

# Federal Decision-Making in Transportation Investments: Getting the Federal Government to do “the Math”



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Building America's Future

## I. Introduction

Compared to many of its international counterparts or the private sector, the U.S. government is noteworthy for the remarkable lack of goal-based criteria or performance measures in its infrastructure programs. Furthermore, we face an even more basic problem – our extremely poor data collection at the federal, state and municipal level makes it nearly impossible to determine if we are spending our infrastructure dollars wisely or even what we are spending. At the same time, without clear policy goals for infrastructure investment, it is difficult to set data-gathering priorities.

There is a growing consensus among transportation professionals, advocacy groups, academic and think tank experts and some members of Congress and their staffs that for the next surface transportation bill we should develop a strong, national performance goals and, just as importantly, figure out how to measure and implement them and provide adequate resources for that measurement.

But there are formidable institutional, cultural and political barriers that have prevented Congress and recent administrations from grappling with the difficult task of setting goal-based and meaningful performance criteria or tasking executive agencies to do so, and in implementing those goals so that they actually drive investment decisions.

This paper seeks to look at the current state of Congressional and executive agency understanding of data collection and performance criteria in our nation's transportation systems and makes recommendations on ways to better inform and motivate Congressional staff and members and administration officials to better use these tools in their analysis and crafting of the next surface transportation bill. With major economic recovery legislation currently under debate, the question of how to ensure those funds can be spent wisely could not be more timely and important.

## II. Methodology

In order to get a sense of what the current thinking was on the issue of performance standards and accountability, Building America's Future conducted a 90-minute focus group with an ideologically diverse, bipartisan and bicameral group of past and present Congressional transportation staffers, transportation experts from the Congressional Research Service (CRS), as well as experts from U.S. Department of Transportation (U.S. DOT) and the U.S. Bureau of Transportation Statistics (BTS). The group had many decades of combined experience and most had worked on two or three of the most recent surface transportation reauthorization bills: the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), which passed in 1998, and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), which passed in 2005. The list of participants and their biographies is included in Appendix I. The participants were asked to consider and discuss three questions:

- 1. Setting Goals and Performance Criteria:** What are the institutional, cultural and political barriers within Congress, U.S. DOT and the state DOTs to setting goal-based and meaningful performance criteria for our nation's transportation systems? What have been your specific experiences with the issue of setting goals and performance standards for transportation either working with members of Congress and Congressional staff or at an executive agency?
- 2. Collecting Data, Implementing Performance Criteria and Accountability:** How do we provide the right “carrots and sticks” for states to gather data and accurately track and report their performance when federal funds are at stake? And how do we implement and provide adequate resources and oversight of that reporting without subjecting states to a lot of cumbersome bureaucracy?
- 3. Recommendations for the Obama Administration and 111th Congress:** What are some key recommendations we can make to both the 111th Congress and the Obama administration about how to enhance their own use and understanding of data collection and

analysis, setting goal-oriented criteria, and performance measures for infrastructure investment, particularly in the context of the economic recovery bill now under discussion?

Building America's Future also conducted interviews with Congressional experts on No Child Left Behind to compare the experience of data collection, setting performance goals, and holding the recipients of federal funds responsible for outcomes.

### III. Congressional and State-Level Hostility to Performance Goals and Accountability

On the plus side, there was an impressive turnout for the focus group -- experts in the field are clearly interested in taking a fresh look at the challenge of improving the accountability and performance of the federal surface transportation program. And most of the participants acknowledged that they are aware of the new thinking and reform proposals that are emerging from a number of transportation, environmental, smart growth, civic and philanthropic groups, as well as think tanks like Brookings Metropolitan Policy Center.

However, the overwhelming sense of the group was that although there were funding and technical issues to be addressed in improving performance measures and data-gathering, the largest problem by far was the political resistance from members of Congress, Governors, and state DOTs. At the focus group, there was evident demoralization and concern about Congressional retribution against administration officials and staff. It permeated the discussion and while there was a lot of agreement on the problems the federal surface transportation programs face, the participants were often reticent to advocate dramatic reforms, in clear contrast to those in the advocacy community.

For example, one of the participants admitted that the Federal Highway Administration (FHWA) explicitly forbids its staff from releasing certain types of data, especially any state-by-state comparison of performance, because they fear that if they do, angry state transportation secretaries will complain to their members of Congress, who will then reduce the agency's funding as punishment. One former Congressional committee staffer said that FHWA would "get frustrated and angry with me" for trying to get information about how the money was spent.

One former Congressional staffer noted: "When a Member of Congress decides whether or not to vote for something, they don't call a think tank, they call their state DOT." In other words, members of Congress and their staffs rarely take a critical look at their state DOT's performance and do not really have the data to do so even if they wanted to. As we shall see later in this paper, this is in marked contrast to the approach seen in education policy.

