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**BEFORE THE SUBCOMMITTEE ON SURFACE TRANSPORTATION  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE  
UNITED STATES HOUSE OF REPRESENTATIVES**

**TUESDAY, JUNE 18, 1996**

Mr. Chairman and distinguished Members of the Subcommittee, I am pleased to have the opportunity to appear before you today to talk about the status of the Federal transit programs funded under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), to tell you how these programs are working, and to identify areas where we can make improvements to better deliver limited Federal dollars to support our Nation's transit infrastructure needs.

**BENEFITS OF TRANSIT**

As Secretary Peña testified before this Subcommittee on May 2, 1996, ISTEA has led to dramatic improvements in the way our Nation plans and builds our great transportation systems. The improvements in public transit have contributed to our Nation's economic well-being and mobility in many ways.

First, we have seen a significant increase in investment in transit infrastructure and equipment. Federal transit funds support both the maintenance of existing systems and the construction of select new systems. These investments have helped to ensure mobility of all segments of our population -- elderly and young, rich and poor, drivers and non-drivers, the able-bodied and those with disabilities, in urban and rural areas -- to access jobs, medical services, schools, shopping, and other essential services. We have done much, but we have much more yet to do.

Transit is vital to America's marketplaces -- cities where American products and jobs compete in the global economic market. Transit and other congestion mitigation practices benefit interstate commerce by assuring that inter-city freight, for example, can travel through urbanized areas with less delay.

Transit creates low-cost access to jobs, health care, and other essential services, saving tax dollars and promoting economic opportunity for the 80 million Americans who do not drive because they are too young, too old, disabled, or cannot afford a car. This means that for millions of Americans in rural areas public transit is a lifeline. The enhanced mobility for those without a car yields tremendous benefits in reduced social services costs. In addition to these 80 million users who depend on public transit services, many more choose transit as a convenient, time-saving mode of transportation.

Transit connects people with their neighborhoods and creates more livable communities. Low-cost and readily available public transit can result in reduced commuting time, convenient access to stores and services, cleaner air, and a better quality of life. Middle class households located near rail transit save an average of about \$250 per month in auto costs as compared to a typical suburban household. With an estimated 5,000 households within one-half mile of each of the nation's 1,375 rapid and light rail transit stations, this amounts to a total national transportation cost savings of \$20 billion per year.

Used in concert with other congestion management techniques, transit is key to reducing congestion. Americans lose more than 1.6 million hours a day stuck in traffic. Strategic investments can lower the cost of highway congestion.

## **The Federal Role**

The planning process implemented under ISTEA now involves transportation planners and decisionmakers at the state and local levels. They use a multimodal approach to prioritize their transportation needs and to fund those projects that best meet locally determined goals and objectives for mobility, economic opportunity, and environmental quality. We have heard from many representatives in the transportation community that this process is working well. It should be maintained and strengthened.

With limited Federal dollars available for all discretionary programs, we have encouraged creative solutions to develop innovative finance opportunities and to reduce red tape for all of our grantees. The Federal Transit Administration (FTA) has streamlined the grant process with electronic on-line applications. We have an FTA "home page" on the Internet that offers much valuable information about transit grants, formula apportionments, and technical assistance -- all reachable with a few simple computer keystrokes.

We are working with the Department to promote innovative financing initiatives to help state and local governments identify opportunities to leverage the use of their Federal transit funds. Projects funded to date through FTA's Innovative Financing Initiative have leveraged 2.5 times the Federal investment, showing that the private sector -- investors, developers, and the private capital markets -- provides an important source of revenue for improved public transportation. These financing initiatives include leasing transit vehicles, pooled purchases, state revolving loan funds, and soon State Infrastructure Banks as recently enacted on a pilot basis in the National Highway System Designation Act of 1995 (NHS).

We are especially interested in promoting the joint public-private development of transit facilities. In fact, our Livable Communities Initiative promotes and facilitates the

development of residential neighborhoods and commercial activities all within walking distance of transit. We have found many benefits that flow from Livable Communities -- more socially cohesive communities, reduced commuting time, convenient access to stores and services, fewer vehicle miles traveled which translates into reduced air pollution, and a better quality of life.

