

Committee on Banking, Housing, and Urban Affairs
Nomination Hearing for Mr. Paul Atkins, Mr. Jonathan Gould, Mr. Luke Pettit, and
The Honorable Marcus Molinaro
March 27, 2025

**Questions for The Honorable Marcus Molinaro, Federal Transit Administrator Designate,
Department of Transportation, from Ranking Member Elizabeth Warren:**

Nomination

1. During or leading up to the selection of your nomination, did anyone on the Trump campaign, transition team, or other closely related entity approach you about your loyalty to President-elect Trump? Did you sign a loyalty pledge or other similar oath?

No.

2. During or leading up to the selection of your nomination, did you discuss Project 2025 with any officials directly or associated with the Trump campaign or the Trump transition team? If so, please explain.

No.

3. During or leading up to the selection of your nomination, did you discuss Project 2025 with any officials directly or associated with the Heritage Foundation? If so, please explain.

No.

4. Please provide a comprehensive list of the people who approached you about joining the administration.

The President of the United States nominated me for this position.

5. Did any person provide advice to you, oral or written, on your responses to these questions? If so, please provide a comprehensive list of the individuals or organizations that provided assistance.

No one provided advice in responding to your questions.

Congressional Oversight and Whistleblower Protection

6. If confirmed, will you commit to making yourself and any other politically appointed employee of the Federal Transit Administration (FTA) available to provide testimony (including but not limited to briefings, hearings, and transcribed interviews) to the Committee on any matter within its jurisdiction, upon the request of either the Chair or Ranking Member?

Yes.

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7. If confirmed, will you commit to fully complying with all information requests from me and responding to those requests in a timely manner?

Yes.

8. If confirmed, do you intend to respond to congressional information requests differently depending on who is making the request?

No, I intend to respond to all such requests in a timely and transparent manner.

9. If confirmed, will you commit to complying with any federal protections for whistleblowers?

Yes.

10. If confirmed, will you commit to fully complying with all congressional technical assistance requests?

Yes.

11. If confirmed, will you commit to maintaining the confidentiality of a technical assistance between FTA and the requesting congressional office?

Yes.

Public Integrity

12. Will you commit to recuse yourself from any matters involving your former employers or clients for 4 years while serving as Administrator?

I commit to complying with all relevant federal ethics requirements.

13. For at least 4 years after leaving the FTA, will you not seek employment or compensation from (1) any entity that you personally and substantially interacted with in your role as Administrator and (2) from any entity that lobbies the FTA.

I commit to complying with all relevant federal ethics requirements.

FTA Funding - Mass Transit Account and Advance Appropriations

14. Beginning with the 1983 surface transportation law under President Reagan which established the Mass Transit Account of the Highway Trust Fund (MTA), at least 20 percent of the new revenue for highway and public transportation investment in each reauthorization

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law has been dedicated to improving public transit under Mass Transit Account programs.¹ Do you support maintaining or expanding the share of public transportation investment within the Highway Trust Fund?

I support a fair and robust share of resources for public transportation and recognize the historical importance of the “80-20 split.” The Highway Trust Fund is, as you know, under the purview of Congress. I will, however, follow and exercise the law.

15. Do you support the public transportation investment levels in the Bipartisan Infrastructure Law from the Mass Transit Account?²

If confirmed, under the Leadership of Secretary Duffy I will strongly support and advocate for public transportation and work collaboratively with Congress.

16. The infrastructure law also included advance appropriations that support “State of Good Repair” formula funds for transit rail infrastructure and bus replacements under the “Low or No Emission Grant Program.” Advance appropriations are the only funding source for the All Stations Accessibility (ASAP) program, which retrofits transit stations that remain inaccessible for riders with disabilities. Do you support continuing advance appropriations for FTA programs when Congress reauthorizes infrastructure law programs?

As a former Member of an authorizing committee in Congress, I do believe that reauthorization of surface transportation programs should be done within those committees of jurisdiction. As Congress will ultimately make those funding decisions, the impact and effectiveness of such programs are most important to me.

As I stated before the Committee, and you know well, universal accessibility is a high priority of mine and will be a core focus should I be confirmed.

Failure of FTA and DOT to respond to technical assistance request on employee terminations.

On February 14, 2025, the Administration began terminating the employment of probationary employees at the Department of Transportation, including 80 FTA employees.³ While the probationary employees have returned to work at the Department under a recent court order, the

¹ Eno Transportation Weekly, “Explainer: What the “80-20 Highway-Transit Split” Really Is, and What it Isn’t,” Jeff Davis, July 26, 2021,

<https://enotrans.org/article/explainer-what-the-80-20-highway-transit-split-really-is-and-what-it-isnt/>.