And one participant noted that FHWA is "scared to death" of the idea of publishing basic comparisons of how well states are managing their transportation portfolios, because if they did, it would clearly demonstrate that some states "are doing a terrible job." They also admitted that "We don't know what we've bought. We don't know the vast

majority of projects." Even more troubling, one participant noted that one of the "problems" with using benefit-cost analysis is that all the most highly-rated projects tend to be "in cities," implying that is a political barrier.

At the same time, the group noted that state level affiliation groups like AASHTO (American Association of State Highway and Transportation Officials) and NGA (National Governors Association) also avoid publishing comparisons that show any individual state in an unfavorable light. AASHTO does compare states on various transportation measures, but does not name the specific states, except to highlight those engaging in "best practices." NGA's research center is in fact called the "Center for Best Practices."

### IV. The Enduring Strength of the Formula Fight and the Popularity of Earmarks

Congressional and CRS staff were also exceedingly pessimistic about escaping the "donor/donee" fight, which revolves around whether or not each state receives back what it has paid into the Highway Trust Fund in gas taxes, or more broadly, ensuring that your state receives the most money, no matter what. Many of the roundtable participants expressed the belief that the donor/donee fight dominates every other consideration. In considering a more competitive, performance-based system, one participant asked: "Is there any way Congress can tolerate not knowing where all the money is going to go?"

And in the most recent reauthorization, SAFETEA-LU, the legislative solution to the donor/donee fight was an "equity bonus" program that in the end guaranteed many states a non-negotiable sum of money no matter what the complex formulas or discretionary programs would otherwise provide. In truth, it is pretty much acknowledged that in SAFETEA-LU and to a large degree, in TEA-21, the previous reauthorization, a table showing how much money each state was going to get as well as each state's percentage share of the overall pie were negotiated first and then the formulas were more or less jiggered around to get that result.

As one roundtable participant so ably described the current situation: "For many members of Congress, the performance measure is how much money they bring home...How do you change that behavior? Right now that is the only measure that sells, that gets them in the local papers." And this author, as a former Congressional staffer, can attest to the urgency members feel to deliver a specific amount of transportation dollars that is both much larger than what the state or district got in the last reauthorization bill and a comparable percentage of the overall funds to what the state or district got in the last reauthorization bill. Members often believe that outcome to be of great importance to their reelection efforts.

As such, several of the participants observed that Congress is not at all equipped to discuss the true national purpose of our federal transportation program or even to resolve the fight between highway and transit funding. One even noted that: "The only time national interest comes up is for parochial interest," i.e., generally the "donee" states arguing about why they deserve a bigger share of the pie.

In the House, earmarks generally represent a more important part of members' political calculations and as such, it is no coincidence the House Transportation Committee, with 75 members, is by far the largest committee in that body. Many members of that committee join explicitly to get a larger share of earmarks in infrastructure bills. Of course there are many members, especially in the committee leadership, who focus on policy considerations as well.

And efforts to allocate funds on a competitive basis have met with very little success in the past. For example, some of the Congressional staffers cited the \$1.78 billion "Projects of National and Regional Significance Program" (PNRS), created in SAFETEA-LU, as a good example of a program where they worked hard to craft performance criteria. And the list of criteria (see below) indeed includes many of the goals that are currently popular with reform-minded advocates:

- generate national economic benefits
- reduce congestion
- improve transportation safety
- enhance the national transportation system
- garner support for non-federal financial commitments and the degree to which federal investment is leveraged
- provide evidence of stable and dependable financing for construction, maintenance, and operation of the facility
- use new technologies that enhance project efficiency
- help maintain or protect the environment

However, in the end the money was all earmarked to specific projects, despite the fact that U.S. DOT's website makes it appear as if the funds are to be awarded competitively.

When this author asked the group how well the PNRS program had worked and what projects it had funded, no one really knew, except to note that a lot of the big earmarked projects did not use all their funds since they were unable to come up with the local match – a clear indication that many of them probably lacked merit or local political support or were not really far enough along in the planning process.

Another example discussed was U.S. DOT's creation of the Urban Partnership Program, which used Fiscal Year 2006 Bus and Bus-Related Facilities funds that were not earmarked to award competitive grants to metropolitan areas to reduce congestion through tolling, transit, telecommuting and technology. While many transportation experts welcomed this program as a promising and creative experiment using a modest amount of federal funds, it had fierce

critics in Congress who opposed using bus funds to help a few large cities instead of the normal practice of earmarking the funds and spreading them to many bus systems, large and small, across the country.

