



National Association of County Engineers

“The Voice of County Road Officials”

Minnesota County Engineers Association
January 18, 2023

NACE Members

- County Engineers
 - Public Works Directors
 - Road Managers/Supervisors
 - Highway Superintendents
 - Traffic Engineers
 - Land Surveyors
 - Highway Department CAO's
 - Bridge Engineers
-and their staffs



NACE COMMITTEES

- Emergency Preparedness
 - Pavement Preservation
 - Safety & Technology
 - Structures and Environment
 - Unpaved Roads
-
- Awards
 - Constitution & Bylaws
 - Corporate Services
 - Legislative
 - Membership



So What's new since we last spoke??

- Republicans Control the House (Democrats still control the Senate and White House). With control comes subpoena powers, which will dominate investigations and sometimes the news cycle.
- New Speaker is Kevin McCarthy (R-CA) – But at what cost?
- Divided Government – Makes passing Non-crucial legislation with even a remote amount of partisanship near impossible to pass.
- New Investigations with House Transportation & Infrastructure Committee (Environmental Regulations, Implementation of IIJA).
- Officially in a Presidential Election Cycle.



THE INFRASTRUCTURE INVESTMENT & JOBS PLAN

On August 10, the U.S. Senate passed the Infrastructure Investments and Jobs Act (IIJA) in a 69-30 vote. The bipartisan infrastructure legislation would provide \$973 billion over five years from FY 2022 through FY 2026, including \$550 billion in new investments for all modes of transportation, water, power and energy, environmental remediation, public lands, broadband and resilience.

Above baseline investments for sectors addressed in IIJA include:

Transportation: \$284 billion

Water: \$55 billion

Broadband: \$65 billion

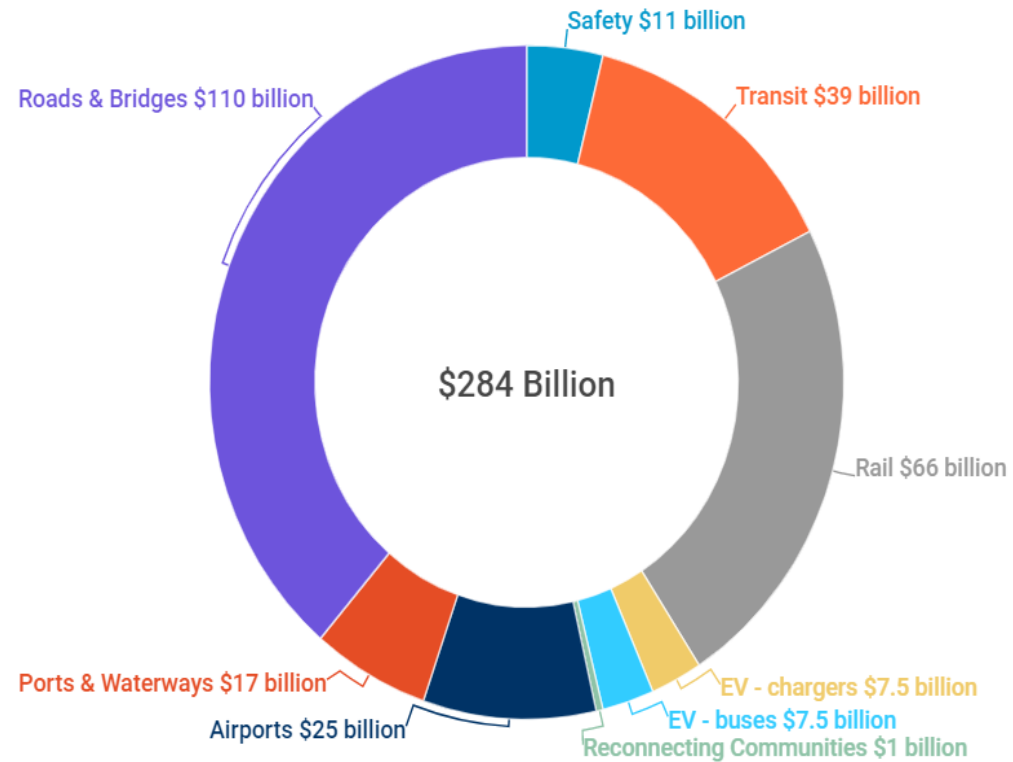
Energy & Power: \$73 billion

Environmental remediation: \$21 billion

Western water infrastructure: \$8.3 billion

Resiliency: \$46 billion

INFRASTRUCTURE INVESTMENT AND JOBS ACT BREAKDOWN OF TRANSPORTATION-RELATED FUNDS



Bipartisan Infrastructure Law

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

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 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | |

THE INFRASTRUCTURE INVESTMENTS & JOBS ACT

Major Provisions for Counties

- Creates a new, \$40 billion Bridge Investment Program that off-system bridges would be eligible for to repair, replacement and rehabilitation.
- Codifies elements of the Trump Administration's "One Federal Decision" that would require one federal agency to be responsible for issuing a decision resulting from a National Environmental Policy Act (NEPA) review, among other reforms, such as limiting the allowable number of pages for a decision
- Increases project cost thresholds for categorical exclusions, thereby making more projects eligible for streamlining
- Authorizes \$3.5 billion for the Weatherization Assistance Program in FY 2022
- Includes \$5 billion over five years for a new grant program to support activities that reduce the likelihood and consequence of impacts to the electric grid due to extreme weather, wildfire and natural disaster
- Establishes a new competitive grant program for local governments to address and eliminate at-grade rail crossings
- Establishes a new State and Local Cybersecurity grant program
- Private Activity Bonds (PABs): additional authorization of \$15 Billion

Surface Transportation Reauthorization: Highways, Transit & Rail Programs

Surface Transportation Block Grant (STBG) Program

- Increases the off-system bridge set-aside. Under the bill, not less than 20 percent of a state's STBG allocation would need to be spent on bridges that are located off of the Federal-aid HWY system (up from 15 percent under current law).
- Increases the off-system bridge set-aside | \$5.18 billion over five years
- Creates a new set-aside for transportation projects in rural areas.
- Creates a new population tranche for STBG suballocated funds (new category is for areas with a population of 50,000 to 200,000).
- Increases the amount of funding set aside for the Transportation Alternatives Program (TAP) and increases the minimum percentage of TAP funding that is sub-allocated on the basis of population.
- Adds new eligibilities to STBG, including construction of wildlife crossing structures, electric vehicle charging infrastructure and vehicle-to-grid infrastructure, installation and deployment of intelligent transportation technologies, projects that facilitate intermodal connections between emerging transportation technologies, resilience features, cybersecurity protections, etc.

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 |

What is the BIP?

- The Bipartisan Infrastructure Law (BIL) established a new program, the Bridge Investment Program (BIP) under 23 U.S.C. 124
- In addition, BIL designated funding for FY22 through FY26 for this program
- BIL established two funding categories within BIP: Large Projects (Large Bridge Projects) and Other than Large Projects (Bridge Projects)
- For FY22-FY26, a third funding category was added: Planning Grants (Division J, Title VIII of BIL)

Source: USDOT

Surface Transportation Reauthorization: Highways, Transit & Rail Programs

FY 2022 – FY 2026

Highlights for Counties:

CREATES NEW BRIDGE INVESTMENT PROGRAM (BIP)

- Counties could apply directly to USDOT for the competitive portion of the BIP to carry out small and large bridge projects. Eligible projects would be defined as those meeting the following goals, including:
- Reducing the number of bridges already in poor condition or those that are in fair condition but are at risk of falling into poor condition in the next three years
- Reducing the number of bridges and the amount of individual vehicle miles traveled (VMT) over bridges in poor or vulnerable condition, as well the VMT over bridges that do not meet current design standards or that have weight restrictions
- The federal share for projects would be no more than 50 percent for large projects (defined as those costing more than \$100 million) and no more than 80 percent for any other project. Off-system bridges would be eligible.
- While states would receive the BIP formula funds, the bill would create a 15 percent set-aside within the program to address off-system bridges, much like STBG.

