

AMERICAN ASSOCIATION OF
STATE HIGHWAY AND
TRANSPORTATION OFFICIALS



TESTIMONY OF

THE HONORABLE MICHAEL P. LEWIS

**DIRECTOR
RHODE ISLAND DEPARTMENT OF TRANSPORTATION**

ON BEHALF OF

**THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND
TRANSPORTATION OFFICIALS**

REGARDING

***NATIONAL RAIL POLICY: EXAMINING GOALS, OBJECTIVES AND
RESPONSIBILITIES***

BEFORE THE

**SUBCOMMITTEE ON RAILROADS, PIPELINES AND HAZARDOUS
MATERIALS**

**COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
UNITED STATES HOUSE OF REPRESENTATIVES**

JUNE 27, 2013

American Association of State Highway and Transportation Officials ♦ 444 North Capitol
Street, N.W., Suite 249, Washington, D.C. 20001 ♦ 202-624-5800

Thank you Chairman Denham, Ranking Member Brown and distinguished Members of the Committee for inviting me to participate in today's hearing on *National Rail Policy: Examining Goals, Objectives and Responsibilities*. My name is Mike Lewis and I'm the Director of the Rhode Island Department of Transportation, Today I am testifying on behalf of the American Association of State Highway and Transportation Officials where I serve as President. I am also a member of the Northeast Corridor Commission.

AASHTO is the national association representing transportation departments in the 50 States, the District of Columbia, and Puerto Rico. It represents all five passenger and freight transportation modes: air, highways, public transportation, rail, and water. Its primary goal is to foster the development, operation, and maintenance of an integrated national transportation system.

It could be said that AASHTO's member states have been working to participate in a hearing such as this for more than a decade. For some years, AASHTO has urged Congress "to enact a National Rail policy which outlines the importance to the country of their being a national rail network capable of moving passengers and freight effectively and efficiently." AASHTO's position on rail policy has evolved through many years of State experience with delivering passenger rail service and working with and supporting large and small freight railroads.

To put AASHTO's views on this subject into context, I will summarize where we think we are now with freight and passenger rail, describe the work of AASHTO and its member States leading up to this point, and suggest where we should go from here. In the process I will offer AASHTO's views on national rail policy issues.

BACKGROUND

AASHTO's standing policy declares that:

"A robust national rail transportation network that moves both passengers and freight effectively and efficiently across international borders, across state lines, and within regional and state boundaries is essential to this nation's continued economic growth and vitality.

"A strong rail system would reduce highway congestion and airport capacity needs. It would improve America's competitiveness in world markets and it would contribute to the achievement of important public benefits such as: conserving energy, reducing greenhouse emissions, and providing transportation options for our citizens."

AASHTO's rail policy is based on the long-experience of the States with both freight and passenger rail, supported by the analyses contained in a series of reports issued between 2002 and 2013:

- **2002 AASHTO Freight Rail Bottom Line Report**
- **2002 AASHTO Intercity Passenger Rail Transportation Report**
- **2008 Update to the 2002 Intercity Passenger Rail Transportation Report**
- **2009 State Rail Planning Best Practices**
- **Intercity Passenger Rail: Achieving the Vision--2009**

- 2010 Unlocking Freight: Transportation Reboot
- 2011—States Ramping Up Action on Passenger Rail
- 2012—Passenger Rail Moves Ahead: Meeting the Needs of the 21st Century
- 2013 Update of State Rail Planning Best Practices (forthcoming)
- 2013 Update of Freight Rail Bottom Line Report (forthcoming)

The analyses carried out for these reports supports the proposition that rail must be part of the balanced mix of transportation alternatives available to our nation's freight shippers and travelers.

The *AASHTO Freight Rail Bottom Line Report*, issued in 2002, calculated the consequences of investing or not investing in freight rail infrastructure and service for the economy in general and specifically for shippers, consumers, the traveling public, the environment and the highway system. It concluded that without strong investment in freight rail the resulting shift to roads would greatly increase highway maintenance costs and ultimately the overall costs of goods movement in the U.S. economy.

The report observed that:

“Many states have already taken steps consistent with a public policy-driven approach, by investing directly in their rail systems, and by forming public-private partnerships to implement specific projects. But making increased levels of investment and realizing the public benefits of a strong freight-rail system at a national level will require a new partnership among the railroads, the states, and the federal government.”

