

Questions for the Record

U.S. Senate Committee on Commerce, Science, and Transportation

“Nomination of Polly Trottenberg to be Deputy Secretary of Transportation”

March 3, 2021

Questions for the Record from Hon. Maria Cantwell to Ms. Polly Trottenberg

Multimodal Freight Investment. In 2018, the Nation’s transportation system moved about \$51.8 billion each day. By the end of the decade the value of freight transported is expected to increase by 40 percent to over \$70 billion shipped each day. Multimodal freight accounts for 22 percent of the \$645 billion in goods transported through Washington state. However, federal freight funding programs put a 10 percent cap on multimodal funding.

Question 1. Do you think that the multimodal cap on the Infrastructure for Rebuilding America (INFRA) grant program and the National Highway Freight formula program should be eliminated so that the most economically significant freight projects can be funded regardless of mode?

Answer: I believe the Department plays an important role in ensuring the U.S. has a freight transportation system which supports job creation, economic growth and global competitiveness, using all the Department’s authorities, including discretionary grant programs like INFRA. I commit to working with Congress to support a multimodal freight program that achieves National economic and sustainability goals.

Question 2. Many freight stakeholders find the U.S. Department of Transportation’s (DOT) siloed approach to freight policy to be frustrating. Without a specific office or element within DOT focused on freight, it has taken DOT far too long to enact freight-related provisions from the FAST Act – particularly establishment of the national multimodal network which is still outstanding. Would a multimodal freight office within the Office of the Secretary make national freight planning more effective and coordinated across the Department and ensure that freight activities receive the attention they need?

Answer: With regard to freight policy within the Department, my understanding is that there is already considerable collaboration and coordination of freight-related policy and program activities among the Office of the Secretary and the modal administrations. If confirmed, I will assess this level of collaboration and coordination and commit to working with Congress to ensure that the Department takes a holistic and multimodal approach to strengthening our Nation’s freight system as we support the President’s vision for a strong economy.

Amtrak Long-Distance Routes. The Trump Administration repeatedly proposed cuts to Amtrak’s long-distance routes. This transportation network provides essential transportation services to many rural Americans that have few other public transportation options. Additionally, the federal investment in the long-distance routes has a significant economic impact. According to the Rail Passengers Association, the long-distance Empire Builder route, which runs from Chicago to Seattle and Portland, contributes \$327 million to the economies of the states it serves.

Question 3. Will you commit to working to protect the viability of Amtrak’s long-distance routes?

Answer: In recent years, Amtrak had made impressive progress in improving its fiscal and operational health and in providing stable daily service on its long-distance routes, which serve as vital lifelines in so many rural communities across the U.S. Unfortunately, Amtrak has been hard hit by COVID-19, and if confirmed, I look forward to working with Congress to establish predictable, dedicated funding sources for Amtrak maintenance and expansion. I also commit to working with Secretary Buttigieg to help Amtrak return to financial stability and pre-pandemic service levels throughout the country.

Question 4. Will you work with Amtrak and the freight railroads to ensure that Amtrak trains on the national network run reliably and improve on-time performance?

Answer: I am committed to improving passenger rail and, if confirmed, look forward to working with you and your colleagues on this Committee to establish increased passenger rail service that runs reliably and on-time. It is very important to find the optimal and most efficient balance between moving people and freight around the country. I believe DOT plays a role working with safety and other stakeholders in determining that balance.

Texas Pipelines. The Pipeline and Hazardous Materials Safety Administration (PHMSA) faces a number of statutory limitations on its regulatory authority. However, the recent freezing of the natural gas infrastructure in Texas raises concerns about the lack of regulation over infrastructure that people rely on for basic necessities, such as heat during the winter.

Question 5. If confirmed, will you review PHMSA’s statutory authorities and provide any suggestions for improving PHMSA’s authority over the reliable and safe operation of natural gas pipelines.

Answer: If confirmed, I will certainly review PHMSA’s statutory authorities and work with the Administration and Congress to offer suggestions for improving PHMSA’s authority over the reliable and safe operation of natural gas pipelines.

Passenger Rail Safety. Ensuring passenger rail safety must be a top priority of the Department of Transportation. In 2017, Amtrak train 501 derailed in DuPont, WA, on the inaugural run of a new route when the train went around a curve 50 miles per hour over the posted speed limit. As a result of the derailment, three people died and over 60 people were injured. The National Transportation Safety Board (NTSB) found several failures that contributed to the incident including poor crew training, safety planning, and regulatory oversight.

Question 6. If confirmed, will you review the NTSB’s report on the DuPont derailment and work to ensure the Board’s recommendations are implemented by the Federal Railroad Administration (FRA) and Amtrak?

