

# BIPARTISAN INFRASTRUCTURE LAW (BIL)\*

## Overview of Highway Provisions

---

Todd Kohr  
Office of Policy and Governmental Affairs  
December 6, 2021



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

\*Also known as the “Infrastructure Investment and Jobs Act”

# Key Terms

- **Budget Authority:** empowerment by Congress that allows Federal agencies to incur obligations that will result in the outlay of funds
- **Contract Authority (CA):** form of Budget Authority that permits obligations to be made in advance of appropriations
- **Appropriated Budget Authority (ABA):** form of Budget Authority that establishes or continues both an authorization act and an appropriation act before any funds can be obligated
- **Advance Appropriations:** appropriated funds that become available for obligation one or more fiscal years after the budget year
- **Apportionment:** the distribution of funds to States as prescribed by statutory formula
- **Allocation:** an administrative distribution of funds for programs that are not distributed to States by statutory formula
- **Obligation:** the Federal government's legal commitment to pay or reimburse entities for the Federal share of a project's eligible costs
- **Highway Trust Fund (HTF):** account established by law to hold Federal highway-user taxes that are dedicated for highway and transit related purposes

# BIL Goes Beyond Transportation

- Once-in-a-generation investment in infrastructure
- Grows the economy, enhances U.S. competitiveness, creates good jobs, and makes the U.S. economy more sustainable, resilient, and equitable
- Around \$550 B in new Federal infrastructure investment, including—
  - Largest federal investment in public transit ever
  - Largest federal investment in passenger rail since the creation of Amtrak
  - Largest dedicated bridge investment since the construction of the Interstate System
  - Largest investment in clean drinking water & wastewater infrastructure in U.S. history
  - Largest investment in clean energy transmission & electric vehicle infrastructure in history
  - Ensuring every American has access to reliable high-speed internet
- On average, around 2 million jobs per year

# High Points of BIL Highway Provisions

- **Funds highway programs for five years** (FY 22-26)
- **\$350.8 B (FY 22-26) for highway programs**
  - \$303.5 B in Contract Authority (CA) from the Highway Trust Fund (HTF)
  - +\$47.3 B in advance appropriations from the General Fund (GF)
- **More than a dozen new highway programs**, including—
  - **Formula:** resilience, carbon reduction, bridges and electric vehicle (EV) charging infrastructure
  - **Discretionary:** bridges, EV charging infrastructure, rural projects, resilience, wildlife crossings, and reconnecting communities
- Focus on safety, bridges, climate change, resilience, and project delivery
- **More opportunities for local governments and other non-traditional entities** to access new funding
- \$90 B transfer (General Fund -> Highway Trust Fund) to **keep the HTF Highway Account solvent for years**

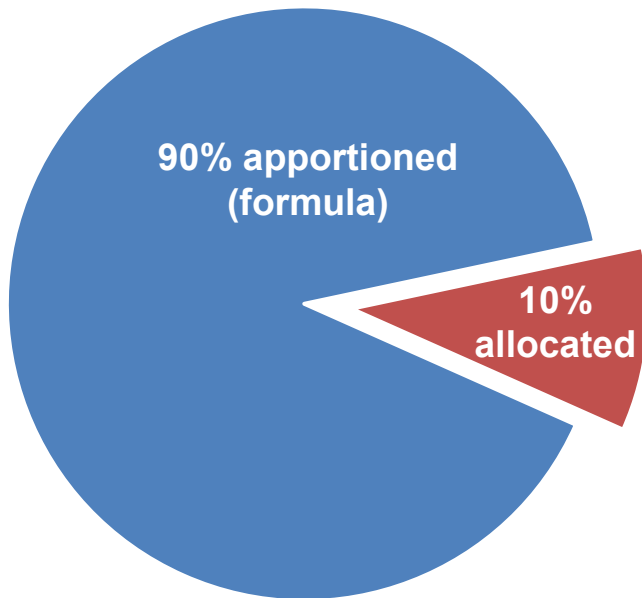
# \$350.8 B (FY 22-26) FOR HIGHWAY PROGRAMS

---

- \$303.5 B in Contract Authority from the Highway Trust Fund
- +\$47.3 B from the General Fund for “Highway Infrastructure Programs”
- Funding Available to a Range of Recipients

# \$303.5 B in Contract Authority (CA) from the HTF

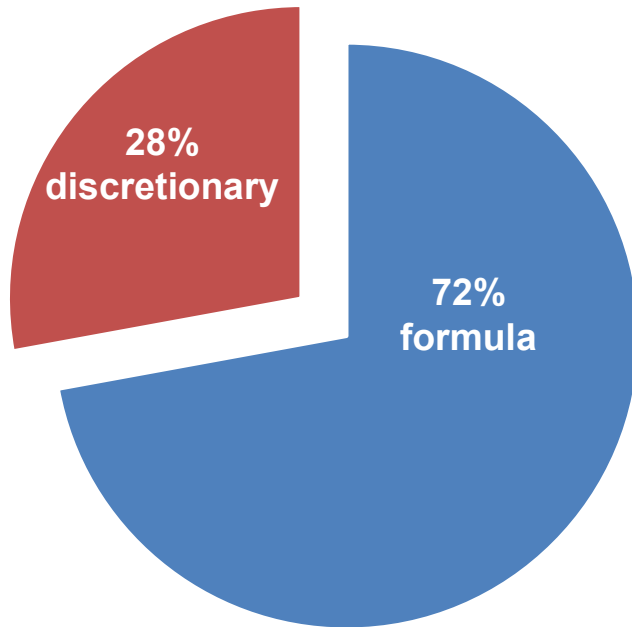
**BIL highway CA,  
apportioned vs. allocated**