A number of projects referenced in *AASHTO Freight Rail Bottom Line Report* involve both Class 1 railroads and short-line and regional railroads, including the Alameda Corridor and Alameda East, the Washington State “Grain Train” and “Fruit Express,” the Sheffield Flyover, and “double-stack clearance from Columbus to Norfolk.”

The 2002 *AASHTO Intercity Passenger Rail Report* presented for the first time a complete picture of the passenger rail corridors then in service or in a serious planning process. It provided confirmation of need and performance that gave a boost to the passage of PRIIA.

An updated 2008 *Intercity Passenger Rail Report* was released prior to the passage of the American Recovery and Reinvestment Act and the creation of the High Speed and Intercity Passenger Rail Program by the Federal Railroad Administration. Subsequent federal funding announcements have yielded applications from 39 states, the District of Columbia and Amtrak requesting more than seven times the amount of funding available.

The *State Rail Planning Best Practices* was issued shortly after the passage of PRIIA which required state rail plans including both passenger and freight as a condition for the receipt of federal passenger rail grants. Despite the fact that the requirement has been

waived for all grants to date, today, 43 states have current rail plans or are in the process of updating them. AASHTO's members believe that freight rail and passenger rail cannot be addressed separately. What is needed is world class rail and freight rail not one or the other.

The 2009 AASHTO report *Unlocking Freight: Transportation Reboot* reported on the role of freight rail in the context of the nation's multimodal freight transportation system. Since 2002, substantial private investment, along with significant public participation, has strengthened the foundation of the freight rail system. Projects such as those referenced above have updated and adapted the system to function within the demands of the current national and global economies.

These reports for both freight and passenger rail describe early and significant activity by states and the need for a strong federal partner and substantial federal investment.

In January 2013 the Northeast Corridor Commission released its report, *Critical Infrastructure Needs on the Northeast Corridor*. This report serves as an informational resource that describes the improvements needed to reduce delays, achieve a state-of-good-repair, and build capacity for growth on the NEC.

Demand for rail service in the NEC is at record levels. The NEC, however, cannot continue to accommodate rising demand due to infrastructure that is highly congested and in need of repair. Hundreds of its bridges and tunnels are now over a century old; major portions of its electrical power supply system date from the 1930s or earlier; and signal systems rely on decades-old installations. With more than 2,000 trains per day and major segments at or near capacity, operating the NEC leaves little room for error, while capacity chokepoints preclude the increases in service necessary to accommodate growing demand.

The projects were identified through a consensus-based process by the NEC Commission's members, which include representatives from the NEC States, U.S. DOT, and Amtrak. The report recognizes that additional investment is necessary to renew and enhance the NEC as a world-class, high-performance rail corridor supporting the economic development and international competitiveness of the region and the nation with job creation, improved reliability of existing services, and a foundation for future mobility and economic growth.

WHERE WE ARE TODAY

Freight. Without strong investment in freight rail the resulting shift to roads will greatly increase highway maintenance costs and ultimately the overall costs of goods movement in the U.S. economy.

Of the projects referenced in the *AASHTO 2002 Freight Rail Bottom Line Report*, most were completed and succeeded, some not. Regardless of project outcome, the development process significantly contributed to the "new partnership among railroads, the States, and the federal government," which was called for in the report. And this partnership has evolved well beyond

where it was in 2002. The public benefit analysis used for the first time in the *AASHTO Freight Rail Bottom Line Report* has become the standard for analyzing public/private rail projects such as the Heartland Corridor (the double-stack clearance project described in the report), the National Gateway Corridor, and CREATE, all of which have apportioned shares of investment among the federal government, State governments and industry based on analyses of private and public benefits.

A 21st century transportation system requires adjusting the disconnection resulting from the development of ports, rail, highways, and airports at different times. CREATE includes a large component of highway-rail, rail-rail, and rail-transit crossings. The Alameda Corridor, the grandfather of big public-private freight projects, is a grade separation and Alameda East is a series of crossings improvements. The Heartland and National Gateway projects are in part major intermodal connector projects responding to shifting patterns of international and domestic demand. These and similar projects are largely a function of adapting to the ever-changing global economics and logistics.

