

BIPARTISAN INFRASTRUCTURE LAW (BIL)*

Overview of Highway Provisions

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March, 2022



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

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

BIL Goes Beyond Transportation

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

High Points of BIL Highway Provisions

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

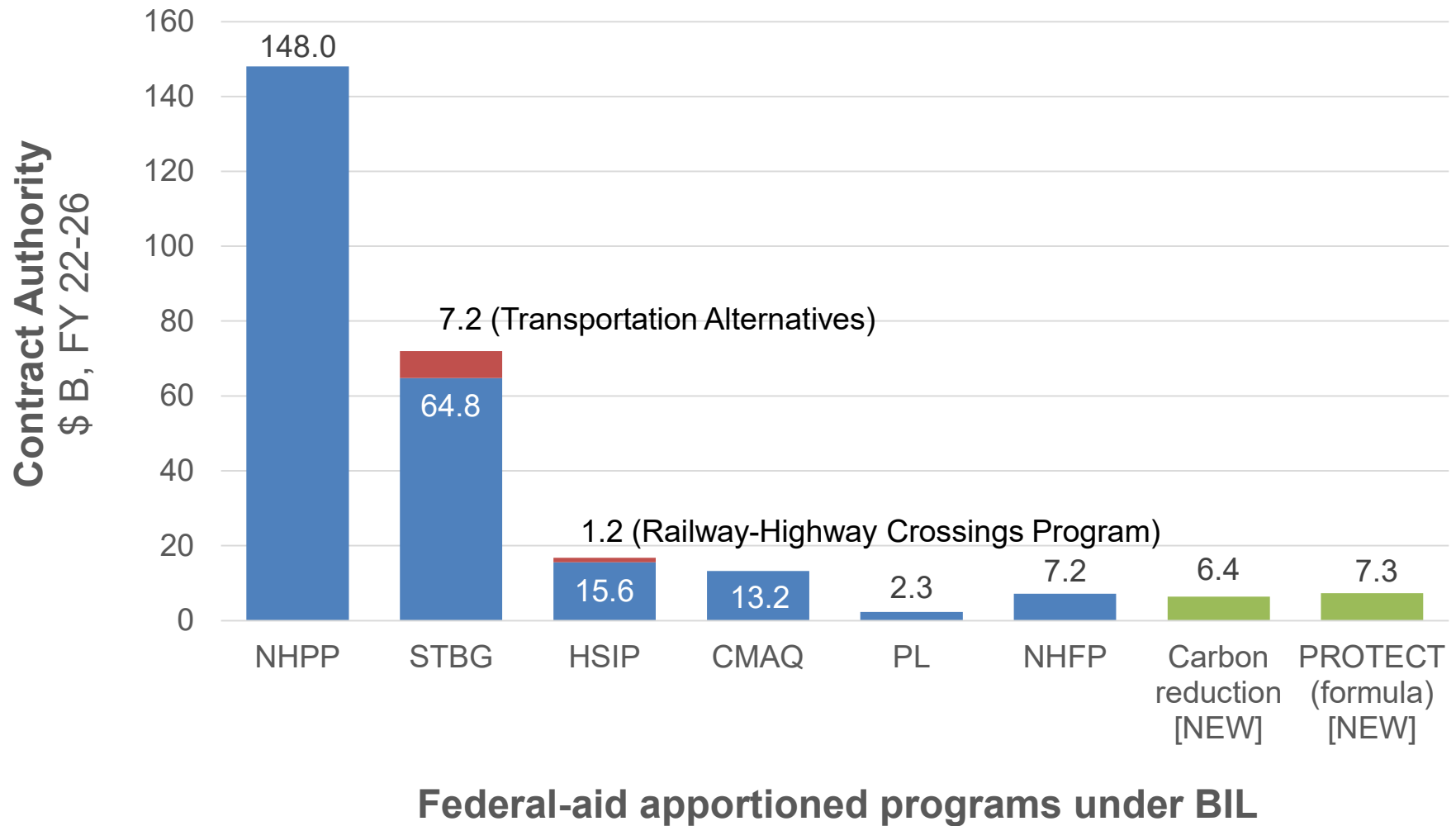
Note: This table does not include all BIL programs or eligible entities, and there are additional nuances not represented in this table. Additional programmatic information is provided in later slides. FHWA will administer most, but not all, programs listed.

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

APPORTIONED HIGHWAY PROGRAMS

- 8 Apportioned CA Programs
- Changes to Existing CA Programs (TA, HSIP, CMAQ,)

8 Apportioned CA Programs (Including 2 New)



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 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

SAFETY

- New - Safe Streets and Roads for All
- New - 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">• 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.

[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) • 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.

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

CLIMATE AND RESILIENCE

- New - Carbon Reduction Program
- New - PROTECT Grants (formula and discretionary)
- New - Charging and Fueling Infrastructure
- New - National Electric Vehicle Formula Program
- New - 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) • 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• 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• 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

- New - Bridge Formula Program
- New - Bridge Investment Program

[NEW] Bridge Formula Program

Purpose	Replace, rehabilitate, preserve, protect, and construct bridges on public roads
Funding	\$27.5 B (FY 22-26) in advance appropriations from the GF
Recipients	<ul style="list-style-type: none">• 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 • 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

EQUITY

- New - Reconnecting Communities Pilot Program
- New - 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 • 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 • 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 SIGNIFICANT INFRASTRUCTURE PROGRAMS

- New - National Infrastructure Project Assistance Program (Mega-projects)
- New - Local and Regional Project Assistance Program

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

Purpose	Provide funding through single-year or multiyear grant agreements for eligible surface transportation projects
Funding	\$5 B (FY 22-26) in advance appropriations from the GF
Eligible entities	<ul style="list-style-type: none">• State• MPO• Local government• 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 (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

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

PLANNING AND PROJECT DELIVERY

- Changes to the Metropolitan Planning Program
- New - Prioritization Process Pilot Program
- New - Transportation Access Pilot Program

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

FOR MORE INFORMATION

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