² Infrastructure Investment and Jobs Act, Public Law 117-58.

³ Politico, “DOT’s firings raising anxieties beyond flying,” Chris Marquette, March 13, 2025,

<https://www.politico.com/news/2025/03/13/transportation-department-layoffs-safety-00227947>.

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Department and FTA did not respond to written requests from my office to specify the position and office of FTA employees affected by the attempted terminations on February 14th.

17. Do you think it's appropriate for the Department and FTA to withhold information on changes made to FTA's staffing? If confirmed, will you respond promptly to all requests regarding FTA staffing, including a request to provide the position and office of any employees that are terminated by the Department?

I commit to responding promptly to all Congressional requests in a transparent manner.

Effect of an Agency RIF and Reorganization Plan ("ARRP") at FTA

The Department of Transportation was required to submit an "Agency RIF and Reorganization Plan" to the Office of Management and Budget and the Office of Personnel Management by March 13, 2025.⁴ A reduction in force (RIF) at the Department of Transportation that applies to FTA would harm FTA's ability to help grant recipients complete projects on-time and on-budget. When probationary employees were temporarily fired in February, my office collected many reports that FTA regional offices lost staff that process NEPA approvals and perform grant management.

18. If FTA approvals of grants or environmental reviews are delayed because of FTA staffing, projects will be delayed and taxpayer funds will be wasted. Are you concerned that firing FTA employees under a RIF at the Department of Transportation will cause project delays and increase project costs?

President Trump shares the goal of streamlining bureaucratic procedures and reducing waste and inefficiency. If confirmed, I would seek to leverage all of FTA's capacity to move projects forward expeditiously.

19. Are you concerned about the veterans who work at DOT and FTA that could be subject to termination under a RIF at the Department?

Not being on site at DOT, I do not have insight into how a reduction in force may be carried out.

⁴ U.S. Office of Management and Budget and the U.S. Office of Personnel Management, Memorandum to Heads of Executive Departments and Agencies regarding "Guidance on Agency RIF and Reorganization Plans Requested by Implementing The President's "Department of Government Efficiency" Workforce Optimization Initiative," February 26, 2025,

<https://www.opm.gov/policy-data-oversight/latest-memos/guidance-on-agency-rif-and-reorganization-plans-requested-by-implementing-the-president-s-department-of-government-efficiency-workforce-optimization-initiative.pdf>

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20. Will you oppose the termination of FTA employees under a RIF at the Department of Transportation? Will you oppose the termination of FTA staff that perform safety oversight if the Department undertakes a RIF?

I have great admiration and respect for the FTA workforce and the work they do. My intention would be to ensure they have the resources to carry out their statutory duties effectively, including in top priority areas such as safety oversight.

Safety oversight

21. FTA has statutory responsibility for transit safety oversight.⁵ The oversight authority is designed to be flexible, with limited oversight for smaller transit agencies and more robust oversight for larger transit agencies, with state safety oversight agencies providing direct oversight of rail transit providers and FTA providing supplemental safety oversight of rail transit. How will you approach safety oversight?

I find the flexibility provided in law to be key to FTA's safety oversight program, including the responsibilities given to state-based safety oversight organizations over rail transit systems. If confirmed, I would take a data- and evidence-based approach to safety oversight, targeting FTA resources toward specific issues or entities based on demonstrated need, in order to best ensure the safety and security of both the riding public and frontline workers. I would intend to use FTA's expertise to diagnose and address emerging safety concerns before they manifest in major incidents as much as possible, taking a proactive and collaborative approach in order to avert avoidable problems.

22. The bipartisan infrastructure law created transit agency safety committees.⁶ Those safety committees are designed to have equal representation of frontline workers and management representatives, and the committees should work collaboratively to identify safety mitigations. Some in the industry have suggested that transit management should be able to veto decisions of the agency safety committees. Do you believe that transit agency managers should have a veto over decisions of the safety committees?

My understanding is that an agency's safety plan has to be approved by the safety committee, though if confirmed, I would have in-depth conversations with all stakeholders to best understand the issues and concerns with current policy. I will make certain their voice is heard and they have a seat at the table.

23. Will you pledge to allow nonpartisan career staff at FTA to guide safety enforcement?

⁵ 49 U.S.C. 5329.

⁶ 49 U.S.C. 5329(d)(5).

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Yes.

24. Will you pledge to not use safety enforcement authority to retaliate or punish transit agencies in service to any political agenda?

Yes.