- Five years of funding (FY 22-26)
- +29% highway CA (avg. annual, FY 22-26) vs. current law (FY 21)
- Mostly (90%) apportioned to States
- All FAST Act highway programs will continue
- ...plus new CA programs (apportioned and allocated)

# +\$47.3 B from the General Fund (GF) for “Highway Infrastructure Programs” (HIP)

## BIL HIP advance appropriations, formula vs. discretionary



- Majority (72%) distributed by formula
- All provided from the General Fund
- 9 categories of advance appropriations; 6 supplemental to CA

# Funding Available to a Range of Recipients

Program Examples	State	MPO	Local	Tribe	PA*	Territory	FLMA*
Apportioned programs (formula)	✓						
Bridge Program (formula)	✓			✓			
National Electric Vehicle Formula Program	✓		✓				
Safe Streets and Roads for All program		✓	✓	✓			
PROTECT Grants (discretionary)	✓	✓	✓	✓	✓		✓
Charging and Fueling Infrastructure Program	✓	✓	✓	✓	✓	✓	
Congestion Relief Program	✓	✓	✓				
Bridge Investment Program (discretionary)	✓	✓	✓	✓	✓		✓
Reconnecting Communities Pilot Program	✓	✓	✓	✓			
Rural Surface Transportation Grants	✓		✓	✓			
INFRA	✓	✓	✓	✓	✓		✓
Nat'l Infra. Project Assistance	✓	✓	✓	✓	✓		
Local and Regional Project Assistance	✓	✓	✓	✓	✓	✓	

Note: This table does not include all BIL programs or eligible entities, and there are additional nuances not represented in this table. Additional programmatic information is provided in later slides. FHWA will administer most, but not all, programs listed.

\* "PA" means a special purpose district or public authority with a transportation function; FLMA means Federal Land Management Agency

