time of the July 6, 2013 Lac-Mégantic derailment?

Railroads operating within Canada were at the time of the Lac-Mégantic derailment, and are currently, required to comply with the Canadian Rail Operating Rules (CROR) that have been approved by Transport Canada (the Canadian equivalent of the U.S. Department of Transportation). CROR 112 specifically addresses "Securing Equipment." At the time of the Lac-Mégantic derailment on July 6, 2013, CROR 112 provided as follows:

> (a) When equipment is left at any point a sufficient number of hand brakes must be applied to prevent it from moving. Special instructions will indicate the minimum hand brake requirements for all locations where equipment is left. If equipment is left on a siding, it must be coupled to other equipment if any on such track unless it is necessary to provide separation at a public crossing at grade or elsewhere.
>
> (b) Before relying on the retarding force of the hand brake(s), whether leaving equipment or riding equipment to rest, the effectiveness of the hand brake(s) must be tested by fully applying the hand brake(s) and moving the cut of cars slightly to ensure sufficient retarding force is present to prevent the equipment from moving. When leaving a cut of cars secured, and after completion of this test, the cut should be observed while pulling away to ensure slack action has settled and that the cars remain in place.
>
> (c) Application of hand brakes must not be made while equipment is being pulled or shoved.

See CROR 112 (TC O 0-93).

a. What were the securement rules in the United States at that time?

FRA's regulations covering the securement of unattended freight equipment are at 49 C.F.R. 232.103(n).[5] These regulations were in effect at the time of the Lac-Mégantic incident, and they remain in effect today. The regulations essentially

[5] FRA has separate regulations for securement of unattended passenger equipment. See 49 C.F.R. 238.231(h)(4). The securement regulations for passenger equipment borrow from the securement regulations for freight equipment found in 49 C.F.R. 232.103(n). FRA allowed the use of skates or retarders as an alternative means of compliance with 49 C.F.R. 232.103(n). Additionally, FRA stated that a hand brake need not be applied to equipment that is cut away from a locomotive when a crew is actively engaged in switching provided that an emergency brake application is initiated on the equipment that is cut away from the locomotive and then the angle cock is closed. However, the locomotive must go directly to the other end of the equipment, either to open the angle cock at the other end or to couple to the equipment. See FRA Motive Power & Equipment Technical Bulletin 2010-01 (March 24, 2010).

require that hand brakes be set on virtually any occasion where equipment is left unattended.

Section 232.103(n) provides that "[a] train's air brake shall not be depended upon to hold equipment standing unattended on a grade (including a locomotive, a car, or a train whether or not locomotive is attached)." "Unattended equipment" is defined as equipment that is left standing and unmanned in a way that the brake system of the equipment cannot be readily controlled by a qualified person.

Section 232.103(n)(1) establishes that "[a] sufficient number of hand brakes shall be applied to hold the equipment." It further states that each railroad must develop and implement a verification process or procedure to ensure that the hand brakes applied to the equipment will sufficiently hold it in place once the train's air brakes are released.

Section 232.103(n)(2) addresses unattended equipment that is not connected to a source of compressed air (i.e., coupled to a locomotive or a ground source of air). This provision requires the air pressure in the brake pipe be reduced to zero with the reduction being at a rate that is not less than service rate reduction. Such equipment also must have the brake pipe vented to the atmosphere. This is accomplished by requiring that angle cock be left open on the first unit of unattended equipment.

Section 232.103(n)(3) specifically addresses unattended locomotives, except for distributed power units (commonly referred to as "DPUs"). Paragraph (n)(3)(i) requires the full application of all hand brakes "on all locomotives in the lead consist of an unattended train." Paragraph (n)(3)(ii) requires the full application of all hand brakes "on all locomotives in an unattended locomotive consist outside of yard limits." Paragraph (n)(3)(iii) requires, at a minimum, the full application of the hand brake "on the lead locomotive in an unattended locomotive consist within yard limits." Paragraph (n)(3)(iv) requires a railroad to develop, adopt, and comply with a process or procedure for securing an unattended locomotive that is required to have a hand brake applied pursuant to paragraph (n)(3)(i)-(iii) when the locomotive is not equipped with an operative hand brake.

Section 232.103(n)(4) also applies to unattended locomotives and locomotive consists. It establishes a performance standard whereby each railroad must adopt and comply with a process or procedure for "verify[ing] that the applied hand brakes will sufficiently hold an unattended locomotive consist." This provision further requires railroads to put in place and follow instructions that address controls of unattended locomotives (i.e., position of the throttle, status of the reverse lever, position of the generator field switch, status of the independent brakes, position of the isolation switch, and position of the automatic brake valve). However, in developing these instructions, a railroad must take into account winter conditions in determining the appropriate throttle position and whether application of the reverser handle is necessary to ensure that the locomotive remains operative.

Finally, 49 C.F.R. 232.103(n)(5) addresses situations where unattended equipment becomes attended. In those circumstances, FRA regulations require that "[a]ny hand brakes applied to hold unattended equipment shall not be released until it is known that the air brake system is properly charged."

b. What are the current securement rules in both Canada and the United States?

First, I'll discuss current securement rules in the United States. FRA believes that its current securement regulations—if followed by railroads and their employees—provide additional layers of safety compared to Canada for equipment that is left unattended in this country. However, after reviewing the circumstances of the Lac-Mégantic derailment, FRA did see a need for emergency action to improve securement requirements in the United States. As a result, it issued Emergency Order (EO) 28 to ensure that certain types of trains transporting dangerous hazardous materials are safely and properly secured when they are left unattended. See 78 Fed. Reg. 48218 (Aug. 7, 2013). Further, FRA currently is working through the RSAC, to ensure that safe and effective procedures for securing unattended equipment are implemented within the United States. The Administrator has requested recommendations by April 1.

EO 28 does not contain an automatic sunset provision. It remains in effect today, as amended by FRA's August 27, 2013 letter approving with conditions a joint petition for relief from the Association of American Railroads and the American Short Line and Regional Railroad Association. Railroads currently are required to comply with EO 28, as amended, in addition to 49 C.F.R. 232.103(n). EO 28, as amended, contains six securement-related requirements:

(1) A railroad must not leave equipment unattended on a mainline outside of a yard or terminal when the equipment includes a minimum number of loaded tank cars containing certain types of hazardous materials, referred to as "Appendix A Materials" (e.g., crude oil, ethanol, anhydrous ammonia, chlorine, or any other type of material poisonous by inhalation (PIH)),[6] until the railroad develops, adopts, and complies with a plan that identifies specific locations and circumstances when such equipment may be left unattended. The plan must contain a sufficient safety justification to support a railroad's determination that allows such equipment to be

[6] Appendix A identifies the types of hazardous materials and the quantities of those hazardous materials that trigger the requirements of EO 28. A railroad must comply with EO 28 whenever it is transporting Appendix A Materials, which are defined as:

(1) Five or more tank car loads of materials poisonous by inhalation as defined in 49 CFR 171.8, and including anhydrous ammonia (UN 1005) and ammonia solutions (UN 3318).

(2) 20 railcar loads or intermodal portable tank loads of any combination of materials listed in (1) above, or, Division 2.1 flammable gases, Class 3 flammable liquids and combustible liquids, Class [i.e., Division] 1.1 or 1.2 explosives, or hazardous substances listed in 49 CFR 173.31(f)(2).

The definition of Division 2.1 flammable gas is found at 49 C.F.R. 173.115, the definition of Class 3 flammable liquid is found at 49 C.F.R. 173.120, and the definition of the various types of explosives is found at 49 C.F.R. 173.50.

left unattended on the mainline. Each railroad is required to notify FRA of its plan, and FRA monitors the railroads' plans to determine if adequate justification has been provided.

(2) The process for securing unattended equipment transporting Appendix A Materials on the mainline outside of a yard or terminal, if permitted by a railroad's plan, must include the following:

> (a) Locking the controlling locomotive cab or removing and securing the reverser on the controlling locomotive.
>
> (b) Communications from the employee(s) responsible for securing equipment containing Appendix A Materials to the train dispatcher that relays pertinent securement information (i.e., the number of hand brakes applied, the tonnage and length of the train or vehicle, the grade and terrain features of the track, any relevant weather conditions, and the type of equipment being secured). The train dispatcher must record the information provided and then the train dispatcher or another qualified railroad employee must verify and confirm with the train crew that the securement meets the railroad's requirements. However, the dispatcher communication requirement is not applicable in limited situations. A railroad employee may leave equipment unattended on a mainline or siding without contacting the train dispatcher when the employee is actively engaged in switching duties as long as the employee ensures that there is an emergency application of the air brakes, hand brakes are set in accordance with 49 C.F.R. 232.103(n), and the employee has demonstrated knowledge of FRA and railroad securement requirements.

(3) Railroads must review and verify, and adjust, as necessary, existing procedures and processes related to the number of hand brakes to be set on all unattended trains and equipment. Railroads must ensure that there exists a means of verifying that the number of hand brakes is appropriate.

(4) Railroads must require that a train crew conduct a job briefing that addresses securement whenever the train crew's job will impact or require the securement of any equipment in the course in the course of the work being performed.

(5) Railroads must ensure that a qualified railroad employee inspects all equipment that any emergency responder has been on, under, or between for proper securement before the train or vehicle is left unattended.

(6) Railroads must provide notice of EO 28 to all employees affected by the EO.

Now I'll turn to current Canadian securement rules. Transport Canada issued an order to railroads operating in Canada that directed them to formulate new rules or revise existing rules to address the safety and security of unattended equipment on July 23, 2013. See Transport Canada Order Pursuant to Section 19 of the Canadian

Railway Safety Act. The Railway Association of Canada submitted proposed rules to Transport Canada on November 20, 2013. Transport Canada accepted the proposed rules submitted on December 26, 2013. See TC O 0-167. As a result, railroads operating in Canada are now required to comply with CROR 62 and CROR 112, as amended.

CROR 62 pertains to "unattended engines." The term "unattended" is now defined in the CROR as "when an employee is not in close enough proximity to take effective action." The new Canadian requirements for unattended engines are as follows:

> When an engine is left unattended outside of an attended yard or terminal:
> (a) The cab of the engine must be secured to prevent unauthorized entry; and
> (b) Subject to (c), the reverser must be removed from the engine;
> (c) During sub-zero temperatures, an engine that does not have a high idle feature is exempt from (b)[.]

See CROR 62 (TC O 0-167).

Transport Canada approved expansive revisions to CROR 112, which now reads as follows:

> (a) Equipment must be secured if it is left unattended. The following are acceptable methods of ensuring securement:
> (i) Sufficient number of hand brakes;
> (ii) A mechanical device approved for use by a professional engineer;
> (iii) Equipment is left on a track designed to prevent the equipment from moving unintentionally (e.g., switching bowl or where grade does not allow) and that design is approved by a qualified employee;
> (iv) Equipment is derailed or coupled to derailed equipment;
> (iv) A movement secured as per paragraph (c) in this rule.
>
> (b) While switching en route, the standing portion must be protected as per paragraph (a) unless:
> (i) There are at least 15 cars;
> (ii) Not on a grade in excess of 1.25%;
> (iii) The equipment will not be left in *excess* of 2 hours;
> (iv) The air brake system is sufficiently charged to *ensure* proper air brake application; and
> (v) The brake pipe is fully vented at a service rate or an emergency application of the air brakes has been made, and the angle cock is left fully open.
>
> Whenever it is possible that the portion left standing cannot be secured within the applicable time limit, the standing portion must be secured as per paragraph (a).
>
> (c) A movement may be left unattended if:
> (i) Secured as per paragraph (a); or

(ii) Left at a location where a derail protects the movement from unintentionally obstructing main track and

- The air brake system is sufficiently charged to ensure proper brake application;
- The locomotive controlling the air brake system maintains air pressure.
- A full service or emergency air brake application is made; and
- Independent brake is fully applied; or

(iii) Air brake system is sufficiently charged to ensure a proper brake application and

- The locomotive controlling the air brake system maintains air pressure;
- A full service or emergency air brake application is made;
- Independent brake is fully applied;
- Hand brakes are applied on 10 percent of the equipment to a maximum of 5;
- It is not on a grade exceeding 1.25%; and
- Is not left in excess of 2 hours.

(d) Exceptional weather situations, such as high winds or other unusual conditions, must be considered and factored into securement decisions. Special instructions may contain location specific instructions where extreme weather events are prevalent.
(e) Instructions governing testing the effectiveness of hand brakes will be carried in special instructions.
(f) Application of hand brakes must not be made while equipment is being pulled or shoved.
(g) Before leaving equipment at any location, the employee securing such equipment must confirm with another employee the manner in which the equipment has been secured.

See CROR 112 (TC O 0-167).

12. What is the significance of the April 1, 2014 deadline for the RSAC Hazardous Materials Working Group?

April 1, 2014, is an internal, FRA-set deadline for the RSAC Hazardous Materials Working Group to make its recommendations related to the safe railroad transportation of hazardous materials, including the working group's regulatory language related to its recommended changes to the Pipeline and Hazardous Materials Administration's (PHMSA) Hazardous Materials Regulations, to the entire RSAC. The working group met on October 28, 2013; December 16, 2013; and January 27, 2014; and it will meet again on March 26, 2014. If it reaches consensus on any recommendations, it will present them to the full RSAC by April 1, 2014, and the full RSAC will be asked whether it approves the working group's recommendations by electronic ballot. If the full RSAC approves the working group's recommendations, they will convey these

recommendations to me. If I agree with the full RSAC's recommendations regarding changes in the Hazardous Materials Regulations, I will convey them to the PHMSA Administrator, as PHMSA promulgates the hazardous materials transportation regulations.

13. Do you have current statistics on how many freight and passenger train derailments have taken place over the past five years?

The tables below present derailments and derailment rates (per million train-miles) on both a calendar and fiscal year basis.

Fiscal	Derailments	Total Miles	Rate
2009	764	687952167	1.11054
2010	811	692341016	1.17139
2011	819	712899248	1.14883
2012	745	733046025	1.01631
2013	715	741301114	0.96452
2014*	262	251854485	1.04028

Calendar	Derailments	Total Miles	Rate
2009	748	667973049	1.11981
2010	805	704840558	1.1421
2011	836	717611706	1.16498
2012	706	731644354	0.96495
2013	756	747924153	1.0108
2014*	59	62711310	0.94082

* Partial year

a. Do you have statistics on the significant causes of the derailments that have taken place over the past 5 years?

The table below shows significant derailment causes over the past 5 years:

Code	Cause Description	Derailments
T110	Wide gage (due to defective or missing crossties)	306
T207	Detail fracture from shelling or head check	156
T220	Transverse/compound fissure	152
T314	Switch point worn or broken	140
T109	Track alignment irregular (buckled/sun kink)	133

b. Has the FRA investigated whether these train derailments were the result of failed roller bearings caused by wheel set cap screws that came loose?

The major cause of failed journal roller bearings is overheating, which causes significant damage to the bearing. Determining the primary cause of the failure is difficult; however, it is extremely rare that a cap screw is missing or loose. Over the past 5 years, there have been 74 derailments caused by overheated journal roller bearings. This type of derailment accounts for approximately 8 percent of the total mechanical- or electrical-caused derailments. The breakdown per year is:

		Total Year Counts				
	Percent of Total Derailments	**2009**	**2010**	**2011**	**2012**	**2013**
E53C Journal (roller bearing) overheating	8.30%	24	11	15	10	14

During the same period, the number of exception reports and violations for loose cap screws are as follows:

49 C.F.R. Section	Defects	Violations
215.115.A2 – Cap Screws Loose	11	0
215.115.A2i – Cap Screws Loose	10	2
215.115.A2ii – Lock Broken/Missing	15	0

These defects and violations only represent a fraction of a percent of the total number of deficiencies observed.

14. To my understanding there was a formal petition submitted to the FRA in August 2011 requesting the FRA to initiate a rulemaking that would establish a performance requirement for a standard system for clamping and retaining bearings on railroad freight cars. Has FRA issued a ruling to determine these requirements?

On August 8 and September 28, 2011, a manufacturer wrote letters to FRA requesting that the agency initiate a rulemaking and issue a Letter of Exception related to their cap screw locking system. There are no Federal railroad safety legal requirements related to torque or the type or style of locking plate that must be used on journal roller bearings. Notably, torque values and the size of the locking plate are specified by AAR for each class of journal roller bearings.

There are many causes of journal roller bearing failures, and FRA told the manufacturer that the contribution of cap screw loosening is not well-defined. No failure of journal roller bearings was proven by this manufacturer to be caused by a reduction of torque on

one or more cap screws. Only anecdotal evidence of journal roller bearing failures from the 1980s was presented. This evidence did not show a conclusive causal link between the torque values of the cap screws and the failures, particularly in light of other changes made to the journal roller bearings, which may have contributed significantly to the failures. None of the data recorded by FRA or AAR indicates that the residual torque on journal roller bearings is a significant safety issue. In fact, the data presented by the manufacturer related to the test of the release torque of bearings at the completion of the wheelset's useful life confirms that a bearing with low torque did not cause a failure, because it lasted until the wheelsets were removed for other reasons, such as thin rims or flanges, or end of life.

After thorough review and careful consideration, FRA wrote a letter on January 31, 2012, denying the manufacturer's rulemaking request. There was insufficient historical data on journal roller bearing failures to warrant a change to the existing safety requirements. A cost/benefit analysis was not conducted.

15. Knowing that NHTSA and FMCSA safety functions were both housed in FHWA once but were separated so as to not compete with the highway development business and budget, is there any merit in making the same shift at FRA removing the safety department functions?

Safety is FRAs highest priority. The mission of the Federal Railroad Administration is to enable the safe, reliable and efficient movement of people and goods for a strong America, now and in the future. This mission supports continuous safety improvement through three pillars:

1. Continuing a rigorous oversight and inspection program based on strategic use of data
2. Advancing proactive approaches for early identification and mitigation of risk
3. Capital investments and robust research and development program

The FRA mission is best served through predictable, dedicated funding, which would enable FRA to balance requirements across these three pillars to ensure continuous safety improvement, while making long-term investments to grow the rail network.

Committee on Transportation and Infrastructure
Subcommittee on Railroads, Pipelines, and Hazardous Materials
Hearing on "Oversight of Passenger and Freight Rail Safety"
February 26, 2014
Questions for the Record
To
Cynthia Quarterman, Administration
Pipeline and Hazardous Materials Safety Administration

THE HONORABLE JEFF DENHAM

QUESTION 1: *Could you please provide a timeline for your consideration of the rule for the DOT-111 tank car standards, including your target for issuance of a final rule?*

ANSWER 1: PHMSA, in cooperation with FRA, is in the process of developing a draft Notice of Proposed Rulemaking, RIN 2137-AE91, "Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains." You can monitor progress at: www.reginfo.gov.

QUESTION 2: *Manufacturers estimate that it could take roughly a year from issuance of the final rule to produce all the parts, such as bottom valves, that will be in demand to meet the final rule standards. Furthermore, manufacturers estimate the current backlog of tank cars is somewhere between 50 and 60 thousand tank cars. This backlog has stalled since the ANPRM because no one knows what standard to build. With the possibility of a retrofit, tank car manufacturing will remain at a standstill until the rule is issued. What would you recommend the industry do?*

ANSWER 2: The Hazardous Materials Regulations prescribe minimum standards for safety. PHMSA recommends that industry look beyond compliance with those regulations to focus on safety in all of their transportation decisions and actions.

QUESTION 3: *Can you commit that you will do nothing in this rulemaking without sound data- driven evidence that the costs do not outweigh the benefits?*

ANSWER 3*:* PHMSA is committed to follow the formal regulatory process. As with all rulemakings, any regulatory action with regard to rail safety will be accompanied by a regulatory evaluation. This evaluation will consider the cost and benefits of any proposal as well as the impacts on the regulated community and general public. Further, the public and regulated community will have the opportunity to provide comments on both the regulatory proposals and the evaluation of the cost and benefits.

QUESTION 4: *Could you share with us your findings to date in "Operation Classification"? How much variation are you finding in the crude?*

ANSWER 4: PHMSA is working diligently to share the findings from Operation Classification by May 2014.

QUESTION 5: *How are you helping industry to comply with the Amended Emergency Order issued on March 6, 2014?*

ANSWER 5*:* PHMSA's focused inspections, outreach, and training activities assisting in industry compliance with the Emergency Order. In addition, PHMSA developed and published a comprehensive list of frequently asked questions on its website. PHMSA also met with the American Petroleum Institute on March 6, 2014 to discuss the Emergency Order and answer industry questions. We continue to address concerns as they are raised by associations or individual shippers.

QUESTION 6: *Please explain the efforts you are undertaking with API and others to establish standards for crude oil testing.*

ANSWER 6*:* As a result of the Call to Action, on February 20, 2014 the API agreed to pursue various actions including to work with PHMSA and other representatives from the Department of Transportation to share information and expertise on crude oil characteristics. API created a working group on entitled the "API Classification & Loading of Crude Oil Work Group." Within this working group are two task groups: "Crude Oil Classification Task Group" and the "Crude Oil Quantity & Quality Measurement Task Group."

A six month schedule for completion of this effort was launched in 2014, with working groups meeting every two weeks in Houston, TX and Washington, DC. The goal of this group is to develop a standard that will ultimately be proposed to the American Society for Testing and Materials (ASTM) to become an ASTM endorsed standard. PHMSA personnel have been active participants in these meetings and look forward to reviewing the products of these groups. If the resulting standard is acceptable to PHMSA, it will consider incorporating it into our regulations.

QUESTION 7: *You indicated that your agency is hurriedly working on a Notice of Proposed Rulemaking on tank car design and could not say when a proposed rule would be issued much less when a final rule would be issued. What is the current backlog for manufacturing new CPC-1232's?*

ANSWER 7*:* According to comments to the September 6, 2013 ANPRM made by the Railway Supply Institute Committee on Tank Cars (RSICTC) on pending work orders for 2014 include:

1. 17,000 – Jacketed, DOT Specification 111 tank cars meeting CPC-1232.
2. 5,900 – Non-Jacketed, DOT Specification 111 tank cars meeting CPC-1232.

The comments do not indicate the type of service for these cars, or if the NPRM would impact the usage of those cars.

QUESTION 8: *In writing a proposed rule, is the agency considering the growth in production in the Bakken region, the long lead times for manufacturing tank cars and the uncertainty in the industry given that they have been building tank cars since 2011 without regulatory certainty?*

ANSWER 8*:* Yes, PHMSA's regulatory development and action will be accompanied with a comprehensive regulatory evaluation. This evaluation will consider the costs and benefits of any proposal as well as the impacts on the regulated community and general public. Specifically, this evaluation considers market factors such as projected growth in crude oil production and time and cost of manufacturing. Further, the public and regulated community will have the opportunity to provide comments on both the regulatory proposals and the evaluation of the cost and benefits.

QUESTION 9: *Has or is the agency considering an interim final rule that would allow the current CPC-1232 in operation to continue operating throughout its useful life while continuing work on a long-term rule that would address cars not yet in the manufacturing queue?*

ANSWER 9*:* We are working on a comprehensive regulatory proposal as expressed in the September 6, 2013 ANPRM, PHMSA and FRA as well as the NTSB and AAR have questioned whether the tank car enhancements under CPC-1232 sufficiently address the risks posed by unit trains of flammable liquids. During the docket T87.6 AAR Tank Car Committee, several tank car design enhancements supported by the DOT were not adopted. PHMSA recognizes that the AAR Tank Car Committee continues to seek revisions and consensus on design improvements within the committee.

THE HONORABLE JOSEPH C. SZABO,
ADMINISTRATOR, FEDERAL RAILROAD ADMINISTRATION,
U.S. DEPARTMENT OF TRANSPORTATION

QUESTIONS FOR THE RECORD

SUBCOMMITTEE ON RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
U.S. HOUSE OF REPRESENTATIVES

"OVERSIGHT OF PASSENGER AND FREIGHT RAIL SAFETY"

FEBRUARY 26, 2014

QFRs from Rep. Corrine Brown

1. **The Department of Transportation (DOT) has issued a number of safety advisories and emergency orders to the industry and others as a result of recent passenger and freight rail accidents. What enforcement authority does Federal Railroad Administration (FRA) have to ensure compliance with these safety advisories and emergency orders?**

   The recent DOT and FRA emergency orders are requirements and are enforceable through a variety of means. FRA's tools for enforcing FRA emergency orders and DOT emergency orders include civil and criminal penalties, compliance orders, injunctions, special notices for repairs, and orders disqualifying individuals from safety-sensitive service in the railroad industry.

   The recent safety advisories issued by FRA or the Pipeline and Hazardous Materials Safety Administration (PHMSA), or both jointly, are recommendations to take certain voluntary action or are reminders to comply with existing law, but are not intended to be requirements in themselves and, therefore, are not intended for FRA or PHMSA to enforce.

2. **What steps is FRA taking to ensure local communities and responders are prepared to plan for, manage, and respond to accidents involving hazardous and flammable materials that are transported by rail?**

   DOT and AAR signed an agreement as a result of the "Call to Action" by Secretary Foxx that contained important voluntary steps to improve emergency response along Key Crude Oil train routes:

   1. Subscribers will develop an inventory of emergency response resources along Key Crude Oil Train routes. This information will be provided to DOT and emergency responders upon request.
   2. Subscribers will provide $5 million to develop and provide training on hazardous material transportation and fund training for emergency responders through the end of 2014. Comprehensive training will occur at the Transportation Technology Center, Inc. (TTC) facility in Colorado with a training program fully developed by July 1. TTC is funded by FRA and operated under a care, custody, and control contract with FRA.
   3. Subscribers will continue to work with communities on Key Crude Oil Train routes to address location-specific concerns.

   FRA has provided a grant to the American Chemistry Council, which oversees the Transportation Community Awareness and Emergency Response (Transcaer®) program. The Transcaer® program is a voluntary outreach program that focuses on assisting communities to prepare for and respond to possible hazardous materials transportation incidents. Transcaer® members consist of representatives from the chemical manufacturing, transportation (including railroad), distributor, and emergency response industries.

3. **Crude oil is often transported in trains carrying many different materials, called mixed trains. With mixed trains, it is even more important that emergency responders have an accurate list of what is contained in each of the rail cars. Often rail cars change in transportation so the shipping paper provided by the train crew at the scene of an accident may no longer be accurate. What is FRA doing to ensure the accuracy and availability of train consist information to emergency responders?**

   FRA enforces the Hazardous Materials Regulations (HMR), which, in 49 C.F.R. 174.26(a), require train crews to have a document that accurately reflects the current position in the train of each rail car containing hazardous material. This document is often called the "consist," "train consist," or "consist list." The HMR provide substantial flexibility for updating the document either electronically or by handwriting, but the crew is required to maintain an accurate document. Since 2006, FRA has performed approximately 1,500 audits to determine compliance with this regulatory provision, and civil penalties for violations were recommended in two-thirds of the audits.

   Ensuring an accurate consist list is available to emergency responders, however, goes beyond the document maintained by the crew. Generally, the document indicating the location in the train of cars carrying hazardous material is updated in one of two ways, either manually or through automated equipment identification (AEI) tags. AEI tags work using radio frequency technology such that when cars equipped with AEI tags pass an AEI "reader" the list of cars in the train consist (which identifies the location of each car in the train, including the contents of each car carrying hazardous material) is automatically updated in the railroad's database. This consist list can be provided to first responders by off-site railroad personnel, but unless the electronic updates are communicated to the crew and the crew manually updates the physical list in its possession, the crew's consist list may become outdated. Accordingly, issues arise when cars are picked up for a train or set off from a train and the crew does not manually update the list in its possession. When cars are picked up or set off, the train crew must manually update the crew's copy of the train consist to accurately identify the new location of cars carrying hazardous material. Related to this issue, FRA is evaluating the HMR and considering NTSB recommendation R-07-04, which is aimed at ensuring that a document with "accurate, real-time information regarding the identity and location of all" the cars carrying hazardous material in each train is immediately available for first responders..

4. **The FRA has a voluntary Confidential Close Call program, which allows railroad carriers and their employees to report near-miss accidents to the FRA. The program provides a safe environment for employees to report unsafe events and conditions, and protects railroads from FRA enforcement for events reported within the program. It has helped many freight railroads improve safety on their system. FRA has urged all 28 commuter railroads to participate in the Close Call program. Why is the program important, and out of the 28 commuter railroads operating in the United States, which ones currently participate in the program**?

   Railroads can reduce risk before an accident occurs by systematically studying close calls, which is a proactive way to manage safety. When individual events are analyzed collectively, railroads can identify safety hazards and develop solutions to threats. Evaluating close calls is also a key part of safety management, where it is essential to identify hazards, assess risks, take corrective actions, and evaluate and monitor the performance of the safety system. Close calls can show where current weaknesses exist in the safety system, they can be used to monitor changes in safety over time, and they can uncover hidden conditions previously not exposed by looking at reportable accidents alone. In the Rail Safety Improvement Act of 2008, Congress required FRA to develop regulations that require certain railroads to develop and implement safety risk management systems known as Risk Reduction Programs. Therefore, railroads that participate in FRA's Confidential Close Call Reporting System (C^3RS) will be engaging in a program that substantially supports their risk reduction efforts.

   Currently, there is one commuter railroad (New Jersey Transit Rail Operations) that has long participated in C^3RS. Three commuter railroads (Metro-North Commuter Railroad, Long Island Rail Road, and Massachusetts Bay Transportation Authority) are in the early stages of preparing for the program. The C^3RS Implementation Team, in partnership with the National Aeronautical and Space Administration (NASA), continue to conduct outreach to the commuter railroad industry in order to recruit more participants.

5. **During the hearing, Congresswoman Esty stated: I know that the FRA has concluded its "Operation Deep Dive" and plans to release that report in March. I also note that the National Transportation Safety Board**

(NTSB) investigations are ongoing and plan to release those reports later this year. And I want to know from both of you [FRA and NTSB], if I have your commitments to work directly with the state of Connecticut and with Metro North so that we can restore service and reliability as quickly as possible and any prior information you can share with us to expedite. We are in the middle of a legislative session that is three months long in Connecticut. They need to know budget priorities. They need to have direction, right now, where they will have to come back in special session. It will delay safety and delay reliability." You stated, in response: "Definitely, yes, already been in conversation with Commissioner Redeker up there in Connecticut and have promised him a briefing on this ... That's the short answer, and I would be glad to provide more for the record." Please provide more information on this for the hearing record.

Congresswoman Esty, I appreciated working with you and your staff during the release of the report, and I look forward to working together in the future to ensure the safety of Metro North and your constituents who depend on it for safe, reliable service. FRA has been working closely with the state of Connecticut, as well as the leadership at Metro North and MTA to implement changes that we believe are necessary for the safety of Metro North employees and the public. You have my commitment to work with you and the State of Connecticut going forward.

6. **Title 49 Part 213 "Track Safety Standards" provides that the safety requirements for tank cars transporting freight are more stringent than for passenger cars. Why the discrepancy? Shouldn't the safety standards be higher for passenger trains? Does FRA intend to address this?**

The Track Safety Standards treat tank cars and other freight cars more stringently than these regulations treat passenger cars for a good reason. Freight cars and passenger cars are designed, operate, and create track loadings differently. When FRA wrote the Track Safety Standards, the agency considered the design and operating differences to set the maximum speeds for freight trains and passenger trains for each track class. The freight cars that make up freight trains are designed for load-carrying capabilities, while the passenger cars that make up passenger trains are lighter in weight and have a lower center of gravity. Passenger cars are also designed and engineered with specialized trucks (a type of component) that provide smoother operation and handling to enhance passenger comfort and train speed. As a result of these differences in the designs of freight cars as opposed to passenger cars, the passenger cars' dynamic loading of the track structure is much less than the freight cars' with their heavier weight, higher center of gravity, and heavy-duty trucks. The Track Safety Standards recognize the different operating characteristics between the two types of cars when determining the safest speed for each class of track. A rough analogy would be that the highway speed limit for a heavy, high center-of-gravity large tractor-trailer is lower than the highway speed limit for a passenger car.

7. **During the hearing, Congressman Larsen asked about current track inspection requirements.**
    - **Please describe in detail the track inspection requirements under current regulations nationwide.**
    - **Please describe in detail the track inspection requirements that pertain to rail track located in Congressman Larsen's district.**
    - **Please describe in detail the differences between the track inspection requirements that pertain to rail track located in Congressman Larsen's district in comparison to the inspection requirements agreed to in the DOT-AAR agreement.**

The Track Safety Standards, which are in 49 C.F.R. Part 213, require various types of inspections of the track structure, including the following:

- Track Inspections (section 213.233);
- Inspection of Rail (section 213.237) (new regulations go into effect in March 2014);
- Continuous Welded Rail Joint Bar Inspection (section 213.119);
- Automated Inspections of Concrete Ties (section 213.234);
- Inspection of Switches, Track Crossings, and Lift Rail Assemblies (section 213.235); and
- Special Inspection (section 213.239).

Additional interpretation and guidance for these rules are available in the FRA compliance manuals, related technical bulletins and other interpretive guidance.

The Federal track inspection requirements outlined in 49 C.F.R. part 213 are applied industrywide to standard gage track that is part of the general railroad system of transportation. See 49 C.F.R. part 209, appendix A, for discussion of the term "general railroad system of transportation." The Track Safety Standards establish several classes of track, which are divided according to the maximum allowable operating speed for freight trains on the track (e.g., 10 miles per hour for freight trains operating on Class 1 track and 15 mph for passenger trains operating on Class 1 track). See, e.g., 49 C.F.R. 213.9 and 213.307. The higher the class of the track is, the higher are the particular requirements of the Track Safety Standards that apply to the track. In other words, in order for a train to operate at higher speeds on a segment of track, the track segment must be maintained to meet more demanding requirements than the requirements that apply to a track segment where trains are permitted to operate at lower speeds. The geographical location of a track does not change the inspection requirements.

The DOT-AAR agreement states that the Railroad Subscriber will conduct certain additional inspections of track over which Key Crude Oil Trains are operated, beyond what is required in the Track Safety Standards. The Subscriber will agree to annually conduct on such track at least one additional internal inspection of rail (49 C.F.R. 213.237(c)) than what is required, and at least two track geometry inspections. The Track Safety Standards do not currently require automated track geometry inspections.

QFRs from Rep. Michael Michaud

1. Do you believe a blanket extension of the PTC implementation deadline is warranted? Or should we take a more limited approach with individual extensions granted only where absolutely necessary?

The unfortunate reality is that there are both technical and programmatic issues affecting individual railroads' abilities to complete PTC implementation by the December 31, 2015, deadline. The extent to which these issues affect individual railroads is not uniform. Some Class I railroads have publicly acknowledged that they will not be able to complete PTC implementation by the deadline. These railroads have indicated that full implementation will not be complete until 2018 or 2020. In FRA's 2012 report to Congress,[1] FRA recommended that, if Congress were to consider legislation extending the PTC implementation deadline, it should consider giving FRA flexibility in approving PTC implementation plans. I do not believe that a blanket extension is necessarily the most appropriate (or effective) way to address the unique circumstances each railroad is facing. I strongly recommend a more limited approach that would provide implementation flexibility for covered railroads to install PTC systems, in which the Secretary would prescribe regulations to establish a schedule for the implementation of PTC systems, and FRA as the Secretary's delegate would be permitted to grant extensions when necessary under certain specified criteria. Providing milestones for PTC system implementation would recognize that implementation of PTC systems is an immensely complicated undertaking and would give the Secretary the tools to ensure that railroads are working diligently towards completion and using the additional time granted wisely. Both passenger and freight railroads subject to the PTC statutory mandate could be faced with the same or similar types of circumstances that are beyond their control which might significantly impact their ability to implement PTC on all segments of their operations by December 31, 2015.

While it is difficult to discern fully all of the potential obstacles to full implementation by the statutory deadline, two of the most significant obstacles are (1) the development and lack of implementation of a workable interoperability standard and (2) the availability of sufficient radio spectrum. Due to the significant cost related to the implementation of PTC systems and due to the need to ensure the safe and proper operation of such systems, some latitude should be provided to

[1] Federal Railroad Administration Report to Congress: Positive Train Control Implementation Status, Issues, and Impacts (August 2012), available at *http://www.fra.dot.gov/eLib/Details/L03718.*

those entities that have taken appropriate action to implement PTC systems on their rail lines but that may not reach full implementation within the timeframe specified in the PTC statutory mandate due to circumstances beyond their control.

Additionally, in the 2012 report to Congress, FRA recommended that Congress consider allowing alternative methods of improving rail safety in lieu of PTC where the alternatives provide an appropriate level of risk mitigation with respect to the functions of a PTC system. The authority to allow alternative methods of protection, in lieu of PTC, would permit FRA to focus the burden of PTC system implementation on the most dangerous mainlines and allow a more appropriately-tailored reduction of risk on mainlines covered by the current statutory mandate to implement PTC systems. The authority would not allow alternative protection methods in lieu of PTC systems and would not be authority to completely eliminate any railroad's responsibilities under the PTC mandate. Rather, the alternative protection authority would allow railroads to remove "particular mainlines" from the mandate where alternatives are appropriate.

Another FRA recommendation in the 2012 report to Congress suggested that Congress consider permitting the provisional certification and operation of PTC systems during FRA's review of the system. Prior to this provisional certification, railroads would be required to provide documentation to satisfactorily demonstrate safety performance and railroad operational competency. The provisional certification period would allow railroads to evaluate and further develop data supporting the safety of the PTC system, reflecting good engineering practice and well-documented risk mitigation strategies. During the period of provisional certification, railroads and the public would receive the benefits of the PTC system, and FRA would have an opportunity to review and evaluate all aspects of safety related to the system in a diverse, revenue service environment.

2. **If the RSAC's crew size working group fails to issue recommendations by their April 1st deadline, would the FRA still be willing to take concrete action on the issue?**

   Yes. FRA advised the Railroad Safety Advisory Committee that the agency intended to initiate a rulemaking even if a consensus recommendation could not be reached by April 1. Consensus recommendations were not received, but it is clear that RSAC was useful in identifying railroad practices that could potentially be impacted by a requirement for a two-person crew. FRA has announced publicly its intention to move forward with a rulemaking without consensus recommendations from RSAC.

3. **I know DOT's recent agreement with AAR did address some aspects of the NTSB's recommendations. But that agreement was only with the Class I railroads, which do not operate in Maine. What are you doing to ensure that all railroads take these necessary safety precautions?**

   In a similar letter, dated February 12, 2014, the American Short Line and Regional Railroad Association (ASLRRA) recommended to its members that unit trains of crude oil (20 cars or more) operate at a top speed of no more than 25 MPH on all routes and agreed to work with its member railroads and the Class I railroads to develop a program of best practices to ensure a seamless system of timely and effective emergency response to crude oil spills.

4. **Since 2011, thanks to a voluntary commitment from the rail industry, new tank cars have been built to higher standards. Have these new cars been crash tested to ensure they perform as intended? If not, would you be willing to work with the industry to test them?**

   To be clear, in 2011 AAR issued Casualty Prevention Circular (CPC) 1232 containing industry requirements for certain new DOT specification 111 tank cars ordered after October 1, 2011, from tank car manufacturers. The requirements of CPC-1232 do exceed the requirements of existing Federal regulations and contain certain enhancements designed to improve the safety of the cars; however, because of the approximately 2-year backlog of

orders for new tank cars for crude oil service that existed at that time, through at least 2013, cars continued to be built to the legacy minimum standards.

To date, cars constructed to the CPC-1232 standards have not been full-scale crash-tested, and FRA does not believe that such full-scale testing is necessary. Recently, FRA funded puncture tests of tank cars meeting two DOT specifications: the DOT 111 and DOT 112. The DOT 111 specification tank car is the general-purpose, non-pressure tank car currently used to transport crude oil, ethanol, and many other hazardous materials. The DOT 112 specification tank car is used to transport compressed gases and high-hazard materials such as anhydrous ammonia. Six years ago, similar tests were performed on DOT 105 specification tank cars (pressure cars), which are used to transport high-hazard hazardous materials such as chlorine and other materials that are poisonous by inhalation. Considered together, the full-scale puncture testing of both general purpose and pressure tank cars has provided the data necessary to validate the research models utilized by the Department (as well as industry) to understand the dynamic forces acting on railroad tank cars under accident conditions. In other words, the test procedures are standardized to ensure repeatability and designed to minimize variables that could affect the test results. The intent of the test program was to validate computer models and subsequently use such models to predict the puncture velocity of tank cars built to a variety of existing specifications or conceptual designs. Given these facts, with a validated model there is no need to field test a tank car built to the CPC-1232 standard; rather we can simulate the puncture velocity and validate a range of results. While the Department's model is focused on the puncture resistance of the tank, existing performance standards applicable to other components of the tank car (e.g., top fittings, bottom outlet valves, pressure relief valves, thermal protection) provide an understanding of the expected performance of the CPC-1232 cars, further reducing the need to field test the design.

QFRs from Rep. Sean Patrick Maloney

1. **Given the alarming increase in train derailments, both in passenger and in freight rail, and that implementing Positive Train Control systems remains as one the NTSB's Most Wanted List priorities, would it be fair to say that implementing PTC on our freight and passenger lines should be one of the FRA's top safety priorities?**

   Just to preface my answer to your question, though it may seem that derailments are increasing, they are actually decreasing. In particular, derailments declined by 47 percent during the last 10 fiscal years (FY 2004–2013), and train accidents of all kinds declined by 47 percent during the same period. The industry has never been safer.

   The type of PTC system required by the Rail Safety Improvement Act of 2008 (RSIA) is "a system designed to prevent train-to-train collisions, over-speed derailments, incursions into established work zone limits, and the movement of a train through a switch left in the wrong position." See 49 U.S.C. 20157(i)(3). FRA firmly believes that implementing a PTC system on a segment of track will enhance safety. However, no single approach will comprehensively improve rail safety. Rail safety must be addressed by implementing multiple approaches that, when working together, can help drive down the number and frequency of accidents or mitigate their severity. PTC, for example, is not designed to protect against derailments and other train accidents caused by equipment failures such as broken wheels, pulled drawbars, and seized journals; infrastructure conditions such as washouts, rock slides, and some broken rails and heat kinks; and external factors such as grade crossing accidents or deliberate vandalism. The benefits of PTC are largely limited to a portion of the train accidents that are caused by human error. In the United States, human factors account for roughly 35 percent of all train accidents. PTC's preventing a portion of 35 percent of all train accidents is a considerable share, but far from an exhaustive one. Another third of train accidents are caused by poor track, and many others are a result of faulty equipment, grade crossings, or other factors.

2. **Given that one of the largest hurdles to implementing PTC cited by rail stakeholders is the cost, would you say that reauthorizing the Railroad Safety Technology Grants Program and ensuring access to the Railroad Rehabilitation and Improvement Financing program for PTC, as my bill HR 3634 would do, would help railroads in overcoming this obstacle?**

As noted in the DOT Budget Estimates for Fiscal Year 2015, significant technical and programmatic challenges make it unlikely that the rail industry will meet the statutory deadline for full PTC system implementation. However, FRA does view the high cost of PTC system implementation to be an impediment to full implementation by passenger railroads, and has requested funds for commuter railroads and Amtrak to assist these railroads in fulfilling their statutory obligation to implement PTC systems. Additionally, under present law railroads have access to the Railroad Rehabilitation and Improvement Financing program for PTC system implementation efforts, and FRA currently has a pending application for that purpose.

3. **Do you believe Congress should act on reauthorizing the Railroad Safety Technology Grants program this year?**

FRA views financial assistance for PTC system implementation to be a part of the larger program of rail service improvement and investment in high-performance rail infrastructure, rather than considered as a separate program.

QFRs from Rep. Daniel Lipinski

1. **In the recently passed Omnibus funding legislation, P.L 113-76, Congress freed up approximately $60 million to be used for grants for various rail projects, including railroad safety technology as outlined in 49 U.S.C. 20158. Does the FRA know yet how this money will be spent? Specifically, will any of the $60 million go to assist railroads (commuter or freight) with PTC implementation?**

FRA plans to utilize some of the available funds to address shared PTC implementation issues common to multiple railroads. FRA believes that this will make the most effective use of the limited available funds, as opposed to direct grants to individual railroads for their specific implementation projects.

2. **Without additional public funding beyond the Omnibus, what do you view as a reasonable timeline to accomplish PTC implementation? Do you think there is a need for increased public funds to assist the railroads with PTC implementation? Do you see distinction between passenger/commuter and freight railroads' need for public funding? How would robust funding for this program help expedite this much needed technology adoption and its execution? Do you think there are other impediments beyond funding that will prevent timely implementation?**

As mentioned earlier in my response to Rep. Michaud's question, FRA identified a number of programmatic and technical issues in its August 2012 report to Congress in the timely implementation to PTC. In addition, after the report was published, a new issue arose: deployment of 22,000 PTC communications towers. The extent to which these issues affect individual covered railroads is not uniform. Not all of these railroads are affected to the same extent and by the same issues. The specific issues affecting the railroads as well as the ability of the railroad to address the issues, the availability and effectiveness of alternative solutions, and the safety risks are the key determinants in establishing reasonable timelines to completion of PTC deployment. I believe these issues need to be addressed on a limited basis, and that a single, one-size-fits-all response would not be appropriate. We must make every effort to deploy PTC as soon as possible consistent with each individual railroad's capabilities and the specific technical and programmatic issues it faces. Please see my response to Rep. Michaud for further details.

Unfortunately, the costs of implementing PTC far exceed the direct safety benefits. Given the current economic situation faced by many railroads, especially the public intercity passenger and commuter agencies, enacting PTC technology, without an infusion of additional funds, will lead to other critical safety and investment trade-offs. Money invested in PTC is money that cannot be spent on infrastructure upgrades, and other safety improvements and in some situations may potentially result in degradations in safety (or even service reductions) as funds are diverted from other activities that are not statutorily required. FRA is concerned that such diversion decisions could create future large-scale safety or operational problems that present greater risks than those that PTC is intended to prevent. While all railroads implementing PTC are incurring additional capital expenses to deploy PTC (and will incur additional operational and maintenance costs once the system has been deployed), FRA believes that the public

agencies are a disadvantage in addressing these, compared to private entities. The availability of dedicated funding for PTC implementation is essential.
Even if funding issues are resolved, the high degree of concurrency in the design, development, test, and deployment of the various PTC subsystems and their components still leaves the potential for further delays in the final deployment and the potential for increased costs. Even with positive trends in manufacturing, cost, and schedule, the railroads continue to incur risk by procuring large quantities of PTC components because the majority of testing and field-testing still lies ahead. The various suppliers continue to make major design and tooling changes and alter manufacturing processes concurrent with development testing. Railroads are investing billions of dollars before the design is stable, testing proves that it works and is reliable, and manufacturing processes mature to where the system can be produced in quantity to cost and schedule targets.

3. On February 20, 2014, Metrolink held a PTC media event and related revenue service demonstration in southern California. Please provide an updated status report on Metrolink's implementation of PTC. Specifically, please include details about development of their dispatching system, their PTC back office system, and status of PTC revenue service runs across Metrolink territory.

Metrolink continues to make significant progress towards completion of PTC implementation, although the railroad has encountered a number of technical and programmatic obstacles that have precluded completion as originally planned. Perhaps the most significant impediment was the inability of the original dispatch system and back office system contractor, Aeronautical Radio Incorporated (ARINC), to deliver a functioning dispatch system as originally required. The lack of a functioning dispatch system that could integrate with the PTC system components resulted in Metrolink's recently terminating ARINC for cause, and has resulted in a 2-year delay in the program. Metrolink has subsequently engaged Wabtec Corporation to develop the required dispatch and back office systems. Once Metrolink's dispatch and back office systems are complete, installed, and tested (which FRA believes will occur late in the second quarter of calendar year 2014 or early in the third quarter of calendar year 2014), Metrolink will be able to begin revenue demonstration operations on its own territory. Until the Metrolink dispatch and back office system is available, the railroad will be unable to conduct revenue demonstration operations on Metrolink territories.

As a risk mitigation measure, and in order to gain experience with the Interoperable Electronic Train Management System (IETMS), Metrolink began revenue demonstration operations over the BNSF Railway Company's (BNSF) San Bernardino subdivision on February 20, 2014 using one trainset and three trains per day. Metrolink experienced significant technical issues that necessitated placing the revenue demonstration on hold pending resolution of these issues. Engineering changes to address these issues have recently been completed and successfully regression tested, with revenue demonstration on BNSF scheduled to recommence.

Assuming there are no additional major technical issues discovered during Metrolink's dispatch and back office systems testing, subsequent integration and revenue demonstration operations over Metrolink territories, or system testing by Union Pacific Railroad Company (UP), Amtrak, and BNSF, FRA anticipates receipt of the system certification request from Metrolink for IETMS in the first quarter of calendar year 2015.

Currently Metrolink has completed its PTC track database asset mapping and validation as well as wayside interface unit verification and validation. Metrolink has completed roughly one-third of the required brake testing and is conducting Los Angeles regional communications network design and testing with UP; BNSF; Amtrak; PTC 220, LLC; Transportation Technology Center; and Meteorcomm Communications. The majority of the onboard system work has been completed on the rolling stock; however, additional hardware and software modifications will be required before the onboard systems will be fully completed. Employee training has also begun.

Committee on Transportation and Infrastructure
Subcommittee on Railroads, Pipelines, and Hazardous Materials
Hearing on "Oversight of Passenger and Freight Rail Safety"

February 26, 2014
FRA Administrator Joseph C. Szabo
Questions for the Record

Questions from Representative Jeff Denham:

1. **Do you believe any of the Class I freight railroads are going to meet the PTC deadline?**

   No. Based on the technical challenges that Southern California Regional Rail Authority (Metrolink), Union Pacific Railroad Company (UP), and BNSF Railway Company (BNSF) have experienced, and the other railroads' state of progress, the Federal Railroad Administration (FRA) believes it unlikely that any Class I freight railroad will be able to fully complete Positive Train Control (PTC) system development and approval by the December 31, 2015 deadline. Many will, however, be able to accomplish partial to substantial deployment. FRA believes that BNSF will most likely be the furthest along in the deployment process, with the other railroads following behind them.

   a. **What factors do you see as the major obstacles in fully implementing PTC?**

      The obstacles to completion basically remain unchanged from those identified in the FRA August 2012 Report to Congress: "Positive Train Control Implementation Status, Issues, and Impacts" (http://www.fra.dot.gov/eLib/details/L03718) and later in the Government Accountability Office's (GAO) June 2013 report (http://www.gao.gov/assets/660/655298.pdf). After publication of the FRA report, a new issue was identified and discussed in the GAO report: the deployment of PTC communications towers (antennas).

      FRA's report listed the following technical obstacles to completing PTC implementation that had been identified so far:

      1. Lack of necessary radio frequency spectrum.
      2. Lack of necessary radios.
      3. Lack of necessary design specifications.
      4. Lack of necessary back-office servers.
      5. Lack of necessary dispatch systems.
      6. Need for verification of track databases with accuracy more precise than that needed in a non-PTC environment.
      7. Need for engineering related to the installation of PTC system components.

8. Need for proof of the reliability and availability of installed PTC systems in order both to provide the desired level of safety and to minimize any adverse impact on the railroad's operations.

In addition, FRA's report noted two types of programmatic issues: (1) issues related to budgeting and contracting (e.g., the tightening of public-sector budgets and the need to comply with procurement regulations); and (2) issues related to an insufficient supply of qualified personnel and essential PTC system components, since railroads subject to the PTC mandate are all competing for a limited set of these resources.

Along the same vein, the GAO report cited "the numerous, interrelated challenges caused by the breadth and complexity of PTC." First, GAO highlighted that some key PTC components are still in development and that the installation of PTC components "is a time- and resource-consuming process." Regarding the installation phase of PTC implementation, GAO gave the example of the Federal Communications Commission's (FCC) request that railroads stop their construction of PTC-related antennas "to ensure proper installation procedures were being followed including consulting with either the tribal or state historical authorities prior to…installation." Second, GAO pointed to the need for system integration and field testing of PTC components, "many of which are first-generation technologies being designed and developed."

As previously indicated in both the FRA August 2012 Report to Congress and the GAO report, there is a limited pool of qualified personnel with PTC implementation experience. Many of these people have been diverted to support Metrolink and southern California PTC deployment efforts, which have left a shortage of qualified personnel to carry out PTC deployment in other locations.

In addition to personnel shortages, there are component development, supply, installation, and integration and testing issues. Any development must include sufficient testing to make sure that the systems work as intended. The current deadline, at a minimum, makes sufficient testing very difficult.

Regarding the development of PTC components and the installation of PTC systems, the GAO reported in its August 2013 PTC report that—

> some PTC components are still in development—most notably the [PTC] back office server. One or more of these servers will be installed in over a dozen railroads' back offices and are needed to communicate vital information between the back office, locomotives, and waysides. According to the [Association of American Railroads (AAR)] and the railroads, back office system delays are due to system complexity, interfaces to other systems, and lack of supplier resources. Nearly all of the freight railroads included in our review anticipate they will not have a final version

> of the back office system until 2014 and have identified it as one of the significant factors preventing them from meeting the deadline. In addition, PTC installation is a time- and resource-consuming process. For example, railroads collectively will have to install approximately 38,000 wayside interface units. According to AAR and freight railroads, the volume and complexity of installing these units is another significant reason most railroads cannot meet the 2015 deadline.

All components must properly function when integrated or else the PTC system could fail. To ensure successful integration, railroads must conduct multiple phases of testing—first in a laboratory environment, then in the field—before installation across the network. Representatives from all of the freight railroads express concern about the reliability of PTC and emphasize the importance of field testing to ensure that the system performs the way it is intended and that potential defects are identified, corrected, and retested. With some field tests, the PTC system components behaved differently than in the laboratory tests, because labs do not reflect field conditions completely. Identifying the source of these types of problems is an iterative process; consequently, correcting the problems and retesting can be time-consuming and potentially further contribute to railroads not meeting the 2015 deadline.

b. What is the FCC's role in the implementation?

The FCC shares spectrum management responsibilities and functions with the National Telecommunications and Information Administration (NTIA) of the U.S. Department of Commerce. Although the FCC has authority over commercial spectrum usage, as well as that of local and State governments, NTIA manages the Federal Government's use of spectrum for defense and other Federal purposes.

The FCC is also responsible for compliance with the National Historic Preservation Act (NHPA) and National Environmental Policy Act (NEPA) as they relate to communication system towers and stations.

FRA has no statutory or regulatory authority over spectrum allocation and availability or communication systems tower deployment.

c. What obstacles has the FCC presented?

FCC-associated challenges have arisen only from their congressional mandates. For example, the FCC, in compliance with the Balanced Budget Act of 1997, must use auctions to resolve mutually exclusive applications for initial licenses unless certain exemptions apply, including exemptions for public safety radio services, digital television licenses to replace analog licenses, and noncommercial educational and public broadcast stations. As a consequence, the FCC appears to be limited in its ability to carve out no-cost licenses for PTC spectrum, which requires the railroads to resort to the secondary market for spectrum.

In addition, the FCC has specific responsibilities pursuant to NEPA, NHPA, and other related statutes to evaluate the impact of its actions on the quality of the human environment. The Commission determined that these requirements apply to a wide range of communications facilities, including broadcast and cellular antenna structures, fiber optic lines, and undersea cables as well as antennas required to implement PTC. Compliance with these statutory requirements will likely add time to the PTC implementation schedule.

To facilitate the efficient review of PTC wayside facilities under Section 106 of the NHPA, the FCC is developing a Program Comment for consideration by the Advisory Council on Historical Preservation (ACHP). Once the Program Comment is submitted to the ACHP, pursuant to its regulations, unless an extension is granted, it will have 45 days to determine whether to adopt the proposal.

d. How has the FCC's Program Comment helped or hurt the process?

Although the FCC has not yet completed its proposed Program Comment or sent it to the ACHP for a decision, FRA supports the FCC in pursuing one of the program alternatives permitted by the regulations implementing Section 106 of the NHPA. The FCC's standard Section 106 review and approval method was not designed for the volume of reviews required to implement PTC, and an alternative solution is necessary. Section 106 program alternatives are intended to provide Federal agencies flexibility in implementing historic preservation reviews and creating efficiencies in the process. A Program Comment is one such program alternative and allows ACHP to establish an alternative process for a category of undertakings rather than conducting the individualized reviews under the normal Section 106 process. The FCC has collaborated with the railroad industry, Tribal Nations, and the historic preservation community throughout the process of developing the proposed Program Comment. FRA has also been consulting with the FCC in the role as the regulator of railroad safety, including PTC.

2. DOT's comments on the FCC's recent draft Program Comment indicate that most of the 22,000 antennas needed for PTC "will be installed on railroad rights-of-way on ground that has been thoroughly disturbed by railroad construction and ongoing maintenance." Last year, the FRA adopted a categorical exclusion for "[i]nstallation, repair and replacement of equipment and small structures designed to promote transportation safety, security, accessibility, communication or operational efficiency that take place predominantly within the existing right-of-way." That exclusion specifically includes "train control systems, signalization, electric traction equipment and structures, electronics, photonics, and communications systems and equipment, equipment mounts, towers and structures, information processing equipment, and security equipment . . ." If FRA were the lead agency on the PTC antenna issue, how would that exclusion apply?

When appropriate, FRA may apply a categorical exclusion to an FRA action requiring review under the National Environmental Policy Act of 1969 (NEPA). A railroad would

not typically need an individual approval from FRA to install an antenna. As a result, in most cases, FRA does not conduct a NEPA or Section 106 review of the railroad's installation of this infrastructure. Even if FRA did conduct a NEPA and Section 106 review of antenna installation, because of the massive scale of the PTC implementation (i.e., up to 20,000 new antennas over thousands of track-miles), it is unlikely that FRA would be able to uniformly apply the NEPA categorical exclusion to all of the antennas necessary for the implementation of PTC. In addition, a NEPA categorical exclusion does not release FRA from its obligations under Section 106 and from its responsibility to consult with Tribal Nations on a government-to-government basis.

a. Can other agencies use FRA's exclusions to help speed up the process?

In general, without specific legal authority, Federal agencies may not adopt categorical exclusions developed by other Federal agencies. Please refer to the FCC for more information about its procedures under the National Environmental Policy Act.

3. DOT's comments to the FCC further state that activities in already disturbed industrialized locations that are unlikely to result in significant risk to historic properties should be exempted from Section 106 review in order to facilitate the timely installation of PTC. Would you agree that the FCC's proposed approach introduces additional delay and gives greater weight to this very small risk than to potentially significant improvements in rail safety?

PTC is a critical piece of DOT's comprehensive vision to lead the next generation of rail safety. However, FRA fully understands and supports the FCC's legal obligations and responsibilities to engage State Historic Preservation Officers and to conduct meaningful government-to-government consultations with Tribal Nations. FRA also respects the railroads' very difficult task of implementing a nation-wide system in a relatively short amount of time. FRA will continue providing the FCC with all possible assistance as it seeks efficiencies to approve the antennas necessary for PTC implementation so that the American people realize the safety benefits of this technology as soon as possible.

4. The FCC continues to assert that commuter railroads have no issues with regards to spectrum or its acquisition on the secondary market. But, so far, only a few commuter railroads have actually been able to acquire the spectrum they require. What is the Administration doing to assist commuter railroads with acquiring spectrum and do you support a set aside for PTC purposes?

FRA has no statutory or regulatory authority over spectrum allocation or availability. FRA is providing the FCC technical advice on the communications requirements of PTC. Ultimately, however, spectrum allocation is under the purview of the FCC.

5. FCC has stated that some commuter railroads can proceed with application for FCC approval of communication towers and antennas, based on the number they need to install–yet there are no formal guidelines and it's more of a let's figure this

out as we go along process. What can be done to provide greater clarity as commuter agencies attempt to proceed with tower and antenna installation?

FRA is encouraged to hear that the FCC will permit commuter railroads to proceed with the FCC approvals for communications towers and antennas. Clear communication and consistent direction from the FCC are essential for the commuter railroads to understand the FCC's environmental and historic preservation review process. FRA is willing to help the FCC with this outreach effort and to help educate commuter railroads.

6. **If we reach the December 31, 2015 deadline for PTC implementation, and Congress has not provided an extension, what action will the FRA take for those railroads that have not fully implemented by the deadline? The regulations say that you can shut down the railroad, or impose fines and civil penalties.**

   Will you shut the railroads down?

   Even though FRA has the statutory authority to assess civil penalties or take other enforcement action for each day that a railroad does not implement PTC after the required deadline, the agency has considerable discretion to decide whether to take enforcement action, depending on the specific circumstances of the noncompliance and other factors.

7. **In your testimony you explained that FRA is a data-driven agency and safety regulations are supported by data. Please outline for us the data you have in hand proving two-man crews are safer.**

   On August 29, 2013, FRA's Railroad Safety Advisory Committee (RSAC) agreed to create a working group to discuss train crew size issues arising from the July 6, 2013 catastrophic accident at Lac-Mégantic, Quebec, Canada, only 22 miles from the U.S. border. FRA established the RSAC in March 1996 to provide a forum for collaborative rulemaking and program development. The RSAC includes representatives from all of the agency's major stakeholder groups, including railroads, labor organizations, suppliers and manufacturers, and other interested parties. I provided RSAC with 6 months to make recommendations.

   So far, the RSAC Crew Size Working Group has held three meetings. Each meeting permitted working group members an entire day to present information on the subject and to identify any operational safeguards or concerns with existing operations where railroads have chosen to staff trains with less than the traditional two-person crew consisting of a locomotive engineer and conductor. FRA learned a great deal from these discussions that should lead to an improved rulemaking product. The working group has been able to provide FRA with significant information regarding the crew size issue.

   In the course of developing the rule, FRA will examine data from train accidents to determine to what extent the causes of these accidents could have been avoided or the severity of the accidents could have been reduced with the use of two-person crews. In addition, there is significant research to support the idea that a two-person train crew is

safer than a one-person crew. Before FRA asked RSAC to consider accepting a crew size task, FRA was aware that some research revealed significant safety concerns with one-person crew operations. To aid the working group in its development of recommendations for appropriate crew size minimum standards, FRA provided five FRA-sponsored research reports, as well as one Transportation Research Board (TRB) conference report that contains presentations from multiple research reports, prior to the first meeting.

These research reports—

- Identify all of the cognitive and collaborative demands on freight conductors, passenger conductors, and locomotive engineers.[1]
- Raise issues of fatigue that could impact one-person train crew operations.[2]
- Raise concerns regarding how new technology, such as PTC, does not necessarily reduce the number of tasks for a train crew and can force crews to operate differently than before PTC implementation, thereby creating risks of cognitive errors.[3]
- Discuss the key aspects of successful teamwork, which implicitly would be lost by using a one-person train crew.[4]

In addition to using this research, FRA plans to rely on analysis of data from investigations of train accidents. After the disastrous train accident at Lac-Mégantic, there have been several other train accidents in the United States and Canada that suggest the need for greater Federal oversight of crew size issues. FRA intends to detail the facts of some of these accidents when it initiates a rulemaking, to explain how well-trained train crew teams can improve safety. For example, the actions of multiple train crewmembers, following an accident in which the crewmembers were not the cause, are

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[1] *Cognitive and Collaborative Demands of Freight Conductor Activities: Results and Implications of a Cognitive Task Analysis–Human Factors in Railroad Operations*, Final Report, dated July 2012, DOT/FRA/ORD-12/13. DOT's John A. Volpe National Transportation Systems Center (Volpe Center), Cambridge, Massachusetts, performed the research and prepared the report. See http://www.fra.dot.gov/eLib/details/L04331. *Rail Industry Job Analysis: Passenger Conductor*, Final Report, dated February 2013, DOT/FRA/ORD-13/07. The Volpe Center performed the research and prepared the report. The report regarding the demands on locomotive engineers is cited in footnote 3, below.

[2] *Fatigue Status in the U.S. Railroad Industry*, Final Report, dated February 2013, DOT/FRA/ORD-13/06. www.fra.dot.gov/Elib/Document/2929. QinetiQ North America and an Engineering Psychologist within FRA's Office of Research and Development performed the research and prepared the report.

[3] *Technology Implications of a Cognitive Task Analysis for Locomotive Engineers–Human Factors in Railroad Operations*, Final Report, dated January 2009, DOT/FRA/ORD-09/03.
The Volpe Center performed the research and prepared the report. See www.fra.dot.gov/Elib/Document/381. *Using Cognitive Task Analysis to Inform Issues in Human Systems Integration in Railroad Operations–Human Factors in Railroad Operations*, Final Report, dated May 2013, DOT/FRA/ORD-13/31. The Volpe Center performed the research and prepared the report. See http://www.fra.dot.gov/eLib/details/L04589.

[4] *Teamwork in U.S. Railroad Operations*, A Conference, April 23-24, 2009, Irvine, California, Transportation Research Board, Number E-C159, dated December 2011. The many authors of the research and reports are listed in the publication. See http://onlinepubs.trb.org/onlinepubs/circulars/ec159.pdf.

indicative of how the general public can be more safely protected than when a train has only a one-person crew. Another major accident FRA intends to detail shows the inadequacy of relying on technology without considering the gaps in the technology. It is possible to fill in the technological gaps that permit accidents to happen by having an engaged, properly trained, second crewmember.

FRA will provide a sufficient explanation of the basis for any new proposed requirements in the preamble of the rule. Data and information supplied by the railroad associations suggest that there are few one-person operations in the United States. AAR reported to FRA that Class I railroads currently use two-person crews for over-the-road mainline operations. Railroads achieved an improving safety record during a period in which the industry largely employed two-person train crews.

8. How many FTE staff vacancies does FRA currently have in the Washington, DC headquarters?

As of April 5, FRA's salaries and operations onboard count was 839. FRA has set a goal of having 915 people on board by the end of the year funded from our safety and operations account. This will be accomplished through a combination of backfilling current vacant jobs and adding new positions. As soon as FRA received its FY 2014 appropriation, it advertised for new rail safety inspectors—FRA's current top staffing priority. Those positions are being filled now.

a. In which offices are these vacancies and how many from each office are there?

Going forward, FRA will fill open positions across the agency and add new positions in its Office of Railroad Safety and its Office of Railroad Policy and Development, as described in our FY 2014 budget.

b. Is it accurate that FRA engaged in "workforce balancing" that is eliminating Office of Safety Positions in Washington, DC and the Region field offices for other departments in FRA?

No. FRA's Office of Railroad Safety had an actual full-time employee (FTE) count of 670 in FY 2013, or 76 percent of FRA's total. As presented in our latest budget request to Congress, FRA aims for the Office of Railroad Safety's FTE count to increase to 678.5 and for the percentage of FRA overall FTE to remain at 76 percent.

c. Are the FRA's cutbacks on Safety Inspector positions, Chief Inspectors positions and administrative personnel viewed as productive?

FRA is not reducing the number of FRA safety field inspectors, but rather increasing its cadre of safety inspectors. Via attrition, FRA has also converted other positions to inspector positions. Some administrative positions were converted to field inspector positions by leveraging technology to reduce the need for administrative personnel. Additionally, in some cases, FRA converted chief inspector positions to field inspector

positions. Since inspector positions have lower grades than chief inspector positions and inspector positions are dedicated to field inspections, there is in an overall increase in inspections at a lower cost to the agency.

9. The FRA website lists 400 Federal safety inspectors who operate out of eight regional offices. How many inspectors do you actually have on payroll? How many Inspector vacancies do you currently have?

FRA has 325 rail safety inspectors as of April 5, 2014. FRA's FY 2014 hiring goal is 350.

a. What is your plan for filling these vacancies?

As mentioned above, FRA advertised for new inspector positions following the enactment of the FY 2014 appropriation, and FRA is in the process of bringing these people on board now. FRA expects to be able to meet its goal by adding new inspector trainees and by hiring experienced career professionals who often join FRA from the railroads.

b. How does FRA ensure that all inspections are made in regions with a less than full Inspector force?

When filling inspector positions, FRA relies on a Staffing Allocation Model, which is maintained by the Office of Railroad Safety. The computer model analyzes data on the types and locations of rail accidents, and produces an output allocating inspectors across FRA's eight regions and across its five safety disciplines. Office of Railroad Safety senior management reviews the output and makes final determinations about how to assign staff. This year, FRA placed an emphasis on ensuring the safe transportation of oil and hazardous materials. Of the new hires this year, FRA allocated five to the Hazardous Materials Discipline off the top.

c. Have inspections been missed due to an insufficient Inspector workforce?

No, FRA's railroad safety inspector workforce naturally rises and falls as people retire and new hires are added. Under the sequester, when FRA had to make difficult choices about staffing and other budget items, the agency chose to maintain its inspector workforce. As a result, FRA's inspector workforce has not fallen to levels that have diminished FRA's ability to provide sufficient oversight of railroad compliance with safety regulations.

10. Did FRA conduct an Office of Safety workforce survey in 2013, utilizing two consultants? What were the results?

No, a survey of the Office of Railroad Safety workforce was not conducted. However, FRA hired two contractors to audit the FRA inspection and enforcement program for compliance with statutes and regulations related to railroad safety. The contractors interviewed regional supervisors and grade crossing managers, American Federation of

Government Employees representatives from each region, and State participation program managers. When final, the results of the audit will be used to respond to the National Transportation Safety Board recommendation.

11. What were the Canadian securement rules at the time of the July 6, 2013 Lac-Mégantic derailment?

Railroads operating within Canada were at the time of the Lac-Mégantic derailment, and are currently, required to comply with the Canadian Rail Operating Rules (CROR) that have been approved by Transport Canada (the Canadian equivalent of the U.S. Department of Transportation). CROR 112 specifically addresses "Securing Equipment." At the time of the Lac-Mégantic derailment on July 6, 2013, CROR 112 provided as follows:

> (a) When equipment is left at any point a sufficient number of hand brakes must be applied to prevent it from moving. Special instructions will indicate the minimum hand brake requirements for all locations where equipment is left. If equipment is left on a siding, it must be coupled to other equipment if any on such track unless it is necessary to provide separation at a public crossing at grade or elsewhere.
>
> (b) Before relying on the retarding force of the hand brake(s), whether leaving equipment or riding equipment to rest, the effectiveness of the hand brake(s) must be tested by fully applying the hand brake(s) and moving the cut of cars slightly to ensure sufficient retarding force is present to prevent the equipment from moving. When leaving a cut of cars secured, and after completion of this test, the cut should be observed while pulling away to ensure slack action has settled and that the cars remain in place.
>
> (c) Application of hand brakes must not be made while equipment is being pulled or shoved.

See CROR 112 (TC O 0-93).

a. What were the securement rules in the United States at that time?

FRA's regulations covering the securement of unattended freight equipment are at 49 C.F.R. 232.103(n).[5] These regulations were in effect at the time of the Lac-Mégantic incident, and they remain in effect today. The regulations essentially

[5] FRA has separate regulations for securement of unattended passenger equipment. See 49 C.F.R. 238.231(h)(4). The securement regulations for passenger equipment borrow from the securement regulations for freight equipment found in 49 C.F.R. 232.103(n). FRA allowed the use of skates or retarders as an alternative means of compliance with 49 C.F.R. 232.103(n). Additionally, FRA stated that a hand brake need not be applied to equipment that is cut away from a locomotive when a crew is actively engaged in switching provided that an emergency brake application is initiated on the equipment that is cut away from the locomotive and then the angle cock is closed. However, the locomotive must go directly to the other end of the equipment, either to open the angle cock at the other end or to couple to the equipment. See FRA Motive Power & Equipment Technical Bulletin 2010-01 (March 24, 2010).

require that hand brakes be set on virtually any occasion where equipment is left unattended.

Section 232.103(n) provides that "[a] train's air brake shall not be depended upon to hold equipment standing unattended on a grade (including a locomotive, a car, or a train whether or not locomotive is attached)." "Unattended equipment" is defined as equipment that is left standing and unmanned in a way that the brake system of the equipment cannot be readily controlled by a qualified person.

Section 232.103(n)(1) establishes that "[a] sufficient number of hand brakes shall be applied to hold the equipment." It further states that each railroad must develop and implement a verification process or procedure to ensure that the hand brakes applied to the equipment will sufficiently hold it in place once the train's air brakes are released.

Section 232.103(n)(2) addresses unattended equipment that is not connected to a source of compressed air (i.e., coupled to a locomotive or a ground source of air). This provision requires the air pressure in the brake pipe be reduced to zero with the reduction being at a rate that is not less than service rate reduction. Such equipment also must have the brake pipe vented to the atmosphere. This is accomplished by requiring that angle cock be left open on the first unit of unattended equipment.

Section 232.103(n)(3) specifically addresses unattended locomotives, except for distributed power units (commonly referred to as "DPUs"). Paragraph (n)(3)(i) requires the full application of all hand brakes "on all locomotives in the lead consist of an unattended train." Paragraph (n)(3)(ii) requires the full application of all hand brakes "on all locomotives in an unattended locomotive consist outside of yard limits." Paragraph (n)(3)(iii) requires, at a minimum, the full application of the hand brake "on the lead locomotive in an unattended locomotive consist within yard limits." Paragraph (n)(3)(iv) requires a railroad to develop, adopt, and comply with a process or procedure for securing an unattended locomotive that is required to have a hand brake applied pursuant to paragraph (n)(3)(i)-(iii) when the locomotive is not equipped with an operative hand brake.

Section 232.103(n)(4) also applies to unattended locomotives and locomotive consists. It establishes a performance standard whereby each railroad must adopt and comply with a process or procedure for "verify[ing] that the applied hand brakes will sufficiently hold an unattended locomotive consist." This provision further requires railroads to put in place and follow instructions that address controls of unattended locomotives (i.e., position of the throttle, status of the reverse lever, position of the generator field switch, status of the independent brakes, position of the isolation switch, and position of the automatic brake valve). However, in developing these instructions, a railroad must take into account winter conditions in determining the appropriate throttle position and whether application of the reverser handle is necessary to ensure that the locomotive remains operative.

Finally, 49 C.F.R. 232.103(n)(5) addresses situations where unattended equipment becomes attended. In those circumstances, FRA regulations require that "[a]ny hand brakes applied to hold unattended equipment shall not be released until it is known that the air brake system is properly charged."

b. What are the current securement rules in both Canada and the United States?

First, I'll discuss current securement rules in the United States. FRA believes that its current securement regulations—if followed by railroads and their employees—provide additional layers of safety compared to Canada for equipment that is left unattended in this country. However, after reviewing the circumstances of the Lac-Mégantic derailment, FRA did see a need for emergency action to improve securement requirements in the United States. As a result, it issued Emergency Order (EO) 28 to ensure that certain types of trains transporting dangerous hazardous materials are safely and properly secured when they are left unattended. See 78 Fed. Reg. 48218 (Aug. 7, 2013). Further, FRA currently is working through the RSAC, to ensure that safe and effective procedures for securing unattended equipment are implemented within the United States. The Administrator has requested recommendations by April 1.

EO 28 does not contain an automatic sunset provision. It remains in effect today, as amended by FRA's August 27, 2013 letter approving with conditions a joint petition for relief from the Association of American Railroads and the American Short Line and Regional Railroad Association. Railroads currently are required to comply with EO 28, as amended, in addition to 49 C.F.R. 232.103(n). EO 28, as amended, contains six securement-related requirements:

(1) A railroad must not leave equipment unattended on a mainline outside of a yard or terminal when the equipment includes a minimum number of loaded tank cars containing certain types of hazardous materials, referred to as "Appendix A Materials" (e.g., crude oil, ethanol, anhydrous ammonia, chlorine, or any other type of material poisonous by inhalation (PIH)),[6] until the railroad develops, adopts, and complies with a plan that identifies specific locations and circumstances when such equipment may be left unattended. The plan must contain a sufficient safety justification to support a railroad's determination that allows such equipment to be

[6] Appendix A identifies the types of hazardous materials and the quantities of those hazardous materials that trigger the requirements of EO 28. A railroad must comply with EO 28 whenever it is transporting Appendix A Materials, which are defined as:

(1) Five or more tank car loads of materials poisonous by inhalation as defined in 49 CFR 171.8, and including anhydrous ammonia (UN 1005) and ammonia solutions (UN 3318).

(2) 20 railcar loads or intermodal portable tank loads of any combination of materials listed in (1) above, or, Division 2.1 flammable gases, Class 3 flammable liquids and combustible liquids, Class [i.e., Division] 1.1 or 1.2 explosives, or hazardous substances listed in 49 CFR 173.31(f)(2).

The definition of Division 2.1 flammable gas is found at 49 C.F.R. 173.115, the definition of Class 3 flammable liquid is found at 49 C.F.R. 173.120, and the definition of the various types of explosives is found at 49 C.F.R. 173.50.

left unattended on the mainline. Each railroad is required to notify FRA of its plan, and FRA monitors the railroads' plans to determine if adequate justification has been provided.

(2) The process for securing unattended equipment transporting Appendix A Materials on the mainline outside of a yard or terminal, if permitted by a railroad's plan, must include the following:

> (a) Locking the controlling locomotive cab or removing and securing the reverser on the controlling locomotive.
>
> (b) Communications from the employee(s) responsible for securing equipment containing Appendix A Materials to the train dispatcher that relays pertinent securement information (i.e., the number of hand brakes applied, the tonnage and length of the train or vehicle, the grade and terrain features of the track, any relevant weather conditions, and the type of equipment being secured). The train dispatcher must record the information provided and then the train dispatcher or another qualified railroad employee must verify and confirm with the train crew that the securement meets the railroad's requirements. However, the dispatcher communication requirement is not applicable in limited situations. A railroad employee may leave equipment unattended on a mainline or siding without contacting the train dispatcher when the employee is actively engaged in switching duties as long as the employee ensures that there is an emergency application of the air brakes, hand brakes are set in accordance with 49 C.F.R. 232.103(n), and the employee has demonstrated knowledge of FRA and railroad securement requirements.

(3) Railroads must review and verify, and adjust, as necessary, existing procedures and processes related to the number of hand brakes to be set on all unattended trains and equipment. Railroads must ensure that there exists a means of verifying that the number of hand brakes is appropriate.

(4) Railroads must require that a train crew conduct a job briefing that addresses securement whenever the train crew's job will impact or require the securement of any equipment in the course in the course of the work being performed.

(5) Railroads must ensure that a qualified railroad employee inspects all equipment that any emergency responder has been on, under, or between for proper securement before the train or vehicle is left unattended.

(6) Railroads must provide notice of EO 28 to all employees affected by the EO.

Now I'll turn to current Canadian securement rules. Transport Canada issued an order to railroads operating in Canada that directed them to formulate new rules or revise existing rules to address the safety and security of unattended equipment on July 23, 2013. See Transport Canada Order Pursuant to Section 19 of the Canadian

Railway Safety Act. The Railway Association of Canada submitted proposed rules to Transport Canada on November 20, 2013. Transport Canada accepted the proposed rules submitted on December 26, 2013. See TC O 0-167. As a result, railroads operating in Canada are now required to comply with CROR 62 and CROR 112, as amended.

CROR 62 pertains to "unattended engines." The term "unattended" is now defined in the CROR as "when an employee is not in close enough proximity to take effective action." The new Canadian requirements for unattended engines are as follows:

> When an engine is left unattended outside of an attended yard or terminal:
> (a) The cab of the engine must be secured to prevent unauthorized entry; and
> (b) Subject to (c), the reverser must be removed from the engine;
> (c) During sub-zero temperatures, an engine that does not have a high idle feature is exempt from (b)[.]

See CROR 62 (TC O 0-167).

Transport Canada approved expansive revisions to CROR 112, which now reads as follows:

> (a) Equipment must be secured if it is left unattended. The following are acceptable methods of ensuring securement:
> (i) Sufficient number of hand brakes;
> (ii) A mechanical device approved for use by a professional engineer;
> (iii) Equipment is left on a track designed to prevent the equipment from moving unintentionally (e.g., switching bowl or where grade does not allow) and that design is approved by a qualified employee;
> (iv) Equipment is derailed or coupled to derailed equipment;
> (iv) A movement secured as per paragraph (c) in this rule.
>
> (b) While switching en route, the standing portion must be protected as per paragraph (a) unless:
> (i) There are at least 15 cars;
> (ii) Not on a grade in excess of 1.25%;
> (iii) The equipment will not be left in *excess* of 2 hours;
> (iv) The air brake system is sufficiently charged to *ensure* proper air brake application; and
> (v) The brake pipe is fully vented at a service rate or an emergency application of the air brakes has been made, and the angle cock is left fully open.
>
> Whenever it is possible that the portion left standing cannot be secured within the applicable time limit, the standing portion must be secured as per paragraph (a).
>
> (c) A movement may be left unattended if:
> (i) Secured as per paragraph (a); or

(ii) Left at a location where a derail protects the movement from unintentionally obstructing main track and

- The air brake system is sufficiently charged to ensure proper brake application;
- The locomotive controlling the air brake system maintains air pressure.
- A full service or emergency air brake application is made; and
- Independent brake is fully applied; or

(iii) Air brake system is sufficiently charged to ensure a proper brake application and

- The locomotive controlling the air brake system maintains air pressure;
- A full service or emergency air brake application is made;
- Independent brake is fully applied;
- Hand brakes are applied on 10 percent of the equipment to a maximum of 5;
- It is not on a grade exceeding 1.25%; and
- Is not left in excess of 2 hours.

(d) Exceptional weather situations, such as high winds or other unusual conditions, must be considered and factored into securement decisions. Special instructions may contain location specific instructions where extreme weather events are prevalent.
(e) Instructions governing testing the effectiveness of hand brakes will be carried in special instructions.
(f) Application of hand brakes must not be made while equipment is being pulled or shoved.
(g) Before leaving equipment at any location, the employee securing such equipment must confirm with another employee the manner in which the equipment has been secured.

See CROR 112 (TC O 0-167).

12. What is the significance of the April 1, 2014 deadline for the RSAC Hazardous Materials Working Group?

April 1, 2014, is an internal, FRA-set deadline for the RSAC Hazardous Materials Working Group to make its recommendations related to the safe railroad transportation of hazardous materials, including the working group's regulatory language related to its recommended changes to the Pipeline and Hazardous Materials Administration's (PHMSA) Hazardous Materials Regulations, to the entire RSAC. The working group met on October 28, 2013; December 16, 2013; and January 27, 2014; and it will meet again on March 26, 2014. If it reaches consensus on any recommendations, it will present them to the full RSAC by April 1, 2014, and the full RSAC will be asked whether it approves the working group's recommendations by electronic ballot. If the full RSAC approves the working group's recommendations, they will convey these

recommendations to me. If I agree with the full RSAC's recommendations regarding changes in the Hazardous Materials Regulations, I will convey them to the PHMSA Administrator, as PHMSA promulgates the hazardous materials transportation regulations.

13. Do you have current statistics on how many freight and passenger train derailments have taken place over the past five years?

The tables below present derailments and derailment rates (per million train-miles) on both a calendar and fiscal year basis.

Fiscal	Derailments	Total Miles	Rate
2009	764	687952167	1.11054
2010	811	692341016	1.17139
2011	819	712899248	1.14883
2012	745	733046025	1.01631
2013	715	741301114	0.96452
2014*	262	251854485	1.04028

Calendar	Derailments	Total Miles	Rate
2009	748	667973049	1.11981
2010	805	704840558	1.1421
2011	836	717611706	1.16498
2012	706	731644354	0.96495
2013	756	747924153	1.0108
2014*	59	62711310	0.94082

* Partial year

a. Do you have statistics on the significant causes of the derailments that have taken place over the past 5 years?

The table below shows significant derailment causes over the past 5 years:

Code	Cause Description	Derailments
T110	Wide gage (due to defective or missing crossties)	306
T207	Detail fracture from shelling or head check	156
T220	Transverse/compound fissure	152
T314	Switch point worn or broken	140
T109	Track alignment irregular (buckled/sun kink)	133

b. Has the FRA investigated whether these train derailments were the result of failed roller bearings caused by wheel set cap screws that came loose?

The major cause of failed journal roller bearings is overheating, which causes significant damage to the bearing. Determining the primary cause of the failure is difficult; however, it is extremely rare that a cap screw is missing or loose. Over the past 5 years, there have been 74 derailments caused by overheated journal roller bearings. This type of derailment accounts for approximately 8 percent of the total mechanical- or electrical-caused derailments. The breakdown per year is:

		Total Year Counts				
	Percent of Total Derailments	**2009**	**2010**	**2011**	**2012**	**2013**
E53C Journal (roller bearing) overheating	8.30%	24	11	15	10	14

During the same period, the number of exception reports and violations for loose cap screws are as follows:

49 C.F.R. Section	Defects	Violations
215.115.A2 – Cap Screws Loose	11	0
215.115.A2i – Cap Screws Loose	10	2
215.115.A2ii – Lock Broken/Missing	15	0

These defects and violations only represent a fraction of a percent of the total number of deficiencies observed.

14. To my understanding there was a formal petition submitted to the FRA in August 2011 requesting the FRA to initiate a rulemaking that would establish a performance requirement for a standard system for clamping and retaining bearings on railroad freight cars. Has FRA issued a ruling to determine these requirements?

On August 8 and September 28, 2011, a manufacturer wrote letters to FRA requesting that the agency initiate a rulemaking and issue a Letter of Exception related to their cap screw locking system. There are no Federal railroad safety legal requirements related to torque or the type or style of locking plate that must be used on journal roller bearings. Notably, torque values and the size of the locking plate are specified by AAR for each class of journal roller bearings.

There are many causes of journal roller bearing failures, and FRA told the manufacturer that the contribution of cap screw loosening is not well-defined. No failure of journal roller bearings was proven by this manufacturer to be caused by a reduction of torque on

one or more cap screws. Only anecdotal evidence of journal roller bearing failures from the 1980s was presented. This evidence did not show a conclusive causal link between the torque values of the cap screws and the failures, particularly in light of other changes made to the journal roller bearings, which may have contributed significantly to the failures. None of the data recorded by FRA or AAR indicates that the residual torque on journal roller bearings is a significant safety issue. In fact, the data presented by the manufacturer related to the test of the release torque of bearings at the completion of the wheelset's useful life confirms that a bearing with low torque did not cause a failure, because it lasted until the wheelsets were removed for other reasons, such as thin rims or flanges, or end of life.

After thorough review and careful consideration, FRA wrote a letter on January 31, 2012, denying the manufacturer's rulemaking request. There was insufficient historical data on journal roller bearing failures to warrant a change to the existing safety requirements. A cost/benefit analysis was not conducted.

15. Knowing that NHTSA and FMCSA safety functions were both housed in FHWA once but were separated so as to not compete with the highway development business and budget, is there any merit in making the same shift at FRA removing the safety department functions?

Safety is FRAs highest priority. The mission of the Federal Railroad Administration is to enable the safe, reliable and efficient movement of people and goods for a strong America, now and in the future. This mission supports continuous safety improvement through three pillars:

1. Continuing a rigorous oversight and inspection program based on strategic use of data
2. Advancing proactive approaches for early identification and mitigation of risk
3. Capital investments and robust research and development program

The FRA mission is best served through predictable, dedicated funding, which would enable FRA to balance requirements across these three pillars to ensure continuous safety improvement, while making long-term investments to grow the rail network.

Committee on Commerce, Science and Transportation
Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security
Hearing on Enhancing Our Rail Safety: Current Challenges for Passenger and Freight Rail
March 6, 2014
Questions for the Record
To
Cynthia Quarterman, Administrator
Pipeline and Hazardous Materials Safety Administration

Senator Richard Blumenthal

PHMSA Question: Improper Classification

"Operation Classification" is focused, in part, on classification and packing group assignments for Bakken crude. Tests are being conducted to measure the chemical properties of the crude. PHMSA recently urged API to share information on the composition of Bakken crude oil. Last week, PHMSA issued an emergency order requiring that crude oil shippers conduct "sufficient testing" before transport and they must cease shipping crude oil using the least restrictive hazardous materials packaging standards (known as Packing Group III). DOT has been testing Bakken crude and has found that there are ongoing concerns with the proper testing and classification of the crude oil.

QUESTION 1: *I'm concerned that your agencies are being reactive as opposed to proactive. Why did your agencies let it reach this crisis point – and it is a crisis point. After major incidents in Quebec and North Dakota we can all agree there is a crisis. What have your agencies been doing to take proactive steps to protect communities from crude shipments in the previous 4 years? My sense is that not much has been done until very recently. I hope you can prove me wrong.*

ANSWER 1: Crude oil production in the United States and the reliance on rail as the mode of transportation for this crude oil has grown exponentially in the recent past. PHMSA has been proactive in promoting rail safety. While recent events have illustrated the consequences of incidents involving the bulk rail transportation of flammable liquids, they are not an indicator of PHMSA's inaction or lack of attention to safety issues. Specifically, PHMSA and FRA have rigorously enforced existing safety regulations and implemented a variety of new regulations to improve rail safety. The following is a brief summary of PHMSA's proactive efforts with regard to rail safety.

- On December 21, 2006, PHMSA, in coordination with FRA and the Transportation Security Administration (TSA), published an NPRM, which proposed to require rail carriers to compile annual data on specified shipments of hazardous materials, use the data to analyze safety and security risks along rail routes where those materials are transported, assess alternative routing options, and

make routing decisions based on those assessments.[1]

- On November 26, 2008 PHMSA published a final rule addressing rail routing and security; however, the routing requirements were not extended to flammable liquids as commenters generally did not support enhanced security measures for flammable liquids.[2]
- On May 14, 2010 PHMSA published this final rule to incorporate provisions contained in certain widely used or longstanding special permits that have an established safety record. [3] As part of this rulemaking, PHMSA adopted a requirement that permitted the use of alternative rail tank cars upon approval of FRA.
- On January 25, 2011, FRA issued a notice of FRA's approval pursuant to PHMSA's May 14, 2010 final rule.[4] The approval established detailed conditions for the manufacturing and operation of certain tank cars in hazardous materials service, including the DOT-111, that weigh between 263,000 and 286,000 pounds.
- PHMSA received a petition (P-1577)[5] from the Association of American Railroads (AAR) on March 9, 2011, requesting changes to PHMSA's specifications for tank cars (namely the DOT specification 111 tank car) used to transport packing group I and II materials. In addition, during the summer of 2011, at the AAR Tank Car Committee (TCC) meeting, a task force was created with a dual charge to develop an industry standard for tank cars used to transport crude oil, denatured alcohol, and ethanol/gasoline mixtures, and to consider operating requirements to reduce the risk of the derailment of tank cars carrying crude oil classified as packing group I and II and ethanol. PHMSA and FRA were highly involved in this task force and hoped that the activity would lead to a more comprehensive approach than requested by the petition (P-1577).
- On March 1, 2012 the task force finalized there recommendations. Unfortunately, the task force did not address many of the recommendations provided by PHMSA and FRA. After considering the variation between the various stakeholders and the lack of actionable items by the task force, PHMSA decided to initiate an advanced notice of proposed rulemaking (ANPRM).
- In May of 2012, PHMSA initiated an ANPRM to consider revisions to the Hazardous Materials Regulations to improve the crashworthiness of railroad tank cars. The ANPRM was responsive to Petitions for Rulemaking submitted by industry and recommendations issued by the National Transportation Safety Board (NTSB).[6] The ANPRM was also designed to build and improve upon on the findings of the TCC and sought to examine the differences in the DOT approved tank car pursuant to the January 25, 2011 Notice and the tank car proposed in AAR's petition.
- Between April 2012 and October 2012, PHMSA received an additional three petitions (P-1587, P-1595 and P-1612) and one modification of a petition (P-1612).

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[1] See Federal Register http://www.gpo.gov/fdsys/pkg/FR-2006-12-21/pdf/E6-21518.pdf
[2] See Federal Register http://www.gpo.gov/fdsys/pkg/FR-2008-11-26/html/E8-27826.htm
[3] See Federal Register http://www.gpo.gov/fdsys/pkg/FR-2010-05-14/pdf/2010-11570.pdf
[4] See Federal Register http://www.gpo.gov/fdsys/pkg/FR-2011-01-25/pdf/2011-1342.pdf
[5] See http://www.regulations.gov/#!documentDetail;D=PHMSA-2011-0059-0001
[6] See NTSB recommendations: R-07-4, R-12-5, R-12-6, R-12-7 http://www.phmsa.dot.gov/hazmat/regs/ntsb/rail

These petitions were submitted by concerned communities and various industry associations requesting further modification to the tank car standards. The consideration of these additional petitions delayed the publication of this ANPRM.

- In September 2012, PHMSA Administrator Quarterman visited North Dakota Bakken Region to observe operations at rail loading facilities and the application of U.S. DOT regulations.
- In October 2012, PHMSA established the Bakken Field Working Group to increase the inspection focus on hazmat shipments by truck and rail from the Bakken region and increase awareness within the emergency response community.
- In December 2012, FRA began the Bakken Rail Accident Mitigation Project.
- On September 6, 2013 PHMSA published an ANRPM designed to improve the crashworthiness of railroad tank cars.[7]
- From 2010 through 2013, PHMSA field investigators completed 21 inspections of shipping companies and rail loading facilities as part of PHMSA's regular inspections and as part of Operation Classification efforts. Three Notice of Probable Violations were submitted against three companies for misclassification of crude oil.

QUESTION 2*: (a) Why are the results of these tests and the collection of additional data so important to the safe transportation of crude? (b) How will this information help emergency responders when there is an incident?*

ANSWER 2:
(a) Test data can be used by offerors to validate that a material has been classified correctly and subsequently prepared for transportation correctly. In addition, improper classification could be an indicator of non-compliance and potential further violation of other important safety requirements. PHMSA's testing and sampling program is integral to PHMSA's oversight of this growing segment of hazardous materials transportation. This testing allows PHMSA to independently verify the properties of the crude oil being transported and to ensure that all regulatory requirements for such materials are being followed.

The inherent safety of the transportation system is based on the offerors' initial classification of their hazardous materials being offered for transportation. Packaging selection, marking, labeling, shipping papers, and placarding are all dependent upon proper classification and characterization. This classification affects the manner in which a material is packaged, handled, and transported and can have wide ranging safety implications. Offerors are ultimately responsible for properly classifying, packaging, and communicating the hazards of the materials in accordance with federal safety regulations, which includes understanding the characteristics of the material.

(b) It is critical to properly classify, contain, and communicate the hazards associated with the crude oil not only for industry but also for first responders. Also, every four years PHMSA issues an Emergency Response Guidebook (ERG) that provides first responders with a go-to manual to- properly respond to hazmat accidents during the critical first 30 minutes. DOT's goal

[7] See Federal Register http://www.gpo.gov/fdsys/pkg/FR-2013-09-06/pdf/2013-21621.pdf

is to place an ERG in every emergency service vehicle nationwide. The data derived from PHMSA's testing efforts will be used to develop guidelines specific to crude oil in the next version of the ERG.

QUESTION 3: *Your recent emergency order stressed the need for "sufficient testing" of materials prior to shipment. (a) What constitutes "sufficient testing?" (b) Do the suppliers have a clear understanding of what this requires? (c) How will your inspectors determine whether testing is done with sufficient frequency and quality?*

ANSWER 3:
(a) Sufficient testing would be considered testing that accounts for variability of the material, such as the time, temperature, method of extraction, and including chemical use and location of extraction. In addition, sampling methods should ensure a representative sample of the entire mixture, as packaged, is collected.

(b) Yes. However, to further clarify the Amended Order, PHMSA published a frequently asked questions regarding the Amended Order on the PHMSA website at: (http://www.phmsa.dot.gov/hazmat/osd/qanda). Finally, PHMSA met with American Petroleum Institute on March 6, 2014 to discuss the Amended Order and answer API's questions. Based on PHMSA's inspection efforts following the issuance of the Amended Order, industry compliance with the Amended Order has been high.

(c) PHMSA inspectors determine compliance with the Amended Order by reviewing testing documentation and verifying that testing documentation is consistent with the information on the shipping documentation and packaging selected for the hazardous material. PHMSA inspectors also verify that testing is completed with sufficient frequency to account for variability of the material, such as the time, temperature, method of extraction, and including chemical use and location of extraction. Furthermore, PHMSA inspectors review the sampling methods to ensure the sample tested is a representative of the entire mixture.

PHMSA Question: Budget Concerns
PHMSA and FRA have limited budgets and inspectors to address safety issues posed by crude transportation. For example, FRA has approximately 350 safety inspectors and PHMSA has approximately 50 hazardous materials inspectors to cover all of their inspection work (not just for crude).

While the volume of crude oil being shipped by rail has increased dramatically in the past few years, FRA and PHMSA have limited resources to ensure crude oil is transported safely. I believe we need to invest more in our infrastructure, particularly when it comes to the safety of our transportation systems.

QUESTION 4: *Do your current budgets provide an adequate number of inspectors and rail safety employees to cover all of the issues posed by the rail safety issues we've seen recently?*

ANSWER 4: PHMSA's Office of Hazardous Material Safety (OHMS) includes a staff of 175 employees in headquarters and in five regional offices. PHMSA's operating budget is approximately $45 million. PHMSA employs a total of 57 investigators, of which approximately half will be assigned continuously to North Dakota in small teams over a three month period. Due to small staffing levels, PHMSA has had to divert considerable resources to PHMSA's rail safety efforts. In FY14, PHMSA has obligated approximately $1~~1~~ million to support investigation and testing, regulatory initiatives, and outreach. PHMSA has the responsibility to regulate and enforce the safe shipments of one million hazardous materials shipments each day in all modes of transport. These shipments include 14 unit trains of crude oil departing from North Dakota each day to keep pace with one million barrels produced each day from over 10,000 wells. The volume of crude oil shipped by rail has quadrupled over the past decade. Without sufficient resources, PHMSA will not have the means to address safety priorities adequately.

QUESTION 5: *How would increasing investments in rail safety programs help you better address safety needs?*

ANSWER 5: Safety is DOT's and PHMSA's top priority. Properly addressing safety issues requires a continuous and significant investment. PHMSA is a small agency with a large regulatory scope. Increased investment in rail safety would reduce risk and mitigate consequences of the bulk transport of hazardous materials by rail. These investments could be used to increase PHMSA field staff's oversight, improve PHMSA's outreach to all stakeholders and grantees, fund safety research projects, and increase staffing level in all program areas. These investments would result in improved efficiencies and help PHMSA meet safety goals.

QUESTION 6: *Are there other ways that some of your costs could be offset?*

ANSWER 6: Yes, costs could be offset in a variety of ways.

- PHMSA requested Special Permits and Approvals (SP&As) user fees in the FY 2015 budget. If authorized, the Hazardous Materials SP&A user fee would allow PHMSA to recover the costs of administering, processing, and enforcing hazardous materials special permits and approvals from companies and individuals involved in the transport of hazardous materials seeking special permits or approvals under the Hazardous Materials Regulations. PHMSA is projecting to collect the proposed amount of $12 million.
- ~~PHMSA requires offerors of certain quantities and types of hazardous materials to pay registration fees. The fees collected are then used to fund PHMSA's training and grants program. This program provides funds to educate the public and first responders of the dangers of hazardous materials. Cost could be offset by modifying the activities for which these funds could be used.~~

~~P~~PHMSA: Federal Oversight and Action

There have been a number of extremely high profile accidents involving the transportation of crude oil by rail, prompting many to call for federal action. Over the past several months, the Department has worked with officials from the rail and petroleum industries to improve the safety of transporting crude oil by rail. Specifically, the Department and

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the railroad industry announced a series of new voluntary operating practices for moving crude oil by rail, including speed restrictions, rerouting away from urbanized areas, and requiring proper classification of crude prior to shipping.

A series of freight rail accidents involving the transportation of crude oil by rail over the past 8 months have raised alarms about the safety of transporting crude through our communities, as well as questions about the adequacy of federal oversight.

QUESTION 7: *The Department and stakeholders have taken steps to improve rail safety requirements in light of recent accidents for both commuter rail and freight rail. (a) Do you agree that we need to reevaluate our current federal laws on safety requirements? (b) Shipments of crude oil out of North Dakota have been increasing for several years but my sense is that PHMSA and FRA have been largely absent until now. What were these agencies doing on a proactive basis to prepare for this megatrend of shale oil shipments out of the Bakken region?*

ANSWER 7:
(a) Yes, PHMSA agrees that there is a need to reevaluate current federal laws on safety requirements and is in the process of doing so. On September 6, 2013 PHMSA and FRA published an ANRPM designed to improve the crashworthiness of railroad tank cars.[8] Currently, PHMSA, in cooperation with FRA, has developed a comprehensive NPRM. The NPRM is ~~in Departmental review~~under review at the Office of Management and Budget (OMB). You can monitor progress at: (http://www.dot.gov/regulations/report-on-significant-rulemakings).

Comment [FSH(3]: The May internet report, which will be published by Thursday, 5/15, will show that the proposed rule is under review at OMB.

(b) PHMSA has been proactive in promoting rail safety. PHMSA and FRA have rigorously enforced existing safety regulations and implemented a variety of new regulations to improve rail safety. The following is a brief summary of PHMSA and FRA's proactive efforts with regard to rail safety.

- On December 21, 2006, PHMSA, in coordination with FRA and the Transportation Security Administration (TSA), published an NPRM, which proposed to require rail carriers to compile annual data on specified shipments of hazardous materials, use the data to analyze safety and security risks along rail routes where those materials are transported, assess alternative routing options, and make routing decisions based on those assessments.[9]
- On November 26, 2008 PHMSA published a final rule addressing rail routing and security however the routing requirements were not extended to flammable liquids as commenters generally did not support enhanced security measures for flammable liquids.[10]
- On May 14, 2010 PHMSA published this final rule to incorporate provisions contained in certain widely used or longstanding special permits that have an

[8] See Federal Register http://www.gpo.gov/fdsys/pkg/FR-2013-09-06/pdf/2013-21621.pdf
[9] See Federal Register http://www.gpo.gov/fdsys/pkg/FR-2006-12-21/pdf/E6-21518.pdf
[10] See Federal Register http://www.gpo.gov/fdsys/pkg/FR-2008-11-26/html/E8-27826.htm

established safety record. [11] As part of this rulemaking PHMSA adopted a requirement that permitted the use of alternative rail tank cars upon approval of FRA.

- On January 25, 2011 FRA issued a notice of FRA's approval pursuant to PHMSA's May 14, 2010 final rule.[12] The approval established detailed conditions for the manufacturing and operation of certain tank cars in hazardous materials service, including the DOT-111, that weigh between 263,000 and 286,000 pounds.
- PHMSA received a petition (P-1577)[13] from the Association of American Railroads (AAR) on March 9, 2011, requesting changes to PHMSA's specifications for tank cars (namely the DOT specification 111 tank car) used to transport packing group I and II materials. In addition, during the summer of 2011, at the AAR Tank Car Committee (TCC) meeting, a task force was created with a dual charge to develop an industry standard for tank cars used to transport crude oil, denatured alcohol, and ethanol/gasoline mixtures, and to consider operating requirements to reduce the risk of derailment of tank cars carrying crude oil classified as packing group I and II and ethanol. PHMSA and FRA were highly involved in this task force and hoped that the activity would lead to a more comprehensive approach than requested by the petition (P-1577).
- On March 1, 2012 the task force finalized its~~there~~ recommendations. Unfortunately, the task force did not address many of the recommendations provided by PHMSA and FRA. After considering the variation between the various stakeholders and the lack of actionable items by the task force, PHMSA decided to initiate an advanced notice of proposed rulemaking (ANPRM).
- In May of 2012, PHMSA initiated an ANPRM to consider revisions to the Hazardous Materials Regulations to improve the crashworthiness of railroad tank cars. The ANPRM was responsive to Petitions for Rulemaking submitted by industry and recommendations issued by the National Transportation Safety Board (NTSB).[14] The ANPRM was also designed to build and improve upon on the findings of the TCC and sought to examine the differences in the DOT approved tank car pursuant to the January 25, 2011 Notice and the tank car proposed in AAR's petition.
- Between April 2012 and October 2012, PHMSA received an additional three petitions (P-1587, P-1595 and P-1612) and one modification of a petition (P-1612). These petitions were submitted by concerned communities and various industry associations requesting further modification to the tank car standards. The consideration of these additional petitions delayed the publication of this ANPRM.
- In September 2012, PHMSA Administrator Quarterman visited North Dakota Bakken Region to observe operations at rail loading facilities and the application of U.S. DOT regulations.
- In October 2012, PHMSA established the Bakken Field Working Group to increase inspection focus on hazmat shipments by truck and rail from the Bakken region and increase awareness within the emergency response community.

[11] See Federal Register http://www.gpo.gov/fdsys/pkg/FR-2010-05-14/pdf/2010-11570.pdf
[12] See Federal Register http://www.gpo.gov/fdsys/pkg/FR-2011-01-25/pdf/2011-1342.pdf
[13] See http://www.regulations.gov/#!documentDetail;D=PHMSA-2011-0059-0001
[14] See NTSB recommendations: R-07-4, R-12-5, R-12-6, R-12-7 http://www.phmsa.dot.gov/hazmat/regs/ntsb/rail

- In December 2012, FRA began the Bakken Rail Accident Mitigation Project.
- On September 6, 2013 PHMSA published an ANRPM designed to improve the crashworthiness of railroad tank cars.[15]
- From 2010 through 2013, PHMSA field investigators completed 21 inspections of shipping companies and rail loading facilities as part of regular inspections and as part of Operation Classification efforts. Three Notice of Probable Violations were submitted against three companies for misclassification of crude oil.

QUESTION 8: *As I've stated previously, I'm very interested in working in a bipartisan and bicameral way to address rail safety issues. When can we expect to see a legislative proposal on rail safety from the Department?*

Comment [T4]: PHC/PHG NEED INPUT

ANSWER 8: PHMSA, in cooperation with FRA, has developed a comprehensive NPRM. The NPRM is ~~in Departmental review~~under review at the Office of Management and Budget (OMB). You can monitor progress at: (http://www.dot.gov/regulations/report-on-significant-rulemakings).

Comment [SF5]: Changed as above. However, this isn't a legislative proposal.

QUESTION 9: *Due to recent accidents, the focus of federal action has been on the transportation of crude oil. However, I'm also concerned about the vast amounts of ethanol—another extremely combustible substance—that are traveling on our nation's rail network, including in my home state of Connecticut. What actions is DOT taking to ensure a comprehensive safety approach for all hazardous materials?*

ANSWER 9: On September 19, 2008, PHMSA issued an Advisory Guidance document alerting emergency responders to new and revised proper shipping names and identification numbers (ID) that may be used on shipping papers for fuel mixtures composed of ethanol (or "ethyl alcohol") and gasoline in various concentrations. Further, this document provided guidance to emergency responders on how to best respond to ethanol incidents.[16]

During the summer of 2011 at the AAR Tank Car Committee (TCC) meeting, a task force was created with a dual charge to develop an industry standard for tank cars used to transport crude oil, denatured alcohol, and ethanol/gasoline mixtures, and to consider operating requirements to reduce the risk of derailment of tank cars carrying crude oil classified as packing group I and II and ethanol. PHMSA and FRA participated in this task force.

On March 1, 2012 the task force finalized its~~there~~ recommendations. Unfortunately, the task force did not address many of the recommendations provided by PHMSA and FRA. After considering the variation between the various stakeholders and the lack of actionable items by the task force, PHMSA decided to initiate an advanced notice of proposed rulemaking (ANPRM).

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[15] See Federal Register http://www.gpo.gov/fdsys/pkg/FR-2013-09-06/pdf/2013-21621.pdf

[16] See "Advisory Guidance: Emergency Response Involving Ethanol and Gasoline Fuel Mixtures" http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Advisory%20Guidance%20Ethanol%20Gas%20MixturesSA16.pdf

In May of 2012 PHMSA initiated an ANPRM to consider revisions to the Hazardous Materials Regulations to improve the crashworthiness of railroad tank cars. The ANPRM was designed to build and improve upon on the findings of the TCC. On September 6, 2013 PHMSA and FRA published an ANPRM considering enhanced operational controls and design standards for tank cars carrying crude oil and ethanol. In response to comments from this ANPRM, PHMSA, in cooperation with FRA, has developed a comprehensive NPRM. The NPRM is in Departmental review. You can monitor progress at: (http://www.dot.gov/regulations/report-on-significant-rulemakings).

PHMSA Question: DOT-111 Tank Cars

DOT-111 tank cars were involved in the Lac-Mégantic, Alabama, and North Dakota derailments and explosions. The DOT-111, which accounts for 69 percent of the U.S. tank car fleet, has a documented history of failure during accidents. AAR has asked DOT to adopt tougher standards for new tank cars, as well as requiring the retrofit or phase out of tank cars built to less stringent standards. API and the Railway Supply Institute (RSI)—who represents tank car manufacturers—also support higher tank car standards, but have concerns about retrofit costs.

For several decades, the NTSB has expressed concern about the DOT-111 tank car. Other stakeholders, including AAR, API, and RSI, have sought tougher tank car standards. ***DOT is almost a year behind on a rulemaking, which would propose updates to the DOT-111 standards, and does not anticipate issuing a final rule until next year. This is unacceptable to me and the thousands of people living in communities that see these train cars roll through their towns everyday – communities along these rail lines deserve more. Again, this seems to be another example of regulatory capture; the DOT for all intents and purposes outsourced tank car recommendations to industry back in 2011. And here we are 3 years and several high profile accidents later, and we're still talking about the need for stronger tank cars.***

QUESTION 10:

(a) *What is taking so long to issue these rules? Why can't the process be sped up? (b) Can we build a tank car strong enough to prevent all of these accidents from happening? (c) How important is a comprehensive approach to addressing the safety issues posed by transporting crude?*

ANSWER 10:

(a) PHMSA, in cooperation with FRA, has developed a comprehensive NPRM. The NPRM is ~~in Departmental review~~under review at the Office of Management and Budget (OMB). You can monitor progress at: (http://www.dot.gov/regulations/report-on-significant-rulemakings).

The rulemaking process is a deliberative and thorough process. PHMSA follows the Administrative Procedures Act (APA) for processing regulations.

Since the initial petition for rulemaking requesting a revised DOT Specification 111 tank car, PHMSA has received three additional petitions building on the initial petition, three additional NTSB recommendations, recommendations from AAR's Tank car committee, and numerous recommendations from the regulated community. The rulemaking process is deliberate because it is crucial to receive and analyze input from a wide variety of stakeholders, including shippers and carriers, state and local officials, and concerned citizens. Since the close of the ANPRM comment period on December 5, 2013, PHMSA has reviewed comments representing 152,000 stakeholders.

(b) No. With regard to the tank car specification, PHMSA recognizes the need for tank car specification improvements; however, with the complexity of the rail system, there is no "silver bullet" for rail safety. PHMSA must focus on both:

- Methods to prevent rail incidents from happening in the first place and
- Ways mitigate the damage of these incidents should they occur.

(c) PHMSA and FRA have taken a system-wide, comprehensive approach to the risks posed by the bulk transport of hazardous materials by rail. As PHMSA indicated in the September 6, 2013 ANPRM, PHMSA is focused on a comprehensive solution that addresses rail car design and operational practices. This approach is designed to minimize the occurrence of rail incidents and mitigate the damage caused should an incident occur. This requires diligence throughout the rail supply and delivery chain. Specifically, when PHMSA references a "comprehensive approach" we are focused on ensuring, through regulation, outreach, and enforcement, that:

- Hazardous materials are properly classed and characterized;
- Operational controls are in place and followed to lessen the likelihood of accidents;
- The means of containment of these materials is appropriate and robust; and
- The rail infrastructure, including the tracks these trains run on, are safe.

SENATE COMMERCE COMMITTEE HEARING
"ENHANCING OUR RAIL SAFETY: CURRENT CHALLENGES FOR PASSENGER AND FREIGHT RAIL"

MARCH 6, 2014

QUESTIONS FOR THE RECORD
To
CYNTHIA QUARTERMAN
ADMINISTRATOR
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

Senator Thune:

QUESTION 1: *What are the major safety issues accompanying the transportation of crude oil by rail and what have been the most common types of accidents that have occurred in the last five years?*

ANSWER 1: Transporting petroleum crude oil can be problematic if released into the environment because it is both flammable and causes environmental damage when spilled. The risk of flammability is compounded in the context of rail transportation because petroleum crude oil is commonly shipped in large unit trains. In the last five years there have been seven major accidents in the United States and Canada which involved crude oil. All of these incidents have occurred within the last ten months. Due to the investigation process, the type of five of these incidents is still to be determined (Four in the United States and one in Canada). The other two incidents types were Collision (Casselton, ND) and Lack of Securement of a Train (Lac-Magnetic, Quebec).

QUESTION 2: *Do you have concerns about whether industry will continue to adopt voluntary safety enhancements if Pipeline and Hazardous Materials Safety Administration's final rule ultimately obsoletes the $7 billion investment that has been made to manufacture cars to the CPC-1232 standard the development in which PHMSA participated?*

ANSWER 2: PHMSA understands the industry's needs to set best practices and industry standards. We encourage the development of such practices, however PHMSA has the responsibility of ensuring tank car standards continue to meet acceptable safety requirements. When considering these standards, PHMSA considers the points of views of stakeholders through its rulemaking process.

QUESTION 3: *Beyond the rail and oil industries, what other industries has PHMSA consulted with, or plan to consult with, in its efforts to improve tank car safety?*

ANSWER 3: In addition to the rail and oil industries PHMSA continues to consult with tank car owners, tank car manufacturers, emergency responders, and other Federal agencies and local government.

Senator Blunt:

QUESTION 4: *Are there any precedents where the implementation of new regulations on tank cars that ship hazardous materials have also impacted an existing fleet?*

ANSWER 4: Yes there is. Most recently on January 13, 2009 PHMSA issued a final rule[1] that improved the crashworthiness of railroad tank cars used to transport poisonous by inhalation (PIH) materials (i.e. chlorine and anhydrous ammonia). The final rule required PIH tank cars to have better puncture resistance head, side and strengthened valves, top fittings and nozzles.

The final rule also imposed operational requirements and prioritized retirement or replacement of existing cars.

QUESTION 5: *The Feb 25th DOT Emergency Order requires that all crude oil be classified in Packing Groups 1 and 2. I have heard from many oil producers that they already often treat crude oil as Packing Group 1 or 2. What type of data did PHMSA collect that led DOT to believe the Emergency Order requiring the practice was necessary? Do you have figures on how often shippers of crude oil use Packing Group 3?*

ANSWER 5: One of the goals of the Emergency Order is to eliminate the use of a non-DOT spec tank standard for transporting bulk quantities of crude oil. In light of continued risks associated with petroleum crude oil shipments by rail, the further action described in this Amended Order is necessary to eliminate unsafe conditions and practices related to the classification and packaging of petroleum crude oil that create an imminent hazard to public health and safety and the environment.

Senator Wicker:

QUESTION 6: *AAR has stated that rail is the safest way to transport crude oil. They contend, and I am quoting here, "pipelines have spilled 55 percent more [hazardous materials] per ton-mile than have railroads." Do you agree with their assessment, if not what is the safest way to transport petroleum products?*

ANSWER 6: According to AAR the number of crude oil car loads originated by the members increased from 11,000 in 2009 to more than 400,000 in 2013 with an expected increase. Over

the last 10 years, while train volume has increased, train accidents have declined by 43 percent and the number of train accidents involving hazardous materials has declined by 16 percent**.** Despite this decline in accidents, derailments can have lasting consequences to the public, communities, and environment. PHMSA recognizes opportunities to improve safety and are sharply focused on further reducing risks regardless of how this product is transported. Whether transported by rail or by pipeline, the shipment of crude oil must be done safely and in accordance with our regulations. This is a safety issue that applies to all modes of transportation.

U.S. Senate Commerce Committee
Surface Transportation Subcommittee Hearing
"Enhancing Our Rail Safety: Current Challenges for Passenger and Freight Rail"
Thursday, March 6, 2014

Senator Richard Blumenthal Questions for the Record Mr. Joseph Szabo

[1] Operation Deep Dive

The FRA's Operation Deep Dive, which is a 60 day comprehensive review of Metro-North's safety practices and standards, commenced on December 16, 2013 and was released on March 14, 2014.

The FRA examined all safety related aspects of Metro-North Railroad including track quality, inspection methodology and quality of repair, signaling and train control functionality, and protection for on track crews.

Question to Administrator Szabo: What can you share with us today about what the FRA has learned from its comprehensive review about Metro-North's safety culture?

Mr. Szabo's Response:

FRA learned that Metro-North had an unhealthy safety culture. They placed an emphasis on on-time performance, to the detriment of safety: track inspections were rushed, Metro-North track maintenance standards were not met, and mainline efficiency tests were not conducted so as to not adversely impact on-time performance. These issues were part of a faulty culture that Metro-North allowed to develop.

FRA learned that Metro-North had no office or department, including its Safety Department, that proactively advocated for safety. No Metro-North office or department actively searched for unsafe conditions and practices, and once they were discovered, no one took ownership to ensure effective remediation.

FRA also learned that safety-related training and management oversight were deficient across departments.

FRA provided its detailed findings and recommendations in a report to Congress by March 17, 2014.

[2] FRA Rulemaking Process

In a report published on April 17, 2013 the DOT Inspector General evinced findings that the FRA was delayed on issuing rules that Congress directed in the Rail Safety Improvement Act of 2008 (RSIA). At the time of the report, FRA had not issued 9 of the 17 final rules mandated by RSIA.

The DOT IG report also found that there were inefficiencies in the Railroad Safety Advisory Committee or RSAC process, namely that there were breakdowns in communication between FRA and the RSAC on several rulemakings and that certain critical documents were not shared with the stakeholders sitting on the RSAC.

Because of these issues, the Inspector General concluded that the "delayed promulgation of the RSIA required rules has delayed the mitigation of railroad industry safety hazards that Congress intended the rules to address."

The FRA, in January, did issue final rules for adjacent track work and rail integrity. FRA has also announced its plan to begin the rulemaking process for inward and outward facing cameras. This leaves 8 rules left for the FRA to issue. Why hasn't the FRA done everything it can to protect passengers?

Question to Administrator Szabo: Anyone who rides the rail in this country deserves a safe and reliable service. I am deeply concerned by the apparent failings at FRA to heed important safety recommendations by Congress and the NTSB, our nation's top federal safety organization. The NTSB has been calling for cameras in and on trains since 2008. It's 2014; why have you not acted? It's baffling that it took a major derailment in New York in December to get the FRA to commit to requiring cameras. I'm concerned that regulatory capture is getting in the way of the FRA's work, which is absolutely critical to protecting the traveling public. If you can simply issue an emergency order requiring cameras, why not do that? Commuters deserve more. What is the status of the inward/outward facing camera rule? What is the plan? What is the timeline for action? Action appears to be missing.

What is the status of other delayed rules like the training standards for railroad employees rule? The FRA should be doing everything it can to protect passengers; but the failure to require even basic safety recommendations from the NTSB concerns me, many of my colleagues and many of the constituents I've spoken with.

What are inefficiencies in the rulemaking process that you can improve to cut down the time it takes to develop new rules? Does the RSAC process work? Do you agree that the FRA has a problem with regulatory capture – if not, why not?

Mr. Szabo's Response:

FRA continues to act diligently in completing its regulatory workload, placing a priority on those rulemakings that will most effectively advance safety, particularly those required by Congressional mandate.

As to how to reduce "the inefficiencies of the rulemaking process" in general, FRA has to strike a balance between speed and quality. "Quality" includes adherence to demanding procedural and substantive legal requirements. As you know, all three branches of the Federal Government—Congress, the courts, and the Executive Branch—have established certain mandatory procedures and substantive requirements related to the rulemaking process (i.e., the

development and issuance of regulations, including FRA safety regulations). With few exceptions, before FRA is permitted to issue a final rule, there must be public notice of the proposal and an opportunity for public comment; a reasonable response to any public comments; an articulated, rational basis for the rule; and consistency of the rule with any applicable laws.

For many FRA rulemakings, other Federal agencies and offices are part of the clearance process: these draft rulemaking documents, cleared by FRA staff and by me as Administrator, go into a pipeline that extends from this agency to the Office of the Secretary of Transportation, which circulates the document to other agencies and offices within the Department, and then to the Office of Management and Budget, where the draft rule is circulated to relevant non-DOT agencies and offices.

Costs and benefits of a draft proposed rule and draft final rule must be identified, analyzed, and weighed against each other. This evaluation can be very complex, but provides critical information to decision makers, reviewers, and the public. It should also be noted that the complex nature of the administrative review process for draft rulemaking documents means that widening one part of the pipeline (e.g., by adding resources) is not enough to expedite issuance of a rule if the rest of the pipeline remains narrow; the delay simply occurs at a different stage of the process. After FRA issues a final rule, FRA's procedural rules provide for the filing of petitions for reconsideration, a vehicle through which litigation is often avoided, thus conserving administrative and judicial resources. A final rule is also subject to judicial review in the U.S. Courts of Appeals and may be set aside by the court. (By contrast, NTSB does not issue rules; it issues recommendations, and these recommendations are not subject to notice and comment, cost-benefit analysis, or judicial review.)

Regarding inward- or outward-facing cameras, it is important to note they would not have prevented the December 1st Spuyten Duyvil derailment. FRA acted appropriately with Emergency Order 29 to require those measures that had a direct relationship to the accident and would provide immediate safety benefits to Metro-North's operation. While Congress could have mandated a camera when it passed the RSIA in 2008, it chose not to, so congressionally mandated rulemakings were given priority in the rulemaking process. FRA does believe that inward- and outward-facing cameras can provide value and will assist in accident investigations. That is why in the summer of 2013, while giving priority to finishing the 42 Congressional mandates established in the RSIA, FRA was involved in various camera projects occurring in the industry. Based on what we learned, FRA placed this issue on our internal rulemaking agenda in November of 2013 for action in 2014. As planned, the Railroad Safety Advisory Committee (RSAC) has accepted the task of formulating recommendations on the appropriate design and use of locomotive-mounted cameras and will begin RSAC working group meetings on the topic this summer, with recommendations due early next year.

You asked whether FRA has a problem with "regulatory capture." I can assure you that it does not. FRA is a data-driven agency, dedicated to achieving its safety mission for the good of the public, and subject to the highest ethical standards. FRA works tremendously hard to ensure that it prioritizes its rulemaking endeavors to address the most safety-critical issues in the timeliest fashion. Given the 42 individual mandates imposed on the agency in the RSIA, FRA has utilized its limited resources in an efficient manner in order to advance and address the safety needs of

the country and industry in a timely fashion. During the five-year period from February 1, 2009, to January 31, 2014, FRA published approximately 76 major regulatory documents, including 66 advance notices of proposed rulemaking, notices of proposed rulemaking (NPRMs), and final rules; 3 emergency orders; and 7 interpretations, for an average of more than 15 major regulatory documents per year. We are also actively involved in many pending rulemakings, including one on fatigue management, which will address the issue of sleep apnea and other fatigue-related issues.

We believe our approach to handling and prioritizing rulemakings has increased the level of safety across the industry. This is evidenced by the historically low accident statistics during the last ten calendar years. During this period, total derailments decreased 48 percent, total train accidents decreased 48 percent, and total highway-rail grade crossing accidents decreased 32 percent. The year 2012 had record low numbers of train accidents, and that safety record was surpassed in 2013. But we always owe the public better. Our goal is to drive continuous safety improvement. We expect this of ourselves and we expect it of the industry we regulate.

You also asked if the RSAC process works. The RSAC process not only works, it is vital—especially for the difficult issues, which we tend to propose be handled there. It ensures the highest level of transparency and provides the highest level of public input. A chartered advisory committee under the Federal Advisory Committee Act, RSAC includes representatives of stakeholders throughout the railroad industry (rail labor, rail management, rail suppliers, rail passengers, State rail safety programs, and other organizations), and ensures that FRA hears a wide range of opinions early in the rulemaking process so that proposals are appropriately vetted early, clarified, and communicated. The RSAC's meetings are also open to the general public, announced in the Federal Register, and part of the agency's public docket system. The RSAC process saves time – especially at the end of the process – by making the cost-benefit analysis more accurate, minimizing petitions for reconsideration, and creating a rule that is understood by the regulated community.

Regarding the current status of the rulemakings mandated by the RSIA, I refer you to a list attached to my prepared testimony, enumerating the FRA rulemakings completed as of today (March 6, 2014), that were mandated, explicitly or implicitly, by RSIA. Here is the status to date of the remaining RSIA-mandated rulemakings:

1. The critical incidents final rule was in the final stages of review at FRA.
2. The training standards final rule was in review in the Executive Branch.
3. The system safety plan final rule was being reviewed within FRA.
4. The NPRM on risk reduction plans was being reviewed within the Department of Transportation.
5. The NPRM to extend the alcohol and drug rule to maintenance-of-way workers had been redesignated by OMB as non-significant and was expected to be published in April.
6. The emergency escape breathing apparatus final rule was delayed due to competing priorities and need to reexamine data for an economical option to comply with the RSIA.
7. The dark territory rule was being held in abeyance because technology implementation plans expected in railroads' risk reduction and system safety plans will likely make the rule unnecessary for safety. (The mandate is for either a rule or guidance.)

[3] FRA Question: Current Reliability of Metro-North's Safety Standards

As a result of Metro-North's series of recent accidents in the past year, the FRA issued several orders and recommendations to Metro-North to improve its safety standards in the short term. FRA ordered a safety stand down for Metro-North, directed the railroad to implement a confidential reporting system for employees, and issued an emergency order to Metro-North to modify its signal system at critical curves on the rail line.

Most of the public orders and recommendations only came after Metro-North experienced its 4th major incident. Where was the FRA last spring? What actions did you immediately take after the first derailment in May 2013 in Bridgeport? The FRA seemed pretty quiet only until the December incident – what specific steps did you take immediately after the Bridgeport derailment to improve safety and reliability at our nation's largest public transit provider?

What assurances can you give to us today and to the commuting public that Metro-North has a trustworthy level of safety while FRA rules are being developed and finalized?

Is there sufficient reason to have confidence in this railroad in the short-term while we develop long-term solutions?

Mr. Szabo's Response:

Following the May 2013 Bridgeport derailment, on June 2, I personally met with Metro-North President Howard Permut to discuss concerns about their safety culture and the need to implement a confidential close calls reporting program. From May through November 2013, FRA conducted 245 inspections on the Metro-North system, and conducted a focused inspection of Metro-North's Roadway Worker Protection. Given that the joint NTSB-FRA investigation is focusing on a failure in a compromise joint in the track, FRA increased track inspections utilizing FRA track inspectors and an FRA Automated Track Inspection Program (ATIP) vehicle, which FRA uses to inspect track to determine whether the track conforms with the track geometry standards set in FRA's Track Safety Standards (49 C.F.R. part 213) (e.g., proper gage). *(Between June3-20, FRA's ATIP car covered the entire Metro-North territory.)*

On June 26, FRA facilitated a meeting on compromise joints hosted by Metro-North. In addition to Metro-North, participating railroads included Amtrak, Long Island Rail Road, New Jersey Transit Rail Operations, and Port Authority Trans-Hudson. The agenda covered compromise-joint protocol including inspection and maintenance, an FRA presentation on joint bar inspection technology, and a general discussion to identify best practices. This was followed by a second meeting with Metro-North, Amtrak, and Long Island Rail Road to discuss automated track inspection technology, with FRA again presenting. Metro-North indicated it would explore possible utilization of an automated ride-monitoring system to supplement periodic track-geometry surveys.

On July 12, in a meeting with Metro-North President Howard Permut, FRA stressed that safety must take priority over on-time performance. Mud conditions on the Harlem Line were discussed, along with Positive Train Control for the New Haven Line, between New Rochelle and New Haven (on Amtrak's Northeast Corridor), and Metro-North's reconsideration of the possibility of participating in FRA's voluntary Confidential Close Call Reporting System (C^3RS) program. Mr. Permut responded by noting the existence of numerous capital projects (bridges, stations, catenary, rail, and ties) and the absence or near-absence of funding from the State of Connecticut and the Federal Government.

Throughout Operation Deep Dive, the FRA teams met regularly with Metro-North leadership and staff. Where appropriate and practicable, Metro-North immediately implemented corrective actions in response to the safety concerns that FRA identified.

To provide an update to my March 6, 2014, testimony, Metro-North's new president has fully accepted FRA's March 17, 2014, Deep Dive Report, its findings, and directed actions and recommendations; has fully acknowledged the problems confronting the railroad; and has committed to working with FRA to restore the railroad to a level of safety preeminence. In light of this, FRA has confidence that progress is being achieved and will continue to be achieved.

FRA will be conducting 30-day progress meetings to track Metro-North's advancement in addressing the safety issues identified through Operation Deep Dive and other actions to enhance safety. In addition, the FRA Deep Dive teams are returning to the Metro-North to observe and document the railroad's actions in response to FRA's findings. Some of FRA's directed actions and recommendations can be achieved in the short term; for others, more time is needed. The safety culture of the organization cannot be changed overnight, but there is reason to be confident that safety will be improved in both the short and long term, with the management of Metro-North, the railroad's employees, FRA, and other interested stakeholders working together.

[4] FRA Question: Emergency Order Issuance

Following Metro-North's incidents and coming immediately in the aftermath of the Spuyten Duyvil derailment, the FRA was able to issue several safety directives to Metro-North but was only able to issue an Emergency Order for the modification of the railroad's signal system. According to your office, Emergency Orders are difficult to issue, as there have only been 29 in the FRA's history. An Emergency Order for the other safety directives, for instance the confidential close call reporting system, could have been extremely beneficial for reasons of greater enforcement and oversight to ensure compliance.

Administrator Szabo: Does the FRA need more authority from Congress to be able to issue Emergency Orders more easily? Do you lack authority in other areas that Congress should review to help the FRA protect passengers?

Mr. Szabo's Response:

FRA's existing statutory authority to issue emergency orders, as well as other safety orders and regulations, properly requires an assessment that addresses all aspects of the public interest. The statutory language conferring the authority to issue an emergency order reads, in part, as follows:

(1) If, through testing, inspection, investigation, or research carried out under [49 U.S.C. chapter 201], the Secretary of Transportation decides that an unsafe condition or practice, or a combination of unsafe conditions and practices, causes an emergency situation involving a hazard of death, personal injury, or significant harm to the environment, the Secretary immediately may order restrictions and prohibitions, without regard to section 20103(e) of this title [i.e., prior notice and an opportunity for comment and oral presentation] that may be necessary to abate the situation.
(2) The order shall describe the condition or practice, or a combination of conditions and practices, that causes the emergency situation and prescribe standards and procedures for obtaining relief from the order. * * *

49 U.S.C. 20104(a). The statute sets a high bar for issuing an emergency order, because it is issued without prior public notice and an opportunity for public comment. In that sense, it is difficult to issue an emergency order. An emergency order represents final agency action, which is subject to review both administratively and in the U.S. Courts of Appeals. 49 U.S.C. 20104(b), 20114(c).

FRA's Emergency Order 29 was appropriate to address the immediate safety issues identified in the most effective way. In particular, Emergency Order 29 required Metro-North to take immediate action to prevent excessive train speeds by (1) identifying and prioritizing high-risk areas where operating rules required speeds to be reduced by more than 20 mph, (2) modifying its existing signal system to ensure speed limits are obeyed, and (3) ensuring a higher level of engagement and communication among operating crewmembers in higher risk locations. To date, FRA has not identified any instances of noncompliance with Emergency Order 29.

Issuance of an emergency order to mandate a C^3RS program on the railroad would have been inappropriate and unproductive. A confidential close call reporting program only works if an organization has "buy in" from employees and management at all levels so that it is voluntary, and only if appropriate protections are in place to ensure that employees have a confidential, discipline-free method to report close call events. It is not a quick fix. It is meant to provide valuable data that can be analyzed to improve safety over time.

Notably, new leadership at Metro-North has agreed to implement a C^3RS program, and FRA is currently in the development and implementation of such a program.

[5] FRA Question: Inspections

According to a 2012 report by the U.S. Government Accountability Office (GAO), FRA is only able to inspect about 1% of the nation's tracks each year with the resources they are allocated.

The agency's rail-safety oversight framework relies on inspections to ensure railroads comply with federal safety regulations. FRA inspects railroad infrastructure and operations, identifies safety defects, and may cite railroads for violations.

The GAO has found that the FRA faces three major rail safety challenges - 1) implementation of its oversight of mandated safety measures and new railroad risk reduction plans, 2) adjusting to changing rail traffic flows, and 3) ensuring it has enough inspectors for its current and future oversight workload.

Mr. Szabo: Has the FRA been able to increase the percentage of track inspected in one year since 2012? What can be done to increase this coverage? How much will the additional funding in the Safety and Operations Budget help?

Mr. Szabo's Response:

In FY 2014, FRA received $184.5 million for its Safety and Operations account, an increase of $15 million from FY 2013. This increase will allow FRA to hire 45 new staff and should enable FRA to have roughly 350 inspectors on board by the end of this fiscal year. By strategically using safety data, FRA assigns its inspectors across its eight regions and five safety disciplines to help ensure maximum safety benefits. To do this, FRA uses a mathematical staffing allocation model that is driven by statistical analysis, and then adjusts the allocation based on knowledge of local conditions and emerging safety issues.

Does the FRA use any automated inspection technology to oversee safety of the US railroads?

Mr. Szabo's Response:

Yes. The primary automated inspection technology that FRA uses to oversee safety of the U.S. railroads is the ATIP program, which I described briefly earlier. The broad purpose of the ATIP program is to minimize the risk and severity of a train accident, which potentially includes a catastrophic hazardous materials incident, by accurately collecting and distributing track geometry information and intelligence, both to FRA and to the railroads whose track is being inspected by FRA. The data collected by the ATIP cars provides supplemental assistance to all railroad inspectors through advance detection of potential accident-causing hazards by identifying noncompliant and unsafe track geometry locations and conditions needing evaluation and remediation. ATIP prioritizes its surveys to maximize its capability to detect potential accident-causing hazards on higher risk routes, such as passenger, hazardous material, and higher speed track. The accurate track geometry information is disseminated to FRA and respective railroads for evaluation and remediation to minimize the risk of a passenger train accident or catastrophic hazardous material train accident.

FRA also anticipates the potential need for ATIP to support requests from other U.S. Government agencies for track inspections, such as we have gotten in the past. These agencies include the Department of Energy (track inspections prior to rail shipments of nuclear fuel) and the Department of Defense (route surveys of the Strategic Rail Corridor Network, or STRACNET (which is an interconnected and continuous rail line network consisting of more than 36,000 miles of track serving more than 130 defense installations)). In addition, FRA provides support for the Department of State.

The ATIP survey miles for the past four years are listed in the table below:

Calendar Year	ATIP Enforcement	Amtrak Assessment (2010-2012)/Remote operation (2013)	Total Miles
2010	52,760	29,245	82,005
2011	42,717	34,224	76,941
2012	53,225	21,896	75,121
2013	40,523	16,561	57,084

What technology does the FRA use to detect early signs of troubles before they become accidents?

Mr. Szabo's Response:

FRA is also working with railroads and labor organizations to implement voluntary programs to collect information about safety issues before they develop into accidents. Railroads that use the C^3RS, for example, let their employees anonymously report unsafe track (and other) conditions to supplement FRA's ATIP inspections, FRA's regulatory inspections, and the carriers' own track inspections. C^3RS is a key piece of FRA's efforts to proactively improve safety. It is designed to improve railroad safety practices by collecting and studying confidential close call reports detailing unsafe conditions or events, and developing and implementing targeted corrective actions. At its core, C^3RS is voluntary, confidential, and non-punitive. FRA is currently engaged in expanding the program nationwide. C^3RS programs are actively running on the Union Pacific Railroad Company, the National Passenger Railroad Corporation (Amtrak), New Jersey Transit Rail Operations, and the Strasburg Rail Road, and FRA is working with additional railroads, including Metro-North, and the Long Island Rail Road, to implement program sites.

FRA also provides oversight of the rail inspection technology utilized by the railroads to perform rail inspections through the agency's Rail and Infrastructure Integrity Division. The Rail Integrity Branch within the Rail and Infrastructure Integrity Division was established to provide FRA oversight on railway non-destructive inspection technologies for detection of internal rail flaws and for other rail-related maintenance programs. This branch performs onsite inspections, investigations, and/or evaluations to determine the effectiveness of railroads' programs that address the inspection, maintenance, and replacement of rail.

The branch provides oversight into the capabilities of the industry's various computerized non-destructive rail-inspection systems, the training and experience of the flaw detector car operators, and the accuracy of the defect verification/identification process utilized by the test car operator. Exposure to all phases of these processes has considerably increased total FRA safety oversight within the industry.

As one example of how the Rail Integrity Branch is developing expertise that will potentially improve rail inspection technology and expand its deployment, the branch oversees waivers issued to CSX Transportation, Inc. (CSX), that allow relief from certain provisions of the Track Safety Standards. As a condition for granting these waivers, CSX has implemented an

experimental process for continuous test rail inspection that has the potential to minimize risk associated with rail-flaw development by allowing the carrier to test its rail more frequently, control rail-flaw development, and reduce service failure and derailments. The inspection technology is referred to as an "ultrasonic computer based test system." The project also shows significant potential to improve railway safety by increasing inspection speed and providing extended system coverage. Based on the results of initial trial performance of this technology, FRA believes that this experimental rail inspection system may ultimately prove to be more capable than the system previously used, in terms of its ability to identify rail flaws and to do so quickly. FRA is working with CSX to improve this continuous rail inspection process.

Does the FRA have its own means of verifying railroads' compliance with the federal safety standards or does it depend on the railroads' own inspection data?

Mr. Szabo's Response:

FRA inspectors conduct routine inspections to verify railroads' compliance with the Federal railroad safety standards and the Hazardous Materials Regulations. FRA's inspections are conducted on track, signal systems (including signal systems installed on locomotives and signal systems installed along the track wayside), rolling stock (locomotives and railcars), operating practices, and the transportation of hazardous materials. We also carry out regular inspections of companies that offer hazardous material for transportation by rail (rail shippers) to determine their compliance with the Hazardous Materials Regulations. FRA also routinely audits railroads' bridge programs, as well as the accuracy of a railroad's accident and incident reporting. We also investigate hundreds of complaints submitted to FRA each year by private citizens alleging violations of Federal rail safety or hazardous materials requirements.

FRA uses information technology to strategically analyze FRA's inspection and accident/incident data in order to identify trends and prioritize inspections. FRA's C^3RS program also uses information technology to sort the C^3RS data and identify emerging risks.

And, as previously mentioned, FRA conducts an ATIP Program. It utilizes a fleet of track geometry vehicles. The ATIP vehicles traverse the Nation conducting track-geometry surveys, the results of which are shared with the railroad being inspected. The ATIP vehicles identify defective conditions and conditions that could eventually develop into defects, thus identifying early signs of trouble before they cause accidents. Note, however, that FRA's role is to monitor the railroads to determine whether their track is in compliance, not to inspect the track itself. The duty to inspect for compliance with the Track Safety Standards rests on the track owners, which are the railroads. Many railroads have their own automated track inspection vehicles to inspect their own track.

[6] FRA Question: Metro-North Comparison to other Railroads

The FRA regulates railroads across the entire country. At NTSB's November hearings on the Metro-North Bridgeport derailment and the West Haven accident, a representative from the Long Island Rail Road (LIRR) testified that the LIRR conducts inspections at a higher rate than Metro-North and also employs automated inspection vehicles more frequently.

At a meeting between Congress members, DOT and the FRA, Mr. Szabo, you spoke to the fact that alerter systems are good railroad practice and standard on most railroads across the country while Metro-North lacked these devices in **each train cabin where an engineer operates**. You stated that you were checking with the American Public Transportation Association (APTA) on whether any other railroad didn't have alerters as a standard device in **each train cabin**.

Mr. Szabo: In your opinion, how does Metro-North's standard of safety compare to other railroads' throughout the country? What other areas besides the aforementioned does Metro-North lag behind the rest of the nation's railway system? Have you followed up with APTA on whether or not there are other railroads without alerters in every train cabin?

Mr. Szabo's Response:

Operation Deep Dive uncovered an unhealthy safety culture on Metro-North, one where an inappropriate overemphasis on on-time performance had adversely impacted safety. As resources permit, FRA will conduct similar efforts on other commuter operations to determine to what extent Metro-North is an outlier in safety culture.

Overall, passenger railroad operations in this county are very safe. Nonetheless, there have been eight passenger fatalities resulting from commuter rail train accidents in the last five calendar years. However, this represents an improvement over the previous 5 year period in which there were 43 passenger fatalities. This safety improvement is due to work in many areas, including initiatives to improve accident avoidance and survivability. We owe the public a drive for continuous safety improvement.

You also inquired about Metro-North's lack of an alerter in each of its train cabs. An alerter is a type of locomotive-mounted equipment that is used to assure that the locomotive operator is alert, not physically incapacitated, and aware of, and complying with, the indications of a signal system or other operational control system. Systems like Positive Train Control, or the signal upgrades the FRA required of Metro-North under Emergency Order 29, can provide a similar level of protection.

Metro-North has the greatest number of units operating without alerters. Current Federal regulations require a working alerter on any locomotive, including a control cabin locomotive, ordered on or after September 8, 2000, or placed into service for the first time on or after September 9, 2002, if the locomotive is the controlling locomotive of a commuter or intercity passenger train. See 49 C.F.R. 238.237. Most carriers have either retrofitted existing equipment, provided a similar level of protection through other technology, or are in the process of retrofitting their fleet; however, this provision does not apply to rebuilt locomotives. There are separate, higher requirements for alerters on high-speed passenger trains (i.e., traveling at a

speed more than 125 miles per hour but less than 150 miles per hour; e.g., Acela Express); namely, there must be an alerter in the controlling cab of any high-speed passenger train. See 49 C.F.R. 238.447(c) by operation of 49 C.F.R. 238.401. Finally, there are also separate requirements for alerters on locomotives used in freight service. See 49 C.F.R. 229.140.

[7] FRA Question: Infrastructure and Rail Safety

On January 15, 2014, the Regional Planning Association released a report titled, "Getting Back on Track: Unlocking the Full Potential of the New Haven Line." The RPA report concludes that the New Haven Line's largest issue is the severity of its aging and deteriorating infrastructure. Due to the state of the railroad's infrastructure, the New Haven Line (NHL) is extremely underfunded and requires tremendous increases in funding to reach a state of good repair. At current funding levels of less than $200 million a year, it would take 20 years to reach a state of good repair. Connecticut has dedicated $1 billion to the railroad in its 2013-2017 capital plan, but the RPA concludes that an additional $3.6 billion is needed to replace the railroad's obsolete infrastructure by 2020.

These infrastructure needs, which include deteriorating bridges, some over 100 years old, worn track, and outdated signaling and power systems, pose threats to safety as seen in the Bridgeport derailment. Broken and ill-repaired track has put lives at risk and it's only a matter of time before such an incident reoccurs if nothing is done.

Mr. Szabo: How critical is sound infrastructure to the ensuring safety on the nation's railway system?

How many of the existing safety concerns can be solved by reaching a state of good repair for the nation's railroads?

Mr. Szabo's Response:

A sound and safe infrastructure is critical to ensuring the safety of train operations. But so too are sound and safe rolling stock, sound and safe signal systems, sound and safe operating practices, sound and safe safety-critical personnel, and sound and safe intermodal intersections with railroad tracks (such as highway-rail grade crossings and railroad bridges over navigable waters). All the pieces need to be sound and safe to ensure we have a safe railroad ***system***. In other words, a state of good repair means we have safe track, signal systems, rolling stock, operating practices, safety-critical personnel, and intermodal intersections.

One of the keys to ensuring that the Nation's railroad system is maintained in a state of good repair is predictable, dedicated funding. Congress has for decades funded highway, transit, and aviation programs through multi-year authorizations that provide guaranteed funding. This enables States, local governments, and other stakeholders to plan for and to execute infrastructure investments in a comprehensive and efficient manner, with a view towards long-term safety and operational improvements.

Reliance upon inadequate and unpredictable annual appropriations has made it extraordinarily difficult for the U.S. rail system to be maintained in a state of good repair. The Administration proposes to rectify this problem with legislation authorizing mandatory contract authority through FY 2018 for rail investment programs. The programs would be paid for with resources in a new Rail Account of the Transportation Trust Fund that will be funded with revenue from pro-growth business tax reform.

[8] FRA Question: Inward- and Outward-Facing Cameras

On December 1st, a Metro-North train derailed resulting in four casualties and close to seventy injuries. The train was travelling at approximately 82 mph in an area where speed was limited to 30 mph. The NTSB investigation is ongoing, but officials recently recommended that Metro-North install inward- and outward-facing cameras on its trains. The NTSB has called on all railroads to install such cameras since a 2008 crash between a passenger and a freight train resulted in the death of 25 people. The FRA has recently indicated its decision to begin the rulemaking process on this issue.

Following the December 2013 Metro-North derailment that resulted in four casualties and close to seventy injuries, the NTSB recommended that Metro-North install inward- and outward-facing cameras. This is something the NTSB has been recommending since 2008.

Mr. Szabo, the FRA announced earlier this year that it would begin the rulemaking process for requiring inward- and outward-facing cameras in all locomotives and operating cabs. How will this rulemaking help address safety concerns? Some have raised privacy concerns with the cameras; can these issues be addressed in the rulemaking? Can you provide an update on where this rulemaking stands?

Mr. Szabo's Response:

FRA recognizes the potential value of both inward- and outward-facing camera recordings for accident investigation purposes and to advance safety. For these reasons, in the summer of 2013, FRA became involved in various camera projects occurring in industry, and in November 2013 placed the camera rulemaking on FRA's internal rulemaking agenda for 2014. Today a task statement pertaining to this issue was presented to the RSAC for its consideration, and the task was accepted by the RSAC. We expect the RSAC to report its recommendations on the issue by April 1, 2015.

Although FRA recognizes the value of voice and image recordings for accident investigation purposes and as part of an operational testing program, FRA is also well aware of the significant privacy concerns presented by the installation and monitoring of these cameras. Accordingly, we must fully understand and address these privacy concerns and ensure that the technology is implemented with appropriate safeguards and controls in place that address the privacy concerns and also achieve the desired safety results. Addressing these concerns through the rulemaking process – through the RSAC process in particular – will ensure that these issues are appropriately

analyzed and addressed and that the technology is implemented in as efficient a manner as possible.

[9] FRA Question: Budget Concerns

The FRA has limited budgets and inspectors to address safety issues posed by crude transportation. While the volume of crude oil being shipped by rail has increased dramatically in the past few years, FRA and PHMSA have limited resources to ensure crude oil is transported safely. I believe we need to invest more in our infrastructure, particularly when it comes to the safety of our transportation systems.

- **Mr. Szabo, do your current budgets provide an adequate number of inspectors and rail safety employees to cover all of the issues posed by the rail safety issues we've seen recently?**

  Mr. Szabo's Response:

  It is important that FRA receive predictable and dedicated funding. I can assure you that FRA will make maximum use of whatever resources it is provided. As discussed above, FRA uses a staffing model that draws on the latest railroad accident and inspection data to strategically allocate its inspectors around the Nation and across safety disciplines. For FY 2014, FRA received a larger Safety and Operations budget, which will allow FRA to hire 10 new rail safety inspectors and 20 rail safety specialists.

  FRA has not requested new staff for FY 2015. However, the Office of the Secretary of Transportation (OST) has proposed a new $40 million Safe Transportation of Energy Products Fund, which would be available to FRA as well as the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the Federal Motor Carrier Safety Administration (FMCSA) to address issues surrounding the transportation of crude oil and other materials. FRA may be able use these funds to hire temporary staff as well as to conduct other activities such as research and testing.

- **Mr. Szabo, how would increasing investments in rail safety programs help you better address safety needs?**

  Mr. Szabo's Response:

  In addition to adding new railroad safety staff in FY 2014, FRA is increasing its investment in key safety programs. FRA is planning on spending an additional $1 million on its C^3RS program to support nationwide implementation. As I said earlier, the program allows railroad employees to report close calls on a voluntary, confidential basis, without fear of disciplinary action. FRA also plans to spend almost $900,000 on high-speed rail safety certification to help ensure the safety of high-speed rail projects under construction before they enter into operation. Additionally, FRA plans to spend close to

$700,000 to update its Railroad Safety Information System for enforcement of new safety regulations including those mandated by RSIA.

For FY 2015, FRA requests significant new investment in the nation's rail system –$4.8 billion in FY 2015 and $19 billion over 4 years – that will directly improve safety. With these resources, FRA proposes to fund, among other things, positive train control implementation by commuter railroads and Amtrak. Moreover, FRA will fund state-of-good-repair work by Amtrak to improve Amtrak's reliability and increase the safety of its aging infrastructure. Moreover, some program funds would be eligible for grade crossing improvement and community rail safety initiatives.

- **<u>Mr. Szabo</u>, are there other ways that some of your costs could be offset?**

  Mr. Szabo's Response:

  FRA's proposed rail investment program is fully paid for in the President's budget. FRA proposes that Congress fund rail programs through a 4-year reauthorization bill paid for through a Rail Account of the Transportation Trust Fund. The President's budget proposes this trust fund spending be supported by revenues generated from reforms to the corporate tax code. Details about the change in tax policy are listed in the President's budget.

<u>[10] FRA Question: DOT-111 Tank Cars</u>

DOT-111 tank cars were involved in the Lac-Mégantic, Alabama, and North Dakota derailments and explosions. The DOT-111, which accounts for 69 percent of the U.S. tank car fleet, has a documented history of failure during accidents. AAR has asked DOT to adopt tougher standards for new tank cars, as well as requiring the retrofit or phase out of tank cars built to less stringent standards. API and the Railway Supply Institute (RSI)—who represent tank car manufacturers—also support higher tank car standards, but have concerns about retrofit costs.

For several decades, the NTSB has expressed concern about the DOT-111 tank car. Other stakeholders, including AAR, API, and RSI, have sought tougher tank car standards. **DOT is almost a year behind on a rulemaking, which would propose updates to the DOT-111 standards, and does not anticipate issuing a final rule until next year. This is unacceptable to me and the thousands of people living in communities that see these train cars roll through their towns everyday – communities along these rail lines deserve more. Again, this seems to be another example of regulatory capture; the DOT for all intents and purposes outsourced tank car recommendations to industry back in 2011. And here we are 3 years and several high profile accidents later, and we're still talking about the need for stronger tank cars.**

- **<u>Mr. Szabo</u>, What is taking so long to issue these rules? Why can't the process be sped up? Can we build a tank car strong enough to prevent all of these accidents from happening? How important is a comprehensive approach to addressing the safety issues posed by transporting crude?**

Mr. Szabo's Response:

FRA is working closely with PHMSA to provide support and resources in an effort to expedite the development and issuance of an NPRM to address DOT 111 tank cars and also to comprehensively address the risks, and mitigate the consequences, of train accidents involving hazardous materials in general, and crude oil in particular. The Secretary has delegated to the Administrator of PHMSA the statutory authority to issue rules pertaining to the transportation of hazardous materials by all modes of transportation, including rail and I believe PHMSA provided testimony at the February 26, 2014, hearing of the House Transportation and Infrastructure Committee, Subcommittee on Railroads, Pipelines, and Hazardous Materials which summarizes the specific circumstances surrounding the development and progress of this rule.

You also asked whether it is possible to build a railroad tank car strong enough to prevent the release of its contents during any accident scenario. The short answer is "no," not given the current state of the art. Because improving tank car survivability cannot, by itself, prevent rail accidents and unintentional hazardous material releases, a comprehensive approach is necessary. Only if the risks of transporting petroleum crude oil are comprehensively addressed are real safety improvements going to be made. For this reason, FRA, in partnership with PHMSA, is aggressively pursuing comprehensive improvements to the rail transportation of crude oil, including improving railcar survivability through tank car design improvements, rail operational practices, and proper testing and classification of crude oil before being offered for transportation.

We need strong tank cars that are highly puncture-resistant during train accidents as well as operating measures to prevent train accidents from occurring in the first place and to mitigate the seriousness of an accident if it does occur. No matter how many rail safety regulations are in place or how high the tank car standards are, it is necessary to have personnel and equipment in place to deal with a train accident and any unintentional release of hazardous material if it occurs during railroad transportation. In short, a comprehensive approach to the safe transportation of hazardous materials by rail is essential.

[11] FRA Question: Impact on Communities/Emergency Responders

In July, a train carrying crude derailed and exploded in Lac-Mégantic, Québec, killing 47 people and destroying the city's downtown. On December 30th, a train in North Dakota carrying crude oil struck another train which set off an explosion and required the evacuation of more than 1,500 people. On January 7th, a train carrying crude and propane derailed and caught fire in New Brunswick, Canada forcing an evacuation less than 35 miles from the Maine border.

A series of freight rail accidents over the past 8 months highlight the need for safety plans to be in place so that communities and first responders know how to respond when there is a train accident carrying crude, propane, or any other hazardous material. Training first responders is a good first step to improving the response to incidents, and I was glad to see that included in your recent agreement.

- **<u>Mr. Szabo</u>, as part of your agreement, AAR committed to rerouting trains carrying at least 20 cars of crude oil to the "safest and most secure routes." How will these routing decisions impact communities that are not currently seeing a large influx of crude-by-rail? Will other communities see an increase in crude trains and will additional resources be focused on these communities?**

  Mr. Szabo's Response:

  AAR, on behalf of its member railroads, has committed to complying with the route analysis requirements of the Hazardous Materials Regulations (49 C.F.R. 172.820(c)-(f) and (i)) when operating trains transporting 20 or more loaded railroad tank cars containing crude oil. The route analysis rule requires railroads to collaborate with State and local officials on the routing of certain hazardous materials and to select the routes posing the least overall safety and security risk on which to transport those materials. The rule requires an evaluation of the safety and security of the routes currently used and alternative practicable routes over which a railroad has authority to operate. The rule also mandates, at a minimum, the consideration of 27 specific safety and security risk factors. The identified risk factors include operational, infrastructure, and consequence elements, such as population centers, environmentally sensitive areas, and emergency response capabilities along the routes.

  It is difficult to predict the extent to which compliance with the route analysis requirements will alter specific crude rail routes. However, compliance with the regulation will ensure that crude oil is transported over the safest and most secure rail routes, which will reduce the risk of an accident in the first place and help to mitigate the effects of an accident should one occur.

  In addition, other commitments from the railroad industry will further enhance the resources available to communities through which large quantities of crude oil are transported. These additional railroad industry agreements are to develop an inventory of emergency-response resources along routes over which trains carrying large quantities of crude oil move; to make the relevant information available to appropriate emergency responders; to allocate $5 million to develop and provide a hazardous material transportation training curriculum applicable to crude oil transportation for emergency responders; and to fund a portion of this training through the end of 2014.

U.S. Senate Commerce Committee
Surface Transportation Subcommittee Hearing
"Enhancing Our Rail Safety: Current Challenges for Passenger and Freight Rail"
Thursday, March 6, 2014

Senator Barbara Boxer Questions for the Record

Federal Railroad Administration (FRA)

1. With the number of crude oil rail shipments across the country expected to increase over the next several years, what actions has the FRA taken to identify rail corridor segments that are more susceptible to train derailments, either due to aging or faulty infrastructure, geographic terrain, or other means, and what actions have been taken to address to address this issue?

Mr. Szabo's Response:

FRA has taken action on multiple fronts to mitigate safety risks on rail corridors. In 2013 and 2014, FRA safety inspectors from FRA's five core disciplines—Hazardous Materials, Motive Power and Equipment, Operating Practices, Signal and Train Control, and Track—have performed approximately 3,500 inspections in the subdivisions over which unit trains of crude oil are moved.

Major freight railroads also committed to using the Rail Corridor Risk Management System (a risk-based routing analysis tool developed in coordination with the Federal Government as part of the implementation of the rail routing amendments to the Hazardous Materials Regulations) to analyze the safety and security risks of particular routes and to ensure that trains transporting large quantities of crude oil are operated on the safest and most secure rail routes.

In response to the Secretary's Call to Action, the Association of American Railroads committed to employing speed restrictions in 46 federally designated high-threat urban areas, implementing train braking enhancements using distributed power or two-way telemetry end-of-train devices, more frequent rail and mechanical inspections, installation of wayside defective-bearing-detection equipment, and providing resources to enhance emergency response capabilities and community awareness along crude oil routes.

In addition, the American Short Line and Regional Railroad Association (ASLRRA) responded to the Call to Action by identifying specific actions that it believes small railroads can voluntarily take to contribute to a safer national rail network. For example, contingent upon securing a 6- to 12-month pilot project grant from FRA, ASLRRA plans to create the Short Line Safety Institute that will do the following:

- Begin with a focus on the transportation of crude oil by small railroads and then expand to the transportation of all commodities for Class III railroads.
- Work with FRA to develop and implement pilot safety inspection and evaluation projects for short line railroads.

- Work with FRA to evaluate the current safety and compliance attainment levels on small railroads; contract and train expert qualified inspectors; and develop training, assessment, and reporting document systems.
- Work with FRA to create benchmarks and objectives to measure the progress and effectiveness of the Short Line Safety Institute safety inspection programs.

2. What actions are being taken by your agency/organization to coordinate with state and local agencies on disaster preparedness training and emergency response efforts?

Mr. Szabo's Response:

FRA has provided a grant to the American Chemistry Council, which oversees the Transportation Community Awareness and Emergency Response (TRANSCAER®) program. The TRANSCAER® program is a voluntary outreach program that focuses on assisting communities to prepare for, and respond to, possible hazardous materials transportation incidents. TRANSCAER® members consist of representatives from the following industries: chemical manufacturing, transportation (including railroads), distributors, and emergency response (including State and local agencies). Through the Department's "Call to Action," both the railroad and petroleum industries have renewed their commitment to enhancing emergency response communications and training, most recently with the American Petroleum Institute (API) joining the TRANSCAER® program and the railroad industry committing to developing an inventory of emergency response resources along routes over which trains transporting large amounts of crude oil operate. This inventory, relevant information from which will be made available to appropriate emergency responders, will include locations for staging emergency response equipment along the routes and contacts for the notification of communities. In addition, the railroad industry has committed approximately $5 million to develop and provide a hazardous material transportation training curriculum applicable to petroleum crude oil transport for emergency responders and to the fund a portion of the cost of this training through the end of 2014.

FRA hazardous materials inspectors provide basic training to States, municipal governments, and local emergency response agencies. Knowledge gained from this training enables fire and police agencies to identify the type and positioning of hazardous commodities and to develop appropriate incident response or containment plans. The training provides detailed explanations of regulations pertaining to hazardous materials documentation, placement of hazardous materials within trains, appropriate packaging, and railroad communication protocols. FRA inspectors often demonstrate tank car safety features and describe train crew responsibilities to ensure that emergency responders know the appropriate railroad personnel to contact for train makeup information.

FRA has also issued a grant to the American Chemistry Council, CHEMTREC, and TRANSCAER® for the design and delivery of a training program focused on the needs of volunteer emergency responders, including fire fighters, emergency medical technicians, police agencies, and others. The training program will include approaching and managing a

derailment, tank car recognition and damage assessment, chemical properties and hazards, hazard communication, firefighting techniques, environmental concerns, and other related topics. FRA is often an active participant in the training, conveying valuable insights based on experience and lessons learned.

FRA's eight regional offices have law enforcement liaisons who focus on highway-rail grade crossing safety. Regional liaisons have been effective in getting rail safety awareness courses included in the accreditation process for law enforcement officers. FRA also provides information to local judges and prosecutors supporting consistent enforcement of highway-railroad safety laws.

3. What immediate measures can states, municipal governments, and local agencies take to mitigate potential disasters?

Mr. Szabo's Response:

In order to be prepared for the potential consequences of any rail accident involving hazardous materials and to mitigate those potential consequences, States, municipal governments, and local agencies can take advantage of both existing measures in place to ensure emergency responders are prepared for such incidents and the rail and oil industry's renewed commitments through the Department's "Call to Action," as noted in my answer to your previous question. Through the TRANSCAER® program, the railroad and hazardous materials shipping industries collaborate and cooperate with communities through which hazardous materials are transported. For example, in accordance with AAR Circular OT-55-N, railroads are to assist in implementing TRANSCAER's community outreach program to improve community awareness, emergency planning, and incident response for the transportation of hazardous materials. The same industry standard provides for the disclosure of certain commodity flow data upon request to local emergency response agencies and planning groups. At a minimum, such information must include rank-order identification of the top 25 hazardous commodities transported through the community. Accordingly, appropriate emergency response personnel should be in communication with any railroads transporting hazardous materials through their jurisdictions in order to ensure that they have access to the most up-to-date information on the commodities being transported through their jurisdictions and the extent of emergency response resources available along the rail routes.