We are funding research into innovative technology to move our transit systems into the twenty-first century, and to develop safer and more cost effective transit systems. For example, transit agencies are already using Advanced Public Transportation Systems (APTS) to track bus locations and collect fares electronically, which gives transit riders more reliable service and reduces operating costs. APTS can provide more accurate, real-time information on bus schedules and routes, allowing passengers to plan their trips with minimal delay. In partnership with the transit industry, FTA is also developing the Advanced Transit Technology Bus (ATTB), a project that will shave over 10,000 pounds off a typical 30,000 pound bus. This weight reduction will yield savings in lower fuel and brake costs as well as less road damage. This is an exciting milestone in bus technology. And we expect to see the ATTB in full operation in 1997.

At the same time, public transit contributes to our quality of life by mitigating traffic congestion and environmental pollution. Public transit in all areas of the country is an important intermodal link in ensuring that our transportation network operates smoothly, productively, and efficiently.

We want to build on these achievements as we move toward the reauthorization of ISTEA. The challenges that we face -- in economic growth and productivity, mobility, environmental concerns, and safety -- require a strong Federal transit role, in partnership with all levels of government and the private sector.

## **TRANSIT PROGRAM OVERVIEW**

FTA provides financial assistance nationwide through a variety of capital discretionary and formula programs, operating assistance, planning and research, and technical assistance programs. FTA provides funds to transit operators, state and local governments and other recipients to construct facilities, purchase equipment, improve technology and service techniques, and support regionwide transportation planning. FTA is also committed to funding programs that meet the special mobility needs of the elderly, people with disabilities, and socially and economically disadvantaged individuals.

### **FEDERAL TRANSIT FORMULA AND DISCRETIONARY BUS PROGRAMS**

#### **Transit Infrastructure Condition and Needs**

The Federal formula programs provide funds for both capital and operating expenses to 396 urbanized areas in the country. Through the formula programs, Federal transit dollars reach transit agencies, both public and private providers of all types, in every region of the country -- from the urban rapid transit Bay Area Rapid Transit (BART) system in San Francisco, to the commuter MARC line in Maryland between Baltimore and Washington, D.C., to bus systems serving rural communities in West Virginia, Wisconsin, Ohio, Pennsylvania, and Minnesota and in widely-separated urban centers like Philadelphia, El Paso, New York, Los Angeles, Cleveland, Albuquerque, New Orleans, and Cedar Rapids.

These programs are the core of the Federal transit program -- serving 500 bus systems, 14 rapid rail systems, 9 commuter rail systems, and 17 light rail systems, along with about 4,400 urban and rural systems meeting the needs of the elderly and disabled, and another 1,200 transit systems in rural areas. All of these systems receive Federal funding support that helps 275,000 public transit employees keep 124,600 vehicles on the road. There is no question

that these widely varied public transit systems are an essential lifeline that relieves congestion in heavily urbanized areas, helps to improve environmental quality, and carries people of all ages and needs to essential jobs and services.

The Department recently transmitted the 1995 Condition and Performance Report to Congress. It reviews the condition of the nation's surface transportation systems, including transit facilities and equipment, and it establishes the investment levels necessary to maintain and improve transportation in this country. While we have accomplished much in the past five years since ISTEA, this report shows that we have to do more to improve our transit infrastructure.

In 1995, investment in transit capital totaled nearly \$6 billion -- enough to maintain current conditions and add service to partially absorb increased transit travel demand.

Maintaining the nation's transit facilities and equipment in their current state of repair to meet projected increases in travel demand requires all levels of government to invest a total of \$7.9 billion each year over the next 20 years. To improve transit above its current quality of service will require an annual investment of \$12.9 billion. Expenditure by all levels of government of \$12.9 billion would eliminate the current backlog of unmet investment needs, and the nation's bus and rail vehicles would be modernized and rehabilitated.

#### **The Urbanized, Rural, and Elderly and Disabled Formula Programs**

Formula grants can be used for all transit purposes -- bus and railcar purchases, facility repair and construction, and operating costs. These formula programs are the urbanized area program, the nonurbanized area program, the elderly and persons with disabilities program, and the fixed guideway modernization program. Together, these programs allow transit authorities to prioritize and target funds to meet important local needs. They are also the primary

source of funds used by transit authorities to meet the compliance costs of the Americans with Disabilities Act, the Clean Air Act amendments, and Drug and Alcohol testing requirements.