Operating Assistance

25. We have seen strong ridership recovery at many transit agencies, and frequent service attracts more riders, but federal law restricts how transit agencies in larger urban areas use FTA funds.⁷ Agencies like Dutchess County Transit enjoy flexibility to use federal formula funds for operating expenses. Should transit agencies with larger bus fleets (i.e. agencies that don't qualify for flexibility based on their fleet size) and rail operations in large urban areas have more flexibility in FTA rules?

As I stated before the Committee, I support increased flexibility for local agencies – as you note, that is something I valued highly as a local and county official. The limitation on using FTA funds for operating expenses in large urban areas is based in statute, while I would defer to Congress to decide whether or how to revisit this requirement, I am open to further dialogue with stakeholders and working with Congress to evaluate sustainable adjustments.

Crime and Security

26. Secretary Duffy wrote to the CEO of WMATA and the CEO of the New York MTA to request information on their efforts to prevent crime and fare evasion.⁸ Transit agencies in large urban areas can only use FTA funding for capital expenses like cameras under current law.⁹ Should FTA formula funding be available for operating expenses for security activities?

I am pleased to see Secretary Duffy take strong action on this issue, especially as a lifelong New Yorker. We all want to see safe, secure, and clean public transportation systems so that America's buses, trains, and ferries are the envy of the world. If confirmed, I will work with the industry and Congress to evaluate, recommend and deploy effective models to enhance the safety of the riding public, transport workers and the systems themselves.

⁷ 49 U.S.C. 5307(a)

⁸ Letter from DOT Secretary Duffy to WMATA CEO Randy Clarke, March 6, 2025, <https://www.transit.dot.gov/sites/fta.dot.gov/files/2025-03/USDOT-letter-to-WMATA-03-06-2025.pdf>. and Letter from DOT Secretary Duffy to New York MTA CEO Janno Lieber, March 18, 2025, <https://www.transit.dot.gov/sites/fta.dot.gov/files/2025-03/USDOT-letter-to-MTA-03-18-2025.pdf>.

⁹ 49 U.S.C. 5307(a) and 49 U.S.C. 5321.

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Current grant delays at FTA

27. FTA and other modal administrations within USDOT are reviewing previously announced discretionary grant awards.¹⁰ Award recipients have spent a significant amount of local funding using pre-award authority to complete NEPA, order buses or develop construction contracts. If projects are delayed or canceled by FTA, taxpayer funds will be wasted. Will you move all previously awarded projects forward?

If confirmed, I will work with Department leadership to move forward agreed upon obligations as required by law. I support the expeditious processing of transit grants.

Capital Investment Grants program

28. Will you support moving projects forward under the Capital Investments Grants program?¹¹ Large projects utilize full-funding grant agreements (FFGAs) in which FTA pledges to seek funding in future fiscal years. Will you support signing FFGAs for CIG projects in the project pipeline that receive a sufficient rating and meet other program requirements, and will you support schedule payments on all previously signed FFGAs?

If confirmed, under the leadership of Secretary Duffy I will fulfill all contractual agreements, including FFGAs. My understanding is that projects continue to move through the CIG program at FTA. I would ascertain where projects stand and move forward.

29. Will you commit to ensuring that any updates to the CIG program's guidance or other program changes initiated by FTA will not exclude applicants or reduce the CIG share of project costs that FTA will pay in new FFGAs below levels that FTA presently supports.

If confirmed, I would need to gain a more in-depth understanding of current CIG guidance and the process involved in revising it. I can commit to you that as a general principle I support fair, transparent government processes that do not unduly exclude anyone, and would note that my conversations with those in the industry to date have made clear the enormous value of CIG projects to communities across the country.

Bus Replacement Programs

30. How will you approach administering FTA's bus replacement programs, including the "Buses and Bus Facilities Competitive Grants" program and the "Low or No Emission Grants"?

¹⁰ Transportation for America, "USDOT's new memo requires a review of competitive grant awards," March 14 2025, <https://t4america.org/2025/03/14/usdots-new-memo-requires-a-review-of-competitive-grant-awards/>

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program?¹² The authorizing law for FTA's Low-No program allows applicants to decide which bus technology they will pursue. Do you believe that FTA or the Administration should limit what projects are eligible?

I support empowering local communities to make the decisions that are best for their local needs and operating environments. If confirmed, I have no intention of imposing a mandate for or against any particular technology.

Transit workforce and new technology

31. How will you approach workforce issues when FTA is developing policy on automation and outsourcing?

I have a longstanding productive relationship with government employees, transport workers and labor organizations – the people who keep America moving. I believe that we can strike a balance that brings new technologies and innovative practices into the transit industry in ways that benefit riders and workers alike, ideally delivering better service at lower cost.