States that currently do not have rail safety programs can join FRA's State Rail Safety Participation Program. Thirty States currently partner with FRA to regulate rail safety. State inspectors provide supplemental safety inspections that nonparticipating States do not receive. FRA does not reduce its inspection efforts in a State that elects to employ rail safety inspectors. Therefore, States that have rail safety inspectors receive a net gain in rail safety inspections. A larger rail safety inspection force results in correction of more safety defects, better response to public complaints and railroad accidents, and State expertise to directly address rail safety issues with railroad operating and maintenance personnel. Public safety concerns about unsafe rail operations can best be met by enhanced rail inspection using both State and Federal resources.

U.S. Senate Commerce Committee
Surface Transportation Subcommittee Hearing
"Enhancing Our Rail Safety: Current Challenges for Passenger and Freight Rail"
Thursday, March 6, 2014

Senator Heidi Heitkamp Questions for the Record

Mr. Joe Szabo
Administrator
Federal Railroad Administration

1.) **Can you provide me with an account of the research and development activities the FRA is currently engaged in to enhance track inspection efforts underway? How are the technologies being developed by FRA different than the technologies that are currently deployed by the railroad?**

Mr. Szabo's Response:

FRA has conducted research and developed several new track inspection technologies, including the following:

a. the Gage Restraining Measurement System: a train-based system to assess the performance of track components such as crossties and rail fasteners;

b. the Portable Track Loading Fixture: a handheld device to assess the performance of rail fasteners;

c. the Joint Bar Inspection System: a machine-vision system to detect rail joint bar defects and failures;

d. the Portable Ride Quality Measurement System: to identify locations of poor track quality;

e. the Autonomous Track Geometry Measurement System (ATGMS): an unmanned and cost-effective way of assessing track quality over large rail networks

f. Ground Penetrating Radar (GPR): a system to detect poor track support; conditions such as foul ballast and waterlogged foundation; and

g. Rail Defect Inspection Systems.

In terms of the last category (rail defect inspection systems), we have developed a rail defect measurement system that does not require contact with the rail. This system does not detect all types of rail defects. It was designed to find the most prominent type of defect (transverse defect). Future generations of the system may be adapted to look for other types of rail flaws. Compared to conventional systems, the current system can operate at higher speeds and is not adversely affected by rail surface condition. Another rail defect inspection system that we are developing will accurately measure the size of defects so the appropriate corrective action can be taken. The system uses the Computed Tomography (CT) scan technology used in the medical field.

ATIP is used by FRA to inspect track to determine whether it conforms to the track-geometry provisions of FRA's track safety regulations. The fundamental track geometry inspection technology employed in ATIP is used by both FRA and many railroads. The vision for the future is to use ATGMS to cover more mileage at lower cost and then schedule a manned vehicle with many of the inspection systems described above to fully assess the track conditions. The information from the ATGMS will be used for planning walking inspections and manned car inspections. The comprehensive information collected by the manned cars will be used by researchers to better understand the track behavior and, when warranted, will provide more guidelines to promote safety.

FRA develops inspection technologies that are safety focused, with the intent to reduce the number of derailments and other types of railroad accidents/incidents and unintentional releases of hazardous material. Some of these technologies have a side benefit of aiding in the maintenance planning for the railroads.

As to how the technologies being developed by FRA differ from the technologies that are currently deployed by the railroad, several of the technologies listed above are already in use today by railroads. Others are nearing the end of the research and development stage and are being transferred to the industry as prototypes.

2.) What level of funding was provided to FRA for research and development in the current fiscal year? Does this level of funding provide adequate resources to your agency to complete your research and development missions?

Mr. Szabo's Response:

FRA received $35.1 million for FY 2014 for its Railroad Research and Development program, and has requested for $35.25 million for FY 2015. This amount supports FRA's ongoing research into railroad safety issues and the development of technologies that can reduce future accidents. The program's areas of focus are track, rolling stock, train control and communications, human factors, and railroad systems issues. Regardless of funding level, FRA will effectively use its budget to undertake meaningful research and development work.

For FY 2015, FRA also requested new research program funding under the Rail Service Improvement Program to expand its work into emerging areas facing the rail industry. These include the following:

- Upgrades to the Transportation Technology Center ($15 million): The Transportation Technology Center (the Center) in Pueblo, Colorado, does not have facilities for testing, evaluating, and demonstrating state-of-the-art high-performance rail infrastructure and equipment. Upgrading the Center will result in faster approvals for new equipment, stronger safety standards, and early identification of reliability issues, saving long-term maintenance costs and ensuring better passenger service.

- National Cooperative Rail Research Program ($5 million): Section 306 of Passenger Rail Investment and Improvement Act established this program, managed by the National Academy of Sciences, to provide a rail research program similar to those for aviation, highways, and transit. FRA launched the program in 2012 to develop the intellectual infrastructure needed to advance effective rail policy, and proposes to continue funding the program.

3.) I understand the President's budget would provide additional resources for FRA to hire inspectors. These inspectors would be in addition to the additional FTEs provided to the FRA in FY14. What are the greatest resource needs of the agency and how will additional hires – should additional FTEs be provided – be directed at addressing current capacity shortfalls at the agency?

Mr. Szabo's Response:

In its FY 2015 budget, FRA has not requested money to add new inspectors or other staff. However, OST has proposed a new $40 million Safe Transportation of Energy Products Fund, which would be available to FRA as well as PHMSA and FMCSA to address issues surrounding the transportation of crude oil and other materials. It is possible that FRA may use these funds to hire temporary staff as well as to conduct other activities such as research and testing.

In general, FRA strives to maximize the funding it receives, regardless of the amount. Regarding full-time equivalents, each year FRA rebalances its inspector workforce across the FRA regions and across safety disciplines based on analysis by its staffing allocation model and professional judgment by top FRA management. This year, FRA is particularly attuned to the need to address increased shipments crude oil and ethanol.

SENATE COMMERCE COMMITTEE HEARING
"ENHANCING OUR RAIL SAFETY: CURRENT CHALLENGES FOR PASSENGER AND FREIGHT RAIL"
MARCH 6, 2014
QUESTIONS FOR ADMINISTRATOR SZABO

From Senator Thune:

- **QUESTION:** At the hearing you discussed the inspection partnerships that the Federal Railroad Administration (FRA) has with several states. How many states participate in this program? Can you provide a list of these states for the Committee? How many additional inspectors are made available through this program? Will these inspectors be useful in approving Positive Train Control (PTC) systems?

  Mr. Szabo's Response: Thirty States currently participate in FRA's State Rail Safety Participation Program with 176 State inspector positions currently authorized by State programs. Please accept this table titled "State Rail Safety Programs" into the record of this hearing. The table provides a breakdown by State, with further details, such as the FRA Office of Railroad Safety region that works with the State program and the safety discipline of the State inspector(s) (e.g., motive power and equipment, operating practices, hazardous materials, and signal and train control). State inspectors will not be involved in the process to approve PTC systems.

- **QUESTION:** What are the major safety issues accompanying the transportation of crude oil by rail and what have been the most common types of accidents that have occurred in the last five years?

  Mr. Szabo's Response: Crude oil, like ethanol, presents unique risks in transportation by rail because of flammability and volume of the material shipped in unit trains.[1] Although it is rare to have only a single rail car breached that contains a flammable liquid, a breach of only a single tank car in a train accident followed by the ignition of a self-feeding pool fire[2] can result in energetic ruptures of adjacent tank cars. Further, in derailments of unit trains of crude oil, adjacent tank cars containing crude oil will be involved.

  Also, crude oil facilities are coming online quickly and employing personnel with limited experience in loading and securing tank cars for transportation. These facilities and their operators are continually learning (through FRA and industry outreach activities) how to inspect and secure a tank car prior to offering it for transportation.

  Unlike the vast majority of other chemicals shipped by rail, which are produced to a specification under the auspices of a rigorous quality assurance program, crude oil is a

[1] A "unit train" is defined as a train in which all the cars are shipped from the same origin to the same destination, without being split up or stored en route).
[2] A "pool fire" is a turbulent diffusion fire burning above a horizontal pool of vaporizing hydrocarbon fuel.

naturally occurring, mined material with properties that vary based on location and time of extraction. The variability of the properties of crude oil, such as its flammability, gas content, corrosivity, and vapor pressure, make it difficult to determine the appropriate package for transportation. Tank car owners and shippers of crude oil must work together to ensure the equipment is not damaged by the crude oil with which it is loaded, by selecting compatible interior coatings, (if required), gaskets, and o-rings for service equipment.

To answer your other question, about the most common kinds of accidents, FRA's accident/incident database indicates that during the 5-year period between January 1, 2009, and December 31, 2013, 41 percent of train accidents were caused by defective track, road bed, and structures; 37 percent by human factors involving train operations or handling equipment, switches and derails; 11 percent by mechanical and electrical failures; 1 percent by signal and communications causes; and the remaining 10 percent by miscellaneous causes.

Regarding train accidents in which crude oil was unintentionally released, there have been seven in the last 5 years in the United States as well as two in Canada. The Canadian accidents occurred at Lac-Mégantic in Quebec and at Plaster Rock in New Brunswick—the Transportation Safety Board of Canada is investigating both. Based on the available information, the Lac-Mégantic accident was a result of improper securement of the crude oil train; the Transportation Safety Board of Canada has not released an official report of the findings of their investigations. The accident in Casselton, ND, was a result of a unit train of crude oil colliding with a grain train fouling (blocking) the main line; the grain train had derailed as a result of a broken axle. Other U.S. train accidents during the last 5 years involving releases of crude oil include the following: Vandergrift, PA (mechanical causes); Aliceville, AL (broken rail); and New Augusta, MS (broken rail).[3]

- **QUESTION:** One of the requirements in the Rail Safety Improvement Act of 2008 is that PTC technology be interoperable, meaning that the systems of different railroads operating over each other's track would be able to communicate with one another. How does the FRA plan to certify interoperability of the various PTC systems it is required to approve? Will certification of interoperability be more difficult if some railroads complete installation before others? How many FRA employees do you think will be needed to certify PTC systems? Do you worry that using these inspectors for this purpose will further limit the agency's ability to conduct oversight of rail safety generally?

  Mr. Szabo's Response: PTC system interoperability will be created primarily through two different, but complementary, approaches. One approach is for the railroads to select

[3] The three other U.S. train accidents in the last 5 years that have resulted in the unintentional release of crude oil were at Havre, MT (November 1, 2010); Monroe, LA (December 1, 2011); and Parkers Prairie, MN (March 27, 2013).

a single common shared industry standard technology. Currently, for example, the majority of freight and passenger commuter railroads outside of Northeast Corridor (NEC) are relying on Interoperable Electronic Train Management System (I-ETMS), and the NEC railroads are relying on the Advanced Civil Speed Enforcement System (ACSES). The second approach (where different railroads elect to implement different technologies) calls for the affected railroads to each implement all of the technologies involved. For example, freight and passenger railroads that implement both I-ETMS and ACSES would run the two systems in parallel. FRA views certification as the process of measuring, testing, and evaluating the effectiveness of the functions of the system prior to authorizing a system for operational use. In both approaches, the FRA certification process is focused on ensuring that the implementing railroads have: (1) correctly deployed the technology, (2) put in place adequate training and maintenance programs to ensure that the railroads can safely operate and maintain the systems, and (3) implemented technology that performs the required PTC statutory functions.

The FRA personnel involved in the certification process are looking to see that an adequate series of tests and inspections have established that safeguards designed into the hardware and software of the system are operative, function as intended, and collectively constitute acceptable controls; and that the equipment supplier and the railroad have successfully implemented these safeguards and controls. Production models of a given system design need be tested only to verify that all safeguards are present and properly functioning. Specifications (procedures, tests, and inspections) for subsequent certification reviews must be produced as part of the design process. The FRA certification personnel are also verifying that an adequate series of tests and inspections is performed according to specifications established during the design phase to ensure that the required set of safeguards (hardware, software, and procedural) are present and operational in the installed equipment, and on all communication links. This work also examines the operational procedures and administrative structure of the organization that controls the equipment, and must establish that the procedural and administrative environment supplements and complements hardware and software safeguards, and that physical safeguards are appropriate. The FRA personnel involved in the certification must also ensure that an adequate series of tests and inspections is performed to establish that the system has continuous safeguards, that the system can make real-time checks on its performance, and that the system can search for loopholes once the system is operational or after any system malfunction, as well as after scheduled or unscheduled hardware or software maintenance or modification.

Certifying computer systems is a very difficult issue. It involves an examination of the provided safeguards (hardware, software, procedural, and administrative), and ideally, a quantitative estimate of the probability of various failure modes. It is almost impossible to identify and protect against all possible failure modes of a system. The matter of overall equipment configuration becomes especially important in large systems containing many computers, either collocated or geographically distributed. The overall hardware configuration must be examined in order to establish the consequences of a total or partial loss of a major component in the system. This becomes more difficult when multiple certification requests must be processed simultaneously. Completion of

the certification process by one railroad before another does not necessarily mean that one railroad's certification is any more difficult than the other. Depending on the specific implementation and the issues being examined, early completion of the certification process by one railroad potentially could facilitate the certification process of subsequent railroads since issues, especially those related to the system specification and design, may have already been adequately verified.

FRA depends heavily on the vendors and railroads in the certification process. As a matter of practicality, without the proactive participation and good faith efforts of the vendors and railroads to ensure system safety through the entire design, implementation, and operation of the system, not only would timely certification of a system not be possible, but the level of safety oversight that would be provided would be inadequate relative to the system complexity. FRA staffing needs are therefore heavily dependent on the technology deployed, the capabilities of individual inspectors, as well as the level of effort and degree of objective safety oversight being expended by the vendors and railroads. In order to not detract from FRA's other safety inspection activities, FRA established a dedicated PTC Branch. The branch, consists of 8 regional specialists (GS-13)(1 per region), 2 senior specialists (GS-14), and a supervisor (GS-15) dedicated to PTC system certification and safety oversight. This group is augmented by a senior scientist (senior level (SL)/scientific (ST)) and senior electronics engineer (GS-15) as well as two senior signal engineers (GS-14) and contract engineer support as required.

The complexity and size of the railroad-specific safety plans to support the certification request are immense. The safety plan associated with the Electronic Train Management System, for example, a simpler predecessor system to the proposed I-ETMS system, contained more than 6,000 pages of highly technical information. FRA will receive 38 safety plans from the railroads, with some of equal or larger size. If these safety plans are received simultaneously, FRA staffing will not be able to process them concurrently. A best case scenario for the review process for a single plan would be 6 to 9 months. Although the railroads are working with FRA to coordinate these document reviews, this remains a new process with a scope not attempted previously by any of the participants—freight railroads, intercity passenger railroads, commuter railroads, and FRA.

FRA approval of the PTC Development Plans (PTCDP), a significantly simpler document, took nearly 18 months. The PTC Safety Plans (PTCSP) will be more complex and voluminous than the PTCDPs. The FRA review may result in changes in the PTCSPs as a result of design, hardware, or software issues that would prevent certification, making the timeline for approval uncertain. The potential result could be delays in some certifications and the ability of the affected railroads to use deployed PTC systems.

Although FRA support of the various railroads often provides a window into a railroad's progress, it by no means presents a complete picture of what is happening with a program or project. FRA support is usually requested when there are issues impeding progress. In situations where no FRA support is requested, FRA has only anecdotal evidence of progress, or lack thereof.

For regular, detailed, and unfiltered reporting on a railroad's progress with PTC system implementation, it would be necessary to embed a dedicated FRA PTC-qualified inspector into each railroad's development and deployment team on a full-time basis. With the complexity of PTC systems, multiple inspectors may be required. FRA has not requested additional staff or funding to provide this level of oversight as we believe it is currently not warranted based on the railroads' actions and would introduce a high degree of Federal intrusion on railroad and vendor autonomy.

- **QUESTION:** Beyond the rail and oil industries, what other industries has FRA consulted with, or does it plan to consult with, in its efforts to improve tank car safety?

  Mr. Szabo's Response: FRA's Office of Railroad Safety has regular interactions with all segments of the freight rail industry including the railroads, labor, shippers of hazardous materials, tank car manufacturers, tank car owners, and tank car inspection and repair facilities. These meetings are intended to both disseminate information related to our enforcement and regulatory objectives as well as understand the potential impacts of regulatory amendments and discuss non-regulatory measures to improve the safety of transportation of hazardous material by rail. For example, tank car manufacturers provided valuable insight relative to the possible design enhancements and retrofit options. They stressed the importance of developing a practical standard (one that will provide the needed improvements and can be built based on the current state of the manufacturing practices) as soon as possible to provide the certainty to make the needed investments in the next generation of tank cars. And in another example, ethanol shippers discussed preemptive actions taken to improve the safety in transporting denatured alcohol by rail, characterization sampling and testing to ensure accurate information is available for first responders, standard emergency response tactics, and training of emergency response trainers.

- **QUESTION**: What role does FRA play in ensuring Amtrak's compliance with historic preservation and tribal consultation requirements under Section 106 of the National Historic Preservation Act? Did FRA play any role in ensuring Amtrak's compliance with these requirements when PTC towers were installed?

  Mr. Szabo's Response: FRA is responsible for complying with Section 106 of the National Historic Preservation Act when providing grants to Amtrak. For these grants, FRA works with Amtrak to ensure the appropriate analysis and consultation consistent with the legal requirements of Section 106 is completed. This requirement would apply where the grant funds potential installation of any antennas required for PTC, but does not apply where antennas required for PTC are installed without grants from FRA.

From Senator Blunt:

- **QUESTION:** As you know, the rail car manufacturers were not present in the initial January meeting between the Secretary, the railroads, and the oil industry on tank car standard. What type of outreach is DOT doing to the manufacturing industry? How will the industry be involved in discussions and meetings going forward?

Mr. Szabo's Response: It is important to note that the meeting hosted by the Secretary was not to discuss tank car standards, but was for the purpose of discussing oil classification and testing, and railroad operating modifications. In addition, representatives of FRA's Office of Railroad Safety met with representatives of the Railway Supply Institute (RSI), an industry association representing most of the tank car manufacturers and owners, as well as the individual manufacturers. RSI discussed the industry's position on tank car design and retrofit options for existing tank cars. Individually, manufacturers discussed innovative design ideas intended to improve the crashworthiness of tank cars and survivability of tank cars in a pool fire. The industry clearly understands that the safety of transporting flammable liquid is currently a focus issue, but the industry also realizes that tank car enhancements must be designed with all specifications of tank cars in mind, understanding that all hazardous materials pose a risk to public safety and the environment.

Over the past 4 years, FRA's Tank Car Quality Assurance Team has audited all tank car manufacturing, inspection, and repair facilities. During these audits, FRA educated the facilities on how to meet the performance requirements, ensure the final product meets the specifications, identify non-conformances, and prevent reoccurrence of non-conformances.

The Secretary of Transportation issued a letter to Association of American Railroads (AAR) President and Chief Executive Officer Edward Hamburger urging the AAR's Tank Car Committee (TCC) to develop a consensus standard for the next generation general purpose tank car. The TCC comprises representatives of Class I, II, and III railroads; tank car manufacturers; and shippers. At the spring 2014 TCC meeting, AAR hosted a special session intended to develop the consensus standard. A consensus could not be reached.

The manufacturers, individually and in conjunction with the Railway Supply Institute, submitted comments to the docket for HM-251 (the DOT-111 tank car rule). Their comments were reviewed and closely considered relative to the Regulatory Impact Analysis and proposed regulatory amendments.

- **QUESTION:** Late February, Metrolink commuter railroad held a PTC media event in California concerning the status of PTC implementation. Would you please provide the Committee with an updated status report on Metrolink's implementation of PTC, including development of its dispatching system, its PTC back office system, and status of PTC revenue service runs across Metrolink territory.

  Mr. Szabo's Response: Metrolink continues to make significant progress towards the completion of PTC implementation, although they have encountered a number of technical and other obstacles that have precluded completion as originally planned. Perhaps the most significant impediment was the inability of the original dispatch system and back office system contractor, Aeronautical Radio Incorporated (ARINC), to deliver a functioning dispatch system as originally required. The lack of a functioning dispatch

system that could integrate with the PTC system components resulted in Metrolink's recently terminating ARINC for cause, and resulted in a 2-year delay in the program. Metrolink subsequently engaged Wabtec Corporation to develop the required dispatch and back office systems. Once completed, installed, and tested (which FRA believes will occur late in the second quarter of calendar year 2014 or early in the third quarter of calendar year 2014), Metrolink will be able to begin revenue demonstration operations on its own territory. Until the Metrolink dispatch and back office system is available, the railroad will be unable to conduct revenue demonstration operations on Metrolink territories.

As a risk mitigation measure, and in order to gain experience with the Interoperable Electronic Train Management System (I-ETMS), Metrolink began revenue demonstration operations over the BNSF Railway's (BNSF) San Bernardino subdivision on February 20, 2014, using one trainset and three trains per day. Metrolink experienced significant technical issues that necessitated placing the revenue demonstration on hold pending resolution of these issues. Engineering changes to address these issues were recently completed and successfully regression tested, with revenue demonstration on BNSF scheduled to recommence.

Assuming there are no additional major technical issues discovered during Metrolink's dispatch and back office systems testing, subsequent integration and revenue demonstration operations over Metrolink territories, or during system testing by Union Pacific Railroad (UP), Amtrak, and BNSF, FRA anticipates receipt of the system certification request from Metrolink for I-ETMS in the first quarter of calendar year 2015.

Metrolink has completed its PTC track database asset mapping and validation as well as wayside interface unit verification and validation. Metrolink has also completed roughly one-third of the required brake testing and is conducting Los Angeles regional communications network design and testing with UP; BNSF; Amtrak; PTC 220, LLC; Transportation Technology Center; and Meteorcomm Communications. The majority of the onboard system work has been completed on the rolling stock; however, additional hardware and software modifications will be required before the onboard systems will be fully completed. Employee training has also begun.

From Senator Ayotte:

- **QUESTION:** Recently, there have been significant public safety concerns raised in the New Hampshire towns of Newington, Stratham, Greenland, and the City of Portsmouth regarding a pending application from Sea-3, Inc. to expand its liquefied petroleum gas (LPG) facilities in Newington.

  These communities are concerned about the condition and safety of the Portsmouth and Newington Industrial Tracks, given the potential danger associated with using them to transport highly flammable material. Currently, Pan Am Railways operates 2-3 trains per week, each with 7-12 rail cars, which are only allowed to travel 10 miles per hour due to track conditions.

As you know, I recently sent a letter to you requesting that the FRA conduct an inspection of the Portsmouth and Newington Industrial Tracks, and that given the significant public safety concerns you or a representative from the FRA attend a public forum on track safety in our state.

Can you commit to me that you will conduct an inspection of these tracks? Are you willing to attend a public forum on track safety in New Hampshire?

Mr. Szabo's Response: On March 10, 2014, an FRA representative will attend a Newington town hall meeting in Newington, New Hampshire. At the meeting, the FRA representative will discuss when and how often the track and bridges are inspected, what is the current condition of the track, who owns the tank cars that the propane is moved in, and who checks the structural integrity.

Previously, on January 23, 2014, an FRA railroad safety inspector conducted an inspection of the Portsmouth Branch and Newington Industrial track identifying three noncomplying defects to the Track Safety Standards. The Portsmouth Branch and Newington Industrial track last underwent a Sperry rail test in August 2013.

During the week of April 28, 2014, the regional track safety specialist along with a railroad safety inspector will conduct a walking inspection of the entire Portsmouth Branch (10.5 miles), and the Newington Industrial track (3.7 miles). On May 14, 2014, the FRA Automated Track Inspection Program's track geometry car will conduct a field survey of the Portsmouth Branch and the Newington Industrial track.

From Senator Wicker:

- **QUESTION:** Mr. Szabo, there has been a significant increase in the number of rail accidents that have garnered media attention. I realize that a number of investigations are ongoing but have there been any overarching trends in the causes of these accidents? Also, what, if any, would the impact be of some of the legislative proposals before us today and those currently being considered by the Federal Railroad Administration? Proposals such as Positive Train Control and mandatory two man train crews?

  Mr. Szabo's Response: Media attention is a poor metric for determining overarching trends in rail safety. FRA certainly understands the media focus on incidents involving passenger trains or the transportation of crude oil by rail, given their potential to directly affect the general public. With that said, FRA routinely generates analysis of overarching trends in rail safety, and those trends indicate that rail continues to grow safer as a mode of transportation.

  Growing safer does not mean, however, that there is not room for continuous safety improvement. FRA depends on its analysis of trends in rail safety to identify where improvements can best be made. FRA continues to work to address the leading cause of deaths related to railroad operations, which is trespassing on railroad property; and the second-leading cause of deaths related to railroad operations, which is highway-rail grade

crossing incidents. Together, trespassing and grade crossing accidents account for more than 90 percent of all rail-related deaths. With respect to train accidents (i.e., rail equipment accidents/incidents that result in damage to railroad property in excess of the dollar reporting threshold and excluding highway-rail grade crossing accidents to avoid double-counting; e.g., derailments and train-to-train collisions), which have decreased by 48 percent in the last 10 years, the most common causes are human factors and track issues. FRA continues to work to address these issues. PTC systems will serve to prevent and reduce the risk of human factors train accidents and incidents. FRA is currently considering the safety effects of mandatory two person crews on certain trains. Meanwhile, FRA is conducting research on the detection of track defects and improving the Automated Track Inspection Program.

With respect to pending and potential legislative proposals, however, it would be inappropriate to comment on them in this forum. If you were to request a letter expressing the views of the Executive Branch on such legislation, FRA would gladly provide input.

From Senator Hoeven:

- **QUESTION:** The Federal Railroad Administration cites track and infrastructure failure as the second leading cause of train derailments in the United States. The incorrect interaction between moving vehicles and the track is a common cause of derailments. What research has your administration conducted to develop track inspection technologies, and what work are you doing to develop the next generation of rail defect prevention?

  Mr. Szabo's Response: FRA has conducted research and developed several new track inspection technologies including the following:

  a. Gage Restraining Measurement System: a train-based system to assess the performance of track components such as crossties and rail fasteners;
  b. Portable Track Loading Fixture: a handheld device to assess the performance of rail fasteners;
  c. Joint Bar Inspection System: a machine-vision system to detect rail joint bar defects and failures;
  d. Portable Ride Quality Measurement System: to identify locations of poor track quality;
  e. Autonomous Track Geometry Measurement System: an unmanned and cost effective way of assessing track quality over large rail networks;
  f. Ground Penetrating Radar: a system to detect poor track support conditions such as foul ballast and waterlogged foundation; and
  g. Rail Defect Inspection Systems.

  We have developed a rail defect measurement system that does not require contact with the rail. Compared to conventional systems, it can operate at higher speeds and is not adversely affected by rail surface condition.

Another rail defect inspection system we are developing will accurately measure the size of defects so the appropriate corrective action can be taken. The system uses the computed tomography (CT) scan technology used in the medical field.

- **QUESTION**: In addition, how will the focus of research conducted through the Automated Track Inspection Program (ATIP) evolve to develop technical solutions to types of derailments we have seen of late?

  Mr. Szabo's Response: Currently, FRA's Automated Track Inspection Program monitors track geometry by periodically collecting track data to confirm that the track conforms to certain requirements of the FRA Track Safety Standards. The vision for the future is to use Autonomous Track Geometry Measurement Systems (ATGMS) to survey more mileage at lower costs. In addition to determining defective conditions, the increased coverage would allow track trending analysis; then, a manned vehicle with the inspection systems described above could be scheduled to fully assess the track conditions. The information from ATGMS will be used for planning walking inspections and manned car inspections. The comprehensive information collected by the manned cars will be used by researchers to better understand the track behavior and, when warranted, will provide more guidelines to promote safety.

Attachment: "State Rail Safety Programs"

Committee on Transportation and Infrastructure
Subcommittee on Highways and Transit
Hearing on "Oversight of the U.S. Department of Transportation's Implementation of MAP-21 and Fiscal Year 2015 Budget Request for Surface Transportation"
March 12, 2014
Questions for the Record for Gregory G. Nadeau

Questions from Chairman Tom Petri:

1. For many highway projects, navigating the NEPA process is only the first step in the federal regulatory process. Often, a project sponsor will need a permit from a federal resource agency before construction can begin. These permitting requirements often take multiple years to complete, after the NEPA process is finished. The President's budget request recognized how problematic this is, and recommended the creation of an interagency permitting improvement center to streamline and reform the permitting and review process.

    - Why is this important, and what more can be done, by Congress and by your office, to improve coordination between Federal Highway Administration (FHWA) and the permitting agencies to cut back on this duplication of time and effort?

    As you point out, project construction often cannot begin until applicable permits are obtained, so additional time related to obtaining permits is required before project implementation can begin and the transportation benefits associated with the project can be achieved sooner. FHWA continues to expedite projects by improving interagency coordination via agreements, such as programmatic agreements supported by FHWA's Every Day Counts (EDC) initiative, and by participating in interagency project teams and committees, such as the Federal Infrastructure Permitting Improvement Steering Committee, the Transportation Rapid Response Team, and the Unified Federal Review for disaster recovery projects. Specific examples of improved coordination coming out of these efforts include the development of a Memorandum of Agreement between FHWA and the U.S. Coast Guard, and updates to the existing guidance on Environmental Review and U.S Army Corps of Engineers Section 404 permits.

2. FHWA's regulations governing categorical exclusions (CEs) include two lists-a "(c) list" for projects that almost never involve significant impacts to the environment and a "(d) list" for projects that may need additional documentation before moving forward. The Committee, however, has received reports from numerous state departments of transportation and metropolitan planning organizations expressing concern over FHWA's review for CEs. For example, one report indicated that for the construction of a pedestrian walkway-a "(c) list" activity under 23 CFR

771.117(c)(3)-FHWA required a noise study and 1,000 pages of documentation before the project was allowed to move to construction.

- Do you agree that this type of delay and paperwork is contrary to the intent of NEPA's CE process?

  FHWA strives to ensure the CE process can be concluded as efficiently as possible. Our experience indicates that CEs are generally completed in 6 months or less, and many are completed in just a few days. Most are undertaken by State departments of transportation under programmatic CE agreements. In some instances, additional time may be required to screen for potential environmental impacts to determine if a CE is appropriate. In addition, the CE process does not eliminate the need to address potentially controversial issues and to comply with other statutory and regulatory environmental permitting requirements such as Clean Water Act Permitting and Endangered Species Act compliance.

- What will you do to ensure that "(c) list" projects in the future will not be subjected to this type of delay?

  The FHWA rulemaking to implement section 1318 of MAP-21 will address "(c) list" CEs and provide guidance on the use and application of CEs. In particular, the rulemaking will address CE programmatic agreements that can provide for more national consistency in implementation. Other means of reducing delay are to ensure that other requirements are met as concurrently as possible. The additional time to meet those requirements has the effect of placing the CE on hold. However, when the requirements are successfully met, the process allows the use of the CE rather than expending the resources, including time, to conduct an environmental assessment or environmental impact statement.

  Additionally, through EDC, we continue to work with our partners to accelerate environmental review and permitting requirements, including expanding use of programmatic agreements. Our efforts are focused on improving the quality, effectiveness, and timeliness of preparing the environmental documents necessary to meet all our environmental permitting and review responsibilities. Importantly, our State and local partners are demonstrating that we can do so while enhancing positive and sustainable environmental outcomes.

3. Section 1318 of MAP-21 required U.S. Department of Transportation (U.S. DOT) to survey the states and propose new CEs. I know that U.S. DOT has completed the survey and released a proposed rule in September, but the comment period has been closed for approximately 4 months. When will the final rule be issued?

FHWA met the deadlines for the required survey. We are currently drafting the final rule and considering the many comments received on several aspects covered by this rule.

Question from Rep. Sam Graves:

1. As states continue to struggle with tight transportation budgets and the high costs of maintenance, are there tools or reforms ready to be implemented that could play a role in reducing project costs, like the use of life-cycle cost analysis, alternative design, or alternative bid? If they are not ready to be implemented nationwide, what barriers remain in the way of broader adoption?

   Yes, in fact, FHWA is promoting or advancing several initiatives, such as alternative technical concepts and life-cycle cost analysis tools, aimed at reducing overall project costs.

   In 2010, FHWA launched the Every Day Counts (EDC) initiative to expedite project delivery and to address the challenges presented by restricted public sector budgets. EDC encourages and supports State and local agencies in getting selected proven innovations into widespread use. Under EDC, FHWA has promoted innovative contracting methods, such as Design-Build, Construction Manager/General Contractor (CM/GC), and Alternative Technical Concepts, which often result in faster project delivery and reduced construction costs. While the use of each of these innovative contracting methods has increased, several States are not able to utilize these methods due to lack of authority under State or local law or regulation. Through EDC, we have also promoted other innovations aimed at expediting construction and reducing costs, such as Accelerated Bridge Construction, Intelligent Compaction, and 3D Engineered Models.

   In addition, FHWA issued a technical advisory in the fall of 2012 that called for Alternative Bidding for pavement type selection. This advisory has been instrumental in allowing States to increase the number of potential bidders on a project, as well as the final pavement type selection.

   With respect to life cycle cost analysis, FHWA has, for many years, been advancing project life cycle cost analysis as an effective decision making practice. Additionally, FHWA is currently conducting a pilot project with three States (MN, NY, and LA) to develop initial asset management plans which will serve as models to be studied or serve as examples by agencies responsible for managing highway infrastructure assets both at the State or local level. More information on this effort can be found on our webpage at: http://www.fhwa.dot.gov/asset/tamp/.

Questions from Rep. John Duncan:

1. MAP-21 included some streamlining provisions. One of them instituted fines for any agency that misses a deadline as part of the NEPA process. Have any of these fines been issued? If so, how often or how many?

   Each Federal agency of jurisdiction is responsible for rescinding its funds, and the agency's respective Office of Inspector General is required to report to Congress within 120 days after the end of the fiscal year during which a rescission occurred. FHWA is unaware of any rescission occurring to date. FHWA and FTA issued joint guidance on implementing this provision on March 28, 2014, and it is available at www.fhwa.dot.gov/map21.

2. In MAP-21, we increased the funding for the TIFIA program from $122 million a year to approximately $1 billion a year. Have applications for this funding increased? How much of the total $1.75 billion have gone out in loans?

   Prior to MAP-21, the TIFIA Program was vastly oversubscribed, with far more project sponsors seeking TIFIA credit assistance than TIFIA's budget authority could support. Demand for TIFIA assistance has stayed strong since the enactment of MAP-21. The Department has received 38 Letters of Interest for 39 projects seeking about $18.5 billion in TIFIA credit assistance to finance approximately $51.5 billion in infrastructure investment around the United States. The Department has developed a comprehensive and an efficient process to review requests for TIFIA credit assistance aimed at ensuring project eligibility and creditworthiness. Out of all submitted Letters of Interest, many have been approved or are in final approval stages, while others are undergoing creditworthiness reviews. Since the enactment of MAP-21, the Department has closed 15 loans and provided over $6 billion in credit assistance, stimulating more than $21 billion in additional infrastructure investment across the United States.

Questions from Rep. Grace Napolitano:

1. I would like clarification on the data which FHWA is using to assess bridge impacts in the ongoing Comprehensive Truck Size and Weight Study. It is my understanding that FHWA has indicated that the agency will use data on only 400 bridges, approximately 0.1 percent of the more than 600,000 bridges in the National Bridge Inventory. Is this accurate?

   In evaluating the study parameters identified in MAP-21, FHWA has determined that the most prudent approach that will produce the results required for this study is to employ the use of a representative sample of bridges and apply detailed structural analysis methods. This structural analysis entails detailed data analysis and modeling for each bridge type selected. For this study, we are analyzing more than 500 bridges. These bridges were selected from the National Bridge Inventory (NBI) based on bridge type, age, region of the country that they are located in, and other factors. As a point of

reference, as of December 2013, the NBI contains records on 607,751 highway structures. Of this amount, 155,171 are on the National Highway System (NHS) and/or the National Truck Network (NN).

In the analysis of the bridges included in the study, FHWA is using traffic volume information and vehicle classification and vehicle weight data reported annually to FHWA by the States through the Highway Performance Monitoring System (HPMS) to understand the "loadings" to which the bridge structures are being subjected. Additionally, detailed bridge models and data are used in the National Cooperative Highway Research Program (NCHRP) 12-78 project that produced NCHRP Report 700. The NCHRP Report 700 included an analysis of 1,500 bridges representing various material types and configurations using the AASHTOWare™VIRTIS© Model, which is the model being used to prepare this study. In order to complete the selection of bridges needed in the study, additional bridge models and data from a few States have been obtained to ensure a nationally representative set of bridge structures.

2. I also understand that the Study plans to limit the analysis to bridges located on three 'highway scenarios': 1) the Interstate system; 2) Primary Arterials; and 3) all other highways comprising the NHS and/or the National Truck Network. The omission of local roadway and bridge data will critically affect the Study's bridge analysis, as well as its pavement, safety and cost analyses. Can you please explain how looking at just 0.1 percent of the bridges from these three categories in the National Bridge Inventory provides an adequate representative sample for the Study to produce accurate and credible results?

The vast majority of truck travel occurs on the Interstate System, the National Highway System, and the National Truck Network—highway systems of Federal interest. The combination of this and the use of a representative sample of bridges for a detailed structural analysis are well suited to produce the results required for this study. However, we understand that trucks do not travel solely on these systems. Trucks use local roads to access fuel, food, lodging, and terminal locations for loading and unloading freight. In light of this, FHWA is analyzing a representative set of local roads to estimate the impacts of various truck weight limits that are being studied, as requested by Congress.

3. Is FHWA limiting its sample of bridges in order to complete the study on time? Has FHWA considered requesting an extension of the timeline to complete the study, in order to be able to provide Congress with a more reliable, more accurate result?

The approach we have developed to conduct this study takes into account the requirements of the law and will be based on a complete, objective, technical analysis of the study areas outlined by Congress, including impacts on bridges. FHWA intends to deliver the Report to Congress by the deadline specified in MAP-21 and does not envision requesting an extension at this time.

4. Our Nation is already facing unprecedented deficits and our infrastructure is in dire need of repairs to its roads and bridges. FHWA estimates that to eliminate the nation's bridge deficient backlog by 2028, we would need to invest $20.5 billion annually, while only $12.8 billion is being spent currently. Bigger, heavier trucks produce more roadway and bridge wear and compromise the infrastructure. How will the Study account for bridges already suffering stress, including those that are load-posted (weight limited) and the nearly one-quarter of bridges which are structurally deficient or functionally obsolete, and the proportion of bridges which may become so in the foreseeable future?

In determining the representative sample of bridges for this study, factors such as bridge type, age, and region were used. Although load posted, structurally deficient, and functionally obsolete bridges are not explicitly being considered, there are bridges with these characteristics that are accounted for within the representative sample. An estimate of how many bridges may need to be posted, strengthened or replaced is an important component of this study.

5. Several states currently allow heavier trucks than the Federal limit, and because of grandfather rights do not have to comply with the Federal bridge formula. In the study, is FHWA specifically looking at the impacts on bridge condition in states that have allowed the higher weight truck configurations that are being studied, and particularly those that violate the Bridge Formula?

FHWA is assessing the impacts that trucks operating under a grandfathered bridge formula allowance have on bridges. Under Section 32802 of MAP-21, FHWA must assess the impacts that trucks operating above current Federal truck size and weight limits have on highway safety, crash rates, pavement and bridge infrastructure, delivery and cost of effective enforcement activities, and on the operation of other modes. This provision also requires that a comparative assessment be conducted between trucks operating at or below current Federal truck size and weight limits versus those that operate above those limits. Trucks operating under an exemption of Federal limits or under a grandfathered right will be treated as trucks operating in excess of current Federal limits.

6. Will FHWA evaluate and update its estimates of the increased costs of infrastructure damage that heavier trucks cause, and their level of underpayment for such damage?

FHWA will include an evaluation of the infrastructure impacts of vehicles that operate with size and weight limits in excess of the Federal law and regulations, and the cost and benefits of the impacts in dollars. Assessments of underpayment or overpayment are not being performed for the purposes of this study; these types of calculations are performed within cost allocation studies. Section 32801 of MAP-21 requires that the impacts that vehicles that operate with size and weight limits in excess of the Federal truck size and weight limits be identified; the study will include this requirement.

Questions from Rep. Peter DeFazio:

1. Your written testimony described the steps the FHWA was taking to move toward a performance-based Federal highway program. This includes compilation on the agency's website of best practices from state and local governments relating to performance management. What best practices have you identified with respect to the utilization of project level life-cycle cost analysis as required under the state performance management provisions contained in MAP-21 §1106; 23 USC 119(e) and the bridge and pavement management provisions in MAP-21 §1203; 23 USC 150(c)(3)?

FHWA has several efforts underway that showcase best practices, including those with respect to project level life-cycle analysis, used by transportation agencies and planning organizations to effectively manage highway infrastructure condition. Many of these practices focus on how highway agencies have used sound asset management principles to make investment decisions to maintain and improve infrastructure assets. Three of these efforts that are related to the new performance requirements in MAP-21include:

Project Life-Cycle Cost Analysis Resources *- FHWA has, for many years, been advancing project life cycle cost analysis as an effective decision making practice. Our transportation performance management website provides resources available to State and local agencies to assist them in conducting project level life cycle costs analyses. These resources include summaries of several State DOT experiences in their application of these techniques to better inform infrastructure investment decision making. More information on this effort can be found at: http://www.fhwa.dot.gov/infrastructure/asstmgmt/lcca.cfm.*

Transportation Asset Management Plans Pilot Studies *- FHWA is currently conducting a pilot project with three States (MN, NY, LA) to develop initial asset management plans which will serve as models to be studied or serve as examples by agencies responsible for managing highway infrastructure assets both at the State or local level. The plans being developed in each of these three States consider the requirements outlined in 23 U.S.C. 119(e), including network level life cycle costs and risk management analysis. More information on this effort can be found at:*

http://www.fhwa.dot.gov/asset/tamp/.

Transportation Performance Management Noteworthy Practices *- FHWA has been routinely posting noteworthy practices on our transportation performance management website. These practices showcase what State and local agencies and planning organizations are doing today to integrate performance into their transportation decision making process and cover a wide range of topics and applications. More information on these noteworthy practices can be found at:*

http://www.fhwa.dot.gov/tpm/resources/noteworthy.cfm.

2. To what extent have states taken advantage of the higher federal share under section 120(c)(3) of title 23? What do you see as possible impediments to or causes of reluctance by states to the use of this authority? Could you please offer some

suggestions for what could be done in the reauthorization of MAP-21 to increase the use of these innovative practices?

Two States (Georgia and Michigan) have taken advantage of the 5 percent increase in Federal share for projects under 23 U.S.C. 120(c)(3). Reluctance of States to use this authority could be due, in part, to the limitation of the 5 percent increase in Federal share to the National Highway Performance Program (NHPP), Surface Transportation Program (STP), and Metropolitan Planning Program apportionments. Additionally, the 5 percent increase in Federal share payable on a project does not represent additional Federal funding, but an authorization for a State to utilize more of its current Federal dollars on an eligible project to reduce the non-Federal match required by 5 percent. While the non-Federal match required on an eligible project is reduced by 5 percent, the pool of Federal funds available to other project is also reduced. The authority provides additional flexibility to States in terms of financial and program management, but this flexibility may not be needed if sufficient funding is available for a State or local agency to cover the required non-Federal share of projects.

Committee on Transportation and Infrastructure
Subcommittee on Highways and Transit
Hearing on "Oversight of the U.S. Department of Transportation's Implementation of MAP-21 and Fiscal Year 2015 Budget Request for Surface Transportation"
March 12, 2014
Questions for the Record

Questions From Chairman Tom Petri:

1. In December 2012, I sent you a letter regarding household goods (HHG) movers and the manner in which they were regulated. Specifically, I wanted to emphasize that SAFETEA-LU specifically exempted from being considered a HHG motor carrier a carrier that simply transports goods in a container or trailer where the goods are loaded or unloaded by someone other than the carrier or agent of the carrier. Congress specifically did not want to regulate these types of container movements under the HHG regulations.

   In your timely response, you said that they applicability of the limited service exclusion (LSE) should be decided on a case by case basis weighing factors such as the relationship between a container company and the individuals or entity that loads and unloads the HHG, as well as the agency's definition of the term "agent" and "broker." You also mentioned that the agency anticipates issuing public guidance, which will outline the agency's position on the definition of "agent" in more detail.

   Please provide the Subcommittee with an update on your plans to issue guidance on the agency's definition of "agent." In addition, do you plan to alter the agency's definition of the term "broker" as it applies to HHG broker regulations? Are there any other anticipated regulatory actions you may be taking that would alter or change the manner in which the LSE is applied?

   FMCSA Response
   The Federal Motor Carrier Safety Administration (FMCSA) published a Federal Register (FR) notice on April 1, 2013 (78 FR 19568), to provide clarity on the LSE for HHG motor carriers and related registration requirements for brokers. We are providing a copy of the Federal Register notice with this response. Due to the varied nature of the moving industry, FMCSA concluded that an individual motor carrier's eligibility for the LSE will be based on a case-by-case analysis taking into account the entire relationship between the motor carrier and the individual that loads or unloads the HHG.

   In the FR notice, FMCSA used the commonly accepted definition of the term "agent" from Black's Law Dictionary, which defines an "agent" as "one who is authorized to act for or in place of another; a representative." The FR notice further quoted the Restatement Third's definition of Agency which provides that "[a]gency is the fiduciary relationship that arises when one person (a 'principal') manifests assent to another person (an 'agent') that the agent shall act on the principal's behalf and subject to the principal's control and the agent manifests assent or otherwise so consents to act." Ultimately, what

constitutes authority to act for or in place of another will depend upon the details and circumstances of the parties' relationship.

FMCSA has concluded that the aforementioned FR notice sufficiently provides the motor carrier and broker industry with FMCSA's guidance and interpretation of the applicability and appropriate use of the LSE.

In reference to the question of whether FMCSA plans to alter the definition of the term "broker" as it relates to the HHG broker regulations, FMCSA published an updated broker regulation on November 29, 2010 (75 FR 72987), titled "Brokers of Household Goods Transportation by Motor Vehicle." This FR notice specifically defined a "Household goods broker" as "a person, other than a motor carrier or an employee or bona fide agent of a motor carrier, that as a principal or agent sells, offers for sale, negotiates for, or holds itself out by solicitation, advertisement, or otherwise as selling, providing, or arranging for, transportation of household goods by motor carrier for compensation." The Agency subsequently concluded that the published definition is legally sufficient for future application as it relates to the LSE, and FMCSA has no plans to change the definition of "Broker" (49 CFR 371.2(a)) or "Household goods broker" (49 CFR 371.103) at this time.

As of today, there are no pending considerations or plans to pursue additional regulatory actions relating to the LSE.

2. In February 2014, the Government Accountability Office (GAO) issued a report on FMCSA's Compliance, Safety, Accountability program, better known as CSA A key component of CSA, the Safety Measurement System (SMS), was found to have serious flaws with both methodology and data quality. The GAO found that motor carrier violations, that FMCSA uses to calculate SMS scores, are not violated often enough to strongly associate them with future crash risk. In addition, most motor carriers lack sufficient safety performance data to ensure that FMCSA can reliably compare them to other motor carriers. The SMS scores are being used by the public and businesses to make safety-based decisions in the marketplace. If these scores are not reflective of a motor carrier's true crash risk, they may be doing more harm than good.

   - In light of these limitations, what action does FMCSA plan to take in order to correct the issues with program?
   - Has FMCSA publically responded to GAO's recommendations?

   FMCSA Response:
   FMCSA has significant concerns and unresolved disputes regarding GAO's findings and proposed metrics, and we provided this information to the GAO in our response to the report on April 4. GAO's illustrative methodology does not provide a data driven alternative to the prioritization of enforcement resources, and if implemented, would leave approximately 90 percent of the industry unregulated. A copy of our response to GAO is attached and provides several examples of our concerns with that alternative.

FMCSA's approach is to identify carriers with the highest risk of crashes and to intervene before a crash occurs. FMCSA and independent analysis by organizations such as the American Transportation Research Institute clearly show that SMS is reliable for its stated purpose – proactive resource prioritization. For example, on February 5, 2014, FMCSA and the Volpe Center released a peer reviewed study of the effectiveness of the SMS. The study concluded that:

- The carrier population identified by FMCSA as "High Risk" has more than twice the national average crash rate.
- SMS is prioritizing carriers with higher crash rates (79% higher) than active carriers not prioritized.
- FMCSA is more selective and effective when prioritizing smaller carriers.
    - Only 12% of small carriers are prioritized
    - Crash rates are 137% higher than those not prioritized
- SMS is optimizing resources and oversight with more stringent intervention thresholds for BASICs with the strongest correlation to crash risk.

FMCSA is continuously working to identify and evaluate changes that may improve CSA, SMS, and the identification of high-risk motor carriers. Several continuous improvement initiatives are currently underway including: enhancements to SMS display, a revised policy on adjudicated citations, and an assessment of CSA prioritization and intervention processes to ensure the program's continued effectiveness and efficiency. As part of our efforts, FMCSA will continue to evaluate and consider GAO's recommendations and suggestions, as appropriate. The Agency has been engaged in and remains committed to a collaborative, transparent, data-driven, and research-based process for changes to SMS.

3. On March 11, 2014, FMCSA submitted the report required by section 33014 of MAP-21 on the implementation of the hazardous materials safety permit (HMSP) program. Subsection (b) of section 33014 requires FMCSA to initiate a rulemaking that makes any necessary improvements to the HMSP program by October 1, 2014, or publish in the Federal Register the Secretary's justification for why a rulemaking is not necessary.

    - Will FMCSA initiate a rulemaking, which will implement the recommended improvements in the report before or on October 1, 2014?
    - The report states that implementing an enhanced HMSP program is contingent upon other FMCSA priorities, what are those priorities?
    - What improvements to the HMSP program can be made within FMCSA's existing authorities to provide relief to HMSP holders prior to initiating a rulemaking? If such improvements can be done with current FMCSA statutory authority, when does FMCSA anticipate implementing these interim improvements?

    <u>FMCSA Response</u>:

At this time, FMCSA is exploring options for implementing the recommendations for improving the HMSP program that will not require rulemaking. The Agency does not have the resources to promulgate a rule on this topic prior to October 1, 2014. However, in accordance with congressional direction, the Agency is currently developing a plan to implement the recommendations, focusing on the process of identifying those elements that can be achieved without a resource-intensive rulemaking during FY 2015. The Agency is developing a comprehensive implementation plan for the recommendations relating to the incorporation of current performance data as the primary means of monitoring carriers that have an HMSP once the permit is granted, rather than the current out-of-service rate checks during the renewal period. The full implementation plan and timeline will be submitted to Congress this summer.

4. In the fiscal year 2015 budget request, the President proposed consolidation of a number of existing programs and grants that would reduce the administrative burdens on our state partners. These program consolidations and grant streamlining would help states focus more resources into reducing crashes and fatalities involving motor carriers. Which programs or grants do you recommend consolidating?

   FMCSA Response:
   The Motor Carrier Safety Assistance Program (MCSAP) would be revised to include both the New Entrant and the Border Enforcement grant programs as a part of the MCSAP formula grant program. Separate funding would no longer be issued for these programs. Instead, the basic and incentive calculations would be adjusted to include factors for each State based the States' previous new entrant and border enforcement programs. If a border State did not include border enforcement efforts in its annual plan, funding would be adjusted accordingly. Additionally, this formula grant would include the Performance and Registration Information Systems Management program. The Safety Data Improvement Program would be discontinued and those activities would be eligible as a component of the High Priority grant program.

   Restructuring the MCSAP program to include these additional activities means that States would no longer be required to prepare and submit multiple applications for closely related commercial motor vehicle safety activities. Further, it would reduce the burden on the States for post-award grant management and would eliminate the need for multiple submissions of required documents and reports (e.g., grant agreements, amendments, vouchers for reimbursement, and quarterly performance and financial reports). FMCSA's experience has shown that State inspectors and other safety officials routinely perform activities under the MCSAP, New Entrant, and Border Enforcement programs in a single work day. Currently, the States have to closely monitor safety officials' time and allocate costs among multiple grant programs for reimbursement purposes. Combining the grant programs will reduce the amount of time and resources necessary for the State to voucher for reimbursement. Additionally, by reducing the number of active grants for each State, FMCSA can devote more of its grant management resources to effectiveness analysis and program improvement rather than to administrative tasks.

Questions From Rep. Sam Graves:

1: FMCSA is currently conducting a study on the minimum insurance requirements for trucking companies. It is my understanding that industry data shows approximately 99 percent of all truck accident settlements are under the current minimum insurance requirement. Given that information, it seems that the current standards are appropriate. Please provide an update on the status of this report and any details on the recommendations contained within it.

FMCSA Response:
Section 32104 of MAP-21 directed the Secretary to issue a report on the appropriateness of the current minimum financial responsibility requirements for motor carriers of property and passengers and the current bond and insurance requirements for freight forwarders and brokers. The due date was April 1, 2013, and every 4 years after. The report to Congress is in Departmental clearance, and FMCSA expects it to be transmitted to Congress by the end of April 2014.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Subcommittee on Highways and Transit

Hearing on "Oversight of the U.S. Department of Transportation's Implementation of MAP-21 and Fiscal Year 2015 Budget Request for Surface Transportation"

March 12, 2014

Questions for the Record

Questions from Rep. John Garamendi:

1. Do you agree that well planned transit-oriented development (TOD) provides an excellent opportunity for communities to maximize the return on investments in our transit system, from increased ridership to reduced congestion?

2. TOD helps communities think about how their collective transportation system can address both their transportation challenges as well as realize the economic development that comes from building a transit system. Would you agree?

> FTA Response to Questions 1 and 2: The benefits of transit-oriented development (TOD) have been studied thoroughly by the National Academy of Sciences' Transit Cooperative Research Program and many others. FTA agrees with the findings that TOD projects offer the potential to boost transit ridership, increase walking and bicycling activity, mitigate auto-oriented sprawl, reduce greenhouse gas emissions, support climate adaptation, accommodate economic growth and revitalization, and create interesting neighborhoods for work and living.

3. As the Federal Transit Administration continues to work on implementing MAP-21, it is critical for communities to be given access to the TOD pilot program included in legislation to help them improve planning around transit stations that lead to bigger returns for our transit investments. Administrator Rogoff said before the Senate Banking Committee that the notice of funding availability will be released this spring. Can you give me a more precise estimate of its release date?

> FTA Response to Question 3: FTA is working to implement the many new provisions of MAP-21, including the TOD Pilot Program. There is currently a total of $20 million available to distribute under the program from FY 2013 and FY 2014 appropriations. FTA expects to publish a Notice of Funding Availability in the *Federal Register* this spring, possibly by late May 2014.

QUESTIONS FOR THE RECORD
For the Honorable David J. Friedman, Acting Administrator
National Highway Traffic Safety Administration

March 12, 2014 Hearing on
"Oversight of the U.S. Department of Transportation's Implementation of MAP-21 and Fiscal Year 2015 Budget Request for Surface Transportation"

Committee on Transportation and Infrastructure
Subcommittee on Highways and Transit

Question from Chairman Bill Shuster:

1. *NHTSA has unfulfilled 2007 legislative requirements to produce and implement the Tire Fuel Efficiency Consumer Information Program (TFECIP). Despite publishing a proposed final rule in 2010, soliciting and analyzing comments and taking years to conclude work, the agency has failed to finalize the tire labeling requirement. Providing consumers of both commercial and personal use replacement tires with performance and potentially cost saving information is not only required by law, it would also drive more consumer choice and not be prescriptive or costly to implement and enforce. Why has NHTSA failed to complete this rule and what is the expected timeframe for doing so?*

   NHTSA published a final rule in 2010 establishing test methods that would be used for the new consumer information program. However, in order to provide NHTSA with the time needed to conduct additional consumer testing and resolve important issues raised by public comments on the proposal, the 2010 final rule did not specify the content or requirements of the consumer information and education portions. The agency has conducted additional consumer research and is in the process of drafting a supplemental notice of proposed rulemaking (SNPRM). NHTSA is working expeditiously to complete this rule.

Question from Chairman Tom Petri:

1. *Can you please provide the Subcommittee with an update on NHTSA's progress with the Class 7 and 8 commercial motor vehicle speed limiter rulemaking, which NHTSA initiated in 2010?*

   In response to a petition from the American Trucking Associations to initiate rulemaking to require manufacturers to limit the speed of heavy vehicles, NHTSA published a notice on January 3, 2011, granting the petition and announcing that the agency would initiate the rulemaking process with a notice of proposed rulemaking. Because this rulemaking would apply to many commercial vehicles that are regulated by the Federal Motor Carrier Safety Administration (FMCSA), NHTSA and FMCSA decided that the most effective approach to improve roadway safety would be to issue a joint rulemaking proposal that will include both a Federal motor vehicle safety standard and a Federal motor carrier safety regulation. Although developing a joint rulemaking has required additional time and coordination, we expect to issue this proposal this year.

Questions from Rep. John Duncan:

1. *In your testimony, you stated that, "motorcycle rider fatalities increased for the third consecutive year (7.1 percent increase over 2011). Ten times as many riders died not wearing a helmet in states without a universal helmet law than in states with such laws." In your opinion, what do you think caused this increase and do you have any recommendations on how we could reduce motorcycle fatalities?*

   Motorcycle safety is a continuing concern for NHTSA, and the general trend of increasing motorcycle fatalities over the past decade is particularly troubling. According to preliminary data from our Fatality Analysis Reporting System, from 2002 to 2012 motorcyclist fatalities increased by 51 percent. Motorcyclists experience higher safety risks than other motorists and are at a greater risk when a crash occurs. Less than one percent of motor vehicle crashes result in a fatality, but five percent of motorcycle crashes result in a fatality. While motorcyclists account for a small percentage of all registered vehicles (3%) and vehicle miles travelled (0.6%), they account for 14 percent of total traffic fatalities. In terms of vehicle miles traveled, motorcyclists are about thirty times more likely to die in a crash than passenger car occupants, and five times more likely to be injured.

   At no other point in history have there been as many registered motorcycles on America's roadways. Between 2001 and 2012, motorcycle registrations increased 72%, and now number well over 8.4 million. Fatalities are likely to continue as the economy improves and more motorists turn to motorcycles as a more fuel-efficient option (gasoline prices are one key driver of motorcycle usage).

   Of particular note is the risk faced by older motorcyclists. The 40 and older age group made up 56 percent of motorcycle fatalities in 2011 as compared to 44 percent in 2002. In 2011, the average age of motorcycle riders killed in crashes was 42 years.

   The agency is committed to improving motorcycle safety, including efforts to prevent crashes as well as efforts to reduce injuries when crashes occur. NHTSA has long been active in research and the development of programs and strategies to improve motorcycle safety. NHTSA provides educational materials and offers a range of training resources to assist States with their motorcyclist safety programs. NHTSA also conducts research on issues such as motorcycle crash causation and the effectiveness of motorcycle safety countermeasures.

   According to the National Occupant Protection Use Survey, use of DOT-compliant motorcycle helmets decreased to 60 percent in 2012 from 66 percent in 2011. Evaluations of available countermeasures repeatedly confirm that the single most effective strategy to reduce motorcycle fatalities is by increasing the use of motorcycle helmets meeting the requirements set by Federal Motor Vehicle Safety Standard (FMVSS) No. 218. Our analyses indicate that helmets complying with these safety standards reduce the probability of death by 37 percent for motorcycle operators and 41 percent for motorcycle passengers. No other safety countermeasure offers this level of effectiveness for reducing motorcyclist deaths.

While only 19 States currently mandate helmet usage for all riders, NHTSA remains committed to finding ways to encourage riders to wear DOT-compliant helmets. Helmet use continues to be significantly higher in States that require all motorcyclists to be helmeted than in other States. NHTSA is currently supporting a pilot project in Florida (a non-universal helmet law state) to develop strategies to encourage voluntary helmet use among riders. Improved labeling on helmets, required by NHTSA in a 2011 rulemaking, will also help reduce the proliferation of non-compliant "novelty" helmets that provide no safety benefit in a crash.

Vehicle-to-Vehicle (V2V) communication technologies also offer a potential way to improve motorcycle safety. V2V communications is the dynamic wireless exchange of generic safety data between nearby vehicles that offers the opportunity for significant safety improvements. By exchanging vehicle-based data regarding position, speed, and location, V2V communications enable a vehicle to have a 360° awareness of the position of other vehicles on the road. V2V applications calculate the risk posed by nearby vehicles and provide driver advisories or warnings to help enable drivers to take pre-emptive actions to avoid and mitigate crashes. If motorcycles were equipped with V2V communication technologies, they would be more conspicuous to drivers of other vehicles equipped with similar technologies. V2V technology could help prevent some crashes involving motorcycles by helping other vehicles sense an impending collision and issuing a crash warning.

Motorcycle safety is a top priority for NHTSA, and the agency plans to continue to its efforts to reduce deaths and injuries in motorcycle crashes.

Committee on Transportation and Infrastructure
Subcommittee on Highways and Transit
Hearing on "Oversight of the U.S. Department of Transportation's Implementation of MAP-21 and Fiscal Year 2015 Budget Request for Surface Transportation"
March 12, 2014
Question for the Record for Peter M. Rogoff

Question from Ranking Member Norton:

Mr. Rogoff, this Committee has long been interested in ensuring that there is a level playing field for small business enterprises owned by women or minorities to compete for Department of Transportation contracts. To this end, Congress has statutorily authorized the U.S. Department of Transportation's Disadvantaged Business Enterprises program in every surface transportation bill since the Surface Transportation Assistance Act of 1982. The purpose of these provisions was to remedy past and current discrimination against minority and women-owned small businesses, and to ensure that they are provided equal opportunity to compete for DOT-assisted highways and public transportation projects. Please submit any information and evidence the Department has complied showing that race or gender discrimination continues to affect the highway and transit construction industry and related businesses?

A. Over the past several decades, the Department of Transportation and other federal agencies have submitted similar disparity and other studies to Congress on which Congress has relied in part to find that there is a compelling need to authorize the Department of Transportation to create and to maintain its Disadvantaged Business Enterprise (DBE) Program. Unfortunately, as demonstrated by numerous more recent studies and data, including those attached, although significant progress has occurred due to the enactment of the DBE program, discrimination remains a significant barrier for minority- and women-owned businesses seeking to do business in highway and transit-related markets.

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QUESTIONS FOR THE RECORD
For the Honorable David J. Friedman, Acting Administrator
National Highway Traffic Safety Administration

April 1, 2014 Hearing on
"The GM Ignition Switch Recall: Why Did It Take So Long?"

Committee on Energy and Commerce
Subcommittee on Oversight and Investigations

Questions from the Honorable Tim Murphy:

1. *In April 2009, NHTSA conducted a Special Crash Investigation (SCI) of a fatal accident in Pennsylvania involving a Cobalt. In that crash, the airbags failed to deploy and the vehicle was found in the accessory position. Unlike previous crashes investigated by SCI, this accident did not involve an off-road incident.*

    a. *In light of previous Special Crash reports [sic] had also noted the ignition was in "accessory" and the airbags failed to deploy - and the 2007 proposal to open an investigation that NHTSA ultimately rejected- did NHTSA do anything to follow-up on this SCI investigation? Did it request any information from GM?*

    NHTSA is currently conducting an internal due diligence review with the Office of the Secretary of Transportation. Based on those efforts to date, the SCI report was reviewed by the NHTSA Office of Defects Investigation (ODI), but our review has found no documentation of further follow up of the SCI report. The absence of additional documentation in the SCI files was expected because SCI's routine procedure to assure cooperation with crash victims and witnesses is not to retain any records related to an investigation following publication of a final report. Our review has also found no record that NHTSA spoke with or contacted GM regarding the 2009 Pennsylvania crash.

    b. *Can you confirm today that this report was shared with the Office of Defects Investigation?*

    Yes. The SCI report was reviewed in 2010 by ODI staff.

    c. *Did NHTSA reach a conclusion as to why the airbags failed to deploy in this tragic accident? If not, why not?*

    As indicated above, NHTSA is currently conducting an internal due diligence review with the Office of the Secretary of Transportation. NHTSA's review has found no records indicating that a conclusion beyond that expressed in the SCI report was reached by either SCI or ODI.

NHTSA continually seeks new ways to improve our processes. As noted above, we are reviewing the events leading up to this recall to see if there are areas that can be improved. As part of that effort we are considering ways to improve the use of crash investigations in identifying defects.

d. Was this accident included in early warning report data provided by GM?

GM did not include the crash in their early warning reporting data. GM is required to report a "claim" or a "notice" of a death or injury. A claim is defined at 49 C.F.R. Part 579.4 as "a written request or written demand for relief … related to a motor vehicle crash …" A notice is defined as "a document, other than a media article, that does not include a demand for relief, and that a manufacturer receives from a person other than NHTSA." Not every crash results in a claim against, or notice to, a manufacturer. While GM often reports death and injury incidents beyond the minimum requirement, in this case it did not.

e. If not, did NHTSA inquire why it was not included in GM's early warning report data?

There is no record of NHTSA asking GM about this issue prior to 2014. Reportable death and injury incidents are claims against, or notices to, a manufacturer stemming from an injury or a death. Not every crash results in a claim against, or notice to a manufacturer. EWR death and injury claims are not and were never intended to represent a census of all severe incidents occurring on the road.

2. *Did NHTSA ever ask GM to provide any follow-up information about the crashes studied in the Special Crash Investigations?*

NHTSA asked for more information on the Maryland and Wisconsin SCI crashes via a death and injury request letter after those crashes were reported in GM's early warning reporting submissions.

3. *When considering a possible investigation in 2007- did NHTSA ask GM for its service information so it knew how its airbags worked?*

We have not identified any formal or written requests for information submitted to GM in connection with the 2007 evaluation of the Cobalt and Ion vehicles. However, as the committee is already aware, there were informal discussions between NHTSA and GM's safety office staff in early 2007 concerning the air bag system performance in the Maryland crash. Knowledge of these discussions was provided by staff and former staff recalling information from seven years ago. It appears that during those discussions GM responded to NHTSA's concerns that there was an air bag system performance problem by stating instead that they did not see any indications that the air bag system performed improperly. Despite GM's position on this matter, the issue was referred to an ODI panel to consider whether or not to open an investigation.

We have no indication that NHTSA sought the service information from GM in 2007. However, we have since reviewed the service information for the Cobalt and it warns those servicing the vehicles not to attempt to service the air bags for up to 60 seconds after de-powering the vehicle because of the hazard of the bags possibly deploying. Information available to emergency responders concerning these vehicles contained a similar warning. This information is consistent with NHTSA's understanding, at the time, of how the reserve power would have been present to ensure air bag deployment even after loss of engine power. However, if NHTSA had suspected that the ignition switch position could play a role in air bag deployment, we would not have relied on service information. To understand the details of how an air bag system worked, we would speak with the design engineers and obtain their perspective and input.

4. *Was NHTSA aware of GM's 2005 and 2006 Technical Service Bulletins related to "low ignition key cylinder torque/effort?"*

    a. *At the time, did the agency take any steps to review the underlying problem and GM's proposed solution?*

        Manufacturers must provide NHTSA with all technical service bulletins, and NHTSA reviews all that it receives for safety issues. GM's 2005 and 2006 technical service bulletins about the ignition switch did not contain information about a link between switch position and air bag deployment. NHTSA is currently conducting an internal due diligence review with the Office of the Secretary of Transportation. We have not uncovered any evidence in NHTSA's records suggesting that NHTSA followed up with GM or conducted any activity regarding these bulletins.

    b. *On its own, does NHTSA consider a low torque ignition switch to be a safety defect?*

        Yes. The answer to this question differs from what it would have been in 2007, at which time NHTSA did not have an understanding or notification of the effect of ignition switch position on air bag deployment in some vehicles. In 2007, a low detent torque ignition switch condition leading to stalls was viewed as a vehicle stall consequence (occurring coincident with external vehicle disturbance) with immediate restart capability, which would have been deemed as a lower hazard level stall (as opposed to a stalling hazard where restart was not possible, especially in those situations where the stalled/stopped vehicle would be in proximity to other vehicles moving at high speed). These and other stall-related concerns were pursued by NHTSA, leading to 42 stalling investigations resulting in 31 recalls involving 5.1 million vehicles from 2004 through 2013.

    c. *Is NHTSA aware of any accidents that were caused by inadvertent key rotation in GM vehicles?*

With regard to those crashes NHTSA has investigated involving GM vehicles, we are not aware of any where the defect ignition switch caused the accident (as opposed to being the likely cause of air bag non-deployment). We are aware that, at least since the 2014 recall, some have alleged that crashes may have been caused by that condition due to its effects on steering or braking. Of course, the recalls that are underway will remedy the condition so that, whether the concern is air bag non-deployment or a possible reduction in braking or steering capability, the recall should address the concern.

As of March 7, 2014, NHTSA found in its database 317 complaints with stalling related keywords in the summary description for Model Years 2003 to 2007 vehicles recalled under NHTSA Recall 14V-047 (Ion, Cobalt, HHR, etc.). In those 317 complaints, eight are marked for a crash. None of the 8 crash complaints cite or allege that the ignition switch was the cause of, or related to the stall. Further, one of the eight crash complaints does not involve a stall; three appear to be a generic engine system problem as the cause of the stall; and four are ambiguous as to the cause of the stall.

d. In NHTSA's opinion, is this an airbag recall or an ignition switch recall?

GM's recalls are for defects in the ignition switch and ignition cylinder, but the hazard identified by GM for those defects is air bag non-deployment. Of course, the recalls that are underway will remedy the condition so that, whether the concern is air bag non-deployment or any other condition resulting from an inadvertent key off condition, the recall should address the concern.

5. *In general, how frequently does NHTSA request additional information from manufacturers based on death and injury reports?*

a. Is this information effective? If so, how? If not, why not?

NHTSA receives about 1,500 death and injury reports each quarter from manufacturers, and NHTSA requests additional information on about 150 per quarter. Yes, this information is helpful and, in some cases, provides NHTSA with an additional facet of information to analyze in combination with all other data sources to make a judgment about the possibility of a safety defect.

6. *Since 2001, how many investigations has NHTSA conducted involving non-deployment of airbags in frontal impact crashes? Please provide details of these investigations including but not limited to the vehicles involved, the timing and outcome of the investigation.*

a. In that same time period, how many investigations has NHTSA conducted involving unwanted deployment of airbags? Please provide details of these investigations including but not limited to the vehicles involved, the timing and outcome of the investigation.

Since 2001, NHTSA has conducted 21 investigations involving non-deployment of a frontal air bag and 16 investigations involving inadvertent deployment of a frontal air bag. The following tables provide investigation numbers and whether the investigation resulted in a recall.

Frontal Air Bag Non-deployment Investigations (2001-2013)

Investigation Number	Investigation Resulted in Recall(s)?
SQ01-015	
EA02-009	
EA02-010	
EA02-020	Yes
PE02-022	
PE02-038	
EA03-010	
EA03-020	
PE03-002	
EA04-013	Yes
PE04-053	Yes
RQ04-001	
PE05-061	
EA06-003	Yes
PE07-045	
EA08-001	Yes
EA08-012	Yes
EA09-017	Yes
PE09-034	
RQ09-003	Yes
PE11-019	Yes

Frontal Air Bag Inadvertent Deployment Investigations (2001-2013)

Investigation Number	Investigation Resulted in Recall(s)?
PE01-018	
EA02-008	Yes
PE02-010	
PE02-026	
RQ02-004	
PE04-076	
PE08-017	
PE09-046	
EA10-001	
PE11-035	
EA12-001	Yes
PE12-023	
PE13-020	Yes
RQ13-002	
PE01-018	Yes
EA02-008	Yes

The investigation files are available via NHTSA's website at: http://www-odi.nhtsa.dot.gov/owners/SearchSafetyIssues. Select "ID Number" and check "Investigations." Enter associated investigation number in the box and press "Go."

7. *How does NHTSA's new software improve the agency's ability to track and identify defects?*

   NHTSA acquired the IBM software in fiscal year 2012. NHTSA purchased four software packages including Cognos Business Intelligence, ICA Content Analytics, Advanced Case Manager, and SPSS predictive analytics. The new software will enable NHTSA to fuse data across the Office of Defects Investigation, providing faster, more consistent, more relevant, and more accessible results to data calls. It will also provide for the first time alerts to staff based on predefined business rules. These alerts can rely on multiple data sets rather than just one. Cognos and ICA were implemented in initial capability in the third quarter of fiscal year 2012. Plans are underway for fuller implementation of each portion of the IBM software by the end fiscal year 2015.

   a. *Has NHTSA initiated a recall as a result of the information presented by this software?*

      No. The software is at an initial operational capability and is in limited use by the Defects Assessment staff as a supplement. It has been used primarily to demonstrate broader trends to put the daily complaint reviews in perspective.

   b. *Has the agency been able to quantity its benefits, to date?*

      The software has not been used broadly to demonstrate an impact on regular business processes. IBM Cognos, the business intelligence package, furnishes regular reports and complaint rankings on demand that formerly required hours to create. IBM Content Analytics, the search package, has allowed us to conduct specialized searches over a decade's worth of complaints for topics not readily found by filtering on component codes or using simple Boolean keyword searches.

   c. *What is NHTSA doing to improve its ability to leverage the capabilities of this technology?*

      NHTSA is working on two essential elements needed to fully exploit the IBM software: construct a proper operational data store that will allow it to fuse data collected across all of the agency's business lines; and, continue requirements-capture and implementation to absorb more business processes into the software.

8. *Is the warranty information currently provided to NHTSA through early warning reports valuable to the agency's safety mission?*

   Yes, this aggregate information is helpful and, in some cases, provides NHTSA with an additional facet of information to analyze in combination with all other data sources to make a judgment about the possibility of a safety defect.

a. *How frequently does the agency initiate investigation based on the warranty data provided by the manufacturers?*

Since 2004, there were16 cases in which warranty claim data was used in the agency's defect trend analysis to open an investigation. Additionally, warranty claim data is frequently used in the course of other agency investigations.

b. *If NHTSA received every specific warranty claim received by manufacturers, how would the agency process this information?*

NHTSA obtains warranty claims if it believes they would shed light on an issue. In our judgment, it would not be helpful to receive "all" warranty data from a manufacturer, as such a large volume of data contains data that has no safety relevance, such as data relating to radios, paint and upholstery. Presently, NHTSA requests that the manufacturer provide underlying information if the agency's analysis indicates a possible problem. However, if a manufacturer were to provide all warranty claims to NHTSA, the agency would have to create a digital database to store all warranty claim information and take sufficient steps to enter all the information or establish a requirement for industry to submit the information in a standard electronic format. If a problem were indicated by the counts, the agency would then need to access its database rather than requesting that the manufacturer send the claims to NHTSA. There would be little to no value in having staff read every warranty claim, even if NHTSA could sort the claims preliminarily to exclude those that are not safety-related (e.g., audio systems, paint, etc.) because NHTSA's current methods to analyze warranty claims detect problem areas more efficiently.

i. *Does the agency have the IT infrastructure to manage this volume of information?*

No. NHTSA would need to conduct an analysis to determine the technical specifications for an appropriate system. It is likely that new information technology resources would have to be added to NHTSA's data warehouse and analysis systems. The agency's IBM software would also require additional configuration to accommodate the volume of data. The agency also does not have sufficient personnel at present to manage this volume of information.

ii. *Would it be of any use to the agency or would it potentially have the adverse effect of drowning investigators in information?*

In most cases, NHTSA would likely continue to analyze warranty claims using the agency's current methods, so having manufacturers provide all warranty claims would have little direct impact on the agency's safety defect investigations. However, it would provide a burden on NHTSA resources to create the infrastructure needed to input and maintain the

additional warranty claim data. NHTSA currently lacks the resources to do this without cutting back on some other work within the Office of Defects Investigation.

9. *NHTSA has unfulfilled 2007 legislative requirements to produce and implement the Tire Fuel Efficiency Consumer Information Program (TECIP). Despite publishing a proposed final rule in 2010, soliciting and analyzing comments and taking years to conclude work, the agency has failed to finalize the tire labeling requirement. It is my understanding that NHTSA is now drafting a supplemental notice of proposed rulemaking (SNPRM). Please answer whether NHTSA has completed the data gathering and research phase of the rulemaking, and when the supplemental rulemaking will be completed and published.*

    a. *Does NHTSA intend to allow for a public comment period, and if so, for how long?*

    NHTSA published a final rule in 2010 establishing test methods that would be used for the new consumer information program on tire fuel efficiency. However, in order to provide NHTSA with the time needed to conduct additional consumer testing to evaluate the most effective format in which to provide the information provided and to resolve important issues raised by public comments on the proposal, the 2010 final rule did not specify the content or requirements of the consumer information and education portions. The agency has conducted additional consumer research and is in the process of drafting a supplemental notice (SNPRM), which would have the typical 60-day comment period.

    b. *Finally, does NHTSA intend to conduct any pilot programs for evaluating the results of a tire rating label?*

    As discussed above, we have done consumer research on the label. NHTSA also conducts evaluations of the effectiveness of its consumer-oriented regulations, such as bumpers, theft protection, fuel economy and the New Car Assessment Program (NCAP) on a periodic basis. The TECIP would be a candidate for such evaluation once sufficient time has passed after implementation of the final rule.

Questions from the Honorable Henry A. Waxman:

1. *With passage of the TREAD Act, Congress acknowledged that NHTSA was underfunded and understaffed. NHTSA also needed additional staffing resources in order to implement the Act and establish the Early Warning Reporting system. In 2001, NHTSA' Office of Defects Investigation (ODI) had 52 employees; in 2002, that number increased to 59, and yet now, ODI has one fewer employee than when the TREAD Act passed A recent headline for a Bloomberg News article was: "Auto Regulator Has 51 People Tracking 250 Million Cars." ODI is funded at $10.6 million and the Department of Transportation has requested no increase in FY 2015. I understand that NHTSA has many important*

functions. But 51 staff members is low particularly when only a portion of those 51 are investigators.

a. *Please indicate that different offices or divisions composing ODI and state the role of each of its employees.*

   Please see the attached document that details the functions of each ODI division and the role of each of its employees.

b. *For a short time, in FY 2002, ODI had as many as 59 employees. Please detail what ODI could do in FY 2015 if it added ten more individuals to its current staff of 51 employees.*

   With an additional ten individuals, ODI would add three additional defect screeners to the Defects Assessment Division, two investigators to the Vehicle Integrity Division, three investigators to the Vehicle Control Division, one analyst to the Early Warning Division, and add a new position for a dedicated records manager to alleviate the burden of records management from the investigative staff, allowing them to focus more time on mission critical tasks.

c. *As cars have grown in complexity, has NHTSA added staff who understands these advances? How many electrical and software engineers does NHTSA employ?*

   The agency has a diverse and experienced workforce with extensive experience in automobile safety, including experts conducting defects investigations and experts researching and testing vehicle safety at NHTSA's Vehicle Research and Test Center. NHTSA currently has a total of 17 electrical, electronics and software engineers on staff. NHTSA continually assesses ODI's needs to determine what additional staff with expertise in electrical and software engineering or other areas of specialization are needed. In addition, ODI also obtains resources from outside the agency in specialized fields of expertise to ensure that its analyses are thorough and comprehensive, when such a course of action is necessary.

While ODI uses a variety of data sources to determine whether a safety-related defect may exist or that an issue may warrant further scrutiny, ODI officials have indicated in bipartisan briefings with Committee staff that the information provided by consumers to NHTSA's consumer complaints database plays a particularly important role. In response to member questioning at the Subcommittee hearing on April 1, 2014, you stated: "Right now, we've got 45,000 complaints. I'd like to see that number get up to 50,000; 60,000; 75,000 complaints relative to safety issues so that we can have more information to be able to track down these problems."

d. *It is my understanding that the NHTSA consumer complaint database represents a sample; i.e. there are many incidents that might involve a potential safety-related defect that are not reported by consumers to the agency. Is that correct?*

Yes, this is correct.

e. *Please discuss the benefits of an increase in the number of consumer complaints submitted to NHTSA. If NHTSA's consumer complaint database included 75,000 complaints relevant to safety issues, what are likely ways that this development might aid NHTSA in its safety mission?*

Consumers file complaints with NHTSA for a variety of reasons, only some of which are safety- related or useful to screening and investigations. More safety-related complaints would provide better trend information, more opportunities to find clear defects, and better insight into emerging vehicle safety issues. More safety-related complaints could also indicate that consumers are more aware of NHTSA's role in defects investigations and therefore more likely to report problems to us in addition to reporting them to automakers.

f. *Does NHTSA receive more or fewer potentially safety-related consumer complaints, on a per-model basis, when compared to auto dealers and manufacturers? What is the ratio of complaints to manufacturers compared to complaints to NHTSA?*

NHTSA does not collect or maintain statistics comparing complaint rates it receives with rates received by auto dealers and manufacturers. However, based on EWR complaint data and experience from defect investigations, manufacturers usually receive significantly more complaints than NHTSA. The ratios vary and may be influenced by several factors, such as: the manufacturer, vehicle type and brand, the type of defect condition, the perceived safety risk, and vehicle age.

g. *Please identify at least the three most consequential steps the agency would need to take to accomplish the goal of substantially increasing the number of consumer complaints in NHTSA's database, and indicate what resources would be necessary to carry out these efforts.*

To accomplish the goal of substantially increasing the number of consumer complaints in NHTSA's database, NHTSA will first increase its outreach to consumers. NHTSA will launch a new outreach campaign in late fiscal year 2014 to increase awareness about ODI to consumers. Another part of this effort is to complete the MAP-21 requirement to promote vehicle defect reporting by requiring a label in the glove compartment or other readily accessible location that provides information about how to submit a complaint to NHTSA. However, even though every owner's manual already contains information on how to file complaints with NHTSA, focus group results show that consumers are unaware of the resources that NHTSA and its ODI provide to the public in keeping the nation's roadways safe. Generally, consumers do not know that they can file complaints about vehicle safety issues that could potentially lead to vehicle recalls. The resources needed to carry out this effort include contractor support,

television and radio announcements, additional outreach materials, and partnership engagement with automotive and consumer safety organizations.

Second, NHTSA will update its website and mobile application to create a robust medium to communicate important vehicle safety information with consumers. This effort will require information technology contractor support, including three additional contractors to expedite enhancements and maintain ODI's website, mobile app and intranet applications.

Third, NHTSA will revise its vehicle owner questionnaire to provide a simple, user-friendly format for consumers to easily file complaints. This effort will require information technology contractor support.

h. *Please indicate specific ways in which NHTSA can improve the analysis of information in its consumer complaints database.*

NHTSA's adoption of the IBM software is improving its ability to search specific complaint topics and to display broader complaint trends quickly and consistently. Next steps are spread across three packages and the general area of data management.

The next major step to improving the utility of the complaint database is to utilize the IBM software to fuse complaints with information from other data sources. For example, a consumer complaint may correspond to an EWR Field Report, D&I claim, or SCI / NASS case. The IBM software (Cognos) and related operational data store would cross-reference these separate areas to add more detail to that one complaint. This functionality would be married (drill-through capability) to the existing reports that show problem rankings. In essence, 15 – 30 minutes of searching and documentation would be replaced with an on-demand concise report. ODI has built the needed operational data store to achieve this. The next step is to establish the needed business rules to define relationships among the data sets and to proof out sample reports.

Coupling the above approach with Advanced Case Manager (ACM) will marry complaint and related incident data to ODI decision-making / screening / investigative history, assuring a consistent, data-driven approach. ACM still requires more implementation and detailed requirements capture for deployment. When deployed, ACM will improve documentation of screening work and improve cooperation across lines of business.

To take the IBM software beyond the basic functionality in place, further refinement of the data elements and available collections, and implementation of custom dictionaries are needed (e.g., is the mist an oil leak or weather condition?)

None of these tools require advanced database skills, meaning that they will offer fast, consistent command of the right information at the analyst level freeing our screeners and investigators to focus on incident follow-up /research.

Taken as a whole, this suite of tools is expected to fuse data and decision-making effectively from across the organization to enable us to move quickly and accountably, and to allow our screening and investigative staff to focus on their fields of expertise rather than managing data.

Relatedly, I understand that NHTSA's Crash Investigation Division (CID), which oversees the Special Crash Investigations (SCI) commissioned by the agency, has a staff of nine people. SCI reports for crashes in 2005, 2006, and 2009 provided NHTSA with the first detailed information on crashes involving what would later be determined as the General Motors (GM) ignition switch/air bag non-deployment defect. At the time, the investigations focused on the non-deployment of air bags, and could not conclusively identify the position of the ignition switch as the likely cause of the crashes that were investigated.

i. *Please provide a table showing the total number of Special Crash Investigations undertaken each year from 2000 to 2013.*

Special Crash Investigation Cases 2000-2013
Total Number of Cases Assigned

Year	**Total**
2000	**124**
2001	**118**
2002	**131**
2003	**180**
2004	**202**
2005	**294**
2006	**120**
2007	**126**
2008	**156**
2009	**166**
2010	**109**
2011	**102**
2012	**128**
2013	**93**
Total	**2049**

SCI cases vary year to year due to several factors. Namely, Agency priorities dictate the types of cases that are investigated by SCI. SCI is not a census type

program; its yearly cases reflect the specific requests from various NHTSA Offices. Therefore the number of investigations varies from year to year.

Additionally, the types of cases play a major role in the number of cases that can be investigated. As an example, motorcoach crashes require significantly more resources to investigate than a single vehicle crash. To further account for the fluctuation, SCI periodically conducts special study-type investigations that have a specific time-sensitive focal area and are typically not counted in SCI full crash investigation case numbers. For example, in 2013, SCI conducted an increased number of special study-type cases on heavy truck crashworthiness so that the Agency could provide a report to Congress. SCI completed 88 such special study-type cases, but these cases were not counted in our overall total of full investigation cases.

j. Please detail the impact on NHTSA's safety mission of a funding boost allowing for a 25% increase in the number of Special Crash Investigations undertaken annually. Would such an increase provide a greater body of evidence for NHTSA to draw on when determining that a safety-related defect may exist or that a particular issue at least warrants further scrutiny? Please explain what NIITSA capabilities would be enhanced by such a change and address whether it could help speed NHTSA's identification of defects.

The SCI program supports the agency by providing topical in-depth crash data to support our Research Office, Rulemaking Office, Traffic Injury Control programs, as well as immediate response to requests from ODI. Currently, the SCI program budget ($1.7M) is sufficient to support approximately 130 in-depth investigations from professional crash investigators each year.

An increase in the SCI budget of 25% could potentially allow for up to 20-25 additional in-depth SCI cases per year to support various agency needs and would also help defray the rising costs in collection and help keep the investigators equipped with the most up-to-date equipment.

With increased funding SCI would certainly continue to investigate certain crashes of interest to ODI. However, SCI would still be just one of many sources that ODI could use to look for trends that warrant a vehicle safety investigation or recall.

In your testimony at the Subcommittee hearing on April 1, 2014, you stated, "We are… considering ways to improve the use of crash investigations in identifying defects. We are reviewing ways to address what appear to be remote defect possibilities."

k. Please provide details on how NHTSA plans to improve the use of crash investigations in identifying defects.

NHTSA's ODI will continue its close collaboration and information sharing with SCI. A recent change was made to ensure that SCI is represented at all ODI defect panel decision meetings. Additionally, NHTSA is exploring ways to better leverage technology to automate internal notifications between SCI and ODI staff as to the availability of new information and to bring relevant SCI and other crash investigations into discussions around potential defects.

l. *Would an increase in the number of Special Crash Investigations that are undertaken enable the agency to have more data on those issues that, in your words, "appear to be remote defect possibilities"? Please explain your answer.*

An increase in the number of SCI cases would provide additional data to various stakeholders in NHTSA that rely on these data. NHTSA is also exploring the potential of other field investigative resources in addition to SCI that may be beneficial for specific types of crashes or fires such as those involving rollovers, hybrid or alternative fuel vehicles. In addition to crash investigations, we are considering other ways to address remote defect possibilities, especially by ensuring that manufacturers evaluate those possibilities promptly.

2. *In written testimony submitted for the Subcommittee hearing on April l, 2014, you wrote that "GM had critical information that would have helped identify this defect," that NHTSA did not possess. I would like to explore this point further. Press reports from the hearing have gone as far as saying that GM withheld information from NHTSA. I would like to focus on what exact information GM failed to provide to NHTSA before the existence of a safety-related detect was formally determined. In response to members questioning, you stated that there are several pieces of information you would have "liked" to have had at a minimum from GM, including "information that they changed the part in the ignition switch [in 2006]," "information that they were talking to their suppliers" because of "concerns about the algorithm associated with air bag nondeployments," and "any information they had directly linking the ignition switch defect to air bag nondeployments." You also indicated that NHTSA's ongoing investigation may determine additional information possessed by GM that would have been useful for NHTSA defect identification activities.*

Perhaps this information, if known by GM, should have been reported to NHTSA as a matter of principle. However, it is not clear that this principle is enshrined in federal law or regulations in a manner that ensures NHTSA receives that information it needs to identify possible safety-related defects.

a. *What pieces of information that NHTSA did not receive may have helped the agency ascertain the safety problem earlier, if it had received them? Please include the three kinds of information mentioned above that you said you "would have liked" to have had.*

Through its timeliness query investigation, NHTSA found that GM had specific information indicating that it knew or should have known that a safety-related

defect existed in these vehicles well in advance of when it recalled them. Specifically, GM's supplier notified it as early as 2009 that the air bags in the Cobalt would not work unless the key was in the "run" position. Moreover, at least as of 2012, GM personnel investigating reports of crashes were aware that in many of the crashes that the ignition was in "accessory" or "off" when the impact occurred and that, with the ignition in that position, the air bags will not deploy. Around the same time, GM was discussing potential remedies, including the possibility of revising the ignition switch to increase the effort to turn the key out of the "run" position. GM had already made such a change for its later model years vehicles.

b. *For each piece of information listed as potentially helpful that NHTSA did not receive:*
   i. *Please state what law or regulation requires that manufacturer submit such information to NHTSA;*
   ii. *Please indicate if such information is or is not currently required to be submitted to NHTSA, based on the current language of federal law and regulations; and*
   iii. *For any information not required to be submitted by law or regulation, please submit language that would make such helpful information required to be submitted by law.*

   Based on the information described above, GM was aware that a safety-related defect existed in its vehicles. As GM admitted in a Consent Order with the agency, GM violated the Safety Act by failing to provide notice to NHTSA of that safety-related defect within five working days as required by 49 U.S.C. § 30118(c)(1), 49 U.S.C. § 30119(c)(2), and 49 C.F.R. § 573.6(b). Therefore, all of the information noted above should have been provided to NHTSA under current law.

c. *GM, like all manufacturers, is required to submit to NHTSA several different kinds of information, including: defect and noncompliance reports pursuant to 49 C.F.R. Part 573.6; notices, bulletins, customer satisfaction campaigns, consumer advisories, and other communications, pursuant to 49 C.F.R. Part 579.5; and Early Warning data pursuant to 49 C.F.R. Part 579.21. I know this list is incomplete, so please list all types of information manufacturers are required to submit to NHTSA that the agency then reviews for possible safety-related defects. In addition, what information is required to be sent to NHTSA once a defect is formally determined?*

   Under the TREAD Act manufacturers are required to submit quarterly counts of death and injury claims and notices, warranty claims, property damage claims, and consumer complaints. Actual documents that are required to be submitted to NHTSA are field reports (quarterly), service bulletins (monthly), and substantially similar vehicle lists (annually). Additionally, the TREAD Act also requires manufacturers to report foreign recalls and other safety campaigns in foreign

countries within five days of a determination to conduct a recall or campaign (either by the manufacturer or a foreign government).

Once a defect has been formally determined, a manufacturer must send an information report to NHTSA for each defect or non-compliance. 49 C.F.R. § 573.6 outlines the specific information which must be included in the defect or non-compliance information report. Additionally, manufacturers must also submit a quarterly report for each defect or non-compliance campaign. 49 C.F.R. § 573.7 outlines the specific information which must be included in the quarterly reports.

As a result of its Consent Order with NHTSA, GM is also required to submit additional information to NHTSA. With respect to this recall, GM must submit a comprehensive written plan of how it intends to maximize the completion rate for its recall along with reports on the progress of the recall on a biweekly basis for six months and monthly basis thereafter for a total reporting period of three years. Other information that GM must provide to NHTSA pursuant to the Consent Order includes a monthly list of every safety-related issue under consideration by any GM Product Investigator or otherwise under consideration by GM's Global Vehicle Safety organization. This requirement applies for one year.

3. *The bipartisan investigation by the Committee on Energy and Commerce has found that GM approved, at least twice, the inclusion of ignition switches in its vehicles that did not meet the company's own specifications for torque performance between the run and accessory positions. In fact, the ignition switches of certain vehicles in the 2003-2007 model years had torque, between run and accessory, that measured between 4 and 10 Newton centimeters (Ncm) rather than meeting the GM specification of 20 Ncm (plus or minus 5 Ncm). In making the decision to accept ignition switches that did not meet its torque performance specifications, GM put the safety of its customers at great risk. Yet, to the surprise of many of my colleagues, such a move did not violate federal motor vehicle safety standards (FMVSS), because there is no FMVSS provision on ignition switch torque performance.*

   a. *Please describe the process NHTSA employs in determining new safety hazards that warrant being regulated under FMVSS.*

      NHTSA is a data-driven agency, and the process begins by considering relevant available motor vehicle safety information. We prioritize our existing rulemaking resources and look first at possible regulations that are likely to save many lives. We also consider whether a proposed standard is reasonable, practicable, and appropriate for the particular type of motor vehicle or motor vehicle equipment for which it is prescribed. New standards must be practicable, meet the need for motor vehicle safety, and be stated in objective terms. Furthermore, in most cases, the agency is required to conduct a cost-benefit analysis and determine that the benefits of a proposed standard justify the costs imposed by the standard.

b. *Is NHTSA evaluating, or does NHTSA plan to evaluate, whether an FMVSS is needed for ignition switches?*

NHTSA will consider all of the relevant safety information and determine whether a standard is warranted.

c. *Aside from issuing or amending an FMVSS, what are other methods that NHTSA can use to monitor known safety hazards in individual vehicle parts and ensure that manufacturers do not place their customers at risk from these hazards?*

Manufacturers have a legal duty to inform NHTSA of any unreasonable risk to safety. If they change a part to address such a risk, they must do so as a recall. NHTSA pursues recalls when a motor vehicle or item of motor vehicle equipment does not comply with an FMVSS or when there is a safety-related defect in the vehicle or equipment. Generally, a safety defect is defined as a problem that exists in a motor vehicle or item of motor vehicle equipment that poses an unreasonable risk to motor vehicle safety. In fact, most of the recalls that NHTSA pursues are for safety-related defects and not for noncompliance with an FMVSS.

4. *At different occasions during the Subcommittee hearing on April 1, 2014, you stated that NHTSA will "hold General Motors accountable" if the agency's investigation determines that GM failed to meet its legal responsibilities to report and address the ignition switch defect, including by failing to act quickly or in good faith toward the agency. However, the maximum civil penalty that NHTSA can issue for a related series of standards or compliance violations is $35 million. (It can also issue up to $35 million for a related series of violations of inspection, investigation, and records standards.) I do not believe that the prospect of these fines is an adequate deterrent to unsafe practices by major automakers, whose annual revenue can top $150 billion.*

a. *The Motor Vehicle Safety Act of 2014, which I introduced, would increase the maximum civil penalty NHTSA can levy for a related series of violations to $200 million. Please detail the impact on NHTSA's deterrent capabilities if the agency's maximum total civil penalty for a related series of violations was increased to $200 million. Would such a development help NHTSA ensure that manufacturers are accountable for the safety of their customers?*

Secretary Foxx recently unveiled the GROW America Act, which would increase the maximum civil penalty for a related series of violations of the Motor Vehicle Safety Act to $300 million. NHTSA supports this increased civil penalty amount to enhance the penalty's deterrent effect and help NHTSA ensure that manufacturers are held accountable for failures regarding safety defects and noncompliance under the law.

On March 4, 2014, NHTSA sent GM a Special Order (essentially, an administrative subpoena) with 107 questions that the company must answer pertaining to the ignition switch/air bag non-deployment safety defect and its handling of related recalls. GM's

answers were due to NHTSA on April 3, 2014. An April 8, 2014, letter from NHTSA to GM indicated that the company was not in compliance with the agency's investigation, having failed to "respond to over a third of the requests" and to "answer under oath as required."

Because GM did not fully respond to the Special Order, the agency demanded civil penalties of the statutory maximum of $7,000 a day, pursuant to 49 C.F.R. Part 578. As of April 15, 2014, GM has still failed to fully comply with the requests of the NHTSA Special Order.

b. *Is GM's failure to respond to significant portions of the NHTSA Special Order unusual? Has a manufacturer previously simply disregarded NHTSA's inquiries for weeks on end in favor of paying civil penalties?*

   Yes, this is unusual. Manufacturers typically comply, as they must, with the agency's information requests pursuant to 49 U.S.C. § 30166(g).

c. *Please detail the likely impact on manufacturer compliance with NHTSA requests for information if the agency's maximum daily civil penalty was substantially raised. Would such a change help NHTSA ensure that manufacturers are accountable and responsive to the agency's inquiries?*

   Secretary Foxx recently unveiled the GROW America Act, which would increase the maximum daily civil penalty for failing or refusing to perform an act required by 49 U.S.C. § 30166, or a regulation prescribed thereunder, to $25,000. NHTSA supports this increased civil penalty amount to enhance the penalty's deterrent effect.

5. *In a March 2010 hearing before the Subcommittee on Commerce, Trade, and Consumer Protection, then-NHTSA Administrator David Strickland acknowledged an inconsistency: when a consumer reports a safety problem directly to NHTSA, the report goes into a publicly searchable database; however, when a consumer instead reports the safety problem to a car company, that report becomes confidential business information. I would like you to discuss the regulations that implement the Early Warning Reporting (EWR) system and why they are so restrictive of public accessibility. If consumers had more access to EWR information earlier, they could influence defect investigations and even bring about earlier auto recalls, which could prevent injuries and save lives.*

   At that same hearing, Administrator Strickland explained the Administration's commitment to transparency, and said, "the more transparency we have, the better."

   a. *It is my understanding that NHTSA grants confidential treatment to all submissions in certain classes of EWR information, including: data relating to warranty claims and warranty adjustments; data relating to field reports and copies or field reports; data relating to consumer complaints; production*

numbers, other than of light vehicles; and Common Green Identifiers. Is this correct?

Upon an appropriate showing, NHTSA grants confidential treatment to reports and data relating to vehicle warranty claim information and tire warranty adjustment information; reports and data relating to field reports, including dealer reports, product evaluation reports, and hard copies of field reports; and reports and data relating to consumer complaints. See 49 C.F.R. Part 512, Appendix C (a).

Upon an appropriate showing, NHTSA also grants confidential treatment to reports or production numbers for child restraint systems, tires, and vehicles other than light vehicles; and lists of common green tire identifiers. See 49 C.F.R. Part 512, Appendix C (b).

b. Please state the rationale for the agency's confidential treatment of all EWR data relating to consumer complaints. How can information submitted by consumers be considered confidential business information?

Exemption 4 of the Freedom of Information Act protects, "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." See 5 U.S.C. § 552(b)(4). Under Exemption 4, the standard for assessing the confidentiality of required submissions of information is whether disclosure is likely either to cause substantial competitive harm to the originating entity or to impair the government's ability to obtain necessary information in the future. See *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974). Meeting the competitive harm standard requires that there be, "actual competition and a likelihood of substantial competitive injury," from disclosure of the information. See *CNA v. Donovan*, 830 F.2d 1132, 1152 (D.C. Cir. 1987). Assessing the effect of disclosure under the impairment prong requires a "rough balancing" of the extent of impairment and the information's importance against the public's interest in disclosure. See *Washington Post v. Dep't of Health and Human Services*, 690 F.2d 252, 269 (D.C. Cir. 1982).

NHTSA typically does not consider individual consumer complaints to be confidential business information. When all the complaints filed with a manufacturer are aggregated into a single database, the data has competitive value. Aggregate complaint data could be monitored, mined, analyzed or manipulated by other manufacturers to the detriment of the submitter.

Motor vehicle and motor vehicle equipment manufacturers who are required to submit EWR data contend that they operate in a highly competitive business environment. See http://stats.bls.gov/oco/cg/cgs012.htm (generally describing the nature of the motor vehicle and parts industry). In light of the competitive environment in which these manufacturers operate, the comprehensive EWR data that they submit has commercial value. Further, these data are standardized and

the EWR reports contain identical informational elements for each regulated manufacturer category under the EWR rule. See 49 C.F.R. Part 579 subpart C. Each manufacturer in a regulatory category reports on the same systems and components and provides a snapshot of that manufacturer's experience for each of the standard informational elements. If this information was publicly available, competing vehicle manufacturers, parts suppliers and other entities may have ready access to data that they could use to exploit weaknesses in the submitter's performance or improve their own position at the submitter's expense.

Public release of this aggregate complaint data may also provide a substantial incentive for manufacturers to collect as little of it as possible. Under the TREAD Act, manufacturers need only produce that information which they already collect. Disclosure of categories of EWR information that could cause competitive harm is likely to cause manufacturers to scale back their collection efforts, which would impair the agency's ability to obtain the data in future submissions and impair the effectiveness of the EWR program.

c. *It is my understanding that manufacturers may submit individual requests for confidential treatment of additional EWR information, relating to reports of incidents involving death and injury, numbers of property damage claims, and/or production for light vehicles. Such requests must conform to all requirements of NHTSA's confidential business information regulation (at 49 C.P.R. Part 579 [sic]), including adequate support that the release of EWR data will cause competitive harm and that such harm will be substantial. Is this correct?*

Manufacturers may submit individual requests for confidential treatment of EWR information to the extent the confidentiality of such information is not otherwise determined via the class determinations set forth in 49 C.F.R. Part 512, Appendix C. Such requests must conform to all requirements for confidential treatment including but not limited to the requirements set forth in 49 C.F.R. Part 512.

d. *What is the broadest amount of EWR data to which such an individual request for confidential treatment may apply? Are manufacturers required to make such a request for each individual EWR report for which they are seeking confidential treatment?*

As explained in response to question "c" above, manufacturers may submit individual requests for confidential treatment of EWR information to the extent the confidentiality of such information is not otherwise determined via the class determinations set forth in 49 C.F.R. Part 512, Appendix C. Such requests would have to be filed with each submission. An entity requesting confidential treatment can make their requests as broad as their judgment allows. NHTSA may either grant or deny such requests as dictated by applicable legal standards.

e. *What percentage of all individual manufacturer requests for confidential treatment of EWR data is granted? What percentage of such requests that are*

determined to comport with the requirements of 49 C.F.R. Part 512 - including the requirement to support an assertion of substantial competitive harm - is granted?

If the "EWR data" referred to in this question is limited to the quarterly reports filed by manufacturers under our EWR reporting requirements, NHTSA rarely receives requests for confidential treatment for information not encompassed by the class determinations described in our responses to the previous questions. To the extent the agency received such requests during the early years of the EWR reporting program, those requests were generally denied.

f. Please detail the process of determining whether a manufacturer has provided adequate support that the release of EWR data will cause competitive harm and that such harm will be substantial. In this explanation, please include the criteria used to make such a determination.

Requests for confidential treatment are reviewed by NHTSA's Office of Chief Counsel. As explained in response to question "b" above, the standard for assessing the confidentiality of required submissions of information is whether disclosure is likely either to cause substantial competitive harm to the originating entity or to impair the government's ability to obtain necessary information in the future. See *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974).

g. Please detail the role that the spirit of transparency plays in NHTSA's decisions on whether or not to grant confidential treatment to manufacturers when they make individual requests for such treatment. Are manufacturers' requests weighed against the public interest in the transparency of safety data? If so, how?

NHTSA's confidentiality determinations include careful consideration of many factors, including existing legal requirements and the public's right to know about important vehicle safety information.

Several statutes apply directly to information the agency receives in pursuit of its mission. Section 30167(a) of Title 49 of the United States Code (49 U.S.C. § 30167) prohibits public disclosure of information within the scope of the Trade Secrets Act (18 U.S.C. § 1905) unless the Secretary determines that such disclosure is necessary to carry out the purposes of the Safety Act (49 U.S.C. §§ 30101 et. seq.) Similarly, § 30166(m)(4)(C) provides that none of the information collected pursuant to NHTSA's early warning regulations shall be disclosed pursuant to § 30167(b) unless the Secretary determines the disclosure of such information will assist in carrying out those sections of the Safety Act related to defect and noncompliance determinations, notification and remedy (§§ 30117(b) and 30118 through 30121). Section 30167(b) declares that NHTSA must disclose defect or noncompliance information that it decides will assist in carrying out the

Safety Act's provisions regarding the defect or noncompliance determination, notification and remediation sections of the Act.

The courts have determined that the scope of the Trade Secrets Act is coextensive with Exemption 4 of the Freedom of Information Act (5 U.S.C. § 552(b)(4)) *CNA Financial Corp. v. Donovan*, 830 F2d 1132, 1141 (D.C. Cir. 1987). Therefore, NHTSA determinations regarding the confidentiality of manufacturer information must be guided by both the Trade Secrets Act and Exemption 4. In instances where materials are not provided voluntarily, the touchstone for according confidential treatment is the test in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974). Under that test, information is confidential under Exemption 4 of the Freedom of Information Act if its disclosure would be likely to cause substantial competitive harm to the submitter or to impair the government's ability to collect the information in the future. Moreover, the D.C. Circuit has firmly rejected the contention that a consideration of the public's interest is a factor in considering the release of competitively valuable information. *Public Citizen Health Research Group v. FDA*, 185 F.3d 898, 904-05 (D.C. Cir. 1999).

In view of the foregoing, NHTSA accords confidential treatment only to those materials whose disclosure would be likely to cause competitive harm or impair the agency's ability to collect the information in the future. Further, NHTSA releases some classes of information under § 30167(a) when necessary to carry out the purposes of the Safety Act. For example, the agency routinely denies requests for confidential treatment for test data establishing that vehicles meet NHTSA's safety standards.

h. *Please state whether granting confidential treatment to EWR information precludes NHTSA from posting such information on its website with sensitive business or personal information redacted. If so, please detail what kind of treatment of this information would permit NHTSA to make the information publicly accessible, except with sensitive business or personal information redacted. If not, please detail whether the agency does or does not post such information on its website, with sensitive business or personal information redacted, in cases where there it would be in the interest of safety or transparency to do so.*

Again, our response is premised on the conclusion that your question employs the phrase "EWR information" to mean the data in EWR quarterly reports. As stated above, NHTSA's view that certain categories of EWR data are entitled to confidential treatment is based primarily on the aggregate nature of the data rather than the content of individual data points in the submissions. Accordingly, NHTSA could release some portions of some EWR submissions without necessarily causing the submitter to suffer substantial competitive harm or by redacting portions of the submissions. Some of the data at issue is not submitted or stored by the agency in a form where redaction would be feasible. Other

information, such as field reports, could be released in limited quantities and/or redacted to protect competitively valuable information.

Implementation of such a partial release policy would impose significant burdens and costs without producing clear tangible benefits other than in cases where we have determined it is necessary to carry out the purposes of the Safety Act. Public release of limited quantities of EWR data would provide public access to fragmented and potentially misleading information. While the data made available would have little value, releasing it would require the expenditure of scarce agency resources and reduce the volume and quality of EWR information provided by manufacturers. As noted above, manufacturers are only required to provide NHTSA with data they already collect. Release of portions of the EWR data would provide these manufacturers with an incentive to collect less information and reduce the effectiveness of the EWR program. Selective release of EWR data could also require that the agency abandon or modify the existing class determinations in Appendix C of 49 C.F.R. Part 512. Doing so would require NHTSA to process requests for confidential treatment for large quantities of information that are submitted each and every quarter.

If NHTSA were to attempt to process individualized requests for confidentiality of individual EWR submissions, the agency would be overwhelmed. A huge backlog would develop and grow. During the time that NHTSA was processing these requests for confidentiality, nothing would be released. The situation would be similar to the substantial FOIA request backlog experienced at some agencies. Moreover, submissions would not be released until the individual processing was completed. The net effect would be to hamper agency efforts to address these claims for confidential treatment expeditiously and likely divert resources from other efforts, including pursuing other enforcement activities. The U.S. District Court for the District of Columbia recognized this possibility when it ruled that categorical rules that address the confidentiality of EWR data are necessary "to allow the agency to administer the EWR program effectively," *Public Citizen, Inc. v. Mineta*, 427 F. Supp. 2d 7, 13 (D.D.C. 2006), and that the agency was "justified in making categorical rules to manage the tasks assigned to it by Congress under the TREAD Act." Id.

i. It is my understanding that [NHTSA] has the authority to rewrite federal regulations pertaining to EWR information (at 49 C.F.R. Part 579) and confidential business information (at 49 C.F.R. Part 512). Is this correct?

Yes, this is correct, to some extent. The regulations governing confidential business information must remain consistent with the Trade Secrets Act 18 U.S.C. § 1905.

j. Please detail whether, and how, [NHTSA] is reviewing these regulations in the spirit of enhancing transparency and the public accessibility of EWR data.

The agency is currently reviewing 49 CFR Part 512. As regulated entities continue to create and retain increasing volumes of electronic data, review of individual requests for confidential treatment is becomingly increasingly burdensome to an agency, like NHTSA, operating with limited resources. In regard to EWR data, any action taken by NHTSA must be consistent with the command in § 30166(m)(4)(C) that none of the information collected under the EWR rule shall be disclosed pursuant to § 30167(b) unless the Secretary determines the disclosure of such information will assist in carrying out those sections of the Safety Act related to defect and noncompliance determinations, notification and remedy (§§ 30117(b) and 30118 through 30121). Any agency action must also comply with the protections given to commercially valuable information under *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

Because of its aggregate nature and the comprehensive embrace of EWR reporting, NHTSA has concluded that wholesale release of consumer complaint, warranty, field report and certain kinds of production data would be likely to cause submitters to suffer competitive harm and impair NHTSA's ability to obtain similar information in the future. As noted above, partial releases of EWR data might protect the interests of submitters while providing greater public access. The utility of such access would, however, provide little benefit.

6. *NHTSA's second Special Crash Investigation report from 2007 discusses the ignition switch problem raised by the December 2005 TSB, stating, "it is not known what role, if any, this may have played in the non-deployment of the air bags." The report later says looking into the issue would be "beyond the scope of this investigation." Did others in NHTSA then follow-up on this issue? If not, why not?*

   NHTSA is currently conducting an internal due diligence review with the Office of the Secretary of Transportation to identify what information was available prior to this recall. This thorough review is also identifying what information was known and when. From interviews of those involved in the 2007 evaluation, the prevailing theory was that the air bag system contained a reserve power system intended to provide backup power in the event of power disruption. Movement of the key from the run position was seen as one of many power disruptions that the reserve power system would have been intended to address. At that time, ODI personnel were not aware that air bag systems could be disabled during this type of scenario.

   NHTSA continually seeks new ways to improve our processes. As part of our due diligence effort we are considering ways to more rapidly update our knowledge base on key safety technologies and how to address remote defect possibilities.

7. *When the ignition switch position moves from run to accessory, what's the actual problem? Is it that power is disconnected from the airbags or is the engine shutting down inherently a safety problem?*

As stated by GM in its February 7, 2014 defect notification letter, "The timing of the key movement out of the 'run' position, relative to the activation of the sensing algorithm of the crash event, may result in the air bags not deploying, increasing the potential for occupant injury in certain kinds of crashes." Thus, a primary factor affecting the safety risk associated with the ignition key defect is the "timing" for when the switch is prone to move out of the "run" position relative to a severe frontal crash event. Because they are susceptible to movement out of the "run" position when subjected to inertial forces that often occur in the initial stages of severe crashes, such as from weight on a key chain in a vehicle that is bouncing on uneven terrain following a road departure, the ignition switches in the recalled vehicles may disable the front air bag protection in the critical seconds just prior to severe impacts when front occupants need them most. However, if the crash forces have caused the enablement of the air bag deployment algorithm before the key moves out of the "run" position, air bag deployment will not be affected.

The ignition switch may also move out of the "run" position in circumstances that are not associated with a crash event. This would result in engine stall, which would present a different set of potential safety hazards based on frequency of occurrence and other factors, such as vehicle speed, traffic density, availability and accessibility of a road shoulder or convenient location to remove the vehicle from traffic, and the ability to promptly restart the engine. Experience has shown that the most severe crashes involving stalled vehicles, though infrequent, generally result from impacts from traffic approaching the slowing or stopped vehicle from the rear or if the vehicle stalled in a hazardous location such as in the middle of an intersection or on railroad tracks. Front air bags would not provide protection for these types of crashes as they would typically involve rear or side impacts.

8. *For conducting future investigations, has NHTSA formally changed its procedures to make sure that ignition switch position is an issue that should be monitored more closely? Does NHTSA have formal procedures that would apply here?*

   NHTSA's usual practice for investigating potential safety defects in the nation's fleet includes considering prior recalls for patterns and similarities. The GM Cobalt recall brought to light new information that NHTSA will use in the future to evaluate stalling issues. As part of this process, NHTSA will certainly consider ignition switch position when available in evaluating complaints of stalling and air bag non-deployment, loss of power steering and loss of power brakes and other circumstances where we now know key position to be relevant. Key position information, however, is not provided in most consumer complaints or crash reports submitted to the agency.

   NHTSA is also actively engaging automakers and suppliers about other potential issues associated with air bag control algorithms and will take appropriate action as warranted.

9. *NHTSA is using new IBM software to search for patterns, but does NHTSA currently have in operation any software which predicts safety defect trends? If not, why not?*

NHTSA does not currently have in operation any software which predicts safety defect trends. NHTSA reads every consumer complaint as it is received. The current consumer complaint data is not structured or consistent enough in its content to support reliable predictive analytics with the systems that NHTSA utilizes. However, the IBM software contains capabilities that are expected to ultimately support predictive analysis.

The new IBM software will enable ODI to fuse data across its operation, providing faster, more consistent, more relevant, and more accessible results to data calls. The software is at an initial operational capability and is in limited use by ODI's Defects Assessment staff as a supplement to its other screening tools. It has been used primarily to demonstrate broader trends to put daily complaint reviews in perspective. The software has not yet been used broadly within ODI to demonstrate an impact on regular business processes. NHTSA has acquired four IBM software packages (Case Manager, Cognos, ICA, and SPSS). Cognos, the business intelligence package, furnishes regular reports and complaint rankings on demand that formerly required hours to create. ICA, the search package, has allowed us to conduct specialized searches over a decade's worth of complaints for topics not readily found by filtering on component codes or using simple Boolean keyword searches. ODI plans to use Case Manager to manage several critical workflows.

ODI is working on two essential elements needed to fully exploit the IBM software: construction of a proper operational data store that will allow it to fuse data collected across all of the agency's business lines; and, continue requirements-capture and implementation to absorb more business processes into the software.

10. *What criteria does NHTSA use to determine when it opens a safety defect investigation? Is the criteria used consistently across all possible investigations?*

NHTSA's process is data-driven, and decisions are based on input from around the agency. NHTSA uses the basic principles of risk analysis when deciding what issues to investigate and which investigations involve issues that should be the subject of a safety recall. Under those principles, the risk involved in a situation can be determined by considering both the frequency of the potential harm and the severity of the potential consequences of the harm. During both the pre-investigation and investigation processes, NHTSA applies these risk analysis principles.

At the pre-investigative stage the analysis is focused on spotting possible defect trends or defects that might warrant an investigation. A frequency assessment provides information regarding current failure rates and, often, data from peer vehicles or from prior similar investigations and recalls. A failure trend may be included as part of the frequency assessment to show if complaints are increasing, decreasing or constant as a function of time in service. The severity assessment provides an analysis of the harm that has resulted from the failures that have already occurred and the potential for harm to occur in the future. The harm is measured not only by the number of crashes, fires, and injuries that have occurred, but also by their severity and the likelihood that similar events will occur. In general terms, then, this process is designed to surface for

investigation the issues presenting a significant degree of safety risk, with priority given to those that may pose the highest risk. These criteria are generally consistent across all possible investigations but cannot be reduced to a formula.

11. *When considering whether to open an investigation, what sources of data does NHTSA rely on? Does it seek outside sources like safety advocates in addition to consumer complaints and EWR reports? If not, why not?*

When considering whether to open an investigation, NHTSA relies on the information it collects using the authority delegated by Congress -- consumer complaint data, manufacturer communications including field reports and technical service bulletins, EWR reports, precedent in prior investigations, and peer vehicle data. Additionally, defect assessment screeners may also obtain information from other experts within the agency (e.g., SCI, VRTC, OVSC), as well as consumer forums, petitions from safety advocates and other individuals, and materials posted in the public domain by safety advocates.

NHTSA has opened investigations at the behest of safety advocates, such as the recall of certain Jeep vehicles due to a defect making them more likely to experience fires in rear-end crashes than their peers. While using what the advocates provided, the agency still needed to develop the case using its own analysis of all relevant factors, and ultimately obtained a recall on a broader category of vehicles than those that the advocates requested be recalled in their defect petition.

While NHTSA evaluates all safety allegations and supporting information furnished to us including those from safety advocates, it is essential that the information provided contain sufficient detail to be actionable. We do receive concerns about cases where NHTSA is already evaluating, but bringing new information to NHTSA's attention is critical to this process.

NHTSA will continue to evaluate all safety allegations furnished to us including those from safety advocates. NHTSA is currently exploring ways to engage members of the safety community, such as trial lawyers, to increase opportunities for us to receive actionable information on potential safety defects. NHTSA also has activities planned to increase consumer reporting of potential safety defects to further improve our access to safety allegations. Safety advocates have various means of contacting the agency directly to request action. Please note, however, that no safety advocate group, or private attorney, had requested action by NHTSA concerning air bag non-deployment in the recalled GM vehicles prior to GM's February 2014 recall.

12. *What methodology does NHTSA use to analyze vehicle safety complaints?*

NHTSA's first review of vehicle safety complaints is the initial read of each complaint as received by a defects assessment screener with extensive field experience. Select complaints are referred to subject matter experts for additional review and follow-up. These complaints are cross-referenced against ODI history and other data sources. This

work is complemented by searches for broader trends and comparisons to other data sets. NHTSA expects its IBM software to enhance the agency's vehicle safety complaint analysis.

13. *What information does NHTSA receive about vehicle safety that is not made available to the public?*

    Among other things, NHTSA receives the following information about vehicle safety that is not made available to the public:

    - Names and other personal details about consumers who file complaints with the agency.
    - Actual field reports (hardcopy documents).
    - The last six characters of the vehicle identification number in an incident-level record (death/injury).
    - Production volumes of any product other than a light motor vehicle.
    - Common green, original equipment fitment, and SKU-to-type code information for tires.
    - Some 49 C.F.R. § 579.5 submissions. These include certain communications between manufacturers and dealers such as certain technical service bulletins, customer satisfaction campaigns and consumer advisories involving the repair or replacement of motor vehicle equipment.
    - Whistleblower- type referrals from other government agencies such as the U.S. Department of Labor.
    - Material submitted by a manufacturer with a request for treatment as confidential business information, pending agency determination whether or not to grant the request.

Questions from the Honorable G.K. Butterfield:

1. *Mr. Friedman, NHTSA is on record in support of S. 921, the Raechel and Jacqueline Houck Safe Rental Car Act. As you know, at its core the legislation is straightforward- it requires cars that are under a safety recall to be repaired before they are rented to customers. The legislation has been approved by the Senate Commerce Committee on a bi-partisan basis.*

    a. *Given that current law prohibits a dealer from selling a new car subject to recall before it is repaired, can you think of any reason why a dealer should be able to rent such a vehicle?*

       No. While current law allows the rental of vehicles subject to a recall, I cannot think of a reason why the law should not be changed. Further, sales and leases of used vehicles are also not subject to the same prohibition, so dealers may continue to sell or lease/rent defective or noncompliant used vehicles to purchasers, unless the law is changed. Secretary Foxx recently unveiled the GROW America Act,

which includes language that would change the law to prohibit the rental or sale or lease of vehicles subject to a safety recall.

b. *The car rental industry strongly supports S. 921 as approved by the Senate Commerce Committee. Some have suggested that S. 921 should distinguish between "serious" and "minor" recalls. What is your view on this idea? Do you think recalls should be "tiered" into categories based on the level of safety hazard?*

No. All safety recalls involve either defects with unreasonable risks to safety or noncompliance with minimum federal safety standards. After a manufacturer makes a defect determination that a vehicle or equipment involves an unreasonable risk to safety, it is imprudent for rental car companies or others to suggest that the unreasonable risk can be ignored because they consider other recalls to be more "serious". NHTSA opposes any policy to stratify recalls and thereby suggest or imply to owners and drivers that some recalls are "more important" than others. The direct consequence of this policy would be to imply to owners and drivers that if NHTSA does not expressly state that a recall is one of its top concerns, this means that it is not important.

Member Request from the Honorable Tim Murphy:

1. *If General Motors makes a change to a part, do they also have to have a different part number? What are NHTSA's requirements with regard to that?*

While it is standard procedure for manufacturers like GM to assign a different part number when they make a change to a part, they are not legally required to do so. If, however, GM makes a change to a part, and communicates that change to more than one dealer, distributor, lessor, lessee, other manufacturer, owner, or purchaser in the United States, it must provide a copy of such communication to NHTSA. See 49 C.F.R. § 579.5(b).

Member Request from the Honorable Steve Scalise:

1. *During the hearing we discussed a chart that showed the number of sales and the correlating complaint rates with those vehicles. You explained that the Cobalt did not stand out when compared to peer vehicles. Of the peer vehicles included on that chart, please provide the Committee with a list of the cars where NHTSA decided to take action.*

NHTSA opened an investigation that influenced Hyundai to conduct Recalls 08V532 and 08V522 on the 2001-2003 Elantra. During this period (2007-2013), NHTSA air bag investigations led to four other recalls for air bag non-deployment. We are also currently evaluating other peer vehicles on that chart with higher air bag non-deployment rates than the Cobalt and will take appropriate action as warranted.

2. *In your testimony you say that NHTSA is pursuing an investigation or whether GM met its timeliness responsibilities to report and address this defect under Federal law. Please explain the specifics of how you came to that conclusion.*

   When GM notified NHTSA on February 7, 2014 of an ignition switch defect in certain models, and provided a chronology regarding its actions relating to the defect on February 24, 2014, these submissions raised questions as to whether GM met its obligations to report and address this defect in a timely manner. In particular, they raised a question as to whether GM met its obligation to report this defect to NHTSA within five working days as required by 49 C.F.R. § 573.6(b). On February 26, 2014, NHTSA opened a timeliness query (TQ) to investigate whether GM acted in a timely manner. No conclusion on timeliness had been made at that time or at the time of my testimony.

   On May 16, 2014, GM and NHTSA entered into a Consent Order in which GM admitted "that it violated the Safety Act by failing to provide notice of the safety-related defect that is the subject of Recall No. 14V-047 within five working days" as required by law. NHTSA determined that such an admission of untimeliness was warranted and appropriate based on information indicating that GM knew or should have known that the vehicles contained a safety-related defect well in advance of February 2014.

3. *Please provide a clear and detailed explanation of what information NHTSA believes GM failed to provide to the agency, the reason why OM would be required to provide that information to NHTSA at the time a specific event or action took place and how that information would have benefited NHTSA's evaluation of this specific issue.*

   Through its timeliness query investigation, NHTSA found that GM had specific information indicating that it knew or should have known that a safety-related defect existed in these vehicles well in advance of when it recalled them. Specifically, GM's supplier notified it as early as 2009 that the air bags in the Cobalt would not work unless the key was in the "run" position. Moreover, at least as of 2012, GM personnel investigating reports of crashes were aware that in many of the crashes that the ignition was in "accessory" or "off" when the impact occurred and that, with the ignition in that position, the air bags would not deploy. Around the same time, GM was discussing potential remedies, including the possibility of revising the ignition switch to increase the effort to turn the key out of the "run" position. In a Consent Order with the agency, GM admitted that it violated the Safety Act by failing to provide notice to NHTSA of the safety-related defect within five working days as required by 49 U.S.C. § 30118(c)(1), 49 U.S.C. § 30119(c)(2), and 49 C.F.R. § 573.6(b). If NHTSA had this information, it would have pursued a different course of action regarding a potential investigation. Further, NHTSA would have benefitted from timely knowledge of the safety-related defect so that it could ensure that GM carried out its legal obligations to notify owners and to remedy the vehicles.

Member Request from the Honorable Diana DeGette:

1. *If General Motors is changing a part, are they legally required to inform NHTSA of that change?*

   If GM makes a change to a part, and communicates that change to more than one dealer, distributor, lessor, lessee, other manufacturer, owner, or purchaser in the United States, GM must provide a copy of such communication to NHTSA. See 49 C.F.R. § 579.5(b).

Member Request from the Honorable John D. Dingell:

1. *During the hearing you stated that there were additional reasons that a review was prompted other than the 29 consumer complaints, 4 fatal crashes, and 14 field reports. Please explain the additional reasons.*

   In addition to the information described during my testimony, other supporting information considered during the issue evaluation conducted in late 2007 included photographs, EDR data and SCI investigation data.

Congresswoman Janice Hahn (CA-44)

Committee on Transportation and Infrastructure Subcommittee on Railroads, Pipelines and Hazardous Materials

Hearing:
"Examining Issues for Hazardous Materials Reauthorization"

Wednesday, April 2, 2014
2:00 p.m.
2167 Rayburn

For Ms. Cynthia Quarterman, Administrator, Pipelines and Hazardous Materials Safety Administration (PHMSA)

Wilmington Oil Spill

Q1: On March 17th, thousands of gallons of crude oil from a crack in an idle oil pipeline spewed into a residential neighborhood of Wilmington, California, which is in my district. This spill endangered the health and safety of hundreds of my constituents as well as caused untold amounts in property damage and costs to the local economy. While the spill is still under investigation, information that we have learned so far suggests that the spill was caused by internal corrosion of an idle pipeline that still contained oil. The current owner of the pipeline believed that the idle pipeline was empty when it received the pipeline from its previous owner, and thus conducted no inspection of the inside of the pipeline and were not required to under any PHMSA or state guidelines in the 15 years that they controlled the pipeline.

While there is a clear process for shutting down pipelines that are not intended to be used anymore through a process known as "abandonment" and there is a clear inspection and monitoring process for active pipelines, there is absolutely no process for ensuring that idle pipelines, pipelines that are believed to be empty but are intended to be used again, are actually empty of hazardous materials.

If, at any point during the 15 years in which the current owner of the pipeline had verified that it was empty, or state officials would have verified it was empty, or the federal government would have verified it was empty, this oil spill would have never occurred. This lack of verification lead to a hazardous pipeline spill that endangered my constituents, who could neither afford nor deserved such a hazard. That's why I am currently working on legislation to close the gaping loophole that allowed this incident to occur.

Why isn't there any verification system to ensure that idle pipelines no longer have any hazardous material in them?

The operator is responsible for ensuring that all of their pipelines are properly abandoned. Idled pipelines, that is pipelines that have commodities still in them, must meet all of the same safety requirements as pipelines that are actively flowing product. In other words, the status of a

pipeline is either classified as active or abandoned; idled pipelines must be treated as active pipelines.

Shouldn't someone verify the status of a pipeline any time that pipeline has been sold or transferred to another entity?

Yes, the operator of the pipeline is required to know at all times the status of all of their pipelines.

Is PHMSA currently aware of this loophole and are they working on closing it? If not, why?

The operator of the pipeline is required to know at all times the status of all of their pipelines. A pipeline is considered either in "active" status or "abandoned." If the pipeline is in active status, Federal regulations apply. "Idled" pipelines must meet all of the same safety requirements as pipelines that are active - flowing product. Operators are responsible for verifying that a pipeline is safely abandoned, and ensuring no product is flowing.

PHMSA is in the process of proposing a number of new regulations for company accountability for the safety of the pipelines they operate. Any regulations issued would also apply to "idled" pipelines, as Federal regulations apply to idled lines.

For Ms. Cynthia Quarterman, Administrator, Pipelines and Hazardous Materials Safety Administration (PHMSA)

Strengthening Pipeline Inspections

Q2: Right now, California has 5 inspectors inspecting over 750 pipelines in the ground, making it difficult to inspect pipelines in a timely manner. Additionally, in accordance with PHMSA guidelines, companies and not the actual inspectors themselves, are in charge of conducting inspections of pipelines. Inspectors are in charge of conducting audits of the company's inspections.

What suggestions do you have for ensuring all pipelines are verified in a timely manner? Do we need to be allocating more resources towards this?

Federal regulations require pipeline companies to comply with existing safety regulations, including the proper abandonment of pipelines. Idled pipelines are considered to be active pipelines that must still comply with all Federal regulations which include operation, maintenance, and integrity testing requirements. We expect all pipeline operators, including Phillips 66, to positively know the operating status of idled or abandoned pipelines and be able to confirm that status during Federal and State inspections. PHMSA and state partners allocate pipeline inspection resources based on relative risk to the public and the environment. During inspections, PHMSA and state inspectors ask pipeline companies to provide information about all active pipelines, including those that may be idled.

How can we strengthen the current system to ensure there is more accountability for companies who fail to adequately inspect their pipelines?

PHMSA is in the process of proposing a number of new regulations for company accountability for the safety of the pipelines they operate. Any regulations issued would also apply to “idled” pipelines. PHMSA and its state partners will continue to inspect for regulatory compliance and take strong action when non-compliance is identified.

Committee on Transportation and Infrastructure
Subcommittee on Railroads, Pipelines, and Hazardous Materials
Hearing on "Examining Issues for Hazardous Materials Reauthorization"
April 2, 2014
Questions for the Record

Questions from Rep. Denham:

Question 1: *In March 2011, PHMSA issued a rule extending jurisdiction over certain loading and unloading activities, but recently withdrew that proposed rule. Could you please explain why the rule was withdrawn?*

Answer 1: PHMSA closed this rulemaking after careful reconsideration of the proposal for additional regulations associated with cargo tank motor vehicle (CTMV) loading or unloading operations. This action was based on the findings of the regulatory assessment, comments to the docket of this rulemaking, and completion of a supplementary analysis on how best to address the safety risks of bulk loading and unloading operations.

While the rulemaking was withdrawn PHMSA still plans to address the issue of loading and unloading activities within its regulatory scope. As an alternative to new regulatory requirements, PHMSA will be issuing guidance to provide best practices for CTMV loading and unloading operations; and will be conducting research to better understand the wide range of human factors that contribute to hazardous materials incidents, including those associated with CTMV loading and unloading operations. In addition, PHMSA continues to work with other agencies that share jurisdiction over such operations to improve safety.

Question 2: *Given the withdrawal why doesn't the agency continue to pursue a memorandum of understanding (MOU) with other federal agencies to clarify responsibilities among the agencies for regulations on loading and unloading?*

Answer 2*:* PHMSA is evaluating all of its options to maximize safety. PHMSA will continue to work with other agencies that share jurisdiction over such operations to ensure safety. PHMSA is confident that all agencies with oversight over loading and unloading operations have a clear understanding of their respective responsibilities.

Question 3: *While the MAP-21 mandated report on the HMSP program is primarily under Federal Motor Carrier Safety Administration's (FMCSA) jurisdiction, the report from the Secretary did recommend changing the PHMSA registration form to require the USDOT number as a mandatory field. This would help reduce the potential for improper denials based on lack of PHMSA registration. Will you commit to making that change?*

Answer 3: The Federal hazardous materials transportation law (49 U.S.C. 5108 et seq.) requires PHMSA to simplify the registration process by minimizing the number of applications, documents, and other information a person is required to file. Nonetheless, PHMSA plans to amend its registration form through rulemaking and will consider that recommendation.

Question 4: *MAP-21 required that PHMSA develop a paperless hazard communications pilot program, what is the agency's timeline on implementing that pilot project?*

Answer 4*:* PHMSA initiated the project on September 26, 2011 with assistance from DOT's Volpe Center entitled "*Hazardous Materials Automated Cargo Communication for Efficient and Safe Shipping*" (HM-ACCESS). As part of its HM-ACCESS project, PHMSA is evaluating the feasibility and effectiveness of paperless hazardous materials (e-HM) communication systems (e-systems). PHMSA has completed a series of public meetings and has obtained stakeholder feedback regarding e-systems that will be helpful in the implementation of HM-ACCESS.

In MAP-21 Congress authorized PHMSA to conduct pilot projects on paperless hazmat information sharing among carriers and first responders. PHMSA plans to initiate pilot tests in 2014., Pilots are planned to occur in at least three U.S. regions possessing high concentrations of hazardous materials registrants and presenting historically high numbers of hazardous materials incidents resulting in deaths and injuries; as well as a rural area in at least one region. The pilots will focus on the use of e-systems to communicate hazardous materials shipping paper information from origin to final destination and during law enforcement inspection and emergency response simulations.

PHMSA held a roundtable with law enforcement and emergency response representatives on March 13, 2014 to discuss the pilot projects. These discussions focused on whether hazardous materials shipping information under the pilot can be adequately provided electronically. Upon completion, PHMSA will report on the results of the pilot to Congress.

Committee on Commerce, Science, and Transportation
"Surface Transportation Reauthorization: Progress, Challenges and Next Steps"
May 7, 2014
Questions for the Record from Senator Rockefeller
To
Anthony Foxx, Secretary
U.S. Department of Transportation

1. ***Federal Role in Freight Investment***

This country is desperately lagging behind in infrastructure investment. With funding hard to come by, and what funding is available primarily going through stove-piped modal administrations except for the limited funds in the TIGER program, we have to think about how we can get the biggest bang for our investments across modes.

Q: Given that the lion's share of infrastructure funding is channeled through administrative siloes, how can we optimize strategic investments in multimodal projects to facilitate efficient freight movement?

Secretary Foxx: *To optimize strategic investments, the Department must first identify and prioritize the multimodal projects that will facilitate efficient freight movement. The designation of the National Freight Network is the first step to identifying the corridors and connectors that are most important to the movement of freight. However, it is necessary that the National Freight Network is a multimodal designation, and not one that is solely focused on highways and intermodal connections to highways.*

Another way to optimize strategic investments is to utilize data to inform investment decisions. The Department is focused on developing better data and forecasting tools so that these are available at the federal, state, and local level. Wider use of benefit-cost analysis for projects can help to prioritize investments that provide the largest benefits relative to the cost. States are currently required to develop risk-based asset management plans for their highway systems. Encouraging states to develop asset management plans for their entire freight transportation systems would help in planning future investments.

With limited federal funding available, project financing and public private partnerships are an increasingly important tool for delivering major projects. The Department maintains several programs which provide project finance assistance to State, local, and private project sponsors, reducing project costs and incentivizing greater investment. The Transportation Infrastructure Financing and Innovation Act program (TIFIA) provides long-term, flexible financing to highway and transit projects with dedicated revenue sources, which can make public-private partnerships (P3s) an attractive option. As of June 1, 2014, TIFIA loans have supported 45 projects with more than $17 billion in credit assistance, contributing to nearly $64 billion in infrastructure investment. TIFIA has supported critical freight projects such as the Port of Miami Tunnel and Replacement of the Gerald Desmond

Bridge. Other projects such as the Surface Transportation Private Activity Bond program (PABs) and the Railroad Rehabilitation and Improvement Financing (RRIF) have incentivized greater private sector investment in freight infrastructure. Moreover, RRIF loans allow financing of intermodal projects.

Q: Would it make sense to move beyond the current formulaic funding programs toward a multi-modal, strategic model?

Secretary Foxx: *There are certainly limitations to the formula funding model. The current formulaic funding makes it difficult to fund projects without a highway-centric focus. Additionally, the formula funds must be divided to fund both transit and freight based projects. Finally, because individual states determine where the formula funding is spent, there is a possibility that national or regional freight projects of significance are overlooked.*

In the GROW AMERICA Act, the Department proposes to create a Multimodal Freight Investment Program that would include an incentive grant program and a discretionary grant program. The discretionary program would award grants to the projects that would have the greatest impact on the safety, efficiency, and state of good repair of the freight transportation system. The incentive grant program would reward states that have engaged multimodal stakeholders in a comprehensive freight planning process. The most important features of these programs are that they are multimodal and dedicated to freight investment. The Multimodal Freight Investment Program would help fund major national freight projects and allow the formula funds to target important state priorities.

2. ***Highway Trust Fund***

The Congressional Budget Office (CBO) estimates that the Highway Trust Fund, the main source of funding for highway and transit programs, will run out of cash to pay for day-to-day operations before MAP-21 expires at the end of the fiscal year- likely sometime over the summer. DOT recently came out and gave a more concrete date, saying the Highway Trust Fund will encounter a cash shortfall by August 29, 2014. As a result, construction projects around the country could slow or come to a complete stop during the peak of construction season.

Q: How much additional funding will the Highway Trust Fund need to get through the remainder of the fiscal year?

Secretary Foxx: *Based on our most recent data, the Highway Trust Fund would need an additional $5 billion before the end of FY 2014 and approximately $9 billion to get through the current calendar year.*

Q: Will uncertainty leading up to HTF insolvency set back construction projects around the country? Are we seeing that occur already?

Secretary Foxx: *The impending Highway Trust Fund cash shortfall will have an impact on construction projects in the U.S. Some states have indicated they plan to slow down*

or put construction projects on hold due to uncertainty about Federal highway funding. Several other states have publicly announced that they are evaluating the situation and considering various options, but have not yet announced that they are delaying/suspending projects. I would note here that ramp-up and ramp-down costs for construction projects can increase total project costs and project completion times significantly.

States that have already taken action:

- ***Arkansas**—issued an Information Release indicating that they are suspending some highway construction projects due to the impending HTF shortfall.*
- ***Georgia**—has announced they will be suspending its listing of highway construction projects beginning in July.*
- ***Ohio**—has decided to delay their Statewide Transportation Improvement Plan (STIP) by one year.*
- ***Rhode Island**—has halted advertising of all new, non-emergency highway projects.*
- ***Tennessee**—has announced the delay of certain construction projects pending a fix to the HTF shortfall.*
- ***Vermont**—has announced that they will delay awarding projects this summer until the HTF shortfall is resolved.*

3. ***DOT FY 2015 Legislative Proposal***

Last week, the Administration introduced their 4-year, $302 billion surface transportation bill. This proposal includes substantial funding for passenger and freight rail programs, freight and goods movement, and other general safety provisions. As we all know, increases in funding at this time are a difficult sell; however, we are confronted with an outdated, overburdened surface transportation system that is in need of serious repair.

Q: What all is on the table to fund the Administration's surface transportation proposal?

Secretary Foxx: *The Administration proposes to fund the GROW AMERICA Act through a pro-growth, business tax reform, without adding to the deficit. The President's Budget outlined a proposal to dedicate $150 billion in one-time transition revenue from pro-growth business tax reform to address the funding crisis facing surface transportation programs and increase infrastructure investment. This amount is sufficient to not only fill the current funding gap in the Highway Trust Fund, but increase surface transportation investment over current authorized levels by nearly $90 billion over the next four years. When taking into account existing funding for surface transportation, this plan will result in a total of $302 billion being invested over four years putting people back to work modernizing our transportation infrastructure. The Administration believes that a comprehensive approach to reforming our business taxes can help create jobs and spur investment, while ensuring a fairer and more equitable tax system that eliminates current loopholes that reward companies for moving profits overseas and allow them to avoid paying their fair share. The Administration is putting forward this pro-growth financing*

plan to encourage bipartisan efforts to support a visionary infrastructure plan, but is open to all ideas for how to achieve this important objective, and will work closely with Members of Congress of both parties on a solution that will invest in more job creating transportation projects.

Q: Fuel taxes to support the HTF have not been raised in over 20 years. Other funding proposals, such as vehicle miles traveled (VMT), while they may have some merit, cannot be stood up overnight. Given these constraints, what do you see as the most fair and consumer-friendly way to raise revenue in the short-term?

Secretary Foxx: *The GROW AMERICA proposal, as we have articulated it, would accomplish the funding needs in the short term. We think it is the right way to go particularly given the urgency of the moment. Our ears and minds are open to what emerges from the Hill however. We would like to be in the discussions at a table with you.*

4. ***Transportation Trends***

Last year, Americans took 10.7 billion trips on public transportation, the highest annual transit ridership in 57 years. Amtrak ridership continues to be at record levels, and since 1997 has grown faster than any other major travel mode in the U.S. Recent studies have also found that Americans drive no more miles than they did in 2004, and that individuals age 16 to 24 drive 23 percent fewer miles than they did a decade ago. I point out these statistics to show that transportation trends in America are changing.

Q: Is the Department of Transportation noticing these same trends, and if so, what does this mean for the future of transportation in this country, specifically transportation funding?

Secretary Foxx: *The Department's data on travel patterns reveal similar trends and suggest that these trends will continue for the foreseeable future. These trends first became apparent beginning with the "great recession" in late 2007--early 2008, but the general trajectory of these travel patterns has not changed despite the improving economy. This suggests that we will continue to experience increased public transportation and intercity passenger rail ridership, while vehicle miles traveled (VMT) decreases.*

There are many factors that are causing this long-term shift, but the most prevalent are changing demographics and changing lifestyles. There is ongoing generational shift in lifestyle preferences not only here in the United States, but around the world. A significant portion of Generation X and Y, unlike the Baby Boomers, and generations before them, are choosing to live in urban areas, including in densely populated urban cores where the need for driving is significantly lower and the availability of quality transit service and other alternatives is higher. Some choose to do so for economic reasons and some for social reasons. We cannot say whether their residential location and travel patterns will continue to differ from the older generation as the economy improves and the younger generation

begins to have children, but we need to be adaptable to whichever long term patterns emerge.

Though these are positive trends, they ironically pose a threat to the future of our current system for surface transportation funding which relies predominantly on Federal fuel tax revenues. Even if we start to experience an increase in VMT, motor fuel tax revenue will continue to be affected by the increased number of fuel-efficient vehicles on the market. While fuel-efficient vehicles have been beneficial to consumers and our environment, they contribute to a reduction in the Highway Trust Fund's resources.

Current FHWA data indicate that the Highway Account of the Highway Trust Fund will likely face another shortfall before the end of FY 2014. While the timing of the forecast is subject to change, there is little doubt that another funding crisis will soon be upon us. It is imperative that we recognize the long-term trends facing the nation and their ramification on the future of the surface transportation funding. Finding a sustainable solution that acknowledges these factors should be our collective goal. After all, maintaining and improving our highway and transit infrastructure is vital to our economy and our way of life.

5. ***National Transportation Plan***

Most transportation programs are broken down into modal silos and are not accountable to any unifying strategic vision or national purpose. A major reason for this is the lack of a cohesive national transportation plan that examines actual travel trends and future needs to determine how the modes inter-relate and what investments are necessary.

Q: What can be done to better integrate our nation's transportation programs and coordinate investments across modes?

Secretary Foxx: *The Department recognizes that there is a great need for national transportation plans that unify and coordinate national transportation programs so that investment can be directed to where it is needed most. There are two separate efforts currently underway to address national transportation system planning. The Department is beginning to develop a 30-year National Transportation Agenda that will consider current and future travel trends, as well as how each mode fits into the future of the national transportation system. The intent of the 30-year National Transportation Agenda is to spur future discussion of the long-range transportation needs of the country and identify areas where future investment is needed.*

Additionally, MAP-21 directed the Department to draft a National Freight Strategic Plan and a Freight Transportation Conditions and Performance Report. The Department is currently working towards a final draft of the Freight Conditions and Performance Report that is expected to be completed later this year. Preliminary work on the National Freight Strategic Plan has already begun and will be completed in 2015. The National Freight Strategic Plan will emphasize the multimodal interactions that are necessary for the

efficient movement of freight. One goal will be to identify the chokepoints and bottlenecks, particularly at intermodal connectors, where investment is necessary.

The Department believes that both of these efforts will provide a unifying strategic vision to coordinate and prioritize investments going forward. Facilitating greater cooperation between the different modes is an important goal for the Department, particularly in making investment decisions. The Department is striving towards this goal and is continuing to realize improvements.

6. ***Disadvantaged Business Enterprises (DBE)***

Congress has authorized the DOT's Disadvantaged Business Enterprises (DBE) program in every surface transportation bill since 1982. The purpose of these provisions was to address past and current discrimination against minority and women-owned small businesses, and to ensure that they are provided equal opportunity to compete for DOT-assisted transportation projects, such as the construction of highways

Q: Does race or gender discrimination continue to impact transportation programs? Please provide any additional information and evidence DOT has compiled on this topic.

Secretary Foxx: *Over the past several decades, the Department of Transportation and other federal agencies have submitted similar disparity and other studies to Congress on which Congress has relied in part to find that there is a compelling need to authorize the Department of Transportation to create and to maintain its Disadvantaged Business Enterprise (DBE) Program. Unfortunately, as demonstrated by numerous more recent studies and data, including those attached hereto, although significant progress has occurred due to the enactment of the DBE program, discrimination remains a significant barrier for minority- and women-owned businesses seeking to do business in highway and transit-related markets.*

7. ***Truck Size and Weight***

DOT is currently conducting a comprehensive truck size and weight study as required by MAP-21. Recently, the National Academy of Sciences (NAS) Peer Review Committee issued a report highlighting what they believed to be methodological flaws in the study. However, the Federal Highway Administration (FHWA) has stated that they do not intend to make any changes to the truck size and weight study methodology.

Q: Does DOT plan to make any changes to the truck size and weight study to address the concerns identified in the NAS report?

Secretary Foxx: *The NAS Peer Review Panel recommended a consistent organization of the elements within each of five desk scans, a clear linkage between material in each desk scan and its corresponding project plan, and a synthesis of methods and results from prior studies to the results of this Study. The Department agrees with these*

recommendations and is incorporating these changes in the final desk scans and related documents.

Q: In their report, NAS also noted that there were "significant weaknesses" in the data collections and analytical methods FHWA was using. Do you agree with that assessment? Please provide additional details to support your position.

Secretary Foxx: *Although in none of the five major analysis areas did the NAS Peer Review Committee identify modeling approaches or data sources omitted from the desk scans that would be clearly superior to those selected by the USDOT study team, USDOT recognizes that in some study areas, despite using the most appropriate models and data available, there are some data limitations and methodological challenges to undertaking a robust and comprehensive analysis. The Department intends to describe these limitations and challenges in the Study.*

Q: The NAS report believes that the study is relying on deficient methods because there is not a sufficient amount of time to develop appropriate methods given the congressional timeline. NAS believes that these deficient methodologies can lead to inaccurate results. Given the public policy and safety ramifications that this study will have, do you believe that the study can be successfully and accurately completed according to the congressionally mandated timeline? What happens if you don't meet the deadline?

Secretary Foxx: *We are focused on getting this Study right. The Department is committed to an objective, data-driven, approach that uses appropriate methods and is responsive to the requirements set forth in MAP-21. The Department takes congressional deadlines seriously, but if it takes longer than the Congressional deadline to produce a satisfactory Study, then we will inform Congress and take that additional time.*

8. ***Motor Carrier Safety***

MAP-21 included mandatory requirements for the issuance of four important occupant protection regulations. DOT issued the seat belt rule last year. However, final rules for improving motorcoach roof strength, anti-ejection protection and rollover prevention technology are required to be issued by October 1, 2014. To date, there have been not been any NPRMs issued for these safety standards.

Q: Will DOT meet the October 1, 2014 statutory deadlines for these safety standards? If not, when do you believe these rules will be issued?

Secretary Foxx: *NHTSA is working diligently to implement the various motor vehicle and highway safety improvements contained in MAP-21, as well as other rulemaking, enforcement, vehicle research, and highway safety activities that reduce highway injuries and deaths. For example, in 2013, NHTSA issued a rule requiring seatbelts on motorcoaches. The agency already issued the NPRM for motorcoach rollover crash avoidance, which is part of "Electronic Stability Control Systems for Heavy Vehicles," and plans to issue the final rule this year. The agency plans to issue the NPRM for motorcoach*

roof strength, also known as "Motorcoach Rollover Structural Integrity," this year, and will develop a final rule schedule after receiving and analyzing comments on the proposal. We have not yet determined a schedule for the NPRM for motorcoach anti-ejection safety measures.

9. ***Motor Carrier Safety***

The Administration's GROW AMERICA Act recently submitted to Congress proposes to modify the requirement for safety reviews of new entrant motor carriers by making the reviews discretionary rather than mandatory, which current law requires. DOT's report language states that the new entrant safety reviews have been ineffective and that new entrant knowledge testing, which has not yet been proposed, will address this shortcoming.

Q: What analysis has DOT performed of the new entrant review methodology to determine the reason that safety reviews are ineffective?

Secretary Foxx: *FMCSA believes that safety audits conducted under the New Entrant Safety Assurance Program, in some cases, are an effective means to hold newly established motor carriers accountable for having appropriate safety management controls. This is particularly true in the case of companies run by individuals with little experience in the industry and little exposure to Federal safety regulations or industry best practices. That is not always the case, however.*

The Department based its proposal for increased flexibility in conducting safety audits on a program evaluation of the New Entrant Safety Assurance Program (NESAP) that was initiated in FY 2012. The preliminary results of the study found that new entrant carriers are indeed overrepresented in crashes. Overall, new entrant carriers have a crash rate that ranges from 22.3 percent to 40.2 percent higher than non-new entrant carriers during the period 2004 to 2009; and 28.8 percent higher than non-new entrant carriers in the first full year after the New Entrant Safety Assurance Process Final Rule published December 16, 2008, with an effective date of December 16, 2010. In addition, the study found sufficient evidence to conclude that new entrant carriers violate safety rules more frequently than existing carriers. Despite this data indicating the need for new carriers to receive an intervention, the pre-safety audit and post-safety audit analysis indicated that new entrant carrier crash rates increased counter-intuitively after the safety audit by about 10 percent during the 2003-2009 period. While the crash results were better during the period of 2010 through 2012, the new entrant crash rate performance after conducting the safety audit failed to demonstrate any measureable improvement. There is evidence that carrier compliance with regulations improves modestly immediately following a safety audit, however, there is no evidence to support the assumption that carrier crash performance improves following a safety audit.

Based on the preliminary results of the NESAP evaluation it is recommended that FMCSA redefine new entrant carriers as small carriers with fewer than five power units with limited or no experience, allowing FMCSA to focus resources on those carriers posing a higher safety risk. FMCSA is tasked by Congress with overseeing a large regulated population and with managing scarce government resources. The Agency has

developed considerable expertise with a wide range of safety enhancing enforcement tools and programs, from comprehensive reviews to civil penalties to warning letters to outreach and education. The Agency has examined the effectiveness of many of these tools, and in many cases the new entrant safety audits are less valuable than other interventions.

10. ***Motor Carrier Safety***

More than twenty years ago, Congress directed DOT to develop and issue training requirements for entry-level commercial vehicle operators. In MAP-21, Congress again directed DOT to issue a final rule for training entry-level commercial vehicle operators by September 2013. However, DOT withdrew their proposed rule last year.

Q: When will DOT issue a final rule requiring minimum training standards for entry-level commercial motor vehicle drivers?

Secretary Foxx: *While the entry-level driver training rulemaking is a priority for FMCSA, the Agency cannot now precisely project the completion date of a final rule as further explained below. The Agency anticipates awarding a contract within the next month to engage the services of a convener to assess the feasibility of conducting a negotiated rulemaking under the Negotiated Rulemaking Act (NRA)(Pub. L. No. 101-646, 5 U.S.C. secs. 581-590) to implement this important MAP-21 provision. This follows a series of public listening sessions that were held in 2013 and the June 2013 letter report provided by the Agency's Motor Carrier Safety Advisory Committee. If the convener suggests a negotiated rulemaking is feasible and FMCSA utilizes this process, however, the Agency is still required to provide a notice soliciting committee membership and create a charter under the Federal Advisory Committee Act before the negotiations could begin (NRA, 5 U.S.C. sec. 584). While it is difficult to predict precisely how long negotiations would take, past experiences suggest it is normally less than a year. The consensus-based NPRM would then be published for notice and comment.*

Based on MAP-21, the Agency's current rulemaking must: (1) address the knowledge and skills needed for safe operation of a CMV, (2) address the specific training needs of those seeking hazardous materials and passenger endorsements, (3) create a means of certifying that an applicant for a CDL meets Federal requirements, and (4) require training providers to demonstrate that their training meets uniform Federal standards. The 2007 NPRM did not address endorsement-related training or the entry-level training of new intrastate CDL applicants that is now mandated by MAP–21; these additional statutory provisions would be addressed in the current rulemaking.

After reviewing the MAP–21requirements, comments to the 2007 NPRM, participants' statements during the Agency's public listening sessions held in 2013, and the Motor Carrier Safety Advisory Committee's June 2013 letter report, FMCSA determined that it would be inappropriate to continue with the rulemaking initiated in 2007. The Agency concluded that a new rulemaking would provide the most effective starting point for implementing the MAP–21 requirements. A new rulemaking would provide the Agency

and all interested parties the opportunity to develop a proposal that focuses on the MAP–21 mandate and makes the best use of the wealth of information provided by stakeholders since publication of the 2007 NPRM.

Post-Hearing Questions for Edward J. Markey
Senate Commerce Committee hearing
Surface Transportation Reauthorization
May 7, 2014

Questions for Secretary Foxx

1. In 2000, the TREAD Act was enacted in response to the Ford/Firestone rollover issue. That bill created the Early Warning Reporting (EWR) System. At the time, after some expressed concern that the industry would continue to seek to withhold critical information from the public, I engaged in an October 10, 2000 Floor colloquy[1] with then-Energy and Commerce Chairman Billy Tauzin in which I obtained Chairman Tauzin's affirmation that the bill was not intended to protect information from disclosure that could be disclosed under the law. Although the EWR proposed rule was consistent with the stated intent of Congress, the final rule was not[2]. The problem with the current rule can be described as follows: If I make a complaint to NHTSA's consumer database that includes details about a serious automobile safety concern, that information is made publicly available. If I instead make the identical complaint to an automaker, the automaker is allowed under NHTSA's rules to classify the entire complaint as 'confidential business information,' counter to the clear intent of Congress. I also raised this concern in 2010 hearings with then-Secretary LaHood[3] and then-NHTSA Administrator Strickland[4]. Will you commit to rewriting this regulation, consistent with the language I included in S. 2151, in order to ensure that only the information that truly could be withheld from public release under the Freedom of Information Act can be withheld from disclosure under EWR reporting? If not, why not?

   Secretary Foxx: *This is a complex issue. I committed to provide comments to the Committee on S. 2151, a bill introduced by Senators Markey and Blumenthal to make additional EWR information and certain fatality information publicly available and to improve the public's access to information on the agency's vehicle safety related databases. I will provide my comments to the Committee under separate cover.*

2. S. 2151 also includes a provision directing automakers to automatically submit the accident report or other document that first alerted them to a fatality involving their vehicle or equipment to NHTSA's Early Warning Reporting database. NHTSA is then required to automatically make those documents public unless they are exempted from public disclosure under the Freedom Of Information Act (FOIA). Presently, these documents are only provided to NHTSA if the agency requests them, and they are not made public unless they are requested under FOIA. On May 7, I released a document[5] that consists of GM's response to

[1] 146 Cong. Rec. H9629 and attached
[2] See Joan Claybrook's Congressional testimony for a full history http://www.citizen.org/documents/tread_test_6-04.pdf
[3] http://democrats.energycommerce.house.gov/sites/default/files/documents/Final-Transcript-OI-Toyota-NHTSA-Response-Sudden-Unintended-Acceleration-2010-2-23.pdf
[4] http://www.gpo.gov/fdsys/pkg/CHRG-111hhrg76016/pdf/CHRG-111hhrg76016.pdf
[5] http://www.markey.senate.gov/imo/media/doc/REQUESTTOGMFROMNHTSA2007NHTSA-MARKEY%202.pdf

just such a request by NHTSA. This document – which did not contain any proprietary information - shows that both GM and NHTSA knew that the contractor the agency used to investigate a fatal Wisconsin accident reported the accident was linked to the fact that the airbags had not deployed. GM also sent NHTSA a February 2007 collision analysis and reconstruction report done by the Wisconsin State Patrol Academy that highlighted the ignition switch defect as preventing the airbags from deploying. The report also references other reports of similar problems that the Wisconsin investigators uncovered. Had this document been made automatically available to NHTSA, the public and independent safety experts, it could have provided an actual 'early warning' and potentially avoided other accidents, injuries and deaths. Does the Department support the provision and subsequent publication in the EWR database of documents such as the accident report or other document that first alerted automakers to a fatality involving their vehicle or equipment to NHTSA? If not, why not?

Secretary Foxx: *This is a complex issue. I committed to provide comments to the Committee on S. 2151, a bill introduced by Senators Markey and Blumenthal to make additional EWR information and certain fatality information publicly available and to improve the public's access to information on the agency's vehicle safety related databases. I will provide my comments to the Committee under separate cover.*

3. Does the Department believe that NHTSA should be required to consider information contained in the EWR database when it is investigating potential safety defects and when it is evaluating citizen petitions for automobile safety standards or enforcement actions? If not, why not? NHTSA

Secretary Foxx: *When investigating potential safety defects including petitions, NHTSA relies on all the information it collects using the authority delegated by Congress. This information includes, but is not limited to, EWR reports as well as consumer complaint data, field reports, manufacturer communications including technical service bulletins, SCI crash reports, precedent in prior investigations and peer vehicle data. Given that EWR reports are already integrated in NHTSA standard defect evaluation and investigation process, the Department does not see a need to statutorily require NHTSA to consider EWR information.*

4. Tire Identification Numbers (TINs) are 12-symbol alphanumeric codes required by NHTSA and are intended to assist consumers, manufacturers, vendors and service providers when tires are recalled. The agency created the TIN system in 1970 to function as a tire identifier in the event of a recall. According to recent press reports[6], there is no database that is searchable by TINs on NHTSA's database and often no way for consumers, vendors or manufacturers to quickly and easily access and read the TINs on tires themselves. This has led to accidents, injuries and deaths as people drove in vehicles with recalled tires that later failed. Would the Department undertake a) the creation of a searchable TIN database that would allow people to quickly search by TIN, as well as by make and model, on recalled tires to determine whether particular tires were part of a recall b) a rulemaking to require

[6] http://abcnews.go.com/Nightline/video/recall-roulette-americans-driving-bad-dangerous-tires-23726143

TINs to be easily accessible and machine-readable so that consumers, vendors or service providers can quickly determine their recall status and c) a rulemaking to require tire vendors to register tire owner information so that providing notice in the event of a tire recall is facilitated? If not, why not?

Secretary Foxx: *The Department is committed to exploring ways to improve tire registrations and tire recall completion rates. NHTSA is currently learning more about how dealers are implementing the tire registration process. NHTSA also is conducting outreach to dealers to educate them of their obligation to provide registration cards or electronically register the tires at the point of sale. NHTSA intends to work with industry to determine the best way to increase registration rates. Based upon the result of these efforts, the Department will decide whether a rulemaking effort is necessary.*

Regarding recall completion rates, the Department believes that a TIN lookup that furnishes recall applicability and a calculated tire age could be beneficial to consumers. Such a database would improve customer understanding of what tires are covered by recalls as well as the age of the tire. A TIN, however, is different from a vehicle identification number or VIN. While a VIN is a unique identifier for every vehicle, a TIN only identifies a batch of tires made during a specific week at a specific plant. The TIN is not a unique identifier, but it could still be used to determine whether a tire is part of a recalled batch as well as to determine the age of the tire.

However, we believe that tire manufacturers are best positioned to compile and maintain the data online, similar to our requirement that automakers and motorcycle manufacturers provide consumers with a free online tool that will enable them to search recall information by VIN starting this summer. Were NHTSA required to develop and maintain such data, properly deploying such a database would require significant information collection from the public, industry and stakeholders to assess the best method and to avoid unintended consequences. In addition, standing up and maintaining the related information technology infrastructure and data processing procedures would require significant resources. And before committing to a rulemaking mandating the TIN to be easily accessible and machine readable, we would need to consider the safety need, technical feasibility and anticipated costs and benefits.

5. What information does the Department, whether through the Federal Railroad Administration or some other entity, collect regarding toxic inhalation hazard (TIH) or other rail-security sensitive substances that are carried by rail? This information could include but not be limited to contents on specific trains, routes, and times traveled.

Secretary Foxx: *While railroads are required to compile and analyze routing information for certain hazardous materials, including TIH materials, FRA and PHMSA may inspect this data but we do not compile or retain it.*

Subpart 1 of 49 CFR Part 172 includes requirements regarding the development of safety and security plans for certain hazardous materials (see section 172.800(b)) such as TIH,

explosives, or radioactive materials, and additional analysis and routing requirements for certain hazardous materials (see section 172.820(a)).