BIPARTISAN INFRASTRUCTURE LAW: BRIDGE FORMULA PROGRAM IN FY 2023

- **\$5.5 BILLION** in formula funds to state DOTs annually through FY 2026
- Each state will receive at least **\$45 MILLION** annually, making at least **\$6.75 MILLION** available for off-system bridges annually in all 50 states
- Creates new, 15% off-system bridge set-aside within state formula funds



Subject: **ACTION:** Bridge Formula Program (BFP) Implementation Guidance Date: January 14, 2022

From: Hari Kalla Associate Administrator, Office of Infrastructure /s/ In Reply Refer To: HIF-1

To: Division Administrators

Purpose

This memorandum provides background, guidance on Administration priorities and use of Federal-aid highway formula funding, eligibilities, fund information, and definitions for the implementation of the Bridge Replacement, Rehabilitation, Preservation, Protection, and Construction Program (hereafter, Bridge Formula Program (BFP)) as established in title VIII of division J of the Bipartisan Infrastructure Law, enacted as the Infrastructure Investment and Jobs Act, Public. Law 117-58 (Nov. 15, 2021).

Background

The Bipartisan Infrastructure Law (BIL) appropriates \$5,500,000,000 for the BFP under the Highway Infrastructure Program for each of Fiscal Years (FY) 2022 through 2026. Funds are distributed to the States¹ by a statutory formula (after set-asides for Federal Highway Administration (FHWA) administration and operations and Tribal transportation facility bridges). The statute requires that the apportionments be adjusted so that each State receives no less than \$45,000,000 each fiscal year. Additionally, 15 percent of each State's distributed funds are set aside for use on off-system bridges.

Funds made available under the BFP, except as otherwise provided, are to be administered as if apportioned under chapter 1 of title 23, United States Code (U.S.C.). Further, since any project funded under the BFP is to be treated as a project on a Federal-aid highway, Davis-Bacon wage requirements apply to all projects funded with BFP funds.

The FHWA Notice N4510.867 (<https://www.fhwa.dot.gov/legisregs/directives/notices/>) provides more information on the distribution of FY 2022 funds and applicable statutory requirements. For FY 2023 through 2026 funds, please revisit FHWA's Notices website at the appropriate future time.

Guidance on Administration Priorities and Use of Federal-aid Highway Formula Funding

On December 16, 2021, FHWA issued guidance ("Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America", hereafter "Policy") that serves as an overarching framework to prioritize the use of BIL resources on projects that will Build A Better America. That Policy is available on FHWA's BIL implementation website at the following URL: https://www.fhwa.dot.gov/bipartisan-infrastructure-law/building_a_better_america-policy_framework.cfm

“...the Federal share for costs reimbursed with BFP funds under this program for an off-system highway bridge owned by a county, town, township, city, municipality or other local agency, or federally-recognized Tribe⁵ shall be 100 percent. The FHWA encourages States to take advantage of this opportunity to use 100 percent Federal funds for off-system highway bridges.

States are required to set aside 15 percent of their BFP funding to address off-system bridge needs. **There is no provision authorizing States to reduce the minimum 15 percent set-aside amount, and the 15 percent set-aside is a minimum, not a maximum.**”

--Jan.2022 FHWA BFP implementation guidance

BIPARTISAN INFRASTRUCTURE LAW: OFF-SYSTEM BRIDGES UNDER THE BIL

| PROGRAM | FAST ACT FY 21 | FY 23 FUNDING | TOTAL IN FY 23 | % CHANGE FROM FY21 |
|---|--------------------|--------------------|--------------------|--------------------------|
| Bridge Formula Program off-system bridge set-aside | N/A | \$796 million | \$1.831 billion | 130% increase |
| Surface Transportation Block Grant Program off-system bridge set-aside | \$776.5 million | \$1.035 billion | | |

BIPARTISAN INFRASTRUCTURE LAW: OPEN FUNDING OPPORTUNITIES



COUNTIES ARE ELIGIBLE FOR BILLIONS AVAILABLE NOW!