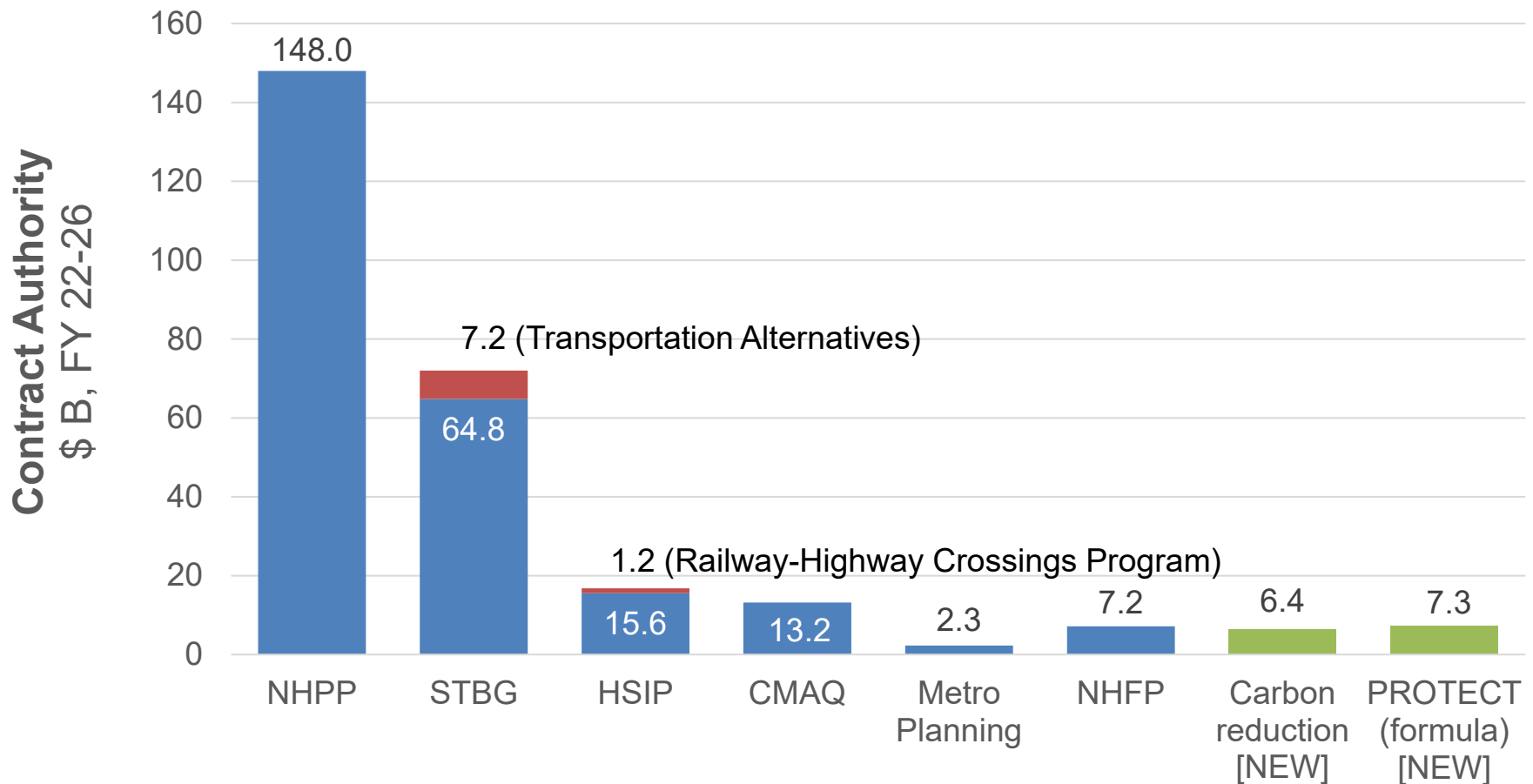


# APPORTIONED HIGHWAY PROGRAMS

---

- 8 Apportioned CA Programs (Including 2 New)
- Changes to Existing CA Programs (NHPP, STBG, HSIP, CMAQ, and NHFP)
- Carbon Reduction Program
- PROTECT Formula Program

# 8 Apportioned CA Programs (Including 2 New)



**Federal-aid apportioned programs under BIL**

# Changes to National Highway Performance Program (NHPP)

Topic	Changes
Program purpose	<p>Adds as an additional program purpose:</p> <ul style="list-style-type: none"><li>• providing support for activities to increase the resiliency of the NHS to mitigate the cost of damages from sea level rise, extreme weather events, flooding, wildfires, or other natural disasters</li></ul>
Eligible projects	<p>Adds new eligible projects:</p> <ul style="list-style-type: none"><li>• undergrounding public utility infrastructure carried out in conjunction with an otherwise eligible project</li><li>• resiliency improvements (including protective features) on the NHS</li><li>• activities to protect NHS segments from cybersecurity threats.</li><li>• protective features (related to mitigating risk of recurring damage or the cost of future repairs from extreme weather events, flooding, or other natural disasters) on Federal-aid highways/bridges off the NHS (≤15% of NHPP funds)</li></ul>
Asset management plans	<ul style="list-style-type: none"><li>• Requires consideration of extreme weather and resilience in lifecycle cost and risk management analyses</li></ul>

# Changes to Surface Transportation Block Grant Program (STBG)

Topics	Changes
Eligible projects	Adds several new types of eligible projects, including: <ul style="list-style-type: none"> <li>• EV charging infrastructure</li> <li>• protective features to enhance resilience</li> <li>• wildlife crossing projects</li> </ul>
Off-system bridges	<ul style="list-style-type: none"> <li>• Increases off-system bridge set-aside</li> <li>• Adds eligibility to include replacing a low water crossing with a bridge</li> </ul>
Sub-allocation	<ul style="list-style-type: none"> <li>• Population categories for sub-allocation split into smaller ranges:               <ul style="list-style-type: none"> <li>○ &lt; 5,000</li> <li>○ <b>[NEW]</b> 5,000 – 49,999</li> <li>○ <b>[NEW]</b> 50,000 – 200,000</li> <li>○ &gt;200,000</li> </ul> </li> <li>• Requires States to consult with RTPOs and MPOs for urbanized areas with 50,000-200,000 pop. before using certain suballocated funding</li> </ul>
Rural areas	<ul style="list-style-type: none"> <li>• Permits States to use up to 15% of funds for eligible projects or maintenance on non-Federal aid highways in rural areas, and up to 5% for certain barge landing, dock and waterfront infrastructure projects</li> </ul>

# Changes to Transportation Alternatives (TA) Set-aside from STBG

Topic	Changes
Funding	<ul style="list-style-type: none"><li>• Increases funding, setting it at 10% of total STBG funds each FY</li><li>• Increases from 50% to 59% the portion of TA funds that must be suballocated to areas of the State based on population</li><li>• Continues to permit States to transfer up to 50% of TA funds to any other apportioned program but establishes new conditions</li><li>• Allows States to use up to 5% of available funds (after suballocation) to fund staff to administer the TA program and assist applicants</li></ul>
Eligible projects	<ul style="list-style-type: none"><li>• Reaffirms eligibility for safe routes to school projects and activities</li><li>• Adds activities relating to vulnerable road user safety assessments</li></ul>
Eligible entities	<ul style="list-style-type: none"><li>• Adds as eligible entities MPOs representing a pop. ≤200,000, any nonprofit entities, and States at the request of another eligible entity</li></ul>
Federal share	<p>Subject to certain requirements:</p> <ul style="list-style-type: none"><li>• provides for a Federal share up to 100%</li><li>• allows HSIP funds to be used toward the non-Federal share</li><li>• allows non-Federal share requirements to be met on an aggregate basis instead of by project</li></ul>

# Changes to Highway Safety Improvement Program (HSIP)

Topic	Changes
Eligible projects	<ul style="list-style-type: none"><li>• Adds eligibility (<math>\leq 10\%</math> of HSIP funds) for specified safety projects (including non-infrastructure safety projects related to education, research, enforcement, emergency services, and safe routes to school)</li><li>• Modifies the HSIP definition of highway safety improvement project by adding or clarifying some project types. Some examples include:<ul style="list-style-type: none"><li>○ railway-highway crossing grade separation projects;</li><li>○ traffic control devices for pedestrians and bicyclists; and</li><li>○ roadway improvements that separate motor vehicles from bicycles or pedestrians</li></ul></li></ul>
Vulnerable road users	<ul style="list-style-type: none"><li>• Requires States to complete vulnerable road user (VRU) safety assessments, taking into consideration a Safe System approach</li><li>• Adds new special rule for States with total annual VRU fatalities comprising <math>\geq 15\%</math> of total annual crash fatalities in State</li></ul>