The urbanized area program section 5307 funds are apportioned by statutory formula directly to urbanized areas with populations of 200,000 or more and, for urbanized areas with 50,000 to 200,000 population, directly to the Governors to provide capital, operating, and planning assistance in urbanized areas.

The Elderly and Persons with Disabilities program section 5310 funds are apportioned by statutory formula to the Governors. This capital assistance program is directed primarily to private non-profit organizations that provide transportation service for the elderly and persons with disabilities. Public bodies that coordinate services for the elderly and persons with disabilities may also receive these funds under certain circumstances. In fiscal year 1995, this program provided funds to purchase 1783 vehicles among 1,371 operators.

The nonurbanized area formula program section 5311 funds are apportioned by statutory formula to the Governors for capital and operating assistance in nonurbanized areas, defined as areas with less than 50,000 population. Fifteen percent of a state's annual apportionment must be set aside for intercity bus transportation, unless the Governor certifies to the Secretary that the state's intercity bus needs are being adequately met. Another 15 percent of each state's apportionment is used for administration of this program, planning, and technical assistance. The state also receives an annual allocation of funds through the Rural Transit Assistance Program (RTAP). RTAP funds are used by the states to undertake research, training, technical assistance, and other support services to meet the needs of rural transit operators.

Each year the funds for these programs support the purchase of about 5,400 urban buses and paratransit vans, and the maintenance of the nation's 523 urban bus facilities. Also,

through these programs, more than 800 vehicles, mostly vans and small buses, are purchased, supporting the operations of approximately 1,200 rural transit providers.

Transit in rural America improved dramatically with increased funding through ISTEA. Rural transit carries riders a billion miles each year, ensuring that people can get to job training programs, while the elderly and disabled rural residents can find relative independence through less expensive door to door transit service. Ninety million rural Americans now have better access to medical care, shopping, and jobs. And with a recent statutory change to the interstate transportation requirements, transit agencies particularly in rural areas can more easily provide cross-state transit service to access medical facilities, jobs, and other services and intermodal connections in communities that are closer than those available in-state.

#### **Fixed Guideway Modernization Formula Program**

The Fixed Guideway Modernization program is designed primarily to assist urbanized areas with existing rail transit systems to maintain these systems in an acceptable state of repair. Federal funding and local match support replacement and rehabilitation of the existing rail fleet and restoration of rail facilities such as stations, track, and yards and shops. Nationally, there are 7,439 miles of track, 2,271 stations, and 119 rail maintenance facilities. About 73 percent of elevated structure, 41 percent of third rail, and 48 percent of maintenance facilities are currently in less than good condition and require major investment. In addition to rail systems, other systems like busways and ferry service are eligible for funding under this program.

The multi-year effort to rehabilitate the Frankford Elevated rapid transit facility in Northeast Philadelphia is a prime example of the successful application of fixed guideway funding to bring a deteriorated structure to an acceptable condition and to significantly extend its useful life. The San Francisco Municipal Railway, in operation since 1912, is another example of the

targeting of fixed guideway funds, again with a phased multi-year program, to upgrade existing light rail services through the purchase of new rolling stock and renewal of track, power, and signal systems. Caltrain, a commuter rail system serving San Francisco and communities south to San Jose and beyond, has enjoyed significant modernization through the use of fixed guideway modernization funds. These funds assisted in the purchase of new bi-level coaches and rehabilitation of the railroad right-of-way.

The Fixed Guideway Modernization category uses an innovative formula that dispenses funds to eleven specified urbanized areas on a 4-level tiered basis, adjusted according to the level of funding appropriated. This tiered approach ensures that funds are targeted first to those urbanized areas with the oldest systems, and then to the newer systems -- those systems that are at least seven years old -- which receive funds only if certain funding thresholds are exceeded. This method of funds delivery has worked extremely well for these systems. It has resulted in older rail systems receiving specifically-targeted resources that translate into higher quality, reliable, safe, and attractive service to urban passengers.