| Open Notices of Funding | | | | |
|-------------------------------|--------------------------|-----------------------------------|------------------------------------|-------------------|
| Program Name | FY 2022 Available Amount | Agency | Sub-Agency | Deadline to Apply |
| Rural ReConnect Program | \$1.5 billion | U.S. Department of Agriculture | Rural Utilities Service | 11/15/2022 |
| State and Local Cybersecu... | \$185 million | U.S. Department of Homeland ... | Cybersecurity and Infrastructur... | 11/18/2022 |
| Strengthening Mobility an... | \$100 million | U.S. Department of Transportat... | Office of the Secretary | 11/18/2022 |
| Advanced Transportation ... | \$60 million | U.S. Department of Transportat... | Federal Highway Administration | 11/18/2022 |
| Consolidated Rail Infrastr... | \$1.4 billion | U.S. Department of Transportat... | Federal Railroad Administration | 12/1/2022 |

**SCAN THE QR CODE TO ACCESS ALL
CURRENT & FUTURE BIL FUNDING
OPPORTUNITIES FOR COUNTIES**

Eligible Applicants

1. A State or a group of States;
2. A metropolitan planning organization that serves an urbanized area (as designated by the Bureau of the Census) with a population over 200,000;
3. A unit of local government or a group of local governments;
4. A political subdivision of a State or local government;
5. A special purpose district or a public authority with a transportation function;
6. A Federal land management agency;
7. A Tribal government or a consortium of Tribal governments; and
8. A multistate or multijurisdictional group of entities as described above in 1-7.

BIL AWARD Size/Cost Share

- **Planning Grants**

- No maximum or minimum award size

- **Bridge Project Grants**

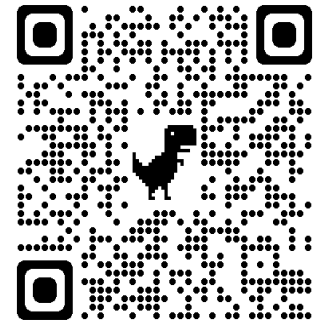
- Total project costs cannot exceed \$100 million
- Minimum award of \$2.5 million
- Maximum award amount of up to 80% of total project costs

- **Large Bridge Project Grants**

- Total project costs of greater than \$100 million
- Minimum award of \$50 million
- Maximum award amount of up to 50% of total project costs

- **Maximum Federal Share**

- Cannot exceed Federal share for the project under 23 U.S.C. 120
- Cannot exceed 90% for off-system bridges



BIPARTISAN INFRASTRUCTURE LAW: BUILDING RESILIENT INFRASTRUCTURE & COMMUNITIES GRANT PROGRAM

Purpose: To provide funding to states and localities to implement pre-disaster mitigation activities that reduce risk and disaster costs, and increase the resilience of critical infrastructure lifelines that strengthen state and local cybersecurity infrastructure; administered by DHS – FEMA; must apply through the state

\$1 BILLION OVER FIVE YEAR

**\$2.3 BILLION TOTAL IN FY
2022**

*(thanks to additional FY22
appropriations)*

ELIGIBLE ACTIVITIES

- Capability and capacity-building activities
- Cost-effective mitigation projects designed to increase resilience and public safety;
- Financial assistance to reimburse the recipient and subrecipient for eligible indirect costs, as well as direct and other administrative costs (capped)
- *75% - 90% max federal cost share*



BIPARTISAN INFRASTRUCTURE LAW: FLOOD MITIGATION GRANT PROGRAM

Purpose: *To provide funding to states and localities to reduce or eliminate the risk of repetitive flood damage to buildings and structures insured under the National Flood Insurance Program; administered by DHS – FEMA; must apply through the state*

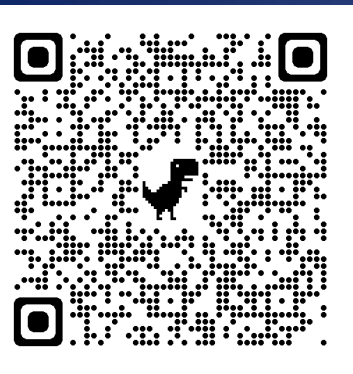
**\$3.5 BILLION OVER FIVE
YEARS**

**\$800 MILLION TOTAL IN FY
2022**

*(thanks to additional FY22
appropriations)*

ELIGIBLE ACTIVITIES

- Project scoping (previously advance assistance)
- Projects that address community flood risk to reduce NFIP premiums
- Technical assistance
- Planning sub-applications for the flood hazard component of state, local, territory, and tribal Hazard Mitigation Plans and plan updates
- *75% federal cost share (up to 100%)*



