

Questions for the Record

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

“Nominations of Victoria Marie Baecher Wassmer, to be Chief Financial Officer for the Department of Transportation (DOT); Mohsin Raza Syed, to be Assistant Secretary of Government Affairs at DOT; Amitabha Bose, to be Administrator of the Federal Railroad Administration; and Meera Joshi, to be Administrator of the Federal Motor Carrier Safety Administration”

10:00 AM, September 22, 2021

Questions for the Record from Hon. Maria Cantwell to Mr. Amit Bose

Grade Crossings. Blocked grade crossings are a key issue across the country that must be addressed to help eliminate congestion. The Infrastructure and Jobs Act includes \$3 billion dollars dedicated to addressing grade crossings. While this is a significant first step to addressing this problem, the need for investment is far greater. In Washington State alone it would cost over \$800 million to address the 20 most problematic grade crossings.

Question 1. What steps is the Federal Railroad Administration taking to reduce congestion and incidents of blocked crossings?

Answer: **Grade crossings can present challenges to communities dealing with trains blocking crossings, as well as raise significant safety concerns.**

In December 2019, FRA launched a website for the public to begin reporting blocked crossings directly to FRA. This data is collected daily, and analyzed monthly, and FRA’s Grade Crossing and Operations Division is engaging with the Railroads directly to understand why certain crossings are being blocked. FRA has established criteria that will trigger automatic investigations into why these crossings are being blocked and have the Railroad provide answers on the cause.

One of my top objectives this year is to lead, promote, and strengthen efforts among public, private, and government stakeholders to address grade crossing issues and increase awareness of highway-rail grade crossing safety, as well as challenges related to trespassers on the railroad right-of-way. For example, during the week of September 27 to October 1, 2021, FRA organized a focused effort to conduct railroad crossing and corridor inspections along high-risk railroad grade crossing and trespassing locations in Washington State. Based on the results of this effort, FRA will engage with local community leaders, law enforcement, railroads, and the public with a goal to develop and execute an action plan to address local grade crossing and trespass issues.

We also intend to hold summits across the country, where FRA will partner with State, county, and municipal governments to provide a localized perspective, integrate our own Research & Development Office, Safety Office, and grant programs, and help educate,

share lessons learned and look to the future as we move towards improving grade crossing safety and trespasser prevention.

These efforts, combined with the railroad grade crossing elimination program proposed in the IIJA, will help us take steps to dramatically reduce the safety and economic impacts of grade crossings across the country.

Disadvantaged Business Enterprises. The Department of Transportation's (DOT) 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. However, the Federal Railroad Administration does not currently have specific statutory authority for a DBE program. Earlier this year the Federal Railroad Administration commissioned a Minority-Owned and Women-Owned Business Enterprise Disparity Study to report to Congress on minority- and women-owned business enterprise activity as it relates to major rail grant and loan programs.

Question 2. When do you expect the Federal Railroad Administration will submit the results of this study to Congress?

Answer: **Underscoring the Biden-Harris Administration's focus on promoting diversity and inclusion, FRA is conducting a first of its kind, nationwide, small, minority-owned and woman-owned business disparity study, seeking to determine whether the playing field is level for firms aspiring to win subcontracts from grant recipients receiving Federal funds administered by the agency.**

I am firmly committed to increasing equity across the American economy and ensuring that women and minority-owned businesses have a fair shot at contracting opportunities funded by federal dollars. Assessing the current extent of DBE and WBE inclusion, and whether any disparities exist, is necessary to accomplish this goal.

The draft report is due to FRA mid Fall/at the start of FY 2022. The final report is expected to be delivered to FRA mid-winter of 2022, at which point it will be subject to additional USDOT and OMB review, as well as peer review, prior to submission to Congress.

Financial Management. The Department of Transportation Inspector General raised concerns about the Department's grant oversight and financial management in its 2021 Top Management Challenges Report. If signed into law, the Infrastructure Investment and Jobs Act would provide \$567 billion in direct appropriations to the Department of Transportation. This includes \$66 billion for rail programs – a more than 600 percent increase over the funding levels provided in the FAST Act.

Question 3. With this historic level of funding, how is the Federal Railroad Administration preparing to administer these funds efficiently and effectively while addressing the Inspector General's concerns?

