

Response to Written Questions Submitted by Hon. Jon Thune to Secretary Elaine Chao

Question 1. In your response to a pre-hearing question from Senator Peters regarding fuel economy standards and the role of the National Highway Safety Administration (NHTSA), you mentioned your desire to work on harmonization and a reduction in overly burdensome and duplicative regulations. Recent actions by the Environmental Protection Agency (EPA) raise concerns about its rush to establish Greenhouse Gas Standards for new vehicles in model years 2022-2025.

This effort by EPA could cause challenges for NHTSA in setting maximum achievable fuel economy standards. If confirmed, will you commit to a thorough review of this important rule to avoid unnecessary harm to consumers and jobs?

Answer. If confirmed, a top priority will be to receive a full briefing from NHTSA regarding the CAFE program and how it relates to EPA's greenhouse gas standards. Improving safety and fuel economy for motor vehicles are both important goals, and harmonization is critical for manufacturers, suppliers, and consumers. I will ask that USDOT work with the leadership of all related federal agencies to ensure that those twin objectives are met in a thoughtful and consistent manner.

Question 2. As we discussed at your nomination hearing, reliable and affordable commercial air service in rural states is a crucial economic driver spurring economic development and job growth.

As part of the Federal Aviation Administration (FAA) extension enacted last year, Congress mandated the creation of a Working Group on Improving Air Service to Small Communities, which is tasked with providing recommendations to improve air service to small communities. Two South Dakotans, Pierre Mayor Laurie Gill and South Dakota Department of Transportation Program Manager Jack Dokken, have been selected to participate in the working group. Their first meeting is scheduled in the coming week.

Once their work is complete, if confirmed, will you commit to fully and fairly considering any recommendations the working group makes?

Answer. As I mentioned during my confirmation hearing, the Department of Transportation must make transportation safe, efficient, and accessible to both rural and urban America. If confirmed, I will fully and fairly consider all recommendations submitted to the Department by the Working Group on Improving Air Service to Small Communities.

Question 3. The safe, efficient and quick movement of goods through U.S. ports is an important aspect of any company's supply chain. I have continuously heard about congestion issues affecting all port stakeholders and, because of these concerns, I introduced the Port Performance

Act. This legislation was incorporated into the Fixing America's Surface Transportation Act (FAST Act), and it created the Port Performance Freight Statistics Program as a means to measure port capacity and throughput in an effort to create national metrics. I believe metrics will not only help identify key issues affecting port congestion, but can help identify solutions to address the issue. While each port is different, the impact of congestion on stakeholders is the same. Disruption and delays have a negative impact on all stakeholders.

Will you work with the Committee to continue to refine the Port Performance Freight Metrics to ensure our ports are prepared for the 21st Century global supply chain?

Answer. Our nation's ports are a tremendously valuable asset and a lynchpin of our economy. Significant delays in the movement of consumer goods can take a major toll on the U.S. economy. If confirmed I will commit to reviewing the progress of the Port Performance Freight Statistics Program and work with the Committee to refine and improve the Port Performance Freight Metrics, as necessary.

Question 4. Section 1105 of the FAST Act established a program to fund nationally significant highway and freight projects, which prompted the Department of Transportation (DOT) to create the Fostering Advancements in Shipping and Transportation for the Long-term Achievement of National Efficiencies (FASTLANE) program, which announced its first awards in October of 2016. The inaugural round awarded \$759.2 million to 18 projects, leveraging \$3.62 billion in infrastructure investment. Section 1105 also mandated a Government Accountability Office (GAO) study on the transparency of the inaugural FASTLANE selection and award process. In November of 2016, the Department announced a second round of FASTLANE *before* the GAO assessment of the program was complete. Additionally, the short turnaround time of the program did not allow applicants sufficient time to consult with DOT and receive feedback on their applications.

As the Department moves forward with the FASTLANE program, will you continue to work with us to improve the transparency of the program and its accessibility for rural communities?

Answer. Giving consideration to the needs of rural areas and making sure that certain communities do not feel left behind or overlooked will be a priority of this administration. If confirmed I will commit to reviewing the FASTLANE program and the GAO review to work with the Committee to improve transparency and identify ways to address the unique needs of rural and urban America.

Question 5. The FAST Act seeks to ensure that DOT fully implements the Office of Inspector General recommendations to improve NHTSA's Office of Defects Investigation. On September 30, 2016, Secretary Foxx certified that all the recommendations have been implemented. Still, the Inspector General has not yet closed all recommendations.

On November 18, 2016, I wrote to Secretary Foxx asking him to ensure the closure and implementation of these recommendations. Given the importance of these recommendations to vehicle safety, will you commit to reviewing the Secretary's certification if confirmed?

Answer. The Inspector General of the Department of Transportation plays an vital and independent role, and, if confirmed, I will work with the IG's office to ensure that all recommendations are carefully reviewed and implemented in the best possible manner. I hope to receive a full briefing from NHTSA regarding the Office of Defects Investigations, and I will monitor any proposed changes regarding the timeliness and size of the ODI's workload, staff and budget.