Another example discussed was that of attempting to build support for the National Infrastructure Bank Act, which was sponsored by Senators Christopher Dodd and Chuck Hagel. In that instance, the staff tried to explicitly promote using merit-based project selection and "get away from the chart that shows how much money every state gets." And there was a sense that Members were somewhat receptive, or at least found it hard to admit that their states would not do well under a competitive approach. That said, there was great skepticism among some of the participants that an infrastructure bank model could ever work. And, since the focus group discussion, efforts to include an infrastructure bank pilot project in the economic recovery package have in fact met with strong Congressional opposition, despite President Obama's support for the concept.

But to end on a positive note, when pressed, some of the Congressional participants noted that Members are starting to hear more negative feedback from constituents and transportation groups and acknowledge that reform is necessary and that some are determined to achieve more accountability and fewer earmarks. Furthermore, others noted that "earmarking is about leadership. The leadership in the last few bills liked earmarking." And both President Barack Obama and Speaker Nancy Pelosi have stated their public opposition to earmarking.

And it appears that the concept of accountability has started to take hold. It seems certain that the emerging economic recovery legislation will include unprecedented transparency measures, including an online list of projects accessible to the public, certifications by governors and mayors that the projects are worthy, "use or lose it" requirements, and the creation of a Recovery Act Accountability and Transparency Board. While the Board is an oversight system to track and report on spending after the fact, it has the potential to evolve into an entity that can collect data and analyze what return on investment we are getting for our infrastructure dollars and set national goals for how we might better invest those funds in the future and evaluate specific projects.

## V. Federal Role, Performance Criteria and Data Collection

The participants expressed skepticism, even fatalism, about reaching agreement on performance criteria, given how broad the spending categories for the federal transportation programs have become. Several noted that, in truth, 87 percent of the money went directly to the states as a block grant, with very flexible criteria on how to spend it. They noted that during SAFETEA-LU, Chairman Don Young had fiercely resisted any additional requirements on states and that such beliefs had contributed to the repeal of the requirement of Major Investment Studies for large transportation projects.

For example, the group debated how difficult it was to agree upon highway performance standards, looking at the Federal Bridge Repair and Replacement Program and the fact that the program actually rewards states with the worst bridges, which may be an indication of bad performance. Likewise, there are so many modes even within transit – heavy rail, light rail, buses, trolleys, ferries – that it is difficult to know how to compare them or come up with system-wide measures. And one participant noted that while transit agencies must submit numerous metrics to the Federal Transit Administration, we still do not have agreement on what we are trying to achieve with transit – people moved or connecting to other systems or transit-oriented development or greenhouse gas reductions or some weighted average of all of the above?

And there also appeared to be a reluctance to interfere with state practices on the part of the agency officials. One of the participants noted that there are 10 states that consistently consider cost benefit, ridership, congestion reduction, and economic development impacts when evaluating projects and another 20 states that did so sometimes. But none of the U.S. DOT officials gave any indication that they were doing anything to encourage or standardize this type of analysis.

When asked about how best to address different federal/state matching rates on highways (80/20) versus transit (approximately 50/50), most of the participants appeared uncomfortable even acknowledging the problem. Although humorously, one transit expert was quite shocked to learn that not only was the highway match typically 80/20 but even as high as 90/10 for the Interstate Maintenance program. One participant suggested that the federal match should be related to the actual federal interest in and benefit from a given project, and this author proposed an 80/20 match for “fix it first” projects regardless of mode, and 50/50 for all new construction, but generally the group showed little interest in discussing what is clearly a key driver of state and local investment decisions.

And it is clear that the Bureau of Transportation Statistics (BTS), which was originally envisioned as a source for robust, independent, top-quality research, has been struggling with many issues, including loss of independence, since its placement within the U.S. DOT Research and Innovative Technology Administration in 2004. There have also been a number of surveys and research programs cancelled and an increasing amount of research funding earmarked. BTS has experienced a lot of turnover in leadership and staff and, as a result, has had a rapid succession of strategic plans, coming on an almost annual basis.

Participants noted that Congress earmarks half of U.S. DOT’s research money. One participant cited an example where research money was earmarked for a Michigan police radio project. The participant noted that lobbyist who secured the earmark admitted that the research should more properly be conducted by the U.S. Department of Homeland Security, but said: “You can’t earmark homeland security, it’s too important.”

In the end, that example underscored what many of the participants expressed – a feeling that in our political system, at the federal level, transportation is a very low priority for most members of Congress and top administration officials. Again, this is in marked contrast to what the education experts experience with their program.

## VI. Comparative Case Study – “No Child Left Behind”

In 2002 President Bush signed into law “No Child Left Behind,” a landmark education reform bill that for the first time set benchmarks for schools to meet real -- and often controversial consequences -- for failure. NCLB was especially noteworthy for its rigorous data collection and disaggregation requirements for schools, which had to track student performance by race, English language ability, and disability, which many schools had never done before.