Answer: The work NTSB does to investigate incidents and crashes to better understand what happened is an important means to advance transportation safety. If confirmed, I commit to working with NTSB, Amtrak, and the relevant program offices at the Department to address outstanding recommendations.

Crude-by-Rail Safety. In December 2020, a mile-long train carrying heavy crude oil derailed at a railroad crossing in Custer, WA. Ten tank cars derailed and five cars caught fire resulting in the spillage of 30,000 gallons of oil despite using retrofitted DOT-117 tank cars. This incident forced families half a mile away to evacuate for their own safety. Thankfully, no one was injured, however it was a stark reminder of the hazards posed by these trains.

Question 7. If the FRA's review of the Custer incident indicates potential issues with the retrofitted DOT-117 tank cars, will you commit to conducting a comprehensive review of tank car standards and work with my office to identify improvements that may be needed to ensure tank car safety when transporting hazardous materials?

Answer: My understanding is the Custer incident is still under investigation. If confirmed, I look forward to studying the investigation's findings once it has concluded. I share Secretary Buttigieg's commitment that safety is a top priority at the Department. I commit to working with the Secretary and the Committee to increase the safety posture across DOT and the transportation system.

Question 8. Will you review current PHMSA regulations pertaining to the safe transportation of light and heavy crude oil to help prevent future dangerous incidents from occurring?

Answer: If confirmed, I will certainly review current PHMSA regulations pertaining to the safe transportation of light and heavy crude oil to help prevent future dangerous incidents from occurring.

Disadvantaged Business Enterprises. The Department of Transportation's Disadvantaged Business Enterprise (DBE) program is designed to ensure businesses owned and controlled by socially and economically disadvantaged individuals have a fair opportunity to compete for federally funded transportation contracts. Although the program applies to transit and highway funds, the FRA does not currently have specific statutory authority for a DBE program. Section 11310 of the FAST Act of 2015 required DOT to conduct a nationwide disparity study on the availability and use of small business concerns owned and controlled by socially and economically disadvantaged individuals and veteran-owned small businesses in publicly funded intercity rail passenger transportation projects. A report to Congress on the study was due within two years.

Question 8. Based on your experience at the New York City Department of Transportation, how can the DBE program be expanded and improved?

Answer: The DBE program, which aims to increase participation of women- and minority-owned businesses in federally funded transportation projects, is an important tool for

advancing economic opportunity and wealth creation for small business owners. In my experience, there are steps that can be taken to strengthen the DBE program at the Federal, state and local levels. At DOT, we need to lead by example by expanding opportunities for DBEs, tracking our progress, and proactively and creatively addressing barriers to DBE participation where they arise.

DOT also needs to work closely with state and local recipients of Federal transportation funds to ensure they are setting appropriate DBE participation goals and ensure that DBEs can compete for those projects. At NYCDOT, we worked proactively to identify potential DBEs, worked with them to get certified, and helped them understand the requirements for bidding on contracts with New York City, and to make sure they were aware of upcoming contract solicitations. We also worked closely with prime construction contractors to connect them to DBEs for joint ventures and subcontracting opportunities.

Question 9. Will you commit to expeditiously completing the disparity study required by the FAST Act and reporting your findings to Congress?

Answer: Addressing racial inequity and fostering economic recovery for all Americans is a priority of the Biden-Harris Administration. If confirmed, I commit to expeditiously completing the disparity study required by the FAST Act and reporting the findings to Congress.

Question 10. If you are confirmed, will you commit to meeting with DBE companies and representatives to learn about barriers they face and ideas they may have to improve the DBE program?

Answer: As mentioned above, supporting economic recovery, especially by those hardest hit by the pandemic, such as small and disadvantaged businesses, is a critical pillar of the Biden-Harris Administration's Build Back Better vision. If confirmed, I will certainly meet with DBE companies and representatives to learn about and address barriers they face and ideas they may have to improve the DBE program.

Questions for the Record from Hon. Amy Klobuchar to Ms. Polly Trottenberg

Contract Tower Program. I have long supported continued investment in the Federal Aviation Administration's contract tower program—which provides critical air traffic control safety benefits to 256 smaller airports across the country.

Question 1. What are your plans to help ensure that small rural airports have the resources they need through this program?