# Changes to Congestion Mitigation and Air Quality Improvement Program (CMAQ)

Topic	Changes
Eligible projects	<ul style="list-style-type: none"><li>• Adds eligibilities for—<ul style="list-style-type: none"><li>○ shared micromobility (e.g., bikeshare, shared e-scooters)</li><li>○ purchase of diesel replacements</li><li>○ purchase of medium/heavy-duty zero emission vehicles and related charging equipment</li><li>○ modernization/rehab of a lock and dam or a marine highway corridor, connector, or crossing, if certain criteria are met (<math>\leq 10\%</math> of CMAQ funds)</li></ul></li></ul>
Rail/transit operating assistance	<ul style="list-style-type: none"><li>• CMAQ funds may be used for rail/transit operating assistance (w/o time limitation) in association with certain CMAQ projects located in certain areas</li></ul>
Equity	<ul style="list-style-type: none"><li>• Requires, to the maximum extent practicable, prioritizing disadvantaged communities or low-income populations when obligating funds to reduce PM<sub>2.5</sub> emissions</li></ul>

# Changes to National Highway Freight Program (NHFP)

Topic	Changes
Freight intermodal/ freight rail projects	<ul style="list-style-type: none"><li>• State may use <math>\leq 30\%</math> (vs. 10% under current law) of NHFP funding on freight intermodal or freight rail projects, subject to certain restrictions</li></ul>
Locks, dams, marine highways	<ul style="list-style-type: none"><li>• Adds eligibility for modernization/rehab of a lock and dam or a marine highway corridor, connector, or crossing (including an inland waterway corridor, connector, or crossing) that are:<ul style="list-style-type: none"><li>○ functionally connected to the National Highway Freight Network; and</li><li>○ likely to reduce on-road mobile source emissions</li></ul></li></ul>
Critical freight corridors	<ul style="list-style-type: none"><li>• Allows the designation of more miles as critical rural freight corridors and critical urban freight corridors</li></ul>



## [NEW] Carbon Reduction Program (formula)

Purpose	Provide funding for projects to reduce transportation emissions or the development of carbon reduction strategies.
Funding	\$6.4 B (FY 22-26) in Contract Authority from the HTF
Recipients	<ul style="list-style-type: none"><li>• States (including DC)</li></ul>
Distribution formula	<ul style="list-style-type: none"><li>• Apportioned to States by formula</li><li>• 65% of funds are suballocated (reserved for use in certain areas of the State, based on population)</li></ul>
Other key provisions	<ul style="list-style-type: none"><li>• Requires State, in consultation with MPOs, to develop (and update at least every 4 years) a carbon reduction strategy and submit it to DOT for approval.</li><li>• DOT must certify that a State's strategy meets the statutory requirements.</li></ul>

# [NEW] PROTECT\* Formula Program

Purpose	Planning, resilience improvements, community resilience and evacuation routes, and at-risk coastal infrastructure
Funding	\$7.3 B (FY 22-26) in Contract Authority from the HTF
Recipients	<ul style="list-style-type: none"> <li>States (including DC)</li> </ul>
Distribution formula	<ul style="list-style-type: none"> <li>Apportioned to States by formula</li> </ul>
Other key provisions	<ul style="list-style-type: none"> <li>Highway, transit, and certain port projects are eligible</li> <li>Higher Federal share if the State develops a resilience improvement plan and incorporates it into its long-range transportation plan</li> <li>Of the amounts apportioned to a State for a fiscal year, the State may use:             <ul style="list-style-type: none"> <li>not more than 40% for construction of new capacity</li> <li>not more than 10% for development phase activities</li> </ul> </li> </ul>

\* *The full name of the program is Promoting, Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) program.*

# SAFETY

---

- Highway Safety Improvement Program (highlighted earlier)
- Railway-Highway Crossings Program (highlighted earlier)
- Safe Streets and Roads for All
- Wildlife Crossings Pilot Program
- Other Safety-related Provisions

## [NEW] Safe Streets and Roads for All (discretionary)

Purpose	Support local initiatives to prevent transportation-related death and serious injury on roads and streets (commonly referred to as “Vision Zero” or “Toward Zero Deaths” initiatives).
Funding	\$5.0B (FY 22-26) in advance appropriations from the GF
Eligible entities	<ul style="list-style-type: none"><li>• MPO</li><li>• Political subdivision of a State (e.g., local governments)</li><li>• Tribal government</li></ul>
Eligible projects	<ul style="list-style-type: none"><li>• Comprehensive safety action plan (planning grant)</li><li>• Planning, design, and development activities for infrastructure projects and other strategies identified in a comprehensive safety action plan</li></ul>
Other key provisions	<ul style="list-style-type: none"><li>• Sets aside not less than 40% of total funding each FY for planning grants.</li><li>• Requires considering, among other factors, the likelihood of a project significantly reducing or eliminating fatalities and serious injuries involving various road users, including pedestrians, bicyclists, public transportation users, motorists, and commercial operators.</li></ul>

