

April 16, 2021



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Better America!

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The Honorable Peter DeFazio
Chairman
Transportation & Infrastructure
Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Sam Graves
Ranking Member
Transportation & Infrastructure
Committee
U.S. House of Representatives
Washington, DC 20515

Dear Chairman DeFazio and Ranking Member Graves,

The Transportation Construction Coalition (TCC) is a partnership of 33 national associations and construction unions representing hundreds of thousands of individuals with a direct market interest in federal transportation programs. Established in 1996 and co-chaired by the American Road & Transportation Builders Association (ARTBA) and the Associated General Contractors (AGC) of America, the TCC focuses on federal budget and surface transportation program policy issues.

The TCC applauds the House Committee on Transportation & Infrastructure's work last year on the \$1.5 trillion Moving Forward Act, H.R. 2. This legislation marked the broadest and most robust proposed levels of federal investment in the nation's transportation infrastructure ever passed by a body of Congress.

With the current extension of the *Fixing America's Surface Transportation (FAST) Act* federal surface transportation law expiring September 30, the TCC is ready to work with Congress to heed President Biden's call for action on infrastructure legislation. Any broad infrastructure package should include, like last year's H.R. 2, a new, five-year, robustly-funded highway and public transportation investment law.

We appreciate the opportunity to offer potential legislative changes to what passed the House in 2020. Specifically, the TCC proposes the following:

Section 1201 – National Highway Performance Program

The TCC proposes striking any language potentially limiting construction for single occupancy vehicles.

Section 1209 – Highway Safety Improvement Program (HSIP)

The TCC supports the current language in the FAST Act ensuring that HSIP funds are used for only HSIP-eligible physical infrastructure projects and cannot be flexed to other safety programs. The TCC requests the language allowing for flexible funding for specified safety projects be stricken.

Section 1213 – Carbon Pollution Reduction

The TCC suggests striking language that makes passenger rail capital and operating expenses eligible and replace with a project eligible under Title 23. In addition, the TCC requests subparagraph (e) be stricken.

For More Information:
202/289-4434 (ARTBA)
703/548-3118 (AGC)

Section 1301 – Projects of National and Regional Significance (PNRS)

The TCC proposes to maintain the PNRS program, but make it entirely General Fund authorized, discretionary appropriations program and use the \$9 billion of subsequently freed up HTF-supported funding to reinstitute the INFRA grant program with the same policy as the FAST Act.

Section 1304 – Community Climate Innovation Grants

The TCC proposes to add language to make a State an eligible applicant and to strike subparagraph (k) in this section. In addition, the TCC would strike intercity passenger rail eligibility and replace it with a project that is eligible under Title 23. Finally, we propose adding reporting requirements, like what is required for the INFRA program.

Section 1306 – Gridlock Reduction Grant Program

The TCC proposes to change the name of the grant program to the “Congestion Reduction Grant Program.” We propose to make a State an eligible applicant and suggest adding language to make highway and freight projects eligible under subpart (d). Finally, we would add language under award prioritization for projects that are included in the State Freight Plan.

Section 1403 - National Goals and Performance Management Measures

The TCC proposes to strike this section.

Section 1616 – Transportation Construction Materials Procurement

The TCC proposes to strike this section.

Section 4306 – Hours of Service

The TCC is supportive of improvements to the Hours of Service rule that provide greater flexibility for transportation construction workers. The TCC is opposed to any delays or repeal of that rule.

Section 4408 – Updating the Required Amount of Insurance for Commercial Motor Vehicles

The TCC proposes to strike this section.

Section 5102 – Materials to Reduce Greenhouse Gas (GHG) Emissions Program

The TCC supports the new \$2-4 million grant program to reduce GHG emissions in materials with the following changes:

- Strengthen the focus of the grant program on reducing GHG emissions.
- Ensure the program awards grants involving all stages of the pavement lifecycle.
- Include “pavement performance” as a key metric on evaluating materials that reduce GHG emissions.

Section 5202 - Accelerated Implementation and Deployment of Pavement Technologies (AIDPT)

The TCC supports the continuation of the AID-PT program and its aim of reducing GHG emissions with the following changes:

- Strengthen language to ensure industry involvement in establishing priorities for the AID-PT program.
- Ensure that all stages of the pavement lifecycle are considered for deployment of pavement technologies that reduce GHG emissions.
- Increase funding from \$12 million to \$14 million annually to support expanding the mission of the AID-PT program to include GHG emissions reduction.

Other TCC Priorities

Further Advance the Project Deliver and Approval Process

The TCC is supportive of efforts to expedite the review and permitting process for transportation infrastructure projects. Past measures have enhanced the efficiency of the process, while preserving environmental protections. However, the prolonged process for many projects still leaves room for improvement. The TCC is supportive of Section 1301 of the America's Transportation Infrastructure Act of 2019 and would encourage its inclusion in infrastructure legislation.

Pedestrian/Worker Classification Issue

Currently, there is not a formal system to calculate how many pedestrian fatalities are actually workers killed while on the job. This extends to both construction workers, as well as other types of careers that require workers to be pedestrians. Requiring an annual reconciliation of data compiled by National Highway Traffic Safety Administration's (NHTSA) Fatality Analysis Reporting System (FARS) and the Bureau of Labor Statistics' (BLS) Census of Fatal Occupational Injuries (CFOI) to better understand how many workers are categorized as "Pedestrians" in the FARS system should be incorporated. While there is currently not a section in the bill that can be directly tied to this, section 1612 might be a logical place for language addressing work zone safety.

Disadvantaged Business Enterprise (DBE)

Now that the DBE program is 40 years old, a GAO study on the program's effectiveness is long overdue. The TCC proposes authorizing a GAO study on the program that focuses on the administration of the program, relies on quantitative and qualitative analyses, and provides ample opportunities for input from interested parties. The review should also include recommendations for Congress and U.S. DOT's consideration that will ensure the continued success of the DBE program in the future.

Eliminate the federal ban on tolling

The coalition recommends striking Section 301 of Title 23, make compliant changes to Section 129 and prohibit revenue generated from tolls from being diverted to non-transportation uses.