Answer: In the near term, if confirmed, I will work to ensure expedient administration of funds included in the American Rescue Plan Act. As you know, this legislation included another much needed round of funding for the nation's airports. This funding will benefit large airports and small rural airports, including those that operate contract towers. Additionally, I understand the FAA is actively processing funding payments under the Coronavirus Response and Relief Supplemental Appropriation Act (P.L. 116-260), which included a set-aside for non-primary airports that participate in the Federal Contract Tower program. In the long term, I will work with Secretary Buttigieg to pursue necessary funding for the Federal Contract Tower program as well as funding for those programs that are critical to ensuring the viability of small rural airports.

Question 2. What are your plans to improve the contract tower program?

Answer: I look forward to working with Secretary Buttigieg and the FAA as well as Members of this Committee on this issue. I understand there continues to be interest in ensuring the availability of experienced controllers at Contract Towers and if confirmed, I will work within the Department to ensure a continued commitment to the program's funding and administration. I will work with Congress to determine how best to address the challenges that may remain for the program.

Aviation Safety. Aviation safety is a top priority for me. The Safe Skies Act, which I introduced last Congress with Senators Cantwell, Blumenthal, Markey, and Duckworth, would ensure that America's cargo plane pilots have the same rest requirements as passenger pilots. I plan to reintroduce this bill this Congress.

Question 3. What are your plans to help reduce fatigue-related incidents for cargo pilots?

Answer: When it comes to air travel, the safety of our aviators, crews and passengers is most important to me and to the Secretary. I would expect DOT to require and uphold a high level of safety standards for our aviators and crews whether they are flying cargo or passengers. I look forward to further exploring the issue with this Committee and the industry to maximize safe air travel for all participants.

Questions for the Record from Hon. Edward J. Markey to Ms. Polly Trottenberg

Approach to Motor Vehicle Safety. In 2019, over 36,000 people were killed in motor vehicle crashes. There were nearly 7 million police-reported crashes and more than 2.7 million people were injured as well. Tragically, similar numbers repeat year after year, revealing a public health crisis in automotive and traffic safety. These deaths and injuries are not inevitable, however, and they can be addressed using proven strategies as well as the latest safety technologies.

That's why I introduced a robust legislative package in the last Congress with four bills that will collectively address the threats of seatback failure (S.4122), distracted driving (S.4123), ineffective recalls (S.4121), and insufficient oversight of the auto industry (S.4120). I am now fighting to ensure that these bills become law as part of Congress's next big transportation legislation.

Question 1. As our next Deputy Secretary of Transportation, will you support the inclusion of these four bills in a comprehensive infrastructure package? In addition, what specific safety actions will you recommend the DOT take that will result in significant and sustained reductions in the fatality and injury toll on our streets and highways?

Answer: I strongly support your commitment to advancing motor vehicle safety and was proud to make Vision Zero one of my highest priorities as Commissioner of the New York City Department of Transportation. If confirmed, I look forward to working with the Administration and this Committee on legislative efforts to make U.S. roadways safer. We are losing far too many lives and seeing too many life-changing injuries in preventable crashes. There are a number of areas where DOT can advance roadway safety, through AV technology and better vehicle designs that protect occupants as well as vulnerable roadway users, improving driver behavior, and addressing vehicle recalls with low completion rates. DOT can also work closely with state and local transportation agencies to promote safer roadway designs and use research, grants, data collections, performance standards, and other activities to advance national roadway safety.

Approach to Truck Safety. Fatal truck crashes continue to occur at an alarmingly high rate. In 2019, over 5,000 people were killed in crashes involving a large truck. Since 2009, the number of fatalities in large truck crashes has increased by 48 percent. Additionally, 159,000 people were injured in crashes involving a large truck in 2019 and injuries of large truck occupants increased by 18 percent.

Last fall, an investigation by the *Boston Globe* detailed these disturbing trends and revealed how the Federal Motor Carrier Safety Administration (FMCSA) has repeatedly failed to provide proper oversight of American's commercial trucking industry. In response, I wrote a letter to the FMCSA that urged the agency to implement stronger procedures for certifying new trucking companies, conducting regular oversight of the industry, and enforcing Federal safety regulations.

Question 2. If confirmed, will you commit to significantly strengthening federal oversight of America’s commercial trucking industry? In addition, what specific actions will you recommend the DOT take to stem the rise in truck crash deaths and injuries?

Answer: Making sustained progress will require a comprehensive approach to focus on trucking safety. The numbers you cite are a vivid reminder of how many families lose loved ones, and how many lives are altered because of traffic crashes on our streets and highways. If confirmed, I will work with FMCSA to identify improvement opportunities to ensure the Department effectively oversees the safe operations of the commercial trucking industry using the most appropriate policy tools. This could include better identifying high risk new trucking companies, ensuring current regulations are judiciously enforced, expanding education and outreach, and harnessing new technologies that save lives.

