



June 7, 2021

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. A long-term surface transportation bill ought to be the centerpiece of a national infrastructure-based economic recovery and jobs agenda.

We have a generational opportunity to make transformative investments in our nation’s infrastructure and ACEC strongly supports the dramatic funding authorizations in the *INVEST in America Act*, which are critical for upgrading 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 in America 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 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 Section 1201; 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.

As the bill moves forward, ACEC would respectfully reiterate our request for the Committee's support of language to correct an unforeseen regulatory problem facing engineering firms that received PPP loans and work on federal-aid highway and transit projects. A provision in the Federal Acquisition Regulations (FAR) would force firms that qualify for forgiven PPP loans to return this critical assistance, which could put jobs at risk and undercut the core purpose of the loan program. No other industries involved in delivering federal-aid transportation projects appear to be similarly impacted by this FAR provision, and we would ask for corrective language to ensure that engineering firms are treated in a like manner.

ACEC also supports the inclusion of language in the bill to study the potential use of Integrated Project Delivery (IPD) as a way of more efficiently delivering major transportation projects to the public. IPD has already demonstrated effectiveness as an innovative delivery method for larger projects. By increasing coordination and collaboration between all project participants – agency clients/owners, designers, builders, and labor partners – IPD has been successful in achieving cost savings and on-time project delivery. A study to examine its feasibility and benefits in the context of transportation projects is both prudent and warranted, and ACEC supports such language as part of the *INVEST in America Act*.

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 written in a cursive, flowing style.

Linda Bauer Darr
President & CEO