## [NEW] Wildlife Crossings Pilot Program (discretionary)

Purpose	Support projects that seek to reduce the number of wildlife-vehicle collisions, and in carrying out that purpose, improve habitat connectivity
Funding	<ul style="list-style-type: none"> <li>• \$350 M (FY 22-26) in Contract Authority from the HTF</li> </ul>
Eligible entities	<ul style="list-style-type: none"> <li>• State highway agency (or equivalent)</li> <li>• MPO</li> <li>• Local government</li> <li>• Regional transportation authority</li> <li>• Special purpose district or public authority with a transportation function</li> <li>• Indian Tribe</li> <li>• Federal land management agency</li> </ul>
Eligible projects	<ul style="list-style-type: none"> <li>• Projects to reduce wildlife-vehicle collisions</li> </ul>
Other key provisions	<ul style="list-style-type: none"> <li>• Sets aside not less than 60% of grant funds for projects in rural areas</li> <li>• Provision related to pilot program requires:             <ul style="list-style-type: none"> <li>○ study of methods to reduce wildlife-vehicle collisions;</li> <li>○ workforce development and technical training courses <del>with</del>;</li> <li>○ standardized methodology for collecting and reporting spatially accurate wildlife collision and carcass data for the NHS; and</li> <li>○ guidance on evaluating highways for potential mitigation measures to reduce wildlife-vehicle collisions and increase habitat connectivity.</li> </ul> </li> </ul>

# Other Safety-related Provisions

Program/topic	Provisions in the new law
Increasing Safe and Accessible Transportation Options (§11206)	<ul style="list-style-type: none"> <li>• Defines Complete Streets standards and policies</li> <li>• Requires each State and MPO to carry out transportation planning activities related to complete streets or multimodal travel using—               <ul style="list-style-type: none"> <li>○ State: at least 2.5% of its State Planning and Research (SPR) funds</li> <li>○ MPO: at least 2.5% of its Metropolitan Planning (PL) funds</li> </ul> </li> </ul>
Manual on Uniform Traffic Control Devices (MUTCD) (§§11129, 11135)	<ul style="list-style-type: none"> <li>• Adds to MUTCD purposes inclusion and mobility for all users</li> <li>• Requires MUTCD update within 18 months, every 4 years thereafter</li> <li>• Requires first update to provide for protection of vulnerable road users to the greatest extent possible, among other specified elements</li> </ul>

# WORKFORCE

---

- Davis-Bacon and Buy America Provisions
- Local Hiring Preference

# Davis-Bacon and Buy America Provisions

Program/topic	Provisions in the new law
Davis-Bacon (various sections)	<ul style="list-style-type: none"> <li>• Davis-Bacon wage requirements apply for most major highway programs</li> </ul>
Buy America requirements for title 23 projects (§11513)	<ul style="list-style-type: none"> <li>• Buy America waivers for <u>title 23 projects</u> require public notice of proposed waivers, public comment, annual report to Congress</li> </ul>
Buy America requirements for all infrastructure projects receiving Federal assistance (§§70911-70917)	<ul style="list-style-type: none"> <li>• New Buy America requirements apply to <u>all</u> infrastructure projects receiving Federal financial assistance               <ul style="list-style-type: none"> <li>○ Manufacturing processes for iron, steel, construction materials and manufactured products must occur in U.S.</li> <li>○ Cost of components of manufactured products mined, produced, or manufactured in U.S. must be &gt;55% of the cost of all components</li> <li>○ Waivers only if applying requirement is not in the public interest, materials are not available, or meeting requirement would increase overall project cost by &gt;25% (to be reviewed every 5 years)</li> <li>○ Requires Federal agencies to identify “deficient programs” not meeting the new Federal government-wide Buy America requirement</li> </ul> </li> </ul>



# Local Hiring Preference

Program/topic	Provisions in the new law
Local hiring preference for construction jobs (§25019)	<ul style="list-style-type: none"><li>• Permits a recipient or subrecipient of funding under title 23 or 49, United States Code to implement a local or other geographical or economic hiring preference relating to the use of labor for construction projects</li><li>• Requires DOT to submit a Workforce Diversity Report to Congress, followed by a model plan for States, local governments, and private sector entities to use</li><li>• The report and model plan must address methods to enhance pre-apprenticeship programs, improve transportation workforce diversity, and encourage (sub)recipients to establish outreach and support programs</li></ul>

# CLIMATE AND RESILIENCE

---

- Carbon Reduction Program [highlighted earlier]
- PROTECT Formula Program [highlighted earlier]
- PROTECT Discretionary Grants
- Charging and Fueling Infrastructure
- National Electric Vehicle Formula Program
- Congestion Relief Program

## [NEW] PROTECT Grants (discretionary)

Purpose	Planning, resilience improvements, community resilience and evacuation routes, and at-risk coastal infrastructure
Funding	\$1.4 B (FY 22-26) in Contract Authority from the HTF
Eligible entities	<ul style="list-style-type: none"> <li>• State (or political subdivision of a State)</li> <li>• MPO</li> <li>• Local government</li> <li>• Special purpose district or public authority with a transportation function</li> <li>• Indian Tribe</li> <li>• Federal land management agency (applying jointly with State(s))</li> <li>• <i>Different eligibilities apply for at-risk coastal infrastructure grants</i></li> </ul>
Eligible projects	<ul style="list-style-type: none"> <li>• Highway, transit, intercity passenger rail, and port facilities</li> <li>• Resilience planning activities, including resilience improvement plans, evacuation planning and preparation, and capacity-building</li> <li>• Construction activities (oriented toward resilience)</li> <li>• Construction of (or improvement to) evacuation routes</li> </ul>
Other key provisions	<ul style="list-style-type: none"> <li>• Higher Federal share if the eligible entity develops a resilience improvement plan (or is in a State or area served by MPO that does) and the State or MPO incorporates it into its long-range transportation plan</li> <li>• May only use up to 40% of the grant for construction of new capacity</li> </ul>