The process by which Congress and the Bush administration crafted NCLB provides some useful lessons and cautionary notes for applying some of the same principles and requirements to transportation funding. While NCLB has allowed policymakers to understand school performance, especially for different ethnic groups, in a profound new way, there has also been a large backlash against NCLB from states and school systems who found the Act’s requirements inflexible and often punitive for the schools with the most academically and economically disadvantaged students. The Act also created a very long list of schools that have been labeled “failures,” which aroused a lot of emotion and anger on the part of parents and educators, especially in suburban districts.

And there has been extensive analysis of NCLB in recent years, including formation of the 15-member “Commission on No Child Left Behind,” which was chaired by Secretary Tommy G. Thompson and Governor Roy E. Barnes and issued a key report in 2007 called, “Beyond NCLB: Fulfilling the Promise to Our Nation’s Children.”

To gain some insights on what lessons can be drawn from the experience of NCLB and applied to the upcoming surface transportation reauthorization and other infrastructure bills in the future, I was able to interview the Executive Director of the NCLB Commission and two other Congressional education experts. All three have extensive experience with education policy reform efforts in Congress. Their biographies are included in Appendix II.

## VII. Education Versus Transportation

In discussing the cultural differences between policy-making in education and transportation, the education experts observed that the stakes are perceived to be very high with education. They include: the future happiness and success of our children, the future of our nation’s productivity and economic prosperity, and in a broad sense, civil rights and social justice. This has helped create a culture where data collection, testing, and rigorous analysis and comparison across school districts and states are the norm. Parents also

represent a large and active stakeholder in the U.S. educational system and are far more mobilized than transportation users, who are actually a larger group, but far more diffuse and less engaged

Clearly the stakes are not perceived as high on the transportation front, despite the fact that the federal government spends approximately \$90-100 billion per year in transportation, compared to about \$38 billion per year in K-12 public education. In fact, it was interesting to note that the education experts I interviewed, who between them had decades of experience in the Congressional policy-making arena, knew almost nothing about federal transportation policy and were surprised by some of the most basic facts – that there are state gas taxes too, that other countries use their gas taxes as a source of general revenue, that our financing system favors highways over mass transit, or that Amtrak has no dedicated source of revenue.

Furthermore, they had not really made the connection between transportation and economic growth, the environment, social equity, public health or quality of life. It was an eye-opening reminder of how much of what occurs in the current transportation debate is not well-understood by the public, even those who specialize in Congressional policy-making.

But the education experts were quick to realize that in their field there is a widely agreed-upon performance measure – academic success of children, as measured by broadly administered test scores. Of course there is a debate about whether test scores are a sufficient measure and about the deleterious effects of so much focus on testing and test scores, but there is still pretty broad consensus. In transportation, of course, we are still a long way from forging a consensus on what constitutes success, let alone how to test for it.

The Congressional education experts all had their own views about the relative success of NCLB. The general consensus was that the Act had been very successful in raising the achievement of groups within the U.S. educational system, especially disabled children and English language learners, who previously had been relatively neglected. Once the data on their performance was disaggregated and put under a “spotlight,” dramatic reforms followed.

At the same time, the experts warned that one of the biggest problems with NCLB was the lack of standardization in methodology among the states and that the Act too often allowed states to set their own performance thresholds on a variety of indicators. They strongly suggest that since there is so much less data collection at the state level for transportation, that we try to learn from their mistakes and set national standards and guidelines and performance goals for DOTs to follow whenever possible and not let them go off in 50-plus different directions.

And the experts felt that even though in retrospect NCLB has “overreached” politically and produced a backlash which has now made it difficult to continue the reform process, the Act’s focus on disaggregated data, transparency and real accountability, where there is a willingness to say a school has “failed,” was necessary and invaluable. And all felt strongly that by attempting such a bold set of reforms,

an ongoing, passionate, important and sometimes painful dialog on educational quality and accountability has taken hold across the country and will be the Act’s enduring legacy.

It is clear that in the transportation policy-making arena, it is time to attempt some of the bold reforms that NCLB has achieved. In doing so it is clear that transportation would benefit from some of the political advantages the field of education enjoys. At the very least, we have a promising start with the incoming Obama administration, who has discussed the need to achieve results such as job creation and energy conservation. And the economic recovery legislation under consideration clearly demonstrates that Congress is also on board for more transparency and accountability.

