

SURFACE TRANSPORTATION BLOCK GRANT (STBG) PROGRAM

| | FAST Act (extension) | Bipartisan Infrastructure Law (BIL) | | | | |
|--------------------|-------------------------|-------------------------------------|-------------|-------------|-------------|-------------|
| Fiscal year (FY) | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 |
| Contract authority | \$12.139 B | \$13.835 B* | \$14.112 B* | \$14.394 B* | \$14.682 B* | \$14.976 B* |

*Calculated (sum of estimated individual State STBG apportionments)

Note: Except as indicated, all references in this document are to the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act, Pub. L. 117-58 (Nov. 15, 2021).

Program Purpose

The Surface Transportation Block Grant Program (STBG) promotes flexibility in State and local transportation decisions and provides flexible funding to best address State and local transportation needs.

Statutory Citations

- § 11109; 23 U.S.C. 133

Funding Features

Except as specified above and below, the BIL continues all funding features that applied to STBG under the FAST Act.

Type of Budget Authority

- Contract authority from the Highway Account of the Highway Trust Fund, subject to the overall Federal-aid obligation limitation.

Apportionment of Funds

- As under the FAST Act, the BIL directs FHWA to apportion funding as a lump sum for each State then divide that total among apportioned programs.
- Each State's STBG apportionment is calculated based on a percentage specified in law. [23 U.S.C. 104(b)(2)] (See "Apportionment" fact sheet for a description of this calculation)

Set-asides

- The BIL requires the Secretary to set aside 10% of STBG funds for Transportation Alternatives, with State shares determined by statutory formula (See the "Transportation Alternatives" fact sheet for additional information). [§ 11109(b)(1); 23 U.S.C. 133(h)(1)]
- The following are to be set aside from a State's STBG apportionment:
 - 2% for State Planning and Research (SPR). [23 U.S.C. 505(a)]

- An amount equal to at least 20% (vs. 15% under the FAST Act) of the State's FY 2009 Highway Bridge Program apportionment for use on certain types of projects related to bridges and low water crossings on public roads other than Federal-aid highways (otherwise known as "off-system bridges"). The Secretary, after consultation with State and local officials, may reduce this set-aside requirement if it is determined that the State has inadequate off-system bridge needs. [§ 11109(a)(5); 23 U.S.C. 133(f)]

Suballocation

- 55% of a State's STBG apportionment (after the set-aside for Transportation Alternatives) is to be obligated in the following areas, in proportion to their relative shares of the State's population: [§ 11109(a)(3); 23 U.S.C. 133(d)(1)(A)]
 - *Urbanized areas with population greater than 200,000*: This portion is to be divided among those areas based on their relative share of population unless the Secretary approves a joint request from the State and relevant MPO(s) to use other factors. [23 U.S.C. 133(d)(1)(A)(i) and (d)(4)]
 - **[NEW]** *Urbanized areas with population of at least 50,000 but no more than 200,000*: The State is to establish a process to consult with relevant metropolitan planning organizations and describe how funds will be allocated equitably. [23 U.S.C. 133(d)(1)(A)(ii) and (d)(3)(A)]
 - **[NEW]** *Urban areas with population of at least 5,000 but no more than 49,999*: The State is to consult with regional transportation planning organizations, if any, before obligating funds for projects in these areas. [23 U.S.C. 133(d)(1)(A)(iii) and (d)(3)(B)]
 - *Areas with population of less than 5,000*: The State is to consult with regional transportation planning organizations, if any, before obligating funds for projects in these areas. [23 U.S.C. 133(d)(1)(A)(iv) and (d)(3)(B)]
- The remaining 45% of the State's STBG apportionment may be obligated in any area of the State. [23 U.S.C. 133(d)(1)(B)]

Transferability to and from Other Federal-aid Apportioned Programs

- A State may transfer up to 50% of STBG funds made available each fiscal year to any other apportionment of the State, including the National Highway Performance Program, Highway Safety Improvement Program, Congestion Mitigation and Air Quality Improvement Program, National Highway Freight Program, **[NEW]** Carbon Reduction Program, and **[NEW]** Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Formula Program. Conversely, subject to certain limitations, a State may transfer up to 50% of funds made available each fiscal year from each other apportionment of the State to STBG. [23 U.S.C. 126(a)] (See other program-specific fact sheets for additional details.)
- However, as under the FAST Act, STBG funds suballocated under 23 U.S.C. 133(d)(1)(A) may not be transferred. [23 U.S.C. 126(b)(1)]
- Funds set aside for Transportation Alternatives may only be transferred after certain conditions are met (See the "Transportation Alternatives" fact sheet for additional information). [§ 11109(b)(2); 23 U.S.C. 126(b)(2)]

Federal Share

- As a general rule, in accordance with 23 U.S.C. 120. (See the “Federal Share” fact sheet for additional detail.)