Answer: **As a steward of taxpayer dollars, I am committed to ensuring FRA funds are appropriately administered consistent with applicable Federal requirements.**

FRA is working to ensure we have capacity to effectively and efficiently manage the funds Congress appropriates, and we are working hard to ensure we are prepared to manage any future funding increases that Congress may enact. FRA carries out a robust oversight, monitoring, and technical assistance program to properly administer Federal resources and help grant recipients successfully deliver projects. FRA is constantly iterating on and improving these processes and procedures, taking into account lessons learned and best practices from across the Federal financial management community.

I understand the urgency of getting grant funds out the door, and I will work to do so, while also safeguarding taxpayer dollars and maximizing the impact of these grant programs within the confines of federal law and congressional direction.

Amtrak Derailment. On September 25, 2021, Amtrak's Empire Builder train traveling from Chicago to Seattle derailed near Joplin, Montana. It has been reported that three people tragically lost their lives and many more were injured. The Federal Railroad Administration, along with Amtrak and the National Transportation Safety Board personnel, have sent personnel to the scene to investigate the cause of this derailment.

Question 4. Will you commit to providing my office timely updates regarding the investigation of this incident and to taking appropriate steps to prevent this kind of incident from happening again once the cause(s) of the derailment have been identified?

Answer: **Yes, I will work to ensure that you are provided timely updates regarding FRA's investigation of the September 25, 2021, Amtrak accident near Joplin, Montana. Upon receiving notification of this accident, FRA immediately dispatched several technical experts to the accident scene, and I personally traveled to the scene. FRA's technical safety experts are working hand-in-hand with representatives of the National Transportation Safety Board (NTSB) to investigate this accident. NTSB is the Federal agency with statutory authority to determine the probable cause of the accident.**

Question 5. What engagement has the Federal Railroad Administration had with Amtrak to ensure they are implementing a robust safety management system and strengthening their safety culture in light of previous recommendations from the National Transportation Safety Board and the Amtrak Office of Inspector General?

Answer: **FRA leadership and technical experts continue to engage with Amtrak to ensure compliance with relevant Federal safety regulations and to provide technical assistance as necessary. For example, FRA's technical experts engaged with Amtrak to provide**

technical assistance in the development of its System Safety Program plan required under 49 CFR Part 270. FRA approved Amtrak's plan on June 9, 2021. To comply with Part 270, Amtrak will soon need to initiate its first internal assessment of its SSP. FRA will review this assessment and work with and support Amtrak as it uses its finding to drive safety improvements. Additionally, leadership from FRA's Safety Management Team responsible for engaging with Amtrak meet regularly with Amtrak leadership to better understand the changes Amtrak is making through its safety management system program.

Questions for the Record from Senator Peters to Mr. Bose

Rail Safety Personnel. Ensuring the safe movement of people and goods by rail is paramount, and achieving this goal is not possible without the incredible work performed by Rail Safety Inspectors and Rail Safety Specialists employed by the Federal Railroad Administration (FRA). As safety technology in the railroad industry has made significant advances in recent years, the duties of safety personnel at the agency have evolved as well. These hardworking professionals are essential to the agency's mission, which is why recruiting and retaining them is so important. But this can be a challenge, especially since their unique skill sets makes them top recruits for jobs outside of FRA.

Question: Can you comment on the role that Rail Safety Inspectors and Rail Safety Specialists play at FRA? And can you speak to the importance of cultivating this talent within the agency, and what strategies you may consider for recruiting and retaining these workers, including with respect to compensation and changes to their General Schedule grades?

Answer: FRA's Rail Safety Inspectors and Rail Safety Specialists are the backbone of our agency and play a vital role in ensuring FRA is able to achieve its rail safety mission.

I agree that it is important that our workforce is appropriately compensated based on their duties, consistent with the applicable federal rules and regulations, and this is an issue that I am examining. Section 9520 of the IIJA would require FRA to review the position descriptions and pay grades of railroad safety inspection personnel and rail safety specialists employed by FRA's Office of Safety.

Determinations in this area require input from multiple agencies. I will continue to examine this inspector classification question consistent with the applicable regulations in this area.

Questions for the Record from Hon. SINEMA to AMITABHA BOSE

Infrastructure Investment and Jobs Act (IIJA). The bipartisan Infrastructure Investment and Jobs Act provides an investment of \$66 billion for our nation's passenger and freight rail.