## VIII. Recommendations to the Obama Administration and Congress

- **Accountability:** Create a culture of truth-telling, data-gathering and honest analysis and creative-problem solving within the U.S. Department of Transportation. This should start with departmental leadership prepared to act with courage in the face of entrenched political opposition to reform and accountability. The U.S. DOT needs to view its mission as serving a larger set of societal goals, not just state and local transportation department and agencies and industry interest groups.
- **Transparency:** Require the U.S. DOT to publish an annual “report card” for all the State DOTs and big city DOTs, respectively, which compares them on a list of key measures, such as: project cost effectiveness, job creation per dollar invested, congestion reduction, public health, environmental and social equity goals.
- **Independence:** Shield U.S. DOT and its employees from political pressure. Many agencies suffer from politicization and Congressional pressure, but the U.S. DOT has clearly been undermined by it.
- **Data Gathering:** Require the various U.S. DOT administrations and agencies, including FHWA, FTA and BTS, to pursue a far more rigorous research agenda that focuses on collecting longitudinal and comparative data that addresses a more relevant set of policy questions. Data collection is often not linked to policy. For example, BTS cancelled a data series not aware that it is important to the Texas Transportation Institute in their congestion studies.
- **Bureau of Transportation Statistics:** Restore BTS to its former independent status and restore funding and autonomy to its operation. Recruit top experts who can make BTS’s work cutting edge, relevant and essential to policymakers.

- **Uniformity:** Focus on standardizing data-collection in the states and localities to ensure accurate comparisons and analysis. Develop guidebooks for states on how to collect and analyze data uniformly.
- **Funding:** Ensure long-term funding stability and reduce earmarking of research funds by guaranteeing that a portion of all transportation funds – perhaps one percent (\$10 million for every \$1 billion) – be used to fund data collection and analysis at the federal, state and local level. These research funds should be a takedown from the transportation funds and not subject to annual appropriations. Ensure that the money is provided consistently and is not “siphoned off” or “raided” for other purposes.

### Recommendations for the Philanthropic, Non-Profit and Research Community

- **Education and Advocacy:** Build upon the efforts already begun to educate the public, members of Congress and key administration officials about the magnitude and importance of transportation investment and the need for reforming the program. Strengthen grassroots efforts to link transportation with the environment, public health, social equity, and economic prosperity.
- **User Surveys:** Conduct more research focused on transportation system users and how the current systems serves or fails to serve their needs. Such research could be critical in helping policymakers understand the shortcomings of the existing system.
- **Inventory Existing Research:** Conduct a comprehensive, but user-friendly and digestible, inventory and assessment of all major transportation research and data-collection efforts, with recommendations for where additional research and collaboration is needed.
- **Independent and Critical Research:** Supplement the efforts by the federal agencies and groups like the American Association of State Highway Officials (AASHTO) and the National Governors Association (NGA) with more independent research that tackles the tough questions of performance by the different states.
- **Create a New Political Coalition of “Performer States”:** One way to break up the old geographical and donor/done coalitions might be to work more with states, like California for example, that will clearly benefit from a performance-based system that addresses issues like carbon emissions reduction and smart growth.

## Appendix I Transportation Roundtable Participants

### Ron Duych

Senior Transportation Specialist, Bureau of Transportation Statistics

Mr. Duych has over thirty years of experience in the field of transportation research, consulting and project management. Mr. Duych has worked for trade associations, as a consultant to private industry and the federal government. Currently Mr. Duych is a Senior Transportation Specialist at the U.S. DOT's Research and Innovative Technology Administration's Bureau of Transportation Statistics. His work in transportation has been concentrated in freight transport with a primary focus on data collection and analysis. Mr. Duych is currently the co-project manager of the Commodity Flow Survey, a nationwide survey of the flow of goods across our nation's transportation network. In the recent past he was responsible for the production of State Transportation Profile Reports for all fifty states as well as a summary state report.

Mr. Duych is a member of three standing committees of the National Academy of Sciences, Transportation Research Board and is a past president of the Washington Chapter of the Transportation Research Forum and a member of the Road Gang, a Washington D.C. highway transportation fraternity.

### John Fischer

Specialist in Transportation Policy, Congressional Research Service

Mr. Fischer joined CRS in 1977. He is currently a member of the Transportation and Industry Section of the Resources, Science, and Industry Division. During his career Mr. Fischer has also served CRS in a management position as a Section Head.

During his career Mr. Fischer has authored numerous CRS, Congressional, TRB and other publications on various transportation and related topics, including surface transportation legislation (ISTEA, TEA21, & SAFETEA), aviation legislation, airline industry competition and structural change, U.S. international aviation relationships, high speed surface transportation, and the competitive status of U.S. commercial aircraft manufacturing in international markets.

Prior to joining CRS, Mr. Fischer worked as a transportation consultant and in various other transportation related positions. He also served in the Army, rising to the rank of Captain in the Reserves.

Mr. Fischer has an MPA from American University and a BA from Lafayette College. He is very active in outside professional groups, especially the Transportation Research Board of the National Academies, where he is a member of two standing committees and an emeritus member of the Aviation Economics and Forecasting Committee.

