

Transportation and Infrastructure Committee Member Day

Rep. Rudy Yakym (IN-02)

Chairman Graves and Ranking Member Larson, it's good to be in 2167 Rayburn again.

I had the honor of serving on the Transportation and Infrastructure Committee for the 118th Congress, and I'm proud of what we were able to roll up our sleeves and get done together.

One of the key accomplishments of the Committee in the 118th Congress was the bipartisan Federal Aviation Administration (FAA) reauthorization. But as a new Member, I was struck by how many stakeholders came in to talk about provisions from previous reauthorizations that the FAA still hadn't implemented. Unfortunately, I want to start by adding one to the pile.

The FAA was supposed to publish a Notice of Proposed Rulemaking (NPRM) on beyond visual line of sight operations (BVLOS) for unmanned aircraft systems (UAS) by September 16, 2024. However, that deadline has come and gone. Former Secretary Pete Buttigieg left current Secretary Sean Duffy with a lot of missed deadlines. **I hope that we can get a BVLOS NPRM in short order.**

One of the biggest looming issues for this Committee in the 119th Congress is the expiration of the Infrastructure Investment and Jobs Act (IIJA). I wasn't in Congress when IIJA passed, but I sat through many oversight hearings, and I must reluctantly conclude that IIJA's results did not live up to its promises.

A common theme in IIJA's failures is the bureaucracy of Secretary Buttigieg's Department of Transportation getting in the way of putting shovels in the ground. I heard from many local entities that won grants about the wave of paperwork and delays they faced. For example, recipients of a 2023 Safe Streets and Roads for All grant were required to certify compliance with 75 laws and regulations, as well as 12 executive orders.¹

The Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program was also illustrative of Secretary Buttigieg's crippling bureaucracy. The Department publicly tracked the progress of RAISE recipients' grant agreements, which are required before work can begin on a project.

As of the last available progress report, in November 2024, only 224 of 414 (54.1%) grant agreements were executed for grant awards across fiscal years 2021, 2022, and 2023. It is plainly unacceptable for projects to wait upwards of three years to get the green light from the Department, especially as they were grappling with the Biden Administration's massive inflation.

Too often, Secretary Buttigieg appears to have been content to announce grants to great fanfare, only to turn around and bury recipients under paperwork. Only 9 of the 23 (39.1%) RAISE projects highlighted in the Department's fiscal year 2021, 2022, and 2023 press releases had an executed grant agreement as of the November 2024 progress report.

¹ https://www.transportation.gov/sites/dot.gov/files/2024-01/SS4A-FY23_Exhibits_2024-01-04.pdf

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Indeed, Secretary Duffy reports that Secretary Buttigieg left him a backlog of 3,200 projects that were announced but not executed upon.² As this Committee works toward a surface transportation reauthorization, **I urge you to require public reports on the progress of grant agreements across grant programs, similar to the RAISE program, to ensure accountability and to streamline the grant agreement process as much as possible.**

Another common concern I heard from stakeholders in the Hoosier state was the lack of discretionary grants. IIJA expanded discretionary grants by 500%, but Indiana ranked dead last on a per-capita basis in securing those grants. To be sure, some of the responsibility lies with project selection and design. However, Secretary Buttigieg's Department had a large role too. For example, a local entity that was not selected to receive a planning grant for a railroad grade separation was told in a debrief by Department officials that their project might have scored higher if the application had included a plan to add electric vehicle (EV) charging. States know how to spend this money on local needs. As such, **I urge this Committee to dramatically scale back discretionary grant programs in favor of formula funding in the upcoming surface transportation reauthorization.**

One final failure of IIJA I would like to highlight are its electric vehicle (EV) charging station programs, the \$5 billion National Electric Vehicle Infrastructure (NEVI) and \$2.5 billion Charging and Fueling Infrastructure (CFI) programs. In over three years, NEVI stood up only about 60 charging stations and CFI only 3.³

There were many reasons for this failure, such overly rigid federal regulations and burdensome diversity, equity, and inclusion (DEI) requirements.⁴ However, there is also a fundamental question about whether the federal government needs to be involved in constructing EV charging stations in the first place. According to the Joint Office of Energy and Transportation's Q4 2024 NEVI Quarterly Update, there were 12,000 public charging ports added that quarter. NEVI and CFI together in over three years built approximately 300. The private sector seems to be handling EV charging station construction just fine. As such, **I urge this Committee to end the failed NEVI and CFI programs in the upcoming surface transportation reauthorization.**

Finally, I want to talk about getting back to basics. The Biden Administration was characterized by mission creep and the infusion of DEI into everything it did, often at the expense of core agency functions. For example, Tristan Brown, the Deputy Administrator for the Pipeline and Hazardous Materials Safety Administration (PHMSA), which is dedicated to pipeline safety, tried to "brand" the agency as a "climate agency." Another example is the Federal Emergency Management Agency (FEMA), which, under the Biden Administration, changed its number one goal from "Build a culture of preparedness" to "Instill equity as a foundation of emergency management." **I urge this Committee to ensure agencies re-focus on their core missions.**

Thank you for the opportunity to testify, and I yield back.

² <https://www.transportation.gov/briefing-room/us-transportation-secretary-sean-p-duffy-approves-another-180-grants-get-america>

³ <https://afdc.energy.gov/stations#/analyze?tab=fuel&fuel=ELEC>

⁴ <https://freebeacon.com/biden-administration/white-house-equity-requirements-holding-back-ev-charging-station-construction-internal-docs-show/>