In the area of freight transportation, two of AASHTO's Board Members have been selected to serve on the National Freight Advisory Committee, which had its first meeting on June 25. They are Anne Schneider, Secretary, Illinois DOT, and Mike Tooley, Director of the Montana DOT. Schneider is also the Chair of AASHTO's Standing Committee on Rail Transportation. The Advisory Committee is clearly a place to work on integrating rail with the other modes.

Another rail freight related area in which States have been especially active is short line rail financing. The short lines provide the essential connective tissue in the freight rail system and are frequently at the center of State and local economic development strategies. Today there are active short line financing programs in twenty States. One recent financing example comes from Connecticut. Last month Governor Patrick Malloy announced an \$8 million Connecticut investment in four of their regional railroads:

“Improving our freight rail infrastructure is a critical component of strengthening Connecticut's economy. Upgrades to tracks and crossings for rail freight certainly improve our overall transit system, but also create good jobs and a strong system for future commerce. These improvements will allow more freight to be moved safely at higher speeds, while at the same time ease highway gridlock and reduce air pollution.”

State Supported Passenger Rail Corridors. For many years preceding the passage of Passenger Rail Investment and Improvement Act of 2008 (PRIIA), a number of States developed and delivered passenger rail services without federal capital and operating assistance. With the enactment of PRIIA, the number of States seeking and supporting intercity passenger rail service has grown to at least thirty seven.

In fiscal year 2013, fifteen States either partially or completely supported Amtrak service on 74 of the total 110 corridor routes defined in PRIIA Section 209. Under the provisions of PRIIA Section 209, all short-distance Amtrak corridor services must become State-supported routes and States must pay the proportional costs associated with their respective corridor route. The States

and Amtrak developed a single, nationwide standardized methodology for establishing and allocating the operating and capital costs incurred – and calculated by Amtrak -- on Amtrak of routes “of no more than 750 miles between endpoints” . The implementation of the new cost accounting methodology is scheduled for the beginning of fiscal year 2014 and States are currently in individual contract negotiations with Amtrak to provide funding for the remaining corridors.

The agreed upon cost methodology that Amtrak will use will compute:

- Operating expenses for routes using a formulation that defines direct route costs and associated additives, and
- Capital charges for the use of Amtrak-owned assets.

The Amtrak Performance Tracking (APT) system, Amtrak’s recently-implemented cost accounting system, which is linked to Amtrak’s financial and operating systems, provides the cost basis that the States and Amtrak used to evaluate options for assigning service area route costs.

The Federal Railroad Administration met with the States and Amtrak to address the issue of transition assistance to the States during the phase in of the new methodologies for route and capital costs. Because the States and Amtrak have been negotiating over the methodology, States did not receive the fiscal year 2014 expenditure forecast until April, 2013. Therefore, the States have been using June, 2012 budget planning documents from Amtrak in working with their legislatures and governors to develop funding strategies to cover increased costs. The FRA’s proposal to assist States with transition assistance is providing financial support to the States while they work to put funding mechanisms in place.

Many railroad costs, both costs directly related to the services provided and those shared among services, by their nature are incurred through jointly used crews, crew bases (locations where train crews report for work), support teams/facilities, maintenance facilities, and stations. Therefore, cost allocation methods and procedures are needed to fairly apportion these costs. The Amtrak Performance Tracking (APT) system will provide the basis for allocating “to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than one route”.

In some cases, Amtrak and the States may agree to use supplemental financial data to adjust the results of the APT system, including, for example, local methodologies for measuring fuel consumption, which are not available nationally. Pursuant to part (b) of Section 209, if changes to Amtrak’s financial systems result in a material change to the results of the APT system, Amtrak will work with its State partners to update this policy in a manner consistent with the intent of Section 209.

Northeast Corridor – PRIIA Section 212. The Northeast Corridor Commission was authorized in PRIIA in recognition of the inherent challenges of coordinating, financing, and implementing major system improvements that cross multiple jurisdictions.

The Northeast Corridor Commission is comprised of members from each of the Northeast Corridor States, Amtrak, and the U.S. Department of Transportation and includes non-voting

representatives from freight railroads, commuter railroads, and States with connecting corridors. The expectation is that by coming together to take collective responsibility for the Northeast Corridor (NEC), these disparate stakeholders will achieve a level of success that far exceeds the potential reach of any individual organization.