BIPARTISAN INFRASTRUCTURE LAW: REBUILDING AMERICA'S INFRASTRUCTURE WITH SUSTAINABILITY & EQUITY (RAISE) GRANTS

Purpose: *Provides flexible, direct funding for a variety of surface transportation infrastructure projects; administered by USDOT – OST*

\$15 BILLION OVER FIVE YEARS

\$1.5 BILLION TOTAL IN FY 2022

| FY23 AUTHORIZATION | FY23 DIVISION J APPROPS |
|-------------------------------|------------------------------------|
|-------------------------------|------------------------------------|

\$1.5 billion

\$1.5 billion

ELIGIBLE ACTIVITIES

- Highway, bridge, culvert, and transit projects
- Airport surface transportation projects
- Port projects...and more!
- *80% federal cost share (can be increased at the discretion of USDOT if project is in a rural or historically disadvantaged community or an area of persistent poverty)*

BIPARTISAN INFRASTRUCTURE LAW: WHAT TO EXPECT IN FY 2023

- **Quicker rollouts of notices of funding than FY 2022**
 - *USDOT FY 2023 RAISE NOFO just released on 11/30*
- **New programs in FY 2023**
 - *USDOT PROTECT Program, Charging and Refueling Infrastructure Grants*
- **With new programs largely in place, a shifting focus to improving regulations and processes**
 - *Especially in the U.S. House*



New Discretionary Grant: RECONNECTING COMMUNITIES PILOT PROGRAM

- **Planning Grants** | \$150 million over five years. Counties could apply directly to USDOT for planning funds to carry out feasibility studies on the impact of removing or mitigating physical infrastructure barriers, including within communities, to improve accessibility and facilitate economic development at an 80 percent federal share. Applications would be evaluated on criteria including the age of the facility, its impact on accessibility and its current role in meeting traffic demands.
- **Capital Construction Grants** | \$350 million over five years. USDOT would make awards to the owner of an eligible facility, including at-grade crossings, limited access highways, viaducts and other principal arterial facilities acting as a barrier. The facility owner could partner with a county to carry out eligible projects, including the removal, retrofit or mitigation of an eligible facility and the replacement of an existing facility with a new facility that restores connectivity.

| | |
|----------------------------|---|
| 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 | \$1 B (FY 22-26), including— <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 | <u>Planning grants:</u> <ul style="list-style-type: none"> • State • MPO • Local government • Tribal government • Nonprofit organization <u>Capital construction grants:</u> Owner of an eligible facility (may partner with any of the eligible entities for a planning grant) |
| Eligible activities | <ul style="list-style-type: none"> • Planning grants (≤\$2M) • Grants (≥\$5M) for capital construction projects, including the removal and replacement of eligible facilities |

Changes to National Highway Performance Program (NHPP)

Augments the purpose of the NHPP to include a focus on measures that increase resiliency to the impacts of sea level rise, extreme weather events, flooding, and other natural disasters, such as earthquakes and rockslides. Expands eligibility for States to use NHPP funds for resiliency, cybersecurity, and undergrounding utility infrastructure. The bill also allows a State to use up to 15 percent of its NHPP funding for protective features on a Federal-aid highway or bridge that is off the NHS if the protective feature is designed to mitigate the risk of recurring damage or the cost of future repairs from extreme weather events, flooding, or other natural disasters.

| 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 |

Surface Transportation Reauthorization: Highways, Transit & Rail Programs

FY 2022 – FY 2026

Highlights for Counties:

ADDRESSES THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD)