Question 1. Should the IIJA become law, how would its investments revitalize America's rail infrastructure?

Answer: America has a chance to lead the world once more through investment in infrastructure and safely connecting our communities while creating good jobs, addressing climate change, and ensuring equity.

If the IIJA is enacted, we will be able to fund infrastructure improvements across the board, not just the creation of new passenger rail routes, but also improvements on our freight rail network.

Rail Crossing Safety and Efficiency. I have heard from my constituents in Yuma that a train often stops at least once a day at a crossing on U.S. Route 95. With no easy way for motorists to detour, delays caused by trains can last for hours. This affects my constituents who work at Yuma Proving Ground and hinders the ability of first responders to respond to emergencies.

Question 2. If confirmed as Federal Railroad Administration (FRA) Administrator, how will you work to improve rail crossings to ensure they are safe for pedestrians and motorists and that Arizonans do not face significant delays by a stopped train, especially when alternative routes are not available?

Answer: Grade crossings can present both a challenge to communities dealing with trains blocking crossings, as well as raise significant safety concerns for pedestrians and motorists.

The IIJA would provide \$3 billion in funding for grants to address concerns with grade crossings, including funding to help improve grade crossing safety and address the challenges caused by blocked crossings through grade separations and other measures.

One of my top objectives this year is to lead, promote, and strengthen efforts among public, private, and government stakeholders to address grade crossing issues and increase awareness of highway-rail grade crossing safety, as well as trespasser prevention. We intend to hold summits across the country, where FRA will partner with State, county, and municipal governments to provide a localized perspective, integrate our own Research & Development Office, Safety Office, and grant programs, and help educate, share lessons learned and look to the future as we move towards improving grade crossing safety and increasing trespasser prevention.

Rail Safety. In January of this year, a railroad employee repairing track near Vail, Arizona died after an accident. In July 2020, a major train derailment that resulted in a fire, partial bridge collapse, and chemical release occurred in Tempe, Arizona.

Question 3. In light of these incidents, what will you do to improve railroad safety in Arizona communities? How can the FRA work with industry partners to minimize the risk of chemical releases following railroad accidents?

Answer: FRA understands the potential risk associated with the movement of energy products and other hazardous materials. Accordingly, FRA works with our federal agency partners (e.g., Pipeline and Hazardous Materials Safety Administration, Department of Homeland Security, Department of Energy, Nuclear Regulatory Commission), state and local governments, and the industry to advance safety in all elements of rail transportation of these hazardous materials.

Safety is my number one priority, and FRA is dedicated to continually examining this issue to reduce risks potential risk associated with the movement of energy products and other hazardous materials.

Questions for the Record from Senator Warnock to Amitabha Bose

Infrastructure Investment and Jobs Act. Mr. Bose, as you alluded to in your written testimony, the Senate-passed *Infrastructure Investment and Jobs Act (IIJA)* would provide historic levels of funding for Federal Railroad Administration (FRA) grant programs new and old. As a fellow native Georgian, you are well aware of Georgia's extensive rail network. Georgia is home to one of the biggest port rail terminal facilities, thousands of miles of track operated by two class I railroads, multiple inland ports, two Amtrak routes, and over 25 short line railroads. Georgians see the value of railroads, but there is a need for continued investment and expansion of both freight and passenger service – whether it's additional inland ports and upgraded weight capacity or making Atlanta a passenger rail hub with connections to Charlotte, Nashville, Savannah, and Orlando via Macon.

Question 1: If you are confirmed and *IIJA* is enacted, how would you ensure newly authorized programs are stood up and funds are awarded expeditiously? And how can Congress help support the FRA in this endeavor?

Answer: As a steward of taxpayer dollars, I am committed to ensuring FRA funds are appropriately administered consistent with applicable Federal requirements. FRA is working to ensure we have capacity to effectively and efficiently manage the resources Congress has granted, and we are working hard to ensure we are prepared to manage any future funding increases that Congress may enact.

I understand the urgency of getting grant funds out the door, and I will work to do so, while also safeguarding taxpayer dollars and maximizing the impact of these grant programs within the confines of federal law and congressional direction.

