

BIPARTISAN INFRASTRUCTURE LAW (BIL)*

Overview of Highway Provisions

[Insert name here]

[Insert office]

[Insert date]



U.S. Department
of Transportation

**Federal Highway
Administration**

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

SETTING THE STAGE

- Introductory Notes
- Key Terms

Introductory Notes

- This presentation:
 - focuses on highway provisions in the BIL
 - provides an overview of significant programs and provisions, but it is not all inclusive
 - does not include programs that BIL authorizes subject to future appropriation
 - includes information on several relevant programs that the Office of the Secretary will administer
- Section (§) references in the presentation refer to BIL sections
- References to “Division J” refer to the appropriations portion of BIL (Title VII relates to the U.S. Department of Transportation)

For more information, please visit the Federal Highway Administration’s BIL website: [fhwa.dot.gov/bipartisan-infrastructure-law](https://www.fhwa.dot.gov/bipartisan-infrastructure-law)

Disclaimer: Except for any statutes or regulations cited, the contents of this presentation do not have the force and effect of law and are not meant to bind the public in any way. This presentation is intended only to provide information regarding existing requirements under the law or agency policies.

Key Terms

- **Budget Authority:** authorization 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):** Budget authority to incur obligations and to make payments from the Treasury for specified purposes
- **Advance Appropriations:** appropriated funds that become available for obligation one or more fiscal years after the year for which the appropriation was enacted
- **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 HIGHLIGHTS

- Milestones Toward Enactment of BIL
- BIL Goes Beyond Transportation
- Includes \$567.1 B (All DOT Modes) Over FY 22-26
- High Points of BIL Highway Provisions

Milestones Toward Enactment of BIL

| Date | Milestone |
|-------------------|--|
| July 2021 | Senators released bipartisan infrastructure framework |
| August 10, 2021 | Senate passed Bipartisan Infrastructure Deal (BIL) |
| November 5, 2021 | House passed BIL |
| November 15, 2021 | President Biden signed BIL into law (Public Law No: 117-58) |

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

Includes \$567.1 B (All DOT Modes) Over FY 22-26

| Program | Contract Authority (CA) (\$ B, FY 22-26) | Advance appropriations (\$ B, FY 22-26) |
|--|---|--|
| Federal Aviation Administration | --- | 25.0 |
| Federal Highway Administration | 303.5 | 47.3 |
| Federal Motor Carrier Safety Administration | 4.5 | 0.7 |
| Federal Railroad Administration / Amtrak | --- | 66.0 |
| Federal Transit Administration | 69.9 | 21.3 |
| Maritime Administration | --- | 2.3 |
| National Highway Traffic Safety Administration | 5.1 | 1.6 |
| Office of the Secretary | --- | 19.0 |
| Pipeline & Hazardous Materials Safety Admin. | --- | 1.0 |
| Total | 383.0 | 184.1 |

Note: Table does not include amounts that BIL authorizes but are subject to [future] appropriation

High Points of BIL Highway Provisions

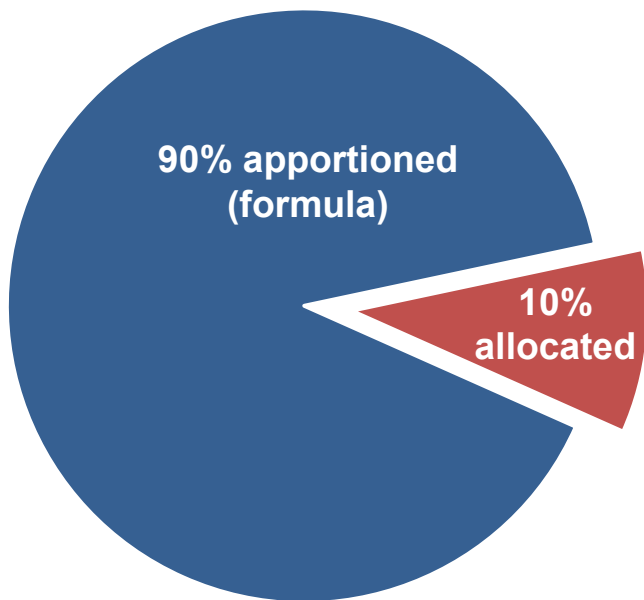
- **Funds highway programs for five years** (FY 22-26)
- **\$350.8 B (FY 22-26) for highway programs**
 - \$303.5 B in Contract Authority (CA) from the Highway Trust Fund (HTF)
 - +\$47.3 B in advance appropriations from the General Fund (GF)
- **More than a dozen new highway programs**, including—
 - **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 (GF->HTF) 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 HTF
- +\$47.3 B from the General Fund (GF) for “Highway Infrastructure Programs” (HIP)
- Nine Categories of HIP Funding Under BIL (from the GF)
- Funding Available to a Range of Recipients

\$303.5 B in Contract Authority from the HTF

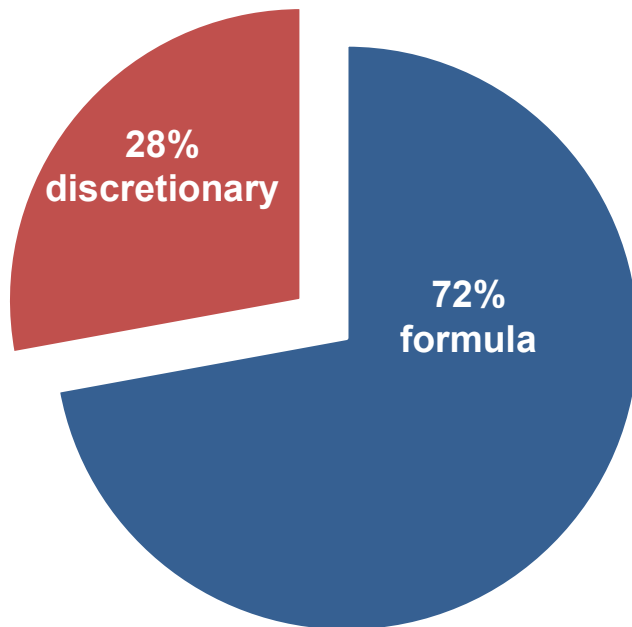
BIL highway CA, apportioned vs. allocated