Backup GPS. GPS has become vitally important for our country, providing position, navigation, and timing (PNT) services that underlie our economy and national security. Unfortunately, this system is increasingly threatened by disruption, jamming, and possible outright attack by malicious actors, creating a potentially devastating single point of failure. To address these concerns, Congress passed and the President signed the *National Timing Resilience and Security Act of 2018* (NTRSA), which I sponsored. The law requires the Department of Transportation (DOT) to provide for the establishment, sustainment, and operation of a resilient backup timing signal for GPS, which will pave the way for a full backup system of PNT services.

Although the prior administration issued an important and comprehensive evaluation of alternative PNT technologies in January 2021, it failed to implement the NTRSA or provide a full backup timing signal by the statutory deadline of December 2020.

Question 3. If confirmed, will you commit to executing the NTRSA as a priority for the Department to deploy the congressionally required timing signal, as well as build on the DOT’s January 2021 report to help ensure we finally have a full backup system for PNT services across our critical infrastructure, society, and economy?

Answer: Resilient positioning, navigation, and timing (PNT) services are not only important to supporting critical infrastructure in the transportation sector, but also are essential for national, homeland, and economic security through the integration of millions of Global Positioning System (GPS) receivers into our everyday lives. Key PNT applications include those used for emergency response, transportation safety, precision agriculture, machine control for construction and mining, timing signals for telecommunications and financial transactions, high-precision instruments for local-area climatology studies, weather prediction, surveying, general navigation, and scientific applications.

The transportation sector has some of the most stringent performance requirements in terms of PNT accuracy, integrity, availability, and reliability. If confirmed, I will continue to work with Congress, our Federal partners, and our stakeholders to implement GPS backup and complementary PNT technologies to deliver resilient PNT capabilities.

Questions for the Record from Hon. Kyrsten Sinema to Ms. Polly Trottenberg

Amtrak Southwest Chief and Sunset Limited. In my home state, the Southwest Chief provides service to Flagstaff, Kingman, and Winslow, Arizona. The Sunset Limited serves Tucson, Benson, Maricopa, and Yuma, Arizona. In these communities, Amtrak service is a significant financial driver. For example, over 50,000 riders disembark in Flagstaff each year and provide more than \$12 million in tourism dollars to the city.

The current service cuts to three times per week on long-distance routes, such as the Southwest Chief and the Sunset Limited, impacts both local workers and local economies.

Question 1. Can you commit to supporting long-distance Amtrak service such as the Southwest Chief and the Sunset Limited?

Answer: In recent years, Amtrak had made impressive progress in improving its fiscal and operational health and in providing stable daily service on its long-distance routes, which serve as vital lifelines in so many rural communities across the U.S. Unfortunately, Amtrak has been hard hit by COVID-19, and if confirmed, I look forward to working with Congress to establish predictable, dedicated funding sources for Amtrak maintenance and expansion. I also commit to working with Secretary Buttigieg to help Amtrak return to financial stability and pre-pandemic service levels throughout the country, including the Southwest Chief and Sunset Limited.

Phoenix Amtrak Service. Phoenix is the fifth largest city in the United States and the largest city in the country not served by Amtrak passenger service. Arizona is also one of the fastest growing states in the country. Amtrak service to Phoenix ended in 1996, and the closest current Amtrak service to the Phoenix region is in Maricopa, about thirty-five miles south. At a September presentation to the Rail Passenger Association, Amtrak included Los Angeles – Palm Springs – Phoenix – Tucson as an option for corridor expansion.

Question 2. What factors would you consider when deliberating about future proposals to expand Amtrak service, such as returning service to Phoenix?

Answer: The opportunity to expand intercity passenger rail in fast-growing and underserved regions such as Arizona is one that I look forward to exploring further, if confirmed. I stand ready to work with you, as well as our partners at the state, local, Tribal, and territorial level, the private sector, and Amtrak to improve and expand our passenger rail system in order to advance these important goals.

Contract Tower Program. The Contract Tower Program has a strong track record of enhancing aviation safety at more than 250 airports in the country including seven in Arizona. Phoenix Mesa-Gateway – one of the busiest contract towers in the country – is in the process of building a new tower that will help address complex airspace management challenges.

Question 3. Can we count on the Department and the FAA to work with us to ensure contract towers will continue to play a critical role in our national air traffic control system?

Answer: I look forward to working with Secretary Buttigieg and the FAA as well as Members of this Committee on this issue. I understand there continues to be interest in ensuring the availability of experienced controllers at Contract Towers and if confirmed, I will work within the Department to ensure a continued commitment to the program's funding and administration. I will work with Congress to determine how best to address the challenges that may remain for the program.