Question 6. The FAST Act required the DOT to develop a comprehensive, multimodal freight map that identifies corridors for the movement of goods from origin to destination. In response to the interim National Multimodal Freight Network, the South Dakota Department of Transportation (SD DOT) has suggested additional designations for the network. If incorporated, these designations would capture the flow of freight as it moves through the state from the railroads and roads that connect agricultural facilities to the larger freight network. The suggestions from SD DOT also include intermodal facilities as well as regional connectivity to markets and freight through traffic.

As the Department moves towards a final National Multimodal Freight Network, I ask for your commitment to consider all the comments from state Departments of Transportation on ways that the Freight Network can better represent the flow of goods.

Answer. An understand and consideration of recommendations for both rural and urban freight networks are critical to the development of a truly successful national freight network. If I am confirmed, I will commit to consider all comments and recommendation from state Departments of Transportation so that a truly National Freight Strategic Plan can be developed to more efficiently identify and correct inefficiencies in our nations freight network.

Response to Written Questions Submitted by Hon. Roger Wicker to Secretary Elaine Chao

Question 1. As a country, increasing the pipeline of mariners is extremely important. The State Maritime Academies produce over 70% of new licensed mariners each year. They are consistently highly ranked as best values for education. One key element in that education is federally owned training ships which are maintained by the academies. These ships are aging. The oldest, the Empire State at SUNY Maritime, is 55 years old. The Department of Transportation and MARAD have been supportive of a new class of training ships for the academies - the National Security Multi-mission Vessel. Congress has authorized the program. Would you please provide a response for the record of where the Department will stand with regard to moving forward on this important program?

Answer. Having experience at the USDOT as both the head of MARAD, as well as the Deputy Secretary, has given me a strong background in these areas. MARAD's own King's Point is a key component of a robust merchant mariner workforce. King's Point, along with the other six other State maritime academies will be responsible for ensuring a sufficient number of mariners are always in the pipeline to meet our needs. If confirmed, I will review the National Security Multi-mission Vessel program and work with Congress to ensure we find solutions to the aging fleet issue.

Question 2. Mississippi has several significant tire manufacturing facilities - Cooper in Tupelo, Yokohama in West Point and a new Continental facility in Hinds County. Given this, I am keenly interested in implementation of tire-related provisions within the FAST Act (Public Law No: 114-94), specifically Sections 24332-24335. I look forward to working with you and NHTSA to ensure prompt implementation of these provisions. Knowing the agency is the midst of a transition, would you provide an update on the agency's implementation plan at your earliest convenience?

Answer. If I am confirmed, I will receive a briefing on and review Sections 24332-24335, and provide you an update at my earliest opportunity.

Response to Written Questions Submitted by Hon. Jerry Moran to Secretary Elaine Chao

Question 1. As you know, the quality of life in America's small communities and rural areas and the health of the nation's rural economy is heavily dependent on the quality of the nation's transportation system, particularly its roads and highways. While new capacity is important, it is equally important to maintain our Nation's 4.12 million miles of existing roads, streets and highways.

Pavement preservation focusing on preventing pavement deterioration early in the pavement's wear cycle can greatly extend the time before costly repairs and rehabilitations to the road are needed, making it a cost effective tool for states and localities to maximize their transportation dollars.

Will you work with my office on policies that continue to promote and accelerate the use of pavement preservation to maintain our nation's roads?

Answer. Maintaining, modernizing and expanding our Nation's roads are fundamental to the efficient and effective movement of goods and people. The preservation of our roads is a key aspect of this critical process. If confirmed I will commit to review the Department's current policies for pavement preservation and I look forward to working with your office to identify and implement any necessary changes.

Question 2. One area of growing concern is the commercial shipment of undeclared hazardous materials on aircraft, especially commercial aircraft. According to DOT statistics, there were 1,129 incident reports filed to the FAA in 2015, and 564 of those incidents involved undeclared dangerous goods.

Under your leadership, how will DOT work to combat this growing safety risk?

Answer. Regulating the shipment of hazardous materials on commercial aircraft is critical to aviation safety. If confirmed, I will work to strengthen known shipper and chain of control regulations to reduce incidents of undeclared shipment of hazardous goods. Since ignorance of existing rules is the cause of a significant number of violations, I will ensure education is part of our compliance and enforcement efforts.

Question 3. The Department's policy has been that highway right-of-way is acquired with public funds for public purposes. Some have argued for commercialization of the right-of way, though in 2012 the Senate voted 86-12 against commercialization of rest areas. Some states have considered proposal to sell large-screen commercial advertising on the right-of-way. For you reference, I am including a May 17, 2016, letter from Rep. Ted Poe (R-TX) to DOT Secretary Foxx on the subject.

Do you support current policy that right-of-way purchased with public funds should be limited to public purposes?