Question 2: What are FRA's plans to ensure that stakeholders and all eligible applicants understand all the new and expanded opportunities that will become available once *IIJA* is enacted? And can you commit to balancing the need for freight and passenger, rural and urban, and geographically diverse investments?

Answer: America has a chance to lead the world once more through investment in infrastructure and safely connecting our communities while creating good jobs, addressing climate change, and ensuring equity.

If the IIJA is enacted, we will fund infrastructure improvements across the board and across the nation with geographically diverse investments, not just the creation of new passenger rail routes, but also improvements on our freight rail network.

FRA is committed to ensuring potential grant recipients are provided the guidance and technical assistance necessary to apply for our grant programs. FRA has experience assisting grant recipients through the grant process and providing technical assistance to potential grant recipients of all sizes.

After selection, FRA will carry out a robust oversight, monitoring, and technical assistance program to properly administer Federal resources and help grant recipients successfully deliver projects. FRA is constantly reviewing and improving these processes and procedures, taking into account lessons learned and best practices from across the Federal financial management community.

Grade Crossings. As you noted in your testimony, there is particular interest in grade crossing safety and investing in upgrading crossing infrastructure, eliminating crossings, and/or grade separations. Georgia Department of Transportation has identified billions of dollars' worth of potential crossing projects, which is why including the new grade crossing elimination program was one of my top priorities for the *Surface Transportation Investment Act* included in *IIJA*. Communities across Georgia like Millen and Lula proudly call themselves railroad towns and understand the great economic benefits of railroads; however, as infrastructure ages, traffic increases, and communities grow challenges emerge.

Question: How do you plan to ensure that small communities impacted by aging infrastructure as well as large and mid-sized communities with growing freight traffic, like Savannah, are aware of the resources FRA has to offer – both in financial support and technical assistance? Is the FRA equipped to help communities that may not be familiar with federal grants and funding opportunities?

Answer: **FRA currently provides Federal financial assistance to a wide range of grant recipients that vary in size and familiarity with FRA's programs and requirements. FRA is committed to assisting grant recipients through the grant process.**

The Infrastructure Investment and Jobs Act will provide \$3 billion in funding, creating new funding opportunities for communities. FRA will continue to ensure it communicates new funding opportunities to potential applicants. In addition, Grade Crossing and Outreach Inspectors will be able to guide communities, both small and large, in the direction of these grants. As these inspectors engage with public authorities on issues such as quiet zones, blocked crossing and trespass events, they will be able to take the opportunity to have conversations about these available grants. The Grade Crossing Inspectors will then be a resource for that public authority if they need some assistance or ask questions.

One of my top objectives this year is to lead, promote, and strengthen efforts among public, private, and government stakeholders to address grade crossing issues, including through the use of Federal financial assistance.

We intend to hold summits across the country, where FRA will work with State, county, and municipal governments to provide a localized perspective, integrate our own Research & Development Office, Safety Office, and grant programs, and help educate, share lessons learned and look to the future as we move towards improving grade crossing safety and increasing trespasser prevention.

Priorities and goals.

Question: What are your priorities and goals for the FRA, if you are confirmed as Administrator?

Answer: **If confirmed as FRA Administrator, I am committed to successfully delivering FRA's mission to enable the safe, reliable, and efficient movement of people and goods for a strong America, now and in the future.**

My number one priority at FRA is safety, and the public expects safety to be top of mind at FRA. The safety of the national rail system, its workers, and the public is FRA's primary responsibility. This includes combatting the continuing COVID-19 pandemic by ensuring FRA is playing its role in making the United States' rail network function effectively and helping the Department and Administration's with their efforts. Safety also means ensuring compliance with existing regulations and enforcement.

Another top priority of mine is safeguarding our ongoing economic recovery. To compete globally and provide travel options for the public, the United States needs to build the next generation of rail projects across the country. In addition to freight rail, passenger rail can be one of the pillars of improving the economy, rethinking the way we move around the country to address our changing climate, and creating good-paying middle-class jobs. FRA needs to help Amtrak and other passenger rail providers return to full service safely in the context of broader efforts to combat the pandemic.

Finally, climate change remains a threat to our well-being. Freight and passenger rail can and must play their roles in addressing climate change. Eliminating congestion at key bottlenecks in our rail networks can be part of rail's efforts along with innovation to further reduce emissions.