



BIPARTISAN INFRASTRUCTURE LAW (BIL)*

Overview of Highway Provisions

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February 10, 2022

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

Milestones Toward Enactment of BIL

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

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

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

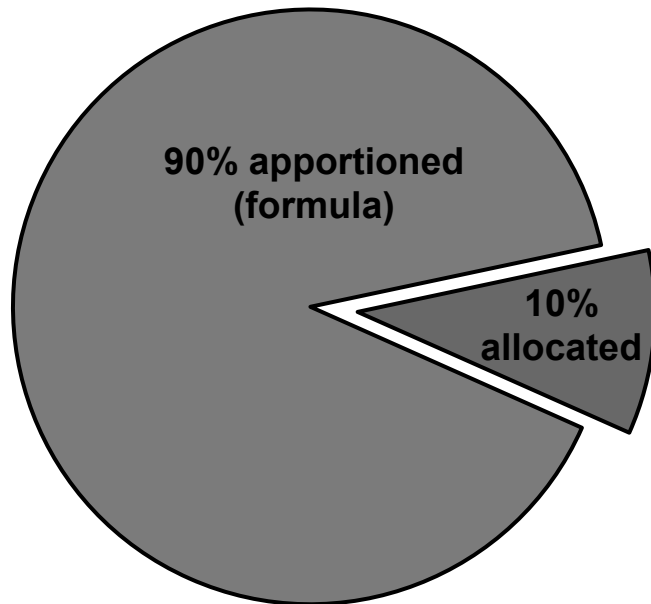
Note: Table does not include amounts that BIL authorizes subject to [future] appropriation

High Points of BIL Highway Provisions

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

\$303.5 B in Contract Authority from the HTF

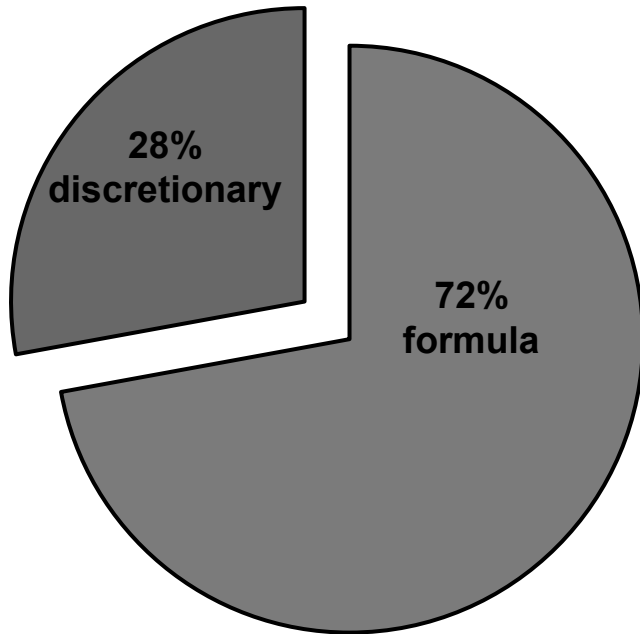
**BIL highway CA,
apportioned vs. allocated**



- Five years of funding (FY 22-26)
- +29% highway CA (avg. annual, FY 22-26) vs. current law (FY 21)
- Mostly (90%) apportioned to States
- All FAST Act highway programs will continue
- ...plus new CA programs (apportioned and allocated)

+\$47.3 B from the General Fund (GF) for “Highway Infrastructure Programs” (HIP)

BIL HIP advance appropriations, formula vs. discretionary



- Majority (72%) distributed by formula
- All provided from the General Fund
- 9 categories of advance appropriations; 6 supplemental to CA