With regard to collection of this information we do not require submittal of safety and security plans or information used in a routing analysis. The regulations do require those subject to the requirements maintain a copy of the information that is accessible at, or through, its principal place of business. These materials must be made available upon request, at a reasonable time and location, to an authorized official of the Department of Transportation or the Department of Homeland Security. (See sections 172.800(d) and 172.820(i) and (j)). FRA reviews the railroad security plans and routing analyses, but FRA does not collect this specific data.

Positive Train Control (PTC) implementation plans submitted to FRA are risk-based, so the routes for PTC installation are prioritized based on risk. FRA knows if a particular route is being PTC-equipped because TIH is transported on the route, but FRA does not collect or require other data related to hazardous materials for purposes of the PTC implementation plan. See 49 U.S.C. 20157 and 49 C.F.R. 236.1011(a)(5)(i).

6. Assuming the DOT collects some information regarding TIH or other rail-security sensitive substances that are carried by rail, what does the Department do with that information? For example, does the DOT share that information with local officials and/or first responders, and if so, when (i.e., in advance of a shipment, or after a spill or other type of accident occurs)?

Secretary Foxx: *Again, FRA and PHMSA do require detailed reports regarding certain rail accidents/incidents, and certain hazardous materials releases. For FRA, the accident reports may contain information about whether a TIH or other hazardous material was involved, but that is not specifically required. The hazmat incident data collected by PHMSA would indicate what hazardous material was involved in a release. While railroads are required to compile and analyze routing information for certain hazardous materials, including TIH materials, FRA and PHMSA may inspect this data but we do not compile or retain it.*

DOT notes that the nation's railroads and hazardous materials shippers partner on voluntary efforts to educate and aid emergency responders. An example of this is the TRANSCAER program, a national outreach effort that focuses on assisting communities to prepare for and respond to a possible hazardous materials transportation incident. TRANSCAER members consist of volunteer representatives from the chemical manufacturing, transportation, distributor, and emergency response industries, as well as the Federal government.

Most railroads have claimed that information related to the quantity of TIH transported over a certain route is proprietary/confidential as it could disclose market share and put a railroad at a competitive disadvantage.

7. Section 10301 of SAFETEA-LU required standards to address both complete and partial ejections from vehicles. However, the rule did not address occupant ejections through sunroof and rear window vehicle openings, which together have accounted for more than 12% of injuries and 7% of deaths from ejection. In the final rule, NHTSA stated: "We plan to examine field data to better understand the current and future extent of roof ejections, and will seek to learn about the future implementation of sun/moon roofs in vehicles and ideas about effective ejection countermeasures through those portals. The results of this work may find that future rulemaking on roof ejections could be warranted." What has NHTSA done to examine the field data and determine whether a new rulemaking is warranted? Please provide me with a description of all efforts to date, along with a timeline that describes future plans.

Secretary Foxx: *After completion of the final rule, NHTSA formed a working group made up of members of Rulemaking, Enforcement, Research and the National Center for Statistics and Analysis to complete this task. The group started by analyzing real world crashes involving ejections through roof portals included in our Fatality Analysis Reporting System (FARS) and National Automotive Sampling System Crashworthiness Data System (NASS-CDS) and met with manufacturers to better understand the issue. The group then used this information to develop a research test plan for further investigation. Testing is expected to be completed before the end of calendar year 2014. The results of this testing will be used to make a management decision in 2015 regarding how to proceed.*

Senator Cory A. Booker

Full Committee Hearing On "Surface Transportation Reauthorization: Progress, Challenges and Next Steps" May 7, 2014

Questions for the Record

Questions for Transportation Secretary Foxx:

Mr. Secretary - as you may know, my predecessor in the Senate, Frank Lautenberg, was a fierce advocate in the prevention of drunk driving. I too, share his passion to keep our roads safe and wanted to ask you a question in regards to drunk driving prevention through the use of ignition interlocks.

These devices, which prevent a driver from starting his or her vehicle if their blood alcohol level is elevated, has been a proven lifesaver and the National Transportation Safety Board has advocated for the expansion of their use.

QUESTION 1: Almost all states have some type of mandatory or discretionary ignition interlock program, and 36 of them have laws mandating their use after a first DUI conviction. Yet, of these 36, only two were awarded Section 405(d) federal grants specifically designed to encourage states to adopt and enforce mandatory ignition interlock laws. Mr. Secretary, are there ways that we can improve the utilization of this grant program?

> ***Secretary Foxx:*** *MAP-21 specifies that to qualify for a grant under section 405(d) a State must adopt and enforce a mandatory law that requires all offenders convicted of DUI to be limited to driving only motor vehicles equipped with ignition interlocks. The plain language of the statute sets a very straightforward requirement that an interlock must be used. Unfortunately, many States, including some with laws that are described as mandatory, include exemptions or permissions in their laws that allow offenders to avoid interlock use under some circumstances. Under the plain language of the statute, these States do not qualify for a grant.*
>
> *Currently, the Department provides technical assistance to States to help strengthen ignition interlock laws and meet the grant requirements. For example, in the first year of the grant program 14 States applied for a grant and two States met the qualification criteria. In the second grant year, 12 States applied for a grant and four States qualified. The increase in awards from the first to the second year resulted from two States amending their laws to remove exemptions and establish mandatory programs.*
>
> *The Department's Grow America Act also proposes changes to Section 405(d) that would expand eligibility for the ignition interlock grant program by allowing States with employer or rural exemptions in their interlock laws to be eligible if DUI offenders are still covered by a 24-7 monitoring program. A 24-7 program requires DUI offenders to either check in with authorities periodically during each day and complete breath alcohol tests or use a continuous electronic monitoring device.*

We believe that the combination of technical assistance to States and refinements to the statute will enable more States to qualify for Section 405(d) grant funds.

QUESTION 2: Mr. Secretary, I am concerned that states that are doing the right thing when it comes to drunk driver prevention are not being recognized by the grant program and moreover, that the remaining states who are considering stronger ignition interlock laws are discouraged to do so through the failure of this program. I would like to hear your thoughts on the best ways that I can work with you and Acting NHTSA Administrator Friedman to improve the responsiveness of the 405(d) grant program as well other provisions in MAP-21 to make sure NHTSA is doing everything it can to ensure that the drivers on our roads are sober drivers.

Secretary Foxx: *We believe that incentive grant programs such as the Ignition Interlock Incentive Program should seek a balance between rewarding states that have enacted effective laws and providing funds for states to build effective programs. Refinements to the existing Section 405(d) grant program have been proposed in the Department's Grow America Act that would seek this balance by allowing additional opportunities for States to qualify for incentive funds. These refinements would allow States with employment and rural exemptions to be eligible for a grant if offenders are still covered by a 24-7 monitoring program.*

The current research shows that ignition interlocks are effective when they are installed on vehicles. Consequently, the introduction of exemptions in this grant program that would allow offenders to drive without interlocks or any kind of monitoring should be carefully considered. As a general matter, we feel these types of exemptions in any form undermine safety.

Another important safety issue that I would like to discuss is in regards to the General Motors recall. It is deeply concerning that the National Highway Traffic Safety Administration (NHTSA) failed to take action to identify the ignition switch problem and require a recall over a ten year period, despite opening two separate investigations of the failure of the vehicle's airbags to deploy in crashes.

QUESTION 1: What could be included in transportation reauthorization proposal that could help the agency ensure that safety defects are identified and prevented in the early stages?

Secretary Foxx: *The GROW AMERICA Act will strengthen NHTSA's ability to hold automobile manufacturers accountable for defects that can cost lives. Specifically, the Act:*

- *Establishes harsher penalties for manufacturers that refuse to address defective and dangerous vehicles and equipment that endanger the public;*
- *Provides the authority to require manufacturers to cease retail sale and/or require repair of vehicles or equipment that pose an imminent hazard to the safety of the motoring public; and*
- *Provides the authority to require rental car companies and used car dealers to participate in recalls of defective and unsafe vehicles.*

To increase the effectiveness of NHTSA's safety defects investigation, we also believe that the following steps are necessary: enhance the Office of Defect's (ODI) ability to use the latest technology to help identify possible safety defects; increase the public's awareness of reporting safety problems with their vehicles or vehicle equipment to NHTSA; and provide ODI with the personnel resources to address potential safety risks.

QUESTION 2: What changes in agency process and procedures could prevent another safety defect from going undetected?

Secretary Foxx: *The Department continually seeks new ways to improve our processes. We are currently conducting an internal due diligence review of our processes. As part of that effort, we are reviewing the events leading up to this recall to see if there are areas that can be improved.*

For example, we are looking to improve our understanding of the way that various manufacturers design air bags to function when the vehicle loses power, considering whether we need to improve the use of Special Crash Investigation (SCI) in our defects screening process, reviewing ways to better incorporate information about remote defect possibilities into the investigative process, and evaluating our process for engaging manufacturers around issue evaluations. As a result of NHTSA's communication with automotive manufacturers and suppliers regarding air bag design and performance related to the position of the vehicle ignition switch, NHTSA has opened two formal investigations related to potential safety defects related to the air bag systems in certain Chrysler vehicles (MY 2006-2007 Jeep Commander and MY 2005-2006 Jeep Grand Cherokee vehicles and 2008-2010 Grand Caravan, Town and Country and Dodge Journey vehicles).

Additionally, we are working closely with the Department's Office of the Inspector General audit assessing issues pertaining to NHTSA's actions prior to the recent GM recalls.

Questions asked during the Hearing

McCaskill (page 61)

What is really disconcerting to me is how stagnant the budget has been for safety defects investigations. That it has really been essentially flat-lined for a decade. Now I know that this budget was prepared before the proverbial whatever hit the proverbial whatever on GM but, having said that, the notion that we are looking at $10 million in a relatively small staff, and we're asking these people to do a really heavy lift. You know, there's no question that we've got Monday morning quarterbacking going on about why NHTSA didn't find this. And I will give NHTSA credit, they have not been "Oh, poor us." But, frankly, nobody has even asked for more. It's not as if this has been a request that's been made and turned down. **So would you like an**

opportunity to revisit the budget line for safety defects investigations and look and see whether or not you actually have the resources you need to do this?

Secretary Foxx: We would be happy to take that request and submit back to you a response, Senator. I think it's a great question that you ask and it's something that we are certainly aware of; the staff constraints that we have. And I would love to have an opportunity to come back to you on that.

> ***Secretary Foxx:*** *We appreciate the opportunity to revisit the budget request for the safety defects investigation program. In the President's Fiscal Year (FY) 2015 Budget, NHTSA requested $10.6 million for the safety defects investigations program, which is consistent with the FY 2014 request. However, this request is for program costs and does not include salaries and benefits for Office of Defects Investigation (ODI) employees. While NHTSA did not ask for additional program dollars in the FY 2015 request, the Agency did request six additional positions for ODI. And in the President's FY 2014 Budget, the Agency requested four additional positions for ODI.*
>
> *ODI's work is important to all highway users, as is evident from the recent recalls of Toyota vehicles and General Motors vehicles. To increase the effectiveness of ODI's work, we believe that the following steps are necessary: enhance ODI's ability to use the latest technology to help identify possible safety defects; increase the public's awareness of reporting safety problems with their vehicles or vehicle equipment to NHTSA; and provide ODI with the personnel resources to address potential safety risks.*
>
> *Looking ahead, areas of new opportunities for safety defect investigations could include an advanced data mining and analytical tool, incorporation of business intelligence to enhance the ability of defect screeners and investigators to identify new defect trends. On another front, in the future NHTSA may wish to undertake a consumer awareness and outreach campaign as a large portion of the data received about defects comes from consumers.*
>
> *DOT looks forward to working with Congress to ensure that NHTSA is adequately funded to fulfill its safety responsibilities and respond effectively to emerging safety issues through these and other activities.*
>
> *Having a sufficient number of qualified staff is critical to an effective safety defects investigation program. ODI currently has eight defect screeners and four Early Warning data analysts to identify potential safety defects, and 16 investigators to conduct formal investigations. With over 250 million registered vehicles in the U.S., this creates a tremendous data collection and analysis burden that will only continue to grow.*

Committee on Commerce, Science, and Transportation
"Surface Transportation Reauthorization: Progress, Challenges and Next Steps"
May 7, 2014
Questions for The Honorable Anthony Foxx
Secretary of Transportation

Ranking Member Thune

To address concerns with implementation of Positive Train Control (PTC).

1. As I mentioned in my opening statement, I am pleased to see that your draft legislation addresses the issue of PTC. The Committee has heard testimony on several recent occasions about the obstacles passenger and freight railroads are encountering in their efforts to meet the 2015 deadline, most notably the issues with the FCC approval process for communications towers which hasn't granted a single permit since MAY 2013.

A. Can you please outline the administration's proposals for PTC and for addressing difficulties in implementation?

Secretary Foxx: *The GROW AMERICA Act grants the Secretary of Transportation new authority in four areas: (1) to grant merit-based extensions of the current statutory implementation deadline for PTC systems; (2) to establish a schedule with milestones for PTC system implementation; (3) to permit provisional operation of a PTC system or component prior to its full certification; and (4) to allow alternative methods of protection in lieu of a PTC system where the alternative methods will provide appropriate risk mitigation against PTC-preventable accidents. The GROW AMERICA Act also reinforces the need for coordination between DOT and the FCC to assess spectrum needs and determine a solution to lack of spectrum availability.*

B. Why have you not included a blanket extension of the 2015 PTC deadline since there isn't a single freight railroad and most passenger lines are nowhere near being compliant due to events outside their control?

Secretary Foxx: *Based on the technical challenges that Southern California Regional Rail Authority (Metrolink), Union Pacific Railroad Company (UP), and BNSF Railway Company (BNSF) have experienced, and the other railroads' state of progress, the Federal Railroad Administration (FRA) believes it unlikely that any Class I freight railroad will be able to fully complete PTC system development and approval by the December 31, 2015 deadline. Many will, however, be able to accomplish partial to substantial deployment. FRA believes that BNSF will most likely be the furthest along in the deployment process, with the other railroads following behind them.*
The unfortunate reality is that there are technical, financial, and agency review and coordination issues affecting individual railroads' abilities to complete PTC implementation by the December 31, 2015, deadline. The extent to which these issues affect individual railroads is not uniform. I cannot emphasize this enough. I do not believe that a blanket extension is necessarily the most appropriate (or effective) way to address the unique circumstances each railroad is facing. I strongly recommend that extensions be considered on a merit basis and only as necessary and that they take into consideration the specific issues affecting the particular railroad as well as the ability of

the railroad to address the issues, the availability and effectiveness of alternative solutions, and the safety risks, as provided in the GROW AMERICA Act.

C. In addition, I understand there are very valid concerns regarding interoperability under a scenario where there's different compliance dates for different railroads. What analysis has DOT done about how ad hoc compliance could impact overall operability of various PTC solutions for both passenger and freight railroads?

Secretary Foxx: *Regardless of whether or not DOT is granted the authority requested in the GROW AMERICA Act, the Department anticipates railroads will be in varied states of compliance with the implementation mandate, as previously indicated. This may be either as a consequence of the difficulties individual railroads face in resolving the specific technical and other issues associated with their individual PTC system development and deployment efforts, or as a consequence of system failures once a PTC system has been fully deployed and is operational.*

Where a railroad fails to have an interoperable PTC system in place, for whatever the reason, the implementing regulations are designed to maintain a level of safety generally in accord with that which could be expected with an operable PTC system, by requiring supplementary procedures to heighten crew awareness and provide operational controls limiting the frequency of unsafe events and reducing the potential severity of any unsafe event. The implementing regulations further allow for unique customization of these supplementary procedures based on specific risk and risk mitigations.

To stress the importance of preserving 24/7 Sobriety programs as DOT looks to restructure Section 405 incentive grants.

2. Drunk driving is a serious concern, and one that is a priority for me as we move forward with reauthorizing NHTSA. South Dakota has taken recent, proactive steps to address the issue of drunk driving. In 2011, South Dakota passed legislation to create our state's 24/7 Sobriety Program. In MAP-21, which I supported, I fought to protect this program by ensuring it wasn't precluded as an eligible safety program.

A. As you propose to restructure Section 405 incentive grants, what is the Administration's outlook on programs like the 24/7 Sobriety Program, and what steps have you taken to ensure that states have the flexibility to rely on them?

Secretary Foxx: *NHTSA is aware of evaluations of intensive supervision programs, such as the 24/7 Sobriety Program, which indicates that such programs can be effective in reducing DWI recidivism. In the GROW AMERICA Act, the Administration proposes to increase State flexibility with regard to eligibility for an alcohol-ignition interlock law grant by allowing the substitution of 24/7 intensive supervision programs for ignition interlock use under certain circumstances. Under the proposal, a State would be eligible for an ignition interlock grant even if its all-offender interlock law contained an exemption for employer-owned vehicles, provided that the State required such offenders to participate in a 24/7 intensive supervision program. Similarly, a State would also be eligible for an ignition interlock grant even if its all-offender interlock law contained an exemption for rural residents, provided that such offenders live more than one hundred*

miles from an interlock service provider and they participate in a 24/7 intensive supervision program.

To address South Dakota concerns that more flexible 402 funds will be less available.

3. NHTSA provides State and Community Highway Safety grants under Section 402 in addition to the National Priority Safety Program grants under Section 405, which are more restrictive. The Administration's proposal contemplates funding for Section 405 at higher levels than Section 402. Yet, Section 402 allows states more flexibility to provide for data-driven projects in support of a number of highway safety issues, and some states would prefer to see the funding levels reversed, with 402 receiving as much funding as possible.

A. Can you explain the Administration's rationale for the proposed funding levels as set forward in your proposal?

Secretary Foxx: *In MAP-21, Congress continued the approach from previous highway safety authorizations by extending the Section 402 State and Community Grant Program and providing grants to address specific highway safety problems with the Section 405 National Priority Safety Program Grant Program. In the GROW AMERICA Act, the Administration proposes increases in both Section 402 and Section 405 funding. The Administration proposes approximately 14 percent growth of the Section 402 program and 16 percent growth in the Section 405 program over the life of the bill.*

Section 405 funding provides grants to States that meet specific grant criteria to combat highway safety issues that are significant concerns in virtually every State, such as occupant protection, impaired driving, novice driver safety, distracted driving, motorcycle safety, as well as State traffic safety information systems that form the basis for State highway safety problem identification and resource allocation. Section 405 provides grants to States to address all these safety problems while also providing incentives to States to refine and improve these programs, by raising the bar for qualification over the life of the authorization period. In addition to continuing and revising the existing MAP21 grant programs, the GROW AMERICA Act provides funding for States to address additional safety concerns: the growing number of pedestrian and bicycle crashes, and novice driver safety through the adoption of national driver education standards and programs developed by the driver education community.

Section 402 grants provide funding with flexibility for States to address more State-specific safety problems, identified using data generated from the State traffic safety information systems supported at least in part by Section 405 grants. Much of the Section 402 funding is used by States to address the widespread problems of impaired driving, occupant protection and distracted driving. The existence of Section 405 grants in these areas allows States the option to devote a smaller percentage of their Section 402 funds to these issues and free up those Section 402 funds for use on other State-specific safety problems.

The proposed funding increases in the GROW AMERICA Act are designed to advance the synergy between the National Priority Program grants and the State and Community Highway Safety grants by providing comparable increases in funding to both programs.

To express concern about reports of invasive roadside survey procedures employed by NHTSA contractors.

4. I am concerned about reports regarding the National Roadside Survey of Alcohol and Drugged Driving that revealed motorists complaints of being forced off the road and asked to provide breath, blood and saliva samples. While combating impaired driving is a priority, and while survey data provide important insights to policymakers regarding the scope of this problem, it is important that the methods employed by NHTSA and its contractors respect the civil liberties of our nation's motorists.

Survey participation should be voluntary and not feel coerced as some have claimed.

A. **Can you explain how the survey was conducted and what procedures, if any, NHTSA employs to ensure that its testing activities -- both those conducted by the agency itself and those conducted through third-party contractors –are constitutional and as unobtrusive as possible?**

Secretary Foxx: *The National Roadside Survey of Alcohol and Drug Use by Drivers is one of the most reliable sources of data on the presence of alcohol and legal and illegal drugs among drivers on the road. Information gathered through the Roadside Survey is a critical part of our efforts to reduce impaired driving. For example, information from previous surveys contributed to the passage of the 21 Drinking Age law. Also, data from previous surveys helped law enforcement target times for impaired driving enforcement.*

Procedures for conducting the Roadside Survey were reviewed and approved by an Institutional Review Board (IRB) for the Protection of Human Subjects, as required by federal statute. This IRB approval process is designed to ensure that subjects of federally-funded research are treated with dignity, respect, and courtesy, that their participation is voluntary, that there is no coercion, and that volunteers give informed consent to participate.

The following protocols were in place to ensure that the survey was conducted in accordance with law and as unobtrusively as possible:

- *The research team placed large signs, including mobile electronic signboards, in the roadway in advance of the survey site to alert drivers to the "Paid Voluntary Survey" ahead.*
- *Drivers passing by survey locations were randomly selected and asked if they would like to volunteer to participate in the survey.*
- *Law enforcement officers were present at each survey site for the safety of the motorists and researchers. However, officers remained outside of the data collection area and were not involved in collecting data from the drivers.*
- *Researchers began by informing drivers that they have done nothing wrong and that they are free to leave at any time. Researchers also gave each driver an information sheet describing the study, stating clearly that the survey is voluntary, and explaining that no personally identifying information will be collected.*
- *If researchers encountered a driver who appeared to be intoxicated, for the protection of the driver and other motorists researchers offered a series of options*

(e.g., substituting a sober passenger as a driver in the vehicle; having a researcher drive the vehicle home or to a hotel; hiring a cab). (No driver has ever been arrested at a survey site under this program.)

NHTSA is committed to its mission of reducing traffic deaths and works closely with State partners to develop and implement effective traffic safety programs. The agency also fully recognizes the sensitivity of research activities of this nature and takes great care to ensure that anonymity is preserved and individual rights are not compromised.

5. To request an update on when the Administration expects to formally send up senior nominations including Deputy Secretary, FHWA and NHTSA
I sent a letter to the President in March 2014 urging him to act swiftly to fill the vacant Administrator position at NHTSA. In that letter, I explained my view that though the Acting Administrator and career staff carry on the work of the agency during periods where there is not a confirmed Administrator, as is the current situation, a sustained absence of leadership can send a mixed message, particularly when it comes to the important safety mission entrusted to NHTSA. The recent recalls of General Motors' vehicles have once again put a spotlight on the Office of Defect Investigation's process for identifying and addressing safety defects. It is important to ensure that there is a Senate confirmed Administrator in place to provide necessary leadership in this and other areas.

A. Can you provide an update to this Committee on what progress has been made with respect to identifying and nominating a candidate to fill this position?

Secretary Foxx: *I share your interest in the importance of having a confirmed Administrator at NHTSA and understand the White House Office of Presidential Personnel is working on finding the appropriate candidate for this vacancy. In the interim, I have full confidence that NHTSA's safety mission continues to be the top priority for the agency's current leadership and staff. My Department looks forward to providing the Committee with more information on this nomination in the near future.*

Senator Ayotte

1. Secretary Foxx: Over the last several years we've seen fatalities of pedestrians and bicyclists increase, even as overall traffic fatalities are falling. These modes account for over 5,000 deaths and 115,000 serious injuries a year.

As you know, I have written to your department in the past requesting a separate performance measure for non-motorized transportation users. In fact, I have introduced legislation that would ensure states measure fatalities of both motorized and non-motorized users, so they may identify safety hazards on their roads.

In March, the Federal Highway Administration (FHWA) released a draft rule of the safety performance measure.

A. **Why did this measure not include a separate non-motorized performance measure that would improve data collection and encourage states to focus on reducing these fatalities?**

Secretary Foxx: *Pedestrian and bicycle safety is one of my top priorities. All modes in DOT strongly support this priority and will continue to work collaboratively to do so. More information about DOT's bicycle and pedestrian work in this area is available at: http://www.dot.gov/bicycles-pedestrians.*

In the Notice of Proposed Rulemaking (NPRM) for Safety Performance Measures (available at: http://www.gpo.gov/fdsys/pkg/FR-2014-03-11/pdf/2014-05152.pdf), as required by MAP-21, we are proposing the establishment of one measure for each of the four areas mandated by MAP-21: number of fatalities, fatality rate, number of serious injuries, and serious injury rate. Our proposed measure is consistent with the focus of the Highway Safety Improvement Program, which is to reduce all fatalities and serious injuries – including those involving pedestrians and bicyclists.

States are already using and reporting a pedestrian fatality metric through NHTSA's Highway Safety Program. Just this spring, NHTSA reached a further agreement with the Governors Highway Safety Association (GHSA) to add the requirement for States to develop a bicycle safety performance target. These will begin with FY 2015 highway safety grants. You can be assured that both NHTSA and FHWA are working cooperatively on safety performance measures to spur States to achieve the national goal of reducing fatalities and serious injuries for all users.

The Department supports a data-driven approach to addressing safety issues. As States update their Strategic Highway Safety Plans (SHSP) – the statewide-coordinated safety plan that provides a comprehensive framework for reducing all fatalities and serious injuries on all public roads – they bring pedestrian and bicyclist interests to the table and look at crash trends. An SHSP identifies a State's key safety needs and guides investment decisions toward strategies and countermeasures with the most potential to save lives and prevent injuries. The majority of States already include pedestrian and bicyclist safety in their SHSPs either as a priority emphasis area or a strategy.

As FHWA moves through the rulemaking process, FHWA will continue to consider all comments received. The Safety Performance Measures NPRM specifically asks for comment on how the Department could address non-motorized safety performance and how State and MPOs consider such data in their safety programs and in selecting investments.

Senator Fischer

1. Secretary Fox, the rail industry has not been able to install antennas that will be needed to make Positive Train Control work for over a year while the FCC tries to develop a workable process to handle the 22,000 applications they expect.

A. **What are you doing to help move this process forward?**

Secretary Foxx: *FRA has worked closely with the FCC and other stakeholders throughout the development of the Program Comment that will apply to most of the antennas within the railroad right-of-way necessary for PTC implementation and was adopted by the Advisory Council on Historic Preservation in May 2014. FRA's primary*

role is as a technical resource for the FCC to enable it to better understand the potential ramifications of various policy and technical options that it is considering to facilitate the PTC tower application-review process. The FCC is responsible for compliance with the National Historic Preservation Act and the National Environmental Policy Act as they relate to its approval of communication system towers and stations. FRA has no statutory or regulatory authority over spectrum allocation and availability or communication systems tower deployment. FRA has provided, and will continue to provide, the FCC with all possible technical assistance as the FCC implements the Program Comment and approves the antennas necessary for PTC system implementation.

2. The new truck driver hours of service rules your department put in place in July 2013 are having a substantial impact on productivity. To justify the change your department speculated that hours of service would make drivers healthier and live longer. Also, your department recently completed a congressionally mandated study on the rules' restart provision that acknowledged that your rule changes have put more trucks on the road during daytime hours.
A. **What plans does your Department have to measure and try to confirm whether these speculative health benefits will actually be realized? Also, what plans does your Department have to evaluate the daytime driving safety impacts of putting so many trucks on the road at the same time?**

Secretary Foxx: *The Hours-of-Service rule has been in place almost a full year; a year in which the industry has seen higher profitability than any year since 2009. Only those drivers who were working more than 70 hours per week are affected by having their work limited to an average of 70 hours per week, which is still nearly double the national standard of a 40-hour work week. The benefits of the rule are not speculative. They are supported by the best available science on the relationship between increased sleep (for sleep-deprived groups, like truck drivers) and increased life expectancy. FMCSA is considering a range of research projects to evaluate the effect of the 2011 final rule, including the two-night requirement that some argue puts an excessive number of trucks on the road early in the morning. The Agency will announce its research plans in due course and seek industry input and cooperation in refining them and carrying out the studies.*

This rule also does not prevent carriers and drivers from setting their own schedules, nor does it restrict drivers from being on the roads during any time of the day. Only drivers who run out of time during the work week and exceed 60 hours of work in 7 days or 70 hours in 8 days, and need to begin a new work week as soon as possible would have to use the 34-hour restart, including two nighttime periods from 1-5 a.m. Even then, there is no requirement that such a driver hit the road at a specific hour. Less than 15 percent of long haul truck-drivers are affected by the 34-hour restart.

In our regulatory analysis, the Agency estimated that the changes to the hours of service rule would yield not only safety benefits in lives saved, quantified at 19 lives saved per year, as well as benefits to driver health, including $280 million in savings from fewer crashes and $470 million in savings from improved driver health.

Senator Blunt

Question on Pipeline and Hazardous Materials Safety Administration

Mr. Secretary, there are considerable Bakken crude testing and survey efforts under way by oil producers and shippers. 17 companies submitted over 1,100 test results to their trade association-representatives of which I know plan to walk PHMSA through the results when they are ready. The North Dakota Petroleum Council also plans to collect 150 total samples from both well sites and rail facilities. These efforts will provide a substantial amount of data to PHMSA on the characteristics and behavior of Bakken crude.

A. **Question: How will this data be utilized by PHMSA, and do you expect it to settle questions surrounding Bakken crude and how it compares to other crude types?**

> ***Secretary Foxx:*** *Safety is my number one priority as Secretary of Transportation. We appreciate the efforts of the industry to collect and analyze crude oil data following our request to share this information. As we've said, more needs to be understood about this crude oil, and our safety experts are reviewing the data as we also continue to collect and analyze our own data. This testing data is critical to our comprehensive approach.*
>
> *As part of its on-going efforts, PHMSA has supported the American Petroleum Institute Standards Committee initiative to develop industry standards for proper sampling techniques, testing criteria, and testing frequency for crude oil. PHMSA has actively participated in the discussions during working groups sessions held to date and plans to continue up through expected completion in July. PHMSA uses the data collected on crude oil characteristics in conjunction with physical testing of tank car integrity and predictive modeling tools to gather data on tank car performance in accident scenarios to develop its proposals.*
>
> *The data submitted to date and any submitted in the future will be analyzed and compared to PHMSA's sampling and testing results. PHMSA is also actively involved in an American Petroleum Institute working group tasked with developing industry best practices, including those regarding testing and sampling methods for crude oil.*

B. Follow Up: **Will it inform the rulemaking process your department already has underway?**

> ***Secretary Foxx:*** *Yes. Based on PHMSA's own testing and sampling efforts, combined with the voluntarily submitted testing data by industry, PHMSA better understands the unique properties of crude oil. This understanding has led to the development of a comprehensive rulemaking. PHMSA has used the data collected on crude oil characteristics in conjunction with physical testing of tank car integrity and predictive modeling tools to gather data on tank car performance in accident scenario to develop its proposals. PHMSA is confident the proposals in our rulemaking will account for the unique characteristics of crude oil and improve safety and looks forward to public comment on these proposals and the data that supported their development.*

Question on Pipeline and Hazardous Materials Safety Administration (PHMSA)
Mr. Secretary, last week you announced you sent a "comprehensive package" of rules to OMB intended to address rail safety. I understand you are unable to comment on the specific details, but I assume there will be some treatment of rail car design and how to address cars currently in service. I have been informed that a part of the technical analysis your department is considering for rail car design standards is a study by the University of Illinois. But I also understand that study is currently undergoing peer review.
C. Question: **How will the results of that peer review be incorporated into the proposed regulatory actions the Department is considering**?

> ***Secretary Foxx:*** *The rulemaking that is currently pending focuses on a variety of topics from tank car design to possibly classification issues.*

Questions asked during the Hearing

Senator Scott (Page. 73)
"Just a quick question for you. I had a couple but I think Senator Fischer talked about the tolls which I think is very important as you being from North Carolina, South Carolina, and seeing 95 come towards Georgia; **two lanes going to three lanes and the impact that would have**. I'd love to, perhaps, submit that question for the record."

> ***Secretary Foxx:*** *We are not suggesting that the Federal government should direct State and local governments to impose tolls on their Interstate highways. Rather, we are proposing to offer tolling as a tool in the toolbox that States could consider—where appropriate—during the project planning and development process. And we are proposing to make the new toll authorities subject to Departmental approval.*
>
> *As an example, the GROW AMERICA Act would allow any State the option of tolling a highway to pay for its reconstruction. Under GROW AMERICA, the existing Interstate System Reconstruction and Rehabilitation Pilot Program (ISRRPP), with its limited number of slots, would be discontinued. In its place, any State that has identified a potential project to toll an Interstate highway to fund its reconstruction, and vetted it through the NEPA process, would be able to apply to USDOT for tolling authority. Before accepting proposals, we would first develop and publish criteria for tolling approvals, soliciting input from all interested parties and publishing final approval criteria in the Federal Register after thoroughly considering their comments.*

Senator Scott (Pages 74-75)
"Another question that I'd love to get your perspective on has to do with the trust fund and the fact that we're spending, really, gas dollar, gas tax dollars, on **transit systems that are not making any real contributions to the Highway Trust Fund. And while we have a challenge with building infrastructure, we have a challenge building the infrastructure that the 18.4,**

of whatever it is, cents per gallon is dedicated to bills. So I'd love to have that also for the record.

> ***Secretary Foxx:*** *In 1982, Congress passed the Surface Transportation Assistance Act which directs a portion of Federal gasoline and diesel excise taxes to an account in the Highway Trust Fund specifically to help fund mass transit operations. Through the Mass Transit Account, buses, subways and other forms of mass transit have helped communities nationwide to expand or improve public transportation systems – thereby helping to reduce traffic congestion and improve air quality. Highways and mass transit systems are complementary, not competitive, solutions to America's transportation challenges and we need to increase investment in both.*

My question really has to do with just the regulatory environment that's been growing so quickly.

You think about the fact that in FY 2013, almost 4,000 new rules were issued. Now we're seeing the cost of the regulatory environment is about 11 percent of the entire GDP of our country. If you're a small business owner like I used to be with 20 employees or fewer, the cost of the regulatory environment is about $10,500; if you have more than 500 employees, it's about $7,800.

With GROW AMERICA, it has lots of ideas for more regulations; and just to name two or three real quick and get your response on the cost benefit analysis on these regulations and other regulations to come. If you think about inspectors stopping passenger tour buses and doing inspections any time they want to while they're in route, I think that would have a major impact on the cost of doing business. If you think about being able to impound a new vehicle at a dealership for up to 72 hours, hopefully trying to figure out whether they're in compliance with the CAFE Standards that has another impact. And, if you think about an extension or expansion of the federal hours-of-service regulations to railroads, I certainly know that would have an impact.

And my real question is simple. **What is the cost benefit analysis suggesting and/or indicating to you? And, have we actually had a cost benefit analysis on these opportunities, so to speak?**"

> ***Secretary Foxx:*** *Executive Order 13563, signed by President Obama in 2011, requires that any regulatory requirement adopted by an agency can be adopted "only upon a reasoned determination that its benefits justify its costs." While the statutory provisions proposed in GROW AMERICA have not yet been the subject of such benefit-cost analysis, they would all be subject to benefit-cost analysis before the regulations implementing them were issued.*
>
> *Section 5401 of GROW AMERICA would amend the requirements for approval of State motor carrier safety plans. The proposed language would require that, "except in the case of an imminent hazard or obvious safety hazard," such plans must ensure "that an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a station, terminal, border crossing, maintenance facility, destination, or other location where adequate food, shelter, and sanitation facilities are available for passengers, and reasonable accommodations are available for passengers with*

disabilities." The proposed language only affects State inspectors, not federal inspectors, and is quite restrictive about where inspections may take place, and does not allow inspectors to stop passenger tour buses any time they want to. Inspections can only take place where the needs of the passengers can be attended to. While we have not prepared a benefit-cost analysis of this provision, we believe that this provision will enhance safety without having a significant adverse effect on passengers. We believe that most passengers would be happy to have the assurance that the bus on which they are traveling is safe.

Under the National Highway Traffic Safety Administration's (NHTSA's) current regulations concerning Corporate Average Fuel Economy (CAFE) standards, the fuel economy standard varies depending on the "footprint" of the car – that is, the wheelbase of the car multiplied by its track width. It therefore becomes important to ensure that the footprint is accurately measured. Section 4108 of GROW AMERICA clarifies that NHTSA inspectors can examine automobiles at the manufacturer's or dealer's premises to confirm that the footprint stated in the manufacturer's certification of compliance is accurately measured. A mis-measurement of the car's footprint has the potential to increase the regulatory burden on the manufacturer as well as reduce it, so getting the measurement right has as much chance of reducing regulatory burdens as to increase them. We have not yet prepared a benefit-cost analysis of this provision, but we believe that both manufacturers and dealers have an interest in ensuring that the CAFE standards that apply to the cars they sell are accurately measured.

Finally, federal hours-of-service regulations have applied to railroads since 1907. Section 9403 of GROW AMERICA would replace the existing rigid statutory requirements on railroad hours-of-service with a more flexible provision that would allow the Federal Railroad Administration (FRA) to draw upon the most recent scientific findings related to the effects of fatigue on safety in setting hours-of-service requirements. The 2008 Rail Safety Improvement Act gave FRA this regulatory discretion (which all other modal administrations at U.S. DOT already have) with respect to passenger railroads, but not with respect to freight railroads. FRA's rulemaking on hours of service for passenger railroads, issued in 2011, provided more flexibility for passenger railroads in setting hours of service requirements, so that regulatory burdens were reduced while safety was improved. Section 9403 of GROW AMERICA is intended to achieve exactly the same sort of win-win solution for freight railroads.

<u>Senator Blunt (Pages 78-80)</u>

"I think the question is, **if they activate positive train control but others are not, would you hold them to all of the requirements that we would eventually hope everybody would have to meet or would they be activating the test case able to each share that material?**

I mean, many of these railroads even run on the same track for certain periods of time, though they may not share the, obviously, the same track all the time. Or I guess they'd all have, at least, access to positive train control. So I think you have a real inequity here if the railroads that had met the law have to be in full compliance while everybody else has an un-penalized waiver.

At the same time, we've seen what happened with the Affordable Care Act having a test case out there to see how many problems there are but not necessarily penalizing the people who are trying to comply for the problems they might be able to discover and share. It seems to me a more reasonable place to be.

Secretary Foxx: If it's okay, Senator, I'd like to submit for the record on that. And primarily because I do know that there are a handful of companies that have made significant investments in the positive train control technology. And what I'd like to get back to you on is the question that I think you're raising as to **whether there's a burden on them in fully activating and adhering to our standards as articulated in the previous law** that Congress has required. And I'd like to get back to you on that.

Senator Blunt: Yes, I'd like you to look at that really carefully because, if we just simply waive the deadline for some of these railroads but we want the other railroads to be fully compliant with the law, that doesn't seem fair to me. I think the government, itself, has been complicit in making it hard to comply with tower sidings and other problems that you're fully aware of. I also think it would be helpful to have some of the railroads testing the system out and up and running.

But whatever the obligations or penalties are of somehow failing to be 95 percent in compliance on a given day, or something, I'd hate to see them penalized for that while we let other railroads take another couple of years.

So look at that and see if there is within the rule. And I believe when Mr. Szabo was here he seem to fully appreciate the unfairness of what might happen there. So look at that and I'm more than glad to have a response for the record but I would like to have a response on that."

> ***Secretary Foxx:*** *Let me respond to the concerns you've raised. Of course, DOT does not wish to penalize railroads for being more successful than others in implementing PTC systems, and the agency recognizes that there may be issues with PTC systems when they are first put into revenue service. In the GROW AMERICA Act, FRA requests authority for provisional certifications to allow railroads more time in revenue service to identify those issues. Additionally, FRA has proposed a rule that would reduce the burdens of operating a train suffering a PTC system failure, and the final rule is currently under Executive Branch review.*

Senator Blunt (Page 81)

"One other thing that you may want to do for the record or not: In the Compliance Safety and Accountability program, CSA program, meant to use crash and violation data to develop motor carrier vehicle safety scores, these scores would then be used by FMCSA to target resources for enforcement and by third-parties to use as the basis for safety-based business decisions. There's a GAO report that came out in February that found that many of these scores, generally, don't correlate to actual future crash risk. And the GAO found serious limitations in this program's ability to assign fair safety ratings to motor carriers.

So the question is what changes is your department planning to make to address the GAO report?"

> ***Secretary Foxx:*** *We strongly disagree that GAO has demonstrated FMCSA's methodology is not sufficiently reliable for its intended purpose, which is to prioritize motor carriers for interventions to ensure the most effective use of the Agency's*

resources. The CSA program does not assign safety ratings to motor carriers. The alternative methodology suggested in GAO's report would result in a prioritization tool that would only provide meaningful information about large carriers with little, if any, practical applications for assessing the safety performance of small and medium carriers that are involved in the majority of commercial motor vehicle related crashes. We acknowledge that more data and observations would improve the Safety Measurement System (SMS) from a statistical confidence interval perspective, which the Agency will continue to work towards. However, the relatively small percentage of the active interstate carriers that would be assessed using GAO's recommended methodology would create far greater oversight vulnerabilities than the current SMS.

While the Department does not agree with some conclusions of the GAO report, FMCSA continuously reviews and makes enhancements to its methodology for the selection of motor carriers for intervention. FMCSA launched SMS in December 2010 after a period of testing, evaluation, and unprecedented levels of public input. Since then, FMCSA has made a number of enhancements to improve the effectiveness of SMS in identifying motor carriers for interventions. These changes were based on analysis conducted by the Agency, in addition to recommendations provided by its stakeholders, including industry and safety advocates.

FMCSA's most recent analysis confirms the effectiveness of SMS as an intervention tool, finding that the group of carriers identified as high risk have a future crash rate twice the national average, and those carriers prioritized for a CSA intervention (for any carrier with a Behavior Analysis & Safety Improvement Category (BASIC) above the intervention threshold) have a 79 percent higher future crash rate than the group of carriers not identified for CSA interventions (i.e., not above the intervention threshold). As a result, FMCSA continues to believe that SMS is an effective prioritization tool and is an improvement over the previous SafeStat system. SMS continues to evolve and mature as data, feedback, and other relevant information becomes available.

FMCSA will continue to build on the positive results from the use of SMS to prioritize carriers for interventions and make adjustments to hone the effectiveness of the system. The Agency will analyze GAO's recommendations as part of that process. FMCSA's plans for continuous improvement include analyzing approaches and aligning improvements to identify and prioritize carriers for CSA interventions within the following framework:

- *Finding carriers with higher crash risk across the spectrum of carrier sizes with varying amounts of carrier safety data. This allows the CSA program to hold a large portion of the motor carrier industry accountable for poor safety management controls, rather than just focusing on those carriers regularly being inspected.*
- *Identifying carriers with the worst pattern of on-road violations and high crash risk. These carriers have the largest potential for improvement from CSA interventions.*

- *Identifying non-compliance patterns and intervening early to help carriers establish strong safety practices before crashes occur.*
- *Monitoring safety performance over time for carriers that entered the CSA intervention process. This allows FMCSA to quickly respond and prioritize enforcement resources on carriers that show trends of worsening safety performance rather than carriers that are improving.*

FMCSA remains committed to considering future changes to SMS provided such changes improve the Agency's ability to identify unsafe motor carriers for intervention prioritization.

Senator Ayotte (Pages 85-86)

"I wanted to ask you also about the new truck driver hours-of-service rules that your department put into place in July of 2013. So I'm hearing a huge amount of feedback on this. I have legislation I filed on it, of these rules having an impact on productivity in a negative way. And drivers, in terms of the truck drivers themselves and thinking about the benefits versus some of the impacts of this, I think the rule itself has substantial problems.

I've not only heard from independent and small business truckers in New Hampshire but, also, I've been surprised at how many industries are impacted and have been coming to me and that obviously rely on delivery for whether it's food services, you know, almost -- it's been staggering to me that the impact that this rule could have.

I know that, to justify these changes, your department really speculated that the rules themselves would make drivers healthier and live longer. **What plans does your department have to measure and try to confirm whether these benefits that had been cited in the rule, that I haven't seen evidence of, will actually be realized versus the impact on our economy and our small truckers and our independent truckers and all the industries that they serve?**

Secretary Foxx: Thank you for the question, Senator.

And the hours-of-service rule, like all of our efforts around safety, is driven by data. And I know that the impacts of some of our safety regulations sometimes provide limitations on folks' freedom of movement or what-have-you. But we've done a very deep amount of study on this and the agency is very convinced that this is the appropriate standard.

To your question about going forward and, you know, testing the effectiveness of the rule, I would like to submit to you on the record on that to make sure that we give you as complete a response as possible there.

Secretary Foxx: *In our regulatory analysis, the Agency estimated that the changes to the hours of service rule would yield not only safety benefits in lives saved but also benefits to driver health. The FMCSA is exploring a number of approaches to more precisely assess the impact of the rulemaking on the long term health of commercial motor vehicle drivers and the operations of the motor carrier industry. In recent weeks we have engaged in several conversations regarding this issue with industry organizations, congressional staff, and safety advocates. As the Federal agency responsible for enforcing commercial motor vehicle safety on our Nation's roadways, we regularly examine the impact of our regulations on small businesses. And, as part of the*

President's Regulatory Retrospective Review, we continuously reach out to stakeholders to identify ways to advance our safety efforts at reduced costs to the regulated industry.

The benefits of the rule are not speculative. They are supported by the best available science on the relationship between increased sleep (for sleep-deprived groups, like truck drivers) and increased life expectancy. These benefits will of course be realized over a long period. FMCSA is considering a range of research projects to evaluate the effect of the 2011 final rule, including the two-night requirement that some argue puts an excessive number of trucks on the road early in the morning. The Agency will announce its research plans in due course and seek industry input and cooperation in refining them and carrying out the studies.

Senator Ayotte: I would also like to see the analysis that was done in terms of the impact on the economy to the people who will be impacted not only all of the independent truckers, the small businesses, but as well as the businesses that they serve who have all come to me and said that this rule is not workable.

So I hope that your department has taken that analysis. And so, if you could give me that information too, I'd really appreciate it."

Secretary Foxx: *As part of each of our rulemakings, the Department is required to consider the costs to the regulated industry and public for which transportation services are provided. This is carried out through a notice-and-comment rulemaking process in which all interested parties are encouraged to submit information and data on the potential economic impacts of proposed regulatory actions. The Regulatory Impact Analysis and benefit-cost analysis for the 2011 hours-of-service final rule addressed the economic impacts of the rule would have on trucking operations. The Agency did not receive information from shippers, receivers or other non-motor carrier entities that would have resulted in different values for the estimated costs of the rule. The Agency's economic estimates are available in the public rulemaking docket. Detailed data about most trucking operations are not publicly available, and the various components of the industry rarely provide the kind of comprehensive information that might allow the Agency to adapt its rules to all companies' unique operations. FMCSA acknowledged that the 2011 rule would have certain costs, and it is not clear that those costs were underestimated.*

Senator Ayotte (Page 87)

"And I do have a question that I'll just submit for the record, which is related to the **issue of non-motorized users and the safety hazards for non-motorized users in establishing a separate performance standard for non-motorized transportation users.** That's something I've been interested in as I've spent part of my life racing bicycles. So this is important. And I wanted to submit that issue to you for the record for you to comment."

Secretary Foxx: *Pedestrian and bicycle safety is one of my top priorities. All modes in DOT strongly support this priority and will continue to work collaboratively to do so. More information about DOT's bicycle and pedestrian work in this area is available at: http://www.dot.gov/bicycles-pedestrians.*

In the Notice of Proposed Rulemaking (NPRM) for Safety Performance Measures (available at: http://www.gpo.gov/fdsys/pkg/FR-2014-03-11/pdf/2014-05152.pdf), as required by MAP-21, we are proposing the establishment of one measure for each of the four areas mandated by MAP-21: number of fatalities, fatality rate, number of serious injuries, and serious injury rate. Our proposed measure is consistent with the focus of the Highway Safety Improvement Program, which is to reduce all fatalities and serious injuries – including those involving pedestrians and bicyclists.

States are already using and reporting a pedestrian fatality metric through NHTSA's Highway Safety Program. Just this spring, NHTSA reached a further agreement with the Governors Highway Safety Association (GHSA) to add to the requirement for States to develop a bicycle safety performance target. These will begin with FY 2015 highway safety grants. You can be assured that both NHTSA and FHWA are working cooperatively on safety performance measures to spur States to achieve the national goal of reducing fatalities and serious injuries for all users.

The Department supports a data-driven approach to addressing safety issues. As States update their Strategic Highway Safety Plans (SHSP) – the statewide-coordinated safety plan that provides a comprehensive framework for reducing all fatalities and serious injuries on all public roads – they bring pedestrian and bicyclist interests to the table and look at crash trends. An SHSP identifies a State's key safety needs and guides investment decisions toward strategies and countermeasures with the most potential to save lives and prevent injuries. The majority of States already include pedestrian and bicyclist safety in their SHSPs either as a priority emphasis area or a strategy.

As FHWA moves through the rulemaking process, FHWA will continue to consider all comments received. The Safety Performance Measures NPRM specifically asks for comment on how the Department could address non-motorized safety performance and how State and MPOs consider such data in their safety programs and in selecting investments.

Senator Blunt (Pages 88-89)

"Let me ask another question. It really is right along the line of the second question that Senator Ayotte asked.

On these rules on the surface transportation proposal that's out now, you suggest that the department be given the authority to track on-duty non-driving time of drivers and possibly require motor carriers to compensate employees for that on-duty non-driving time, which is different because of the rule; the rule that Senator Ayotte asked about.

Did you offer the driver on-duty non-driving reimbursement proposal because the new rule has had wage impact on drivers?

Secretary Foxx: I would like to submit on the record on that, Senator. I think the bottom-line here is that, in the motor coach -- we're not talking about motor coaches here. We're talking about trucks?

Senator Blunt: We're talking about motor carriers.

Secretary Foxx: Yes.

In that space, there are some realities that are different than there are for trucks and I just would like to submit for the record for you on that; if that's okay?
Senator Blunt: I'll let you do that.

Secretary Foxx: *The Agency's recent proposal in the GROW AMERICA Act would permit the Agency to adopt, through rulemaking, a requirement that certain commercial motor vehicle drivers be compensated no less than the Federal minimum wage for non-driving, on-duty time. The proposal addresses the issue that drivers are experiencing detention times at shipping facilities that count against their hours to drive. In many cases, these drivers are not being paid for their waiting time. We often hear from drivers that this industry practice places pressure on drivers to drive beyond the hours of service limits as a matter of economic necessity. This concern is not limited to truck drivers; drivers of over-the-road motor coaches also experience on-duty, not driving periods when they are not compensated. We believe this business model has a negative impact on highway safety.*

And I think that the similar question that Senator Ayotte asked was the assertion that these new rules, these new restart rules, would impact driver productivity but would also predict that drivers would be healthier and live longer. I'm going to submit a question for the record on that to ask **what kind of data you have that indicates that drivers who are away from home in these breaks are somehow going to be healthier than drivers who, by driving under the old rules, actually got home.** I don't find away from home, myself, is as healthy as being at home. And I doubt if drivers do too.
And then, the other would be well, **what's been the wage impac**t?"

Secretary Foxx: The FMCSA has examined the fatigue impact of commercial motor carrier drivers taking two nights rest between 1 and 5 am during their 34-hour restart. Scientific studies have shown that this two night period provides more restorative sleep than a single night's rest. At this time we do not have specific information on the impact of home rest in contrast to rest obtained away from home.

Getting home has always been an issue for truck drivers. Before 2003, the industry argued that many drivers were kept waiting (and frustrated) at truck stops for days on end until their so-called 60- or 70-hour clocks could reset. The Agency adopted a 34-hour restart rule in 2003 in part to address that problem. Then complaints began to arise about drivers who were no more than 30 minutes or an hour from home, but had to shut down for a 34-hour restart. No matter what the limit on driving or on-duty time, however, there will always be some drivers just over the line who cannot get home without violating those limits.

As part of each of our rulemakings, the Department is required to consider the costs to the regulated industry and public for which transportation services are provided. This is carried out through a notice-and-comment rulemaking process in which all interested parties are encouraged to submit information and data on the potential economic impacts of proposed regulatory actions. The Regulatory Impact Analysis and benefit-cost analysis for the 2011 hours-of-service final rule addressed the economic impacts of the

rule would have on trucking operations. The Agency did not receive information from shippers, receivers or other non-motor carrier entities that would have resulted in different values for the estimated costs of the rule. The Agency's economic estimates are available in the public rulemaking docket.

The Department has not attempted to estimate the wage impact of the 2011 final rule, but given industry predictions that driver shortages will soon reach 100,000, one would expect economic demand to increase driver wages, irrespective of any marginal effect of the hours-of-service rules.

Committee on Commerce, Science and Transportation
Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security
Hearing on Enhancing Our Rail Safety: Current Challenges for Passenger and Freight Rail
March 6, 2014
Questions for the Record
To
Cynthia Quarterman, Administrator
Pipeline and Hazardous Materials Safety Administration

Chairman Rockefeller

Classification of Crude
In recent months, DOT officials concluded that eleven of eighteen samples taken from cargo tanks carrying Bakken crude were not labelled correctly. In addition, it has been revealed that the Bakken crude involved in the deadly Lac-Mégantic accident was inaccurately labeled.

QUESTION1:
(a) *Given your ongoing investigation of Bakken crude, how big of a problem is misclassification of crude?*
(b) Is this happening frequently?

ANSWER1:
(a) During PHMSA's initial investigations in August 2013, PHMSA determined that some facilities were relying on old and broadly generic data, instead of conducting actual testing, to determine the proper classification and characterization of crude oil.

(b) By November, 2013, PHMSA found that facilities began to periodically test (i.e., flash point and boiling point) crude oil to determine the classification and packing group selection in accordance with the hazardous materials regulations. Through PHMSA's investigations and continuous presence in North Dakota in February and March, concurrently, with release of the Secretary's Emergency Order, PHMSA documented that industry has increased its efforts to determine classification and packing group selection by conducting tests more frequently.

QUESTION 2: *You recently announced an amended Emergency Order to address the testing of crude.*
(a) Beyond the Emergency Order and your current investigation, what oversight procedures are in place to ensure that proper classification is being conducted?
(b)What long-term procedures need to be addressed to ensure that proper classification continues to be addressed?

ANSWER 2:
(a) PHMSA continues to have a presence in North Dakota. Investigators frequently visit rail

loading facilities to oversee compliance with the Emergency Order. This includes review and collection of shipping papers, train consists, cargo tank load receipts laboratory test results, and Safety Data Sheets. In addition PHMSA recently hired an investigator to focus on the Bakken region and provide direct oversight of operations in North Dakota.

(b) In addition to regulatory efforts and with regard to longer-term strategies, PHMSA has supported the American Petroleum Institute Standards Committee initiative to develop industry standards for proper sampling techniques, testing criteria, and testing frequency for crude oil. PHMSA actively participated in the discussions during working groups sessions held thus far and will continue through expected completion in July, 2014.

Furthermore, through the United States – Canada Regulatory Cooperation Council the two nations have collaborated on a variety of crude oil related efforts. Specifically, the United States and Canada have held meetings to discuss classification, testing and sampling issues that could have future ramifications on classification procedures for crude oil.

QUESTION 3: *How do current requirements for shipping crude by rail differ from requirements for shipping by pipeline?*

ANSWER 3:

The Hazardous Material Regulations set forth the criteria for classifying and describing crude oil for transportation, which directly correlate to authorized packagings, typically tank cars designed to withstand dynamic forces normally incident to transportation by rail. The HMR also require hazard communication (i.e., placards, shipping papers, emergency response information). For transportation by rail, the container and the material are in motion along fixed track and rail infrastructure regulated by FRA. The Pipeline Safety Regulations focus on the form of the material in transport, and crude oil is moved at specified flow rates through fixed pipeline infrastructure.

Petroleum Industry Response
In January, API along with other stakeholders met with Secretary Foxx and Administrators Szabo and Quarterman to discuss the safe transport of crude oil by rail. At that meeting, DOT asked API to consider a number of additional safety measures, including sharing testing information. Both DOT and API have previously stated that you are working together to provide necessary information. However, on March 28, DOT provided a press statement saying,"we still lack data we requested and that energy stakeholders agreed to produce. The overall and ongoing lack of cooperation is disappointing, slows progress, and certainly raises concerns."

QUESTION 4: *The recent DOT statement differs drastically from information you and your staff have previously and recently provided.*

(a) What specific information have you asked the industry to provide and what information is still outstanding?
(b) Are discussions for data ongoing with the industry? If so, are there hurdles to the industry for providing data to DOT?

ANSWER 4:

(a) The following questions were posed by PHMSA to API and Crude Oil shippers prior to two meetings held in early February 2014:

- What tests or methods do you use to determine the properties of the crude oil to include its vapor pressure, flammable gas content, flash point, boiling point, hydrogen sulfide content and corrosive properties prior to offering it in transportation?
- Who performs these tests and how frequently are they completed?
- When you find high levels of gases in crude, what actions do you require of your oilfield personnel before loading into a transport vehicle? What information about the crude oil properties, if any, is provided by the producers to you prior to transportation? How is this information communicated?
- What information do you share with truck and rail carriers about the crude oil properties?
- Are there any prescribed limits involving vapor pressure, flammable gas concentration or hydrogen sulfide content above which the crude oil is not placed into transportation? If so, what are these limits and how are they determined?

(b) While discussions are ongoing and PHMSA has received some testing information from individual crude oil companies, the data thus far has been limited. As part of its on-going efforts, PHMSA has supported the American Petroleum Institute Standards Committee initiative to develop industry standards for proper sampling techniques, testing criteria, and testing frequency for crude oil. PHMSA has actively participated in the discussions during working groups sessions held to date and plans to continue up through expected completion in July.

QUESTION 5: *Please provide detailed information on how the industry has not been responsive, including information on when and how your requests for information have stalled or been denied.*

ANSWER 5:

The Secretary's Call to Action in January 2014 specifically called on the crude oil industry to provide information and data on testing and classification procedures. In addition PHMSA held meetings with API and Crude Oil shippers in early February 2014 to follow up.

While discussions are ongoing and PHMSA has received some testing information from individual crude oil companies, the data thus far has been limited. As part of its ongoing efforts, PHMSA has supported the American Petroleum Institute Standards Committee initiative to develop industry standards for proper sampling techniques, testing criteria, and testing frequency for crude oil. PHMSA has actively participated in the discussions during working groups sessions held to date and plans to continue up through expected completion in July.

Senator Barbara Boxer

QUESTION 1: *With the number of crude oil rail shipments across the country expected to increase over the next several years, population centers and fragile natural resource areas that are home to crude oil rail corridors will be more susceptible to rail traffic accidents. What actions has PHMSA taken to identify sensitive areas where crude oil train derailments could prove to be catastrophic, whether they are geographically, environmentally, or otherwise?*

ANSWER 1:

Part 130 of PHMSA's regulations requires certain rail carriers to develop and maintain oil spill prevention and response plans as discussed below. These requirements are intended to prevent and contain spills of oil during transportation. More specifically, with regard to spill response planning, a basic response plan is required for oil shipment in a packaging having a capacity of 3,500 gallons or more and a comprehensive response plan is require for oil shipment in a packaging containing 42,000 (1,000 barrels). Crude oil trains are currently subject to the basic oil spill response required by 49 CFR Part 130.

PHMSA is committed to improving emergency response and recent efforts highlight this focus. On February 10, 2014, PHMSA held an emergency responder stakeholder engagement meeting. This discussion focused on the level of preparedness emergency responders and public safety officials have with regard to the rail transport of crude oil unit trains through their communities.

In addition, on January 16, 2014, Secretary Foxx, FRA Administrator Szabo, FMCSA Administrator Ferro, and I issued a "Call to Action." At that time, the Department asked crude oil stakeholders to identify prevention, mitigation and response strategies that could be implemented quickly to enhance the safe transportation of crude by rail. In regard to population centers and fragile natural resource areas, the following actions have been taken to address the concerns you raise:

- AAR agreed to, by no later than July 1, 2014, voluntarily expand routing requirements (§ 172.820) to trains carrying more than 20 cars of crude oil.[1] In addition, AAR agreed to address risks of unit trains of crude oil by implementing speed restrictions of 50 mph for trains carrying more than 20 cars of crude and implementing speed restrictions of 40 mph for specific trains carrying more than 20 cars of crude in high threat urban areas designated by DHS.
- AAR agreed that rail carriers must assess available routes using, at a minimum, the 27 factors listed in Appendix D to Part 172 of the HMR to determine the safest, most secure routes for security-sensitive hazardous materials. These factors address safety and security issues, such as the condition of the track and supporting infrastructure; the presence or absence of signals; past incidents; population

[1] http://www.phmsa.dot.gov/hazmat/osd/calltoaction

density along the route; environmentally-sensitive or significant areas; venues along the route (stations, events, places of congregation); emergency response capability along the route; measures and countermeasures already in place to address apparent safety and security risks; and proximity to iconic targets. The HMR requires carriers to make conscientious efforts to develop logical and defendable systems using these factors.

- The American Petroleum Institute (API) agreed to work with the railroads to enhance emergency response training through transportation community awareness and emergency response trainings. In addition, the AAR agreed to inventory crude oil routes and share this information with emergency responders, develop and provide a hands-on training curriculum applicable to crude transport for emergency responders, and work with communities on crude oil train routes to address location-specific concerns.

These immediate actions by the regulated community and PHMSA's outreach to emergency responders are an important first step in improving emergency response. However, regulatory modifications may be necessary. Based on the recent occurrence of more accidents involving crude oil, the NTSB has recommended in two Safety Recommendations (R-14-4 and R-14-5) that PHMSA reconsider the threshold quantity for requiring the development of a comprehensive response plan for the shipment of oil and that PHMSA work with the FRA to expand hazardous materials route planning and selection requirements to include certain trains transporting large amounts of flammable liquids. PHMSA agrees with NTSB and plans to consider these issues in a future rulemaking

QUESTION 2: *What actions are being taken by your agency/organization to coordinate with state and local agencies on disaster preparedness training and emergency response efforts?*

ANSWER 2:
PHMSA launched a comprehensive outreach plan to educate industry, first responders, and the general public on the risk and proper classification of transporting crude oil. PHMSA has provided extensive information on its public website and social media stream to include the Secretary's Call to Action, Safety Advisory Notices, Amended Emergency Order, a thorough list of questions and answers (Q&As) related to transporting crude oil. PHMSA's Hazardous Materials Safety Assistance Team (HMSAT) has scheduled a series of public workshops and seminars to educate industry and first responders about the properties of crude oil and how to be better prepared for responding to crude oil incidents. PHMSA also held a meeting with various members of the emergency response community to discuss the risks crude oil poses and the challenges associated with unit train incidents.

In addition to PHMSA's outreach effort, the Secretary's Call to Action has prompted industry to establish rail safety measures for transporting crude oil. This includes emergency response. The American Petroleum Institute (API), the American Associations of Railroads (AAR), and American Short Line & Regional Railroad Association (ASLRRA) have committed to assisting

state and local communities with the development of response plans, sharing of information to include crude oil train routes, and providing training for responding to a crude oil incident.

Lastly, since 1993, the HMEP grant program has provided funding to States, Territories, and Tribes to ensure local emergency responders are prepared and trained to effectively respond to and mitigate the consequences of hazmat transportation incidents. With the recent emphasis on crude oil shipments, PHMSA has encouraged grantees to allocate funding towards emergency preparedness activities such as developing/revising response plans, commodity flow studies, and response training applicable to a crude oil incident.

PHMSA looks to intensify its outreach effort under the FY 2015 proposed Emergency and Preparedness Information for Communities (EPIC) initiative that requests more resources to conduct outreach campaigns, site visits, and grassroots training with potential state, local, and tribal grantees.

QUESTION 3: *What immediate measures can states, municipal governments, and local agencies take to mitigate potential disasters?*

ANSWER 3:

Prompted by the Secretary's Call to Action, states, municipal governments, and local agencies are encouraged to reach out to the railroad industry to gain better understanding of the frequency and quantity of hazardous materials being transported by rail through their communities. Knowing this information, states and local agencies can adequately prepare by developing response plans and providing training for first responders in case of rail incidents involving crude oil.

The Association of American Railroads has a program to provide local first responders (upon written request) a list of the top 25 hazmat commodities transported through their communities on an annual basis in order to assist emergency responders with preparing for any emergency involving those materials.

In addition, although not specifically related to transport, Local Emergency Planning Committees (LEPCs) under the EPA could provide valuable information related to risks in a specific community.

Senator Maria Cantwell

Updated Tank Car Standards

Ms. Quarterman, I don't know if you've been to Washington – but like many places in the west, our cities grew up around – and because of – railroads. It is a legacy that we are proud of. But it also means that there is a lot of rail freight moving through our population centers. So when people see these unsafe DOT-111 tank cars being used to move crude – they are concerned, just like I am concerned.

QUESTION 1: *Are you able to give us an actual date that the updated tank car standards will be finalized?*

ANSWER 1:

PHMSA in cooperation with FRA, is in the process of developing a draft Notice of Proposed Rulemaking, RIN 2137-AE91, "Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains." You can monitor progress at: www.reginfo.gov.

QUESTION 2: *Does your agency have ample staff and expertise to keep moving this, and other safety-critical rulemakings, forward?*

ANSWER 2: PHMSA staff are subject matter experts in the field of hazardous materials transportation and have a high level of expertise. However, PHMSA is small agency relative to its national program responsibilities to ensure nearly one million shipments of hazardous materials arrive safely daily. In the FY 2015 budget, the Administration has requested $7 million (over the FY 2014 enacted level) additional funding for the hazmat program as well as $40 million to ensure the transportation of energy products.

QUESTION 3: *What can we do in Congress to give you the resources to make sure these standards are kept up to date and don't get delayed?*

ANSWER 3:

PHMSA's program operations continue to rely on 20-year old legacy information management systems for data collection, integration, and analysis. This reliance on obsolete systems impacts operational efficiencies, including regulatory matters. Quality information is necessary to improve safety standards. The program would be better able to improve overall performance and efficiency if adequate funding were provided to consolidate disparate and obsolete data systems used by all internal programs that contribute to the extensive rulemaking process. In FY 2014, we requested $28.9 million for IT modernization of the hazmat safety program over a span of 7 years. To date we have received only $11.4 million of that necessary funding.

PHMSA deals with very complex and technical public safety issues that require extensive review, as they should. In addition, there are very significant economic impacts associated with safety regulations that can require extensive regulatory evaluations (Safety Benefits and Cost). The rulemaking process is deliberative because it is crucial to receive and analyze input from a wide variety of stakeholders, including shippers and carriers, state and local officials, and concerned citizens.

Senator Heidi Heitkamp

QUESTION 1: *What is the timeline for release of PHMSA's findings regarding the chemical makeup of the U.S. crude samples as part of Operation Backpressure?*

ANSWER 1:

PHMSA expects to release results in May 2014.

QUESTION 2: *When will you be sharing the methodology used to arrive at your conclusions with producers and third-party independent verifiers?*

ANSWER 2:

PHMSA is prepared to share the methodology that was used for testing at the same time it shares the test results in May 2014.

QUESTION 3:
(a) *Is it true that the lab used when testing the characteristics of Bakken crude is the same lab used by many energy industry companies?*
(b) Does the contracting lab use the same methodologies to test crude oil characteristics for PHMSA that they use for testing the samples from the oil and gas companies?
(c) If that is the case, would you say that using the same testing lab improves the ease with which oil companies would be able to share crude analysis data with PHMSA to support Operation Backpressure?

ANSWER 3:

(a) Yes, the testing laboratory PHMSA has contracted with to perform tests is widely recognized and used by the industry. However, we have established a wall between the work performed for us and their industry clients.

(b) Yes, the contracting laboratory uses the same methodologies to test crude oil for energy industry companies as it does for PHMSA, with the exception of corrosion testing, which the industry is currently not performing.

(c) No, using the same lab and test methods does not necessarily lead to more data sharing, since there are contractual, proprietary, and legal issues governing the relationship between the laboratories and their clients. This information is protected and not releasable without proper authority. Nevertheless, PHMSA has invited producers and shippers to share information they have collected and PHMSA has recently received some results from some individual producers.

QUESTION 4:
(a) In terms of sample size, I understand that the sample size was not incredibly large or diverse in terms of well-site diversity.
(b)While you of course can't be expected to test every single well and shipment, do you view the current testing under way as an initial phase of testing?

(c) In other words, will you use the results from this testing to go back to the Bakken, take several more samples, to ensure that they all generally match or fall within some identifiable range of the samples you are testing now?

ANSWER 4:
(a) PHMSA's plan of sample collection for testing is primarily based on the volume of shipments from rail loading facilities. According to the AAR, approximately 640,000 barrels of crude are moved out of North Dakota via rail per day. All of these facilities store crude oil processed from each of the over 10,000 wells in large storage tanks prior to loading on rail cars.

(b) Yes.

(c) Yes.

QUESTION 5: *As part of the testing, is PHMSA collecting samples from multiple points along the line of delivery? Specifically, are samples being taken from the well head, the loading point and the delivery point?*

ANSWER 5:

Yes, PHMSA has collected from multiple locations to include cargo tank and rail car loading points. PHMSA is currently working with producers to identify opportunities to collect samples at or near the well heads, as well as other delivery points, including destination points.

QUESTION 6: *Your agency recently announced some fines against several producers in the Bakken for product mislabeling based on your tests and what you determined were shipments that were identified in the wrong Packing Group. Since that time I know my staff and staff from other offices and Committees have reached out to you, and while we take you at your word regarding the mislabeling and testing, it seemed that you had no clear answer as to how this product, based on a different Packing Group would be handled.*
(a) Why is that?
(b) Do you not have clear, identifiable standards that a producer, shipper, third-party trucker can access?

ANSWER 6:

(a) With regard to packing group, for rail shipments of flammable liquids, the packing group can trigger additional requirements including the need for a comprehensive security and safety plan that address personnel security, unauthorized access, and en route security. In addition, a change in packing group can change the package which the commodity may be transported in, e.g. the tank cars or truck cargo tanks.

(b) The regulatory requirements for crude oil provide a uniform safety system that is globally recognized and harmonized. This regulatory system is well known and has been

in place for decades. Because of this robust regulatory system, nearly one million shipments of hazardous materials arrive safely daily.

QUESTION 7:
(a) *What are the different requirements that come with increasing packing standards from Class I to Class II? Fines were recently assigned from your agency for the mislabeling of crude carrying tanker cars, and standards should be enforced when they are required. However, it is unclear to the stakeholder community what the differences are in terms of their responsibilities – other than changing the label on the tanker – for Class I and Class II tankers.*
(b)What are the differences between Class I and Class II with regard to operation requirements and the need for response plans?

ANSWER 7:

(a) The accurate selection of the shipping description is important in determining the proper packaging, and the packing group can change the tank cars authorized. With regard to packing groups, for rail shipments of flammable liquids, the packing group can trigger additional requirements including the need for a comprehensive security and safety plan that addresses personnel security, unauthorized access, and en route security. As much of crude transport is multi-modal, assigning the wrong packing group can have serious downstream consequences. For example, different cargo tanks are used for packing groups I and II flammable liquids.

(b) With regard to response plans, the threshold for such plans is based on the quantity of oil, not packing group. Part 130 of the hazardous materials regulations provides the requirements for oil spill prevention and response plans. There are two types of response plans: Basic and Comprehensive. More specifically with regard to spill response planning, a basic response plan is required for oil shipment in a packaging with a capacity of 3,500 gallons or more and a comprehensive response plan is required for oil shipment in a packaging containing 42,000 gallons (1,000 barrels).

QUESTION 8: *Are you at the table with the oil producers, rail companies, and suppliers as they continue to game out and work on specs for tank cars? If not, why? And why were you not at the table with many of these same companies when they worked on new specs and standards after the 2009 Illinois ethanol derailment and explosion? I believe the new standards agreed upon, without input from PHMSA, were also then submitted to your agency for input, but PHMSA has failed to comment thus far on those proposed standards. Industry-wide standards that have now been in place since 2011.*

ANSWER 8:

Yes, PHMSA has been continuously involved with development of tank car standards. Specifically, PHMSA engineers sit on the AAR Tank Car Committee (TCC) in an advisory capacity and participated in a 2011 task force created with a dual charge to develop an industry standard for tank cars used to transport crude oil, denatured alcohol,

and ethanol/gasoline mixtures, and to consider operating requirements to reduce the risk of derailment of tank cars carrying crude oil classified as packing group I and II and ethanol. PHMSA and FRA were highly involved in this task force and hoped that the activity would lead to a comprehensive approach. The task force promised to address the root cause, severity, and consequences of derailments and its recommendations were finalized on March 1, 2012. The AAR task force did not address many of the recommendations provided by PHMSA and FRA.

After considering the outcome of the AAR task force, PHMSA decided to initiate an ANPRM. On September 6, 2013, PHMSA issued an ANPRM regarding tank car specifications. The comment period for the action closed on December 5, 2013.

QUESTION 9: *While I think it's great to see various industries working together to come up with an accepted best-practice, in this newly designed tank cars, shouldn't the agency tasked with regulating the standards for movement of this product be both engaged on the front end, and offer feedback when new standards are adopted? We now have a tank car on the tracks since 2011 PHMSA has yet to offer comment on.*

ANSWER 9:

As mentioned in response to question 8 above, PHMSA has been and continues to be involved.

The Hazardous Materials regulations currently have such a review process in place. Section 179.4 requires proposed changes in or additions to specifications for tank cars to be submitted to the Executive Director—Tank Car Safety, AAR, for consideration by its Tank Car Committee. Following this, The Tank Car Committee will review the proposed specifications at its earliest convenience and report its recommendations through the Executive Director—Tank Car Safety to the Department. The recommendation will be considered by the Department in determining appropriate action.

PHMSA engineers sit on the AAR TCC in an advisory capacity and participated in a 2011 task force created with a dual charge to develop an industry standard for tank cars used to transport crude oil, denatured alcohol, and ethanol/gasoline mixtures and to consider operating requirements to reduce the risk of derailment of tank cars carrying crude oil classified as packing group I and II and ethanol.

On May 14, 2010, PHMSA published a final rule (HM-233A) to amend the Regulations to incorporate provisions contained in certain widely used or longstanding special permits that have an established safety record. As part of this rulemaking, PHMSA adopted a requirement that would allow certain rail tank cars transporting hazardous materials to exceed the gross weight on rail limitation of 263,000 pounds upon approval of FRA.

On January 25, 2011, FRA issued a Federal Register notice of FRA's approval pursuant to PHMSA's May 14, 2010 final rule. The approval established detailed conditions for the manufacturing and operation of certain tank cars in hazardous materials service, including

the DOT Specification 111, that weigh between 263,000 and 286,000 pounds. Taken as a whole, the PHMSA rulemaking and the FRA approval serve as the mechanism for tank car manufactures to build a 286,000 pound tank car. As such, rail car manufacturers currently have the ability to manufacture DOT/TC-111 tank cars meeting the CPC-1232 industry standard under the conditions outlined in the January 25, 2011 approval.

QUESTION 10:
(a) *You mentioned that a Strike Force met in North Dakota the week prior to the March 6th hearing that was comprised of PHMSA, FRA, and FMCSA. Can you provide my office with details about that meeting?*
(b)Were samples collected?
(c) From where?
(d) Has such a task force been deployed to other oil plays in different regions of the country?

ANSWER 10:

(a) PHMSA organized a Multi-Agency Strike Force Operation during the week of February 23, 2014, which was the first such strike force of its kind deployed specifically in the oil fields. Participating agencies other than PHMSA, included the Federal Motor Carrier Safety Administration, Federal Railroad Administration, Customs and Border Protection, and the North Dakota Highway Patrol Commercial Motor Vehicle Enforcement. A total of 23 personnel formed five different teams to conduct inspections of crude oil shipments and assist each other with the expertise and regulatory jurisdiction normally exercised by each participating agency.

(b) Yes.

(c) Samples were collected from 14 petroleum crude oil loading facilities located throughout the western part of North Dakota. PHMSA investigators collected samples of crude oil from various locations including cargo tanks, storage tanks, and pipelines connected to rail cars.

(d) No.

Senator Richard Blumenthal
Member, U.S. Senate Committee on Commerce, Science, and Transportation

Questions for the Record
"Surface Transportation Reauthorization: Examining the Safety and Effectiveness of Our Transportation Systems"

Tuesday, June 3, 2014

9:30 a.m.

QUESTIONS FOR THE RECORD

Issue: Lessons our nation's railroad industry has learned from the recent Metro-North incidents

Mr. Szabo: As you know, on December 10, just days after the Spuyten Duvyil derailment, the FRA issued Safety Advisory 2013-08. The advisory recommended that all railroads: (1) Review the circumstances of the December 1 Spuyten Duyvil incident; (2) Instruct employees on the importance of compliance with maximum authorized speed restrictions; (3) Remind employees that FRA regulations prohibit the operation of a locomotive or train at a speed which exceeds the maximum authorized speed by at least 10 mph; (4) Evaluate quarterly and 6-month reviews of testing data; (5) Reinforce the importance of communication between train crewmembers located in the controlling locomotive.

How has the industry responded to this advisory?

Are railroads nation-wide heeding your call and learning from the tragedy of Spuyten Duyvil?

What actions have you seen other railroads take due to these lessons?

Mr. Szabo's Response: *On April 14, I addressed an assembly of commuter rail executives from across the nation and, with Metro-North and the Metropolitan Transit Administration, discussed Operation Deep Dive, its findings and its implications for the rest of the commuter rail industry. In that meeting, many commuter rail executives expressed their intentions to conduct internal and/or*

contractor-performed evaluations of their operations to identify possible safety culture degradation. For example, New Jersey Transit is conducting both an internal and contractor-performed evaluation of its operations and will brief FRA in early August on the results of both.

In addition, there was strong interest expressed by many in learning more about FRA's Confidential Close Calls Reporting program. A follow up meeting with the Commuter Rail COEs has been scheduled for June 14 .

Issue: How FRA is ensuring that Metro-North is responding to the overall recommendations in the Deep Dive Report?

Mr. Szabo: As you know, after months of review, the FRA released its Operation Deep Dive Report in March 2014. I was glad to see the results of that study and stay in close contact with your office during its development. The report – as I've said since – is a searing indictment of Metro-North's leadership, its lack of safety culture, and its inattentiveness to the basics of infrastructure maintenance. The report also notes that "FRA will continue its oversight in order to ensure that the immediate improvements implemented during Deep Dive are reviewed, evaluated, and modified."

Since March, Metro-North has had an opportunity to respond, and on May 15 the railroad released a plan for addressing the many faults outlined in the Deep Dive assessment.

What actions are you taking, specifically, "to ensure that the immediate improvements" are "reviewed, evaluated, and modified"?

Mr. Szabo's Response: *FRA meets with Metro-North senior management every 30 days to review the carrier's progress with continuous safety improvement; the fourth 30-day review meeting is scheduled for July 14. Meanwhile, FRA inspectors are on the property conducting inspections and conducting audits to validate the carrier's progress in achieving the Operation Deep Dive directed actions, ensure regulatory compliance, and promote railroad safety. Additionally, FRA meets with labor representatives to gain their perspectives on the carrier's progress.*

In addition to oversight, FRA has provided technical assistance to Metro-North to further improve safety. One example is the technical assistance that resulted in a much improved and compliant operational testing and observation program.

What is the nature of your day-to-day interactions with Metro-North?

Mr. Szabo's Response: *FRA Region 1 inspectors have a daily presence on Metro-North property with heightened inspections conducted by FRA track and operating practices inspectors as both track infrastructure and transportation oversight were identified in the Operation Deep Dive investigation as problematic. Daily communication between FRA Region 1 and Metro-North senior management occurs. Additionally, FRA Region 1 has initiated and facilitated meetings to promote continuous safety improvement. Examples include the January 14 meeting to promote an improved internal rail flaw inspection protocol, the May 4 meeting to encourage Metro-North to adopt autonomous (unmanned) track inspection technology and improved internal rail flaw protocol, the June 9 meeting to assist Metro-North with moving forward with an autonomous track inspection program, and the June 26 meeting, which established a collaborative outreach effort between Engineering Department management and the Teamsters Union to promote safety culture among maintenance-of-way employees.*

FRA is also exploring a possible research project in collaboration with Metro-North on fouled ballast conditions, which are track bed conditions identified by the Operation Deep Dive investigation.

How much more often do you review and evaluate Metro-North's practices in June 2014 than in May 2013?

Mr. Szabo's Response: *There has been heightened oversight in response to the Metro-North accidents and employee fatalities, reaching its highest level during the 60-day Operation Deep Dive investigation, and remaining elevated during the current follow-up monitoring and validation period. Additionally, FRA conducted an extensive accident/incident reporting audit in June 2014. Inspections have measurably increased and oversight continues to be substantially higher on Metro-North's operations when compared with previous years.*

Issue: How FRA assesses the specificity of Metro-North's response to the recommendations in the Deep Dive report

Mr. Szabo: Many of the problems outlined in the Deep Dive report are quite specific. These include recommendations that Metro-North use advanced track inspection technology, improve its employee training, improve operational testing and inspections, document testing requirements and test results, ensure blue signal protection is effective, and address fatigue – among maintenance of way employees and controllers, too. But some recommendations are written in rather less-than-concrete terminology, e.g., "develop a plan"; "develop a strategy"; and "consider a change." In turn, Metro-North has checked the box on many of these proposals, implying they're well on their way to having been achieved.

How can we know – including my many constituents, who were alarmed by the report – that Metro-North is truly making progress?

Mr. Szabo's Response: *FRA inspectors are on the property monitoring Metro-North progress in completing the Operation Deep Dive directed actions. Inspections and audits validate progress as evidenced by the resulting inspection reports and audit reports. FRA will continue with its heightened oversight activities until it is satisfied Metro-North has achieved safety parity with the rest of the commuter rail industry.*

If Metro-North truly carries out the recommendations, how will it stack up against other commuter railroads? How does it compare now?

Mr. Szabo's Response: *As Metro-North carries out the recommendations and directed actions, it will move to or near the top of commuter railroads. This is because of Operation Deep Dive's focus on safety culture, FRA's first attempt to evaluate a railroad's safety culture, above and beyond the existing regulations. In directing Metro-North to place enhanced safety above on-time performance, to reorganize the safety department to be a force for continuous safety improvement, and to improve its training across all operating departments, FRA has taken the unprecedented action of directing a railroad to improve its safety culture to the benefit of its customers and its employees.*

Currently, Metro-North is moving in the right direction and, with FRA's continuous oversight, is expected to achieve and move beyond parity.

Issue: The sufficiency of FRA's ability to impose fines and penalties

Mr. Szabo: I'm very concerned about FRA and its treatment of practices that led to death and injuries. For instance, in May of 2014, track worker Robert Luden was killed in West Haven in Connecticut. We've learned that his death could have been avoided by simple tools called shunt technology. We've also learned that Metro-North was fined a mere $5,000 for the safety lapses that led to Mr. Luden's death. Yet FRA is permitted to fine up to $25,000 in penalties and is even allowed to fine up to $105,000 for egregious and aggravated cases.

Is $5,000 a sufficient fine in Luden's death?

Will $5,000 truly incentivize changes in workplace practices that will ensure accidents like this don't take place?

Mr. Szabo's Response: *As a fifth generation railroader, I am personally affected by the death of any railroad employee performing his or her job. Over the course of my railroad career I have lost five friends to on-duty fatalities. Use of shunt technology can be problematic on third-rail electrified railroads, creating additional risks that nullify the very protection desired. FRA considered all of the available evidence concerning the accident in deciding what enforcement action to take.*

In a situations involving a fatality, and depending upon the circumstances, a railroad could be subject to civil liability under the Federal Employers' Liability Act. Potential liability for civil damages, incentivizes safety compliance. FRA civil penalties do not provide monetary compensation for harm suffered by railroad workers. Rather, civil penalties are intended to promote compliance with Federal railroad safety laws and regulations. Civil penalties are also only one of the enforcement tools available to FRA. Indeed, FRA subsequently issued Emergency Order No. 29 later in 2013 to require Metro-North to make immediate, necessary changes in railroad safety practices that civil penalties alone could not. FRA will use any and all of the enforcement tools available to it to take whatever action is necessary to help ensure railroad safety.

What changes should we make in Congress to ensure that FRA can properly penalize railroads for improper practices?

Mr. Szabo's Response: *The statutory changes that FRA requires are those in rail safety provisions of the GROW AMERICA Act, which the Secretary sent to Congress on April 29. For example, FRA wants the authority (1) to require certain harmonization of railroads' operating rules in small geographic areas where two or more railroads serve as host railroads for joint operations; (2) to regulate the hours of service of freight train crews, signal employees, and dispatchers based on sound, up-to-date science; and (3) to grant merit-based extensions of the current statutory deadline for certain railroads to implement a positive train control (PTC) system and take other action related to PTC.*

What circumstances would warrant a fine of $25,000? What circumstances would warrant a fine of $105,000?

Mr. Szabo's Response: *The railroad safety statutes and the Federal Civil Penalties Inflation Adjustment Act provide for assessing a civil penalty of up to $25,000 for a violation of a rail safety regulation or order or of certain provisions of the rail safety statutes except that when a grossly negligent violation or a pattern of repeated violations has caused an imminent hazard of death or injury to individuals, or has caused death or injury, the amount may be not more than $105,000. 49 U.S.C. 21301-21303; 28 U.S.C. 2461 note. Each day that the violation continues is a separate violation. The statute does not provide explicit guidance on the circumstances in which the ordinary maximum of $25,000 or the aggravated maximum of $105,000 should be assessed. As stated in FRA's guidance at 49 C.F.R. part 209, appendix A, "This authority to assess a penalty for a single violation above $25,000 and up to $105,000 is used only in very exceptional cases to penalize egregious behavior. FRA indicates in the penalty demand letter when it uses the higher penalty amount instead of the penalty amount listed in the schedule." FRA makes these determinations on a case-by-case basis; however, the statutory language on factors to be considered when compromising the amount of a penalty assessed for a rail safety violation provides a general framework for making initial assessment determinations: "(A) the nature, circumstances, extent , and gravity of the violation; (B) with respect to the violator, the degree of culpability, any history of violations, the ability to pay, and*

any effect on the ability to continue to do business; and (C) other matters that justice requires." See 49 U.S.C. 21301(a)(3)(A)-(C), 49 U.S.C. 21302(a)(3)(A)-(C), 49 U.S.C. 21303(a)(3)(A)-(C). FRA also has internal procedures for what should be done when the Office of Railroad Safety makes recommendations to the Office of Chief Counsel for such ordinary maximum or aggravated maximum penalty assessments.

Will FRA produce a list of recent fines, when imposed, and the legal basis for each fine, as you said at the hearing you'd be able to produce? Can this list go back ten years?

Mr. Szabo's Response: *Yes, FRA is in the process of generating such a list. However, any analysis of a ten-year period would be confounded by capturing the period both before and after the Rail Safety Improvement Act of 2008. Additionally, FRA updated its system for managing the enforcement of railroad safety statutes and regulations in 2008; while it is technologically possible to compile a full list of fines going back to 2004, the time and expense to do so are probably not justified by the elucidative benefit of this additional information. To provide context into the scope of the undertaking, the initial list of all fines assessed since October 1, 2008–to capture violations since the passage of the Rail Safety Improvement Act of 2008–contained approximately 30,000 distinct violations and associated fines.*

Issue: The status of NTSB's outstanding recommendations to FRA

Mr. Szabo: NTSB has issued many safety recommendations to FRA over the past few years. Many of those have been turned into rulemakings that have led to new rules and regulations that are intended to save lives and improve reliability. Many of those recommendations, however, have sat dormant or have been rejected. NTSB currently has 56 open recommendations to FRA. And for some of them, the NTSB has given FRA an "unacceptable response" on 29 of the open recommendations – meaning that the FRA is failing to move in the right direction to implement those recommendations. I also understand that this is the highest number of "open unacceptable" recommendations for any entity within the U.S. Department of Transportation.

Some of these recommendations urge rules requiring the use of inward- and outward-facing recording and audio devices on locomotives (recommendations R-10-001 and R-10-002 – both open and unacceptable); some urge FRA rules and research that would mitigate fatigue (recommendations R-12-016; R-12-018; R-12-019 and R-13-021 – all open and acceptable); and one urges greatly enhanced inspection practices (recommendation R-14-012 – just recently opened). While this most recent recommendation came out on May 19, 2014 others have been around for years. And had the recommendations been implemented before the spate of Metro-North incidents, lives could have been saved.

While mandates issued by Congress are certainly important, how urgently are you working to implement these recommendations?

Mr. Szabo's Response: *FRA recognizes the significance of each open recommendation and has focused its efforts on implementing or addressing each of them in an appropriate and timely manner. FRA maintains open communications with the NTSB to address any open recommendations. As the Federal agency charged with carrying out the railroad safety laws and prescribing regulations as necessary for railroad safety, FRA reviews and makes judgments whether or not to adopt the NTSB recommendations, in whole or in part, and how best to do so. FRA does not and cannot automatically adopt them, especially not those recommendations requiring rulemaking without considering the agency's regulatory priorities and the requirements of the rulemaking process. In this*

regard, FRA carefully considers whether the safety issues raised in NTSB recommendations may be addressed by non-rulemaking means.

FRA continues to act diligently in completing its regulatory workload, placing a priority on those rulemakings that will most effectively advance safety. In general, FRA has to strike a balance between speed and quality. "Quality" includes adherence to demanding procedural and substantive legal requirements. As you know, all three branches of the Federal Government—Congress, the courts, and the Executive Branch—have established certain mandatory procedures and substantive requirements related to the rulemaking process (i.e., the development and issuance of regulations, including FRA safety regulations). With few exceptions, before FRA is permitted to issue a final rule, there must be public notice of the proposal and an opportunity for public comment; a reasonable response to any public comments; an articulated, rational basis for the rule; and consistency of the rule with any applicable laws.

For many FRA rulemakings, other Federal agencies and offices are part of the clearance process: these draft rulemaking documents, cleared by FRA staff and by me as Administrator, go into a pipeline that extends from this agency to the Office of the Secretary of Transportation, which circulates the document to other agencies and offices within the Department, and then to the Office of Management and Budget, where the draft rule is circulated to relevant non-DOT agencies and offices.

Costs and benefits of a draft proposed rule and draft final rule must be identified, analyzed, and weighed against each other. This evaluation can be very complex, but provides critical information to decision makers, reviewers, and the public. It should also be noted that the complex nature of the administrative review process for draft rulemaking documents means that widening one part of the pipeline (e.g., by adding resources) is not enough to expedite issuance of a rule if the rest of the pipeline remains narrow; the delay simply occurs at a different stage of the process. After FRA issues a final rule, FRA's procedural rules provide for the filing of petitions for reconsideration, a vehicle through which litigation is often avoided, thus conserving administrative and judicial resources. A final rule is also subject to judicial review in the U.S. Courts of Appeals and may be set aside by the

court. (By contrast, NTSB does not issue rules; it issues recommendations, and these recommendations are not subject to notice and comment, cost-benefit analysis, or judicial review.)

Regarding inward- or outward-facing cameras, it is important to note they would not have prevented the December 1st Spuyten Duyvil derailment. FRA acted appropriately with Emergency Order 29 to require those measures that had a direct relationship to the accident and would provide immediate safety benefits to Metro-North's operation. While Congress could have mandated a camera when it passed the RSIA in 2008, it chose not to, so congressionally mandated rulemakings were given priority in the rulemaking process. FRA does believe that inward- and outward-facing cameras can provide value and will assist in accident investigations. That is why in the summer of 2013, while giving priority to finishing the 42 Congressional mandates established in the RSIA, FRA was involved in various camera projects occurring in the industry. Based on what we learned, FRA placed this issue on our internal rulemaking agenda in November of 2013 for action in 2014. As planned, the Railroad Safety Advisory Committee (RSAC) has accepted the task of formulating recommendations on the appropriate design and use of locomotive-mounted cameras and will begin RSAC working group meetings on the topic this summer, with recommendations due early next year.

FRA is a data-driven agency, dedicated to achieving its safety mission for the good of the public, and subject to the highest ethical standards. FRA works tremendously hard to ensure that it prioritizes its rulemaking endeavors to address the most safety-critical issues in the timeliest fashion. Given the 42 individual mandates imposed on the agency in the RSIA, FRA has utilized its limited resources in an efficient manner in order to advance and address the safety needs of the country and industry in a timely fashion. During the five-year period from February 1, 2009, to January 31, 2014, FRA published approximately 76 major regulatory documents, including 66 advance notices of proposed rulemaking, notices of proposed rulemaking (NPRMs), and final rules; 3 emergency orders; and 7 interpretations, for an average of more than 15 major regulatory documents per year. We are also actively involved in many pending rulemakings, including

one on fatigue management, which will address the issue of sleep apnea and other fatigue-related issues.

We believe our approach to handling and prioritizing rulemakings has increased the level of safety across the industry. This is evidenced by the historically low accident statistics during the last ten calendar years. During this period, total derailments decreased 48 percent, total train accidents decreased 48 percent, and total highway-rail grade crossing accidents decreased 32 percent. The year 2012 had record low numbers of train accidents, and that safety record was surpassed in 2013. But we always owe the public better. Our goal is to drive continuous safety improvement. We expect this of ourselves, and we expect it of the industry we regulate.

Issue: The status of outstanding FRA rulemakings

Mr. Szabo: As I raised in your last appearance before this committee, an April 2013 DOT IG report found that FRA was delayed on issuing rules required of it under the Rail Safety Improvement Act of 2008 (RSIA). When that report was issued, FRA had not issued 9 of 17 mandated rules. The report also found inefficiencies in FRA's rulemaking process, including failure to properly communicate and share documents with the Rail Safety Advisory Committee, also known as the RSAC.

There are still six rules to go. And at the hearing you mentioned producing a list that prioritizes the rulemakings with dates as to when the rulemakings would be finalized.

Can you produce said list?

Mr. Szabo's Response: *Below is a list of the remaining RSIA-mandated rulemakings, in priority order. The dates when these rulemakings will be finalized are not known and are particularly hard to predict for rulemakings that the Office of Management and Budget (OMB) has determined to be significant and therefore subject to Department of Transportation and Executive Branch review.*

1. *The final rule on training standards is in review in the Executive Branch.*
2. *The NPRM on risk reduction plans is in review in the Executive Branch.*
3. *The final rule on system safety plans is in review within the Department of Transportation.*
4. *The NPRM to extend the alcohol and drug rule to maintenance-of-way workers had been redesignated by OMB as non-significant and is now expected to be published in July.*
5. *The final rule on railroads' reports to the National Crossing Inventory is now expected to be published by August, if the final rule is determined by OMB to be non-significant.*
6. *FRA staff is currently developing the fatigue management plan NPRM. This plan would be a required part of a railroad's system safety or risk reduction plan, alluded to earlier.*
7. *The final rule on emergency escape breathing apparatus is delayed due to competing priorities and the need to reexamine data for an economical*

option to comply with the RSIA. The rule has been designated by OMB as significant.

8. *The rulemaking on dark (unsignaled) territory is being held in abeyance because technology implementation plans expected in railroads' risk reduction and system safety plans will likely make the rule unnecessary for safety. (The mandate is for either a rule or guidance.)*

Issue: The administration's preparation for the growth in shipping of crude by rail

Ms. Quarterman and Mr. Szabo: I understand we are waiting on the Office of Management and Budget (OMB) to release a proposed rule concerning the possible need to retrofit DOT-111 cars, which DOT submitted earlier this year. I also know that 111 cars account for nearly 70 percent of the U.S. tank car fleet, and they have been involved in a number of high-profile derailments in the past year.

This concerns many of my constituents as a CSX train derailed just north of New York City last summer. It was carrying trash – but had it been carrying crude, it could have been devastating.

Given this increase in hauling, what is your agency's plan to ensure the safe transport of this product, which poses significant danger?

Does your agency have the resources necessary to address this surge in accidents?

What actions are you taking in the interim before the OMB releases the proposed rule?

Can you confirm that any focus on crude oil transportation – as critical as it is – will not distract your agencies – especially FRA – from other key safety priorities, like those affecting passenger and commuter rail?

Mr. Szabo's Response: *In the last twelve months the Department has taken a number of steps to improve the safety of transportation of crude oil by rail. These steps include three emergency orders and enforcing compliance with existing regulations and emergency orders. The emergency orders were intended to (1) ensure proper securement of trains carrying certain hazardous materials in specific volumes, (2) ensure the proper classification and packaging of crude oil, and (3) notification of first responders of the number of Bakken crude oil trains moving through their jurisdictions. FRA has initiated and will continue enforcement efforts to ensure industry compliance with the requirements of these emergency orders. We are also in the process of codifying securement requirements of Emergency Order No. 28.*

Additionally, the Secretary issued a "Call to Action" challenging all stakeholders, including Chief Executive Officers (CEOs) of member companies of the American Petroleum Institute (API) and CEOs of the railroads, to identify prevention and mitigation strategies that could be implemented quickly to enhance the safe transportation of crude oil by rail.

In response, industry committed to a number of voluntary actions intended to mitigate the risk of transporting crude oil by rail. These measures address prevention of train accidents and mitigation of their consequences, including by improving response to such accidents. FRA will work closely with industry to monitor adherence to their commitments as well as to provide assistance where needed.

Finally, FRA is compiling incident and compliance data and overlaying this information on identified crude oil routes. This information will be assembled in the form of maps that will inform and guide coordinated multi-discipline inspection and enforcement strategies and initiatives. In addition, FRA's rail integrity rule went into effect on March 25, 2014. The rule requires railroads to submit to FRA rail internal flaw data. FRA, in turn, is developing a repository for this data. This data will provide additional information related to identified crude oil routes.

The focus on crude oil transportation will not detract from other safety priorities, especially those affecting passenger rail. FRA has actually increased overall safety resource levels and dedicated those resources to the safe transport of crude oil by rail. We have added new inspector positions and are focusing on all aspects of crude oil train movements through the rail network. We have also collaborated with PHMSA and industry to help ensure railroads and the crude oil industry implement additional safety measures for crude oil transport. We have also increased the use of our Automated Track Inspection Program (ATIP), and added manned equipment, to cover higher risk routes such as crude oil routes. In addition to a comprehensive review of the Metro-North safety program, we are embarking on additional safety reviews of other passenger railroads as necessary. We are also encouraged by the level of interest expressed by both intercity passenger and commuter railroads in implementing risk reduction programs such as Confidential Close Call Reporting Systems, which will help ensure continuous

safety improvement in an area that is already very safe. And the Passenger Rail Division has been working with new operators to ensure the safety of new passenger service.

Safety is FRA's highest priority, and we allocate our resources accordingly. As noted above, we have increased overall safety resource levels.

"Surface Transportation Reauthorization: Examining the Safety and Effectiveness of Our Transportation Systems" Subcommittee Hearing
Administrator Szabo

Senator Thune

1. I am pleased that the updated tank car design rule was finally transmitted to OMB, especially considering the initial petition for this update was submitted to PHMSA in 2011. Does either of you have concerns about moving forward with the tank car design rule before you have finished your work determining what, if any, unique characteristics Bakken crude has? It seems to me that an important first step in determining the adequacy of a tank car design would be to know if there are unique characteristics of the substance being put inside the tank car and what potential hazards these unique characteristics might pose.

Response: *No, PHMSA recognizes that Bakken crude has more light end materials and presents its own safety risks, when compared to other types of crude oil. Bakken crude is a light crude oil and has more gas content than conventional crude oil. However, the PHMSA's proposed rule, including the tank car design, is intended to improve the integrity and safety of not just transporting Bakken crude oil, but the transportation of other flammable materials with safety risks. Additionally, PHMSA's proposal will seek public comment to ensure the highest level of scrutiny before any changes are adopted.*

Further, in developing the proposal, PHMSA used the data collected on crude oil characteristics in conjunction with physical testing of tank car integrity and predictive modeling tools to gather data on tank car performance in an accident scenario to develop its proposals. PHMSA is confident that its proposal, in coordination with public input, will account for the unique characteristics of crude oil and improve safety and looks forward to public comment on these proposals and the data that supported their development.

Questions asked during the hearing
Page 46.
Senator Blunt: And have you had a chance --

Mr. Szabo: -- to do.

Senator Blunt: -- to look at the new tower siting agreements that appear to be there between the FCC and the Tribal Councils?

Mr. Szabo: Yes. And we think it's a good first step. There's clearly more work that needs to be done, but we think that is significant movement. But, I would also note that our proposal in GROW AMERICA actually gives FRA a little more formal seat at the table in working with the FCC. So, again, we would urge, you know, the adoption of those provisions that we have. We think that it can actually help everybody work through this tower problem with the FCC.

Senator Blunt: And of the 10,000 towers that still need to be approved, what's your estimate of how quickly the first ones may be approved by the FCC?

Mr. Szabo: I'll have to get back to you for the record on that.

Mr. Szabo's Response: *In May 2014, the Advisory Council on Historic Preservation (ACHP) issued a Program Comment pursuant to its regulations implementing Section 106 of the National Historic Preservation Act (NHPA). The Program Comment provides an alternative method for compliance with Section 106 for certain signal antennas that the railroads need to install for Positive Train Control (PTC). The Federal Communications Commission (FCC) has also begun to issue guidance to provide the railroads and other stakeholders with clarity on the process for the implementation of the Program Comment. Throughout this process FRA has, and will continue to be, a technical resource for FCC. However, FCC is the Federal agency with oversight responsibility and authority for tower approval and is responsible for the implementation of the Program Comment. Therefore, FCC is best able to address specific details and schedules for processing applications received under the Program Comment. FRA would encourage the Senator to reach out to FCC as the agency best able to answer the Senator's question.*

Senator Richard Blumenthal
Member, U.S. Senate Committee on Commerce, Science, and Transportation

Questions for the Record
"Surface Transportation Reauthorization: Examining the Safety and Effectiveness of Our Transportation Systems"

Tuesday, June 3, 2014

9:30 a.m.

QUESTIONS FOR THE RECORD

Issue: The administration's preparation for the growth in shipping of crude by rail

Ms. Quarterman and Mr. Szabo: I understand we are waiting on the Office of Management and Budget (OMB) to release a proposed rule concerning the possible need to retrofit DOT-111 cars, which DOT submitted earlier this year. I also know that 111 cars account for nearly 70 percent of the U.S. tank car fleet, and they have been involved in a number of high-profile derailments in the past year.

This concerns many of my constituents as a CSX train derailed just north of New York City last summer. It was carrying trash – but had it been carrying crude, it could have been devastating.

Given this increase in hauling, what is your agency's plan to ensure the safe transport of this product, which poses significant danger?

With regard to rail safety, PHMSA and FRA have taken a comprehensive approach when developing a proposal to reduce risks posed by the bulk transport of hazardous materials by rail. Specifically, FRA and PHMSA are focusing on methods to prevent accidents and incidents from occurring, mitigate the effects of those events that do occur, and improve emergency preparedness and response. Aside from the draft proposal, the Department has taken numerous actions in the form of safety advisories, emergency orders, enforcement actions and inspections and crude testing to improve the safe transportation of crude by rail. On the prevention front, FRA and PHMSA are working together to implement necessary operational controls and rail track integrity requirements to lessen the likelihood of accidents. PHMSA has requirements in place (Hazardous Materials Regulations) to mitigate the effects of potential accidents through

appropriate packaging of the materials based on classification; and effectively and accurately communicating the hazards to transportation workers and first responders.

PHMSA's plan to address the risks posed by the bulk transport of hazardous materials by rail includes both non-regulatory and regulatory, short- and long-term solutions. This plan includes clarifying and improving requirements and conducting outreach to stakeholders such as the regulated community, industry, state and local government, and emergency response sectors. PHMSA is also collaborating and actively engaging all stakeholders with our Hazardous Materials Safety Assistance Team and our field operations staff. A list of actions taken as part of PHMSA's comprehensive approach to reducing the risks and mitigating the consequences of the bulk transport of hazardous materials by rail can be viewed at our Operation Safe Delivery website (http://www.phmsa.dot.gov/hazmat/osd/chronology).

Does your agency have the resources necessary to address this surge in accidents?

PHMSA's Office of Hazardous Material Safety (OHMS) includes a staff of 175 employees at headquarters and five regional offices, including a total of 57 investigators. OHMS's operating budget is approximately $45 million. Since October 1, 2014, PHMSA has obligated approximately $1.4 million to support investigation and testing, regulatory initiatives, and outreach in support of this priority. For multi-modal prevention and response activities associated with the safe transportation of crude oil, the President's Budget for FY 2015 requests $40,000,000, This appropriation would provide funds for a multi-modal initiative to support prevention and response activities associated with the safe transportation of crude oil, including enhanced inspection levels, additional safety inspectors, investigative efforts, research and data analysis, economic analysis, training and outreach, and testing in high risk areas. The funds would be available for initiatives within the Federal Railroad Administration, Pipeline and Hazardous Materials Safety Administration, and the Federal Motor Carrier Safety

What actions are you taking in the interim before the OMB releases the proposed rule?

While the proposed rulemaking provides a comprehensive proposal to address these risks, PHMSA has continued to actively pursue other initiatives to achieve interim safety improvements. A list of all actions taken as part of comprehensive approach to preventing and mitigating the risks posed by the bulk transport of hazardous materials by rail can be viewed at the Operation Safe Delivery website (http://www.phmsa.dot.gov/hazmat/osd/chronology), the following highlights some efforts PHMSA, FRA, and the Department have taken in the interim, while a proposed rule is being developed and reviewed.

- June 12, 2014 – PHMSA hosted a Crude Oil Emergency Response Workgroup Meeting in conjunction with the U.S. Fire Administration – National Fire Academy. The workgroup was comprised of subject matter experts from the emergency response community, rail carriers and the petroleum industry with the goal of providing technical information to better respond incidents involving crude oil.

- May 29, 2014 – PHMSA convened a Lessons Learned Roundtable Forum where public safety and emergency response officials from jurisdictions where a crude oil or ethanol rail transportation incident occurred came together to share their experiences.
- May 7, 2014 - USDOT issued Emergency Order requiring railroad carriers to inform first responders about crude oil being transported through their towns and communities.
- May 7, 2014 - PHMSA and FRA issued a Safety Advisory requesting companies to take steps to avoid the use of DOT 111 tank cars when transporting Bakken crude oil.
- March 6, 2014 - To provide further clarity for shippers and to prevent attempts to circumvent the requirements in the recent Emergency Order concerning the safe transport of crude oil by rail, the Department issued an amended version that specifies which tests are required, while also prohibiting shippers from switching to an alternate classification that involves less stringent packaging.
- February 25, 2014 -USDOT issues Emergency Order requiring shippers to properly test and classify the crude oil prior to transportation.
- February 10, 2014 -PHMSA met with emergency response stakeholders and industry groups to discuss training and awareness related to the transport of Bakken crude.
- January 21, 2014 - Secretary Foxx issued follow-up letter to Call to Action participants summarizing industry commitments.
- January 16, 2014 - Secretary Foxx met with rail company CEOs and rail and energy association leadership as part of the Department's Call to Action to discuss how to maintain safety record even as domestic crude oil production and movement has increased.
- January 2, 2014 - PHMSA issued a safety alert to notify the general public, emergency responders, and shippers and carriers that the type of crude oil being transported from the Bakken region may be more flammable than traditional heavy crude.
- November 13, 2013 - PHMSA and FRA issued a safety advisory reinforcing the importance of proper characterization, classification, and selection of a packing group for Class 3 materials.

Can you confirm that any focus on crude oil transportation – as critical as it is – will not distract your agencies – especially FRA – from other key safety priorities, like those affecting passenger and commuter rail?

The focus on crude oil transportation will not detract from other safety priorities, especially those affecting passenger rail. FRA has actually increased overall safety resource levels and dedicated those resources to the safe transport of crude oil by rail. We have added new inspector positions focused on all aspects of crude oil train movements through the rail network. PHMSA and FRA have also collaborated with industry to help ensure railroads and the crude oil industry implement additional safety measures for crude oil transport. FRA has increased the use of the Automated Track Inspection Program (ATIP), involving manned equipment, to cover higher risk routes such as crude oil routes. In addition to a comprehensive review of the Metro-North safety program, FRA is embarking on additional safety reviews of other passenger railroads as necessary. We are also encouraged by the level of interest expressed by both intercity passenger and commuter railroads in implementing risk reduction programs such as Confidential Close Call

Reporting Systems, which will help ensure continuous safety improvement in an area that is already very safe. The Passenger Rail Division has been working with new operators to ensure the safety of new passenger service. Safety is the Department's highest priority, and we allocate our resources accordingly.

Issue: Whether more information is needed about the transportation of crude by rail

Ms. Quarterman: Considering the derailments and fiery explosions we've seen arising from the transportation of crude by rail in Canada, North Dakota and just recently, Virginia, many states and cities have raised concerns about what's moving on the rails through their communities. DOT has also called on the industry to provide more data on crude so that DOT can better understand how crude should be handled.

Do you have the data you need to make appropriate assessments of the amount and volatility of crude being shipped by rail?

As part of rulemaking efforts, PHMSA has developed a regulatory impact assessment (RIA) that addresses the issue of the bulk transportation of certain flammable materials by rail. This RIA has compiled various statistical and economic data that stakeholders provided and that PHMSA developed. This data includes, but is not limited to, estimates of tank car fleet size, assessments of quantity of materials shipped, and impacts of proposed changes. In addition, based on PHMSA's and FRA's testing and sampling efforts, combined with the voluntarily submitted testing data by industry, PHMSA better understands the properties of crude oil and has used this understanding to help develop a comprehensive rulemaking. Further test data will continue to be considered in any regulatory action. PHMSA and FRA are confident that the proposal, along with public input, will account for the unique characteristics of crude oil and improve safety. We look to public comment on these proposals and the data that supported their development.

However, PHMSA believes additional data from stakeholders would be helpful. The NPRM will be accompanied by the publication of the RIA. Both of these documents seek comments from the public on the estimates and assumptions used throughout them. Further, with regard to physical testing of crude oil, PHMSA continues to evaluate current test methods and whether alternative methods will provide more meaningful results. As part of this effort, the Agency participates in the American Petroleum Institute working group charged with developing industry best practices, including those regarding testing and sampling methods for crude oil.

The oil industry has released studies in recent weeks claiming the Bakken crude is safe to transport by rail using current technology. Do you agree?

While many of the findings of the industry studies are compelling, a number of them can only be verified through additional research. For example, do current test methods need to be improved

or are there new test methods that need to be implemented to better characterize crude oil? While PHMSA evaluates these findings, the Agency is also actively involved in an American Petroleum Institute working group tasked with developing industry best practices, including those regarding testing and sampling methods for crude oil. We also continue to perform our own testing on crude oil characteristics in the Bakken and other shale plays.

PHMSA recognizes that Bakken crude has more light end materials that may present increased safety risks, when compared to other types of crude oil; particularly when considering the quantity in which it is usually shipped. Bakken crude is a light crude oil and has more gas content than conventional crude oil. PHMSA's proposed rule, is intended to improve the integrity and safety of not just Bakken crude oil, but other flammable materials. PHMSA will seek public comment on all aspects of the proposal, to ensure the best available data and information is available in the decision making process.

PHMSA is confident that its proposal, in coordination with public input, will account for the unique characteristics of crude oil and improve safety, and looks forward to public comment on these proposals and the data that supported their development.

"Surface Transportation Reauthorization: Examining the Safety and Effectiveness of Our Transportation Systems" Subcommittee Hearing
Administrator Quarterman

Senator Thune
Question 1: *I am pleased that the updated tank car design rule was finally transmitted to OMB, especially considering the initial petition for this update was submitted to PHMSA in 2011. Does either of you have concerns about moving forward with the tank car design rule before you have finished your work determining what, if any, unique characteristics Bakken crude has? It seems to me that an important first step in determining the adequacy of a tank car design would be to know if there are unique characteristics of the substance being put inside the tank car and what potential hazards these unique characteristics might pose.*

Answer 1:
No, PHMSA recognizes that Bakken crude has more light end materials and presents its own safety risks, when compared to other types of crude oil. Bakken crude is a light crude oil and has more gas content than conventional crude oil. However, the PHMSA's proposed rule, including the tank car design, is intended to improve the integrity and safety of not just transporting Bakken crude oil, but the transportation of other flammable materials with safety risks. Additionally, PHMSA's proposal will seek public comment to ensure the highest level of scrutiny before any changes are adopted.

Further, in developing the proposal, PHMSA used the data collected on crude oil characteristics in conjunction with physical testing of tank car integrity and predictive modeling tools to gather data on tank car performance in an accident scenario to develop its proposals. PHMSA is confident that its proposal, in coordination with public input, will account for the unique characteristics of crude oil and improve safety and looks forward to public comment on these proposals and the data that supported their development.

Senator Blunt
There are considerable Bakken crude testing and survey efforts under way by oil producers and shippers. The American Fuel and Petroleum Manufacturers recently completed a study based on 1,400 crude samples that found Bakken was no more volatile than traditional crude or other hazardous liquids transported by rail. A North Dakota Petroleum Council also study confirmed this.

Question 2: *How will this data be utilized by PHMSA, and do you expect it to settle questions surrounding Bakken crude and how it compares to other crude types?*

Answer 2:
The Department is a data driven organization, and all data – to the greatest extent possible – is incorporated into all of the Department's regulatory activities. The data submitted to date and any submitted in the future will be analyzed and compared to PHMSA's sampling and testing results. Based on the shale oil boom producing Bakken and other crude oils, the large volumes and quantities of these materials being transported by rail in unit trains over long distances is unprecedented. Our focus has been to ensure this method of transportation is safe.

While many of the findings of the American Fuel and Petroleum Manufacturers' study are compelling, a number of its findings can only be verified through additional research. For example, do current test methods need to be improved or are there new test methods that need to be implemented to better characterize crude oil? While PHMSA will actively evaluate these findings, the Agency is also actively involved in an American Petroleum Institute working group tasked with developing industry best practices, including those regarding testing and sampling methods for crude oil.

Finally, PHMSA uses the data collected on crude oil characteristics in conjunction with physical testing of tank car integrity and predictive modeling tools to gather data on tank car performance in accident scenarios to develop its proposals.

Question 3: *Will you be requesting more data or do you believe this is sufficient?*

Answer 3:
PHMSA always welcomes new information to better inform decisions and potential actions.

Question 4: *Will it inform the rulemaking process your department already has underway?*

Answer 4:
Yes. PHMSA has used the data collected on crude oil characteristics in conjunction with physical testing of tank car integrity and predictive modeling tools to gather data on tank car performance in accident scenarios to develop its proposals. The proposals in our rulemaking will account for the unique characteristics of crude oil.

Senator Jay Rockefeller
Chairman, U.S. Senate Committee on Commerce, Science, and Transportation

Questions for the Record
"Surface Transportation Reauthorization: Examining the Safety and Effectiveness of Our Transportation Systems"

Truck Safety Issues (Hours of Service)

The Federal Motor Carrier Safety Administration (FMCSA) uses Hours of Service regulations to help prevent fatigue-related accidents in the trucking industry. After years of working on hours of service regulations, some in Congress want to stop enforcement of important provisions.

Question for Administrator Ferro

I'm concerned this could have unintended consequences on safety. What are the real world impacts of rolling back these provisions?

Response: Rolling back the once-a-week limit on use of the 34-hour restart that FMCSA adopted in its December 2011 final rule would allow employers to require their commercial truck drivers to work an average of more than 80 hours per week and remain behind the wheel on our Nation's highways. This would significantly increase the risk of a fatigue-related crash. No other mode of transportation allows employers to demand that safety-sensitive employees work such grueling schedules.

The current 34-hour provision that has been in effect since July 1, 2013, limits truck drivers to an average of 70 hours on duty per week. FMCSA estimates that limitation on the use of the 34-hour restart will save 19 lives per year, prevent hundreds of injuries, and improve driver health. Were the proposed legislation suspending enforcement of the rule enacted, these safety benefits would be lost.

Senator Richard Blumenthal
Member, U.S. Senate Committee on Commerce, Science, and Transportation
Questions for the Record
"Surface Transportation Reauthorization: Examining the Safety and Effectiveness of Our Transportation Systems"
Tuesday, June 3, 2014
9:30 a.m.

QUESTIONS FOR THE RECORD

Issue: Preventing fatigue in the trucking industry

Ms. Ferro: Your agency uses hours of service (HOS) regulations to limit the number of hours a truck driver can operate. This is done to prevent fatigue-related accidents in the trucking industry. After years of working on this matter, the final rule implementing the HOS framework became effective in 2013. The new rules have garnered some criticism and some are seeking to roll them back – especially provisions related to the 34-hour re-start, even though they went through years of public comment and litigation.

What impact would rolling back these rules have on safety?

Response: The Federal Motor Carrier Safety Administration (FMCSA) has worked hard to reduce the likelihood of fatigue among drivers of commercial motor vehicles (CMVs) and to provide greater opportunity for rest through our HOS rule and other initiatives. As stated previously, rolling back the once-a-week limit on use of the 34-hour restart that FMCSA adopted in its December 2011 final rule would allow employers to require their commercial truck drivers to work an average of more than 80 hours per week and remain behind the wheel on our Nation's highways. This would significantly increase the risk of a fatigue-related crash. No other mode of transportation allows employers to demand that safety-sensitive employees work such grueling schedules.

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U.S. Department
of Transportation

**Office of the Secretary
of Transportation**

Assistant Secretary
for Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

APR 03 2014

The Honorable Darrell E. Issa
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Enclosed are three copies of the U.S. Department of Transportation's reply to the Government Accountability Office (GAO) final report, *"Federal Motor Carrier Safety: Modifying the Compliance, Safety, Accountability Program Would Improve the Ability to Identify High Risk Carriers," GAO-14-114.* The Department was required to develop this response in accordance with Section 236 of the Legislative Reorganization Act of 1970.

We will gladly furnish additional information upon request.

Sincerely,

Brodi L. Fontenot

Enclosures

U.S. DEPARTMENT OF TRANSPORTATION
STATEMENT ON GOVERNMENT ACCOUNTABILITY OFFICE (GAO) REPORT

"Federal Motor Carrier Safety: Modifying the Compliance, Safety, Accountability Program Would Improve the Ability to Identify High Risk Carriers," GAO-14-114

U.S. DEPARTMENT OF TRANSPORTATION POSITION

The Federal Motor Carrier Safety Administration's (FMCSA) safety mission is to reduce crashes, injuries, and fatalities involving large trucks and buses. The Agency's vision is a crash-free interstate transportation environment. FMCSA regulates a diverse industry consisting of more than 525,000 active interstate truck and bus companies, with fewer than 800 field operations personnel. To ensure that the Agency allocates its resources as effectively as possible, the Compliance, Safety, Accountability (CSA) Safety Measurement System (SMS) uses motor carrier data from roadside inspections, reportable crashes, and investigations to prioritize motor carriers for safety interventions and identify the highest risk carriers before crashes occur.

FMCSA implemented SMS in December 2010 and subsequently, enhanced it in December 2012 with significant input from the bus and trucking industries, State Partners, safety advocates, its Motor Carrier Safety Advisory Committee, and the general public through listening sessions held across the Nation. In addition, the Agency has developed an online system that allows the public to provide feedback and suggestions. FMCSA has used this valuable input to make adjustments to SMS through the years and continuously considers changes that would improve the effectiveness of the system in identifying high-risk motor carriers. The Agency is confident that SMS is doing what it was designed to do—identifying motor carriers that need attention from the Agency to improve safety compliance so that these carriers can be prioritized for interventions. This has been confirmed through repeated analysis:

- The 2011 independent evaluation of the CSA Operational Model Test found that five of the seven SMS Behavioral Analysis and Safety Improvement Categories (BASIC) demonstrated a strong relationship to crash risk.[1]

- A 2012 American Transportation Research Institute (ATRI) report analyzed the five publicly available BASICs.[2] The report showed that carriers with an "Alert"[3]

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1 University of Michigan Transportation Research Institute (UMTRI), *Evaluation of the CSA 2010 Operational Model Test,* August 2011.

2 ATRI footnote: ATRI, *Compliance, Safety, Accountability: Analyzing the Relationship of Scores to Crash Risk,* October 2012, http://atri-online.org.

3 The FMCSA identifies carriers that exceed the intervention threshold in a particular BASIC as having an alert by using this symbol: ⚠.

demonstrated higher crash rates than those without "Alerts" in four BASICs. Moreover, the report showed that crash risk increases as the number of "Alerts" increases.

- FMCSA's SMS Effectiveness Test found that six of the seven BASICs identify carriers for intervention with a higher future crash rate than the national average[4] and carriers with one or more BASICs prioritized for intervention have a 79 percent higher future crash rate compared to active carriers with no BASICs prioritized for intervention.

FMCSA strongly believes in a collaborative, transparent, data-driven, and research-based process for program development and delivery, as it has undertaken with the development and implementation of SMS. Open and transparent reporting of safety information furthers commercial motor vehicle safety and creates incentives for all carriers to improve their safety performance. To achieve this, the Agency makes SMS available to the public as it did with SafeStat, the Agency's previous system for identifying high risk carriers, for over a decade.

The SMS website received approximately 68 million visits last year, representing a 17 fold increase over visits to the SafeStat website. Public availability of SMS has prompted motor carriers to address safety performance issues that previously were overlooked and provides valuable information to other stakeholders. Currently, new changes to the display of safety information on the SMS website are being previewed by motor carriers, enforcement partners, and the public and are scheduled for implementation in summer 2014. These latest changes are designed to advance the Agency's safety mission by providing easier, more intuitive navigation and user-friendly features designed to clarify SMS's role as a prioritization tool for CSA interventions. The display changes highlight a carrier's absolute performance (versus their relative performance), and the website incorporates a carrier's safety rating, if it has one, to further emphasize that SMS is not a system for determining safety fitness.

Below, the Agency addresses the two recommendations made by the Government Accountability Office (GAO). As GAO noted, the Agency has substantive disagreements with the approach GAO used in arriving at these recommendations.

RECOMMENDATIONS AND RESPONSES

Recommendation 1: Revise the SMS methodology to better account for limitations in drawing comparisons of safety performance information across carriers to conduct a formal analysis that specifically identifies (1) limitations in the data used to calculate SMS scores and (2) limitations in the resulting SMS scores.

Response: Non-concur. FMCSA does not agree that GAO has demonstrated FMCSA's methodology is not sufficiently reliable for its intended purpose, which is to prioritize motor

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4 FMCSA, The Carrier Safety Measurement System (CSMS) Effectiveness Test by Behavior Analysis and Safety

carriers for interventions to ensure the most effective use of the Agency's resources. The alternative methodology suggested in GAO's report would result in a prioritization tool that would only provide meaningful information about large carriers with little, if any, practical applications for assessing the safety performance of small and medium carriers that are involved in the majority of commercial motor vehicle related crashes. FMCSA acknowledges that more data and observations would improve SMS from a statistical confidence interval perspective, which the Agency will continue to work towards. However, the relatively small percentage of the active interstate carriers that would be assessed using GAO's recommended methodology would create far greater oversight vulnerabilities than the current SMS, which is statistically less precise.

As discussed below, FMCSA continuously reviews and makes enhancements to its methodology for the selection of motor carriers for intervention. FMCSA launched SMS in December 2010 after a period of testing, evaluation, and unprecedented levels of public input. Since then, FMCSA has made a number of enhancements to improve the effectiveness of SMS in identifying motor carriers for interventions. These changes were based on analysis conducted by the Agency, in addition to recommendations provided by its stakeholders, including industry and safety advocates.

FMCSA's most recent analysis indicates that the group of carriers identified as high risk have a future crash rate twice the national average, and those carriers prioritized for a CSA intervention (for any BASIC with an alert) have a 79 percent higher future crash rate than the group of carriers not identified for CSA interventions (i.e., without alerts). As a result, FMCSA continues to believe that SMS is an effective prioritization tool and is an improvement over the SafeStat system. SMS continues to evolve and mature as data, feedback, and other relevant information becomes available.

FMCSA will continue to build on the positive results from the use of SMS to prioritize carriers for interventions and make adjustments to hone the effectiveness of the system. The Agency will analyze GAO's recommendations as part of that process. FMCSA's plans for continuous improvement include analyzing approaches and aligning improvements to identify and prioritize carriers for CSA interventions within the following framework:

- Finding carriers with higher crash risk across the spectrum of carrier sizes with varying amounts of carrier safety data. This allows the CSA program to hold a large portion of the motor carrier industry accountable for poor safety management controls, rather than just focusing on those carriers regularly being inspected.
- Identifying carriers with the worst pattern of on-road violations and high crash risk. These carriers have the largest potential for improvement from CSA interventions.

- Identifying non-compliance patterns and intervening early to help carriers establish strong safety practices before crashes occur.
- Monitoring safety performance over time for carriers that entered the CSA intervention process. This allows FMCSA to quickly respond and prioritize enforcement resources on carriers that show trends of worsening safety performance rather than carriers that are improving.

FMCSA remains committed to considering future changes to SMS provided such changes improve the Agency's ability to identify unsafe motor carriers for intervention prioritization.

Recommendation 2: Ensure that any determination of a carrier's fitness to operate properly accounts for limitations identified regarding safety performance information.

Response: Concur. FMCSA agrees with the basic principles that GAO addresses in this area. However, the Agency notes that GAO's characterization of FMCSA's stated plans for the yet unpublished Safety Fitness Determination (SFD) rule is inconsistent with FMCSA's long standing position. The forthcoming Notice of Proposed Rulemaking (NPRM) on SFD will address the availability and sufficiency of performance data in assessing a safety rating. The FMCSA has been clear that using on-road safety performance information to determine safety fitness is a separate and distinct process from SMS, which is only used for prioritizing motor carriers for intervention. A relative threshold such as that used in SMS has never been presented as an option for this process. When FMCSA's Safety Fitness Determination NPRM is released and public comments are received, the Agency will carefully evaluate the input from all interested parties as part of the process for developing the final rule.

FMCSA COMMENTS ABOUT SPECIFIC GAO METRICS

GAO Metric: Include only carriers involved in a crash.

FMCSA Concerns: GAO's metric assumes a carrier who has no crashes, has no crash risk. Whereas FMCSA utilizes roadside inspection, crash, and investigation data to prioritize companies and identify the highest risk carriers—proactively intervening, early and quickly upon identifying poor compliance patterns before crashes occur. The Agency incorporates risk management techniques for the high consequence, low likelihood events and considers exposure when identifying high-risk companies. GAO's metric contradicts the industry and DOT metric of "crash rates," which is calculated as crashes per unit of exposure (i.e., power units or vehicle miles traveled). GAO's metric does not account for carrier exposure, and use of this metric does not distinguish between non-compliant and unsafe behaviors exhibited by carriers of all sizes, versus the likelihood of a crash posed by the exposure of simply being a larger company with more trucks and/or buses on the road. To illustrate this point, GAO's metric would prioritize a company with three crashes and ten vehicles as the same level of risk as a company with three crashes and 100 vehicles since they both were "involved in a crash," despite the fact that the

crash rate of the first carrier is clearly higher and provides a greater opportunity for intervention resulting in crash rate and compliance improvement. The metric appears to be based on the assumption that the absence of crashes means the absence of risk during a limited observation period.

GAO Metric: Increase data sufficiency standards to require 20 inspections or 20 vehicles.

FMCSA Concerns: Requiring a motor carrier to have 20 inspections or 20 vehicles before they are prioritized for interventions would significantly decrease oversight of the industry to only approximately 10 percent of active motor carriers. As a result, FMCSA does not support waiting to intervene with a motor carrier until it has received 20 inspections or obtained 20 vehicles. It is the Agency's position that if the data collected demonstrates a pattern of non-compliance and a risk to public safety, the Agency should intervene. Adopting GAO's requirement for 20 inspections would result in the Agency ignoring a carrier that has 8 bad inspections out of 10. Allowing over 450,000 motor carriers to be overlooked is not in the best interest of public safety, and is contrary to the Agency's mission. While GAO asserts that SMS is not precise or reliable enough to support intervention selection for carriers with fewer than 20 inspections or vehicles, the Agency's analysis has shown SMS is very effective in finding small higher crash risk carriers.

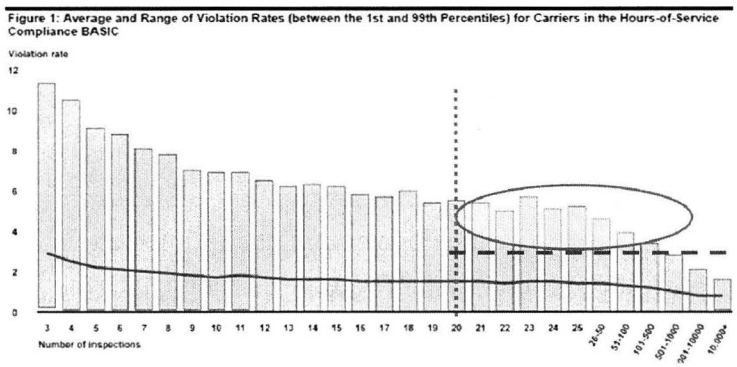
Carriers Identified in one or more BASICs and Prioritized for CSA Interventions

Carriers Stratified by # of Power Units (PU)	# of Carriers	Total Power Units	Total Crashes	Crash Rate (per 100 PUs)	% Increase in Crash Rate Compared to Not Identified Carriers within Stratification
5 or Fewer PUs	24,647	56,731	4,336	7.64	137%
5 < PUs <= 15	10,253	92,965	6,173	6.64	149%
15 < PUs <= 50	5,514	145,894	8,693	5.96	117%
50 < PUs <= 500	2,359	308,120	15,110	4.90	84%
More than 500 PUs	269	469,384	17,451	3.72	60%
All Carriers	43,042	1,073,093	51,763	4.82	79%

GAO Metric: Analysis does not use Safety Event Groups

FMCSA Concerns: GAO's methodology does not apply Safety Event Groups (SEG). As a result, the GAO analysis compares companies with 20 inspections to a company with 10,000 inspections. SEGs are used by SMS to account for the variances that exist in this large and diverse industry. Comparisons must be made between carriers with similar levels of observations, so that the worst performing carriers of all sizes and levels of exposure are identified. The removal of SEGs results in a virtual free pass for the largest carriers (those with 100+ inspections) and creates bias toward identifying carriers that are close to the 20 inspection

data sufficiency threshold tested by GAO. This is illustrated below in an overlay on Figure 1 contained in the GAO report. The figure below demonstrates variability in the GAO model, which treats companies with 20 inspections equal to a company with 10,000 inspections. The highlighted oval shows that only carriers with between 20 and 1,000 inspections would be prioritized for intervention, and the largest carriers would not be included.



Overall, an examination of the combined effects of GAO's illustrative alternative revealed the following:

- In the Driver Fitness BASIC, 1,000 carriers with a single violation are prioritized.
- In the Drug and Alcohol BASIC, one violation places carrier automatically at the 93rd percentile or higher.
- Carriers with 8 of 10 inspections cited for suspended CDL are not prioritized, while a carrier with 1 violation out 20 inspections would be prioritized.

CONCLUSIONS

FMCSA's SMS compares compliance between carriers with similar exposure in prioritizing the poorest performing carriers regardless of size for interventions. SMS currently requires a pattern of inspections with violations before intervention and applies data sufficiency requirements. While FMCSA acknowledges that there is more variability with fewer inspections, FMCSA believes SMS is reliable for its stated purpose and objective of prioritizing carriers for interventions. Carriers identified by SMS as "high risk" have twice the national average crash rate and a higher crash rate than those identified through GAO's illustrative alternative of "high risk."

The Agency remains committed to a collaborative, transparent, data driven, and research-based process for changes to SMS. This includes field-testing, listening sessions, interactive webinars, Federal Register notices seeking public comments, and other input from enforcement, industry, safety advocates, and other stakeholders and interested parties such as GAO.

"Surface Transportation Reauthorization: Examining the Safety and Effectiveness of Our Transportation Systems" Subcommittee Hearing
Administrator Ferro

Senator Thune

Compliance, Safety, Accountability (CSA) Program Questions

1. It is my understanding that CSA was originally created as a way to assist FMCSA and its State partners in targeting limited enforcement resources on those motor carriers with the highest safety risk. This is a goal I support. However, I now understand the FMCSA is currently working on a way to formally incorporate CSA into the system the agency uses to determine driver fitness, even though there are many outstanding questions about the reliability of the CSA system for those carriers that have little to no data on record. Does this not concern you Administrator Ferro?
    a. How would the FMCSA account for this in making driver fitness determinations?

    Response: FMCSA proposes to amend the Federal Motor Carrier Safety Regulations to adopt a revised methodology for issuance of *motor carrier* safety fitness determinations (SFD). The Agency is not proposing to make *driver* fitness determinations at this time.

    The proposed motor carrier SFD methodology would determine when a motor carrier is not fit to operate commercial motor vehicles (CMV) in or affecting interstate commerce based on: (1) the carrier's performance in relation to five of the Agency's Behavioral Analysis and Safety Improvement Categories (BASICS); (2) an investigation; or (3) a combination of on-road safety data and investigation information. The intended effect of this action is to reduce crashes caused by CMV drivers and motor carriers which result in death, injuries, and property damage, by more effectively using FMCSA data and resources to identify unfit motor carriers and removing them from the Nation's roadways. Incorporating on-road safety data into the Agency's SFD methodology has been an open recommendation from NTSB for several years.

    FMCSA is developing a Notice of Proposed Rulemaking (NPRM) on SFD to address the availability and sufficiency of performance data in assessing a safety rating. The FMCSA has been clear that using on-road safety performance information to determine safety fitness is a separate and distinct process from SMS which is only used for prioritizing motor carriers for intervention. A relative threshold such as that used in SMS has never been presented as an option for this process. When the SFD NPRM is released and public comments are received, the Agency will carefully evaluate the input from all interested parties.

2. Data accuracy is one of the reoccurring concerns often raised with CSA. Part of this data is submitted by the carriers themselves, so called census data. In an attempt to increase the frequency and accuracy of carrier-generated data, it is my understanding that FMCSA announced last fall that it would begin deactivating USDOT numbers for carriers that have failed to submit the required census data. According to that announcement, deactivations were supposed to begin in March for any carrier that had failed to update its census data by January 2014. Have these deactivations occurred?

a. If so, how many carriers have been deactivated?
b. Is there a process for them to easily be reactivated?

Response: In March 2014, following outreach to carriers and public notice of its intent to do so, FMCSA started deactivating the USDOT numbers of carriers that failed to complete their biennial update by their designated month and year. As of May 2014, FMCSA deactivated over 56,000 USDOT numbers. Carriers that have their USDOT numbers deactivated for failing to complete the biennial update can go online to the FMCSA website and update their information. Unless the carrier's registration has been suspended or revoked for another reason, once the online update is completed, the USDOT number is immediately reactivated.

3. I understand that the FMCSA includes a disclaimer with the SMS [Safety Management System] scores, indicating that they should not be used to draw safety conclusions and, instead, a carrier's official safety rating should be used. It is well known though that they are being used that way; in fact, SMS scores are even included on the FMCSA's own mobile phone application, SaferBus, designed to provide safety information and help consumers select a bus company. Again, given the limits on the data and the fact that 72 percent of carriers are without any SMS scores, are you not concerned about the impact it is having on otherwise safe carriers' businesses?
    a. What is the FMCSA doing to address these concerns?
    b. Do you believe this data and related programs should be promoted publicly when there are such limits on its usefulness for a large number of carriers?

Response: FMCSA regulates a diverse industry consisting of more than 525,000 active interstate truck and bus companies, with fewer than 800 field operations personnel. To ensure that the Agency allocates its resources as effectively as possible, the Compliance, Safety, Accountability (CSA) Safety Measurement System (SMS) uses motor carrier data from roadside inspections, reportable crashes, and investigations, to prioritize motor carriers for safety interventions and identify the highest risk carriers before crashes occur.

SMS is designed to identify *patterns* of non-compliance and, therefore, applies data sufficiency standards (i.e. minimum number of inspections). For example, in the driver-related BASICs, SMS requires three or more driver inspections.

Currently, FMCSA has enough data to assess approximately 38 percent of the 525,000 active companies. These companies are involved in over 91 percent of crashes. Therefore, while the Agency continues to focus efforts on improving data collection for all carriers, SMS has sufficient data to assess companies that are involved in the majority of crashes. Other methods FMCSA uses to increase data collection include: 1) New Entrant Safety Audits, many of which have limited roadside inspection data, and 2) Inspection Selection System (ISS), which prioritizes and generates inspection recommendations to roadside officers for entities with limited data.

The Agency is committed to providing a current, informed, and comprehensive picture of a motor carrier's safety and compliance posture and seeks to ensure understanding among

stakeholders as to what SMS is, and what it is not. In addition, in November 2013, the Agency proposed several new SMS website display changes, with the following objectives: 1) provide easier, more intuitive navigation, and user-friendly features to clarify SMS's role as FMCSA's prioritization tool for CSA interventions; 2) provide a "one-stop-shop" for FMCSA safety information; and 3) retain and provide easy access to detailed information and new performance monitoring tools.

FMCSA will continue to evaluate stakeholder input. The Agency has been engaged in and remains committed to a collaborative, transparent, data-driven, and research-based process for changes to SMS.

4. The GAO issued a Report to Congressional Committees regarding modifications to the CSA program. It is my understanding that the FMCSA has written a letter in response. Would you provide me with that response letter?

   Response: The Departmental letter is attached.

Hours of Service Question

5. At the hearing you mentioned that you are in the process of collecting data on the new hours of service rules that went into effect last July. Can you please provide me with more details of that data collection including the information on what you are collecting, what you hope to show by this data, and when you expect to have enough data to draw conclusions? I am particularly interested in how this data collection relates to reductions in crashes since the rule was put into effect.

   Response: The Agency has collected and analyzed data on violations of the 2013 HOS rules, which showed that a significant percentage of violations cited during the first 1 to 2 months after the rule took effect were for violation of the new 30-minute break requirement. As drivers became more familiar with that requirement we have seen those violations taper off. Regarding the effect of the new rules on crashes, as the new hours of service rules have only been in effect for one year, FMCSA will be looking closely at any change in the number of crashes involving commercial motor vehicles, the time of day those crashes occurred, and any other circumstances surrounding the crash that may help us understand the impact of the new rule. Sufficient State-reported crash data for these analyses should be available to FMCSA in early 2015. FMCSA is also looking into ways to measure the impact the new rule may have on the volume of commercial motor vehicle traffic during daytime congestion hours.

Speed Limiter Question

6. It is my understanding that the FMCSA is working on a new rule requiring the use of speed limiters. Can you provide an update on where you are in the process?

   Response: The National Highway Traffic Safety Administration (NHTSA) and FMCSA are jointly preparing a notice of proposed rulemaking (NPRM) in response to petitions from the American Trucking Associations and Roadsafe America that would require: (1) heavy vehicles to be equipped with a speed limiting system, and (2) motor carriers

operating such vehicles in interstate commerce to maintain functional speed limiting systems for the service life of the vehicle. This rule would decrease the estimated 1,115 fatal crashes annually involving vehicles with a gross vehicle weight rating of over 11,793.4 kg (26,000 lbs) on roads with posted speed limits of 55 mph or above. The current rulemaking schedule posted at http://www.dot.gov/regulations/report-on-significant-rulemakings indicates an estimated publication date of October 23, 2014.

a. It is my understanding that Ohio and Illinois each standardized their speed limits last year, to allow trucks and other motor vehicles to travel at the same maximum speed. Before this change, trucks had lower maximum speeds than other motor vehicles. It would seem to me that some of the same challenges faced by these states—and that motivated them to change their laws—would apply if speed limiters were put in place nationwide. Has the FMCSA looked into the reasons for these changes?

Response: The NHTSA and FMCSA did not examine the bases for recent speed limit changes in Ohio and Illinois. However, the Agencies did consider the potential impact of speed differentials between light vehicles and heavy vehicles prior to NHTSA granting the petitions for rulemaking in 2011 (76 FR 78, January 3, 2011). On January 26, 2007, NHTSA and FMCSA jointly published a notice requesting public comment on the petitions. The Agencies received more than 3,800 comments in response to the notice.

b. One concern truckers in my home state have about a speed limiter rule actually dovetails with a concern they have about CSA. As you know, all crashes, no matter who is at fault, are reported to CSA. The truckers I have spoken with are afraid that having trucks and cars going at different speeds might increase the number of rear end collisions they are in, and thus might negatively impact their CSA scores. How would you respond to these concerns?

Response: The FMCSA acknowledges the concerns of motor carriers about the impact that crashes would have on their SMS scores. First, the Agency believes the speed differentials between commercial vehicles traveling up to 68 miles per hour (the speed limit suggested in the petitioners) and other highway traffic approaching from the rear of the commercial vehicles is unlikely to increase the risk of a crash beyond what motor carriers experience today with the voluntary use of speed limiters to improve fuel efficiency. As argued by the American Trucking Associations (ATA), many of the Nation's largest truck fleets currently limit their speeds to save fuel, and thereby reduce operating expenses. The ATA did not indicate that any of these fleets experienced increased numbers of motorists striking the rear of the truck.

Second, the crash score from the BASICs (Behavioral Analysis Safety Improvement Categories) is not displayed to the public. This means that the public would be aware of the number of crashes a motor carrier has experienced but there would be no information indicating how many, if any, of the crashes were preventable. The Agency would address preventability during any investigation or interventions rather than make assumptions about these matters.

Senator Blunt
FMCSA has been successfully sued at least 5 times in the past few years where the agency has not fully complied with law, has not adequately considered data, and has not fully justified the cost of regulatory decisions. The best example is the case of the three lawsuits regarding the hours of service rules. Also a recent GAO report found that fewer than 15 of more than 750 individual violations at the carrier level had a reliable statistical relationship with crash risk. Many FMCSA regulatory requirements are outdated or seem to not lend to safety.

Question: Does FMCSA recognize some of these shortcomings, and do you have plans going forward to address them?

Response: The Agency acknowledges that some legal challenges to its rulemakings have been successful. It should be kept in mind, however, that many FMCSA initiatives – especially those involving hours of service – trigger intense disputes among interested parties. Publishing a proposed rule for notice and comment is often an occasion for groups to put on the record their non-negotiable and mutually incompatible positions, which is rarely helpful to FMCSA in crafting a final rule. And if that final rule does not satisfy their demands, these parties immediately seek legal review. While it is true that the courts identified certain procedural errors in earlier HOS rulemakings – which FMCSA has corrected – the D.C. Circuit concluded in 2013 that the Agency's 2011 final rule was well supported and well-reasoned, and it rejected the frontal attacks leveled by several groups.

With regard to the issue of the GAO report on individual violations, when prioritizing a company using the SMS, the Agency does not focus on a single violation, instead uses a robust data set of roadside inspections, reportable crashes, and investigations to prioritize the highest risk carriers *before crashes occur*, including carriers whose patterns of non-compliance are a flag for high-risk behavior. The Agency is continually working to improve its process through on-line comment tools, Federal Register notices, listening sessions, and the Motor Carrier Safety Advisory Committee, seeking and utilizing public comment to continuously improve the effectiveness of its process and system for identifying high risk carriers.

FMCSA spends a great deal of time and effort, not only to research and write effective and cost effective safety regulations, but also preemptively to address arguments likely to be raised by potential litigants.

Senator Richard Blumenthal
Member, U.S. Senate Committee on Commerce, Science, and Transportation

Questions for the Record
"Surface Transportation Reauthorization: Examining the Safety and Effectiveness of Our Transportation Systems"

Tuesday, June 3, 2014

9:30 a.m.

QUESTIONS FOR THE RECORD

Issue: How DOT's research programs improve safety

Mr. Winfree: The Office of the Assistant Secretary for Research and Technology (OST-R) coordinates DOT's research and development programs. The Research Office is responsible for integrating research across the transportation agencies and modes. And your office has done considerable work evaluating close call systems, something that Metro-North has been urged to adopt.

What are the benefits of close call systems?

The Confidential Close Call Reporting System (C^3RS) has contributed to noticeable improvements in five key elements of system-based safety management. Those are: risk identification; collaborative problem solving; root cause identification and analysis; implementation of corrective actions; and establishing a venue through which unsafe and sensitive situations can be openly addressed without fear of retribution.

The Bureau of Transportation Statistics (BTS) has collected close call reports from conductors and engineers working for three railroad companies (Union Pacific Railroad Company, Canadian Pacific Railroad (i.e., its railroads that conduct operations in the United States), and New Jersey Transit Rail Operations since February 2007. So far over 3,500 close call reports have been submitted to BTS. Quantitative analysis of these sites indicated:

- 90 percent reduction in disciplinary cases;
- 31 percent reduction in de-certifications per 200,000 worker hours;
- 41 percent reduction in human factors derailments per 100,000 cars moved (reportables and non-reportables);
- 53 percent reduction in incident cost; and
- a significant reduction in derailments caused by running through switches, primarily in rail yards.

Most importantly, program evaluation analyses confirmed that a close call system leads to significant improvement in safety awareness, safety culture, and employee engagement by providing a safe, non-punitive, confidential, non-confrontational model for labor and management to jointly develop and implement safety improvements.

How does your research and statistical tracking inform safety policy at DOT?

The Department of Transportation (DOT) takes a system-wide, multi-modal approach to collecting and analyzing safety data. The Department is working to standardize data collection, evaluation and, ultimately, data-driven decisions to improve safety. Safety research comprises 42 percent of the Department's total RD&T funding, which is significantly higher than the amount expended on the next-highest goal (23 percent, Economic Competitiveness). Through this cross-modal approach, safety benefits will be seen across the transportation network.

The DOT Safety Council, which is chaired by the Deputy Secretary, is comprised of the heads of the Departmental operating administrations and senior staff. It provides a forum for serious current and emerging safety issues, both multimodal and particular to a single mode, to be brought up, discussed, and then acted upon either by the individual operating administrations or by the Safety Council itself. Safety Council initiatives include: activity on risk-informed rulemaking, near-miss reporting systems, support to the Federal Transit Administration (FTA) as it began its safety oversight program, and the development of the safety.data.gov web portal.

- The Safety Council is currently working on risk-informed rulemaking. It has become increasingly difficult to promulgate safety-related regulations based on the present requirement of linking them through a benefit-cost analysis to lives already lost. The Safety Council is learning from other agencies how they develop proactive regulations based on risk information.
- There is significant interest within the DOT on developing and using near-miss precursor data to understand hazards and create remedies before accidents occur that cause lives to be lost. The FAA, FRA and Bureau of Transportation Statistics have presented to the Safety Council on their systems, and aspects are being considered for implementation by other DOT organizations along with a possible DOT-wide near miss data collection system.
- When the MAP-21 surface reauthorization was signed into law, the FTA was given safety oversight authority for the first time. As a result, a series of Safety Council meetings were held with then-Administrator Peter Rogoff and his senior staff to afford them the opportunity to understand the challenges and best practices of safety regulation, including the underpinnings of the safety management systems (SMS) approach. As a result, FTA adopted the SMS approach for this new function.
- The Safety Council was charged by the White House to bring together safety data from across the federal government for public access and use as part of its Open Data initiative. This effort, led by the Bureau of Transportation Statistics, has successfully entered over 1,000 safety data sets from ten cabinet agencies and a number of smaller organizations into the portal, with scheduled data events occurring several times a year and thousands of downloads of the available data.

How much of your work is dedicated to fatigue risk issues?

Operator fatigue and its safety risks and implications was one of the two initial projects undertaken by the Safety Council, the other being safety culture, which also influences operator fatigue and its mitigation. It is the largest active program for the Safety Council, expending about $450,000 over five years. As a result of this focused effort the following six work products, led by five separate operating units, have been or will be delivered by October 1, 2014:

1. A white paper on the current need and state of human fatigue modeling, and specifications to meet anticipated new uses. These specifications are intended to be used within a contracting vehicle such as a Broad Agency Announcement for development of the next generation of these models (FRA led).
2. Sponsorship of a commercial motor vehicle workshop on obstructive sleep apnea and a subsequent report on different, potentially effective ways to communicate with operators and the public about this serious condition (FMCSA/FRA co-led).
3. Sponsorship of a day-long workshop at the 2012 Transportation Research Board annual meeting on strategies for communicating and addressing operator drowsiness. Workshop attendance was at capacity (30 participants), the majority of whom were representing private sector and labor organizations, within the United States and overseas. A report was generated synopsizing the presentations and the ensuing discussions and outcomes (FRA/FMCSA co-led).
4. A general communications toolkit that can be tailored by the individual modal organizations to message the dangers of operator fatigue to different audiences (i.e., the operator, the operator's family, supervisors, executives and the public). The communications offices of the different DOT operating administrations were engaged to understand needs and general themes that may resonate with diverse audiences (FMCSA/OST-R co-led).
5. A series of specific logic models were developed for several DOT operating administrations (i.e., Federal Aviation Administration, Federal Motor Carrier Safety Administration, Federal Railroad Administration) and a general model was created linking research and development activities on operator fatigue with related programs, outcomes and impacts. A gap analysis was then conducted that outlined what additional research was still required based on program needs and their anticipated outcomes (Human Factors Coordinating Committee, FRA, OST-R co-led).
6. Secretary LaHood wanted assurance that when the operating administrations entered into Hours of Service rulemaking they were all considering the same science and variables, even if ultimately the rules between operating administrations treated them differently (i.e., whether or not napping was allowed). This checklist tool allows both the operating administrations and General Counsel to consider the same set of science and data when undertaking Hours of Service rulemaking (FAA led).

What major safety issues are you seeing in your research that may not be at the forefront right now, but will be in the years to come?

The Safety Council has identified several emerging safety issues that are expected to become increasingly problematic.

The first is the integration of increasingly sophisticated automation into vehicles, both commercial and private. Safety issues include the trust people place in the automation, and ensuing complacency and skill loss; automation failure modes and operator awareness and ability to reengage in the driving task; over-reliance on the automation, especially when products are being marketed to those who might not otherwise be able to operate the vehicle; and lack of shared fate (i.e., software programmer vs. human pilot).

The second area is transportation system vulnerability to cyber threats. The Safety Council has identified a number of these threats, including the jamming and spoofing of GPS signals, but addressing these threats remains a challenge.

A third area of increasing concern is related to societal demographics. People are working later into life and driving remains the most common form of transportation for older adults. Keeping commercial and private vehicles accessible by this population is becoming increasingly possible through automation, but then by default over-reliance and the other automation issues described above become even more problematic.

The other end of the age spectrum provides a fourth concern, that young adults are increasingly relying on pedestrian, bicycle, and transit modes of transportation. Ensuring the safety of all transportation users requires thought and actions (i.e., messaging, enforcement, new and retrofitted infrastructure that balances the needs of all users).

Another emerging issue is the legalization of marijuana use in some states, and how that may ultimately impact transportation safety. In addition, the transportation of oil and gas on the nation's roadways, railways and waterways is also considered both a safety and security threat and is being monitored by the Safety Council.

"Surface Transportation Reauthorization: Examining the Safety and Effectiveness of Our Transportation Systems" Subcommittee Hearing
Assistant Secretary Winfree

Senator Thune

1. **The Senate Committee on Environment & Public Works passed the MAP-21 Reauthorization Act last month, which shifted administration over much of OST-R's work, including Intelligent Transportation Systems (ITS) and the Bureau of Transportation Statistics (BTS), to the Federal Highway Administration. Are you supportive of this proposal since it appears to conflict with other changes that have been made at OST-R that have elevated certain responsibilities?**
The Environment and Public Works Committee's reauthorization proposal, S. 2322, would transfer administration for the Intelligent Transportation Systems Joint Program Office (ITS JPO), the Bureau of Transportation Statistics (BTS), and the University Transportation Centers (UTC) programs from the Office of the Assistant Secretary for Research and Technology (OST-R) to the Federal Highway Administration (FHWA). These three programs are funded through the Highway Trust Fund and cumulatively represent $198.5 million in annual authorized funding, over 90 percent of the funding OST-R receives from Congress.

   In 2004, these three programs were incorporated into the Research and Innovative Technology Administration (RITA) via the *Norman Y. Mineta Research and Special Programs Improvement Act* (P.L. 108-426). Just as RITA was intended to be a cross-modal enterprise, each of these three programs is inherently multi-modal and was intentionally placed within the newly-created RITA:
   - the ITS research program is a multi-modal hub of research activity and has applications across the surface and maritime operating administrations within the Department;
   - the UTC program supports cross-cutting research and workforce development across the transportation enterprise; and
   - BTS provides trusted data and statistics on a multi-modal range from ferries to freight to airlines.

   In January, via the Consolidated Appropriations Act, 2014 (P.L. 113-76; at Division L, Title I), RITA was elevated into the Office of the Secretary as the Office of the Assistant Secretary for Research and Technology. Importantly, the Act made no change in mission or programmatic structure. This elevation began as a request in the President's Fiscal Year 2013 budget request and repeated again in the Fiscal Year 2014 proposal. Both budget requests included these three programs within OST-R.

   In the first surface transportation legislation enacted since the creation of RITA, the *Moving Ahead for Progress in the 21st Century Act* (MAP-21, P.L. 112-141), Congress recognized the importance of these multi-modal programs by keeping them in OST-R (then RITA). Keeping the programs housed in RITA was consistent with the technical assistance offered by the Administration at the time. Furthermore, the Administration's

current reauthorization proposal, the GROW AMERICA Act, recognizes the inherent multi-modality of the ITS JPO, BTS, and the UTC program and seeks to keep them within OST-R, as opposed to being confined to a single modal "silo." The Highway Trust Fund research and statistical programs of the Office of the Assistant Secretary will continue their existing missions and remain key components of the newly-elevated office. Additionally, the GROW AMERICA Act includes authorizing language to cement OST-R within the Office of the Secretary.

RITA's transition into the Secretary's Office is well underway – the ITS JPO, BTS, and UTC programs included. Indeed, the Department has "hit the ground running" in adopting the changes enacted into law, is transitioning to ensure this new office is the focal point for research across DOT, and is looking across the research investments made in all of the modes to improve the delivery of transportation research and technology programs, and of national statistical programs. Organizational change does not happen overnight but, already, what we do is being drawn into leadership discussions as part of the Office of the Secretary, in a way that it was not when RITA was an Operating Administration.

a. What consequences would this shift have on OST-R?
The ITS JPO, BTS, and UTC programs have a combined authorization of $198.5 million in annual funding, via the Highway Trust Fund. If these programs were shifted to FHWA for administration, OST-R would continue to manage the Department's research coordination efforts and the Office of Positioning, Navigation and Timing & Spectrum Management. These programs are funded via the General Fund; the budget request for Fiscal Year 2015 is $14.625 million. OST-R would continue to oversee the Volpe National Transportation Systems Center in Cambridge, MA, and the Transportation Safety Institute in Oklahoma City, OK, both of which are fee-for-service organizations.

b. How would this impact the work done on ITS and at BTS?
As its name implies, the Intelligent Transportation Systems Joint Program Office (ITS JPO) is shared with FHWA. Specifics of the sharing agreement between the two organizations are detailed in a Memorandum of Understanding (MOU) formalized in 2006. In short, OST-R provides strategic management for the ITS JPO, and program staff are accountable to the Assistant Secretary. FHWA provides administrative, finance and procurement support. In practical terms, a shift to FHWA would shift the programmatic reporting chain for the ITS JPO.

Authorizing language for BTS in MAP-21 (sec. 52011; 49 USC sections 6301-6313) makes clear that BTS is intended to be a fully multi-modal and comprehensive source of statistics on the performance and impacts of the national transportation system, a scope that aligned with RITA's mission and continues to align with OST-R's mission. As an OMB-designated Federal Statistical Agency, the Bureau of Transportation Statistics (BTS) is required to ensure the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes, and of the analyses and reports which BTS prepares for

policy uses and for public release. Past discussions of "assigning" the Bureau to any one modal administration have been met with concerns from the stakeholder community about "loss of independence" or "loss of objectivity." A BTS shift would impact FHWA in that the accountability for statistical products would now flow through FHWA, and FHWA would need to begin to provide administrative, finance and procurement support to BTS, currently provided through OST-R.

Both the ITS-JPO and BTS are inherently multi-modal and provide research applications and statistical support across the transportation enterprise generally, and the USDOT specifically. Being housed in OST-R structurally will continue a cross-modal focus through which they can achieve their missions, delivering multi-modal solutions.

2. **GPS has been identified as a critical component of your office's Intelligent Transportation System (ITS). What research is being carried out by your office on the further use and integration of GPS into surface transportation safety and efficiency? What role does precision location play in the future of transportation?**

The availability and accuracy of the Global Positioning System (GPS) offers increased efficiencies and safety for all modes of surface transportation. Many of the challenges associated with the routing and dispatch of commercial vehicles are significantly reduced or eliminated with the use of GPS. Implementation of GPS technology to track and forecast the movement of freight has created a logistical revolution, including an application known as time-definite delivery. GPS-based applications have also transformed the management of mass transit systems, road maintenance crews, and emergency vehicles.

GPS is an essential element of the Intelligent Transportation Systems (ITS) Connected Vehicle program designed to increase situational awareness and reduce or eliminate crashes through vehicle-to-vehicle (V2V) and vehicle-to-infrastructure (V2I) data transmission. Research is being conducted in the area of advanced driver assistance systems, which include road departure and lane change collision avoidance systems, among other safety-critical applications.

Railways are installing Positive Train Control (PTC) systems, many of which are GPS-enabled, to prevent collisions, derailments, work zone incursions, and passage through switches in the wrong position. A PTC system can automatically vary train speeds, and provide real-time information to re-route traffic, and safely direct maintenance crews onto and off tracks.

GPS also provides rail dispatchers and passengers more accurate information on train arrivals. It enables the automation of track surveying and mapping operations. GPS also allows the automation of track inspection systems that work much faster and detect more defects than human crews, saving time and money while improving safety.

Per U.S. National Space-Based Positioning, Navigation, and Timing (PNT) Policy, the U.S. Department of Transportation has the lead responsibility in representing civil Departments and Agencies in the development, acquisition, management, and operations of GPS and for the development of requirements for civil applications. Within DOT, this responsibility resides within the Office of the Assistant Secretary for Research and Technology (OST-R).

OST-R works with all of the DOT modal administrations in defining their requirements for positioning, navigation, and timing. These PNT requirements are captured in the *Federal Radionavigation Plan* which is developed biennially. OST-R also chairs the Civil GPS Service Interface Committee (CGSIC) which is the recognized worldwide forum for effective interaction between all civil GPS users and the U.S. GPS authorities, as well as the DOT Pos/Nav Working Group to share GPS implementation strategies and lessons learned across the modes.

Looking to the future, sub-meter location accuracies have been identified as needed to assist in improving safety and efficiency, including 10 cm horizontal accuracy (95 percent integrity) for vehicle collision avoidance. Also, there will be an increased focus on the integrity of the navigation solution which is the measure of the trust that can be placed in the correctness of information supplied by a navigation system solution and the ability of the system to provide a timely warning to users when the system should not be used for navigation.

GPS alone cannot always meet PNT requirements and, given increased awareness of the vulnerability of GPS to interference and spoofing, GPS most likely will not be the sole source of positioning for safety critical systems in the future. GPS in conjunction with map matching, inertial navigation systems (INS), accelerometers, Light Detection and Light Detection and Ranging (LIDAR), and other devices and techniques will be used to form an integrated approach, ensuring sufficient accuracy, availability, and integrity of the navigation and position solution to meet user needs.

U.S. Senator Maria Cantwell
Questions for the Record

Commerce Committee
Nominations Hearing, June 11, 2014

For Mr. Rogoff:

Question:

1. As you know, freight projects are always fighting for attention in our existing grant programs, like TIGER. They are up against very worthy transit, highway, and bike/ped projects. Do you believe a new freight-specific discretionary grant program would help meet the nationwide need for investing in job-creating freight mobility projects?

   RESPONSE: *Yes, I certainly do. Over the next few decades, freight traffic is expected to grow dramatically. In fact, by 2040, freight tonnage is expected to increase by 62 percent, requiring additional capacity to our highways, railroads, ports, and pipelines and improvements to multi-modal connections that move freight efficiently and keep our economy growing.*

   Despite its importance to the economy, freight investments can be disadvantaged in the current transportation planning process. These projects face competition from non-freight projects for public funds and community support, a lack of coordination among various government entities and private sector stakeholders, and limited availability of public funds to address the key freight chokepoints. In my view, Port connections in particular – be they rail or road connections -- have not gotten appropriate attention. This has not only undermined our competitiveness as an importer and exporter but has in many communities undermined the air quality of neighboring residential areas.

   In the GROW AMERICA Act, the Department proposes to create a Multimodal Freight Investment Program that would include an incentive grant program and a discretionary grant program. Importantly, this program would give freight stakeholders such as shippers, railroads, and trucking firms a meaningful seat at the table in making project selections. The discretionary program would award not less than $5 billion in grants over four years to the projects that would have the greatest impact on the safety, efficiency, and state of good repair of the freight transportation system. The incentive grant program would make up to $5 billion available over four years by formula to states that have engaged multimodal stakeholders in a comprehensive freight planning process. Any funds not required to fulfill formula apportionments would be available for additional discretionary grants. I was pleased to work carefully with Secretary Foxx in developing these proposed programmatic details.

