

Oral Testimony of Paul Yarossi
On Continuing Oversight of Regulatory Impediments to Job Building:
Job Creators Still Buried by Red Tape
Before the United States House of Representatives
Committee on Oversight and Government Reform
July 19, 2012

Chairman Issa, Ranking Member Cummings, members of the subcommittee: I am Paul Yarossi, President of H-N-T-B Holdings. I am here today on behalf of the American Road and Transportation Builders Association where I currently serve as chairman.

A-R-T-B-A, now in its 110th year of service, represents all sectors of the U.S. transportation construction industry, which sustains more than 2.2 million American jobs.

A-R-T-B-A recognizes federal regulations play a vital role in the fabric of our society. In the transportation area, they provide a sense of predictability and ensure a balance between meeting our nation's mobility needs and protecting the public interest.

We commend Congress for accelerating the transportation projects delivery process and cutting red tape in the recently enacted surface transportation bill. However, in other areas, federal regulations hinder, rather than help to achieve this balance.

One of these instances is the recently enacted federal rules governing the hours of service commercial truck drivers may work. These rules are designed to ensure long-haul

drivers do not drive to the point of exhaustion by spending too much time on the road.

Transportation construction industry drivers are not long-haul operators who consistently spend many consecutive hours on the road in a given day. Generally, transportation construction industry commercial drivers do not operate in a manner that leads to concerns over fatigue.

At the same time, transportation project owners, the driving public and commercial shippers expect contractors to build projects in a timely and efficient manner, with minimal disruption to traffic. In addition, the industry is also using innovative techniques to replace a bridge or roadway by working intensively in a concentrated period of time, like over a single weekend.

This situation is a prime example of a lack of common sense in applying a “one size fits all” regulatory approach. While windows of 10-11 hours of drive time and 13-16 hours of on-duty time may seem adequate in other cases, in fact those limitations can disrupt the efficient deployment of professionals and resources on the construction job site, without a demonstrable increase in safety. Further, it increases costs that would otherwise support capitol and personnel expansions.

Another area of concern is E-P-A’s draft guidance that would greatly expand the reach of the Clean Water Act.

In this undertaking, E-P-A is proposing a significant expansion of the federal jurisdiction over wetlands and doing it in a manner that bypasses an opportunity for my industry and other affected interests to provide input. Chief among our substantive concerns with the proposal is that roadside ditches would be subject to federal wetlands requirements.

This is both unnecessary and potentially damaging to the transportation construction industry. Virtually every road and roadway improvement project in the U.S. has a ditch associated with it. As such, the E-P-A plan could provide that agency with an approval role in most, if not all, future roadway improvements.

Notwithstanding the complete lack of viability of such a plan, it would inject major uncertainty and delays in the delivery of transportation benefits. If members of my industry are stuck in a labyrinth of bureaucratic wetlands approvals, they will be unable to make decisions about allocating existing personnel—let alone future hires.

Chairman Mica and other leaders on the Transportation and Infrastructure committee have introduced a measure which would stop E-P-A's proposal. We would urge all members of the committee to support this legislation.

Finally, the E-P-A has indicated it is evaluating whether or not to regulate coal ash as a hazardous substance. Coal ash is commonly used in materials, such as concrete, which is a

key component of transportation infrastructure improvements.

Further, E-P-A has routinely noted the benefits of recycled coal ash in the transportation arena and its safety. Reversing course and designating coal ash as hazardous would remove a valuable tool in my industry's efforts to create an efficient U.S. transportation network at the lowest possible cost.

A 2011 A-R-T-B-A study found that such an action would cost the public and private sectors more than \$104 billion dollars over the next 20 years. There is no doubt about the job threatening ramifications of this scenario.

Mr. Chairman, Ranking Member Cummings, A-R-T-B-A deeply appreciates this opportunity to present testimony to you on this important issue. I look forward to answering any questions you might have.