Autonomous Vehicles. Automated driving system technology is rapidly evolving.

Question 4. How will the Department ensure that its workforce has the appropriate expertise to develop and enforce rigorous safety standards for the continued development and eventual safe deployment of AV technologies?

Answer: If confirmed, I am eager to work with you and your colleagues in Congress to ensure that the Federal government is leading the way on ensuring safe autonomous vehicle operations nationwide. I will work with our operating administrations to assess our capacity building programs, the DOT-funded University Transportation Centers, and partner with safety organizations, industry, and other stakeholders to make sure our workforce is prepared and advance deployment of safe AV technologies.

Unmanned Aircraft Systems (UAS). In the past year, we have seen UAS (or drones) provide significant benefits to society, particularly during the pandemic. Drones have provided contactless delivery of food, medicine and other essential items. They have helped small businesses reach customers, engineers evaluate bridge safety, insurance agents evaluate storm damage, and inspectors to review infrastructure. Drones have done this all while increasing safety and reducing environmental impacts.

Question 5. If confirmed as Deputy Secretary of Transportation, will you prioritize advancing drones and ensure the regulatory framework in the United States keeps pace with evolving drone technology?

Answer: The main priority of the FAA is aviation safety. When it comes to Unmanned Aircraft Systems (UAS), safety is not just about the aircraft itself, but how that aircraft can safely integrate into our shared airspace and ensure the safety and security of our communities. There are still many challenges, but we are very focused on encouraging the progress of clean aircraft technologies and job creation here in the U.S. I look forward to working with Congress and the FAA to help the Department solve the remaining safety barriers so UAS can become a vital part of a cleaner, robust, domestic economy.

Interstate 11. A transportation priority for Arizona is I-11, which will run from the U.S./Mexican border to Phoenix, Las Vegas, and north through Nevada. Interstate 11 will be an important link between two of the largest cities in the county, will increase trade and commerce with Mexico and Canada throughout the region, and will relieve air pollution and congestion in downtown Phoenix.

Question 6. Can you commit to reviewing this project and working with the Arizona and Nevada delegations to continue to advance this project?

Answer: If I am confirmed, I commit to reviewing and working with the Arizona and Nevada delegations on this project.

Questions for the Record from Hon. Jacky Rosen to Ms. Polly Trottenberg

Hyperloop. Hyperloop is a new mode of transportation that is 100 percent electric with zero direct carbon emissions. In addition to these benefits, it offers high-speed transportation that increases mobility options for travelers, reduces congestion, provides safety advantages, and creates economic growth with new high-tech manufacturing jobs.

Question 1. With the Biden Administration’s focus on climate change and the role the Department of Transportation will play in advancing our Nation’s climate policy, what steps do you plan to take to help develop new modes of transportation that support these efforts, like hyperloop?

Answer: If confirmed, I will ensure that the Department works with you and other external stakeholders in clean technology and fuel industries, including unions, industry, and local, state, Tribal, and territorial governments, to determine how to develop new programs and use existing programs to reduce pollution, address climate change, and provide high-quality transportation options for all Americans.

Innovation and Equity. Nevada is proud to be on the cutting edge of innovative transportation technologies – including hosting the only statewide FAA-authorized drone test site, participating in several autonomous vehicle and smart transportation pilot projects, and being home to a Hyperloop One test bed.

Question 2. Can you share your thoughts on how the Department under your leadership as Deputy Secretary can continue to encourage creativity and innovation in our transportation sector?

Answer: If confirmed, I will ensure that the Department works with you and other stakeholders to further innovations in safety and mobility technologies. This includes working with unions, industry, and local, state, Tribal, and territorial governments, to determine how to develop new programs and use existing programs to create innovative transportation solutions that address climate, equity, economic growth and safety.

Question 3. How can we attract traditionally underrepresented groups such as women and people of color to the transportation tech sector, and how can DOT partner with other agencies to promote and create training opportunities to build the people pipeline for transportation jobs?

Answer: A diverse and inclusive workforce contributes to our ability to better serve the American public and supports our vision for innovation and equitable transportation systems. If confirmed, I will work in collaboration with state, local, Tribal, and territorial governments as well as transportation equity organizations and underrepresented communities, to create a more diverse transportation workforce that better represents our nation. These efforts will include analyzing trends specific to recruitment, retention and promotion of underrepresented groups, listening to and engaging with Employee Resource Groups as the Department establishes new workforce development initiatives, and training managers and holding them accountable to our civil rights and equity commitments.