- 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

Nine Categories of HIP Funding Under BIL (from the GF)

| Total, FY 22-26 | Program |
|--------------------|---|
| \$27.5 B | Bridge Formula Program |
| \$9.2 B* | Bridge Investment Program (discretionary) |
| \$5.0 B | National Electric Vehicle Formula Program |
| \$3.2 B* | INFRA Program |
| \$1.3 B | Appalachian Development Highway System (ADHS) |
| \$0.5 B* | Reconnecting Communities Pilot Program |
| \$0.3 B* | Ferry Boat Program |
| \$0.2 B* | Reduction of Truck Emissions at Port Facilities |
| \$0.1 B* | University Transportation Centers (UTCs) |

* Supplements CA separately provided by BIL for this program

Funding Available to a Range of Recipients

| Program Examples | State | PR* | 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 | ✓ | ✓ | ✓*** | ✓ | ✓ | ✓ | | ✓ |
| National Infrastructure Project Assistance | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | |
| Local and Regional Project Assistance | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | |
| Natl. Significant Fed. Lands & Tribal Projects | ✓*** | ✓*** | ✓*** | ✓*** | ✓ | ✓*** | | ✓ |
| Tribal Transportation Program Safety Fund | | | | | ✓ | | | |

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.

* PR = Puerto Rico, has funding allocated from 23 USC 165(b)(2)(C). Of that funding, least 50% is for purposes eligible under NHPP and 25% under HSIP, and the remainder is for other activities eligible under chapter 1 of title 23.

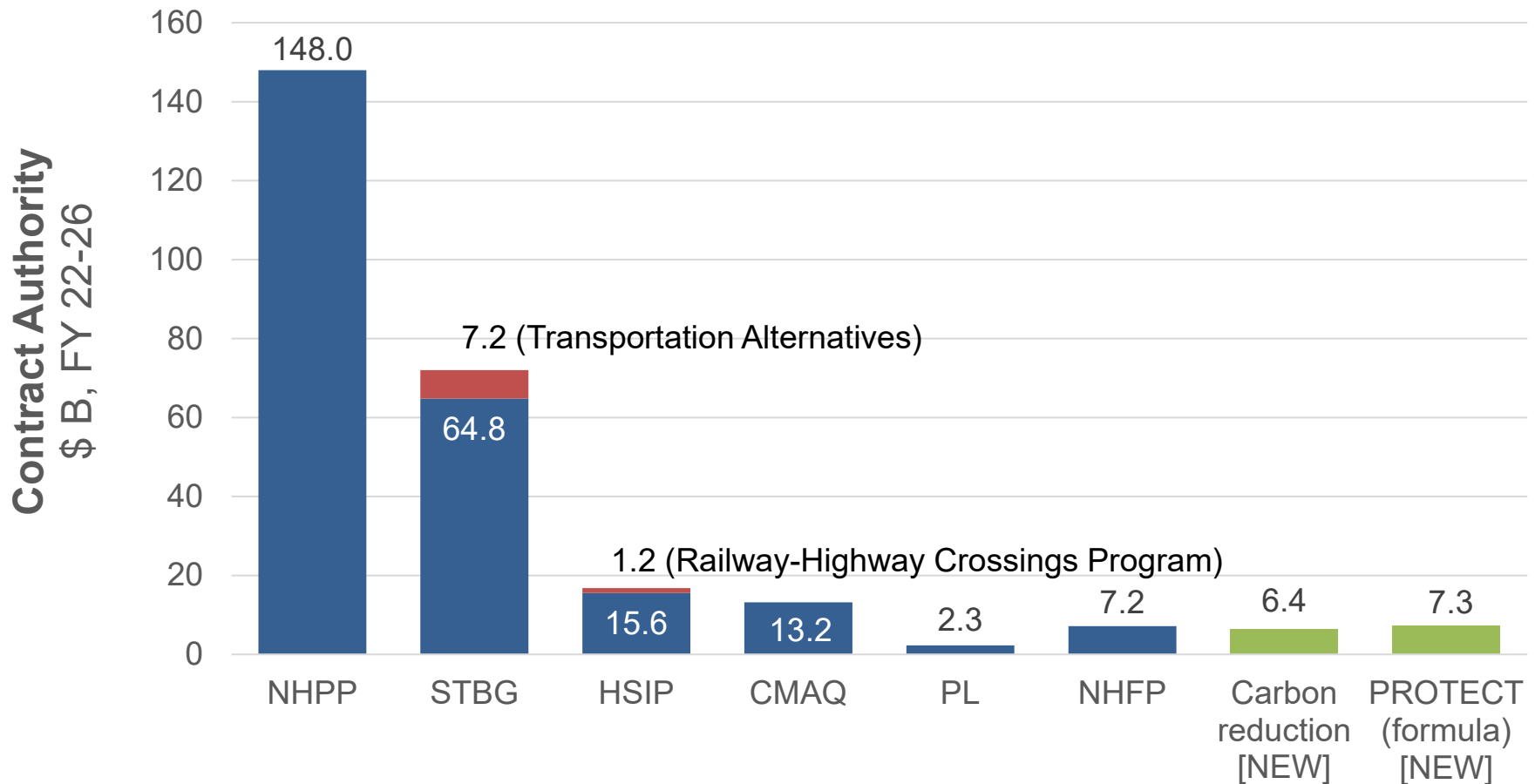
** PA = a special purpose district or public authority with a transportation function; FLMA = Federal Land Management Agency

*** May be eligible if partnered with an eligible entity, or under other specific conditions. For example, territories can apply for PROTECT at-risk coastal infrastructure grants [23 USC 176(d)(4)(C)]. See program information sources for more details.

