

Opening Statement of Ranking Member Carper

“Oversight of Federal Infrastructure Permitting and FAST-41”

May 2, 2019

Thank you, Mr. Chairman. My thanks, as well, to our witnesses for joining us today for this very timely hearing.

As you know, Mr. Chairman, I also serve as Ranking Member of the Senate Committee for the Environment and Public Works. Two days ago, I joined Speaker Pelosi, Leader Schumer, and a number of our colleagues at the White House to discuss with President Trump our country’s infrastructure and the need for us to come to agreement this year on a bill that would make urgently needed investments in our nation’s infrastructure, including our roads, highways, bridges, and transit systems.

In the last decade, we passed 35 short-term fixes for transportation before we were able to pass the FAST Act, which was the first long-term bill in a decade. However, the FAST Act expires in September of 2020. We have a responsibility to avoid another series of short-term fixes, which waste money, create uncertainty, and force us to put off needed investments.

Numerous studies, as the chairman knows, tell us that we’re falling behind other developed countries when it comes to making these investments. With respect to our road and highway infrastructure, which the EPW Committee examined in a hearing last month, the challenge we have before us is clear.

We have an \$800 billion backlog of investments needed to improve our highways and bridges. Many of our highways were built more than a half-century ago, and as a result are reaching the end of their useful life. More than 47,000 of our bridges are structurally deficient, and there are 235,000 in need of some repair, replacement, or major rehabilitation.

The consequences of underinvestment are great. Last year, every American lost 97 hours due to traffic congestion on average, costing us \$87 billion nationwide in lost productivity. All of this time spent in a car or truck sitting in traffic also contributes to air pollution and increases the cost of goods.

Underinvestment in roads and highways also has had an impact on safety. In 2017, more than 37,000 people died in motor vehicle crashes. Pedestrian deaths are now at a 25-year high.

Given all we need to do to improve and rebuild our highways and other infrastructure, I've thought a lot about how we can build projects smarter and more cost effectively. I've also thought a lot about how well the rules and permitting processes that we have in place actually work, and how we might make them work better.

Over the years, I've supported reasonable changes designed to improve federal coordination and efficiency.

We've already made a number of changes to permitting and project approval procedures in the last three highway bills. Before we entertain new ideas, we should first determine whether those provisions – some 60 in all – are fully implemented and how effective they've been.

I've made it clear previously but it bears repeating: I will not support further weakening of environmental protections in the name of accelerating project delivery.

It is critical that the lion's share of provisions we've already enacted in this area be implemented so that we can better understand what impact they'll have before we consider adopting more. To be able to do that, we need effective oversight like we're conducting here today.

I believe all of our witnesses and the stakeholders my staff and I have spoken to in preparation for this hearing agree that the provisions in FAST-41 show some promise.

The permitting dashboard the law called for offers needed transparency into the permitting process and should help us hold permitting agencies accountable for meeting deadlines. In addition, the Federal Permitting Improvement Steering Council offers project sponsors and other interested parties a place to turn with questions. The Council also creates a venue where the challenges that inevitably arise as a major project progresses can be discussed and resolved.

That said, it seems that the Council and the implementation of FAST-41 have been held back at least in part due to a lack of funding and a lack of leadership.

The Council recently saw a significant increase in its budget, but in past years had been given barely enough funding to get by.

In addition, until about four months ago, the Council lacked a permanent executive director. Before President Trump appointed Mr. Herrgott, the Council had been operating with an acting director since the end of the Obama Administration more than two years ago now.

As a result, we may not have enough information to know whether FAST-41 is working as intended, especially with respect to some of the most controversial provisions.

Having said that, I look forward to learning more today from Mr. Hergott and our other witnesses about the Council's work, as well as the other issues that Congress should consider as we work in the coming months to put together a major, bipartisan infrastructure bill.