# [NEW] Charging and Fueling Infrastructure (discretionary)

Purpose	Deploy electric vehicle (EV) charging and hydrogen/propane/natural gas fueling infrastructure along designated alternative fuel corridors and in communities
Funding	\$2.5 B (FY 22-26) in Contract Authority from the HTF
Eligible entities	<ul style="list-style-type: none"> <li>• State or political subdivision of a State</li> <li>• MPO</li> <li>• Local government</li> <li>• Special purpose district or public authority with a transportation function</li> <li>• Indian Tribe</li> <li>• Territory</li> </ul>
Eligible projects	<ul style="list-style-type: none"> <li>• Acquisition and installation of publicly accessible EV charging or alternative fueling infrastructure</li> <li>• Operating assistance (for the first 5 years after installation)</li> <li>• Acquisition and installation of traffic control devices</li> </ul>
Other key provisions	<ul style="list-style-type: none"> <li>• Requirement to redesignate alternative fuel corridors and establish a process to regularly redesignate these corridors</li> <li>• Set-aside (50%) to install EV charging and alternative fueling infrastructure on public roads or in other publicly accessible locations, such as parking facilities at public buildings, schools, and parks</li> </ul>

# [NEW] National Electric Vehicle Formula Program (formula and discretionary\*)

Purpose	Strategically deploy electric vehicle (EV) charging infrastructure and establish an interconnected network to facilitate data collection, access, and reliability
Funding	\$5 B (FY 22-26) in advance appropriations from the GF
Recipients	<ul style="list-style-type: none"> <li>States (including DC and Puerto Rico)</li> </ul>
Distribution formula	<ul style="list-style-type: none"> <li>Same shares as Federal-aid highway apportionments</li> </ul>
Other key provisions	<ul style="list-style-type: none"> <li>Funded projects must be located along designated alt fuel corridors</li> <li>Sets aside 10% of funding for discretionary grants to State and local governments that require additional assistance to strategically deploy EV charging infrastructure</li> <li>State must submit plan to DOT describing planned use of funds</li> <li>If State doesn't submit plan (or carry it out), DOT may withhold or withdraw funds and redistribute within the State, or to other States</li> <li>Establishes DOT-DOE Joint Office of Energy and Transportation</li> <li>Requires DOT to designate national EV charging corridors to support freight and goods movement</li> </ul>

*\* Program sets aside funds for discretionary technical assistance grants; also if DOT withholds or withdraws funding from a State, DOT may award funds to local governments in the same State.*

## [NEW] Congestion Relief Program (discretionary)

Purpose	Advance innovative, integrated, and multimodal solutions to reduce congestion and the related economic and environmental costs in the most congested metropolitan areas with an urbanized area population of 1M+.
Funding	\$250 M (FY 22-26) in Contract Authority from the HTF
Eligible entities	<ul style="list-style-type: none"><li>• State</li><li>• MPO</li><li>• City or municipality</li></ul>
Eligible projects	<ul style="list-style-type: none"><li>• Planning, design, implementation, and construction activities to achieve the program goals, including:<ul style="list-style-type: none"><li>○ deployment and operation of integrated congestion management systems, systems that implement or enforce HOV toll lanes or pricing strategies, or mobility services; and</li><li>○ incentive programs that encourage carpooling, nonhighway travel during peak periods, or travel during nonpeak periods.</li></ul></li><li>• Subject to certain requirements and approval by the Secretary, provides for tolling on the Interstate System as part of a project carried out with a grant under the program</li></ul>

# BRIDGES

---

- Bridge Formula Program
- Bridge Investment Program

# [NEW] Bridge Formula Program

Purpose	Replace, rehabilitate, preserve, protect, and construct bridges on public roads
Funding	\$27.5 B (FY 22-26) in advance appropriations from the GF
Recipients	<ul style="list-style-type: none"><li>• States (including DC and Puerto Rico)</li></ul>
Distribution formula	<ul style="list-style-type: none"><li>• 75% based on relative costs of replacing State's poor condition bridges</li><li>• 25% based on relative costs of rehabilitating State's fair condition bridges</li><li>• ...but each State receives at least \$45M per FY (22-26)</li></ul>
Other key provisions	<ul style="list-style-type: none"><li>• Benefits for "off-system" (non-Federal-aid highway) bridge projects<ul style="list-style-type: none"><li>◦ 15% of funds reserved for such projects</li><li>◦ 100% Federal share if owned by a local agency or Federally-recognized Tribe</li></ul></li><li>• Sets aside 3% of the funds appropriated for the program for Tribal transportation facility bridges, which shall be administered as if made available under the Tribal Transportation Program</li></ul>