### Robert Kirk

Specialist in Transportation Policy with the Congressional Research Service

One of Congress' foremost experts on transportation, Mr. Kirk has written numerous reports over the last 11 years on transportation policy usually focused on highway and airport infrastructure development and finance.

### Sarah Kline

Director, Office of Policy and Government Relations, WMATA

Ms. Kline has been selected to serve as the Director for the Office of Policy and Government Relations. She comes to Metro from the U.S. Senate Committee on Banking, Housing and Urban Affairs (which has jurisdiction over mass transit), where she served as Counsel to Committee Chair, Senator Christopher Dodd. Ms. Kline has extensive expertise within the transit industry and is known on Capitol Hill for her expertise on transit policy and legislative strategy.

### Jim Kolb

Democratic Staff Director, House Highways and Transit Subcommittee

Prior to his work as Staff Director for the House Highways and Transit Subcommittee, Mr. Kolb served as Senior Vice President for Xenophon Strategies, a Washington, D.C. based public and government affairs firm.

Prior to joining Xenophon Strategies Mr. Kolb served as Vice President of Congressional Relations for the American Road and Transportation Builders Association (ARTBA). As a senior member of ARTBA's government relations' team, Mr. Kolb served as the organization's primary liaison to the U.S. Congress. Mr. Kolb also served as program manager for the ARTBA Railroad and Public Transportation Advisory Council, and led a successful effort to rewrite the organization's rail and transit policy.

Mr. Kolb previously spent three years on the staff of U.S. Secretary of Transportation Rodney E. Slater, serving as Director of Congressional Affairs. Prior to joining DOT, Mr. Kolb was a legislative representative with the United Brotherhood of Carpenters (UBC) from 1992 until 1998.

From 1989 to 1992, Mr. Kolb served as a legislative assistant to the Doorkeeper for the U.S. House of Representatives. In his capacity, he served as the Doorkeepers primary liaison with the House floor, congressional offices and committees. Originally from Buffalo, New York, Mr. Kolb graduated from the University of Buffalo with a B.A. in Political Science, and received a Masters of Public Policy from George Mason University.

**William Mallett**

Specialist in Transportation Policy, Congressional Research Service

Dr. Mallett is a Specialist in Transportation Policy with the Congressional Research Service. His research focuses on highways and transit policy. Before joining CRS in 2006, Dr. Mallett served for more than 10 years as a consultant to several agencies within the U.S. Department of Transportation, particularly the Bureau of Transportation Statistics and the Federal Highway Administration. Dr. Mallett holds a Ph.D. in City and Regional Planning from Cornell University.

**Ward McCarragher**

Democratic Chief Counsel, House Transportation and Infrastructure Committee

Mr. McCarragher got his start at the House Transportation and Infrastructure Committee as an intern in 1993. He then spent time at two of the T&I subcommittees before becoming Democratic Chief Counsel in 1998. Mr. McCarragher earned his undergraduate and law degrees from the University of Wisconsin. Before interning at the committee, he worked as a foreign-affairs analyst with the Congressional Research Service.

**Kathy Ruffalo-Farnsworth**

Commissioner, National Surface Transportation Infrastructure Financing Commission

Ms. Ruffalo-Farnsworth is a government affairs consultant who has had a broad, diverse, and bi-partisan career in public policy with 16 years of experience at both federal and state levels of government.

From 1989 to 1999, Ms. Ruffalo-Farnsworth served as a senior advisor to the United States Environment and Public Works Committee – for then Chairman Senator Max Baucus – with the primary responsibility for developing, drafting and negotiating federal transportation policy. During that timeframe, she worked on three major pieces of transportation legislation – ISTEA of 1991; the National Highway System Designation Act of 1995; and TEA -21 of 1998. From 1999 to 2004, Ms. Ruffalo-Farnsworth was a Senior Policy Advisor to Idaho Governor Dirk Kempthorne – currently the United States Secretary of the Interior. After beginning a consulting business in 2004, she was recruited by Committee leadership to work on SAFETEA-LU.

Ms. Ruffalo-Farnsworth is a 1989 graduate of Northwestern University with a B.S. degree in Industrial Engineering and Management Sciences.

**JC Sandberg**

Counsel/Senior Public Policy Advisor

Mr. Sandberg served as counsel to the U.S. Senate Committee on Environment and Public Works from 2001 to 2006. As one of the lead negotiators for members of the Senate, he played a significant role in the passage of SAFETEA-LU. During the surface transportation reauthorization, Mr. Sandberg also advised the Senate Democratic Leader on reauthorization policy and strategy.

During his Senate tenure, Mr. Sandberg also guided legislation through the Senate to aid the relief and recovery efforts in New York City and Washington, D.C. following the September 11th terrorist attacks and organized numerous oversight hearings on federal disaster response, creation of the Department of Homeland Security, and federal transportation policy. He also conducted oversight of the US Environmental Protection Agency's regional enforcement practices.