Realizing a bolder vision for the future requires unprecedented collaboration. Comprehensive planning is difficult for a system that spans eight States and the District of Columbia, supports nine passenger rail operators, including four of the five largest commuter rail services in North America, serves four freight railroads, and has four separate infrastructure owners. It is a challenge to ensure that near-term capital projects align with long-term infrastructure and service plans. A key charge for the Commission is to work with its members to develop strategies for coordinated action.

By bringing the key stakeholders to the table, the Commission is making a difference in the governance of the Northeast Corridor. For the first time, all of the stakeholders are joining together in an attempt to develop a Corridor-wide five-year capital program. This is part of a desire among the Corridor's owners and operators to take shared responsibility for the Corridor and to share in decision-making. The NEC intends to have a draft five-year program that is agreed to by all of the Corridor's owners and operators this fall.

The five-year program will inform the cost allocation process that the Commission is currently undertaking. A major responsibility of the Northeast Corridor Commission is the development of a standardized formula to allocate costs, revenues, and compensation among NEC owners and operators that ensures each service takes the full financial responsibility for its use of NEC infrastructure and related facilities. The statute also requires that there is no cross-subsidization between commuter, intercity, and freight transportation.

Fundamental to reaching agreement and implementing a new approach to corridor maintenance and development is that funds generated by increased State and Amtrak financial contributions do not replace Federal funding, but remain in the Corridor to leverage higher levels of overall federal and State investment.

Section 305 Next Generation of Corridor Equipment Pool Committee (NGEC Committee).
AASHTO supports reauthorizing the NGEC Committee at the fiscal year 2008 authorized level of \$5 million and supports the continued eligibility of rolling stock and locomotive equipment as eligible capital expenses.

A key component of PRIIA was a directive to Amtrak to establish the Next Generation Corridor Equipment Pool Committee (NGEC) "...to design, develop specifications for, and procure standardized next-generation corridor equipment."

The NGEC Executive Board held its initial organizational meeting in January 2010. The Board is comprised of representatives from eleven (11) States, Amtrak, and the Federal Railroad Administration (FRA). Subcommittees have been established to carry out specific responsibilities, including a technical subcommittee that has benefitted from the participation of hundreds of private sector experts from dozens of equipment manufacturers, supplier companies

and railroad operating companies and agencies. AASHTO was retained to provide support services.

PRIIA requires that equipment purchased with federal funds comply with specifications developed by the NGENC Committee. In addition to developing standardized specifications, the NGENC Committee is ensuring that equipment consistent with these specifications is procured.

In a remarkably short time since January 2010, the NGENC has developed, adopted, and promulgated five specifications for next generation rail equipment. A ground-breaking multi-state procurement has been completed and another is underway. The specifications (with date of approval) are for:

- Bi-level cars (7/31/2010)
- Single-level cars (2/15/2011)
- Single-level trainsets (3/16/2011)
- Diesel-electric locomotives (7/2/2011)
- Diesel Multiple Units (DMUs) (9/4/2012)
- A specification for dual-mode locomotives is currently under development.

In 2012, the California Department of Transportation served as the lead State and the Illinois Department of Transportation participated on behalf of itself and Missouri, Michigan and Iowa. This historic procurement effort required unprecedented cooperation among the States, their counsels, and procurement officers to reconcile differences among the States and make a group purchase possible. Amtrak provided technical expertise and the FRA provided substantial support and coordination throughout the process. A similar effort is currently underway, led by the Illinois DOT, for the procurement of diesel-electric locomotives.

The Committee's achievements can be described in terms of the specifications it has developed and the current and future procurements it is supporting. However, the benefits produced are broader, deeper, and more far-reaching. States and the federal government will spend less on passenger rail equipment and Amtrak, its funding partners and other passenger rail operators will have lower operating and maintenance costs. The U.S.-based rail equipment manufacturing and supply industry will increase their output and employ more workers. Ultimately, and most importantly, the traveling public will get more and better equipment to satisfy its demand for rail travel as part of the nation's multimodal passenger mobility system.

WHERE DO WE GO?

By 2050 the population of the United States will increase by 100 million and we will need to move 4 billion more tons of freight per year. It is inconceivable that the nation will be able to satisfy the future demand for personal and goods mobility without an expanded, efficient and integrated rail system. To get there from here a strong state/federal partnership will be central, as it is for the ongoing development and preservation of the highway system.