APPORTIONED HIGHWAY PROGRAMS

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

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">• 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 |
| Eligible projects | <p>Adds new eligible projects:</p> <ul style="list-style-type: none">• undergrounding public utility infrastructure carried out in conjunction with an otherwise eligible project• resiliency improvements (including protective features) on the NHS• activities to protect NHS segments from cybersecurity threats.• 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) |
| Asset management plans | <ul style="list-style-type: none">• Requires consideration of extreme weather and resilience in lifecycle cost and risk management analyses |

Changes to Surface Transportation Block Grant Program (STBG)

| Topics | Changes |
|--------------------|---|
| Eligible projects | <p>Adds several new types of eligible projects, including:</p> <ul style="list-style-type: none"> • EV charging infrastructure • protective features to enhance resilience • wildlife crossing projects |
| Off-system bridges | <ul style="list-style-type: none"> • Increases off-system bridge set-aside • Adds eligibility to include replacing a low water crossing with a bridge |
| Sub-allocation | <ul style="list-style-type: none"> • Population categories for sub-allocation split into smaller ranges: <ul style="list-style-type: none"> ○ < 5,000 ○ [NEW] 5,000 – 49,999 ○ [NEW] 50,000 – 200,000 ○ >200,000 • Requires States to consult with RTPOs and MPOs for urbanized areas with 50,000-200,000 pop. before using certain suballocated funding |
| Rural areas | <ul style="list-style-type: none"> • 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 |

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

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

Changes to Highway Safety Improvement Program (HSIP)

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

Changes to Railway-Highway Crossings Program (RHCP)

| Topic | Changes |
|-------------------|---|
| Eligible projects | <ul style="list-style-type: none">• Clarifies funds are eligible for projects to reduce pedestrian fatalities and injuries from trespassing at grade crossings (ped safety improvements at crossings are already an eligible activity) |
| Uses of funding | <ul style="list-style-type: none">• Eliminates the 50% set-aside for “protective devices”• Increases the maximum incentive payment that a State may pay a local government for closing a public at-grade railway-highway crossing from \$7,500 to \$100,000, subject to certain conditions• Increases from 2% to 8% the amount a State may use for data compilation and analysis in support of its annual RHCP report |
| Federal share | <ul style="list-style-type: none">• Increases the Federal share for projects financed with funds set aside for this program from 90% to 100% |
| Reports | <ul style="list-style-type: none">• Requires FRA to summarize highway-rail grade crossing action plans and evaluate each State railway-highway crossing program and submit report to Congress on the results (§22401)• Requires FRA, in consultation with FHWA, to update the report based on State annual reports required under the program and submit it to Congress (§22403) |

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

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

Changes to National Highway Freight Program (NHFP)

| Topic | Changes |
|---|---|
| Freight intermodal/ freight rail projects | <ul style="list-style-type: none">• State may use ≤30% (vs. 10% under current law) of NHFP funding on freight intermodal or freight rail projects, subject to certain restrictions |
| Locks, dams, marine highways | <ul style="list-style-type: none">• 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">○ functionally connected to the National Highway Freight Network; and○ likely to reduce on-road mobile source emissions |
| Critical freight corridors | <ul style="list-style-type: none">• Allows the designation of more miles as critical rural freight corridors and critical urban freight corridors |

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"> • MPO • Political subdivision of a State (e.g., local governments) • Tribal government |
| Eligible projects | <ul style="list-style-type: none"> • Developing comprehensive safety action plans (planning grant) • Conducting planning, design, and development activities for infrastructure projects and strategies identified in a comprehensive safety action plan • Carrying out projects and strategies identified in a comprehensive safety action plan |
| Other key provisions | <ul style="list-style-type: none"> • Sets aside not less than 40% of total funding each FY for planning grants. • 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. |

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

Other Safety-related Provisions

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

WORKFORCE

- Davis-Bacon and Buy America Provisions
- Other Workforce Provisions

Davis-Bacon and Buy America Provisions

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

Other Workforce Provisions

| Program/topic | Provisions in the new law |
|--|--|
| <p>Local hiring preference for construction jobs (§25019)</p> | <ul style="list-style-type: none"> • 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 consistent with State/local laws and policies. • 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 • 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 |
| <p>Surface transportation workforce development, training, and education (§13007)</p> | <ul style="list-style-type: none"> • Expands eligibility to include a variety of training and employment activities |
| <p>Transportation education and training development and deployment program (§13007)</p> | <ul style="list-style-type: none"> • Expands eligibility to State DOTs and partnerships with Federal departments and agencies • Expands program to include implementing new curricula and education programs to provide hands-on career opportunities to meet current and future needs |

CLIMATE AND RESILIENCE

- Carbon Reduction Program
- PROTECT Grants (formula and discretionary)
- Charging and Fueling Infrastructure
- National Electric Vehicle Formula Program
- Congestion Relief Program
- Other Climate and Resilience Provisions