# [NEW] Bridge Investment Program (discretionary)

Purpose	Improve bridge (and culvert) condition, safety, efficiency, and reliability
Funding	<p>\$12.5 B (FY 22-26), including—</p> <ul style="list-style-type: none"> <li>• \$3.3 B (FY 22-26) in Contract Authority from the HTF; and</li> <li>• \$9.2 B (FY 22-26) in advance appropriations from the GF</li> </ul>
Eligible entities	<ul style="list-style-type: none"> <li>• State</li> <li>• MPO (w/ pop. &gt;200K)</li> <li>• Local government</li> <li>• Special purpose district or public authority with a transportation function</li> <li>• Federal land management agency</li> <li>• Tribal government</li> </ul>
Eligible projects	<ul style="list-style-type: none"> <li>• Project to replace, rehabilitate, preserve or protect one or more bridges on the National Bridge Inventory</li> <li>• Project to replace or rehabilitate culverts to improve flood control and improve habitat connectivity for aquatic species</li> </ul>
Other key provisions	<ul style="list-style-type: none"> <li>• At least 50% of funding reserved for certain large projects; option for multi-year funding agreements</li> <li>• Different process for funding projects ≤\$100 M cost</li> <li>• Sets aside average of \$40M per FY for Tribal transportation bridges</li> </ul>

# EQUITY

---

- Reconnecting Communities Pilot Program
- Rural Surface Transportation Grants

# [NEW] Reconnecting Communities Pilot Program (discretionary)

Purpose	Restore community connectivity by removing, retrofitting, or mitigating highways or other transportation facilities that create barriers to community connectivity, including to mobility, access, or economic development
Funding	<p>\$1 B (FY 22-26), including—</p> <ul style="list-style-type: none"> <li>• \$500 M (FY 22-26) in Contract Authority from the HTF; and</li> <li>• \$500 M (FY 22-26) in advance appropriations from the GF</li> </ul>
Eligible entities	<p><u>Planning grants:</u></p> <ul style="list-style-type: none"> <li>• State</li> <li>• MPO</li> <li>• Local government</li> <li>• Tribal government</li> <li>• Nonprofit organization</li> </ul> <p><u>Capital construction grants:</u> Owner of an eligible facility (may partner with any of the eligible entities for a planning grant)</p>
Eligible activities	<ul style="list-style-type: none"> <li>• Planning grants (<math>\leq</math>\$2M)</li> <li>• Grants (<math>\geq</math>\$5M) for capital construction projects, including the removal and replacement of eligible facilities</li> </ul>

## [NEW] Rural Surface Transportation Grants (discretionary)

Purpose	Improve and expand the surface transportation infrastructure in rural areas to increase connectivity, improve the safety and reliability of the movement of people and freight, and generate regional economic growth and improve quality of life.
Funding	\$2 B (FY 22-26) in Contract Authority from the HTF
Eligible entities	<ul style="list-style-type: none"> <li>• State</li> <li>• Regional transportation planning organization (RTPO)</li> <li>• Local government</li> <li>• Tribal government</li> </ul>
Eligible projects	<ul style="list-style-type: none"> <li>• Highway, bridge, or tunnel projects eligible under NHPP, STBG or the Tribal Transportation Program</li> <li>• Highway freight project eligible under NHFP</li> <li>• Highway safety improvement project</li> <li>• Project on a publicly-owned highway or bridge improving access to certain facilities that support the economy of a rural area</li> <li>• Integrated mobility management system, transportation demand management system, or on-demand mobility services</li> </ul>
Other key provisions	<ul style="list-style-type: none"> <li>• Sets aside each FY: ≤10% for grants to small projects (&lt;\$25M); 25% for designated routes of the ADHS; and 15% for projects in States with higher than average rural roadway lane departure fatalities</li> </ul>

# FEDERAL LANDS AND TRIBAL

---

- Tribal Transportation Program
- Nationally Significant Federal Lands and Tribal Projects Program

# Changes to Tribal Transportation Program (TTP)

Funding	\$3 B (FY 22-26) in Contract Authority from the HTF
Tribal bridges	<ul style="list-style-type: none"> <li>• Eliminates current TTP set-aside for Tribal Transportation Bridge Program</li> <li>• Instead, funds Tribal bridges via set-asides from the—             <ul style="list-style-type: none"> <li>○ Bridge Investment Program, including—                 <ul style="list-style-type: none"> <li>▪ \$100M (FY 22-26) in Contract Authority from the HTF; and</li> <li>▪ \$100M (FY 22-26) in advance appropriations from the GF; and</li> </ul> </li> <li>○ Bridge Formula Program (\$825M over FY 22-26 in advance appropriations from the GF)</li> </ul> </li> </ul> <p>(§§11118, 14004, Division J)</p>
Other key provisions	<ul style="list-style-type: none"> <li>• Sets aside from the TTP \$45 M (FY 22-26) in Contract Authority from HTF to fund Tribal High Priority Projects program (§11128)</li> <li>• Increases set-aside amount for TTP Safety Fund from 2% to 4% (§14008)</li> <li>• Updates bridge terminology, replacing references to “deficient bridges” and “structurally deficient or functionally obsolete” with “classified as in poor condition, having low load capacity, or needing geometric improvements” (§11524)</li> </ul>

# Changes to Nationally Significant Federal Lands and Tribal Projects Program (NSFLTP)

Funding	<ul style="list-style-type: none"><li>• \$275 M (FY 22-26) in Contract Authority from the HTF</li></ul>
Other key provisions	<ul style="list-style-type: none"><li>• Reduces (from \$25 M to \$12.5 M) minimum eligible project cost</li><li>• Modifies the Federal share:<ul style="list-style-type: none"><li>○ Establishes a Federal share for Tribal projects of 100%;</li><li>○ For other projects, it allows title 23 and title 49 funds to be used for the “non-Federal” share</li></ul></li><li>• Requires an even split between Tribal and Federal lands projects</li><li>• Of the funds for Federal lands projects, requires that at least 1 eligible project be carried out in a unit of the National Park System with ≥3 M annual visitors</li></ul>