### **The Bus Programs**

Capital funds in both the formula grants and discretionary bus programs are being used to replace and expand the nation's fleet of buses and to expand bus maintenance and facilities. Total capital bus funding supports the annual purchase of about 5,400 urban buses and paratransit vans, 600 buses for rural transit systems, and 2,000 buses for special services for elderly and disabled persons. Yet these new vehicles do not meet the annual replacement needs to maintain the current average fleet conditions. Moreover, 12,800 urban buses and paratransit vehicles, 4,700 rural buses and 11,200 buses for special services are in service past the end of

their useful lives. Nationally, there are about 523 urban bus facilities, of which about 32 percent are in fair or poor condition.

The formula grants program is intended to cover routine bus needs, reserving the discretionary bus funding in section 5309 for extraordinary bus needs, such as the deployment of an Advanced Technology Transit Bus, the construction of large facilities, and major bus purchases. Yet we have found that the bus discretionary activity has tended to have a relatively large carryover of funds due to premature earmarking and delayed applications.

Based on our experience in managing these two bus programs, we need to find ways to ensure that capital bus funds are made more readily available for obligation when they are needed.

### **OPERATING ASSISTANCE**

A portion of the formula funds can be used for operating assistance. In fiscal year 1996, operating assistance was capped at \$400 million for urbanized areas.

Congress last year acted to limit the reduction in operating assistance for small urban areas, those with populations between 50,000 and 200,000, to 75 percent of the level they received in the prior year, fiscal year 1995. This year, we submitted a budget request to increase funding for operating assistance by \$100 million, to \$500 million, and to continue the "hold harmless" provision for small urbanized areas. We believe that this level is a prudent and adequate minimum level of operating support for transit agencies.

Without this "hold harmless" provision, the small urbanized areas would face further cuts in operating assistance, even with \$500 million in operating assistance. These areas rely to a proportionately greater extent on Federal operating assistance, and they need assurances that they will not face further reductions. If operating assistance was set at \$500 million, and the

regular apportionment formula was applied, the small urbanized areas would receive \$5.6 million less than what they received last year.

We understand that there are those in Congress who would like to further reduce reliance on operating assistance. Yet we have seen transit agencies all around the country institute fare increases and service reductions as an immediate response to reductions in last year's appropriations -- actions which undercut ridership and lead to yet lower revenues. For example, in Pennsylvania, Harrisburg's Capital Area Transit system's board of directors convened a special meeting just two weeks after the fiscal year 1996 DOT appropriations act was signed. They had to deal with the 48 percent reduction in Federal operating assistance that left a half-million dollar hole in their annual budget. The board raised bus fares 22 percent effective January 1, 1996.

In Alabama, when the Montgomery Area Transit System (MATS) confronted a \$427,961 shortfall in Federal operating assistance late in 1995, the bus system's board took prompt action, using over \$200,000 from the city maintenance department for one-time emergency funding. Even with these short-term funds, the MATS board had to cut back further: no more mid-day bus service, only two operating routes on Saturdays, and 23 jobs eliminated. At the same time, passenger fares increased 50 cents to \$1.50, and student fares rose a quarter, from 50 cents to 75 cents. A two-wage earning family commuting by bus could pay an additional \$500 per year for trips to work.

While reduced Federal transit operating assistance has challenged systems across the country, we are working to mitigate the impact of these cuts. We believe that the capitalization of bus overhauls amendment adopted in the DOT Appropriations Act of 1996 will now offer transit operators some relief from operating assistance reductions. Effective April 1, 1996, transit operators can classify as capital assistance for bus overhauls an amount up to 20

percent of their vehicle maintenance costs. We expect that transit agencies will use this increased flexibility to significant advantage.

Finally, we have promoted innovative financing techniques such as cross-border leases, pooled purchases, and soon infrastructure banks that stretch available dollars. To date, the Secretary has given approval to eight states to establish State Infrastructure Banks as part of the pilot program enacted in the NHS bill, with another two states to be announced within the next two weeks. Seven of the eight states will establish dual transit and highway accounts. The Administration has proposed in its fiscal year 1997 budget \$250 million to capitalize the SIBs, in order to accelerate the development of this important pilot program.

Innovatively financed projects involve many techniques, including leasing transit vehicles which can be more cost effective than a direct purchase; joint development transit facilities which can create a revenue stream for the transit operator, multiply the commercial activity near transit hubs, and bolster the economic well-being of communities; and state revolving loan funds to facilitate a state vehicle purchase and leasing program, decreasing transportation providers' capital costs through pooled purchases and vehicle leasing. We have found that such innovative approaches provide an important source of capital for improved public transportation.

