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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

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July 21, 2017

The Honorable John Barrasso
Chairman
U.S. Senate Committee on Environment & Public Works
410 Dirksen Senate Office Bldg.
Washington, D.C. 20510

Dear Mr. Chairman:

Thank you for this opportunity to share our priorities for comprehensive infrastructure legislation. The Environment and Public Works (EPW) Committee has a long history of enacting infrastructure legislation that is the product of bipartisan agreement. As we work to develop this proposal jointly, we feel that there are certain minimum criteria that must be met for us to consider legislation to be bipartisan.

A bipartisan infrastructure bill must be sufficiently robust to meet our nation's infrastructure needs and reflect the programmatic priorities and funding levels described in the *Blueprint to Rebuild America's Infrastructure* released by the Democratic caucus earlier this year. Our blueprint calls for one trillion dollars in infrastructure spending over ten years, which President Trump promised throughout his campaign. While ambitious, this figure is just half of the \$2 trillion above current spending levels that the American Society of Civil Engineers (ASCE) says we must spend to bring our infrastructure into good repair. With deteriorating infrastructure costing our nation close to \$200 billion every year, the need is great and the time to invest in our state, local, and tribal communities is now.

Our blueprint, which is attached to this letter, outlines a vision for comprehensive infrastructure investment that would begin to reverse the challenges created by our long-term underinvestment in infrastructure. The investment needs identified in the blueprint are informed by estimates from the executive branch agencies on the total dollar investments needed to bring infrastructure to a good condition, including over \$500 billion toward investments within the EPW Committee jurisdiction:

- \$100 billion to reconstruct and repair the deteriorating roads and bridges on the Federal-aid highway system to help ensure that people and goods will move safely and efficiently in communities across the nation.
- \$100 billion to address transportation needs and priorities identified by local leaders in urban, rural, and tribal communities, to improve quality of life and revitalize local economies. Making funding available directly to counties, cities, tribes, and towns, which

have ideas to improve their communities but need a partner in the federal government, would enable communities to put their plans into action.

- \$10 billion to expand the TIGER grant program, which helps states, tribes, and local communities invest in multimodal projects to reduce congestion, improve safety and mobility, and promote local economic development. Expanding TIGER, which is one of the most oversubscribed federal grant programs, will enable more communities to access these critical funds.
- \$200 billion for major infrastructure projects that would transform regional and national economies, yet are difficult to complete due to their large cost and complexity. A new federal funding program, with broad eligibility for all modes of transportation, would jumpstart major projects that have been delayed due to lack of funding, which will benefit shippers, travelers, and consumers throughout the nation.
- \$110 billion to address drinking water and wastewater needs through a program structure that ensures fast and effective distribution of funding to the communities most in need.
- \$10 billion to upgrade marine ports and inland waterways, to begin to address the nearly \$60 billion in backlogged authorized US Corps of Engineers projects, including dredging projects for ports large and small, and maintenance of the locks, dams, harbors, and coastal infrastructure on which commercial navigation and local economies depend.
- \$25 billion for resiliency improvements, to enable communities to withstand the effects of natural disasters on critical infrastructure. Funding will help communities better prepare for and prevent major risks, in order to minimize the cost of recovering from disaster.
- \$10 billion to expand tools that provide low-cost financing for projects and leverage significant private and non-federal investments across a broad range of infrastructure.

A bipartisan EPW Committee infrastructure bill must be considered as part of a comprehensive infrastructure package. While EPW has jurisdiction over many important areas of infrastructure, we, and our Senate Democratic colleagues, have many infrastructure priorities in the jurisdiction of other committees, such as public transportation, intercity passenger and freight rail, broadband, schools, VA hospitals, and affordable housing. A bill limited to the infrastructure in the EPW jurisdiction will not comprehensively address our nation's infrastructure needs. Therefore, a final infrastructure bill must provide an opportunity for the other committees of jurisdiction to develop components to be included in a comprehensive package and must provide sufficient funding for the critical infrastructure that is outside EPW's jurisdiction. In particular, any new funding for surface transportation must follow the historical precedent of directing at least twenty percent to transit, which is a critical means to reduce congestion and improve mobility. The Finance Committee, which has jurisdiction over any tax measures, must also have an opportunity to identify revenues or other mechanisms that could be used to pay for this bill in a fiscally responsible manner, because if things are worth having they are worth paying for. For instance, our Blueprint calls for paying for infrastructure investments by closing tax loopholes. However, to be bipartisan, an infrastructure bill cannot be paired with proposals that cut programs for the middle class or the neediest Americans, nor with proposals to cut taxes for the top one percent.

A bipartisan bill must not have a negative impact on existing environmental, labor, or community protections. We are committed to making Federal programs highly efficient and enabling critical infrastructure projects to be designed and built in a cost-effective manner, without unnecessary delays. However, as we look for opportunities to improve these programs, we will not accept changes that sacrifice protected environmental resources or limit the opportunity for public input, that undermine critical labor protections, or otherwise negatively impact the human or natural environment. Moreover, as the Administration is still implementing project acceleration provisions from the last two water resources acts as well as the last two surface transportation reauthorizations, it is not helpful to add new measures that may not be necessary or could even impede implementation of the past Congressional directives.