[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">• States (including DC) |
| Distribution formula | <ul style="list-style-type: none">• Apportioned to States by formula• 65% of funds are suballocated (reserved for use in certain areas of the State, based on population) |
| Other key provisions | <ul style="list-style-type: none">• 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.• DOT must certify that a State's strategy meets the statutory requirements. |

[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"> • States (including DC) |
| Distribution formula | <ul style="list-style-type: none"> • Apportioned to States by formula |
| Other key provisions | <ul style="list-style-type: none"> • Highway, transit, and certain port projects are eligible • Higher Federal share if the State develops a resilience improvement plan and incorporates it into its long-range transportation plan • Of the amounts apportioned to a State for a fiscal year, the State may use: <ul style="list-style-type: none"> ○ not more than 40% for construction of new capacity ○ not more than 10% for development phase activities |

* *The full name of the program is Promoting, Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) 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"> • State or political subdivision of a State (including Puerto Rico) • MPO • Local government • Special purpose district or public authority with a transportation function • Indian Tribe • Federal land management agency (applying jointly with State(s)) • <i>Different eligibilities apply for at-risk coastal infrastructure grants</i> |
| Eligible projects | <ul style="list-style-type: none"> • Highway, transit, intercity passenger rail, and port facilities • Resilience planning activities, including resilience improvement plans, evacuation planning and preparation, and capacity-building • Construction activities (oriented toward resilience) • Construction of (or improvement to) evacuation routes |
| Other key provisions | <ul style="list-style-type: none"> • 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 • May only use up to 40% of the grant for construction of new capacity |

[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"> • State or political subdivision of a State (including Puerto Rico) • MPO • Local government • Special purpose district or public authority with a transportation function • Indian Tribe • Territory |
| Eligible projects | <ul style="list-style-type: none"> • Acquisition and installation of publicly accessible EV charging or alternative fueling infrastructure • Operating assistance (for the first 5 years after installation) • Acquisition and installation of traffic control devices |
| Other key provisions | <ul style="list-style-type: none"> • Requirement to redesignate alternative fuel corridors and establish a process to regularly redesignate these corridors • 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 |

[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"> States (including DC and Puerto Rico) |
| Distribution formula | <ul style="list-style-type: none"> Same shares as Federal-aid highway apportionments |
| Other key provisions | <ul style="list-style-type: none"> Funded projects must be located along designated alt fuel corridors Sets aside 10% of funding for discretionary grants to State and local governments that require additional assistance to strategically deploy EV charging infrastructure State must submit plan to DOT describing planned use of funds 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 Establishes DOT-DOE Joint Office of Energy and Transportation Requires DOT to designate national EV charging corridors to support freight and goods movement |

* 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">• State (including Puerto Rico)• MPO• City or municipality |
| Eligible projects | <ul style="list-style-type: none">• Planning, design, implementation, and construction activities to achieve the program goals, including:<ul style="list-style-type: none">○ deployment and operation of integrated congestion management systems, systems that implement or enforce HOV toll lanes or pricing strategies, or mobility services; and○ incentive programs that encourage carpooling, nonhighway travel during peak periods, or travel during nonpeak periods.• 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 |

Other Climate and Resilience Provisions

| Program/topic | Provisions in the new law |
|--|--|
| Standards for EV charging stations (§11129) | <ul style="list-style-type: none"> Requires electric vehicle charging infrastructure installed using title 23 funds to provide for non-proprietary charging connectors that meet industry safety standards and payment methods available to all members of the public |
| Report on emerging alternative fuel vehicles and infrastructure (§11511) | <ul style="list-style-type: none"> Requires the Secretary to prepare a report on emerging alternative fuel vehicles and infrastructure which includes an evaluation of emerging alternative fuel vehicles, identification of areas where emerging alternative fuel infrastructure will be needed, estimates the future need for emerging alternative fueling infrastructure, and includes a tool for States to evaluate different adoption and use scenarios. |
| Conditions and performance (C&P) report (§13006) | <ul style="list-style-type: none"> Requires the C&P report to address resilience needs |

BRIDGES

- Bridge Formula Program
- Bridge Investment Program
- Other Bridge-related Provisions

[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">• States (including DC and Puerto Rico) |
| Distribution formula | <ul style="list-style-type: none">• 75% based on relative costs of replacing State's poor condition bridges• 25% based on relative costs of rehabilitating State's fair condition bridges• ...but each State receives at least \$45M per FY (22-26) |
| Other key provisions | <ul style="list-style-type: none">• Benefits for "off-system" (non-Federal-aid highway) bridge projects<ul style="list-style-type: none">◦ 15% of funds reserved for such projects◦ 100% Federal share if owned by a local agency or Federally-recognized Tribe• 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 |

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

Other Bridge-related Provisions

| Program/topic | Provisions in the new law |
|--|---|
| Accommodation of bicycles and pedestrians on bridges (§11133) | <ul style="list-style-type: none"> • Modifies an existing requirement for highway bridge deck replacement and rehabilitation to provide for safe accommodation of bicycles to also include pedestrians |
| Bridge terminology (§11524) | <ul style="list-style-type: none"> • Updates bridge terminology, replacing “structurally deficient” with “in poor condition” |
| Wildlife habitat connectivity (§11123) | <ul style="list-style-type: none"> • Requires the Secretary to determine whether bridge or tunnel replacement or rehabilitation projects should include measures to enable safe and unimpeded movement for terrestrial and aquatic species • Requires bridge and tunnel inspection training be updated to include techniques to assess passage of aquatic and terrestrial species and habitat restoration potential |
| National culvert removal, replacement, and restoration grants (§21203) | <ul style="list-style-type: none"> • New discretionary grant program for projects that would improve or restore passage for anadromous fish • \$1.0 B (FY 22-26) in advance appropriations from the GF • Eligible entities include States, local governments and Indian Tribes |