- Allows counties to determine local roadway design. The MUTCD would be updated to remove the requirement that local roads must be built to state standards, allowing for counties and other local governments to use the FHWA-approved roadway design of their choice. The IJA would also create new standards to facilitate the rollout of EV charging stations.
- Requires USDOT to update the MUTCD. The required update would provide for the protection of vulnerable road users, testing and integrating automated vehicle technology, the installation of electronic traffic. It would also incorporate recommendations issued by the National Committee on Uniform Traffic Control Devices that have not yet been incorporated.
- Requires first update to provide for protection of vulnerable road users to the greatest extent possible, among other specified elements

CODIFIES THE RURAL OPPORTUNITIES TO USE TRANSPORTATION FOR ECONOMIC SUCCESS (ROUTES) COUNCIL

ROUTES, an initiative of the previous administration, seeks to address disparities in rural transportation. Under IJA, USDOT would be required to create an internal ROUTES Council tasked with providing technical assistance to rural areas for grant applications, researching and developing strategies to resolve rural transportation issues; and gathering information from stakeholders.

BIPARTISAN INFRASTRUCTURE LAW: RURAL PROGRAM SET-ASIDES

| Program | Mode | Rural Definition | Set-Aside | Rural Funding |
|---|------|---------------------|-----------|---------------------|
| RAISE | OST | Outside UA >200,000 | 50% | \$7.5 billion |
| INFRA | OST | Outside UA >200,000 | 25% | \$3.5 billion |
| CRISI | FRA | Outside UA >50,000 | 25% | \$2.5 billion |
| Rural Surface Transportation Grants (NEW) | OST | Outside UA >200,000 | 100% | \$2 billion |
| Ferry Service for Rural Communities (NEW) | FTA | Outside UA >50,000 | 100% | \$2 billion |
| Railroad Crossing Elimination Program (NEW) | FRA | Undefined | 20% | \$1.1 billion |
| PROTECT (NEW) | FHWA | Outside UA >200,000 | 25% | \$350 million |
| Bus & Bus Facility | FTA | Outside UA >50,000 | 15% | \$351 million |
| Wildlife Crossing Pilot Program (NEW) | FHWA | Undefined | 60% | \$350 million |
| SMART (NEW) | OST | Outside UA >50,000 | 30% | \$300 million |
| ATTIMD | FHWA | Undefined | 20% | \$60 million |
| Rural & Tribal Infrastructure Advancement (NEW) | OST | Outside UA >150,000 | 100% | \$10 million |
| Discretionary Total | | | | \$20 billion |



R.O.U.T.E.S.
RURAL OPPORTUNITIES TO USE TRANSPORTATION FOR
ECONOMIC SUCCESS



New Discretionary Program: Rural Surface Transportation Grants

\$2 BILLION OVER FIVE YEARS

A rural area would be defined as "an area outside an urbanized area with a population over 200,000." Eligible counties could apply directly to USDOT for these funds to carry out a wide variety of highway and bridge projects that increase connectivity, improve safety, and facilitate the movement of goods and people at a federal cost share of 80 percent. Counties could also bundle projects.

| | |
|-----------------------------|--|
| 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• 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 |

New Discretionary Grant Program: Local and Regional Project Assistance Program

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

| | |
|--------------------------|--|
| 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 (and DC)• 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 |

Carbon Reduction Program (Formula)

Establishes a Carbon Reduction Program to reduce transportation emissions. Eligible projects include the construction, planning, and design of on-road and off-road trail facilities for pedestrians and bicyclists, advanced transportation and congestion management technologies, the deployment of infrastructure-based intelligent transportation systems capital improvements and the installation of vehicle to infrastructure communications equipment, and the development of a carbon reduction strategy, among others.

| | |
|-----------------------------|--|
| 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. |

BIPARTISAN INFRASTRUCTURE LAW: SAFE STREETS FOR ALL PROGRAM

PURPOSE

Provides local and tribal governments and MPOs with grants to support implementation of local safety initiatives that prevent death and serious injury on roads and streets

FUNDING + MATCH

OVER 5 YEARS

\$6 BILLION

FED COST SHARE

80 PERCENT

ELIGIBLE ACTIVITIES

- Develop or update a Comprehensive Safety Action Plan*
- Conduct planning, design, and development activities in support of an Action Plan*
- Carry out projects and strategies identified in an Action Plan*