Federal Role. AASHTO believes that there is a Federal investment role for intercity passenger rail in the Northeast Corridor, in State Supported Corridors, and in improving intercity passenger rail service, including long distance trains. Congress has the opportunity to describe this role more clearly but such clarification should not have the effect of jeopardizing current services. For example, current intercity passenger trains serving distances over 500 miles should remain a Federal priority.

There is a federal role in the maintaining the “backbone” for supporting the continued operations of the various business lines for intercity passenger rail including the safety and security of such business lines.

National Rail Policy. National rail policy, must be just that a national policy. As called for in the 2008 legislation, AASHTO supports the development of a National Rail Plan that should be a vision for both freight and passenger. This vision should be part of a larger vision for a national transportation network and incorporate planning tools and maps to be illustrative of infrastructure needs.

Intercity Passenger Rail Funding. Congress and the Administration provide for long term stable funding for intercity passenger rail with dedicated, guaranteed funding similar to the Highway Trust Fund with firewalls, guaranteed levels of spending and contract authority.

Rail Financing Tools. Financing must be an important piece of the national rail policy and should include the full range of financing techniques from grants to tax incentives and including improvements in TIFIA and RRIF.

National High-Performance Rail System. AASHTO supports the FRA’s proposal for a new, coordinated approach to rail investments entitled the National High-Performance Rail System (NHPRS). The NHPRS would replace and consolidate existing rail programs including the Amtrak grants and capital assistance for intercity passenger rail with a focus on current passenger rail service and a separate category focused on expanding and improving the passenger and freight rail networks to accommodate growing travel demand.

Expedited Project Delivery. AASHTO supports application of the MAP-21 project delivery streamlining measures to rail projects both freight and passenger. The reduction in the amount of time that it takes for a rail project to move from planning to actual construction could be reduced in half and thus save countless millions in escalating construction costs. Agencies of the USDOT should accept lead federal agency responsibilities on state transportation projects of the type that would typically fall under the purview of their specific USDOT agency, even when the project does not appear as fully funded in the TIP with part of the funding passing through that USDOT agency at the time of the environmental document.

Appropriate environmental documentation for transportation projects is typically determined by the known or anticipated source of the project funds. For those projects that anticipate use of federal funds, a federal environmental document (CE, EA or EIS) is generally prepared. In many cases, application for federal funding sources requires a completed federal environmental document.

A federal environmental document requires the cooperation of a federal lead agency. The difficulty for state transportation agencies is that the actual funding may not be available to

construct the project at the early stages of project planning when the environmental document must be performed. Because the future federal funding has not been committed, the federal transportation agencies do not want to commit to be the lead federal agency on a project where the project does not appear as fully funded in the TIP. This reticence is understandable because of the resource requirements associated with being the lead federal agency on any transportation related environmental document.

Safety. Safety continues to be a top priority for the State departments of transportation. We must continue to do everything in our power to eliminate traffic fatalities and traffic injuries. We must look at corridor specific measures that will reduce fatalities and injuries and allow States the flexibility to use new technology, combining of resources and to partner with the private sector in innovative approaches that will lead toward zero deaths, including those at rail highway grade crossings.

AASHTO urges Congress to reauthorize Operation Lifesaver funding in the new rail safety bill so that their important lifesaving work can continue.

Operation Lifesaver (OL) is the national nonprofit rail safety education organization whose mission is to end collisions, injuries and deaths at highway-rail grade crossings and on rail property. OL offers free rail safety education programs in the 50 States, and its trained volunteers across the U.S. reached more than 2.7 million people last year through presentations at schools, trucking companies, school bus districts, police departments, and special events like safety trains, community and state fairs, and enforcement activities targeting drivers near rail crossings.

Section 206 of the 2008 Rail Safety Improvement Act authorizes Federal Railroad Administration funding for OL, which supports the lion's share of OL's safety education programs. These education tools include e-Learning training for professional drivers and school bus drivers and in-person rail safety instruction for law enforcement and other first responders. OL works with State DOT's, the railroads, transit agencies, and U.S. DOT to target high-risk railroad crossings and rail corridors and focus safety education messages to the those geographic areas and audiences. OL safety messages are reaching new and expanded audiences through both traditional and social media. Over its 40-year existence, OL has helped reduce the number of rail crossing collisions by 83 percent, from a 1972 high of roughly 12,000 annual incidents to approximately 1,953 incidents in 2012. However, trespassing on railroad rights-of-way is on the rise, and every year since 1997, more people have been killed while trespassing on tracks than from vehicle-train collisions at railroad crossings.

