

# BIPARTISAN INFRASTRUCTURE LAW (BIL)\*

## Overview of Highway Provisions

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

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

# 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.

# BIL HIGHLIGHTS

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- 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

# 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.

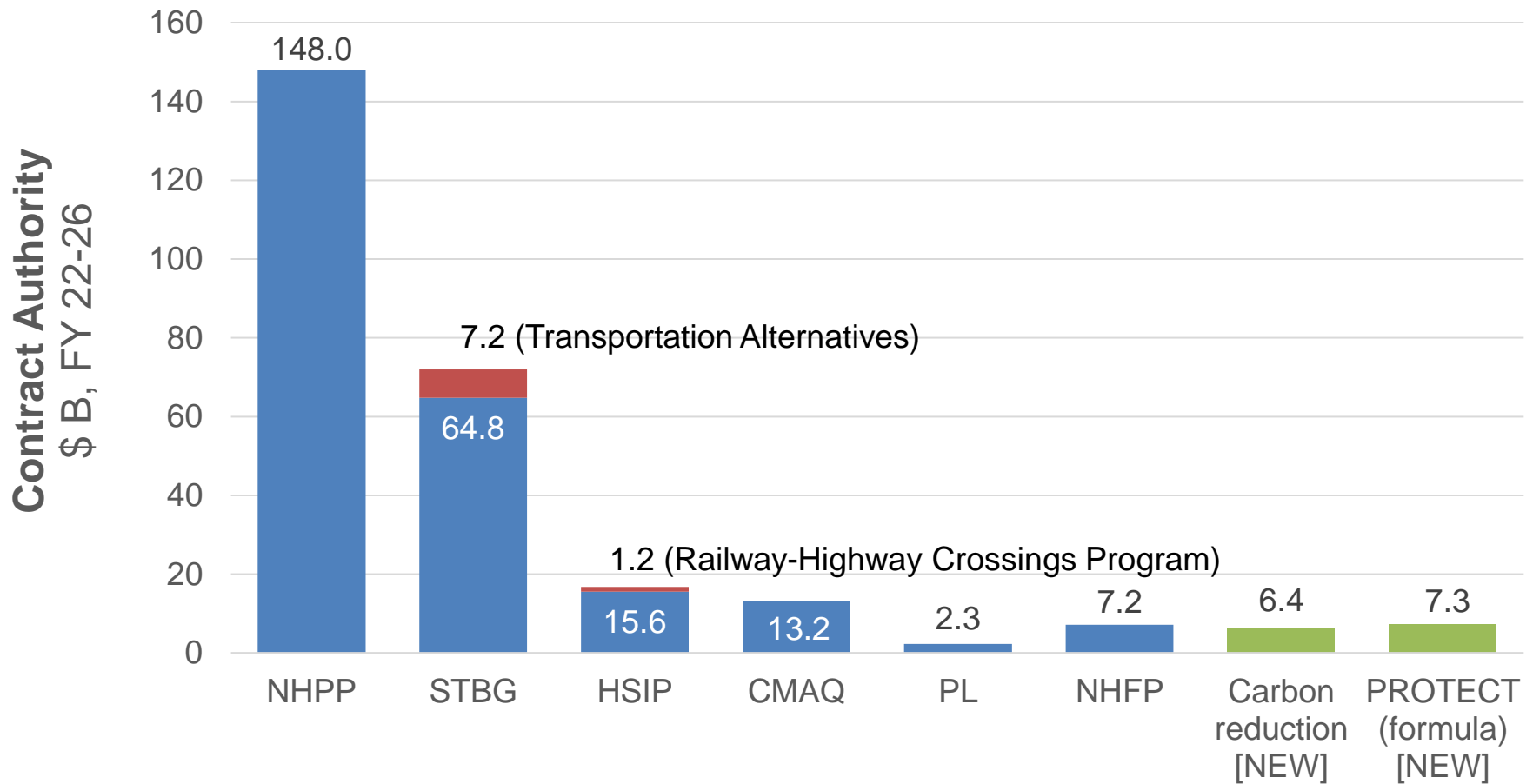
\* "PA" means a special purpose district or public authority with a transportation function; FLMA means Federal Land Management Agency

# APPORTIONED HIGHWAY PROGRAMS

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

# Changes to Surface Transportation Block Grant Program (STBG)

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

# Changes to Highway Safety Improvement Program (HSIP)

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

# Davis-Bacon and Buy America Provisions

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

# BRIDGES

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- Bridge Formula Program
- Bridge Investment Program

# [NEW] Bridge Formula Program

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

# [NEW] Bridge Investment Program (discretionary)

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

# EQUITY

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- Reconnecting Communities Pilot Program
- Rural Surface Transportation Grants



# [NEW] Reconnecting Communities Pilot Program (discretionary)

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

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

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

# OTHER NEW PROGRAMS

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- Safe Streets and Roads for All (discretionary)
- Carbon Reduction Program (formula)
- PROTECT (formula & discretionary)
- Charging and Fueling Infrastructure (discretionary)
- National Electric Vehicle Program (formula & discretionary)

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

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

## [NEW] Carbon Reduction Program (formula)

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

# [NEW] PROTECT\* Formula Program

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

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

## [NEW] PROTECT Grants (discretionary)

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

# [NEW] Charging and Fueling Infrastructure (discretionary)

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



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

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

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

# FOR MORE INFORMATION

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