2. As you know, we are reaching a decision point on the Highway Trust Fund and needing to fill the coming shortfall. As we do that, there will be an opportunity to discuss how transportation programs are funded more broadly. Do you believe that we need a

dedicated source of funding for multimodal projects, like those at ports? And if so, how would you envision this dedicated source being capitalized?

RESPONSE: *I believe that having a robustly funded program truly dedicated to multimodal freight investments is more important than having a dedicated funding source for those investments. The entire national economy is highly dependent on the efficiency and productivity of our freight networks and we mustn't shrink from funding them simply because there is not a dedicated funding source. The TIGER Discretionary Grant Program has presented the Department with an opportunity to fund a number of innovative, multimodal freight projects across the nation using annual general fund appropriations. Many of these projects leveraged significant private co-investment. The Department has now proposed the multimodal GROW AMERICA Act, which would be paid for in part through a pro-growth business tax reform without adding to the deficit. This $150 billion in revenue through the general fund would allow investments in a wide range of modes, including ports, rail, highways, and intermodal freight facilities.*

3. What sort of funding level do you think would be appropriate to dedicate to multimodal freight funding every year? Obviously GROW AMERICA contains $10 billion over four years – do you really think that is enough to meet the need? There are probably $10 billion in important freight projects just in Washington state that are needed to efficiently move agricultural products and containers to and from our ports.

RESPONSE: *The GROW AMERICA Act includes $10 billion for multimodal freight funding over 4 years, and would give the Department a chance to make targeted investments in freight projects that would have the biggest impact on the safety, efficiency, and state of good repair of the freight transportation system. While I recognize that $10 billion is not nearly enough to meet the entire nation's freight investment needs, I am hopeful that the cooperative processes that would be strengthened through our new GROW AMERICA program – including the full engagement of freight stakeholders in project selection decisions – will result in states and communities boosting their own investment in critical freight projects utilizing the increased formula resources that the GROW AMERICA Act would provide. The GROW AMERICA Act seeks to build on the excellent freight measures that you included in MAP-21 and will, we hope, initiate an unprecedented level of cooperation and dialogue in the planning, development, and funding of critical freight projects from many different funding sources.*

4. How did the National Freight Advisory Committee (NFAC) draft recommendations play into the GROW AMERICA proposal?

RESPONSE*: The National Freight Advisory Committee's (NFAC) recent work has been focused on helping the Department develop the National Freight Strategic Plan. On June 12, 2014, the NFAC submitted 90 recommendations to the Secretary for this effort.*

While these recommendations focused specifically on the National Freight Strategic Plan, many of them spoke to underlying themes and issues that the Department attempted to address in the GROW AMERICA Act. For example, nine recommendations focus on

the need for consistent, increased, or smarter funding of freight projects. Some of these recommendations correlate with the multimodal freight incentive grant program and national freight infrastructure program in the GROW AMERICA Act. Similarly, many recommendations focus on streamlined and more efficient environmental permitting, which is also a major area of focus in the GROW AMERICA Act.

5. Do you know how soon you expect those recommendations to be finalized?

   RESPONSE: *The NFAC finalized and submitted these 90 recommendations to the Department on June 12, 2014. These recommendations may be viewed on the NFAC's website, http://www.dot.gov/nfac .*

6. You have obviously worked on freight issues for a long time in your career. Are there things that the NFAC recommended that you think got left out of the GROW AMERICA proposal?

   RESPONSE: *The NFAC proposed developing additional recommendations for the DOT regarding streamlining efforts for state, local, MPO, and private planning, developing goals related to freight safety, and workforce development in the freight sector. The Department is currently establishing NFAC workgroups on each of these topics and expects additional recommendations by the end of the year.*

   Additionally, the NFAC is scheduled to meet on July 15 and 16 to evaluate and discuss elements of a freight program in the next reauthorization bill. We expect to receive additional input from the NFAC on what should be incorporated into a freight program and we would be happy to share those comments when they are completed.

   Importantly, given your own role as a leader on freight mobility issues in the Senate, we would welcome the opportunity to sit down and hear your views on any critical elements that should be augmented to our proposal as part of the legislative process.

U.S. Senator Maria Cantwell
Questions for the Record

Commerce Committee
Nominations Hearing, June 11, 2014

For Mr. Mendez:

Question:

1. As you know, freight projects are always fighting for attention in our existing grant programs, like TIGER. They are up against very worthy transit, highway, and bike/ped projects. Do you believe a new freight-specific discretionary grant program would help meet the nationwide need for investing in job-creating freight mobility projects?

   RESPONSE: *Yes. The U.S. transportation system moves more than 52 million tons of goods worth nearly $46 billion each day, or almost 40 tons of freight per person per year. By 2040, freight tonnage is expected to increase by 62 percent, requiring additional capacity to our highways, railroads, ports, and pipelines and improvements to multi-modal connections that move freight efficiently and safely, and keep our economy growing.*

   While TIGER has been able to fund a number of a number of meritorious freight projects, we are not able to award every worthwhile project because of insufficient funds. In the GROW AMERICA Act, the Department proposes to create a Multimodal Freight Investment Program that would include an incentive grant program and a discretionary grant program. The discretionary program would award up to $5 billion in grants over four years to the projects that would have the greatest impact on the safety, efficiency, and state of good repair of the freight transportation system. The incentive grant program would make $5 billion available over four years by formula to states that have engaged multimodal stakeholders in a comprehensive freight planning process. The multimodal freight investments that these programs would fund are critical to improving the economics competitiveness of American industry.

2. As you know, we are reaching a decision point on the Highway Trust Fund and needing to fill the coming shortfall. As we do that, there will be an opportunity to discuss how transportation programs are funded more broadly. Do you believe that we need a dedicated source of funding for multimodal projects, like those at ports? And if so, how would you envision this dedicated source being capitalized?

   RESPONSE: *Funding sources that are not tied narrowly to any one mode of transportation allow for funding of multimodal projects without being concerned that funds are being diverted from one mode to another. We have seen the benefits of this approach with the TIGER Discretionary Grant Program, which has been funded with general funds, initially via the Recovery Act and later through the annual appropriations process. TIGER has presented the Department with an opportunity to fund a number of*

innovative, multimodal freight projects across the nation. Many of these projects leveraged significant private and other public co-investment. Similarly, looking forward and more broadly, the Department has proposed the multimodal GROW AMERICA Act, which would be paid for in part through a pro-growth business tax reform without adding to the deficit. This $150 billion in revenue through the general fund would allow investments in a wide range of modes, including ports, rail, highways, and intermodal freight facilities.

3. What sort of funding level do you think would be appropriate to dedicate to multimodal freight funding every year? Obviously GROW AMERICA contains $10 billion over four years – do you really think that is enough to meet the need? There are probably $10 billion in important freight projects just in Washington state that are needed to efficiently move agricultural products and containers to and from our ports.

   RESPONSE: *There are many meritorious and significant freight projects across the country that would benefit from funding assistance. The GROW AMERICA Act includes $10 billion for multimodal freight funding over 4 years, and would give the Department a chance to make targeted investments in freight projects that would have the biggest impact on the safety, efficiency, and state of good repair of the freight transportation system. While we recognize that $10 billion is not nearly enough to meet the entire nation's freight investment needs, it is a significant down payment and we hope will serve as a catalyst for additional freight funding in the future. Initial funding of such a freight program would help us to assess the level of need for projects like this and inform the Department and the Congress about what levels of funding would be appropriate in the future.*

4. How did the National Freight Advisory Committee (NFAC) draft recommendations play into the GROW AMERICA proposal?

   RESPONSE: *The National Freight Advisory Committee's (NFAC) recent work has been focused on helping the Department develop the National Freight Strategic Plan. On June 12, 2014, the NFAC submitted 90 recommendations to the Secretary for this effort.*

   While these recommendations focused specifically on the National Freight Strategic Plan, many of them spoke to underlying themes and issues that the Department attempted to address in the GROW AMERICA Act. For example, nine recommendations focus on the need for consistent, increased, or smarter funding of freight projects. Some of these recommendations correlate with the multimodal freight incentive grant program and national freight infrastructure program in the GROW AMERICA Act. Similarly, many recommendations focus on streamlined and more efficient environmental permitting, which is also a major area of focus for the Administration and is reflected in the GROW AMERICA Act.

5. Do you know how soon you expect those recommendations to be finalized?

   RESPONSE: *The NFAC finalized and submitted these 90 recommendations to the Department on June 12, 2014. These recommendations may be viewed on the NFAC's website, http://www.dot.gov/nfac .*

6. You have obviously worked on freight issues for a long time in your career. Are there things that the NFAC recommended that you think got left out of the GROW AMERICA proposal?

   RESPONSE: *The NFAC proposed developing additional recommendations for the DOT regarding streamlining efforts for state, local, MPO, and private planning, developing goals related to freight safety, and workforce development in the freight sector. The Department is currently establishing NFAC workgroups on each of these topics and expects additional recommendations by the end of the year.*

   Additionally, the NFAC is scheduled to meeting on July 15 and 16 to evaluate and discuss elements of a freight program in the next reauthorization bill. We expect to receive additional input from the NFAC on what should be incorporated into a freight program and we would be happy to share those comments when they are completed.

HOUSE COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY
SUBCOMMITTEE ON RESEARCH AND TECHNOLOGY

"The Future of Surface Transportation"

The Honorable Gregory D. Winfree, Assistant Secretary for Research and Technology, United States Department of Transportation

Questions submitted by Rep. Larry Bucshon, Chairman, Subcommittee on Research and Technology

1. **Several Agencies conduct transportation-related research that falls under the Science Committee's jurisdiction. Could you discuss how DOT works with the Department of Energy's Office of Science and the National Science Foundation to coordinate research priorities?**

   A: USDOT has active targeted relationships with both the Department of Energy (DOE) and the National Science Foundation. A few examples:

   USDOT signed an interagency agreement with the Department of Energy's National Renewable Energy Laboratory in 2013, establishing the Clean Transportation Sector Initiative (CTSI). The initiative aims to stimulate a dialogue with stakeholders and subject matter experts on strategies to advance transportation technologies and systems to achieve zero or near-zero emissions by mid-century. The CTSI team held a workshop on February 5-6, 2014 to develop interagency consensus on next steps and to explore the role of disruptive technologies in moving transportation into the 21st Century.

   USDOT is also a member of the interdepartmental Biomass Research and Development Board. Our membership allows us to articulate transportation impacts both as a user of various transportation fuels and as a transporter of biobased products. The Department hosted the interagency biofuel infrastructure workshop in June 2011. This workshop led to next steps needed for infrastructure investment to support a diverse fuel portfolio and other renewable energy resources. This information is noted in the 2014 National Biofuel Action Plan Update.

   USDOT provides subject matter experts to support National Science Foundation proposal development and review, as requested, to ensure research coordination.

2. **Who owns the data recorded by these V2V devices? How could the data be used in civil litigation or criminal proceedings? How could it be accessed for law enforcement purposes? Could private parties such as insurers access the data?**

   A: The Department takes privacy very seriously. We are committed to supporting deployment of Vehicle-to-Vehicle (V2V) technology in a manner that both protects personal privacy, and improves safety. We have worked closely with our industry

partners to develop a technical approach to V2V communications that helps protect individual privacy. For this reason, V2V equipment is not designed to store data. Rather, the equipment transmits generic safety information in a very limited geographical range. Except in the rare case of malfunction, the system will not collect, and motor vehicles will not store, the messages sent or received.

Because V2V messages travel over an unrestricted, dedicated short range communications channel, the individual or entity whose vehicle is transmitting a V2V message does not, in a traditional sense, "own" this generic data once transmitted. Rather, other vehicles, individuals and entities, public or private, with equipment capable of accessing the generic safety messages broadcast by V2V devices may do so. However, because these messages do not identify specific drivers or vehicles, standing alone, we do not believe these messages would have significant utility for insurance, law enforcement or litigation purposes.

3. **I am concerned that a nefarious entity could remotely hijack a connected vehicle; is this scenario a serious concern? How easily can vehicle data be hacked or manipulated for malicious purposes? What specific cybersecurity safeguards need to be in place to prevent this type of intrusion?**

A: With regard to Vehicle-to-Vehicle (V2V) communications based on 5.9 GHz Dedicated Short Range Communications (DSRC), a security management approach has been developed through cooperative research with vehicle manufacturers that is integral to its design. This approach uses a Public Key Infrastructure (PKI) and other cryptographic methodologies to ensure communications are secure and trustworthy.

While V2V is not yet deployed in production vehicles, the Department's Intelligent Transportation Systems-Joint Program Office (ITS-JPO) and National Highway Traffic Safety Administration (NHTSA) have been researching cybersecurity in existing vehicle systems. We are unaware of any real world instances where the safety of a vehicle has been compromised due to remote hacking of existing systems deployed on today's vehicles. However, we recognize that the lack of an event does not imply impossibility. In fact, academics and security experts have demonstrated vulnerabilities that potentially exist within modern vehicles in the non-V2V context. These vulnerabilities could potentially be exploited via physical or wireless entry portals existing in today's vehicles.

The ITS-JPO and NHTSA are actively pursuing research in this area, and NHTSA is working with vehicle manufacturers to ensure that cybersecurity issues are addressed. Our research plan specifically includes identification of vulnerabilities and evaluation of potential solutions so that safety concerns with regard to the ability of these systems to remain free of unauthorized access or malicious attacks can be addressed. In addition, through discussions with vehicle manufacturers it is clear that they are becoming more cognizant of cybersecurity threats and are taking actions to secure remote access points into their vehicles. As NHTSA works to develop regulations for V2V

technology, the Department will continue to work closely with vehicle manufacturers and cybersecurity experts to minimize (and eliminate, if possible) potential new risks that might arise with V2V, including "hardening" the vehicle against cyber-attack and working to ensure that the Security Credentials Management System that manages the security and trustworthiness of V2V communications is as resistant as possible to attack.

4. **Who will develop the technical standards for connected vehicle technologies such as vehicle-to-vehicle (V2V), vehicle-to-infrastructure (V2I), and autonomous vehicles? How will these standards be decided and enforced?**

   A: Development of technical standards to meet Intelligent Transportation Systems (ITS) requirements, including V2V, V2I and autonomous vehicles is primarily conducted in a cooperative manner between industry and governmental stakeholders in accordance with both legislative direction and good engineering practice. In order to guide interoperable deployments as well as identify interfaces which are candidates for standardization, USDOT makes available and maintains an ITS National Architecture and has finalized an initial version of a more detailed Connected Vehicle Reference implementation Architecture (CVRIA) which will evolve to become part of the National Architecture. For those interfaces where there is public interest (e.g. safety and/or nationwide interoperability) in assuring that technical standards are available and/or mandated, USDOT cooperates with and provides funding support to Standards Development Organizations (SDO, e.g. SAE International, Institute for Electrical and Electronics Engineers [IEEE]) to expedite development and publication with broad stakeholder input via the SDO's well-established open consensus processes.

   USDOT encourages and facilitates participation of funded research partners in the SDO's technical standards development processes and will when needed provide additional specific technical input via contractual and other means. Should SDO processes be insufficient to provide required technical standards when needed, USDOT also has authority to establish provisional standards. When practical, USDOT seeks to harmonize technical standards content internationally, recognizing that, in a global vehicle market, avoiding different technical standards will both speed adoption and reduce cost of ITS technologies. To the extent appropriate, USDOT modal agencies choose to reference appropriate technical standards in rulemaking actions. In cases where there is not a significant public interest in standardizing a particular interface within an ITS architecture, USDOT's role is limited to identifying the interface in a reference architecture.

5. **Regarding the issue of ensuring that unlicensed devices not compromise safety through harmful interference to the ITS architecture, operations, or safety critical applications if permitted to operate in the 5.9 GHz band, what has been your office's interaction with NTIA and the FCC (Federal Communications Commission) on this issue? What are outstanding issues that need to get resolved, and what is the current status? What have you all been able to agree on?**

A: On April 10, 2013, the FCC published in the Federal Register, a Notice of Proposed Rulemaking (NPRM) to revise Part 15 of its Rules to permit U-NII devices in the 5.580-5.925 GHz band. USDOT submitted comments to the FCC NPRM to the National Telecommunications and Information Administration (NTIA) and NTIA filed those comments with the FCC on June 10, 2013. In order to discuss the situation and provide input, USDOT has met several times with NTIA and FCC.

The Institute for Electrical and Electronics Engineers (IEEE) 802 standards committee has established a working group, known as the IEEE 802.11 DSRC Coexistence Tiger Team, that provides an international multi-stakeholder technical forum that includes industry experts previously involved in developing standards for both wireless local area networks and vehicular wireless communications. USDOT has membership in the Tiger Team. While NTIA's January 2013 5 GHz Report indicated that NTIA would follow up with quantitative studies in connection with domestic and international regulatory proceedings involving the 5350-5470 MHz, 5850-5925 MHz, and other bands, NTIA believes that industry participants should first be afforded adequate time to identify acceptable technology approaches for coexistence in the 5850-5925 MHz band. The Tiger Team's meetings have provided a venue for evaluating coexistence ideas. On January 24, 2014, the Tiger Team sent a letter to the FCC to summarize activities coordinated by IEEE 802.11.

As discussed in the letter, the current work items for the group include:

- Review of ITS/DSRC field trials conducted to date
- Review of work to date on coexistence
- Presentations on use cases
- Presentation of possible coexistence approaches
- Modeling/simulation of possible coexistence approaches
- Prototype testing of proposed approaches

As the work of the Tiger Team progresses USDOT has established testing capabilities so that we can analyze possible interference and sharing possibilities. We are ready to work with the NTIA to review and analyze any sharing proposals, recognizing that any sharing proposal will have to protect critical ITS safety applications to be considered acceptable by USDOT. To date, no sharing proposals have been offered by industry for USDOT testing and analysis. Once any spectrum sharing technology proposal analysis is complete, USDOT, along with the NTIA and the FCC, will be better positioned to assess how the proposed changes to existing rules and regulations for harmonization across such a large swath of spectrum will impact DSRC and its lifesaving potential.

6. **The recent appropriations bill reorganized RITA (Research and Innovative Technology Administration) to a new office titled "Office of the Assistant Secretary for Research and Technology (OST)." Does the creation of this new office transfer/assign new responsibilities and additional activities that were not otherwise under the purview of RITA?**

A: In January, via the Consolidated Appropriations Act, 2014 (P.L. 113-76; at Division L, Title I), the Research and Innovative Technology Administration (RITA) was elevated into the Office of the Secretary as the Office of the Assistant Secretary for Research and Technology. Importantly, there was no change in mission or programmatic structure. No new authorities or responsibilities were conveyed as part of the elevation.

Questions for the Record from Rep. Dan Lipinski
June 18, 2014 Hearing "The Future of Surface Transportation"

Questions for the Record for Assistant Secretary Winfree, U.S. Department of Transportation

1. **Research and deployment efforts have been carried out at the state and local level funded by state and local tax dollars. An example of this is Oregon's effort to deploy a vehicle miles travelled tax. What efforts has DOT made to support local deployment efforts and what could be done to support this innovation at the local level?**

A: USDOT has a long history of partnering with local agencies to deliver innovations, especially in infrastructure and safety solutions. The best-known of these programs is the Local Technical Assistance Program (LTAP) and Tribal Technical Assistance Program (TTAP), composed of a network of 58 Centers – one in every state, Puerto Rico and regional Centers serving tribal governments, often linked with University Transportation Centers. The LTAP/TTAP Centers enable local counties, parishes, townships, cities and towns to improve their roads, bridges, safety and operations by supplying them with a variety of training programs, an information clearinghouse, new and existing technology updates, and personalized technical assistance. Thousands of local transportation agencies benefited from the information and training provided to them through the LTAP/TTAP Centers, which annually:

- Conduct approximately 6,200 training sessions
- Provide nearly 40,000 training hours
- Train over 174,000 participants at LTAP/TTAP events.

Another example of specific local support is the Federal Highway Administration's (FHWA) Local & Rural Road Safety Peer-to-Peer Assistance, a form of technical assistance for local and rural highway agencies to adequately address safety problems on the roads they maintain. Most recently, FHWA has responded to the needs of local and county governments to better access and make use of Federal Aid funding through the "Federal-aid Essentials for Local Public Agencies" website, which provides tailored information on environment, finance, right-of-way, project development and construction, and contract administration, with more topics added as requests are made.

USDOT also supports local Intelligent Transportation System (ITS) deployment efforts. The ITS research program includes a robust professional capacity building element that provides training to state and local agencies on ITS solutions and standards. Additionally, USDOT maintains a database of benefit and cost information to help local

agencies make investment and deployment decisions. USDOT routinely funds demonstration programs, such as Integrated Corridor Management, Mobility Services for All Americans, and the Connected Vehicle Safety Pilot to help state and local organizations understand the value of ITS solutions for infrastructure management and vehicle safety. For example, USDOT is in the process of funding deployment planning grants for Integrated Corridor Management (ICM). These small, $200,000 grants will provide seed money to accelerate planning and stimulate local investment in actual deployment of ICM solutions.

The Department is now planning to conduct Connected Vehicle Pilot Deployments to build off the success of the Safety Pilot and to provide a forum to support the deployment and testing of mobility, environment and safety applications at the regional, state and local level.

2. **This Committee has long been concerned with the balance of long-term versus short-term transportation research. As I stated in my opening statement, while short-term R&D is essential for addressing current needs and opportunities, the big breakthroughs in safety and efficiency won't happen without a dedicated source of funding for longer-term, exploratory research.**

   Can you expand on what steps the Department has taken to ensure an appropriate balance between short-term and long-term R&D needs? What programs do you have in addition to the UTC program that focus on longer-term research?

   A: The Federal Highway Administration (FHWA) Highway Research and Development Program (HRD), a comprehensive and nationally-coordinated program, supports long-term and short-term research activities associated with safety, infrastructure preservation and improvements, environmental mitigation and streamlining, livability considerations, operations, and policy. "Next Generation Research & Technology (R&T)" is an HRD program that provides policymakers and the research community with information needed to address critical knowledge gaps, develop collaboration opportunities, and accelerate innovation and technology deployment to meet future highway transportation needs.

   Next Generation R&T encompasses the Exploratory Advanced Research (EAR) Program, which conducts longer-term, higher-risk research with the potential for dramatic breakthroughs in surface transportation. The Program is closely coordinated with, but does not duplicate, R&D conducted through the University Transportation Center Program, the Intelligent Transportation Systems Program, the pooled fund National Cooperative Highway Research Program, and State-based research and technology initiatives. Finally, FHWA coordinates extensively with other USDOT modal agencies in the selection and review of topics and proposals, and shares relevant results and future activities with other modes.

During SAFETEA-LU and the first full year of MAP-21, the EAR Program funded 74 projects involving over 50 universities, 35 businesses, 10 federal laboratories, and 12 state and local agencies totaling an investment of over $70 million in Program funds and $25 million in matching funds. Examples of EAR Program funded research include:

- The "Connected Highway and Vehicle Systems Concepts" focus area, which is expected to provide the government with an improved understanding and confidence about the system-level impacts – positive and potentially negative – from increasing automation in the highway system.
- The "Breakthrough Concepts in Material Science" focus area, which is expected to provide new approaches for increasing the durability of highway materials while accommodating more marginal and recycled materials into construction.
- The cross-cutting "Information Sciences" focus area is expected to provide new tools for automating the extraction of information from large and complex data while also providing new techniques that will make analysis practical for a range of academic and industry researchers.

DOT also collaborates with other Departments that have established basic and advanced research programs to leverage knowledge and outcomes that are applicable to the transportation enterprise. One example of a recent deliverable from these collaborations is Precision Departure Release Capability (PDRC), a new NextGen software tool that was developed by NASA and transferred to the Federal Aviation Administration (FAA), which will improve the flow of aircraft from runways to cruising altitudes.

3. **DOT consists of multiple Operating Administrations with defined missions and priorities, but also with similar overarching goals in many instances. The lack of intradepartmental coordination of research activities at the Department has long been a concern for this Committee and many others. The most recent appropriations bills and budgets have announced a reorganization of the Research and Innovative Technology Administration, or RITA, and moved the functions of RITA to a newly named Office of the Assistant Secretary for Research and Technology (OST).**

   I am interested in learning more about how DOT and its Operating Administrations coordinate internally to ensure that research is conducted synergistically, cross-modally, but without duplication? What are the Department's expectations in reorganizing? What metrics will you use to evaluate any improvements under OST?

   A: OST-R's role as research coordinator is to provide the informational and organizational framework necessary for the Department as a whole to make informed decisions regarding the allocation of research resources, conduct of research activities, and the implementation of research results. For example, OST-R led the development of the *USDOT Research, Development and Technology (RD&T) Strategic Plan*, which sets out the Department's research goals, activities and performance measures (both mode-specific and cross-modal research) for the period of 2013 to 2018.

Other specific coordination activities include:

- *RD&T Planning Team*: An established forum composed of the Department's Research Program Directors. Monthly meetings are chaired by OST-R's Associate Administrator for RD&T.
- *USDOT Research Hub*: A web-based searchable database of the Department's research portfolio and its "real world" impacts www.rita.dot.gov/researchhub. Used to identify opportunities for cross-modal collaboration and to mitigate the risk of duplicative work.
- *Technology Transfer Program*: Assists the Operating Administrations in achieving effective technology transfer, coordinating the adoption of technology transfer best practices across the Department, and tracking the results of research implementation.

OST-R's elevation to the Office of the Secretary of Transportation is expected to raise the profile of research and technology within the Department and to allow RD&T to be more closely aligned with the Department's other Secretarial Office functions. Specifically, the elevation will allow OST-R to work more closely with OST-Budget on research budget development and with OST-Policy on aligning the research portfolio with the Department's Strategic Goals and other Administration initiatives.

Defining measurable, quantitative performance metrics for research coordination is challenging due to the subjective nature of the research coordination task. Performance metrics defined by the Department in 2011 for measuring research coordination include:

- Total visits to USDOT Research Hub website
- Number of projects listed in *USDOT Research Hub*
- Number of USDOT-funded Research Technologies identified for potential transfer.

4. **Many technologies such as materials, information security, and sensors have cross-cutting applications. How are you collaborating with other agencies in shared R&D needs? What efforts are you making look at other agencies for nascent technologies that may have transportation applications?**

USDOT is well aware that cross-cutting applications are being developed in other Federal agencies for various mission uses. Constrained transportation research funding, as well as limited advanced research funding, makes cost-bearing collaborations difficult; however, USDOT seeks to maintain awareness of science and technology developments through both formal and informal relationships.

For example, USDOT has consistent involvement in several national-level interagency research initiatives under the auspices of the National Science and Technology Council (NSTC). Chief among these are involvement in the Networking and Information Technology Research and Development (NITRD) Program (for cyber physical systems, cyber security and information assurance, wireless spectrum R&D, and big data); the

National Nanotechnology Initiative (for infrastructure materials); the Smart Grid Initiative (for electric vehicle deployment); the Interagency Working Group on Language and Communication (for human factors symbology and distraction issues); the Subcommittee on Disaster Reduction (for disaster preparedness, evacuation and infrastructure resilience and recovery); and the Committee on Science, Technology, Engineering, and Math Education.

There are also multiple routine interagency venues for information sharing and joint work that advance the Department's mission goals. For example, USDOT's responsibilities as the lead civilian agency within the U.S. government on Global Positioning System (GPS)-related issues leads to USDOT awareness of new positioning, navigation and timing (PNT) developments across the Department of Defense and all civilian departments and independent agencies. Likewise, active involvement in the National Telecommunications and Information Administration's (NTIA) Interdepartment Radio Advisory Committee (IRAC) enables USDOT to be involved in new spectrum and communications technology developments. USDOT has developed a close working relationship with the National Institute of Standards and Technology (NIST) through the Interagency Committee on Standards Policy and the NSTC Subcommittee on Standards, which has led directly to standards-related work not only with NIST, but with other Federal agencies. The Federal Aviation Administration's longstanding RD&T work with NASA is well-documented.

In addition, USDOT develops *ad hoc* relationships to meet the RD&T needs of USDOT missions – NIST for metrology and specific materials needs; DOE on energy technologies; DOE and EPA on emissions sensors and technologies; and the natural resources agencies on environmental sensing issues, among others.

5. **DOT research develops vital technologies and provides valuable education opportunities for future transportation planners and innovators. However, an important part of research is deployment and tech transfer. How does DOT measure the effectiveness of technology transfer efforts in the research it funds?**

A: By necessity, the methods for measuring the effectiveness of our technology transfer activities are as numerous as the methodologies used to transfer technologies to end users. In support of our primary mission of enhancing the safety of the traveling public, our research is most often applied research that is transferred through written technical reports, as well as through the issuance of guidelines, standards, best practices and regulations. Often, our research results and developed technologies are the inputs of still further research. Through our Technology Transfer Plan we train our researchers to incorporate technology transfer best practices into their research processes.

Some examples of how we measure the effectiveness of our technology transfer efforts include measuring the following:

- The number of technologies, processes, or methods adopted in an operational setting to reduce fatalities and injuries;

- The number of research results used in the issuance of guidelines, standards, and best practices;
- The number of technologies, processes, or methods adopted in an operational setting to improve the state of good repair of highways and bridges; and
- The standardized metrics of performance used in the development of the annual Department of Commerce Technology Transfer Report to Congress, including: the number of patent applications filed; patents received; patent licenses entered into; the number of Cooperative Research and Development Agreements entered into; and others.

6. **The Administration's GROW AMERICA plan permits the Secretary to cooperate with "international entities" to carry out international highway transportation outreach. How much emphasis and effort does DOT make to scan the international community for transportation research and technology developments for highways as well as other modalities? Are there ways to improve our current efforts at DOT to look at the international community's efforts? Could it be useful, for example, to have either the DOT or the TRB conduct a study of international technologies and their potential application here?**

   A: Experience in cooperating with international entities has confirmed that the U.S. can benefit from the knowledge of other countries that are addressing transportation challenges similar to our own. Obtaining information on innovations successfully employed in other countries allows us to learn directly from the development and deployment experience of foreign counterparts and, where appropriate, move efficiently toward the adaptation of technology and practices to conditions in the U.S. The provision in Sec. 8112 of the GROW AMERICA Act would help to ensure our ability to interact with a broad range of actors working internationally.

   International cooperation activities are a small, but valuable, component of USDOT's research program. However, we integrate these interactions into our pursuit of USDOT's research and program priorities. For example, in the highway area, such exchanges have led to the use of cost- and time-saving innovations such as warm mix asphalt and accelerated bridge construction technology. Information on high speed rail technologies and bus rapid transit has also been obtained through international outreach. Additionally, international visits have provided valuable information on creating safe and convenient bicycle and pedestrian networks.

   Generally, maintaining awareness of developments in the international community and positioning ourselves to share information is valuable. Rather than a broad study approach, we think we can accomplish this through efforts that focus on specific challenges and involve the organizations responsible for the adaptation and application of the potential solutions identified abroad.

7. **Interoperability of V2V safety communications systems is critical. One manufacturer's system must be able to communicate with another's for these systems to have the full intended benefits. What is the status of standards development for V2V? What kinds of activities are DOT and the private sector undertaking to help vendors test their connected vehicle devices to other vendors to ensure their devices work with each other and meet the base standard requirements of the Connected Vehicle Test Bed?**

   A: Nationwide interoperability of V2V communications systems is unquestionably critical to enable successful deployment of V2V technologies. The recently concluded Safety Pilot model deployment has confirmed that current versions of the key standards available today (IEEE 802.11p, IEEE 1609 and SAE J2735) combined with additional published guidance is sufficient to assure interoperability between equipment from many manufacturers installed in a broad variety of vehicles. Work is currently underway in cooperation with industry and Standards Development Organizations (SDOs) to refine these standards to assure that they are suitable to support large-scale deployment. To support ongoing development and testing, USDOT operates and maintains a connected vehicle test environment in southeast Michigan as well as continuing to keep the Safety Pilot model deployment infrastructure available to support testing and development work by any interested parties. USDOT is cooperating with industry stakeholders to develop a robust certification environment, and recently issued a request for applications to result in the award of new Cooperative Agreements to establish a future certification environment for connected vehicle devices and applications.

   To better assure V2V interoperability throughout the worldwide auto manufacturing and supply market, the Intelligent Transportation Systems-Joint Program Office (ITS-JPO) supports ITS international standards harmonization efforts through a series of Memoranda of Agreement with the governments of Canada, the European Commission, Japan and Korea; and through international standards harmonization working group meetings that are fully open to all interested parties.

Questions for the Record
Zoe Lofgren
June 18, 2014 Hearing:
The Future of Surface Transportation

Unfortunately, I was unable to attend this important hearing. As we approach a Surface Transportation reauthorization, a sustained effort on Transportation research and development will help inform and improve our transportation policy.

The Mineta Transportation Institute, at San Jose State University in my district, has been providing high quality research and training in focusing on multimodal surface transportation policy and management since 1991.

<u>Assistant Secretary Winfree</u>: a) My understanding is that the latest competition for University Transportation Centers (UTCs) a focus on conforming to the Department of Transportation's five strategic goals: Economic Competitiveness, Environmental Sustainability, Livable Communities, Safety and State of Good Repair, resulted in elimination of funding for UTCs exclusively devoted to research and training in public transit. Would you endorse an additional round of UTC funding to support critical research focused on transit?

A: The 2013 competition was indeed structured around USDOT's strategic goals; MAP-21 required that the five National UTCs focus on national transportation issues, as determined by the Secretary, which USDOT determined to be the USDOT strategic goals, and MAP-21 further required that one of the ten Regional UTCs focus on comprehensive transportation safety, which also aligned with the USDOT strategic goals. In planning for the 2013 competition, USDOT identified the use of these strategic goals as an effective tool for focusing grant applications program-wide on what USDOT considered to be the most important issues facing the U.S. transportation enterprise, and so applied them to all types of centers being competed. One of the 20 Tier 1 UTCs that were selected in 2013, the National Center for Transit Research headed by the University of South Florida, applied for its grant under the USDOT strategic goal of Livable Communities and focuses its work on transit as well as the related area of bicycle/pedestrian transportation. In general under the UTC Program, centers tend to do work in more than one mode of transportation. Examples of UTCs that do work in the transit area along with other modes are: the National UTC led by Portland State University, the Regional UTCs led by the City University of New York and the University of California at Berkeley, and such Tier 1 UTCs as Montana State University, the University of Central Florida, and Western Michigan University.

With MAP-21, funding from the Federal Transit Administration (FTA) to support the UTC Program ceased, so all UTC funding now comes through the Federal Highway Administration. UTC Program grants require non-Federal matching funds to be provided by the grantee, and USDOT has received feedback from UTC grantees over the years that match funding in the transit area has been difficult to obtain.

b) Given the critical role transit and coordinated multimodal transportation will play in developing cleaner, less-congested and more livable transportation networks in the future, do you have other suggestions as to how to maintain a focus on transit, in what often remains heavily highway-centric transportation spending and research?

Public transit research continues to be strongly represented in Department's research portfolio. For example:

- FTA maintains a robust multi-million dollar research program designed to address the short- and long-term needs of the transit industry. This includes support for extramural programs like the Transit Cooperative Research Program (TCRP) which is managed by the Transportation Research Board.
- The FTA Administrator participated in the formal executive review of the UTC funding competition awards, providing recommendations on behalf of FTA to the Secretary on the

final selection of awardees. This is consistent with MAP-21 and ensured that transit research interests were taken into account in the process of awarding of UTC funds.

- Transit-focused research continues to be well-represented within the UTC program. For example, the University of South Florida's National Center for Transit Research was successful in receiving funding in the 2013 competition under the Strategic Goal of "Livable Communities," and transit-related research projects are being undertaken at many UTCs, whether or not the primary theme of those UTCs is transit. As the UTC Program emphasizes multi-modal and multi-disciplinary research, transit concerns are often folded into larger research projects.

1. **Supporting self-determination in all Indian programs is critical. Do you believe that MAP-21's removal of a tribally negotiated formula with a statutory funding formula supports or minimizes Tribal self-determination? Do you plan to use a negotiated rulemaking process during MAP-21 reauthorization whereby tribes are engaged and consulted?**

   Under the Tribal Transportation Program (TTP), tribal shares of some tribes increased while other tribal shares decreased. The overall impacts will not be realized for four years due to the transition period provided in MAP-21.

   FHWA and BIA are working to update the existing Indian Reservation Roads (IRR) program regulation (25 CFR 170) to reflect the statutory changes that have occurred to the program. Consultation with the tribes is underway and will continue through the final publication of the updated regulation. If additional changes are required to the TTP regulation as a result of the passage of a MAP-21 reauthorization, we would again carry out tribal consultation and solicit feedback from the tribes.

2. **The majority of tribes in the United States are considered small. Does the MAP 21 formula disproportionately impact small tribes with small populations; especially, in economically depressed census areas?**

   The statutory TTP funding formula includes three factors: road mileage, tribal population, and historic funding levels. Under this formula, tribes with higher populations generally would receive more funding than those that have smaller populations. Additionally, if a tribe has limited mileage in the approved inventory or has a history of receiving smaller funding levels from the program, these factors also could impact smaller tribes.

3. **Currently, traffic safety statistics among tribal communities outpace national averages. It is concerning to me that we are not giving proper weight to need in terms of safety that we should. Currently, the Tribal Bridge Program and the Tribal Transportation Safety Program are funded with a 2% set aside from the TTP fund. Additionally, the Tribal High Priority Project Program does not provide funding for Alaska and this hurts 229 tribes. Given these concerns, I must ask: Do you support putting Tribal High Priority Project funding back in the Highway Trust Fund so that Alaska tribes might also access funding for high need projects? Do you plan to examine and adjust the TTP formula to increase funding for safety, bridges with an eye toward reevaluating the importance of need in annual funding levels?**

   The Administration's reauthorization proposal, The GROW AMERICA Act, would reinstate the Tribal High Priority Project program back into the TTP to be funded through a set aside from the TTP. The program would provide an opportunity for all tribes to receive needed funding for their highest priority projects. In recognition of the need for increased availability of safety and bridge funding in Indian Country, The GROW AMERICA ACT

also would increase funding made available to tribes for safety and bridge projects and activities.

Opportunities and Challenges for Improving Truck Safety on our Highways
July 29, 2014
Administrator Ferro

THUNE

1. In your evaluation of the potential impacts of the 2011 Hours of Service rules, which specific metrics or studies did the Federal Motor Carrier Safety Administration (FMCSA) use to assess the impacts of daytime driving due to the schedule shifts caused by the restart provisions?

   FMCSA Response: In assessing the impact of changes in the hours of service rule, the Agency estimated the percentage of interstate drivers that would be required to make changes to their work schedules in order to comply with the new requirements. The Agency estimated that the changes to the 34-hour restart would impact approximately 15 percent of interstate drivers. Our information indicated that this group routinely relied upon the use of the 34-hour restart to work in excess of 80 hours per week. The changes to the 34-hour restart forced them to reduce their average work week to approximately 70 hours. FMCSA acknowledges that the change in the restart provision primarily affects night-time drivers with the 1:00 am – 5:00 am requirement. However, the rule does not force nighttime drivers to shift their schedules to daytime operations other than satisfying the two nighttime periods off-duty. The rule does not prevent carriers and drivers from setting their own schedules, nor does it restrict drivers from being on the road during any time of the day. The impact on daytime driving is difficult to estimate because there are no baseline (i.e., pre-2013) data against which to measure the current level of daytime driving, which is not really known. Based on information provided to us by industry and others during development of the HOS rule, the information about daytime driving is more anecdotal than statistical.

2. Please provide a detailed status update on the Government Accountability Office (GAO) recommendations provided in the GAO report entitled "Modifying the Compliance, Safety, Accountability Program Would Improve the Ability to Identify High Risk Carriers." When does FMCSA anticipate closing out these recommendations?

   FMCSA Response: FMCSA responded to the GAO report on April 3, 2014, and explained the Agency's significant concerns regarding its findings and proposed metrics. FMCSA disagrees with the GAO recommendation that the Agency should "Revise the SMS methodology to better account for limitations in drawing comparisons of safety performance across carriers." The U.S. Department of Transportation (DOT) has significant concerns and unresolved disputes regarding GAO's findings and analysis metrics, and DOT previously responded to GAO regarding its report. Most notably, the data sufficiency level that GAO recommends for SMS would limit FMCSA to overseeing just the largest motor carriers, leaving approximately 90 percent of the motor carrier industry outside of the Agency's monitoring and enforcement programs.

   In addition, GAO's metric focuses on those carriers that have already had a crash. The FMCSA uses SMS to prioritize its enforcement resources and proactively intervene early

and quickly to identify unsafe compliance patterns before crashes occur. The assumption that a motor carrier that has no crashes during a limited observation period also has no crash risk, irrespective of demonstrated poor on-road performance and safety compliance across multiple inspections, is incorrect. The GAO's analysis runs contrary to recommendations given to the Agency by the National Transportation Safety Board, which has urged the Agency to take significant action on motor carriers identified by SMS as having unsafe compliance patterns before a crash takes place.

A number of independent reports have confirmed the effectiveness of SMS, including reports by the University of Michigan Transportation Research Institute, the American Transportation Research Institute, and FMCSA's own analysis of SMS. These studies validate that SMS is reliable for its stated purpose and objective of prioritizing carriers for interventions. Most importantly, since FMCSA's implementation of SMS in December 2010, overall violation rates have decreased by 14 percent and driver violation rates have decreased by 17 percent, the most dramatic decreases observed in over a decade.

FMCSA remains committed to considering further changes to SMS provided such changes improve the Agency's ability to proactively identify unsafe motor carriers for interventions before a crash. Recently, the Agency made significant changes to SMS's public display in response to stakeholder feedback. This new version, released on August 4, 2014, consolidates information from multiple sites into an easy-to-use interface, clarifies the relationship of Behavior Analysis and Safety Improvement Categories (BASIC) to crash risk, and increases focus on SMS as a prioritization tool.

Regarding GAO's second recommendation on FMCSA's safety fitness determination (SFD), a notice of proposed rulemaking (NPRM) is currently under development – scheduled for publication in early 2015. GAO recommended that the Agency ensure that any determination of a carrier's safety fitness account for limitations in the data. FMCSA concurred with the GAO recommendation, which was consistent with the Agency's publicly-stated position. As a result, the SFD NPRM will reflect the requirement for sufficient data.

FISCHER

1. I have heard from Nebraska truckers who are concerned about the CSA program. In our June hearing, Senator Thune asked you about the GAO and the OIG reports and how FMCSA is implementing the recommended changes to the CSA program. You said that you were "utilizing the recommendations from both agencies in continuing to improve the CSA program." Can you give us a more specific status update on implementing these changes?

   FMCSA Response: FMCSA responded to the GAO report on April 3, 2014, and explained the Agency's significant concerns regarding its findings and proposed metrics. FMCSA disagrees with the GAO recommendation that the Agency should "Revise the SMS methodology to better account for limitations in drawing comparisons of safety

performance across carriers." The methodology suggested by the GAO would result in a prioritization scheme that assesses the safety risks of only 10 percent of the industry while leaving the Agency with no prioritization scheme for the majority -- 90 percent -- of active interstate carriers. The GAO methodology is reactive and inconsistent with recommendations from NTSB in that GAO prioritizes carriers that have had crashes, rather than proactive, by identifying carriers that are at an increased risk of having a crash by virtue of their pattern of safety violations observed during roadside inspections.

FMCSA remains committed to considering further changes to SMS provided such changes improve the Agency's ability to proactively identify unsafe motor carriers for interventions before a crash. Recently, the Agency made significant changes to SMS' public display in response to stakeholder feedback. This new version, released on August 4, 2014, consolidates information from multiple sites into an easy to use interface, clarifies the relationship of Behavior Analysis and Safety Improvement Categories (BASIC) to crash risk, and increases focus on SMS as a prioritization tool.

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With regard to the OIG report, FMCSA responded to the Office of the Inspector General on February 27, 2014, concurring with all 6 recommendations. Since issuance of the report, the Agency has officially closed the following four recommendations with documented action fulfilling the intent of the recommendations:

- **MH-2014-032-A02 - Implement Process for Deactivating DOT Numbers – Closed 4/09/2014** - In March 2014, FMCSA began deactivating USDOT numbers of carriers and intermodal equipment providers that did not complete their biennial update by the filing deadline.

- **MH-2014-032-C01 - Update Carrier Safety Measurement System (CSMS) Requirements Document – Closed 8/15/2014 -** FMCSA provided an updated document.

- **MH-2014-032-C02 - Develop and Implement Process for Managing CSMS System Documentation – Closed 7/30/2014 –** FMCSA provided documentation on the process for managing the CSMS System.

- **MH-2014-032-C03 - Develop and Implement Configuration Management Policy - Closed 7/28/2014** – FMCSA provided a Configuration Management policy, dated May 6, 2014, which included change management and testing.

FMCSA continues its work on the remaining two recommendations; their status is described below:

- **MH-2014-032-A01 - Issue Updated DataQs Guidance –** FMCSA is preparing to issue its updated DataQs guidance in the Fall of 2014 to reflect implementation of its new adjudicated citations policy that became effective on August 23, 2014.

- **MH-2014-032-B01 - Develop Comprehensive Plan to fully implement CSA Program in remaining States** – In advance of the final phase of a national CSA rollout slated for 2015, on June 5, 2014, the Agency launched a Continuous Improvement Initiative: (1) to gather information and conduct analysis on how the existing program elements are working, especially CSA Prioritization and Interventions, and (2) to recommend modifications to coincide with the final phase of the national rollout that align various information technology system releases with other FMCSA initiatives. Under this effort, FMCSA is also considering input from the other sources: Office of Inspector General, Government Accountability Office, the National Transportation Safety Board, an independent peer evaluator, the Federal Aviation Administration, and the Motor Carrier Safety Advisory Committee.

2. Regarding your truck safety grant program – the Motor Carrier Safety Assistance Program – can you explain why traffic enforcement inspections are more effective than roadside vehicle inspection at reducing crashes?

   FMCSA Response: An inspection conducted as a result of traffic enforcement includes focused attention on observed vehicle deficiencies and driver behaviors. Therefore, it is expected that it would be more effective in identifying problems and requiring correction before a crash can occur. This has been confirmed through the Agency's effectiveness studies. Additionally, when an inspection occurs because of traffic enforcement for a high risk behavior or condition – such as speeding – this has been shown to have an even greater effect on the reduction of crashes.

   Can you also detail why traffic enforcement inspections have gone down by 40% over the last 4 years given their effectiveness in relation to vehicle inspections? What is FMCSA doing in the MCSAP program to reverse that trend?

   FMCSA Response: SAFETEA-LU provided States the authority to conduct traffic enforcement activities without accompanying inspections. Based on this, FMCSA began encouraging States to conduct more traffic enforcement activities without necessarily conducting the accompanying inspection based on the knowledge that the most important step was stopping the unsafe behavior or condition. As a result, the Agency now has a force multiplier of 500,000 law enforcement officers who are stopping unsafe vehicles and drivers to supplement the 14,000 officers who are certified to conduct comprehensive driver and vehicle inspections. As a result, the number of unsafe vehicles and drivers that are stopped as part of the national commercial motor vehicle enforcement program has grown significantly. FMCSA is working with States to capture the non-inspection traffic

enforcement data, so that it can be included in future reporting and analysis. This will more accurately reflect the activities conducted by States.

FMCSA also makes traffic enforcement activities a specific element of the MCSAP High Priority grant program and in FY2013 awarded funds to support over 250,000 traffic contacts by State and local law enforcement agencies. To support this effort, FMCSA has been producing training videos for non-MCSAP officers to increase their skills and knowledge for conducting traffic enforcement stops on trucks.

FROM THE RECORD

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Senator Blunt: Just one last question, Ms. Ferro. I think I have in my notes somewhere I noticed, I do not see it in front of me right now, but there is no differentiation in the statistics of truck related accidents, whether the trucker was at fault or -- that is not broken, when you used that big number, that is just the number of total accidents involving a commercial truck; is that correct?

Ms. Ferro: Senator Blunt, that is correct. It is an aggregate crash number.

Senator Blunt: Do you have anything that verifies the Major's sense that this is more than the 70 percent number?

Ms. Ferro: We have. The dataset was done through the large truck crash causation analysis about eight to ten years ago, so it is not as current as we would like it to be. I believe, and I will follow up for the record, it was 35 percent attributable to the professional driver in fatalities, and closer to 45 to 50 percent in all crashes.

FMCSA Response: According to the Large Truck Crash Causation Study, the critical reason was assigned to the large truck in 55 percent of the crashes (Note: this includes single vehicle crashes). In large truck crashes involving one truck and one car, the critical reason was assigned to the large truck in 44 percent of the crashes. In crashes involving fatalities, the critical reason was assigned to the large truck in 28 percent of those crashes.

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Senator Fischer: You stepped back in just at the right time; yes. As a member of the Nebraska legislature, I served as chair of the Transportation and Telecommunications Committee. Every year, we would have hearings on safety issues. Those were always very emotional hearings. We would have the families of accident victims there, so I just would like to recognize those families and express my condolences to you.

I also want to thank our drivers and truckers. Everyone here is looking for ways that we can make our roads safer. That is the purpose here. I think we are all united in that purpose as we do move forward in looking to make our highways safer.

Administrator Ferro, after a recent hearing at which Secretary Foxx testified, I submitted a question for the record on the impacts of the hours-of-service rules, and unfortunately, the answer I received was less responsive than I was hoping for, so I am going to try again and see how you do on the answer, and maybe you can clear some things up for us.

What specific plans does your agency have to measure and confirm the speculative health

benefits that FMCSA proposed as part of its hours-of-service cost/benefit analysis, and also what do you have to study and evaluate the safety impacts of that additional daytime driving that many of us believe is the result of those restart rules?

Ms. Ferro: Senator, thank you for giving us another chance to answer the question for you. I appreciate the opportunity.

With regard to health benefits and minimizing the health impact of the rules we put in place, health impact on drivers and their ability to operate safely, we incorporated and analyzed and assessed an extensive body of data, as well as a more recent survey and set of surveys conducted by the National Institute of Occupational Safety and Health.

So, in the body of research on which we based part of this rule, which is the restart provision, is this whole concept of excessively long work hours and their impact on a driver's chronic health conditions, and thus the ability to operate safely.

So, there is a full set of research I will be happy to provide with regard to that specific rule.

FMCSA Response: In our regulatory analysis, the Agency determined that the changes to the hours of service rule would yield not only safety benefits in lives saved but also long-term benefits to driver health, mainly in the form of increased life-expectancy. The FMCSA is exploring a number of approaches to more precisely assess the impact of the rulemaking on the long-term health of commercial motor vehicle drivers and the operations of the motor carrier industry. However, because those benefits were expected to be realized over a period of decades, it is difficult to estimate their effects in the brief time since the hours-of-service rule went into effect in 2013. Recently, we have engaged in several conversations regarding these issues with industry organizations, Congressional staff, and safety advocates. FMCSA has also engaged the National Institute for Occupational Safety and Health in discussions related to conducting a longitudinal study of commercial motor vehicle operators to monitor driver health. We are also working with the Government Accountability Office to identify methods and data sources that could help us monitor the new hours of service provisions on driver health and daytime driving. Evaluating possible increases in daytime driving is also difficult because there are no clear baseline (i.e., pre-2013) data against which to measure the current level of daytime driving, which is not really known.

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Mr. Osiecki: Senator, the trucking industry has tried really hard to get its drug testing positive rate below that one percent. We have tried all different types of things, moving to various types of testing. 2011, that was the first year in which our industry dropped below that sort of magic threshold one percent. 2012, we do not yet know the data although the administrator just indicated that it may be below that threshold again.

That really brings the question if all of the other modes, FAA, Federal Railroad, Federal Transit, if they have already reduced their industry's random population from 50 percent to 25 percent, why would not the trucking industry be in that same category, particularly since this was set up as an incentive based program many years ago.

So, we essentially met the incentive as I understand it, and we are not being rewarded, as I understand it.

Senator Blunt: You met the incentive that was in the initial incentive package, that if you

can keep below one percent for two years, then you have to do fewer samples, but you still have to report.

Mr. Osiecki: That is correct; yes, sir.

Senator Blunt: Well, it does seem to me that if you change the incentive after you go through the process, then you cannot expect the process to be quite as cooperative the second time.

We are evaluating what the new incentive should be or we are evaluating what the facts are that the second year produces would be something I would be very interested in, and I will let you respond now or for the record on that, either one.

Ms. Ferro: Thank you, Senator. I will respond for the record, but I do want to reinforce, we are looking at all of those questions today, and as Mr. Osiecki indicated, we have not released the final number. I probably let that cat out of the bag, that is too late.

Please know this is a very serious topic and we are taking all factors into consideration, so we will follow up more clearly on the record.

FMCSA Response:

Pursuant to 49 CFR 382.305(f), the FMCSA Administrator's decision to increase or decrease the minimum annual percentage rate for controlled substances testing is based on the reported positive rate for the entire motor carrier industry. All information used for this determination is drawn from the controlled substances management information system (MIS) reports required by 49 CFR 382.403. In order to ensure the reliability of the data, the Administrator may obtain additional information or reports from employers, and may make appropriate modifications in calculating the industry positive rate. If the Administrator determines that the data received under the reporting requirements for two consecutive calendar years indicate that the positive rate is less than 1.0 percent, the minimum annual percentage rate for random controlled substances can be reduced from 50 percent to 25 percent of all driver positions.

FMCSA is currently analyzing data from 2011, 2012, and 2013 to make an informed decision on whether or not to maintain or lower the annual random controlled substances testing rate for calendar year 2015. In the event the FMCSA Administrator decides to change the minimum annual random controlled substances testing percentage rate, the Agency will publish notice of the change in the Federal Register. Any new testing rate would be effective starting January 1, 2015.

QUESTIONS FOR THE RECORD
The Honorable Cynthia Lummis (R-WY)
U.S House Committee on Science, Space, and Technology
Subcommittee on Energy
Subcommittee on Oversight

Bakken Petroleum: The Substance of Energy Independence

Questions for Mr. Timothy Butters

1. *Please compare and contrast the Department of Transportation's data and research regarding volatility of Bakken crude oil with respect to other hazardous commodities, including toxic inhalation hazard materials, poison inhalation hazard materials, and ethanol.*

The properties of mined gases and liquids, including crude oil, are variable based on time, method, and location of extraction. Whereas manufactured goods (e.g., toxic by inhalation materials, corrosives, and explosives) often undergo a strict quality assurance process to ensure characteristics are within defined parameters, mined gases and liquids do not. Unlike manufactured goods, organic materials from oil and gas production represent a unique challenge in regards to classification. Differences in the chemical makeup of the raw material can vary over time and geographical location. Typically, organic materials from oil and gas production at a well head are passed through a "separator" to remove the gas, sediment, and water from the crude. As such, there are multiple hazardous materials that are commonly shipped from the well-site including: crude, natural gas condensate, and natural gas. With regard to Bakken crude, it is important to note that the infrastructure to perform this separation varies from well to well.

The Pipeline and Hazardous Materials Safety Administration (PHMSA) issues the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) that prescribe requirements for the safe transportation of hazardous materials by all modes. PHMSA's regulations state that it is the responsibility for shippers to ensure the proper classification of hazardous materials (see § 173.22 of the HMR). The HMR specifies criteria to determine if a material is considered hazardous and the type of hazard a material may pose in transport. This criterion distinguishes different hazards by designation into various hazard classes. These hazard classes pose distinct and separate hazards from each other. Further, the HMR designates an order of precedent for a material containing multiple hazardous properties. The proper classification of any hazardous material is required prior to offering it for transport. The HMR then specifies packaging, handling, and transport conditions appropriate for the hazard. The HMR generally applies a rationalized approach to similar hazards. However, the types and levels of packaging, the handling and transport provisions, and response measures are specific to each hazard. Therefore, PHMSA does not typically assess the risk posed by the hazard of a commodity by comparison to a risk posed by a dissimilar hazard.

The data and research of PHMSA, as it relates to the classification of Bakken crude oil, is a necessary step to ensure proper classification of this raw material. Early indications from the July 6, 2013 derailment in Lac-Mégantic suggested that the Bakken crude oil was misclassified. Specifically, the product was assigned a PG III classification (lowest hazard), despite meeting the criteria for PG II. Therefore, there was an incorrect identification of the hazards. This was later confirmed by the Transportation Safety Board of Canada's (TSB) Railway Investigation Report R13D0054.[1]

Volatility is the tendency of a substance to vaporize. As such, it relates to vapor pressure and boiling points. Vapor pressure is defined as the pressure exerted by a vapor in thermodynamic equilibrium with its condensed phases (either solid or liquid) at a given temperature in a closed system. Boiling point is the temperature at which the vapor pressure of a liquid equals the pressure surrounding the liquid, and the liquid changes into a vapor. When referring to flammable liquids, the flash point will also be related to the volatility of a material, because the flash point is the lowest temperature at which a particular material vaporizes sufficiently to form an ignitable mixture in air. Volatility is typically used when referring to liquids, although it is also used when describing substances undergoing sublimation (solids changing directly from solid to gas/vapor). Chlorine, as an example of a toxic inhalation hazards material, has a boiling point of -29 °F, and it exists as a gas at ambient temperature and pressure. The vapor pressure of chlorine at 50 °F is 74 psi for comparison purposes. While these values are relevant for comparing volatility, the hazard associated with chlorine and other TIH materials are measured through LC50. LC50 is the lethal concentration required to kill half the members of a tested population over a specified duration. Chlorine has an LC50 of 293 ppm (parts per million) for 1 hour of exposure. To determine the extent of hazard posed by toxic inhalation hazard materials, vapor dispersion is utilized along with toxicity data to determine areas which would be impacted by a release.

With respect to manufactured materials such as ethanol, the chemical properties are well known, consistent, and understood. Ethanol is a flammable (Class 3) colorless liquid. It is a polar solvent that is volatile and completely miscible (mixes) in water. Vapors of ethanol are characterized as having a vinous or wine-like odor. Ethanol has a vapor density of 1.59, indicating that it is heavier than air and will seek lower altitudes (tend to collect closer to the floor level). Its specific gravity indicates that it is lighter than water, but it will thoroughly mix with water. Once mixed, it will not separate. It has a wider flammable range than gasoline, has a blue flame, and does not produce visible smoke unless denatured with gasoline.

The flammability of ethanol is affected by mixture with water, but remains flammable even with the presence of 80% water. At this concentration, the flash point is 97 °F, and it is still considered a flammable liquid. Ethanol blends will have properties affected by the percentage of ethanol in the blend.

[1] http://www.tsb.gc.ca/eng/rapports-reports/rail/2013/r13d0054/r13d0054.pdf

CHEMICAL/PHYSICAL PROPERTIES OF PURE ETHANOL

Formula	C2-H6-O
Molecular Weight	46.07
Color/Form	Clear, colorless, very mobile liquid
Odor	Mild, like wine or whiskey (vinous)
Ionization potential	10.47 eV
Boiling Point	173 °F
Melting Point	-173 °F
Liquid Density	0.79 at 68 °F
Vapor Density	1.59
Flammable Range	3.3 – 19%
Solubility	Miscible in water and organic solvents
Vapor Pressure	2.3 psi at 100°F 4.3 psi at 122°F
Flash Point	55 °F

The properties of ethanol are also affected by temperature. At colder temperatures (below 51°F), the vapor pressure of ethanol is outside the flammable range. The testing conducted under Operation Safe Delivery was done to confirm classification of the crude oil in the Bakken region. It is important to note that crude oil's properties will vary based on specific location as well as processing conducted prior to transportation and ambient temperature. The results seen under Operation Safe Delivery show that crude oil from the Bakken region has flash points below 73 F, initial boiling points ranging from 79.1 F to 123.8 F, and vapor pressures ranging from 7.70 psi to 15.1 psi at 100 F when tested with a vapor to liquid ratio of 4:1 and between 20.3 psi and 37.21 psi at 122 F when tested with a vapor to liquid ratio of 0.02. While specific flash points were not measured because the objective of the testing only needed to confirm a flash point below 73, many of the values measured were less the 50 F with some measured below 32 F.

2. *What methodology does the Department of Transportation employ to evaluate the risks associated with the transportation of specific materials?*

The Department of Transportation has established safety goals for PHMSA. The Department works toward the prevention of hazardous materials incidents involving death or major injury. Hazmat incidents with death or major injury have declined an average of about 5% every four years over the long term (1988-2013). Much of this success is attributed to PHMSA's efforts toward the prevention of deaths and injuries associated with the transportation of hazmat by all transportation modes. PHMSA continues to focus on its top safety rulemakings, the safe transportation of energy products, risk based inspection and outreach activities, and improving data quality.

The agency concentrates on the prevention of high-risk incidents identified through the evaluation of transportation incident data and findings compiled through the collection and review of incident reporting forms (Form 5800.1). This data provides detailed information regarding hazardous materials incidents, including, hazardous materials involved, damage to packaging, mode of transportation, impacts, and incident location. In addition, PHMSA also focuses our efforts on incidents identified through the NTSB investigation process. PHMSA uses all available agency tools to assess data; evaluate alternative safety strategies, including regulatory strategies as necessary and appropriate; target enforcement efforts; and enhanced outreach, public education, and training to promote safety outcomes.

The Hazardous Materials Regulations and Program serve as a risk-based approach to identifying hazards and the degree of risk posed within each hazard (classification); specifying packaging standards to prevent the release of material (containment); notification of hazards to transport workers, emergency responders, and the public (communication); a nation-wide oversight program to provide outreach and enforcement (compliance); and incident mitigation training through grants and emergency response guidance (consequence). However, PHMSA recognizes that modern risk management includes factors beyond what is captured by these conventional considerations. For example, PHMSA is entering Phase 2 of its Risk Management Framework (RMF) initiative. The objective of RMF is the development of a data-driven-system that systematically and comprehensively identifies the most significant hazmat hazards and consequences, manages and monitors direct or indirect risk signals. Completion of this phase of RMF will result in assessing the risk, predicting/mitigating the risks associated with the changes in commodity flow, supply, and demand. The input of the RMF includes:

- Models that identifies trends and draw conclusions from PHMSA data and other data sources.
- Analysis of the data produced by PHMSA to ensure it is of high quality, useful to the data users, and develops and maintains standards for data quality.
- Strategic assessments of the factors identified as particularly important to PHMSA safety programs (e.g. energy, environments, agricultural etc.).
- Evaluation of the effectiveness of PHMSA risk management programs including regulatory, enforcement, and outreach.

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Senator Barbara Boxer

QUESTION 1a: Deputy Secretary Porcari, I would like to hear more about the Tappan Zee Bridge project. Can you provide a few more details about which agencies worked together with DOT and how the process functioned in order to complete the EIS, issue a Record of Decision, and complete all permitting actions in just 15 months?

RESPONSE: The Federal Highway Administration took the lead in working with a number of agencies to help expedite the Tappan Zee Bridge project, including the National Marine Fisheries Service, U.S. Army Corps of Engineers, U.S. Coast Guard, Advisory Council on Historic Preservation, and the U.S. Fish and Wildlife Service. Several state agencies were also involved, including the New York State Department of Environmental Conservation, for a total of 10 Cooperating Agencies.

The process for expediting the EIS, ROD, and permits for the Tappan Zee project included several tools. The Tappan Zee Bridge Project utilized previous studies and analyses conducted in preceding years for the I-287 corridor. These studies, such as traffic studies and cultural and seasonal fisheries surveys, were deemed appropriate and valid for the Tappan Zee Bridge project.

FHWA used a number of tools to help facilitate a process of collaboration to meet the accelerated schedule. Examples include:

- *Cooperative Agreement and Agency Summit.* Through the Cooperative Agreement, each agency agreed to collaboration and transparency throughout the process and committed to schedule milestones for EIS publication, ROD signing, and permit issuance. Each agency also provided one dedicated point of contact that had the ability to make rapid and precise decisions on behalf of the agency. The Agency Summit provided the opportunity for executive leadership from the State Project Sponsor to present the Cooperative Agreement and intent and scope of the project to the executive leadership of the Cooperating Agencies. Each agency concurred with the process and then signed the Cooperative Agreement.
- *Design Build/EIS Workshop*. Over a 2-day period, the Cooperating Agencies collectively developed environmental commitments and permit conditions for the project. Agencies reached agreement on the parameters of the bridge design and on the terms and conditions of the anticipated permits. FHWA then incorporated these environmental commitments into the EIS and the request for proposals to the bidders.
- *Integrated Project Team.* The Project Team consisted of technical and legal experts from the State Project Sponsor, the consultant/engineering team, and FHWA. The Project Team met regularly to review and finalize documents. In many cases, the Project Team was able to anticipate the Cooperating Agencies' legal and technical needs in EIS and permit applications, which helped eliminate the need for multiple drafts.
- *Executive Steering Committee (ESC).* The ESC is an internal project committee comprised of executives from the FHWA New York Division, the State Project Sponsor, the Governor's Office, and representatives from the Project Team. The ESC met weekly through the

EIS/ROD process to achieve executive action and approval in a timely fashion. The ESC continues to meet twice per month while the project is under construction.

QUESTION 1b: Do you think that is a feat that can be replicated with other major projects across the country?

RESPONSE: For the Tappan Zee project, the Project Team was able to use data from previously generated studies such that studies requiring seasonal surveys or lengthy research were not needed. The specific NEPA studies and analyses required for other major projects and the time to complete quality studies would be a key factor in determining if the timeframe could be repeated on other projects.

Another key factor in determining whether the Tappan Zee example can be replicated with other projects is the degree of agency collaboration and staff commitment. This type of project requires an immense dedication of highly proficient staffing resources from all entities involved.

QUESTION 2: Deputy Secretary Porcari, you described how the Administration identified a group of high priority projects and publicly posted schedules, milestones, and progress reports for the projects on the Federal Infrastructure Permitting Dashboard. Do you think publicly posting this kind of information for projects on the Internet is helpful and, if so, why?

RESPONSE: The Federal Infrastructure Permitting Dashboard has helped provide unprecedented transparency and accountability in the permitting and review of major infrastructure projects. Creating schedules providing a clear path to complete the Federal process encourages agencies and project sponsors and keep them all accountable to one another and the public. Further, posting these schedules online provides a more complete picture to the public on the steps necessary to navigate the environmental reviews for these critical infrastructure projects.

QUESTION 3: Deputy Secretary Porcari, as you note, many of the reasons for project delays are unrelated to the environmental review process. MAP-21's provisions did address other areas for improvement, such as in contracting, planning, and innovative construction methods. Can you describe some of the ways that DOT is implementing these programs and working with States to utilize best practices in these areas?

RESPONSE: The Department is developing regulations to implement the planning and environmental linkages provisions of MAP-21 and expects to have a final rule in the coming months.

QUESTION 4: Deputy Secretary Porcari, many ofMAP-21's project delivery provisions address complex processes between different Federal agencies. Would you describe how DOT is engaging with these other agencies on the rulemakings and guidance to carry out these provisions?

RESPONSE: The Department is committed to working with our Federal partners to ensure that we maximize efficiency in project delivery while improving outcomes for communities and the environment, maintaining the critical protections provided by our environmental laws and regulations. The rulemakings and guidance that have been developed to implement the project delivery sections of MAP-21 have been coordinated through the Transportation Rapid Response Team (TRRT). This interagency group was created in support of the President's Memorandum of 2011 identifying High Priority Projects to be expedited and has been critical to timely and efficient interagency review and clearance of guidance and rule-makings required by MAP-21.

Senator Sheldon Whitehouse

QUESTION 1: Lead agencies may establish a schedule for completion of the environmental review process "after consultation with and concurrence of each participating agency...." 23 U.S.C. 139(g)(B). With respect to the dispute resolution process established in MAP-21, a lead agency is required to consult with relevant agencies, but their concurrence appears not to be required by statute in all cases.

> **Deadlines. The deadlines referred to in subparagraph (A) shall be those established under subsection (g), or any other deadlines established by the lead agency in consultation with the project sponsor and other relevant agencies. 23 U.S.C. § 139(h)(4)(B), as amended by MAP-21 Section 1306 (emphasis added).**

Is it your interpretation of this provision that a lead agency need not seek the concurrence of the project sponsor and other relevant agencies to set deadlines subject to dispute resolution? If so, under what circumstances in which a lead agency may set a deadline without agreement of the project sponsor and relevant agencies? What are examples of the types of deadlines that may be set in those circumstances?

RESPONSE: Your question appears to refer to two different aspects of 23 USC 139. Section 139(g)(1)(B)(i) encourages, but does not require, the inclusion of a project schedule in the coordination plan. If a project schedule is included in the project coordination plan, the participating agencies must concur on the project schedule.

With respect to the dispute resolution process, the lead agency may convene an initial dispute resolution meeting at any time (23 USC 139(h)(5)(A)(vi)). The timeframes for the various steps in the dispute resolution process are specified in 23 USC 139(h)(5).

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Senator David Vitter

QUESTION 1: Have you set deadlines for the remaining 35 actions to fully implement the streamlining-NEPA provisions in MAP-21? If so, please include in your response.

RESPONSE: The Department is currently working to implement all of the expediting NEPA provisions of MAP-21. Priority has been given to those actions with deadlines in the legislation. In addition to deadlines assigned by Congress, the Department has developed internal tracking deadlines to ensure efficient and continued action to implement these important provisions.

QUESTION 2: Some of today's testimony explains that NEPA is an important statute for ensuring that the public has an opportunity to comment on proposed projects. I agree that such is the case. The public can play an important role in ensuring that projects are built in an appropriate manner. I think it is important to make clear that the streamlining provisions in MAP-21 do not eliminate the opportunity for public comment. There are some sections where we try to set deadlines for when public comment can happen, but those dates can be waived if the agency decides such a waiver is necessary. Is that your understanding of the law as well?

RESPONSE: Yes, MAP-21 includes a number of provisions that will improve project delivery. However, a number of the project delivery provisions emphasize early coordination with other agencies in order to identify and resolve concerns, and also call for earlier public input. An example of this is Map-21 Section 1310, Integrating Planning and Environmental Review. In addition, the agency may extend a deadline for good cause, and FHWA can take any questions about the adequacy of public involvement opportunities into account.

QUESTION 3a: We are pleased to see that the Department of Transportation has a goal of finalizing its rulemakings for Section 1316, the categorical exclusion for projects within the right-of-way, and Section 1317, the categorical exclusions for projects of limited federal assistance. Those are important provisions in the bill that will help get projects built in a more expeditious manner. I am concerned that your proposal under Section 1316 appears to offer a more restrictive definition of right-of-way than is required or intended.

RESPONSE: Section 1316 of MAP-21 authorizes a categorical exclusion for projects within the "existing operational right-of-way." Section 1316 also provides a definition for "operational right-of-way" without reference to the word "existing." Thus, we are proposing that an "existing" operational right-of-way refers to those portions of the right-of-way that have been disturbed for an existing transportation facility or are regularly maintained for transportation purposes. In other words, for a project to qualify under this CE, a transportation facility must "exist" in the right-of-way in question.

We are proposing to include the phrase "regularly maintained for a transportation purpose" to emphasize that areas within the facilities footprint that some may not think of as operational

(e.g., clear zones, safety and security areas) can, if serving an existing transportation facility, be considered for the CE.

We are carefully considering all comments received on this issue and hope to publish the final rule soon.

UPDATE: The final rule regarding Section 1316 was published in January 2014 affirming the agencies interpretation noted above.

QUESTION 3b: I am also concerned that your Section 1317 proposal may impose additional restrictions on the CE that were not included in the legislative language. Would you care to respond to those concerns? What will you do to ensure that your efforts to implement the law fall within congressional intent?

RESPONSE: MAP-21 section 1317 requires the Secretary to promulgate regulations that designate as categorically excluded actions receiving limited Federal funds. Specifically, section 1317(1) of MAP-21 provides for the designation of the CE for "any project—(A) that receives less than $5,000,000 of Federal funds; or (B) with a total estimated cost of not more than $30,000,000 and Federal funds comprising less than 15 percent of the total estimated project cost."

In the NPRM we propose a clarification that such projects must receive some amount of Federal funding to be eligible for these CEs. This includes, but is not limited to, projects receiving Federal grants, loans, loan guarantees, lines of credit, and projects receiving funds authorized for the Federal Lands Access Program, the Federal Lands Transportation Program, and the Tribal Transportation Program. The Federal funding thresholds take into account any Federal funding to cover the capital costs of the undertaking regardless of source, but exclude Federal funds for operating costs and expenses that may be provided to the facility.

The proposed regulatory language also includes the phrase "that do not require Administration actions other than funding" to clarify that the CE is limited to situations where the only Agency action involved is funding. "Administration action" is defined in 23 CFR 771.107(c) as the approval by the Agencies of the applicant's request for Federal funds for construction, and approval of activities such as joint and multiple use permits, changes in access control, etc., which may or may not involve a commitment in Federal funds. For example, a project that would receive Federal funding at or below the specified limits but that also would need an Interstate access approval from FHWA under section 111(a) of title 23, U.S.C., could not be processed as a CE under the proposed rule. Projects requiring Agency action other than Agency funding may still be eligible for a CE determination under other CEs in sections 771.117 or 771.118.

We are carefully considering all comments received on this issue and hope to publish the final rule soon.

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UPDATE: The final rule regarding Section 1317 was published in January 2014 and in response to comments, the final rule removes the proposed phrase "that do not require Administration actions other than funding".

QUESTION 4: You have suggested that there was extensive outreach to stakeholders after passage of MAP-21. However, the Inspector General's report suggests that stakeholders noted a lack of "early, interactive communication." How do you respond to stakeholder's criticism and what have you done to improve communication in the year since MAP-21 was signed into law?

RESPONSE: The Department has made considerable outreach efforts related to MAP-21 implementation including web-based and public forums. Additional communication with stakeholders on planned changes is generally prohibited and more communication on environmental requirements would not have provided new information since the provisions were in development over a number of years. The Department continues to provide outreach to stakeholders through public forums and web-based activities.

Senator James Inhofe

QUESTION 1: Section 1316 of MAP-21 defines "operational right-of-way" to mean "all real property acquired for the construction, operation, or mitigation of a project," however the proposed rulemaking explains that an operational right-of-way only includes lands "acquired, needed, and used" for transportation purposes. This changes the language of the statute, excluding lands which were "acquired for" transportation use but aren't currently in use. It is my understanding that the Federal Highway Administration received comments about this discrepancy. FHWA - FTA

a. What was the reasoning for not using the definition provided in MAP-21?

RESPONSE: Section 1316 of MAP-21 authorizes a categorical exclusion for projects within the "existing operational right-of-way." Section 1316 also provides a definition for "operational right-of-way" without reference to the word "existing." Thus, we are proposing that an "existing" operational right-of-way refers to those portions of the right-of-way that have been disturbed for an existing transportation facility or are regularly maintained for transportation purposes. In other words, for a project to qualify under this CE, a transportation facility must "exist" in the right-of-way in question.

We are proposing to include the phrase "regularly maintained for a transportation purpose" to emphasize that areas within the facilities footprint that some may not think of as operational (e.g., clear zones, safety and security areas) can, if serving an existing transportation facility, be considered for the CE.

UPDATE: The final rule regarding Section 1316 was published in January 2014 affirming the agencies interpretation noted above.

b. Will this be corrected in the final rule to accurately reflect the definition Congress provided?

RESPONSE: We are carefully considering all comments received on this issue and hope to publish the final rule soon.

UPDATE: The final rule regarding Section 1316 was published in January 2014 affirming the agencies interpretation noted above.

QUESTION 2: Sections 1316 and 1317 of MAP-21 create new existing right of way and limited federal assistance categorical exclusions, eliminating the requirements relating to environmental assessments or impact statements. However, the proposed rulemaking requires Section 1316 categorical exclusions to create documentation for the purpose of proving the absence of unusual circumstances.

a. Doesn't this new requirement defeat the purpose of creating these new exclusions so as to cut down on the documentation needed for a project? Will this issue be corrected in the final rule?
b. Also, there is confusion as to whether or not this new documentation will be required for the limited federal assistance exclusion in Section 1317. Will you provide clarification on this issue?

RESPONSE: MAP-21 sections 1316 and 1317 require that these new CEs be consistent with 40 CFR 1508.4. Section 1508.4 requires Federal agencies to take into account "extraordinary circumstances," otherwise referred to as "unusual circumstances" in FHWA and FTA regulations. Currently, consideration and documentation of "unusual circumstances" applies to all CEs addressed in sections 771.117(c) and (d), and 771.118(c) and (d). This proposal for both the "existing right-of-way" and "limited federal assistance" exclusions are consistent with this practice. We are carefully considering all comments received on this issue and hope to publish the final rule soon.

UPDATE: The final rule regarding Section 1316 and 1317 was published in January 2014 affirming the agencies interpretation noted above.

QUESTION 3: Congress eliminated the ability to flex funds between the HSIP and the behavioral safety programs in MAP - 21. I was very concerned when I read the FHWA guidance on the HSIP and the overly broad interpretation of the HSIP eligibility provisions in MAP - 21 to allow 100% eligibility of HSIP funding for non-infrastructure projects. Due to this broad interpretation states can use any amount of HSIP funding for non-infrastructure projects but they cannot utilize any funding from behavioral programs for infrastructure projects. There is still considerable work to be done on America's roadway safety infrastructure network, with over 34,000 individuals dying, it is critical to ensure that funds that Congress allocated specifically for the HSIP are used appropriately and judiciously to make roads as safe as possible for the motoring public.

a. Could you explain the rationale for this broad interpretation? This was not the intent of Congress.

While we understand that it is important to utilize all strategies to reduce fatalities and that stakeholders must work together, infrastructure safety improvements have made major strides in reducing fatalities on our roadways and it is my belief that we need to continue to focus on these strategies. A recent SAIC study found HSIP obligations have provided significant savings to the American public in terms of actual lives saved and the cost to society from roadway fatalities. In fact, the study found that there is a 42: I return on investment for safety obligations. The FHWA guidance on HSIP eligibility takes this program in the wrong direction.

RESPONSE: MAP-21 eliminated the 10% cap on States flexing HSIP funds to carry out safety projects under any other section of title 23 and also expanded the eligibility for highway safety improvement projects. In conjunction with the performance focus of the HSIP, the Department interprets these MAP-21 changes as allowing States greater flexibility to choose to fund infrastructure and non-infrastructure safety projects.

FHWA continues to closely monitor the implementation of the HSIP, the purpose of which is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads. The HSIP provides States the flexibility to determine the best projects to achieve this purpose. All HSIP-funded projects—infrastructure or non-infrastructure—must be consistent with a State's SHSP; be based on crash experience, crash potential, crash rate, or other data-supported means; and support a State's safety performance targets.

b. Would the FHWA consider putting out corrected guidance that would clarify that the HSIP is intended for infrastructure safety projects only?

RESPONSE: The Department has no plans to modify the guidance at this time.

<u>QUESTION 4:</u> On June 5, 2012 FMCSA released guidance regarding the application of the 1962 guidance allotting specially trained drivers of commercial motor vehicles specially constructed to service oil wells to record waiting time at a natural gas or oil well site as "off duty" for purposes of calculating hours of service. FMSCA elected not to go through formal rulemaking because the June 5, 2012 guidance was merely a "restatement" of an existing guidance. However, the new guidance states that the notice "revises regulatory guidance to clarify which CMV drivers are subject to the HOS exemptions in 40 CFR 395.l(d)."

a. Was this simply a restatement or was it a revision?

ANSWER: The June 5, 2012, Federal Register notice was a restatement of the Agency's April 4, 1997, regulatory guidance concerning the applicability of the "Oilfield operations" exceptions in 49 CFR 395.1(d) to the hours-of-service rules, with regard to waiting time.

b. If it was a revision, why did it not go through formal rule-making?
ANSWER: Generally, agencies may issue regulatory guidance that falls within the scope of the existing regulations without initiating a notice-and-comment rulemaking proceeding. The June 5, 2012, notice was consistent with the regulatory text and restated the Agency's position on the applicability of 49 CFR 395.1(d).

c. What was the reasoning behind the revision/restatement?

ANSWER: The Agency's restatement was in response to questions from enforcement agencies and the industry concerning the applicability of the oilfield operations exceptions. A significant increase in oil and gas drilling operations in many States resulted in a major increase in CMV traffic to move oilfield equipment, and transport large quantities of supplies, especially water and sand, to the drilling sites. The operators of many of these vehicles and law enforcement officials subsequently raised questions about the applicability of § 395.1(d).

d. What data/research was conducted to provide the basis for the revision/statement?

ANSWER: The Agency reviewed the rulemaking history that led to the adoption of the oilfield operations exceptions to ensure the original intent of the rulemaking was documented. And the Agency reviewed its previous regulatory guidance on the matter.

e. Is there any safety data from either before the guidance was issued or since it came out that shows an increase or decrease in incidents directly related to driver fatigue and the use of the oil field exemption?

ANSWER: No data is available at this time. However, the Agency will continue to monitor the safety performance of carriers that identify themselves as operating oilfield equipment.

f. As a general rule, when an exemption is granted, the applicant must prove that the exemption creates "a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the regulations." If the June 2012 "regulatory guidance" is not the result of particular safety data, how will the FMCSA determine whether an applicant has met the appropriate standard for granting an exemption?

ANSWER: The oilfield operations provisions under 49 CFR 395.1(d) are exceptions to regulatory requirements established through a notice-and-comment rulemaking process. As such, carriers that meet the criteria may take advantage of the exceptions without demonstrating that their use of the exception would achieve a level of safety comparable to the level of safety that would be achieved by carriers that do not operate under the exception.

By contrast, a motor carrier providing services for the oil or natural gas industry, but that is unable to take advantage of the waiting time exception (49 CFR 395.1(d)(2) concerning waiting time for specially trained drivers operating specially constructed vehicles, may apply for an

exemption following the procedures under 49 CFR Part 381. That motor carrier would be required to explain how the terms and conditions of its exemption application would achieve a level of safety comparable to the level of safety that would be achieved without the exemption.

UPDATE: On May 23, 2014, FMCSA published a Federal Register notice announcing that the American Trucking Associations (ATA) applied for an exemption on behalf of motor carriers that provide services for the oil and natural gas industries but that are excluded from the waiting time exception. The Agency will consider the public comments and issue a decision later this year.

QUESTION 5: The original exemption was granted to specially trained drivers of commercial motor vehicles that are specially constructed to service oil wells because the operators spend little time driving the CMVs and typically they have long waiting periods at well sites with few or no functions to perform until their services are needed at an unpredictable point in the drilling process. The June 5 guidance expanded on this and stated that operators of CMVs that are used to transport supplies, equipment, and materials such as sand and water to and from the well sites do not qualify for the "waiting time exception" despite the fact that drivers of these support vehicles are subject to the same periods of uncertainty and are provided the same opportunities to obtain rest and tend to personal necessities during wait time as operators who drive the specially constructed equipment to the well site.

a. Given that both types of drivers/vehicles experience the same type of delays and opportunities for rest, can FMCSA expand this exception?

ANSWER: Yes. The Agency has the statutory authority to consider a notice-and-comment rulemaking process to expand the current oilfield operations exception. FMCSA has received a petition for rulemaking from the American Trucking Associations and the Agency is reviewing the request to determine whether a rulemaking should be initiated.

b. Why or why not?

ANSWER: The Agency has the statutory authority to amend the oilfield operations provisions under 49 CFR 395.1(d) and the Agency has the authority to consider applications for exemptions. In the case of rulemaking, the Agency must ensure that it satisfies the provisions of the Motor Carrier Safety Act of 1984 (MCSA or 1984 Act) [49 U.S.C. 31136(a)], as amended by the Moving Ahead for Progress in the 21st Century Act (MAP-21) [Pub. L. 112-141, sec. 32911, 126 Stat. 405, 818, July 6, 2012].

The 1984 Act confers on the Department the authority to regulate drivers, motor carriers, and vehicle equipment.

> At a minimum, the regulations shall ensure that — (1) commercial motor vehicles are maintained, equipped, loaded, and operated safely; (2) the responsibilities imposed on operators of commercial motor vehicles do not impair their ability to

> operate the vehicles safely; (3) the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely . . . ; and (4) the operation of commercial motor vehicles does not have a deleterious effect on the physical condition of the operators [49 U.S.C. 31136(a)].

Section 32911 of MAP-21 enacted a fifth requirement, i.e., that the regulations ensure that "(5) an operator of a commercial motor vehicle is not coerced by a motor carrier, shipper, receiver, or transportation intermediary to operate a commercial motor vehicle in violation of a regulation promulgated under this section, or chapter 51 or chapter 313 of this title" [49 U.S.C. 31136(a)(5)].

With regard to exemptions, the Agency calls attention to 49 CFR part 381, which provides procedures for persons to apply for individual or class exemptions from certain regulations provided the exemption would achieve a level of safety that is equivalent to, or greater than, the level of safety that would be achieved absent the exemption. Therefore, motor carriers that believe the current oilfield operations exceptions would also provide relief sufficient relief for their operations should consider submitting an application for an exemption to the Agency describing an alternative that would ensure the requisite level of safety.

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE
"OVERSIGHT OF AND POLICY CONSIDERATIONS FOR THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION"
SEPTEMBER 16, 2014

ITEMS FOR THE RECORD
David J. Friedman, Deputy Administrator
National Highway Traffic Safety Administration
U.S. Department of Transportation

1. Subpoena power

Senator McCaskill: How many times have you been to court for someone to answer a question?

Mr. Friedman: I don't know that we've done that in the last -- certainly 20 or 30 years, because we haven't had to, and I think that's the power of what we do. We put the companies in a position where they understand, if they fail to answer those questions, there will be consequences, and so they provide us with the answers. I consider that a very important tool that we're able to get those answers, rather than have to be tied up in court before they will give them to us.

RESPONSE: NHTSA's authority to compel manufacturers to provide information is provided in 49 U.S.C. § 30166. NHTSA routinely compels manufacturers to answer questions under penalty of law. While NHTSA has not issued a demand styled as a "subpoena" to a manufacturer in a defect investigation in the last twenty years, NHTSA regularly invokes 49 U.S.C. § 30166(e) by issuing "information requests." NHTSA also invokes 49 U.S.C. § 30166(g)(1) to issue a special order to compel witnesses or entities to appear or produce answers or records regardless of whether the recipient may have violated the Motor Vehicle Safety Act. A manufacturer is subject to substantial penalties if it fails to respond to the agency's requests for information or respond truthfully under 49 U.S.C. § 30166(e) and (g)(1). See 49 U.S.C. § 30165(a)(3) and (a)(4). Since the 1990s and without having to go to court, NHTSA has in fact obtained civil penalties from the following manufacturers for failing to respond completely and truthfully to NHTSA's information requests:

- GM in 2014: $441,000;
- Piaggio in 2009: $100,000;
- Grote Manufacturing in 1999: $32,000;
- Ford in 1999: $425,000;
- Mack Truck in 1990: $1,000.

Information requests or special orders provide the agency with broader authority than subpoenas as they can compel manufacturers to provide answers to written questions in addition to compelling appearance or providing documents, records, or things.

2. TSB deadline

Senator Blumenthal: …Map-21 required NHTSA to make those bulletins available on its website searchable by the public by 2013. As of May, they're still not on the website. Can you tell me why, and can you commit to me when NHTSA will meet that deadline -- it's already missed the deadline -- when it will have them available? Well, can you commit to me when you will complete that task? You've missed the deadline. When will it be done?

Mr. Friedman: We're working to target, I believe, in the next six months to try to get that information up there, but I can get you a more solid date.

Senator Blumenthal: Well, I would like a more solid date.

RESPONSE: MAP-21 Section 31303 requires a manufacturer to give copies of communications with dealers and owners about a defect or noncompliance with a motor vehicle safety standard and an index of those communications to NHTSA. MAP-21 also requires NHTSA to make these available on a publicly accessible Internet website. While MAP-21 does not specify a deadline for these requirements, NHTSA is preparing to compel the indexes from manufacturers, and intends to make sure this information is searchable from those indexes and available to the public within 6 months.

3. NYT article inaccuracies

Senator Blumenthal: …I'd also appreciate any contention in detail that you have disputing the New York Times story. You said it was wrong in numerous respects, but I'd like something in writing from you that we can put in the record if you feel, in fact, it was in error in any way.

Mr. Friedman: I'd be happy to do so.

RESPONSE: The New York Times article, "Regulator Slow to Respond to Deadly Vehicle Defects" (September 15, 2014), inaccurately discussed the following issues:

- **NCAP**

  The New York Times article falsely characterizes the New Car Assessment Program (NCAP) as a misuse of agency resources. The New York Times article shows little knowledge and understanding of the origins and evolution of NCAP. NCAP is an effective program for generating and providing information that enables consumers to identify top performing products and thereby inducing the manufacturers of those products to compete with one another in improving their safety performance to meet consumer demand.

NHTSA established NCAP in response to Congress' enactment of the Motor Vehicle Information and Cost Savings Act of 1972. Title II of the Cost Savings Act requires the Secretary to

> maintain a program for developing the following information on passenger motor vehicles:
> …
> (2) crashworthiness, crash avoidance, and any other areas the Secretary determines will improve the safety of passenger motor vehicles.
>
> and to provide that information to consumers.

The rationale for generating and disclosing product information was well described by former OIRA Administrator Cass Sunstein in a June 18, 2010 memorandum to the heads of executive departments and agencies:

> Sometimes Congress requires or authorizes agencies to impose disclosure requirements instead of, or in addition to, mandates, subsidies, or bans. For example, automobile companies are required by law to disclose miles per gallon (MPG) ratings for new vehicles, and a standardized Nutrition Facts panel must be included on most food packages. The goal of disclosing such information is to provide members of the public with relevant information at the right moment in time, usually when a decision is made.

Administrator Sunstein amplified his comments in a September 8, 2011 memorandum entitled "Informing Consumers by Smart Disclosure."

Under the leadership of then NHTSA Administrator Joan Claybrook, model year 1979 vehicles were the first vehicles tested and rated for NCAP. After the Senate and Conference Appropriations Reports for Fiscal Year 1992 requested that NHTSA improve its methods of informing consumers about NCAP results, the agency established the five-star rating system, which was first used for MY 1994 vehicles.

To ensure that consumers shopping for new motor vehicles have easy access to the safety ratings, Congress enacted legislation ("Stars on Cars") in 2005 amending the Automobile Information Disclosure Act to require that motor vehicle manufacturers place the safety ratings on the "Monroney" price sticker on each new vehicle.

Other countries and regions have followed NHTSA's example. There are now NCAP programs in Latin America, the European Union, China, Japan, Korea, the ASEAN countries and Australia. In addition, the Insurance Institute for Highway Safety began its program for generating and disseminating safety ratings in the mid-1990s.

The article also incorrectly implies that the ratings from the NCAP program are not useful indicators of safety, but rather that the ratings are only a marketing tool for manufacturers.

In actuality, the NCAP ratings have enabled consumers to push automakers to improve vehicle safety features. NHTSA periodically updates NCAP, pushing the bar for high ratings even higher most recently in model year 2011. The agency made frontal and side crash ratings criteria more stringent by upgrading test dummies, establishing new injury criteria, adding a new side pole crash test, and creating a single overall vehicle score that reflects a vehicle's combined frontal crash, side crash, and rollover ratings. The MY 2011 upgrade also added recommended crash avoidance technologies to the NCAP program. This upgrade indicates to consumers which vehicles have recommended advanced technology features and which do not so they can more easily find vehicles with the increased levels of safety they prefer. This year NHTSA has added rear visibility cameras as a recommended advanced technology.

In the first year of the more stringent program, fewer than 20 percent of vehicles received the top level of 5 stars in the overall safety rating. By MY 2014, over 60 percent of vehicles received 5 stars in the overall safety rating. In other words, manufacturers have quickly improved their vehicle designs in response to the more stringent tests, providing extra margins of safety beyond what is required in several important areas. Along with NHTSA's Federal Motor Vehicle Safety Standards and efforts to reduce dangerous driving behaviors, these consumer-information-driven vehicle safety improvements have helped the motor vehicle fatality rate in the United States to reach record lows.

Finally, the article incorrectly claims that "the agency spend[s] about as much money rating new cars — a favorite marketing tool for automakers — as it does investigating potentially deadly manufacturing defects".

NHTSA's Office of Defects Investigation (ODI) has a budget of $17 million – nearly 60 percent higher than the NCAP budget of $10.6 million when all resources are accounted for (i.e., both the contract dollars and the money to pay staff). Human capital is key to NHTSA's success and ODI has 10 times the staff as NCAP – 51 employees in ODI but only five employees in NCAP. The NCAP budget is primarily used to purchase and test new vehicles to help push automakers to produce vehicles that provide better protection in a crash.

- **Defects Investigation Budget**

The article says that "[t]he agency's budget for safety defects investigation has hovered around 1 percent of its total budget for each of the last 6 years." This statement is very misleading.

The relevant number is seven (7) percent. Of NHTSA's $819 million budget in fiscal year 2014, by statute, $561.5 million of funds is provided directly to States as grants for their own highway safety programs. Of the remaining $257.5 million, which is under the direct control of NHTSA, the safety defects budget stands at seven (7)

percent, including both safety defects program expenses as well as defects investigation staff salaries and benefits.

- **Stalling**

  Throughout the New York Times article, stalling issues and complaints of stalling issues are depicted as being a direct result of ignition switch problems. ("…the agency had received more than 5,000 complaints about the ignition problems, including more than 2,000 about unexpected stalling…")

  A gross count, such as the one employed by the New York Times, misleads readers to believe that all 5,000 ignition complaints were related to unintended key rotation and 2,000 complaints were related to stalling as a result of unintended ignition key rotation.

  An analysis of over 470,000 consumer complaints from calendar year 2003 – 2013 shows considerably smaller numbers than those cited by the New York Times. Our review, when focused on the vehicles recalled by GM for the ignition switch defect, identified approximately 135 consumer complaints of stalling from 2003 to 2013 where the consumer stated that the ignition switch was involved in the incident and where the vehicles were subsequently recalled by GM. These 135 complaints were received in an 11-year period. In any one of those years, NHTSA received no more than five complaints for any one of the recalled models for any single model year. The New York Times failed to consider the full scope of relevant information in its article.

  NHTSA was aggressively pursuing stalling complaints during this same time period. From 2003 to 2013, NHTSA opened 10 investigations of stalling in GM vehicles that led to eight recalls of almost 800,000 vehicles and 44 stalling investigations overall, leading to recalls of approximately 5.1 million vehicles.

  We note that there are many reasons for vehicle stalling. Vehicles may stall from lack of maintenance. They may also stall from contaminated fuel. Failures or intermittent faults in engine sensors, engine management computers, fuel systems and onboard vapor recovery systems can all cause stalling. Software in the various computers and network issues within a vehicle may also cause a stall. Many of the broader stalling complaints received by NHTSA appear to relate to such issues that are unrelated to the ignition switch issue that led to the air bag safety risk in affected GM vehicles.

- **Jeep Grand Cherokee and Liberty Fuel Tank Recalls**

  The New York Times article also falsely claims that the recent Jeep Grand Cherokee/Jeep Liberty recall illustrated NHTSA's failure to act with vigor. The article claims that the agency "scaled back" its recall request after Chrysler "balked" at recalling all the vehicles encompassed by the agency's recall request letter. The

Times also stated that NHTSA "agreed to Chrysler's demand that the automaker not be required to say the vehicles had a safety defect;" and that the agency agreed to "Mr. Marchionne's demand that it stop describing the vehicles as defective."

This information is false and inconsistent with public record. After NHTSA issued a recall request letter to Chrysler, the company took the unprecedented step of immediately issuing a public refusal to perform a recall. However, NHTSA continued to demand a recall of Jeep vehicles that posed an unreasonable risk to safety. Because of Chrysler's resistance to NHTSA active pursuit of the vehicles with safety defects, it appeared that resolution of the dispute would require years of protracted litigation, during which no vehicles would either be recalled or remedied.

Engagement by NHTSA with Sergio Marchionne, the CEO of Chrysler's parent corporation, Fiat, opened the door to a safety recall of all vehicles that posed an unreasonable risk to safety. As a result, a settlement was reached. Under this settlement, the defective vehicles, those at risk for fuel tank fires in low to moderate speed impacts were recalled and remedied. Additionally, some newer Grand Cherokee models were not part of the recall because data did not demonstrate an unreasonable risk to safety in the same low to moderate speed impacts. Despite that fact, NHTSA was able to get Chrysler to agree to inspect these vehicles as part of a service campaign.

The New York Times article also inaccurately states that NHTSA agreed to a demand by Chrysler to stop describing the recalled vehicles as defective. This is simply not true. NHTSA classifies this issue as a safety defect and required Chrysler to use the term safety defect in its owner notification letters. (See owner letter http://www-odi.nhtsa.dot.gov/acms/cs/jaxrs/download/doc/UCM462519/RCONL-13V252-6248.pdf).

The agency's defect investigation of the affected Chrysler vehicles is not closed, and we will continue to monitor these vehicles for defects.

- **Open Investigations from the 90's**

The article states that, "33 investigations from the 1990s remain open."

This information is inaccurate. NHTSA's public records show a closed date for all 34 (not 33) investigations opened during the 1990's. We believe the New York Times made this error partly because of a database issue. The agency deployed a new database system in late 2002. The migration from the legacy system to the new system inadvertently created a database update error that listed the investigation status field as "open" even though the closed date was properly set to a valid date. Had the New York Times examined the actual case files in the public database they would have seen that these investigations were closed. We are working to correct the database error.

- **Invoking Legal Authority**

  The New York Times article claims that "[i]t has been 35 years since the regulator has invoked its legal authority to order a company to recall cars."

  That is incorrect. In June 1996, NHTSA ordered Chrysler to recall certain Chrysler Cirrus and Dodge Stratus vehicles for noncompliance with the safety standard for seat belt anchorages. The United States subsequently filed suit in federal court in D.C. to enforce NHTSA's order.

  More recently, in 2012, NHTSA issued orders to two three-wheeled motorcycle manufacturers, finding their recalls inadequate and requiring them to take specified steps to carry out effective recalls. The United States sued both of these manufacturers to compel them to comply with the agency's orders.

  More importantly, the need to explicitly exercise legal authority to order a recall is a poor and misleading measure of NHTSA's effectiveness in getting safety defects quickly addressed by manufacturers. In the very many cases where NHTSA "influences" a recall, the agency regularly pressures reluctant manufacturers to recall vehicles by invoking its legal authority to order a recall. It is quicker, and better protects the American public, to pressure the manufacturer to conduct a recall than it is to go through the formal process of a written determination of a defect, holding a public hearing, and issuing a final determination that can be challenged and tied up in court.

- **IG Audit**

  The New York Times article omits the fact that the Inspector General's (IG) audit was conducted at the Department's own request, and supplements an internal due diligence effort started by NHTSA and called for by the Secretary. The Secretary officially requested the audit soon after GM recalled the subject vehicles. NHTSA's due diligence is focused on understanding past events and implementing improvements going forward.

4. Contractor bonus for workforce assessment

Senator McCaskill: Ten recommendations. And the one that's outstanding -- and we were told back in April that it would be done in May -- in your internal look at whether or not you've got the right resources. I'm worried that the programming money for this Agency has been flatlined for a decade. In light of all the technological advances, that just doesn't compute with me. So where is the workforce assessment that is so necessary for us to evaluate whether or not you are properly supported and whether we need to do a much better job to supporting you?

Mr. Friedman: We have had some delays in that effort, in part because the quality of some of the work from a contractor, where we were trying to make sure to use a contractor to help

leverage our resources and use the dollars that we had, there were some fundamental problems with the product that was delivered from that, and as a result –

Senator McCaskill: How much did you pay for that?

Mr. Friedman: I don't know that number, but we can get it to you.

Senator McCaskill: Have we paid them a bonus yet?

RESPONSE: The contractor was not and will not be paid a bonus for the work. NHTSA paid $400,000 for services associated with the ODI workforce assessment. NHTSA determined that the work met the minimum contract requirements, but nonetheless required considerable refinement. NHTSA is currently finalizing the assessment and will complete the workforce assessment by mid-November.

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SEPTEMBER 16, 2014

QUESTIONS FOR THE RECORD
SENATOR CLAIRE MCCASKILL

QUESTIONS FOR MR. DAVID J. FRIEDMAN:

Question 1. The Moving Ahead for Progress in the 21st Century Act (MAP-21) required the agency to issue a number of new safety regulations, many of which are far behind schedule and have missed statutory deadlines. Attachments included with Ms. Gillan's testimony on behalf of Advocates for Highway and Auto Safety detail these mandates ("NHTSA Overdue & At-Risk Safety Regulations" on page 23 and "MAP-21 Motorcoach Safety Action Items and Schedule" on pages 24-26).

For each regulation outlined in Ms. Gillan's testimony, please provide a status update, including an anticipated date of completion.

RESPONSE: At NHTSA, the safety of the motoring public is our top priority, and we work to allocate our resources strategically to ensure the maximum focus on saving lives. NHTSA is working diligently to implement the various motor vehicle and highway safety improvements contained in MAP-21, as well as other rulemaking, enforcement, vehicle research, and highway safety activities that significantly reduce highway injuries and deaths. For example, in 2013, NHTSA issued two final rules that fulfill MAP-21 mandates to improve motor vehicle safety. One rule requires seatbelts on motorcoaches, and the other requires all major automakers and motorcycle manufacturers to provide consumers with online access to vehicle recall information that is searchable by the vehicle identification number. NHTSA also recently issued two notices of proposed rulemaking in response to MAP-21 mandates. One notice proposes to establish improved roof and roof support standards for motorcoaches to prevent injuries in rollover crashes, and the other notice proposes upgrades to the federal motor vehicle safety standard for child-restraint systems to ensure child passengers are protected in side crashes. In addition to the rulemaking activities responsive to MAP-21, NHTSA has also completed several important activities in the past two years. Just a few examples of these include releasing guidelines to minimize in-vehicle distractions, proposing new minimum sound requirements for hybrid and electric vehicles, and completing a rule to significantly reduce the risk of fatalities and serious injuries caused by backover accidents by requiring rear visibility technology in all new passenger vehicles. Finally, NHTSA continues to look towards the future. Earlier this year we announced the decision to move forward with vehicle-to-vehicle communication technology for passenger vehicles followed by the publication of an Advance Notice of Proposed Rulemaking in August. The following table provides the status of the MAP-21 requirements outlined in Ms. Gillan's testimony:

MAP-21 Section	***Requirement***	***Status***
31203 Civil penalties	Final rule by 1 year after date of enactment (10/1/2013). Date extended to 1/31/2015.	In a February 6th letter, Secretary Foxx informed Congress that we would not meet the deadline for this final rule and established a new deadline of January 31, 2015 as provided by MAP-21 Section 31505. Currently, NHTSA is working towards issuing a Notice of Proposed Rulemaking (NPRM) in 2015 and plans to notify Congress of a new deadline for the final rule as soon as possible. Note: This rule concerns penalty assessment criteria. MAP-21 allowed the agency to employ the new maximum civil penalty amounts after one year even if this rulemaking was not complete. We have exercised that authority and imposed the maximum allowable $35 million dollar fine as appropriate.
31402 Electronic systems performance	Complete an examination of the need for safety standards by 2 years after date of enactment (10/1/2014). Upon completion of the examination, including public comment, the Secretary shall submit a report to Congress.	On October 7th, NHTSA published a Request for Comments on automotive electronic control systems safety and security in the Federal Register. The Request for Comments presents the agency's progress in conducting the examination. We illustrate how we conducted the examination in each of the areas in section 31402 and seek public comment on that examination. We intend to incorporate the comments received in our report to Congress identifying the need for safety standards. We expect to submit the report to Congress in 2015.
31502 Child restraint anchorage systems	Initiate rulemaking by 1 year after date of enactment (10/1/2013). Final rule or Report to Congress describing why the Secretary is not issuing a final rule by 3 years after date of enactment (10/1/2015).	NHTSA expects to issue an NPRM in early 2015. NHTSA will determine a schedule for the final rule after publishing the NPRM and reviewing public comments on the proposal.

32703(a) Safety belts	Final rule by 1 year after date of enactment (10/1/2013).	Complete. Final rule requiring seatbelts on motorcoaches issued in November 2013.
32703(b)(1) Roof strength and crush resistance	Final rule by 2 years after date of enactment if the Secretary determines that such standards meet the requirements and considerations set forth in the Vehicle Safety Act (10/1/2014).	On July 30, NHTSA issued an NPRM to set requirements for motorcoach structural integrity during rollovers. The comment period for this proposal ended October 6, and NHTSA will set a schedule for the final rule after analyzing the public comments.
32703(b)(2) Anti-ejection safety countermeasures	Final rule by 2 years after date of enactment if the Secretary determines that such standards meet the requirements and considerations set forth in the Vehicle Safety Act (10/1/2014).	NHTSA is currently drafting a proposal and expects to issue an NPRM in 2015.
32703(b)(3) Rollover crash avoidance	Final rule by 2 years after date of enactment if the Secretary determines that such standards meet the requirements and considerations set forth in the Vehicle Safety Act (10/1/2014).	NHTSA issued an NPRM in 2012. NHTSA is working on the final rule and expects to publish the final rule in early 2015.
32703(c) Commercial motor vehicle tire pressure monitoring systems	Final rule by 3 years after date of enactment if the Secretary determines that such standards meet the requirements and considerations set forth in the Vehicle Safety Act (10/1/2015).	NHTSA is currently determining the most appropriate next steps.
32703(d) Tire performance standard	Final rule or Report to Congress describing why the Secretary is not issuing a final rule by 3 years after date of enactment (10/1/2015).	In 2013, NHTSA issued a supplemental NPRM to upgrade the safety standard for new pneumatic tires for motor vehicles with a Gross Vehicle Weight Rating of over 10,000 pounds, such as motorcoaches, and we intend to meet the statutory deadline.
32703(e)(2) Retrofit for existing motorcoaches	Report to Congress by 2 years after date of enactment (10/1/2014).	NHTSA expects to submit a report to Congress on seatbelt retrofit in 2015. The report to Congress on anti-ejection safety countermeasure retrofits is contingent upon completion of the final rule under Section 32703(b)(2) above.

32704 Fire prevention and mitigation	Final rule by 3 years after date of enactment of this Act if the Secretary determines that such standards meet the requirements and considerations set forth in the Vehicle Safety Act (10/1/2015).	NHTSA expects to complete the research by the end of this year and will then determine appropriate next steps.
32705 Occupant protection, collision avoidance, fire causation and fire extinguisher research & testing	Complete research and testing by 3 years after date of enactment (10/1/2015). Final rule by 2 years after completion of each research and testing initiative if the Secretary determines that such standards meet the requirements and considerations set forth in the Vehicle Safety Act.	NHTSA research is ongoing, and we will determine appropriate agency actions upon the completion of the required research and testing.

U.S. Senate Committee on Commerce, Science and Transportation

Nominations Hearing

U.S. Senator Maria Cantwell

Questions for the Record
December 3, 2014

Question #3 – Freight Mobility
For Mr. Monje

- Mr. Monje, what specific recommendations made by the National Freight Advisory Committee do you think can be adopted by the Administration under existing statutory authorities?

Answer: In June 2014, NFAC members submitted 81 recommendations to Secretary Foxx for the Department to consider during development of the National Freight Strategic Plan on topics ranging from improving project delivery to increasing funding for multimodal freight projects to boosting freight research and implementation of technology to make goods movement safer and more efficient

Each of the 81 recommendations was unique and addressed specific concerns regarding freight movement. However, broad themes emerged on safety and security; streamlining; harmonization of freight policy and programs across modes; improving freight data, research and education; and implement technology – all areas the Department is considering as we write the National Freight Strategic plan. .

Already, as NFAC reminded us, the Department is looking at freight movement multimodally. Just as shippers tell us that do not care what mode their travels on so long as it gets there on time and at a low cost, we are seeking freight policies in the Freight Conditions and Performance Report and the National Freight Strategic Plan that cover all modes on which freight moves.

We are also increasing the Department's effort to collect meaningful freight data. The freight Conditions and Performance Report which will be coming out soon explores national freight data gaps and opportunities to collect data to better plan and address challenges of the freight system.

The NFAC also sent an important signal that addressing freight workforce needs is critical to the efficient movement of freight. The Department is engaged in an ongoing study with the Departments of Labor and Education to quantify workforce gaps. The data show huge transportation workforce needs (4.2 million jobs) over the next decade, a majority of which are in logistics related industries and exploring opportunities to help address this gap.

- Are there things that the N-FAC recommended that you think got left out of the GROW AMERICA policy proposal but should be considered by us in Congress as we look to a surface transportation authorization bill next year?

Answer: Many of the NFAC recommendations addressed the need for increased funding for freight projects and environmental streamlining along the lines of what the Administration included in the GROW AMERICA proposal. As we continue to promote and develop freight policies, I urge you to consider the NFAC's attention to the unique challenges of first and last mile connectors, especially in urban areas, in the overall freight system.

Senator Marco Rubio
Questions for the Record
Nomination of Mr. Carlos Monje
to be Assistant Secretary of Transportation for Policy
Senate Committee on Commerce, Science and Transportation
Hearing on December 3, 2014

For MR. CARLOS A. MONJE, Assistant Secretary of Transportation for the Office of Transportation Policy (DOT)

1. A priority for DOT should be encouraging private sector initiatives and projects for all modes of transportation. With funding issues facing transportation projects, 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.

Question: In your current role as Counselor to the Secretary at DOT, can you tell me how you have advised the Secretary to encourage private sector investments and partnerships with the federal government to advance transportation projects in the United States?

Answer: The Secretary and the President are committed to improving and increasing the number of opportunities for public and private sector collaboration in transportation infrastructure. The Build America Investment Initiative, established in July of this year, is focused directly on increasing private sector investment into our nation's infrastructure. At the Department of Transportation, I have supported the development of the Build America Transportation Investment Center, a one-stop shop for state and local governments, public and private developers and investors seeking to utilize innovative financing strategies for transportation infrastructure projects, especially public-private partnerships.

I have also played a significant role in the TIGER Discretionary Grant program, which has remained one of our most powerful tools in attracting private sector funding into transportation projects. Through TIGER, we have incentivized state and local project sponsors to seek out private match funding as a means of making their projects more competitive in our merit based selection process. Before coming to USDOT, I served in the Office of Social Innovation at the White House, which has the mission of developing stronger relationships with the private sector.

Follow Up: If confirmed, will you continue to look for ways the private sector can partner with the federal government to meet our transportation challenges?

Answer: Yes. While I believe there is no substitute for adequate federal funding for the transportation system, I share the Secretary's view that innovative financing and public private-partnerships (P3s) represent a great opportunity for state and local governments to improve the way they deliver large, complex, transportation projects.

2. Currently, the structure of the Highway Trust Fund is unsustainable with major shortfalls in our ability to pay for the improvements that our transportation system desperately needs. Yet,

proposals in Congress to address the issue have been nothing more than gimmicks that don't resolve the long term issue.

Question: With continued shortfalls in the Highway Trust Fund, what should be the appropriate federal role in transportation policy? Is there an opportunity for some of our states to better manage and prioritize funding that is currently being collected for the Highway Trust Fund?

Answer: Receipts into the Federal Highway Trust Fund comes from a variety of taxes on highway fuel, tires, heavy vehicle use tax, truck/trailer sales taxes. The motor fuel excise tax, currently 18.4 cents per gallon for gasoline/gasohol, and 24.4 cents for special fuel (primarily diesel) raises the majority of the revenue. This revenue is then placed into the Highway Trust fund by the US Treasury Department, after collection by the Internal Revenue Service. These funds are then distributed to the States based on formulas provided in Federal legislation.

On a monthly basis, each State is required to report to the Department's Federal Highway Administration (FHWA), the amount of gallons taxed by that state. This data is analyzed and compiled by FHWA staff. The data on the amount of on-highway fuel use for each State is then used to attribute Federal revenue to each State.

The reason for the Highway Trust Fund shortfall is simple—not enough revenue is coming into the fund to support the ongoing work necessary to maintain our roads, bridges, highways, and transit system.

The Highway Trust Fund shortfall matter is of great concern to all of us who are engaged in the work of building our Nation's infrastructure, particularly because the Highway Trust Fund supplies a significant portion of the funds that each State depends upon for critical infrastructure repairs and new construction. We understand the difficulties that each state faces in trying to plan construction work, significant infrastructure projects, and even state of good repair work, without a clear sense of how—or even whether—that work will be funded.

Congress has for decades funded highway infrastructure and safety, transit, and aviation programs through multi-year authorizations that provide guaranteed funding; this enables States, local governments, private industry, and other stakeholders to plan and make large-scale infrastructure investments on a year-to-year basis. This type of predicable, dedicated funding is critical to providing stakeholders with the certainty they have long required to effectively plan and execute projects that will improve transportation infrastructure, allow regions and States to achieve their long-term visions for rail transportation, and to support economic growth across the country.

President Obama spoke publicly about shortfall threats and called upon Congress to significantly increase investments in transportation so that agencies can continue to address the many road, rail and transit needs in the States. The passage of the GROW AMERICA Act would address the major funding shortfalls in the short term. We support closing

corporate tax loopholes, as well as a repatriation tax holiday and other tax reforms to finance the four-year $302 billion transportation bill proposal.

If confirmed, I commit to working with Congress to pass a long term agreement on surface transportation funding on a bipartisan basis.

3. The U.S. Government Accountability Office (GAO) released a report in May that found DOT did not document key decisions made in evaluating grant applications and selecting projects during the fifth round (FY2013) of the TIGER grant program. While DOT has selection criteria for the TIGER grant program, it has awarded grants to lower-ranked projects while bypassing higher-ranked projects, accepted applications received after the published deadline, and changed technical ratings of lower rated projects selected for funding to the highest technical rating category without explaining why it did so, raising questions about the integrity of the selection process. In response, DOT revised its application evaluation guidelines for the 2014 funding round to require additional documentation. However, GAO points out that the revised guidelines do not specify who may request the advancement of a lower-rated project and at what point in the process those decisions can occur.

Question: If confirmed, will you commit to ensuring the utmost transparency in the selection process for TIGER projects and DOT cooperation with the GAO's recommendations?

Answer: Yes. The Department of Transportation has taken extensive measures to ensure that projects receiving funding from the TIGER discretionary grant program are fairly and competitively evaluated, and selected to provide the Nation with useful transportation benefits in accordance with statutory requirements. In the most recent round of TIGER, the Department implemented programmatic improvements to the evaluation and selection process consistent with GAO recommendations, including but not limited to more streamlined input from the relevant Operating Administrations, clarification of the late application policy, and an overall improvement of process documentation. However, there is always room for improvement. If confirmed, I will be committed to ensuring transparency in the TIGER evaluation and selection process.

4. NASA and DOT

Question: 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. As the Assistant Secretary for Transportation Policy, I will support the Secretary of Transportation and FAA in overseeing commercial space transportation operations, in the interest of protecting public health and safety, safety of property, and national security and foreign policy interests of the United States; and, to facilitate the strengthening and expansion of the United States space transportation infrastructure. The President's National Space Policy of 2010 and the National Space Transportation Policy of 2013 emphasizes the importance of DOT (FAA) and NASA coordination, and I will ensure

that DOT supports these policies and is committed to encouraging and facilitating the growth of the U.S. commercial space sector.

5. In July 2013, several changes to the truck driver hours of service (HOS) regulations promulgated by the Federal Motor Carrier Safety Administration (FMCSA) went into effect, including revisions to the "restart" provisions. Under the prior restart rule, a driver could reset his/her weekly on-duty clock to zero following completion of 34-consecutive hours off-duty. Under the new regulations, however, the restart period must be at least 34-consecutive hours off-duty, must include two consecutive nights (1 – 5 a.m.), and may only be used once per week.

Question: Do you support the current hours of service regulations as the appropriate policy at DOT? How have DOT's policies under the hours of service regulations considered concerns from the short haul trucking industry that often moves perishable goods in the morning hours?

Answer: The Department strongly supports the new restart regulation that went into effect in 2013. For a vast majority of drivers, a restart is not mandatory; it is simply an option for drivers who reach their 60- or 70-hour limit in a short time. The Federal Motor Carrier Safety Administration believes that short-haul (local delivery) drivers rarely need to restart their 60- or 70-hour limit because they are on duty fewer hours per day and per week than long-haul (over-the-road) drivers, operate on a daily schedule governed by the needs of their customers, and return to their home terminal every day. As a result, they do not accumulate on-duty hours so rapidly that a restart would be needed. Under these circumstances, short-haul drivers can drive every night without a restart and without going off-duty between 1:00 and 5:00 a.m.

Ranking Member John Thune
Questions for the Record
Nomination of Carlos Monje
to be Assistant Secretary of Transportation for Policy
Senate Committee on Commerce, Science and Transportation
Hearing on December 3, 2014

1) The Administration has proposed a transition to a "Transportation Trust Fund," rather than the current Highway Trust Fund. In an era of limited funding, how do you propose to manage the competing funding demands of different modes without placing or shifting the burden for funding one mode onto another?

Answer: The GROW AMERICA Act is a $302 billion, four-year transportation reauthorization proposal that provides increased and stable funding for our Nation's highways, bridges, transit and rail systems. Much like the highway trust fund today, which contains separate accounts for highways and transit, the transportation trust fund proposed in the GROW AMERICA Act would have separate accounts that provide funding for highways, transit, and rail, as well as a new multimodal account. State and local governments have made it clear that the budgetary certainty provided by long-term trust fund authorization is an absolutely critical element to being able to plan and make the transformational investments necessary to grow our economy.

The Administration's proposal is funded by supplementing current revenues with $150 billion in one-time transition revenue from pro-growth business tax reform. This will prevent Trust Fund insolvency for four years and avoid placing the burden of funding one mode onto another while increasing investments to meet national economic goals.

U.S. Senate Committee on Commerce, Science and Transportation

Nominations Hearing

U.S. Senator Maria Cantwell

Questions for the Record
December 3, 2014

Question #1 – Reaching to 100 percent repair rates
For Mr. Rosekind

- Mr. Rosekind, what do you think we need to do to ensure we get 100-percent repair rates for cars under safety recall? I know that is how well they do in Germany.

Response: If confirmed, my first focus will be to address the safety defect recall process. And that process cannot be fully effective unless the defect under the recall gets fixed. Notifying the owner of the recall is part of that process, but just as important is the manufacturers' responsibility for making sure the recalls get remedied in a timely manner. I can assure you that I will use all of the powers and authorities available to NHTSA to achieve this.

- As a safety investigator, do you think that the best safety outcome is to require dealers and mechanics to check every single car coming in the door for open recalls?

Response: People need to know if there is a safety recall on their vehicle so that they can be safe and have their vehicle repaired as quickly as possible. This process should be as seamless as possible, and as such, dealers and mechanics should absolutely be checking people's VIN numbers each and every time that a vehicle is brought in for service.

Question #2 – Resources at NHTSA
For Mr. Rosekind

- Cars are only getting more complex, with millions of lines of code, and advanced technologies. This is an industry that is evolving quickly. And with evolution comes challenges that arise as new, different products come on line. Can fifty-one investigators across the country *really* investigate possible defect trends and recall equipment that poses a threat in a reasonable amount of time? Or are they completely outmatched by the challenge? Give us your perspective as a NTSB investigator.
- So, my question to you is, as head of NHTSA (Nit-Sa), will you request more funding for the Safety Defects Investigation program? Or is staff for that program not one of the answers?

Response: I was surprised to learn that there are only nine people at NHTSA reviewing the thousands of complaints that they receive each year and that they look at every single one of them as they work to identify possible safety defects. If confirmed, I plan to take a hard look at

the question of what resources are needed for all of NHTSA's important safety programs, including its Office of Defects Investigation. And the work NHTSA does searching for trends and safety defects doesn't only depend on the number of people at the agency. It also depends on technology and robust data systems that are available to it. If confirmed, I plan to look to every available system that could potentially be used to improve on the process of identifying trends and safety defects.

Questions for the Record – Senator Deb Fischer
Senate Commerce Committee Nomination Hearing
December 3, 2014

All questions are directed to Mr. Mark Rosekind.

Question 1: Do you interpret NHTSA's jurisdiction as including general use mobile devices like smartphones? If so, on what legal basis and do you think NHTSA should exercise that regulatory authority?

Response: The rapid adoption of technology in motor vehicles brings with it many new issues including regulatory issues, cyber security related issues and driver distraction issues. These issues will only grow as vehicles adopt more technology as we move toward ever more automated vehicles. I commit to looking carefully at these questions should I be confirmed.

Question 2: In September, then NHTSA Deputy Administrator, David Friedman, informed the Senate Commerce Committee that the agency had the authority to regulate smartphones as "motor vehicle equipment" to address driver distraction, despite the fact that Congress never vested such authority with the agency. The statement also ignored that 44 state legislatures have outlawed texting while driving and companies are quickly launching voice-powered technologies for drivers, so they can pair and stow their phones while driving. How will you ensure that the agency refocuses on its legislative mandate to address automotive safety issues and major recalls instead of attempting to regulate how our cell phones work?

Response: If confirmed, I am committed to focusing on all of the safety issues NHTSA is working on to reduce death and injury on our nation's roads. Distracted driving is a huge safety concern and a challenging issue because of the many human behavior factors involved. It will require multiple approaches to address it, similar to efforts with seat belts and alcohol-impaired driving. With the increased presence of technologies in our lives and in our vehicles, it makes sense to look at ways to reduce their contribution to driver distraction. This includes educating drivers about the risks, working with states to enact distracted driving laws, and looking to technical innovations for solutions. My understanding is that NHTSA does not intend to regulate in this area but rather intends to provide guidelines with regard to the human-machine interfaces for products that link to motor vehicles in order to reduce distraction. If confirmed, I will give serious consideration to the issues you raise.

Question 3: Will NHTSA engage with Congress before issuing any new guidelines or regulations related to mobile technologies? Will you consult with Members of Congress on the relevant congressional committees prior to publishing any new announcements on this issue in the Federal Register? If yes, how do you plan to consult with Congress?

Response: I am absolutely committed to consulting with Congress on all of the safety issues NHTSA addresses. I am aware that NHTSA has held public meetings on this issue and has presented before Congress many aspects of its distraction program. It is my understanding that NHTSA's stated position is that it only plans to provide guidance and not to regulate handheld devices used in motor vehicles.

Question 4: Phase 1 of NHTSA's distracted driving guidelines was incredibly long and prescriptive, making recommendations on issues like the number or characters that should be readable while driving, for example. With the rapid development of smartphones and apps, how would the agency keep up with such an innovative industry without applying vague guidelines that would inhibit innovation or lead to expensive liability risks for American job creators?

Response: I believe it is important for NHTSA to keep ahead of technological developments so that its guidance remains current and relevant. If confirmed, I can assure you that I will pay close attention to technological developments as they impact traffic safety.

Question 5: NHTSA has argued that it intends to develop driver distraction guidelines that are voluntary and nonbinding. Please explain in specific detail what "voluntary, nonbinding guidance" means and how innovative businesses can be assured Phase 2 guidelines will not have any similar effect, intended or not, to a rule or regulation.

Response: At this point, as a nominee, I cannot speak to NHTSA's specific position or plans on this but if confirmed, I can assure you that I will look at this closely.

Question 6: The American public clearly wants NHTSA to focus its resources and efforts on addressing some of the troubling developments with vehicle recall issues. Can you commit to addressing these major recall issues before the agency in an effective manner prior to continuing any further development on Phase 2 guidance?

Response: All safety issues are important to the American public and to me. If confirmed, I would want to give attention to everything that has the potential to help NHTSA reduce death and injury on our nation's roads.

Question 7: In 2011, the NTSB recommended a nationwide ban on driver use of portable electronic devices, whether used hands-free or handheld. Do you still agree with this recommendation? Why or why not? If so, do you think this ban should extend to in-dash systems that are designed for drivers like Apple's CarPlay?

Response: In 2002, five lives were lost and one person injured in a crash due to a driver's distraction "…caused by the use of a handheld wireless telephone." That NTSB investigation included recommendations related to education, research, and novice drivers. Over the past 12 years, the NTSB has identified distraction as causal or contributory to accidents in which lives were lost and people injured in all modes of transportation. In 2010, two individuals lost their lives, including a student in a school bus, and 37 others were injured in a crash in which the NTSB determined: "…that the probable cause of the initial Gray Summit collision was distraction, likely due to a text messaging conversation being conducted by the GMC pickup driver, . . ." The NTSB recommendations included: "Ban the nonemergency use of portable electronic devices, other than those designed to support the driving task, for all drivers." The Board voted unanimously in support of the recommendations and that included my vote. Distraction is a known and established safety risk that has cost lives and caused injuries in all modes of transportation.

In-dash systems have the potential to provide safety benefits by using human-machine interaction design principles that support the driving task and acknowledge potential distraction risks. NHTSA has specifically supported the safety potential and innovation of these systems by creating Phase I guidelines to address this opportunity.

Question 8: Do you agree that speech-based interfaces designed for drivers have significant potential to allow drivers to interact with mobile devices more safely?

Response: Technology offers tremendous safety benefits. To be most effective, technology design and use should involve understanding the known safety risks and exploring innovative enhancements that drive safety forward. Speech-based interfaces are one example of how technology has the potential to improve safety. I am excited about technological solutions that have the potential to reduce distraction and improve safety for the motoring public. I understand that NHTSA is investigating this technology and if confirmed, I will work to ensure that NHTSA stays current on these technological developments and their safety potential.

Post-Hearing Questions for Edward J. Markey
Senate Commerce Committee Hearing
Dr. Mark R. Rosekind, Nominee for Administrator of the National Highway Traffic Safety Administration, Department of Transportation
December 3, 2014

1) The Energy Independence and Security Act directed NHTSA to promulgate a national tire fuel efficiency rating system for replacement tires. It required, among other things, the development of a national tire maintenance consumer education program. NHTSA has issued tire fuel efficiency rating system regulations, but those regulations did not include any requirements for the consumer information program. If you are confirmed, will you commit to working to issue regulations to implement this program?

   Response: As a nominee I do not have the full details on this issue. However, if confirmed, I commit to ensuring that NHTSA stays on track in its consumer protection and information programs.

2) The Tire Pressure Monitoring System provisions in the TREAD Act were added by me during House consideration of that bill. NHTSA's implementation of the TPMS provisions (FMVSS No. 138 is the implementing rule for the TPMS provision in TREAD) has been the subject of litigation and a court decision that the rule was arbitrary and capricious under the Administrative Procedures Act. Of particular concern in these court cases was the manner in which the rule addressed indirect TPMS technology. On October 31, Mazda recalled approximately 100,000 vehicles as their TPMS systems were found to be noncompliant with FMVSS No. 138. Given that NHTSA's test procedure for FMVSS No. 138 (TP 138-03) was unable to detect the failure mode responsible for this recall, if you are confirmed, will you work to ensure that NHTSA a) considers a modification to the test procedures to ensure that it can detect this failure mode in the future, b) tests other indirect TPMS technologies used in other vehicles to determine whether NHTSA's test procedures can accurately detect any failure modes in these technologies?

   Response: As a nominee I do not have the full details on the particular case you reference. However, I agree with you regarding the benefits of TPMS. Maintaining proper tire pressure is important to vehicle safety. Tire under inflation can lead to a number of safety hazards, such as skidding and/or loss of control of the vehicle, hydroplaning, increases in stopping distance, flat tires and blowouts, and overloading of the vehicle. It is my understanding that all light vehicles have been required to have TPMS beginning on September 1, 2007, to inform drivers when their tires are significantly underinflated. As with any Federal Motor Vehicle Safety Standard, non-compliance with the standard would lead to an increase in the safety risk that the standard was designed to prevent. Thus, if confirmed, you have my commitment that I will take a close look at this issue.

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
NOMINATIONS HEARING
DECEMBER 3, 2014

QUESTIONS FOR THE RECORD
CHAIRMAN JOHN D. ROCKEFELLER IV

FOR THE HONORABLE MARK R. ROSEKIND:

Question 1. Last August, the National Highway Traffic Safety Administration (NHTSA) issued a Notice of Proposed Rulemaking (NPRM) for a Federal Motor Vehicle Safety Standard (FMVSS) on the structural integrity of motorcoach roofs and retention of side windows in the event of a rollover. Stakeholders have criticized this proposed FMVSS, because the proposed standard relies on tests that do not replicate real-world conditions. That is, NHTSA relied on a quarter-turn roll test and a weak window retention test. The proposed FMVSS addressing rollover motorcoach crashes will affect the safety of millions of riders for decades, and the standard must ensure the safety of passengers in real world crashes. If confirmed, can you pledge that NHTSA will utilize a more stringent test that replicates real world crash conditions to prevent passenger ejection, which is the leading cause of death among motorcoach passengers?

Response: The NTSB has investigated and issued recommendations related to motorcoach safety so it is an area of interest to me. Keeping people safe in all modes of transportation is critical and I pledge to make the best judgments to do this. If confirmed, I pledge to consider all relevant facts and public comments in the docket.

Question 2. MAP-21 directs NHTSA to promulgate a FMVSS on anti-ejection countermeasures for motorcoaches. If confirmed, will NHTSA use a more rigorous test for window retention and require the use of advanced or laminated window glazing as recommended by the National Transportation Safety Board?

Response: As stated in response to Question 1, I pledge to make the best judgments to keep people safe. If confirmed, I pledge to consider all relevant facts and public comments in the docket.

Question 3. NHTSA has missed the statutory deadlines for completing the following motorcoach safety regulations and requirements from MAP-21:

- Roof strength/crush resistance (Sec. 32703(b)(1))
- Anti-ejection countermeasures (Sec. 32703(b)(2))
- Anti-ejection retrofit (Sec. 32703(e)), and
- Rollover crash avoidance (Sec. 32703(b)(3)).

If confirmed, can you pledge that NHTSA will complete these statutorily required rulemakings?

Response: If confirmed, I will commit to review all of the statutory requirements and congressional deadlines and evaluate what steps NHTSA can take to address the concerns you raise.

Senator Marco Rubio
Questions for the Record
Nomination of Dr. Mark Rosekind
to be Administrator, National Highway Traffic Safety Administration
Senate Committee on Commerce, Science and Transportation
Hearing on December 3, 2014

Question: Mr. Rosekind, do you believe that the recent regional, then national Takata airbag recall, has been handled appropriately by NHTSA? If you had been the Administrator issuing these recalls, would you have handled it differently?

Response: I believe one of NHTSA's greatest strengths is the agency's data-driven approach. However, even when there are no data, there may still be a safety concern or defect. Therefore, other information sources, common sense, and alternate decision options need to drive actions in the absence of data. If confirmed, my approach would be to focus on the safety of the entire nation -- with the exceptions justified by data -- and to take every possible step to provide the public with the latest, most accurate information and hold manufacturers accountable to remedy in full any identified safety defect.

Question: If you are confirmed for the position, will you commit to ensuring that when evaluating a recall, the safety of a passenger is the greatest priority no matter the cost that may be affiliated with a passenger's safety?

Response: Throughout my professional career, my primary focus has been safety. Most recently, my safety focus has been on enhancing the safety of the traveling public as a Board Member of the National Transportation Safety Board. It is my greatest priority, and it will continue to be so, if confirmed, as NHTSA Administrator. The value of just one life and the human costs borne by just one catastrophic injury cannot be weighed against anything less than the complete and total commitment by government and industry to protect every driver on the nation's roads.

Ranking Member John Thune
Questions for the Record
Nomination of Dr. Mark Rosekind
to be Administrator, National Highway Traffic Safety Administration
Senate Committee on Commerce, Science and Transportation
Hearing on December 3, 2014

1) In response to my question to you at the hearing about what specific actions you would take to restore the public's trust in the National Highway Traffic Safety Administration (NHTSA), you responded that you would apply the three guiding principles of the National Transportation Safety Board (NTSB) – namely, "independence, transparency, and accuracy" – to your work at NHTSA. If confirmed, what are some of the specific steps will you take in the first 100 days to implement those three principles?

   Response: Independence, transparency, and accuracy represent guiding principles that require parallel practices to ensure they translate into enhanced safety. Eventually, these principles and practices have the greatest effect when they become part of an organization's safety culture. If confirmed, I plan to apply these principles when looking at NHTSA's recall process, defect identification-recall system, core safety programs, and innovations in technology. The objective would be to identify specific actions that could enhance safety in each of these areas with a focus on reinforcing independence, increasing transparency, and ensuring accuracy. All of these would be approached and balanced in the context of timely and decisive actions.

2) The Department of Transportation (DOT) Office of Inspector General (OIG) is currently reviewing NHTSA's handling of the GM ignition switch recall. As set forth by the Inspector General Act, the OIG has autonomy to complete its work without interference. Will you commit to maintaining this autonomy and to providing complete and timely access to information or personnel for the OIG to complete its audits and investigations?

   Response: Yes, you have my assurance that I will do so. The NTSB conducts independent investigations and so I appreciate that the independent role of the OIG is an important function of government.

   Will you also commit to keeping this Committee updated on the steps NHTSA is taking to implement all OIG recommendations?

   Response: Yes, I look forward to keeping the Committee updated and working with Congress on these and other efforts to improve the safety of the traveling public.

3) You have an impressive background as a specialist on human fatigue. Your doctorate is in psychology. As a Member of the NTSB, you have a staff of two, but if confirmed you will lead a staff of nearly 600 people.

How does your experience and expertise translate to leading NHTSA, an agency that, according to some critics, is slow to identify problems, and has failed to connect the dots on auto defects like the faulty ignition switches on certain GM vehicles?

Response: As a scientist, I will apply an analytical, data-driven approach to examining these issues. My NASA experience in a variety of human factors arenas, such as human-machine interaction and translating science into effective solutions to address operational problems in safety-critical environments, is directly relevant, in concert with my private sector experience developing innovative solutions for complex, challenging, real-world safety problems. All of my experience and expertise are applicable to the issues currently confronting NHTSA, and I will bring a fresh set of eyes to leading the agency, taking action, and connecting the dots.

Won't you have a steep learning curve with respect to the management of a large workforce at a time when NHTSA needs strong leadership at the helm immediately?

Response: I will bring strong leadership to the helm of NHTSA immediately and, where needed, leverage the agency's existing talent to address workforce management issues.

Over the course of my career, I have been in many leadership roles including: Chief of the Aviation Operations Branch in the Flight Management and Human Factors Division at NASA Ames Research Center and Team Leader of the Fatigue Countermeasures Program in the Aviation Safety Research Branch at NASA Ames Research Center. While at NASA, I created and led multiple international coalitions conducting research, addressing policies, and collaborating on projects. As an NTSB Board Member, my advocacy efforts have included leading the creation of a national stakeholder coalition to address substance-impaired driving.

4) Last month, I introduced a bill along with Senator Nelson, and cosponsored by Senators Heller, McCaskill, Ayotte, and Klobuchar, that would incentivize individuals who uncover serious allegations of vehicle defects or noncompliance with motor safety laws to blow the whistle and provide original information to government regulators. Under my bill, if such information leads to an enforcement action with more than $1 million in monetary sanctions, the whistleblower may receive up to 30 percent of the total penalties collected.

Is this a concept you could support?

Response: Every voice counts when it comes to identifying defects that put the traveling public at risk. Where appropriate, individuals may need protection, incentives, or other accommodations to ensure they are willing to raise their voice on behalf of safety.

Will you commit to reviewing this bill and offering your input to me and my staff within 30 days of your confirmation?

Response: If confirmed, I will commit to an expeditious review of this bill and providing my recommendations to you and your staff as soon as possible.

5) The Obama Administration wants to increase fuel economy for cars and light-duty trucks to an average of 54.5 mpg by model year 2025. While automakers can focus on engine efficiency and electric vehicles, a new survey by WardsAuto reported that automakers have shifted their top focus to so-called "lightweighting" and the use of lightweight structural materials as new products are designed to meet the tougher fuel economy rules. If confirmed, how do you plan to work with the EPA going forward on CAFE issues? And how will you work with automakers to ensure that the passenger protection of vehicles is not compromised as manufacturers focus on lightweighting their vehicles going forward?

Response: I am aware that EPA and NHTSA have been working jointly on CAFE standards. Achieving increased fuel economy for cars and light-duty trucks is very important, and if confirmed, I plan to continue to work closely with the EPA. Manufacturers have a variety of tools to achieve higher standards, and as a safety agency, I believe it is important to ensure that whatever tools are used to meet CAFE standards do not compromise vehicle safety.

6) Ethanol continues to be an important fuel for the nation and for the state of South Dakota. If confirmed, will you commit to working with the Environmental Protection Agency and Congress to ensure that automakers continue to receive just credit for the production of ethanol flex fuel vehicles?

Response: I think it is important to explore all available avenues as we seek to increase fuel economy, and I will look at all possible ways to do that.

7) On December 2, 2014, Takata sent a letter to NHTSA stating that NHTSA's demand for a nationwide recall isn't supported by the evidence, and that NHTSA does not have the authority to order a parts maker to do a recall. How do you respond to Takata's claim that NHTSA does not have the authority to order a parts maker to conduct a recall? Does NHTSA need additional authority in your view, or does NHTSA have the requisite authority it needs for such a recall?

Response: If confirmed I will take a close look at NHTSA's current authorities, but I can assure you that I will use all the tools and authorities at NHTSA's disposal to aggressively protect the public from safety defects.

8) In 2011, the NTSB recommended a nationwide ban on driver use of portable electronic devices, whether used hands-free or handheld. Do you still agree with this recommendation? Why or why not? If so, do you think this ban should extend to in-dash systems that are designed for drivers?

Response: In 2002, five lives were lost and one person injured in a crash due to a driver's distraction "…caused by the use of a handheld wireless telephone." That NTSB

investigation included recommendations related to education, research, and novice drivers. Over the past 12 years, the NTSB has identified distraction as causal or contributory to accidents in which lives were lost and people injured in all modes of transportation. In 2010, two individuals lost their lives, including a student in a school bus, and 37 others were injured in a crash in which the NTSB determined: "…that the probable cause of the initial *Gray Summit* collision was distraction, likely due to a text messaging conversation being conducted by the GMC pickup driver, . . ." The NTSB recommendations included: "Ban the nonemergency use of portable electronic devices, other than those designed to support the driving task, for all drivers." The Board voted unanimously in support of the recommendations and that included my vote. Distraction is a known and established safety risk that has cost lives and caused injuries in all modes of transportation.

At the NTSB, safety recommendations can be based on individual crash investigations. At NHTSA, the decision-making process about what safety actions to pursue involves consideration of a much broader array of factors including safety concerns, diverse research findings, crash investigations, practical implementation, public acceptance, enforcement issues, cost/benefit analysis, educational strategies, and others. If confirmed as NHTSA Administrator, I would be approaching all safety issues, including distraction, from this broader context than individual crash investigations.

In-dash systems have the potential to provide safety benefits by using human-machine interaction design principles that support the driving task and acknowledge potential distraction risks. NHTSA has specifically supported the safety potential and innovation of these systems by creating Phase I guidelines to address this opportunity.

9) Do you interpret NHTSA's jurisdiction as including general use mobile devices like smartphones? If so, on what legal basis? Do you think NHTSA should exercise that regulatory authority?

Response: If confirmed, I am committed to focusing on all of the safety issues NHTSA is working on to reduce death and injury on our nation's roads. Distracted driving is a huge safety concern and a challenging issue because of the many human behavior factors involved. It will require multiple approaches to address it, similar to efforts with seat belts and alcohol-impaired driving. With the increased presence of technologies in our lives and in our vehicles, it makes sense to look at ways to reduce their contribution to driver distraction while ensuring industry can continue to provide innovations to consumers. This includes educating drivers about the risks, working with states to enact distracted driving laws, and looking to technical innovations for solutions. My understanding is that NHTSA does not intend to regulate in this area, but rather intends to provide guidelines with regard to the human-machine interfaces for products that link to motor vehicles in order to reduce distraction. If confirmed, I will give serious consideration to the issues you raise.

10) Do you agree that speech-based interfaces designed for drivers have significant potential to allow drivers to interact with mobile devices more safely?

Response: Technology offers tremendous safety benefits. To be most effective, technology design and use should involve understanding the known safety risks and exploring innovative enhancements that drive safety forward. Speech-based interfaces are one example of how technology has the potential to improve safety. I am excited about technological solutions that have the potential to reduce distraction and improve safety for the motoring public. I understand that NHTSA is investigating this technology and if confirmed, I will work to ensure that NHTSA stays current on these technological developments and their safety potential.

11) What are your thoughts about some of the ways that Congress, NHTSA and auto manufacturers can help facilitate safer automobiles via active safety systems (e.g. using radar and camera systems) that can save lives and reduce costs for drivers by lower insurance rates?

Response: Coming from Silicon Valley and having worked at NASA, I am a strong believer in leveraging technology to improve safety. I absolutely agree that it is important to stay ahead of the curve of evolving technology, and if confirmed, I will actively pursue this. I am excited about the possibilities that are on the horizon as technologies are evolving to make vehicles safer.

12) The Commerce Committee recently heard testimony from Air Force Lieutenant Stephanie Erdman, one of the victims who was injured by shrapnel from a defective Takata airbag. Lt. Erdman testified that she took her vehicle, a 2002 Honda Civic, to a dealership three times after Honda had received the recall notice for her car, and that neither the company nor its dealer informed her of the pending recall. Moreover, the Honda dealership never performed a recall repair on Lt. Erdman's vehicle, nor did it warn her about the danger she faced if the airbag deployed. Is there more that Congress or NHTSA can do to ensure that certified repair facilities or dealerships provide notice and perform repairs for active recalls when vehicles are brought in for service?

Response: It is unacceptable to me that neither Honda, nor the dealer, informed Lt. Erdman of her vehicle defect, which resulted in this tragedy that could have, and should have, been avoided. People need to be informed so that they can take actions to stay safe. Every recalled vehicle should be remedied quickly by manufacturers. If confirmed, you can count on my commitment to use every possible legal mechanism available to hold manufacturers accountable for the safety of their vehicles. I would be pleased to work with the Committee on the resources NHTSA needs to accomplish its safety mission.

CFRs BUDGET

Latham QFRs - Technical

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
Historical Funding Levels (2005-2014)
($000)

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Operations	7,707	8,104	8,374	8,740	9,042	9,350	9,514	9,653	9,396	9,651
Facilities & Equipment	2,525	2,555	2,518	2,514	2,942	2,936	2,731	2,731	2,622	2,600
Research, Engineering & Development	130	137	130	147	171	191	170	168	159	159
Grants-in-Aid for Airports	3,497	3,515	3,515	3,515	4,615	3,515	3,515	3,350	3,343	3,350
Total Appropriations	**13,858**	**14,310**	**14,537**	**14,915**	**16,770**	**15,992**	**15,929**	**15,902**	**15,520**	**15,760**

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
Historical Funding Levels (2005-2014)
($000)

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Operations	7,706,537	8,104,140	8,374,217	8,740,000	9,042,467	9,350,028	9,513,962	9,653,395	9,395,665	9,651,422
Facilities & Equipment	2,524,780	2,555,200	2,517,520	2,513,611	2,942,095	2,936,203	2,730,731	2,730,731	2,622,197	2,600,000
Research, Engineering & Development	129,880	136,620	130,234	146,828	171,000	190,500	169,660	167,556	158,792	158,792
Grants-in-Aid for Airports	3,497,000	3,514,500	3,514,956	3,514,500	4,614,500	3,515,000	3,515,000	3,350,000	3,343,300	3,350,000
Total Appropriations	**13,858,197**	**14,310,460**	**14,536,927**	**14,914,939**	**16,770,062**	**15,991,731**	**15,929,353**	**15,901,682**	**15,519,954**	**15,760,214**
OST Control Total (Approps+ObLim)	**13,853,197**	**14,310,460**	**14,536,926**	**14,914,939**	**16,773,762**	**15,993,103**	**15,931,672**	**15,901,682**	**15,235,684**	**15,760,214**
	-5,000	**0**	**-1**	**0**	**3,700**	**1,372**	**2,319**	**0**	**-284,270**	**0**

FAA FUNDING HISTORY

	FAA Enacted ($K)				
	Total	**Operations**	**Facilities & Equipment**	**Engineering & Dev.**	**Grants-in-Aid for Airports**
FY 2005	**13,858,197**	7,706,537	2,524,780	129,880	3,497,000
FY 2006	**14,310,460**	8,104,140	2,555,200	136,620	3,514,500
FY 2007	**14,536,926**	8,374,217	2,517,520	130,234	3,514,956
FY 2008	**14,914,939**	8,740,000	2,513,611	146,828	3,514,500
FY 2009	**16,770,062**	9,042,467	2,942,095	171,000	4,614,500
FY 2010	**15,991,731**	9,350,028	2,936,203	190,500	3,515,000
FY 2011	**15,929,353**	9,513,962	2,730,731	169,660	3,515,000
FY 2012	**15,901,682**	9,653,395	2,730,731	167,556	3,350,000
FY 2013	**15,266,953**	9,395,665	2,622,197	158,792	3,343,300
FY 2014	**15,760,214**	9,651,422	2,600,000	158,792	3,350,000

FY 2015 DOT QFR Question 7

FTE					
	Ops	F&E	RE&D	AIP	Total
FY 2014 Enacted	40471	2670	249	605	43995
Annualization of 2014 FTE	826	63	0	3	892
Hiring Restrictions	-372	0	0	0	-372
FY 2015 Request	40925	2733	249	608	44515

Department of Transportation

Fiscal Year 2015 Questions for the Record

Chairman Tom Latham

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies

House Committee on Appropriations

1. Please provide a ten-year funding history for each of the agencies and offices in DOT.

	FAA Enacted ($K)				
	Total	**Operations**	**Facilities & Equipment**	**Research, Engineering & Dev.**	**Grants-in-Aid for Airports**
FY 2005	**13,858,197**	7,706,537	2,524,780	129,880	3,497,000
FY 2006	**14,310,460**	8,104,140	2,555,200	136,620	3,514,500
FY 2007	**14,536,926**	8,374,217	2,517,520	130,234	3,514,956
FY 2008	**14,914,939**	8,740,000	2,513,611	146,828	3,514,500
FY 2009	**16,770,062**	9,042,467	2,942,095	171,000	4,614,500
FY 2010	**15,991,731**	9,350,028	2,936,203	190,500	3,515,000
FY 2011	**15,929,353**	9,513,962	2,730,731	169,660	3,515,000
FY 2012	**15,901,682**	9,653,395	2,730,731	167,556	3,350,000
FY 2013	**15,266,953**	9,395,665	2,622,197	158,792	3,343,300
FY 2014	**15,760,214**	9,651,422	2,600,000	158,792	3,350,000

2. Please provide a table showing new programs and program terminations in the Department's FY 2015 budget request.

Account	**Program**	**FY 2014 Funding**	**FY 2015 Funding**
F&E	NextGen – Reduce Weather Impact	3 million	
F&E	NextGen – High Density Arrivals/Departures	5 million	
F&E	NextGen – Future Facilities	10 million	
F&E	Performance Based Nav – Optimization of Airspace and Procedures	32 million	
F&E	Terminal Flight Manager (TFDM)	19 million	
F&E	Aviation Safety Information Analysis & Sharing	15 million	
F&E	Cross Agency NextGen Management		2 million
R,E&D	NextGen Advanced Systems and Software Validation	1 million	

3. Please list all of the programs included in DOT's FY 2015 budget, the authorizing statute and the date when their authorization expires.

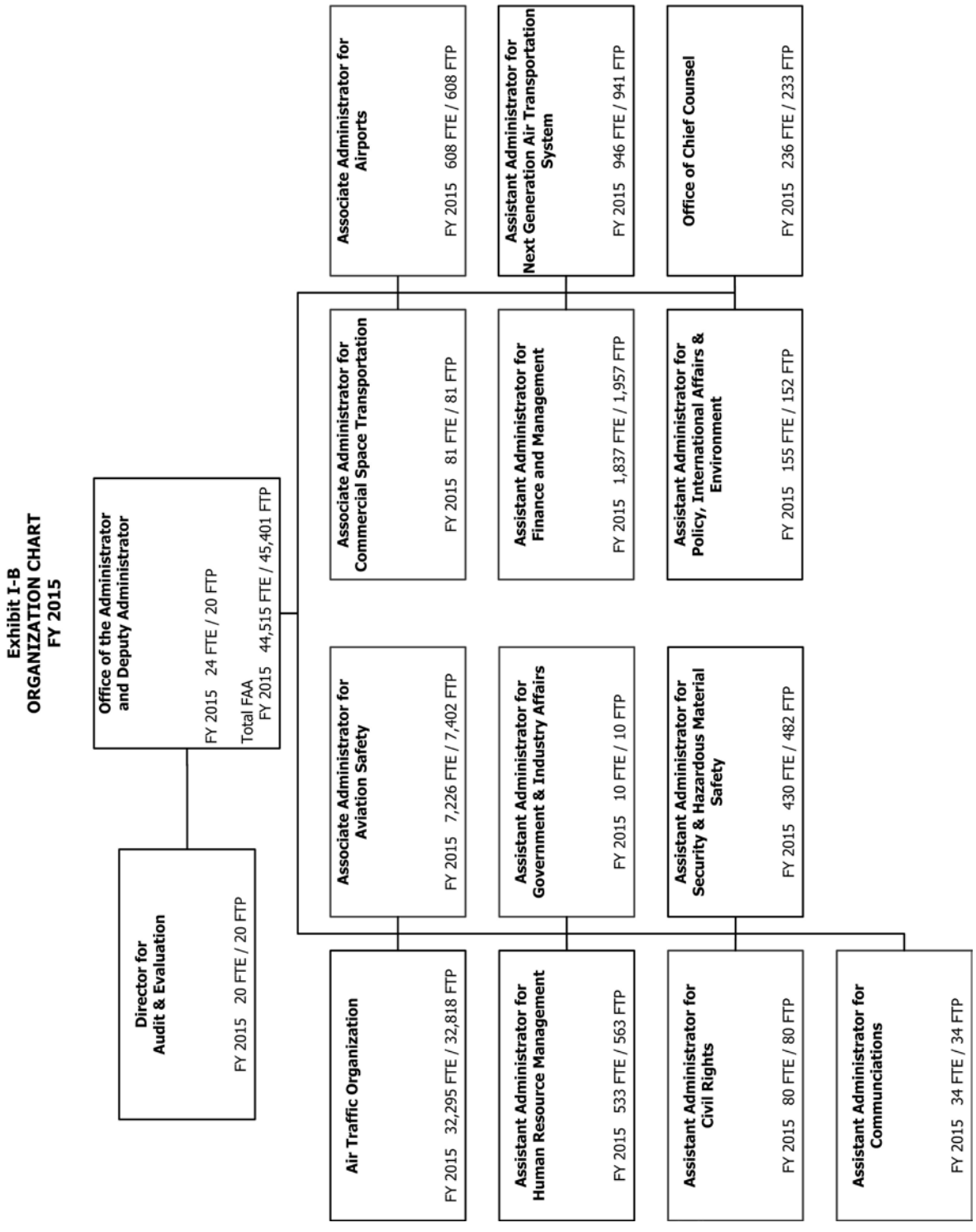
Account	Authorizing Statute	Expiration
Operations	P.L. 112-95 FAA Modernization and Reform Act of 2012	09/30/15
Facilities and Equipment	P.L. 112-95 FAA Modernization and Reform Act of 2012	09/30/15
Research, Engineering, and Development	P.L. 112-95 FAA Modernization and Reform Act of 2012	09/30/15
Grants-in-Aid for Airports	P.L. 112-95 FAA Modernization and Reform Act of 2012	09/30/15

4. Please provide a chart with the carryover for each program for the last ten years.

Carry Forward Amounts

Fiscal Year	F&E	RE&D	AIP	Total
2005	$ 884,769,147.23	$ 11,285,124.83	$ 284,390,230.00	$ 1,180,444,502.06
2006	$ 790,611,187.68	$ 13,602,748.68	$ 481,673,073.00	$ 1,285,887,009.36
2007	$ 855,237,017.40	$ 24,017,341.64	$ 39,287,587.00	$ 918,541,946.04
2008	$ 958,809,291.14	$ 25,632,414.65	$ 202,062,610.00	$ 1,186,504,315.79
2009	$ 969,411,801.48	$ 31,469,555.18	$ 102,183,769.48	$ 1,103,065,126.14
2010	$ 1,128,804,149.19	$ 59,530,229.84	$ 393,907,966.00	$ 1,582,242,345.03
2011	$ 1,293,039,186.68	$ 142,566,733.73	$ 3,436,543.00	$ 1,439,042,463.41
2012	$ 1,259,794,697.84	$ 74,542,796.92	$ 11,747,366.00	$ 1,346,084,860.76
2013	$ 1,076,644,182.28	$ 74,021,478.26	$ 13,459,645.00	$ 1,164,125,305.54
2014	$ 983,579,777.46	$ 84,135,983.87	$ 14,607,366.00	$ 1,082,323,127.33

5. Please provide an organizational chart for each office at DOT.



6. Please provide the number of Full Time Equivalents (FTEs) for each office from FY 2004 to FY 2014. Please include the budget request, enacted and actual amount for each year.

   - The Department has assumed responsibility for this question.

7. Please provide details of all organizational/staffing changes included in the FY 2015 budget request. Please include a breakout of the number of FTE who would be working on each new initiative proposed in the budget request.

FAA FTE					
	Ops	F&E	RE&D	AIP	Total
FY 2014 Enacted	40471	2670	249	605	43995
Annualization of 2014 FTE	826	63	0	3	892
Hiring Restrictions	-372	0	0	0	-372
FY 2015 Request	40925	2733	249	608	44515

   - Annualization of FY 2014 FTE: This increase in FTE is required to cover the increased staff hired during FY 2014 that were on board for only a portion of the year. No funding is necessary for the additional FTE's since the added cost is offset by the savings due to the new hires having a lower payroll cost than the staff they are replacing.

   - Hiring Restrictions: It may be necessary to slow down hiring during FY 2015 if the planned hiring for FY 2014 is achieved. The restricted hiring will mean that we may not meet the staffing levels called for in the Air Traffic Controller and Safety Workforce Plans.

   - The FAA does not have any new initiatives proposed in the FY 2015 budget request that require FTE.

8. Please provide a table showing the funds for employee training and development for the last five years.

FAA Employee Training	
FY 2009:	$27.4M
FY 2010:	$24.5M
FY 2011:	$24.1M
FY 2012:	$23.2M
FY 2013:	$16.1M
TOTAL	$115.3M

Carry Forward Amounts

Fiscal Year	F&E	RE&D	AIP	Total
2005	$ 884,769,147.23	$ 11,285,124.83	$ 284,390,230.00	$ 1,180,444,502.06
2006	$ 790,611,187.68	$ 13,602,748.68	$ 481,673,073.00	$ 1,285,887,009.36
2007	$ 855,237,017.40	$ 24,017,341.64	$ 39,287,587.00	$ 918,541,946.04
2008	$ 958,809,291.14	$ 25,632,414.65	$ 202,062,610.00	$ 1,186,504,315.79
2009	$ 969,411,801.48	$ 31,469,555.18	$ 102,183,769.48	$ 1,103,065,126.14
2010	$ 1,128,804,149.19	$ 59,530,229.84	$ 393,907,966.00	$ 1,582,242,345.03
2011	$ 1,293,039,186.68	$ 142,566,733.73	$ 3,436,543.00	$ 1,439,042,463.41
2012	$ 1,259,794,697.84	$ 74,542,796.92	$ 11,747,366.00	$ 1,346,084,860.76
2013	$ 1,076,644,182.28	$ 74,021,478.26	$ 13,459,645.00	$ 1,164,125,305.54
2014	$ 983,579,777.46	$ 84,135,983.87	$ 14,607,366.00	$ 1,082,323,127.33

Carry Forward Amounts

Fiscal Year	F&E	RE&D	AIP	Total
2005	**$ 884,769,147.23**	**$ 11,285,124.83**	**$ 284,390,230.00**	**$ 1,180,444,502.06**
2003 2005	$ 104,152,045.48	$ 1,350,589.17		$ 105,502,634.65
2004 2006	$ 775,028,534.86	$ 9,933,951.98		$ 784,962,486.84
X	$ 5,588,566.89	$ 583.68	$ 284,390,230.00	$ 289,979,380.57
2006	**$ 790,611,187.68**	**$ 13,602,748.68**	**$ 481,673,073.00**	**$ 1,285,887,009.36**
2004 2006	$ 256,654,483.22	$ 2,460,188.57		$ 259,114,671.79
2005 2007	$ 524,660,817.55	$ 10,614,182.18		$ 535,274,999.73
X	$ 9,295,886.91	$ 528,377.93	$ 481,673,073.00	$ 491,497,337.84
2007	**$ 855,237,017.40**	**$ 24,017,341.64**	**$ 39,287,587.00**	**$ 918,541,946.04**
2005 2007	$ 240,232,787.01	$ 5,027,749.51		$ 245,260,536.52
2006 2008	$ 574,948,090.64	$ 13,730,208.57		$ 588,678,299.21
X	$ 40,056,139.75	$ 5,259,383.56	$ 39,287,587.00	$ 84,603,110.31
2008	**$ 958,809,291.14**	**$ 25,632,414.65**	**$ 202,062,610.00**	**$ 1,186,504,315.79**
2006 2008	$ 224,106,527.84	$ 2,123,150.18		$ 226,229,678.02
2007 2009	$ 645,181,542.21	$ 19,063,733.84		$ 664,245,276.05
X	$ 89,521,221.09	$ 4,445,530.63	$ 202,062,610.00	$ 296,029,361.72
2009	**$ 969,411,801.48**	**$ 31,469,555.18**	**$ 102,183,769.48**	**$ 1,103,065,126.14**
2007 2009	$ 188,066,233.92	$ 4,995,793.46		$ 193,062,027.38
2008 2010	$ 702,878,758.07	$ 22,411,403.68		$ 725,290,161.75
X	$ 78,466,809.49	$ 4,062,358.04	$ 102,183,769.48	$ 184,712,937.01
2010	**$ 1,128,804,149.19**	**$ 59,530,229.84**	**$ 393,907,966.00**	**$ 1,582,242,345.03**
2008 2010	$ 263,507,386.14	$ 4,702,637.91		$ 268,210,024.05
2009 2011	$ 814,575,850.99	$ 50,527,617.93		$ 865,103,468.92
X	$ 50,720,912.06	$ 4,299,974.00	$ 393,907,966.00	$ 448,928,852.06
2011	**$ 1,293,039,186.68**	**$ 142,566,733.73**	**$ 3,436,543.00**	**$ 1,439,042,463.41**
2009 2011	$ 298,407,073.96	$ 102,852,132.17		$ 401,259,206.13
2010 2012	$ 965,467,845.07	$ 38,785,787.84		$ 1,004,253,632.91
X	$ 29,164,267.65	$ 928,813.72	$ 3,436,543.00	$ 33,529,624.37
2012	**$ 1,259,794,697.84**	**$ 74,542,796.92**	**$ 11,747,366.00**	**$ 1,346,084,860.76**
2010 2012	$ 345,873,698.80	$ 11,539,426.93		$ 357,413,125.73
2011 2013	$ 897,789,722.41	$ 36,819,372.15		$ 934,609,094.56
X	$ 16,131,276.63	$ 26,183,997.84	$ 11,747,366.00	$ 54,062,640.47

Carry Forward Amounts

Fiscal Year	F&E	RE&D	AIP	Total
2013	**$ 1,076,644,182.28**	**$ 74,021,478.26**	**$ 13,459,645.00**	**$ 1,164,125,305.54**
2011 2013	$ 226,193,881.95	$ 9,590,959.09		$ 235,784,841.04
2012 2014	$ 836,986,467.75	$ 38,072,775.95		$ 875,059,243.70
X	$ 13,463,832.58	$ 26,357,743.22	$ 13,459,645.00	$ 53,281,220.80
2014	**$ 983,579,777.46**	**$ 84,135,983.87**	**$ 14,607,366.00**	**$ 1,082,323,127.33**
2012 2014	$ 182,990,479.55	$ 12,700,897.64		$ 195,691,377.19
2013 2015	$ 772,641,267.79	$ 44,866,826.23		$ 817,508,094.02
X	$ 27,948,030.12	$ 26,568,260.00	$ 14,607,366.00	$ 69,123,656.12

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
Historical Funding Levels (2005-2014)
($000)

	FY 2005 [2/]	FY 2006 [3/]	FY 2007	FY 2008 [4/]	FY 2009 [5/]	FY 2010 [7/]	FY 2011 [8/]	FY 2012 [9/]	FY 2013 [10/]	FY 2014 [11/]
Federal-Aid Highways										
Obligation Limitation [1/]	$34,422,400	$36,032,344	$39,086,465	$41,216,051	$40,700,000	$41,107,000	$41,107,000	$39,143,583	$39,699,000	$40,256,000
Liquidation of Contract Authority (C.A.)	$35,000,000	$36,032,344	$36,032,344	$41,955,051	$41,439,000	$41,846,000	$41,846,000	$39,882,583	$39,699,000	$40,995,000
Emergency Relief Funds (C.A.)	$100,000	$100,000	$101,737	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000
LGOE/LAE - (Non Add within Federal-Aid)	$2,369,500	$3,837,001	$1,251,814	$9,455,236	$7,399,500	$15,113,533	$413,533	$412,000	$450,960	$436,752
Admin Expenses - LGOE	346,500	364,638	360,992	377,556	390,000	413,533	413,533	412,000	416,960	403,752
Authorized Programs - Not Admin Expenses - LGOE									34,000	33,000
Payment to the Highway Trust Fund				$8,017,000	$7,000,000	$14,700,000			$6,200,000	$12,600,000
Supplemental Emergency Relief Funds (GF)	$1,943,000	$3,452,363	$871,022	$1,045,000				$1,662,000	$2,022,000	
Appalachian Development Highway System (GF)	$80,000	$20,000	$19,800	$15,680	$9,500					
Appalachian Development Highway System (TF)										
Miscellaneous Appropriations		$153	$1,328	$15,148	$167,563	$346,515	$18,603	$4,655	$63,369	$388,000
Highway Infrastructure Programs (GF)						$650,000				
Highway Infrastructure Investment, Recovery Act (GF)					$27,500,000 [6/]					
Miscellaneous Highway Trust Fund	$34,000									
OST Control Total (ObLim+Exempt Obs)	$34,070,237	$34,922,033	$38,730,697	$40,946,802	$40,453,612	$40,434,756	$40,634,505	$38,354,081	$38,776,167	$39,641,792
FHWA Approps+ObLim+Exempt Obs	$36,120,397	$38,394,195	$39,624,313	$50,038,496	$74,840,893	$41,376,185	$40,634,505	$40,016,081	$38,776,167	$39,641,792

Note: This table reflects actual enacted amounts as appropriated.

