



NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

June 30, 2021

The Honorable Nancy Pelosi
Speaker of the House
H-232, The Capitol
Washington DC, 20515

The Honorable Kevin McCarthy
House Minority Leader
H-204, The Capitol
Washington DC, 20515

The Honorable Peter DeFazio
Chairman of the House Transportation &
Infrastructure Committee
2134 Rayburn House Office Building
Washington DC, 20515

The Honorable Sam Graves
Ranking Member of the House
Transportation & Infrastructure Committee
1135 Longworth House Office Building
Washington DC, 20515

Dear Speaker Pelosi, Minority Leader McCarthy, Chairman DeFazio and Ranking Member Graves,

On behalf of the National Stone, Sand & Gravel Association (NSSGA) and the aggregate industry we represent, we appreciate the House taking up the H.R. 3684, *Investing in a New Vision for the Environment and Surface Transportation (INVEST) in America Act*. It is critical that Congress passes a robust, multi-year surface transportation reauthorization bill before the current one-year extension of the *FAST Act* expires on September 30. While we welcome congressional action to reauthorize the program, federal infrastructure investment is always a core bi-partisan policy objective, and we urge the House to work across the aisle and incorporate input from all stakeholders on pragmatic policies and sensible infrastructure solutions. Below are items included in the *INVEST in America Act* the aggregate industry supports; policies our industry opposes; and meaningful bi-partisan policies that were not incorporated

NSSGA Supports:

Robust Funding

The *INVEST in America Act* would provide historic funding levels for surface transportation, totaling \$547 billion in surface transportation project funding over five years. This meaningful investment in our country's crumbling infrastructure network provides financial security for our local, state and federal partners, as well as industries like ours that need financial



certainty to invest and build transformative public works projects. We are pleased that the bill would provide \$343 billion for road, bridge and highway projects, including \$32 billion in dedicated funds for much-needed bridge repair and reconstruction.

ROCKS Act

NSSGA welcomes inclusion of the *ROCKS Act in section 1613*, which would make federal transportation projects more sustainable, efficient and beneficial to local economies by advancing the use of locally sourced aggregates. The provision establishes a working group between local, state and federal officials to study the sourcing of aggregates in federal transportation projects. We thank Congressman Greg Stanton (AZ), Congressman Troy Balderson (OH) and all the cosponsors of the ROCKS Act for their work to advance this important legislation.

Economic Relief for State Departments of Transportation

NSSGA has long championed economic relief for state departments of transportation (DOTs) directly impacted by the COVID-19 pandemic. State DOTs have seen their dedicated revenue streams suffer dramatically, as millions of Americans stayed home, and gas tax receipts plummeted. While we appreciate the \$10 billion secured in the 116th Congress's end-of-year pandemic package, state DOTs anticipate absorbing roughly \$18 billion in lost revenues over the next four years. Inclusion of funds for state DOTs in the *INVEST in America Act* will significantly help local projects continue and provide precious federal dollars to bolster the larger surface transportation reauthorization package Congress expects to pass.

HSIP Program Increases

Safety is a core principle of the aggregates industry, and we welcome increased funding for the Highway Safety Improvement Program (HSIP) to roughly \$15.9 billion over five years. This federal support is vital for ensuring our construction work zone sites are safe for workers and the motoring public alike, and we appreciate seeing safety as a top priority. We also welcome the inclusion of safety contingency funds and safety enhancements for roadway construction work sites.

NSSGA Opposes:

Disruptions to the Construction Supply Chain

While we appreciate the work of the committee to make changes to Section 1112 on Buy America in the underlying bill, NSSGA is still concerned with the broad expansion of the provision to include "construction materials". Make no mistake, our industries prioritize investing in local communities and growing American jobs and we support reasonable applicability of Buy America provisions to support our nation's domestic manufacturing and workforce. However as written, Section 1112 goes beyond this goal, creating significant disruptions throughout the construction supply chain that could derail thousands of infrastructure projects funded under this legislation. In certain areas of the country, there are geologic limitations to locally sourced aggregates, cement products and asphalt binder. These materials must come from elsewhere, including from American-owned facilities in



