



June 16, 2020

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

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

Chairman DeFazio and Ranking Member Graves:

The American Council of Engineering Companies – the voice of the nation’s engineering industry – strongly supports the committee’s efforts to move forward with robust legislation to reauthorize federal surface transportation programs.

There are a number of positive elements in the *INVEST in America Act*:

- Robust funding authorizations
- Funding relief for highway and transit agencies in FY2021
- Emphasis on strengthening resilience

There are some provisions that could be improved, including:

- Limits on the construction of new capacity (Sections 1201 and 1213)
- Constrained tolling options (Section 1110)
- Mandating certain design choices (Section 1107)

We are also concerned about proposed amendments to restrict the ability of transportation agencies to partner with private sector firms for efficient project delivery. These views are explained in more detail, below. In summary, we support passage of the bill and look forward to working with the Committee to secure bipartisan support for a long-term infrastructure-based economic recovery agenda in Congress.

We applaud the committee for authorizing robust funding levels and endorse the funding infusions and 100% federal match for Fiscal Year 2021 to backstop state and local transportation budgets impacted by the pandemic. This investment is critical to upgrade our roads, bridges, transit and rail systems to address years of deferred maintenance and modernize our transportation networks. The programs in this bill will equip our public sector partners to foster economic growth, incorporate new technologies, improve safety, and enhance resilience and sustainability. We are also pleased that the bill renews and expands pilot projects to develop and implement alternative user fee revenue systems to eventually replace federal gas and diesel taxes.

ACEC also supports the measures in the bill to promote a more resilient transportation system. America's engineering industry is working now with our clients to confront the challenges of a changing climate by reducing carbon footprints and adapting to the effects of sea level rise and extreme weather events. The *INVEST Act* provides the resources and program enhancements necessary to bolster resiliency and durability so that structures can better resist damage, infrastructure can be assessed more accurately following a disaster, and systems can return to service more quickly.

We also wish to draw your attention to provisions in the bill that raise concerns or have room for improvement, including limits on the construction of new capacity in Sections 1201 and 1213; constraints on tolling in Section 1110; and mandates for context sensitive design and complete streets in Section 1107 where it may not make sense in all cases and interferes with the exercise of engineering judgment. These and other provisions restrict the flexibility of transportation agencies to address their identified needs. We look forward to working with the committee on these and other issues as the bill moves through the legislative process.

ACEC also strongly supports the inclusion of commonsense measures to facilitate more efficient project delivery. While Congress has already made significant strides in this area through passage of SAFETEA-LU, MAP-21, and the FAST Act, additional provisions could foster more cross-departmental coordination and timely decision-making while still ensuring environmental performance and public interest protections.

Finally, we wish to raise serious concerns over two pending amendments. Amendments #137 and #138 from Congressman Garamendi would impose undue burdens on State DOTs and infringe on their ability to partner with the private sector for successful project outcomes. Garamendi Amendment #137 would mandate an unnecessary, time consuming, and burdensome cost-benefit analysis that does not truly measure the value of engineering and design services. Garamendi Amendment #138 would prohibit state and local officials from acquiring the most qualified construction inspection services – including many small, DBE and minority-owned firms – and interfere with their ability to efficiently respond to fluctuations in program funding. Both of these amendments should be rejected.

U.S. engineering firms are innovative problem solvers, and the funding and programs in this bill can unlock their potential to modernize our highways, bridges, and public transit networks. We support committee passage, and we look forward to working with your colleagues on other committees of jurisdiction to advance a full surface transportation bill through the House.

Sincerely,

A handwritten signature in black ink, reading "Linda Bauer Darr". The signature is fluid and cursive, with the first name "Linda" being the most prominent.

Linda Bauer Darr  
President & CEO