A bipartisan bill must increase direct federal funding, maintaining a strong federal role in infrastructure funding and development, without cutting existing programs or relying solely on private finance. It is widely recognized that existing investment levels are insufficient to the needs across our nation, therefore any proposals must be additive to current investments and not cut existing funding for infrastructure. Nor can we replace direct federal funding programs with loans or private finance. While loans and finance programs may offer opportunities to expand investment in certain types of public infrastructure, these programs will not address the majority of our infrastructure investment needs. Smaller projects and those that do not produce revenues, or those in economically depressed communities, in rural areas, or Indian Country require direct federal investment. Therefore, loans and private equity must not be considered as a substitute for direct investment, whether in urban, rural, or tribal communities, nor should communities that have raised local revenues be penalized by removing access to federal funding. To the extent that proposals to create or expand loan and finance programs are included, they must also ensure strong protections for the public interest. The Federal government has a central role in funding, approving, and in some cases owning our public infrastructure, and that role must be maintained.

We see many areas for potential expansion and improvements of existing programs, as well as new programs that would help address unmet needs across the nation. We look forward to the opportunity to work with the majority on these and other issues.

Support investments in resiliency and planning. Communities across our nation are increasingly experiencing extreme weather events, which can do significant damage to all types of infrastructure. Extreme heat, flooding, hurricanes, earthquakes, and severe storms pose a serious challenge to our infrastructure, and thereby threaten public health, mobility, safety, and economic growth. Whether in coastal locations or inland, all communities face unique challenges that must be addressed, yet public agencies may lack the funding to plan for these growing threats. As a result our infrastructure is too often not built to resiliently withstand extreme conditions, resulting in costly yet preventable damage. Funding for comprehensive resiliency planning, paired with additional funding for resiliency investments, including natural or nonstructural infrastructure, would ensure that our infrastructure will continue to perform reliably in extreme conditions, which will not only save money in the long-term but also will save lives.

Increase Safety, Incentivize Innovation, Improve Planning, and Promote an Outcomes-based Approach to Transportation. New technology can improve sustainability, safety, community revitalization, and help meet growing challenges as population and infrastructure needs increase. On-road fatalities surpassed 40,000 lives last year, and the most recent two-year increase in fatalities was larger than any two-year period in the last five decades. This safety crisis is particularly acute for pedestrians and bicyclists, for whom fatalities are increasing faster than other groups. New investment strategies should improve safety, reduce congestion, and should expand choices for safe walking and biking, as well as for alternative-fuel or electric vehicles. Performance-driven investments and expanded support for planning will help improve outcomes and ensure that existing assets are appropriately maintained.

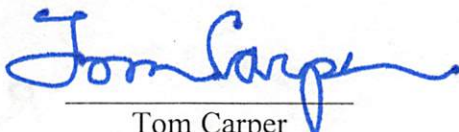
Support Infrastructure as an Economic Development Tool. The Economic Development Administration (EDA), which was last authorized in 2004, funds critical local infrastructure and economic development in many local communities that might not otherwise have options to upgrade their infrastructure. With this bill, EPW has the opportunity to update the EDA programs to maximize benefits for local communities.

Support Investments in Environmental Cleanup. Communities across our country are suffering the negative impacts of pollution from Superfund sites, abandoned mines, former defense and atomic energy sites, and roadway pollution. An infrastructure bill is an opportunity to provide new funding to clean up these sites, create jobs, improve public health, and help to restore our nation's environment.

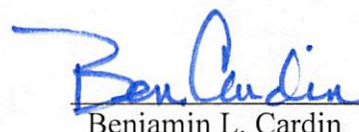
Explore options for long-term solutions to transportation funding. The FAST Act provided funding certainty for a five year term, but after 2020 the Highway Trust Fund will again reach insolvency. This period of funding certainty is an opportunity to use pilots and research efforts to explore options for sustainable, long-term transportation funding.

Thank you again for prioritizing this effort to substantially increase investment in critical infrastructure to improve quality of life, safety, and economic vitality in communities all across our nation, and for your commitment to proceeding with a transparent and bipartisan process. We look forward to working together to achieve this shared goal.

Sincerely,



Tom Carper
U.S. Senator



Benjamin L. Cardin
U.S. Senator



Bernard Sanders
U.S. Senator



Sheldon Whitehouse
U.S. Senator



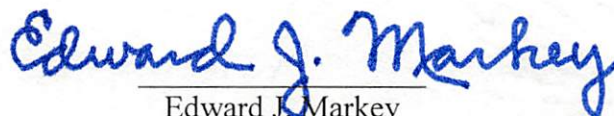
Jeffrey A. Merkley
U.S. Senator



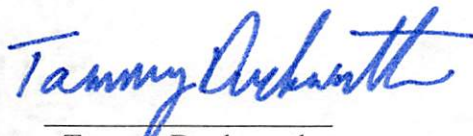
Kirsten Gillibrand
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Cory A. Booker
U.S. Senator



Edward J. Markey
U.S. Senator



Tammy Duckworth
U.S. Senator



Kamala D. Harris
U.S. Senator