



**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

June 24, 2013

Honorable Ray LaHood  
Secretary  
U.S. Department of Transportation  
1200 New Jersey Ave, SE  
Washington, DC 20590

Re: MAP-21 Buy America Utility Relocation Provision

Dear Secretary LaHood:

We respectfully request that the Department of Transportation assist our State of California in preventing the delay of \$5.7 billion worth of transportation projects due to new Buy America requirements on utility relocations. The Moving Ahead for Progress in the 21st Century Act of 2012 (MAP-21) added new Buy America requirements for utility companies that are forced to move their existing utility lines due to the construction of federally supported transportation projects. The delay of important congestion relief and mobility projects due to the immediate need for utility companies to contractually comply with Buy America could have a devastating impact on the economy and employment in our state.

In most states utility companies and utility agencies are forced to pay for the relocation of their lines on public right-of-way that is used for transportation projects. California mitigates the burden that this causes on utilities by reimbursing them for their relocation. Because California uses state funds to reimburse utility owners for work they are being forced to do, the Department has interpreted MAP-21's new language as requiring utilities to certify that their relocation will comply with Buy America.

Utility companies have not had to comply with this requirement previously, and they do not have a process in place to certify that every product they purchase for relocation complies with Buy America. Some utility companies have long-term contracts with suppliers and have already purchased non-compliant material for these relocations because they were not aware of this new requirement. Utility companies feel that they need a transition period and assistance from the Department in order to comply with the new Buy America requirements.

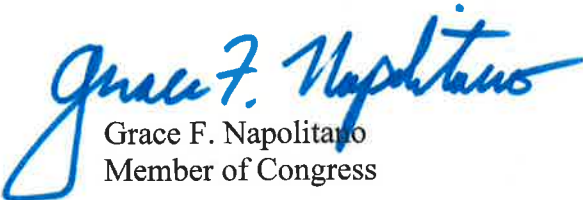
Caltrans currently has 10 projects worth over \$2.5 billion in or near construction that have either been suspended or will be suspended due to this new requirement. Based on the industry accepted formula of 18,000 jobs per billion dollars of construction costs, this will affect

approximately 45,000 jobs. There are an additional 38 projects totaling \$3.2 billion that are not yet in construction that will be held in limbo due to this situation, which will affect an additional 57,600 jobs. The I-5 expansion project in Los Angeles County is scheduled to start construction in August on a \$125 million segment but will be delayed because of the uncertainty of \$63,000 worth of products used on utility relocation.

The State of California, Caltrans, Los Angeles MTA and our local transportation agencies are committed to complying with Buy America requirements on their infrastructure projects. We all strongly support Buy America as it ensures that taxpayer funds are spent on American-made parts and supplies for infrastructure. Buy America is an integral tool to improving our economy and creating American jobs. We must give utility companies the time and the tools to comply with Buy America so that we do not disrupt American jobs now.


We respectfully request your support in working with the State of California to fix this problem so that these projects continue on schedule.

Sincerely,

  
Grace F. Napolitano  
Member of Congress

  
Gloria Negrete McLeod  
Member of Congress


  
Adam B. Schiff  
Member of Congress

  
Maxine Waters  
Member of Congress

  
Judy Chu  
Member of Congress

  
Mark Takano  
Member of Congress

  
Alan S. Lowenthal  
Member of Congress

  
Juan Vargas  
Member of Congress