1/ Does not reflect transfers to and from Federal Transit Administration and National Highway Traffic Safety Administration (FY13 only) of $1.067 billion in FY 2003, $1.022 billion in FY 2004, $1.005 billion in FY 2005, $1.383 billion in FY 2006, $975 million in FY 2007, $1,001 million in FY 2008, $985.4 million in FY 2009, $1.411 billion in FY 2010, $1.211 billion in FY 2011, $1.529 billion in FY 2012, and $1.545 billion in FY 2013.

2/ Does not reflect the following rescissions in FY 2005: LAE $2.8 million, Appalachian Dev. Hwy. Sys. $0.640 million, Misc. Hwy Trust Funds $0.272 million.

3/ Does not reflect the following rescissions in FY 2006: Federal-aid $360 million, LAE $3.6 million, Appalachian Dev. Hwy. Sys. $0.200 million.

4/ Does not reflect the following rescissions of new authority in FY 2008: Federal-aid $486.2 million, LAE $43.4 million. Payments to the HTF are cash transfers which do not provide additional resources to FHWA.

5/ Does not reflect the following rescissions of new authority in FY 2009: $1.162 billion from the $3.15 billion FY 2009 appropriated rescission and $5.3 billion from the $8.7 billion FY 2009 SAFETEA-LU rescission. Payments to the HTF are cash transfers which do not provide additional resources to FHWA.

6/ Does not reflect $288.4 million transferred to Federal Transit Administration in FY 2009.

7/ Reflects Appropriations for obligation limitation in FY 2010. Extension bill provided through February 28, 2010. Payments to the HTF are cash transfers which do not provide additional resources to FHWA.

8/ Reflects annualized appropriations from FY 2010. Extension bill provided beyond FY 2011 through March 31, 2012.

9/ Reflects enacted appropriations for FY 2012 and P.L. 112-141 authorized levels.

10/ Reflects enacted appropriations for FY 2013 and P.L. 112-141 authorized levels. Does not reflect P.L. 113-6 rescission of 0.2 percent of contract authority subject to limitation and obligation limitation or P.L. 112-125 sequestration of 5.1 percent of contract authority exempt from obligation limitation and Payment to the Highway Trust Fund, or 5.0 percent sequestration of Emergency Relief appropriations (GF).

11/ Reflects enacted appropriations for FY 2014 and P.L. 112-141 authorized levels. Does not reflect P.L. 112-125 sequestration of 7.2 percent of contract authority exempt from obligation limitation and Payment to the Highway Trust Fund.

Department of Transportation

Fiscal Year 2015 Questions for the Record

Chairman Tom Latham

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies

House Committee on Appropriations

1. Please provide a ten-year funding history for each of the agencies and offices in DOT.
   RESPONSE: The following table shows the FHWA 10-year funding history (FY 2005 to 2014).

2. Please provide a table showing new programs and program terminations in the Department's FY 2015 budget request.
   RESPONSE: The following table shows the new programs included in FHWA's FY 2015 budget request. FHWA's FY 2015 budget request did not include any program terminations.

New Programs in FHWA's FY 2015 Budget Request
Critical Immediate Investments Program
Nationally Significant Federal Lands and Tribal Projects
Ladders of Opportunity
Performance Management Data Support Program
Multimodal Freight Investment Program
Fixing and Accelerating Surface Transportation

3. Please list all of the programs included in DOT's FY 2015 budget, the authorizing statute and the date when their authorization expires.
   RESPONSE: The following table provides a list of FHWA programs in the FY 2015 Budget request, the funding authorization statutes for each program, and the date when the funding authorization expires.

4. Please provide a chart with the carryover for each program for the last ten years.
   RESPONSE: The following table provides carryover (direct and reimbursable funding) for each FHWA program (at the account level) for the last 10 years (FY 2005 to FY 2014).

5. Please provide an organizational chart for each office at DOT.
   RESPONSE: The following organization charts for the FHWA FY 2015 Budget request are provided.

6. Please provide the number of Full Time Equivalents (FTEs) for each office from FY 2004 to FY 2014. Please include the budget request, enacted and actual amount for each year.
   RESPONSE: The following table provides the FTE for each DOT bureau or office from FY 2004 to FY 2014. It includes the budget request, enacted, and actual level for each year.

7. Please provide details of all organizational/staffing changes included in the FY 2015 budget request. Please include a breakout of the number of FTE who would be working on each new initiative proposed in the budget request.
   RESPONSE: The FY 2015 FHWA Budget request does not include any additional FTE or staffing changes. FHWA offices are established by functional area (such as infrastructure, safety, operations, environment, and planning), not by program, and will implement these initiatives without a staffing increase.

8. Please provide a table showing the funds for employee training and development for the last five years.
RESPONSE: The following table shows funds provided during the last five years for employee training and development (FY 2009 to 2013).

				FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Employee Training and Development				2,671,726	2,991,757	2,860,707	2,856,663	2,500,707

FEDERAL HIGHWAY ADMINISTRATION
HISTORICAL FUNDING LEVELS (2005-2014)
($000)

	FY 2005 [2/]	FY 2006 [3/]	FY 2007	FY 2008 [4/]	FY 2009 [5/]	FY 2010 [7/]	FY 2011 [8/]	FY 2012 [9/]	FY 2013 [10/]	FY 2014 [11/]
Federal-Aid Highways										
Obligation Limitation [1/]	$34,422,400	$36,032,344	$39,086,465	$41,216,051	$40,700,000	$41,107,000	$41,107,000	$39,143,583	$39,699,000	$40,256,000
Liquidation of Contract Authority (C.A.)	$35,000,000	$36,032,344	$36,032,344	$41,955,051	$41,439,000	$41,846,000	$41,846,000	$39,882,583	$39,699,000	$40,995,000
Emergency Relief Funds (C.A.)	$100,000	$100,000	$101,737	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000
LGOE/LAE - (Non Add within Federal-Aid)	$2,369,500	$3,837,001	$1,251,814	$9,455,236	$7,399,500	$15,113,533	$413,533	$412,000	$450,960	$436,752
Admin Expenses - LGOE	346,500	364,638	360,992	377,556	390,000	413,533	413,533	412,000	416,960	403,752
Authorized Programs - Not Admin Expenses - LGOE									34,000	33,000
Payment to the Highway Trust Fund				$8,017,000	$7,000,000	$14,700,000			$6,200,000	$12,600,000
Supplemental Emergency Relief Funds (GF)	$1,943,000	$3,452,363	$871,022	$1,045,000				$1,662,000	$2,022,000	
Appalachian Development Highway System (GF)	$80,000	$20,000	$19,800	$15,680	$9,500					
Appalachian Development Highway System (TF)										
Miscellaneous Appropriations		$153	$1,328	$15,148	$167,563	$346,515	$18,603	$4,655	$63,369	$388,000
Highway Infrastructure Programs (GF)						$650,000				
Highway Infrastructure Investment, Recovery Act (GF)					$27,500,000 [6/]					
Miscellaneous Highway Trust Fund	$34,000									

Note: This table reflects actual enacted amounts as appropriated.

1/ Does not reflect transfers to and from Federal Transit Administration and National Highway Traffic Safety Administration (FY13 only) of $1.067 billion in FY 2003, $1.022 billion in FY 2004, $1.005 billion in FY 2005, $1.383 billion in FY 2006, $975 million in FY 2007, $1,001 million in FY 2008, $985.4 million in FY 2009, $1.411 billion in FY 2010, $1.211 billion in FY 2011, $1.529 billion in FY 2012, and $1.545 billion in FY 2013.

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3/ Does not reflect the following rescissions in FY 2006: Federal-aid $360 million, LAE $3.6 million, Appalachian Dev. Hwy. Sys. $0.200 million.

4/ Does not reflect the following rescissions of new authority in FY 2008: Federal-aid $486.2 million, LAE $43.4 million. Payments to the HTF are cash transfers which do not provide additional resources to FHWA.

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6/ Does not reflect $288.4 million transferred to Federal Transit Administration in FY 2009.

7/ Reflects Appropriations for obligation limitation in FY 2010. Extension bill provided through February 28, 2010. Payments to the HTF are cash transfers which do not provide additional resources to FHWA.

8/ Reflects annualized appropriations from FY 2010. Extension bill provided beyond FY 2011 through March 31, 2012.

9/ Reflects enacted appropriations for FY 2012 and P.L. 112-141 authorized levels.

10/ Reflects enacted appropriations for FY 2013 and P.L. 112-141 authorized levels. Does not reflect P.L. 113-6 rescission of 0.2 percent of contract authority subject to limitation and obligation limitation or P.L. 112-125 sequestration of 5.1 percent of contract authority exempt from obligation limitation and Payment to the Highway Trust Fund, or 5.0 percent sequestration of Emergency Relief appropriations (GF).

11/ Reflects enacted appropriations for FY 2014 and P.L. 112-141 authorized levels. Does not reflect P.L. 112-125 sequestration of 7.2 percent of contract authority exempt from obligation limitation and Payment to the Highway Trust Fund.

FEDERAL HIGHWAY ADMINISTRATION
FY 2015 Budget Request

		Section	Funding Authorization
Pr	**Program Funded**	**Reference ***	**Lasts Through**
Fe	**Federal-aid Highways Program:**		
	Apportioned Programs	Sec. 1101(a)(1)	9/30/2014
	Highway Safety Improvement Program	Sec. 1101(a)(1)	9/30/2014
	National Highway Performance Program - Subject to lim.	Sec. 1101(a)(1)	9/30/2014
	National Highway Performance Program - Exempt	Sec. 1102(b)(12)	9/30/2014
	Surface Transportation Program	Sec. 1101(a)(1)	9/30/2014
	Congestion Mitigation & Air Quality Improvement Program	Sec. 1101(a)(1)	9/30/2014
	Metropolitan Transportation Planning	Sec. 1101(a)(1)	9/30/2014
	Transportation Alternatives Program	23 U.S.C. 213(a)	9/30/2014
	Critical Immediate Investments Program	Not Yet Authorized	Not Yet Authorized
	Federal Lands & Tribal Transportation:		
	Tribal Transportation Program	Sec. 1101(a)(3)(A)	9/30/2014
	Federal Lands Transportation Program	Sec. 1101(a)(3)(B)	9/30/2014
	Federal Lands Access Program	Sec. 1101(a)(3)(C)	9/30/2014
	Nationally Significant Federal Lands & Tribal Projects	Not Yet Authorized	Not Yet Authorized
	Transportation Research (Division E):		
	Highway Research & Development Program	Sec. 51001(a)(1)	9/30/2014
	Technology & Innovation Deployment Program	Sec. 51001(a)(2)	9/30/2014
	Training and Education Program	Sec. 51001(a)(3)	9/30/2014
	Intelligent Transportation Systems (ITS)	Sec. 51001(a)(4)	9/30/2014
	University Transportation Centers	Sec. 51001(a)(5)	9/30/2014
	Bureau of Transportation Statistics	Sec. 51001(a)(6)	9/30/2014
	Federal Allocation Programs:		
	Territorial and Puerto Rico Highway Program	Sec. 1101(a)(4)	9/30/2014
	Construction of Ferry Boats and Ferry Terminal Facilities	23 U.S.C. 147(e)	9/30/2014
	Emergency Relief (from HTF)	23 U.S.C. 125	Indefinite
	Disadvantaged Business Enterprise	23 U.S.C. 140(c)	9/30/2014
	On-the-Job Training	23 U.S.C. 140(b)	9/30/2014
	Highway Use Tax Evasion Projects	23 U.S.C. 143(b)(2)	9/30/2014
	Other Safety-related Programs	Sec. 1519(a)	9/30/2014
	Ladders of Opportunity	Not Yet Authorized	Not Yet Authorized
	Performance Management Data Support Program	Not Yet Authorized	Not Yet Authorized
	TIFIA	Sec. 1101(a)(2)	9/30/2014
	Multimodal Freight Investment Program	Not Yet Authorized	Not Yet Authorized
	FHWA Administration Expenses	23 U.S.C. 104(a)	9/30/2014
Fixing and Accelerating Surface Transportation		Not Yet Authorized	Not Yet Authorized
* R	* References are to MAP-21 (Public Law 112-141) unless otherwise specified.		

FEDERAL HIGHWAY ADMINISTRATION
FY 2015 Budget Request

Program Funded	Section Reference *	Funding Authorization Lasts Through
Federal-aid Highways Program:		
Apportioned Programs	Sec. 1101(a)(1)	9/30/2014
Highway Safety Improvement Program	Sec. 1101(a)(1)	9/30/2014
National Highway Performance Program - Subject to lim.	Sec. 1101(a)(1)	9/30/2014
National Highway Performance Program - Exempt	Sec. 1102(b)(12)	9/30/2014
Surface Transportation Program	Sec. 1101(a)(1)	9/30/2014
Congestion Mitigation & Air Quality Improvement Program	Sec. 1101(a)(1)	9/30/2014
Metropolitan Transportation Planning	Sec. 1101(a)(1)	9/30/2014
Transportation Alternatives Program	23 U.S.C. 213(a)	9/30/2014
Critical Immediate Investments Program	Not Yet Authorized	Not Yet Authorized
Federal Lands & Tribal Transportation:		
Tribal Transportation Program	Sec. 1101(a)(3)(A)	9/30/2014
Federal Lands Transportation Program	Sec. 1101(a)(3)(B)	9/30/2014
Federal Lands Access Program	Sec. 1101(a)(3)(C)	9/30/2014
Nationally Significant Federal Lands & Tribal Projects	Not Yet Authorized	Not Yet Authorized
Transportation Research (Division E):		
Highway Research & Development Program	Sec. 51001(a)(1)	9/30/2014
Technology & Innovation Deployment Program	Sec. 51001(a)(2)	9/30/2014
Training and Education Program	Sec. 51001(a)(3)	9/30/2014
Intelligent Transportation Systems (ITS)	Sec. 51001(a)(4)	9/30/2014
University Transportation Centers	Sec. 51001(a)(5)	9/30/2014
Bureau of Transportation Statistics	Sec. 51001(a)(6)	9/30/2014
Federal Allocation Programs:		
Territorial and Puerto Rico Highway Program	Sec. 1101(a)(4)	9/30/2014
Construction of Ferry Boats and Ferry Terminal Facilities	23 U.S.C. 147(e)	9/30/2014
Emergency Relief (from HTF)	23 U.S.C. 125	Indefinite
Disadvantaged Business Enterprise	23 U.S.C. 140(c)	9/30/2014
On-the-Job Training	23 U.S.C. 140(b)	9/30/2014
Highway Use Tax Evasion Projects	23 U.S.C. 143(b)(2)	9/30/2014
Other Safety-related Programs	Sec. 1519(a)	9/30/2014
Ladders of Opportunity	Not Yet Authorized	Not Yet Authorized
Performance Management Data Support Program	Not Yet Authorized	Not Yet Authorized
TIFIA	Sec. 1101(a)(2)	9/30/2014
Multimodal Freight Investment Program	Not Yet Authorized	Not Yet Authorized
FHWA Administration Expenses	23 U.S.C. 104(a)	9/30/2014
Fixing and Accelerating Surface Transportation	Not Yet Authorized	Not Yet Authorized

* References are to MAP-21 (Public Law 112-141) unless otherwise specified.

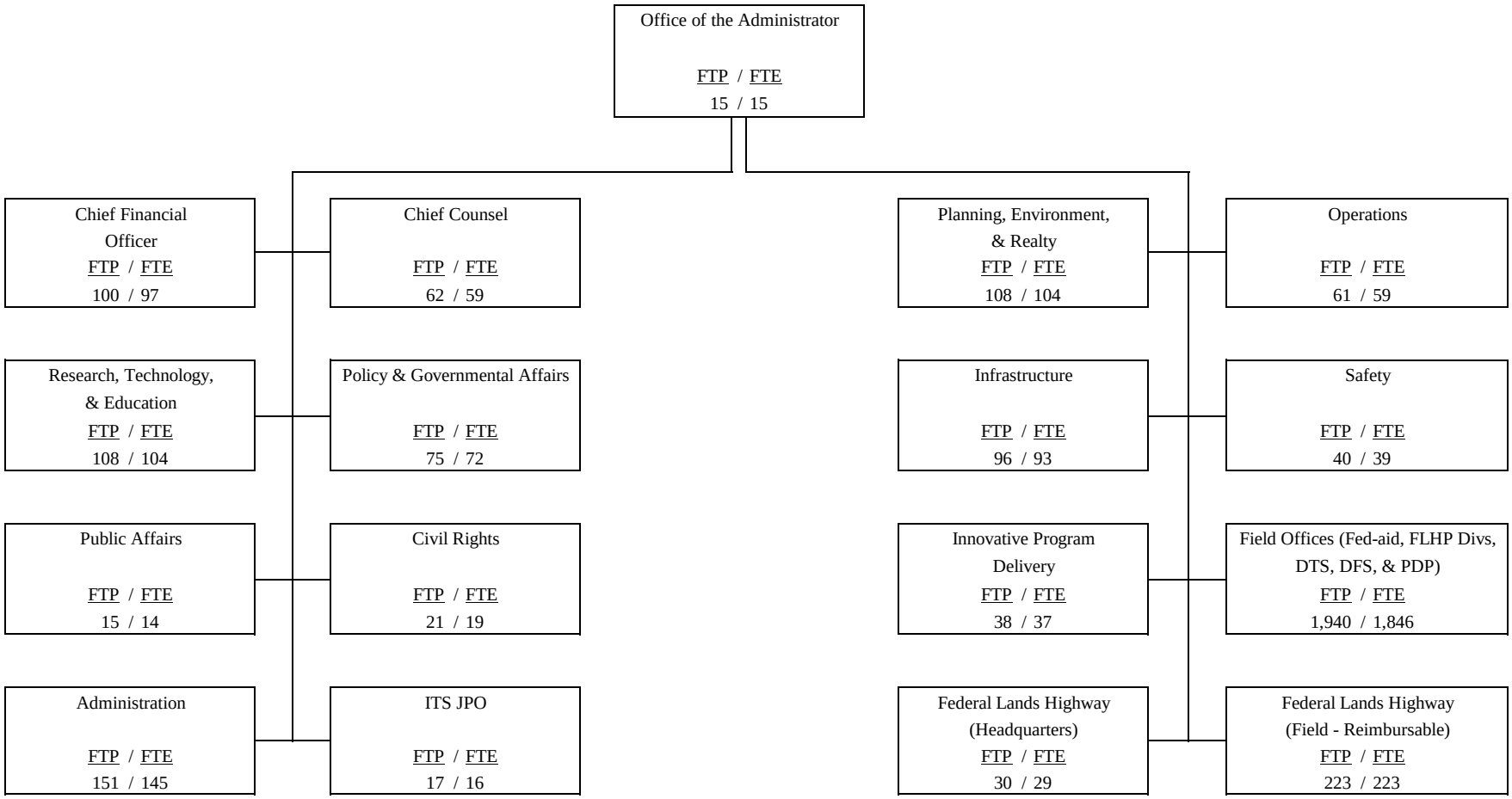
Federal Highway Administration

10 Year History of Carryover of Unobligated Balances by Account ($ in millions)

Account Name (Treasury Symbol)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Appalachian Development Highway System, GF (69-0640)	194	196	133	107	95	72	58	67	59	58
Appalachian Development Highway System, HTF (69-8072)	4	3	3	2	2	2	1	3	3	3
Emergency Relief Program (69-0500)			1,330	1,372	1,666	802	444	266	641	1,659
Federal-aid Highways (69-8083)	29,026	34,249	35,319	35,724	35,439	25,819	31,025	29,328	30,017	27,859
Highway Infrastructure Investment, Recovery Act (69-0504)						7,747	26	14		
Highway Infrastructure Programs (69-0548)							419	213		
Miscellaneous Appropriations (69-9911)	165	138	151	130	121	228	436	332	260	213
Miscellaneous Highway Trust Fund (69-9972)	420	356	260	165	148	124	106	96	87	86
Miscellaneous Trust Funds (69-9971)	175	78	43	64	42	42	43	57	46	38
Right of Way Revolving Fund (69-8402)		12	15	15						
State Infrastructure Banks (69-0549)							1	1	1	1
TIFIA Direct Loan Financing Account (69-4123)	1,274	39	31		1	11	44	30	30	25
TIFIA General Fund Program Account (69-0542)								20	45	

Blank cells indicate carryover was $0 or less than $500K

FEDERAL HIGHWAY ADMINISTRATION ORGANIZATION CHART
FY 2014 AUTHORIZED FTP POSITIONS AND FTE ESTIMATES

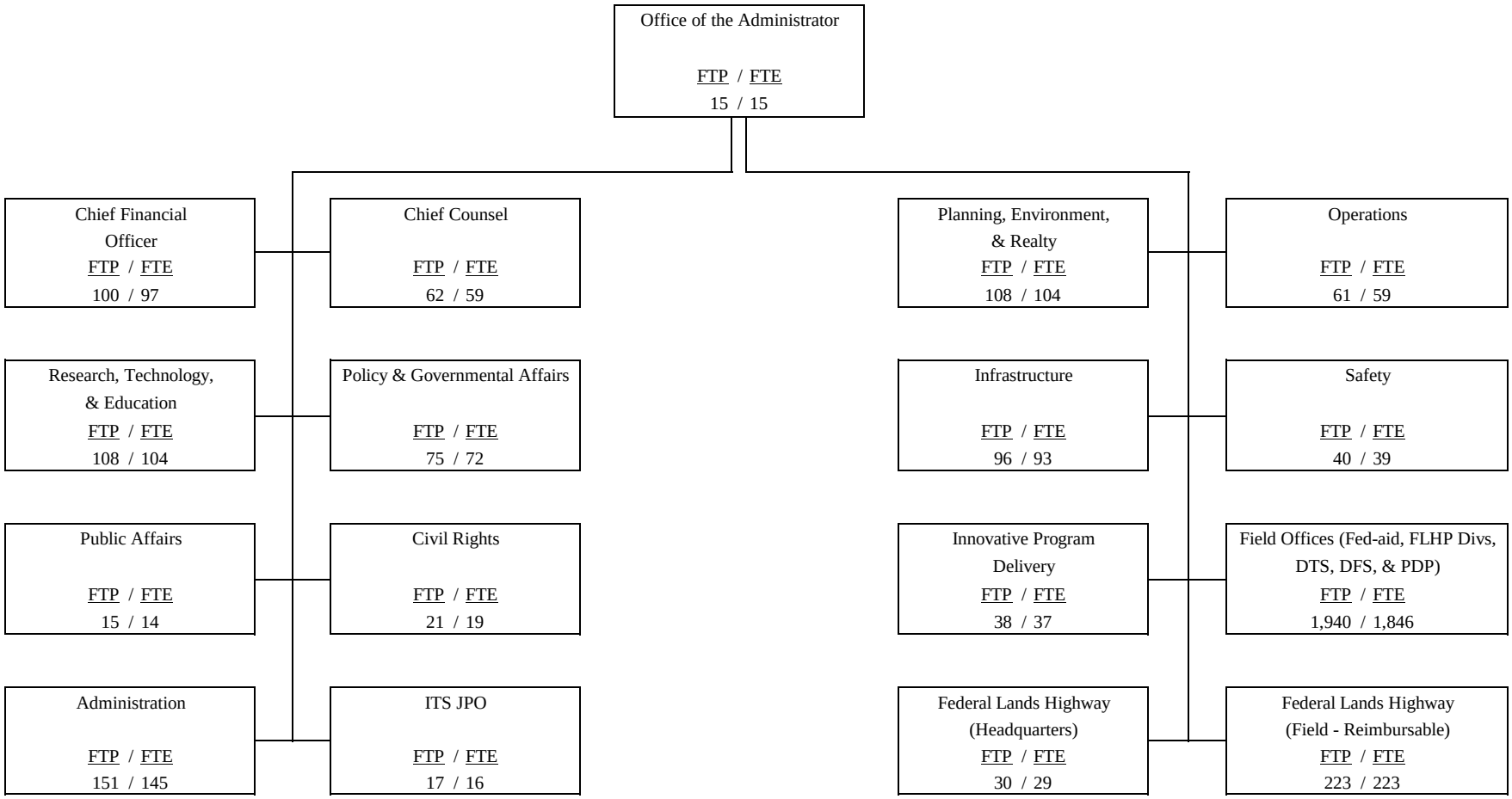


FTP - POSITIONS	
Direct funded	2,877
Indirect funded	226
Total	3,103

FTE	
Direct funded	2,748
Indirect funded	226
Total	2,974

FTP & FTE shown by office are estimates only. FHWA has periodic needs that change due to proper management of the organization. Direct funded FTE presented by office reflect a pro-ration of total FTE. Indirect funded FTP & FTE include Federal Lands Highway reimbursable FTE and allocation FTE from OST.

FEDERAL HIGHWAY ADMINISTRATION ORGANIZATION CHART
FY 2015 FTP POSITIONS AND FTE ESTIMATES



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Indirect funded	226
Total	2,974

FTP & FTE shown by office are estimates only. FHWA has periodic needs that change due to proper management of the organization. Direct funded FTE presented by office reflect a pro-ration of total FTE. Indirect funded FTP & FTE include Federal Lands Highway reimbursable FTE and allocation FTE from OST.

Attachment 2: Carryover History - Ten Year history for FMCSA

TAS	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
8048	$ 3,693,190	$ 3,419,816	$ 5,212,858	$ 15,417,250	$ 19,751,910	$ 15,818,448	$ 16,195,928	$ 16,378,838	$ 19,796,543	$ 21,243,933
8055	$ 18,641,031	$ 31,482,103	$ 35,687,194	$ 37,235,630	$ 2,313,806	$ 6,500,373	$ 11,127,746	$ 18,248,147	$ 448,179	$ 1,570,705
8158			$ 11,260,214	$ 12,509,088	$ 7,185,492	$ 5,443,430	$ 35,848,846	$ 53,081,662	$ 71,993,632	$ 92,294,363
8159			$ 12,380,515	$ 13,826,822	$ 11,744,239	$ 9,564,295	$ 13,259,492	$ 17,593,768	$ 16,760,546	$ 21,618,411
TOTAL	$ 22,334,221	$ 34,901,919	$ 64,540,781	$ 78,988,790	$ 40,995,447	$ 37,326,546	$ 76,432,012	$ 105,302,415	$ 108,998,900	$ 136,727,412

*** as Reflected on year-end SF-133 Report on Budget Execution**

8048: National Motor Carrier Safety
8055: Motor Carrier Safety
8158: Motor Carrier Safety Grants
8159: Operations and Program

Attachement 4 FTE history

ITEM	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
BUDGET REQUEST			1,069	1,114	1,062	1,062	1,062	1,121	1,169	1,062	1,088
ENACTED		1,046	1,100	1,040	1,062	1,062	1,062	1,062	1,062	1,062	1,088
ACTUAL	957	1,031	1,007	959	1,018	987	1,026	1,036	1,049	1,042	

Attachment 5: Staffing Changes

	FY13	FY14	FY15			
FMCSA FTE	1,042	1,088	1,191			
Increase from 14 to 15			103			
Increase drivers:			FTE	Positions		Rationale
Annualization of FY14 FTE			26	-		45 field positions to expand general enforcement efforts, 5 legal to handle enhance enforcement, and 2 positions to increase the capacity of FMCSA's central Grants Mgt Office.
Motorcoach Safety Oversight			51	102		Address lack of staffing to conduct year round passenger bus safety on Quickstike model.
Expanded New Entrant Safety Audits			8	16		Necessary to meet MAP21 accelerated time frames.
Staffing Tornillo border post			4	7		Mandatory staffing of CBP initiated post opening.
Enhanced grant management capabilities, Field and HQ			7	13		Provides additional staff in field and chief counsel to improve grants oversight.
Enhanced facility management			2	4		Expands staffing available to manage approx. 100 FMCSA facilities.
Expanded Registration and Safety efforts			1	2		Address MAP-21 mandated time tables.
Expanded policy and reg. development			1	2		Provides additional legal support to regulatory process.
Review of state CDL compliance plans			1	2		Provide enhanced review of state CDL Compliance plans.
Enhanced information management staff			3	6		Deliver improved information management activities
Total			103	154		

Attachment 6: TRAINING EXPENDITURES 2009 - 2013

$0000

	FY2009	FY2010	FY2011	FY2012	FY2013	Grand Total
Training Costs	**595.80**	**359.31**	**854.77**	**876.90**	**337.68**	**3,024.46**

Attachment 1: Ten Year Funding history for FMCSA
$0000

Type	ACCOUNT	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Operations	8055-Motor Carrier Safety (LAE)	252,810	-	-	-	-	-	-	-	-	-
Grants	8048-National Motor Carrier Safety Program	186,972	-	-	-	-	-	-	-	-	-
Operations	8159-Motor Carrier Safety Ops&Pgms	-	210,870	223,000	226,184	229,161	239,654	244,144	244,144	251,000	259,000
Grants	8158-Motor Carrier Safety Grants	-	279,180	300,000	300,497	305,389	307,000	297,476	306,000	310,000	313,000

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
Historical Funding Levels (2005-2014)
($000)

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Motor Carrier Safety (LAE)	253	0	0	0	0	0	0	0	0	0
National Motor Carrier Safety Program	187	0	0	0	0	0	0	0	0	13
Motor Carrier Safety Operations & Programs	0	211	223	226	229	240	244	244	251	259
Motor Carrier Safety Grants	0	279	300	300	305	307	297	306	310	313
Total Appropriations	**440**	**490**	**523**	**527**	**535**	**547**	**542**	**550**	**561**	**585**

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
Historical Funding Levels (2005-2014)
($000)

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Motor Carrier Safety (LAE)	253	0	0	0	0	0	0	0	0	0
National Motor Carrier Safety Program	187	0	0	0	0	0	0	0	0	13
Motor Carrier Safety Operations & Programs	0	211	223	226	229	240	244	244	251	259
Motor Carrier Safety Grants	0	279	300	300	305	307	297	306	310	313
Total Appropriations	**440**	**490**	**523**	**527**	**535**	**547**	**542**	**550**	**561**	**585**

Department of Transportation

Fiscal Year 2015 Questions for the Record

Chairman Tom Latham

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies

House Committee on Appropriations

1. **Please provide a ten-year funding history for each of the agencies and offices in DOT.**

   See Attachment 1.

2. **Please provide a table showing new programs and program terminations in the Department's FY 2015 budget request.**

   Program Terminations:
   - Commercial Vehicle Information Systems and Networks (CVISN) Grants, expires Sept. 20th, 2014
   - Motor Carrier Safety Assistance Program (MCSAP) Basic Grants, expires Sept. 20th, 2014
   - Border Enforcement Grants, expires Sept. 20th, 2014
   - New Entrant Grants, expires Sept. 20th, 2014
   - Performance and Registration Information Systems Management (PRISM) Grant, expires Sept. 20th, 2014
   - Safety Data Improvement Program (SaDIP) Grant, expires Sept. 20th, 2014

   Program Initiations:
   - Motor Carrier Safety Assistance Program (MCSAP) Grant - combines legacy grant programs.
   - Innovative Technology Deployment Grant – revises the CVISN program.

3. **Please list all of the programs included in DOT's FY 2015 budget, the authorizing statute and the date when their authorization expires.**

   FMCSA's programs are authorized through Sept. 30th, 2014 as part of MAP-21. The programs laid out in the FY2015 Budget represent the first year of a multiyear reauthorization which would run for four years.

4. **Please provide a chart with the carryover for each program for the last ten years.**

   See Attachment 2.

5. **Please provide an organizational chart for each office at DOT.**

   See Attachment 3.

6. **Please provide the number of Full Time Equivalents (FTEs) for each office from FY 2004 to FY 2014. Please include the budget request, enacted and actual amount for each year.**

   See Attachment 4.

7. **Please provide details of all organizational/staffing changes included in the FY 2015 budget request. Please include a breakout of the number of FTE who would be working on each new initiative proposed in the budget request.**

   See Attachment 5. Not included on this table is the shift proposed in the President's reauthorization proposal to make Outreach and Education a specific office rather than a function. This would add no additional people, shifting staff from GOE into their own "box".

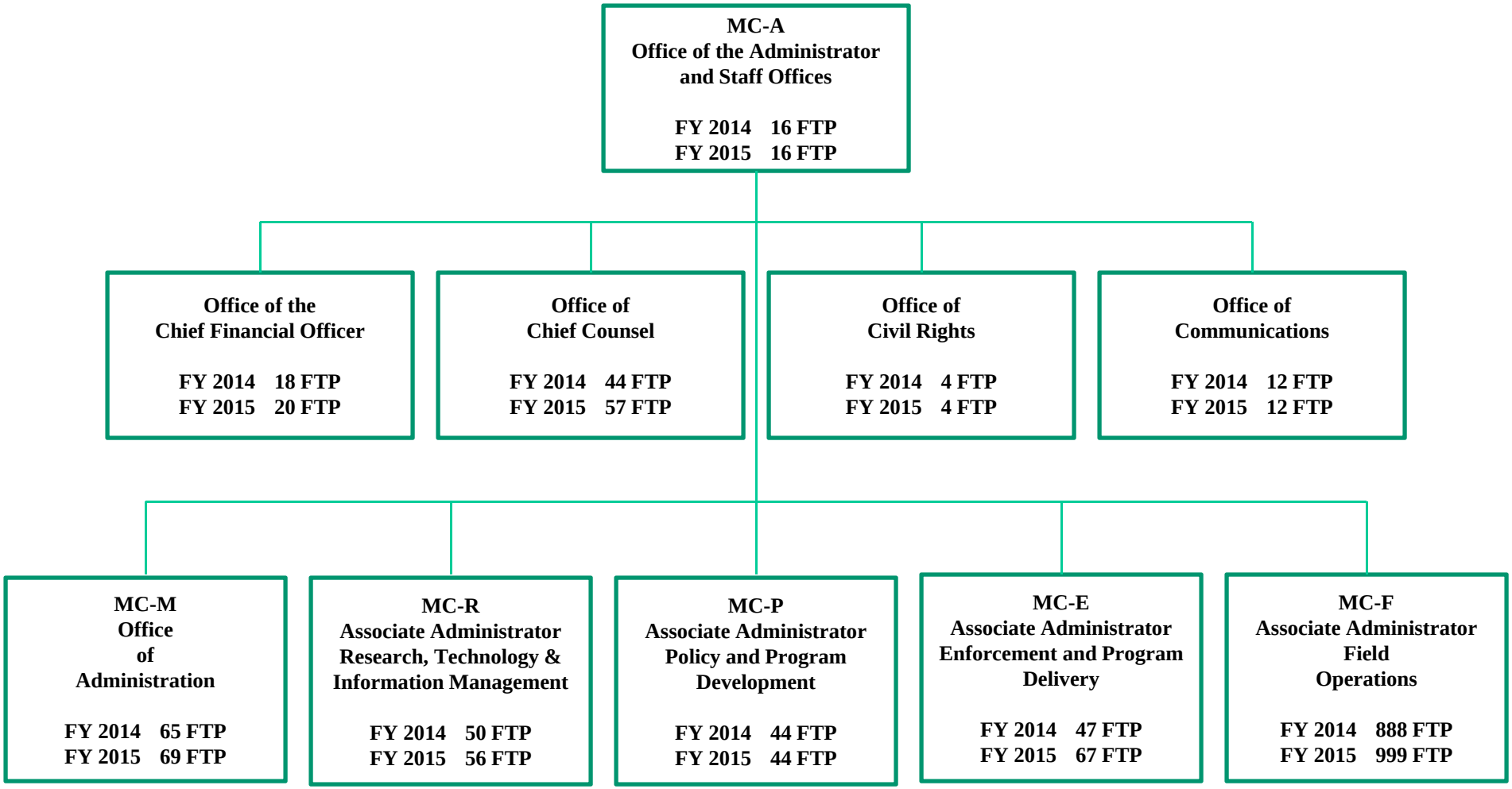
8. **Please provide a table showing the funds for employee training and development for the last five years.**

   See Attachment 6.

Exhibit I-B

Federal Motor Carrier Safety Administration

Organization Chart



Total FY 2014 Request: 1,188 FTP
Total FY 2015 Request: 1,342 FTP

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION
Historical Funding Levels (2005-2014)
($000)

Account	FY 2005 [1/]	FY 2006 [2/]	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011 [6/]	FY 2012	FY 2013	FY 2014
Safety and Operations	138,117	144,490	150,271	150,193	159,445	172,270	176,596	178,596	169	184,500
Railroad Safety Technology Program	--	--	--	--	--	50,000	--	--	--	--
Railroad Research and Development	35,737	54,524	34,524	35,964	33,950	37,613	35,030	35,000	33	35,250
Rail Line Relocation and Improvement	--	--	--	20,040 [3/]	25,000	34,532	10,511	--	--	--
Operating Subsidy Grants to National Railroad Passenger Corporation	--	495,000	495,000	574,000	550,000	563,000	563,000	466,000	442	340,000
Capital and Debt Service Grants to National Railroad Passenger Corporation	--	780,000	780,000	850,000	940,000	1,001,625	920,652	952,000	902	1,050,000
Efficiency Grants to National Railroad Passenger Corporation	--	40,000	31,300	--	--	--	--	--	--	--
Grants to the National Railroad Passenger Corporation	1,207,264	--	--	--	--	--	--	--	297 [8/]	--
Intercity Passenger Rail Grants	--	--	--	30,000	90,000	--	--	--	--	--
Next Generation High-Speed Rail	19,493	--	--	--	--	--	--	--	--	[-1,973] [9/]
North East Corridor	--	--	--	--	--	--	--	--	--	[-4,419] [9/]
Alaska Railroad Rehabilitation	24,800	9,900	--	--	--	--	--	--	--	--
Capital Assistance for HSR Corridors and IPR	--	--	--	--	--	2,500,000	[-400,000] [7/]	--	--	--

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION
Historical Funding Levels (2005-2014)
($000)

Account	FY 2005 [1/]	FY 2006 [2/]	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011 [6/]	FY 2012	FY 2013	FY 2014
Subtotal	1,425,411	1,502,547	1,478,345	1,561,197	1,798,395	4,359,040	1,705,789	1,631,596	1,843	1,609,750
Railroad Rehab and Improvement Program	--	--	3,294	20,751	16,753	18,441	23,692	--	--	--
Emergency Railroad Rehabilitation & Repair	--	--	--	20,000 [4/]	--	--	--	--	--	--
Capital Grants to National Railroad Passenger Corporation	--	--	--	--	1,300,000 [5/]	--	--	--	--	--
Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service	--	--	--	--	8,000,000 [5/]	--	--	--	--	--
Total FRA Budget Authority	**1,425,411**	**1,502,547**	**1,481,639**	**1,601,948**	**11,115,148**	**4,377,481**	**1,729,481**	**1,631,596**	**1,843**	**1,609,750**

Notes:

1/ FY 2005 appropriations (P.L. 108-447) reflect a 0.80% across-the-board rescission.

2/ FY 2006 appropriations (P.L. 109-115) reflect a 1.0% across-the-board rescission.

3/ FY 2008 Rail Line Relocation and Improvement appropriation (P.L. 110-161) reflects a 2% rescission on $5.24M in earmarks.

4/ FY 2008 Emergency Supplemental (P.L. 110-329).

5/ FY 2009 ARRA appropriations (P.L. 111-5) reflects $1.3B for Amtrak and $8.0B for HSIPR.

6/ FY 2011 full year CR appropriations (P.L. 112-10) reflect a 0.02% across-the-board rescission.

7/ FY 2011 appropriations (P.L. 112-10) reflect a $400M rescission of prior year unobligated balances.

8/ FY 2013 The Disaster Relief Appropriations Act of FY 2013 (P.L. 113-2) provided funds to Amtrak for Hurricane Sandy, including $32 million for repair work and $86 million for disaster mitigation projects. Above figure includes a $185 FTA million transfer.

9/ FY 2014 Omnibus (P.L. 113-76) reflects a $4,419M rescission on the NEC prior year unobligated balances, and $1,973M rescission on the Next Generation High-Speed Rail prior year unobligated balances.

OST Control Total (ObLim+Exempt Obs)	**1,425,410**	**1,502,547**	**1,478,345**	**1,581,198**	**11,098,395**	**4,359,040**	**1,705,789**	**1,631,596**	**1,546,254**	**1,609,750**
	-1	0	-3,294	-20,750	-16,753	-18,441	-23,692	0	1,544,411	0

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION
Historical Funding Levels (2005-2014)
($000)

Account	FY 2005 [1/]	FY 2006 [2/]	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011 [6/]	FY 2012	FY 2013 [8/]	FY 2014
Safety and Operations	138,117	144,490	150,271	150,193	159,445	172,270	176,596	178,596	179,689	184,500
Railroad Safety Technology Program	--	--	--	--	--	50,000	--	--	--	--
Railroad Research and Development	35,737	54,524	34,524	35,964	33,950	37,613	35,030	35,000	35,214	35,250
Rail Line Relocation and Improvement	--	--	--	20,040 [3/]	25,000	34,532	10,511	--	--	--
Operating Subsidy Grants to National Railroad Passenger Corporation	--	495,000	495,000	574,000	550,000	563,000	563,000	466,000	468,852	340,000
Capital and Debt Service Grants to National Railroad Passenger Corporation	--	780,000	780,000	850,000	940,000	1,001,625	920,652	952,000	957,826	1,050,000
Efficiency Grants to National Railroad Passenger Corporation	--	40,000	31,300	--	--	--	--	--	--	--
Grants to the National Railroad Passenger Corporation	1,207,264	--	--	--	--	--	--	--	118,000 [9/]	--
Intercity Passenger Rail Grants	--	--	--	30,000	90,000	--	--	--	--	--
Next Generation High-Speed Rail	19,493	--	--	--	--	--	--	--	--	[-1,973] [10/]
North East Corridor	--	--	--	--	--	--	--	--	--	[-4,419] [10/]
Alaska Railroad Rehabilitation	24,800	9,900	--	--	--	--	--	--	--	--
Capital Assistance for HSR Corridors and IPR	--	--	--	--	--	2,500,000	[-400,000] [7/]	--	--	--
Subtotal	1,425,411	1,502,547	1,478,345	1,561,197	1,798,395	4,359,040	1,705,789	1,631,596	1,759,581	1,609,750

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION
Historical Funding Levels (2005-2014)
($000)

Account	FY 2005 [1/]	FY 2006 [2/]	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011 [6/]	FY 2012	FY 2013 [8/]	FY 2014
Railroad Rehab and Improvement Program	--	--	3,294	20,751	16,753	18,441	23,692	--	--	--
Emergency Railroad Rehabilitation & Repair	--	--	--	20,000 [4/]	--	--	--	--	--	--
Capital Grants to National Railroad Passenger Corporation	--	--	--	--	1,300,000 [5/]	--	--	--	--	--
Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service	--	--	--	--	8,000,000 [5/]	--	--	--	--	--
Total FRA Budget Authority	**1,425,411**	**1,502,547**	**1,481,639**	**1,601,948**	**11,115,148**	**4,377,481**	**1,729,481**	**1,631,596**	**1,759,581**	**1,609,750**

Notes:

1/ FY 2005 appropriations (P.L. 108-447) reflect a 0.80% across-the-board rescission.

2/ FY 2006 appropriations (P.L. 109-115) reflect a 1.0% across-the-board rescission.

3/ FY 2008 Rail Line Relocation and Improvement appropriation (P.L. 110-161) reflects a 2% rescission on $5.24M in earmarks.

4/ FY 2008 Emergency Supplemental (P.L. 110-329).

5/ FY 2009 ARRA appropriations (P.L. 111-5) reflects $1.3B for Amtrak and $8.0B for HSIPR.

6/ FY 2011 full year CR appropriations (P.L. 112-10) reflect a 0.02% across-the-board rescission.

7/ FY 2011 appropriations (P.L. 112-10) reflect a $400M rescission of prior year unobligated balances.

8/ FY 2013 full year CR appropriation for this account was not enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 112-175). The amounts included for 2013 reflect the annualized level provided by the continuing resolution.

9/ FY 2013 The Disaster Relief Appropriations Act of FY 2013 (P.L. 113-2) provided funds to Amtrak for Hurricane Sandy, including $32 million for repair work and $86 million for disaster mitigation projects.

10/ FY 2014 Omnibus (P.L. 113-76) reflects a $4,419M rescission on the NEC prior year unobligated balances, and $1,973M rescission on the Next Generation High-Speed Rail prior year unobligated balances.

OST Control Total (ObLim+Exempt Obs)	**1,425,410**	**1,502,547**	**1,478,345**	**1,581,198**	**11,098,395**	**4,359,040**	**1,705,789**	**1,631,596**	**1,546,254**	**1,609,750**
	-1	0	-3,294	-20,750	-16,753	-18,441	-23,692	0	-213,327	0

FEDERAL RAILROAD ADMINISTRATION
HISTORY OF APPROPRIATIONS
FY 2005 - 2014
($000)

Account	FY 2005 [1/]	FY 2006 [2/]	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011 [6/]	FY 2012	FY 2013 [8/]	FY 2014
Safety and Operations	138,117	144,490	150,271	150,193	159,445	172,270	176,596	178,596	179,689	184,500
Railroad Safety Technology Program	--	--	--	--	--	50,000	--	--	--	--
Railroad Research and Development	35,737	54,524	34,524	35,964	33,950	37,613	35,030	35,000	35,214	35,250
Rail Line Relocation and Improvement	--	--	--	20,040 [3/]	25,000	34,532	10,511	--	--	--
Operating Subsidy Grants to National Railroad Passenger Corporation	--	495,000	495,000	574,000	550,000	563,000	563,000	466,000	468,852	340,000
Capital and Debt Service Grants to National Railroad Passenger Corporation	--	780,000	780,000	850,000	940,000	1,001,625	920,652	952,000	957,826	1,050,000
Efficiency Grants to National Railroad Passenger Corporation	--	40,000	31,300	--	--	--	--	--	--	--
Grants to the National Railroad Passenger Corporation	1,207,264	--	--	--	--	--	--	--	118,000 [9/]	--
Intercity Passenger Rail Grants	--	--	--	30,000	90,000	--	--	--	--	--
Next Generation High-Speed Rail	19,493	--	--	--	--	--	--	--	--	[-1,973] [10/]
North East Corridor	--	--	--	--	--	--	--	--	--	[-4,419] [10/]
Alaska Railroad Rehabilitation	24,800	9,900	--	--	--	--	--	--	--	--
Capital Assistance for HSR Corridors and IPR	--	--	--	--	--	2,500,000	[-400,000] [7/]	--	--	--
Subtotal	1,425,411	1,502,547	1,478,345	1,561,197	1,798,395	4,359,040	1,705,789	1,631,596	1,759,581	1,609,750
Railroad Rehab and Improvement Program	--	--	3,294	20,751	16,753	18,441	23,692	--	--	--
Emergency Railroad Rehabilitation & Repair	--	--	--	20,000 [4/]	--	--	--	--	--	--

FEDERAL RAILROAD ADMINISTRATION
HISTORY OF APPROPRIATIONS
FY 2005 - 2014
($000)

Account	FY 2005 [1/]	FY 2006 [2/]	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011 [6/]	FY 2012	FY 2013 [8/]	FY 2014
Capital Grants to National Railroad Passenger Corporation	--	--	--	--	1,300,000 [5/]	--	--	--	--	--
Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service	--	--	--	--	8,000,000 [5/]	--	--	--	--	--
Total FRA Budget Authority	**1,425,411**	**1,502,547**	**1,481,639**	**1,601,948**	**11,115,148**	**4,377,481**	**1,729,481**	**1,631,596**	**1,759,581**	**1,609,750**

Notes:

1/ FY 2005 appropriations (P.L. 108-447) reflect a 0.80% across-the-board rescission.

2/ FY 2006 appropriations (P.L. 109-115) reflect a 1.0% across-the-board rescission.

3/ FY 2008 Rail Line Relocation and Improvement appropriation (P.L. 110-161) reflects a 2% rescission on $5.24M in earmarks.

4/ FY 2008 Emergency Supplemental (P.L. 110-329).

5/ FY 2009 ARRA appropriations (P.L. 111-5) reflects $1.3B for Amtrak and $8.0B for HSIPR.

6/ FY 2011 full year CR appropriations (P.L. 112-10) reflect a 0.02% across-the-board rescission.

7/ FY 2011 appropriations (P.L. 112-10) reflect a $400M rescission of prior year unobligated balances.

8/ FY 2013 full year CR appropriation for this account was not enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 112-175). The amounts included for 2013 reflect the annualized level provided by the continuing resolution.

9/ FY 2013 The Disaster Relief Appropriations Act of FY 2013 (P.L. 113-2) provided funds to Amtrak for Hurricane Sandy, including $32 million for repair work and $86 million for disaster mitigation projects.

10/ FY 2014 Omnibus (P.L. 113-76) reflects a $4,419M rescission on the NEC prior year unobligated balances, and $1,973M rescission on the Next Generation High-Speed Rail prior year unobligated balances.

DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION
HISTORY OF APPROPRIATIONS
FY 2005 - 2013
($000)

Account	FY 2005 [1/]	FY 2006 [2/]	FY 2007	FY 2008	FY 2009
Safety and Operations	138,117	144,490	150,271	150,193	159,445
Railroad Research and Development	35,737	54,524	34,524	35,964	33,950
Rail Line Relocation and Improvement	--	--	--	20,040 [3/]	25,000
Operating Subsidy Grants to National Railroad Passenger Corporation	--	495,000	495,000	574,000	550,000
Capital and Debt Service Grants to National Railroad Passenger Corporation	--	780,000	780,000	850,000	940,000
Efficiency Grants to National Railroad Passenger Corporation	--	40,000	31,300	--	--
Grants to the National Railroad Passenger Corporation	1,207,264	--	--	--	--
Intercity Passenger Rail Grants	--	--	--	30,000	90,000
Next Generation High-Speed Rail	19,493	19,493	--	--	--
Alaska Railroad Rehabilitation	24,800	9,900	--	--	--
Subtotal	1,425,411	1,502,547	1,478,345	1,561,197	1,798,395
Railroad Rehab and Improvement Program	--	--	3,294	20,751	16,753
Emergency Railroad Rehabilitation & Repair	--	--	--	20,000 [4/]	--
Capital Grants to National Rail Pass. Corp.	--	--	--	--	1,300,000 [5/]
Capital Assistance for High-Speed Rail Corridors and Intercity Passenger Rail	--	--	--	--	8,000,000 [5/]
Total FRA Budget Authority	**1,425,411**	**1,502,547**	**1,481,639**	**1,601,948**	**11,6115,148**

DEPARTMENT OF TRANSPORTATION (Cont'd)
FEDERAL RAILROAD ADMINISTRATION
HISTORY OF APPROPRIATIONS
FY 2005 - 2014
($000)

Account	FY 2010	FY 2011 [6/]	FY 2012	FY 2013 [8/]	FY 2014
Safety and Operations	172,270	176,596	178,596	169,254	184,500
Railroad Safety Technology Program	50,000	--	--	--	--
Railroad Research and Development	37,613	35,030	35,000	33,169	35,250
Rail Line Relocation and Improvement	34,532	10,511	--	--	--
Operating Subsidy Grants to National Railroad Passenger Corporation	563,000	563,000	466,000	441,625	340,000
Capital and Debt Service Grants to National Railroad Passenger Corporation	1,001,625	920,652	952,000	902,205	1,050,000
Grants to the National Railroad Passenger Corporation	--	--	--	297,100 [9/]	--
Next Generation High-Speed Rail	--	--	--	--	(1,973) [10/]
Northeast Corridor Improvement Program	--	--	--	--	(4,419) [10/]
Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail	2,500,000	(400,000) [7/]	--	--	--
Subtotal	**1,798,395**	**1,305,789**	**1,631,596**	**1,843,353**	**1,603,358**
Railroad Rehabilitation and Improvement Program	18,441	23,692	--	--	--
Total FRA Budget Authority	**4,377,481**	**1,329,481**	**1,631,596**	**1,843,343**	**1,603,358** [11/]

DEPARTMENT OF TRANSPORTATION (Cont'd)
FEDERAL RAILROAD ADMINISTRATION
HISTORY OF APPROPRIATIONS
FY 2005 - 2014
($000)

Notes:

1/ FY 2005 appropriations (P.L. 108-447) reflect a 0.80% across-the-board rescission.

2/ FY 2006 appropriations (P.L. 109-115) reflect a 1.0% across-the-board rescission.

3/ FY 2008 Rail Line Relocation and Improvement appropriation (P.L. 110-161) reflects a 2% rescission on $5.24M in earmarks.

4/ FY 2008 Emergency Supplemental (P.L. 110-329).

5/ FY 2009 ARRA appropriations (P.L. 111-5) reflects $1.3B for Amtrak and $8.0B for HSIPR.

6/ FY 2011 full year CR appropriations (P.L. 112-10) reflect a 0.02% across-the-board rescission.

7/ FY 2011 appropriations (P.L. 112-10) reflect a $400M rescission of prior year unobligated balances.

8/ FY 2013 Consolidated and Further Continuing Appropriations Act (P.L. 113-6) reflects a 0.02% across-the-board rescission, and 5.0% across-the-board sequestration. Federal Highway Administration allocated $41.8M to FRA's Federal Aid – Highway account.

9/ The Disaster Relief Appropriations Act of FY 2013 (P.L. 113-2) provided funds to Amtrak's, including $32M for repair work and $86M for disaster mitigation projects and the Federal Transit Administration transfer of $185M for Hurricane Sandy resiliency projects.

10/ FY 2014 Omnibus (P.L. 113-76) contains a $1.973M rescission to Next Generation High-Speed Rail prior year unobligated balances, and $4.419M rescission to the Northeast Corridor prior year unobligated balances.

11/ PL 113-76 redirects $41,827,500 in balances of FHWA Maglev funds (allocated to FRA) for Intercity Passenger Rail Grants, Railroad Planning, and Railroad Technology Grants

FY 2015 BUDGETARY RESOURCES BY PROGRAM
FEDERAL RAILROAD ADMINISTRATION
($000)

ACCOUNT NAME	FY 2013 Actual	FY 2014 Enacted	FY 2015 Request
Safety and Operations	169,254	184,500	185,250
Railroad Research and Development	33,169	35,250	35,100
Current Passenger Rail Service (TF, Oblim)	-	-	2,450,000
Rail Service Improvement Program (TF, Oblim)	-	-	2,325,000
Grants to the National Railroad Passenger Corporation [1/]	297,100	-	-
Operating Subsidy Grants to the National Railroad Passenger Corporation (Rebased)	441,625	340,000	-
Capital and Debt Service Grants to the National Railroad Passenger Corporation (Rebased)	902,205	1,050,000	-
Next Generation High-Speed Rail (Rebased)	-	(1,973)	-
Northeast Corridor Improvement Program (Rebased)	-	(4,419)	-
TOTAL BUDGETARY RESOURCES	**1,843,353**	**1,603,358**	**4,995,350**

1/ Includes $185 million transfer from FTA

FEDERAL RAILROAD ADMINISTRATION
AUTHORIZATION STATUS OF PROGRAMS PROPOSED IN FY 2015 BUDGET

Program	Authorized By:	When Authorization Expires
Safety and Operations	49 USC Subtitle V part A	No expiration is set in law
Railroad Research and Development	49 USC § 20108	No expiration is set in law
National High-Performance Rail System	No authorization exists in law	
Railroad Rehabilitation and Improvement Financing	PL 94-210 Sections 501-504, 45 USC 821-838	No expiration is set in law

FEDERAL RAILROAD ADMINISTRATION
UNOBLIGATED BALANCES BROUGHT FORWARD, OCT 1st, 2005-2014
IN THOUSANDS OF DOLLARS ($000)

Program (Treasury Account Number)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Safety and Operations X-Year, all Accounts (69-X-0700), (69-X-0702) (69-X-0707), (69-X-0714), (69-X-0747)	8,493	10,066	12,095	4,499	8,627	8,239	4,959	5,144	16,892	11,408
Railroad Safety Technology (69-X-0701)						50,000	50,000	87	87	585
Research and Development (69-X-0745)	4,256	9,088	6,169	10,049	9,680	9,937	8,875	14,165	11,724	9,507
Penn Station (69-X-0723)	59,827	59,827	59,827	59,827	59,827	59,827	59,827	19	19	19
Amtrak (Old Amtrak, ARRA Amtrak and Hurricane Sandy) (69-X-0704)	23,560	3,732	12,340	1,344	1,472	7,407	973	1,553	847	82,699
Efficiency Grants to Amtrak (69-X-0120)			31,383	62,683						
Emergency Railroad Rehabilitation and Repair (69-X-0124)					20,000	20,000	5,228	3,499	653	1,871
Capital and Debt Service Grants to Amtrak (27-X-0125)					37,125	3,519	12,539	20,283	19,325	18,923
Next Generation HSR (69-X-0722)	12,941	18,023	11,523	9,237	7,770	9,060	8,543	8,968	8,434	9,868
Northeast Corridor Improvement (69-X-0123)	3,595	5,405	5,582	5,582	5,582	3,771	5,595	5,595	5,595	5,595
Intercity Passenger Rail (69-X-0715)						91,893	78,423	34,277	20,432	17,271
Rail Line Relocation and Improvement (69-X-0716)					20,040	44,648	72,523	51,268	38,548	18,971
HSIPR (ARRA and FY 2010) (69 0719)						7,995,069	9,599,778	2,000,351	119,477	98,700
Total	**113,127**	**106,142**	**138,918**	**153,221**	**170,123**	**8,303,370**	**9,907,263**	**2,145,209**	**242,034**	**275,418**

Notes:

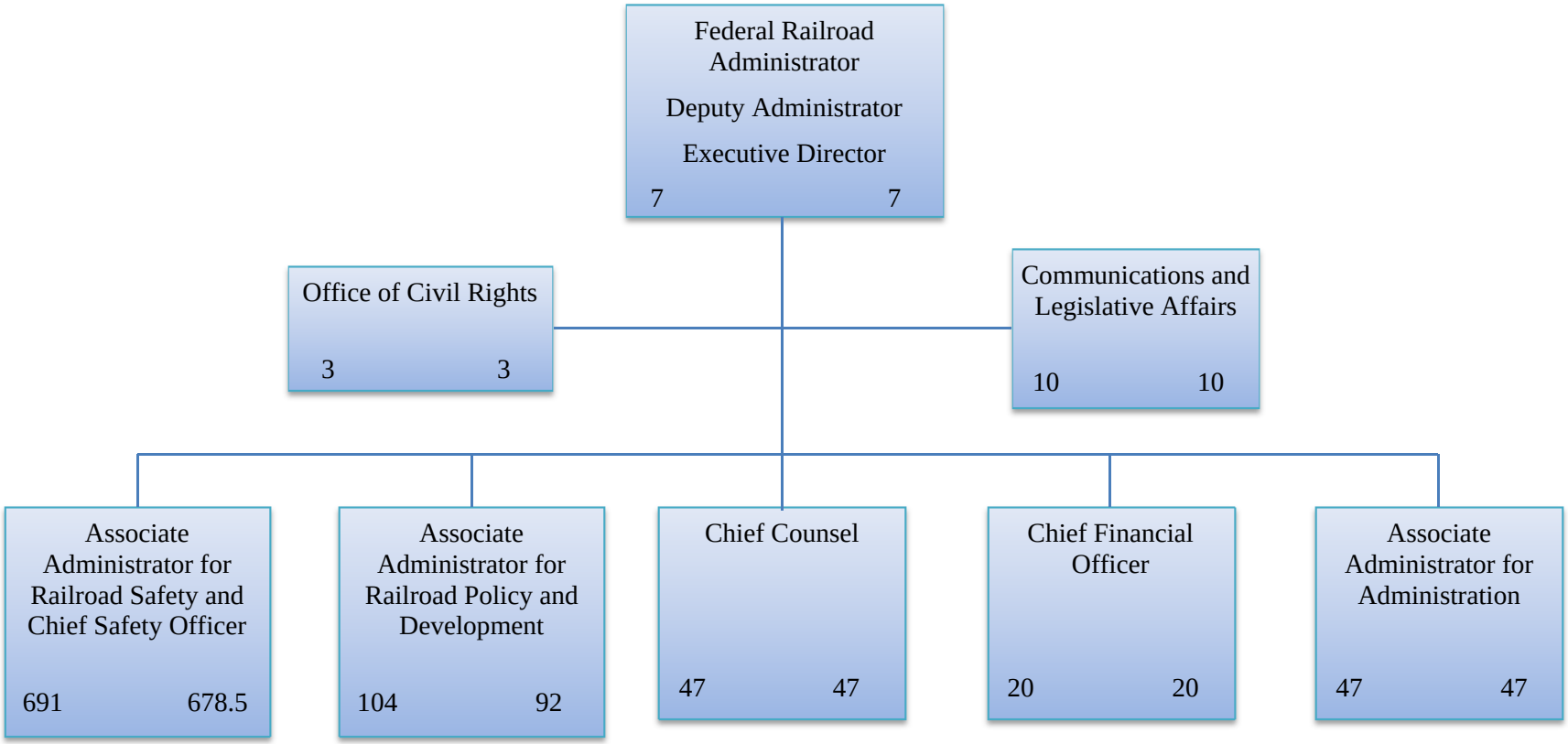
Analysis presents accounts as rolled together on the FACTS II report, with some minor accounts being consolidated for presentation purposes

Accounts with unobligated balances below 1,000 are not shown.

DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION

FY 2014 Organization Chart

929 Full-Time Positions (FTP); 903.5 Full-Time Equivalents (FTE) *

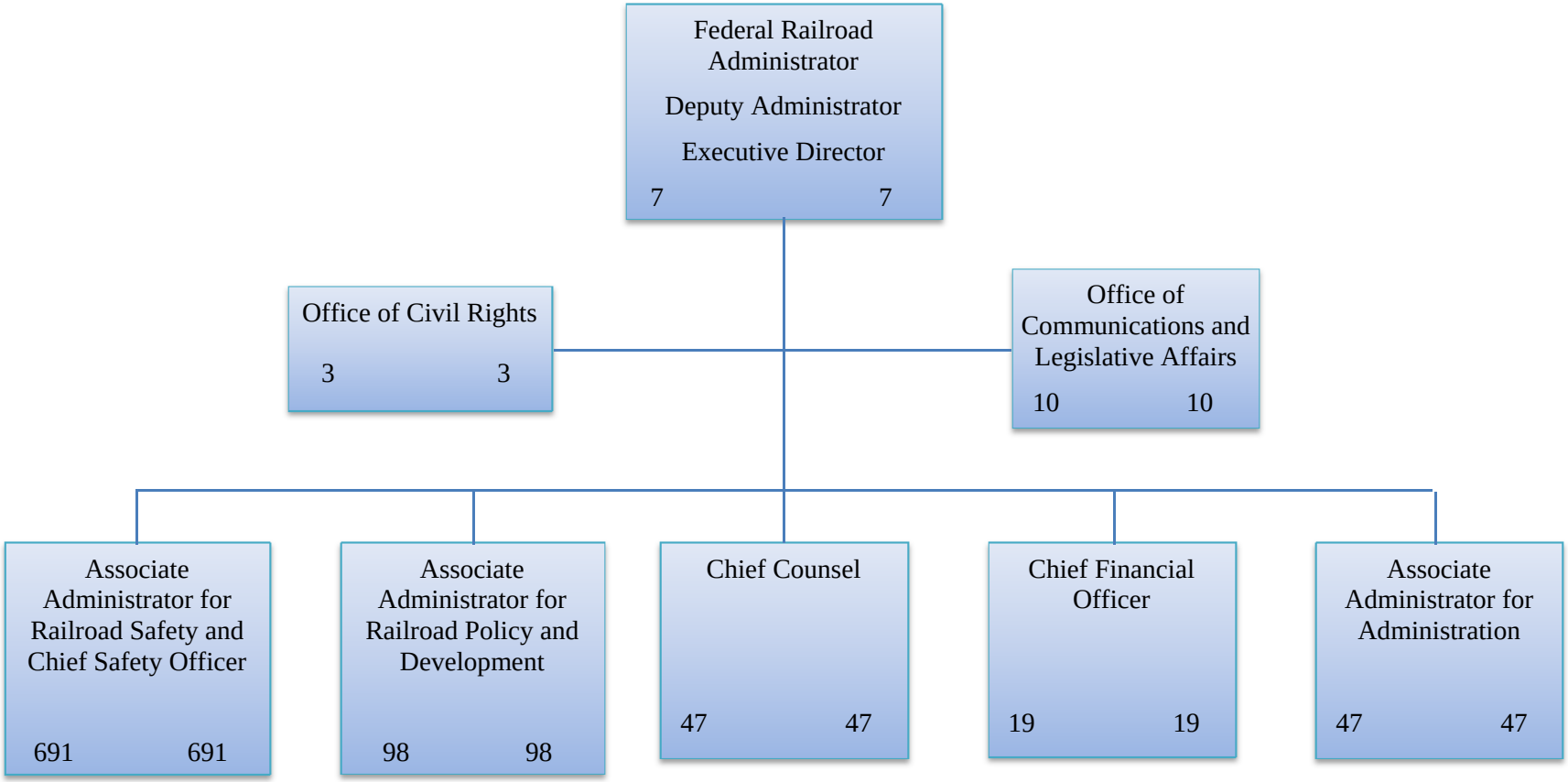


* Includes personnel funded from the Safety and Operations account, Capital and Debt Grants to Amtrak, and prior year balances in the High-Speed Corridors and Intercity Passenger Rail Service account. The number of positions listed is the estimated number of employees that will be on board at the end of the fiscal year.

DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION

FY 2015 Organization Chart

922 Full-time Positions (FTP); 922 Full-time Equivalents (FTE) *



* Includes personnel funded from the Safety and Operations account and prior year balances in the High-Speed Corridors and Intercity Passenger Rail Service account. The number of positions listed is the estimated number of employees that will be on board at the end of the fiscal year.

Full Time Equivalents (FTEs) FY 2004 - FY 2014

FY 2004			FY 2005			FY 2006			FY 2007			FY 2008		
Request	Enacted	Actual	Request	Enacted	Actual	Request	Enacted	Actual	Request	Enacted	Actual	Request	Enacted	Actual
817	805	783	832	826.5	791	836.5	837	837	844	844	811	850	850	812

FY 2009			FY 2010			FY 2011			FY 2012			FY 2013			FY 2014		
Request	Enacted	Actual	Request	Enacted	Actual	Request	Enacted	Actual	Request	Enacted	Actual	Request	Enacted	Actual	Request	Enacted	Actual
853	882.5 [1/]	817	885.5	894.5	840	948.5 [2/]	917	856	1000	871	860 [3/]	893.5	884	884 [4/]	888.5	903.5	903.5

Notes:

1/ In FY 2009, OMNIBUS VS ENACTED

2/ In FY 2011 FRA proposed to split the total requested FTE in between the proposed Railroad saftey operations program and the reimbursement account from the user fee.

3/ FY 2012 Actual total FTE includes 1.0 FTE funded from balances from the Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service account.

4/ FY 2013 Actual total FTE includes 3.0 FTE funded from balances from the Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service account.

FTE				
Year	Division	Request	Enacted	Actual
2005	HQ			
2005	Field			
2005	Total	832	827	791
2006	HQ		300	
2006	Field		0	
2006	Total	837	837	837
2007	HQ		844	
2007	Field		0	
2007	Total	844	844	811
2008	HQ		850	
2008	Field		0	
2008	Total	850	850	812
2009	HQ		869	
2009	Field		0	
2009	Total	853	869	817
2010	HQ		346.5	
2010	Field		548	
2010	Total	885.5	894.5	840

FEDERAL RAILROAD ADMINISTRATION
PERSONNEL RESOURCE - SUMMARY
TOTAL FULL-TIME EQUIVALENTS (FTE)

	FY 2013 Actual	FY 2014 Enacted	FY 2015 Request [3/]
DIRECT FUNDED BY APPROPRIATION			
Safety and Operations	881.0	892.5	915.0
Amtrak [1/]	-	5.0	-
High-Speed Rail [2/]	3.0	6.0	7.0
SUBTOTAL, DIRECT FUNDED	884.0	903.5	922.0
TOTAL FTEs	**884.0**	**903.5**	**922.0**

Notes:

1/ FRA plans to fund a limited number employees from the oversight take down in the Capital and Debt Service Grants to Amtrak account in FY 2014.

2/ Funded from balances from the Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service account.

3/ Includes "annualization" of 22.5 FTE for FY 2014 new hires

FEDERAL RAILROAD ADMINISTRATION
EMPLOYEE TRAINING AND DEVELOPMENT
FY 2009-2013

FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
$120,430	$198,412	$241,055	$234,477	$186,406

FY 2015 BUDGETARY RESOURCES BY PROGRAM
FEDERAL RAILROAD ADMINISTRATION
($000)

ACCOUNT NAME	FY 2013 Actual	FY 2014 Enacted	FY 2015 Request
Safety and Operations	169,254	184,500	185,250
Railroad Research and Development	33,169	35,250	35,100
Current Passenger Rail Service (TF, Oblim)	-	-	2,450,000
Rail Service Improvement Program (TF, Oblim)	-	-	2,325,000
Grants to the National Railroad Passenger Corporation [1/]	297,100	-	-
Operating Subsidy Grants to the National Railroad Passenger Corporation (Rebased)	441,625	340,000	-
Capital and Debt Service Grants to the National Railroad Passenger Corporation (Rebased)	902,205	1,050,000	-
Next Generation High-Speed Rail (Rebased)	-	(1,973)	-
Northeast Corridor Improvement Program (Rebased)	-	(4,419)	-
TOTAL BUDGETARY RESOURCES	**1,843,353**	**1,603,358**	**4,995,350**

1/ Includes $185 million transfer from FTA

FEDERAL RAILROAD ADMINISTRATION
PERSONNEL RESOURCE - SUMMARY
TOTAL FULL-TIME EQUIVALENTS (FTE)

	FY 2013 Actual	FY 2014 Enacted	FY 2015 Request [3/]
DIRECT FUNDED BY APPROPRIATION			
Safety and Operations	881.0	892.5	915.0
Amtrak [1/]	-	5.0	-
High-Speed Rail [2/]	3.0	6.0	7.0
SUBTOTAL, DIRECT FUNDED	884.0	903.5	922.0
TOTAL FTEs	**884.0**	**903.5**	**922.0**

Notes:

1/ FRA plans to fund a limited number employees from the oversight take down in the Capital and Debt Service Grants to Amtrak account in FY 2014.

2/ Funded from balances from the Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service account.

3/ Includes "annualization" of 22.5 FTE for FY 2014 new hires

Department of Transportation

Fiscal Year 2015 Questions for the Record

Chairman Tom Latham

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies

House Committee on Appropriations

Question. Please provide a chart with the carryover for each program for the last ten years.

Answer.

Account Name	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014
Formula and Bus	29,745,316	28,660,920	3,656,733,353	3,817,728,771	3,310,575,437	5,713,731,011	7,426,131,948	7,954,016,296	8,296,053,981	9,115,310,771
Discretionary Grants	45,442,142	28,065,483	7,186,647	5,216,134	3,610,866	2,491,355	4,594,859	4,636,685	17,463,516	13,773,968
Formula Grants	915,100	668,739	507,780	619,885	619,885	619,885	624,863	673,108	673,108	795,307
Non Urban Formula Grants	1	1	1	1	1	1	1	1	1	1
Urban Formula Grants	928,838	928,838	928,838	928,838	928,838	928,838	928,838	928,838	928,838	928,838
Formula Grants	2,065,919,421	2,539,675,836	598,676,524	347,692,860	79,628,130	80,296,356	84,239,408	84,510,954	103,688,730	87,057,578
Administrative Expenses	333,102	1,120,494	2,176,193	3,307,929	6,271,930	7,348,130	7,444,417	5,853,256	4,812,179	3,140,278
Research Training & Human Resources	296,219	16,896	1,019,373	344,017	236,989	236,999	236,999	247,579	247,579	418,474
Urban Discretionary	(850,478)	79,896	79,896	79,896	79,896	79,896	79,896	421,601	578,353	679,314
Job Access & Reverse Commute	128,349,512	123,418,719	116,042	22,736,055	15,313,039	12,826,471	12,763,272	13,712,493	14,989,839	15,704,469
Interstate Transfer Grant	(18,439,870)	(17,949,547)	2,431,000	97,275	75,665	1,481,904	2,527,201	2,661,568	2,687,207	2,687,207
Washington Metro Area Transit Authority	646,579	0	150,000	149,821	149,821	523,107	150,523,107	150,223,107	150,523,107	142,677,207
Captial Investment Grants	3,238,277,164	2,870,045,032	1,798,059,970	1,090,102,888	973,413,605	1,817,894,739	2,577,703,416	2,376,910,690	1,318,597,700	1,510,080,454
University Transportation Centers	6,188,577	9,576,448	7,542,848	176,703	278,035	292,554	292,554	292,554	511,130	595,619
Transit Planning and Research	67,568,702	81,669,901	45,233,288	64,730,304	65,619,942	76,207,513	104,979,265	101,855,909	106,300,033	124,390,612
Emergency Public Relief	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9,577,909,891
Transit Capital Assistance ARRA	N/A	N/A	N/A	N/A	N/A	897,439,400	N/A	245,278	39,278,211	44,137,197
Transit Capital Assistance ARRA Admin/Oversight	N/A	N/A	N/A	N/A	N/A	47,930,614	N/A	10,771,783	319,105	434,508

Account Name	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014
Fixed Guideway Infrastructure Investment	N/A	N/A	N/A	N/A	N/A	4,718,270	N/A	N/A	2	439,558
Fixed Guideway Infrastructure Investment RA Admin/Oversight	N/A	N/A	N/A	N/A	N/A	6,744,153	4,372,975	251,710	100,714	136,150
Capital Invesement Grants RA	N/A	N/A	N/A	N/A	N/A	274,280,000	N/A	N/A	N/A	N/A
Capital Investment Grants ARRA Admin/Oversight	N/A	N/A	N/A	N/A	N/A	7,400,000	6,154,129	238,202	14,336	14,936
Energy Efficiency and Greenhouse Gas Reductions	N/A	N/A	N/A	N/A	N/A	N/A	75,000,000	15,539,726	N/A	194,094
Energy Efficiency and Greenhouse Gas Reductions	N/A	N/A	N/A	N/A	N/A	N/A	N/A	49,900,000	14,489,084	N/A
Energy Efficiency and Greenhouse Gas Reductions	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total	**5,565,204,283**	**5,665,861,615**	**6,120,725,711**	**5,353,911,376**	**4,456,802,077**	**8,953,471,192**	**10,458,597,147**	**10,773,891,338.11**	**10,161,940,848**	**20,641,506,430.73**

Department of Transportation

Fiscal Year 2015 Questions for the Record

Chairman Tom Latham

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies

House Committee on Appropriations

Question. Please provide a chart with the carryover for each program for the last ten years.

Answer.

Federal Transit Administration

FY 2005-2014

Start of the Year Carryover

($ in millions)

Account Name	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014
Tansit Formula Grants (TF)	30	29	3,657	3,818	3,311	5,714	7,426	7,954	8,296	9,115
Discretionary Grants (TF)	45	28	7	5	4	2	5	5	17	14
Formula Grants	2,066	2,541	599	349	81	82	84	85	104	87
Administrative Expenses (GF)										3
Research Training & Human Resources (GF)			1							
Urban Discretionary (GF)	-1								1	1
Job Access & Reverse Commute (GF)	128	123	51	23	15	13	13	14	15	16
Interstate Transfer Grant (GF)	-18	-18	2			1	3	3	3	3
Washington Metro Area Transit Authority (GF)	1					1	151	150	151	143
Captial Investment Grants (GF)	3,238	2,870	1,798	1,090	973	1,818	2,578	2,377	1,319	1,510
University Transportation Centers (GF)	6	10	8						1	1
Transit Planning and Research (GF)	68	82	45	65	66	76	105	102	106	124
Emergency Public Relief (GF)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9,578
Transit Capital Assistance ARRA (GF)	N/A	N/A	N/A	N/A	N/A	897	N/A	N/A	N/A	N/A
Assistance ARRA Admin/Oversight (GF)	N/A	N/A	N/A	N/A	N/A	48	42	11	N/A	N/A

Account Name	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014
Fixed Guideway Infrastructure Investment ARRA (GF)	N/A	N/A	N/A	N/A	N/A	5	N/A	N/A	N/A	N/A
Fixed Guideway Infrastructure Investment ARRA Admin/Oversight (GF)	N/A	N/A	N/A	N/A	N/A	7	4		N/A	N/A
Capital Invesement Grants ARRA (GF)	N/A	N/A	N/A	N/A	N/A	274	N/A	N/A	N/A	N/A
Capital Investment Grants ARRA Admin/Oversight (GF)	N/A	N/A	N/A	N/A	N/A	7	6		N/A	N/A
Energy Efficiency and Greenhouse Gas Reductions	N/A	N/A	N/A	N/A	N/A	N/A	75	16		N/A
Energy Efficiency and Greenhouse Gas Reductions (GF)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	50	14	N/A
Total	**5,563**	**5,665**	**6,168**	**5,350**	**4,450**	**8,945**	**10,492**	**10,767**	**10,027**	**20,595**

*** (blank cell) represents funding below one million.**

*** (NA) represents not applicable**

Footnotes:

1) The delay in the availability of a full year of funding, which has occurred in most recent years, does not leave enough time for the grantees to prepare applications and for grants to be obligated before the end of the fiscal year.

2) Partial year extensions at the end of SAFETEA-LU's authorization led to incremental increases in contract authority but did not provide enough funding for grantees to submit applications until late into the fiscal year. This process went on from September 2009 until MAP-21 was passed in July 2012.

3) The rules that came with the $8.4 billion in FY 2009 FTA Recovery Act funding included a "use it or lose" requirement that all funds be obligated within 12 months. This requirement and the fact that no Federal match was required caused transit agencies to apply for their Recovery Act funds before applying for their regular Chapter 53 formula funds, slowing those obligations.

4) FTA was prevented from obligating funds to transit agencies in California during FY 2013 because of requirements in state legislation called the California Employees' Pension Reform Act (PEPRA).

5) A recent change in MAP-21 allows transit agencies up to 6 years beginning in FY 2013 to obligate Section 5307 Urbanized Area formula funds – FTA's largest program at $4.5 billion annually.

6) The workload created for FTA's grantees in the New York Area by the availability of Hurricane Sandy relief funds in early FY 2013 delayed the normal obligation pattern of several of FTA's large grantees, including the New York Metropolitan Transit Authority (MTA) – FTA's largest grantee.

Department of Transportation

Fiscal Year 2015 Questions for the Record

Chairman Tom Latham

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies

House Committee on Appropriations

Question. Please provide a ten-year funding history for each of the agencies and offices in DOT.

Answer.

Federal Transit Administration

Appropriation, Obligation Limitations, and Exempt Obligations

($000)

Account Name 1/, 2/	FY 2005 Actual 3/	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Enacted
Transit Formula Grants (TF) renamed	NA	NA	NA	NA	$9,245,953	$9,754,171	$9,554,666	$9,889,067	$9,866,826	$9,895,000
Formula Grants (GF)	$4,863,438	NA	$35,000	NA	$855	$1,400	NA	NA	NA	NA
Formula and Bus Grants (TF)	NA	$8,277,887	$8,240,281	$8,775,861	NA	NA	NA	NA	NA	NA
Capital Investment Grants (GF) 4/	$3,361,714	$1,440,682	$1,566,000	$1,569,092	$2,557,250	$1,998,000	$1,584,064	$1,944,914	$1,854,999	$1,942,938
Research and University Research Centers (GF)	$203,498	$74,448	$61,000	$65,363	NA	NA	NA	NA	NA	NA
University Transportation Research (GF)	$5,952	NA	NA	NA	NA	NA	NA	NA	NA	NA

Account Name 1/, 2/	FY 2005 Actual 3/	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Enacted
National Research & Tech. (GF)	NA	NA	NA	NA	$67,000	$65,670	$58,882	NA	NA	NA
Research, Development, Demonstration, & Deployment Program (GF)	NA	NA	NA	NA	NA	NA	NA	$44,000	NA	NA
Transit Research & Training (GF)	NA	NA	NA	NA	NA	NA	NA	NA	$41,699	NA
Transit Research (GF)	NA	NA	NA	NA	NA	NA	NA	NA	NA	$43,000
Technical Assistance & Training (GF)	NA	NA	NA	NA	NA	NA	NA	NA	NA	$5,000
Job Access and Reverse Commute (GF)	$124,000	NA	NA	NA	NA	NA	NA	NA	NA	NA
Discretionary Grants (TF) 5/	-$31,045	NA	NA	NA	NA	NA	NA	NA	NA	NA
Washington Metropolitan Area Transit Authority (GF)	NA	NA	NA	NA	NA	$150,000	$149,700	$150,000	$142,154	$150,000
Transit Capital Assist. Grants Recovery Act	NA	NA	NA	NA	$7,188,391	NA	NA	NA	NA	NA

Account Name 1/, 2/	FY 2005 Actual 3/	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Enacted
Fixed Guideway Infrastructure Investment, Recovery Act	NA	NA	NA	NA	$750,000	NA	NA	NA	NA	NA
Energy Efficiency & Greenhouse Gas Reductions (GF)	NA	NA	NA	NA	NA	$75,000	$49,900	NA	NA	NA
Emergency Relief Program Hurricane Sandy (GF) 6/	NA	NA	NA	NA	NA	NA	NA	NA	$10,164,300	NA
Administrative Expenses (GF)	$76,423	$79,200	$85,000	$89,300	$94,413	$98,911	$98,713	$98,713	$97,542	$105,933
Total	**$8,603,980**	**$9,872,217**	**$9,987,281**	**$10,499,616**	**$19,903,862**	**$12,143,152**	**$11,495,925**	**$12,126,694**	**$22,167,520**	**$12,141,871**

NA- (Not applicable) No funding requested

*TF (Trust Fund)

*GF (General Fund)

1/ Amounts for this table include across-the-board recessions and mandated sequester amounts.

2/ Amounts for this table includes FHWA flex funding.

3/ In FY 2005, all accounts were split between trust fund and general fund.

4/ The FY 2014 amount does not include $189 million of prior year unobligated balances for Capital Investment Grants for a total of $2.132 B.

5/ In FY 2005, the FY 2005 Omnibus Appropriations Act P.L. 108-447 included a provision to transfer unobligated resources from the Discretionary Grants account to the Formula Grants account in the amount of $31,045 M.

6/ Includes $10.2 billion in supplemental appropriations for Hurricane Sandy relief in FY 2013. Amount reflects transfer of $6 million to the Office of the Inspector General for oversight, $545 million reduction due to across the board rescissions and mandated sequester amounts, $185 million transfer to Federal Railroad Administration.

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION
Historical Funding Levels (2005-2014)
($000)

Account Name 1/, 2/	FY 2005 Actual 3/	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Enacted
Transit Formula Grants (TF) renamed	NA	NA	NA	NA	$9,245,953	$9,754,171	$9,554,666	$9,889,067	$9,866,826	$9,895,000
Formula Grants (GF)	$4,863,438	NA	$35,000	NA	$855	$1,400	NA	NA	NA	NA
Formula and Bus Grants (TF)	NA	$8,277,887	$8,240,281	$8,775,861	NA	NA	NA	NA	NA	NA
Capital Investment Grants (GF) 4/	$3,361,714	$1,440,682	$1,566,000	$1,569,092	$2,557,250	$1,998,000	$1,584,064	$1,944,914	$1,854,999	$1,942,938
Research and University Research Centers (GF)	$203,498	$74,448	$61,000	$65,363	NA	NA	NA	NA	NA	NA
University Transportation Research (GF)	$5,952	NA	NA	NA	NA	NA	NA	NA	NA	NA
National Research & Tech. (GF)	NA	NA	NA	NA	$67,000	$65,670	$58,882	NA	NA	NA

Account Name 1/, 2/	FY 2005 Actual 3/	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Enacted
Research, Development, Demonstration, & Deployment Program (GF)	NA	NA	NA	NA	NA	NA	NA	$44,000	NA	NA
Transit Research & Training (GF)	NA	NA	NA	NA	NA	NA	NA	NA	$41,699	NA
Transit Research (GF)	NA	NA	NA	NA	NA	NA	NA	NA	NA	$43,000
Technical Assistance & Training (GF)	NA	NA	NA	NA	NA	NA	NA	NA	NA	$5,000
Job Access and Reverse Commute (GF)	$124,000	NA	NA	NA	NA	NA	NA	NA	NA	NA
Discretionary Grants (TF) 5/	-$31,045	NA	NA	NA	NA	NA	NA	NA	NA	NA
Washington Metropolitan Area Transit Authority (GF)	NA	NA	NA	NA	NA	$150,000	$149,700	$150,000	$142,154	$150,000
Transit Capital Assist. Grants Recovery Act	NA	NA	NA	NA	$7,188,391	NA	NA	NA	NA	NA

Account Name 1/, 2/	FY 2005 Actual 3/	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Enacted
Fixed Guideway Infrastructure Investment, Recovery Act	NA	NA	NA	NA	$750,000	NA	NA	NA	NA	NA
Energy Efficiency & Greenhouse Gas Reductions (GF)	NA	NA	NA	NA	NA	$75,000	$49,900	NA	NA	NA
Emergency Relief Program Hurricane Sandy (GF) 6/	NA	NA	NA	NA	NA	NA	NA	NA	$10,164,300	NA
Administrative Expenses (GF)	$76,423	$79,200	$85,000	$89,300	$94,413	$98,911	$98,713	$98,713	$97,542	$105,933
Total	**$8,603,980**	**$9,872,217**	**$9,987,281**	**$10,499,616**	**$19,903,862**	**$12,143,152**	**$11,495,925**	**$12,126,694**	**$22,167,520**	**$12,141,871**

NA- (Not applicable) No funding requested

*TF (Trust Fund)

*GF (General Fund)

1/ Amounts for this table include across-the-board recessions and mandated sequester amounts.

2/ Amounts for this table includes FHWA flex funding.

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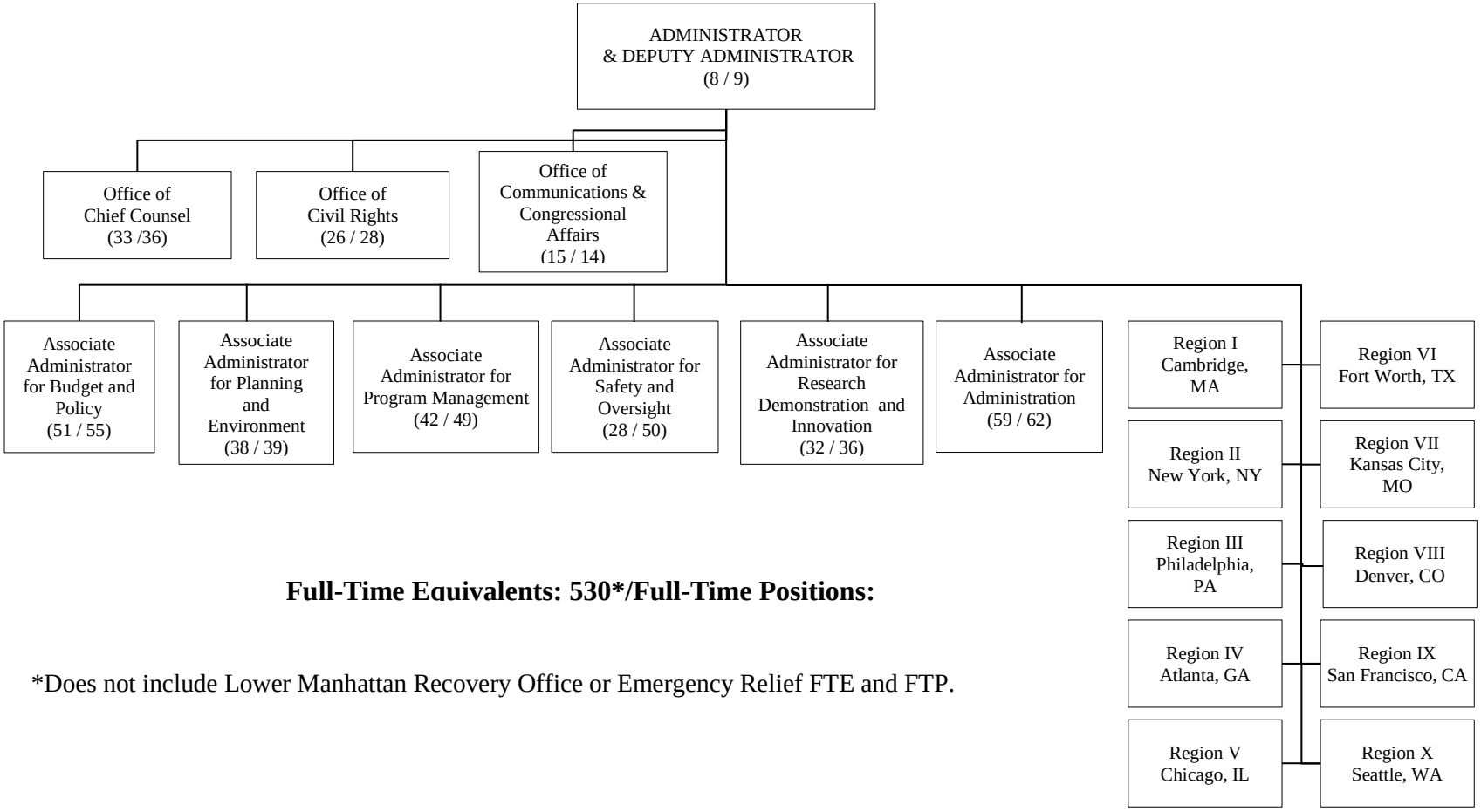
5/ In FY 2005, the FY 2005 Omnibus Appropriations Act P.L. 108-447 included a provision to transfer unobligated resources from the

6/ Includes $10.2 billion in supplemental appropriations for Hurricane Sandy relief in FY 2013. Amount reflects transfer of $6 million to the Office of the Inspector General for oversight, $545 million reduction due to across the board rescissions and mandated sequester amounts, $185 million transfer to Federal Railroad Administration.

Account Name 1/, 2/	FY 2005 Actual 3/	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Enacted
OST Control Total (Approps+ObLim)	$ 8,603,980.00	$ 9,872,217.00	$ 9,987,281.00	$ 10,499,891.00	$ 19,903,862.00	$ 12,143,396.00	$ 11,495,925.00	$ 12,126,694.00	$ 12,003,220.00	$ 12,141,871.00
	$ -	$ -	$ -	$ 275.00	$ -	$ 244.00	$ -	$ -	$ (10,164,300.00)	$ -

FEDERAL TRANSIT ADMINISTRATION
FY 2014 Administrative Organizational Chart with
FTE and Full-Time Positions



Full-Time Equivalents: 530*/Full-Time Positions:

*Does not include Lower Manhattan Recovery Office or Emergency Relief FTE and FTP.

Department of Transportation

Fiscal Year 2015 Questions for the Record

Chairman Tom Latham

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies

House Committee on Appropriations

Question: Please list all of the programs included in DOT's FY 2015 budget, the authorizing statute and the date when their authorization expires.

Answer:

Accounts	**Authorizing Statue**	**Authorization Expiration**
Transit Formula Grants (TF)	MAP-21	Sept. 30, 2014
Capital Investment Grant (TF)	MAP-21	Sept. 30, 2014
Transit Research and Training (TF)	MAP-21	Sept. 30, 2014
Emergency Relief Program (TF)	MAP-21	Sept. 30, 2014
Fixing And Accelerating Surface Transportation (TF)	MAP-21	Sept. 30, 2014
Rapid Growth Area Transit Programs (TF)	MAP-21	Sept. 30, 2014
Washington Metropolitan Area Transit Authority (GF)	PRIIA	Sept. 30, 2018

Trust Fund (TF)

General Fund (GF)

Moving Ahead For Progress in the 21st Century (MAP-21)

Passenger Rail Investment and Improvement Act (PRIIA)

Department of Transportation

Fiscal Year 2015 Questions for the Record

Chairman Tom Latham

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies

House Committee on Appropriations

Question**.** Please provide details of all organizational/staffing changes included in the FY 2015 budget request. Please include a breakout of the number of FTE who would be working on each new initiative proposed in the budget request.

Answer**.** See chart below for the organizational/staffing changes in FY 2015. FTA does not allocate FTE by initiatives.

Organizational/Staffing Changes from FY 2014- FY 2015

Program Office	**FY 2014 Enacted**	**FY 2015 Request**
Office of the Administrator	8	9
Office of Administration	59	60
Office of the Chief Counsel	33	39
Office of Communications and Congressional Affairs	15	14
Office of Program Management	42	50
Office of Budget and Policy	51	55
Office of Research and Innovation	32	36
Office of Civil Rights	26	28
Office of Planning and Environment	38	40
Office of Safety and Oversight	28	49
Total Headquarters Offices	**332**	**380**
Regional Offices	**198**	**200**
TOTAL	**530**	**580**

Department of Transportation

Fiscal Year 2015 Questions for the Record

Chairman Tom Latham

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies

House Committee on Appropriations

Question. Please provide a table showing new programs and program terminations in the Department's FY 2015 budget request

Answer.

New Accounts	**FY 2015 Request**
Fixing And Accelerating Surface Transportation	$500,000,000
Rapid Growth Area Transit Programs	$500,000,000

In addition to the above accounts, FTA also proposed in the FY 2015 budget request to fund the Administrative Expenses account ($114,400,000) from within the Transit Formula Grants account. The Transit Formula Account is funded from the Mass Transit Account of the proposed Transportation Trust Fund. Administrative Expenses were funded from the General Fund in FY 2013 and FY 2014.

FTA also proposed in the FY 2015 budget request to fund the Bus and Bus Facilities program ($1.939 billion) through a split structure with 70 percent of funding provided through a formula and 30 percent provided through a discretionary program. This program will replace, rehabilitate, and purchase buses and related equipment, and to construct bus-related facilities. States may use these funds to supplement Urbanized Area and Rural Area formula grant programs. At least 10 percent of the discretionary funding will go to rural transit agencies.

Department of Transportation

Fiscal Year 2015 Questions for the Record

Chairman Tom Latham

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies

House Committee on Appropriations

Question. Please provide a chart with the carryover for each program for the last ten years.

Answer.

Federal Transit Administration

FY 2005-2014

Start of the Year Carryover

($ in millions)

Account Name	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014
Tansit Formula Grants (TF)	30	29	3,657	3,818	3,311	5,714	7,426	7,954	8,296	9,115
Discretionary Grants (TF)	45	28	7	5	4	2	5	5	17	14
Formula Grants	2,066	2,541	599	349	81	82	84	85	104	87
Administrative Expenses (GF)										3
Research Training & Human Resources (GF)			1							
Urban Discretionary (GF)	-1								1	1
Job Access & Reverse Commute (GF)	128	123	51	23	15	13	13	14	15	16
Interstate Transfer Grant (GF)	-18	-18	2			1	3	3	3	3
Washington Metro Area Transit Authority (GF)	1					1	151	150	151	143
Captial Investment Grants (GF)	3,238	2,870	1,798	1,090	973	1,818	2,578	2,377	1,319	1,510
University Transportation Centers (GF)	6	10	8						1	1
Transit Planning and Research (GF)	68	82	45	65	66	76	105	102	106	124
Emergency Public Relief (GF)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9,578
Transit Capital Assistance ARRA (GF)	N/A	N/A	N/A	N/A	N/A	897	N/A	N/A	N/A	N/A
Assistance ARRA Admin/Oversight (GF)	N/A	N/A	N/A	N/A	N/A	48	42	11	N/A	N/A

Account Name	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014
Fixed Guideway Infrastructure Investment ARRA (GF)	N/A	N/A	N/A	N/A	N/A	5	N/A	N/A	N/A	N/A
Fixed Guideway Infrastructure Investment ARRA Admin/Oversight (GF)	N/A	N/A	N/A	N/A	N/A	7	4		N/A	N/A
Capital Invesement Grants ARRA (GF)	N/A	N/A	N/A	N/A	N/A	274	N/A	N/A	N/A	N/A
Capital Investment Grants ARRA Admin/Oversight (GF)	N/A	N/A	N/A	N/A	N/A	7	6		N/A	N/A
Energy Efficiency and Greenhouse Gas Reductions	N/A	N/A	N/A	N/A	N/A	N/A	75	16		N/A
Energy Efficiency and Greenhouse Gas Reductions (GF)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	50	14	N/A
Total	**5,563**	**5,665**	**6,168**	**5,350**	**4,450**	**8,945**	**10,492**	**10,767**	**10,027**	**20,595**

*** (blank cell) represents funding below one million.**

*** (NA) represents not applicable**

Footnotes:

1) The delay in the availability of a full year of funding, which has occurred in most recent years, does not leave enough time for the grantees to prepare applications and for grants to be obligated before the end of the fiscal year.

2) Partial year extensions at the end of SAFETEA-LU's authorization led to incremental increases in contract authority but did not provide enough funding for grantees to submit applications until late into the fiscal year. This process went on from September 2009 until MAP-21 was passed in July 2012.

3) The rules that came with the $8.4 billion in FY 2009 FTA Recovery Act funding included a "use it or lose" requirement that all funds be obligated within 12 months. This requirement and the fact that no Federal match was required caused transit agencies to apply for their Recovery Act funds before applying for their regular Chapter 53 formula funds, slowing those obligations.

4) FTA was prevented from obligating funds to transit agencies in California during FY 2013 because of requirements in state legislation called the California Employees' Pension Reform Act (PEPRA).

5) A recent change in MAP-21 allows transit agencies up to 6 years beginning in FY 2013 to obligate Section 5307 Urbanized Area formula funds – FTA's largest program at $4.5 billion annually.

6) The workload created for FTA's grantees in the New York Area by the availability of Hurricane Sandy relief funds in early FY 2013 delayed the normal obligation pattern of several of FTA's large grantees, including the New York Metropolitan Transit Authority (MTA) – FTA's largest grantee.

Department of Transportation

Fiscal Year 2015 Questions for the Record

Chairman Tom Latham

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies

House Committee on Appropriations

Question. Please provide a table showing funds for employee training and development for the last five years.

Answer.

Federal Transit Administration
Employee Training and Development

Fiscal Year	Expenses
FY 2010 Actual	$1,227,310
FY 2011 Actual	$869,774
FY 2012 Actual	$855,353
FY 2013 Actual	$953,879
FY 2014 Estimated	$1,500,000

DEPARTMENT OF TRANSPORTATION
FULL TIME EQUIVALENT EMPLOYMENT (FTE)
FY 2004 - 2014 FTE HISTORY

Account	FY 2004 Request	FY 2004 Enacted	FY 2004 Actual	FY 2005 Request	FY 2005 Enacted	FY 2005 Actual	FY 2006 Request	FY 2006 Enacted	FY 2006 Actual	FY 2007 Request	FY 2007 Enacted	FY 2007 Actual	FY 2008 Request	FY 2008 Enacted	FY 2008 Actual	FY 2009 Request	FY 2009 Enacted	FY 2009 Actual	FY 2010 Request	FY 2010 Enacted	FY 2010 Actual	FY 2011 Request	FY 2011 Enacted	FY 2011 Actual	FY 2012 Request	FY 2012 Enacted	FY 2012 Actual	FY 2013 Request	FY 2013 Enacted	FY 2013 After SEQ	FY 2013 Actual	FY 2014 Request	FY 2014 Enacted
Maritime Administration	958	890	824	903	827	827	827		785	820	785	756	800		735	803		759	842	842	772	846	822	805	835	835	796	840	840	840	811	840	842
TOTAL	**958**	**890**	**824**	**903**	**827**	**827**	**827**	**0**	**785**	**820**	**785**	**756**	**800**	**0**	**735**	**803**	**0**	**759**	**842**	**842**	**772**	**846**	**822**	**805**	**835**	**835**	**796**	**840**	**840**	**840**	**811**	**840**	**842**

U.S. DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION
Historical Funding Levels (2005-2014)
($000)

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Operations & Training (O&T)	106,952	136,026	111,522	121,992	123,360	149,750	151,446	156,258	148,085	148,003
USMMA	55,467	61,235	61,236	62,747	61,358	74,057	79,897	85,168	80,713	79,500
State Maritime Academies	10,406	11,099	11,099	13,181	14,500	15,940	15,908	17,100	16,206	17,300
MARAD Operations and Programs	41,079	56,192	39,187	46,064	47,502	59,753	55,641	53,990	51,166	51,203
Supplemental Approp.- Hurricane Repairs	0	7,500	0	0	0	0	0	0	0	0
Ship Disposal	21,443	20,790	20,790	17,000	15,000	15,000	14,970	5,500	5,212	4,800
Maritime Security Program	97,910	154,440	154,440	156,000	174,000	174,000	173,652	174,000	160,289	186,000
Assistance to Small Shipyards	0	0	0	10,000	17,500	15,000	9,980	9,980	9,458	0
Assistance to Small Shipyards ARRA	0	0	0	0	100,000	0	0	0	0	0
National Defense Tank Vessel Construction	74,400	0	0	0	0	0	0	0	0	0
Maritime Guaranteed Loan (Title XI)	4,726	9,085	4,085	8,408	3,531	9,000	8,982	3,740	3,544	38,500
Guarantee Subsidy	0	5,000	0	5,000	0	5,000	3,992	0	3,544	3,500
Administration	4,726	4,085	4,085	3,408	3,531	4,000	4,990	3,740	0	35,000
Total Appropriations	**305,432**	**320,341**	**290,837**	**313,400**	**433,391**	**362,750**	**359,030**	**349,478**	**326,588**	**377,303**

Organizational Chart---FTE

U.S. Department of Transportation

Maritime Administration

FY 2014- FY 2015

MARAD Total FY 2014 FTE	842
Direct	507
Reimbursable	335
MARAD Total FY 2015 FTE	842
Direct	840
Reimbursable	2

Office of the Administrator and Staff Offices

	2014	2015
Direct	54	59
Reim.	5	0
Total	59	59

United States Merchant Marine Academy

	2014	2015
Direct	285	285
Reim.	0	0
Total	285	285

Associate Administrator for Budget and Programs/ Chief Financial Officer

	2014	2015
Direct	17	32
Reim.	15	0
Total	32	32

Associate Administrator for Administration

	2014	2015
Direct	37	65
Reim.	28	0
Total	65	65

Associate Administrator for Environment and Compliance

	2014	2015
Direct	17	19
Reim.	2	0
Total	19	19

Associate Administrator for Intermodal System Development

	2014	2015
Direct	34	35
Reim.	1	0
Total	35	35

Associate Administrator for Strategic Sealift

	2014	2015
Direct	34	316
Reim.	283	0
Total	316	316

Associate Administrator for Business and Finance Development

	2014	2015
Direct	30	30
Reim.	2	2
Total	32	32

Organizational Chart---FTP

U.S. Department of Transportation

Maritime Administration

FY 2014- FY 2015

MARAD Total FY 2014 FTP	872
Direct	533
Reimbursable	339
MARAD Total FY 2015 FTP	872
Direct	870
Reimbursable	2

Office of the Administrator and Staff Offices

	2014	2015
Direct	58	63
Reim.	5	0
Total	63	63

United States Merchant Marine Academy

	2014	2015
Direct	295	295
Reim.	0	0
Total	295	295

Associate Administrator for Budget and Programs/ Chief Financial Officer

	2014	2015
Direct	18	33
Reim.	15	0
Total	33	33

Associate Administrator for Administration

	2014	2015
Direct	40	68
Reim.	28	0
Total	68	68

Associate Administrator for Environment and Compliance

	2014	2015
Direct	18	20
Reim.	2	0
Total	20	20

Associate Administrator for Intermodal System Development

	2014	2015
Direct	36	37
Reim.	1	0
Total	37	37

Associate Administrator for Strategic Sealift

	2014	2015
Direct	36	322
Reim.	286	0
Total	322	322

Associate Administrator for Business and Finance Development

	2014	2015
Direct	32	32
Reim.	2	2
Total	34	34

DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION
History of Enacted Appropriations
FY 2005 - FY 2014

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Operations & Training (O&T)	106,952	136,026	111,522	121,992	123,360	149,750	151,446	156,258	148,085	148,003
USMMA	55,467	61,235	61,236	62,747	61,358	74,057	79,897	85,168	80,713	79,500
State Maritime Academies	10,406	11,099	11,099	13,181	14,500	15,940	15,908	17,100	16,206	17,300
MARAD Operations and Programs	41,079	56,192	39,187	46,064	47,502	59,753	55,641	53,990	51,166	51,203
Supplemental Approp.- Hurricane Repairs	0	7,500	0	0	0	0	0	0	0	0
Ship Disposal	21,443	20,790	20,790	17,000	15,000	15,000	14,970	5,500	5,212	4,800
Maritime Security Program	97,910	154,440	154,440	156,000	174,000	174,000	173,652	174,000	160,289	186,000
Assistance to Small Shipyards	0	0	0	10,000	17,500	15,000	9,980	9,980	9,458	0
Assistance to Small Shipyards ARRA	0	0	0	0	100,000	0	0	0	0	0
National Defense Tank Vessel Construction	74,400	0	0	0	0	0	0	0	0	0
Maritime Guaranteed Loan (Title XI)	4,726	9,085	4,085	8,408	3,531	9,000	8,982	3,740	3,544	38,500
Guarantee Subsidy	0	5,000	0	5,000	0	5,000	3,992	0	3,544	3,500
Administration	4,726	4,085	4,085	3,408	3,531	4,000	4,990	3,740	0	35,000
Total Appropriations	**305,432**	**320,341**	**290,837**	**313,400**	**433,391**	**362,750**	**359,030**	**349,478**	**326,588**	**377,303**

DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION

New Programs/Program Terminations for FY 2015

New Programs	**Terminated Programs**
Food Aid Reform	Ocean Freight Differential
Mariner Compliance and Training	

DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION
Authorization Statute for FY 2015 Programs

Program	Authorization Statute	Expiration
USMMA –	46 U.S.C. Chapter 513	Indefinite
Operations	Pub. L. 113-66 (12/26/13)	Annually
Capital Improvements	Pub. L. 113-76 (1/17/14)	Annually
Major Repairs	Pub. L. 113-76 (1/17/14)	Annually
State Maritime Academies-	46 U.S.C. Chapter 515	Indefinite
SIP	Pub. L. 113-76 (1/17/14)	Annually
Direct SMA Support	Pub. L. 113-66 (12/26/13)	Annually
School Ship Repair	Pub. L. 113-76 (1/17/14)	Annually
Maritime Compliance	46 U.S.C. Chapters 511 & 517	Indefinite
MARAD-	46 U.S.C. 109	Indefinite
Operations & Training	Pub. L. 113-76 (1/17/14)	Annually
Program Initiatives	46 U.S.C. 50307	Indefinite
Ship Disposal	Pub. L. 113-76 (1/17/14)	Indefinite
Maritime Security Program –	46 U.S.C. Chapter 531	Indefinite
Program Expenses	Pub. L. 113-76 (1/17/14)	30-Sep-25
Food Aid Reform	Not yet authorized	Annually
Title XI Program –	46 U.S.C. Chapter 537	Indefinite
Loan Guarantees	Pub. L. 113-76 (1/17/14)	Annually
Admin. Expenses	Pub. L. 113-76 (1/17/14)	Annually
Ready Reserve Force	50 U.S.C. App. 1744	Indefinite
Assistant to Small Shipyards	46 U.S.C. 54101	30-Sep-13

DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION
Ten Year History on Unobligated Carryover Balances
($000)

	FY 2004 Actuals	FY 2005 Actuals	FY 2006 Actuals	FY 2007 Actuals	FY 2008 Actuals	FY 2009 Actuals	FY 2010 Actuals	FY 2011 Actuals	FY 2012 Actuals	FY 2013 Actuals
	(available FY 2005	(available FY 2006	(available FY 2007	(available FY 2008	(available FY 2009	(available FY 2010	(available FY 2011	(available FY 2012	(available FY 2013	(available FY 2014
Account:										
Operations and Training	1,722	5,284	2,886	1,649	19,399	41,206	25,634	49,425	56,159	59,047
Gifts and Bequests	27	37	39	59	268	1,194	1,211	1,980	2,621	2,435
Special Studies and Programs	137	6,330	6,339	1,300	2,675	834	14,315	13,455	2,034	1,397
Ship Disposal	7,740	12,482	15,933	14,081	20,325	26,012	20,241	15,647	12,401	7,328
Maritime Security Program	2,420	754	2,560	475	1,000	4,857	10,297	15,829	3,829	0
Assistance To Small Shipyards	-	0	0	0	0	549	847	826	1,234	1,226
National Defense Tank Vessel Constructio	-	74,400	74,400	74,400	0	0	0	0	0	0
Ship Construction	1,979	2,071	2,977	6,674	1,382	0	0	0	0	0
Ready Reserve Force	2,599	3,015	3,632	2,253	2,299	2,323	2,333	42,557	20,673	24,545
Operating-differential Subsides	-	0	0	822	822	822	822	822	10,747	0
Ocean Freight Differential	-	0	0	0	90,891	26,288	79,651	79,651	32,336	0
Federal Ship Finacing Fund Liquidating A	8	0	0	20	20	17	0	0	0	0
Vessel Operations Revolving Fund	8,868	13,486	22,089	19,708	52,292	94,507	41,613	52,312	59,092	72,640
War Risk Insurance Revolving Fund	39,400	41,083	42,365	43,293	44,001	46,183	47,252	47,252	47,405	47,629
Port of Guam Enterprise Fund	-	0	0	0	0	0	50,060	50,365	48,302	41,564
Maritime Guaranteed Loan Program:										
Subsidy	15,816	334	7,352	7,352	12,352	42,907	76,612	62,256	27,516	38,082
Total	**80,716**	**159,276**	**180,572**	**172,086**	**247,726**	**287,698**	**370,888**	**432,377**	**324,349**	**295,893**

DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION
TRAINING AND DEVELOPMENT
($000)

TRAINING	**FY 2009 ACTUAL**	**FY 2010 ACTUAL**	**FY 2011 ACTUAL**	**FY 2012 ACTUAL**	**FY 2013 ACTUAL**
Operations and Trainin	232	236	198	229	214
TOTALS	232	236	198	229	214

Ten year funding history

		FY 2005 ACTUAL	FY 2006 ACTUAL	FY 2007 ACTUAL	FY 2008 ACTUAL	FY 2009 ACTUAL	FY 2010 ACTUAL	FY 2011 ACTUAL	FY 2012 ACTUAL	FY 2013 ENACTED	FY 2013** ACTUAL	FY 2014 ENACTED	FY 2015 REQUEST
0650VS	**VEHICLE SAFETY (GF)**	157,386,000	135,367,000	122,000,000	126,572,000	127,000,000	140,427,000	140,146,146	140,146,000	140,146,000	132,815,525	134,000,000	152,000,000
8016HS	**HIGHWAY SAFETY RESEARCH AN DEVELOPMENT (TF)**	72,000,000	108,900,000	107,750,000	107,750,000	105,500,000	105,500,000	105,500,000	109,500,000	115,500,000	115,269,000	123,500,000	122,000,000
*** NDR**	**NATIONAL DRIVER REGISTER**	3,572,000	3,960,000	4,000,000	4,000,000	4,000,000	7,350,000	7,343,000	-	-	-	-	-
8020GA	**SAFETY GRANTS**	223,200,000	572,394,000	587,750,000	599,250,000	619,500,000	619,500,000	619,500,000	550,328,000	554,500,000	553,391,000	561,500,000	577,000,000
		456,158,000	**820,621,000**	**821,500,000**	**837,572,000**	**856,000,000**	**872,777,000**	**872,489,146**	**799,974,000**	**810,146,000**	**801,475,525**	**819,000,000**	**851,000,000**

Note:
* Starting in FY 2012, National Driver Register is eliminared as a separate account and moves to the Highway Safety Research and Development account
** FY 2013 includes has columns. This first is the Enacted and the second reflects the Actual values due to a .02% A-T-B recission to all funds. In addition, the Vehicle Safety General Fund was reduced by an additional .05% for Sequestration.

FY 2015 CBJ Budget **FY2015 New/Terminated Programs**

	FY 2013 Enacted	FY 2014 Enacted	FY 2015 CBJ Justification	FY 2015 OST Budget	FY 2014 Variance
Rulemaking					
Theft Control & Other Programs	$ -	$ 74,850	$ -	$	(74,850)

3. Please list all of the programs included in DOT's FY 2015 budget, the authorizing statute and the date when their authorization expires.

Authorizing Statute	Programs		
			Fy 2015 Budget
Generally: National Traffic and Motor Vehicle Safety Act of 1966, pub L. 89-563 (49USC Chapter 301), as amended. (organic legislation, does not expire)	Vehicle Safety		152,000,000
Motor Vehicle Information and Cost Savings Act Pub L. 92-513 (various chapters in 49 USC subtitle VI, Part C) as amended. (organic legislation, does not expire)			
Highway Safety Act of 1966, Pub. L. 89-564 as amended by	Highway Safety Research and Development		122,000,000
Moving Ahead for Progress in the 21st Century Act (MAP-21); Expires 30 September 2014	Highway Safety Grants		577,000,000

3. Please list all of the programs included in DOT's FY 2015 budget, the authorizing statute and the date when their authorization expires.

Authorizing Statute	Programs		
			Fy 2015 Budget
Generally: National Traffic and Motor Vehicle Safety Act of 1966, pub L. 89-563 (49USC Chapter 301), as amended. (organic legislation, does not expire)	Vehicle Safety		152,000,000
Motor Vehicle Information and Cost Savings Act Pub L. 92-513 (various chapters in 49 USC subtitle VI, Part C) as amended. (organic legislation, does not expire)			
Highway Safety Act of 1966, Pub. L. 89-564 as amended by	Highway Safety Research and Development		122,000,000
Moving Ahead for Progress in the 21st Century Act (MAP-21); Expires 30 September 201	Highway Safety Grants		577,000,000

Program	**Authorizing Statute**	**Expiration**
Operations and Research -- Vehicle Safety (GF)	P.L. 109-59 SAFETEA-LU	9/30/2009
Operations and Research -- Highway Safety Research and Development (TF)	P.L. 112-141 MAP-21	9/30/2014
Highway Safety Grants (TF)	P.L. 112-141 MAP-21	9/30/2014

2005		
69X8055 - Motor Carrier Safety	Brought forward October 1, Actual	18,641,031
69X0650 - Operations and Research - Federal	Brought forward October 1, Actual	497,000
693/50650 - Operations and Research - Federal	Brought forward October 1, Actual	3,500,000
69X8362 - Operations and Research - National Driver Register	Brought forward October 1, Actual	615,664
69X8020 - Highway Traffic Safety Grants	Brought forward October 1, Actual	4,336,103
69X8016 - Operations and Research -Trust	Brought forward October 1, Actual	4,959,819
69X8048 - National Motor Carrier Safety Program	Brought forward October 1, Actual	3,693,190
		36,242,807
2006		
69X0650 - Operations and Research - Federal	Brought forward October 1, Actual	835,426
69X8020 - Highway Traffic Safety Grants	Brought forward October 1, Actual	4,336,103
69X8362 - Operations and Research - National Driver Register	Brought forward October 1, Actual	1,712,464
69X8016 - Operations and Research - Trust	Brought forward October 1, Actual	11,904,853
		18,788,846
2007		
69X0650 - Operations and Research - No-year General Funds	Brought forward October 1, Actual	835,563
69-8016 2006/2008 - Operations and research (Highway trust fund)	Brought forward October 1, Actual	4,100,122
69-8016 /X - Operations and Research - No-Year Highway Trust Funds (Incl. FHWA Transfers)	Brought forward October 1, Actual	17,832,285
69X8020 - Highway Traffic Safety Grants	Brought forward October 1, Actual	8,646,863
69-8020 /X - Highway Traffic Safety Grants	Brought forward October 1, Actual	10,842,576
69X8362 - Operations and Research - National Driver Register	Brought forward October 1, Actual	572,695
OPERATIONS AND RESEARCH (Vehicle Safety) 696/88016 (FY 2006 Funds Available thru FY 2008)	Brought forward October 1, Actual	5,000,000
		47,830,104

2008		
69-8020 /X - Highway Traffic Safety Grants	Brought forward October 1, Actual	15,606,591
69-8362 /X - National Driver Register	Brought forward October 1, Actual	1,538,026
69-0650 /X - Operations and Research (--0650)	Brought forward October 1, Actual	7,564
69-8016 2006/2008 - Operations and Research (Highway Trust Fund) (--8016)	Brought forward October 1, Actual	2,010,077
69-8016 /X - Operations and Research (Highway Trust Fund) (--8016)	Brought forward October 1, Actual	72,388,950
		91,551,208
2009		
69-8362 /X - National Driver Register	Brought forward October 1, Actual	1,422,111
69-8020 /X - Highway Traffic Safety Grants (021-18-8020)	Brought forward October 1, Actual	59,953,390
69-0650 /X - Operations and Research (021-18-0650)	Brought forward October 1, Actual	1,530,000
69-0650 /X - Operations and Research (021-18-0650)	Brought forward October 1, Actual	7,743
69-8016 /X - Operations and Research (Highway Trust Fund) (021-18-8016)	Brought forward October 1, Actual	11,311,404
		74,224,648
2010		
69-0654 2009/2010 - Consumer Assistance to Recycle and Save Program (021-18-0654)	Brought forward October 1, Actual	68,018,312
69-8362 /X - National Driver Register	Brought forward October 1, Actual	114,231
69-8020 /X - Highway Traffic Safety Grants (021-18-8020)	Brought forward October 1, Actual	15,612,550
69-8016 /X - Operations and Research (Highway Trust Fund) (021-18-8016)	Brought forward October 1, Actual	11,276,427
69-0650 2009/2010 - Operations and Research (021-18-0650)	Brought forward October 1, Actual	1,171,074
		96,192,594
2011		
69-0650 2010/2011 - Operations and Research (021-18-0650)	Brought forward October 1, Actual	3,022,463
69-0651 /X - Miscellaneous Safety Programs	Brought forward October 1, Actual	103,865
69-0654 /X - Consumer Assistance to Recycle and Save Program (021-18-0654)	Brought forward October 1, Actual	9,900,000
69-0660 2010/2011 - National Driver Register Modernization (021-18-0660)	Brought forward October 1, Actual	720,651
69-8362 /X - National Driver Register	Brought forward October 1, Actual	39,836
69-8016 /X - Operations and Research (Highway Trust Fund) (021-18-8016)	Brought forward October 1, Actual	1,100,000
69-8020 /X - Highway Traffic Safety Grants (021-18-8020)	Brought forward October 1, Actual	13,672,000
		28,558,815

2012			
69-0650 2011/2012 - Operations and Research (021-18-0650)	Brought forward October 1, Actual	3,458,057	
69-0654 /X - Consumer Assistance to Recycle and Save Program (021-18-0654)	Brought forward October 1, Actual	20,326,985	
69-0660 2011/2012 - National Driver Register Modernization (021-18-0660)	Brought forward October 1, Actual	898,000	
69-8016 /X - Operations and Research (Highway Trust Fund)	Brought forward October 1, Actual	8,500,000	
69-8020 /X - Highway Traffic Safety Grants (021-18-8020)	Brought forward October 1, Actual	25,000,000	
69-8362 /X - Operations and Research (Transportation Trust Fund) (021-18-8016)	Brought forward October 1, Actual	400,000	
		58,583,042	
2013			
69-0650 2012/2013 - Operations and Research (021-18-0650)	Brought forward October 1, Actual	13,006,800	
69-0654 /X - Consumer Assistance to Recycle and Save Program (021-18-0654)	Brought forward October 1, Actual	20,305,000	
69-8016 /X - Operations and Research (Highway Trust Fund)	Brought forward October 1, Actual	9,845,694	
69-8020 /X - Highway Traffic Safety Grants (021-18-8020)	Brought forward October 1, Actual	196,036,514	note 1
69-8362 /X - Operations and Research (Transportation Trust Fund) (021-18-8016)	Brought forward October 1, Actual	52,293	
		239,246,301	
2014			
69-0654 /X - Consumer Assistance to Recycle and Save Program (021-18-0654)	Brought forward October 1, Actual	20,469,895	
69-0650 2013/2014 - Operations and Research (021-18-0650)	Brought forward October 1, Actual	15,877,007	
69-8016 /X - Operations and Research (Highway Trust Fund)	Brought forward October 1, Actual	13,083,577	
69-8020 /X - Highway Traffic Safety Grants (021-18-8020)	Brought forward October 1, Actual	22,029,718	
		71,460,197	

Note 1: A significant portion of these carry-over funds were provided for specific grants that were repealed by MAP-21 authorization; the remaining funds were provided for the NASS modernization project or for grants awarded late in the fiscal year that were accrued and obligated after fiscal year close out.

	2004		2005		2006		2007		2008		2009		2010		2011		2012		2013		2014	
	Request	Enacted	Request	Enacted	Request	Enacted	Request	Enacted	Request	Enacted	Request	Enacted	Request	Enacted	Request	Enacted	Request	Enacted	Request	Enacted	Request	Enacted
Vehicle Safety	370	374					344	345	332	352	352	326	352	339	362	342	452	340	366	340	369	341
Highway Safety R&D (Trust Fund)	217	165	589	516	673	580	206	178	206	190	190	183	190	184	190	184	135	186	198	178	189	178
Highway Safety Grants	79	79	79	79		94	85	82	85	82	82	87	82	82	87	82	97	80	87	88	95	91
National Driver Register								11		11	11	11	11	11	11	9						
Human and Natural Environment	5	5	5	5																		
Total	671	623	668	595	673	674	635	616	623	635	635	607	635	616	650	617	684	606	651	606	653	610

Note 1: 2004; 2005 and 2006 Vehicle Safety and Highway Safety Research and Development enacted under the Highway Trust Fund.
ster realigned under Highway Safety Research and Development starting in FY 2012

Vehicle Safety	$146,852	$141,222	$154,610	$129,585	$151,000	$121,232	$115,500	$121,232	$122,000	$126,572	$122,000	$127,000	$135,244	$140,427	$132,837	$140,427	$170,709	$140,146	$188,000	$132,816	$148,343	$134,000
Highway Safety R&D (Trust Fund)	$69,309	$73,453	$74,372	$99,397	$77,982	$107,750	$113,482	$107,750	$106,982	$107,500	$105,500	$105,500	$106,692	$105,500	$117,376	$105,500	$133,191	$109,500	$150,000	$115,269	$118,500	$123,500
Highway Safety Grants	$447,000	$223,673	$473,167	$223,200	$473,167	$572,394	$583,750	$587,750	$599,250	$599,250	$619,500	$619,500	$619,500	$619,500	$620,697	$619,500	$556,100	$550,328	$643,000	$553,391	$561,500	$561,500
National Driver Register			$0					$4,000	$4,000	$4,000	$4,000	$4,000	$4,126	$7,350	$6,700	$7,350	$0	$0	$0	$0	$0	$0
Human and Natural Environment	$1,949	$1,878																				
Total	$663,161	$438,348	$702,149	$452,182	$702,149	$801,376	$812,732	$820,732	$832,232	$837,322	$851,000	$856,000	$865,562	$872,777	$877,610	$872,777	$860,000	$799,974	$981,000	$801,476	$828,343	$819,000

FY2015 budget request = 27 FTE by Programs as follow:

	FTEs
Highway Safety Grants	6
Highway Safety R&D	7
Vehicle Safety	
Safety Standards Support	5
Defects Investigation	3
Vehicle Safety Compliance	3
Biomechanics	1
Alternative Fuel Vehicle Safety	1
Regulatory Analysis and Evaluation	1
	27

Training & Development

FY 2009	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**
$ 276,375	$ 276,375	$ 275,822	$ 275,822	$ 275,822

Delphi 116 Report BPAC 5205350000 Final Obligations

FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
$ 260,299	$ 275,442	$ 269,846	$ 275,166	$ 123,064

Note: Training funds reduced in 2013 due to 2% Across the board cut and sequestration

U.S. DEPARTMENT OF TRANSPORTATION

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Historical Funding Levels (2005-2014)

($000)

	FY 2005 ACTUAL	FY 2006 ACTUAL	FY 2007 ACTUAL	FY 2008 ACTUAL	FY 2009 ACTUAL	FY 2010 ACTUAL	FY 2011 ACTUAL	FY 2012 ACTUAL	FY 2013 ENACTED	FY 2013** ACTUAL	FY 2014 ENACTED	FY 2015 REQUEST
Vehicle Safety (GF)	157,386	135,367	122,000	126,572	127,000	140,427	140,146	140,146	140,146	132,816	134,000	152,000
Highway Safety Research And Development (TF)	72,000	108,900	107,750	107,750	105,500	105,500	105,500	109,500	115,500	115,269	123,500	122,000
National Driver Register	3,572	3,960	4,000	4,000	4,000	7,350	7,343	-	-	-	-	-
Safety Grants	223,200	572,394	587,750	599,250	619,500	619,500	619,500	550,328	554,500	553,391	561,500	577,000
	456,158	**820,621**	**821,500**	**837,572**	**856,000**	**872,777**	**872,489**	**799,974**	**810,146**	**801,476**	**819,000**	**851,000**
OST Control Total (Approps+ObLim)	425,061	806,487	820,732	837,572	3,856,000	872,777	872,489	799,974		940,440	819,000	851,000
	(31,097)	**(14,134)**	**(768)**	**-**	**3,000,000**	**-**	**0**	**-**	**(810,146)**	**138,964**	**-**	**-**

Note:

* Starting in FY 2012, National Driver Register is eliminared as a separate account and moves to the Highway Safety Research and Development account

** FY 2013 includes has columns. This first is the Enacted and the second reflects the Actual values due to a .02% A-T-B recission to all funds. In addition, the Vehicle Safety General Fund was reduced by an additional .05% for Sequestration.

U.S. Department of Transportation
National Highway Traffic Safety Administration

NHTSA
www.nhtsa.gov

Administrator
Vacant
NOA-010

Deputy Administrator

David Friedman
NOA-010

Chief Counsel

Kevin Vincent
NCC-110

Director, Governmental Affairs, Policy & Strategic Planning
Vacant
NGA-110

Director, Communications

Nathan Naylor
NOA-010

Director, Office of Civil Rights

Regina Morgan
NCR-110

Senior Associate Administrator, Policy & Operations
Vacant
NPO-010

Supervisor, Executive Secretariat

Julie Korkor
NPO-011

Director, Office of Human Resources

Darlene Peoples
NPO-012

Associate Administrator, Planning, Administrative & Financial Management

Mary Sprague
NPO-300

Budget
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NPO-310

Acquisition Management

Ross Jeffries
NPO-320

Financial Management

Susan Williams
NPO-330

Administrative & Management Services

Vanester Williams
NPO-340

Chief Information Officer

Colleen Coggins
NPO-400

Corporate Customer Services

Kevin Mahoney
NPO-410

Mission Architecture, Planning & Protection

Daniel Pitton
NPO-420

Systems Integration

Walter Bohorfoush
NPO-430

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Susan Gorcowski
NPO-500

Media Relations

Karen Aldana
NPO-510

Consumer Information

Susan McMeen
NPO-520

Communications Services

Warren Owens
NPO-530

Digital Strategies

James Schulte
NPO-540

Senior Associate Administrator, Traffic Injury Control

Brian McLaughlin
NTI-010

Associate Administrator, Research & Program Development

Jeffrey Michael
NTI-100

Impaired Driving & Occupant Protection

Michael Brown
NTI-110

Safety Programs

John Marshall
NTI-120

Behavioral Safety Research

Richard Compton
NTI-130

Emergency Medical Services

Drew Dawson
NTI-140

Associate Administrator, Regional Operations & Program Delivery

Maggi Gunnels
NTI-200

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Michael Geraci
NTI-210

Region 3 Baltimore, MD

Elizabeth Baker, Ph.D.
NTI-230

Region 5 Matteson, IL

Mike Witter
NTI-250

Region 7 Kansas City, MO

Chris Murphy
NTI-270

Region 9 San Francisco, CA

David Manning
NTI-290

Region 2 White Plains, NY

Thomas M. Louizou
NTI-220

Region 4 Atlanta, GA

Terrance Schiavone
NTI-240

Region 6 Fort Worth, TX

Georgia S. Chakiris
NTI-260

Region 8 Lakewood, CO

Bill Watada
NTI-280

Region 10 Seattle, WA

John Moffat
NTI-310

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Barbara Sauers
NTI-201

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NVS-010

Associate Administrator, Rulemaking
Vacant
NVS-100

Crashworthiness Standards

Lori Summers
NVS-110

Crash Avoidance Standards

David Hines
NVS-120

International Policy, Fuel Economy, & Consumer Programs
Vacant
NVS-130

Associate Administrator, Enforcement

Nancy Lewis
NVS-200

Defects Investigation

Frank Borris
NVS-210

Vehicle Safety Compliance

Claude Harris
NVS-220

Odometer Fraud Investigation

David Sparks
NVS-230

Associate Administrator, Vehicle Safety Research

Nat Beuse
NVS-300

Vehicle Research & Test Center

Roger Saul
NVS-310

Vehicle Crashworthiness Research

Stephen Ridella
NVS-320

Vehicle Crash Avoidance & Electronic Controls Research

Tim Johnson
NVS-330

Associate Administrator, National Center for Statistics & Analysis

Terry Shelton
NVS-400

Data Acquisition

Chip Chidester
NVS-410

Traffic Records & Analysis

Chou-Lin Chen
NVS-420

Regulatory Analysis & Evaluation
Vacant
NVS-430

April 2014
10253a-042314-v2

DEPARTMENT OF TRANSPORTATION
FULL TIME EQUIVALENT EMPLOYMENT (FTE)
FY 2004 - 2014 FTE HISTORY

Account	FY 2004 Request	FY 2004 Enacted	FY 2004 Actual	FY 2005 Request	FY 2005 Enacted	FY 2005 Actual	FY 2006 Request	FY 2006 Enacted	FY 2006 Actual	FY 2007 Request	FY 2007 Enacted	FY 2007 Actual	FY 2008 Request	FY 2008 Enacted	FY 2008 Actual	FY 2009 Request	FY 2009 Enacted	FY 2009 Actual	FY 2010 Request	FY 2010 Enacted	FY 2010 Actual	FY 2011 Request	FY 2011 Enacted	FY 2011 Actual	FY 2012 Request	FY 2012 Enacted	FY 2012 Actual	FY 2013 Request	FY 2013 Enacted	FY 2013 After SEQ	FY 2013 Actual	FY 2014 Request	FY 2014 Enacted
Office of Inspector General	430	430	416	435	430	418	435		419	420	420	405	410		406	412		410	451	453	438	461	428	448	471	420	443	410	420	407	400	422	422
TOTAL	**430**	**430**	**416**	**435**	**430**	**418**	**435**	**0**	**419**	**420**	**420**	**405**	**410**	**0**	**406**	**412**	**0**	**410**	**451**	**453**	**438**	**461**	**428**	**448**	**471**	**420**	**443**	**410**	**420**	**407**	**400**	**422**	**422**

Department of Transportation
Office of Inspector General

Fiscal Year 2015 Questions for the Record

Chairman Tom Latham
Subcommittee on Transportation, Housing and Urban Development, and Related Agencies
House Committee on Appropriations

1. Please provide a ten-year funding history for each of the agencies and offices in DOT.
   - See attached **Exhibit 1**

2. Please provide a table showing new programs and program terminations in the Department's FY 2015 budget request.
   - OIG has nothing to report

3. Please list all of the programs included in DOT's FY 2015 budget, the authorizing statute and the date when their authorization expires.
   - OIG operates as a single program and was permanently authorized under The Inspector General Act of 1978, as amended

4. Please provide a chart with the carryover for each program for the last ten years.
   - See attached **Exhibit II**

5. Please provide an organizational chart for each office at DOT.
   - See attached **Exhibit III**

6. Please provide the number of Full Time Equivalents (FTEs) for each office from FY 2004 to FY 2014. Please include the budget request, enacted and actual amount for each year.
   - See Departmental response

7. Please provide details of all organizational/staffing changes included in the FY 2015 budget request. Please include a breakout of the number of FTE who would be working on each new initiative proposed in the budget request.
   - OIG has nothing to report

8. Please provide a table showing the funds for employee training and development for the last five years.
   - See attached **Exhibit IV**

DEPARTMENT OF TRANSPORTATION
OFFICE OF INSPECTOR GENERAL
FY 2015 QUESTIONS FOR THE RECORD
10-YEAR FUNDING TABLE
($000)

EXHIBIT 1

ACCOUNTS	FY 2005 ENACTED	FY 2006 ENACTED	FY 2007 ENACTED	FY 2008 ENACTED	FY 2009 ENACTED	FY 2010 ENACTED	FY 2011 ENACTED	FY 2012 ENACTED	FY 2013 ENACTED [1]	FY 2014 ENACTED
Salaries & Expenses	58,132	61,874	64,043	66,400	71,400	75,114	76,960	79,624	75,459	85,605
Salaries & Expenses, Recovery Act					20,000	0	0	0	0	0
Salaries & Expenses, Emergency Disaster Relief									5,700	0
Total Budget Authority	58,132	61,874	64,043	66,400	91,400	75,114	76,960	79,624	81,159	85,605

[1] FY 2013 Enacted appropriation before reductions for sequestration and recissions was $79,624

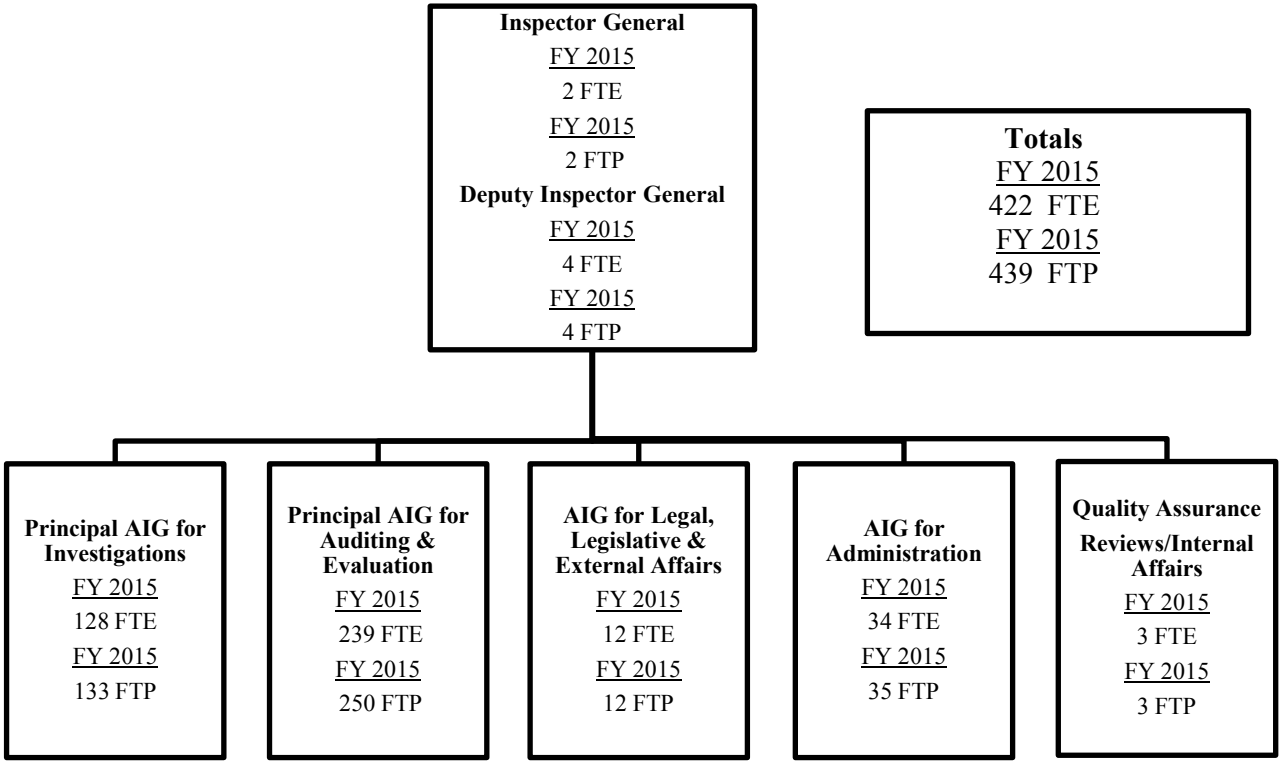
DEPARTMENT OF TRANSPORTATION
OFFICE OF INSPECTOR GENERAL
FY 2015 QUESTIONS FOR THE RECORD
10 YEAR CARRYOVER BALANCES
($000)

EXHIBIT II

ACCOUNTS	FY 2005 Unobligated Carryover	FY 2006 Unobligated Carryover	FY 2007 Unobligated Carryover	FY 2008 Unobligated Carryover	FY 2009 Unobligated Carryover	FY 2010 Unobligated Carryover	FY 2011 Unobligated Carryover	FY 2012 Unobligated Carryover	FY 2013 Unobligated Carryover	FY 2014 Unobligated Carryover
Salaries & Expenses	0	0	0	0	0	0	0	0	0	0
Salaries & Expenses, Recovery Act	0	0	0	0	0	19,620	16,084	8,085	3,943	0
Salaries & Expenses, Emergency Disaster Relief	0	0	0	0	0	0	0	0	0	5,697
Salaries & Expenses, Rebates	0	0	0	0	0	0	0	0	84	103
Total Budget Authority	0	0	0	0	0	19,620	16,084	8,085	4,027	5,800

DEPARTMENT OF TRANSPORTATION
OFFICE OF INSPECTOR GENERAL
FY 2015 QUESTIONS FOR THE RECORD
ORGANIZATIONAL CHART

EXHIBIT III



Note: Reflects estimated Emergency Disaster Relief Oversight FTE and FTP of 15.

DEPARTMENT OF TRANSPORTATION
OFFICE OF INSPECTOR GENERAL
FY 2015 QUESTIONS FOR THE RECORD
EMPLOYEE TRAINING AND DEVELOPMENT
($000)

EXHIBIT IV

DESCRIPTION	FY 2009	FY 2010	FY 2011	FY 2012 *	FY 2013 *
Employee Training & Development Costs	454	682	716	404	320

* Executive Management and Development program not funded due to decreased budget levels.

U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF THE INSPECTOR GENERAL
Historical Funding Levels (2005-2014)
($000)

ACCOUNTS	FY 2005 ENACTED	FY 2006 ENACTED	FY 2007 ENACTED	FY 2008 ENACTED	FY 2009 ENACTED	FY 2010 ENACTED	FY 2011 ENACTED	FY 2012 ENACTED	FY 2013 ENACTED [1]	FY 2014 ENACTED
Salaries & Expenses	58,132	61,874	64,043	66,400	71,400	75,114	76,960	79,624	75,459	85,605
Salaries & Expenses, Recovery Act					20,000	0	0	0	0	0
Salaries & Expenses, Emergency Disaster Relief									5,700	0
Total Budget Authority	58,132	61,874	64,043	66,400	91,400	75,114	76,960	79,624	81,159	85,605
OST Control Total (Approps+ObLim)	58,132	61,874	64,043	66,400	93,400	77,114	76,960	79,624	75,459	85,605
	0	0	0	0	2,000	2,000	0	0	(5,700)	0

[1] FY 2013 Enacted appropriation before reductions for sequestration and recissions was $79,624

Department of Transportation
Office of Inspector General

Fiscal Year 2015 Questions for the Record

Chairman Tom Latham
Subcommittee on Transportation, Housing and Urban Development, and Related Agencies
House Committee on Appropriations

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7. Please provide details of all organizational/staffing changes included in the FY 2015 budget request. Please include a breakout of the number of FTE who would be working on each new initiative proposed in the budget request.
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DEPARTMENT OF TRANSPORTATION
OFFICE OF INSPECTOR GENERAL
FY 2015 QUESTIONS FOR THE RECORD
10-YEAR FUNDING TABLE
($000)

EXHIBIT 1

ACCOUNTS	FY 2005 ENACTED	FY 2006 ENACTED	FY 2007 ENACTED	FY 2008 ENACTED	FY 2009 ENACTED	FY 2010 ENACTED	FY 2011 ENACTED	FY 2012 ENACTED	FY 2013 ENACTED [(1)]	FY 2014 ENACTED
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Salaries & Expenses, Recovery Act					20,000	0	0	0	0	0
Salaries & Expenses, Emergency Disaster Relief									5,700	0
Total Budget Authority	58,132	61,874	64,043	66,400	91,400	75,114	76,960	79,624	81,159	85,605

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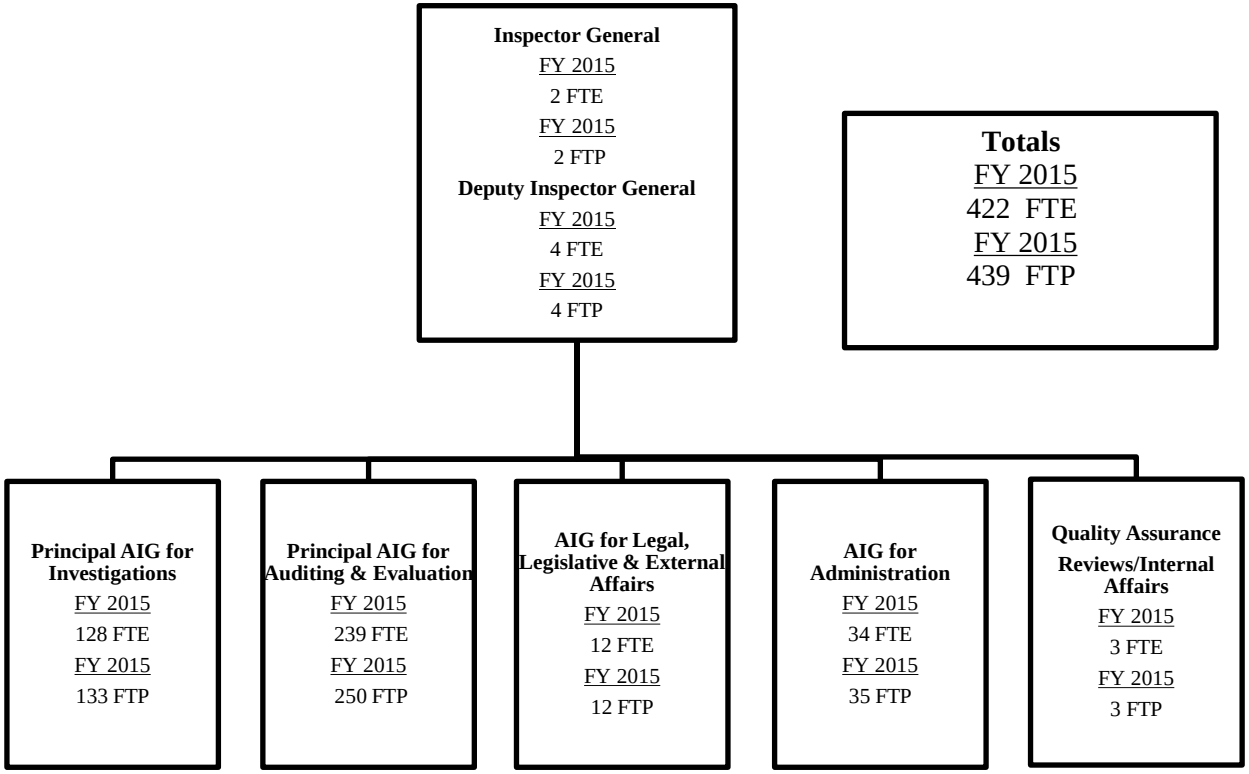
DEPARTMENT OF TRANSPORTATION
OFFICE OF INSPECTOR GENERAL
FY 2015 QUESTIONS FOR THE RECORD
10 YEAR CARRYOVER BALANCES
($000)

EXHIBIT II

ACCOUNTS	FY 2005 Unobligated Carryover	FY 2006 Unobligated Carryover	FY 2007 Unobligated Carryover	FY 2008 Unobligated Carryover	FY 2009 Unobligated Carryover	FY 2010 Unobligated Carryover	FY 2011 Unobligated Carryover	FY 2012 Unobligated Carryover	FY 2013 Unobligated Carryover	FY 2014 Unobligated Carryover
Salaries & Expenses	0	0	0	0	0	0	0	0	0	0
Salaries & Expenses, Recovery Act	0	0	0	0	0	19,620	16,084	8,085	3,943	0
Salaries & Expenses, Emergency Disaster Relief	0	0	0	0	0	0	0	0	0	5,697
Salaries & Expenses, Rebates	0	0	0	0	0	0	0	0	84	103
Total Budget Authority	0	0	0	0	0	19,620	16,084	8,085	4,027	5,800

EXHIBIT III

DEPARTMENT OF TRANSPORTATION
OFFICE OF INSPECTOR GENERAL
FY 2015 QUESTIONS FOR THE RECORD
ORGANIZATIONAL CHART



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DEPARTMENT OF TRANSPORTATION
OFFICE OF INSPECTOR GENERAL
FY 2015 QUESTIONS FOR THE RECORD
EMPLOYEE TRAINING AND DEVELOPMENT
($000)

EXHIBIT IV

DESCRIPTION	FY 2009	FY 2010	FY 2011	FY 2012 *	FY 2013 *
Employee Training & Development Costs	454	682	716	404	320

* Executive Management and Development program not funded due to decreased budget levels.

US DEPARTMENT OF TRANSPORTATION
FISCAL YEAR 2015 QUESTIONS FOR THE RECORD
Chairman Tom Latham
Subcommittee on Transportation, Housing and Urban Development, and Related Agencies
House Committee on Appropriations

PRESIDENTIAL AND POLITICAL APPOINTEES

QUESTION #3: Please provide a list of all vacant political appointee positions. Also, please indicate if any of these are new positions and if so, why the Department believes they are necessary.

RESPONSE: The information follows:

Vacant political positions – as of May 2, 2014

Title	*Grade*	*Salary*	*New Positions*
Office of the Secretary			
Special Assistant for Scheduling and Advance	GS-11	$63,091	
Policy Assistant	GS-15	$141,660	
Deputy Secretary	EX-II	$179,700	
Under Secretary of Transportation for Policy	EX-II	$179,700	
Counselor to the Under Secretary	ES-00	$151,125	
Special Assistant to the Under Secretary	GS-9	$58,511	
Associate Director for Public Liaison	GS-14	$120,429	
Director of Speechwriting	GS-15	$141,660	
Associate General Counsel	ES-00	$151,125	
Deputy Assistant Secretary for Tribal Affairs	GS-14	$120,429	
Director of Governmental Affairs	GS-13	$101,914	
Associate Director for Governmental Affairs	GS-7	$48,315	
Assistant Secretary for Transportation Policy	EX-IV	$155,500	
Deputy Assistant Secretary for Research and Technology	ES-00	$151,125	

Federal Aviation Administration		
Chief Counsel	FJ-00	$151,125
Associate Administrator for Airports	FJ-00	$151,125
Deputy Assistant Administrator for Government and Industry Affairs	GS-14	$120,429
Deputy Assistant Administrator for Communications	GS-14	$120,429
Federal Highway Administration		
Chief Counsel	ES-00	$151,125
Associate Administrator for Policy and Governmental Affairs	ES-00	$151,125
Special Assistant to the Administrator	GS-9	$59,098
Federal Motor Carrier Safety Administration		
Director of Governmental Affairs	GS-15	$141,660
Federal Railroad Administration		
Special Assistant to the Administrator	GS-7	$48,315
Maritime Administration		
Administrator	EX-III	$165,300
National Highway Traffic Safety Administration		
Administrator	EX-III	$165,300
Director of Governmental Affairs	GS-15	$141,660
Saint Lawrence Seaway Development Corporation		
Special Assistant to the Administrator	GS-9	$59,098

US DEPARTMENT OF TRANSPORTATION
FISCAL YEAR 2015 QUESTIONS FOR THE RECORD
Chairman Tom Latham
Subcommittee on Transportation, Housing and Urban Development, and Related Agencies
House Committee on Appropriations

PRESIDENTIAL AND POLITICAL APPOINTEES

QUESTION 2: Please provide a table with the number of political appointees per office for the last five years as of September 30.

RESPONSE: The information follows.

OFFICE OF THE SECRETARY

Fiscal Year	Presidential	Non-Career SES	Schedule C
2010	**8**	**11**	**21**
2011	**8**	**12**	**23**
2012	**7**	**15**	**26**
2013	**5**	**9**	**21**
2014	**5**	**14**	**23**

OFFICE OF THE INSPECTOR GENERAL

Fiscal Year	Presidential	Non-Career SES	Schedule C
2010	**1**	**0**	**0**
2011	**1**	**0**	**0**
2012	**1**	**0**	**0**
2013	**1**	**0**	**0**
2014	**1**	**0**	**0**

FEDERAL AVIATION ADMINISTRATION

Fiscal Year	Presidential	FAA Executives	Schedule C
2010	**1**	**1**	**2**
2011	**2**	**3**	**1**
2012	**1**	**3**	**2**
2013	**2**	**4**	**3**
2014	**2**	**2**	**3**

FEDERAL HIGHWAY ADMINISTRATION

Fiscal Year	Presidential	Non-Career SES	Schedule C
2010	**1**	**3**	**1**
2011	**1**	**3**	**1**
2012	**1**	**3**	**1**
2013	**1**	**3**	**1**
2014	**0**	**1**	**1**

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Fiscal Year	Presidential	Non-Career SES	Schedule C
2010	**1**	**2**	**2**
2011	**1**	**2**	**2**
2012	**1**	**2**	**1**
2013	**1**	**2**	**2**
2014	**1**	**2**	**1**

FEDERAL RAILROAD ADMINISTRATION

Fiscal Year	Presidential	Non-Career SES	Schedule C
2010	**1**	**1**	**3**
2011	**1**	**2**	**2**
2012	**1**	**2**	**2**
2013	**1**	**2**	**2**
2014	**1**	**2**	**3**

FEDERAL TRANSIT ADMINISTRATION

Fiscal Year	Presidential	Non-Career SES	Schedule C
2010	**1**	**2**	**2**
2011	**1**	**2**	**2**
2012	**1**	**2**	**1**
2013	**1**	**2**	**1**
2014	**1**	**2**	**1**

MARITIME ADMINISTRATION

Fiscal Year	Presidential	Non-Career SES	Schedule C
2010	**1**	**2**	**1**
2011	**1**	**2**	**1**
2012	**1**	**2**	**1**
2013	**0**	**2**	**1**
2014	**0**	**2**	**1**

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Fiscal Year	Presidential	Non-Career SES	Schedule C
2010	**1**	**2**	**2**
2011	**1**	**2**	**2**
2012	**1**	**2**	**2**
2013	**1**	**2**	**2**
2014	**0**	**2**	**1**

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

Fiscal Year	Presidential	Non-Career SES	Schedule C
2010	**1**	**0**	**0**
2011	**1**	**2**	**1**
2012	**0**	**2**	**1**
2013	**0**	**2**	**1**

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

Fiscal Year	Presidential	Non-Career SES	Schedule C
2010	**1**	**1**	**0**
2011	**1**	**1**	**1**
2012	**1**	**2**	**1**
2013	**1**	**2**	**1**
2014	**1**	**2**	**1**

SAINT LAWRENCE SEAWAY DEVELOPMENT CORP

Fiscal Year	Presidential	Non-Career SES	Schedule C
2010	**1**	**0**	**0**
2011	**1**	**0**	**0**
2012	**1**	**0**	**0**
2013	**1**	**0**	**0**
2014	**1**	**0**	**0**

SURFACE TRANSPORTATION BOARD

Fiscal Year	Presidential	Non-Career SES	Schedule C
2010	**3**	**0**	**0**
2011	**3**	**0**	**0**
2012	**3**	**0**	**0**
2013	**3**	**0**	**0**
2014	**3**	**0**	**0**

Department of Transportation

Fiscal Year 2015 Questions for the Record

Chairman Tom Latham

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies

House Committee on Appropriations

1. Please provide a ten-year funding history for each of the agencies and offices in DOT.

   RESPONSE: Please see attachment (QFR #1 – OST Ten Year Funding History).

2. Please provide a table showing new programs and program terminations in the Department's FY 2015 budget request.

   RESPONSE: Please see attachment (QFR #2 – OST New Programs and Terminology).

3. Please list all of the programs included in DOT's FY 2015 budget, the authorizing statute and the date when their authorization expires.

   RESPONSE: Please see attachment (QFR #3 – Authorizing Statute).

4. Please provide a chart with the carryover for each program for the last ten years.

   RESPONSE: Please see attachment (QFR #4 – OST Carryover).

5. Please provide an organizational chart for each office at DOT.

   RESPONSE: Please see attachment (QFR #5 – OST Organizational Chart).

6. Please provide the number of Full Time Equivalents (FTEs) for each office from FY 2004 to FY 2014. Please include the budget request, enacted and actual amount for each year.

   RESPONSE:

7. Please provide details of all organizational/staffing changes included in the FY 2015 budget request. Please include a breakout of the number of FTE who would be working on each new initiative proposed in the budget request.

   RESPONSE: Please see attachment (QFR #7 – OST Organizational Changes).

8. Please provide a table showing the funds for employee training and development for the last five years.

   RESPONSE: Please see attachment (QFR #8 – OST Training & Development).

U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
Historical Funding Levels (2005-2014)
($000)

	FY 2005 Actual	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Enacted	FY 2015 Request
Salaries & Expenses	81,564	84,051	83,961	91,782	98,248	102,686	102,481	102,481	97,121	107,000	109,916
Trans., Plng., Res. & Dev. (TPR&D)	20,997	14,850	14,893	13,884	18,300	18,168 [4/]	9,799	9,000	8,529	7,000	8,000
TPR&D Cancellation of Unobligated Balances	0	0	0	0	0	0	0	0	0	-2,750	0
Office of Civil Rights	8,408	8,465	8,527	9,141	9,384	9,667	9,648	9,384	8,893	9,551	9,600
Minority Business Outreach	2,641	2,970	2,970	2,970	3,056	3,074	3,068	3,068	2,908	3,088	3,099
Minortity Business Resource Center	522	891	893	893	912	923	921	922	874	925	1,013
Financial Management Capital	0	0	0	0	5,000	5,000	4,990	4,990	4,729	7,000	5,000
Essential Air Service	[1/] [50,000]	[2/] [50,000]	[2/] [50,000]	[2/] [65,000]	[3/] [12,286]	[5/] [50,000]	[2/] [50,000]	[2/] [50,000]	[2/] [97,697]	[2/] [120,640]	[2/] [106,000]
Payments to Air Carriers	51,628	0	59,400	60,000	86,213	150,000	149,700	143,000	135,520	149,000	155,000
Compensation to Air Carriers	0	0	-50,000	-22,000	-848	0	0	0	0	0	0
Compensation for General Aviation Operations	0	16,830	0	0	0	0	0	-3,254	0	0	0
New Headquarters Building	43,355	49,500	49,500	0	0	0	0	0	0	0	0
Safe Transportation of Energy Products Fund	0	0	0	0	0	0	0	0	0	0	40,000
TIGER Grants Program	0	0	0	0	0	0	0	0	0	0	1,250,000
National Infrastructure Investments	0	0	0	0	0	600,000	526,944	500,000	473,847	600,000	0
ARRA - National Surface Transportation System	0	0	0	0	1,500,000	0	0	0	0	0	0
Cyber Security/IT Infrastructure	0	0	0	0	0	0	0	10,000	9,477	4,455	5,000
Interagency Permitting Improvement Center	0	0	0	0	0	0	0	0	0	0	8,000
Total	**157,487**	**177,557**	**110,744**	**96,670**	**1,634,052**	**739,518**	**657,851**	**636,591**	**606,377**	**736,269**	
OST Control Total (Approps+ObLim)	288,903	278,794	266,474	235,235	1,733,399	339,518	857,551	832,845	839,596	1,023,424	
	131,416	101,237	155,730	138,565	99,347	-400,000	199,700	196,254	233,218	287,155	

Unobligated balances of overflight fees
Overflight fees collected by FAA
Overflight fees collected by FAA ($50m) and funds from sale of spectrum ($15m)
Includes $2 million for the Mississippi-Missouri Rivers project pursuant to P.L. 111-117 Section 195.
A total of $50 million of overflight fees was available to the EAS program during FY 2009. $23 million was transferred by FAA as an unobligated balance at the start of FY 2009, and an additional $27 million of overflight fees was transferred during FY 2009. In addition, $15 million of collections from the sale of spectrum was transferred from the Department of Commerce into the EAS account in FY 2009. The $15 million was used to pay back funds that were borrowed in FY 2008, pursuant to P.L. 109-171; however, for the purpose of budgetary presentation, the $15 million offsets the $27 million of overflight fees, resulting in a net amount of new budgetary authority of $12 million.