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"> • \$500 M (FY 22-26) in Contract Authority from the HTF; and • \$500 M (FY 22-26) in advance appropriations from the GF |
| Eligible entities | <p><u>Planning grants:</u></p> <ul style="list-style-type: none"> • State (including Puerto Rico) • MPO • Local government • Tribal government • Nonprofit organization <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"> • Planning grants (\leq\$2M) • Grants ($\geq$\$5M) for capital construction projects, including the removal and replacement of eligible facilities |

[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"> • State (including Puerto Rico) • Regional transportation planning organization (RTPO) • Local government • Tribal government |
| Eligible projects | <ul style="list-style-type: none"> • Highway, bridge, or tunnel projects eligible under NHPP, STBG or the Tribal Transportation Program • Highway freight project eligible under NHFP • Highway safety improvement project • Project on a publicly-owned highway or bridge improving access to certain facilities that support the economy of a rural area • Integrated mobility management system, transportation demand management system, or on-demand mobility services |
| Other key provisions | <ul style="list-style-type: none"> • Sets aside each FY: ≤10% for grants to small projects (<\$25M); 25% for designated routes of the ADHS; and 15% for projects in States with higher than average rural roadway lane departure fatalities |

FEDERAL LANDS AND TRIBAL

- Federal Lands Transportation Program
- Federal Lands Access Program
- Tribal Transportation Program
- Nationally Significant Federal Lands and Tribal Projects Program
- Other Federal Lands and Tribal Provisions

Changes to Federal Lands Transportation Program (FLTP)

| | |
|----------------------|---|
| Funding | \$2.2 B (FY 22-26) in Contract Authority from the HTF |
| Other key provisions | <ul style="list-style-type: none">• Raises (from \$10M to \$20M) the annual cap on FLTP funds that may be used in support of environmental mitigation to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity• Requires that ≥\$7M be made available each FY for each Federal agency eligible to compete for amounts made available for the program (Division J)• Increases the amount of FLTP and FLAP funds to be set aside each FY for transportation planning from 5% to 20% (§11113)• Requires FLTP projects to consider, to the maximum extent practicable, the use of locally adapted native plants and designs that minimize runoff and heat generation |

Changes to Federal Lands Access Program (FLAP)

| | |
|----------------------|---|
| Funding | \$1.5 B (FY 22-26) in Contract Authority from the HTF |
| Other key provisions | <ul style="list-style-type: none">• Adds new eligibility for context-sensitive solutions, interpretive panels in or adjacent to parking areas, wayfinding markers, landscaping, and cooperative mitigation of visual blight• Changes the Federal share to up to 100% (as opposed to being determined based on 23 U.S.C. 120)• Increases the amount of FLAP and FLTP funds to be set aside each FY for transportation planning from 5% to 20%• Requires FLAP projects to consider, to the maximum extent practicable, use of locally adapted native plants and designs that minimize runoff and heat generation |

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"> • Eliminates current TTP set-aside for Tribal Transportation Bridge Program • Instead, funds Tribal bridges via set-asides from the— <ul style="list-style-type: none"> ○ Bridge Investment Program, including— <ul style="list-style-type: none"> ▪ \$100M (FY 22-26) in Contract Authority from the HTF; and ▪ \$100M (FY 22-26) in advance appropriations from the GF; and ○ Bridge Formula Program (\$825M over FY 22-26 in advance appropriations from the GF) <p>(§§11118, 14004, Division J)</p> |
| Other key provisions | <ul style="list-style-type: none"> • Sets aside from the TTP \$45 M (FY 22-26) in Contract Authority from HTF to fund Tribal High Priority Projects program (§11128) • Increases set-aside amount for TTP Safety Fund from 2% to 4% (§14008) • 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) |

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

| | |
|----------------------|---|
| Funding | <ul style="list-style-type: none">• \$275 M (FY 22-26) in Contract Authority from the HTF |
| Other key provisions | <ul style="list-style-type: none">• Reduces (from \$25 M to \$12.5 M) minimum eligible project cost• Modifies the Federal share:<ul style="list-style-type: none">○ Establishes a Federal share for Tribal projects of 100%;○ For other projects, it allows title 23 and title 49 funds to be used for the “non-Federal” share• Requires an even split between Tribal and Federal lands projects• 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 |

Other Federal Lands and Tribal Provisions

| Topic | Provisions in the new law |
|-----------------------------|---|
| Contracting | <ul style="list-style-type: none"> Improves project delivery by allowing the Secretary to use alternative contracting methods available to States under title 23 (§11305) |
| Categorical exclusions (CE) | <ul style="list-style-type: none"> Allows FLMAs to use CEs permitted in FHWA's NEPA regulations, subject to certain conditions (§11311) Allows the Secretary of the Interior to grant a CE for oil and natural gas pipelines and pumping units located on Federal land or Indian land (§11318) |
| Other NEPA provisions | <ul style="list-style-type: none"> Permits FLMAs to use a FHWA environmental document for projects addressing the same or substantially the same action (§11311) Expedites environmental reviews for Tribal transportation safety projects (§14002) Establishes efficient administrative procedures for carrying out environmental reviews of TTP-eligible projects (which may include allowing Tribes to make decisions on CEs under NEPA) (§14003) |

SIGNIFICANT INFRASTRUCTURE PROGRAMS AND FREIGHT

- 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
- Other Freight Provisions