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

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

* Supplements CA separately provided by BIL for this program

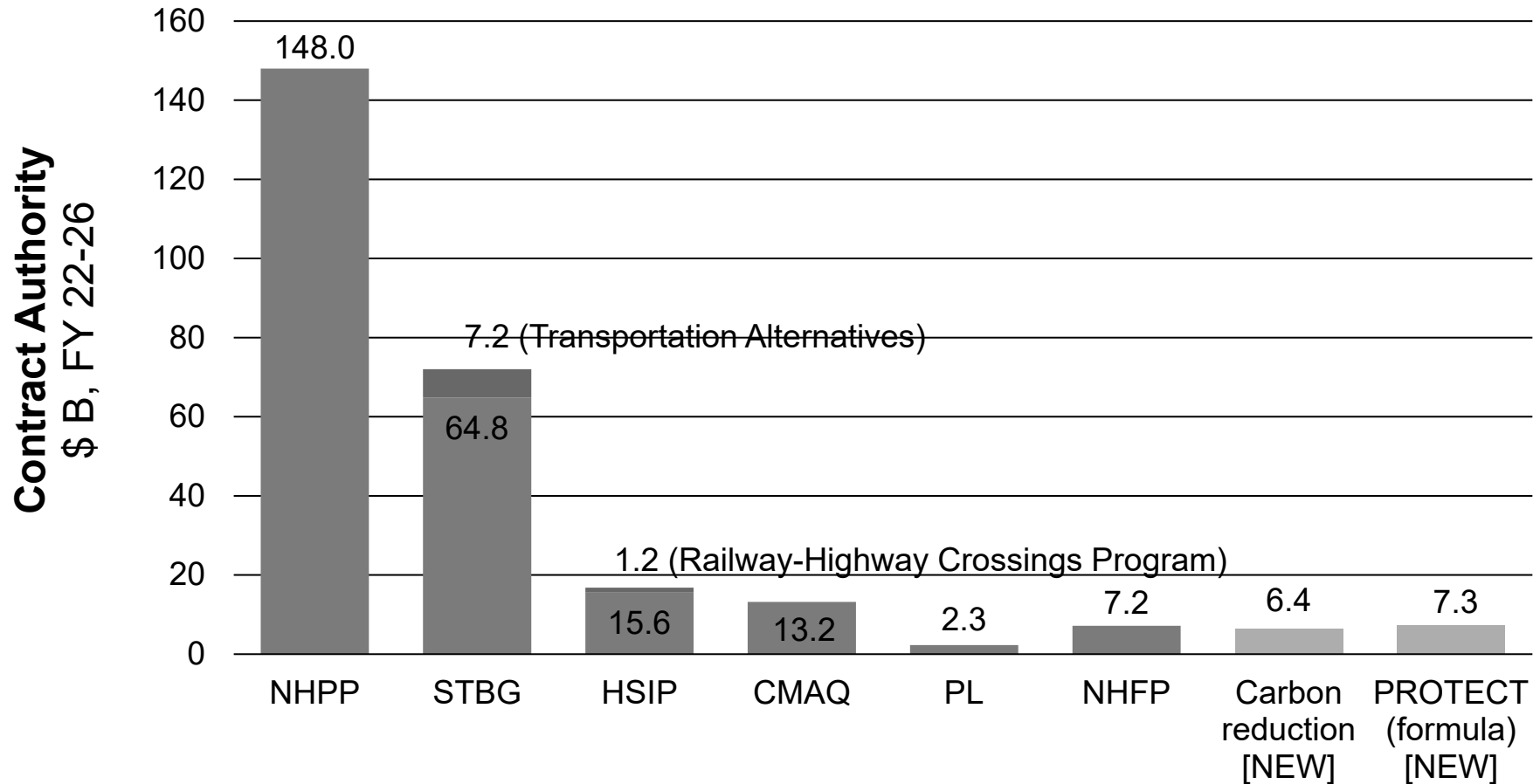
Funding Available to a Range of Recipients

Program Examples	State	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

8 Apportioned CA Programs (Including 2 New)



Federal-aid apportioned programs under BIL

Davis-Bacon and Buy America Provisions

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

Other Workforce Provisions

Program/topic	Provisions in the new law
Local hiring preference for construction jobs (§25019)	<ul style="list-style-type: none"> • Permits a recipient or subrecipient of funding under title 23 or 49, United States Code to implement a local or other geographical or economic hiring preference relating to the use of labor for construction projects • Requires DOT to submit a Workforce Diversity Report to Congress, followed by a model plan for States, local governments, and private sector entities to use • The report and model plan must address methods to enhance pre-apprenticeship programs, improve transportation workforce diversity, and encourage (sub)recipients to establish outreach and support programs
Surface transportation workforce development, training, and education (§13007)	<ul style="list-style-type: none"> • Expands eligibility to include a variety of training and employment activities
Transportation education and training development and deployment program (§13007)	<ul style="list-style-type: none"> • Expands eligibility to State DOTs and partnerships with Federal departments and agencies • Expands program to include implementing new curricula and education programs to provide hands-on career opportunities to meet current and future needs



FOR MORE INFORMATION

- Please visit:
fhwa.dot.gov/bipartisan-infrastructure-law