Mr. Sandberg has a B.S. from Brigham Young University and a J.D. from University of Arizona.

**Amy Scarton**

Democratic Counsel, House Highways and Transit Subcommittee

Ms. Scarton is Counsel for the majority staff of the Subcommittee on Highways and Transit in the U.S. House of Representatives Committee on Transportation and Infrastructure. Ms. Scarton handles transit law and policy for the Chairman of the Committee, Congressman James L. Oberstar.

Ms. Scarton's work for the Committee during the 110th Congress has primarily covered the Federal Transit Administration's implementation of SAFETEA-LU and DOT's compliance with current surface transportation law. Amy has also focused on transit's roll in energy independence, climate change and environmental issues, in addition to metropolitan mobility and transit security.

Prior to her work with the Transportation Committee, Ms. Scarton served as the Chief of Staff to Commissioner Frank Mulvey at the Surface Transportation Board where she specialized in railroad regulation. During the 108th Congress, Ms. Scarton worked for Congressman Earl Blumenauer as his Senior Legislative Assistant where her work covered all transportation modes.

Ms. Scarton holds both a B.A. and a J.D. from Duke University.

**Joshua Schank**

Director of Transportation Research, National Transportation Policy Project, Bipartisan Policy Center

Mr. Schank joined the National Transportation Policy Project in 2007. He is an urban planner who has been working on federal and state transportation policy for the last ten years. Mr. Schank previously worked as a consultant with Parsons Brinckerhoff, and as the Transportation Policy Advisor to Senator Hillary Clinton.



Mr. Schank has also worked as an analyst at the U.S. Department of Transportation Office of the Inspector General, and as a transportation planner at the Metropolitan Transportation Authority in New York City. He currently serves as the President of the Washington, D.C. chapter of the Transportation Research Forum.

Mr. Schank has a Ph.D. in Urban Planning from Columbia University, a Master of City Planning from the Massachusetts Institute of Technology, and a B.A. in Urban Studies from Columbia University. He has published numerous articles on transportation policy and planning, and his first book - *All Roads Lead to Congress: The \$300 Billion Fight over Highway Funding* - was published in October 2007.

#### **Polly Trottenberg, Moderator**

Executive Director, Building America's Future

Polly Trottenberg is the Executive Director of Building America's Future, a new non-profit organization dedicated to bringing about a new era of U.S. investment in infrastructure that enhances our nation's prosperity and quality of life.

Prior to joining BAF, Ms. Trottenberg worked in the United States Senate for 12 years, most recently as Deputy Chief of Staff and Legislative Director for California Senator Barbara Boxer, Chairman of the Senate Environment and Public Works Committee. Ms. Trottenberg also served as Legislative Director for New York Senator Charles Schumer and as Legislative Assistant to New York Senator Daniel Patrick Moynihan. She has worked extensively on transportation, public works, energy and environmental issues during her congressional career.

Before starting her career on Capitol Hill, Ms. Trottenberg worked at the Port Authority of New York and New Jersey, the Massachusetts State Senate, and the Massachusetts Port Authority. Ms. Trottenberg received her undergraduate degree from Barnard College and her Master's in Public Policy from the Kennedy School of Government.

#### **Jim Tymon**

Republican Staff Director, House Highways and Transit Subcommittee

Mr. Tymon is the Republican Staff Director of the Highways and Transit Subcommittee of the House Transportation and Infrastructure Committee. Mr. Tymon's responsibilities include highway policy, highway finance, and pipeline safety issues. Mr. Tymon joined the T&I Committee in 2002 and was the primary staff person responsible for the Highway and Highway Safety titles of SAFETEA LU - the highway and transit reauthorization bill signed into law in August 2005. Mr. Tymon was also the Committee's point person for negotiating the final agreement on the Pipeline Inspection, Protection, Enforcement and Safety Act of 2006 - the pipeline safety legislation passed in the 109th Congress.

Prior to joining the Committee, Mr. Tymon spent three years with the Office of Management and Budget where he worked as the Program Examiner responsible for overseeing the Federal Highway Administration and the Federal Motor Carrier Safety Administration.

#### **Mitch Warren**

Independent Consultant (now staff at the Senate Banking Committee)

Before becoming an independent consultant, Mr. Warren worked at Blank Rome Government Relations. Prior to his work at Blank Rome, he served as Senior Director of National State Relations for Amtrak. In this role he directed Amtrak's state and local government relations program, helped to develop and implement Amtrak's legislative agenda, and managed the Senate appropriations process for the corporation.

Mr. Warren worked for many years in the United States Senate where he staffed senior members on the Appropriations, Budget, and Environment and Public Works Committees and in the Senate leadership. Most recently, he served as a Professional Staff Member on the Environment and Public Works Committee where he advised current Senate Majority Leader Harry Reid (D-NV) on surface transportation issues and committee strategy.