Research. AASHTO and its members support the reauthorization of the National Cooperative Rail Research Program (NCRRP).

This program was established in PRIIA and the NCRRP conducts applied research on problems important to freight, intercity and commuter rail operators. AASHTO and its members participate in the NCRRP through selection of research proposals. Research is necessary to solve common operating problems, to adapt appropriate new technologies from other industries, and to introduce innovations into the rail industry. The NCRRP carries out applied research on problems that are shared by freight, intercity passenger, and commuter rail operating agencies and are not being adequately addressed by existing federal research programs. The NCRRP undertakes research and other technical activities in a variety of rail subject areas, including

design, construction, maintenance, operations, safety, security, policy, planning, human resources, and administration.

The primary participants in the NCRRP are (1) an independent governing board, the NCRRP Oversight Committee (ROC), appointed by the Secretary of the U.S. Department of Transportation with representation from freight, intercity passenger, and commuter rail operating agencies, other stakeholders, and relevant industry organizations such as the Association of American Railroads (AAR), the American Association of State Highway and Transportation Officials (AASHTO), the American Public Transportation Association (APTA), and the National Association of Railroad Passengers (NARP) as vital links to the rail community; (2) the Transportation Research Board of the National Academies as program manager and secretariat for the governing board; and (3) the FRA as program sponsor. The NCRRP benefits from the cooperation and participation of rail professionals, equipment and service suppliers, other rail users, and research organizations. Each of these participants has different interests and responsibilities, and each is an integral part of this cooperative research effort.

The governing board for the NCRRP was named by US DOT in early 2012 and met in May 2012 to select initial research projects using its one year of program funding. Projects selected include the following:

- Comparison of Passenger Rail Energy Consumption with Competing Modes
- Intercity Passenger Rail Service and Development Guide
- Intercity Passenger Rail in the Context of Dynamic Travel Markets
- Building and Retaining Workforce Capacity for the Railroad industry
- Alternative Financing Approaches for Passenger and Freight Rail Projects
- Developing Multi-State Institutions to Implement Intercity Passenger Rail Programs
- Legal Aspects of Rail Programs

Work is underway on these initially-selected research topics. Continuation of the NCRRP will be contingent on the PRIAA reauthorization process and subsequent annual funding decisions.

In addition to continuing the NCRRP the Congress should reinstate the National Cooperative Freight Research Program. This program was authorized in SAFETEA-LU but not continued in MAP-21. It has produced a substantial body of work that has provided useful intelligence for practitioners on both the public and private sides of freight transportation, including rail. It is unfortunate and probably inadvertent that in MAP-21, which has substantial freight transportation provisions that the research program intended to inform policy and practice in this area was not continued. It should be reauthorized.

CONCLUSIONS

Today, we are discussing national rail policy at a time in history when all of the nation's transportation systems have matured. Highway, rail, maritime, and air—passenger and

freight—have developed from different points in time, independently and with little effort in the public sector to coordinate and integrate. Just last week AASHTO issued the *AASHTO Maritime Freight Transportation Bottom Line Report*. One theme of that report is the need to understand the connections and interrelationships among the modes of transportation to maximize the performance of each and of the system as a whole. Another theme is the mix of ownership and authority. Maritime has a very complicated arrangement of public and private and federal, state, and local responsibilities. Highway infrastructure is public with the most heavily-used portion of the system owned and managed by states with substantial support from the federal government. Freight rail is a private sector enterprise with public regulation and some public investment. Passenger rail is a publicly-funded service operating on shared infrastructure, most of which is owned by private freight rail companies.


It is clear that as we move forward towards a national rail policy we should be clear about the objectives, as AASHTO policy puts it:

“A robust national rail transportation network that moves both passenger and freight effectively and efficiently across international borders across state lines, and within regional and state lines, and within regional and state boundaries is essential to this national’s continued growth and vitality....A national rail transportation policy is needed.”

To achieve the objectives, however, we must be flexible with respect to organization and process. Progress toward these objectives will be incremental. It will require unprecedented coordination between the public and private sectors and between the federal government and state governments. It will involve integration of modes of transportation beyond anything we have seen in the past.