STATES NOT ELIGIBLE FOR THIS PROGRAM; ONLY LOCAL GOVERNMENTS AND MPO'S

New Discretionary Program: Safe Streets and Roads for All

| | |
|-----------------------------|--|
| 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">• Comprehensive safety action plan (planning grant)• Planning, design, and development activities for infrastructure projects and other 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. |

SURFACE TRANSPORTATION REAUTHORIZATION

EXPEDITES EVALUATIONS FOR PROJECTS WITHIN AN OPERATIONAL RIGHT-OF-WAY

- Federal agencies would be required to provide, at minimum, a preliminary review of applications for projects within an operational right-of-way within 45 days of submission. Other deadlines would also be created, and federal agencies not meeting a prescribed timeline would be subject to reporting requirements.

INCREASES COST THRESHOLDS ELIGIBLE FOR CATEGORICAL EXCLUSIONS

- Small projects, the threshold would increase from \$5 million to \$6 million
- Large projects, it would increase from \$30 million to \$35 million, thereby making more projects eligible.

ESTABLISHES A NEW CULVERT REMOVAL, REPLACEMENT AND RESTORATION GRANT PROGRAM

- Counties could apply directly to USDOT for a new competitive grant program to carry out eligible projects that replace, remove or repair culverts that would improve or restore fish passage for certain fish, with a priority given those species who are endangered or at risk of becoming endangered, or projects that address fresh-water runoff that impact certain marine life.
- USDOT would be required to provide technical assistance to underserved communities. The section would authorize \$800 million annually, with a federal share of no more than 80 percent.

New Discretionary Program: Wildlife Crossings Pilot Program

| | |
|-----------------------------|---|
| 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)• 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 with;○ 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. |

New Discretionary Program: PROTECT Grants

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| 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) • 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 Discretionary Program: Charging and Fueling Infrastructure

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|-----------------------------|---|
| 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 • 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 |

Other IJA Provisions/Programs

Congestion Relief Program

Establishes a Congestion Relief Program to provide competitive grants to States, local governments, and MPOs for projects in large urbanized areas to advance innovative, integrated, and multimodal solutions to congestion relief in the most congested metropolitan areas.

| | |
|--------------------------|---|
| 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• 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 |

SURFACE TRANSPORTATION REAUTHORIZATION

Streamlining

- Codification of One Federal Decision – Creates new environmental review procedures and requirements for major projects. Under the bill, DOT is required to develop a schedule consistent with an agency average of two years to complete an EIS and requires accountability to the public when milestones are missed. Environmental documents under this section are limited to 200 pages unless a review is of unusual scope and complexity. The Secretary of DOT is directed to work with relevant Federal agencies to adopt appropriate categorical exclusions to facilitate project delivery.
- Efficient Implementation of NEPA for Federal Lands Management Projects – Allows for a Federal land management agency to more efficiently satisfy NEPA obligations by relying upon an environmental document previously prepared by FHWA. The bill allows for a Federal Land Management Agency to use the CEs promulgated in the implementing regulations of the FHWA if the use of the CE would not otherwise conflict with the implementing regulations of the project sponsor.
- Surface Transportation Project Delivery Program Written Agreements – Extends the time period for a State to have an agreement to assume the responsibilities under NEPA, from a term of not more than 5 years, to allow for any State that has participated in a program under this section for at least 10 years, to have a term of 10 years.
- Developing a two-year timeline for completing environmental reviews on major projects—defined as a project requiring multiple reviews, permits or studies
- Issuing any related authorizations no later than 90 days following a record of decision issuance
- Limiting reviews to 200 pages
- Requiring federal agencies to identify existing categorical exclusions that, if also applied by another agency, would have the potential to expedite project delivery