Answer. I understand this issue is addressed in existing federal laws, and if I am confirmed, the Department of Transportation will adhere to the law, unless and until it is changed.

Question 4. Do you think the safety rules for general aviation of Part 91 and on-demand aircraft charters of Part 135 should apply to all flights, whether the flight is arranged for by a pilot or charter broker on the internet, or over the phone?

Will you work to refine the Enhanced Consumer Protections for Charter Air Transportation NPRM from 2013 to ensure that safety is the paramount consideration, and that all charter brokers, indirect air carriers, and direct air carriers meet the appropriate safety, licensing and fitness determination standards?

Answer. As I mentioned at the confirmation hearing, safety will be DOT's number one priority. If I am confirmed, during my first 100 days, I plan to order a review of all outstanding NPRMs, with an emphasis on safety-critical proposed rules.

Response to Written Question Submitted by Hon. Dan Sullivan to Secretary Elaine Chao

Question. The public transportation needs of Alaska, like everywhere else, far exceed resources. Federal Transit Administration urbanized area formula funds for Anchorage for this year and last year are held up, creating strains that increase by the day. The Alaska Railroad has asked FTA for an administrative solution that will allow these funds to flow again. Under this solution, the funds would flow to Anchorage's two FTA recipients, the Alaska Railroad and the Municipality of Anchorage, the way they always have, and this would change only if the Alaska Railroad and the Municipality of Anchorage agree to a change. Will you please review this suggested solution as a way to get FTA formula funds flowing again for public transportation in Alaska?

Answer. If confirmed, I will receive a briefing on this and other FTA issues and hope to gain an understanding of the solution you have suggested. I look forward to following up with you and the committee upon completion of my review.

Response to Written Questions Submitted by Hon. Dean Heller to Secretary Elaine Chao

Senator Markey and I successfully included our legislation, the Safety Through Informed Consumers Act (STICRS) Act, in the FAST Act (Sections 24321 & 24322 of PL 114-94.) These provisions require the National Highway Traffic Safety Administration (NHTSA) to promulgate a rule by December 15, 2016 to ensure that crash avoidance technology ratings are incorporated into NHTSA's 5-star rating system and placed on the window sticker of every new car.

In December 2015, the Department issued a notice requesting comments to planned changes to the National Highway Traffic Safety Administration's (NHTSA) 5-Star Safety Ratings for new vehicles. NHTSA is then expected to initiate a rulemaking to update the vehicle label to include the crash avoidance technology information as part of its new 5-Star Safety Ratings system.

It is clear that NHTSA is not going to complete this work before the inauguration. It is my belief that this update will help consumers who are shopping for an automobile become aware of safety technologies that can prevent accidents. Additionally, it will incentivize additional innovation within the automotive industry.

Question 1. Throughout your confirmation hearing, you emphasized the importance of implementing the many important policy reforms implemented by the FAST Act. Once confirmed, will you commit to completing this rulemaking expeditiously, given that NHTSA has already missed the statutory deadline?

Answer. If I am confirmed, I will make review of this issue, and the reasons for the rulemaking delay, one of my top priorities. After my review, I will work with you and the committee to ensure the matter is resolved.

Question 2. As I mentioned in the confirmation hearing, Nevada's economy relies heavily on tourism. Travel spending adds nearly 60 billion dollars into the Nevada economy annually, accounting for about 13 percent of the state's annual GDP. The travel industry has been a driving force behind our state's economic recovery, and policies that improve access to efficient, safe, and cheap travel are among my top priorities in the United States Senate.

Earlier this month, the Las Vegas Convention and Visitors Authority reported Southern Nevada drew 42.9 million tourists to town in 2016, 600,000 more visitors than the region tallied in 2015. McCarran International Airport reports that international travel is up three percent. The remarkable growth of international travel throughout our country has been fueled by Open Skies agreements that have fostered competition and expanded air service to the benefit of American consumers.

For more than 25 years, our nation has been committed to Open Skies and we have negotiated over 100 Open Skies agreements with other nations, including most of our major aviation

partners. Our Open Skies agreements are resulting in new international service to smaller gateway cities, including critical tourist hubs in my home state, and have allowed foreign carriers to develop relationships with U.S. carriers to deliver passengers to smaller destinations all over the country.

As Secretary, do you plan to continue the policy of open skies?

Answer. There is no doubt that travel and tourism are good things, and we benefit from having tourists come to our country, and from Americans having access to travel destinations abroad. We live in a world that requires connectivity, and aviation agreements can help provide that. At the same time, if I am confirmed, I will work to ensure that our Open Skies agreements will produce genuine benefits for the American people.

Question 3. Liberalization of air services has allowed numerous new routes across the Atlantic, the Pacific, into Canada and Mexico and other parts of the world. Will the Trump Administration and you as Secretary, continue to liberalize air service markets around the world?

Answer. I look forward to being briefed on Open Skies agreements and pursuing policies that will facilitate greater travel and tourism and genuine benefits for the American people.