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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <http://commerce.senate.gov>

April 6, 2017

The Honorable Thad Cochran
Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Susan M. Collins
Chairman
Subcommittee on Transportation,
HUD, and Related Agencies
United States Senate
Washington, DC 20510

The Honorable Patrick Leahy
Vice Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Jack Reed
Ranking Member
Subcommittee on Transportation,
HUD, and Related Agencies
United States Senate
Washington, DC 20510

Dear Chairman Cochran, Vice Chairman Leahy, Chairman Collins, and Ranking Member Reed:

This letter provides my views as Chairman of the Senate Commerce, Science, and Transportation Committee on transportation funding issues for the fiscal year (FY) 2018 appropriations bill of the Subcommittee on Transportation, Housing and Urban Development, and Related Agencies (THUD Subcommittee). As you know, the Commerce Committee has broad jurisdiction over federal transportation agencies, including the Surface Transportation Board (STB), the National Transportation Safety Board, and most operating administrations of the Department of Transportation (DOT). Given the breadth of transportation funding issues before the THUD Subcommittee, this letter focuses on select priorities following the recent enactment of major transportation authorization legislation.

In 2015, the Commerce Committee advanced several critical transportation authorization bills that were signed into law with broad bipartisan support, and it strongly supports an FY 2018 appropriations bill that is consistent with those laws. The STB Reauthorization Act of 2015 (P.L. 114-110), signed into law in December 2015, after unanimous approval from both chambers, was the first reauthorization of the agency since its creation in 1996. The Fixing America's Surface Transportation Act (FAST Act) (P.L. 114-94), a five-year and \$305 billion multimodal surface transportation bill that passed the Senate by a vote of 83 to 16, was the first long-term bill of its kind in more than a decade. These historic, bipartisan achievements necessitate FY 2018 appropriations allocations conducive to continued successful execution.

Surface Transportation Board. The Committee supports increased funding for the STB to \$35.5 million, the level authorized for FY 2018 by the STB Reauthorization Act of 2015 (P.L. 114-110). The STB Reauthorization Act made important reforms to increase the efficiency and effectiveness of the Board. Specifically, the STB Reauthorization Act: (1) improves the Board's

the implementation of others – such as the addition of new Board members and investigative staff – requires additional resources.

In addition to the implementation of STB Reauthorization Act, the Board requires additional funding to upgrade its outdated information technology (IT) systems. As a result of legacy IT systems, the Board has been unable to launch its new case management system and website, and the Committee supports additional resources for this purpose. Further, to the extent that the General Service Administration requires the STB to make one-time expenditures to change its office space layout, the Committee also supports additional resources for this purpose, if such changes are shown to be cost-effective. The Committee intends to apply rigorous oversight to ensure wise expenditure of any supplemental increase for these purposes. Additional funding for the STB will help ensure successful implementation of the STB Reauthorization Act, and any supplemental increase will also help ensure one-time expenditures do not take resources away from the Board's critical on-going proceedings.

Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program. I support funding for the innovative CRISI program at the authorized level of \$230 million in the FAST Act, instead of funding for the overlapping and inefficient rail grant programs repealed by the FAST Act. The CRISI program breaks down old program siloes and uses benefit-cost principles to ensure critical rail resources are allocated to their best use, and it gives preference to projects whose applicants have more “skin in the game” (i.e., a higher non-federal match). It is a national program with freight and passenger eligibilities, covering important rail safety and capital needs such as track upgrades, rail line relocations, and grade crossing improvements.

The CRISI program contains the same critical eligibilities funded in FY 2016 through the Rail Safety Technology Grants program and the Rail Safety Infrastructure Improvement Grants program, now repealed. Unlike those programs, the CRISI program requires performance measures to allow Congress to track progress toward strategic goals and objectives. It also includes a rural set-aside to ensure broader geographic coverage. I strongly support the FAST Act program structure to drive greater benefits and accountability from our nation's rail grants.

Motor Carrier Safety Assistance Program (MCSAP) Program. DOT should continue to focus on implementing FAST Act reforms that increase transparency and accountability in the Federal Motor Carrier Safety Administration regulatory process. Further, it is important that DOT fully implement and fund the consolidated MCSAP grants at the authorized level under the FAST Act for each fiscal year. MCSAP provides essential support for our nation's highway patrol officers to enforce laws and improve motor carrier safety.

Multimodal Freight Programs and the Build America Bureau. The FAST Act provided a new vision for multimodal freight movement in the United States, with contract authority to fund both a formula and a grant program as well as freight planning provisions to address both rural and urban freight needs. I support fully funding the freight programs. I also support continued progress in the effective implementation of the Build America Bureau.

In addition, it is important that DOT work with freight stakeholders to implement the new multimodal freight network planning process and provide transparent information regarding the issuance of freight grants. Within this process, States should be provided the appropriate flexibility to designate infrastructure under the new network.

National Highway Transportation Safety Administration (NHTSA). In the FAST Act, Congress authorized NHTSA highway traffic and vehicle safety programs through FY 2020, and I support those enacted authorization levels. In particular, I support the emphasis on highway safety programs in the FAST Act to provide greater flexibility to states. I also support the structure laid out in the FAST Act to provide an authorization increase in the vehicle safety programs to \$195.66 million in FY 2018, *once the Secretary of Transportation correctly certifies that NHTSA has implemented all the recommendations* identified in the DOT Office of Inspector General's 2015 audit report¹ on NHTSA's efforts to identify and analyze vehicle safety concerns.

On September 30, 2016, I received then-Secretary Anthony Foxx's certification that NHTSA had "implemented or resolved all of the recommendations." On November 9, 2016, however, DOT Inspector General (IG) Calvin L. Scovel III observed that five out of the 17 DOT IG recommendations remained open. On November 18, 2016, I wrote to then-Secretary Foxx asking him to withdraw the initial certification and to commit to ensuring the full implementation and closure of all the recommendations. He declined to withdraw his initial certification prior to leaving office. On February 8, 2017, in his testimony at a Committee hearing on the ongoing work of inspectors general, IG Scovel reiterated that NHTSA has not completed five DOT IG recommendations. While NHTSA has made progress recently, two recommendations still remain open. Until NHTSA fully implements the recommendations, I do not believe that the agency has met the requirements of the FAST Act. Therefore, a delay in the implementation of congressionally approved increases in authorization levels for vehicle safety would encourage implementation of these safety improvements.

Thank you for your consideration of these views. I appreciate the work you are doing to advance an important THUD appropriations bill, and I stand ready to assist in your efforts.

Sincerely,



JOHN THUNE
Chairman

¹ U.S. Dep't of Transp., Office of Inspector Gen., Audit Report, Inadequate Data and Analysis Undermine NHTSA's Efforts to Identify and Investigate Vehicle Safety Concerns, No. ST-2015-063 (June 18, 2015).