[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"> • State (including DC and Puerto Rico) • MPO • Local government • Territory • Special purpose district or public authority with transportation function • Tribal governments • Partnership between Amtrak and one or more other eligible entities |
| Eligible projects | <ul style="list-style-type: none"> • Highway/bridge projects on National Multimodal Freight Network, NHFN, or NHS • Freight intermodal or freight rail projects that provide a public benefit • Railway-highway grade separation or elimination projects • Intercity passenger rail projects • Certain public transportation projects |
| Other key provisions | <ul style="list-style-type: none"> • 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 |

[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"> • State (including DC and Puerto Rico) • Territory • Local government • Public agency or publicly chartered authorities established by one or more States • Special purpose district or public authority with transportation function • Federally-recognized Indian Tribe • Transit agency |
| Eligible projects | <ul style="list-style-type: none"> • Highway/bridge projects eligible under title 23 • Public transportation projects • Passenger or freight rail projects • Port infrastructure investments • Surface transportation components of an airport • Projects for investment in surface transportation facilities on Tribal land • Projects to replace or rehabilitate a culvert or certain projects to prevent stormwater runoff • Any other surface transportation projects considered necessary to advance program goals |

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

[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">• \$250 M (FY 22-26) in Contract Authority from the HTF; and• \$150 M (FY 22-26) in advance appropriations from the GF |
| Eligible entities | <ul style="list-style-type: none">• None specified |
| Eligible projects | <ul style="list-style-type: none">• Competitive grants are intended to test, evaluate, and deploy projects that reduce port-related emissions |
| Other key provisions | <ul style="list-style-type: none">• 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 |

Other Freight Provisions

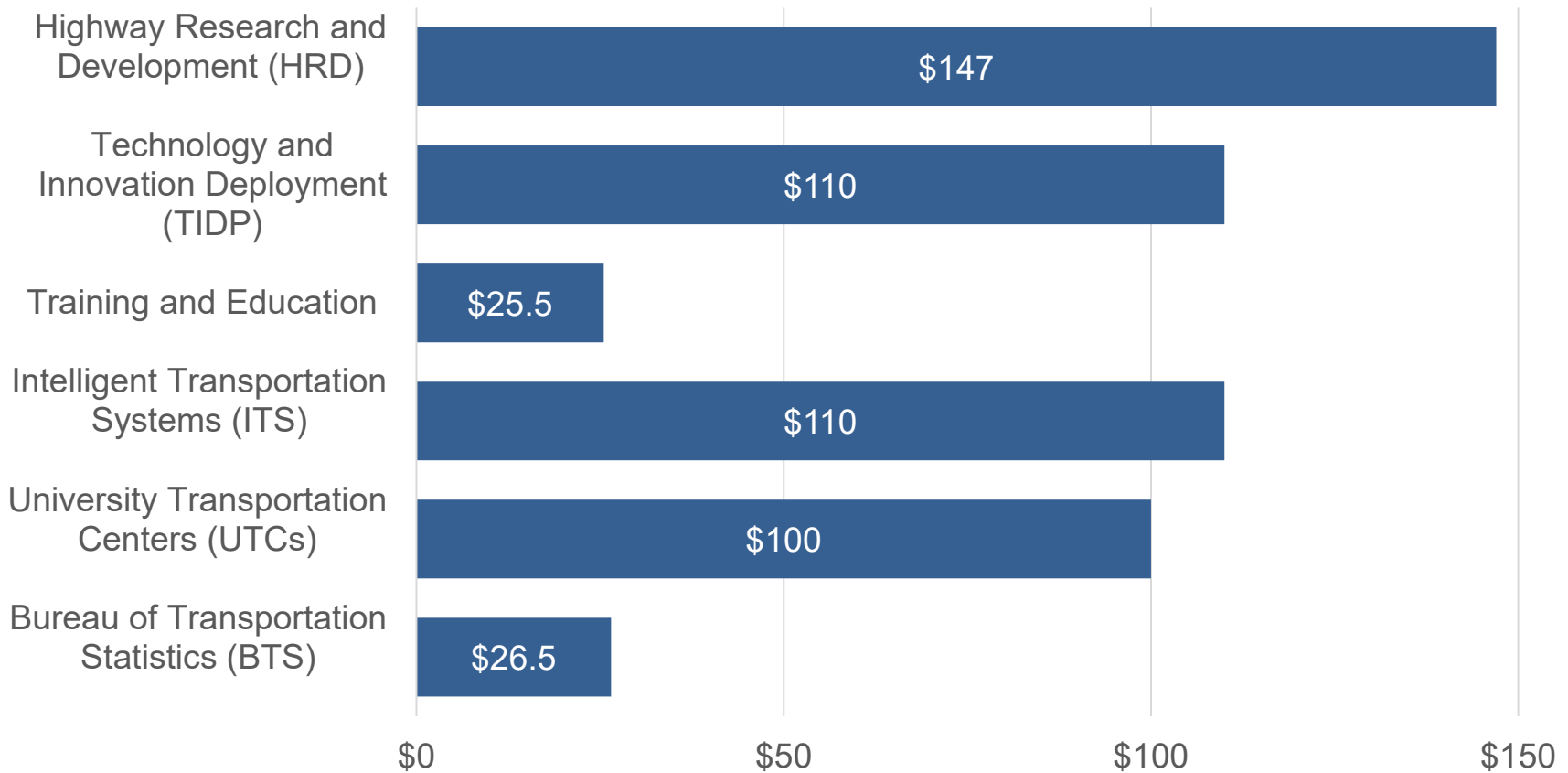
| Topic | Provisions in the new law |
|---|---|
| Office of Multimodal Freight Infrastructure and Policy (§21101) | <ul style="list-style-type: none"> • Establishes an office in OST to carry out a national multimodal freight policy and related activities • Led by new Assistant Secretary for Multimodal Freight • Secretary may consolidate any DOT office/function within new OST office • Will administer INFRA, Local and Regional Project Assistance Program (RAISE), and new discretionary grant programs |
| National Freight Strategic Plan (§21102) | <ul style="list-style-type: none"> • Adds new elements related to impacts of freight movement on environment and rural, underserved and historically disadvantaged communities, resilience, decarbonization, and economic growth |
| State freight plans (§21104) | <ul style="list-style-type: none"> • Requires State freight plans to include several new requirements in categories such as adequacy of commercial motor vehicle parking and rest facilities, supply chain cargo flows, inventory or commercial ports, impacts of e-commerce, and strategies and goals to address impacts of freight movement on the environment |
| State freight advisory committees (§21107) | <ul style="list-style-type: none"> • Expands the list of organizational perspectives to be represented on a state freight advisory committee • establishes qualifications for advisory committee members |