#### **THE AMERICANS WITH DISABILITIES ACT**

Enactment of the Americans with Disabilities Act of 1990 (ADA) with strong bipartisan support ensured that equal access to public transportation is a fundamental civil right. For many persons with disabilities, accessible public transportation is a lifeline to employment and independent living. Transit agencies have worked diligently to implement ADA accessibility requirements over the past five years. ADA implementation by transit agencies has been funded primarily through the FTA formula capital and operating assistance programs. We believe that

the transit industry has demonstrated a solid record of accomplishment in complying with the ADA. The phase-in of accessible service appears to be on target at over 600 public transit authorities and about 700 key rail stations.

Our estimate of the total recurring cost of ADA compliance is \$932 million each year for the 1995-2002 period. This estimate is based on the plan submissions of the transit systems and represents about 4 percent of all public transit costs -- Federal, state, and local combined. About 30 percent of the \$932 million or \$279 million goes toward the capital costs of implementing ADA with the rest going to operating costs. These capital costs include adding lifts to buses, installing elevators and raising platforms at key rail stations, and purchasing smaller vehicles to provide specialized paratransit service. The majority of ADA paratransit costs, about 85 percent, are operating costs. The reduction in the Federal transit operating assistance level below the President's request has meant that less Federal money is available to help offset these significant ADA paratransit costs. In this situation, we expect that many transit systems will elect to ask for temporary time extensions, based on undue financial burden, to delay full implementation of the ADA paratransit service requirements beyond the January 1997 deadline.

### PLANNING

Since the passage of ISTEA in 1991, we have witnessed a significant reinvention in how states and metropolitan areas plan, finance, and manage their transportation systems and facilities. The Act's emphasis on economic efficiency, concern for the environment, and equitable delivery of transportation services has required that States and metropolitan areas take a *multimodal* approach to systems planning. This approach facilitates the consideration of a wide range of modal alternatives to address transportation problems, encourages innovation in project planning, and requires the active participation of the public in transportation planning activities.

The multimodal planning approach implemented in ISTEA has brought new partners into the surface transportation discussion. By integrating planning for all modes of transportation -- highways, public transportation, bicycle and pedestrian facilities -- planners and decisionmakers now prioritize their transportation needs and identify the most appropriate solutions. At the same time, they are challenged to develop new and innovative solutions to transportation problems, and to creatively address the twin problems of congestion and environmental quality. From a national perspective, we envision developing an interconnected, "seamless" transportation system so that we as a Nation can more efficiently and effectively move people and goods both within a city and from coast to coast as well as across international borders.

One very significant ISTEA tool used successfully by transportation planners and local decisionmakers is the flexible funding programs. Through the planning process, ISTEA has empowered state and local decisionmakers with greater discretion to decide how best to spend Federal transportation dollars. Funds from ISTEA's Surface Transportation Program (STP) and the Congestion Mitigation and Air Quality Improvement Program (CMAQ), along with transit's urbanized area formula funds, can be "flexed" at local option to meet urgent local and regional project priorities. Through these funding programs, there is enhanced flexibility to fund important transportation initiatives that best meet locally determined goals and objectives for mobility, economic opportunity, and environmental quality.

These programs have been tremendously successful. Total annual locally flexed funds have increased from \$304 million in fiscal year 1992 to \$802 million in fiscal year 1995. You have heard from many groups -- including local and state transportation officials, former Federal transportation officials, and a variety of transportation association representatives -- all of

whom point to ISTEA's flexibility provisions as a major benefit that we must retain and build on in the next authorization.

### **NEW STARTS**

Federal capital funds under FTA's New Starts program are used for major capital investment projects -- subways, extension of rapid rail, busways, light rail, commuter rail systems, and Bus/HOV ways across the country -- that typically cost \$100 million or more. In exchange for FTA's commitment to provide Federal funding, incrementally, over a multiyear construction schedule, the grantee commits to completing its project on time, within budget, and in compliance with all applicable Federal requirements, and to bear any cost overruns that might occur on that project.