U.S. DEPARTMENT OF TRANSPORTATION
RESEARCH AND TECHNOLOGY
Historical Funding Levels (2005-2014)
($000)

R&D Account (General Fund)	FY 2005 Actual	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Request
Salaries and Administrative Expenses	3,462	4,606	4,705	5,964	5,964	6,971	6,957	6,974	6,609	6,547	6,407
Hazardous Materials R&D	80	79	0	0	0	0	0	0	0	0	0
Hydrogen/Alternative Fuels R&D	500	495	495	500	1,400	500	499	499	473	499	499
RD&T Coordination	171	536	536	536	536	536	535	509	483	509	509
PNT and Spectrum Policy	0	0	0	400	0	400	399	399	378	1,610	1,610
Airline Transportation Statistics Program	0	0	2,000	0	0	0	0	0	0	0	0
NDGPS	0	0	0	4,600	5,000	4,600	4,591	7,600	7,202	5,600	5,600
Total	**4,213**	**5,716**	**7,736**	**12,000**	**12,900**	**13,007**	**12,981**	**15,981**	**15,145**	**14,765**	**14,625**
OST Control Total (Approps+ObLim)	4,213	5,716	7,736	12,000	12,900	13,007	12,981	15,981	15,145	14,765	14,625
	0	0	0	0	0	0	0	0	0	0	0
Bureau of Transportation Statistics Allocation Account	**30,015**	**26,730**	**27,562**	**27,000**	**27,000**	**27,000**	**27,000**	**25,206**	**25,948**	**26,000**	**29,000**
BTS - OST Control Total (Approps+ObLim)	**26,263**	**26,730**	**27,562**	**27,000**	**27,000**	**27,000**	**27,000**	**25,206**	**25,948**	**26,000**	**29,000**
	(3,752)	0	0	0	0	0	0	0	0	0	0

History of Budget Authority, Appropriations and User Fees
($ in thousands)
Office of the Secretary

	FY 2005 Actual	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Enacted	FY 2015 Request
Salaries & Expenses	81,564	84,051	83,961	91,782	98,248	102,686	102,481	102,481	97,121	107,000	109,916
Trans., Plng., Res. & Dev. (TPR&D)	20,997	14,850	14,893	13,884	18,300	18,168 [4/]	9,799	9,000	8,529	7,000	8,000
TPR&D Cancellation of Unobligated Balances	0	0	0	0	0	0	0	0	0	-2,750	0
Office of Civil Rights	8,408	8,465	8,527	9,141	9,384	9,667	9,648	9,384	8,893	9,551	9,600
Minority Business Outreach	2,641	2,970	2,970	2,970	3,056	3,074	3,068	3,068	2,908	3,088	3,099
Minortity Business Resource Center	522	891	893	893	912	923	921	922	874	925	1,013
Financial Management Capital	0	0	0	0	5,000	5,000	4,990	4,990	4,729	7,000	5,000
Essential Air Service	[1/] [50,000] [2/]	[50,000] [2/]	[50,000] [2/]	[65,000] [3/]	[12,286] [5/]	[50,000] [2/]	[50,000] [2/]	[50,000] [2/]	[97,697] [2/]	[120,640] [2/]	[106,000]
Payments to Air Carriers	51,628	0	59,400	60,000	86,213	150,000	149,700	143,000	135,520	149,000	155,000
Compensation to Air Carriers	0	0	-50,000	-22,000	-848	0	0	0	0	0	0
Compensation for General Aviation Operations	0	16,830	0	0	0	0	0	-3,254	0	0	0
New Headquarters Building	43,355	49,500	49,500	0	0	0	0	0	0	0	0
Safe Transportation of Energy Products Fund	0	0	0	0	0	0	0	0	0	0	40,000
TIGER Grants Program	0	0	0	0	0	0	0	0	0	0	1,250,000
National Infrastructure Investments	0	0	0	0	0	600,000	526,944	500,000	473,847	600,000	0
ARRA - National Surface Transportation System	0	0	0	0	1,500,000	0	0	0	0	0	0
Cyber Security/IT Infrastructure	0	0	0	0	0	0	0	10,000	9,477	4,455	5,000
Interagency Permitting Improvement Center	0	0	0	0	0	0	0	0	0	0	8,000

[1/] Unobligated balances of overflight fees

[2/] Overflight fees collected by FAA

[3/] Overflight fees collected by FAA ($50m) and funds from sale of spectrum ($15m)

[4/] Includes $2 million for the Mississippi-Missouri Rivers project pursuant to P.L. 111-117 Section 195.

[5/] A total of $50 million of overflight fees was available to the EAS program during FY 2009. $23 million was transferred by FAA as an unobligated balance at the start of FY 2009, and an additional $27 million of overflight fees was transferred during FY 2009. In addition, $15 million of collections from the sale of spectrum was transferred from the Department of Commerce into the EAS account in FY 2009. The $15 million was used to pay back funds that were borrowed in FY 2008, pursuant to P.L. 109-171; however, for the purpose of budgetary presentation, the $15 million offsets the $27 million of overflight fees, resulting in a net amount of new budgetary authority of $12 million.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION/OFFICE OF THE ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY
Funding History
($ in thousands)

R&D Account (General Fund)	FY 2005 Actual	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Request
Salaries and Administrative Expenses	3,462	4,606	4,705	5,964	5,964	6,971	6,957	6,974	6,609	6,547	6,407
Hazardous Materials R&D	80	79	0	0	0	0	0	0	0	0	0
Hydrogen/Alternative Fuels R&D	500	495	495	500	1,400	500	499	499	473	499	499
RD&T Coordination	171	536	536	536	536	536	535	509	483	509	509
PNT and Spectrum Policy	0	0	0	400	0	400	399	399	378	1,610	1,610
Airline Transportation Statistics Program	0	0	2,000	0	0	0	0	0	0	0	0
NDGPS	0	0	0	4,600	5,000	4,600	4,591	7,600	7,202	5,600	5,600
Total	**4,213**	**5,716**	**7,736**	**12,000**	**12,900**	**13,007**	**12,981**	**15,981**	**15,145**	**14,765**	**14,625**
Bureau of Transportation Statistics Allocation Account	**30,015**	**26,730**	**27,562**	**27,000**	**27,000**	**27,000**	**27,000**	**25,206**	**25,948**	**26,000**	**29,000**

FY 2015 New Programs & Terminations
OFFICE OF THE SECRETARY of TRANSPORTATION

($000)

FY 2015 New Programs:	**Amount**	**Purpose**
Interagency Permitting Improvement Center (IPIC)	$8,000	Funding is requested to hire experts in permitting and reviews to implement the reforms identified by the Implementation Plan produced in response to the Presidential Memorandum on Modernizing Infrastructure Permitting as well as identify additional reforms needed to modernize Federal permitting and reviews. In addition, funding will be made available to develop and deploy information technology tools that enhance the interagency coordination on major infrastructure projects, provide greater transparency on the process, facilitate better project planning and track and report on performance metrics related to the effort. This will include updating and expanding the Infrastructure Permitting Dashboard to track more projects and provide greater transparency and accountability to project proponents and the public for major infrastructure projects.
Safe Transportation of Energy Products Fund	$40,000	Funding is requested to address safety concerns emerging from the nation's growing domestic energy products. The Fund will provide resources related to inspection, enforcement, classification, and research activities focused on the safe transportation of the nation's growing domestic energy products industry for affected Operating Administrations. It would be available to support enhanced inspection levels, investigative efforts, research and data analysis, and testing in the highest risk areas. The need for this initiative is especially important given that the U.S. is now the global leader in crude oil production capacity growth and this trend is expected to continue.
Total FY 2015 New Programs:	**$48,000**	

FY 2015 Program Terminations:

NONE.

Office of the Secretary FY2015 Budget Request – Program Authorizations		
PROGRAM	**AUTHORIZATION OF APPROPRIATIONS**	**EXPIRATION**
Salaries & Expenses	This program has no specific authorization of appropriations, but is carried out under the Secretary of Transportation's and the DOT Assistant Secretaries' general authorities as set forth in Title 49, United States Code, Subt. I, Chapters 1, 3 and 5.	N/A
Financial Management Capital	This program has no specific authorization of appropriations, but is carried out under the Secretary of Transportation's general authorities in Title 49, United States Code, Subt. I, Chapters 1, 3 and 5.	N/A
Office of Civil Rights	This program has no specific authorization of appropriations, but is carried out under the Secretary of Transportation's general authorities in Title 49, United States Code, Subt. I, Chapters 1, 3 and 5.	N/A
Minority Business Outreach	This program is authorized in part under 49 U.S.C. 332. It is also carried out under the Secretary of Transportation's general authorities in Title 49, United States Code, Subt. I, Chapters 1, 3 and 5.	N/A
Transportation Planning, Research and Development	This program has no specific authorization of appropriations, but is carried out under the Secretary of Transportation's general authorities in Title 49, United States Code, Subt. I, Chapters 1, 3 and 5.	N/A
National Infrastructure Investments	This program has no specific authorization of appropriations, but is carried out under the Secretary of Transportation's general authorities in Title 49, United States Code, Subt. I, Chapters 1, 3 and 5.	N/A
Minority Business Resource Center Program	This program is authorized in part under 49 U.S.C. 332. It is also carried out under the Secretary of Transportation's general authorities	N/A

	in Title 49, United States Code, Subt. I, Chapters 1, 3 and 5.	
Cyber Security Initiatives	This program is authorized in part under 49 U.S.C. 332. It is also carried out under the Secretary of Transportation's general authorities in Title 49, United States Code, Subt. I, Chapters 1, 3 and 5.	N/A
Essential Air Service and Rural Improvement Fund/Payments to Air Carriers	This program is authorized to be appropriated under 49 U.S.C. § 41742.	September 30, 2015
Salaries and Administrative Expenses for the Office of the Assistant Secretary for Research and Technology	P.L. 108-426, as amended by P.L. 113-76, the Consolidated Appropriations Act, 2014 (49 USC 112)	N/A
Research, Development, and Technology Coordination	P.L. 108-426, as amended by P.L. 113-76, the Consolidated Appropriations Act, 2014 (23 USC 508; 49 USC 112)	N/A
Alternative Energy R&D	P.L. 108-426, as amended by P.L. 113-76, the Consolidated Appropriations Act, 2014 (49 USC 112)	N/A
Positioning, Navigation, and Timing (PNT) Program	Assigned to USDOT by the National Security Presidential Directive on Space-Based Positioning, Navigation, and Timing Policy	N/A
Nationwide Differential Global Positioning System (NDGPS) Program	Section 346 of P.L. 105-66	N/A
Bureau of Transportation Statistics (BTS) – Allocation Account	Moving Ahead for Progress in the 21st Century Act (MAP-21) (49 USC Chapter 63)	September 30, 2014
University Transportation Centers (UTC) – Allocation Account	Moving Ahead for Progress in the 21st Century Act (MAP-21) (49 USC 5505)	September 30, 2014
Intelligent Transportation	Moving Ahead for Progress in the	

Systems (ITS) Research Program	21st Century Act (MAP-21) (23 USC 512 – 518)	September 30, 2014
Transportation Safety Institute (TSI) – Fee for Service	P.L. 108-426, as amended by P.L. 113-76, the Consolidated Appropriations Act, 2014 (49 USC 112)	N/A
Volpe National Transportation Systems Center – Fee for Service	P.L. 97–449 (49 USC 328)	N/A

Carryover for the Last Ten Years
OFFICE OF THE SECRETARY of TRANSPORTATION

(Dollars in thousands)

ACCOUNTS	FY 2014	FY 2013	FY 2012	FY 2011	FY 2010	FY 2009	FY 2008	FY 2007	FY 2006	FY 2005
SALARIES & EXPENSES	14,348	7,928	4,044	13,971	13,446	4,959	11,131	1,478	3,260	274
FINANCIAL MANAGEMENT CAPITAL										
Financial Management Capital (No Year)	7,467	9,287	10,159	5,957	5,000	-	-	-	-	-
Financial Management Capital (Multi)	24	3,031	-	-	-	-	-	-	-	-
MINORITY BUSINESS OUTREACH	-	-	-	-	-	-	-	-	-	-
Minority Business Outreach (No Year)	7,051	6,187	6,371	6,071	6,071	6,216	6,216	5,530	7,500	-
Minority Business Outreach (Multi)	873	854	272	1,726	2,939	2,901	2,908	2,242	658	381
TRANSPORTATION PLANNING, RESEARCH & DEVELOPMENT	9,771	8,223	6,689	7,091	10,445	11,993	14,983	5,900	8,915	3,504
TIGER GRANTS ARRA	-	-	-	1,079,227	1,500,000	-	-	-	-	-
NATIONAL INFRASTRUCTURE INVESTMENTS PROGRAM (NII)	473,343	835,234	653,148	599,000	-	-	-	-	-	-
NEW HEADQUARTERS BUILDING	999	879	794	1,611	131	1,552	6,223	10,584	24,026	-
MBRC GUARANTEED LOAN FIN	578	213	170	128	151	121	247	532	640	614
CYBER SECURITY INITIATIVES	8,446	6,270	-	-	-	-	-	-	-	-
GIFTS & BEQUESTS	-	-	-	-	3	4	3	-	3	2
ESSENTIAL AIR SERVICE PROGRAM:										
Payments to Air Carriers *(Airport & Airway Trust Fund)* - Discretionary	13,433	10,361	22,535	17,637	1,126	13,840	425	7,636	5,074	153
Essential Air Service - Mandatory	2,800	235	1,194	23,774	13,852	13,779	36,721	19,982	804	2,017
AIR CARRIER COMPENSATION	-	6,555	6,555	5,641	384	848	22,848	72,328	72,633	278,219
AIR CARRIER PAYMENTS	-	-	-	-	-	1	1	1	1	1
COMPENSATION TO GENERAL AVIATION	-	-	3,254	3,254	3,254	3,426	16,830	16,830	-	-
RESEARCH & DEVELOPMENT/RESEARCH & TECHNOLOGY	1,300	1,818	786	645	674	91	1,228	759	736	276 *

***Note: The FY 2005 unobligated balances from multiyear accounts 694/61730 and 693/51730. FY 2005 is the year RITA became into existence.**

Carryover for the Last Ten Years
OFFICE OF THE SECRETARY of TRANSPORTATION

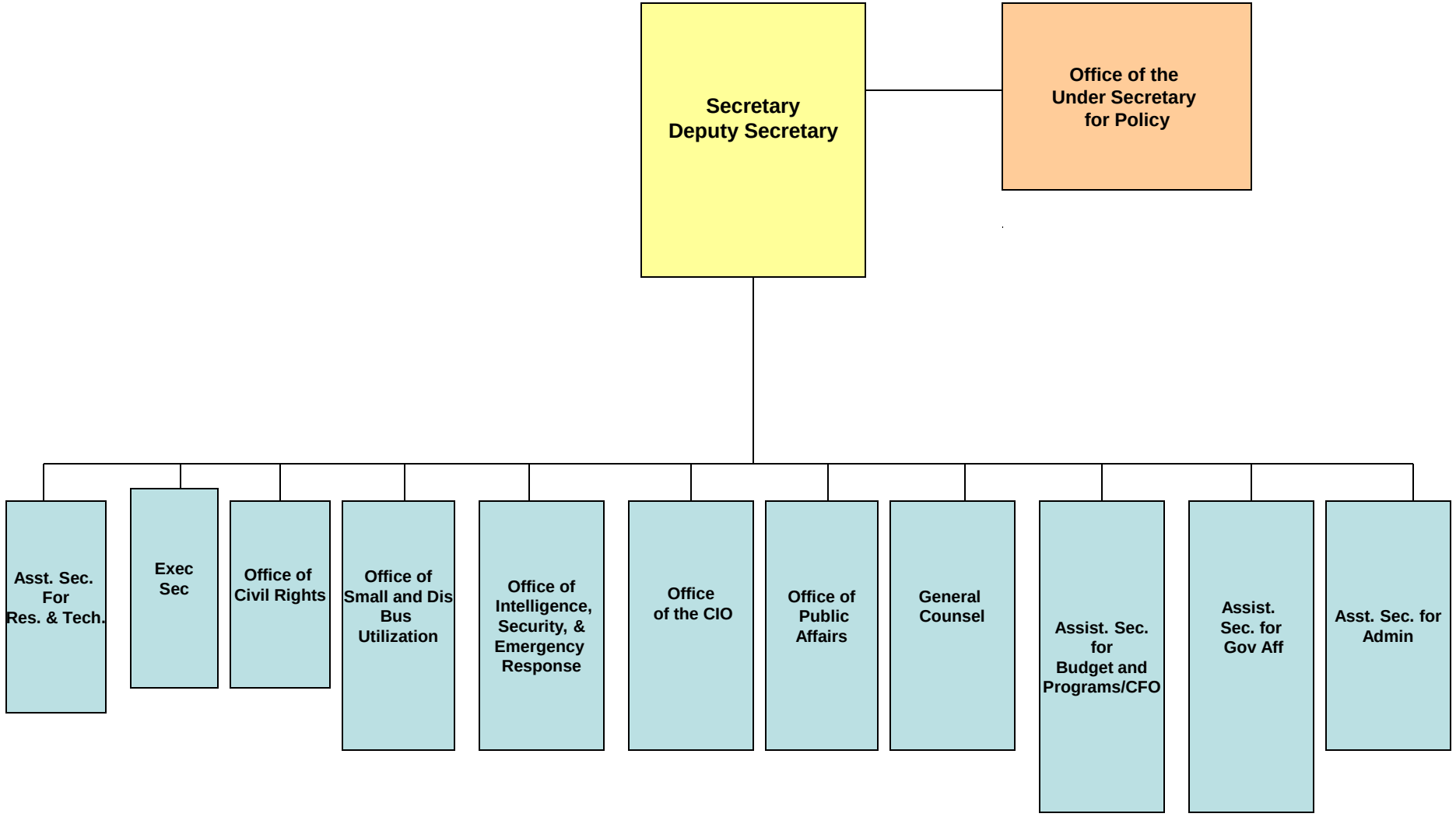
(Dollars in thousands)

ACCOUNTS	FY 2014	FY 2013	FY 2012	FY 2011	FY 2010	FY 2009	FY 2008	FY 2007	FY 2006	FY 2005
SALARIES & EXPENSES	14,348	7,928	4,044	13,971	13,446	4,959	11,131	1,478	3,260	274
FINANCIAL MANAGEMENT CAPITAL										
Financial Management Capital (No Year)	7,467	9,287	10,159	5,957	5,000	-	-	-	-	-
Financial Management Capital (Multi)	24	3,031	-	-	-	-	-	-	-	-
MINORITY BUSINESS OUTREACH	-	-	-	-	-	-	-	-	-	-
Minority Business Outreach (No Year)	7,051	6,187	6,371	6,071	6,071	6,216	6,216	5,530	7,500	-
Minority Business Outreach (Multi)	873	854	272	1,726	2,939	2,901	2,908	2,242	658	381
TRANSPORTATION PLANNING, RESEARCH & DEVELOPMENT	9,771	8,223	6,689	7,091	10,445	11,993	14,983	5,900	8,915	3,504
TIGER GRANTS ARRA	-	-	-	1,079,227	1,500,000	-	-	-	-	-
NATIONAL INFRASTRUCTURE INVESTMENTS PROGRAM (NII)	473,343	835,234	653,148	599,000	-	-	-	-	-	-
NEW HEADQUARTERS BUILDING	999	879	794	1,611	131	1,552	6,223	10,584	24,026	-
MBRC GUARANTEED LOAN FIN	578	213	170	128	151	121	247	532	640	614
CYBER SECURITY INITIATIVES	8,446	6,270	-	-	-	-	-	-	-	-
GIFTS & BEQUESTS	-	-	-	-	3	4	3	-	3	2
ESSENTIAL AIR SERVICE PROGRAM:										
Payments to Air Carriers *(Airport & Airway Trust Fund)* - Discretionary	13,433	10,361	22,535	17,637	1,126	13,840	425	7,636	5,074	153
Essential Air Service - Mandatory	2,800	235	1,194	23,774	13,852	13,779	36,721	19,982	804	2,017
AIR CARRIER COMPENSATION	-	6,555	6,555	5,641	384	848	22,848	72,328	72,633	278,219
AIR CARRIER PAYMENTS	-	-	-	-	-	1	1	1	1	1
COMPENSATION TO GENERAL AVIATION	-	-	3,254	3,254	3,254	3,426	16,830	16,830	-	-
RESEARCH & DEVELOPMENT/RESEARCH & TECHNOLOGY	1,300	1,818	786	645	674	91	1,228	759	736	276 *

***Note: The FY 2005 unobligated balances from multiyear accounts 694/61730 and 693/51730. FY 2005 is the year RITA became into existence.**

U.S. Department of Transportation

Office of the Secretary



FY 2015 Organizational and Staffing Changes
OFFICE OF THE SECRETARY of TRANSPORTATION

FY 2015 New Programs/FTEs:	**FTE**	**Purpose**
Interagency Permitting Inprovement Center (IPIC)	4	Funding is requested to hire experts to implement the reforms identified by the Plan as well as identify additional reforms needed to modernize Federal permitting and reviews.
Total New FY 2015 FTEs:	**4**	
FY 2015 Organizational Changes:		
Working Capital Fund (OCIO)	4	To reduce the amount of contracting operating expenses and number of functions deemed closely associated with inherently governmental functions, the Assistant Secretary of Administration will reduce its base vacant positions and transition those positions to the OCIO base.
Working Capital Fund (Assistant Secretary of Administration)	-4	
Total FY 2015 Organizational Changes:	**0**	
Annualization of FY 2014 Positions in FY 2015		
Budget Credit Office	4	Oversees each of the credit programs at DOT: the Transportation Infrastructure Finance and Innovation Act (TIFIA) program, the Railroad Rehabilitation and Improvement Financing Program (RRIF), and MARAD's Title IX office. Directly supports the credit programs in the respective operating administration. Assists with the financial review and monitoring of DOT's credit programs. Leads the Credit Council Working Group, which is comprised of the DOT credit program managers and staff to the Credit Council members.

FY 2015 Training & Development
OFFICE OF THE SECRETARY of TRANSPORTATION

(Dollars in Thousands)

ACCOUNTS	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
SALARIES & EXPENSES	**280**	**295**	**218**	**374**	**179**
Office of the Secretary (S-1)	-	9	-	1	3
Office of the Deputy Secretary (S-2)	-	-	-	-	-
Office of the Under Secretary for Transportation Policy (S-3)	81	40	54	40	16
Office of the Executive Secretariat (S-10)	1	4	-	5	-
Office of Small and Disadvantaged Business Utilization (S-40)	-	-	-	-	-
Office of Intelligence and Security and Emergency Response (S-60)	32	75	74	32	81
Office of the Chief Information Officer (S-80)	19	18	14	12	7
Office of Public Affairs (A)	-	2	0	1	-
Office of the Assistant Secretary for Budget and Programs/CFO (B)	34	4	-	32	4
Office of the General Counsel (C)	67	45	20	103	56
Office of the Assistant Secretary for Governmental Affairs (I)	4	11	1	1	0
Office of the Assistant Secretary for Administration (M)	42	89	55	148	12
FINANCIAL MANAGEMENT CAPITAL	-	-	-	-	-
OFFICE OF CIVIL RIGHTS	49	67	30	126	27
MINORITY BUSINESS OUTREACH	-	-	-	-	-
TRANSPORTATION PLANNING, RESEARCH & DEVELOPMENT	5	18	11	5	9
INTERAGENCY PERMITTING IMPROVEMENT CENTER (IPIC)	-	-	-	-	-
NATIONAL INFRASTRUCTURE INVESTMENTS PROGRAM (NII)	-	0	5	13	1
SAFE TRANSPORTATION OF ENERGY PRODUCTS	-	-	-	-	-
MINORITY BUSINESS RESOURCE CENTER PROGRAM (MBRC)	-	-	-	-	-
CYBER SECURITY INITIATIVES	-	-	-	-	-
OFFICE OF THE ASST. SEC. FOR RESEARCH & TECHNOLOGY					
RESEARCH AND DEVELOPMENT	4	22	31	28	26
BUREAU OF TRANSPORTATION STATISTICS ALLOCATION ACCOUNT	72	90	71	47	55
WORKING CAPITAL FUND (Obligation Limitation)	20	68	126	245	486
ESSENTIAL AIR SERVICE PROGRAM:	**-**	**-**	**3**	**0**	**9**
Payments to Air Carriers *(Airport & Airway Trust Fund)* - Discretionary	-	-	3	0	9
Essential Air Service - Mandatory	-	-	-	-	-
SCASDP	-	0	0	-	3
GRAND TOTAL	**430**	**562**	**496**	**838**	**795**

US DEPARTMENT OF TRANSPORTATION
FISCAL YEAR 2015 QUESTIONS FOR THE RECORD
Chairman Tom Latham
Subcommittee on Transportation, Housing and Urban Development, and Related Agencies
House Committee on Appropriations

PRESIDENTIAL AND POLITICAL APPOINTEES

QUESTION 1: Please provide a list of all political appointments in the Department by modal administration and by office. Please include the title, grade and salary of each position, the office the position is in, and the fund paying their salary.

RESPONSE:

FY 2014 authorization	Currently on board 5/2/14	FY 2015 proposed authorization
110	83	110

The following estimated 2014 salaries are based on either the current salary of encumbered positions, the statutory pay level for vacant PAS positions, the middle of the new senior executive pay range for vacant SES positions, and the middle of the pay range for vacant Schedule C positions at the grade at which the position was last filled, or is proposed.

Title	Grade	Salary	Funding
Office of the Secretary			
Secretary	EX-I	$199,700	Salaries & Expenses
Chief of Staff	NC-SES	$177,000	Salaries & Expenses
Deputy Chief of Staff	NC-SES	$160,000	Salaries & Expenses
Counselor to the Secretary	NC-SES	$155,500	Salaries & Expenses
Counselor to the Secretary	NC-SES	$155,000	Salaries & Expenses

White House Liaison	GS-15	$124,995	Salaries & Expenses
Associate Director for Scheduling and Advance	GS-11	$ 63,091	Salaries & Expenses
Associate Director for Scheduling and Advance	GS-11	$ 63,091	Salaries & Expenses
Special Assistant for Scheduling and Advance	GS-9	$ 53,884	Salaries & Expenses
Special Assistant for Scheduling and Advance	GS-7	$ 42,631	Salaries & Expenses
Special Assistant for Scheduling and Advance-vacant	GS-11	$ 71,504	Salaries & Expenses
Policy Assistant-vacant	GS-15	$141,660	Salaries & Expenses
Deputy Secretary-vacant	EX-II	$179,700	Salaries & Expenses
Counselor to the Deputy Secretary	GS-15	$137,494	Salaries & Expenses
Special Assistant-vacant	GS-9	$ 59,098	Salaries & Expenses
Under Secretary of Transportation for Policy-vacant	EX-II	$179,700	Salaries & Expenses
Counselor to the Under Secretary-vacant	NC-SES	$151,125	Salaries & Expenses
Special Assistant to the Under Secretary	GS-11	$ 63,091	Salaries & Expenses
Director, Executive Secretariat	NC-SES	$127,500	Salaries & Expenses
Director, Office of Civil Rights	NC-SES	$127,500	Office of Civil Rights
Director, Office of Small & Disadvantaged Business Utilization	NC-SES	$127,440	Salaries & Expenses
Chief Information Officer	NC-SES	$145,000	Salaries & Expenses
Associate Director for IT Strategy and Technology Projects	GS-14	$106,263	Salaries & Expenses
Assistant to the Secretary and Director of Public Affairs	NC-SES	$155,000	Salaries & Expenses
Deputy Director of Public Affairs	GS-14	$106,263	Salaries &

			Expenses
Press Secretary	GS-13	$ 89,924	Salaries & Expenses
Deputy Press Secretary	GS-11	$ 65.194	Salaries & Expenses
Associate Director for Public Liaison-vacant	GS-14	$120,429	Salaries & Expenses
Director of Speechwriting -vacant	GS-15	$141,660	Salaries & Expenses
Speechwriter	GS-13	$ 89,924	Salaries & Expenses
Assistant Secretary for Administration	NC-SES	$155,500	Salaries & Expenses
CFO/Assistant Secretary for Budget and Programs	EX-IV	$155,500	Salaries & Expenses
Deputy Assistant Secretary for Finance and Budget	GS-15	$124.995	Salaries & Expenses
General Counsel	EX-IV	$155,500	Salaries & Expenses
Deputy General Counsel	NC-SES	$145,000	Salaries & Expenses
Associate General Counsel-vacant	NC-SES	$151,125	Salaries & Expenses
Assistant Secretary for Governmental Affairs	EX-IV	$155,500	Salaries & Expenses
Deputy Assistant Secretary for Governmental Affairs	GS-15	$137,494	Salaries & Expenses
Deputy Assistant Secretary for Governmental Affairs	GS-15	$124,995	Salaries & Expenses
Deputy Assistant Secretary for Governmental Affairs	GS-14	$106,263	Salaries & Expenses
Deputy Assistant Secretary for Tribal Affairs-vacant	GS-14	$120,429	Salaries & Expenses
Director of Governmental Affairs	GS-13	$ 89,924	Salaries & Expenses
Director of Governmental Affairs-vacant	GS-13	$101,914	Salaries & Expenses
Associate Director for Governmental Affairs	GS-11	$ 69,400	Salaries & Expenses

Associate Director for Governmental Affairs	GS-11	$ 63,091	Salaries & Expenses
Associate Director for Governmental Affairs	GS-7	$ 45,473	Salaries & Expenses
Associate Director for Governmental Affairs-vacant	GS-7	$ 48,315	Salaries & Expenses
Assistant Secretary for Transportation Policy-vacant	EX-IV	$155,500	Salaries & Expenses
Deputy Assistant Secretary for Transportation Policy	NC-SES	$142,000	Salaries & Expenses
Deputy Assistant Secretary for Transportation Policy	NC-SES	$136,000	National Infrastructure Investments
Deputy Assistant Secretary for Public Engagement	GS-15	$137,494	Salaries & Expenses
Deputy Director for Public Engagement	GS-13	$ 89,924	Salaries & Expenses
Senior Advisor for Policy	GS-13	$ 89,924	Salaries & Expenses
Assistant Secretary for Aviation and International Affairs	EX-IV	$155,500	Salaries & Expenses
Deputy Assistant Secretary for Aviation and International Affairs	NC-SES	$136,000	Salaries & Expenses
Assistant Secretary for Research and Technology	EX-IV	$165,300	Research & Technology
Deputy Assistant Secretary for Research and Technology-vacant	NC-SES	$151,125	Research & Technology
Chief Counsel	NC-SES	$145,000	Federal-Aid Highways
Director, Office of Congressional, International, and Public Affairs	GS-15	$137,494	Federal-Aid Highways
Office of the Inspector General			
Inspector General	EX-IV	$170,259	
Federal Aviation Administration			
Administrator	EX-II	$179,700	
Deputy Administrator	EX-IV	$155,500	
Chief of Staff	FAA Exec	$155,000	
Chief Counsel-vacant	FAA Exec	$145,000	

Assistant Administrator for Aviation Policy, International Affairs and Environment	FAA Exec	$152,000	
Associate Administrator for Airports-vacant	FAA Exec	$151,125	
Assistant Administrator for Government & Industry Affairs	GS-15	$137,494	
Deputy Assistant Administrator for Govt. & Industry Affairs-vacant	GS-14	$120,429	
Assistant Administrator for Communications	GS-15	$145,827	
Deputy Assistant Administrator for Communications-vacant	GS-14	$120,429	
Federal Highway Administration			
Administrator	EX-II	$179,700	
Deputy Administrator	NC-SES	$150,000	
Chief Counsel-vacant	NC-SES	$145,000	
Associate Administrator for Public Affairs-vacant	NC-SES	$151,125	
Associate Administrator for Policy and Governmental Affairs	GS-15	$137,494	
Special Assistant to the Administrator-vacant	GS-9	$ 59,098	
Federal Motor Carrier Safety Administration			
Administrator	EX-III	$165,300	
Deputy Administrator	NC-SES	$150,000	
Chief Counsel	NC-SES	$145,000	
Director of Governmental Affairs-vacant	GS-15	$141,660	
Director of Communications	GS-14	$106,263	
Federal Railroad Administration			
Administrator	EX-III	$165,300	
Deputy Administrator	NC-SES	$150,000	
Chief Counsel	NC-SES	$145,000	
Associate Administrator for Communications and Legislative Affairs	GS-15	$133,328	
Director of Congressional Affairs	GS-13	$ 89,924	
Special Assistant to the Administrator-vacant	GS-7	$ 48,315	
Federal Transit Administration			
Administrator	EX-III	$165,300	
Deputy Administrator	NC-SES	$150,000	
Chief Counsel	NC-SES	$145,000	
Associate Administrator for Communication and Legislative Affairs	GS-15	$129,161	

Maritime Administration			
Administrator-vacant	EX-III	$165,300	
Deputy Administrator	NC-SES	$150,000	
Chief Counsel	NC-SES	$145,000	
Director, Office of Congressional and Public Affairs	GS-15	$129,161	
National Highway Traffic Safety Administration			
Administrator-vacant	EX-III	$165,300	
Deputy Administrator	NC-SES	$150,000	
Chief Counsel	NC-SES	$145,000	
Director of Governmental Affairs-vacant	GS-15	$141,660	
Director of Communications	GS-15	$145,827	
Special Assistant to the Administrator-vacant	GS-9	$ 59,098	
Pipeline and Hazardous Materials Safety Admin			
Administrator	EX-III	$165,300	
Deputy Administrator	NC-SES	$150,000	
Chief Counsel	NC-SES	$145,000	
Associate Administrator for Governmental, International, and Public Affairs	GS-15	$133,328	
Saint Lawrence Seaway Development Corp			
Special Assistant to the Administrator-vacant	GS-9	$ 59,098	
Administrator	EX-IV	$155,500	
Surface Transportation Board			
Chairman	EX-III	$165,300	
Vice-Chairman	EX-IV	$155,500	
Board Member	EX-IV	$155,500	

PIPELINE & HAZARDOUS MATERIALS SAFETY ADMINISTRATION
Authorizing Statutes

Program	Authorizing Statute	Expires
Pipeline Safety	49 U.S.C. 60101-60301, P.L. 112-90 The Job Creation Act	9/30/2015
Hazardous Materials Safety	49 U.S.C. 5101-5128 P.L. 112-141 MAP-21	9/30/2014
Operational Expenses	49 U.S.C. 108	N/A
Emergency Preparedness	49 U.S.C. 5128 P.L. 112-141 MAP-21	9/30/2014

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
TRAINING & DEVELOPMENT (2009 - 2013)

	2009	2010	2011	2012	2013
Pipeline Safety (69-5172)	$200,493	$90,355	$134,751	$163,457	$98,862
Hazardous Materials Safety (69-1401)	104,129	105,728	213,303	155,303	140,331
Emergency Preparedness Grants (69-5282)	1,095			180,000	188,000
Operational Expenses (69-1400)	118,261	240,424	216,792	161,992	67,770
Total	**$423,979**	**$436,507**	**$564,846**	**$660,752**	**$494,962**

PIPELINE & HAZARDOUS MATERIALS SAFETY ADMINISTRATION

FY 2015 President's Budget New Programs/Program Terminations

New Programs	Requested*
Pipeline Safety	
Emergency Preparedness Information to Communities	$2,109,000
National Pipeline Information Exchange	12,131,000
Onshore Facilities Response Plan Initiatives	927,000
Hazardous Materials Safety	
Emergency Preparedness Information to Communities	$1,627,000
Total	**$16,794,000**

*Amount includes requested FTE and Program Costs.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
FY 2015 President's Budget Proposed Organizational/Staffing Changes

Intiatives	FTE
Pipeline Safety	
Annualization of FY 2014 FTE	6.0
Pipeline Safety Reform	52.0
Emergency Preparedness Information to Communities	0.5
Onshore Facilities Response Plan	2.0
Hazardous Materials Safety	
Research & Development	0.5
Emergency Preparedness Information to Communities	2.5
Total	**63.5**

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
TEN YEAR CARRYOVER HISTORY (2005 - 2014)

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Pipeline Safety	$16,541,204	$14,214,049	$13,461,581	$15,528,027	$3,170,768	$5,340,446	$5,234,553	$8,462,868	$10,829,906	$8,766,426
Trust Fund Share of Pipeline Safety	8,228,657	8,942,977	6,353,027	8,353,999	9,122,931	10,266,047	11,205,842	15,484,885	12,214,940	10,787,323
Hazardous Materials Safety	0	0	464,873	1,270,183	2,727,107	4,436,158	4,492,000	3,332,165	3,452,714	3,365,489
Emergency Preparedness Grants	0	0	0	0	188,000	1,000	188,000	187,624	188,000	178,166
Operational Expenses	0	0	0	0	0	0	0	0	0	0
Research and Special Programs *	1,536,090	977,962	765,040	634,622	467,079	465,112	202,725	152,777	152,777	152,777
Total	**$26,305,951**	**$24,134,988**	**$21,044,520**	**$25,786,831**	**$15,675,885**	**$20,508,762**	**$21,323,121**	**$27,620,319**	**$26,838,337**	**$23,250,181**

*Not able to determine reimbursable amount for FY 2005

PIPELINE & HAZARDOUS MATERIALS SAFETY ADMINISTRATION
TEN YEAR FUNDING HISTORY (2005 - 2014)

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Pipeline Safety										
Operations	$32,660,900	$33,668,660	$35,726,760	$38,008,760	$41,580,000	$46,100,000	$47,684,000	$49,857,000	$47,249,000	$52,487,000
Research & Development	5,379,540	6,809,830	6,712,410	5,803,410	3,599,000	4,700,000	4,691,000	4,747,000	4,499,000	10,015,000
Grants	15,999,410	16,951,410	17,625,830	21,165,830	30,302,000	36,534,000	36,461,000	37,075,000	35,136,000	37,512,000
Offsetting Design Review Fee										2,000,000
Total	**$54,039,850**	**$57,429,900**	**$60,065,000**	**$64,978,000**	**$75,481,000**	**$87,334,000**	**$88,836,000**	**$91,679,000**	**$86,884,000**	**$102,014,000**
Trust Fund Share of Pipeline Safety										
Operations	$8,104,000	$10,372,240	$10,577,240	$10,577,240	$11,630,000	$11,725,000	$11,702,000	$11,723,000	$11,110,000	$11,723,000
Research & Development	3,606,000	2,097,170	2,380,590	2,380,590	2,185,000	2,185,000	2,180,000	2,173,000	2,059,000	2,173,000
Grants	3,170,000	2,380,590	1,892,170	1,892,170	4,995,000	4,995,000	4,985,000	4,677,000	4,433,000	4,677,000
Total	**$14,880,000**	**$14,850,000**	**$14,850,000**	**$14,850,000**	**$18,810,000**	**$18,905,000**	**$18,867,000**	**$18,573,000**	**$17,602,000**	**$18,573,000**
Hazardous Materials Safety										
Operations	$23,109,000	$24,047,620	$24,894,000	$26,239,000	$28,698,000	$36,295,000	$37,324,000	$40,622,000	$38,497,000	$42,700,000
Research & Development	1,831,000	1,829,000	1,829,000	1,761,000	3,302,000	1,699,000	1,696,000	1,716,000	1,626,000	2,300,000
Total	**$24,940,000**	**$25,876,620**	**$26,723,000**	**$28,000,000**	**$32,000,000**	**$37,994,000**	**$39,020,000**	**$42,338,000**	**$40,123,000**	**$45,000,000**
Emergency Preparedness Grants										
Operations	$1,248,400	$1,248,000	$1,248,000	$1,518,000	$1,518,000	$1,518,000	$1,518,000	$1,518,000	$1,440,000	$1,422,000
Grants	13,050,000	13,050,000	13,050,000	26,800,000	26,800,000	26,800,000	26,800,000	26,800,000	25,425,000	24,871,000
Total	**$14,298,400**	**$14,298,000**	**$14,298,000**	**$28,318,000**	**$28,318,000**	**$28,318,000**	**$28,318,000**	**$28,318,000**	**$26,865,000**	**$26,293,000**
Operational Expenses										
Operations	$16,810,000	$16,708,230	$18,031,000	$18,130,000	$18,130,000	$20,132,000	$20,455,000	$20,360,000	$19,295,000	$20,154,000
Total	**$16,810,000**	**$16,708,230**	**$18,031,000**	**$18,130,000**	**$18,130,000**	**$20,132,000**	**$20,455,000**	**$20,360,000**	**$19,295,000**	**$20,154,000**

DEPARTMENT OF TRANSPORTATION
FULL TIME EQUIVALENT EMPLOYMENT (FTE)
FY 2004 - 2014 FTE HISTORY

Account	FY 2004 Request	FY 2004 Enacted	FY 2004 Actual	FY 2005 Request	FY 2005 Enacted	FY 2005 Actual	FY 2006 Request	FY 2006 Enacted	FY 2006 Actual	FY 2007 Request	FY 2007 Enacted	FY 2007 Actual	FY 2008 Request	FY 2008 Enacted	FY 2008 Actual	FY 2009 Request	FY 2009 Enacted	FY 2009 Actual	FY 2010 Request	FY 2010 Enacted	FY 2010 Actual	FY 2011 Request	FY 2011 Enacted	FY 2011 Actual	FY 2012 Request	FY 2012 Enacted	FY 2012 Actual	FY 2013 Request	FY 2013 Enacted	FY 2013 After SEQ	FY 2013 Actual	FY 2014 Request	FY 2014 Enacted
Pipeline and Hazardous Materials Safety Admin.	0	0	378	0	406	358	397		337	401	396	353	405		360	421		374	449	464	385	483	483	434	514	485	440	572	486	476	438	513	492
TOTAL	**0**	**0**	**378**	**0**	**406**	**358**	**397**	**0**	**337**	**401**	**396**	**353**	**405**	**0**	**360**	**421**	**0**	**374**	**449**	**464**	**385**	**483**	**483**	**434**	**514**	**485**	**440**	**572**	**486**	**476**	**438**	**513**	**492**

DEPARTMENT OF TRANSPORTATION
FULL TIME EQUIVALENT EMPLOYMENT (FTE)
FY 2004 - 2014 FTE HISTORY

Account	FY 2004 Request	FY 2004 Enacted	FY 2004 Actual	FY 2005 Request	FY 2005 Enacted	FY 2005 Actual	FY 2006 Request	FY 2006 Enacted	FY 2006 Actual	FY 2007 Request	FY 2007 Enacted	FY 2007 Actual	FY 2008 Request	FY 2008 Enacted	FY 2008 Actual	FY 2009 Request	FY 2009 Enacted	FY 2009 Actual	FY 2010 Request	FY 2010 Enacted	FY 2010 Actual	FY 2011 Request	FY 2011 Enacted	FY 2011 Actual	FY 2012 Request	FY 2012 Enacted	FY 2012 Actual	FY 2013 Request	FY 2013 Enacted	FY 2013 After SEQ	FY 2013 Actual	FY 2014 Request	FY 2014 Enacted
Pipeline and Hazardous Materials Safety Admin.	RSPA			RSPA			397	395	337	401	396	353	405	409	360	421	428	374	449	464	385	483	483	434	514	485	440	572	486	476	438	513	492
TOTAL							**397**	**395**	**337**	**401**	**396**	**353**	**405**	**409**	**360**	**421**	**428**	**374**	**449**	**464**	**385**	**483**	**483**	**434**	**514**	**485**	**440**	**572**	**486**	**476**	**438**	**513**	**492**

Department of Transportation

Fiscal Year 2015 Questions for the Record

Chairman Tom Latham

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies

House Committee on Appropriations

1. Please provide a ten-year funding history for each of the agencies and offices in DOT.

PIPELINE & HAZARDOUS MATERIALS SAFETY ADMINISTRATION

TEN YEAR FUNDING HISTORY (2005 - 2014)

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Pipeline Safety										
Operations	$32,660,900	$33,668,660	$35,726,760	$38,008,760	$41,580,000	$46,100,000	$47,684,000	$49,857,000	$47,249,000	$52,487,000
Research & Development	5,379,540	6,809,830	6,712,410	5,803,410	3,599,000	4,700,000	4,691,000	4,747,000	4,499,000	10,015,000
Grants	15,999,410	16,951,410	17,625,830	21,165,830	30,302,000	36,534,000	36,461,000	37,075,000	35,136,000	37,512,000
Offsetting Design Review Fee										2,000,000
Total	**$54,039,850**	**$57,429,900**	**$60,065,000**	**$64,978,000**	**$75,481,000**	**$87,334,000**	**$88,836,000**	**$91,679,000**	**$86,884,000**	**$102,014,000**
Trust Fund Share of Pipeline Safety										
Operations	$8,104,000	$10,372,240	$10,577,240	$10,577,240	$11,630,000	$11,725,000	$11,702,000	$11,723,000	$11,110,000	$11,723,000
Research & Development	3,606,000	2,097,170	2,380,590	2,380,590	2,185,000	2,185,000	2,180,000	2,173,000	2,059,000	2,173,000
Grants	3,170,000	2,380,590	1,892,170	1,892,170	4,995,000	4,995,000	4,985,000	4,677,000	4,433,000	4,677,000
Total	**$14,880,000**	**$14,850,000**	**$14,850,000**	**$14,850,000**	**$18,810,000**	**$18,905,000**	**$18,867,000**	**$18,573,000**	**$17,602,000**	**$18,573,000**
Hazardous Materials Safety										
Operations	$23,109,000	$24,047,620	$24,894,000	$26,239,000	$28,698,000	$36,295,000	$37,324,000	$40,622,000	$38,497,000	$42,700,000
Research & Development	1,831,000	1,829,000	1,829,000	1,761,000	3,302,000	1,699,000	1,696,000	1,716,000	1,626,000	2,300,000
Total	**$24,940,000**	**$25,876,620**	**$26,723,000**	**$28,000,000**	**$32,000,000**	**$37,994,000**	**$39,020,000**	**$42,338,000**	**$40,123,000**	**$45,000,000**
Emergency Preparedness Grants										
Operations	$1,248,400	$1,248,000	$1,248,000	$1,518,000	$1,518,000	$1,518,000	$1,518,000	$1,518,000	$1,440,000	$1,422,000
Grants	13,050,000	13,050,000	13,050,000	26,800,000	26,800,000	26,800,000	26,800,000	26,800,000	25,425,000	24,871,000
Total	**$14,298,400**	**$14,298,000**	**$14,298,000**	**$28,318,000**	**$28,318,000**	**$28,318,000**	**$28,318,000**	**$28,318,000**	**$26,865,000**	**$26,293,000**
Operational Expenses										
Operations	$16,810,000	$16,708,230	$18,031,000	$18,130,000	$18,130,000	$20,132,000	$20,455,000	$20,360,000	$19,295,000	$20,154,000
Total	**$16,810,000**	**$16,708,230**	**$18,031,000**	**$18,130,000**	**$18,130,000**	**$20,132,000**	**$20,455,000**	**$20,360,000**	**$19,295,000**	**$20,154,000**

2. Please provide a table showing new programs and program terminations in the Department's FY 2015 budget request.

PIPELINE & HAZARDOUS MATERIALS SAFETY ADMINISTRATION

FY 2015 President's Budget New Programs/Program Terminations

New Programs	Requested*
Pipeline Safety	
Emergency Preparedness Information to Communities	$2,109,000
National Pipeline Information Exchange	12,131,000
Onshore Facilities Response Plan Initiatives	927,000
Hazardous Materials Safety	
Emergency Preparedness Information to Communities	$1,627,000
Total	**$16,794,000**

*Amount includes requested FTE and Program Costs.

3. Please list all of the programs included in DOT's FY 2015 budget, the authorizing statute and the date when their authorization expires.

PIPELINE & HAZARDOUS MATERIALS SAFETY ADMINISTRATION Authorizing Statutes	
	Expires
Pipeline Safety	
49 U.S.C. 60101-60301	2016
P.L. 112-90 The Job Creation Act	
Hazardous Materials Safety	
49 U.S.C. 5101-5128	2015
P.L. 112-141 MAP-21	
Operational Expenses	
49 U.S.C. 108	
Emergency Preparedness	
49 U.S.C. 5128	2015
P.L. 112-141 MAP-21	

4. Please provide a chart with the carryover for each program for the last ten years.

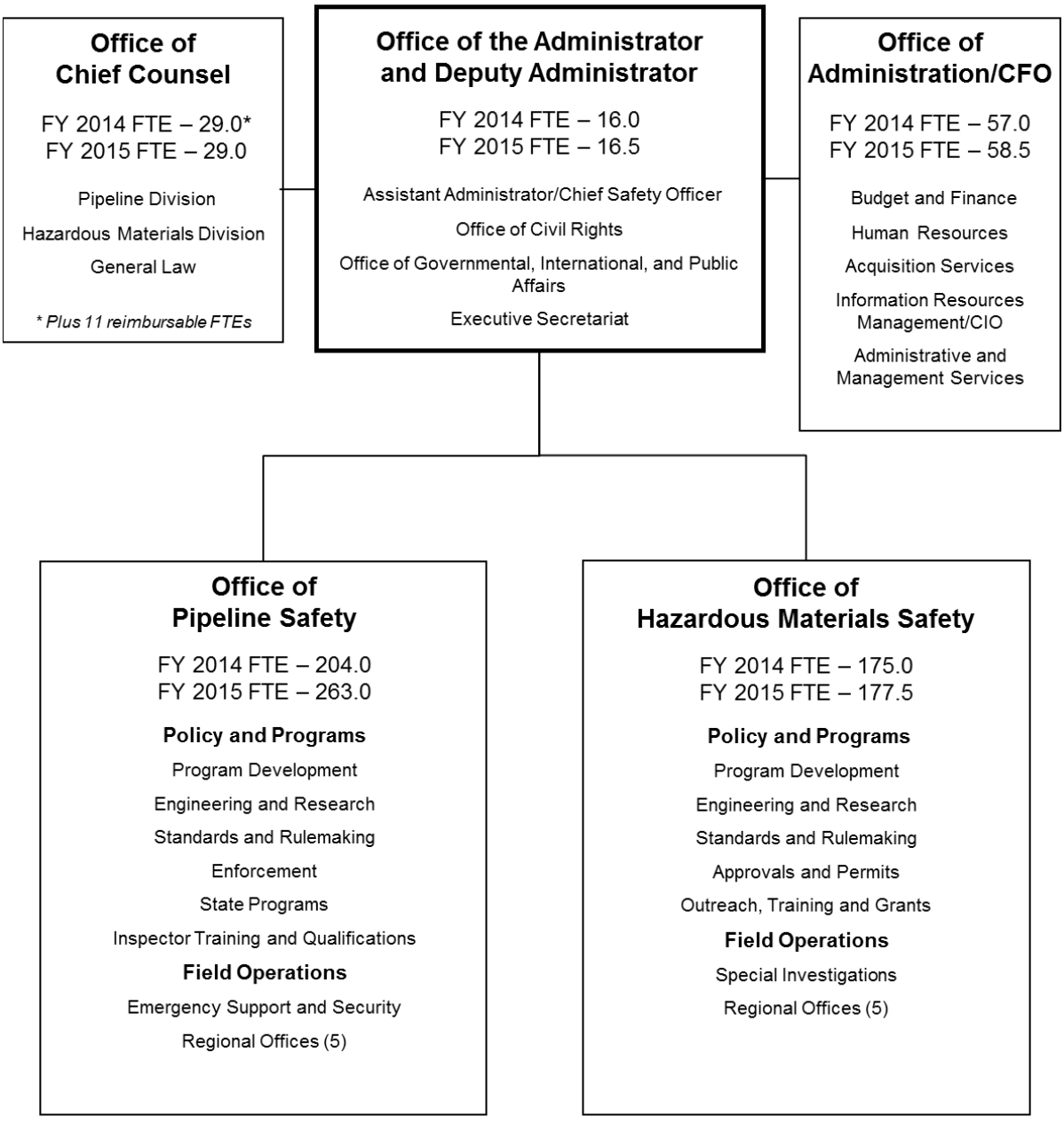
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
TEN YEAR CARRYOVER HISTORY (2005 - 2014)

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Pipeline Safety	$16,541,204	$14,214,049	$13,461,581	$15,528,027	$3,170,768	$5,340,446	$5,234,553	$8,462,868	$10,829,906	$8,766,426
Trust Fund Share of Pipeline Safety	8,228,657	8,942,977	6,353,027	8,353,999	9,122,931	10,266,047	11,205,842	15,484,885	12,214,940	10,787,323
Hazardous Materials Safety	0	0	464,873	1,270,183	2,727,107	4,436,158	4,492,000	3,332,165	3,452,714	3,365,489
Emergency Preparedness Grants	0	0	0	0	188,000	1,000	188,000	187,624	188,000	178,166
Operational Expenses	0	0	0	0	0	0	0	0	0	0
Research and Special Programs *	1,536,090	977,962	765,040	634,622	467,079	465,112	202,725	152,777	152,777	152,777
Total	**$26,305,951**	**$24,134,988**	**$21,044,520**	**$25,786,831**	**$15,675,885**	**$20,508,762**	**$21,323,121**	**$27,620,319**	**$26,838,337**	**$23,250,181**

*Not able to determine reimbursable amount for FY 2005

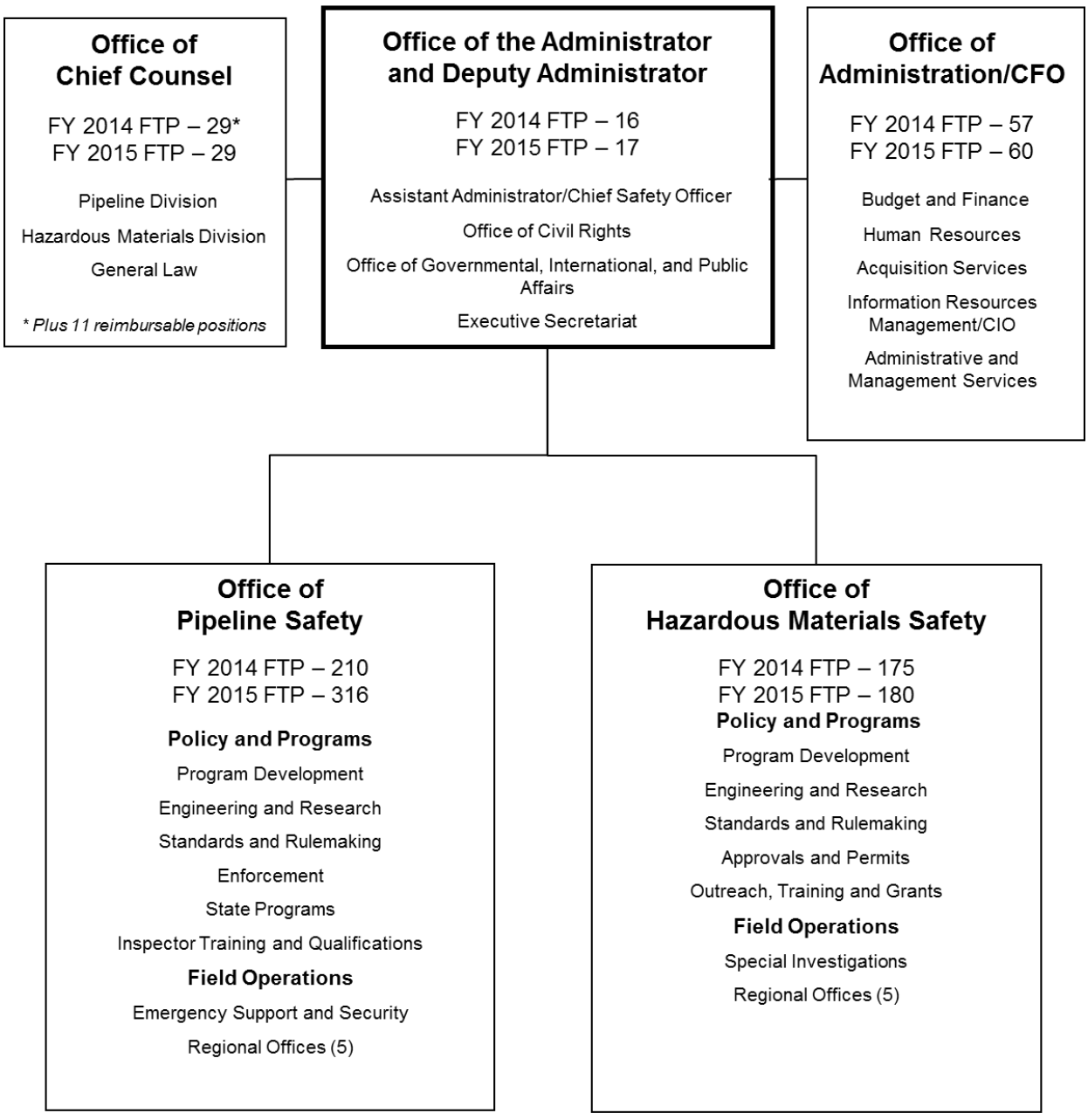
5. Please provide an organizational chart for each office at DOT.

Pipeline and Hazardous Materials Safety Administration (PHMSA)
Full-Time Equivalents (FTEs) for FY 2014 and FY 2015 Budget Request
Totals: FY 2014 FTE –492.0 / FY 2015 FTE – 544.5



Note: Organizational Chart reflects where staff is currently working not according to funding.

Pipeline and Hazardous Materials Safety Administration (PHMSA)
Full-Time Positions (FTPs) for FY 2014 and FY 2015 Budget Request
Totals: FY 2014 FTP – 498 / FY 2015 FTP – 602



Note: Organizational Chart reflects where staff is currently working not according to funding.

6. Please provide the number of Full Time Equivalents (FTEs) for each office from FY 2004 to FY 2014. Please include the budget request, enacted and actual amount for each year.

OST to provide

7. Please provide details of all organizational/staffing changes included in the FY 2015 budget request. Please include a breakout of the number of FTE who would be working on each new initiative proposed in the budget request.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION	
FY 2015 President's Budget Proposed Organizational/Staffing Changes	
Intiatives	**FTE**
Pipeline Safety	
Annualization of FY 2014 FTE	6.0
Pipeline Safety Reform	52.0
Emergency Preparedness Information to Communities	0.5
Onshore Facilities Response Plan	2.0
Hazardous Materials Safety	
Research & Development	0.5
Emergency Preparedness Information to Communities	2.5
Total	**63.5**

8. Please provide a table showing the funds for employee training and development for the last five years.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION					
TRAINING & DEVELOPMENT (2009 - 2013)					
	2009	**2010**	**2011**	**2012**	**2013**
Pipeline Safety (69-5172)	$200,493	$90,355	$134,751	$163,457	$98,862
Hazardous Materials Safety (69-1401)	104,129	105,728	213,303	155,303	140,331
Emergency Preparedness Grants (69-5282)	1,095			180,000	188,000
Operational Expenses (69-1400)	118,261	240,424	216,792	161,992	67,770
Total	**$423,979**	**$436,507**	**$564,846**	**$660,752**	**$494,962**

U.S. DEPARTMENT OF TRANSPORTATION
PIPELINES AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
Historical Funding Levels (2005-2014)
($000)

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Pipeline Safety	**$54**	**$57**	**$60**	**$65**	**$75**	**$87**	**$89**	**$92**	**$87**	**$102**
Trust Fund Share of Pipeline Safety	**$15**	**$15**	**$15**	**$15**	**$19**	**$19**	**$19**	**$19**	**$18**	**$19**
Hazardous Materials Safety	**$25**	**$26**	**$27**	**$28**	**$32**	**$38**	**$39**	**$42**	**$40**	**$45**
Emergency Preparedness Grants	**$14**	**$14**	**$14**	**$28**	**$28**	**$28**	**$28**	**$28**	**$27**	**$26**
Operational Expenses	**$17**	**$17**	**$18**	**$18**	**$18**	**$20**	**$20**	**$20**	**$19**	**$20**

U.S. DEPARTMENT OF TRANSPORTATION
PIPELINES AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
Historical Funding Levels (2005-2014)
($000)

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Pipeline Safety										
Operations	$32,661	$33,669	$35,727	$38,009	$41,580	$46,100	$47,684	$49,857	$47,249	$52,487
Research & Development	5,380	6,810	6,712	5,803	3,599	4,700	4,691	4,747	4,499	10,015
Grants	15,999	16,951	17,626	21,166	30,302	36,534	36,461	37,075	35,136	37,512
Offsetting Design Review Fee										2,000
Total	**$54,040**	**$57,430**	**$60,065**	**$64,978**	**$75,481**	**$87,334**	**$88,836**	**$91,679**	**$86,884**	**$102,014**
Trust Fund Share of Pipeline Safety										
Operations	$8,104	$10,372	$10,577	$10,577	$11,630	$11,725	$11,702	$11,723	$11,110	$11,723
Research & Development	3,606	2,097	2,381	2,381	2,185	2,185	2,180	2,173	2,059	2,173
Grants	3,170	2,381	1,892	1,892	4,995	4,995	4,985	4,677	4,433	4,677
Total	**$14,880**	**$14,850**	**$14,850**	**$14,850**	**$18,810**	**$18,905**	**$18,867**	**$18,573**	**$17,602**	**$18,573**
Hazardous Materials Safety										
Operations	$23,109	$24,048	$24,894	$26,239	$28,698	$36,295	$37,324	$40,622	$38,497	$42,700
Research & Development	1,831	1,829	1,829	1,761	3,302	1,699	1,696	1,716	1,626	2,300
Total	**$24,940**	**$25,877**	**$26,723**	**$28,000**	**$32,000**	**$37,994**	**$39,020**	**$42,338**	**$40,123**	**$45,000**
Emergency Preparedness Grants										
Operations	$1,248	$1,248	$1,248	$1,518	$1,518	$1,518	$1,518	$1,518	$1,440	$1,422
Grants	13,050	13,050	13,050	26,800	26,800	26,800	26,800	26,800	25,425	24,871
Total	**$14,298**	**$14,298**	**$14,298**	**$28,318**	**$28,318**	**$28,318**	**$28,318**	**$28,318**	**$26,865**	**$26,293**
Operational Expenses										
Operations	$16,810	$16,708	$18,031	$18,130	$18,130	$20,132	$20,455	$20,360	$19,295	$20,154
Total	**$16,810**	**$16,708**	**$18,031**	**$18,130**	**$18,130**	**$20,132**	**$20,455**	**$20,360**	**$19,295**	**$20,154**
Grand Total	**$124,968**	**$129,163**	**$133,967**	**$154,276**	**$172,739**	**$192,683**	**$195,496**	**$201,268**	**$190,769**	**$212,034**
OST Control Total (Approps+ObLim)	**$125,422**	**$126,858**	**$133,952**	**$154,276**	**$172,739**	**$187,130**	**$195,496**	**$191,076**	**$190,768**	**$210,034**
	$454	-$2,305	-$15	$0	$0	-$5,553	$0	-$10,192	-$1	-$2,000

SURFACE TRANSPORTATION BOARD
SALARIES AND EXPENSES
10-YEAR TABLE

ESTIMATES		APPROPRIATIONS	
2005.....	[1] 21,283,000	2005.....	[2] 21,069,400
2006.....	[1] 26,622,000	2006.....	[3] 26,198,000
2007.....	[1] 25,618,000	2007.....	[1] 26,324,501
2008.....	[1] 26,495,000	2008.....	[1] 26,324,500
2009.....	[1] 26,847,000	2009.....	[1] 26,847,000
2010.....	[4] 29,800,000	2010.....	[1] 29,066,000
2011.....	[5] 33,749,000	2011.....	[6] 29,010,368
2012.....	[7] 34,708,000	2012.....	[1] 29,310,000
2013.....	[8] 34,592,000	2013.....	[10] 27,779,794
2014.....	[9] 34,284,000	2014.....	[1] 31,000,000
2015.....	[9] 34,411,000		

[1] Includes $1,250,000 from offsetting collections as a credit to the appropriation.

[2] Reflects reduction of $19,000 for TASC (P.L. 108-447, Div. H, Title I, sec.197) and reduction of $161,600 for across-the-board rescission (P.L. 108-447, Div. J, Title I, sec. 122). Includes $1,050,000 from offsetting collections as a credit to the appropriation.

[3] Reflects reduction of $252,000 for across-the-board rescission (P.L. 109-148, Title III, Chap. 8, sec. 3801). Includes $1,250,000 from offsetting collections as a credit to the appropriation.

[4] Includes $500,000 for the update of URCS and $746,000 to implement the Board's expanded jurisdiction with respect to regulation of passenger rail service under the Passenger Rail Investment and Improvement Act of 2008, P.L. 110-432. Includes $1,250,000 from offsetting collections as a credit to the appropriation.

[5] Includes $1,000,000 to continue the multi-year review of URCS, $500,000 to overhaul the Board's information technology and decade-old docket management systems, and $2,000,000 for an additional 10 FTEs to staff the Board's Rail Consumer and Public Assistance Program. Includes $1,250,000 from offsetting collections as a credit to the appropriation.

[6] Reflects reduction of $55,632 for across-the-board rescission (P.L. 112-10, Div. B, Title I, 1119 (a)). Includes $1,250,000 from offsetting collections as a credit to the appropriation.

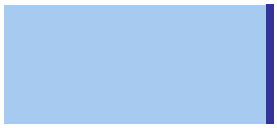
[7] Includes funding for 15 FTEs to carry out the statutory responsibilities of PRIIA, funding for 6 FTEs to increase mediation efforts and enhance the auditing of industry financial filings, and $743,000 to overhaul the Board's information technology system and upgrade outdated equipment. Includes $1,250,000 from offsetting collections as a credit to the appropriation

[8] Includes funding for 15 FTEs to carry out the statutory responsibilities of PRIIA and funding for 6 FTEs to increase mediation efforts and enhance the auditing of industry financial filings. Includes $1,250,000 from offsetting collections as a credit to the appropriation.

[9] Includes funding for 15 FTEs to carry out the statutory responsibilities of PRIIA and funding for 6 FTEs to increase mediation efforts, enhance the auditing of industry financial filings, and help process rate reasonableness cases. Includes $1,250,000 from offsetting collections as a credit to the appropriation.

[10] Reflects reduction of $56,120 for across-the-board rescission (P.L. 113-6, Division G, Sec. 304 (c) (1), as supplemented by OMB BDR 13-19, Attachment J). Also reflects permanent reduction of funds in accordance with Presidential Sequestration Order dated March 1, 2013. The FY 2013 sequestration resulted in reduction of $1,411,586 in spending authority and additional reduction from offsetting collections of $62,500. Includes $1,187,500 from offsetting collections as a credit to the appropriation.

Includes funding for 15 FTEs to carry out the statutory responsibilities of PRIIA and funding for 6 FTEs to increase mediation efforts, enhance the auditing of industry financial filings, and help process rate reasonableness cases.



Surface Transportation Board Organization Chart

The above numbers to the left represent requested FY 2014 FTEs; the numbers to the right represent requested FY 2015 FTEs. The number of Full-Time Permanent positions and FTEs is the same. The total number of FTEs for the Surface Transportation Board is 136 for FY 2014 and 170 for FY 2015.

***Term ended December 31, 2013**

FTE	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
BUDGET REQUEST (FTE)	148	150	150	150	150	150	156	156	170	170	170
ENACTED (FTE)	145	150	150	150	150	150	156	148	148	149	-
ACTUAL (FTE)	135	134	137	136	138	141	149	140	134	136	-

In FY 2013 the Board had 136 FTEs and the FY 2014 appropriation funds 156 FTEs and the Board requested 170 FTEs in FY 2015.

TRAINING	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
25209	$60,511	$22,817	$9,112	$65,547	$13,564
25213	$66,540	$3,310	$1,725	$60,679	$895
TOTAL	**$127,051**	**$26,127**	**$10,837**	**$126,226**	**$14,459**

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
Historical Funding Levels (2005-2014)
($ in millions)

Account	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009 2/	FY 2010	FY 2011	FY 2012	FY 2013 3/	FY 2014
Operations 1/	7,707	8,104	8,374	8,740	9,042	9,350	9,514	9,653	9,396	9,651
Facilities & Equipment	2,525	2,555	2,518	2,514	2,942	2,936	2,731	2,731	2,622	2,600
Research, Engineering & Development	130	137	130	147	171	191	170	168	159	159
Grants-in-Aid for Airports	3,497	3,515	3,515	3,515	4,615	3,515	3,515	3,350	3,343	3,350
Total	**13,858**	**14,310**	**14,537**	**14,915**	**16,770**	**15,992**	**15,929**	**15,902**	**15,520**	**15,760**

1/ Operations levels do not include transfers from the Department of State in FY 2009, FY 2010, and FY 2011.
2/ FY 2009 funding includes appropriations from P.L. 111-5, the American Recovery and Reinvestment Act, for Facilities & Equipment ($207 million) and Grants-In-Aid for Airports ($1,100 million).
3/ FY 2013 funding levels include transfers from the Airport Improvement Program to Operations ($247 million) and Facilities & Equipment ($5.8 million) pursuant to the Reducing Flight Delays Act. Also includes $28.5 million in Hurricane Sandy supplemental funding for Facilities and Equipment.

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
Historical Funding Levels (2005-2014)
($ in millions)

Account	FY 2005 [2/]	FY 2006 [3/]	FY 2007	FY 2008 [4/]	FY 2009 [5/]	FY 2010 [7/]	FY 2011 [8/]	FY 2012 [9/]	FY 2013 [10/]	FY 2014 [11/]
Federal-Aid Highways										
Obligation Limitation [1/]	34,422	36,032	39,086	41,216	40,700	41,107	41,107	39,144	39,699	40,256
Liquidation of Contract Authority (C.A.)	35,000	36,032	36,032	41,955	41,439	41,846	41,846	39,883	39,699	40,995
Emergency Relief Funds (C.A.)	100	100	102	100	100	100	100	100	100	100
LGOE/LAE - (Non Add within Federal-Aid)	2,370	3,837	1,252	9,455	7,400	15,114	414	412	451	437
Admin Expenses - LGOE	347	365	361	378	390	414	414	412	417	404
Authorized Programs - Not Admin Expenses - LGOE									34	33
Payment to the Highway Trust Fund				8,017	7,000	14,700			6,200	12,600
Supplemental Emergency Relief Funds (GF)	1,943	3,452	871	1,045				1,662	2,022	
Appalachian Development Highway System (GF)	80	20	20	16	10					
Appalachian Development Highway System (TF)										
Miscellaneous Appropriations		0	1	15	168	347	19	5	63	388
Highway Infrastructure Programs (GF)						650				
Highway Infrastructure Investment, Recovery Act (GF)					27,500 [6/]					
Miscellaneous Highway Trust Fund	34									

Note: This table reflects actual enacted amounts as appropriated.

1/ Does not reflect transfers to and from Federal Transit Administration and National Highway Traffic Safety Administration (FY13 only) of $1.067 billion in FY 2003, $1.022 billion in FY 2004, $1.005 billion in FY 2005, $1.383 billion in FY 2006, $975 million in FY 2007, $1,001 million in FY 2008, $985.4 million in FY 2009, $1.411 billion in FY 2010, $1.211 billion in FY 2011, $1.529 billion in FY 2012, and $1.545 billion in FY 2013.

2/ Does not reflect the following rescissions in FY 2005: LAE $2.8 million, Appalachian Dev. Hwy. Sys. $0.640 million, Misc. Hwy Trust Funds $0.272 million.

3/ Does not reflect the following rescissions in FY 2006: Federal-aid $360 million, LAE $3.6 million, Appalachian Dev. Hwy. Sys. $0.200 million.

4/ Does not reflect the following rescissions of new authority in FY 2008: Federal-aid $486.2 million, LAE $43.4 million. Payments to the HTF are cash transfers which do not provide additional resources to FHWA.

5/ Does not reflect the following rescissions of new authority in FY 2009: $1.162 billion from the $3.15 billion FY 2009 appropriated rescission and $5.3 billion from the $8.7 billion FY 2009 SAFETEA-LU rescission. Payments to the HTF are cash transfers which do not provide additional resources to FHWA.

6/ Does not reflect $288.4 million transferred to Federal Transit Administration in FY 2009.

7/ Reflects Appropriations for obligation limitation in FY 2010. Extension bill provided through February 28, 2010. Payments to the HTF are cash transfers which do not provide additional resources to FHWA.

8/ Reflects annualized appropriations from FY 2010. Extension bill provided beyond FY 2011 through March 31, 2012.

9/ Reflects enacted appropriations for FY 2012 and P.L. 112-141 authorized levels.

10/ Reflects enacted appropriations for FY 2013 and P.L. 112-141 authorized levels. Does not reflect P.L. 113-6 rescission of 0.2 percent of contract authority subject to limitation and obligation limitation or P.L. 112-125 sequestration of 5.1 percent of contract authority exempt from obligation limitation and Payment to the Highway Trust Fund, or 5.0 percent sequestration of Emergency Relief appropriations (GF).

11/ Reflects enacted appropriations for FY 2014 and P.L. 112-141 authorized levels. Does not reflect P.L. 112-125 sequestration of 7.2 percent of contract authority exempt from obligation limitation and Payment

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION
Historical Funding Levels (2005-2014)
($ in millions)

Account 1/, 2/	FY 2005 3/	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Transit Formula Grants (TF) (renamed)	--	8,278	8,240	8,776	9,246	9,754	9,555	9,889	9,867	9,895
Formula Grants (GF)	4,863	--	35	--	1	1	--	--	--	--
Capital Investment Grants (GF) 4/	3,362	1,441	1,566	1,569	1,807	1,998	1,584	1,945	1,855	1,943
Research and University Research Centers (GF)	203	74	61	65	67	66	59	44	42	43
University Transportation Research (GF)	6	--	--	--	--	--	--	--	--	--
Technical Assistance & Training (GF)	--	--	--	--	--	--	--	--	--	5
Job Access and Reverse Commute (GF)	124	--	--	--	--	--	--	--	--	--
Discretionary Grants (TF) 5/	(31)	--	--	--	--	--	--	--	--	--
Washington Metropolitan Area Transit Authority (GF)	--	--	--	--	NA	150	150	150	142	150
Transit Capital Assistance Grants, Recovery Act	--	--	--	--	7,188	--	--	--	--	--
Fixed Guideway Infrastructure Investment, Recovery Act	--	--	--	--	750	--	--	--	--	--
Capital Investment Grants, Recovery Act	--	--	--	--	750	--	--	--	--	--
Energy Efficiency & Greenhouse Gas Reductions (GF)	--	--	--	--	--	75	50	--	--	--
Emergency Relief Program Hurricane Sandy (GF) 6/	--	--	--	--	--	--	--	--	10,164	--
Administrative Expenses (GF)	76	79	85	89	94	99	99	99	98	106
Total	**8,604**	**9,872**	**9,987**	**10,500**	**19,904**	**12,143**	**11,496**	**12,127**	**22,168**	**12,142**

NA- (Not applicable) No funding requested

*TF (Trust Fund)

*GF (General Fund)

1/ Amounts for this table include across-the-board recessions and mandated sequester amounts.

2/ Amounts for this table includes FHWA flex funding.

3/ In FY 2005, all accounts were split between trust fund and general fund.

4/ The FY 2014 amount does not include $189 million of prior year unobligated balances for Capital Investment Grants for a total of $2,132 million.

5/ In FY 2005, the FY 2005 Omnibus Appropriations Act P.L. 108-447 included a provision to transfer unobligated resources from the Discretionary Grants account to the Formula Grants account in the amount of $31,045 million.

6/ Includes $10.2 billion in supplemental appropriations for Hurricane Sandy relief in FY 2013. Amount reflects transfer of $6 million to the Office of the Inspector General for oversight, $545 million reduction due to across the board rescissions and mandated sequester amounts, and $185 million transfer to Federal Railroad Administration.

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION
Historical Funding Levels (2005-2014)
($ in millions)

Account	FY 2005 [1/]	FY 2006 [2/]	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011 [6/]	FY 2012	FY 2013	FY 2014
Safety and Operations	138	144	150	150	159	172	177	179	169	185
Railroad Safety Technology Program	--	--	--	--	--	50	--	--	--	--
Railroad Research and Development	36	55	35	36	34	38	35	35	33	35
Rail Line Relocation and Improvement	--	--	--	20 [3/]	25	35	11	--	--	--
Operating Subsidy Grants to National Railroad Passenger Corporation	--	495	495	574	550	563	563	466	442	340
Capital and Debt Service Grants to National Railroad Passenger Corporation	--	780	780	850	940	1,002	921	952	902	1,050
Efficiency Grants to National Railroad Passenger Corporation	--	40	31	--	--	--	--	--	--	--
Grants to the National Railroad Passenger Corporation	1,207	--	--	--	--	--	--	--	297 [8/]	--
Intercity Passenger Rail Grants	--	--	--	30	90	--	--	--	--	--
Next Generation High-Speed Rail	19	--	--	--	--	--	--	--	--	[-2] [10/]
North East Corridor	--	--	--	--	--	--	--	--	--	[-4] [10/]
Alaska Railroad Rehabilitation	25	10	--	--	--	--	--	--	--	--
Capital Assistance for HSR Corridors and IPR	--	--	--	--	--	2,500	[-400] [7/]	--	--	--
Subtotal	1,425	1,503	1,478	1,561	1,798	4,359	1,706	1,632	1,843	1,610
Railroad Rehab and Improvement Program	--	--	3	21	17	18	24	--	--	--
Emergency Railroad Rehabilitation & Repair	--	--	--	20 [4/]	--	--	--	--	--	--
Capital Grants to National Railroad Passenger Corporation	--	--	--	--	1,300 [5/]	--	--	--	--	--
Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service	--	--	--	--	8,000 [5/]	--	--	--	--	--
Total FRA Budget Authority	**1,425**	**1,503**	**1,482**	**1,602**	**11,115**	**4,377**	**1,729**	**1,632**	**1,843**	**1,610**

Notes:

1/ FY 2005 appropriations (P.L. 108-447) reflect a 0.80% across-the-board rescission.

2/ FY 2006 appropriations (P.L. 109-115) reflect a 1.0% across-the-board rescission.

3/ FY 2008 Rail Line Relocation and Improvement appropriation (P.L. 110-161) reflects a 2% rescission on $5.24M in earmarks.

4/ FY 2008 Emergency Supplemental (P.L. 110-329).

5/ FY 2009 ARRA appropriations (P.L. 111-5) reflects $1.3B for Amtrak and $8.0B for HSIPR.

6/ FY 2011 full year CR appropriations (P.L. 112-10) reflect a 0.02% across-the-board rescission.

7/ FY 2011 appropriations (P.L. 112-10) reflect a $400M rescission of prior year unobligated balances.

8/ FY 2013 The Disaster Relief Appropriations Act of FY 2013 (P.L. 113-2) provided funds to Amtrak for Hurricane Sandy, including $32 million for repair work and $86 million for disaster mitigation projects. Above figure includes a $185 FTA million transfer.

9/ FY 2014 Omnibus (P.L. 113-76) reflects a $4,419M rescission on the NEC prior year unobligated balances, and $1,973M rescission on the Next Generation High-Speed Rail prior year unobligated balances.

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
Historical Funding Levels (2005-2014)
($ in millions)

Account	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Motor Carrier Safety (LAE)	253	0	0	0	0	0	0	0	0	0
National Motor Carrier Safety Program	187	0	0	0	0	0	0	0	0	13
Motor Carrier Safety Operations & Programs	0	213	211	230	234	240	240	248	251	259
Motor Carrier Safety Grants	0	282	297	300	307	310	310	307	310	313
Total Appropriations	**440**	**495**	**508**	**530**	**541**	**550**	**550**	**555**	**561**	**585**

U.S. DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION
Historical Funding Levels (2005-2014)
($ in millions)

Account	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Operations & Training (O&T)	107	136	112	122	123	150	151	156	148	148
USMMA	55	61	61	63	61	74	80	85	81	80
State Maritime Academies	10	11	11	13	15	16	16	17	16	17
MARAD Operations and Programs	41	56	39	46	48	60	56	54	51	51
Supplemental Approp.- Hurricane Repairs	--	8	--	--	--	--	--	--	--	--
Ship Disposal	21	21	21	17	15	15	15	6	5	5
Maritime Security Program	98	154	154	156	174	174	174	174	160	186
Assistance to Small Shipyards	--	--	--	10	18	15	10	10	9	--
Assistance to Small Shipyards ARRA	--	--	--	--	100	--	--	--	--	--
National Defense Tank Vessel Construction	74	--	--	--	--	--	--	--	--	--
Port of Guam Improvement Enterprise Fund 1/	--	--	--	--	--	50	--	--	--	--
Maritime Guaranteed Loan (Title XI) 2/	5	9	4	8	4	9	9	4	4	39
Guarantee Subsidy	--	5	--	5	--	5	4	--	4	4
Administration	5	4	4	3	4	4	5	4	--	35
Total Appropriations	**305**	**320**	**291**	**313**	**433**	**363**	**359**	**349**	**327**	**377**

1/ Public Law 111-212 provided $50 million to be transferred from the DoD Operation and Maintenance account to the Port of Guam Improvement Enterprise fund in FY 2010.
2/ Excludes transfes from DOD.

U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
Historical Funding Levels (2005-2014)
($ in millions)

Account	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Salaries & Expenses	83	84	84	92	98	103	102	102	97	107
Trans., Plng., Res. & Dev. (TPR&D)	19	15	15	14	18	18	10	9	9	7
Office of Civil Rights	8	8	9	9	9	10	10	9	9	10
Minority Business Outreach	3	3	3	3	3	3	3	3	3	3
Minority Business Resource Center	1	1	1	1	1	1	1	1	1	1
Financial Management Capital	--	--	--	--	5	5	5	5	5	7
Essential Air Service	[1/] 50	[2/] 42	[2/] 46	[2/] 75	[3/] 12	[4/] 50	[2/] 50	[2/] 50	[2/] 98	[2/] 121
Payments to Air Carriers	57	59	59	42	86	150	150	143	136	149 [2/]
Compensation for General Aviation Operations	--	17	--	--	--	--	--	--	--	--
New Headquarters Building	67	50	50	--	--	--	--	--	--	--
Safe Transportation of Energy Products Fund	--	--	--	--	--	--	--	--	--	--
TIGER Grants Program	--	--	--	--	--	--	--	--	--	--
National Infrastructure Investments	--	--	--	--	--	600	527	500	474	600
ARRA - National Surface Transportation System	--	--	--	--	1,500	--	--	--	--	--
Cyber Security/IT Infrastructure	--	--	--	--	--	--	--	10	9	4
Research and Technology	--	--	--	--	--	--	--	--	--	15
Total	**289**	**279**	**266**	**235**	**1,733**	**940**	**858**	**833**	**840**	**1,024**

[1/] Unobligated balances of overflight fees

[2/] Overflight fees collected by FAA

[3/] Overflight fees collected by FAA ($50m) and funds from sale of spectrum ($15m)

[4/] A total of $50 million of overflight fees was available to the EAS program during FY 2009. $23 million was transferred by FAA as an unobligated balance at the start of FY 2009, and an additional $27 million of overflight fees was transferred during FY 2009. In addition, $15 million of collections from the sale of spectrum was transferred from the Department of Commerce into the EAS account in FY 2009. The $15 million was used to pay back funds that were borrowed in FY 2008, pursuant to P.L. 109-171; however, for the purpose of budgetary presentation, the $15 million offsets the $27 million of overflight fees, resulting in a net

U.S. DEPARTMENT OF TRANSPORTATION
RESEARCH AND TECHNOLOGY
Historical Funding Levels (2005-2014)
($ in millions)

R&D Account (General Fund) 1/	**FY 2005**	**FY 2006**	**FY 2007**	**FY 2008**	**FY 2009**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**
Salaries and Administrative Expenses	3	5	5	6	6	7	7	7	7	--
Hydrogen/Alternative Fuels R&D	1	--	--	1	1	1	--	--	--	--
RD&T Coordination	--	1	1	1	1	1	1	1	--	--
Airline Transportation Statistics Program	--	--	2	--	--	--	--	--	--	--
NDGPS	--	--	--	5	5	5	5	8	7	--
Total	**4**	**5**	**7**	**12**	**13**	**13**	**12**	**15**	**14**	**--**
Bureau of Transportation Statistics Allocation Account	**26**	**27**	**28**	**27**	**27**	**27**	**27**	**25**	**26**	**--**

1/ Does not include FY 2005 and FY 2006 funding for the Hazardous Materials R&D funding, which was less than $100,000.

U.S. DEPARTMENT OF TRANSPORTATION

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Historical Funding Levels (2005-2014)

($ in millions)

Account	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Vehicle Safety (GF)	157	135	122	127	127	140	140	140	133	134
Highway Safety Research And Development (TF)	72	109	108	108	106	106	106	110	115	124
National Driver Register 1/	4	4	4	4	4	7	7	--	--	--
Safety Grants	223	572	588	599	620	620	620	550	692	562
Consumer Assistance to Recycle and Save Program	--	--	--	--	3,000	--	--	--	--	--
Total	**456**	**821**	**822**	**838**	**3,856**	**873**	**872**	**800**	**940**	**819**

Note:

1/ Starting in FY 2012, National Driver Register is eliminated as a separate account and moves to the Highway Safety Research and Development account.

U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF THE INSPECTOR GENERAL
Historical Funding Levels (2005-2014)
($ in millions)

Account	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Salaries & Expenses	58	62	64	66	71	75	77	80	75	86
Salaries & Expenses, Recovery Act					20	--	--	--	--	--
Salaries & Expenses, Emergency Disaster Relief									6	--
Total	58	62	64	66	91	75	77	80	81	86

U.S. DEPARTMENT OF TRANSPORTATION
PIPELINES AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
Historical Funding Levels (2005-2014)
($ in millions)

Account	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	
Pipeline Safety	54	57	60	65	75	87	89	92	87	100	1/
Trust Fund Share of Pipeline Safety	15	15	15	15	19	19	19	19	18	19	
Hazardous Materials Safety	25	26	27	28	32	38	39	42	40	45	
Emergency Preparedness Grants	14	14	14	28	28	28	28	28	27	26	
Operational Expenses	17	17	18	18	18	20	20	20	19	20	
Total	**125**	**129**	**134**	**154**	**173**	**193**	**195**	**201**	**191**	**210**	

1/ Does not include $2 million for the Design Review Fee, which will not be collected in FY 2014.

U.S. DEPARTMENT OF TRANSPORTATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Historical Funding Levels (2005-2014)

($ in millions)

Account	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
SLSDC	16	16	16	17	32	32	32	32	31

FY 2014

31

U.S. DEPARTMENT OF TRANSPORTATION

SURFACE TRANSPORTATION BOARD

Historical Funding Levels (2005-2014)

($ in millions)

Account	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
STB	21	26	26	26	27	29	29	29	28	31

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
Historical Funding Levels (2005-2014)
($ in millions)

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Operations	7,707	8,104	8,374	8,740	9,042	9,350	9,514	9,653	9,396	9,651
Facilities & Equipment	2,525	2,555	2,518	2,514	2,942	2,936	2,731	2,731	2,622	2,600
Research, Engineering & Development	130	137	130	147	171	191	170	168	159	159
Grants-in-Aid for Airports	3,497	3,515	3,515	3,515	4,615	3,515	3,515	3,350	3,343	3,350
Total Appropriations	**13,858**	**14,310**	**14,537**	**14,915**	**16,770**	**15,992**	**15,929**	**15,902**	**15,520**	**15,760**

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
Historical Funding Levels (2005-2014)
($ in millions)

	FY 2005 [2/]	FY 2006 [3/]	FY 2007	FY 2008 [4/]	FY 2009 [5/]	FY 2010 [7/]	FY 2011 [8/]	FY 2012 [9/]	FY 2013 [10/]	FY 2014 [11/]
Federal-Aid Highways										
Obligation Limitation [1/]	$34,422	$36,032	$39,086	$41,216	$40,700	$41,107	$41,107	$39,144	$39,699	$40,256
Liquidation of Contract Authority (C.A.)	$35,000	$36,032	$36,032	$41,955	$41,439	$41,846	$41,846	$39,883	$39,699	$40,995
Emergency Relief Funds (C.A.)	$100	$100	$102	$100	$100	$100	$100	$100	$100	$100
LGOE/LAE - (Non Add within Federal-Aid)	$2,370	$3,837	$1,252	$9,455	$7,400	$15,114	$414	$412	$451	$437
Admin Expenses - LGOE	347	365	361	378	390	414	414	412	417	404
Authorized Programs - Not Admin Expenses - LGOE									34	33
Payment to the Highway Trust Fund				$8,017	$7,000	$14,700			$6,200	$12,600
Supplemental Emergency Relief Funds (GF)	$1,943	$3,452	$871	$1,045				$1,662	$2,022	
Appalachian Development Highway System (GF)	$80	$20	$20	$16	$10					
Appalachian Development Highway System (TF)										
Miscellaneous Appropriations		$0	$1	$15	$168	$347	$19	$5	$63	$388
Highway Infrastructure Programs (GF)						$650				
Highway Infrastructure Investment, Recovery Act (GF)					$27,500 [6/]					
Miscellaneous Highway Trust Fund	$34									
OST Control Total (ObLim+Exempt Obs)	$34,070	$34,922	$38,731	$40,947	$40,454	$40,435	$40,635	$38,354	$38,776	$39,642
FHWA Approps+ObLim+Exempt Obs	$36,120	$38,394	$39,624	$50,038	$74,841	$41,376	$40,635	$40,016	$38,776	$39,642

Note: This table reflects actual enacted amounts as appropriated.

1/ Does not reflect transfers to and from Federal Transit Administration and National Highway Traffic Safety Administration (FY13 only) of $1.067 billion in FY 2003, $1.022 billion in FY 2004, $1.005 billion in FY 2005, $1.383 billion in FY 2006, $975 million in FY 2007, $1,001 million in FY 2008, $985.4 million in FY 2009, $1.411 billion in FY 2010, $1.211 billion in FY 2011, $1.529 billion in FY 2012, and $1.545 billion in FY 2013.

2/ Does not reflect the following rescissions in FY 2005: LAE $2.8 million, Appalachian Dev. Hwy. Sys. $0.640 million, Misc. Hwy Trust Funds $0.272 million.

3/ Does not reflect the following rescissions in FY 2006: Federal-aid $360 million, LAE $3.6 million, Appalachian Dev. Hwy. Sys. $0.200 million.

4/ Does not reflect the following rescissions of new authority in FY 2008: Federal-aid $486.2 million, LAE $43.4 million. Payments to the HTF are cash transfers which do not provide additional resources to FHWA.

5/ Does not reflect the following rescissions of new authority in FY 2009: $1.162 billion from the $3.15 billion FY 2009 appropriated rescission and $5.3 billion from the $8.7 billion FY 2009 SAFETEA-LU rescission. Payments to the HTF are cash transfers which do not provide additional resources to FHWA.

6/ Does not reflect $288.4 million transferred to Federal Transit Administration in FY 2009.

7/ Reflects Appropriations for obligation limitation in FY 2010. Extension bill provided through February 28, 2010. Payments to the HTF are cash transfers which do not provide additional resources to FHWA.

8/ Reflects annualized appropriations from FY 2010. Extension bill provided beyond FY 2011 through March 31, 2012.

9/ Reflects enacted appropriations for FY 2012 and P.L. 112-141 authorized levels.

10/ Reflects enacted appropriations for FY 2013 and P.L. 112-141 authorized levels. Does not reflect P.L. 113-6 rescission of 0.2 percent of contract authority subject to limitation and obligation limitation or P.L. 112-125 sequestration of 5.1 percent of contract authority exempt from obligation limitation and Payment to the Highway Trust Fund, or 5.0 percent sequestration of Emergency Relief appropriations (GF).

11/ Reflects enacted appropriations for FY 2014 and P.L. 112-141 authorized levels. Does not reflect P.L. 112-125 sequestration of 7.2 percent of contract authority exempt from obligation limitation and Payment to the Highway Trust Fund.

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Historical

Account Name 1/, 2/	FY 2005 Actual 3/	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual
Transit Formula Grants (TF) renamed	NA	NA	NA	NA
Formula Grants (GF)	$4,863	NA	$35	NA
Formula and Bus Grants (TF)	NA	$8,278	$8,240	$8,776
Capital Investment Grants (GF) 4/	$3,362	$1,441	$1,566	$1,569
Research and University Research Centers (GF)	$203	$74	$61	$65
University Transportation Research (GF)	$6	NA	NA	NA
National Research & Tech. (GF)	NA	NA	NA	NA
Research, Development, Demonstration, & Deployment Program (GF)	NA	NA	NA	NA
Transit Research & Training (GF)	NA	NA	NA	NA
Transit Research (GF)	NA	NA	NA	NA
Technical Assistance & Training (GF)	NA	NA	NA	NA

Job Access and Reverse Commute (GF)	$124	NA	NA	NA
Discretionary Grants (TF) 5/	-$31	NA	NA	NA
Washington Metropolitan Area Transit Authority (GF)	NA	NA	NA	NA
Transit Capital Assist. Grants Recovery Act	NA	NA	NA	NA
Fixed Guideway Infrastructure Investment, Recovery Act	NA	NA	NA	NA
Energy Efficiency & Greenhouse Gas Reductions (GF)	NA	NA	NA	NA
Emergency Relief Program Hurricane Sandy (GF) 6/	NA	NA	NA	NA
Administrative Expenses (GF)	$76	$79	$85	$89
Total	**$8,604**	**$9,872**	**$9,987**	**$10,500**

NA- (Not applicable) No funding requested

*TF (Trust Fund)

*GF (General Fund)

1/ Amounts for this table include across-the-board recessions and mandated sequester amou

2/ Amounts for this table includes FHWA flex funding.

3/ In FY 2005, all accounts were split between trust fund and general fund.

4/ The FY 2014 amount does not include $189 million of prior year unobligated balances fo

5/ In FY 2005, the FY 2005 Omnibus Appropriations Act P.L. 108-447 included a provisior

6/ Includes $10.2 billion in supplemental appropriations for Hurricane Sandy relief in FY 2(Office of the Inspector General for oversight, $545 million reduction due to across the boarc $185 million transfer to Federal Railroad Administration.

OST Control Total (Approps+ObLim)	$ 8,603.98	$ 9,872.22	$ 9,987.28	$ 10,499.89
	$ -	$ -	$ -	$ 0.27

MENT OF TRANSPORTATION
RANSIT ADMINISTRATION
Funding Levels (2005-2014)
($ in millions)

FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual
$9,246	$9,754	$9,555	$9,889	$9,867
$1	$1	NA	NA	NA
NA	NA	NA	NA	NA
$2,557	$1,998	$1,584	$1,945	$1,855
NA	NA	NA	NA	NA
NA	NA	NA	NA	NA
$67	$66	$59	NA	NA
NA	NA	NA	$44	NA
NA	NA	NA	NA	$42
NA	NA	NA	NA	NA
NA	NA	NA	NA	NA

NA	NA	NA	NA	NA
NA	NA	NA	NA	NA
NA	$150	$150	$150	$142
$7,188	NA	NA	NA	NA
$750	NA	NA	NA	NA
NA	$75	$50	NA	NA
NA	NA	NA	NA	$10,164
$94	$99	$99	$99	$98
$19,904	**$12,143**	**$11,496**	**$12,127**	**$22,168**

nts.

r Capital Investment Grants for a total of $2.132 B.
ı to transfer unobligated resources from the
)13. Amount reflects transfer of $6 million to the
l rescissions and mandated sequester amounts,

$ 19,903.86	$ 12,143.40	$ 11,495.93	$ 12,126.69	$ 12,003.22
$ -	$ 0.24	$ -	$ -	$ (10,164.30)

FY 2014 Enacted
$9,895
NA
NA
$1,943
NA
NA
NA
NA
NA
$43
$5

NA
NA
$150
NA
NA
NA
NA
$106
$12,142

$	12,141.87
$	-

U.S. DEPARTMEN
FEDERAL RAILR
Historical Fun
($

Account	FY 2005 [1/]	FY 2006 [2/]	FY 2007
Safety and Operations	138	144	150
Railroad Safety Technology Program	--	--	--
Railroad Research and Development	36	55	35
Rail Line Relocation and Improvement	--	--	--
Operating Subsidy Grants to National Railroad Passenger Corporation	--	495	495
Capital and Debt Service Grants to National Railroad Passenger Corporation	--	780	780
Efficiency Grants to National Railroad Passenger Corporation	--	40	31
Grants to the National Railroad Passenger Corporation	1,207	--	--
Intercity Passenger Rail Grants	--	--	--
Next Generation High-Speed Rail	19	--	--
North East Corridor	--	--	--
Alaska Railroad Rehabilitation	25	10	--
Capital Assistance for HSR Corridors and IPR	--	--	--
Subtotal	1,425	1,503	1,478

Railroad Rehab and Improvement Program	--	--	3
Emergency Railroad Rehabilitation & Repair	--	--	--
Capital Grants to National Railroad Passenger Corporation	--	--	--
Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service	--	--	--
Total FRA Budget Authority	**1,425**	**1,503**	**1,482**

Notes:

1/ FY 2005 appropriations (P.L. 108-447) reflect a 0.80% across-the-board rescission.

2/ FY 2006 appropriations (P.L. 109-115) reflect a 1.0% across-the-board rescission.

3/ FY 2008 Rail Line Relocation and Improvement appropriation (P.L. 110-161) reflects a 2% rescission on $5.24M in earmar

4/ FY 2008 Emergency Supplemental (P.L. 110-329).

5/ FY 2009 ARRA appropriations (P.L. 111-5) reflects $1.3B for Amtrak and $8.0B for HSIPR.

6/ FY 2011 full year CR appropriations (P.L. 112-10) reflect a 0.02% across-the-board rescission.

7/ FY 2011 appropriations (P.L. 112-10) reflect a $400M rescission of prior year unobligated balances.

8/ FY 2013 The Disaster Relief Appropriations Act of FY 2013 (P.L. 113-2) provided funds to Amtrak for Hurricane Sandy, i

9/ FY 2014 Omnibus (P.L. 113-76) reflects a $4,419M rescission on the NEC prior year unobligated balances, and $1,973M r

OST Control Total (ObLim+Exempt Obs)	**1,425**	**1,503**	**1,478**
	0	0	-3

IT OF TRANSPORTATION
ROAD ADMINISTRATION
ding Levels (2005-2014)
in millions)

FY 2008	FY 2009	FY 2010	FY 2011 [6/]	FY 2012	FY 2013
150	159	172	177	179	169
--	--	50	--	--	--
36	34	38	35	35	33
20 [3/]	25	35	11	--	--
574	550	563	563	466	442
850	940	1,002	921	952	902
--	--	--	--	--	--
--	--	--	--	--	297 [8/]
30	90	--	--	--	--
--	--	--	--	--	--
--	--	--	--	--	--
--	--	--	--	--	--
--	--	2,500	[-400] [7/]	--	--
1,561	1,798	4,359	1,706	1,632	1,843

21	17	18	24	--	--
20 [4/]	--	--	--	--	--
--	1,300 [5/]	--	--	--	--
--	8,000 [5/]	--	--	--	--
1,602	**11,115**	**4,377**	**1,729**	**1,632**	**1,843**

:ks.

ncluding $32 million for repair work and $86 million for disaster mitigation projects. Above figure includes a $185 F

escission on the Next Generation High-Speed Rail prior year unobligated balances.

1,581	**11,098**	**4,359**	**1,706**	**1,632**	**1,546**
-21	-17	-18	-24	0	-297

FY 2014
185
--
35
--
340
1,050
--
--
--
[-2] 10/
[-4] 10/
--
--
1,610

--

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--

1,610

TA million transfer.

1,610

0

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
Historical Funding Levels (2005-2014)
($ in millions)

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Motor Carrier Safety (LAE)	253	0	0	0	0	0	0	0	0	0
National Motor Carrier Safety Program	187	0	0	0	0	0	0	0	0	13
Motor Carrier Safety Operations & Programs	0	211	223	226	229	240	244	244	251	259
Motor Carrier Safety Grants	0	279	300	300	305	307	297	306	310	313
Total Appropriations	**440**	**490**	**523**	**527**	**535**	**547**	**542**	**550**	**561**	**585**

U.S. DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION
Historical Funding Levels (2005-2014)
($ in millions)

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Operations & Training (O&T)	107	136	112	122	123	150	151	156	148	148
USMMA	55	61	61	63	61	74	80	85	81	80
State Maritime Academies	10	11	11	13	15	16	16	17	16	17
MARAD Operations and Programs	41	56	39	46	48	60	56	54	51	51
Supplemental Approp.- Hurricane Repairs	0	8	0	0	0	0	0	0	0	0
Ship Disposal	21	21	21	17	15	15	15	6	5	5
Maritime Security Program	98	154	154	156	174	174	174	174	160	186
Assistance to Small Shipyards	0	0	0	10	18	15	10	10	9	0
Assistance to Small Shipyards ARRA	0	0	0	0	100	0	0	0	0	0
National Defense Tank Vessel Construction	74	0	0	0	0	0	0	0	0	0
Maritime Guaranteed Loan (Title XI)	5	9	4	8	4	9	9	4	4	39
Guarantee Subsidy	0	5	0	5	0	5	4	0	4	4
Administration	5	4	4	3	4	4	5	4	0	35
Total Appropriations	**305**	**320**	**291**	**313**	**433**	**363**	**359**	**349**	**327**	**377**

		FY 2005 Actual		FY 2006 Actual
Salaries & Expenses		83		84
Trans., Plng., Res. & Dev. (TPR&D)		19		15
Office of Civil Rights		8		8
Minority Business Outreach		3		3
Minority Business Resource Center		1		1
Financial Management Capital		0		0
Essential Air Service	1/	50	2/	42
Payments to Air Carriers		57		59
Compensation for General Aviation Operations		0		17
New Headquarters Building		67		50
Safe Transportation of Energy Products Fund		0		0
TIGER Grants Program		0		0
National Infrastructure Investments		0		0
ARRA - National Surface Transportation System		0		0
Cyber Security/IT Infrastructure		0		0
Interagency Permitting Improvement Center		0		0
Research and Technology		0		0
Total		**289**		**279**
OST Control Total (Approps+ObLim)		289		279
		0		0

1/ Unobligated balances of overflight fees

2/ Overflight fees collected by FAA

3/ Overflight fees collected by FAA ($50m) and funds from sale of spectrum ($15m)

4/ Includes $2 million for the Mississippi-Missouri Rivers project pursuant to P.L. 111-117 Section 19

5/ A total of $50 million of overflight fees was available to the EAS program during FY 2009. $23 mi
$15 million of collections from the sale of spectrum was transferred from the Department of Comme
budgetary presentation, the $15 million offsets the $27 million of overflight fees, resulting in a net a

U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
Historical Funding Levels (2005-2014)
($ in millions)

FY 2007 Actual	FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual
84	92	98	103	102
15	14	18	18 [4/]	10
9	9	9	10	10
3	3	3	3	3
1	1	1	1	1
0	0	5	5	5
[2/] 46	[2/] 75	[3/] 12	[5/] 50	[2/] 50 [2/]
59	42	86	150	150
0	0	0	0	0
50	0	0	0	0
0	0	0	0	0
0	0	0	0	0
0	0	0	600	527
0	0	1,500	0	0
0	0	0	0	0
0	0	0	0	0
0	0	0	0	0
266	**235**	**1,733**	**940**	**858**
266	235	1,733	940	858
0	0	0	0	0

5.
illion was transferred by FAA as an unobligated balance at the start of FY 2009, and an additional $2
erce into the EAS account in FY 2009. The $15 million was used to pay back funds that were borrov
mount of new budgetary authority of $12 million.

FY 2012 Actual		FY 2013 Actual		FY 2014 Enacted	
102		97		107	
9		9		7	
9		9		10	
3		3		3	
1		1		1	
5		5		7	
50	2/	98	2/	121	2/
143		136		149	
0		0		0	
0		0		0	
0		0		0	
0		0		0	
500		474		600	
0		0		0	
10		9		4	
0		0		0	
0		0		15	
833		**840**		**1,024**	
833		840		1,023	
0		0		0	

:7 million of overflight fees was transferred during FY 2009. In addition,
ved in FY 2008, pursuant to P.L. 109-171; however, for the purpose of

U.S. DEPARTMEN
RESEARCH
Historical Fun
($

R&D Account (General Fund)	**FY 2005 Actual**	**FY 2006 Actual**	**FY 2007 Actual**
Salaries and Administrative Expenses	3	5	5
Hazardous Materials R&D	0	0	0
Hydrogen/Alternative Fuels R&D	1	0	0
RD&T Coordination	0	1	1
PNT and Spectrum Policy	0	0	0
Airline Transportation Statistics Program	0	0	2
NDGPS	0	0	0
Total	**4**	**6**	**8**
OST Control Total (Approps+ObLim)	4	6	8
	0	0	0
Bureau of Transportation Statistics Allocation Account	**26**	**27**	**28**
BTS - OST Control Total (Approps+ObLim)	**26**	**27**	**28**
	0	0	0

NT OF TRANSPORTATION
AND TECHNOLOGY
ding Levels (2005-2014)
in millions)

FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual
6	6	7	7	7	7	0
0	0	0	0	0	0	0
1	1	1	0	0	0	0
1	1	1	1	1	0	0
0	0	0	0	0	0	0
0	0	0	0	0	0	0
5	5	5	5	8	7	0
12	**13**	**13**	**13**	**16**	**15**	**0**
12	13	13	13	16	15	0
0	0	0	0	0	0	(0)
27	**27**	**27**	**27**	**25**	**26**	**0**
27	**27**	**27**	**27**	**25**	**26**	**0**
0	0	0	0	0	0	0

	FY 2005 ACTUAL
Vehicle Safety (GF)	157
Highway Safety Research And Development (TF)	72
National Driver Register	4
Safety Grants	223
	456
OST Control Total (Approps+ObLim)	425
	(31)

Note:
* Starting in FY 2012, National Driver Register is eliminared as a separate account and m
** FY 2013 includes has columns. This first is the Enacted and the second reflects the A

U.S. DEPARTMENT OF TRANSPORTATION

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Historical Funding Levels (2005-2014)

($ in millions)

FY 2006 ACTUAL	FY 2007 ACTUAL	FY 2008 ACTUAL	FY 2009 ACTUAL	FY 2010 ACTUAL
135	122	127	127	140
109	108	108	106	106
4	4	4	4	7
572	588	599	620	620
821	**822**	**838**	**856**	**873**
806	821	838	3,856	873
(14)	**(1)**	**-**	**3,000**	**-**

ıoves to the Highway Safety Research and Development account

ctual values due to a .02% A-T-B recission to all funds. In addition, the Vehicle Safety Ger

FY 2011 ACTUAL	FY 2012 ACTUAL	FY 2013 ENACTED	FY 2013** ACTUAL	FY 2014 ENACTED
140	140	140	133	134
106	110	116	115	124
7	-	-	-	-
620	550	555	553	562
872	**800**	**810**	**801**	**819**
872	800		940	819
0	**-**	**(810)**	**139**	**-**

ıeral Fund was reduced by an additional .05% for Sequestration.

FY 2015 REQUEST
152
122
-
577
851
851
-

ACCOUNTS	FY 2005 ENACTED	FY 2006 ENACTED
Salaries & Expenses	58	62
Salaries & Expenses, Recovery Act		
Salaries & Expenses, Emergency Disaster Relief		
Total Budget Authority	58	62
OST Control Total (Approps+ObLim)	58	62
	0	0

(1) FY 2013 Enacted appropriation before reductions for sequestration and recissions was $79,624

U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF THE INSPECTOR GENERAL
Historical Funding Levels (2005-2014)
($ in millions)

FY 2007 ENACTED	FY 2008 ENACTED	FY 2009 ENACTED	FY 2010 ENACTED	FY 2011 ENACTED
64	66	71	75	77
		20	0	0
64	66	91	75	77
64	66	93	77	77
0	0	2	2	0

FY 2012 ENACTED	FY 2013 ENACTED [1]	FY 2014 ENACTED
80	75	86
0	0	0
	6	0
80	81	86
80	75	86
0	(6)	0

U.S. DEPA
PIPELINES AND HAZAR
Histor

	2005	2006	2007
Pipeline Safety			
Operations	$33	$34	$36
Research & Development	5	7	7
Grants	16	17	18
Offsetting Design Review Fee			
Total	**$54**	**$57**	**$60**
Trust Fund Share of Pipeline Safety			
Operations	$8	$10	$11
Research & Development	4	2	2
Grants	3	2	2
Total	**$15**	**$15**	**$15**
Hazardous Materials Safety			
Operations	$23	$24	$25
Research & Development	2	2	2
Total	**$25**	**$26**	**$27**
Emergency Preparedness Grants			
Operations	$1	$1	$1
Grants	13	13	13
Total	**$14**	**$14**	**$14**
Operational Expenses			
Operations	$17	$17	$18
Total	**$17**	**$17**	**$18**
Grand Total	**$125**	**$129**	**$134**
OST Control Total (Approps+ObLim)	**$125**	**$127**	**$134**
	$0	-$2	$0

RTMENT OF TRANSPORTATION
DOUS MATERIALS SAFETY ADMINISTRATION
ical Funding Levels (2005-2014)
($ in millions)

2008	2009	2010	2011	2012	2013
$38	$42	$46	$48	$50	$47
6	4	5	5	5	4
21	30	37	36	37	35
$65	**$75**	**$87**	**$89**	**$92**	**$87**
$11	$12	$12	$12	$12	$11
2	2	2	2	2	2
2	5	5	5	5	4
$15	**$19**	**$19**	**$19**	**$19**	**$18**
$26	$29	$36	$37	$41	$38
2	3	2	2	2	2
$28	**$32**	**$38**	**$39**	**$42**	**$40**
$2	$2	$2	$2	$2	$1
27	27	27	27	27	25
$28	**$28**	**$28**	**$28**	**$28**	**$27**
$18	$18	$20	$20	$20	$19
$18	**$18**	**$20**	**$20**	**$20**	**$19**
$154	**$173**	**$193**	**$195**	**$201**	**$191**
$154	**$173**	**$187**	**$195**	**$191**	**$191**
$0	$0	-$6	$0	-$10	$0

2014
$52
10
38
2
$102
$12
2
5
$19
$43
2
$45
$1
25
$26
$20
$20
$212
$210
-$2

	FY 2005 ENACTED	FY 2006 ENACTED	FY 2007 ENACTED
	16	16	16
	16	16	16
OST Control Total (Approps+ObLim)	16	16	16
	(0)	0	0

U.S. DEPARTMENT OF TRANSPORTATION
SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION
Historical Funding Levels (2005-2014)
($ in millions)

FY 2008 ENACTED	FY 2009 ENACTED	FY 2010 ENACTED	FY 2011 ENACTED	FY 2012 ENACTED
17	32	32	32	32
17	32	32	32	32
17	32	32	32	32
0	0	0	0	0

FY 2013 ENACTED	FY 2014 ENACTED
31	31
31	31
31	31
(0)	0

U.S. DEPARTMENT OF TRANSPORTATION
SURFACE TRANSPORTATION BOARD
Historical Funding Levels (2005-2014)
($ in millions)

ESTIMATES			APPROPRIATIONS		
2005.....	[1]	21	2005.....	[2]	21
2006.....	[1]	27	2006.....	[3]	26
2007.....	[1]	26	2007.....	[1]	26
2008.....	[1]	26	2008.....	[1]	26
2009.....	[1]	27	2009.....	[1]	27
2010.....	[4]	30	2010.....	[1]	29
2011.....	[5]	34	2011.....	[6]	29
2012.....	[7]	35	2012.....	[1]	29
2013.....	[8]	35	2013.....	[10]	28
2014.....	[9]	34	2014.....	[1]	31
2015.....	[9]	34			

[1] Includes $1,250,000 from offsetting collections as a credit to the appropriation.

[2] Reflects reduction of $19,000 for TASC (P.L. 108-447, Div. H, Title I, sec.197) and reduction of $161,600 for across-the-board rescission (P.L. 108-447, Div. J, Title I, sec. 122). Includes $1,050,000 from offsetting collections as a credit to the appropriation.

[3] Reflects reduction of $252,000 for across-the-board rescission (P.L. 109-148, Title III, Chap. 8, sec. 3801). Includes $1,250,000 from offsetting collections as a credit to the appropriation.

[4] Includes $500,000 for the update of URCS and $746,000 to implement the Board's expanded jurisdiction with respect to regulation of passenger rail service under the Passenger Rail Investment and Improvemer Act of 2008, P.L. 110-432. Includes $1,250,000 from offsetting collections as a credit to the appropriatior

[5] Includes $1,000,000 to continue the multi-year review of URCS, $500,000 to overhaul the Board's information technology and decade-old docket management systems, and $2,000,000 for an additional 10 FTEs to staff the Board's Rail Consumer and Public Assistance Program. Includes $1,250,000 from offsetting collections as a credit to the appropriation.

[6] Reflects reduction of $55,632 for across-the-board rescission (P.L. 112-10, Div. B, Title I, 1119 (a)). Includes $1,250,000 from offsetting collections as a credit to the appropriation.

[7] Includes funding for 15 FTEs to carry out the statutory responsibilities of PRIIA, funding for 6 FTEs to increase mediation efforts and enhance the auditing of industry financial filings, and $743,000 to overhaul the Board's information technology system and upgrade outdated equipment. Includes $1,250,(from offsetting collections as a credit to the appropriation

[8] Includes funding for 15 FTEs to carry out the statutory responsibilities of PRIIA and funding for 6 FTEs to increase mediation efforts and enhance the auditing of industry financial filings. Includes $1,250,000 f offsetting collections as a credit to the appropriation.

[9] Includes funding for 15 FTEs to carry out the statutory responsibilities of PRIIA and funding for 6 FTEs to increase mediation efforts, enhance the auditing of industry financial filings, and help process rate reasonableness cases. Includes $1,250,000 from offsetting collections as a credit to the appropriation.

[10] Reflects reduction of $56,120 for across-the-board rescission (P.L. 113-6, Division G, Sec. 304 (c) (1), as supplemented by OMB BDR 13-19, Attachment J). Also reflects permanent reduction of funds in accordance with Presidential Sequestration Order dated March 1, 2013. The FY 2013 sequestration resulted in reduction of $1,411,586 in spending authority and additional reduction from offsetting collections of $62,500. Includes $1,187,500 from offsetting collections as a credit to the appropriation.

	OST Control Total (ObLim+Exempt Obs)
2005	21
2006	26
2007	26
2008	26
2009	27
2010	29
2011	29
2012	29
2013	28
2014	31

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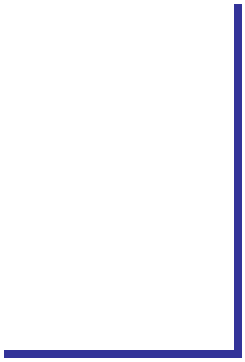

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U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
Historical Funding Levels (2005-2014)
($000)

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Operations	7,706,537	8,104,140	8,374,217	8,740,000	9,042,467	9,350,028	9,513,962	9,653,395	9,395,665	9,651,422
Facilities & Equipment	2,524,780	2,555,200	2,517,520	2,513,611	2,942,095	2,936,203	2,730,731	2,730,731	2,622,197	2,600,000
Research, Engineering & Development	129,880	136,620	130,234	146,828	171,000	190,500	169,660	167,556	158,792	158,792
Grants-in-Aid for Airports	3,497,000	3,514,500	3,514,956	3,514,500	4,614,500	3,515,000	3,515,000	3,350,000	3,343,300	3,350,000
Total Appropriations	**13,858,197**	**14,310,460**	**14,536,927**	**14,914,939**	**16,770,062**	**15,991,731**	**15,929,353**	**15,901,682**	**15,519,954**	**15,760,214**

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
Historical Funding Levels (2005-2014)
($000)

	FY 2005 [2/]	FY 2006 [3/]	FY 2007	FY 2008 [4/]	FY 2009 [5/]	FY 2010 [7/]	FY 2011 [8/]	FY 2012 [9/]	FY 2013 [10/]	FY 2014 [11/]
Federal-Aid Highways										
Obligation Limitation [1/]	$34,422,400	$36,032,344	$39,086,465	$41,216,051	$40,700,000	$41,107,000	$41,107,000	$39,143,583	$39,699,000	$40,256,000
Liquidation of Contract Authority (C.A.)	$35,000,000	$36,032,344	$36,032,344	$41,955,051	$41,439,000	$41,846,000	$41,846,000	$39,882,583	$39,699,000	$40,995,000
Emergency Relief Funds (C.A.)	$100,000	$100,000	$101,737	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000
LGOE/LAE - (Non Add within Federal-Aid)	$2,369,500	$3,837,001	$1,251,814	$9,455,236	$7,399,500	$15,113,533	$413,533	$412,000	$450,960	$436,752
Admin Expenses - LGOE	346,500	364,638	360,992	377,556	390,000	413,533	413,533	412,000	416,960	403,752
Authorized Programs - Not Admin Expenses - LGOE									34,000	33,000
Payment to the Highway Trust Fund				$8,017,000	$7,000,000	$14,700,000			$6,200,000	$12,600,000
Supplemental Emergency Relief Funds (GF)	$1,943,000	$3,452,363	$871,022	$1,045,000				$1,662,000	$2,022,000	
Appalachian Development Highway System (GF)	$80,000	$20,000	$19,800	$15,680	$9,500					
Appalachian Development Highway System (TF)										
Miscellaneous Appropriations		$153	$1,328	$15,148	$167,563	$346,515	$18,603	$4,655	$63,369	$388,000
Highway Infrastructure Programs (GF)						$650,000				
Highway Infrastructure Investment, Recovery Act (GF)					$27,500,000 [6/]					
Miscellaneous Highway Trust Fund	$34,000									
OST Control Total (ObLim+Exempt Obs)	$34,070,237	$34,922,033	$38,730,697	$40,946,802	$40,453,612	$40,434,756	$40,634,505	$38,354,081	$38,776,167	$39,641,792
FHWA Approps+ObLim+Exempt Obs	$36,120,397	$38,394,195	$39,624,313	$50,038,496	$74,840,893	$41,376,185	$40,634,505	$40,016,081	$38,776,167	$39,641,792

Note: This table reflects actual enacted amounts as appropriated.

1/ Does not reflect transfers to and from Federal Transit Administration and National Highway Traffic Safety Administration (FY13 only) of $1.067 billion in FY 2003, $1.022 billion in FY 2004, $1.005 billion in FY 2005, $1.383 billion in FY 2006, $975 million in FY 2007, $1,001 million in FY 2008, $985.4 million in FY 2009, $1.411 billion in FY 2010, $1.211 billion in FY 2011, $1.529 billion in FY 2012, and $1.545 billion in FY 2013.

2/ Does not reflect the following rescissions in FY 2005: LAE $2.8 million, Appalachian Dev. Hwy. Sys. $0.640 million, Misc. Hwy Trust Funds $0.272 million.

3/ Does not reflect the following rescissions in FY 2006: Federal-aid $360 million, LAE $3.6 million, Appalachian Dev. Hwy. Sys. $0.200 million.

4/ Does not reflect the following rescissions of new authority in FY 2008: Federal-aid $486.2 million, LAE $43.4 million. Payments to the HTF are cash transfers which do not provide additional resources to FHWA.

5/ Does not reflect the following rescissions of new authority in FY 2009: $1.162 billion from the $3.15 billion FY 2009 appropriated rescission and $5.3 billion from the $8.7 billion FY 2009 SAFETEA-LU rescission. Payments to the HTF are cash transfers which do not provide additional resources to FHWA.

6/ Does not reflect $288.4 million transferred to Federal Transit Administration in FY 2009.

7/ Reflects Appropriations for obligation limitation in FY 2010. Extension bill provided through February 28, 2010. Payments to the HTF are cash transfers which do not provide additional resources to FHWA.

8/ Reflects annualized appropriations from FY 2010. Extension bill provided beyond FY 2011 through March 31, 2012.

9/ Reflects enacted appropriations for FY 2012 and P.L. 112-141 authorized levels.

10/ Reflects enacted appropriations for FY 2013 and P.L. 112-141 authorized levels. Does not reflect P.L. 113-6 rescission of 0.2 percent of contract authority subject to limitation and obligation limitation or P.L. 112-125 sequestration of 5.1 percent of contract authority exempt from obligation limitation and Payment to the Highway Trust Fund, or 5.0 percent sequestration of Emergency Relief appropriations (GF).

11/ Reflects enacted appropriations for FY 2014 and P.L. 112-141 authorized levels. Does not reflect P.L. 112-125 sequestration of 7.2 percent of contract authority exempt from obligation limitation and Payment to the Highway Trust Fund.

39641000 $615,000

U.S. DEPARTM
FEDERAL T
Historical

Account Name 1/, 2/	FY 2005 Actual 3/	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual
Transit Formula Grants (TF) renamed	NA	NA	NA	NA
Formula Grants (GF)	$4,863,438	NA	$35,000	NA
Formula and Bus Grants (TF)	NA	$8,277,887	$8,240,281	$8,775,861
Capital Investment Grants (GF) 4/	$3,361,714	$1,440,682	$1,566,000	$1,569,092
Research and University Research Centers (GF)	$203,498	$74,448	$61,000	$65,363
University Transportation Research (GF)	$5,952	NA	NA	NA
National Research & Tech. (GF)	NA	NA	NA	NA
Research, Development, Demonstration, & Deployment Program (GF)	NA	NA	NA	NA
Transit Research & Training (GF)	NA	NA	NA	NA
Transit Research (GF)	NA	NA	NA	NA
Technical Assistance & Training (GF)	NA	NA	NA	NA

Job Access and Reverse Commute (GF)	$124,000	NA	NA	NA
Discretionary Grants (TF) 5/	-$31,045	NA	NA	NA
Washington Metropolitan Area Transit Authority (GF)	NA	NA	NA	NA
Transit Capital Assist. Grants Recovery Act	NA	NA	NA	NA
Fixed Guideway Infrastructure Investment, Recovery Act	NA	NA	NA	NA
Energy Efficiency & Greenhouse Gas Reductions (GF)	NA	NA	NA	NA
Emergency Relief Program Hurricane Sandy (GF) 6/	NA	NA	NA	NA
Administrative Expenses (GF)	$76,423	$79,200	$85,000	$89,300
Total	**$8,603,980**	**$9,872,217**	**$9,987,281**	**$10,499,616**

NA- (Not applicable) No funding requested

*TF (Trust Fund)

*GF (General Fund)

1/ Amounts for this table include across-the-board recessions and mandated sequester amou

2/ Amounts for this table includes FHWA flex funding.

3/ In FY 2005, all accounts were split between trust fund and general fund.

4/ The FY 2014 amount does not include $189 million of prior year unobligated balances fo

5/ In FY 2005, the FY 2005 Omnibus Appropriations Act P.L. 108-447 included a provisior

6/ Includes $10.2 billion in supplemental appropriations for Hurricane Sandy relief in FY 2(Office of the Inspector General for oversight, $545 million reduction due to across the boarc $185 million transfer to Federal Railroad Administration.

OST Control Total (Approps+ObLim)	$ 8,603,980.00	$ 9,872,217.00	$ 9,987,281.00	$ 10,499,891.00
	$ -	$ -	$ -	$ 275.00

MENT OF TRANSPORTATION
RANSIT ADMINISTRATION
Funding Levels (2005-2014)
($000)

FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual
$9,245,953	$9,754,171	$9,554,666	$9,889,067	$9,866,826
$855	$1,400	NA	NA	NA
NA	NA	NA	NA	NA
$2,557,250	$1,998,000	$1,584,064	$1,944,914	$1,854,999
NA	NA	NA	NA	NA
NA	NA	NA	NA	NA
$67,000	$65,670	$58,882	NA	NA
NA	NA	NA	$44,000	NA
NA	NA	NA	NA	$41,699
NA	NA	NA	NA	NA
NA	NA	NA	NA	NA

NA	NA	NA	NA	NA
NA	NA	NA	NA	NA
NA	$150,000	$149,700	$150,000	$142,154
$7,188,391	NA	NA	NA	NA
$750,000	NA	NA	NA	NA
NA	$75,000	$49,900	NA	NA
NA	NA	NA	NA	$10,164,300
$94,413	$98,911	$98,713	$98,713	$97,542
$19,903,862	**$12,143,152**	**$11,495,925**	**$12,126,694**	**$22,167,520**

nts.

r Capital Investment Grants for a total of $2.132 B.
ı to transfer unobligated resources from the
)13. Amount reflects transfer of $6 million to the
l rescissions and mandated sequester amounts,

$ 19,903,862.00	$ 12,143,396.00	$ 11,495,925.00	$ 12,126,694.00	$ 12,003,220.00
$ -	$ 244.00	$ -	$ -	$ (10,164,300.00)

FY 2014 Enacted
$9,895,000
NA
NA
$1,942,938
NA
NA
NA
NA
NA
$43,000
$5,000

NA
NA
$150,000
NA
NA
NA
NA
$105,933
$12,141,871

$	12,141,871.00
$	-

U.S. DEPARTMEN
FEDERAL RAILR
Historical Fun

Account	FY 2005 [1/]	FY 2006 [2/]	FY 2007
Safety and Operations	138,117	144,490	150,271
Railroad Safety Technology Program	--	--	--
Railroad Research and Development	35,737	54,524	34,524
Rail Line Relocation and Improvement	--	--	--
Operating Subsidy Grants to National Railroad Passenger Corporation	--	495,000	495,000
Capital and Debt Service Grants to National Railroad Passenger Corporation	--	780,000	780,000
Efficiency Grants to National Railroad Passenger Corporation	--	40,000	31,300
Grants to the National Railroad Passenger Corporation	1,207,264	--	--
Intercity Passenger Rail Grants	--	--	--
Next Generation High-Speed Rail	19,493	--	--
North East Corridor	--	--	--
Alaska Railroad Rehabilitation	24,800	9,900	--
Capital Assistance for HSR Corridors and IPR	--	--	--
Subtotal	1,425,411	1,502,547	1,478,345

Railroad Rehab and Improvement Program	--	--	3,294
Emergency Railroad Rehabilitation & Repair	--	--	--
Capital Grants to National Railroad Passenger Corporation	--	--	--
Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service	--	--	--
Total FRA Budget Authority	**1,425,411**	**1,502,547**	**1,481,639**

Notes:

1/ FY 2005 appropriations (P.L. 108-447) reflect a 0.80% across-the-board rescission.

2/ FY 2006 appropriations (P.L. 109-115) reflect a 1.0% across-the-board rescission.

3/ FY 2008 Rail Line Relocation and Improvement appropriation (P.L. 110-161) reflects a 2% rescission on $5.24M in earmar

4/ FY 2008 Emergency Supplemental (P.L. 110-329).

5/ FY 2009 ARRA appropriations (P.L. 111-5) reflects $1.3B for Amtrak and $8.0B for HSIPR.

6/ FY 2011 full year CR appropriations (P.L. 112-10) reflect a 0.02% across-the-board rescission.

7/ FY 2011 appropriations (P.L. 112-10) reflect a $400M rescission of prior year unobligated balances.

8/ FY 2013 full year CR appropriation for this account was not enacted at the time the budget was prepared; therefore, this acc
the continuing resolution.

9/ FY 2013 The Disaster Relief Appropriations Act of FY 2013 (P.L. 113-2) provided funds to Amtrak for Hurricane Sandy, i

10/ FY 2014 Omnibus (P.L. 113-76) reflects a $4,419M rescission on the NEC prior year unobligated balances, and $1,973M

OST Control Total (ObLim+Exempt Obs)	**1,425,410**	**1,502,547**	**1,478,345**
	-1	0	-3,294

T OF TRANSPORTATION
OAD ADMINISTRATION
ding Levels (2005-2014)
($000)

FY 2008	FY 2009	FY 2010	FY 2011 [6/]	FY 2012	FY 2013 [8/]
150,193	159,445	172,270	176,596	178,596	179,689
--	--	50,000	--	--	--
35,964	33,950	37,613	35,030	35,000	35,214
20,040 [3/]	25,000	34,532	10,511	--	--
574,000	550,000	563,000	563,000	466,000	468,852
850,000	940,000	1,001,625	920,652	952,000	957,826
--	--	--	--	--	--
--	--	--	--	--	118,000 [9/]
30,000	90,000	--	--	--	--
--	--	--	--	--	--
--	--	--	--	--	--
--	--	--	--	--	--
--	--	2,500,000	[-400,000] [7/]	--	--
1,561,197	1,798,395	4,359,040	1,705,789	1,631,596	1,759,581

20,751	16,753	18,441	23,692	--	--
20,000 [4/]	--	--	--	--	--
--	1,300,000 [5/]	--	--	--	--
--	8,000,000 [5/]	--	--	--	--
1,601,948	**11,115,148**	**4,377,481**	**1,729,481**	**1,631,596**	**1,759,581**

:ks.

:ount is operating under a continuing resolution (P.L. 112-175). The amounts included for 2013 reflect the annualized

ncluding $32 million for repair work and $86 million for disaster mitigation projects.
rescission on the Next Generation High-Speed Rail prior year unobligated balances.

1,581,198	**11,098,395**	**4,359,040**	**1,705,789**	**1,631,596**	**1,546,254**
-20,750	-16,753	-18,441	-23,692	0	-213,327

FY 2014
184,500
--
35,250
--
340,000
1,050,000
--
--
--
[-1,973] 10/
[-4,419] 10/
--
--
1,609,750

--

--

--

--

1,609,750

level provided by

1,609,750

0

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
Historical Funding Levels (2005-2014)
($000)

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Motor Carrier Safety (LAE)	252,810	0	0	0	0	0	0	0	0	0
National Motor Carrier Safety Program	186,972	0	0	0	0	0	0	0	0	13,000
Motor Carrier Safety Operations & Programs	0	210,870	223,000	226,184	229,161	239,654	244,144	244,144	251,000	259,000
Motor Carrier Safety Grants	0	279,180	300,000	300,497	305,389	307,000	297,476	306,000	310,000	313,000
Total Appropriations	**439,782**	**490,050**	**523,000**	**526,681**	**534,550**	**546,654**	**541,620**	**550,144**	**561,000**	**585,000**

U.S. DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION
Historical Funding Levels (2005-2014)
($000)

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Operations & Training (O&T)	106,952	136,026	111,522	121,992	123,360	149,750	151,446	156,258	148,085	148,003
USMMA	55,467	61,235	61,236	62,747	61,358	74,057	79,897	85,168	80,713	79,500
State Maritime Academies	10,406	11,099	11,099	13,181	14,500	15,940	15,908	17,100	16,206	17,300
MARAD Operations and Programs	41,079	56,192	39,187	46,064	47,502	59,753	55,641	53,990	51,166	51,203
Supplemental Approp.- Hurricane Repairs	0	7,500	0	0	0	0	0	0	0	0
Ship Disposal	21,443	20,790	20,790	17,000	15,000	15,000	14,970	5,500	5,212	4,800
Maritime Security Program	97,910	154,440	154,440	156,000	174,000	174,000	173,652	174,000	160,289	186,000
Assistance to Small Shipyards	0	0	0	10,000	17,500	15,000	9,980	9,980	9,458	0
Assistance to Small Shipyards ARRA	0	0	0	0	100,000	0	0	0	0	0
National Defense Tank Vessel Construction	74,400	0	0	0	0	0	0	0	0	0
Maritime Guaranteed Loan (Title XI)	4,726	9,085	4,085	8,408	3,531	9,000	8,982	3,740	3,544	38,500
Guarantee Subsidy	0	5,000	0	5,000	0	5,000	3,992	0	3,544	3,500
Administration	4,726	4,085	4,085	3,408	3,531	4,000	4,990	3,740	0	35,000
Total Appropriations	**305,432**	**320,341**	**290,837**	**313,400**	**433,391**	**362,750**	**359,030**	**349,478**	**326,588**	**377,303**

	FY 2005 Actual	FY 2006 Actual
Salaries & Expenses	81,564	84,051
Trans., Plng., Res. & Dev. (TPR&D)	20,997	14,850
TPR&D Cancellation of Unobligated Balances	0	0
Office of Civil Rights	8,408	8,465
Minority Business Outreach	2,641	2,970
Minortity Business Resource Center	522	891
Financial Management Capital	0	0
Essential Air Service [1/]	[50,000] [2/]	[50,000] [2/]
Payments to Air Carriers	51,628	0
Compensation to Air Carriers	0	0
Compensation for General Aviation Operations	0	16,830
New Headquarters Building	43,355	49,500
Safe Transportation of Energy Products Fund	0	0
TIGER Grants Program	0	0
National Infrastructure Investments	0	0
ARRA - National Surface Transportation System	0	0
Cyber Security/IT Infrastructure	0	0
Interagency Permitting Improvement Center	0	0
Total	**157,487**	**177,557**
OST Control Total (Approps+ObLim)	288,903	278,794
	131,416	101,237

Unobligated balances of overflight fees
Overflight fees collected by FAA
Overflight fees collected by FAA ($50m) and funds from sale of spectrum ($15m)
Includes $2 million for the Mississippi-Missouri Rivers project pursuant to P.L. 111-117 Section 195.
A total of $50 million of overflight fees was available to the EAS program during FY 2009. $23 millic
$15 million of collections from the sale of spectrum was transferred from the Department of Commerce
budgetary presentation, the $15 million offsets the $27 million of overflight fees, resulting in a net amo

U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
Historical Funding Levels (2005-2014)
($000)

FY 2007 Actual		FY 2008 Actual		FY 2009 Actual		FY 2010 Actual		FY 2011 Actual	
83,961		91,782		98,248		102,686		102,481	
14,893		13,884		18,300		18,168	4/	9,799	
0		0		0		0		0	
8,527		9,141		9,384		9,667		9,648	
2,970		2,970		3,056		3,074		3,068	
893		893		912		923		921	
0		0		5,000		5,000		4,990	
[50,000]	2/	[65,000]	3/	[12,286]	5/	[50,000]	2/	[50,000]	2/
59,400		60,000		86,213		150,000		149,700	
-50,000		-22,000		-848		0		0	
0		0		0		0		0	
49,500		0		0		0		0	
0		0		0		0		0	
0		0		0		0		0	
0		0		0		600,000		526,944	
0		0		1,500,000		0		0	
0		0		0		0		0	
0		0		0		0		0	
110,744		**96,670**		**1,634,052**		**739,518**		**657,851**	
266,474		235,235		1,733,399		339,518		857,551	
155,730		138,565		99,347		-400,000		199,700	

ɔn was transferred by FAA as an unobligated balance at the start of FY 2009, and an additional $2
ɛ into the EAS account in FY 2009. The $15 million was used to pay back funds that were borrov
unt of new budgetary authority of $12 million.

FY 2012 Actual		FY 2013 Actual		FY 2014 Enacted		FY 2015 Request
102,481		97,121		107,000		109,916
9,000		8,529		7,000		8,000
0		0		-2,750		0
9,384		8,893		9,551		9,600
3,068		2,908		3,088		3,099
922		874		925		1,013
4,990		4,729		7,000		5,000
[50,000]	2/	[97,697]	2/	[120,640]	2/	[106,000]
143,000		135,520		149,000		155,000
0		0		0		0
-3,254		0		0		0
0		0		0		0
0		0		0		40,000
0		0		0		1,250,000
500,000		473,847		600,000		0
0		0		0		0
10,000		9,477		4,455		5,000
0		0		0		8,000
636,591		**606,377**		**736,269**		
832,845		839,596		1,023,424		
196,254		233,218		287,155		

:7 million of overflight fees was transferred during FY 2009. In addition,
ved in FY 2008, pursuant to P.L. 109-171; however, for the purpose of

U.S. DEPARTMEN
RESEARCH
Historical Fun

R&D Account (General Fund)	**FY 2005 Actual**	**FY 2006 Actual**	**FY 2007 Actual**
Salaries and Administrative Expenses	3,462	4,606	4,705
Hazardous Materials R&D	80	79	0
Hydrogen/Alternative Fuels R&D	500	495	495
RD&T Coordination	171	536	536
PNT and Spectrum Policy	0	0	0
Airline Transportation Statistics Program	0	0	2,000
NDGPS	0	0	0
Total	**4,213**	**5,716**	**7,736**
OST Control Total (Approps+ObLim)	4,213	5,716	7,736
	0	0	0
Bureau of Transportation Statistics Allocation Account	**30,015**	**26,730**	**27,562**
BTS - OST Control Total (Approps+ObLim)	**26,263**	**26,730**	**27,562**
	(3,752)	0	0

NT OF TRANSPORTATION
AND TECHNOLOGY
ding Levels (2005-2014)
($000)

FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual
5,964	5,964	6,971	6,957	6,974	6,609	6,547
0	0	0	0	0	0	0
500	1,400	500	499	499	473	499
536	536	536	535	509	483	509
400	0	400	399	399	378	1,610
0	0	0	0	0	0	0
4,600	5,000	4,600	4,591	7,600	7,202	5,600
12,000	**12,900**	**13,007**	**12,981**	**15,981**	**15,145**	**14,765**
12,000	12,900	13,007	12,981	15,981	15,145	14,765
0	0	0	0	0	0	0
27,000	**27,000**	**27,000**	**27,000**	**25,206**	**25,948**	**26,000**
27,000	**27,000**	**27,000**	**27,000**	**25,206**	**25,948**	**26,000**
0	0	0	0	0	0	0

FY 2015 Request
6,407
0
499
509
1,610
0
5,600
14,625
14,625
0
29,000
29,000
0

	FY 2005 ACTUAL
Vehicle Safety (GF)	157,386
Highway Safety Research And Development (TF)	72,000
National Driver Register	3,572
Safety Grants	223,200
	456,158
OST Control Total (Approps+ObLim)	425,061
	(31,097)

Note:
* Starting in FY 2012, National Driver Register is eliminared as a separate account and m
** FY 2013 includes has columns. This first is the Enacted and the second reflects the A

U.S. DEPARTMENT OF TRANSPORTATION
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Historical Funding Levels (2005-2014)
($000)

FY 2006 ACTUAL	FY 2007 ACTUAL	FY 2008 ACTUAL	FY 2009 ACTUAL	FY 2010 ACTUAL
135,367	122,000	126,572	127,000	140,427
108,900	107,750	107,750	105,500	105,500
3,960	4,000	4,000	4,000	7,350
572,394	587,750	599,250	619,500	619,500
820,621	**821,500**	**837,572**	**856,000**	**872,777**
806,487	820,732	837,572	3,856,000	872,777
(14,134)	**(768)**	**-**	**3,000,000**	**-**

ıoves to the Highway Safety Research and Development account
ctual values due to a .02% A-T-B recission to all funds. In addition, the Vehicle Safety Ger

FY 2011 ACTUAL	FY 2012 ACTUAL	FY 2013 ENACTED	FY 2013** ACTUAL	FY 2014 ENACTED
140,146	140,146	140,146	132,816	134,000
105,500	109,500	115,500	115,269	123,500
7,343	-	-	-	-
619,500	550,328	554,500	553,391	561,500
872,489	**799,974**	**810,146**	**801,476**	**819,000**
872,489	799,974		940,440	819,000
0	**-**	**(810,146)**	**138,964**	**-**

neral Fund was reduced by an additional .05% for Sequestration.

FY 2015 REQUEST
152,000
122,000
-
577,000
851,000
851,000
-

ACCOUNTS	FY 2005 ENACTED	FY 2006 ENACTED
Salaries & Expenses	58,132	61,874
Salaries & Expenses, Recovery Act		
Salaries & Expenses, Emergency Disaster Relief		
Total Budget Authority	58,132	61,874
OST Control Total (Approps+ObLim)	58,132	61,874
	0	0

(1) FY 2013 Enacted appropriation before reductions for sequestration and recissions was $79,624

U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF THE INSPECTOR GENERAL
Historical Funding Levels (2005-2014)
($000)

FY 2007 ENACTED	FY 2008 ENACTED	FY 2009 ENACTED	FY 2010 ENACTED	FY 2011 ENACTED
64,043	66,400	71,400	75,114	76,960
		20,000	0	0
64,043	66,400	91,400	75,114	76,960
64,043	66,400	93,400	77,114	76,960
0	0	2,000	2,000	0

FY 2012 ENACTED	FY 2013 ENACTED [1]	FY 2014 ENACTED
79,624	75,459	85,605
0	0	0
	5,700	0
79,624	81,159	85,605
79,624	75,459	85,605
0	(5,700)	0

U.S. DEPA
PIPELINES AND HAZAR
Histor

	2005	2006	2007
Pipeline Safety			
Operations	$32,661	$33,669	$35,727
Research & Development	5,380	6,810	6,712
Grants	15,999	16,951	17,626
Offsetting Design Review Fee			
Total	**$54,040**	**$57,430**	**$60,065**
Trust Fund Share of Pipeline Safety			
Operations	$8,104	$10,372	$10,577
Research & Development	3,606	2,097	2,381
Grants	3,170	2,381	1,892
Total	**$14,880**	**$14,850**	**$14,850**
Hazardous Materials Safety			
Operations	$23,109	$24,048	$24,894
Research & Development	1,831	1,829	1,829
Total	**$24,940**	**$25,877**	**$26,723**
Emergency Preparedness Grants			
Operations	$1,248	$1,248	$1,248
Grants	13,050	13,050	13,050
Total	**$14,298**	**$14,298**	**$14,298**
Operational Expenses			
Operations	$16,810	$16,708	$18,031
Total	**$16,810**	**$16,708**	**$18,031**
Grand Total	**$124,968**	**$129,163**	**$133,967**
OST Control Total (Approps+ObLim)	**$125,422**	**$126,858**	**$133,952**
	$454	-$2,305	-$15

RTMENT OF TRANSPORTATION
DOUS MATERIALS SAFETY ADMINISTRATION
ical Funding Levels (2005-2014)
($000)

2008	2009	2010	2011	2012	2013
$38,009	$41,580	$46,100	$47,684	$49,857	$47,249
5,803	3,599	4,700	4,691	4,747	4,499
21,166	30,302	36,534	36,461	37,075	35,136
$64,978	**$75,481**	**$87,334**	**$88,836**	**$91,679**	**$86,884**
$10,577	$11,630	$11,725	$11,702	$11,723	$11,110
2,381	2,185	2,185	2,180	2,173	2,059
1,892	4,995	4,995	4,985	4,677	4,433
$14,850	**$18,810**	**$18,905**	**$18,867**	**$18,573**	**$17,602**
$26,239	$28,698	$36,295	$37,324	$40,622	$38,497
1,761	3,302	1,699	1,696	1,716	1,626
$28,000	**$32,000**	**$37,994**	**$39,020**	**$42,338**	**$40,123**
$1,518	$1,518	$1,518	$1,518	$1,518	$1,440
26,800	26,800	26,800	26,800	26,800	25,425
$28,318	**$28,318**	**$28,318**	**$28,318**	**$28,318**	**$26,865**
$18,130	$18,130	$20,132	$20,455	$20,360	$19,295
$18,130	**$18,130**	**$20,132**	**$20,455**	**$20,360**	**$19,295**
$154,276	**$172,739**	**$192,683**	**$195,496**	**$201,268**	**$190,769**
$154,276	**$172,739**	**$187,130**	**$195,496**	**$191,076**	**$190,768**
$0	$0	-$5,553	$0	-$10,192	-$1

2014
$52,487
10,015
37,512
2,000
$102,014
$11,723
2,173
4,677
$18,573
$42,700
2,300
$45,000
$1,422
24,871
$26,293
$20,154
$20,154
$212,034
$210,034
-$2,000

	FY 2005 ENACTED	FY 2006 ENACTED	FY 2007 ENACTED
	15,707	16,121	16,223
	15,707	16,121	16,223
OST Control Total (Approps+ObLim)	15,707	16,121	16,223
	(0)	0	0

U.S. DEPARTMENT OF TRANSPORTATION
SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION
Historical Funding Levels (2005-2014)
($000)

FY 2008 ENACTED	FY 2009 ENACTED	FY 2010 ENACTED	FY 2011 ENACTED	FY 2012 ENACTED
17,392	31,842	32,324	32,259	32,259
17,392	31,842	32,324	32,259	32,259
17,392	31,842	32,324	32,259	32,259
0	0	0	0	0

FY 2013 ENACTED	FY 2014 ENACTED
30,572	31,000
30,572	31,000
30,572	31,000
(0)	0

U.S. DEPARTMENT OF TRANSPORTATION
SURFACE TRANSPORTATION BOARD
Historical Funding Levels (2005-2014)
($000)

ESTIMATES			APPROPRIATIONS		
2005.....	[1]	21,283	2005.....	[2]	21,069
2006.....	[1]	26,622	2006.....	[3]	26,198
2007.....	[1]	25,618	2007.....	[1]	26,325
2008.....	[1]	26,495	2008.....	[1]	26,325
2009.....	[1]	26,847	2009.....	[1]	26,847
2010.....	[4]	29,800	2010.....	[1]	29,066
2011.....	[5]	33,749	2011.....	[6]	29,010
2012.....	[7]	34,708	2012.....	[1]	29,310
2013.....	[8]	34,592	2013.....	[10]	27,780
2014.....	[9]	34,284	2014.....	[1]	31,000
2015.....	[9]	34,411			

[1] Includes $1,250,000 from offsetting collections as a credit to the appropriation.

[2] Reflects reduction of $19,000 for TASC (P.L. 108-447, Div. H, Title I, sec.197) and reduction of $161,600 for across-the-board rescission (P.L. 108-447, Div. J, Title I, sec. 122). Includes $1,050,000 from offsetting collections as a credit to the appropriation.

[3] Reflects reduction of $252,000 for across-the-board rescission (P.L. 109-148, Title III, Chap. 8, sec. 3801). Includes $1,250,000 from offsetting collections as a credit to the appropriation.

[4] Includes $500,000 for the update of URCS and $746,000 to implement the Board's expanded jurisdiction with respect to regulation of passenger rail service under the Passenger Rail Investment and Improvemer Act of 2008, P.L. 110-432. Includes $1,250,000 from offsetting collections as a credit to the appropriatior

[5] Includes $1,000,000 to continue the multi-year review of URCS, $500,000 to overhaul the Board's information technology and decade-old docket management systems, and $2,000,000 for an additional 10 FTEs to staff the Board's Rail Consumer and Public Assistance Program. Includes $1,250,000 from offsetting collections as a credit to the appropriation.

[6] Reflects reduction of $55,632 for across-the-board rescission (P.L. 112-10, Div. B, Title I, 1119 (a)). Includes $1,250,000 from offsetting collections as a credit to the appropriation.

[7] Includes funding for 15 FTEs to carry out the statutory responsibilities of PRIIA, funding for 6 FTEs to increase mediation efforts and enhance the auditing of industry financial filings, and $743,000 to overhaul the Board's information technology system and upgrade outdated equipment. Includes $1,250,(from offsetting collections as a credit to the appropriation

[8] Includes funding for 15 FTEs to carry out the statutory responsibilities of PRIIA and funding for 6 FTEs to increase mediation efforts and enhance the auditing of industry financial filings. Includes $1,250,000 f offsetting collections as a credit to the appropriation.

[9] Includes funding for 15 FTEs to carry out the statutory responsibilities of PRIIA and funding for 6 FTEs to increase mediation efforts, enhance the auditing of industry financial filings, and help process rate reasonableness cases. Includes $1,250,000 from offsetting collections as a credit to the appropriation.

[10] Reflects reduction of $56,120 for across-the-board rescission (P.L. 113-6, Division G, Sec. 304 (c) (1), as supplemented by OMB BDR 13-19, Attachment J). Also reflects permanent reduction of funds in accordance with Presidential Sequestration Order dated March 1, 2013. The FY 2013 sequestration resulted in reduction of $1,411,586 in spending authority and additional reduction from offsetting collections of $62,500. Includes $1,187,500 from offsetting collections as a credit to the appropriation.

	OST Control Total (ObLim+Exempt Obs)
2005	21,069
2006	26,198
2007	26,325
2008	26,325
2009	26,847
2010	29,066
2011	29,010
2012	29,310
2013	27,780
2014	31,000

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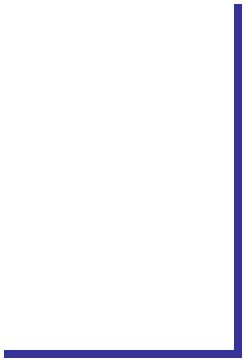

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U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
Historical Funding Levels (2005-2014)
($000)

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Operations	7,706,537	8,104,140	8,374,217	8,740,000	9,042,467	9,350,028	9,513,962	9,653,395	9,395,665	9,651,422
Facilities & Equipment	2,524,780	2,555,200	2,517,520	2,513,611	2,942,095	2,936,203	2,730,731	2,730,731	2,622,197	2,600,000
Research, Engineering & Development	129,880	136,620	130,234	146,828	171,000	190,500	169,660	167,556	158,792	158,792
Grants-in-Aid for Airports	3,497,000	3,514,500	3,514,956	3,514,500	4,614,500	3,515,000	3,515,000	3,350,000	3,343,300	3,350,000
Total Appropriations	**13,858,197**	**14,310,460**	**14,536,927**	**14,914,939**	**16,770,062**	**15,991,731**	**15,929,353**	**15,901,682**	**15,519,954**	**15,760,214**

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
Historical Funding Levels (2005-2014)
($000)

	FY 2005 [2/]	FY 2006 [3/]	FY 2007	FY 2008 [4/]	FY 2009 [5/]	FY 2010 [7/]	FY 2011 [8/]	FY 2012 [9/]	FY 2013 [10/]	FY 2014 [11/]
Federal-Aid Highways										
Obligation Limitation [1/]	$34,422,400	$36,032,344	$39,086,465	$41,216,051	$40,700,000	$41,107,000	$41,107,000	$39,143,583	$39,699,000	$40,256,000
Liquidation of Contract Authority (C.A.)	$35,000,000	$36,032,344	$36,032,344	$41,955,051	$41,439,000	$41,846,000	$41,846,000	$39,882,583	$39,699,000	$40,995,000
Emergency Relief Funds (C.A.)	$100,000	$100,000	$101,737	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000
LGOE/LAE - (Non Add within Federal-Aid)	$2,369,500	$3,837,001	$1,251,814	$9,455,236	$7,399,500	$15,113,533	$413,533	$412,000	$450,960	$436,752
Admin Expenses - LGOE	346,500	364,638	360,992	377,556	390,000	413,533	413,533	412,000	416,960	403,752
Authorized Programs - Not Admin Expenses - LGOE									34,000	33,000
Payment to the Highway Trust Fund				$8,017,000	$7,000,000	$14,700,000			$6,200,000	$12,600,000
Supplemental Emergency Relief Funds (GF)	$1,943,000	$3,452,363	$871,022	$1,045,000				$1,662,000	$2,022,000	
Appalachian Development Highway System (GF)	$80,000	$20,000	$19,800	$15,680	$9,500					
Appalachian Development Highway System (TF)										
Miscellaneous Appropriations		$153	$1,328	$15,148	$167,563	$346,515	$18,603	$4,655	$63,369	$388,000
Highway Infrastructure Programs (GF)						$650,000				
Highway Infrastructure Investment, Recovery Act (GF)					$27,500,000 [6/]					
Miscellaneous Highway Trust Fund	$34,000									

Note: This table reflects actual enacted amounts as appropriated.

1/ Does not reflect transfers to and from Federal Transit Administration and National Highway Traffic Safety Administration (FY13 only) of $1.067 billion in FY 2003, $1.022 billion in FY 2004, $1.005 billion in FY 2005, $1.383 billion in FY 2006, $975 million in FY 2007, $1,001 million in FY 2008, $985.4 million in FY 2009, $1.411 billion in FY 2010, $1.211 billion in FY 2011, $1.529 billion in FY 2012, and $1.545 billion in FY 2013.

2/ Does not reflect the following rescissions in FY 2005: LAE $2.8 million, Appalachian Dev. Hwy. Sys. $0.640 million, Misc. Hwy Trust Funds $0.272 million.

3/ Does not reflect the following rescissions in FY 2006: Federal-aid $360 million, LAE $3.6 million, Appalachian Dev. Hwy. Sys. $0.200 million.

4/ Does not reflect the following rescissions of new authority in FY 2008: Federal-aid $486.2 million, LAE $43.4 million. Payments to the HTF are cash transfers which do not provide additional resources to FHWA.

5/ Does not reflect the following rescissions of new authority in FY 2009: $1.162 billion from the $3.15 billion FY 2009 appropriated rescission and $5.3 billion from the $8.7 billion FY 2009 SAFETEA-LU rescission. Payments to the HTF are cash transfers which do not provide additional resources to FHWA.

6/ Does not reflect $288.4 million transferred to Federal Transit Administration in FY 2009.

7/ Reflects Appropriations for obligation limitation in FY 2010. Extension bill provided through February 28, 2010. Payments to the HTF are cash transfers which do not provide additional resources to FHWA.

8/ Reflects annualized appropriations from FY 2010. Extension bill provided beyond FY 2011 through March 31, 2012.

9/ Reflects enacted appropriations for FY 2012 and P.L. 112-141 authorized levels.

10/ Reflects enacted appropriations for FY 2013 and P.L. 112-141 authorized levels. Does not reflect P.L. 113-6 rescission of 0.2 percent of contract authority subject to limitation and obligation limitation or P.L. 112-125 sequestration of 5.1 percent of contract authority exempt from obligation limitation and Payment to the Highway Trust Fund, or 5.0 percent sequestration of Emergency Relief appropriations (GF).

11/ Reflects enacted appropriations for FY 2014 and P.L. 112-141 authorized levels. Does not reflect P.L. 112-125 sequestration of 7.2 percent of contract authority exempt from obligation limitation and Payment to the Highway Trust Fund.

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
Historical Funding Levels (2005-2014)
($000)

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Motor Carrier Safety (LAE)	252,810	0	0	0	0	0	0	0	0	0
National Motor Carrier Safety Program	186,972	0	0	0	0	0	0	0	0	13,000
Motor Carrier Safety Operations & Programs	0	210,870	223,000	226,184	229,161	239,654	244,144	244,144	251,000	259,000
Motor Carrier Safety Grants	0	279,180	300,000	300,497	305,389	307,000	297,476	306,000	310,000	313,000
Total Appropriations	**439,782**	**490,050**	**523,000**	**526,681**	**534,550**	**546,654**	**541,620**	**550,144**	**561,000**	**585,000**

U.S. DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION
Historical Funding Levels (2005-2014)
($000)

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Operations & Training (O&T)	106,952	136,026	111,522	121,992	123,360	149,750	151,446	156,258	148,085	148,003
USMMA	55,467	61,235	61,236	62,747	61,358	74,057	79,897	85,168	80,713	79,500
State Maritime Academies	10,406	11,099	11,099	13,181	14,500	15,940	15,908	17,100	16,206	17,300
MARAD Operations and Programs	41,079	56,192	39,187	46,064	47,502	59,753	55,641	53,990	51,166	51,203
Supplemental Approp.- Hurricane Repairs	0	7,500	0	0	0	0	0	0	0	0
Ship Disposal	21,443	20,790	20,790	17,000	15,000	15,000	14,970	5,500	5,212	4,800
Maritime Security Program	97,910	154,440	154,440	156,000	174,000	174,000	173,652	174,000	160,289	186,000
Assistance to Small Shipyards	0	0	0	10,000	17,500	15,000	9,980	9,980	9,458	0
Assistance to Small Shipyards ARRA	0	0	0	0	100,000	0	0	0	0	0
National Defense Tank Vessel Construction	74,400	0	0	0	0	0	0	0	0	0
Maritime Guaranteed Loan (Title XI)	4,726	9,085	4,085	8,408	3,531	9,000	8,982	3,740	3,544	38,500
Guarantee Subsidy	0	5,000	0	5,000	0	5,000	3,992	0	3,544	3,500
Administration	4,726	4,085	4,085	3,408	3,531	4,000	4,990	3,740	0	35,000
Total Appropriations	**305,432**	**320,341**	**290,837**	**313,400**	**433,391**	**362,750**	**359,030**	**349,478**	**326,588**	**377,303**

	FY 2005 Actual	FY 2006 Actual
Salaries & Expenses	81,564	84,051
Trans., Plng., Res. & Dev. (TPR&D)	20,997	14,850
TPR&D Cancellation of Unobligated Balances	0	0
Office of Civil Rights	8,408	8,465
Minority Business Outreach	2,641	2,970
Minortity Business Resource Center	522	891
Financial Management Capital	0	0
Essential Air Service	1/ [50,000]	2/ [50,000] 2/
Payments to Air Carriers	51,628	0
Compensation to Air Carriers	0	0
Compensation for General Aviation Operations	0	16,830
New Headquarters Building	43,355	49,500
Safe Transportation of Energy Products Fund	0	0
TIGER Grants Program	0	0
National Infrastructure Investments	0	0
ARRA - National Surface Transportation System	0	0
Cyber Security/IT Infrastructure	0	0
Interagency Permitting Improvement Center	0	0

Unobligated balances of overflight fees
Overflight fees collected by FAA
Overflight fees collected by FAA ($50m) and funds from sale of spectrum ($15m)
Includes $2 million for the Mississippi-Missouri Rivers project pursuant to P.L. 111-117 Section 195.
A total of $50 million of overflight fees was available to the EAS program during FY 2009. $23 millic
$15 million of collections from the sale of spectrum was transferred from the Department of Commerce
budgetary presentation, the $15 million offsets the $27 million of overflight fees, resulting in a net amo

U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
Historical Funding Levels (2005-2014)
($000)

FY 2007 Actual		FY 2008 Actual		FY 2009 Actual		FY 2010 Actual		FY 2011 Actual	
83,961		91,782		98,248		102,686		102,481	
14,893		13,884		18,300		18,168	4/	9,799	
0		0		0		0		0	
8,527		9,141		9,384		9,667		9,648	
2,970		2,970		3,056		3,074		3,068	
893		893		912		923		921	
0		0		5,000		5,000		4,990	
[50,000]	2/	[65,000]	3/	[12,286]	5/	[50,000]	2/	[50,000]	2/
59,400		60,000		86,213		150,000		149,700	
-50,000		-22,000		-848		0		0	
0		0		0		0		0	
49,500		0		0		0		0	
0		0		0		0		0	
0		0		0		0		0	
0		0		0		600,000		526,944	
0		0		1,500,000		0		0	
0		0		0		0		0	
0		0		0		0		0	

ɔn was transferred by FAA as an unobligated balance at the start of FY 2009, and an additional $2
ɛ into the EAS account in FY 2009. The $15 million was used to pay back funds that were borrov
unt of new budgetary authority of $12 million.

FY 2012 Actual		FY 2013 Actual		FY 2014 Enacted		FY 2015 Request
102,481		97,121		107,000		109,916
9,000		8,529		7,000		8,000
0		0		-2,750		0
9,384		8,893		9,551		9,600
3,068		2,908		3,088		3,099
922		874		925		1,013
4,990		4,729		7,000		5,000
[50,000]	2/	[97,697]	2/	[120,640]	2/	[106,000]
143,000		135,520		149,000		155,000
0		0		0		0
-3,254		0		0		0
0		0		0		0
0		0		0		40,000
0		0		0		1,250,000
500,000		473,847		600,000		0
0		0		0		0
10,000		9,477		4,455		5,000
0		0		0		8,000

!7 million of overflight fees was transferred during FY 2009. In addition,
ved in FY 2008, pursuant to P.L. 109-171; however, for the purpose of

U.S. DEPARTMEN
RESEARCH
Historical Fun

R&D Account (General Fund)	**FY 2005 Actual**	**FY 2006 Actual**	**FY 2007 Actual**
Salaries and Administrative Expenses	3,462	4,606	4,705
Hazardous Materials R&D	80	79	0
Hydrogen/Alternative Fuels R&D	500	495	495
RD&T Coordination	171	536	536
PNT and Spectrum Policy	0	0	0
Airline Transportation Statistics Program	0	0	2,000
NDGPS	0	0	0
Total	**4,213**	**5,716**	**7,736**
Bureau of Transportation Statistics Allocation Account	**30,015**	**26,730**	**27,562**

NT OF TRANSPORTATION
AND TECHNOLOGY
ding Levels (2005-2014)
($000)

FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual
5,964	5,964	6,971	6,957	6,974	6,609	6,547
0	0	0	0	0	0	0
500	1,400	500	499	499	473	499
536	536	536	535	509	483	509
400	0	400	399	399	378	1,610
0	0	0	0	0	0	0
4,600	5,000	4,600	4,591	7,600	7,202	5,600
12,000	**12,900**	**13,007**	**12,981**	**15,981**	**15,145**	**14,765**
27,000	**27,000**	**27,000**	**27,000**	**25,206**	**25,948**	**26,000**

FY 2015 Request
6,407
0
499
509
1,610
0
5,600
14,625
29,000

	FY 2005 ACTUAL
Vehicle Safety (GF)	157,386,000
Highway Safety Research And Development (TF)	72,000,000
National Driver Register	3,572,000
Safety Grants	223,200,000
	456,158,000

Note:
* Starting in FY 2012, National Driver Register is eliminared as a separate account and m
** FY 2013 includes has columns. This first is the Enacted and the second reflects the A

U.S. DEPARTMENT OF TRANSPORTATION
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Historical Funding Levels (2005-2014)
($000)

FY 2006 ACTUAL	FY 2007 ACTUAL	FY 2008 ACTUAL	FY 2009 ACTUAL	FY 2010 ACTUAL
135,367,000	122,000,000	126,572,000	127,000,000	140,427,000
108,900,000	107,750,000	107,750,000	105,500,000	105,500,000
3,960,000	4,000,000	4,000,000	4,000,000	7,350,000
572,394,000	587,750,000	599,250,000	619,500,000	619,500,000
820,621,000	**821,500,000**	**837,572,000**	**856,000,000**	**872,777,000**

ıoves to the Highway Safety Research and Development account
ctual values due to a .02% A-T-B recission to all funds. In addition, the Vehicle Safety Ger

FY 2011 ACTUAL	FY 2012 ACTUAL	FY 2013 ENACTED	FY 2013** ACTUAL	FY 2014 ENACTED
140,146,146	140,146,000	140,146,000	132,815,525	134,000,000
105,500,000	109,500,000	115,500,000	115,269,000	123,500,000
7,343,000	-	-	-	-
619,500,000	550,328,000	554,500,000	553,391,000	561,500,000
872,489,146	**799,974,000**	**810,146,000**	**801,475,525**	**819,000,000**

ıeral Fund was reduced by an additional .05% for Sequestration.