RESEARCH, DEVELOPMENT, TECHNOLOGY AND EDUCATION (RDT&E)

- RDT&E Funding
- Highway Research Set-asides
- Strategic Innovation for Revenue Collection
- Advanced Transportation Technologies and Innovative Mobility Deployment Program

RDT&E Funding

Avg. annual BIL funding (\$M) for major highway-related research, development, technology, and education programs



Highway Research Set-asides

| Program | Funding set-asides |
|--|--|
| Strategic Innovation for Revenue Collection set-aside (§13001) | <ul style="list-style-type: none"> • Sets aside \$15 M for each of FY 22-26 (for a total of \$75 M) from HRD funding |
| National VMT fee pilot set-aside (§13002) | <ul style="list-style-type: none"> • Sets aside \$10 M for each of FY 22-26 (for a total of \$50 M) from HRD funding |
| Accelerated Implementation and Deployment of Advanced Digital Construction Management Systems set-aside (§13006) | <ul style="list-style-type: none"> • Sets aside \$20 M for each of FY 22-26 (for a total of \$100 M) from TIDP funding |
| Advanced Transportation Technologies and Innovative Mobility Deployment Program set-aside (§13006) | <ul style="list-style-type: none"> • Sets aside a combined \$60 M for each of FY 22-26 (for a total of \$300 M) from HRD, TIDP, and ITS funding |

Strategic Innovation for Revenue Collection (SIRC)

| Topic | Changes |
|--------------------|--|
| Program name | <ul style="list-style-type: none">• Modifies and renames the Surface Transportation System Funding Alternatives (STSFA) program |
| Purpose | <ul style="list-style-type: none">• Requires DOT to test the feasibility of a road usage fee and other user-based alternative revenue mechanisms to help maintain the long-term solvency of the HTF, through pilot projects at the State, local, and regional level. |
| Program objectives | <ul style="list-style-type: none">• Modifies program objectives to focus on data privacy, administrative costs, implementation issues, and equity considerations |
| Eligible entities | <ul style="list-style-type: none">• Expands eligibility to include MPOs and local governments (in addition to States) |

Advanced Transportation Technologies and Innovative Mobility Deployment Program (ATTIMD)

| Topic | Changes |
|-------------------|---|
| Program name | <ul style="list-style-type: none">Changes name of existing Advanced Transportation and Congestion Management Technologies Deployment Program (ATCMTD) |
| Program focus | <ul style="list-style-type: none">Focuses on deployment and operation of technologies |
| Eligible entities | <ul style="list-style-type: none">Broadens eligibility to include all MPOs |
| Rural set-aside | <ul style="list-style-type: none">Reserves 20% of program funds for projects serving rural areas |

PLANNING AND PROJECT DELIVERY

- Changes to the Metropolitan Planning Program
- Prioritization Process Pilot Program
- Transportation Access Pilot Program
- Accelerating Project Delivery

Changes to Metropolitan Planning Program

| Topic | Changes |
|--|---|
| MPO representation | <ul style="list-style-type: none">• Requirement to consider equitable and proportional representation of population of metropolitan planning area when MPO designates officials or representatives for the first time |
| Consistency of planning data | <ul style="list-style-type: none">• When more than one MPO is designated within an urbanized area, requires the MPOs to ensure consistency of planning data to the maximum extent practicable |
| Public participation | <ul style="list-style-type: none">• Encouragement for MPOs to use social media and web-based tools to foster public participation and to solicit public feedback during the transportation planning process |
| Travel demand data and modeling | <ul style="list-style-type: none">• Requirements for DOT to support State/MPO travel demand data and modeling, including a study, data, and an evaluation tool (§11205) |
| Safe and accessible transportation options | <ul style="list-style-type: none">• Requirement that each MPO use $\geq 2.5\%$ of funds apportioned for Metropolitan Planning (PL) on one or more activities to increase safe and accessible options for multiple travel modes for people of all ages and abilities (§11206) |

[NEW] Prioritization Process Pilot Program (discretionary)

| | |
|----------------------|--|
| Purpose | Pilot program to support data-driven approaches to planning that can be evaluated for public benefit. |
| Funding | \$50 M (FY 22-26) in Contract Authority from the HTF |
| Eligible entities | <ul style="list-style-type: none">• State• MPO serving an urbanized area with a population of >200,000 |
| Other key provisions | <ul style="list-style-type: none">• Grants of up to \$2M to develop and implement a publicly accessible, transparent prioritization process for the selection of projects for inclusion in the Statewide or metropolitan transportation plan• Recipients that have met funding requirements may use remaining funds for any transportation planning purpose |