The Full Funding Grant Agreement (FFGA) is a special grant agreement that FTA uses for these major capital projects. An FFGA establishes a firm date for project completion; provides a mechanism for obligating outyear funds; leads to the development of highly accurate cost estimates; and permits the use of state and local funding for start-up project activities without jeopardizing future Federal funding. The issuance of an FFGA is the culmination of the New Starts project evaluation process. However, projects under FFGA are continually monitored as part of the regular FTA program management activities.

Major transportation investments embodied in the New Starts program begin with local decisionmaking through the MPO planning process. Where Federal funds are likely to be part of a major transportation investment, the local planning process must include a Major Investment Study (MIS) designed to evaluate alternative investments or strategies in meeting local, state, and national goals and objectives. The MIS concludes with the selection, by the MPO as part of the planning process, of one or more preferred projects and a funding strategy.

ISTEA authorized \$5 billion for the New Starts program over the 6-year authorization period, yet the legislation contained project-specific earmarks totaling \$6 billion. Moreover, since fiscal year 1992, the Department of Transportation appropriations acts have included funding for fourteen projects not authorized by ISTEA. Each of the projects -- including those earmarked in law -- must meet statutory criteria for project approval by FTA as found in section 5309(e)(2)-(7). These criteria include completion of the MIS, a comprehensive review of the project's mobility improvements, environmental impacts, cost effectiveness, operating efficiencies, and the degree of local financial commitment. Land use policies and such factors as congestion relief, air pollution, noise pollution, energy consumption, and the promotion of economic development are additional criteria applied to evaluate proposed projects.

On April 25, 1996, I reported to you about several of the proposed New Start projects for which we are seeking funding in this next fiscal year. FTA's annual report to Congress, now the section 5309(m) New Starts Funding Levels and Allocations Report, evaluates the New Starts projects in the pipeline. We will be providing this report to you shortly.

New Start projects that we are currently funding include: the MARTA North Line Extension in Atlanta; the Baltimore LRT extensions; the South Boston Piers Transit way; the Dallas South Oak Cliff LRT (for which funding will be completed this year); the Houston Regional Bus Plan; the Los Angeles Metro Rail Red Line; the Maryland MARC Commuter Rail improvements; the New Jersey/Urban Core Secaucus Transfer Station; the Pittsburgh Airport Busway (for which funding will be completed this year); the Portland, Oregon, Westside LRT; the Salt Lake City South LRT; San Juan's Tren Urbano (newly under FFGA); and the Denver Southwest Corridor LRT extension (also newly under FFGA). These are under FFGA and represent a total Federal investment of \$5.2 billion. Upon completion, these projects will result in

over 80 miles of new rail service which, together with substantial improvements in transit service, will provide about 150 million annual transit trips.

We also now have four projects proposed for FFGA -- San Francisco Area - BART Airport Extension; New Jersey Urban Core - Hudson/Bergen LRT; Sacramento LRT Extension; and St. Louis St. Clair MetroLink LRT Extension -- along with the San Jose Tasman project previously covered by a Letter of Intent. These four projects are expected to complete the project development process and become ready for final design and/or construction during calendar year 1996.

We believe that these projects represent a significant investment in the economic growth and infrastructure of our Nation's urban areas. As we have seen here in our Nation's capital, these investments provide multiple benefits -- in jobs, enhanced mobility, reduced congestion, improved environmental quality, commercial and residential development, intermodal connectors, tourism, quality of life -- and they surely re-vitalize and transform our great cities.

### **CONCLUSION**

As we move toward reauthorization in this next year, we need to take stock of the benefits that public transit offers and build on the successes initiated by ISTEA. ISTEA's flexible funding and transportation planning provisions have empowered the states and metropolitan areas to decide transportation strategies that best serve their communities. While we recognize that ISTEA has brought significant transit investment, we are also aware that more investment from all sources will be required to improve the quality of service provided by public transit.

Our work is not done. Transit is an important link in both rural and urban areas to assure that the nation's transportation system functions efficiently. A strong Federal investment in buses, rail cars, stations and facilities, research, planning, and safety is critical to ensuring mobility

and economic growth. An interconnected multimodal transportation system that will carry America well into the twenty-first century requires a strong Federal role in transit.

Mr. Chairman, that concludes my prepared statement. I would be happy to answer any questions you may have.