FY 2015 REQUEST
152,000,000
122,000,000
-
577,000,000
851,000,000

ACCOUNTS	FY 2005 ENACTED	FY 2006 ENACTED
Salaries & Expenses	58,132	61,874
Salaries & Expenses, Recovery Act		
Salaries & Expenses, Emergency Disaster Relief		
Total Budget Authority	58,132	61,874

[(1)] FY 2013 Enacted appropriation before reductions for sequestration and recissions was $79,624

U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF THE INSPECTOR GENERAL
Historical Funding Levels (2005-2014)
($000)

FY 2007 ENACTED	FY 2008 ENACTED	FY 2009 ENACTED	FY 2010 ENACTED	FY 2011 ENACTED
64,043	66,400	71,400	75,114	76,960
		20,000	0	0
64,043	66,400	91,400	75,114	76,960

FY 2012 ENACTED	FY 2013 ENACTED [1]	FY 2014 ENACTED
79,624	75,459	85,605
0	0	0
	5,700	0
79,624	81,159	85,605

U.S. DEPA
PIPELINES AND HAZAR
Histor

	2005	2006	2007
Pipeline Safety			
Operations	$32,660,900	$33,668,660	$35,726,760
Research & Development	5,379,540	6,809,830	6,712,410
Grants	15,999,410	16,951,410	17,625,830
Offsetting Design Review Fee			
Total	**$54,039,850**	**$57,429,900**	**$60,065,000**
Trust Fund Share of Pipeline Safety			
Operations	$8,104,000	$10,372,240	$10,577,240
Research & Development	3,606,000	2,097,170	2,380,590
Grants	3,170,000	2,380,590	1,892,170
Total	**$14,880,000**	**$14,850,000**	**$14,850,000**
Hazardous Materials Safety			
Operations	$23,109,000	$24,047,620	$24,894,000
Research & Development	1,831,000	1,829,000	1,829,000
Total	**$24,940,000**	**$25,876,620**	**$26,723,000**
Emergency Preparedness Grants			
Operations	$1,248,400	$1,248,000	$1,248,000
Grants	13,050,000	13,050,000	13,050,000
Total	**$14,298,400**	**$14,298,000**	**$14,298,000**
Operational Expenses			
Operations	$16,810,000	$16,708,230	$18,031,000
Total	**$16,810,000**	**$16,708,230**	**$18,031,000**
	$124,968,250	$129,162,750	$133,967,000

RTMENT OF TRANSPORTATION
DOUS MATERIALS SAFETY ADMINISTRATION
ical Funding Levels (2005-2014)
($000)

2008	2009	2010	2011	2012	2013
$38,008,760	$41,580,000	$46,100,000	$47,684,000	$49,857,000	$47,249,000
5,803,410	3,599,000	4,700,000	4,691,000	4,747,000	4,499,000
21,165,830	30,302,000	36,534,000	36,461,000	37,075,000	35,136,000
$64,978,000	**$75,481,000**	**$87,334,000**	**$88,836,000**	**$91,679,000**	**$86,884,000**
$10,577,240	$11,630,000	$11,725,000	$11,702,000	$11,723,000	$11,110,000
2,380,590	2,185,000	2,185,000	2,180,000	2,173,000	2,059,000
1,892,170	4,995,000	4,995,000	4,985,000	4,677,000	4,433,000
$14,850,000	**$18,810,000**	**$18,905,000**	**$18,867,000**	**$18,573,000**	**$17,602,000**
$26,239,000	$28,698,000	$36,295,000	$37,324,000	$40,622,000	$38,497,000
1,761,000	3,302,000	1,699,000	1,696,000	1,716,000	1,626,000
$28,000,000	**$32,000,000**	**$37,994,000**	**$39,020,000**	**$42,338,000**	**$40,123,000**
$1,518,000	$1,518,000	$1,518,000	$1,518,000	$1,518,000	$1,440,000
26,800,000	26,800,000	26,800,000	26,800,000	26,800,000	25,425,000
$28,318,000	**$28,318,000**	**$28,318,000**	**$28,318,000**	**$28,318,000**	**$26,865,000**
$18,130,000	$18,130,000	$20,132,000	$20,455,000	$20,360,000	$19,295,000
$18,130,000	**$18,130,000**	**$20,132,000**	**$20,455,000**	**$20,360,000**	**$19,295,000**
$154,276,000	$172,739,000	$192,683,000	$195,496,000	$201,268,000	$190,769,000

2014
$52,487,000
10,015,000
37,512,000
2,000,000
$102,014,000
$11,723,000
2,173,000
4,677,000
$18,573,000
$42,700,000
2,300,000
$45,000,000
$1,422,000
24,871,000
$26,293,000
$20,154,000
$20,154,000
$212,034,000

U.S. DEPARTMENT O
SAINT LAWRENCE SEAWAY D
Historical Funding
($0

FY 2005 ENACTED	FY 2006 ENACTED	FY 2007 ENACTED	FY 2008 ENACTED	FY 2009 ENACTED
15,707	16,121	16,223	17,392	31,842
15,707	16,121	16,223	17,392	31,842

F TRANSPORTATION
EVELOPMENT CORPORATION
Levels (2005-2014)
00)

FY 2010 ENACTED	FY 2011 ENACTED	FY 2012 ENACTED	FY 2013 ENACTED	FY 2014 ENACTED
32,324	32,259	32,259	30,572	31,000
32,324	32,259	32,259	30,572	31,000

DEPARTMENT OF TRANSPORTATION
FULL TIME EQUIVALENT EMPLOYMENT (FTE)
FY 2004- 2014 FTE HISOTRY

Account	FY 2005 Request	FY 2005 Enacted	FY 2005 Actual	FY 2006 Request	FY 2006 Enacted	FY 2006 Actual	FY 2007 Request	FY 2007 Enacted	FY 2007 Actual
Federal Aviation Administration	48,826	47,659	46,521	47,859	45,700	44,348	46,153	45,049	44,568
Federal Highway Administration	2,959	3,002	2,820	3,049	3,016	2,802	3,016	2,807	2,784
National Highway Traffic Safety Admin.	671	673	600	673	674	605	677	635	616
Federal Motor Carrier Safety Admin	1,118	1,097	1,031	1,100	1,100	1,059	1,114	1,114	1,011
Federal Transit Administration	537	527	482	537	527	505	541	541	519
Federal Railroad Administration	832	827	791	837	837	808	844	844	811
Pipeline and Hazardous Materials Safety Admin.	0	406	358	397	395	337	401	396	353
Saint Lawrence Seaway Development Corp.	157	157	146	157	157	145	157	157	144
Surface Transportation Board	145	150	134	128	150	137	130	125	136
Maritime Administration	903	827	827	827	827	785	820	785	756
Research and Innovative Technology Admin	0	742	673	749	749	672	754	754	659
Working Capital Fund	239	239	205	239	239	183	219	219	173
Office of Inspector General	435	430	418	435	430	419	420	420	405
Office of the Secretary	640	629	538	635	633	523	639	635	463
TOTAL	**57,462**	**57,365**	**55,544**	**57,622**	**55,434**	**53,328**	**55,885**	**54,481**	**53,398**

DEPARTMENT OF TRANSPORTATION
FULL TIME EQUIVALENT EMPLOYMENT (FTE)
FY 2004- 2014 FTE HISOTRY

Account	FY 2008 Request	FY 2008 Enacted	FY 2008 Actual	FY 2009 Request	FY 2009 Enacted	FY 2009 Actual	FY 2010 Request	FY 2010 Enacted	FY 2010 Actual	FY 2011 Request	FY 2011 Enacted	FY 2011 Actual
Federal Aviation Administration	45,401	45,782	45,897	46,103	46,983	47,479	47,431	48,159	47,973	48,364	48,284	48,027
Federal Highway Administration	3,017	2,820	2,804	2,861	2,814	2,833	2,844	2,923	2,907	2,923	2,979	2,938
National Highway Traffic Safety Admin.	623	635	617	635	635	608	635	632	610	650	617	599
Federal Motor Carrier Safety Admin	1,119	1,119	1,018	1,119	1,119	1,048	1,119	1,123	1,064	1,182	1,123	1,079
Federal Transit Administration	527	526	511	526	526	523	526	553	560	716	575	570
Federal Railroad Administration	850	850	812	853	869	817	886	895	840	948	917	856
Pipeline and Hazardous Materials Safety Admin.	405	410	360	421	428	374	449	464	385	483	483	434
Saint Lawrence Seaway Development Corp.	157	157	139	157	157	138	157	157	135	157	157	132
Surface Transportation Board	125	150	138	122	150	141	150	156	149	121	148	140
Maritime Administration	800	748	735	803	789	759	842	842	772	846	822	805
Research and Innovative Technology Admin	759	759	650	759	706	653	706	706	671	707	688	678
Working Capital Fund	227	219	172	219	219	179	213	216	196	271	246	205
Office of Inspector General	410	410	406	412	419	410	451	453	438	461	428	448
Office of the Secretary	637	565	456	634	562	463	594	610	516	668	636	527
TOTAL	**55,057**	**55,150**	**54,715**	**55,624**	**56,376**	**56,425**	**57,003**	**57,889**	**57,216**	**58,496**	**58,103**	**57,438**

DEPARTMENT OF TRANSPORTATION
FULL TIME EQUIVALENT EMPLOYMENT (FTE)
FY 2004- 2014 FTE HISOTRY

Account	FY 2012 Request	FY 2012 Enacted	FY 2012 Actual	FY 2013 Request	FY 2013 Enacted	FY 2013 Actual	FY 2014 Request	FY 2014 Enacted	FY 2014 Actual	FY 2015 Request	FY 2015 Enacted	FY 2015 Actual
Federal Aviation Administration	48,539	48,052	47,563	48,069	47,693	46,626	47,747	46,064	44,932	46,877		
Federal Highway Administration	3,015	2,955	2,898	2,926	2,949	2,858	2,967	2,974	2,872	2,974		
National Highway Traffic Safety Admin.	684	610	592	655	610	578	657	614	588	637		
Federal Motor Carrier Safety Admin	1,230	1,123	1,092	1,123	1,123	1,099	1,149	1,149	1,100	1,252		
Federal Transit Administration	685	570	562	645	528	522	596	566	525	625		
Federal Railroad Administration	1,035	871	860	894	885	884	889	903	851	922		
Pipeline and Hazardous Materials Safety Admin.	514	485	440	572	486	438	513	492	421	545		
Saint Lawrence Seaway Development Corp.	144	144	127	144	144	126	144	144	131	144		
Surface Transportation Board	154	140	134	149	149	136	153	156	131	149		
Maritime Administration	835	835	796	840	840	811	840	842	791	842		
Research and Innovative Technology Admin	688	688	660	[678]	678	669	[678]	[678]	[676]	[678]		
Working Capital Fund	262	241	222	246	246	224	248	248	233	282		
Office of Inspector General	471	420	443	410	420	400	422	422	395	422		
Office of the Secretary	643	569	530	1,283	581	512	1,280	1,263	1,162	1,300		
TOTAL	**58,899**	**57,703**	**56,919**	**57,956**	**57,332**	**55,883**	**57,605**	**55,837**	**54,132**	**56,971**	**0**	**0**

Operating Administration	Report Title	Legislative Source	Original	Expected Date to Congress
FAA	AeroNav	Joint Explanatory Statement, FY 2014 Omnibus, page 6 of Division L	No date specified	TBD
	UAS Study	Joint Explanatory Statement, FY 2014 Omnibus, pages 6-7 of Division L	No later than 18 months after enactment	TBD
	Asiana Airlines Flight 214	Joint Explanatory Statement, FY 2014 Omnibus, page 7 of Division L	No date specified	TBD
	Capital Investment Plan	Consolidated Appropriations Act, 2014, Division L, page 1421	At same time as FY 2015 President's	TBD
	Controller Staffing	Joint Explanatory Statement, FY 2014 Omnibus, page 8 of Division L	31-Mar	31-Mar-14
	Human Capital Workforce Strategy	Consolidated Appropriations Act, 2014, Division L, page 1418	31-Mar	31-Mar-14
	Section 312 and 313 reports	Consolidated Appropriations Act, 2014, Division L, pages 1418-1419		[Authorization repo
FHWA	Annual Buy America Waivers Report	Consolidated Appropriations Act, 2014 (Bill Language) Section 122, pg. 1439; also referenced in Explanatory Statement and House and Senate Reports	Annually	TBD
	3 Day Advance Credit Assistance (TIFIA) Notification	Consolidated Appropriations Act, 2014 (Bill Language) Section 124, pg. 1440; also referenced in Explanatory Statement and Senate Report	Three days prior to providing credit assistance	TBD
	GAO - Bridge Safety - Oversize Load Survey	Omnibus Explanatory Statement, pg. 17; also referenced in Senate Report	within 18 months of enactment	TBD
	Technology Transfer of Paving Materials	Omnibus Explanatory Statement, pg. 17; also referenced in Senate Report	not specified	TBD
	Federal/State Bridge Height Marking Requirements	Omnibus Explanatory Statement, pg. 17; also referenced in Senate Report	within 1 year of enactment	TBD
	HTF Cash Shortfall Plan	House Report, pg. 35	within 90 days of enactment	TBD
	MAP-21 Implementation Status	Senate Report, pg. 43	within 180 days of enactment, biennially thereafter	TBD
	MAP-21 Workforce Composition	Senate Report, pg. 44	In accordance with Budget Submission schedule	TBD
	Finance Options for Alternative Fuel Vehicle Infrastructure	Senate Report, pg. 44	within 1 year of enactment	TBD
	Private Activity Bonds	Senate Report, pg. 46	within 120 days of enactment	TBD
FTA	Annual Report on New Starts, Including Proposed allocations for FY 2015	Consolidated Appropriations Act, 2014 (bill language); FY 2014 House Committee Report 113-136 Pg. 51	Upon submission of FY 2015 President's Budget to Congress	TBD
	Transit Research Projects - FY 2013 and FY 2014	Explanatory Statement - Division L - Pg. 28; FY 2014 House Committee Report 113-136 Pg. 54	May 15, 2014	TBD
	New Starts Project Updates FY 2014	FY 2014 House Committee Report 113-136 Pg. 52; 2014 Senate Committee Report 113-45 Pg. 75	Monthly	N/A
	Transit Research Projects at National Academy of Sciences - FY 2013 and FY 2014	Explanatory Statement - Division L - Pg. 28; FY 2014 House Committee Report 113-136 Pg. 54	May 15, 2014	TBD
	Standard Transit Bus and Light Rail Vehicle Report	2014 Senate Committee Report 113-45 Pg. 74	February 3, 2014	TBD
	Streetcar Manufacturing Study	2014 Senate Committee Report 113-45 Pg. 74	March 28, 2014	TBD
	Project and Financial Management Oversight Activities (FY 2014 -- Qtrly)	2014 Senate Committee Report 113-45 Pg. 74	Quarterly	TBD
FMCSA	Compliance Reviews on Mandatory Carriers	Consolidated Appropriations Act, 2014 (Bill Language), pg. 1443	March 28, 2014	1-Apr-14
	Chameleon Carriers	Omnibus Explanatory Statement, pg. 19; Senate Report, pg. 57	March 31, 2014	March 31, 2014
	Hazardous Materials Safety Permit (HMSP) Program	House Report, pg. 38	within 60 days of enactment	TBD
	Crash Accountability / Crash Weighting Research Plan	Senate Report, pg. 56	within 60 days of enactment	TBD
NHTSA	Corporate Average Fuel Economy	Omnibus Explanatory Statement, pg. 22	within 60 days of enactment	TBD
FRA	Commuter and Passenger Rail Safety Oversight	Omnibus Explanatory Statement, pg. 24	March 17, 2014	17-Mar-14
	Amtrak Operating Subsidy	Omnibus Explanatory Statement, pg. 25	1-Apr-14	TBD
PHMSA	Study on the transportation of diluted bitumen	Joint Explanatory Statement - Division L - Pg. 33; Senate Report, pg. 92	within 180 days of enactment	TBD
	Self-contained breathing apparatus approval efficiencies	House Report, pg. 65	one year after enactment	TBD
	Pipeline emergency response training report	House Report, pg. 66	within 180 days of enactment	TBD
OST	Sole Source Contracts	Consolidated Appropriations Act, 2014 Sec. 408.; 2014 Senate Committee Report 113-45 Sec. 407	30-Jul-14	TBD
	Fleet Inventory Report	Consolidated Appropriations Act, 2014 Sec. 418.; 2014 Senate Committee Report 113-45 Sec. 419	30-Sep-14	TBD
	EAS Report	FY 2014 House Committee Report 113-136 Pg. 14	15-Mar-14	??
	Prohibits convicted felons from receiving certain Federal funds	FY 2014 House Committee Report 113-136 Sec. 414	1-Sep-14	TBD
	Prohibits funding to corporations with any unpaid Federal tax liability	FY 2014 House Committee Report 113-136 Sec. 416	1-Sep-14	TBD

Operating Administration	Report Title	Legislative Source	Original	Expected Date to Congress
	Program goals and performance metrics	FY 2014 House Committee Report 113-136 Sec. 418	N/A	TBD
MARAD	USMMA Spend Plan	Consolidated Appropriations Act, 2014 (bill language); FY 2014 House Committee Report 113-136 pg 1466 and 2014 Senate Committee Report 113-45 pg 88.	31-Mar-14	**1-Apr**
	Current and Future Impacts of Reductions in US Government Impelled Cargo on the US Merchant Marine	Consolidated Appropriations Act, 2014 (bill language); FY 2014 House Committee Report 113-136 pg 1466 ; Explanatory Statement - Division L - Pg. 28; FY 2014 House Committee Report 113-136 pg 31; and 2014 Senate Committee Report 113-45 pg 87.	90 days after enactment	**TBD**
	National Sealift Strategy	Consolidated Appropriations Act, 2014 (bill language); FY 2014 House Committee Report 113-136 pg 1466-7 and Explanatory Statement - Division L - Pg. 28; FY 2014 House Committee Report 113-136 pg 31; 2014 Senate Committee Report 113-45 pg 87.	TBD	**TBD**
	Capital Improvement Fund Report	2014 Senate Committee Report 113-45 pg 88.	31-Mar-2014	**1-Apr**
SLSDC	SLSDC Asset Renewal Program (ARP) Annual Report	Explanatory Statement - Division L - Pg. 30; FY 2014 House Committee Report	30-Apr-14	TBD
OIG	Low- and Zero- Emission Buses and other Technologies	Explanatory Statement - Division L - Pg. 28	3-Feb-14	--
	MWAA	Explanatory Statement - Division L - Pg. 33	N/A	--

U.S. DEPARTMENT OF TRANSPORTATION
National Highway Traffic Safety Administration
History of Unobligated Carryover by Account
FY 2005 - FY 2014
($ in millions)

Account Name (Treasury Symbol)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Operations and Research (GF)	4	1	1		2	1	3	4	13	16
Operations and Research - National Driver Register (TF)	1	2	1	2	1					
Highway Traffic Safety Grants/1 (TF)	4	4	19	16	60	16	14	25	196	22
Operations and Research (TF)	5	12	27	74	11	11		9	10	13
Consumer Assistance to Recycle and Save Program (GF)							10	20	20	21
National Driver Register Modernization (GF)							1	1		

Blank cells represent carryover of less than $500K.

1/A significant portion of these carry-over funds in FY 2013 were provided for specific grants that were repealed by MAP-21 authorization; the remaining funds were provided for the NASS moderization project or for grants awarded late in the fiscal year that were accrued and obligated after the fiscal year close out.

U.S. DEPARTMENT OF TRANSPORTATION
Maritime Administration
History of Unobligated Carryover by Account
FY 2005 - FY 2014
($ in millions)

Account Name	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Operations and Training	2	5	3	2	19	41	26	49	56	59
Gifts and Bequests	0	0	0	0	0	1	1	2	3	2
Special Studies and Programs	0	6	6	1	3	1	14	13	0	1
Ship Disposal	8	12	16	14	20	26	20	16	12	7
Maritime Security Program	2	1	3	0	1	5	10	16	4	
Assistance To Small Shipyards						1	1	1	1	1
National Defense Tank Vessel Construction		74	74	74						
Ship Construction	2	2	3	7	1					
Ready Reserve Force	3	3	4	2	2	2	2	43	21	25
Operating-differential Subsides				1	1	1	1	1	11	
Ocean Freight Differential					91	26	80	80	32	
Federal Ship Finacing Fund Liquidating Acct	0			0	0	0				
Vessel Operations Revolving Fund	9	13	22	20	52	95	42	52	59	73
War Risk Insurance Revolving Fund	39	41	42	43	44	46	47	47	47	48
Port of Guam Enterprise Fund							50	50	48	42
Maritime Guaranteed Loan Program:										
Subsidy	16	0	7	7	12	43	77	62	28	38

U.S. DEPARTMENT OF TRANSPORTATION
Federal Railroad Administration
History of Unobligated Carryover by Account
FY 2005 - FY 2014
($ in millions)

Account Name	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Safety and Operations	8	10	12	4	9	8	5	5	17	11
Railroad Safety Technology						50	50			1
Research and Development	4	9	6	10	10	10	9	14	12	10
Penn Station	60	60	60	60	60	60	60			
Amtrak (Old Amtrak, ARRA Amtrak and Hurricane Sandy)	24	4	12	1	1	7	1	2	1	83
Efficiency Grants to Amtrak			31	63						
Emergency Railroad Rehabilitation and Repair					20	20	5	3	1	2
Capital and Debt Service Grants to Amtrak					37	4	13	20	19	19
Next Generation HSR	13	18	12	9	8	9	9	9	8	10
Northeast Corridor Improvement	4	5	6	6	6	4	6	6	6	6
Intercity Passenger Rail						92	78	34	20	17
Rail Line Relocation and Improvement					20	45	73	51	39	19
HSIPR (ARRA and FY 2010)						7,995	9,600	2,000	119	99

Notes:
Analysis presents accounts as rolled together on the FACTS II report, with some minor accounts being consolidated for presentation purposes
Accounts with unobligated balances below $500,000 are not shown.

U.S. DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration
History of Unobligated Carryover by Account
FY 2005 - FY 2014
($ in millions)

Account Name (Treasury Symbol)	**FY 2005**	**FY 2006**	**FY 2007**	**FY 2008**	**FY 2009**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**
F&E	885	791	855	959	969	1,129	1,293	1,260	1,077	984
RE&D	11	14	24	26	31	60	143	75	74	84
AIP	284	482	39	202	102	394	3	12	13	15

U.S. DEPARTMENT OF TRANSPORTATION
Office of the Secretary
History of Unobligated Carryover by Account
FY 2005 - FY 2014
($ in millions)

Account Name (Treasury Symbol)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
SALARIES & EXPENSES	0	3	1	11	5	13	14	4	8	14
FINANCIAL MANAGEMENT CAPITAL						5	6	10	12	7
MINORITY BUSINESS OUTREACH		8	8	9	9	0	8	7	7	8
TRANSPORTATION PLANNING, RESEARCH & DEVELOPMENT	4	9	6	15	12	10	7	7	8	10
TIGER GRANTS ARRA						1,500	1,079			
NATIONAL INFRASTRUCTURE INVESTMENTS PROGRAM (NII)							599	653	835	473
NEW HEADQUARTERS BUILDING		24	11	6	2	0	2	1	1	1
MBRC GUARANTEED LOAN FIN	1	1	1	0	0	0	0	0	0	1
CYBER SECURITY INITIATIVES									6	8
GIFTS & BEQUESTS	0	0		0	0	0				
ESSENTIAL AIR SERVICE PROGRAM:	2	36	28	37	28	15	41	24	11	16
AIR CARRIER COMPENSATION	278	73	72	23	1	0	6	7	7	
AIR CARRIER PAYMENTS	0	0	0	0	0					
COMPENSATION TO GENERAL AVIATION			17	17	3	3	3	3		
RESEARCH & DEVELOPMENT/RESEARCH & TECHNOLOGY	0	1	1	1	0	1	1	1	2	1

U.S. DEPARTMENT OF TRANSPORTATION
Office of the Inspector General
History of Unobligated Carryover by Account
FY 2005 - FY 2014
($ in millions)

Account Name (Treasury Symbol)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Salaries & Expenses	0	0	0	0	0	0	0	0	0	0
Salaries & Expenses, Recovery Act	0	0	0	0	0	20	16	8	4	0
Salaries & Expenses, Emergency Disaster Relief	0	0	0	0	0	0	0	0	0	6
Salaries & Expenses, Rebates	0	0	0	0	0	0	0	0	0	0

U.S. DEPARTMENT OF TRANSPORTATION
Federal Highway Administration
History of Unobligated Carryover by Account
FY 2005 - FY 2014
($ in millions)

Account Name (Treasury Symbol)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Appalachian Development Highway System, GF	194	196	133	107	95	72	58	67	59	58
Appalachian Development Highway System, HTF	4	3	3	2	2	2	1	3	3	3
Emergency Relief Program			1,330	1,372	1,666	802	444	266	641	1,659
Federal-aid Highways	29,026	34,249	35,319	35,724	35,439	25,819	31,025	29,328	30,017	27,859
Highway Infrastructure Investment, Recovery Act						7,747	26	14		
Highway Infrastructure Programs							419	213		
Miscellaneous Appropriations	165	138	151	130	121	228	436	332	260	213
Miscellaneous Highway Trust Fund	420	356	260	165	148	124	106	96	87	86
Miscellaneous Trust Funds	175	78	43	64	42	42	43	57	46	38
Payment to the Highway Trust Fund										
Right of Way Revolving Fund		12	15	15						
State Infrastructure Banks							1	1	1	1
TIFIA Direct Loan Financing Account	1,274	39	31		1	11	44	30	30	25
TIFIA General Fund Program Account								20	45	

Blank cells indicate carryover was $0 or less than $500K

U.S. DEPARTMENT OF TRANSPORTATION
Federal Transit Administration
History of Unobligated Carryover by Account
FY 2005 - FY 2014
($ in millions)

Account Name (Treasury Symbol)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Tansit Formula Grants (TF)	30	29	3,657	3,818	3,311	5,714	7,426	7,954	8,296	9,115
Discretionary Grants (TF)	45	28	7	5	4	2	5	5	17	14
Formula Grants (GF)	2,066	2,541	599	349	81	82	84	85	104	87
Administrative Expenses (GF)										3
Research Training & Human Resources (GF)			1							
Urban Discretionary (GF)	-1								1	1
Job Access & Reverse Commute (GF)	128	123	51	23	15	13	13	14	15	16
Interstate Transfer Grant (GF)	-18	-18	2			1	3	3	3	3
Washington Metro Area Transit Authority (GF)	1					1	151	150	151	143
Captial Investment Grants (GF)	3,238	2,870	1,798	1,090	973	1,818	2,578	2,377	1,319	1,510
University Transportation Centers (GF)	6	10	8						1	1
Transit Planning and Research (GF)	68	82	45	65	66	76	105	102	106	124
Emergency Public Relief (GF)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9,578
Transit Capital Assistance ARRA (GF)	N/A	N/A	N/A	N/A	N/A	945	42	11	N/A	N/A
Fixed Guideway Infrastructure Investment ARRA (GF)	N/A	N/A	N/A	N/A	N/A	11	4		N/A	N/A
Capital Invesement Grants ARRA (GF)	N/A	N/A	N/A	N/A	N/A	282	6		N/A	N/A
Energy Efficiency and Greenhouse Gas Reductions (GF)	N/A	N/A	N/A	N/A	N/A	N/A	75	66	14	N/A

*** (blank cell) represents unobligated balances below one million.**

*** (NA) represents not applicable**

Footnotes:

1) The delay in the availability of a full year of funding, which has occurred in most recent years, does not leave enough time for the grantees to prepare applications and for grants to be obligated before the end of the fiscal year.

2) Partial year extensions at the end of SAFETEA-LU's authorization led to incremental increases in contract authority but did not provide enough funding for grantees to submit applications until late into the fiscal year. This process went on from September 2009 until MAP-21 was passed in July 2012.

3) The rules that came with the $8.4 billion in FY 2009 FTA Recovery Act funding included a "use it or lose" requirement that all funds be obligated within 12 months. This requirement and the fact that no Federal match was required caused transit agencies to apply for their Recovery Act funds before applying for their regular Chapter 53 formula funds, slowing those obligations.

4) FTA was prevented from obligating funds to transit agencies in California during FY 2013 because of requirements in state legislation called the California Employees' Pension Reform Act (PEPRA).

5) A recent change in MAP-21 allows transit agencies up to 6 years beginning in FY 2013 to obligate Section 5307 Urbanized Area formula funds – FTA's largest program at $4.5 billion annually.

6) The workload created for FTA's grantees in the New York Area by the availability of Hurricane Sandy relief funds in early FY 2013 delayed the normal obligation pattern of several of FTA's large grantees, including the New York Metropolitan Transit Authority (MTA) – FTA's largest grantee.

U.S. DEPARTMENT OF TRANSPORTATION
Pipeline and Hazardous Materials Safety Administration
History of Unobligated Carryover by Account
FY 2005 - FY 2014
($ in millions)

Account Name (Treasury Symbol)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
National Motor Carrier Safety	4	3	5	15	20	16	16	16	20	21
Motor Carrier Safety	19	31	36	37	2	7	11	18		2
Motor Carrier Safety Grants	N/A	N/A	11	13	7	5	36	53	72	92
Operations and Program	N/A	N/A	12	14	12	10	13	18	17	22

Blank cells indicate carryover was $0 or less than $500K. N/A indicates account was newly established and had no carryover.

U.S. DEPARTMENT OF TRANSPORTATION
Pipeline and Hazardous Materials Safety Administration
History of Unobligated Carryover by Account
FY 2005 - FY 2014
($ in millions)

Account Name (Treasury Symbol)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Pipeline Safety	17	14	13	16	3	5	5	8	11	9
Trust Fund Share of Pipeline Safety	8	9	6	8	9	10	11	15	12	11
Emergency Preparedness Grants	0	0	0	0						
Hazardous Materials Safety	0	0	0	1	3	4	4	3	3	3
Research and Special Programs *	2	1	1	1	0	0	0	0	0	0

Blank cells represent carryover of less than $500K.
*Not able to determine reimbursable amount for FY 2005

U.S. DEPARTMENT OF TRANSPORTATION
National Highway Traffic Safety Administration
History of Unobligated Carryover by Account
FY 2005 - FY 2014
($ in millions)

Account Name (Treasury Symbol)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Operations and Research (GF)	4	1	1		2	1	3	4	13	16
Operations and Research - National Driver Register (TF)	1	2	1	2	1					
Highway Traffic Safety Grants/1 (TF)	4	4	19	16	60	16	14	25	196	22
Operations and Research (TF)	5	12	27	74	11	11		9	10	13
Consumer Assistance to Recycle and Save Program (GF)							10	20	20	21
National Driver Register Modernization (GF)							1	1		

Blank cells represent carryover of less than $500K.

1/A significant portion of these carry-over funds in FY 2013 were provided for specific grants that were repealed by MAP-21 authorization; the remaining funds were provided for the NASS moderization project or for grants awarded late in the fiscal year that were accrued and obligated after the fiscal year close out.

U.S. DEPARTMENT OF TRANSPORTATION
Maritime Administration
History of Unobligated Carryover by Account
FY 2005 - FY 2014
($ in millions)

Account Name	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Operations and Training	2	5	3	2	19	41	26	49	56	59
Gifts and Bequests	0	0	0	0	0	1	1	2	3	2
Special Studies and Programs	0	6	6	1	3	1	14	13	0	1
Ship Disposal	8	12	16	14	20	26	20	16	12	7
Maritime Security Program	2	1	3	0	1	5	10	16	4	
Assistance To Small Shipyards						1	1	1	1	1
National Defense Tank Vessel Construction		74	74	74						
Ship Construction	2	2	3	7	1					
Ready Reserve Force	3	3	4	2	2	2	2	43	21	25
Operating-differential Subsides				1	1	1	1	1	11	
Ocean Freight Differential					91	26	80	80	32	
Federal Ship Finacing Fund Liquidating Acct	0			0	0	0				
Vessel Operations Revolving Fund	9	13	22	20	52	95	42	52	59	73
War Risk Insurance Revolving Fund	39	41	42	43	44	46	47	47	47	48
Port of Guam Enterprise Fund							50	50	48	42
Maritime Guaranteed Loan Program:										
Subsidy	16	0	7	7	12	43	77	62	28	38

U.S. DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

History of Unobligated Carryover by Account

FY 2005 - FY 2014

($ in millions)

Account Name	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Safety and Operations	8	10	12	4	9	8	5	5	17	11
Railroad Safety Technology						50	50			1
Research and Development	4	9	6	10	10	10	9	14	12	10
Penn Station	60	60	60	60	60	60	60			
Amtrak (Old Amtrak, ARRA Amtrak and Hurricane Sandy)	24	4	12	1	1	7	1	2	1	83
Efficiency Grants to Amtrak			31	63						
Emergency Railroad Rehabilitation and Repair					20	20	5	3	1	2
Capital and Debt Service Grants to Amtrak					37	4	13	20	19	19
Next Generation HSR	13	18	12	9	8	9	9	9	8	10
Northeast Corridor Improvement	4	5	6	6	6	4	6	6	6	6
Intercity Passenger Rail						92	78	34	20	17
Rail Line Relocation and Improvement					20	45	73	51	39	19
HSIPR (ARRA and FY 2010)						7,995	9,600	2,000	119	99

Notes:

Analysis presents accounts as rolled together on the FACTS II report, with some minor accounts being consolidated for presentation purposes

Accounts with unobligated balances below $500,000 are not shown.

U.S. DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration
History of Unobligated Carryover by Account
FY 2005 - FY 2014
($ in millions)

Account Name (Treasury Symbol)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
F&E	885	791	855	959	969	1,129	1,293	1,260	1,077	984
RE&D	11	14	24	26	31	60	143	75	74	84
AIP	284	482	39	202	102	394	3	12	13	15

U.S. DEPARTMENT OF TRANSPORTATION

Office of the Secretary

History of Unobligated Carryover by Account

FY 2005 - FY 2014

($ in millions)

Account Name (Treasury Symbol)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
SALARIES & EXPENSES	0	3	1	11	5	13	14	4	8	14
FINANCIAL MANAGEMENT CAPITAL						5	6	10	12	7
MINORITY BUSINESS OUTREACH		8	8	9	9	0	8	7	7	8
TRANSPORTATION PLANNING, RESEARCH & DEVELOPMENT	4	9	6	15	12	10	7	7	8	10
TIGER GRANTS ARRA						1,500	1,079			
NATIONAL INFRASTRUCTURE INVESTMENTS PROGRAM (NII)							599	653	835	473
NEW HEADQUARTERS BUILDING		24	11	6	2	0	2	1	1	1
MBRC GUARANTEED LOAN FIN	1	1	1	0	0	0	0	0	0	1
CYBER SECURITY INITIATIVES									6	8
GIFTS & BEQUESTS	0	0		0	0	0				
ESSENTIAL AIR SERVICE PROGRAM:	2	36	28	37	28	15	41	24	11	16
AIR CARRIER COMPENSATION	278	73	72	23	1	0	6	7	7	
AIR CARRIER PAYMENTS	0	0	0	0	0					
COMPENSATION TO GENERAL AVIATION			17	17	3	3	3	3		
RESEARCH & DEVELOPMENT/RESEARCH & TECHNOLOGY	0	1	1	1	0	1	1	1	2	1

U.S. DEPARTMENT OF TRANSPORTATION

Office of the Inspector General

History of Unobligated Carryover by Account

FY 2005 - FY 2014

($ in millions)

Account Name (Treasury Symbol)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Salaries & Expenses	0	0	0	0	0	0	0	0	0	0
Salaries & Expenses, Recovery Act	0	0	0	0	0	20	16	8	4	0
Salaries & Expenses, Emergency Disaster Relief	0	0	0	0	0	0	0	0	0	6
Salaries & Expenses, Rebates	0	0	0	0	0	0	0	0	0	0

U.S. DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

History of Unobligated Carryover by Account

FY 2005 - FY 2014

($ in millions)

Account Name (Treasury Symbol)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Appalachian Development Highway System, GF	194	196	133	107	95	72	58	67	59	58
Appalachian Development Highway System, HTF	4	3	3	2	2	2	1	3	3	3
Emergency Relief Program			1,330	1,372	1,666	802	444	266	641	1,659
Federal-aid Highways	29,026	34,249	35,319	35,724	35,439	25,819	31,025	29,328	30,017	27,859
Highway Infrastructure Investment, Recovery Act						7,747	26	14		
Highway Infrastructure Programs							419	213		
Miscellaneous Appropriations	165	138	151	130	121	228	436	332	260	213
Miscellaneous Highway Trust Fund	420	356	260	165	148	124	106	96	87	86
Miscellaneous Trust Funds	175	78	43	64	42	42	43	57	46	38
Payment to the Highway Trust Fund										
Right of Way Revolving Fund		12	15	15						
State Infrastructure Banks							1	1	1	1
TIFIA Direct Loan Financing Account	1,274	39	31		1	11	44	30	30	25
TIFIA General Fund Program Account								20	45	

Blank cells indicate carryover was $0 or less than $500K

U.S. DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

History of Unobligated Carryover by Account

FY 2005 - FY 2014

($ in millions)

Account Name (Treasury Symbol)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Tansit Formula Grants (TF)	30	29	3,657	3,818	3,311	5,714	7,426	7,954	8,296	9,115
Discretionary Grants (TF)	45	28	7	5	4	2	5	5	17	14
Formula Grants (GF)	2,066	2,541	599	349	81	82	84	85	104	87
Administrative Expenses (GF)										3
Research Training & Human Resources (GF)			1							
Urban Discretionary (GF)	-1								1	1
Job Access & Reverse Commute (GF)	128	123	51	23	15	13	13	14	15	16
Interstate Transfer Grant (GF)	-18	-18	2			1	3	3	3	3
Washington Metro Area Transit Authority (GF)	1					1	151	150	151	143
Captial Investment Grants (GF)	3,238	2,870	1,798	1,090	973	1,818	2,578	2,377	1,319	1,510
University Transportation Centers (GF)	6	10	8						1	1
Transit Planning and Research (GF)	68	82	45	65	66	76	105	102	106	124
Emergency Public Relief (GF)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9,578
Transit Capital Assistance ARRA (GF)	N/A	N/A	N/A	N/A	N/A	945	42	11	N/A	N/A
Fixed Guideway Infrastructure Investment ARRA (GF)	N/A	N/A	N/A	N/A	N/A	11	4		N/A	N/A
Capital Invesement Grants ARRA (GF)	N/A	N/A	N/A	N/A	N/A	282	6		N/A	N/A
Energy Efficiency and Greenhouse Gas Reductions (GF)	N/A	N/A	N/A	N/A	N/A	N/A	75	66	14	N/A

*** (blank cell) represents unobligated balances below one million.**

*** (NA) represents not applicable**

Footnotes:

1) The delay in the availability of a full year of funding, which has occurred in most recent years, does not leave enough time for the grantees to prepare applications and for grants to be obligated before the end of the fiscal year.

2) Partial year extensions at the end of SAFETEA-LU's authorization led to incremental increases in contract authority but did not provide enough funding for grantees to submit applications until late into the fiscal year. This process went on from September 2009 until MAP-21 was passed in July 2012.

3) The rules that came with the $8.4 billion in FY 2009 FTA Recovery Act funding included a "use it or lose" requirement that all funds be obligated within 12 months. This requirement and the fact that no Federal match was required caused transit agencies to apply for their Recovery Act funds before applying for their regular Chapter 53 formula funds, slowing those obligations.

4) FTA was prevented from obligating funds to transit agencies in California during FY 2013 because of requirements in state legislation called the California Employees' Pension Reform Act (PEPRA).

5) A recent change in MAP-21 allows transit agencies up to 6 years beginning in FY 2013 to obligate Section 5307 Urbanized Area formula funds – FTA's largest program at $4.5 billion annually.

6) The workload created for FTA's grantees in the New York Area by the availability of Hurricane Sandy relief funds in early FY 2013 delayed the normal obligation pattern of several of FTA's large grantees, including the New York Metropolitan Transit Authority (MTA) – FTA's largest grantee.

U.S. DEPARTMENT OF TRANSPORTATION
Pipeline and Hazardous Materials Safety Administration
History of Unobligated Carryover by Account
FY 2005 - FY 2014
($ in millions)

Account Name (Treasury Symbol)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
National Motor Carrier Safety	4	3	5	15	20	16	16	16	20	21
Motor Carrier Safety	19	31	36	37	2	7	11	18		2
Motor Carrier Safety Grants	N/A	N/A	11	13	7	5	36	53	72	92
Operations and Program	N/A	N/A	12	14	12	10	13	18	17	22

Blank cells indicate carryover was $0 or less than $500K. N/A indicates account was newly established and had no carryover.

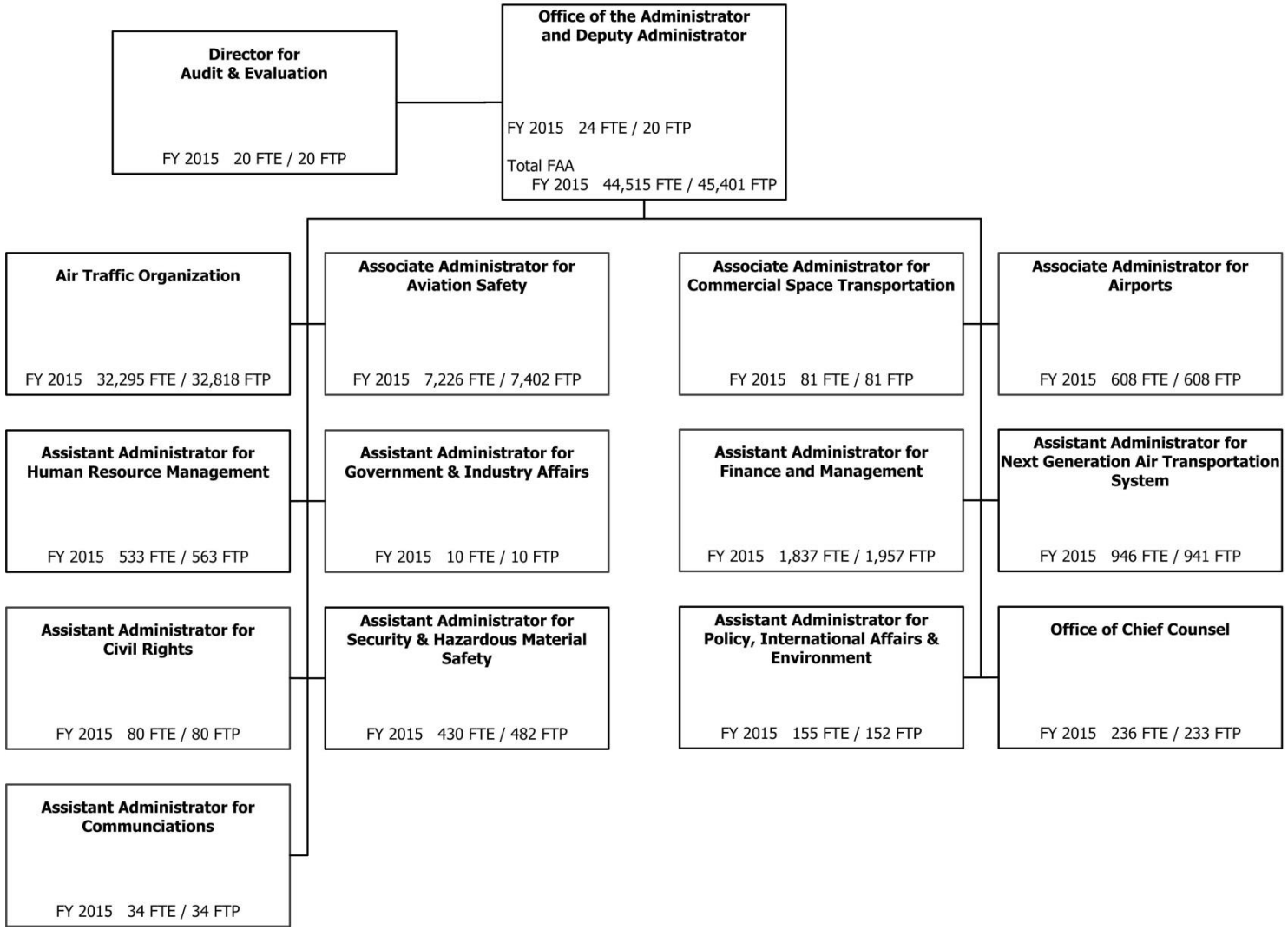
U.S. DEPARTMENT OF TRANSPORTATION
Pipeline and Hazardous Materials Safety Administration
History of Unobligated Carryover by Account
FY 2005 - FY 2014
($ in millions)

Account Name (Treasury Symbol)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Pipeline Safety	17	14	13	16	3	5	5	8	11	9
Trust Fund Share of Pipeline Safety	8	9	6	8	9	10	11	15	12	11
Emergency Preparedness Grants	0	0	0	0						
Hazardous Materials Safety	0	0	0	1	3	4	4	3	3	3
Research and Special Programs *	2	1	1	1	0	0	0	0	0	0

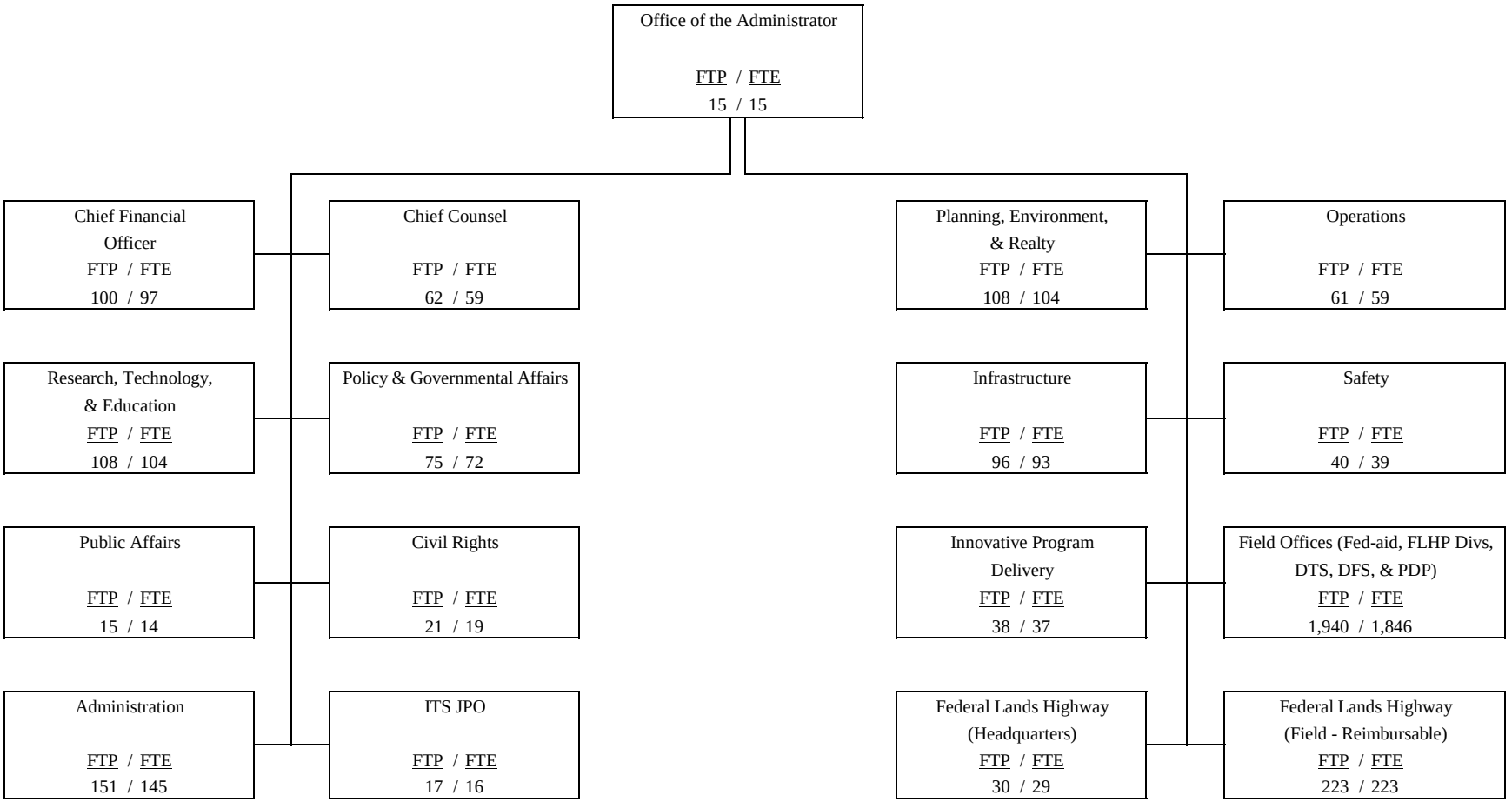
Blank cells represent carryover of less than $500K.
*Not able to determine reimbursable amount for FY 2005

FAA

Exhibit I-B
ORGANIZATION CHART
FY 2015



FEDERAL HIGHWAY ADMINISTRATION ORGANIZATION CHART
FY 2015 FTP POSITIONS AND FTE ESTIMATES



FTP - POSITIONS	
Direct funded	2,877
Indirect funded	226
Total	3,103

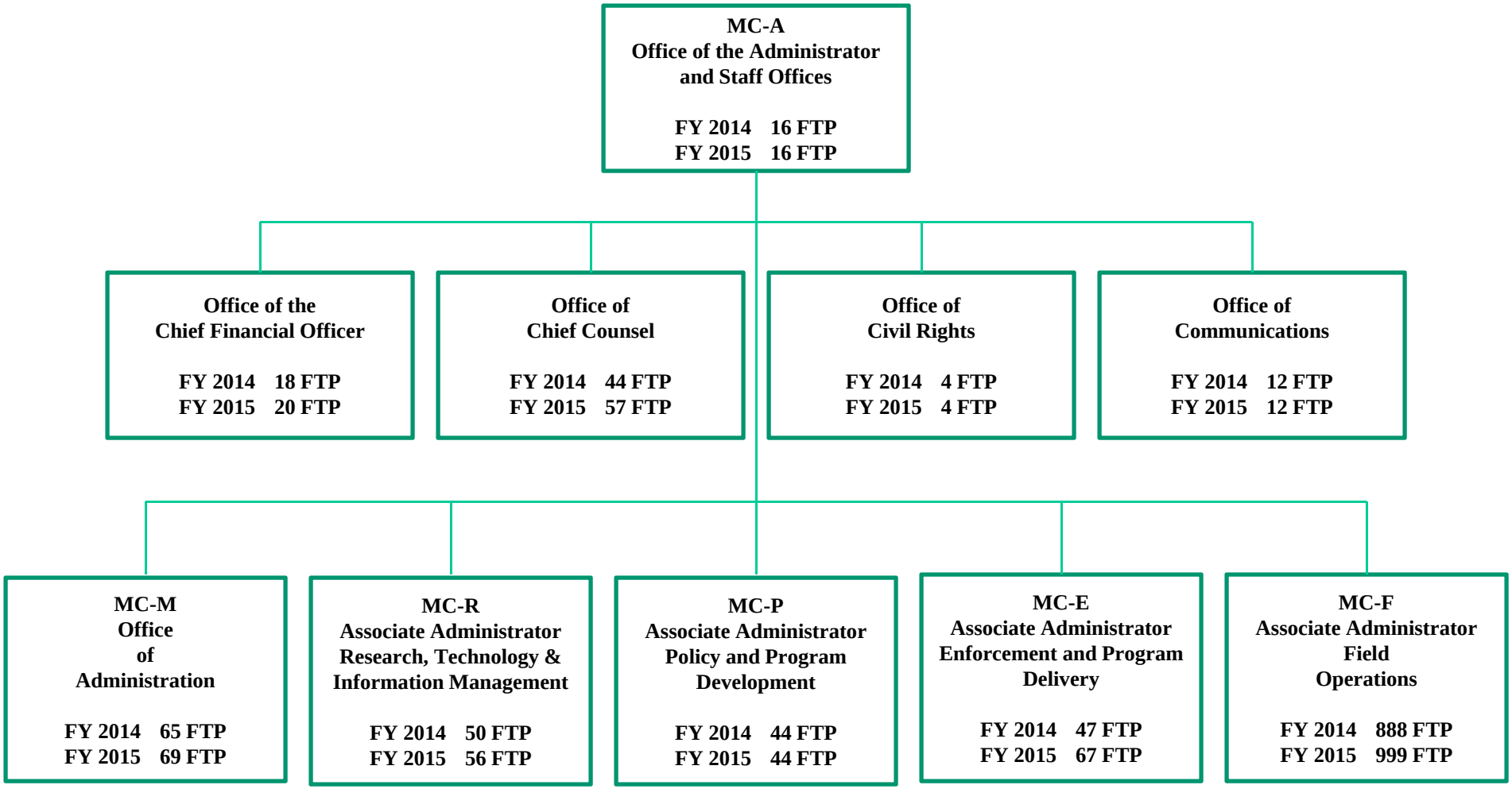
FTE	
Direct funded	2,748
Indirect funded	226
Total	2,974

FTP & FTE shown by office are estimates only. FHWA has periodic needs that change due to proper management of the organization. Direct funded FTE presented by office reflect a pro-ration of total FTE. Indirect funded FTP & FTE include Federal Lands Highway reimbursable FTE and allocation FTE from OST.

Exhibit I-B

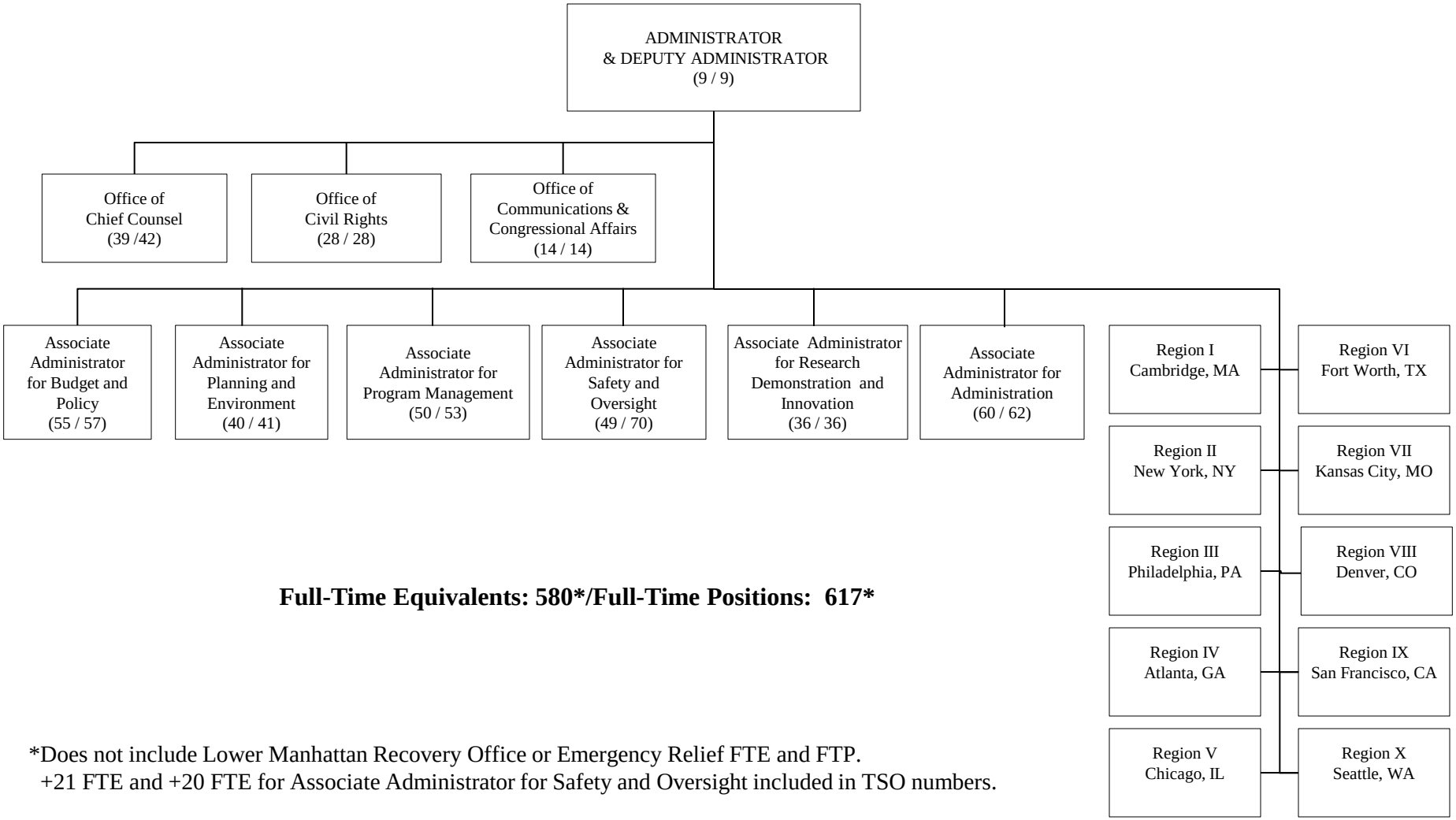
Federal Motor Carrier Safety Administration

Organization Chart



Total FY 2014 Request: 1,188 FTP
Total FY 2015 Request: 1,342 FTP

FEDERAL TRANSIT ADMINISTRATION
FY 2015 Administrative Organizational Chart with FTE and Full-Time Positions



Full-Time Equivalents: 580*/Full-Time Positions: 617*

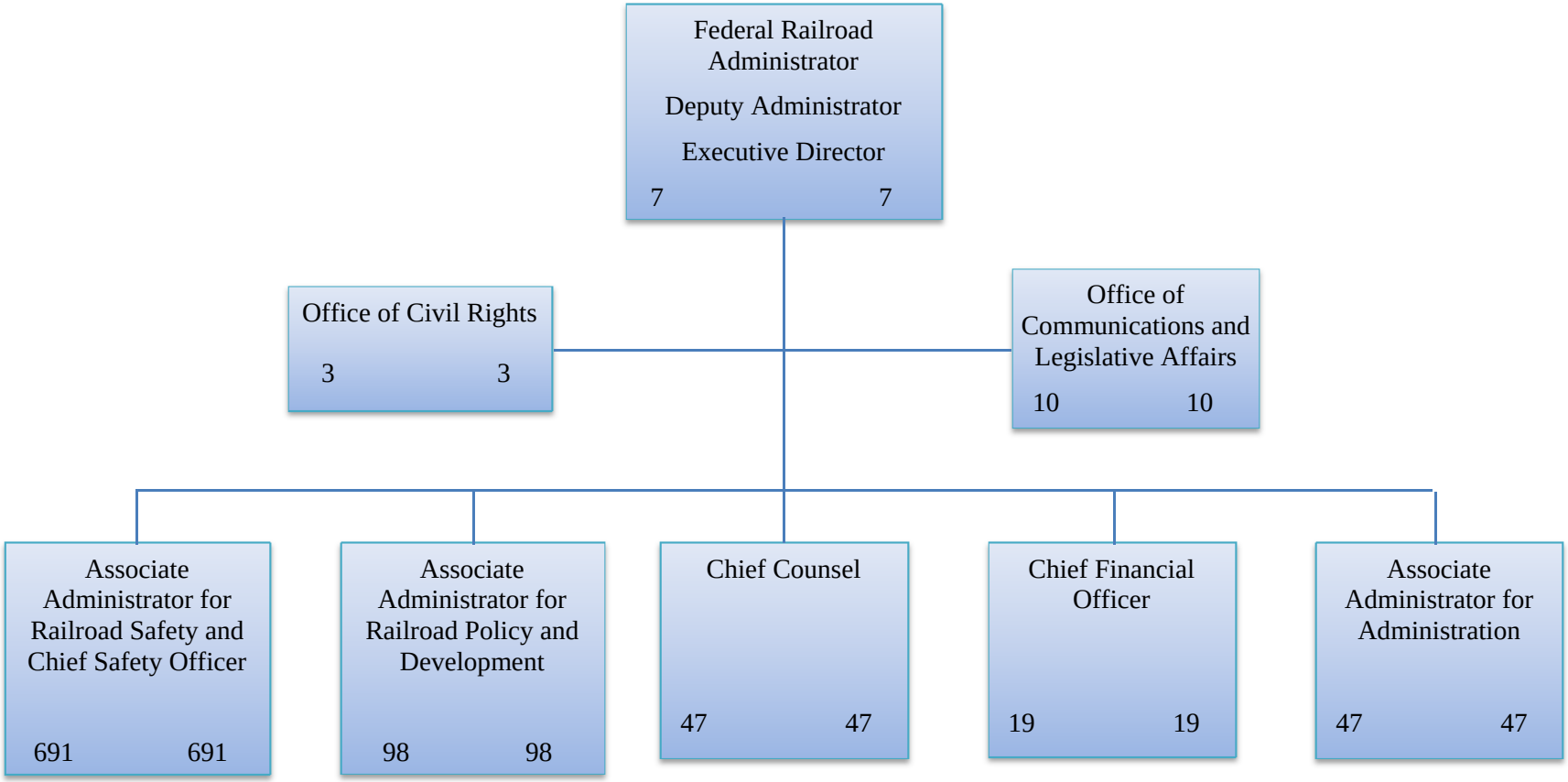
*Does not include Lower Manhattan Recovery Office or Emergency Relief FTE and FTP.
+21 FTE and +20 FTE for Associate Administrator for Safety and Oversight included in TSO numbers.

Regional Total
(200 / 205)

DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION

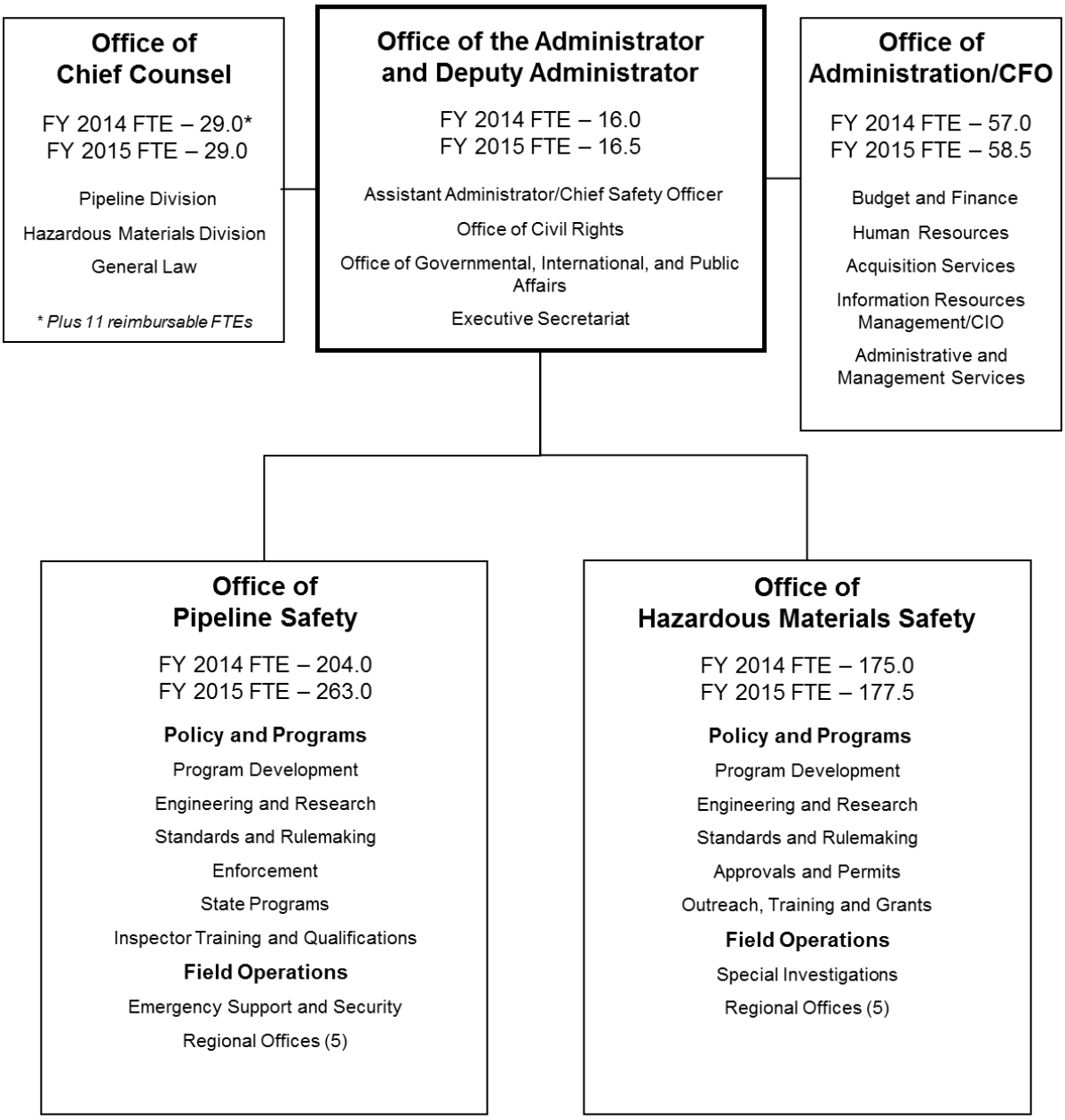
FY 2015 Organization Chart

922 Full-time Positions (FTP); 922 Full-time Equivalents (FTE) *



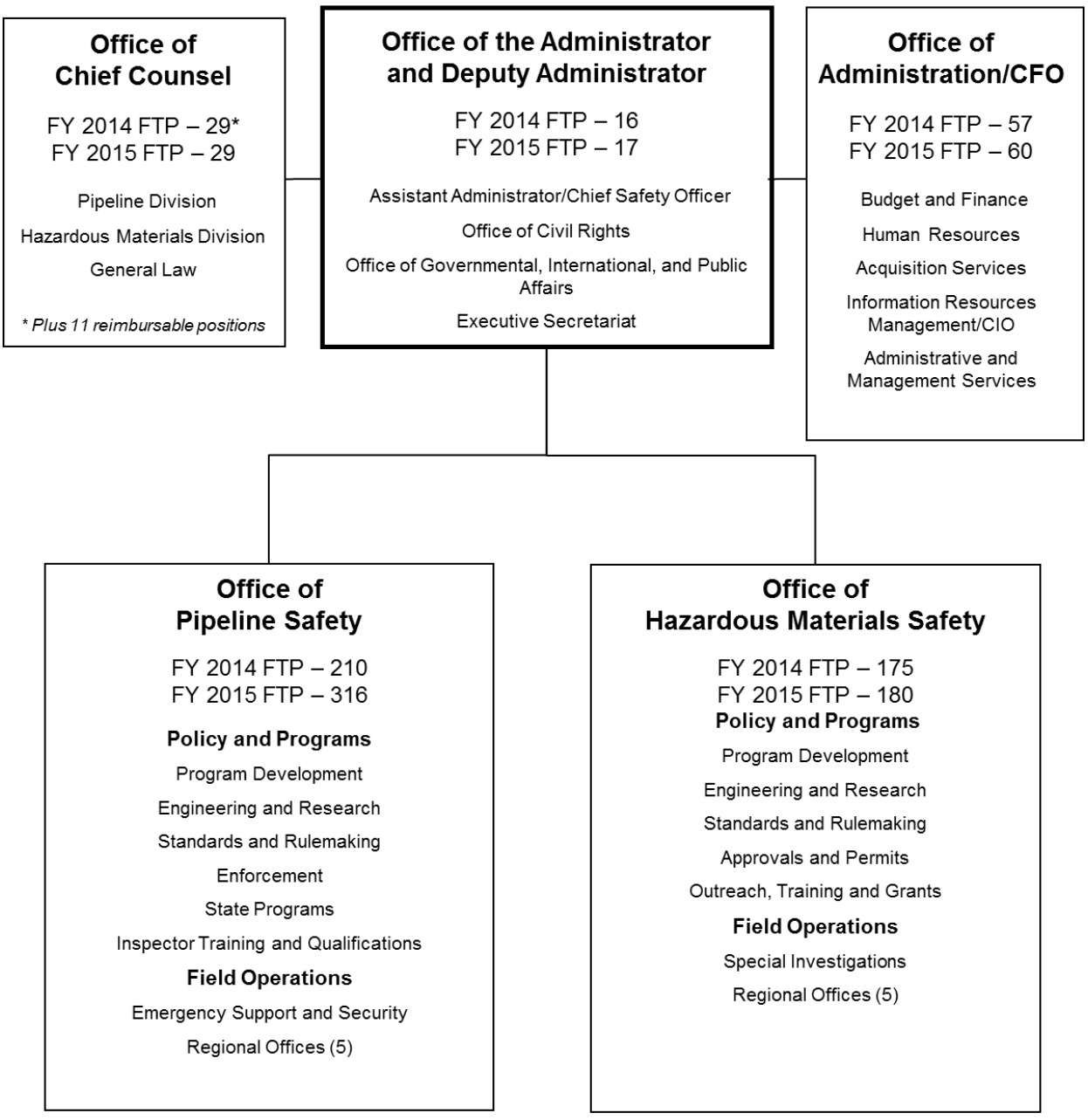
* Includes personnel funded from the Safety and Operations account and prior year balances in the High-Speed Corridors and Intercity Passenger Rail Service account. The number of positions listed is the estimated number of employees that will be on board at the end of the fiscal year.

Pipeline and Hazardous Materials Safety Administration (PHMSA)
Full-Time Equivalents (FTEs) for FY 2014 and FY 2015 Budget Request
Totals: FY 2014 FTE –492.0 / FY 2015 FTE – 544.5



Note: Organizational Chart reflects where staff is currently working not according to funding.

Pipeline and Hazardous Materials Safety Administration (PHMSA)
Full-Time Positions (FTPs) for FY 2014 and FY 2015 Budget Request
Totals: FY 2014 FTP – 498 / FY 2015 FTP – 602



Note: Organizational Chart reflects where staff is currently working not according to funding.

Organizational Chart---FTE

U.S. Department of Transportation

Maritime Administration

FY 2014- FY 2015

MARAD Total FY 2014 FTE	842
Direct	507
Reimbursable	335
MARAD Total FY 2015 FTE	842
Direct	840
Reimbursable	2

Office of the Administrator and Staff Offices

	2014	2015
Direct	54	59
Reim.	5	0
Total	59	59

United States Merchant Marine Academy

	2014	2015
Direct	285	285
Reim.	0	0
Total	285	285

Associate Administrator for Budget and Programs/ Chief Financial Officer

	2014	2015
Direct	17	32
Reim.	15	0
Total	32	32

Associate Administrator for Administration

	2014	2015
Direct	37	65
Reim.	28	0
Total	65	65

Associate Administrator for Environment and Compliance

	2014	2015
Direct	17	19
Reim.	2	0
Total	19	19

Associate Administrator for Intermodal System Development

	2014	2015
Direct	34	35
Reim.	1	0
Total	35	35

Associate Administrator for Strategic Sealift

	2014	2015
Direct	34	316
Reim.	283	0
Total	316	316

Associate Administrator for Business and Finance Development

	2014	2015
Direct	30	30
Reim.	2	2
Total	32	32

Organizational Chart---FTP

U.S. Department of Transportation

Maritime Administration

FY 2014- FY 2015

MARAD Total FY 2014 FTP	872
Direct	533
Reimbursable	339
MARAD Total FY 2015 FTP	872
Direct	870
Reimbursable	2

Office of the Administrator and Staff Offices

	2014	2015
Direct	58	63
Reim.	5	0
Total	63	63

United States Merchant Marine Academy

	2014	2015
Direct	295	295
Reim.	0	0
Total	295	295

Associate Administrator for Budget and Programs/ Chief Financial Officer

	2014	2015
Direct	18	33
Reim.	15	0
Total	33	33

Associate Administrator for Administration

	2014	2015
Direct	40	68
Reim.	28	0
Total	68	68

Associate Administrator for Environment and Compliance

	2014	2015
Direct	18	20
Reim.	2	0
Total	20	20

Associate Administrator for Intermodal System Development

	2014	2015
Direct	36	37
Reim.	1	0
Total	37	37

Associate Administrator for Strategic Sealift

	2014	2015
Direct	36	322
Reim.	286	0
Total	322	322

Associate Administrator for Business and Finance Development

	2014	2015
Direct	32	32
Reim.	2	2
Total	34	34

Saint Lawrence Seaway Development Corporation
Organization Chart
FY 2015

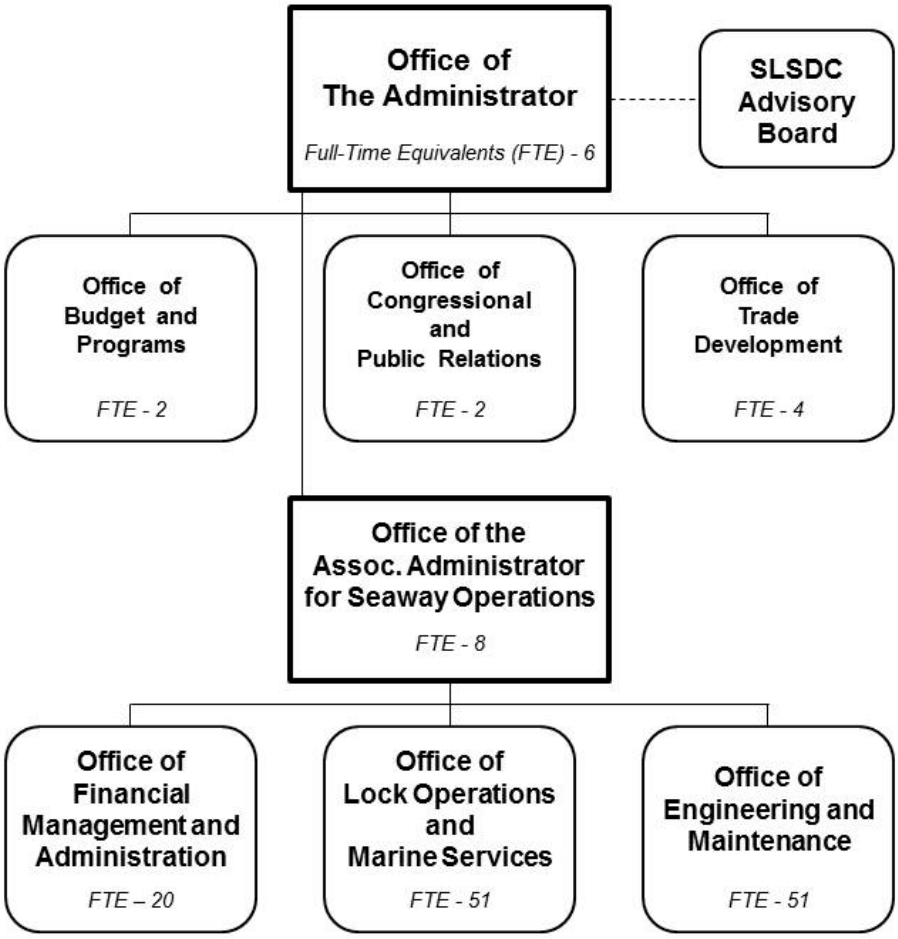


Exhibit I

U.S. Department of Transportation

Office of the Secretary – Direct Positions/FTEs

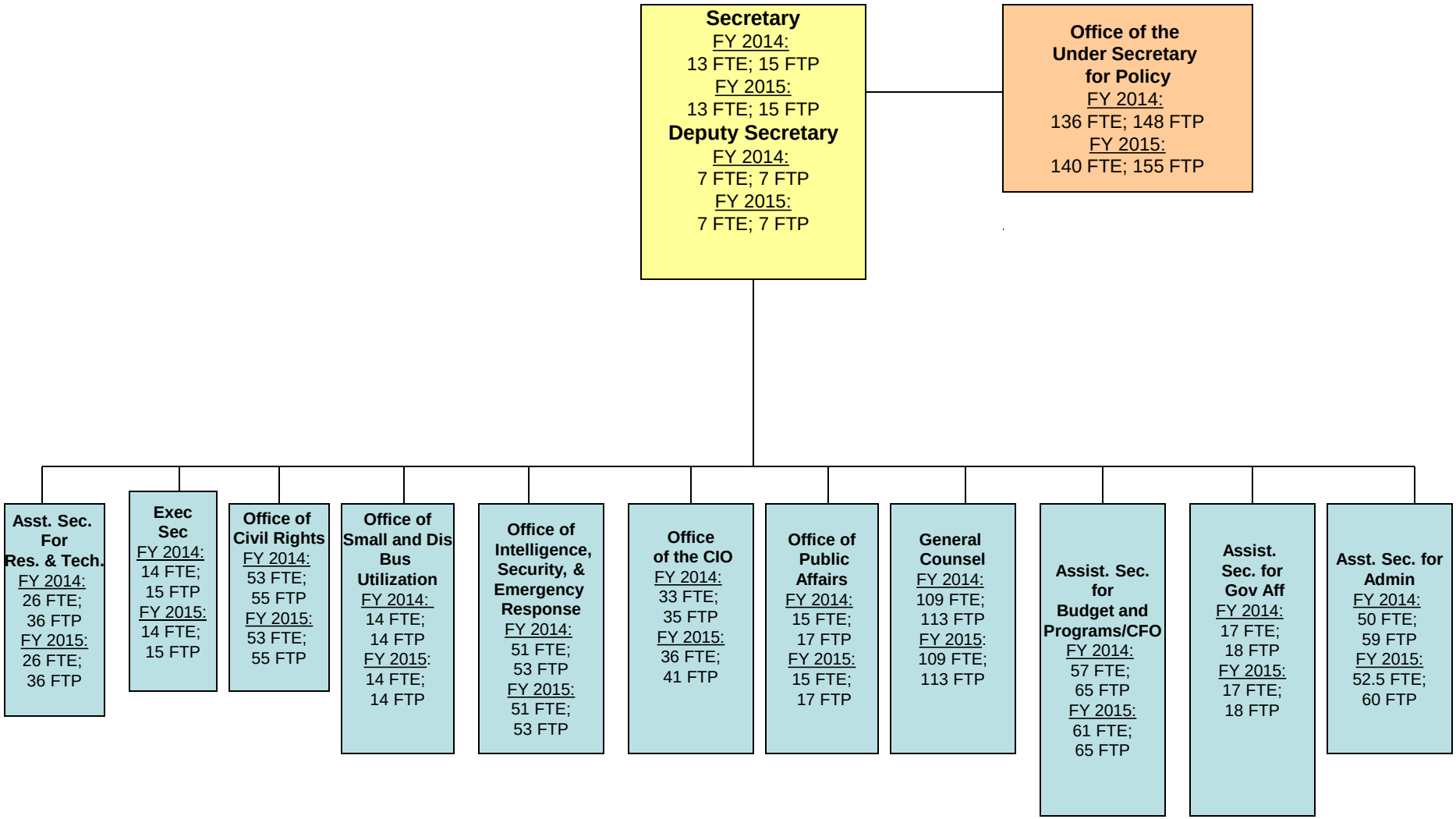
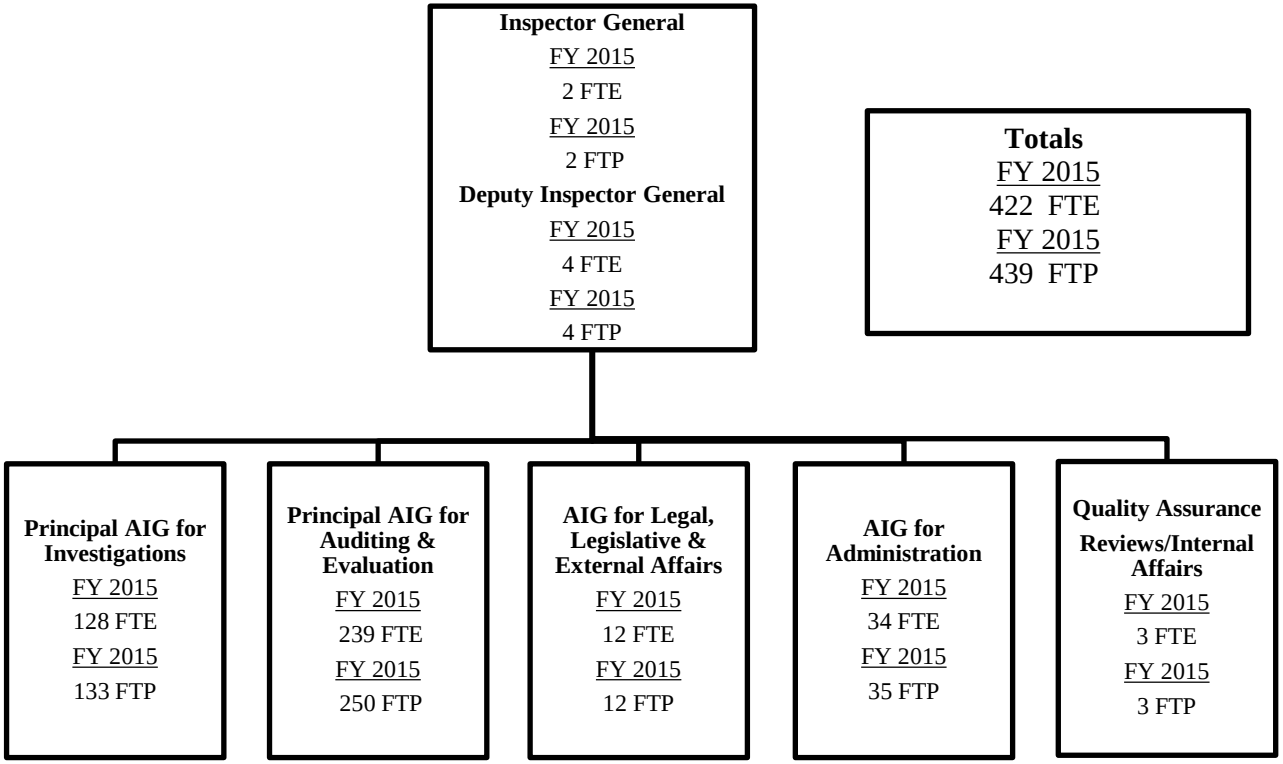


EXHIBIT III

DEPARTMENT OF TRANSPORTATION
OFFICE OF INSPECTOR GENERAL
FY 2015 QUESTIONS FOR THE RECORD
ORGANIZATIONAL CHART



Note: Reflects estimated Emergency Disaster Relief Oversight FTE and FTP of 15.

Surface Transportation Board Organization Chart

The above numbers to the left represent requested FY 2014 FTEs; the numbers to the right represent requested FY 2015 FTEs. The number of Full-Time Permanent positions and FTEs is the same. The total number of FTEs for the Surface Transportation Board is 136 for FY 2014 and 170 for FY 2015.

*Term ended December 31, 2013

U.S. Department of Transportation
National Highway Traffic Safety Administration

NHTSA
www.nhtsa.gov

Administrator
Vacant
NOA-010

Deputy Administrator

David Friedman
NOA-010

Chief Counsel

Kevin Vincent
NCC-110

Director, Governmental Affairs, Policy & Strategic Planning
Vacant
NGA-110

Director, Communications

Nathan Naylor
NOA-010

Director, Office of Civil Rights

Regina Morgan
NCR-110

Senior Associate Administrator, Policy & Operations
Vacant
NPO-010

Supervisor, Executive Secretariat

Julie Korkor
NPO-011

Director, Office of Human Resources

Darlene Peoples
NPO-012

Associate Administrator, Planning, Administrative & Financial Management

Mary Sprague
NPO-300

Budget
Vacant
NPO-310

Acquisition Management

Ross Jeffries
NPO-320

Financial Management

Susan Williams
NPO-330

Administrative & Management Services

Vanester Williams
NPO-340

Chief Information Officer

Colleen Coggins
NPO-400

Corporate Customer Services

Kevin Mahoney
NPO-410

Mission Architecture, Planning & Protection

Daniel Pitton
NPO-420

Systems Integration

Walter Bohorfoush
NPO-430

Associate Administrator, Communications & Consumer Information

Susan Gorcowski
NPO-500

Media Relations

Karen Aldana
NPO-510

Consumer Information

Susan McMeen
NPO-520

Communications Services

Warren Owens
NPO-530

Digital Strategies

James Schulte
NPO-540

Senior Associate Administrator, Traffic Injury Control

Brian McLaughlin
NTI-010

Associate Administrator, Research & Program Development

Jeffrey Michael
NTI-100

Impaired Driving & Occupant Protection

Michael Brown
NTI-110

Safety Programs

John Marshall
NTI-120

Behavioral Safety Research

Richard Compton
NTI-130

Emergency Medical Services

Drew Dawson
NTI-140

Associate Administrator, Regional Operations & Program Delivery

Maggi Gunnels
NTI-200

Region 1 Cambridge, MA

Michael Geraci
NTI-210

Region 3 Baltimore, MD

Elizabeth Baker, Ph.D.
NTI-230

Region 5 Matteson, IL

Mike Witter
NTI-250

Region 7 Kansas City, MO

Chris Murphy
NTI-270

Region 9 San Francisco, CA

David Manning
NTI-290

Region 2 White Plains, NY

Thomas M. Louizou
NTI-220

Region 4 Atlanta, GA

Terrance Schiavone
NTI-240

Region 6 Fort Worth, TX

Georgia S. Chakiris
NTI-260

Region 8 Lakewood, CO

Bill Watada
NTI-280

Region 10 Seattle, WA

John Moffat
NTI-310

Grants Management & Operations

Barbara Sauers
NTI-201

Senior Associate Administrator, Vehicle Safety

Daniel C. Smith
NVS-010

Associate Administrator, Rulemaking
Vacant
NVS-100

Crashworthiness Standards

Lori Summers
NVS-110

Crash Avoidance Standards

David Hines
NVS-120

International Policy, Fuel Economy, & Consumer Programs
Vacant
NVS-130

Associate Administrator, Enforcement

Nancy Lewis
NVS-200

Defects Investigation

Frank Borris
NVS-210

Vehicle Safety Compliance

Claude Harris
NVS-220

Odometer Fraud Investigation

David Sparks
NVS-230

Associate Administrator, Vehicle Safety Research

Nat Beuse
NVS-300

Vehicle Research & Test Center

Roger Saul
NVS-310

Vehicle Crashworthiness Research

Stephen Ridella
NVS-320

Vehicle Crash Avoidance & Electronic Controls Research

Tim Johnson
NVS-330

Associate Administrator, National Center for Statistics & Analysis

Terry Shelton
NVS-400

Data Acquisition

Chip Chidester
NVS-410

Traffic Records & Analysis

Chou-Lin Chen
NVS-420

Regulatory Analysis & Evaluation
Vacant
NVS-430

April 2014
10253a-042314-v2

DEPARTMENT OF TRANSPORTATION
FULL TIME EQUIVALENT EMPLOYMENT (FTE)
FY 2004- 2014 FTE HISOTRY

Account	FY 2004 Request	FY 2004 Enacted	FY 2004 Actual	FY 2005 Request	FY 2005 Enacted	FY 2005 Actual	FY 2006 Request	FY 2006 Enacted	FY 2006 Actual	FY 2007 Request	FY 2007 Enacted	FY 2007 Actual
Federal Aviation Administration	50,163	48,885	48,129	48,826	47,659	46,521	47,859	45,700	44,348	46,153	45,049	44,568
Federal Highway Administration	2,962	2,931	2,875	2,959	3,002	2,820	3,049	3,016	2,802	3,016	2,807	2,784
National Highway Traffic Safety Admin.	671	671	623	671	673	600	673	674	605	677	635	616
Federal Motor Carrier Safety Admin	1,118	1,078	1,006	1,118	1,097	1,031	1,100	1,100	1,059	1,114	1,114	1,011
Federal Transit Administration	542	527	501	537	527	482	537	527	505	541	541	519
Federal Railroad Administration	817	805	783	832	827	791	837	837	808	844	844	811
Research and Special Programs Admin.	1,014	989	0	1,004	0	0	0	0	0	0	0	0
Pipeline and Hazardous Materials Safety Admin.	0	0	378	0	406	358	397	395	337	401	396	353
Saint Lawrence Seaway Development Corp.	157	157	149	157	157	146	157	157	145	157	157	144
Surface Transportation Board	145	145	135	145	150	134	128	150	137	130	125	136
Maritime Administration	958	890	824	903	827	827	827	827	785	820	785	756
Bureau of Transportation Statistics	147	136	0	144	0	0	0	0	0	0	0	0
Research and Innovative Technology Admin	0	0	676	0	742	673	749	749	672	754	754	659
Working Capital Fund	239	239	226	239	239	205	239	239	183	219	219	173
Office of Inspector General	430	430	416	435	430	418	435	430	419	420	420	405
Office of the Secretary	618	618	550	640	629	538	635	633	523	639	635	463
National Infrastructure Bank	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	**59,981**	**58,501**	**57,271**	**58,610**	**57,365**	**55,544**	**57,622**	**55,434**	**53,328**	**55,885**	**54,481**	**53,398**

DEPARTMENT OF TRANSPORTATION
FULL TIME EQUIVALENT EMPLOYMENT (FTE)
FY 2004- 2014 FTE HISOTRY

Account	FY 2008 Request	FY 2008 Enacted	FY 2008 Actual	FY 2009 Request	FY 2009 Enacted	FY 2009 Actual	FY 2010 Request	FY 2010 Enacted	FY 2010 Actual	FY 2011 Request	FY 2011 Enacted	FY 2011 Actual
Federal Aviation Administration	45,401	45,782	45,897	46,103	46,983	47,479	47,431	48,159	47,973	48,364	48,284	48,027
Federal Highway Administration	3,017	2,820	2,804	2,861	2,814	2,833	2,844	2,923	2,907	2,923	2,979	2,938
National Highway Traffic Safety Admin.	623	635	617	635	635	608	635	632	610	650	617	599
Federal Motor Carrier Safety Admin	1,119	1,119	1,018	1,119	1,119	1,048	1,119	1,123	1,064	1,182	1,123	1,079
Federal Transit Administration	527	526	511	526	526	523	526	553	560	716	575	570
Federal Railroad Administration	850	850	812	853	869	817	886	895	840	948	917	856
Research and Special Programs Admin.	0	0	0	0	0	0	0	0	0	0	0	0
Pipeline and Hazardous Materials Safety Admin.	405	410	360	421	428	374	449	464	385	483	483	434
Saint Lawrence Seaway Development Corp.	157	157	139	157	157	138	157	157	135	157	157	132
Surface Transportation Board	125	150	138	122	150	141	150	156	149	121	148	140
Maritime Administration	800	748	735	803	789	759	842	842	772	846	822	805
Bureau of Transportation Statistics	0	0	0	0	0	0	0	0	0	0	0	0
Research and Innovative Technology Admin	759	759	650	759	706	653	706	706	671	707	688	678
Working Capital Fund	227	219	172	219	219	179	213	216	196	271	246	205
Office of Inspector General	410	410	406	412	419	410	451	453	438	461	428	448
Office of the Secretary	637	565	456	634	562	463	594	610	516	668	636	527
National Infrastructure Bank	0	0	0	0	0	0	0	0	0	100	0	0
TOTAL	**55,057**	**55,150**	**54,715**	**55,624**	**56,376**	**56,425**	**57,003**	**57,889**	**57,216**	**58,596**	**58,103**	**57,438**

DEPARTMENT OF TRANSPORTATION
FULL TIME EQUIVALENT EMPLOYMENT (FTE)
FY 2004- 2014 FTE HISOTRY

Account	FY 2012 Request	FY 2012 Enacted	FY 2012 Actual	FY 2013 Request	FY 2013 Enacted	FY 2013 Actual	FY 2014 Request	FY 2014 Enacted
Federal Aviation Administration	48,539	48,052	47,563	48,069	47,693	46,626	47,747	46,064
Federal Highway Administration	3,015	2,955	2,898	2,926	2,949	2,858	2,967	2,974
National Highway Traffic Safety Admin.	684	610	592	655	610	578	657	614
Federal Motor Carrier Safety Admin	1,230	1,123	1,092	1,123	1,123	1,099	1,149	1,149
Federal Transit Administration	685	570	562	645	528	522	596	566
Federal Railroad Administration	1,035	871	860	894	885	884	889	903
Research and Special Programs Admin.	0	0	0	0	0	0	0	0
Pipeline and Hazardous Materials Safety Admin.	514	485	440	572	486	438	513	492
Saint Lawrence Seaway Development Corp.	144	144	127	144	144	126	144	144
Surface Transportation Board	154	140	134	149	149	136	153	156
Maritime Administration	835	835	796	840	840	811	840	842
Bureau of Transportation Statistics	0	0	0	0	0	0	0	0
Research and Innovative Technology Admin	688	688	660	[678]	678	669	[678]	[678]
Working Capital Fund	262	241	222	246	246	224	248	248
Office of Inspector General	471	420	443	410	420	400	422	422
Office of the Secretary	643	569	530	1,283	581	512	1,280	1,263
National Infrastructure Bank	100	0	0	0	0	0	0	0
TOTAL	**58,999**	**57,703**	**56,919**	**57,956**	**57,332**	**55,883**	**57,605**	**55,837**

DEPARTMENT OF TRANSPORTATION **TABLE 14**
DIRECT AND ALLOCATION
FULL TIME EQUIVALENT EMPLOYMENT (FTE)
FY 2015 BUDGET REQUEST

Account	FY 2013 ACTUAL	FY 2014 ENACTED	FY 2015 PRES. BUD.
Federal Aviation Administration	44,591	43,995	44,515
Federal Highway Administration	2,635	2,751	2,751
National Highway Traffic Safety Admin.	575	621	648
Federal Motor Carrier Safety Admin	1,042	1,088	1,191
Federal Transit Administration	522	566	625
Federal Railroad Administration	884	903	922
Pipeline and Hazardous Materials Safety Admin.	430	481	544
Saint Lawrence Seaway Development Corp.	0	0	0
Surface Transportation Board	131	151	144
Maritime Administration	481	507	840
Research and Innovative Technology Admin	93	[96]	[96]
Office of Inspector General	400	422	422
Office of the Secretary	496	665	679
TOTAL	**52,280**	**52,150**	**53,281**

DEPARTMENT OF TRANSPORTATION
FULL TIME EQUIVALENT EMPLOYMENT (FTE) AND POSITIONS (FTP)
FY 2013 BUDGET REQUEST

Account	FY 2011 ENACTED FTP	FY 2011 ENACTED FTE	FY 2012 PRES. BUD. FTP	FY 2012 PRES. BUD. FTE
Federal Aviation Administration	#REF!	48,284	#REF!	48,539
Federal Highway Administration	#REF!	2,979	#REF!	3,015
National Highway Traffic Safety Admin.	#REF!	617	#REF!	684
Federal Motor Carrier Safety Admin	#REF!	1,123	#REF!	1,230
Federal Transit Administration	#REF!	575	#REF!	685
Federal Railroad Administration	#REF!	917	#REF!	1,035
Pipeline and Hazardous Materials Safety Admin.	#REF!	483	#REF!	514
Saint Lawrence Seaway Development Corp.	#REF!	157	#REF!	144
Surface Transportation Board	#REF!	148	#REF!	154
Maritime Administration	#REF!	822	#REF!	835
Research and Innovative Technology Admin	#REF!	688	#REF!	688
Working Capital Fund	#REF!	246	#REF!	262
Office of Inspector General	#REF!	428	#REF!	471
Office of the Secretary	#REF!	636	#REF!	643
National Infrastructure Bank	#REF!	0	#REF!	100
TOTAL	**#REF!**	**58,103**	**#REF!**	**58,999**

DEPARTMENT OF TRANSPORTATION
FULL TIME EQUIVALENT EMPLOYMENT (FTE)
FY 2004- 2014 FTE HISOTRY

Account	FY 2004 Request	FY 2004 Enacted	FY 2004 Actual	FY 2005 Request	FY 2005 Enacted	FY 2005 Actual	FY 2006 Request	FY 2006 Enacted	FY 2006 Actual	FY 2007 Request	FY 2007 Enacted	FY 2007 Actual
Federal Aviation Administration	50,163	48,885	48,129	48,826	47,659	46,521	47,859	45,700	44,348	46,153	45,049	44,568
Federal Highway Administration	2,962	2,931	2,875	2,959	3,002	2,820	3,049	3,016	2,802	3,016	2,807	2,784
National Highway Traffic Safety Admin.	671	671	623	671	673	600	673	674	605	677	635	616
Federal Motor Carrier Safety Admin	1,118	1,078	1,006	1,118	1,097	1,031	1,100	1,100	1,059	1,114	1,114	1,011
Federal Transit Administration	542	527	501	537	527	482	537	527	505	541	541	519
Federal Railroad Administration	817	805	783	832	827	791	837	837	808	844	844	811
Research and Special Programs Admin.	1,014	989	0	1,004	0	0	0	0	0	0	0	0
Pipeline and Hazardous Materials Safety Admin.	0	0	378	0	406	358	397	395	337	401	396	353
Saint Lawrence Seaway Development Corp.	157	157	149	157	157	146	157	157	145	157	157	144
Surface Transportation Board	145	145	135	145	150	134	128	150	137	130	125	136
Maritime Administration	958	890	824	903	827	827	827	827	785	820	785	756
Bureau of Transportation Statistics	147	136	0	144	0	0	0	0	0	0	0	0
Research and Innovative Technology Admin	0	0	676	0	742	673	749	749	672	754	754	659
Working Capital Fund	239	239	226	239	239	205	239	239	183	219	219	173
Office of Inspector General	430	430	416	435	430	418	435	430	419	420	420	405
Office of the Secretary	618	618	550	640	629	538	635	633	523	639	635	463
National Infrastructure Bank	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	**59,981**	**58,501**	**57,271**	**58,610**	**57,365**	**55,544**	**57,622**	**55,434**	**53,328**	**55,885**	**54,481**	**53,398**

DEPARTMENT OF TRANSPORTATION
FULL TIME EQUIVALENT EMPLOYMENT (FTE)
FY 2004- 2014 FTE HISOTRY

Account	FY 2008 Request	FY 2008 Enacted	FY 2008 Actual	FY 2009 Request	FY 2009 Enacted	FY 2009 Actual	FY 2010 Request	FY 2010 Enacted	FY 2010 Actual	FY 2011 Request	FY 2011 Enacted	FY 2011 Actual
Federal Aviation Administration	45,401	45,782	45,897	46,103	46,983	47,479	47,431	48,159	47,973	48,364	48,284	48,027
Federal Highway Administration	3,017	2,820	2,804	2,861	2,814	2,833	2,844	2,923	2,907	2,923	2,979	2,938
National Highway Traffic Safety Admin.	623	635	617	635	635	608	635	632	610	650	617	599
Federal Motor Carrier Safety Admin	1,119	1,119	1,018	1,119	1,119	1,048	1,119	1,123	1,064	1,182	1,123	1,079
Federal Transit Administration	527	526	511	526	526	523	526	553	560	716	575	570
Federal Railroad Administration	850	850	812	853	869	817	886	895	840	948	917	856
Research and Special Programs Admin.	0	0	0	0	0	0	0	0	0	0	0	0
Pipeline and Hazardous Materials Safety Admir	405	410	360	421	428	374	449	464	385	483	483	434
Saint Lawrence Seaway Development Corp.	157	157	139	157	157	138	157	157	135	157	157	132
Surface Transportation Board	125	150	138	122	150	141	150	156	149	121	148	140
Maritime Administration	800	748	735	803	789	759	842	842	772	846	822	805
Bureau of Transportation Statistics	0	0	0	0	0	0	0	0	0	0	0	0
Research and Innovative Technology Admin	759	759	650	759	706	653	706	706	671	707	688	678
Working Capital Fund	227	219	172	219	219	179	213	216	196	271	246	205
Office of Inspector General	410	410	406	412	419	410	451	453	438	461	428	448
Office of the Secretary	637	565	456	634	562	463	594	610	516	668	636	527
National Infrastructure Bank	0	0	0	0	0	0	0	0	0	100	0	0
TOTAL	**55,057**	**55,150**	**54,715**	**55,624**	**56,376**	**56,425**	**57,003**	**57,889**	**57,216**	**58,596**	**58,103**	**57,438**

DEPARTMENT OF TRANSPORTATION
FULL TIME EQUIVALENT EMPLOYMENT (FTE)
FY 2004- 2014 FTE HISOTRY

Account	FY 2012 Request	FY 2012 Enacted	FY 2012 Actual	FY 2013 Request	FY 2013 Enacted	FY 2013 Actual	FY 2014 Request	FY 2014 Enacted
Federal Aviation Administration	48,539	48,052	47,563	48,069	47,693	46,626	47,747	46,064
Federal Highway Administration	3,015	2,955	2,898	2,926	2,949	2,858	2,967	2,974
National Highway Traffic Safety Admin.	684	610	592	655	610	578	657	614
Federal Motor Carrier Safety Admin	1,230	1,123	1,092	1,123	1,123	1,099	1,149	1,149
Federal Transit Administration	685	570	562	645	528	522	596	566
Federal Railroad Administration	1,035	871	860	894	885	884	889	903
Research and Special Programs Admin.	0	0	0	0	0	0	0	0
Pipeline and Hazardous Materials Safety Admir	514	485	440	572	486	438	513	492
Saint Lawrence Seaway Development Corp.	144	144	127	144	144	126	144	144
Surface Transportation Board	154	140	134	149	149	136	153	156
Maritime Administration	835	835	796	840	840	811	840	842
Bureau of Transportation Statistics	0	0	0	0	0	0	0	0
Research and Innovative Technology Admin	688	688	660	[678]	678	669	[678]	[678]
Working Capital Fund	262	241	222	246	246	224	248	248
Office of Inspector General	471	420	443	410	420	400	422	422
Office of the Secretary	643	569	530	1,283	581	512	1,280	1,263
National Infrastructure Bank	100	0	0	0	0	0	0	0
TOTAL	**58,999**	**57,703**	**56,919**	**57,956**	**57,332**	**55,883**	**57,605**	**55,837**

DEPARTMENT OF TRANSPORTATION
FULL TIME EQUIVALENT EMPLOYMENT (FTE)
FY 2004 - 2014 FTE HISTORY

Account	FY 2004 Request	FY 2004 Enacted	FY 2004 Actual	FY 2005 Request	FY 2005 Enacted	FY 2005 Actual	FY 2006 Request	FY 2006 Enacted	FY 2006 Actual	FY 2007 Request	FY 2007 Enacted	FY 2007 Actual	FY 2008 Request	FY 2008 Enacted	FY 2008 Actual	FY 2009 Request	FY 2009 Enacted	FY 2009 Actual	FY 2010 Request	FY 2010 Enacted	FY 2010 Actual	FY 2011 Request	FY 2011 Enacted	FY 2011 Actual	FY 2012 Request	FY 2012 Enacted	FY 2012 Actual	FY 2013 Request	FY 2013 Enacted	FY 2013 Actual	FY 2014 Request	FY 2014 Enacted
Federal Aviation Administration	50,163	48,885	48,129	48,826	47,659	46,521	47,859	45,700	44,348	46,153	45,049	44,568	45,401	45,782	45,897	46,103	46,983	47,479	47,431	48,159	47,973	48,364	48,284	48,027	48,539	48,052	47,563	48,069	47,693	46,626	47,747	46,064
Federal Highway Administration	2,962	2,931	2,875	2,959	3,002	2,820	3,049	3,016	2,802	3,016	2,807	2,784	3,017	2,820	2,804	2,861	2,814	2,833	2,844	2,923	2,907	2,923	2,979	2,938	3,015	2,955	2,898	2,926	2,949	2,858	2,967	2,974
National Highway Traffic Safety Admin.	671	671	623	671	673	600	673	674	605	677	635	616	623	635	617	635	635	608	635	632	610	650	617	599	684	610	592	655	610	578	657	614
Federal Motor Carrier Safety Admin	1,118	1,078	1,006	1,118	1,097	1,031	1,100	1,100	1,059	1,114	1,114	1,011	1,119	1,119	1,018	1,119	1,119	1,048	1,119	1,123	1,064	1,182	1,123	1,079	1,230	1,123	1,092	1,123	1,123	1,099	1,149	1,149
Federal Transit Administration	542	527	501	537	527	482	537	527	505	541	541	519	527	526	511	526	526	523	526	553	560	716	575	570	685	570	562	645	528	522	596	566
Federal Railroad Administration	817	805	783	832	827	791	837	837	808	844	844	811	850	850	812	853	869	817	886	895	840	948	917	856	1,035	871	860	894	885	884	889	903
Research and Special Programs Admin.	1,014	989	0	1,004	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pipeline and Hazardous Materials Safety Admin.	0	0	378	0	406	358	397	395	337	401	396	353	405	410	360	421	428	374	449	464	385	483	483	434	514	485	440	572	486	438	513	492
Saint Lawrence Seaway Development Corp.	157	157	149	157	157	146	157	157	145	157	157	144	157	157	139	157	157	138	157	157	135	157	157	132	144	144	127	144	144	126	144	144
Surface Transportation Board	145	145	135	145	150	134	128	150	137	130	125	136	125	150	138	122	150	141	150	156	149	121	148	140	154	140	134	149	149	136	153	156
Maritime Administration	958	890	824	903	827	827	827	827	785	820	785	756	800	748	735	803	789	759	842	842	772	846	822	805	835	835	796	840	840	811	840	842
Bureau of Transportation Statistics	147	136	0	144	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Research and Innovative Technology Admin	0	0	676	0	742	673	749	749	672	754	754	659	759	759	650	759	706	653	706	706	671	707	688	678	688	688	660	[678]	678	669	[678]	[678]
Working Capital Fund	239	239	226	239	239	205	239	239	183	219	219	173	227	219	172	219	219	179	213	216	196	271	246	205	262	241	222	246	246	224	248	248
Office of Inspector General	430	430	416	435	430	418	435	430	419	420	420	405	410	410	406	412	419	410	451	453	438	461	428	448	471	420	443	410	420	400	422	422
Office of the Secretary	618	618	550	640	629	538	635	633	523	639	635	463	637	565	456	634	562	463	594	610	516	668	636	527	643	569	530	1,283	581	512	1,280	1,263
National Infrastructure Bank	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	100	0	0	100	0	0	0	0	0	0	0
TOTAL	**59,981**	**58,501**	**57,271**	**58,610**	**57,365**	**55,544**	**57,622**	**55,434**	**53,328**	**55,885**	**54,481**	**53,398**	**55,057**	**55,150**	**54,715**	**55,624**	**56,376**	**56,425**	**57,003**	**57,889**	**57,216**	**58,596**	**58,103**	**57,438**	**58,999**	**57,703**	**56,919**	**57,956**	**57,332**	**55,883**	**57,605**	**55,837**

DEPARTMENT OF TRANSPORTATION **TABLE 14**
DIRECT AND ALLOCATION
FULL TIME EQUIVALENT EMPLOYMENT (FTE)
FY 2015 BUDGET REQUEST

Account	FY 2013 ACTUAL	FY 2014 ENACTED	FY 2015 PRES. BUD.
Federal Aviation Administration	44,591	43,995	44,515
Federal Highway Administration	2,635	2,751	2,751
National Highway Traffic Safety Admin.	575	621	648
Federal Motor Carrier Safety Admin	1,042	1,088	1,191
Federal Transit Administration	522	566	625
Federal Railroad Administration	884	903	922
Pipeline and Hazardous Materials Safety Admin.	430	481	544
Saint Lawrence Seaway Development Corp.	0	0	0
Surface Transportation Board	131	151	144
Maritime Administration	481	507	840
Research and Innovative Technology Admin	93	[96]	[96]
Office of Inspector General	400	422	422
Office of the Secretary	496	665	679
TOTAL	**52,280**	**52,150**	**53,281**

DEPARTMENT OF TRANSPORTATION
FULL TIME EQUIVALENT EMPLOYMENT (FTE) AND POSITIONS (FTP)
FY 2013 BUDGET REQUEST

Account	FY 2011 ENACTED FTP	FY 2011 ENACTED FTE	FY 2012 PRES. BUD. FTP	FY 2012 PRES. BUD. FTE
Federal Aviation Administration	#REF!	48,284	#REF!	48,539
Federal Highway Administration	#REF!	2,979	#REF!	3,015
National Highway Traffic Safety Admin.	#REF!	617	#REF!	684
Federal Motor Carrier Safety Admin	#REF!	1,123	#REF!	1,230
Federal Transit Administration	#REF!	575	#REF!	685
Federal Railroad Administration	#REF!	917	#REF!	1,035
Pipeline and Hazardous Materials Safety Admin.	#REF!	483	#REF!	514
Saint Lawrence Seaway Development Corp.	#REF!	157	#REF!	144
Surface Transportation Board	#REF!	148	#REF!	154
Maritime Administration	#REF!	822	#REF!	835
Research and Innovative Technology Admin	#REF!	688	#REF!	688
Working Capital Fund	#REF!	246	#REF!	262
Office of Inspector General	#REF!	428	#REF!	471
Office of the Secretary	#REF!	636	#REF!	643
National Infrastructure Bank	#REF!	0	#REF!	100
TOTAL	**#REF!**	**58,103**	**#REF!**	**58,999**

List of Vacancies in the Department of Transportation

OA	Organization	Position Title	Series & Grade	Open Period	
FHWA	ATL	Civil Engineer (Structural)	GS - 0810 -13	04/30/2014	05/09/2014
FHWA	ATL	Civil Engineer (Structural)	GS - 0810 -13	04/30/2014	05/09/2014
FHWA	ATL	Transportation Finance Specialist	GS - 0501-11/12	04/24/2014	05/05/2014
FHWA	ATL	Transportation Finance Specialist	GS - 0501-11/12	04/24/2014	05/05/2014
FHWA	EFL	Financial Specialist	GS-0501-7/9	05/01/2014	05/12/2014
FHWA	EFL	Financial Specialist,	GS-0501-9	05/01/2014	05/12/2014
FHWA	HAD	Pathways Intern, Student Trainee (Transportation Specialist)	GS-2199-7/9	04/30/2014	05/05/2014
FHWA	HAD	Pathways Student Intern (Federal Aid Assistant),	GS-0399-4	04/25/2014	05/05/2014
FHWA	HAD	Pathways Student Intern (Office Automation Clerk)	GS-0399-3	04/30/2014	05/09/2014
FHWA	HRT	Interdisc. Operations Research Analyst/General Eng.	GS-1515/0801-13/14	05/05/2014	05/14/2014
FHWA	HRT	Interdisc. Operations Research Analyst/General Eng.	GS-1515/0801-13/14	05/05/2014	05/14/2014
FHWA	LKD	Civil Engineer (Highway)	GS-810-11/12	04/24/2014	05/05/2014
FHWA	LKD	Civil Engineer (Highway)	GS-810-11/12	04/24/2014	05/05/2014
FMCSA	FO	Highway Safety Spec.(Federal Programs Mgr.)	GS-2125-13	05/05/2014	05/12/2014
FMCSA	FO	Highway Safety Spec.(Federal Programs Mgr.)	GS-2125-13	05/05/2014	05/14/2014
FRA	AD	Supervisory Contract Specialist	GS - 1102 - 14	04/29/2014	05/12/2014
FRA	RPD	General Engineer	GS - 0801 -12/13	04/28/2014	05/19/2014
FRA	RPD	General Engineer	GS - 0801 -12/13	04/28/2014	05/19/2014
FTA	R10	Supervisory Transportation Specialist	GS-2101-14	04/24/2014	05/05/2014
FTA	R10	Supervisory Transportation Specialist	GS-2101-14	04/24/2014	05/05/2014
FTA	R6	Supervisory Transportation Program Spec.	GS-2101-14	04/24/2014	05/05/2014
FTA	R6	Supervisory Transportation Program Specialist	GS - 2101-14	04/24/2014	05/05/2014
FTA	TPM	Supervisory Transportation Program Manager	GS-2101-15	04/24/2014	05/05/2014
FTA	TPM	Supervisory Transportation Program Manager	GS-2101-15	04/24/2014	05/05/2014
FTA	TPM	Transportation Data Analyst	GS-2101-11/12	04/25/2014	05/05/2014
FTA	TPM	Transportation Data Analyst	GS-2101-11/12	04/25/2014	05/05/2014
FTA	TSO	Accident Investigator	GS-1801-13	05/02/2014	05/12/2014
FTA	TSO	Accident Investigator	GS-1801-13	05/02/2014	05/12/2014
MARAD	HQ	Human Resources Officer (HR Director)	GS-201-15	04/28/2014	05/09/2014
NHTSA	NVS	General Engineer	GS - 0801 - 09/11/12	04/24/2014	05/05/2014
OST	B	Financial Analyst	GS-501-12/13/14	04/24/2014	04/23/2015
OST	B	Financial Analyst	GS-501-12/13/14	04/24/2014	04/23/2015
OST	C	Attorney Advisor	GS-0905-15	05/01/2014	05/12/2014
OST	C	Transportation Industry Analyst	GS-2110-11	04/24/2014	05/05/2014
OST	C	Transportation Industry Analyst	GS-2110-11	04/24/2014	05/05/2014
OST	ES	Management Analyst	GS - 0343 - 12	05/02/2014	05/12/2014
OST	IER	Supervisory Intelligence Operations Specialist	GS-0132-15	05/05/2014	05/14/2014
OST	IER	Supervisory Intelligence Operations Specialist	GS-0132-15	05/05/2014	05/14/2014
OST	M	Management Analyst	GS-0343-07	05/02/2014	05/12/2014
PHMSA	PSRG	Senior General Engineer (Project Manager)	GS - 0801-14	04/25/2014	05/05/2014
RITA	VOLPE	Aerospace Engineer	GS - 0861 -07/ 09/ 11/	05/02/2014	05/12/2014
RITA	VOLPE	Community Planner,	GS-0020-13	05/02/2014	05/12/2014
RITA	VOLPE	Computer Engineer-	GS - 0854 -07/09/11/1	05/02/2014	05/12/2014
RITA	VOLPE	Electronics Engineer	GS- 0855 - 07/09/11/1	05/02/2014	05/12/2014
RITA	VOLPE	Human Resources Specialist	GS-0201-07/09/11/12	04/25/2014	05/05/2014
RITA	VOLPE	Human Resources Specialist	GS-0201-07/09/11/12	04/25/2014	05/05/2014
RITA	VOLPE	Human Resources Specialist	GS-0201-09/11	04/25/2014	05/05/2014
RITA	VOLPE	Human Resources Specialist	GS-0201-09/11	04/25/2014	05/05/2014
RITA	VOLPE	Mechanical Engineer	GS - 0830 - 07/09/11/1	05/02/2014	05/12/2014
RITA	VOLPE	Operations Research Analyst	GS -1515 - 07/09/11/1	05/02/2014	05/12/2014
SLSDC	LO	Electrician	WG- 2805-10	04/09/2014	12/01/2014
SLSDC	LO	Electrician	WG- 2805-10	04/09/2014	12/01/2014
SLSDC	LO	Electronics Mechanic	WG- 2604-10	04/09/2014	12/01/2014
SLSDC	LO	Electronics Mechanic	WG- 2604-10	04/09/2014	12/01/2014
SLSDC	LO	Industrial Equipment Mechanic	WG - 5352 - 10	04/09/2014	12/01/2014
SLSDC	LO	Industrial Equipment Mechanic	WG - 5352 - 10	04/09/2014	12/01/2014
SLSDC	LO	Trades Helper (Linehandler Relief)	WG - 5201 - 05	04/09/2014	12/01/2014
SLSDC	LO	Trades Helper (Linehandler Relief)	WG - 5201 - 05	04/09/2014	12/01/2014
SLSDC	MNT	Crane Operator	WG - 5725 - 10/11	12/18/2013	08/18/2014
SLSDC	MNT	Crane Operator	WG - 5725 - 10/11	12/18/2013	08/18/2014
FAA	ATO - Air Traffic Organization	Management and Program Analyst	343 - FV-J	04/28/2014 - 05/06/2014	
FAA	ATO - Air Traffic Organization	Airway Transportation Systems Specialist	2101 - FV-I	04/30/2014 - 05/19/2014	
FAA	AVS - Aviation Safety	Aviation Safety Inspector (Operations), Principal Operations Inspector, General Aviation	1825 - FG-13	05/01/2014 - 05/20/2014	
FAA	ASH - Security & Hazardous Material	Director, Joint Security & Hazardous Material Safety Office - Central	340 - EV-02	04/28/2014 - 05/28/2014	
FAA	ATO - Air Traffic Organization	Airway Transportation Systems Specialist	2101 - FV-I	04/25/2014 - 05/16/2014	
FAA	AVS - Aviation Safety	Aviation Safety Inspector (Air Carrier Operations)	1825 - FG-14	03/19/2014 - 05/14/2014	
FAA	ATO - Air Traffic Organization	Electronics Technician	856 - FV-G	04/16/2014 - 05/07/2014	
FAA	ASH - Security & Hazardous Material	Supervisory Telecommunications Specialist	391 - FV-K	04/21/2014 - 05/05/2014	
FAA	AFN - Finance & Management	Program Manager	340 - FV-K	05/01/2014 - 05/29/2014	
FAA	ARP - Airports	Civil Engineer	810 - FV-G	04/14/2014 - 05/05/2014	
FAA	ATO - Air Traffic Organization	Engineering Technician	802 - FV-G	04/11/2014 - 05/02/2014	
FAA	ATO - Air Traffic Organization	Logistics Management Specialist	346 - FV-G	04/21/2014 - 05/12/2014	
FAA	AHR - Human Resources	Human Resources Specialist (Litigation)	201 - FV-J	04/25/2014 - 05/02/2014	
FAA	ARP - Airports	Civil Engineer	810 - FV-H	04/14/2014 - 05/05/2014	
FAA	AVS - Aviation Safety	Operations Research Analyst	1515 - FV-H	04/30/2014 - 05/14/2014	
FAA	ATO - Air Traffic Organization	Management and Program Analyst	343 - FV-F	04/23/2014 - 05/02/2014	
FAA	APL - Policy, International Affairs & Environment	Economist	110 - FV-H	04/30/2014 - 05/20/2014	
FAA	ATO - Air Traffic Organization	Airway Transportation Systems Specialist (Technical Support Specialist - Environmental)	2101 - FV-I	04/21/2014 - 05/12/2014	
FAA	AVS - Aviation Safety	Aviation Safety Inspector, (AW) Principal Avionics Inspector (ATOS)	1825 - FG-14	04/18/2014 - 05/08/2014	
FAA	ATO - Air Traffic Organization	ATCS, Traffic Management Coordinator (TMC), Level 12, AT-2152-LH, Temporary, NTE 2 Years	2152 - AT-LH	04/21/2014 - 05/12/2014	
FAA	ATO - Air Traffic Organization	Supervisory Air Traffic Control Specialist, (MSS-2, Level 9), Operations Supervisor/Front Line Manager	2152 - AT-IJ	04/28/2014 - 05/07/2014	
FAA	ATO - Air Traffic Organization	Management & Program Analyst	343 - FV-G	04/30/2014 - 05/05/2014	
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist	2152 - AT-LH	04/24/2014 - 05/14/2014	
FAA	ATO - Air Traffic Organization	Supervisory Air Traffic Control Specialist (T), Operations Supervisor	2152 - AT-GJ	04/24/2014 - 05/08/2014	
FAA	ATO - Air Traffic Organization	Engineering Technician	802 - FV-G	04/30/2014 - 05/20/2014	
FAA	ATO - Air Traffic Organization	Engineering Technician	802 - FV-G	04/30/2014 - 05/20/2014	
FAA	ATO - Air Traffic Organization	Management and Program Assistant	344 - FV-F	04/29/2014 - 05/19/2014	
FAA	AVS - Aviation Safety	Operations Research Analyst	1515 - FG-13	05/01/2014 - 05/21/2014	
FAA	ATO - Air Traffic Organization	Supervisory Air Traffic Control Specialist, (MSS-2, Level 12), Operations Supervisor/Front Line Manager	2152 - AT-LJ	04/30/2014 - 05/12/2014	
FAA	ATO - Air Traffic Organization	Electronics Technician	856 - FV-I	05/01/2014 - 05/22/2014	
FAA	AVS - Aviation Safety	Supervisory Aviation Safety Inspector (Operations Unit Supervisor)	1825 - FV-J	05/01/2014 - 05/15/2014	
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist, (T), Certified Professional Controller	2152 - AT-GH	05/01/2014 - 05/22/2014	
FAA	ATO - Air Traffic Organization	Lead Aerospace Engineering Technician	802 - FV-H	05/02/2014 - 05/08/2014	

FAA	ATO - Air Traffic Organization	Engineering Technician	802 - FV-G	04/11/2014 - 05/02/2014
FAA	ATO - Air Traffic Organization	Airway Transportation Systems Specialist	2101 - FV-I	04/25/2014 - 05/15/2014
FAA	ANG - NextGen	Operations Research Analyst	1515 - FV-I , FV-J	04/21/2014 - 05/05/2014
FAA	AVS - Aviation Safety	Manager, Medical Specialties Division	602 - EV-02	04/29/2014 - 05/29/2014
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist, (CPC, Level 6)	2152 - AT-FH	04/21/2014 - 05/12/2014
FAA	AVS - Aviation Safety	Aviation Safety Inspector, (AW) Assistant Principal Avionics Inspector	1825 - FG-14	04/23/2014 - 05/13/2014
FAA	ATO - Air Traffic Organization	Airway Transportation System Specialist	2101 - FV-H	04/23/2014 - 05/13/2014
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist, Traffic Management Coordinator (TMC)	2152 - AT-KH	04/28/2014 - 05/19/2014
FAA	AFN - Finance & Management	Engineering Technician	802 - FV-H	04/29/2014 - 05/12/2014
FAA	AVS - Aviation Safety	Operations Research Analyst	1515 - FG-12	05/02/2014 - 05/06/2014
FAA	ARP - Airports	Civil Engineer - Paving	810 - FV-I	04/15/2014 - 05/06/2014
FAA	ATO - Air Traffic Organization	Maintenance Mechanic	4749 - FW-10 , FW-1	04/23/2014 - 05/02/2014
FAA	ATO - Air Traffic Organization	SATCS,(Air Traffic Manager),(MSS-4,Level 6), AT-2152-FL	2152 - AT-FL	04/22/2014 - 05/05/2014
FAA	ATO - Air Traffic Organization	Engineering Technician	802 - FV-I	05/01/2014 - 05/22/2014
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist, Traffic Management Coordinator (TMC, Level 12)	2152 - AT-LH	04/30/2014 - 05/22/2014
FAA	ASH - Security & Hazardous Material	Instructional System Specialist	1750 - FV-I	04/24/2014 - 05/08/2014
FAA	AHR - Human Resources	Human Resources Specialist	201 - FV-I	04/25/2014 - 05/02/2014
FAA	ATO - Air Traffic Organization	Airway Transportation Systems Specialist (Radar)	2101 - FV-G	03/03/2014 - 06/30/2014
FAA	AVS - Aviation Safety	Operations Research Analyst	1515 - FV-H	04/30/2014 - 05/14/2014
FAA	AHR - Human Resources	Supervisory Human Resources Specialist (Human Resources Director)	201 - FV-K	04/22/2014 - 05/06/2014
FAA	APL - Policy, International Affairs & Environment	Economist	110 - FV-I , FV-J	04/30/2014 - 05/20/2014
FAA	ATO - Air Traffic Organization	Aviation Fatigue Safety Analyst	301 - FV-J	04/28/2014 - 05/12/2014
FAA	AVS - Aviation Safety	Aviation Safety Inspector (Operations) Aircrew Program Manager	1825 - FG-13	04/15/2014 - 05/05/2014
FAA	ATO - Air Traffic Organization	Supervisory Air Traffic Control Specialist, (MSS-2, Level 5), Operations Supervisor/Front Line Manager	2152 - AT-EJ	04/11/2014 - 05/02/2014
FAA	ATO - Air Traffic Organization	Airspace and Flight Procedures Evaluation Program Specialist	301 - FV-J	04/16/2014 - 05/06/2014
FAA	ANG - NextGen	Operations Research Analyst	1515 - FV-I , FV-J	04/21/2014 - 05/05/2014
FAA	ARP - Airports	Community Planner	20 - FV-I , FV-J	04/17/2014 - 05/08/2014
FAA	ARP - Airports	Environmental Protection Specialist	28 - FV-H , FV-I	04/21/2014 - 05/12/2014
FAA	AFN - Finance & Management	Director of Acquisition Policy and Oversight	340 - EV-02	04/14/2014 - 05/14/2014
FAA	ASH - Security & Hazardous Material	Instructional System Specialist	1750 - FV-I	04/24/2014 - 05/08/2014
FAA	AVS - Aviation Safety	Management and Program Anlayst	343 - FV-I	04/24/2014 - 05/07/2014
FAA	ATO - Air Traffic Organization	ATCS, Certified Professional Controller (CPC)(Level 12),AT-2152-LH	2152 - AT-LH	04/15/2014 - 05/05/2014
FAA	ANG - NextGen	Management & Program Analyst	343 - FV-G , FV-H	04/18/2014 - 05/02/2014
FAA	APL - Policy, International Affairs & Environment	Economist	110 - FV-I , FV-J	04/30/2014 - 05/20/2014
FAA	ATO - Air Traffic Organization	Supervisory Airway Transportation Systems Specialist	2101 - FV-J	04/23/2014 - 05/06/2014
FAA	AVS - Aviation Safety	Aviation Safety Inspector (Air Carrier Avionics)	1825 - FG-14	04/18/2014 - 05/08/2014
FAA	ATO - Air Traffic Organization	Management and Program Assistant	344 - FV-D	04/22/2014 - 05/12/2014
FAA	ATO - Air Traffic Organization	Management and Program Assistant	344 - FV-F	04/22/2014 - 05/12/2014
FAA	AHR - Human Resources	Human Resources Assistant (O/A)	203 - FV-E	04/21/2014 - 05/02/2014
FAA	AFN - Finance & Management	Supervisory Computer Specialist	334 - FV-K	04/21/2014 - 05/07/2014
FAA	ATO - Air Traffic Organization	Airway Transportation Systems Specialist (Technical Support Specialist - Nav/Comm)	2101 - FV-I	04/24/2014 - 05/14/2014
FAA	ATO - Air Traffic Organization	Office Manager	301 - FV-I	04/23/2014 - 05/13/2014
FAA	AVS - Aviation Safety	Management and Program Analyst	343 - FV-I	04/24/2014 - 05/08/2014
FAA	AVS - Aviation Safety	Program Manager	340 - FV-K	05/01/2014 - 05/08/2014
FAA	ATO - Air Traffic Organization	Supervisory Airway Transportation Systems Specialist	2101 - FV-J	04/22/2014 - 05/02/2014
FAA	ATO - Air Traffic Organization	SATCS (T),(Front Line Manager),(MSS-2,Level 6), AT-2152-FJ	2152 - AT-FJ	04/22/2014 - 05/05/2014
FAA	AVS - Aviation Safety	Aviation Safety Inspector (Operations)	1825 - FG-13	04/22/2014 - 05/12/2014
FAA	AVS - Aviation Safety	Aerospace Engineer (Structures)	861 - FV-I	04/25/2014 - 05/15/2014
FAA	ATO - Air Traffic Organization	SATCS,(Air Traffic Manager),(MSS-4,Level 12), AT-2152-LL	2152 - AT-LL	04/25/2014 - 05/07/2014
FAA	ANG - NextGen	General Engineer	801 - FV-I	04/22/2014 - 05/06/2014
FAA	AFN - Finance & Management	Computer Specialist	334 - FV-I	04/21/2014 - 05/07/2014
FAA	ARP - Airports	Supervisory Aviation Technical Systems Specialist	2186 - FV-K	04/22/2014 - 05/12/2014
FAA	ATO - Air Traffic Organization	Administrative Officer	341 - FV-F	04/29/2014 - 05/08/2014
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist (Staff Support Specialist, MSS-1)	2152 - AT-FI	04/23/2014 - 05/14/2014
FAA	ATO - Air Traffic Organization	Supervisory Air Traffic Control Specialist, (MSS-2, Level 5), Operations Supervisor/Front Line Manager	2152 - AT-EJ	04/23/2014 - 05/05/2014
FAA	ATO - Air Traffic Organization	SATCS, Operations Supervisor	2152 - AT-JJ	04/28/2014 - 05/12/2014
FAA	ANG - NextGen	PATHWAYS INTERNSHIP PROGRAM - Student Trainee (Engineer)□	899 - FV-C , FV-D	04/23/2014 - 05/05/2014
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist (Support Specialist) (MSS-1)	2152 - AT-FI	04/16/2014 - 05/06/2014
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist, (T), Certified Professional Controller	2152 - AT-GH	04/24/2014 - 05/15/2014
FAA	ATO - Air Traffic Organization	Supervisory Computer Specialist	334 - FV-K	04/25/2014 - 05/06/2014
FAA	ATO - Air Traffic Organization	Supervisory Air Traffic Control Specialist, (MSS-2, Level 10), Operations Supervisor / Front Line Manager	2152 - AT-JJ	04/28/2014 - 05/07/2014
FAA	AFN - Finance & Management	Engineering Technician	802 - FV-G	04/29/2014 - 05/05/2014
FAA	AVS - Aviation Safety	Aviation Safety Technician	1802 - FG-8 , FG-9	04/30/2014 - 05/20/2014
FAA	ATO - Air Traffic Organization	ATCS, Support Specialist (MSS-1, Level 12)	2152 - AT-LI	04/28/2014 - 05/19/2014
FAA	ATO - Air Traffic Organization	Aviation Technical Systems Specialist	2186 - FV-J	04/29/2014 - 05/20/2014
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist (Support Specialist) (MSS-1)	2152 - AT-KI	04/28/2014 - 05/12/2014
FAA	ACR - Civil Rights	Equal Opportunity Compliance Specialist (ADA and Section 504 Compliance - Team Leader)	360 - FV-J	05/02/2014 - 05/12/2014
FAA	ATO - Air Traffic Organization	General Engineer	801 - FV-J	04/29/2014 - 05/20/2014
FAA	ATO - Air Traffic Organization	Airway Transportation Systems Specialist (SSC Coordinator)	2101 - FV-I	05/01/2014 - 05/22/2014
FAA	ATO - Air Traffic Organization	General Engineer	801 - FV-J	04/29/2014 - 05/20/2014
FAA	ATO - Air Traffic Organization	Management and Program Assistant	344 - FV-F	04/30/2014 - 05/20/2014
FAA	AFN - Finance & Management	Engineering Technician	802 - FV-G	04/29/2014 - 05/12/2014
FAA	AVS - Aviation Safety	Operations Research Analyst	1515 - FG-12	05/01/2014 - 05/21/2014
FAA	APL - Policy, International Affairs & Environment	Foreign Affairs Specialist	130 - FV-G , FV-H	05/01/2014 - 05/21/2014
FAA	ATO - Air Traffic Organization	Electronics Technician	856 - FV-G	04/16/2014 - 05/07/2014
FAA	AVS - Aviation Safety	Aviation Safety Inspector - General Aviation Operations	1825 - FG-9 , FG-11 ,	11/18/2013 - 09/30/2014
FAA	APL - Policy, International Affairs & Environment	Economist	110 - FV-H	04/30/2014 - 05/20/2014
FAA	ARP - Airports	Civil Engineer - Paving	810 - FV-H	04/15/2014 - 05/06/2014
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist	2152 - AT-GH	04/16/2014 - 05/06/2014
FAA	ATO - Air Traffic Organization	Supervisory Air Traffic Control Specialist, (Front Line Manager), AT-2152-KJ	2152 - AT-KJ	04/24/2014 - 05/08/2014
FAA	AVS - Aviation Safety	Supervisory Aviation Safety Inspector, Operations (Unit Supervisor, Flight Safety International CMU)	1825 - FV-J	04/22/2014 - 05/02/2014
FAA	ASH - Security & Hazardous Material	Hazardous Materials Safety Specialist	1801 - FV-G	04/25/2014 - 05/08/2014
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist (T)	2152 - AT-HH	04/29/2014 - 05/19/2014
FAA	AVS - Aviation Safety	Transportation Assistant	2102 - FV-E	04/23/2014 - 05/13/2014
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist, (MSS-1, Level 10), Staff Support Specialist	2152 - AT-JI	04/11/2014 - 05/02/2014
FAA	AVS - Aviation Safety	Aerospace Engineer (Unmanned Aircraft Systems Specialist)	861 - FV-J	04/24/2014 - 05/14/2014
FAA	ATO - Air Traffic Organization	Supervisory Air Traffic Control Specialist (Operations Manager)	2152 - AT-LK	04/24/2014 - 05/06/2014
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist, (C)	2152 - AT-LH	04/23/2014 - 05/14/2014
FAA	ATO - Air Traffic Organization	Airway Transportation Systems Specialist (Technical Support Specialist - Environmental)	2101 - FV-I	05/01/2014 - 05/21/2014
FAA	AFN - Finance & Management	Supervisor Aviation Safety Inspector (OPS-Instructor)	1825 - FV-K	05/01/2014 - 05/15/2014
FAA	AVS - Aviation Safety	Supervisory Aviation Safety Inspector	1825 - FV-K	04/30/2014 - 05/13/2014
FAA	ATO - Air Traffic Organization	Supervisory Air Traffic Control Specialist (T), (Operations Supervisor)	2152 - AT-EJ	05/01/2014 - 05/15/2014
FAA	AHR - Human Resources	Supervisory Human Resources Specialist (Human Resources Director)	201 - FV-K	04/22/2014 - 05/06/2014
FAA	AVS - Aviation Safety	Aviation Safety Inspector - Air Carrier Avionics	1825 - FG-9 , FG-11 ,	11/18/2013 - 09/30/2014
FAA	ATO - Air Traffic Organization	Supervisory Air Traffic Control Specialist	2152 - FV-K	04/28/2014 - 05/05/2014
FAA	ATO - Air Traffic Organization	Financial Manager	501 - FV-H	05/02/2014 - 05/13/2014

FAA	ARP - Airports	Deputy Director, Office of Airport Planning and Programming	340 - EV-02	04/22/2014 - 05/22/2014
FAA	ATO - Air Traffic Organization	Aerospace Engineering Technician	802 - FV-G	05/02/2014 - 05/08/2014
FAA	AFN - Finance & Management	Program Analyst (Regional Emergency Planner)	343 - FV-J	04/21/2014 - 05/05/2014
FAA	ATO - Air Traffic Organization	Administrative Officer	341 - FV-F , FV-G	04/23/2014 - 05/14/2014
FAA	ARP - Airports	Environmental Protection Specialist	28 - FV-G	04/21/2014 - 05/12/2014
FAA	ARP - Airports	Environmental Protection Specialist	28 - FV-G	04/21/2014 - 05/12/2014
FAA	AVS - Aviation Safety	Aerospace Engineer (Mechanical Systems)	861 - FV-I	04/28/2014 - 05/12/2014
FAA	AVS - Aviation Safety	Aviation Safety Inspector (Air Carrier Operations)	1825 - FG-12	04/16/2014 - 05/06/2014
FAA	ATO - Air Traffic Organization	Lead Aerospace Engineering Technician	802 - FV-H	05/02/2014 - 05/08/2014
FAA	AHR - Human Resources	Human Resources Assistant (O/A)	203 - FV-E	04/21/2014 - 05/02/2014
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist (Support Specialist)	2152 - AT-FI	04/24/2014 - 05/14/2014
FAA	ATO - Air Traffic Organization	Supervisory Air Traffic Control Specialist (Air Traffic Manager)	2152 - AT-FL	04/28/2014 - 05/07/2014
FAA	ATO - Air Traffic Organization	Logistics Management Specialist	346 - FV-F , FV-G	04/25/2014 - 05/08/2014
FAA	AFN - Finance & Management	Engineering Technician	802 - FV-H	04/29/2014 - 05/05/2014
FAA	AVS - Aviation Safety	Secretary (OA)	318 - FV-D	05/01/2014 - 05/15/2014
FAA	AFN - Finance & Management	Electronics Technician	856 - FV-G	04/29/2014 - 05/12/2014
FAA	ATO - Air Traffic Organization	Electronics Technician	856 - FV-G	04/11/2014 - 05/02/2014
FAA	AVS - Aviation Safety	Aviation Safety Inspector (General Aviation Operations)	1825 - FG-13	04/16/2014 - 05/06/2014
FAA	AAE - Audit & Evaluation	Secretary (Office Automation)	318 - FV-E , FV-F	04/25/2014 - 05/09/2014
FAA	AFN - Finance & Management	Computer Specialist	334 - FV-H , FV-I	04/17/2014 - 05/07/2014
FAA	ATO - Air Traffic Organization	SATCS, Support Manager(MSS-3, Level-11)	2152 - AT-KK	04/29/2014 - 05/13/2014
FAA	ATO - Air Traffic Organization	Airway Transportation Systems Specialist (Systems Specialist)	2101 - FV-I	04/28/2014 - 05/19/2014
FAA	AVS - Aviation Safety	Aviation Safety Inspector (Air Carrier Operations)	1825 - FV-J	04/23/2014 - 05/13/2014
FAA	ATO - Air Traffic Organization	Management & Program Analyst	343 - FV-G	04/30/2014 - 05/21/2014
FAA	AVS - Aviation Safety	Aviation Safety Inspector (Operations)	1825 - FV-J	05/02/2014 - 05/16/2014
FAA	AVS - Aviation Safety	Aviation Safety Inspector -Air Carrier Operations	1825 - FG-9 , FG-11 ,	11/18/2013 - 09/30/2014
FAA	AFN - Finance & Management	Aviation Safety Inspector (General Aviation Operations-Instructor)	1825 - FG-14	04/04/2014 - 05/02/2014
FAA	APL - Policy, International Affairs & Environment	Foreign Affairs Specialist	130 - FV-G , FV-H	05/01/2014 - 05/21/2014
FAA	ATO - Air Traffic Organization	Computer Specialist	334 - FV-I , FV-J	04/15/2014 - 05/06/2014
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist, Certified Professional Controller	2152 - AT-FH	04/18/2014 - 05/09/2014
FAA	AVS - Aviation Safety	Secretary (OA)	318 - FV-D , FV-E	04/30/2014 - 05/05/2014
FAA	ACR - Civil Rights	Equal Opportunity Compliance Specialist (ADA and Section 504 Compliance - Team Leader)	360 - FV-J	05/02/2014 - 05/12/2014
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist, (CPC, Level 10)	2152 - AT-JH	04/11/2014 - 05/02/2014
FAA	ARP - Airports	Civil Engineer	810 - FV-H , FV-I	04/16/2014 - 05/06/2014
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist (Traffic Management Coordinator)	2152 - AT-IH	04/18/2014 - 05/08/2014
FAA	AVS - Aviation Safety	Management and Program Analyst	343 - FV-H	04/28/2014 - 05/13/2014
FAA	AVS - Aviation Safety	Management and Program Analyst	343 - FV-H	04/28/2014 - 05/13/2014
FAA	ATO - Air Traffic Organization	Supervisory Air Traffic Control Specialist, (MSS-2, Level 6), Operations Supervisor/Front Line Manager	2152 - AT-FJ	04/23/2014 - 05/05/2014
FAA	ATO - Air Traffic Organization	Supervisory Air Traffic Control Specialist, (MSS-4, Level 7), Air Traffic Manager	2152 - AT-GL	04/23/2014 - 05/02/2014
FAA	ATO - Air Traffic Organization	SATCS, Operations Supervisor (MSS-2, Level-5)	2152 - AT-EJ	04/25/2014 - 05/16/2014
FAA	AVS - Aviation Safety	Aviation Safety Inspector - General Aviation Avionics	1825 - FG-9 , FG-11 ,	11/18/2013 - 09/30/2014
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist (CPC)	2152 - AT-LH	04/17/2014 - 05/08/2014
FAA	ATO - Air Traffic Organization	Management and Program Assistant	344 - FV-E	04/22/2014 - 05/12/2014
FAA	AVS - Aviation Safety	Aerospace Engineer (Unmanned Aircraft Systems Specialist)	861 - FV-J	04/24/2014 - 05/14/2014
FAA	AVS - Aviation Safety	Aerospace Engineer (Mechanical Systems)	861 - FV-I	04/28/2014 - 05/19/2014
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist	2152 - AT-GH	04/22/2014 - 05/12/2014
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist	2152 - AT-FH	04/24/2014 - 05/14/2014
FAA	ATO - Air Traffic Organization	Airway Transportation System Specialist (Coordinator)	2101 - FV-I	05/02/2014 - 05/22/2014
FAA	ATO - Air Traffic Organization	Aerospace Engineering Technician	802 - FV-G	05/02/2014 - 05/08/2014
FAA	ATO - Air Traffic Organization	Lead Aerospace Engineering Technician	802 - FV-H	05/01/2014 - 05/07/2014
FAA	AVS - Aviation Safety	Aviaton Safety Assistant (Office Automation)	303 - FG-6	04/23/2014 - 05/13/2014
FAA	ATO - Air Traffic Organization	Airway Transportation Systems Specialist (SSC Coordinator)	2101 - FV-I	04/30/2014 - 05/20/2014
FAA	AVS - Aviation Safety	Aerospace Engineer	861 - FV-J	04/21/2014 - 05/12/2014
FAA	AVS - Aviation Safety	Aviation Safety Inspector (Operations)	1825 - FV-I	04/30/2014 - 05/15/2014
FAA	AVS - Aviation Safety	Aerospace Engineer (Program Manager)	861 - FV-J	04/18/2014 - 05/08/2014
FAA	ATO - Air Traffic Organization	Electronics Technician	856 - FV-G	04/11/2014 - 05/02/2014
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist (CPC)	2152 - AT-EH	04/11/2014 - 05/02/2014
FAA	ARP - Airports	Environmental Protection Specialist	28 - FV-H , FV-I	04/21/2014 - 05/12/2014
FAA	AVS - Aviation Safety	Aerospace Engineer (Structures)	861 - FV-I	04/25/2014 - 05/08/2014
FAA	ATO - Air Traffic Organization	Flight Inspection Program Specialist	301 - FG-14	04/14/2014 - 05/05/2014
FAA	AGC - Chief Council	Program Analyst	343 - FV-F , FV-G	04/22/2014 - 05/05/2014
FAA	ANG - NextGen	General Engineer	801 - FV-I	04/22/2014 - 05/06/2014
FAA	ANG - NextGen	PATHWAYS INTERNSHIP PROGRAM - Student Trainee (Computer Science)□	1599 - FV-C , FV-D	04/23/2014 - 05/05/2014
FAA	ATO - Air Traffic Organization	Supervisory Air Traffic Control Specialist (Air Traffic Manager)	2152 - AT-GL	04/28/2014 - 05/07/2014
FAA	ATO - Air Traffic Organization	Aviation Technical Systems Specialist	2186 - FV-J	04/18/2014 - 05/09/2014
FAA	AVS - Aviation Safety	Aviation Safety Inspector (Operations) Aircrew Program Manager	1825 - FG-13	04/28/2014 - 05/19/2014
FAA	AFN - Finance & Management	Administrative Officer	341 - FV-H	04/29/2014 - 05/12/2014
FAA	AFN - Finance & Management	Electronics Technician	856 - FV-G	04/29/2014 - 05/05/2014
FAA	ATO - Air Traffic Organization	General Engineer	801 - FV-J	04/29/2014 - 05/20/2014
FAA	ATO - Air Traffic Organization	Lead Aerospace Engineering Technician	802 - FV-H	05/01/2014 - 05/07/2014
FAA	AVS - Aviation Safety	Aerospace Engineer (Continued Operational Safety)	861 - FV-I	04/16/2014 - 05/06/2014
FAA	ARP - Airports	Civil Engineer	810 - FV-H , FV-I	04/16/2014 - 05/06/2014
FAA	ATO - Air Traffic Organization	Program Manager	340 - FV-K	04/28/2014 - 05/12/2014
FAA	AVS - Aviation Safety	Aerospace Engineer	861 - FV-J	04/21/2014 - 05/12/2014
FAA	AVS - Aviation Safety	Aviation Safety Inspector (Airworthiness), Principal Avionics Inspector, General Aviation	1825 - FG-13	04/14/2014 - 05/05/2014
FAA	ARP - Airports	Community Planner	20 - FV-I , FV-J	04/17/2014 - 05/08/2014
FAA	ARP - Airports	Supervisory Aviation Technical Systems Specialist	2186 - FV-K	04/22/2014 - 05/12/2014
FAA	ATO - Air Traffic Organization	Engineering Technician	802 - FV-G	04/30/2014 - 05/20/2014
FAA	ATO - Air Traffic Organization	Supervisory Airway Transportation Systems Specialist (SSC Manager)	2101 - FV-J	04/16/2014 - 05/06/2014
FAA	ATO - Air Traffic Organization	Airway Transportation System Specialist (SSC Coordinator)	2101 - FV-I	04/16/2014 - 05/06/2014
FAA	ATO - Air Traffic Organization	Airway Transportation System Specialist (SSC Coordinator)	2101 - FV-I	04/16/2014 - 05/06/2014
FAA	AFN - Finance & Management	Contract Specialist	1102 - FV-I	04/17/2014 - 05/07/2014
FAA	ATO - Air Traffic Organization	Airway Transportation Systems Specialist (NOM Specialist)	2101 - FV-J	04/25/2014 - 05/16/2014
FAA	ATO - Air Traffic Organization	Airway Transportation Systems Specialist (Automation)	2101 - FV-F , FV-G	03/03/2014 - 06/30/2014
FAA	ATO - Air Traffic Organization	Airway Transportation Systems Specialist (Environmental)	2101 - FV-F , FV-G	03/03/2014 - 06/30/2014
FAA	AFN - Finance & Management	Regional Administrator - Western-Pacific Region	340 - EV-02	04/01/2014 - 05/02/2014
FAA	ATO - Air Traffic Organization	Airway Transportation Systems Specialist (Communication)	2101 - FV-F , FV-G	03/03/2014 - 06/30/2014
FAA	ATO - Air Traffic Organization	Airway Transportation Systems Specialist (Navigational Aids)	2101 - FV-F , FV-G	03/03/2014 - 06/30/2014
FAA	AVS - Aviation Safety	Supervisory Aviation Safety Inspector , Front Line Manager, General Aviation Maintenance	1825 - FV-J	04/23/2014 - 05/13/2014
FAA	ATO - Air Traffic Organization	Mathematician	1520 - FV-K	04/04/2014 - 05/05/2014
FAA	AGC - Chief Council	Attorney-Adviser	905 - FV-I , FV-J	04/21/2014 - 05/21/2014
FAA	AVS - Aviation Safety	Aviation Safety Inspector - Air Carrier Maintenance	1825 - FG-9 , FG-11 ,	11/18/2013 - 09/30/2014
FAA	ATO - Air Traffic Organization	Airway Transportation Systems Specialist (Navigation)	2101 - FV-G	03/03/2014 - 06/30/2014
FAA	ATO - Air Traffic Organization	Airway Transportation Systems Specialist (Automation)	2101 - FV-G	03/03/2014 - 06/30/2014
FAA	ATO - Air Traffic Organization	Airway Transportation Systems Specialist (RADAR)	2101 - FV-F , FV-G	03/03/2014 - 06/30/2014
FAA	AFN - Finance & Management	Supervisory Computer Specialist	334 - FV-K	05/02/2014 - 05/08/2014

FAA	AFN - Finance & Management	Supervisory Computer Specialist	334 - FV-K	05/02/2014 - 05/08/2014
FAA	ASH - Security & Hazardous Material	Instructional System Specialist	1750 - FV-J	04/24/2014 - 05/08/2014
FAA	ASH - Security & Hazardous Material	Instructional System Specialist	1750 - FV-J	04/24/2014 - 05/08/2014
FAA	ATO - Air Traffic Organization	Airway Transportation Systems Specialist (Communication)	2101 - FV-G	03/03/2014 - 06/30/2014
FAA	AVS - Aviation Safety	Aviation Safety Inspector - General Aviation Maintenance	1825 - FG-9 , FG-11 ,	11/18/2013 - 09/30/2014
FAA	AFN - Finance & Management	Supervisor Aviation Safety Inspector (AW-Instructor)	1825 - FV-K	05/01/2014 - 05/15/2014
FAA	AVS - Aviation Safety	Aviation Safety Inspector (AW), ATOS Avionics Geographic Inspector	1825 - FG-13	05/02/2014 - 05/22/2014
FAA	ANG - NextGen	Supervisory General Engineer	801 - FV-J , FV-K	04/16/2014 - 05/05/2014
FAA	ANG - NextGen	Supervisory General Engineer	801 - FV-J , FV-K	04/16/2014 - 05/05/2014
FAA	ASH - Security & Hazardous Material	Hazardous Materials Safety Specialist	1801 - FV-G	04/25/2014 - 05/08/2014
FAA	ATO - Air Traffic Organization	Administrative Officer	341 - FV-F	04/28/2014 - 05/12/2014
FAA	ATO - Air Traffic Organization	Airway Transportation Systems Specialist (Systems Specialist)	2101 - FV-I	04/24/2014 - 05/16/2014
FAA	ATO - Air Traffic Organization	Management & Program Assistant	344 - FV-D , FV-E , F	04/23/2014 - 05/14/2014
FAA	AVS - Aviation Safety	Aviation Safety Inspector (GA OPS)	1825 - FV-J	04/23/2014 - 05/06/2014
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist, (MSS-1, Level 10), Staff Support Specialist	2152 - AT-JI	04/11/2014 - 05/02/2014
FAA	AVS - Aviation Safety	Aviation Safety Inspector (Airworthiness), Principal Avionics Inspector, General Aviation	1825 - FG-14	04/18/2014 - 05/08/2014
FAA	AVS - Aviation Safety	Aerospace Engineer (Continued Operational Safety)	861 - FV-I	04/16/2014 - 05/06/2014
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist (T), Support Specialist	2152 - AT-GI	04/24/2014 - 05/15/2014
FAA	AVS - Aviation Safety	Aviation Safety Inspector (ACO), Aircrew Program Manager	1825 - FG-13	04/28/2014 - 05/19/2014
FAA	ATO - Air Traffic Organization	Supervisory Air Traffic Control Specialist (Operations Supervisor)	2152 - AT-IJ	04/24/2014 - 05/06/2014
FAA	ATO - Air Traffic Organization	Supervisory Air Traffic Control Specialist (Support Manager)	2152 - AT-LK	04/25/2014 - 05/06/2014
FAA	AHR - Human Resources	Human Resources Specialist	201 - FV-I	04/28/2014 - 05/12/2014
FAA	ATO - Air Traffic Organization	Supervisory Airway Transportation Systems Specialist	2101 - FV-J	04/23/2014 - 05/06/2014
FAA	ATO - Air Traffic Organization	Supervisory Air Traffic Control Specialist, (MSS-2, Level 7), Operations Supervisor / Front Line Manager	2152 - AT-GJ	04/28/2014 - 05/07/2014
FAA	ATO - Air Traffic Organization	Supervisory Air Traffic Control Specialist	2152 - FV-K	05/01/2014 - 05/07/2014
FAA	ATO - Air Traffic Organization	ATCS, Traffic Management Coordinator (Level 7),AT-2152-GH	2152 - AT-GH	04/28/2014 - 05/19/2014
FAA	ATO - Air Traffic Organization	Air Traffic Control Specialist, (T), Certified Professional Controller	2152 - AT-FH	04/16/2014 - 05/06/2014
FAA	AVS - Aviation Safety	Management and Program Analyst (Training)	343 - FV-I	05/02/2014 - 05/09/2014
FAA	ATO - Air Traffic Organization	Airway Transportation Systems Specialist (Environmental)	2101 - FV-G	03/03/2014 - 06/30/2014

DEPARTMENT OF TRANSPORTAT
EMPLOYEE TRAINING AND DEVELO
FY 2009-2013

Account	FY 2009	FY 2010
Federal Aviation Administration	$ 27,400,000	$ 24,500,000
Federal Highway Administration	$ 2,671,726	$ 2,991,757
National Highway Traffic Safety Admin.	$ 276,375	$ 276,375
Federal Motor Carrier Safety Admin	$ 595,800,000	$ 359,310,000
Federal Transit Administration	$ 978,851	$ 1,227,310
Federal Railroad Administration	$ 120,430	$ 198,412
Pipeline and Hazardous Materials Safety Admin.	$ 423,979	$ 436,507
Saint Lawrence Seaway Development Corp.	$ 19,697	$ 33,961
Surface Transportation Board	$ 127,051	$ 26,127
Maritime Administration	$ 232,000	$ 236,000
Office of Inspector General	$ 454,000	$ 682,000
Office of the Secretary	$ 430,000	$ 562,000
TOTAL	**$ 628,934,110**	**$ 390,480,449**

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	FY 2011		FY 2012		FY 2013
$	24,100,000	$	23,200,000	$	16,100,000
$	2,860,707	$	2,856,663	$	2,500,707
$	275,822	$	275,822	$	275,822
$	854,770,000	$	876,900,000	$	337,680,000
$	869,774	$	855,353	$	953,879
$	241,055	$	234,477	$	186,406
$	564,846	$	660,752	$	494,962
$	41,358	$	33,042	$	20,076
$	10,837	$	126,226	$	14,459
$	198,000	$	229,000	$	241,000
$	716,000	$	404,000	$	320,000
$	496,000	$	838,000	$	795,000
$	**885,144,399**	**$**	**906,613,335**	**$**	**359,582,311**

QUESTIONS FOR THE RECORD FROM THE COMMITTEE

4. Please provide a table showing the destination, purpose, number of staff, duration, cost (including all related costs including contracts), and other relevant details for all overseas travel over the last five years.