[NEW] Transportation Access Pilot Program

| | |
|----------------------|--|
| Purpose | <p>Pilot program to:</p> <ul style="list-style-type: none">• develop or acquire an open-source accessibility data set with measures of the level of access by multiple transportation modes to jobs, education, various services, and other important destinations;• provide the data to participating States, MPOs, and rural transportation planning organizations; and• use the data to help those entities improve their transportation planning by measuring the level of access to important destinations for different demographic groups or freight commodities, then assessing the change in accessibility that would result from new transportation investments. |
| Funding | <ul style="list-style-type: none">• Requires DOT to fund the pilot program from amounts made available for DOT administrative expenses |
| Eligible entities | <ul style="list-style-type: none">• State (including DC and Puerto Rico)• MPO• Regional transportation planning organization (RTPO) |
| Other key provisions | <ul style="list-style-type: none">• Requires FHWA to report to Congress on the results of the program, including the feasibility of periodically providing accessibility data sets for all States, regions, and localities |

Accelerating Project Delivery (1 of 2)

| Program/topic | Provisions in the new law |
|---|---|
| Environmental process requirements (§11301) | <ul style="list-style-type: none"> • Limits environmental impact statement (EIS) documents to ≤200 pages, to maximum extent practicable • Establishes new environmental process requirements for major projects (as defined in this section*), including: <ul style="list-style-type: none"> ○ Develop schedule for average completion of process in ≤2 years, to the maximum extent practicable ○ Make authorization decisions ≤90 days of record of decision (ROD) issuance ○ Cooperating agency must submit a report for failing to meet a deadline that has been extended |
| Categorical exclusions | <ul style="list-style-type: none"> • Promotes use of FHWA categorical exclusions (CEs) by other Federal agencies (§11301) • Increases threshold for CEs for projects receiving limited Federal assistance (§11317) |

* “Major project” is defined differently in § 11301 than the term is used in 23 U.S.C. 106(h).

Accelerating Project Delivery (2 of 2)

| Program/topic | Provisions in the new law |
|--|--|
| Reporting | <ul style="list-style-type: none"> • Requires DOT to establish a program to report annually on CEs, environmental assessments (EAs), and EISs (§11312) • Requires the Secretary to submit an annual report on projects that are >5 years behind schedule or with projects costs ≥\$1 billion over the original cost estimate (§11319) |
| State assumption of NEPA/CE responsibility (§§ 11313, 11314) | <ul style="list-style-type: none"> • Updates requirements for State assumption of NEPA/CE responsibility, extending term of memoranda of understanding for States that have participated for ≥10 years |
| Early utility relocation (§11315) | <ul style="list-style-type: none"> • Allows for reimbursement with Federal funds for early utility relocation projects that occur before completion of the environmental review process for the transportation project for which the early utility relocation occurred |
| Section 4(f) reviews (§11316) | <ul style="list-style-type: none"> • Accelerates project delivery by including a deadline for interagency consultation for section 4(f) evaluations |

OTHER HIGHWAY PROVISIONS

- Changes to Emergency Relief Program
- Other Highway Provisions

Changes to Emergency Relief Program (ER)

| Topic | Changes |
|---------------|--|
| Eligibilities | <ul style="list-style-type: none">• Adds wildfire to list of natural disasters for which ER funding is authorized• Permits ER projects to incorporate economically justifiable improvements that will mitigate the risk of recurring damage from extreme weather, flooding, and other natural disasters, and includes a list of protective features that are eligible |
| Federal share | <ul style="list-style-type: none">• Extends from 180 days to 270 days the time period within which an ER project for eligible emergency repairs may qualify for 100% Federal share (§11107)• Modifies the types of projects the qualify for 90% Federal share (§11107) |
| ER manual | <ul style="list-style-type: none">• Requires FHWA to revise its ER manual to include a definition of “resilience,” encourage use of Complete Streets design principles, develop best practices relating to use of resilience in ER program, and develop a process to track consideration of resilience as part of ER program (§11519) |

Other Highway Provisions (1 of 2)

| Topic | Provisions in the new law |
|--|--|
| Roadway design guides (§11129) | <ul style="list-style-type: none">• Permits local jurisdiction to use roadway design guide (RDG) that is different from State's RDG for non-NHS projects if the RDG is recognized by FHWA and adopted by local jurisdiction |
| Work zone process reviews (§11302) | <ul style="list-style-type: none">• Requires amending the Code of Federal Regulations so that work zone process reviews are required no more than once every 5 years |
| Transportation management plans (§11303) | <ul style="list-style-type: none">• State is not required to develop or implement a transportation management plan for a highway project off the Interstate System if the project requires not more than 3 consecutive days of lane closures |

Other Highway Provisions (2 of 2)

| Topic | Provisions in the new law |
|--|--|
| Preliminary engineering (PE) (§11310) | <ul style="list-style-type: none">• Repeals requirement for States to repay Federal-aid reimbursements for PE costs if a project hasn't advanced to right-of-way acquisition or on-site construction within 10 years |
| Highway cost allocation study (§11530) | <ul style="list-style-type: none">• Requires DOT, in coordination with State DOTs, to conduct a highway cost allocation study to determine direct costs of highway use by certain users |
| Conditions and performance (C&P) report (§13006) | <ul style="list-style-type: none">• Requires the C&P report to address current conditions and future needs of tunnels, including the backlog of current tunnel needs |

FOR MORE INFORMATION

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



U.S. Department
of Transportation

**Federal Highway
Administration**