friendly trade-partner nations, like Canada, Mexico and the Caribbean. In some coastal communities, most of the aggregates utilized are imported, including California, Florida, New York, the Gulf Coast and Great Lakes regions and used in projects like Gateway in metro New York City, terminal expansions at Los Angeles International Airport, and countless surface and transit projects in cities like San Francisco, Houston, New Orleans, Miami and Charleston. Congress has long recognized the availability and supply of aggregates are directly correlated to geology. FHWA determined in 1983, and again in 2013, that these Buy America expansions were not prudent. We look forward to working with Congress to address these concerns to ensure materials are available to supply vital public works projects.

Truck Insurance Minimum Increases

NSSGA opposes inclusion of truck insurance minimum increases above the current \$750,000 threshold required by the Federal Motor Carrier Safety Administration. Advocates argue that increasing truck insurance minimums to \$2 million is necessary and long overdue, without acknowledging that existing levels of truck insurance adequately covers over 99 percent of all cases involving a truck. Arbitrary insurance minimum increases do nothing to enhance truck safety or improve the efficiency of aggregate transportation, it only serves to dramatically increase material costs and force the taxpayer to pay more for their critical infrastructure projects.

Omission of One Federal Decision

NSSGA is disappointed that the *INVEST in America Act* does not include the bi-partisan *One Federal Decision Act* language, which was included in the Senate Environment & Public Works Committee's *Surface Transportation Reauthorization Act of 2021* that received unanimous support. One Federal Decision would greatly enhance the permitting process by eliminating duplicative environmental reviews and ensure public works projects are delivered on time, without sacrificing environmental protection. Hundreds of millions of taxpayer dollars have been wasted over decades of repetitive reviews at countless surface transportation projects, delaying even the simplest of public works projects. We urge incorporation of this text and advocate for sensible permitting reform.

Capacity Expansion Restrictions

Our nation's surface network is underfunded and overutilized, resulting in over \$800 billion in surface infrastructure needs from coast to coast. We are disappointed that the underlying bill includes capacity expansion restrictions, handicapping much-needed surface project priorities in urban and rural communities alike. We urge inclusion of flexible state funding programs that allow state DOTs to identify and prioritize those projects of most importance and not arbitrarily choose to repair an inefficient roadway versus creating new capacity opportunities. This policy is even more concerning when you consider highways receive a roughly 29 percent increase over *FAST Act* funding levels, whereas transit receives a 59 percent funding increase and passenger rail receives a whopping 514 percent increase. Less dollars are available for critical roadway projects, yet other modes receive significant increases over past baseline funding levels.



Lack of Pay-Fors

While historic investment into surface transportation is long-overdue and desperately needed across the country, it is a dangerous precedent for Congress to pass a surface transportation reauthorization without any effort to capture current or new user fees. As you know, the Highway Trust Fund (HTF) is on the brink of financial insolvency, and dependence on outdated and insufficient user fees cannot be the status quo. In spite of this reality, we cannot depend upon general fund transfers (GFT) to satisfy the needs of the HTF and all the industries who depend upon its financial certainty. The *INVEST in America Act* would request roughly \$147 billion GFT, yet the bill removes any new user fee mechanisms or studies (including stripping out the vehicle-miles-traveled national pilot study). We cannot abandon a proven system of incorporated user fees with consistent revenues for periodic, massive GFT and make infrastructure funding that much more political and precarious. We urge the inclusion of pay-fors that meet the demand of our growing infrastructure network, including raising and indexing the federal gas tax, as well as studying other concepts like vehicles-miles-traveled, public-private partnerships, infrastructure banks and others.

We thank Chairman DeFazio and the T&I Committee for their work to move the *INVEST in America Act* through committee markup and to the House floor this week, but there is considerable work remaining before Congress passes a suitable surface transportation reauthorization in advance of the September 30 expiration. Thank you for your continued efforts and we look forward to supporting a robust, bi-partisan surface transportation reauthorization this summer.

Sincerely,



Michael W. Johnson
President and CEO
National Stone, Sand and Gravel Association

cc: Members of the US House of Representatives