Overseas Travel Report for 5/1/09 - 4/30/10
(Actual $)

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
OFFICE OF THE SECRETARY & DEPUTY SECRETARY					
Paris and Strasbourg, France; Rotterdam, The Netherlands; Leipzig and Ramstein Germany; Madrid, Spain	In Germany, to participate at the International Transport Forum (ITF), to be held in Leipzig, and, deliver keynote remarks at the ITF on the transportation component of the United States stimulus and recovery effort, participate in Ministerial discussions on global transportation issues, engage in bilateral meetings with Transport Ministers and participate in a press event on the results of the ITF Ministerial Meeting. In France and Spain, to meet with Government and national railways officials to discuss the development of high-speed rail. In The Netherlands to meet with port officials.	7	6	$4,578	May 2009

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Prague, Czech Republic; and Moscow, Russia	To attend and participate at the First Global Ministerial Conference on Road Safety in Moscow, Russia and In the Czech Republic to meet with his counterparts and U.S. industry officials to discuss cooperation on road safety, development of infrastructure and the American Recovery and Reinvestment Act.	5	4	$13,061	November 2009
Mexico City, Mexico; Panama City, Panama; Brasilia and Rio de Janeiro Brazil; Port au Prince, Haiti	To continue development of the U.S.-Mexico transportation relationship and to discuss specific high priority issues of mutual interest. To be briefed on the Panama Canal Expansion Project and demonstrate U.S. interest in the project both for the participation of U.S. firms during its construction and for the broader impact that it will have on the U.S. economy. Emphasize our interest in a continuing collaborative relationship.	7	6	$22,630	April 2010

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Shanghai & Beijing, China	To meet with the Ministers of Communications, Civil Aviation, Railways, and Construction in Beijing, meet with port and airport officials in Shanghai. Secretary Peters will discuss the development and build up of China's transportation infrastructure, promote U.S. transportation firms' participation on this development, and discuss U.S. efforts to conclude a phased-in open skies agreement.	5	4	$22,630	April 2010
OFFICE OF THE GENERAL COUNSEL					
Paris, France	Attend DOT Disability Forum	1	4	$2,228	May 2009
Dubai, United Arab Emirates	Keynote Speaker at the Middle East Forum for Accessible Tourism	1	7	$5,192	May 2009
Paris, France	Attend DOT Disability Forum	1	4	$2,753	May 2009
Paris, France	Attend Forum for foreign airlines on disability rights & attend meeting w/ECAC	1	5	$3,647	May 2009

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Paris, France	Represent FAA at DOT meeting to address conflict of law waivers associated w/CFR Part 382/to attend DOT Disability Forum	2	3	$6,238	May 2009
Paris, France	Attend European Civil Aviation Conference (ECAC)/meet w/U.S.-EU Joint Committee in preparation for implementation of the second-stage U.S. Agreement, etc.	1	4	$2,833	May 2009
Paris, France	Presenting at Disability Forum/attending ECAC meeting	1	4	$2,731	May 2009
Paris, France	Attend DOT Disability Forum	1	8	$4,682	May 2009
Paris, France	Attend DOT Disability Forum to discuss recent Air Carrier Access Act rulemaking	1	10	$1,151	May 2009
Brussels, Belgium	Participate in NATO Civil Aviation Working Group meeting	1	5	$2,971	June 2009
Brussels, Belgium	Lawyer for DOT delegation negotiating civil aviation issues with the European Union and its Member States	1	7	$4,400	June 2009

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Tokyo, Japan	Served as DOT counsel for bilateral economic air services agreement between the U.S. and the Gov't of Japan	1	5	$3,083	July 2009
Bern, Switzerland	Chair meeting of the Cape Town Rail Preparatory Commission	1	5	$2,916	September 2009
Montreal, Canada	Participate in initial preparatory committee meeting with respect to the implementation of the Unlawful Interference Compensation Convention	1	1	$1,227	September 2009
Luxembourg, Luxemborg	Meeting w/Gov't of Luxembourg regarding their host country status & meet w/Rail Preparatory Commission Working Group	1	3	$2,634	September 2009
Antwerp, Belgium	Participate in the 2009 NATO Transportation Training Seminar	1	4	$2,268	October 2009
Tokyo, Japan	Participate in Open Skies negotiations w/Gov't of Japan	1	7	$4,370	October 2009

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Tokyo, Japan	DOT/OST/Office of the Aviation Enforcement & Proceedings conduct Disability Forum for a Asian Airlines regarding ACAA regulations	1	6	$3,609	October 2009
Antwerp, Belgium	Participate in the 2009 NATO Transportation Training Seminar	1	4	$2,268	October 2009
Tokyo, Japan	Participate in Open Skies negotiations w/Gov't of Japan	1	7	$4,370	October 2009
Ottawa, Canada	Co-chair the NATO Insurance Group/Civil Aviation Planning Committee meeting	1	2	$1,101	November 2009
Brussels, Belgium	Participate in Civil air negotiations with the European Union	1	5	$3,303	November 2009
Moscow, Russia & Czech Republic	Travel w/DOT Secretary to attend the First Global Ministerial Conference on Road Safety	1	8	$3,172	November 2009
Hong Kong, China	DOT forum on the Air Carrier Access Act for Asian Airlines/Present at the Hong Kong Disability Forum	3	6	$15,713	November 2009

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Hong Kong, China	Attend/Present at DOT Hong Kong Disability Forum	2	8	$7,060	November 2009
Mexico City, Mexico	Meet w/SCT to discuss cross-border trucking issues including on-site inspection MOC	1	3	$1,747	December 2009
Hamburg, Germany	Speak at ECAC Disability Forum	1	5	$2,429	December 2009
Hamburg, Germany	Attend ECAC meeting to discuss 14 CFR Part 382	1	6	$3,724	December 2009
Beijing, China	Participate in US-China bilateral aviation negotiations	1	4	$3,525	December 2009
Cairo, Egypt	Attend Disability Forum and meet w/Arab Air Carriers Organization (AACO)	1	6	$3,456	December 2009
Cairo, Egypt	Present at Cairo Disability Forum	1	5	$4,195	December 2009
Cairo, Egypt	Present at DOT Disability Forum to improve air travel for passengers w/disabilities	1	6	$3,582	December 2009
Cairo, Egypt	Attend/participate in a Middle East Disability Forum hosted by DOT	1	7	$3,833	December 2009

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Cairo, Egypt	Participate in the Disability Forum w/foreign airlines and meet w/Middle East Airline Association	1	8	$4,879	December 2009
Cairo, Egypt	Attend DOT Disability Forum	1	5	$3,563	December 2009
Pretoria, South Africa	Represent the USG at the meeting of the Preparatory Commission on the establishment of the Int'l Civil Aviation Compensation Fund	1	5	$4,347	January 2010
Madrid, Spain	Participate in negotiations with the European Union and in Moscow with the members of the Arctic Council	1	6	$3,315	February 2010
Moscow, Russia	Participate in multilateral negotiations of Arctic Search & Rescue agreement	1	4	$2,846	February 2010
Rome, Italy	Chair meetings with parties interesting in becoming the Registrar of the Int'l Rail Registry	1	5	$3,690	February 2010
Brussels, Belgium	Participate and make presentations at NATO Civil Aviation Planning Committee	1	4	$2,529	March 2010

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Paris, France; Berlin, Germany	Travel w/DOT Secretary to meet w/transportation officials	1	7	$6,127	March 2010
Brussels, Belgium	Participate in aviation negotiations with the European Union	1	5	$3,023	March 2010
OFFICE OF THE UNDER SECRETARY FOR TRANSPORTATION POLICY					
Cairo, Egypt	To attend and give presentation at the Africa Travel Association 34th Annual congress	1	9	$6,154	May 2009
Beijing, China	CAMIC Forum and meet with CAAC as part of Aviation Cooperation Program	2	8	$8,784	May 2009
Leipzig, Germany	To support Secretary and participate in the International Transportation Forum	2	5	$7,930	May 2009
Beijing, China	US China Transportation Forum Working Group Meeting	3	6	$12,401	June 2009
Windsor, Canada	To participate in Detroit-Windsor International Crossings Meeting w/ Transport Canada and Michigan DOT	2	1	$898	June 2009

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Nairobi, Kenya	To participate in the Africa Growth & Opportunity Act Forum (AGOA) as a member of the Secretary of Transportation's delegation.	2	10	$9,083	July 2009
Djibouti City, Djibouti	To meet w/ officials of the Djibouti CAA/Ministry of Transport/US Embassy to perform oversight of DOT-funded project	2	7	$13,167	July 2009
Brussels, Belgium	US/EU Open Skies and relationships	2	8	$9,119	July 2009
Singapore	To participate in the 32nd APEC Transportation Working Group Meeting in Singapore and to participate in official government meetings in Bangkok, Thailand	1	16	$6,480	July 2009
Montreal, Canada	Head the US Delegation to a committee meeting of the World Health Organization on aircraft desinsection and develop criteria for non-chemical aircraft disinsection systems and procedures	1	3	$1,324	July 2009

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Narita, Japan	To participate in U.S. - Japan Air services negotiations as the DOT representative on the U.S. delegation. These rounds of negotiations ultimately led to an Open Skies agreement with Japan	1	7	$4,376	July 2009
Buenos Aires, Argentina	To represent the U.S. at the executive committee meeting of the Latin American Civil Aviation Commission, an ICAO body; an held consultations with four countries, Ecuador, Argentina, Mexico and Brazil	1	6	$2,957	September 2009
Geneva, Switzerland	EU and Worldwide slot training course geared specifically toward preparation for and completion of the one world antitrust immunity case	1	7	$3,226	September 2009
Istanbul, Turkey	To head the US Delegation to the Agenda for Freedom aviation meeting, which resulted in the signing of a multinational statement of principles of aviation liberalization.	1	6	$3,431	September 2009
Montreal, Canada	Fourth ACIP Steering Committee meeting at the ICAO	2	4	$3,374	October 2009

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Kabul, Afghanistan	Meeting to assess the Department's optimum assistance role in-country and lay the logistical groundwork for a DOT presence, to supplement the ongoing FAA assistance program.	3	8	$10,012	October 2009
Brussels, Belgium	US European Open Skies	1	7	$3,126	October 2009
Cartagena, Colombia	Speaking at ALTA CEO conference	2	6	$3,175	October 2009
Vancouver, Canada	International Meeting on Value of Travel Time Reliability and Cost Benefit Analysis	1	4	$1,792	October 2009
Beijing, China	5th Joint Working Group Meeting of the US-China Framework for the Ten Year Cooperation on Energy and Environment	1	6	$3,961	October 2009
Tokyo, Japan	Served as DOT representative at US-Japan air services negotiations.	1	7	$3,914	October 2009
Brussels, Belgium	Meeting w/ DG Competition re: joint alliance study	2	6	$6,478	November 2009

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Moscow, Russia	Accompany the Secretary to participate in First Global ministerial conference on Road Safety in Moscow, Russian Federation. Participate in bilateral meetings Prague Czech Republic	1	5	$1,522	November 2009
Brussels, Belgium	US European Open Skies	2	6	$8,335	November 2009
Gaborone, Botswana	Southern Africa Development Community Steering Committee Mtg.	1	9	$4,783	November 2009
Toronto, Canada	Keynote Speaker @ The International Economic Forum of the Americas/Toronto Forum for Global Cities	1	2	$1,564	November 2009
Beijing, China	To participate in negotiations	1	5	$3,893	November 2009
Montreal, Canada	Served as Departmental representative at an ICAO Agenda for Freedom meeting.	1	3	$1,219	November 2009
London, England	Served as representative for the Department as an expert on International Aviation Conference.	1	3	$783	November 2009

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Copenhagen, Denmark	Conference of the Parties, Framework Convention on Climate Change, 15th Session	2	4	$5,097	December 2009
Brussels, Belgium	Meetings w/ European Commission pursuant to Annex II of the US-EU air services agreement	3	6	$9,082	January 2010
Brussels, Belgium	US-EU Negotiations Round 8	2	6	$7,918	January 2010
Accra, Ghana	Eighth National Banjul Accord Group plenary and steering committee meetings and give presentation on Safe Skies training and technical assistance	1	8	$5,250	January 2010
Madrid, Spain	US-EU Round 7	2	6	$7,932	February 2010
Johannesburg, South Africa	US EAC Trade and Investment Framework Agreement meeting	2	6	$11,998	February 2010
Chihuahua, Mexico	Joint Working Committee for Border Planning	1	3	$2,608	February 2010
Moscow, Russia	To participate in Arctic SAR negotiations	1	5	$2,938	February 2010
Montreal, Canada	International Civil Aviation Organization (ICAO) HLM on Climate Change	1	5	$2,617	March 2010

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Paris, France	Accompanying Deputy Secretary to discuss w/ state, local and industry offices cooperation on high speed rail - its finance, design and operations	1	7	$5,532	March 2010
Montreal, Canada	ICAO High-Level Safety Conference	1	6	$2,526	March 2010
OFFICE OF INTELLIGENCE, SECURITY AND EMERGENCY RESPONSE					
Brussels, Belgium	To represent the United States in a series on NATO Civil Emergency Planning meetings to resolve issues related to the use of civil aviation resources to support NATO operations.	3	6	$13,169	June 2009
Brussels, Belgium	To represent the United States in a series on NATO Civil Emergency Planning meetings to resolve issues related to the use of civil aviation resources to support NATO operations.	1	4	$2,603	July 2009
Brussels, Belgium	To represent the United States in a series on NATO Civil Emergency Planning meetings to resolve issues related to the use of civil aviation resources to support NATO operations.	3	7	$15,369	September 2009

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Analyatur, Turkey	To represent the United States in a series on NATO Civil Emergency Planning meetings to resolve issues related to the use of civil aviation resources to support NATO operations.	1	4	$495	October 2009
Beijing, China	To represent the United States in the US/China Transportation Forum Disaster Response Working Group.	2	7	$8,071	October 2009
Antwerp, Belgium	To represent the United States in a series on NATO Civil Emergency Planning meetings to resolve issues related to the use of civil aviation resources to support NATO operations.	2	7	$4,315	October 2009
Brussels, Belgium	To represent the United States in a series on NATO Civil Emergency Planning meetings to resolve issues related to the use of civil aviation resources to support NATO operations.	1	5	$3,268	December 2009
Brussels, Belgium	To represent the United States in a series on NATO Civil Emergency Planning meetings to resolve issues related to the use of civil aviation resources to support NATO operations.	1	5	$3,827	December 2009

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Brussels, Belgium	To represent the United States in a series on NATO Civil Emergency Planning meetings to resolve issues related to the use of civil aviation resources to support NATO operations.	2	5	$7,410	March 2010
OFFICE OF PUBLIC AFFAIRS					
France; Netherlands; Germany & Spain	Travel with Secretary, Meetings on transportation issues with U.S. business leaders and foreign dignitaries.	1	7	$2,656	May 2009
Berlin , Cologne, & Frankfurt, Germany; Paris & Lyon, France	Meetings on transportation issues with U.S. business leaders and foreign dignitaries.	1	11	$5,847	November 2009
Prague, Czech Republic; Moscow, Russia	Travel with Secretary, Meetings on transportation issues with U.S. business leaders and foreign dignitaries.	1	5	$1,470	March 2010

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS					
Cairo, Egypt	Accompany Congressional Appropriations Staffers to visit various transportation sites	1	8	$6,291	May 2009
Tokyo, Japan	Accompany S-1 visit with Japanese Transportation Delegation and sites	1	7	$3,422	June 2010
Madrid, Spain; Rome, Italy	Accompany Congressional Staffers to visit various Transportation Delegations and sites	3	8	$17,090	August 2010
WORKING CAPITAL FUND					
Paris, France	Provide Executive Protection for the Secretary	1	8	$4,800	May 2009
Strasbourg, France	Provide Executive Protection for the Secretary	1	7	$5,510	May 2009
Leipzig, Germany	Provide Executive Protection for the Secretary	1	9	$4,719	May 2009
Madrid, Spain	Provide Executive Protection for the Secretary	1	6	$4,204	May 2009

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Rotterdam, Netherlands	Provide Executive Protection for the Secretary	1	6	$4,227	May 2009
Paris & Strasbourg, France; Leipzig, Germany; Madrid, Spain; Rotterdam, Netherlands	Provide Executive Protection for the Secretary	2	7	$5,350	May 2009
Beirut, Lebanon	Provide Executive Protection for the Secretary	2	4	$833	June 2009
Mexico City, Mexico	Provide Executive Protection for the Secretary	3	6	$4,326	October 2009
Prague, Czech Republic	Provide Executive Protection for the Secretary	1	8	$4,370	November 2009
Moscow, Russia	Provide Executive Protection for the Secretary	1	9	$4,869	November 2009
Prague, Czech Republic; Moscow, Russia	Provide Executive Protection for the Secretary	2	5	$3,039	November 2009

Overseas Travel Report for 5/1/10 - 4/30/11

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
OFFICE OF THE SECRETARY & DEPUTY SECRETARY					
Luxembourg City, Luxembourg	Advancing the Secretary to Luxembourg for the signing of an agreement with the EU.	1	6	$4,629	June 2010
Beirut, Lebanon; Rome, Italy	Met with Lebanese transport minister and high speed rail event in Rome.	1	7	$4,368	June/July 2010
Istanbul & Ankara, Turkey; Beirut, Lebanon; Rome, Italy	Talks with Turkish transit and visited the Turkish Vessel Management Information System; toured the deepest undersea rail tunnel in the world, met with Lebanese transport minister and high speed rail event in Rome.	1	10	$2,867	June/July 2010
Istanbul & Ankara, Turkey; Beirut, Lebanon; Rome, Italy	Talks with Turkish transit and visited the Turkish Vessel Management Information System; toured the deepest undersea rail tunnel in the world, met with Lebanese transport minister and high speed rail event in Rome.	1	10	$2,394	June/July 2010
Rome, Italy; Ankara, Turkey	Talks with Turkish transit and visited the Turkish Vessel Management Information System; toured the deepest undersea rail tunnel in the world, and high speed rail event in Rome.	1	15	$8,317	June/July 2010
Istanbul, Turkey; Beirut, Lebanon	Talks with Turkish transit and visited the Turkish Vessel Management Information System; toured the deepest undersea rail tunnel in the world, met with Lebanese transport minister.	1	6	$4,234	June/July 2010
Republic of Haiti	DOT/USCG Liaison Earthquake Relief efforts	1	4	$796	July 2010
Montreal, Canada	Trip to Montreal, Canada to advance the Secretary's trip	1	4	$1,811	October 2010

Overseas Travel Report for 5/1/10 - 4/30/11

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Montreal, Canada	Trip to Montreal, Canada to advance the Secretary's trip	1	3	$724	December 2010
Mexico City, Mexico	Informational Meeting	1	2	$1,382	January 2011
Mexico City, Mexico	Informational Meeting	1	3	$1,586	February 2011
OFFICE OF THE GENERAL COUNSEL					
Port of Spain, Trinidad	Aviation Negotiations Legal Counsel Org Excellence	1	4	$1,887	April/May 2010
Rome, Italy	Participate as chair of the Rail registry prepratory commission in the draft of proposal and regulatory	1	5	$3,599	May 2010
Montreal, Canada	Attended a disability conference sponsored by ICAO	1	2	$1,418	May 2010
Montreal, Canada	ICAO Facilitation panel sixth meeting	1	2	$1,453	May 2010
Paris, France	Represented DOT at ECAC and EU Joint Committee meetings	1	4	$2,546	May 2010
Hong Kong- Japan	Present information regarding the Departments rule and enforcement policies regarding access to air travel for	1	9	$5,145	May/June 2010
Oslo, Norway	Represented DOT at multilateral negotiation of artic search and rescue agreement	1	9	$2,862	June 2010
London, England	Partcipate as USG representative, chair of 2 subcommittees and presenter	1	13	$3,087	June/July 2010
Italy - Turkey	Trip with Secretary to Italy-Turkey to meet with Embassy officials regarding transportation issues	1	9	$3,450	June/July 2010
Addis Ababa, Ethiopia	Observed and partcipated in Complaints Resolution Official at Ethiopia Airlines	1	9	$3,309	June/July 2010
Montreal, Canada	ICAO Conference	1	2	$539	September 2010
Montreal, Canada	ICAO Conference	1	6	$1,787	September/October 2010

Overseas Travel Report for 5/1/10 - 4/30/11

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Rome, Italy	Partcipate in the 4th meeting of the preparatory commission for the establishement of the international	1	5	$4,358	October 2010
Helsinki, Finland	Partcipate in rail preparatory commission special group meeting.	1	3	$3,724	October 2010
Helsinki, Finland	Represented DOT at multilateral negotiation of artic search and rescue agreement	1	6	$2,415	October 2010
Helsinki, Finland	Represented DOT at multilateral negotiation of artic search and rescue agreement	1	5	$2,415	October 2010
Paris, France	European Civil Aviation Conference	1	3	$1,792	October 2010
Tokyo, Japan	Open skies negotiations with Government of Japan	1	7	$4,370	October 2010
Antwerp, Belgium	Partcipated in the 2009 NATO Transportation Training Seminar	1	4	$2,268	October 2010
Paris, France	Attend and partcipate in discussion at the EuropeanCivil Aviation Conference	1	8	$3,090	October 2010
Paris, France	Attending ECAC conference on DOT's disability rule	1	4	$3,448	October 2010
Paris, France	Attend and particpate on the panel for ECAC workshop on the Enforcment and monitoring of assistance to	1	4	$2,446	October 2010
Paris, France	Attend and participate on the panel for ECAC workshop	1	3	$2,874	October 2010
Hong Kong- Japan	Attending DOT's ACAA forum in Hong Kong	1	7	$3,813	October/November 2010
Hong Kong- Japan	Presenting in HongKong disability forum	1	8	$3,248	October/November 2010
Hong Kong- Japan	Presenting in HongKong disability forum	1	8	$2,980	November 2010
Hong Kong- Japan	Presenting in HongKong disability forum	1	6	$3,798	November 2010
Hong Kong- Japan	Partcipated in and gave presentation at conference training for air carriers	1	7	$8,934	November 2010
Brussels, Belgium	Civil Air negtiations with the European Union	1	4	$3,252	November 2010

Overseas Travel Report for 5/1/10 - 4/30/11

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Cairo, Egypt	DOT disability forum meeting with Arab Air Carriers Org	1	10	$3,454	December 2010
Cairo, Egypt	DOT disability forum meeting with Arab Air Carriers Org	1	7	$3,563	December 2010
Cairo, Egypt	Attend/partcipate in a Middle East Disability forum hosted by DOT	1	8	$3,832	December 2010
Cairo, Egypt	Partcipate in the Disability Rights forum with Foreign Airlines and meetwith the Middle East Airlines	1	16	$4,878	December 2010
Cairo, Egypt	DOT disability forum meeting with Arab Air Carriers Org	1	9	$3,581	December 2010
Cairo, Egypt	Traveling with the Office of the Assistant General Counsel for aviation enforcement	1	7	$4,195	December 2010
Mexico City, Mexico	Cross-border trucking negotiations with the Government of Mexico	1	2	$1,704	January 2011
Mexico City, Mexico	Negotiations with the Government of Mexico on an new cross-border trucking program	1	2	$1,718	February 2011
Vancouver, Canada	Speaker at the 2011 IATA Symposium	1	2	$1,552	February 2011
Brussels, Belgium; Geneva, Switzerland	Participate in Civil Aviation and Insurance Group and Preparatory Commission meetings	1	2	$1,720	March 2011
OFFICE OF THE UNDER SECRETARY FOR TRANSPORTATION POLICY					
Beijing, China	To accompany the Secretary for meetings	1	8	$3,315	May 2010
Beijing, China	To attend and participate in meetings with China (2nd round)	2	5	$7,076	May 2010
Leipzig, Germany	Conference attendance	2	5	$8,169	May 2010

Overseas Travel Report for 5/1/10 - 4/30/11

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Montreal, Canada	To facilitate and participate in panel meetings	3	6	$7,019	May 2010
Paris, France	US-EU Joint Committee meetings	2	6	$6,229	May 2010
Shanghai, China	To accompany the Secretary for meetings with China	1	7	$3,488	May 2010
Brussels, Belgium	To participate in signing of EU Air Transportation on behalf of Secretary	1	8	$5,527	June 2010
Lisbon. Portugal	Representing the US at International meeting	1	4	$3,451	June 2010
Zurich, Switerland	To attend and participate in signing of US-EU agreements	1	7	$3,987	June 2010
London, England	Conference attendance	1	7	$3,239	June 2010
Istanbul, Turkey	To accompany the Secretary for meetings	1	10	$2,980	June/July 2010
Luanda, Angola	To attend meetings as a delegation member (US Trade Rep.)	1	8	$8,575	June/July 2010
Montego Bay, Jamaica	Conference attendance	1	7	$2,955	June/July 2010
Rome, Italy	Staffing for Secretary during high level meetings	1	4	$2,477	July 2010
Gaborone, Botswana	Conference/Neeting attendance	2	8	$8,970	August 2010
Accra, Ghanna	Field tests (West African airports)	1	17	$8,733	August 2010
Beijing, China	To attend and participate in meetings with China (3rd round)	4	5	$11,870	September 2010
Brussels, Belgium	Speech/Presentaion	1	7	$4,358	September 2010

Overseas Travel Report for 5/1/10 - 4/30/11

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Montreal, Canada	ICAO Assembly meetings	9	12	$12,837	September 2010
Cancun, Mexico	Conference attendance	1	4	$1,957	September 2010
Brussels, Belgium	Speech/Presentaion	1	5	$2,564	September/October 2010
Madrid, Spain; Paris, France	International Transport Forum Meetings in Spain and France	1	6	$3,469	October 2010
Brussels, Belgium	Oneworld ATI case meetings	3	8	$10,069	October 2010
Montreal, Canada	To attend the Air Navigation Bureau of the International Civil Aviation Organization	1	1	$1,516	October 2010
Narita, Japan	Represent DOT at the signing of the US Japan Open Skies MOU.	1	3	$4,572	October 2010
Quebec, Canada	Represent OST at US Canadian Transportation Border Working Group.	1	3	$2,052	October 2010
Shanghai, China	Speech/Presentation	1	3	$2,955	October 2010
Tokyo City, Japan	Participate in Asia-Pacific Economic Cooperation Transportation Working Group Mtg.	1	8	$8,068	October 2010
Bogota, Colombia	Aviation negotiations with Columbian government	2	8	$4,053	November 2010
Johannesburg, South Africa	ICAO mtg of African Directors General of Civil Aviation.	2	7	$10,228	November 2010
London, England	To speak at 18th annual conference on Future of Air Transport	1	8	$965	November 2010
Montreal, Canada	Participate in ICAO ACIP Meeting	3	3	$4,110	November 2010

Overseas Travel Report for 5/1/10 - 4/30/11

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Rio de Janeiro, Brazil	DOT rep on the US Delegation for negotiating an expanded air services agreement	1	8	$2,576	November 2010
Rome, Italy	MEET2 Conference - Also meetings with the Italian Ministry of Transport	2	5	$9,567	November 2010
Sydney, Austalia	Participation in City of the Future: Australia & US Perspectives Event	1	9	$6,908	November 2010
Beijing, China	Ten Year Framework Meeting	2	8	$8,893	December 2010
Geneva, Switzerland	To attend ICAO Study Group on Supply Chain Security.	1	4	$3,622	December 2010
Mexico City, Mexico	Represent DOT at 1st mtg. of the Exec. Steering Comm. of 21st Century Border WG	1	2	$1,402	December 2010
Narita, Japan	Meet with CAAC to establish framework for high level dialogue for air service negotiations.	1	4	$4,674	December 2010
Shenzhen, China	Participate in U.S.-China Transportation Forum	1	13	$1,572	December 2010
Mexico City, Mexico	To participate in first round of long haul cross border trucking negotiations.	2	2	$3,505	January 2011
Montreal, Canada	Meetings with Canadian Competition Authorities and Air Canada on Transborder Issues	1	5	$2,049	January 2011
Ottawa, Canada	Regulatory cooperation with Canadian government and discussion of future matter	1	2	$1,491	January 2011
Mexico City, Mexico	To attend Long-Haul Cross Border Trucking Negotiations	1	2	$1,506	Februrary 2011
Geneva, Switzerland	Representative at the next GATS Air Annex Cluster	1	5	$4,098	Februrary 2011

Overseas Travel Report for 5/1/10 - 4/30/11

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Ankara, Turkey	Rollout of Joint Venture Project	1	5	$3,473	February/March 2011
Mexico City, Mexico	To participate in Long-Haul Cross Border Trucking Negotiations	1	2	$1,527	March 2011
Beijing, China	Ten Year Framework Meeting	2	6	$8,195	April 2011
Montreal, Canada	ICAO Seventh AFI Plan Steering Committee Mtg.	1	2	$1,621	April 2011
Paris, France	International Transport Forum and Transportation Management Board Mtg.	1	2	$2,741	April 2011
OFFICE OF INTELLIGENCE, SECURITY AND EMERGENCY RESPONSE					
Moscow, Russia	US - Russia Joint Committee Meeting	1	4	$3,239	May 2010
Shanghai, China	Provide Executive Protection for the Secretary	1	7	$5,415	May 2010
Tokyo, Japan	Advance Duty for Secretary's visit	1	9	$5,349	May 2010
Tokyo, Japan	Provide Executive Protection for the Secretary	2	5	$5,384	May 2010
Hong Kong, China	Provide Executive Protection for the Secretary	1	5	$4,786	May 2010
Brussels, Belgium	NATO Civil Aviation Working Group	3	7	$12,853	June 2010
Rome, Italy	Provide Executive Protection for the Secretary	1	8	$1,910	June 2010
Istanbul, Turkey	Provide Executive Protection for the Secretary	1	7	$4,512	June 2010
Florence, Italy	Advance Duty for Secretary's visit	1	2	$3,035	June 2010
Beirut, Lebanon	Provide Executive Protection for the Secretary	1	8	$5,150	June/July 2010
Luxembourg City, Luxembourg	Provide Executive Protection for the Secretary	3	11	$15,568	June/July 2010
Rome, Italy	Provide Executive Protection for the Secretary	1	9	$5,052	June/July 2010
Beijing, China	China / US Transportation Forum	2	6	$8,628	July 2010

Overseas Travel Report for 5/1/10 - 4/30/11

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Vienna, Austria	NATO Seminar	5	8	$16,433	September 2010
Montreal, Canada	Advance and Provide Executive Protection for the Secretary	3	8	$9,531	September 2010
Montreal, Canada	To attend the Air Navigation Bureau of the International Civil Aviation Organization	1	1	$1,516	October 2010
Narita, Japan	Represent DOT at the signing of the US Japan Open Skies MOU.	1	3	$4,572	October 2010
Quebec, Canada	Represent OST at US Canadian Transportation Border Working Group.	1	3	$2,052	October 2010
Shanghai, China	Speech/Presentation	1	3	$2,955	October 2010
Tokyo City, Japan	Participate in Asia-Pacific Economic Cooperation Transportation Working Group Mtg.	1	8	$8,068	October 2010
Montreal, Canada	Participate in ICAO ACIP Meeting	3	3	$4,110	November 2010
Beijing, China	Permanent Internatinal Association of Road Congresses (PIARC) Conference in China	1	5	$2,989	November 2010
Ottawa, Canada	Exhange Ideas	1	2	$1,379	November 2010
Toronto, Canada	Advance and Provide Executive Protection for the Secretary	2	4	$3,205	November 2010
Rio de Janeiro, Brazil	DOT rep on the US Delegation for negotiating an expanded air services agreement	1	8	$2,576	November 2010
Rome, Italy	MEET2 Conference - Also meetings with the Italian Ministry of Transport	2	5	$9,567	November 2010
Sydney, Australia	Participation in City of the Future: Australia & US Perspectives Event	1	9	$6,908	November 2010
Ottawa, Canada	Transport Canada	1	5	$2,288	November/ December 2010
Xiamen, China	US China Transportation Forum	4	9	$18,843	December 2010

Overseas Travel Report for 5/1/10 - 4/30/11

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Brussels, Belgium	China Disaster Assistance Working Group (CAWG) Meeting	3	6	$9,974	December 2010
Montreal, Canada	Advance and Provide Executive Protection for the Secretary	2	2	$1,014	December 2010
Narita, Japan	Meet w/ CAAC to est. framework for high level dialogue for air service negotiations.	1	4	$4,674	December 2010
Shenzhen, China	Participate in U.S.-China Transportation Forum	1	13	$1,572	December 2010
Montreal, Canada	Mtgs w/ Canadian Competition Authorities and Air Canada on Transborder Issues	1	5	$2,049	January 2011
Ottawa, Canada	Regulatory cooperation with Canadian gov't and discussion of future matter	1	2	$1,491	January 2011
Brussels, Belgium	NATO meeting	3	6	$9,075	March 2011
Paris, France	International Transport Forum and Transportation Management Board Mtg.	1	2	$2,741	April 2011
Montreal, Canada	ICAO Seventh AFI Plan Steering Committee Mtg.	1	2	$1,621	April 2011
Ottawa, Canada	Transport Canada	1	7	$2,769	April 2011
London, England	US Delegation to the ISO meeting of the Noise Committee	1	1	$2,808	April 2011
OFFICE OF PUBLIC AFFAIRS					
Tokyo, Japan; Shanghai, Hong Kong, China	Meet with Toyota Officials in Tokyo, Ride High Speed Rail in Tokyo, port visit and meet with transport minister in Hong Kong, and open up the World Expo US in pavilion in China.	1	8	$2,497	May 2010

Overseas Travel Report for 5/1/10 - 4/30/11

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Istanbul, Ankara Turkey; Beirut, Lebanon; Rome, Italy	Travel with S1 for talks with Turkish transit and visited the Turkish Vessel Management Information System; toured the deepest undersea rail tunnel in the world, met with Lebanese transport minister and high speed rail event in Rome .	1	11	$3,469	June/July 2010
OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS					
Tokyo, Japan	Meet with Toyota Officials in Tokyo, Ride High Speed Rail in Tokyo, port visit and meet with transport minister in Hong Kong, and open up the World Expo US in pavilion in China.	1	7	$3,422	May 2010
Dublin, Ireland; Brussels, Belgium; Prague, Czech Republic	Travel with Appropriators	1	8	$6,661	May/June 2010
Tokyo, Japan	Travel with Appropriators	2	8	$9,834	August/September 2010

Overseas Travel Report for 5/1/11 - 4/30/12

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
OFFICE OF THE SECRETARY & DEPUTY SECRETARY					
Amman, Jordan; Rome, Italy	Advance the Secretary's visit to Amman, Jordan and Rome, Italy	1	10	$6,129	June 2011
Madrid, Spain	Advance the Secretary's visit to Madrid, Spain	1	7	$3,846	June 2011
Paris, France	Advance the Secretary's visit to Paris, France	1	15	$6,505	June 2011
London, Great Britain; Madrid, Spain; Amman, Jordan; Baghdad, Iraq; Paris, France; Rome, Italy; Ponta Delgada, Portugal	Secretariy's Trip to London, Madrid, Paris and Ponta Delgada	3	9	$10,000	June 2011
Mexico City, Mexico; Amelia Island, Florida	Trips to Mexico City, Jacksonville, Florida; Little Rock and Bella Vista, Arkansas. In Mexico the Secretary will sign a cross-border trucking agreement.	1	3	$1,349	July 2011
Mexico City, Mexico; Jacksonville, Florida; Little Rock, Arkansas; Bella Vista, Arkansas	Trips to Mexico City, Jacksonville, Florida; Little Rock and Bella Vista, Arkansas. In Mexico the Secretary will sign a cross-border trucking agreement.	1	3	$427	July 2011
New Delhi, India	Informational Meeting	1	5	$4,256	Sept/Oct 2011
OFFICE OF THE GENERAL COUNSEL					
Rome, Italy	Negotiate terms and conditions of Registrar of the International Rail Registry	1	2	$4,216	May 2011
Mexico City, Mexico	Cross-border trucking negotiations with the Govt of Mexico	1	2	$6,196	June 2011
Brussels, Belgium	NATO Civil Aviaition Group meetings vice-chair and chair of lawyers group	1	4	$4,054	June 2011

Overseas Travel Report for 5/1/11 - 4/30/12

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Oslo, Norway	Member US delegation to Joint Committee meeting with EU	1	3	$2,951	June 2011
Brussels, Belgium	EU-U.S. High level Regulatory Cooperation Forum	1	3	$4,093	June 2011
Mexico City, Mexico	MOU with government of Mexico	1	2	$1,568	June 2011
Paris, France	Europe trip with Secretary	1	5	$2,126	June 2011
Chonging, China	Aviation negotiations with China	1	10	$4,782	August 2011
London, England; Dublin, Ireland	Participate as chair of the International Rail Preparatory Commission	1	3	$3,421	August/September 2011
New Delphi, India	US-EU Joint Committee meeting on ETS	1	5	$5,098	September/October 2011
Brussels, Belgium	NATO Civil Aviaiton Committee Report on War Risk Insurance Finalization	1	4	$4,150	September 2011
Montreal, Canada	ABA - The Forum on Air and Space Law	1	4	$1,143	September 2011
Reykjavik, Iceland	ABA- The Forum on Air and Space Law	1	3	$2,989	September 2011
Montreal, Canada	ABA - The Forum on Air and Space Law	1	3	$1,447	September 2011
Bogota, Colombia	Negotiations	1	4	$1,481	November 2011
Rio De Janeiro, Brazil	Aviation Negotiations between US and Brazil	1	6	$2,708	November/December 2011
Reykjavik, Iceland	Negotiations of multilateral Artic Search and Rescue Agreement	1	5	$3,225	December 2011
Singapore	International Meetings	1	6	$6,106	December 2011

Overseas Travel Report for 5/1/11 - 4/30/12

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Paris, France	To participate as chair of the International Rail Preparatory Commision in negotiation of contract with the International Rail Registrar.	1	5	$3,344	January 2012
Moscow, Russia	Participation in multilateral conference on EU ETS	1	4	$3,666	February 2012
Brussels, Belgium	To participate in NATO Civil Aviation Group meeting as vice chair of that group.	1	4	$3,571	March 2012
Dublin, Ireland	Aviation and Enforcement activities	1	5	$2,870	March 2012
Tokyo City, Japan	Bilateral negotiations with government of Japan	1	4	$3,240	April 2012
OFFICE OF THE UNDER SECRETARY FOR TRANSPORTATION POLICY					
Beijing, China	Speech/Presentation	2	6	$8,482	May 2011
Leipzig, Germany	Attend Int'l Transport Forum's 2011 Summit	1	4	$4,794	May 2011
Vancouver, Canada	Special Joint Planning Joint Session/drafting meeting for the upcoming APEC Transportation Ministerial Meeting	1	3	$2,699	May 2011
Brisbane, Australia	To attend work group meetings	2	8	$13,029	June 2011
London, England	To accompany Secretary to participate in the US-Spain Rail Transport conference	1	7	$3,944	June 2011
Oslo, Norway	To attend Joint Committee Meeting with the EU	2	5	$6,269	June 2011
Ottawa, Canada	International Meeting.	1	1	$1,366	June 2011
Pretoria, South Africa; Lusaka, Zambia	To participate in the US Africa TIFA meetings and the Africa Growth and Opportunity Act Forum	2	8	$12,694	June 2011
Mexico City, Mexico	Meeting of the US Mexico Executive Committee for 21st Century Border Mgmt.	2	2	$2,037	July 2011
Beijing, China	To represent DOT in Air Services negotiations	1	15	$10,655	August 2011
Dar Es Salaam, Tanzania	To deliver keynote address to the Aviation and Allied Business Leadership Conf.	3	11	$22,979	August 2011

Overseas Travel Report for 5/1/11 - 4/30/12

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Montreal, Canada	Training	1	6	$2,118	August 2011
Tokyo City, Japan	To attend US Japan negotiationss	2	5	$10,013	August 2011
Dar Es Salaam, Tanzania	Amendment to FY-2011 Trip	1	9	$1,298	August 2011
Brussels, Belgium	Speech and Meeting attendance	1	12	$9,547	September 2011
Montreal, Canada	To attend ICAO Assembly	1	2	$1,517	September 2011
Montreal, Canada	ICAO Council Mtg. on EUETS	2	2	$3,035	September 2011
New Delhi, India	To attend aviation meetings in India	1	5	$5,106	September 2011
New Delhi, India	To present a foreign air carrier economic licensing presentation at the 2011 NBAA-CBAA Cross-Border Issues Conference	1	5	$5,106	September/October 2011
Mumbai, India	To attend Chile UN CEPAL & Chile DOT mtgs and ALTA Leaders Forum	1	12	$5,067	October 2011
Tokyo City, Japan	To attend the 2012 ITF Task Force and Transport Mgmt Board Meeting & Symposium	1	4	$4,157	October 2011
Montreal, Canada	To attend ICAO Africa Comprehensive Implementation Plan	2	6	$6,459	October 2011
Abu Dhabi, United Arab Emirates	To participate with DOC led Transportation Infrastructure/Multimodal Products and Services Trade	1	8	$6,518	October 2011
Doha, Qatar	International Transport Forum Annual Ministerial Summitt	1	8	$6,417	October 2011
Rio de Janeiro, Brazil	To participate in bilateral negotiations in China	1	6	$3,368	November 2011
Santiago, Chile	To co-chair the Joint Committee meeting between the US and the EU.	1	9	$4,287	November 2011
Beijing, China	Prep for US China Transportation Forum	1	3	$3,657	November 2011
London, England	To speak at the Institute of Economic Affairs 18th Annual Conference on the Future of Air Transport	1	3	$960	December 2011
Mexico City, Mexico	To participate in National Security Staff 21st Century Border Management Executive Steering Committee Meeting	1	2	$1,919	December 2011

Overseas Travel Report for 5/1/11 - 4/30/12

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Lagos, Nigeria	Meet w/ Director General of Civil Aviation, Rwanda & high level officials, to discuss plan to assist Kenya in meeting ICAO standards for safety and security oversignt.	2	10	$14,516	January 2012
Accra, Ghana	Attend and observe Inspector Training System (ITS) training	1	8	$4,656	February 2012
Bangkok, Thailand	To attend the 35th APEC Transportation Working Group meeting	4	8	$12,306	February 2012
Moscow, Russia	To attend aviation meetings	1	4	$3,800	February 2012
Paris, France	ICAO Air Transport Symposium	1	4	$3,435	March 2012
Munich, Germany	Munic Satelite Navigation Summit	1	3	$2,983	March 2012
Bogota, Colombia	To assist DAS at US Brazil NEI objectives.	2	8	$11,142	March 2012
Brasilia, Brazil	To represent US interest at ITF Task Force & Transport Management Board meetings	1	8	$5,349	March 2012
Beijing, China	To attend ABACE Conference and speak on panel	1	6	$3,534	March 2012
Nairobi, Kenya	To facilitate SSFA program goals during 3 ICAO meetings	1	13	$10,065	March 2012
Kampala, Uganda	To participate in ICAO African Regional Aviation Safety Group Meeting	1	5	$6,165	March 2012
Shanghai, China	To participate on a panel at the Thirty-Third Plenary Session of the European Civil Aviation conference	1	4	$2,391	March 2012
OFFICE OF INTELLIGENCE, SECURITY AND EMERGENCY RESPONSE					
Amman, Paris; Pont Delgado	Advance and Provide Executive Protection for the Secretary	3	8	$13,733	June 2011
Madrid, Spain; London, England	Advance and Provide Executive Protection for the Secretary	3	8	$10,542	June 2011
Brussels, Belgium	NATO meeting	2	6	$8,241	June 2011
Mexico City, Mexico	Advance and Provide Executive Protection for the Secretary	2	2	$1,823	July 2011
Brussels, Belgium	NATO meeting	1	7	$3,869	July 2011

Overseas Travel Report for 5/1/11 - 4/30/12

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Ottawa, Canada	Transport Canada	1	5	$1,674	July 2011
Brussels, Belgium	NATO meeting	2	5	$8,848	September 2011
Antalya, Turkey	TO Annual Transportation Seminar	1	13	$2,030	September 2011
Bermuda	Advance and Provide Executive Protection for the Secretary	2	6	$3,674	September 2011
Antalya, Turkey	NATO	3	10	$9,884	October 2011
Ottawa, Canada	US Canada Consultative Meeting	2	3	$3,912	October 2011
Ottawa, Canada	Emergency Preparedness Committee for Civil Transportation (EPCCT) Meeting	4	3	$7,457	October/November 2011
Brussels, Belgium	NATO meeting	3	5	$11,257	December 2011
Anchorage, Alaska	AK Shield Exercise	2	5	$6,290	February 2012
Stockholm, Sweden	NATO meeting	1	4	$3,571	February 2012
Brussels, Belgium	NATO meeting	4	6	$17,293	March 2012
OFFICE OF PUBLIC AFFAIRS					
London, England; Madrid, Spain; Amman, Jordan; Baghdad, Iraq; Paris, France; Rome, Italy; Ponta Delgada, Portugal	Travel with the Secretary for his trip to London, Madrid, Paris and Ponta Delgada.	1	9	$3,963	June 2011
Mexico City, Mexico; Jacksonville, Florida; Little Rock, Arkansas; Bella Vista, Arkansas	Travel with the Secretary for his trips to Mexico City, Jacksonville, FL, Little Rock and Bella Vista, AR. In Mexico the Secretary will sign a cross-border trucking agreement.	1	3	$423	July 2011
OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS					
Hamburg, Germany; Brussels, Belgium	Traveling with the MARAD Administrator, serving as OST Representative on Delegation.	1	7	$4,410	June/July 2011
Brasilia, Brazil	Travel with Appropriators to tour various Transportation projects.	1	8	$4,800	January 2012

Overseas Travel Report for 5/1/12 - 4/30/13

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
OFFICE OF THE SECRETARY & DEPUTY SECRETARY					
Montreal, Canada	Informational Meeting	1	2	$1,335	April/May 2012
Tumon, Guam	Secretary traveling to Guam as the the University of Guam Commencement speaker	1	8	$13,120	May 2012
Tumon, Guam	Advance for Secretary's travel to Guam as the the University of Guam Commencement speaker	2	5	$9,347	May 2012
Shanghai, China	US/China Transportation Disaster Preparedness Workshop	1	7	$2,833	September 2012
Droval, Canada	Emergency Preparedness Committee for Civil Transportation (EPCCT) Workshop	1	3	$1,661	October 2012
Hangzhou, China	5th Annual US/China Transportation Forum & Port and Inland Waterways Working Group	1	7	$6,182	November /December 2012
Montreal, Canada	Winter Work Tour of SLSDC Locks	1	2	$1,730	February 2013
OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS					
Paris, France	The delegation focused on transportation and infrastructure investments under the jurisdiction of the Transportation, Housing and Urban Development Subcommittee	1	5	$3,797	October 2012
OFFICE OF THE GENERAL COUNSEL					
Montreal, Canada	Participation in US delegation to ICAO legal sub-committee meeting	1	5	$1,484	May 2012
Rome, Italy	Participate as member of US delegation in EU-US Joint Committee meeting.	1	3	$3,283	May/June 2012
Paris, France	Participate in the negotiatin between the Cape Town Rail. Preperatory Commision and the International Rail Registrat.	1	4	$3,477	May/June 2012
Brussels, Belgium	Participate in NATO Civil Aviation subcommitte meeting, as vice chair of the Committee.	1	12	$3,412	June 2012
Paramaribo, Suriname	Aviation Negotiations in Suriname	1	12	$3,413	June 2012

Overseas Travel Report for 5/1/12 - 4/30/13

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Dublin, Ireland	Cape town rail	1	5	$3,244	August 2012
Brussels, Belgium	NATO Transportation Group Civil Aviation Committee as vice chair of the Committee	1	4	$3,827	September 2012
Zurich, Switzerland	Negotiating with the International Registrar a 10 year contract for it to run the international Rail Registry	1	4	$3,629	September 2012
Montreal, Canada	To attend and meet with officials at the Candadian Business Aviation Associatoin regional confernce regarding Cross-Border Issues Conference in Toronto.	1	3	$2,028	October 2012
Istanbul, Turkey	Participate as vice and legal advisor in NATO multi-media transport meeting and table top exercises	1	5	$3,011	October 2012
London, England	Participate as Cape Town Rail Preparatory Comission chair in contract negotiations with International Registrar	1	5	$3,526	October 2012
Montreal, Canada	AEP Conference	1	3	$2,083	October 2012
London, England	Chair the Preparatory commission's negotiations team as we try to reach agreement on a contract with International Registrat.	1	5	$3,853	October/November 2012
Zurich, Switzerland	To Participate in negotiation of contract between the International Rail Register and the Preparatory Commison, as Chair of the Preparatory Commision.	1	3	$3,468	November 2012
Rome, Italy	to chair the meeting of the International Rail Registry Preparatory Commission	1	4	$4,401	November/December 2012
Ottawa, Canada	CBAA/NBAA Cross-Border Issues Conference	1	2	$1,774	December 2012
Ottawa, Canada	CBAA/NBAA Cross-Border Issues Conference	1	2	$1,744	December 2012
Toronto, Canada	To attend and meet with officials at the Candadian Business Aviation Associatoin regional confernce regarding Cross-Border Issues Conference in Toronto,	1	5	$1,665	December 2012
Rome, Italy	A negotiation meeting between the Cape Town Rail & International to compete a 10 year contract.	1	4	$5,689	February 2013
Mexico City, Mexico	Meeting with Mexico Transport Ministry to discuss cross-border trucking pilot program	1	2	$1,538	February 2013

Overseas Travel Report for 5/1/12 - 4/30/13

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
London, England	To attend the Transportation Management Board meeting as a member of the US Delegation and the meet with SITA officials to resolve cost discrepancy issues	1	4	$11,831	March 2013
Montreal, Canada	ICAO 6th Air Transportation Conference	1	2	$1,566	March 2013
Ottawa, Canada	Canadian Transportation Baggeage Rules workshop	1	1	$1,376	March 2013
Montreal, Canada	ICAO Dangerous Goods Panel Conference	1	2	$1,438	April 2013
OFFICE OF THE UNDER SECRETARY FOR TRANSPORTATION POLICY					
Tokyo City, Japan	To participate in the ICAO Air Transport Symposium	2	5	$10,137	April 2012
Montreal, Canada	To meet with officials in the Ministry of Transportation to negotiate the US Brazil Transportation Partnership	2	5	$4,440	April 2012
Brussels, Belgium	Kick off presentation for the US-EU Joint Alliance Study Review Team Project	2	7	$7,380	April 2012
Montreal, Canada	To represent the US DOT at the 19th Steering Committee meeting of the ICAO Comprehensive Plan for Aviation Safety in Africa	1	2	$2,119	April 2012
Frankfurt, Germany	Represent DOT on behalf of the Secretary at the ITF Annual Ministerial Summit	2	8	$13,591	May 2012
Beijing, China	To attend a multitude of high-level meetings w/ officials from UAE and Qatar on Transportation Infrastructure	3	8	$17,007	May 2012
Rome, Italy	US-ECAC Mtg. to discuss respective policies on current aviation issues	2	11	$5,127	May 2012
Kabul, Afghanistan	To attend the Beyond the Border Executive Steering Committee Meeting	1	4	$3,646	June 2012
Montreal, Canada	To attend US Mexico Joint Working Committee Meeting	1	4	$2,678	June 2012
Parmaribo, Suriname	Bilateral aviation negotiations with the Japanese on Haneda Airport issues	1	6	$2,753	June 2012
Paris, France	To attend US-EU Joint Committee to discuss issues including aviation emissions and noise, user charges, airport regs, etc.	2	4	$5,323	June 2012

Overseas Travel Report for 5/1/12 - 4/30/13

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Strasbourg, Germany	DOT Co-Chair of the US-ECAC discussions focusing on noise and EU ETS.	1	3	$3,089	July 2012
Bangkok, Thailand	Lay groundwork for APEC Transportation Working Group Meeting (TPTWG)	2	8	$15,454	July 2012
Abuja, Nigeria	To participate in and address the African Ministerial Meeting on Aviation Safety	2	5	$8,194	July 2012
Abuja, Nigeria	To participate in USTR led USG delegation to TIFA discussions	1	9	$6,812	July 2012
St. Petersburg, Russia	To attend and participate at the next round of APEC Transportation Working Group (TPTWG) meetings	3	11	$16,088	August 2012
Johannesburg, South Africa	Attend Aviation & Allied Business Aviation Leadership Conference	2	7	$10,460	August 2012
Mexico City, Mexico	To meet with the ministries of Transport, Public Works and Mines to discuss the Grown and Development of Trans Projects	1	2	$1,548	September 2012
Albuquerque, New Mexico	To attend and participate with a US government led trade mission to Qatar	1	2	$1,160	September 2012
Brasilia, Brazil	To facilitate US exports to priority markets under the National Export Initiative	2	5	$107,700	September 2012
Oslo, Norway	To represent US interest at the 13th Task Force and Transport Management Board Meeting	2	4	$6,002	October 2012
Geneva, Switzerland	Serve as the US representative in ongoing WTO/General Agreement on Trade in Services (GATS) Air Annex Review negotiations.	1	3	$3,595	October 2012
Montreal, Canada	Preparation for ETS discussion for ICAO Council	1	4	$2,552	October 2012
Beijing, China	To negotiate Memorandums of Cooperation and advance the US China Transportation Forum	2	4	$7,509	October 2012
Ottawa, Canada	To represent Department at US-Canada Transportation Border Working Group Plenary	1	2	$1,684	November 2012
Montreal, Canada	Preparation for ETS discussion for ICAO Council	1	2	$1,541	November 2012
Beijing, China	To advance bilateral discussions on transportation related issues at the Civil Aviation Administration of China and participate in the 5th US China Transportation Forum.	4	10	$19,809	November 2012

Overseas Travel Report for 5/1/12 - 4/30/13

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
New Delhi, India	Accompany DOT leadership for meetings with Indian Transportation officials	1	8	$4,845	November 2012
London, England	To speak at the Institute of Economic Affairs 20th anniversary conference on the future of Air Transport.	1	3	$908	December 2012
Jeddah, Saudi Arabia	To represent the Department on the U.S. delegation at the ICAO Civil Aviation Negotiations.	1	9	$5,975	December 2012
Singapore	To attend the Lower Mekong Initiative Best Practice Exchange and meet with representatives from the Ministry of Foreign Relations and Ministry of Transportation of Singapore to discuss implementation of the Lower Mekong Initiative transportation workshops.	1	7	$5,651	January 2013
Mexico City, Mexico	The new Mexican government has expressed eagarness to engage cooperation with the United States on several transportation issues. Ms. Kurland will be conducting high level bilateral discussions with Mexican government officials at SCT and other agencies that affect our transportation relationship. Meet will advance our objectives in these key areas: air services liberalization, long-haul cross-border trucking, and border corridor collaboration.	2	2	$3,387	January 2013
Paris, France	Represent the Department at the ITF Extra Ordinary Session of the Strategic High Level Working Group (HLG).	1	4	$3,571	January 2013
Cartagena, Colombia	(1) Represent the US DOT at the Worldwide Routes America Conference 2013. (2) Will participate in a panel. (3) Meet with civil aviation authorities, airports and airlines.	1	2	$414	February 2013
Mexico City, Mexico	To participate in a Departement of Commerce (DOC) - led trade mission to Mexico organized around the U.S. Chamber of Commerce U.S. Mexico Initative, a cooperative program between U.S. and Mexican industry leaders. The interagency mission will include Assistant Secretary- level participation form the Commerce Department (DOC) and the Department of Homeland Security (DHS).	2	2	$3,313	February 2013
Moscow, Russia	Aviation negotiation between the United States and Russia to expand services.	1	4	$3,755	February 2013

Overseas Travel Report for 5/1/12 - 4/30/13

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Berlin, Germany	Speech/Presentation to the International Air Transport Association's Legal Conference in Berlin on the Department's alliance policy.	1	8	$4,095	February 2013
Paris, France	To attend the Task Force/Transport Management Board meetings in preparation for ITF.	2	5	$7,370	March 2013
Montreal, Canada	Attend Safety Partnership Meeting.	1	2	$1,707	March 2013
Montreal, Canada	The International Civil Aviation Organization will hold the 6th Worldwide Air Transport Conference in Montreal, Canada with participation of Members State, invited international organizations, and aviation industry representatives. A/S Kurland will lead the U.S. Delegation to the Conference. As Chief Delegate, she will be the principal spokesperson for the U.S. and will direct the activities of the delegation. In addition, she will conduct bilateral discussions with her counterparts and other senior officials to promote U.S. positions related to aviation.	4	6	$7,816	March 2013
OFFICE OF INTELLIGENCE, SECURITY AND EMERGENCY RESPONSE					
Shanghai, China	US-China Transportation Forum	2	5	$5,000	May 2012
Tumon, Guam	Advance and Provide Executive Protection for the Secretary	2	10	$10,207	May 2012
Brussels, Belgium	NATO Transport Group	2	6	$10,730	June 2012
Vienna, Austria	NATO meeting	1	7	$3,532	June 2012
Paris, France	US-France Bilateral Agreement Meeting	1	5	$2,813	July 2012
Shanghai, China	US China Transportation Forum	5	7	$23,855	September 2012
Stockholm, Sweden	NATO Exercise	3	8	$13,799	October 2012
Shanghai, China	US China Transportation Forum	1	5	$3,050	November 2012
Brussels, Belgium	NATO Exercise	2	5	$7,585	January 2013
OFFICE OF PUBLIC AFFAIRS					
Tumon, Guam	Travel with Secretary for his trip to Guam as the the University of Guam Commencement speaker.	1	5	$3,807	May 2012

Overseas Travel Report for 5/1/13 - 4/30/14

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
OFFICE OF THE SECRETARY & DEPUTY SECRETARY					
Oslo, Norway	Attending Maritime Summit 2013, speaking on behalf of the Secretary	1	4	$2,794	June 2013
Panama City, Panama	Advance for Secretary's travel with Vice President of the US.	1	2	$241	September 2013
Mexico City, Mexico	Advance for Secretary's travel with Vice President of the US.	1	7	$2,871	September 2013
Mexico City, Mexico	Travel with Vice President of the US to Mexico to further elevate and strengthen the US - Mexico bilateral commercial and economic relationship. President Obama and President Pea Nieto agreed to establish a cabinet level High Level Economic Dialogue (HLED).	1	1	$644	September 2013
Montreal, Canada	Advance for Secretary's travel to 38th Intl Civil Aviation Organization General Assembly Meeting	1	5	$1,930	September 2013
Montreal, Canada	38th Intl Civil Aviation Organization General Assembly Meeting	1	2	$405	September 2013
San Francisco, California; Panama City, Panama	Advance for Secretary's travel with Vice President of the US.	1	6	$3,039	November 2014
Houston, Texas; Panama City, Panama	Travelling to Houston with Vice President of the US to visit the Port of Houston and then Panama City to visit the locks.	1	2	$333	November 2014
OFFICE OF THE GENERAL COUNSEL					
Montreal, Canada	Attend a meeting of the ICAO Legal Committee to address the unruly passenger issue and draft	1	11	$4,444	May 2013
Brussels, Belgium	Continuation of the negotiations for a host state agreement of the Supervory Authority.	1	4	$4,213	May 2013
Brussels, Belgium	Discussion with representative of EU transport Ministry	1	2	$2,466	April 2013
Reykjaviv, Iceland	Biannual meeting to review issues in the US-EU aviation relationship	1	2	$2,812	April 2013
London, England	Preparatory Commission negotiation team will be meeting in London w/SITA Officals.	1	4	$3,047	June 2013

Overseas Travel Report for 5/1/13 - 4/30/14

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Mexico City, Mexico	Monitoring training quality of Case Resolution Officert under the ACAA.	1	2	$1,599	June 2013
Mexico City, Mexico	Monitoring training quality of Case Resolution Officert under the ACAA	1	2	$1,568	June 2013
Calgary, Canada	WestJet CRO Training Monitoring	1	2	$2,203	June 2013
Calgary, Canada	WestJet CRO Training Monitoring	1	2	$2,355	June 2013
London, England	To resolve remaining issues in IRR.	1	2	$2,413	August 2013
Calgary, Canada	Conducting Complicance visit of Air Canda Airlines	1	5	$3,082	August 2013
Calgary, Canada	Conducting Complicance visit of Air Canda Airlines	1	6	$3,069	August 2013
Calgary, Canada	Conducting Complicance visit of Air Canda Airlines	1	10	$3,455	August 2013
Calgary, Canada	Investigation of Air Carrier	1	2	$2,056	August 2013
Calgary, Canada	To Visit Air Canada to determine the carriers compliance with DOT regulations.	1	5	$4,340	August 2013
Brussels, Belgium	Meeting with the Government of Luxembourg Officials	1	2	$3,232	September 2013
Montreal, Canada	Outstanding Legal issues at ICAO	1	3	$1,941	September 2013
Habana, Cuba	Discussion w/ government of Cuba on search and recue.	1	3	$1,457	September 2013
London, England	To complete work on contract with the international Registrar.	1	5	$3,105	September 2013
Montreal, Canada	US Delegation in negotiations on revision fo Tokyo Convention	1	6	$2,510	December 2013
Paris, France	Negotiations between the RPC team and the Inernational Rail Registrar	1	3	$3,391	January 2014

Overseas Travel Report for 5/1/13 - 4/30/14

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Paris, France	Iternational Meetings	1	4	$3,355	February 2014
Montreal, Canada	Member of US delegation to Diplomatic Conference on amending the Tokyo Convention	1	8	$3,689	March/April 2014
Mexico City, Mexico	Mexico air services agreement negotiation	1	5	$2,447	April/May 2014
OFFICE OF THE UNDER SECRETARY FOR TRANSPORTATION POLICY					
Accra, Ghana	Attend the African Civil Aviation Commission Plenary meeting to discuss with African Aviation decision makers- DOT's Safe Skies activities and other opportunities for engagement over the next three to five years.	1	5	$2,883	April 2013
Ho Chi Minh City, Vietnam	To participate in the 37th Asia-Pacific Economic Cooperation Transportation Working Group meeting.	3	9	$17,457	April 2013
Shanghai, China	**Trip Canceled**. To meet with Asian Directors General to further the Business Aviation in APEC and to represent the U.S. on panel dealing with that subject.	1	0	$53	April 2013
Mexico City, Mexico	Represent the Department at the Joint Working Committee for Border Planning	1	3	$1,828	April 2013
Brussels, Belgium	To consult with the European Commission and Government of Italy on Airport feesat Italian airports.	1	2	$3,027	April 2013
Sao Paulo, Brazil	Assistant Secretary of Transportation for Aviation and International Affairs participation in the U.S. Department of Commerces Secretarial Infrastructure Business Development Mission (Trade Mission) to Brazil and Colombia in support of the National Export Initiative.	2	5	$12,285	May 2013
Beijeng, China	To participate in meetings at the China Civil Aviaition Development Forum.	3	5	$13,358	May 2013

Overseas Travel Report for 5/1/13 - 4/30/14

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Lima, Peru; Mexico City, Mexico	Represent DOT on the USTR-led United States delegation at the Trans-Pacific Partnership negotiations. Travel to Mexico City to co-chair civil aviation consultations with Mexico.	1	9	$4,203	May 2013
Leipzig, Germany	U.S. Transportation Delegation Participation at the 2013 International Transport Forum (ITF) Summit on Funding Transport as Head Delegation.	2	4	$3,745	May 2013
Reykjavik, Iceland	Senior DOT representative to the U.S. EU Joint Committee meeting.	2	3	$6,100	June 2013
Hong Kong, China	To participate in APEC TPTWG meetings as Chair of the Air Services Sub-group	2	11	$11,842	June 2013
Kyoto and Tokyo City, Japan	Speaking role - APEC Business Advisory Council Meeting	1	4	$4,557	July 2013
Anchorage, Alaska	Represent DOT as a Senior Official at the 2013 Alaska Air Cargo Summit. Speaker and panel member to explain special Department rules pertaining to unique foreign carrier air cargo opportunities at Alaska airports.	1	3	$2,144	August 2013
Seoul, Korea; Tokyo, Japan	Accompany Deputy Secretary Porcari to the APEC TMM8 and hold bilateral meetings with APEC counterparts	1	8	$5,446	August 2013
Tokyo, Japan	Attend the APEC TMM8/host bilateral meetings with APEC counterparts to promote US DOT priorities and policies	4	8	$24,855	September 2013
Mexico City, Mexico	To participate in a Departement of Commerce (DOC) - led trade mission to Mexico organized around the U.S. Chamber of Commerce U.S. Mexico Initative, a cooperative program between U.S. and Mexican industry leaders. The interagency mission will include Assistant Secretary- level participation from the Commerce Department (DOC) and the Department of Homeland Security (DHS).	2	2	$3,486	September 2013
Montreal, Canada	Represent US on A-38 Economic Commission, provide policy advice in other areas of expertise at the ICAO Assembly	1	10	$4,249	September 2013

Overseas Travel Report for 5/1/13 - 4/30/14

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Montreal, Canada	ICAO 38th Assembly	1	9	$4,249	September 2013
Montreal, Canada	Principal Advisor on Bilateral/Multilateral Aviation issues for the Secretary.	1	1	$456	September 2013
Montreal, Canada	Represent DOT at the ICAO Africa Comprehensive Plan Steering Committee Meeting	2	2	$3,206	November 2013
London, England	Presenting at the Marketforce and IEA's Conference - The Future of Air Transport	1	3	$824	November 2013
Durban, South Africa	Participate in aviation negotiations with foreign partners at ICAN	1	6	$5,302	December 2013
London, England; Paris, France	Attend the Transatlantic Trade/Investment partnership (TTIP) meeting followed by the International Forum	1	7	$4,254	February 2014
Mexico City, Mexico	Deliver a keynote speech at the University of Memphis Women in Transportation Gala to raise scholarship funds for women pursuing transportation-related education.	2	3	$3,034	March 2014
Brussels, Belgium	Participant in the U.S. Delegation Round Table 4 Negotiations, US-EU Transatlantic Trade and investment Partnership Agreement	1	7	$3,845	March 2014
Paris, France	Represent OST at the European Civil Aviation Commission (ECAC) consulations and lead the discussions regarding economic and consumer issues	1	3	$3,223	March 2014
Christchurch, New Zealand	Participate in the 39th APEC Transportation Working Group Meeting as Chair of the Air Services Sub-Group	3	9	$17,081	March 2014
Mexico City, Mexico	High Level Economic Dialogue (HLED) with senior government officials focusing on coordinating on freight planning, bilateral meetings and speaker at the FHWA Join Working Committee (JWC) on Transportation Planning	2	6	$5,277	March 2014

Overseas Travel Report for 5/1/13 - 4/30/14

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Paris, France	Attend the International Transport Forum (ITF) andl lead discussions with Canada and other ITF member capitals representing U.S. interests.	1	3	$4,244	April 2014
Brussels, Belgium; Paris, France	Present views of the U.S. in opposition to a proposed new European Union regulation which would, in the view of the US, violate the US-EU Civil Aviation Agreement. Participate at the 5th Women's In Transportation Conference	1	2	$3,124	April 2014
Vancouver, Canada	Attend the Sabre Airlines Solutions Global Conference (Profit Essentials/Planet)	1	3	$1,843	April 2014
OFFICE OF INTELLIGENCE, SECURITY AND EMERGENCY RESPONSE					
Brussels, Belgium	NATO Exercise	3	5	$11,452	May 2013
Beijing, China	China Disaster Assistance Working Group (CAWG) Workshop	3	8	$12,459	June 2013
Bali, Indonesia	Asia Pacific Economic Cooperation (APEC) Workshop	2	12	$14,581	June 2013
Brussels, Belgium	NATO Exercise	1	8	$3,924	June 2013
Ontario, Canada	Emergency Preparedness Committee for Civil Transportation (EPCCT) Meeting	5	4	$9,962	September 2013
Brussels, Belgium	NATO Exercise	2	5	$6,620	September 2013
Panama City, Panama	Advance and Provide Executive Protection for the Secretary	1	8	$83	September 2013
Mexico City, Mexico	Advance and Provide Executive Protection for the Secretary	2	7	$3,245	September 2013
Montreal, Canada	Advance and Provide Executive Protection for the Secretary	2	5	$2,309	September 2013
Panama City, Panama	Advance and Provide Executive Protection for the Secretary	2	5	$4,612	November 2013

Overseas Travel Report for 5/1/13 - 4/30/14

Destination	Purpose	No. of Persons	Duration in Days	Cost	Month & Year of Trip
Brussels, Belgium	NATO Meeting	2	7	$7,987	January 2014
Christchurch, New Zealand	APEC Meeting	1	14	$9,978	March/April 2014
OFFICE OF PUBLIC AFFAIRS					
Montreal, Canada	Travel with Secretary for 38th Intl Civil Aviation Organization General Assembly Meeting.	1	2	$474	September 2013

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
Historical Funding Levels (2005-2014)
($ in millions)

Account	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009 2/	FY 2010	FY 2011	FY 2012	FY 2013 3/	FY 2014
Operations 1/	7,707	8,104	8,374	8,740	9,042	9,350	9,514	9,653	9,396	9,651
Facilities & Equipment	2,525	2,555	2,518	2,514	2,942	2,936	2,731	2,731	2,622	2,600
Research, Engineering & Development	130	137	130	147	171	191	170	168	159	159
Grants-in-Aid for Airports	3,497	3,515	3,515	3,515	4,615	3,515	3,515	3,350	3,343	3,350
Total	**13,858**	**14,310**	**14,537**	**14,915**	**16,770**	**15,992**	**15,929**	**15,902**	**15,520**	**15,760**

1/ Operations levels do not include transfers from the Department of State in FY 2009, FY 2010, and FY 2011.
2/ FY 2009 funding includes appropriations from P.L. 111-5, the American Recovery and Reinvestment Act, for Facilities & Equipment ($207 million) and Grants-In-Aid for Airports ($1,100 million).
3/ FY 2013 funding levels include transfers from the Airport Improvement Program to Operations ($247 million) and Facilities & Equipment ($5.8 million) pursuant to the Reducing Flight Delays Act. Also includes $28.5 million in Hurricane Sandy supplemental funding for Facilities and Equipment.

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
Historical Funding Levels (2005-2014)
($ in millions)

Account	FY 2005 [2/]	FY 2006 [3/]	FY 2007	FY 2008 [4/]	FY 2009 [5/]	FY 2010 [7/]	FY 2011 [8/]	FY 2012 [9/]	FY 2013 [10/]	FY 2014 [11/]
Federal-Aid Highways										
Obligation Limitation [1/]	34,422	36,032	39,086	41,216	40,700	41,107	41,107	39,144	39,699	40,256
Liquidation of Contract Authority (C.A.)	35,000	36,032	36,032	41,955	41,439	41,846	41,846	39,883	39,699	40,995
Emergency Relief Funds (C.A.)	100	100	102	100	100	100	100	100	100	100
LGOE/LAE - (Non Add within Federal-Aid)	2,370	3,837	1,252	9,455	7,400	15,114	414	412	451	437
Admin Expenses - LGOE	347	365	361	378	390	414	414	412	417	404
Authorized Programs - Not Admin Expenses - LGOE									34	33
Payment to the Highway Trust Fund				8,017	7,000	14,700			6,200	12,600
Supplemental Emergency Relief Funds (GF)	1,943	3,452	871	1,045				1,662	2,022	
Appalachian Development Highway System (GF)	80	20	20	16	10					
Appalachian Development Highway System (TF)										
Miscellaneous Appropriations		0	1	15	168	347	19	5	63	388
Highway Infrastructure Programs (GF)						650				
Highway Infrastructure Investment, Recovery Act (GF)					27,500 [6/]					
Miscellaneous Highway Trust Fund	34									

Note: This table reflects actual enacted amounts as appropriated.

1/ Does not reflect transfers to and from Federal Transit Administration and National Highway Traffic Safety Administration (FY13 only) of $1.067 billion in FY 2003, $1.022 billion in FY 2004, $1.005 billion in FY 2005, $1.383 billion in FY 2006, $975 million in FY 2007, $1,001 million in FY 2008, $985.4 million in FY 2009, $1.411 billion in FY 2010, $1.211 billion in FY 2011, $1.529 billion in FY 2012, and $1.545 billion in FY 2013.

2/ Does not reflect the following rescissions in FY 2005: LAE $2.8 million, Appalachian Dev. Hwy. Sys. $0.640 million, Misc. Hwy Trust Funds $0.272 million.

3/ Does not reflect the following rescissions in FY 2006: Federal-aid $360 million, LAE $3.6 million, Appalachian Dev. Hwy. Sys. $0.200 million.

4/ Does not reflect the following rescissions of new authority in FY 2008: Federal-aid $486.2 million, LAE $43.4 million. Payments to the HTF are cash transfers which do not provide additional resources to FHWA

5/ Does not reflect the following rescissions of new authority in FY 2009: $1.162 billion from the $3.15 billion FY 2009 appropriated rescission and $5.3 billion from the $8.7 billion FY 2009 SAFETEA-LU rescission. Payments to the HTF are cash transfers which do not provide additional resources to FHWA.

6/ Does not reflect $288.4 million transferred to Federal Transit Administration in FY 2009.

7/ Reflects Appropriations for obligation limitation in FY 2010. Extension bill provided through February 28, 2010. Payments to the HTF are cash transfers which do not provide additional resources to

8/ Reflects annualized appropriations from FY 2010. Extension bill provided beyond FY 2011 through March 31, 2012.

9/ Reflects enacted appropriations for FY 2012 and P.L. 112-141 authorized levels.

10/ Reflects enacted appropriations for FY 2013 and P.L. 112-141 authorized levels. Does not reflect P.L. 113-6 rescission of 0.2 percent of contract authority subject to limitation and obligation limitation or P.L. 112-125 sequestration of 5.1 percent of contract authority exempt from obligation limitation and Payment to the Highway Trust Fund, or 5.0 percent sequestration of Emergency Relief appropriations (GF)

11/ Reflects enacted appropriations for FY 2014 and P.L. 112-141 authorized levels. Does not reflect P.L. 112-125 sequestration of 7.2 percent of contract authority exempt from obligation limitation and

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
Historical Funding Levels (2005-2014)
($ in millions)

Account	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Motor Carrier Safety (LAE)	253	0	0	0	0	0	0	0	0	0
National Motor Carrier Safety Program	187	0	0	0	0	0	0	0	0	13
Motor Carrier Safety Operations & Programs	0	213	211	230	234	240	240	248	251	259
Motor Carrier Safety Grants	0	282	297	300	307	310	310	307	310	313
Total Appropriations	**440**	**495**	**508**	**530**	**541**	**550**	**550**	**555**	**561**	**585**

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION
Historical Funding Levels (2005-2014)
($ in millions)

Account	FY 2005 [1/]	FY 2006 [2/]	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011 [6/]	FY 2012	FY 2013	FY 2014
Safety and Operations	138	144	150	150	159	172	177	179	169	185
Railroad Safety Technology Program	--	--	--	--	--	50	--	--	--	--
Railroad Research and Development	36	55	35	36	34	38	35	35	33	35
Rail Line Relocation and Improvement	--	--	--	20 [3/]	25	35	11	--	--	--
Operating Subsidy Grants to National Railroad Passenger Corporation	--	495	495	574	550	563	563	466	442	340
Capital and Debt Service Grants to National Railroad Passenger Corporation	--	780	780	850	940	1,002	921	952	902	1,050
Efficiency Grants to National Railroad Passenger Corporation	--	40	31	--	--	--	--	--	--	--
Grants to the National Railroad Passenger Corporation	1,207	--	--	--	--	--	--	--	297 [8/]	--
Intercity Passenger Rail Grants	--	--	--	30	90	--	--	--	--	--
Next Generation High-Speed Rail	19	--	--	--	--	--	--	--	--	[-2] [10/]
North East Corridor	--	--	--	--	--	--	--	--	--	[-4] [10/]
Alaska Railroad Rehabilitation	25	10	--	--	--	--	--	--	--	--
Capital Assistance for HSR Corridors and IPR	--	--	--	--	--	2,500	[-400] [7/]	--	--	--
Subtotal	1,425	1,503	1,478	1,561	1,798	4,359	1,706	1,632	1,843	1,610
Railroad Rehab and Improvement Program	--	--	3	21	17	18	24	--	--	--
Emergency Railroad Rehabilitation & Repair	--	--	--	20 [4/]	--	--	--	--	--	--
Capital Grants to National Railroad Passenger Corporation	--	--	--	--	1,300 [5/]	--	--	--	--	--
Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service	--	--	--	--	8,000 [5/]	--	--	--	--	--
Total FRA Budget Authority	**1,425**	**1,503**	**1,482**	**1,602**	**11,115**	**4,377**	**1,729**	**1,632**	**1,843**	**1,610**

Notes:

1/ FY 2005 appropriations (P.L. 108-447) reflect a 0.80% across-the-board rescission.

2/ FY 2006 appropriations (P.L. 109-115) reflect a 1.0% across-the-board rescission.

3/ FY 2008 Rail Line Relocation and Improvement appropriation (P.L. 110-161) reflects a 2% rescission on $5.24M in earmarks.

4/ FY 2008 Emergency Supplemental (P.L. 110-329).

5/ FY 2009 ARRA appropriations (P.L. 111-5) reflects $1.3B for Amtrak and $8.0B for HSIPR.

6/ FY 2011 full year CR appropriations (P.L. 112-10) reflect a 0.02% across-the-board rescission.

7/ FY 2011 appropriations (P.L. 112-10) reflect a $400M rescission of prior year unobligated balances.

8/ FY 2013 The Disaster Relief Appropriations Act of FY 2013 (P.L. 113-2) provided funds to Amtrak for Hurricane Sandy, including $32 million for repair work and $86 million for disaster mitigation projects. Above figure includes a $185 FTA million transfer.

9/ FY 2014 Omnibus (P.L. 113-76) reflects a $4,419M rescission on the NEC prior year unobligated balances, and $1,973M rescission on the Next Generation High-Speed Rail prior year unobligated balances.

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION
Historical Funding Levels (2005-2014)
($ in millions)

Account 1/, 2/	FY 2005 3/	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Transit Formula Grants (TF) (renamed)	--	8,278	8,240	8,776	9,246	9,754	9,555	9,889	9,867	9,895
Formula Grants (GF)	4,863	--	35	--	1	1	--	--	--	--
Capital Investment Grants (GF) 4/	3,362	1,441	1,566	1,569	1,807	1,998	1,584	1,945	1,855	1,943
Research and University Research Centers (GF)	203	74	61	65	67	66	59	44	42	43
University Transportation Research (GF)	6	--	--	--	--	--	--	--	--	--
Technical Assistance & Training (GF)	--	--	--	--	--	--	--	--	--	5
Job Access and Reverse Commute (GF)	124	--	--	--	--	--	--	--	--	--
Discretionary Grants (TF) 5/	(31)	--	--	--	--	--	--	--	--	--
Washington Metropolitan Area Transit Authority (GF)	--	--	--	--	NA	150	150	150	142	150
Transit Capital Assistance Grants, Recovery Act	--	--	--	--	7,188	--	--	--	--	--
Fixed Guideway Infrastructure Investment, Recovery Act	--	--	--	--	750	--	--	--	--	--
Capital Investment Grants, Recovery Act	--	--	--	--	750	--	--	--	--	--
Energy Efficiency & Greenhouse Gas Reductions (GF)	--	--	--	--	--	75	50	--	--	--
Emergency Relief Program Hurricane Sandy (GF) 6/	--	--	--	--	--	--	--	--	10,164	--
Administrative Expenses (GF)	76	79	85	89	94	99	99	99	98	106
Total	**8,604**	**9,872**	**9,987**	**10,500**	**19,904**	**12,143**	**11,496**	**12,127**	**22,168**	**12,142**

NA- (Not applicable) No funding requested
*TF (Trust Fund)
*GF (General Fund)
1/ Amounts for this table include across-the-board recessions and mandated sequester amounts.
2/ Amounts for this table includes FHWA flex funding.
3/ In FY 2005, all accounts were split between trust fund and general fund.
4/ The FY 2014 amount does not include $189 million of prior year unobligated balances for Capital Investment Grants for a total of $2,132 million.
5/ In FY 2005, the FY 2005 Omnibus Appropriations Act P.L. 108-447 included a provision to transfer unobligated resources from the Discretionary Grants account to the Formula Grants account in the amount of $31,045 million.
6/ Includes $10.2 billion in supplemental appropriations for Hurricane Sandy relief in FY 2013. Amount reflects transfer of $6 million to the Office of the Inspector General for oversight, $545 million reduction due to across the board rescissions and mandated sequester amounts, and $185 million transfer to Federal Railroad Administration.

U.S. DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION
Historical Funding Levels (2005-2014)
($ in millions)

Account	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Operations & Training (O&T)	107	136	112	122	123	150	151	156	148	148
USMMA	55	61	61	63	61	74	80	85	81	80
State Maritime Academies	10	11	11	13	15	16	16	17	16	17
MARAD Operations and Programs	41	56	39	46	48	60	56	54	51	51
Supplemental Approp.- Hurricane Repairs	--	8	--	--	--	--	--	--	--	--
Ship Disposal	21	21	21	17	15	15	15	6	5	5
Maritime Security Program	98	154	154	156	174	174	174	174	160	186
Assistance to Small Shipyards	--	--	--	10	18	15	10	10	9	--
Assistance to Small Shipyards ARRA	--	--	--	--	100	--	--	--	--	--
National Defense Tank Vessel Construction	74	--	--	--	--	--	--	--	--	--
Port of Guam Improvement Enterprise Fund 1/	--	--	--	--	--	50	--	--	--	--
Maritime Guaranteed Loan (Title XI) 2/	5	9	4	8	4	9	9	4	4	39
Guarantee Subsidy	--	5	--	5	--	5	4	--	4	4
Administration	5	4	4	3	4	4	5	4	--	35
Total Appropriations	**305**	**320**	**291**	**313**	**433**	**363**	**359**	**349**	**327**	**377**

1/ Public Law 111-212 provided $50 million to be transferred from the DoD Operation and Maintenance account to the Port of Guam Improvement Enterprise fund in FY 2010.
2/ Excludes transfes from DOD.

U.S. DEPARTMENT OF TRANSPORTATION
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Historical Funding Levels (2005-2014)
($ in millions)

Account	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Vehicle Safety (GF)	157	135	122	127	127	140	140	140	133	134
Highway Safety Research And Development (TF)	72	109	108	108	106	106	106	110	115	124
National Driver Register 1/	4	4	4	4	4	7	7	--	--	--
Safety Grants	223	572	588	599	620	620	620	550	692	562
Consumer Assistance to Recycle and Save Program	--	--	--	--	3,000	--	--	--	--	--
Total	**456**	**821**	**822**	**838**	**3,856**	**873**	**872**	**800**	**940**	**819**

Note:
1/ Starting in FY 2012, National Driver Register is eliminated as a separate account and moves to the Highway Safety Research and Development account.

U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF THE INSPECTOR GENERAL
Historical Funding Levels (2005-2014)
($ in millions)

Account	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Salaries & Expenses	58	62	64	66	71	75	77	80	75	86
Salaries & Expenses, Recovery Act					20	--	--	--	--	--
Salaries & Expenses, Emergency Disaster Relief									6	--
Total	58	62	64	66	91	75	77	80	81	86

U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
Historical Funding Levels (2005-2014)
($ in millions)

Account	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Salaries & Expenses	83	84	84	92	98	103	102	102	97	107
Trans., Plng., Res. & Dev. (TPR&D)	19	15	15	14	18	18	10	9	9	7
Office of Civil Rights	8	8	9	9	9	10	10	9	9	10
Minority Business Outreach	3	3	3	3	3	3	3	3	3	3
Minority Business Resource Center	1	1	1	1	1	1	1	1	1	1
Financial Management Capital	--	--	--	--	5	5	5	5	5	7
Essential Air Service	[1/] 50	[2/] 42	[2/] 46	[2/] 75	[3/] 12	[4/] 50	[2/] 50	[2/] 50	[2/] 98	[2/] 121
Payments to Air Carriers	57	59	59	42	86	150	150	143	136	149 [2/]
Compensation for General Aviation Operations	--	17	--	--	--	--	--	--	--	--
New Headquarters Building	67	50	50	--	--	--	--	--	--	--
Safe Transportation of Energy Products Fund	--	--	--	--	--	--	--	--	--	--
TIGER Grants Program	--	--	--	--	--	--	--	--	--	--
National Infrastructure Investments	--	--	--	--	--	600	527	500	474	600
ARRA - National Surface Transportation System	--	--	--	--	1,500	--	--	--	--	--
Cyber Security/IT Infrastructure	--	--	--	--	--	--	--	10	9	4
Research and Technology	--	--	--	--	--	--	--	--	--	15
Total	**289**	**279**	**266**	**235**	**1,733**	**940**	**858**	**833**	**840**	**1,024**

[1/] Unobligated balances of overflight fees

[2/] Overflight fees collected by FAA

[3/] Overflight fees collected by FAA ($50m) and funds from sale of spectrum ($15m)

[4/] A total of $50 million of overflight fees was available to the EAS program during FY 2009. $23 million was transferred by FAA as an unobligated balance at the start of FY 2009, and an additional $27 million of overflight fees was transferred during FY 2009. In addition, $15 million of collections from the sale of spectrum was transferred from the Department of Commerce into the EAS account in FY 2009. The $15 million was used to pay back funds that were borrowed in FY 2008, pursuant to P.L. 109-171; however, for the purpose of budgetary presentation, the $15 million offsets the $27 million of overflight fees, resulting

U.S. DEPARTMENT OF TRANSPORTATION
RESEARCH AND TECHNOLOGY
Historical Funding Levels (2005-2014)
($ in millions)

R&D Account (General Fund) 1/	**FY 2005**	**FY 2006**	**FY 2007**	**FY 2008**	**FY 2009**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**
Salaries and Administrative Expenses	3	5	5	6	6	7	7	7	7	--
Hydrogen/Alternative Fuels R&D	1	--	--	1	1	1	--	--	--	--
RD&T Coordination	--	1	1	1	1	1	1	1	--	--
Airline Transportation Statistics Program	--	--	2	--	--	--	--	--	--	--
NDGPS	--	--	--	5	5	5	5	8	7	--
Total	**4**	**5**	**7**	**12**	**13**	**13**	**12**	**15**	**14**	--
Bureau of Transportation Statistics Allocation Account	**26**	**27**	**28**	**27**	**27**	**27**	**27**	**25**	**26**	--

1/ Does not include FY 2005 and FY 2006 funding for the Hazardous Materials R&D funding, which was less than $100,000.

U.S. DEPARTMENT OF TRANSPORTATION
PIPELINES AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
Historical Funding Levels (2005-2014)
($ in millions)

Account	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	
Pipeline Safety	54	57	60	65	75	87	89	92	87	100	1/
Trust Fund Share of Pipeline Safety	15	15	15	15	19	19	19	19	18	19	
Hazardous Materials Safety	25	26	27	28	32	38	39	42	40	45	
Emergency Preparedness Grants	14	14	14	28	28	28	28	28	27	26	
Operational Expenses	17	17	18	18	18	20	20	20	19	20	
Total	**125**	**129**	**134**	**154**	**173**	**193**	**195**	**201**	**191**	**210**	

1/ Does not include $2 million for the Design Review Fee, which will not be collected in FY 2014.

U.S. DEPARTMENT OF TRANSPORTATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Historical Funding Levels (2005-2014)

($ in millions)

Account	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
SLSDC	16	16	16	17	32	32	32	32	31	31

U.S. DEPARTMENT OF TRANSPORTATION
SURFACE TRANSPORTATION BOARD
Historical Funding Levels (2005-2014)
($ in millions)

Account	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
STB	21	26	26	26	27	29	29	29	28	31

QFRs

Department of Transportation

Fiscal Year 2015 Questions for the Record

Congressman Mike Quigley

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies

House Committee on Appropriations

Positive Train Control

Mr. Secretary, as you know, the FY 2014 omnibus appropriations bill made $80 million available for fund various rail grant programs, including the Railroad Safety Technology Grant Program. I have repeatedly called for this funding, which will help Metra implement PTC by the 2015 deadline. Metra is pushing to implement by the 2015 deadline, but we need to help public commuter railroads that simply don't have the resources to do this job entirely by themselves. As the omnibus gives significant discretion to your Department on how to allocate the funding to various rail programs,

1. Can you please provide specifics on your plans on how much will be allocated to PTC funding in FY14's appropriated budget?

Despite investing some $4 billion to date (and anticipating the investment of some $4 billion more), it's clear that the rail industry simply cannot meet the December 2015 implementation deadline for PTC due to the incredible complexity of developing a nationwide, interoperable system.

2. Does the Administration support a clean extension to the existing deadline for PTC implementation? If so, what is a reasonable extension time frame?

Tanker Car Safety Issue

While transportation of crude oil by rail in the United States has increased by 400 percent since 2005, recent tragic accidents involving freight trains transporting crude oil have brought to light serious safety concerns. Nowhere is this concern more serious than in my City of Chicago.

3. While I'm happy that DOT is addressing this important safety issue, what is the earliest date that we can expect Pipeline and Hazardous Materials Safety Administration to complete action on its tank car rulemaking?

RESPONSE: PHMSA, in cooperation with FRA, has developed a comprehensive NPRM. The proposed rule is under review by the Office of Information and Regulatory Affairs. After their review is completed, it will be available for public comment. The status can be tracked at this link: http://www.dot.gov/regulations/report-on-significant-rulemakings. It is listed as # 108: Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains. There is a brief summary that may be helpful.

Status of the Highway Trust Fund

The Highway Trust Fund is expected to have a negative cash balance as soon as August of this year. This is not the first time this has happened.

4. Mr. Secretary, how much funding will the trust fund need to remain solvent through the end of this fiscal year?

RESPONSE: The Department currently estimates that the Highway Trust Fund will need approximately $5 billion to remain solvent through the end of FY 2014, which includes a a cash balance of $4 billion to ensure that there is sufficient cash on hand to reimburse States' payment requests and properly manage cash flow.

5. How does the Administration intend to address this shortfall?

RESPONSE: The Administration has been actively communicating with Congress regarding the status of the trust fund, and will continue to work with Congress to develop a solution to address the pending shortfall.

6. What outreach have you done to the State DOTs to help them prepare for any delays or changes in the way DOT handles reimbursements from the trust fund?

RESPONSE: We have made numerous public statements during 2014 House and Senate hearings, and during the April 2014 "Invest in America, Commit to the Future" bus tour, regarding the current status of the Highway Trust Fund (HTF) and the upcoming potential cash shortfall. We have spoken about the significant impact this would have on States, and the need for action to solve this looming issue.

Additionally, the Department is posting on its website a monthly update of current HTF balances and projections through the end of the fiscal year. The HTF "ticker" can be found here: http://www.dot.gov/highway-trust-fund-ticker

Also, FHWA continues to post on its website current and historical information on the Highway Account of the HTF. Highway Account information can be found here: http://www.fhwa.dot.gov/highwaytrustfund/

By maintaining regular contact and providing updated information to States, this will enable them to implement plans as necessary to deal with the potential HTF cash shortfall.

Bike Safety

Mr. Secretary, the number of people killed on our nation's roads has fallen dramatically in recent years, but the number of bicyclist and pedestrian deaths is on the rise. Nearly 17 percent of Illinois traffic fatalities are now bicyclists and pedestrians.

Establishing simple safety performance measures for nonmotorized transportation, like DOT has already done for motorized transportation, will prioritize roadway designs that are safe for all users.

7. Will DOT prioritize the establishment of a separate performance measure for bicycle and pedestrian safety?

RESPONSE: In the Notice of Proposed Rulemaking (NPRM) for Safety Performance Measures (available at: http://www.gpo.gov/fdsys/pkg/FR-2014-03-11/pdf/2014-05152.pdf), as required by MAP-21, we are proposing the establishment of one measure for each of the four areas mandated by MAP-21: number of fatalities, fatality rate, number of serious injuries, and serious injury rate. Our proposed measure is consistent with the focus of the Highway Safety Improvement Program, which is to reduce all fatalities and serious injuries – including those involving pedestrians and bicyclists.

States are already using and reporting a pedestrian fatality metric through NHTSA's Highway Safety Program, and NHTSA is discussing with the Governor's Highway Safety Association the addition of a bicycle fatality metric.

As FHWA moves through the rulemaking process, FHWA will continue to consider all comments received. The Safety Performance Measures NPRM specifically asks for comment on how the Department could address non-motorized safety performance and how State and MPOs consider such data in their safety programs and in selecting investments.

8. What is the DOT doing to address the rise in bicyclist and pedestrian fatalities?

RESPONSE: Pedestrian and bicyclist safety is one of my top priorities. All modes in DOT strongly support this priority and work collaboratively to do so. More information about DOT's bicycle and pedestrian safety work is available at: http://www.dot.gov/bicycles-pedestrians.

Our Department is committed to ensuring that our transportation networks enhance connections between people and jobs, other economic opportunities, and essential services. One barrier to reaching that goal is an unsafe environment for people who are walking or using bicycles to reach these opportunities, often as part of a trip that includes public transportation.

Our Department fully supports walking and bicycling as modes of transportation that are often vital to helping people reach opportunity, and has been a champion for making walking and bicycling a safer part of a transportation trip.

Our Department continues to help communities improve safety and mobility for pedestrians and bicyclists. DOT believes in a four-Es approach to improving safety that embraces Engineering, Enforcement, Education and Emergency Management Services (EMS) solutions.

Our Department is working to improve pedestrian and bicyclist safety in a number of ways. Our Department-wide Safety Council recently launched a new Pedestrian and Bicycle Safety Action Team, which will bring all of our modal departments together to address the need to create a safer environment for non-motorized users. Included in the specific priorities for this action team is a 'road safety for transit patrons' initiative. This initiative will help make sure that we consider safety issues near transit stops.

NHTSA has also been working on enforcement and education programs to improve pedestrian and bicyclist safety. Some of NHTSA's driver campaigns, including campaigns for speeding, distracted driving, and impaired driving, have a significant impact on pedestrian and bicyclist safety. Building public awareness is key to improving safety. A key resource is the new "Everyone is a Pedestrian" web site (www.nhtsa.gov/nhtsa/everyoneisapedestrian) which is housed on NHTSA's web page. It provides resources that communities can use to keep pedestrians safe.

Through FTA's authority to address transit safety and establishment of an FTA Safety Office, FTA will add attention to the issue of safe access to public transportation by bicyclists and pedestrians. FTA and its research office continue to work with the bikesharing industry to fully understand the opportunities and challenges between the intersection of transit and bikesharing, especially when it comes to accessing public transportation.

FHWA provides funding, tools, and technical assistance to help States and communities identify and address pedestrian and bicyclist roadway safety problems. For example, FHWA has taken a focused approach to pedestrian safety for a decade and has been providing training and technical assistance to the States and cities with the most significant pedestrian crash problems through development of Pedestrian Safety Action Plans. FHWA also promotes a set of proven safety countermeasures that, although not yet widely implemented, are known to improve safety for all road users, including pedestrians and bicyclists. FHWA is also leading a push to help communities develop improved networks for walking and bicycling.

FHWA supports a data-driven approach to addressing safety issues. As States develop and revise their Strategic Highway Safety Plans, they bring pedestrian and bicyclist interests to the table and look at crash trends. Over half of all States already include pedestrian and bicyclist safety emphasis areas in these plans.

PFC Increase

Mr. Secretary, your FY15 budget request includes a call for an increase in the passenger facility charge (PFC) to allow HUB airports access to more funding for airport improvements.

9. What steps do you intend to take to see that the PFC increase is enacted?

10. If the PFC is not increased this year, would you support fully funding of the Airport Improvement Program (AIP) at current levels?

Truck Driver Hours

Your department recently completed a congressionally mandated study on DOT's new truck driver hours of service restart provision. The study acknowledged that your rule changes have put more trucks on the road during daytime hours.

11. Why didn't your recent study attempt to evaluate the safety impacts of requiring other motorists to share the road with more large trucks during daytime driving hours?

12. What plans does your department have to evaluate the safety impacts of this new daytime driving emphasis?

Truck Weight Issue

DOT is currently in the middle of a study of truck sizes and truck weights. One of the things the study will examine is safety issues related to triple trailer trucks. In 2000, a USDOT study found that multi-trailer trucks have an 11-percent higher fatal crash rate that single-trailer trucks.

13. Will you be involving law enforcement in your study since they are the ones with the real world experience in inspecting trucks and investigating the causes of crashes?

RESPONSE: Yes. The Commercial Vehicle Safety Alliance (CVSA) has been engaged as part of the effort to complete the work necessary in preparing the Truck Size and Weight Report to Congress. CVSA is a multi-national organization of state and local motor carrier safety officials and industry representatives, including state police and highway patrols, in the United States, Canada and Mexico. One area of analysis required under Section 32801 of MAP-21 is to determine the impacts that a change in current federal truck size and weight limits would have on the delivery of truck enforcement program activities. CVSA has been a valuable partner in providing input needed to complete the analysis in this area of the Study.

14. Will you be involving truck drivers in your study?

RESPONSE: Yes. Through the stakeholder outreach efforts conducted by US DOT, the American Trucking Associations (ATA) and the Owner-Operator, Independent Drivers Association (OOIDA) have been engaged in providing input to the Study. ATA and OOIDA members represent a substantial number of truck drivers hauling highway-based freight in the U.S. Input from these two national organizations has been very useful in preparing the Project Plans that guide the development of the Study.

15. It is my understanding that you are gathering crash data from mostly western states. Earlier DOT studies have declined to use western state crash experience because it was not representative of nationwide operations. It seems to me that the truck crash experience in Utah, Nevada or Kansas would be much different than that in Chicago, Washington DC or Charlotte, for that matter. Do you agree?

RESPONSE: The truck crash experience in one part of the United States may differ from other portions of the United States. This is why crash data has been assembled from across the US, not just from western states. Truck crash statistics from across the country have been compiled in order to analyze the difference in safety performance of trucks operating at or below current federal truck size and weight limits as compared to those trucks operating above those limits.

Empirical crash data for triple trailer combinations is being introduced into the Study by looking at truck crash statistics for these combinations from states allowing their operation, predominantly the western states. Truck crash data on triple trailer combinations is focused on western states as they currently have the authority to operate these configurations under the ISTEA Longer Combination Vehicle Freeze. The scenario traffic being developed for use across the various areas of the Study includes triple trailer combinations on National Highway System segments, with care being applied to differences in roadway geometrics and highway functional classification characteristics in the various regions of the country. The ability of these roadway segments to accommodate the mobility needs of the triple trailer combination and other configurations under investigation in the Study is being assessed on a national basis, not just for the western states.

Department of Transportation – Federal Aviation Administration

Fiscal Year 2015 Questions for the Record

Congressman David Price (NC-04)

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies

House Committee on Appropriations

Aircraft Certification for U.S. Aviation Manufacturer Competitiveness, Exports, and Jobs

1. The administration is strongly focused on global competitiveness, having set a goal of doubling exports by 2015. One sector that may help us achieve this goal is general aviation, which is providing a growing number of manufacturing jobs to local economies throughout the nation, including North Carolina. I regularly hear from aviation stakeholders about the about the need to make key reforms to certification and other regulatory processes at the FAA. Do you agree? If so, is this a priority for the FAA, and what is the agency doing to achieve these reforms?

   RESPONSE: Improving the effectiveness and efficiency of the aircraft certification process is a key priority for the FAA. The agency's Aircraft Certification Service (AIR) is working to strengthen partnerships, improve policy, and reduce redundancies to encourage the seamless transfer of products and approvals around the world. These steps and others are aimed at easing restrictions to allow for and encourage the global competiveness of the U.S. aviation industry.

   These initiatives were developed to address Section 312 of the FAA Modernization and Reform Act of 2012 which identified areas for agency assessment and improvement. Overall, the initiatives balance risk and safety requirements to focus resources in a manner consistent with the public's expectations. The agency is working to tailor certification requirements based on the performance, complexity, and usage of the product or aircraft. This activity is directed at achieving the next level of product safety while improving efficiency and reducing cost. Semiannual updates to the Section 312 implementation plan are posted on the FAA web site.

2. What is the status of the FAA's implementation of the PART 23 reorganization as directed by the Small Airplane Revitalization Act? Do you have a timeline to complete implementation, and are efforts underway to move the process forward?

   RESPONSE: The FAA has committed significant resources to the implementation of the Part 23 reorganization as directed by the Small Airplane Revitalization Act. The agency is focused on developing new Part 23 language to meet the intent and goals of the Act, and significant progress has been made on developing this language. The draft rule language, along with preliminary cost estimates and an implementation timeline, will be completed by the end of 2014. FAA anticipates publishing a Notice of Proposed Rulemaking in the spring of 2016. The agency has established a high level priority for this program and has the necessary resources to conduct this rulemaking in accordance

with the Administrative Procedure Act. The FAA continues to maintain a close focus on every aspect of this effort in order to complete this mandate.

Department of Transportation - Federal Aviation Administration

Fiscal Year 2015 Questions for the Record

Chairman Tom Latham

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies

House Committee on Appropriations

FAA - Air Traffic Controller/Safety Inspector hiring

Mr. Secretary, Our fiscal year 2014 appropriations bill made it a priority to hire up air traffic controllers and safety inspectors lost to the sequester, attrition, and retirements. We provided funds to hire 1400 new air traffic controllers and 300 inspectors by the end of fiscal year 2014.

- Can you tell us the status of your efforts to hire these positions? Are you on track meet these hiring goals?

  RESPONSE: The FAA plans to hire 1,300 new controllers in FY 2014 with a plan to hire more than 3,000 through FY 2015. The training capacity constraints at the FAA Academy and at FAA facilities prevented FAA from picking up all 1,400 new hires requested this fiscal year. The FAA is on track to hire the 1,300 controllers through a combination of FAA's current applicant register, the air traffic control specialist (ATCS) vacancy announcement that closed February 2014, as well as an upcoming reinstatement certified professional controller (CPC)/ Department of Defense (DOD) announcement that is scheduled for late May, 2014.

  The FAA is also on track to hire the 300 additional safety inspector positions provided within the FY 2014 budget.

- How many inspectors and air traffic controllers have been hired to date?

  RESPONSE: As of April 2014, FAA has brought on board a total of 512 new air traffic control specialists and 108 safety inspectors.

- Can you describe changes you have made at the training academy to accommodate this hiring?

  RESPONSE: Air traffic controller new hire training was suspended at the Academy for the second half of the 2013 calendar year. Training resumed at the beginning of January 2014, and the Academy will be operating at full capacity in early June. No specific changes were introduced regarding controller training in 2014.

- Will the Training Academy and facility training base be able to effectively handle that many new hires, and what impact will this have on the ATCOTS contract?

  RESPONSE: The FAA Academy can handle the number and mix (terminal vs. en route) of new hire air traffic controllers in FY 2014. Optimum class size and delivery interval

has been identified for each ATC field facility. Academy graduates will be metered to field facilities as close to these parameters as possible. Introduction of the anticipated level of newly-hired developmentals will cause an impact on field facility training. The FAA anticipates the average time to certify to rise over the next several years as the hiring bubble makes its way through the training process.

The funding level available for ATCOTS has remained stable over the past several years. At the Academy and larger field facilities, qualification training is delivered by a mix of federal employees and contract resources (ATCOTS). At smaller field facilities, qualification training is delivered only by federal employees.

During the time the ATCOTS contract has been in place, the FAA has annually provided required funding to the Academy first and then utilized the remaining available funding to support as much field training as possible. The FAA does not plan to modify this approach in FY 2014. As the hiring bubble moves through the Academy over the next several years, a higher percentage of ATCOTS funding will be allocated to the Academy. As the bubble passes, we will reverse the process and lower the funding level for the Academy and prioritize field training support.

- The size of the controller workforce is a key factor in shaping FAA's resource needs. In 2010 FAA had a total of 15, 389 air traffic controllers. By the end of 2013, the number of controllers fell to 14,225—a reduction of over 1,100 controllers. What steps is FAA taking to ensure that it has the right number of controllers where the Agency needs them the most?

  RESPONSE: The FAA ended FY 2013 with a total of 12,720 Certified Professional Controllers (CPC) and Certified Professional Controllers-in-Training (CPC-IT), which is 471 more CPC and CPC-ITs than at the end of FY 2010.

  Currently, FAA is in the process of hiring more than 3,000 controllers between now and FY 2015. The National Air Traffic Controller vacancy announcement that closed in February changed the way FAA places new employees. Instead of hiring for individual facilities, the FAA will now hire employees to the FAA Academy, where their skills will be evaluated and employees will be placed at priority locations based on Agency needs. Additionally, the FAA is developing a collaborative approach to identify priority vacancies within the National Airspace System that streamlines the release dates and process for employees willing to move to critical locations.

Your FY 2015 request seems to backtrack on the commitment made in 2014 to hire up controllers and inspectors to full capacity. The budget has a $49 million reduction in the operations account due to hiring restrictions.

- Why was the decision made to slow down the hiring of air traffic controllers and safety inspectors after Congress sent you such a clear signal to get hiring back on track once we got a budget agreement and finished our FY 2014 bills?

RESPONSE: FAA's Operations budget is over 70 percent payroll, and most non-pay obligations go to fixed operational costs required to support the National Airspace System (NAS).

In FY 2013, FAA identified savings to contracts and other non-pay spending and by reducing payroll obligations in order to operate within its reduced sequester funding level.

In FY 2015, the budget assumes the FAA must absorb additional pay-related costs not reflected in the budget presentation that includes:

- FY 2014 Annualized Organizational Success Increase/Superior Contribution Increase, $24 million;
- FY 2015 Organizational Success Increase/Superior Contribution Increase OSI/SCI, $68 million; and
- Department of Labor-Wage Determination Increase, $10.4 million.

*The $102 million identified above does not include any non-pay inflationary increases.

The FAA projects hiring 1,300 air traffic controllers and 650 aviation safety positions in FY 2014. This amount of new hires translates to a large increase in payroll cost since we must cover the full year of pay during FY 2015. In order to cover the increased costs of the new hires as well as the other unfunded costs, we have to slow down hiring during FY 2015 to achieve savings. This slowdown is likely to mean letting some attrition occur but trying to end the year at the planned staffing levels.

If FAA is not able to hire up to the planned levels in FY 2014, then we would carry fewer people into FY 2015. Since the annualized payroll would be smaller at the beginning of the FY 2105, we might be able to continue hiring during the year and reach the planned levels by the end of the FY 2015.

- Have you evaluated the potential impact of the reduced staffing of air traffic control and certification facilities that could result from these hiring restrictions?

RESPONSE: The FAA is on track to hire 1,300 new controllers in FY 2014 and plans to hire more than 3,000 through FY 2015. We have developed a national priority ranking process to ensure these new hires are being placed at our most critical locations. Hiring employees directly to the FAA Academy without a facility assignment enables the Agency to evaluate their skills and place the employees at our highest priority locations, based on Agency needs. This new national process will also streamline the release dates and process for existing employees willing to move to critical locations.

Due to the end of year hiring surge planned in FY 2014 for Aviation Safety Inspectors, current levels of support will be maintained for certification services. Operator, type, and production certificate services will be provided in FY 2015 based on available engineering and inspector resources.

FAA Operations Contract Savings/Contract Tower Program

Your budget justification includes $54 million in savings from contract reductions in the operations account but you don't provide any information on which programs are targeted for cuts. It is difficult for this Committee to consider program reductions when we are not provided with any details on those cuts.

- When can we expect to see a specific list of program cuts to achieve these contract savings?

RESPONSE: To realize a $54 million reduction in contracts in FY 2015, the FAA will concentrate reductions primarily within the Air Traffic Organization (ATO) in the area of administrative support contracts, as well as delay some planned operational program enhancements. The specific reduction amounts by ATO service unit are as follows:

Service Unit	**Planned Contract Reductions**
En Route & Oceanic/ Terminal Services	$2.1M
System Operations	$2.8M
Technical Operations	$24.3M
Safety & Technical Training	$2.5M
Mission Support	$5.1M
Program Management Office	$17.3M

Reductions would be concentrated in the following areas:

- Reducing and/or eliminating administrative support services contracts at Headquarters operations.
- Scaling back database automation alignment efforts for Aeronautical Information Management (AIM).
- Deferring enhancements to more efficiently disseminate Notices to Airmen (NOTAMs).
- Reducing support of telecommunications operations engineering and modernization activities. Ongoing analysis that provides recommendations on ways to re-engineer and modernize the telecommunications infrastructure that supports the NAS would be curtailed.
- Reducing support of operational services such as:
    - Flight Inspections: ATO would continue critical safety-related flight inspections and delay flight procedures in support of FAA and NextGen program implementations.
    - Administrative telecommunications services: Implementation of upgraded administrative phone services for facilities nationwide would not be completed.

- Remote Access Security Maintenance: Maintenance of remote access security equipment, used at NAS facilities that are not manned by guards, would not be performed on a routine basis.
- Light Detection And Ranging (LIDAR): LIDAR monitors wind shear in the Nevada desert airspace. Maintenance would not be performed on a routine basis, posing a potential safety risk if LIDAR data is not available.
- Succession Planning/ Organizational Effectiveness programs: ATO strives to prepare its workforce for the future. We continually have attrition in our Air Traffic Manager (ATM) workforce as well as key senior level management positions. Services that support the preparation of the next group of ATMs and senior level managers would not be provided.

Your budget makes no reference to an amount for contract towers, which the IG has noted is a cost-effective program with an excellent safety record. In FY 2014, we specifically provided $140 million for contract towers to ensure that they would not be unfairly targeted for cuts.

- How much do you propose in your FY 2015 budget for the contract tower program?

  RESPONSE: The $140 million provided by Congress in the FY 2014 appropriation was to fund the continued operation of existing contract towers. This includes $129.7 million for the base program and $10.3 million for the cost share program.

  FAA's FY 2015 budget request includes the same $140 million in funding for the contract tower program.

- Will any of the unspecified contract reductions be taken from the contract tower program?

  RESPONSE: The unspecified contract reductions will not be taken from the Contract Tower program. However, given today's constrained budget environment and the increasing demand on our aviation system, FAA is taking a hard look at all of the services it provides. We need to do more with less. With on-going technology and safety advancements, we need to ask if there are areas where the FAA can cut back on its services, especially in light of the possible budget constraints from sequestration in FY 2016 and beyond. As the FAA goes through that process, we will coordinate closely with lawmakers and other stakeholders.

Controller Fatigue

- FAA has taken steps to address concerns about controller “fatigue” but this remains an important watch item. Specifically, we understand that FAA created a fatigue management office in an effort to reduce controller fatigue. What improvements to safety has this office made to date, and what are the Agency’s future plans for this office?

RESPONSE: The Air Traffic Organization Fatigue Risk Management Team was established in September 2009. Since then, this office has engaged in close collaboration with the National Association of Air Traffic Controllers (NATCA) and the Professional Aviation Safety Specialists (PASS) in a broad range of significant and measurable actions to reduce hazards/risks associated with human fatigue in the National Airspace System. The agency has recently increased staffing and scientific support for the office. In the future, the office will continue to have a central role in advocating and initiating fatigue risk management for the air traffic workforce.

Improvements to safety include:

- Fatigue Research: The office sponsored collaborative meetings to explore human fatigue and related risks in the air traffic control workplace, supported by fatigue scientist attendees and sleep medicine experts.

- Risk-Based Decision-Making: The office developed data analysis methods to assess the presence and prevalence of fatigue hazards and risks throughout ATO operations.

- Policy Revisions, Guidance, and Training: As a result of a collaborative workgroup with NATCA, the office presented findings and recommendations to the FAA Administrator and the NATCA President on January 20, 2011. As a result, the FAA took action to:

    - Revise air traffic shift policy.

    - Provide national guidance for recuperative breaks during midnight shifts.

    - Publish sleep apnea policies and procedures based on the use of American Academy of Sleep Medicine standards and practices.

    - Provide personal fatigue management guidance and fitness-for-duty responsibilities.

    - Develop a Fatigue Risk Management System.

    - Implement fatigue awareness training.

- Fatigue Risk Management System: The office developed and formally implemented a Fatigue Risk Management System for the ATO in May 2012. Guiding that system is the Fatigue Safety Steering Committee made of senior members from the FAA's ATO, NATCA and PASS.

- New Policy for Midnight Shifts: As of March 5, 2014, the ATO implemented a formal policy regarding Single Person Midnight Operations.

- Fatigue Training and Awareness: Since 2009 the office has established a broad portfolio of fatigue risk management education for more than 30,000 air traffic controllers and technical operations specialists and engineers.

- Fatigue Risk Management courses have been offered to supervisors and all air traffic control new hires at the FAA Academy. A Technical Operations module has also been developed.
- The FAA recently rolled out a two-year fatigue safety communications campaign, *Fully Charged* and published nine Fatigue Safety Bulletins.

- International Leadership: The office represents the FAA on an ICAO Task Force to develop ICAO air traffic control Fatigue Risk Management System Standards and Recommended Practice's and associated guidance.

- Closed NTSB Recommendation: NTSB Recommendation A-07-31 regarding fatigue awareness and countermeasures was closed with "Acceptable Action" from the NTSB on January 27, 2010.

Facility Realignment

- A few years ago, FAA unveiled a comprehensive air traffic facility realignment and consolidation plan that would replace aging with new integrated facilities. However, in FAA's FY 2015 budget request it appears that the Agency has decided to sustain its current facility network, and eliminate funding for large projects such as a new TRACON in New York. Can FAA explain its thinking behind this change?

  RESPONSE: The original concept for FAA's NextGen Future Facilities included a National level strategy for replacing the aging ARTCC and TRACON facilities with new integrated facilities. Fiscal constraints in FY 2013 led to a reduction of the program scope to include only the integration of the New York TRACON (N90) and New York ARTCC (ZNY) facilities, rather than a National level facility transformation. The FAA's proposed solution was to combine these two facilities into a New York Integrated Control Facility (NY ICF).

  In FY 2014, however, FAA determined that insufficient funding is available to build and equip such an integrated facility. The FAA is committed to replacing the aging New York TRACON with a new facility on Long Island. The New York TRACON is an aging structure and in critical need of replacement. The new facility is being designed to offer future operational extensibility potential. This effort is leveraging the work done to date for the NY ICF. The FAA plans to reprogram the current NY ICF funding to the Tower/TRACON Replacement Program to support the N90 TRACON replacement project.

  FAA's Future Facilities Program Office is revising the site acquisition strategy and plans to begin evaluating Long Island sites for suitability once the NY TRACON replacement requirements are finalized and the extensibility concept is fully developed. The ICF is expected to remain a long-term agency goal supporting the NextGen operational concept.

NextGen

- Various aviation stakeholders have argued that FAA is not properly organized to execute NextGen. For example, the NextGen office does not have responsibility for the Program Management Office inside the Air Traffic Organization. How will this gap be addressed? Are additional organizational changes being considered?

  RESPONSE: The FAA has named a Chief NextGen Officer, Michael Whitaker, and an Assistant Administrator, Ed Bolton, to provide increased leadership for the deployment of the NextGen programs. The NextGen office (ANG) works closely with the FAA's Air Traffic Organization (ATO), including the Program Management Office, as well as with Aviation Safety (AVS). All three organizations (ANG, ATO, and AVS) have distinct roles and responsibilities, but play essential roles in ensuring the successful implementation of NextGen. These organizations and their senior managers, together with the Chief NextGen Officer, have formed a close partnership and are working together on the alignment of NextGen objectives, plans, and activities which are fundamental to NextGen implementation and to ensuring benefits continue to be realized.

- In September 2013, the NextGen Advisory Committee provided FAA with a series of investment priorities for NextGen, including performance based navigation and improving airport surface operations. What steps is FAA taking to respond the investment priorities and what will be done *differently* to expedite the implementation of new capabilities?

  RESPONSE: The FAA is working with the aviation industry to develop a master implementation plan outlining how the agency will implement the investment priorities recommended by the NextGen Advisory Committee (NAC) in the areas of Performance-Based Navigation, Multiple Runway Operations, Surface Efficiency, and Data Communications.

  The work will be conducted in a three-step process. First, a NextGen Integration Work Group (NIWG) has been established, which will be conducted through the NAC in compliance with the Federal Advisory Committee Act. The NIWG will provide more specific recommendations, such as prioritization of locations, based on detailed information provided by FAA subject matter experts. Included with the refined recommendations will be implementation commitments by the aviation industry necessary for FAA to successfully implement the capabilities outlined in the plan. FAA expects the initial recommendations to be delivered by the NAC at its June 3, 2014 meeting.

  Second, FAA will develop the master implementation plan to implement capabilities that can be delivered over the next three years. The plan will include timelines with milestones and locations along with metrics to measure both implementation of the plan and performance of capabilities once they have been implemented and operational for a sufficient amount of time for data to be available. The first draft of this plan will be delivered to the House Aviation Subcommittee before the end of July. The final plan will be delivered in September.

Third, the FAA will implement the plan and report on its progress. To ensure continued communication between FAA and industry, FAA and industry will report on the progress of its commitments during regular NAC meetings.

It is important to note that the FAA's ability to expedite the implementation of new NextGen capabilities is contingent on receiving stable and sufficient funding levels through the appropriations process.

- FAA is in the process of dismantling the Joint Planning and Development Office (JPDO) in compliance with Congressional direction in FY 2014. How will FAA leverage the R&D work of other Federal Agencies such as NASA and DOD now that the JPDO is gone?

  RESPONSE: The Congressional direction was to "absorb the personnel and activities" into the NextGen organization within the FAA. The activities carried out by the former JPDO will continue within this context, including the established multi-agency partnerships. The partner agencies have committed to continue the engagement with the NextGen organization as their liaisons meet bi-weekly with the Assistant Administrator for NextGen.

  The JPDO Board, now designated the NextGen Executive Board, continues with the Deputy Administrator and Chief NextGen Officer as chair. The FY 2014 multi-agency tasking from the Senior Policy Committee continues and planning for FY 2015 has already begun. The Research Transition Team has supported successful technology transfer from NASA to FAA in the past and will expand their role to include the other partner agencies, including technology transfer of weather technologies between FAA and the Department of Commerce. Finally, the partners remain committed to the NextGen Institute recognizing the need for industry input into the multi-agency activities.

- FAA has had difficulty managing complex software intensive projects. This includes ERAM as well as the multi-billion dollar NextGen program. Does FAA have the right *skill mix* to execute NextGen? What sorts of skill sets are needed?

  RESPONSE: The FAA has been working with academic and industry partners to identify, recruit, and select employees with the necessary competencies to execute and achieve success with NextGen.

  The FAA is committed to hiring the best and brightest talent available, and is leveraging the work already completed by the National Academy of Public Administration (NAPA) and the Stevens Institute of Technology in identifying the right set of competencies needed for NextGen.

  The required skill sets are in the areas of Program/Project Management, Systems Engineering, Business/Financial Management, Research, Test and Evaluation, and Contracting Officers/Specialists. The desired knowledge, skills, and abilities for these areas have been incorporated into FAA's recruitment and selection processes. In

addition, FAA is working to identify, quantify, and track existing staff, which have been reassigned to the NextGen effort in order to determine total NextGen staffing strength.

Airports

- FAA invests over $3 billion annually in Airport Improvement Program grants to airports nationwide under the conditions that all revenue generated at the airport is used for the capital and operating expenses of the airport. However, OIG audits and FAA reviews continue to find that the Agency's oversight in this area is lacking with millions of dollars of airport revenue being used for non-airport purposes. What steps is FAA taking to improve its oversight of airport revenue use?

  RESPONSE: The FAA conducts at least two revenue use compliance reviews annually to ensure that airports comply with the requirement that revenue generated on an airport is put back into the airport system, and to comply with an agreement with the Office of Inspector General. The FAA has conducted these compliance reviews for more than ten years. In FY 2014, FAA supplemented its efforts for the first time by hiring an outside auditing firm to act as the agent for field analysis for FAA's compliance review of the State of Hawaii, which includes five airports.

  In addition to compliance reviews, FAA headquarters provides technical assistance to our regional office staffs who have the responsibility to advise sponsors on the statutes, grant assurance, and policies that outline the permitted and prohibited uses of airport revenue. Also, FAA continues to be active in the investigation and resolution of formal or informal stakeholder complaints filed regarding a violation of federal aviation laws, regulations, rules, policies, or orders.

- Wildlife strikes with aircraft, particularly aircraft bird strikes, are increasing at an alarming rate throughout the National Airspace System. This incidents cost airlines and aircraft owners tens of millions of dollars annually in damages and aircraft down time. What steps is FAA taking to ensure airports are mitigating such strikes? Is FAA promoting the advancement of technologies to help with wildlife strike mitigation?

  RESPONSE: While the number of reported wildlife strikes with aircraft has steadily increased, the overall number of reported damaging strikes has declined since 2000. The FAA believes the increase in strike reporting is due to its ongoing outreach programs to promote awareness of wildlife hazards to airports, including wildlife hazard mitigation programs at Part 139 Certificated airports. All Part 139 certificated airports have either conducted or initiated Wildlife Hazard Assessments (WHA) as of the end of FY 2013. Airports use the results of the assessments to develop Wildlife Hazard Management Plans (WHMP) to reduce the potential for wildlife strikes. The WHAs and WHMPs are reviewed and approved annually by FAA Airport Safety Certification Inspectors. In addition, FAA provides annual funding to the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services (USDA APHIS WS) National Wildlife Research Center to continue its efforts to improve wildlife mitigation techniques and practices on and near airports. Some of these efforts include:

- Technologies for harassing and deterring hazardous species;
- Aircraft -mounted alternating, pulse lights to enhance aircraft detection and deter wildlife strikes; and
- Alternatives to habitat management to reduce attraction to hazardous species.

- Following the crash landing of Asiana Flight 214 in July 2013, serious concerns were raised about the execution of San Francisco International Airport's Aircraft Rescue and Fire Fighting services. These concerns included personnel lacking the necessary training, fire-fighting equipment not being operable, and communication systems unable to talk with one another. Has FAA reviewed these issues? Is this a problem at other airports?

  RESPONSE: The National Transportation Safety Board is still investigating this accident, and FAA looks forward to working with them on their findings and recommendations.

  The FAA also reviewed training records of the San Francisco fire fighters; all fire fighters that required training under Part 139 were current at the time of the accident. The FAA reviews all certificated airports for compliance with Part 139, including Aircraft Rescue and Fire Fighting. In addition, any Part 139 airport that services scheduled large air carrier aircraft must conduct a full-scale airport emergency plan exercise every 36 consecutive calendar months to simulate major crashes and other emergencies.

Operational Errors

- Close calls between aircraft in the air and on the ground continue. Despite all the actions taken over the last few years to improve in air traffic control safety, operational errors in 2013 increased significantly over the prior year. Why? And what is being done to mitigate such errors.

  RESPONSE: The FAA has completed its largest and most significant safety improvements in the last 30 years regarding the way air traffic control risk, safety performance, and analysis of safety risks are managed in the United States. From the implementation of voluntary safety reporting, to the new electronic separation loss detection programs and the establishment of a proactive safety management system, FAA has greatly enhanced its ability to identify precursors, root causes, and trends of safety risks system-wide rather than reacting to single incidents.

  In January 2012, ATO implemented a significant change in the way safety data, including losses of separation, are reported, analyzed, and acted upon. These changes improve the use of the Air Traffic Safety Action Program (ATSAP) and the Technical Operations Safety Action Program (T-SAP), which are voluntary non-punitive safety reporting systems, as well as the Traffic Analysis and Review Program (TARP), which electronically identifies losses of separation.

In September 2012, FAA completed the implementation of the electronic system, TARP. As a result, the number of reported losses of separation increased in 2013, reflecting the first full year of electronic data identification.

The continued use of and expansion of our voluntary safety reporting programs allow us to achieve a greater perspective on incidents which occur and also allows FAA to better target improvements and develop appropriate training to implement corrective measures.

Unmanned Aircraft Systems

- FAA announced the selection of six unmanned aircraft system test ranges at the end of last year. How does FAA plan to oversee their operations? Has the Agency established a plan for what data will be collected and how it will be analyzed?

  RESPONSE: In order to oversee operations, FAA sets various requirements for the test site operators. Requirements include activity plans, attendance at semi-annual technical interchange meetings, quarterly and annual operating reports, and close-out and final reports.

  Each UAS Test Site Operator must comply with the listed requirements prior to flight operations:
  - Receive a FAA approved Certificate of Waiver or Authorization (COA) for public aircraft operations;
  - Submit a Flight Planning Guide 30 days prior to operations;
  - Perform a risk analysis prior to a series of flights;
  - Post an operational schedule one week prior to operations;
  - Provide the FAA attestation as to how they have complied with the FAA privacy requirements;
  - Perform an independent safety review board for each specific UAS; and
  - Perform a flight readiness review prior to each flight operations.

  In addition, FAA is working to develop a broader COA Test Site, for public aircraft operations, based on each Test Site's proven experience and safety acumen. Eventually, a Test Site COA may allow the Test Sites to apply for a class of UAS rather than a specific one. Classes of UAS have not been determined by the FAA at this time, but may be a development of interim classes for research purposes. These interim definitions will support the agency in establishing class definitions.

  FAA is also developing a process for Test Sites to be able to issue Experimental Certificates for civil operations.

  The FAA plans to track Test Site activities, including number of flights; mission of operations (including public or civil use); types of vehicles; types of ground control stations; time of day; line-of site or beyond-line of site (includes chase plane); other vehicles in vicinity; mishaps; and type of airspace.

In cooperation with the UAS Test Sites, FAA plans to review the research to be conducted to understand the relevant data the agency may independently or collaboratively analyze.

A UAS Test Site data retention plan is under development to securely warehouse data in one or more of the following locations:

- the six UAS Test Sites may be obtained upon request by the FAA;
- the FAA's current NAS systems or databases; and
- the FAA's UAS Test Team (in an existing secure data base) includes data that is analyzed by the FAA and is modified from its original state to include data held by FAA's current NAS systems or databases that is subject to expiration if needed by the Test Site team for research.

- Unmanned Aircraft Systems are operating in the National Airspace System (NAS) today and are expected to increase in the coming years. They present challenges in integrating them with manned aircraft due to their unique operating characteristics, such as differing airspeed capabilities and rates of climb. What is FAA doing to ensure ATC can safely manage both manned and unmanned aircraft in the NAS in near and long term?

  RESPONSE: FAA air traffic control is applying safety risk management principles to unmanned operations in airspace to ensure safe operations with manned aircraft. Safety assessments of proposed flight operations will be conducted to identify where safe integration can occur consistent with existing procedures. Where flight characteristics are inconsistent with existing aircraft performance standards and causing the revalidation of procedures, the air traffic controller procedures would be changed, as necessary, to integrate unmanned operations.

- The standards and regulatory process has been slowed by FAA's lack of safety data, particularly from the DoD, which has a wealth of data from years of operating unmanned aircraft systems. We understand that FAA is working with DoD to obtain better data. What is the status of this effort and has FAA obtained useful safety data?

  RESPONSE: DoD is providing useful data to FAA via two separate but complimentary reporting processes. The primary process used for data reporting and collection is via the Certificate of Waiver or Authorization (COA). COAs issued by FAA to DoD proponents that accommodate DoD operations in the National Airspace System include clearly defined and detailed operational, incident, and accident reporting data elements. DoD has been reporting this information since 2010.

  Additionally, DoD Safety Centers provide accident data to FAA's Office of Accident Prevention and Investigation (AVP) as required by the DoD-FAA Memorandum of Agreement (MOA) for the Sharing of Mishap Information. AVP is validating the data received as a result of the Agreement. If this validation reveals the need to change or add to the current data reporting elements identified in the Agreement, then FAA and DoD will negotiate the change(s) using the process stipulated in the MOA.

- Integrating unmanned aircraft systems into the NAS will require extensive regulatory, procedural, and infrastructure changes. What is the Agency doing to determine the resource needs to fully integrate unmanned aircraft systems into the NAS?

  RESPONSE: The FAA has formed an internal executive-level unmanned aircraft system (UAS) working group which in turn has established a budget team. Based on the FAA's UAS Civil Integration Roadmap, this budget team is working to prepare a high level cost estimate of the resources needed to fully integrate unmanned aircraft systems into the NAS. The FAA's future budget submissions will reflect the outcome of this analysis.

Inspector Staffing

- After years of development and investing over $10 million, FAA is still not using a model to determine the appropriate number of safety inspectors needed or where they should be located. Last June, the Office of Inspector General made a number of recommendations aimed at improving the model. What action is FAA taking to correct the problems with the model and when will the staffing model be able to reliably project inspector staffing needs?

  RESPONSE: Improvements to the AVS Staffing Tool and Reporting System (ASTARS) model are expected to include the use of transparent mathematical formulas, defensible demand drivers, and performance metrics to evaluate onboard staffing levels. Additionally, the FAA has commissioned a review of the Aviation Safety Inspector (ASI) staffing model with the National Academy of Science (NAS) to clarify the recommendations in the original 2006 NAS report and to obtain feedback on these proposed enhancements.

  Results from the improved ASI model are expected by December 2014 and are planned to be incorporated into the FY 2015 AVS Workforce Plan.

Certification Delays

- The Inspector General testified in late 2013 that there were more than 1,000 new air operator and repair station applicants awaiting FAA certification. Contributing to this problem were weaknesses in FAA's approval process, inadequate resource management, and conflicting communications from Headquarters. What steps has FAA taken to relieve the backlog of applicants awaiting certification? If FAA considering any improvements to the Organization Designation Authorization (ODA) process to address the certification backlog.

  RESPONSE: The FAA is updating and rewriting the Certification Services Oversight Process (CSOP). The revised CSOP will enhance existing tools by providing for better reporting and communication to allow Flight Standards (AFS) management at all levels to see certification activities. It will incorporate a collaborative "One Flight Standards Service" philosophy into the decision-making process by applying the AFS "shared resources" and "work program accomplishment" policies to CSOP decision making and resourcing.

The revised CSOP will promote and enable the best use of AFS resources through a common-sense approach to sequencing certification activities. While a "first in, first out" philosophy for sequencing certification projects is a good starting point, the revised CSOP will emphasize the manager's analysis of all resources that are or may be available when making a decision that prioritizes certification activities. The analysis will include resources that may not reside at the Field Office or even in the Region where the certification application is made.

This summer in Alaska FAA will begin beta testing an ODA for the certification of air carriers, including certification of smaller Part 135 operators. Successful completion of this test will determine what efficiencies can be gained by utilizing ODA to perform these types of certification. Upon successful completion of this beta test, national policy will be released. Success with the Part 135 ODA would lead to consideration of other types of certificates being completed utilizing the ODA concept.

Repair Stations

- Last May, the Office of Inspector General made a number of recommendations aimed at improving FAA's oversight of repair stations. Specifically, the OIG recommended that FAA enhance its oversight system to ensure that all areas of repair stations are inspected based on identified risk and that inspectors utilize inspection checklists to ensure consistency in its reviews. What progress has FAA made in addressing these recommendations?

  RESPONSE: The FAA is improving the risk-based management oversight tools and inspector training of foreign and domestic repair stations. The agency is moving forward with the next generation risk management oversight system called the Safety Assurance System (SAS). The deployment of SAS will begin in June 2014 and is expected to be fully deployed in FY 2015. In the interim, FAA has evaluated the present risk management oversight system and focused on current system improvements based on the OIG recommendations. To date, the FAA has completed the following:

  - Briefed FAA Flight Standards regional managers, field office managers, and inspectors who have FAA-certificated repair station oversight responsibility, on the availability of the current risk management oversight tools and processes that aid inspectors in identifying and prioritizing surveillance activities of those repair stations which indicate an increased risk.

  - Revised the repair station risk management oversight guidance for FAA airworthiness inspectors to provide comprehensive procedures to enable inspectors to effectively target inspection elements, based on increased risk, and properly prioritize surveillance activities to mitigate those risks.

  - Added a web-based course titled "Assessment and Planning Tools Transition Training for Airworthiness Inspectors" to the airworthiness inspectors training profile as a recurrent training requirement. The training covers the use of the Repair Station Assessment Tool (RSAT), Risk Management Process (RMP), and Outsource

Oversight Prioritization Tool (OPT). It includes a step-by-step review of current risk management oversight automation capabilities, and a guide for the use of those automation tools. All inspectors with repair station responsibility have completed this training for FY 2014.

- Developed a standardized checklist for airworthiness inspectors to ensure a complete inspection is performed and documented, improving consistency in the way the inspectors perform and report their inspection findings. The checklist requires the inspector to make a risk assessment at the time of the inspection and provides traceability to the reporting inspector.

- Revised the FAA "Certification and Surveillance of Part 145 Repair Stations" course to ensure the airworthiness inspectors understand the importance of using the available tools for assessing and targeting risk and provide training on the use of those tools. Incorporated the revised checklists and guidance into this course. The revision to the course is now available and will be used in future inspector training.

FAA continues to work with the OIG to resolve the recommendations to ensure appropriate risk-based oversight of FAA-certificated Repair Stations located within, and outside, of the United States.

- With the recent issuance of the TSA repair station security rule, the ban to certificate foreign repair stations has been lifted. There are now almost 100 applicants in the queue wanting to obtain an FAA certificate to order to perform work on US-registered aircraft. What factors will FAA use to determine the priority for certificating these repair stations? How long will it take for FAA to reduce this backlog?

  RESPONSE: Due to the TSA publication of Part 1554 on January 13, 2014, FAA has now resumed certification of foreign repair station applicants. The following are the factors used to determine the priority for certificating these repair stations:

  - The FAA's repair station five phase certification process must be followed in accordance with the appropriate policy and guidance found in the aviation safety inspector guidance, FAA Order 8900.1.
  - The Pre-application Statement of Intent (PASI) will be evaluated by the calendar date it was received from the applicant. The PASI date is the primary determination for priority.
  - The information from the PASI will be entered into a database called Certification Service Oversight Process (CSOP) which provides a standard set of tools for communication, resource evaluation, certification workload determination, and provides Flight Standards management the ability to share information allowing for analysis and sequencing of initial certification.
  - FAA office staffing, travel resources, national/regional resource demands, and/or office technical expertise versus the proposed operation's complexity will be considered.

- The FAA ability to perform certification will depend on TSA's resources and in some cases the foreign authority of that country.

The ability to reduce the backlog will depend on inspector/budgetary resources available, inspector workload prioritization, and the repair station's preparation, expertise, and ability to complete the certification process. There are currently 134 new repair station applications in the queue for a repair station certificate outside of the United States. These include the following:

International Field Office	**Location**	**# of PASI's for Repair Stations**
EA33	Frankfurt	20
SW23	Dallas/Ft. Worth	15
SO23	Miami	22
WP03	Los Angeles	77
	TOTAL	134

Federal Aviation Administration Contracting

- The Committee has been informed of the value that electronic contracting can provide in the effective use of federal funds. Benefits can include increased competition, reduced paperwork and staff requirements, increased transparency and useful material and cost data collection. The Committee is advised that the Federal Highway Administration has benefited, significantly, from electronic contracting as have a number of states. Has the FAA evaluated the benefits of electronic contracting, particularly as regards large contracts for construction, and if so, what have been the findings of such evaluations? If not, why not?

  RESPONSE: The FAA has evaluated and continues to evaluate the benefits of electronic contracting for all of its contracts, including construction. The FAA has determined the benefits of electronic contracting include (i) better retention of contract files on complex, long-term contracts, (ii) the ability to comprehensively search large contract files electronically instead of searching through paper files and (iii) the ability to securely share required documents across an organization the size and complexity of the FAA. Additionally, electronic contracting enables better utilization of FAA's limited facility space as well as consolidating file systems on servers (soon to be Cloud) as opposed to managing and maintaining files and file rooms.

  In support of electronic contracting solutions, FAA is developing the

Unified Contracting System (UCS) to automate procurement processes spanning all phases of procurement including pre-award, award, administration, and close-out. UCS will document, develop and implement an end-to-end robust electronic, web-based and vendor facing contracting system for all contracts including construction.

FAA has already deployed the UCS first module, Electronic Document Storage (eDocS). eDocS is the first step in transforming FAA's paper based contract records into electronic format. eDocS provides FAA's contracting community with a standardized, secure online folder structure. It centralizes the storage of contracting documents, giving the contracting community a repository of documents that can be searched and reused. Metadata for each document and contract is collected, providing an online reporting mechanism of contracts and documents within the system.

Work is underway to develop future UCS modules for purchase card processing, contract writing tool, electronic requisition system, and more. The FY'15 Budget includes $5.8M in the Facilities and Equipment account to develop and deploy the Requisition to Obligation (R2O) and Automated Procurement Processes (APP).

While FAA is transitioning to a comprehensive electronic system, we still have other electronic solutions in place including:

- PRISM – for Requisition and Acceptance

PRISM is a configurable web-based commercial off-the-shelf application. It is a comprehensive procurement management system that provides FAA's acquisition communities with the tools needed to support requisitioning through source selection and award. PRISM is used for activities such as creating purchase requisitions, verifying funds, approving commitments, or approving awards.

- Contract Information Tracking Tool (KITT)

KITT is an automated web-based application used by the Air Traffic Organization for post-award contract administration. The KITT application automates how work is ordered and managed under the contract and automates the contract management workflow. KITT centralizes the storage of data related to the contract, which enhances data availability, improves information sharing and provides automated reporting on post-award contract activities. KITT also manages and tracks deliverables and performance data.

- Technical Support Services Contract (TSSC) III

The TSSC program has implemented electronic acquisition processes by using existing government systems (such as the FAA's Knowledge Services Network) to engage contractors via a secured environment to plan, award, administer, and document construction contracts. The latest TSSC Contract was conducted entirely electronically in a secured environment to initiate, plan, monitor and control, and closeout projects. Electronic contracting tools used during contract administration include the following:

- Utilization of electronic signatures for contract modifications, notice-to-proceed, and work release approvals, with associated electronic repositories for contract records.
- FAA's Knowledge Services Network to post solicitation documents, manage the solicitation process, accept contractor offers, and awards the contract.
- Automated Contract Execution System to release projects, provide a mechanism for incremental funding to ensure efficient use of limited resources, and evaluate contractor performance.
- Electronic invoicing with details that identify costs.
- Contractor data system, open to FAA personnel utilizing T4, that provides transparency into the contractor's acquisition processes including small purchases, vendor qualifications, subcontract administration, small business utilization, and contractor acquired property.

- Knowledge Services Network (KSN)

Electronic FAA Accelerated and Simplified Tasks (eFAST) utilizes a SharePoint Knowledge Sharing Network (KSN) application to support the entire contracting process. The application provides data and document storage and business process management. The system provides interfaces for both internal and external users for all facets of pre- and post-award contract activities.

The SE2020 Program and Contracts Team have used KSN since 2009 to provide a collaborative information platform to store and maintain pre and post award program documentation. In the pre-award phase, KSN provided a structured depository for program planning documentations including business and acquisition plans, costs estimates and analyses, technical evaluation planning, draft SIR documentation, program status and management briefings. Interested vendors were allowed to establish secure KSN access to post questions on the draft SIRs and to eventually submit proposals. Following award of the seven (7) prime contracts, KSN has continued to be a source of key program information and has increasingly been used as a work management tool. It provides an active archive of all contracts and task orders, including modifications as well as detailed financial recaps of funding and expenditures. Task Order proposal requests for both competitive and directed actions are released to vendors over KSN and proposal correspondence and submittals are exchanged electronically. Following award, task order deliverables are uploaded to KSN by vendors to facilitate FAA review and management. KSN is used to provide a status tool for the thousands of staff resumes provided under SE2020 for review and approval. At any time, metrics are available to show the status of any resume in its approval cycle. Vendors also post monthly invoices to their KSN sites. The SE2020 Team has implemented an eInvoice process using KSN that provides a user friendly, workflow tool to collect invoice analysis and review cycle data throughout the approval process. This allows real time status of all invoices in the payment cycle to ensure timely processing. Actions are underway to link this system with the payment office to eliminate all paper copies of invoices.

Equipage

- FAA's mandated that all US aircraft be equipped with ADS-B by January 1, 2020. Section 221 of the FAA Modernization and Reform Act of 2012 was enacted by Congress to incentivize and accelerate the installation of NextGen avionics systems in commercial and GA aircraft through FAA loan guarantees, to meet the deadline. It has been two years since the Act was signed into law. What has the FAA done to advance the PPP program? Why didn't the FAA include the Section 221 loan guarantee program for GA in the President's Budget?

  RESPONSE: The FAA held two public meetings in 2012, posted two requests for information, and had a series of one-on-one meetings with stakeholders regarding the utility of a loan guarantee (or other similar) program.

  In the two years since FAA's Reauthorization passed, FAA has received one application for a federally-backed loan (draft version in April 2013, version labeled final in December 2013). The FAA has had several discussions and meetings with the applicant regarding their proposal. Broadly speaking, any proposal will be evaluated on the following criteria:

  - Benefit to users;
  - Financial risk to taxpayers; and
  - Other government risks.

  There is also an aviation financing offering through the Aircraft Owners and Pilots Association (AOPA) currently available to the public which does not receive government support.

  The FAA believes that there is not enough interest from the operator community in a government-backed loan program to justify making a request for program funding a priority at this time.

QFRs SENATE

SENATE QUESTIONS SUBMITTED BY SENATOR JOHN BOOZMAN

FUEL TAXES

"Mr. Secretary, Congress consistently rejects aviation user fees hikes. We already have fuel taxes, and now, once again the budget request includes a proposal to impose increased per flight fees on commercial and general aviation. I am concerned about how this will harm pilots in Arkansas, including pilots of small aircraft, agricultural aviation, and many others. Sometimes we encounter the perception that pilots can afford these fees, but often that is not the case. Instead, we should make flying easier for people of limited means. The administration's user fee would raise $725 million next year. That's a lot of money."

Question. What will the Administration do with such a large infusion of new funding?

Answer. According to Treasury Department estimates, the proposed air traffic service fee would generate approximately $8.5 billion in additional revenue over the next ten years. The surcharge for air traffic services is being proposed to more equitably share the cost of air traffic services across the aviation user community and to reduce the deficit. FAA recognizes the critical role aviation plays in supporting jobs and generating significant economic activity for the country and looks forward to working with Congress and aviation stakeholders on studying the funding issue as part of the upcoming Reauthorization.

SENATE QUESTIONS SUBMITTED BY SENATOR JOHN BOOZMAN

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Question. If you raise fees, would you consider reducing fuel taxes?

Answer. The President's FY 2015 Budget does not propose changing aviation fuel taxes. FAA looks forward to working with Congress and aviation stakeholders on funding the FAA. There is an opportunity to study funding options during the period before FAA's current authorization expires at the end of September 2015.

SENATE QUESTIONS SUBMITTED BY SENATOR JOHN BOOZMAN

AGRICULTURAL AVIATION

Question. Previous user fee proposals have included numerous exemptions. Does the Administration support carving out an explicit exemption for agricultural aviation, which can involve dozens of flights over the course of a single working day?

Answer. This proposal would create a per flight fee for aviation operators who fly in controlled airspace. However, there are exceptions; aircraft conducting aerial application activities and those that fly outside of controlled airspace would not be subject to the flight surcharge fee.

SENATE QUESTIONS SUBMITTED BY SENATOR JOHN BOOZMAN

MAKING FLYING EASIER FOR PEOPLE OF LIMITED FINANCIAL MEANS

Question. What proposals does the Administration support to make flying easier for people of limited financial means?

Answer. The FAA operates and regulates the safest and most efficient airspace system by global standards. Apart from providing safety oversight and air traffic control services, it provides financial assistance to airports and invests in the NextGen Air Transportation System, all of which benefit our aviation stakeholders. FAA does not directly regulate rates or services of airlines or general aviation.

The agency is engaged in some rulemakings aimed at reducing regulatory burden while maintaining or enhancing safety, and these may have a positive impact on costs. FAA currently is examining the streamlining of the certification processes for light aircraft and reducing requirements for pilot medical certification for private pilots.

QUESTIONS FOR THE RECORD FROM U.S. SENATOR JOHN BOOZMAN

COMMERCIAL AND GENERAL AVIATION AIRPORTS

Mr. Secretary, the budget request includes a significant cut to the Airport Improvement Program (AIP). This is a concern, but I am pleased that the AIP program would direct grants to smaller commercial and general aviation airports that really form the backbone of our nationwide system.

Question. How will support for GA and small commercial airports in the FY 2015 proposal compare to current funding levels?

Answer. While the FY 2015 budget proposal reflects a smaller funding amount for the overall Airport Improvement Program, when compared to current funding levels, the proposal is intended to better focus that investment on the highest priority improvements throughout the system. The budget proposes to lower AIP by eliminating passenger and cargo entitlement funding for large hub airports. In return, Passenger Facility Charges (PFC's) would be increased for all airports from $4.50 to $8.00. This means that a larger share of the remaining AIP grant funds will be allocated to smaller airports. By providing more focused investments at smaller airports, we can continue to ensure that the most critical safety and capacity needs of the national airport system are met. We remain committed to supporting the needs of smaller airports through the AIP and the fundamental structure proposed under the FY 2015 budget proposal continues to reinforce that support.

QUESTIONS FOR THE RECORD FROM U.S. SENATOR JOHN BOOZMAN

COMMERCIAL AND GENERAL AVIATION AIRPORTS

Question. Would general aviation airports receive more AIP funding under the President's proposal?

Answer. It is possible that general aviation airports could receive more in AIP funding under the President's FY 2015 budget proposal. The amount of AIP discretionary funding available would increase under the proposal, which would provide more opportunity for all small airports, including general aviation airports, to secure AIP funding.

The programmatic changes recommended in the budget would increase the amount of the small airport fund and discretionary dollars available to small airports, which includes general aviation airports. Small airports would also have access to a larger pool of FY 2015 discretionary funding. That is because, under current law, if the total AIP program drops below $3.2 billion, entitlements are reduced and the amount of discretionary funding available increases. Therefore, it is possible for general aviation airports, or other individual categories of small airports, to receive more funding under the proposal.

SENATE QUESTIONS SUBMITTED BY SENATOR JOHN BOOZMAN

AIRCRAFT PART CERTIFICATION REFORMS AND EFFICIENCY IMPROVEMENTS

Mr. Secretary, in Arkansas, we are proud to be the home of a significant aviation and aerospace industry. Companies like Dassault-Falcon are creating great products with a high-skills workforce. Aviation products are a tremendous U.S. export, and we need to be globally competitive. That means, we must reform and make our certification and regulatory process more efficient, so that our manufacturers can compete on a level playing field.

Question. Is aircraft part certification reforms and efficiency improvements a priority for you, and what steps are the Department and FAA taking to achieve these critical reforms?

Answer. Improving the effectiveness and efficiency of the aircraft certification process is a key focus area for the FAA. The aircraft certification process must be effective in order to ensure the continued safety of the U.S. civil aircraft fleet. To accomplish this, the FAA is using risk-based decision making for oversight of aircraft design and manufacturing while still being flexible to allow insertions of new technologies and efficiencies that meet the needs of industry stakeholders.

Section 312 of the FAA Modernization and Reform Act of 2012 identified six areas for assessment and improvement. The FAA developed an implementation plan consisting of 14 initiatives to address the six areas. The FAA posts semiannual updates to the Section 312 implementation plan on its web site which include the status of the reform initiatives. One of the initiatives seeks to improve the process and timeliness to initiate certification projects. The FAA developed the new process based on industry comments that better balances industry needs with FAA priorities and resources.

The FAA is also implementing initiatives that streamline our certification and oversight regulations and policies. With these improvements, we are promoting a risk-based approach to how, where, and when we use our resources. We are directing our oversight to those points with the greatest risk, as opposed to using a one-size-fits-all approach. Additionally, we are strengthening our international partnerships to encourage the seamless and efficient transfer of products and approvals across borders through shared safety initiatives and policy improvements.

The FAA continues revising regulations for certification and production of general aviation aircraft that should allow industry to more readily introduce new safety technologies and remain competitive within the aviation industry.

7QUESTIONS FOR THE RECORD FROM U.S. SENATOR JOHN BOOZMAN

NEXTGEN PROGRAM STATUS

Question. Would you please provide me your perspective on the status of the NextGen program?

Answer. NextGen is gaining critical momentum. We continue to build on the NextGen infrastructure to introduce new capabilities and provide additional benefits. Below are some of the programs and their statuses.

Automatic Dependent Surveillance Broadcast (ADS-B) – ADS-B utilizes GPS technology to determine and share precise information on an aircraft's location, and streams additional flight information to aircraft cockpits that have the proper avionics equipment. It is a key enabling technology that forms the foundation for NextGen by moving from ground radar, navigational aids, and manual reporting processes, to precise tracking using satellite signals. In 2014, the FAA completed the deployment of ground radio infrastructure and deployment of National Airspace System (NAS) wide Pilot Advisory Services.

Data Communications (DataComm) – DataComm provides data communications between Air Traffic Control (ATC) facilities and aircraft and will allow for more efficient strategic management of the airspace while enabling the FAA to meet the growing demand for air travel. The messages being sent from DataComm will allow controllers to send routine instructions, such as revised departure clearances, via electronic messages directly to pilots. This timely communication will reduce frequency congestion and the potential for miscommunication that can lead to accidents. The FAA will complete Tower Data Communication trials with air carriers at Memphis International Airport (MEM) and Newark Liberty International Airport (EWR) in 2014.

NAS Voice System (NVS) – Today, seventeen different switches are used in the NAS and many are already experiencing severe obsolescence issues. The NAS Voice System will replace the current inventory of switches with a nationwide network that supports future NextGen requirements. Built on state-of-the-art digital technology, NVS is designed to use Voice over Internet Protocol (VoIP) technology on a secure and exclusive FAA network, which will standardize the voice communication infrastructure among air traffic facilities. NVS will provide the flexibility to reroute voice communications so that controllers in different facilities will be able to assist each other during busy periods or if voice switches in a facility become interrupted. The FAA will complete the initial demonstrations of NVS and achieve final investment decision in 2014.

System Wide Information Management (SWIM) – The SWIM program facilitates an open, flexible, modular, manageable and secure information management and sharing architecture for NAS operational data and other data exchanged between consumers and providers. SWIM will transform NAS application interfaces from a tightly coupled point-to-point model into a Service Oriented Architecture (SOA). SWIM enterprise infrastructure will enable systems to request and receive information when they need it, subscribe for automatic receipt, and publish information as appropriate. In 2014, the FAA will complete implementation of the Terminal Data Distribution System to support user preference for surface data sharing and will achieve the final investment decision for the next segment of SWIM.

SENATE QUESTIONS SUBMITTED BY SENATOR JOHN BOOZMAN

CONTRACT TOWERS

Mr. Secretary, contract towers provide vital safety enhancements at several airports in Arkansas

Question. Does the FY2015 budget request support continued operation of the contract tower program at current levels?

Answer. Yes. The FY2015 budget request supports continued operation of the 252 Federal Aviation Administration (FAA) Contract Towers.

SENATE QUESTIONS SUBMITTED BY SENATOR JOHN BOOZMAN

CONTRACT TOWERS

Question. Do you believe that the contract tower program enhances safety and provides value to our airports and communities?

Answer. The Department of Transportation Inspector General's 2012 audit of the FCT Program and subsequent report validated the cost effectiveness, safety, and user satisfaction. The findings reflected that contract towers provide services that are comparable to those provided at FAA staffed towers, with little difference in safety or quality.

SENATE QUESTIONS SUBMITTED BY SENATOR JOHN BOOZMAN

BUSINESS AVIATION

Mr. Secretary, I remain concerned about political rhetoric that castigates business aviation and general aviation to score cheap political points.

Question. Do you believe that business aviation is essential to economic strength and job opportunities in our country, and do you believe that it should not be unfairly targeted as an activity deserving disparate treatment under federal law?

Answer. The department recognizes the role business aviation plays in the nation's air transportation system. Business aviation provides benefits for companies and communities, supports jobs, and generates significant economic activity.

Support for general aviation is part of the Administration's goal to invest in the nation's transportation infrastructure. The U.S. Department of Transportation and the Federal Aviation Administration (FAA) continue to invest in and improve general aviation and the airports that serve general aviation through ongoing initiatives including direct support to airports, the NextGen Air Transportation System, safety enhancements, and improving access to data.

The business aviation community should not receive disparate treatment under federal law. The entire general aviation sector, in fact, pays fuel taxes that amount to far less than the cost of the air traffic control services it uses. General aviation currently contributes about 2 percent of the revenue that flows into the Airport and Airway Trust Fund.

SENATE QUESTIONS SUBMITTED BY SENATOR SUSAN COLLINS

NEXTGEN DELAYS

An OIG report issued just last month identified a number of the underlying causes for NextGen delays. The report highlights longstanding programmatic and organizational challenges that undermine NextGen's progress, and citing FAA's initial target completion for 2025 at a cost of $40 billion as overly ambitious.

Question. What is the Department doing to ensure the FAA has an executable plan in place that sets realistic expectations and priorities to ensure prudent use of taxpayer investments?

Answer. In the DOT Inspector General's Report on FY 2014 Top Management Challenges, the FAA identified and addressed the underlying causes of delays in the NextGen program. The Department is ensuring an executable plan by shifting from ground-based radar air traffic management systems to more effective satellite-based systems. To ensure the successful deployment of NextGen, a Deputy Administrator and a new Assistant Administrator for NextGen have been named. These individuals will ensure transparency by engaging with the community through the NextGen Advisory Committee.

In addition, the FAA has implemented the following tools to address the root causes of problems with NextGen and to set investment priorities ensuring the wise use of taxpayer investments:

- The NextGen Implementation Plan (NGIP) provides an overview of the ongoing transition to NextGen and lays out the Agency's vision for the Next Generation Air Transportation System now and into the future. The NGIP Appendix B provides an overview of the FAA's work plan for delivering operational improvements. The NGIP draws upon and informs a number of FAA planning documents, such as the NAS Enterprise Architecture (EA), the NAS Segment Implementation Plan, and other internal documents.

- The FAA's NAS Enterprise Architecture (EA) is a key strategic planning tool for transforming the Nation's air traffic system, which includes 14 roadmaps with numerous NextGen integration and investment decision points. The NAS EA provides a most likely path for the evolution of the NAS, including the transformational programs. It captures projected milestones with costs and schedules, based upon engineering judgment for the long-term investments. For near-term investments, the detail in the architecture is of higher fidelity since it reflects the baseline decision. The NAS EA also depicts the evolution of the NAS architecture over time.

- The NextGen Segment Implementation Plan (NSIP) ensures that all programs and capabilities are implemented in a structured environment, and that interdependencies amongst systems and capabilities are recognized.

- The Portfolio Management Review (PMR) is a major component of the overall plan to address NextGen delays. NextGen hosts regular portfolio management reviews with multiple Lines of Business within the FAA to ensure complete transparency on program interdependencies in the NAS.

QUESTIONS FOR THE RECORD FROM SENATOR DIANNE FEINSTEIN

HELICOPTER NOISE IN LA BASIN

Excessive and disruptive helicopter noise is a major issue for my constituents in Los Angeles. The FAA has acknowledged this problem, and in May 2013, it identified 6 action items that it would undertake and support to mitigate the impact of helicopter noise in Los Angeles County.

Despite having identified the six steps 9 months ago, the FAA does not appear to be making meaningful progress in addressing the problem. I am especially concerned that, despite the FAA's assertion that voluntary measures would be more successful than regulations, the FAA has yet to identify any metric to evaluate whether or not helicopters would be in compliance with these voluntary measures.

Question. The law requires FAA to evaluate the effectiveness of its approach. How will FAA evaluate the effectiveness of voluntary measures without creating a system for actually monitoring compliance?

Answer. While the FAA, community representatives, and helicopter operators continue to work together to make progress on all six actions identified in the May 2013 report, FAA has focused its efforts on actions involving routes and altitudes. Initial foundational work has been necessary, as data to identify and track helicopters is limited. To enhance safety of operations, we are working to establish two unique transponder codes—one for law enforcement, emergency, and military helicopters and the other for all other helicopters. This will also improve our data analysis capabilities. We are completing a baseline analysis that captures helicopter flight tracks and compares them against existing routes. The complexity of airspace in the LA region requires multi-faceted solutions that ensure the highest-levels of safety and avoid any unintended consequences.

The FAA will measure our progress by tracking activities required for implementing the six action items outlined in the report. For actions involving helicopter routes, compliance with existing routes will be the appropriate metric in some instances. Where we conclude that an existing route is better than potential alternative routes, we will measure adherence to that route, with the understanding that each helicopter has to get on and off a route to transit to and from departure and destination points. In some locations, we anticipate identifying modifications to a route to safely lessen the noise impacts of helicopter use.

It is important to note that the range and diversity of the six actions do not lend themselves to a single metric or measurement, and the effectiveness of actions is not necessarily determined by "compliance." For example, the effectiveness of outreach efforts or of stakeholder engagement is not compliance oriented.

Question. Given FAA's limited resources, would you support the use of private contractors or other outside groups to develop a compliance monitoring system?

Answer. There is precedent for using private contractors or other outside groups to develop systems to collect noise complaints, monitor noise and track adherence to voluntary noise abatement measures. Such systems are established, funded, and operated by a number of airport proprietors, many of whom use private vendors to develop and maintain them. The State of California or LA County could establish an entity with the mission, funding and authority to establish and administer a helicopter noise system beyond the purview of a particular airport proprietor, as well as establish and support a helicopter noise roundtable. The FAA could support such efforts with operational expertise and technical analysis.

Question. Will you ensure that FAA begins a regulatory process before the end of January 2015 if it fails to identify a quantifiable metric for compliance with voluntary measures?

Answer. The FAA will assess the status of the six actions over the next six to nine months. If we find that we are unable to demonstrate significant progress in implementing these actions, we will begin a regulatory process as the law requires. Based on experience, FAA continues to believe that voluntary measures developed collaboratively with aircraft operators and community stakeholders are the most comprehensive and effective way to address helicopter noise concerns. Operators and community representatives have identified a myriad of issues and concerns in multiple locations that no single regulation can effectively address. We therefore expect that a regulatory process would be more challenging and time-consuming than pursuing the current voluntary approach.

QUESTIONS FOR THE RECORD FROM SENATOR DIANNE FEINSTEIN

COMMERCIAL AND GENERAL AVIATION AIRPORTS

The FAA's Airport Improvement Program is the primary Federal program investing in runways, taxiways, and airport infrastructure. This program is critical for commercial airports, particularly "large hub airports" like LAX and SFO.

However, the FAA continues to award more than 30 percent of the program's funding to airports without any commercial service at all, even though the program is funded by taxes that collect more than 99 percent of their revenue from commercial operations and travelers.

I was dismayed to see that not only does the Budget propose to cut funding for this program by $450 million, it also seeks to eliminate, once again, dedicated funding for "large hub airports," thereby directing an even greater percentage of funding to small airports with no commercial service.

Question. Do you believe that the current distribution of Airport Improvement Grants is fair, given that commercial service accounts for 99 percent of the revenue for the Airport and Airway Trust Fund?

Answer. The current distribution is fundamental to the safety, efficiency and sustainability of the air transportation system. The perceived disparity between the source of Trust Fund revenues and the types of facilities supported reflects the fundamental structure of the overall U.S. system of airports. The Airport Improvement Program and its predecessors have demonstrated it is in the public's interest to support a national integrated aviation system, citing the benefits derived from maintaining a diverse geographic network of airports. Such a system facilitates rural and remote access, supports military and law enforcement needs, expedites emergency and disaster response, and ensures the timely transport and delivery of commercial goods. Moreover, many of the smaller, non-commercial facilities provide alternatives to airports handling commercial passengers, thereby reducing congestion and delay at commercial service airports.

The functions supported by these smaller airports are critical. In 2012, the FAA published a study outlining a broad range of critical roles and functions these smaller airports serve, from basic access to flight training, emergency response, agricultural support, aerial firefighting, and many others. The larger commercial airports, especially large hub airports, have access to other means of capital like airport bonds and Passenger Facility Charges (PFCs) not available to the smaller airports.

For more than 30 years, the Airport Improvement Program (AIP) has helped state and local governments plan, develop, improve, develop, and maintain a broad-based system of integrated airport facilities. The AIP provides capital funding to support 3,330 public use airports, heliports, seaplane bases, and landing areas included in the federally-mandated National Plan of Integrated Airport Systems (NPIAS).

Question. Would you support a provision requiring FAA to spend at least 75 percent of Airport Improvement Program funding on commercial airports?

Answer. I do not support either limiting the number of airports funded or reducing the minimum level of funding provided to airports that are classified as non-commercial service airports.

Question. Which investment is likely to benefit the greatest number of Americans: improving airports with commercial service or improving airports without any commercial service?

Answer. The national integrated system needs to be maintained as a whole, with both categories of airports (commercial and non-commercial) able to meet the needs of the users that rely upon them, both directly and indirectly. While people are most familiar with the commercial air travel benefits offered at the 511 commercial service airports in the United States, nearly 3,000 smaller general aviation airports form an extensive airport network and make important social and economic contributions to society. In 2009, non-airline operators at general aviation airports flew an estimated 27 million flights for emergency medical services, aerial fire-fighting, law enforcement and border control, agricultural functions, flight training, time-sensitive air cargo services, and business travel. Many of these functions cannot be safely, efficiently, or economically supported at larger commercial service airports.

In addition to providing unique general aviation benefits, non-commercial service airports provide a critical safety and efficiency complement to commercial service airports. Because of their sheer number and geographic distribution, general aviation airports provide a safety net to support commercial operators in the event of emergency aircraft diversions, medical emergencies, deteriorating weather conditions, or mechanical failures. In high-density metropolitan areas, general aviation airports act as “relievers” for congested commercial service airports by supporting high-volume activity by smaller and slower aircraft. It is therefore crucial to our national economy that we continue to support both commercial-service and general aviation airports. The Airport Improvement Program has evolved over more than 30 years to achieve precisely that goal.

QUESTIONS FOR THE RECORD FROM SENATOR MARK KIRK

INTERNATIONAL AVIATION SAFETY

The circumstances surrounding the missing Malaysian aircraft raise many questions regarding aviation safety and the safety of all our travelers.

Question. Knowing the FAA cannot be in every country at all times, how does FAA work with other countries to ensure the safety of their general aviation systems? To what extent does the FAA coordinate with other agencies, including the Department of Homeland Security and the Department of State to inform Americans, business people and tourists, about the level of safety while flying?

Answer. The FAA works through international organizations, international safety assessments, and bilateral agreements to promote and improve aviation safety around the world.

The FAA works on a regular basis with the International Civil Aviation Organization (ICAO), the European Aviation Safety Agency (EASA), and a number of other international aviation entities, with a common goal of furthering aviation safety and identifying any significant safety issues that may warrant additional attention by all parties.

FAA's International Aviation Safety Assessment (IASA) Program is a key means by which the FAA assesses whether a country's Civil Aviation Authority (CAA) is overseeing the safety of aviation activities under its authority in accordance with minimum ICAO standards. If assessed, the FAA assigns "Category 1" status when a CAA is found to be overseeing the safety of aviation activities in accordance with ICAO standards, and a "Category 2" rating when a CAA is not conducting oversight in accordance with ICAO standards. In Category 2 status, the FAA "freezes" the operations approved for that country's air carriers operating to the United States.

The Category 2 rating also results in the Department of Transportation (DOT) deferring action on any request for new or expanded economic authority for service to the United States, with certain specific exceptions that do not compromise safety.

The FAA maintains a number of bilateral agreements to facilitate reciprocal certification of civil aeronautical products imported/exported between two signatory countries. A Bilateral Aviation Safety Agreement (BASA) with Implementation Procedures for Airworthiness (IPA) addresses specific areas such as design approvals, production activities, export airworthiness approval, post-design approval activities, and technical cooperation. In addition, these agreements provide for bilateral cooperation in a variety of aviation areas, including safety, maintenance, flight operations, and environmental certification.

Information on specific countries is available to the public through the U.S. Department of State (DOS) website. IASA information, Category 1, Category 2, or not assessed by the FAA, is contained in the specific information sheet for that country.

The Department of Defense also utilizes IASA information. In general, air carriers from States with a Category 2 rating are placed on its "non-use" list.

The FAA does publish information on its public website concerning safety of flight restrictions, related to specific regions and/or States, based on concerns over procedures, airspace restrictions and/or prohibitions, as well as potentially unsafe or hazardous situations (ie,. NOTAMS, SFARS).

SENATE QUESTIONS SUBMITTED BY SENATOR PATTY MURRAY

RETENTION BONUSES

Question. Please provide a table for FY 2013, and another for FY 2014 (to date), listing the title, office, and salary of each FAA employee that received a retention bonus during that year, as well as the amount of the retention bonus itself.

Answer. See following table.

FY 2013 RETENTION INCENTIVES – FAA

Organization	Position Title	Salary	Retention Percent	Retention Amount	
ATCT NANTUCKET, MA	SUPV AIR TRAFFIC CONTROL SPEC	$90,478	10%	$9,048	+
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$84,006	10%	$8,401	+
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$76,267	10%	$7,627	+
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$76,267	0%	$0	*~
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$43,589	10%	$4,359	+
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$83,375	0%	$0	~
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$86,037	10%	$8,604	+
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$106,684	10%	$10,668	+
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$20,324	10%	$2,032	+Resigned 3/4/2013
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$76,267	10%	$7,627	+
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$84,709	0%	$0	*~
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$85,356	10%	$8,536	+
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$85,788	10%	$8,579	+
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$67,780	10%	$6,778	+
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$76,267	10%	$7,627	+
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$77,487	0%	$0	*~
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$76,267	10%	$7,627	+
ATCT NANTUCKET, MA	MANAGEMENT & PROGRAM ASSISTANT	$46,550	10%	$4,655	+
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$84,006	10%	$8,401	+
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$76,267	10%	$7,627	+
ATCT NANTUCKET, MA	SUPV AIR TRAFFIC CONTROL SPEC	$119,972	10%	$11,997	+
HYANNIS A SSC, MA	AIRWAY TRANSP SYS SPEC	$103,830	20%	$20,766	+
HYANNIS A SSC, MA	AIRWAY TRANSP SYS SPEC	$79,026	20%	$15,805	+

* Denotes the same employee as row directly above this one – location changed or modified agreement.
~ Denotes an incentive that was stopped due to expiration, review showing incentive no longer needed, or employee moved to a new position and is no longer eligible for a retention incentive.
+ Denotes continuation of a group incentive authorized to supplement the pay of employees at an extraordinarily high cost location (Nantucket Island) that is included in the "Rest of U.S." locality pay area.

FY 2014 RETENTION INCENTIVES (TO DATE) - FAA

Organization	Position Title	Salary	Retention Percent	Retention Amount	
ATCT NANTUCKET, MA	SUPV AIR TRAFFIC CONTROL SPEC	$93,012	10%	$9,301	+
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$85,349	10%	$8,535	+
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$43,589	10%	$4,359	** +
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$87,413	10%	$8,741	+
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$106,684	10%	$10,668	+
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$86,722	10%	$8,672	+
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$87,160	10%	$8,716	+
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$77,487	10%	$7,749	+
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$77,487	10%	$7,749	+
ATCT NANTUCKET, MA	MANAGEMENT & PROGRAM ASSISTANT	$47,295	10%	$4,730	+
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$85,349	10%	$8,535	+
ATCT NANTUCKET, MA	AIR TRAFFIC CONTROL SPEC	$77,487	10%	$7,749	+
ATCT NANTUCKET, MA	SUPV AIR TRAFFIC CONTROL SPEC	$121,172	10%	$12,117	+
HYANNIS A SSC, MA	AIRWAY TRANSP SYS SPEC	$103,830	20%	$20,766	+
HYANNIS A SSC, MA	AIRWAY TRANSP SYS SPEC	$80,291	20%	$16,058	+

* Denotes the same employee as row directly above this one – location changed or modified agreement.
** Denotes change in service date only for incentive agreement.
~ Denotes an incentive that was stopped due to expiration, review showing incentive no longer needed, or employee moved to a new position and is no longer eligible for a retention incentive.
+ Denotes continuation of a group incentive authorized to supplement the pay of employees at an extraordinarily high cost location (Nantucket Island) that is included in the “Rest of U.S.” locality pay area.