It will be a long journey, but today is a good day to start.

**Michael Peter Lewis, Director
Rhode Island Department of Transportation
2 Capitol Hill
Providence, RI 02903**



SUMMARY

Director of Rhode Island Department of Transportation and Board member of Rhode Island Public Transit Authority, Rhode Island Turnpike and Bridge Authority and Rhode Island Public Rail Corporation since March, 2008. Prior to appointments in Rhode Island, served as the Director of Boston's Central Artery Tunnel Project (The Big Dig) from April 2000 until Project completion in 2007. Reporting directly to the Chairman of the Massachusetts Turnpike Authority, was responsible for the day to day management of all aspects of the \$14.8 billion planning, design and construction program widely recognized as the most complex and technologically challenging public works project in the nation's history. Was lead Project interface with all federal, state and local legislative, regulatory, permitting and oversight entities. Led project coordination and issue resolution with Project stake holders including the Boston business community, local neighborhood groups and environmental advocacy organizations. Developed a reputation for decision making through systematically analyzing issues, building relationships and reaching consensus among staff, decision makers and outside stakeholders in order to select, defend and implement practical solutions.

PROFESSIONAL ASSOCIATIONS

President - American Association of State Highway and Transportation Officials (AASHTO)

Chair - Sub Committee on Construction (AASHTO)

Executive Committee Member - Northeast Corridor Infrastructure and Operations

Advisory Commission (NEC)

Executive Committee Member - Transportation Research Board (TRB)

Executive Committee Member - Strategic Highway Research Program II (SHRP II)

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PROFESSIONAL EXPERIENCE

Rhode Island Department of Transportation
Director

March 2008-Present

Responsible for the development, implementation and management of transportation policy and infrastructure programs for the State of Rhode Island. Successfully expanded commuter rail operations in Rhode Island including the opening of a new multi-modal station at T.F. Green airport. Led a public awareness campaign on the state of transportation investment in Rhode Island resulting in significant legislative and policy reforms including less reliance on debt, increased revenues to transportation and an expansion of toll opportunities. Implemented Department management and policy reforms resulting in significant improvements in project budget and schedule performance. Initiated performance management business practices in the Department including the development of performance metrics across all divisions. Created an office of Asset Management to coordinate the development of a Department wide system for tracking Department assets for improved efficiency and funding prioritization.

MASSACHUSETTS TURNPIKE AUTHORITY (MTA)
Project Director, Central Artery/Tunnel Project

April 2000-December 2007

Responsible for management of all aspects of design, construction and administration of the \$14.8 billion Central Artery/Tunnel project including:

- **Design:** Led multi-discipline teams to develop unique design solutions to resolve complex geometric, geotechnical and structural challenges necessitated by the creation of 161 lane miles of interstate highway, including five interchanges, within Boston's existing densely developed, historic urban setting. Utilized innovative technologies to maximize efficiency, minimize disruption, and mitigate environmental and community impacts. Oversaw the management of over sixty individual design contracts in an integrated management plan.
- **Construction:** Oversaw management of over 150 construction contracts of up to \$ 400 million each with a combined value of over \$ 9 billion. Directed the Project's contract administration group in the resolution of contract claims using innovative and traditional dispute resolution procedures including the contractually required use of Dispute Review Boards, as well as mediation, arbitration and when necessary litigation.

- Administration: Supervised Project administration including:
 1. MTA Board of Directors liaison- Presented all Project policy and contract issues requiring Board authorization.
 2. Budget management- Led the development of annual Cost and Schedule Updates resulting in publication of annual Finance Plan which was referred to as a “national model” by the Inspector General of the United States Department of Transportation. Refined the Project Management Monthly (PMM) report as an improved tool to track key Project schedule, cost, safety and other vital progress metrics. Reported results in monthly public meetings attended by oversight agencies, media and general public.
 3. Owner Controlled Insurance Program (OCIP) - Directed the Risk Manager for the MTA in the oversight and administration of the \$ 600 million OCIP which provided hundreds of millions of dollars in savings (compared to traditional contractor supplied workers compensation and general liability insurance) while expediting claim resolution, minimizing litigation and contributing to the Project’s exemplary safety record.