Surface Transportation Reauthorization: Highways, Transit & Rail Programs

National Motor Vehicle Per-Mile User Fee Pilot

Directs the Secretary of DOT, in coordination with the Secretary of the Treasury, to establish a pilot program to demonstrate a national motor vehicle per-mile user fee. In carrying out the pilot program, the Secretary, in coordination with the Secretary of the Treasury, shall provide different methods that volunteer participants can choose from to track motor vehicle miles traveled, solicit volunteer participants from all 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, ensure an equitable geographic distribution by population among volunteer participants, and include commercial vehicles and passenger motor vehicles. For the purposes of the pilot program, the Secretary of the Treasury shall establish, on an annual basis, per-mile user fees for passenger motor vehicles, light trucks, and medium- and heavy-duty trucks, which amount may vary between vehicle types and weight classes to reflect estimated impacts on infrastructure, safety, congestion, the environment, or other related social impacts.

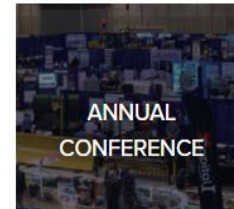
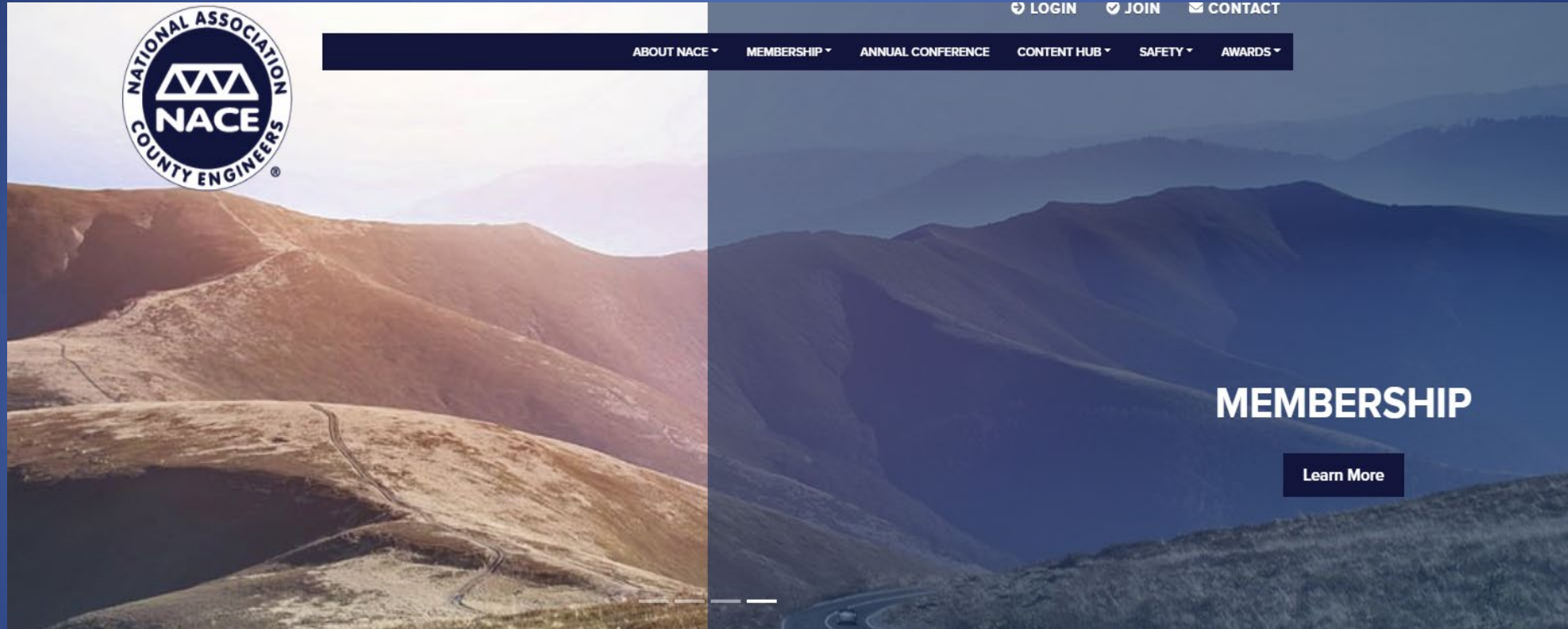
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