Mr. Warren also worked as a Senior Analyst on the Senate Budget Committee for then Ranking Minority Member Frank Lautenberg (D-NJ), where he handled transportation, Social Security, economic, and housing and community development issues. During his tenure on the Committee, Mr. Warren played a lead role in the development of TEA-21. He also participated in the negotiation of the Balanced Budget Act of 1997 and wrote the innovative High-Speed Rail Investment Act legislation.

Mr. Warren has a B.A. from the University of Pennsylvania and an MPA from the Woodrow Wilson School of Public and International Affairs at Princeton University.

#### **Jack Wells**

Chief Economist, US Department of Transportation

Dr. Wells has been the Chief Economist at the U.S. Department of Transportation since November 2004. Between 2001 and 2004, he was Chief Economist at the Bureau of Transportation Statistics. Dr. Wells was formerly the Deputy Administrator of the Federal Railroad Administration (2000 - 2001), Democratic Staff Director of the House Subcommittee on Railroads (1995 - 2000), and Staff Director of the Subcommittee on Investigations and Oversight of the House Public Works and Transportation Committee (1993 - 1995).

From 1979 to 1993 he was an economist at the U.S. General Accounting Office, working on a wide range of issues in transportation, regulation, and science and technology. From 1975 to 1979 Dr. Wells was Assistant Professor of Economics at George Mason University.

Dr. Wells has a B.A. from Harvard and a Ph.D. from Yale, both in Economics.

## Appendix II No Child Left Behind Discussion Participants

### Alice Johnson Cain

Senior Education Policy Advisor, House Committee on Education and Labor

Ms. Cain is a Senior Education Policy Advisor with Chairman George Miller (D-CA) and the House Committee on Education and Labor. Her expertise includes the Elementary and Secondary Education Act, including No Child Left Behind. In addition to advising Chairman Miller, she serves as a resource on education policy to the committee's Democratic Members of Congress and their staff members.

Ms. Cain has 18 years of experience in education policy. She spent two years at the Children's Defense Fund advocating on behalf of poor, minority and disabled children. Prior to that, she spent six years in the Clinton administration, where she directed the policy office at the National Institute for Literacy and was detailed for a year to Vice President Al Gore's commission on workforce skills. She also worked on the Senate HELP Committee for Senator Paul Simon for five years and at the New Zealand Ministry of Education and New Zealand Department of Labour while on an international public policy fellowship.

### Denise Forte

Director of Education Policy, House Committee on Education and Labor

Ms. Forte has oversight responsibility for all education issues within the jurisdiction of the committee as well as management of the staff of the Education Cluster. The Education Cluster assists in the development of the legislative agenda for pre-K-16 education including career and technical education, STEM education, child care and early childhood education, child nutrition, juvenile justice, national service programs, anti-poverty and community-based programs serving older Americans.

Prior to joining the Committee in 2001, Ms. Forte spent six years in the office of Congressman Robert C. "Bobby" Scott (D-VA03) where her last position was Legislative Director. Ms. Forte started her career on Capitol Hill as a congressional fellow with the Women's Research and Education Institute in Representative Scott's office after working 8 years in the information technology industry. Ms. Forte received her B.S. in Computer Science from Duke University in 1986 and a M.A. in Public Policy with a concentration in Women's Studies from George Washington University in 1996.

### Alex Nock

Deputy Staff Director, House Committee on Education and Labor

Mr. Nock oversees the Committee's work on education, labor, disability and health policy. Mr. Nock last held the position of Director of the Commission on No Child Left Behind, a bipartisan, independent effort to improve the No Child Left Behind Act (NCLB). Prior to the Commission, he worked for over a decade on Capitol Hill developing

education and social policy. In this previous Capitol Hill experience, he held several positions, including Education Coordinator for the U.S. House of Representatives Committee on Education and the Workforce (Democratic staff). In this position Mr. Nock was responsible for Democratic policy and politics on higher education, elementary and secondary education, workforce and job training, disability policy and other social service issues. He worked most closely with Congressman George Miller, the Committee's Ranking Democratic Member, and Congressman Dale E. Kildee, the Ranking Member on the 21st Century Competitiveness Subcommittee.

Mr. Nock has spearheaded numerous reauthorization while working on Capitol Hill, including the Individuals with Disabilities Education Act, the Workforce Investment Act, the Head Start Act, and was one of the lead staff responsible for NCLB. Prior to this position, he worked for Congressman Matthew G. Martinez (D-CA), the Human Resources Subcommittee, Education and Labor Committee, and Congressman Steny H. Hoyer (D-MD). He has a B.A. in Political Science from the University of Maryland.