Eligible Activities

- The BIL’s STBG Program continues all prior STBG eligibilities (see in particular 23 U.S.C. 133(b)(22), as amended, which carries forward all pre-FAST Act eligibilities). It also adds the following new eligibilities: [Except as noted, § 11109(a)(1)]
 - Privately-owned, or majority-privately owned, ferry boats and terminal facilities that, as determined by the Secretary, provide a substantial public transportation benefit or otherwise meet the foremost needs of the surface transportation system [23 U.S.C. 133(b)(1)(B)];
 - Wildlife crossing structures, and projects and strategies designed to reduce the number of wildlife-vehicle collisions [23 U.S.C. 133(b)(1)(G); 23 U.S.C. 133(b)(14)];
 - The addition or retrofitting of structures or other measures to eliminate or reduce crashes involving vehicles and wildlife [23 U.S.C. 133(b)(3)];
 - Projects eligible under 23 U.S.C 130 and installation of safety barriers and nets on bridges [23 U.S.C. 133(b)(5)];
 - Maintenance and restoration of existing recreational trails [23 U.S.C. 133(b)(7)];
 - Installation of electric vehicle (EV) charging infrastructure and vehicle-to-grid infrastructure [23 U.S.C. 133(b)(15)];
 - Installation and deployment of current and emerging intelligent transportation technologies [23 U.S.C. 133(b)(16)];
 - Planning and construction of projects that facilitate intermodal connections between emerging transportation technologies, such as magnetic levitation and hyperloop [23 U.S.C. 133(b)(17)];
 - Protective features, including natural infrastructure, to enhance resilience of an eligible transportation facility [23 U.S.C. 133(b)(18)];
 - Measures to protect an eligible transportation facility from cybersecurity threats [23 U.S.C. 133(b)(19)];
 - Conducting value for money analyses or similar comparative analyses of public-private partnerships [§ 11508(d)(2); 23 U.S.C. 133(b)(21)]
 - [Up to 5% of STBG apportionment] rural barge landing, docks, and waterfront infrastructure in a rural community or Alaska Native village that is off the road system; [§ 11109(a)(7); 23 U.S.C. 133(b)(23) and (j)];
 - Projects to enhance travel and tourism [23 U.S.C. 133(b)(24)];
 - Replacement of low-water crossing with a bridge not on a Federal-aid highway [§ 11109(a)(2)(D); 23 U.S.C. 133(c)(4)];
 - Capital projects for the construction of a bus rapid transit corridor or dedicated bus lane [§ 11130; 23 U.S.C. 142(a)(3)]; and
 - [Up to 15% of STBG apportionment] may be used on otherwise STBG-eligible projects or maintenance activities on roads functionally classified as rural minor collectors or local roads, ice roads, or seasonal roads, may be transferred to the Appalachian Highway System Program or the Denali Access System Program [§ 11109(a)(7); 23 U.S.C. 133(k)].

Program Features

Except as specified above and below, the BIL continues all requirements that applied to STBG under the FAST Act.

Other projects off of Federal-aid highways

- Allows States to use up to 15% of certain categories of suballocated STBG funds for projects on certain roadways. Under the BIL a State may obligate up to 15 percent of the STBG amounts suballocated for a fiscal year for use in areas with a population of not more than 49,999 on:
 - roads functionally classified as rural minor collectors or local roads; or
 - critical rural freight corridors designated under 23 U.S.C. 167(e).
[§ 11109(a)(6); 23 U.S.C. 133(g)].

Additional Information and Assistance

- For more information about this program, visit: <https://www.fhwa.dot.gov/specialfunding/stp/>.
- FHWA can connect you with your local FHWA office and support you with technical assistance for planning, design, construction, preserving, and improving public roads and in the stewardship of Federal funds. For assistance, visit: https://www.fhwa.dot.gov/bipartisan-infrastructure-law/technical_support.cfm.