# OTHER INFRASTRUCTURE PROGRAMS

---

- National Infrastructure Project Assistance Program (Mega-projects)
- Local and Regional Project Assistance Program
- Changes to INFRA Program
- Reductions of Truck Emissions at Port Facilities Program
- Emergency Relief Program



## [NEW] National Infrastructure Project Assistance Program (“Mega-projects”) (discretionary)

Purpose	Provide funding through single-year or multiyear grant agreements for eligible surface transportation projects
Funding	\$5 B (FY 22-26) in advance appropriations from the GF
Eligible entities	<ul style="list-style-type: none"> <li>• State</li> <li>• MPO</li> <li>• Local government</li> <li>• Special purpose district or public authority with transportation function</li> <li>• Tribal governments</li> <li>• Partnership between Amtrak and one or more other eligible entities</li> </ul>
Eligible projects	<ul style="list-style-type: none"> <li>• Highway/bridge projects on National Multimodal Freight Network, NHFN, or NHS</li> <li>• Freight intermodal or freight rail projects that provide a public benefit</li> <li>• Railway-highway grade separation or elimination projects</li> <li>• Intercity passenger rail projects</li> <li>• Certain public transportation projects</li> </ul>
Other key provisions	<ul style="list-style-type: none"> <li>• Sets aside 50% of grant funding for projects costing more than \$100 M but less than \$500 M, and 50% for projects costing \$500 M or more</li> </ul>

# [NEW] Local and Regional Project Assistance Program\* (discretionary)

Purpose	Projects with a significant local or regional impact that improve transportation infrastructure
Funding	\$7.5 B (FY 22-26) in advance appropriations from the GF
Eligible entities	<ul style="list-style-type: none"> <li>• State (and DC)</li> <li>• Territory</li> <li>• Local government</li> <li>• Public agency or publicly chartered authorities established by one or more States</li> <li>• Special purpose district or public authority with transportation function</li> <li>• Federally-recognized Indian Tribe</li> <li>• Transit agency</li> </ul>
Eligible projects	<ul style="list-style-type: none"> <li>• Highway/bridge projects eligible under title 23</li> <li>• Public transportation projects</li> <li>• Passenger or freight rail projects</li> <li>• Port infrastructure investments</li> <li>• Surface transportation components of an airport</li> <li>• Projects for investment in surface transportation facilities on Tribal land</li> <li>• Projects to replace or rehabilitate a culvert or certain projects to prevent stormwater runoff</li> <li>• Any other surface transportation projects considered necessary to advance program goals</li> </ul>

\* Codifies the existing Rebuilding American Infrastructure with Sustainability and Equity (RAISE) program previously established through appropriations acts (and formerly known as TIGER and BUILD).

# Changes to INFRA Program (discretionary)

Purpose	Multimodal freight and highway projects of national or regional significance
Funding	<p>\$8 B (FY 22-26), including:</p> <ul style="list-style-type: none"> <li>• \$4.8 B (FY 22-26) in Contract Authority from the HTF; and</li> <li>• \$3.2 B (FY 22-26) in advance appropriations from the GF</li> </ul>
Eligible entities	<p>Adds eligibility for:</p> <ul style="list-style-type: none"> <li>• Multistate corridor organizations</li> </ul>
Eligible projects	<p>Adds eligibility for:</p> <ul style="list-style-type: none"> <li>• A highway, bridge, or freight project on the National Multimodal Freight Network</li> <li>• Marine highway corridor projects functionally connected to NHFN and likely to reduce on-road emissions;</li> <li>• Wildlife crossing projects; and</li> <li>• Surface transportation projects within the boundaries of or functionally connected to an international border crossing area;</li> </ul>
Other key provisions	<ul style="list-style-type: none"> <li>• Increases flexibility to use INFRA funds (up to 30% per FY) on non-highway freight projects</li> <li>• Sets aside <math>\geq 15\%</math> (instead of 10%) of grant funding for small projects and at least 30% of the set-aside amount for projects in rural areas</li> </ul>

## [NEW] Reduction of Truck Emissions at Port Facilities Program (discretionary)

Purpose	Study and competitive grants to reduce truck idling and emissions at ports, including through the advancement of port electrification
Funding	\$400 M (FY 22-26), including— <ul style="list-style-type: none"><li>• \$250 M (FY 22-26) in Contract Authority from the HTF; and</li><li>• \$150 M (FY 22-26) in advance appropriations from the GF</li></ul>
Eligible entities	<ul style="list-style-type: none"><li>• None specified</li></ul>
Eligible projects	<ul style="list-style-type: none"><li>• Competitive grants are intended to test, evaluate, and deploy projects that reduce port-related emissions</li></ul>
Other key provisions	<ul style="list-style-type: none"><li>• Study to address how ports and intermodal port transfer facilities would benefit from increased opportunities to reduce emissions at ports, and how emerging technologies and strategies can contribute</li></ul>

# FOR MORE INFORMATION

---

- Please visit:  
[fhwa.dot.gov/bipartisan-infrastructure-law](https://www.fhwa.dot.gov/bipartisan-infrastructure-law)