



NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

February 8, 2020

The Honorable Stephanie Pollack
Deputy Administrator
Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Ave. SE
Washington, DC 20590-0001

Dear Deputy Administrator Pollack:

On behalf of the 400 members of the National Stone, Sand & Gravel Association, we appreciate the opportunity to voice our priorities with the Federal Highway Administration (FHWA) on implementation of the Infrastructure Investment and Jobs Act (IIJA).

NSSGA represents aggregates producers and those who manufacture equipment and services that support the construction industry. Our members are essential to the work of this country, and we represent most of the crushed stone, sand and gravel produced in the United States. Our members employ more than 100,000 hard-working men and women, who are responsible for the essential raw materials found in every home, building, road, bridge, and public works project.

NSSGA applauds Congress and the Biden Administration for diligently working to draft and advance IIJA, which provides almost \$1 trillion to rebuild our infrastructure. We are proud to have been a partner in the work to complete this historic bill, as it will directly improve the lives of all Americans. The aggregates industry now stands ready to deliver the billions of tons of construction materials needed to build the roads, bridges, tunnels, rail, transit, ports, energy, water, broadband and every public works funded through IIJA. At every stage of implementation of the historic infrastructure legislation, we encourage FHWA and every federal agency to execute and deliver IIJA's investment efficiently to project planners. Utilizing existing formula and funding structures is key to this work and is the best way to ensure the promises of IIJA are delivered to every community.

As you work to implement IIJA, we at NSSGA want to highlight the below policies that will help ensure our industry can produce and supply the materials needed to build almost every project advanced by the law.

Permitting Reforms



The IIJA includes several critical policy provisions to ensure taxpayer dollars flow expeditiously to the vast array of infrastructure projects funded by the legislation. Expedient implementation of these provisions by the Biden Administration will ensure projects that deliver renewable energy, clean water, expanded ports and rail lines to reduce supply backlogs are executed on budget and on time. These key provisions include the following:

- *Section 139, “One Federal Decision”*: The legislation requires modifications to the environmental review procedures for surface transportation projects, including requiring the Department of Transportation (USDOT) to develop a schedule consistent with an agency average of two years to complete an environmental impact statement. The legislation also requires public accountability in the case of missed deadlines.
- *Categorical Exclusions*: The IIJA contains provisions to expand the use of categorical exclusions to accelerate project delivery by directing the Secretary of Transportation to work with relevant agencies to increase the use of such exclusions across the federal government.
- *Section 4(f)*: The IIJA establishes a deadline for interagency consultation for Section 4(f) reviews and specifies that if the relevant Departments do not submit comments within 15 days of the deadline, the Secretary shall assume a lack of objection and proceed with the action.
- *Early Utility Relocation*: The IIJA allows reimbursement for early utility relocation projects, those utility relocation activities undertaken by States before completing the environment review for highway projects eligible for federal assistance.
- *Interagency Infrastructure Permitting Improvement Center*: The IIJA codifies the duties and responsibilities of the Infrastructure Permitting Improvement Center (IPIC). The IPIC will expedite permitting and environmental reviews for projects, work with DOT modal administrations to modernize and improve permitting and project reviews, and develop metrics to assess permitting and project reviews’ timeliness.

Working Group on Covered Resources (Section 11526)

NSSGA strongly supports the work of Congress to include Section 11526, which establishes a working group to examine and produce policies that ensure our nation has sustainable access to aggregates resources. This provision is similar to bipartisan legislation, Rebuilding Our Communities by Keeping Aggregates Sustainable (ROCKS) Act, that has been championed by Rep. Greg Stanton (AZ), Rep. Troy Balderson (OH), Sen. Mark Kelly and Sen. Rob Portman. While states like Arizona and Minnesota have taken key actions to institute policies that ensure proper planning is being done to maintain sustainable aggregates supplies, it is imperative the federal government also be involved in this planning. Doing so will reduce material costs and improve environmental outcomes, as we work to source materials needed to build the infrastructure funded under IIJA. NSSGA looks forward to being engaged with FHWA and actively participating in the working group established under Section 11526.

Application of Buy America Requirements (Section 70917).



Title 9 of IIA includes a broad expansion of Buy America requirements to federally funded infrastructure projects. Section 70917 clearly excludes “cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives” (i.e. asphalt binder) from the new Buy America requirements. It is imperative for FHWA, OMB and all agencies to follow statute to ensure these critical inputs and resources that are needed to build back better can be efficiently sourced.

FHWA Memo on Using Bipartisan Infrastructure Law Resources to Build a Better America

NSSGA is concerned with FHWA’s memo on “Using Bipartisan Infrastructure Law Resources to Build a Better America.” It is imperative the Biden Administration adheres to the bipartisan spirit that Congress worked to draft and advance IIA. Whether we are investing in a new roads in a rural community or a new transit system in an urban city, this legislation must benefit all Americans. That is why we are concerned with FHWA’s memo that inserts new, partisan criteria into the project planning process that was not included in IIA. These new policies would severely limit infrastructure opportunities for many communities in the U.S. and runs afoul of Congressional intent to ensure all infrastructure improvements receive worthy consideration. It is important to remember that similar proposals outlined in FHWA’s memo were considered and then ultimately rejected by Congress and should not be reinserted by FHWA

Sincerely,



Michael Johnson
President and CEO
National Stone, Sand & Gravel Association

CC: Members of the House of Representatives