Deputy Project Director, Central Artery/Tunnel Project

May 1999-April 2000

- Reporting to the Project Director, responsible for oversight of engineering and construction including completion of the Leverett Circle Connector Ramps in October 1999, the first major project milestone since the opening of the Ted Williams Tunnel in 1995 .
- Oversaw an updated project cost and schedule assessment that led to a significantly revised project budget and a reorganization of project management and leadership.

Various positions, Central Artery/Tunnel Project

February 1992-May 1999

(Note: Per legislation, project management of the CA/T was transferred from MHD to MTA in July 1997 requiring a change in employer status with no change in my functional or reporting responsibilities)

- Led the public Master Planning process for the redevelopment of thirty acres of open space created by the removal of the elevated Central Artery. Worked cooperatively with the Boston Redevelopment Authority (BRA), The Artery Business Committee and The Boston Green space Alliance through a community based planning process to develop the park designs that have now become the Rose Fitzgerald Kennedy Greenway.
- Led multi-discipline design team to redesign the I-90 Fort Point Channel section of the project avoiding over \$ 500 million in projected construction cost escalation.
- Successfully directed the design, led the community consultation process, prepared and filed the state and federal environmental impact statements for the redesign of the I-90/Route 1A Interchange in the politically charged neighborhood of East Boston. Coordinated implementation with all affected agencies including the Massachusetts Port Authority's Logan Airport, the MBTA and the City of Boston. Successfully defended a federal lawsuit and appeal challenging the design thereby avoiding any construction delays.
- Led the Project design and environmental re-evaluation of the Charles River Crossing portion of the Project including the Leonard P. Zakim Bunker Hill Bridge. Achieved broad community consensus on the concept through an extensive consultation process. Led an international bridge design review panel to ensure the constructability of the unprecedented Zakim Bridge, ensuring federal funding approvals.

MASSACHUSETTS HIGHWAY DEPARTMENT (MHD)

Various positions

June 1984-January 1992

EDUCATION

University of Vermont: Bachelor of Science in Civil Engineering - 1983

Chi Epsilon National Civil Engineering Honor Society

McGill University: Civil Engineering program 1981- 1982

PROFESSIONAL AFFILIATIONS

American Society of Civil Engineers

Boston Society of Civil Engineers

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Truth in Testimony Disclosure

Pursuant to clause 2(g)(5) of House Rule XI, in the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include: (1) a curriculum vitae; and (2) a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness. Such statements, with appropriate redaction to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

(1) Name:

Michael P. Lewis

(2) Other than yourself, name of entity you are representing:

American Association of State Highway and Transportation Officials (AASHTO)

(3) Are you testifying on behalf of an entity other than a Government (federal, state, local) entity?

YES

If yes, please provide the information requested below and attach your curriculum vitae.

NO

(4) Please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by you or by the entity you are representing:

**Contract Amount - \$8,493,778 – US DOT / FHWA -
DTFH61-13-D-00010 “Construction Management Team”, awarded 1/30/13**

**Contract Amount - \$3,232,899 – US DOT / FHWA –
DTFH61-12-H-00001 “Center for Environmental Excellence”, awarded 7/1/2012**

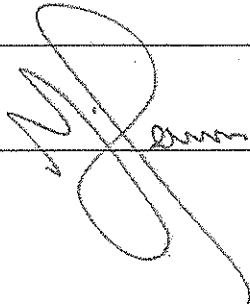
**Contract Amount - \$39,950.00 – US DOT / FHWA –
DTFH61-12-P-000047 “Making Progress: Transportation Planners and
Programmers Turn Ideas Into Reality Conference” awarded 3/26/12**

**Contract Amount - \$35,000.00 – USDOT / FHWA –
DTFTH61-12-P-00073 “Effectively Communicating Transportation Funding Issues
Conference” awarded 5/16/12**

**Contract Amount - \$35,000 – USDOT / FHWA –
DTFH61-12-P-00092 “Scenario Planning Peer Exchange Practitioner Conversation
Conference” awarded 6/20/2012**

**Contract Amount - \$13,540 – USDOT/FHWA –
DTFH61-12-P00118 “Asset Management Peer Exchange – Beyond Pavements and
Bridges – A Focus on Implementation” awarded 8/17/2012**

Signature

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a smaller, less distinct signature.

Date

6/24/13