INFRASTRUCTURE INVESTMENT AND JOBS ACT (IIJA) / BIPARTISAN INFRASTRUCTURE LAW (BIL)

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AGENDA

- Overview of IIJA/BIL
- Outline Program Categories
- Highlight Changes to Existing Programs
- Introduce New Programs
- Summarize Funding Opportunities
- Outline Other Provisions of IIJA/BIL

OVERVIEW IIJA/BIL

- Signed into law on November 15, 2021
- Authorizes dedicated infrastructure funding for FY 22-26
 - Formula funding & Discretionary funding
- 380 new or existing programs
- Continuing Resolution (CR) through March 11, 2022
 - Held funding levels at pre-IIJA levels
 - Delayed access to increased funds for existing formula programs and new programs of IIJA/BIL
- Omnibus spending bill passed on March 10, 2022
 - Allows for full utilization of IIJA for FY 2022
 - Enables USDOT to start implementing new policies and programs that were put on hold by the CR

PROGRAM CATEGORIES

- I. Transportation
 - a. Roads/Bridges/Major Projects, Passenger and Freight Rail, Public Transportation, Airports and Aviation, Ports and Waterways, Safety, Electric Vehicles/Buses and Ferries
- 2. Climate, Energy, and the Environment
 - a. Clean Energy and Power, Water, Resilience, Environmental Remediation
- 3. Broadband
- 4. Other Programs
 - a. Regional Commissions, Various Federal Departments, Environmental Protection Agency, Solid Waste Management and Recycling

TRANSPORTATION

Sub-Categories

- I. Roads, Bridges, and Major Projects
- 2. Passenger and Freight Rail
- 3. Public Transportation
- 4. Airports and Aviation
- 5. Ports and Waterways
- 6. Safety
- 7. Electric Vehicles

ROADS, BRIDGES, AND MAJOR PROJECTS

Formula funding = \$7 Billion over 5 years (Indiana)

• Approx. 30% more than current federal-aid amount

| | Indiana-Specific Funding Estimates per Program (Approximate | | | | | | | | | |
|-------|---|---|---|---|-----------------|--------------------------|---|---------------------------------------|--------------------------------------|-------------------------|
| Year | National Highway Performance Program (NHPP) | Surface Transportation Block Grant Program (STBG) | Highway Safety Improvement Program (HSIP) | Railway- Highway Crossings Program (RHCP) | CMAQ Program | Metropolitan Planning | National Highway Freight Program (NHFP) | Carbon Reduction Program NEW | PROTECT Formula Program NEW | Appropriations Total |
| 2022 | \$692 M | \$337 M | \$70.5 M | \$7.9 M | \$51.3 M | \$6.9 M | \$33.0 M | \$30.0 M | \$34.1 M | \$1.26 B |
| 2023 | \$706 M | \$343 M | \$72.1 M | \$7.9 M | \$52.3 M | \$7.0 M | \$33.7 M | \$30.6 M | \$34.8 M | \$1.29 B |
| 2024 | \$720 M | \$350 M | \$73.7 M | \$7.9 M | \$53.4 M | \$7.1 M | \$34.4 M | \$31.2 M | \$35.5 M | \$1.31 B |
| 2025 | \$734 M | \$357 M | \$75.3 M | \$7.9 M | \$54.5 M | \$7.3 M | \$35.1 M | \$31.9 M | \$36.2 M | \$1.34 B |
| 2026 | \$785 M | \$364 M | \$77.0 M | \$7.9 M | \$55.6 M | \$7.5 M | \$35.7 M | \$32.5 M | \$36.9 M | \$1.37 B |
| Total | \$3.64 B | \$1.75 B | \$368.6 M | \$39.7 M | \$267.2 M | \$35.9 M | \$172 M | \$126 M | \$178 M | \$6.57 B |

CHANGES TO SURFACE TRANSPORTATION BLOCK GRANT PROGRAM (STBG)

| Торіс | Changes |
|---|---|
| Eligible Projects | Adds new eligible projects: EV charging infrastructure Protective features to enhance resilience Wildlife crossing projects |
| Off-system Bridges | Increases off-system bridge set-aside Adds eligibility to include replacing a low water crossing with a bridge |
| Sub-allocation Note: Indiana has already been utilizing the smaller ranges for population categories (Group I, Group II, Group III, Group IV) | Population categories for sub-allocation split into smaller ranges: <5,000 [NEVV] 5,000 – 49,999 [NEVV] 50,000 – 200,000 >200,000 Requires States to consult with RTPOs and MPOs for urbanized areas with 50,000-200,000 population before using certain sub-allocated funding |
| Rural areas | 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 |

CHANGES TO TRANSPORTATION ALTERNATIVES (TA) SET-ASIDE FROM STBG

| Торіс | Changes |
|-------------------|--|
| Funding | Increases funding, setting it at 10% of total STBG funds each FY Increases from 50% to 59% the portion of TA funds that must be sub-allocated to areas of the State based on population Continues to permit States to transfer up to 50% of TA funds to any other apportioned program but establishes new conditions Allows States to use up to 5% of available funds (after sub-allocation) to fund staff to administer the TA program and assist applicants |
| Eligible Projects | Reaffirms eligibility for Safe Routes to School (SRTS) projects and activities Adds activities relating to vulnerable road user safety assessments |
| Eligible Entities | Adds as eligible entities MPOs representing a population ≤200,000, any nonprofit entities, and States at the request of another eligible entity |
| Federal Share | Subject to certain requirements: Provides for a Federal share up to 100% Allows HSIP funds to be used toward the non-Federal share Allows non-Federal share requirements to be met on an aggregate basis instead of by project |

CHANGES TO HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP)

| Торіс | Changes |
|--------------------------|---|
| Eligible Projects | Adds eligibility (≤10% of HSIP funds) for specified safety projects (including non-infrastructure safety projects related to education, research, enforcement, emergency services, and SRTS) Modifies the HSIP definition of highway safety improvement project by adding or clarifying some project types. Examples include: *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 | 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 ≥15% of total annual crash fatalities in State |

CHANGES TO RAILWAY-HIGHWAY CROSSINGS PROGRAM (RHCP)

| Торіс | Changes |
|-------------------|---|
| Eligible Projects | Clarifies funds are eligible for projects to reduce pedestrian fatalities and injuries from trespassing at grade crossings (ped. safety improvements at crossings are already an eligible activity) |
| Uses of Funding | Eliminates the 50% set-aside for "protective devices" Increases the maximum incentive payment that a State may pay a local government for closing a public at-grade railway-highway crossing from \$7,500 to \$100,000, subject to certain conditions Increases from 2% to 8% the amount a State may use for data compilation and analysis in support of its annual RHCP report |
| Federal Share | Increases federal share for projects financed with funds set aside for this program from 90% to 100% |
| Reports | Requires FRA to summarize highway-rail grade crossing action plans and evaluate each State railway-highway crossing program and submit report to Congress on the results Requires FRA, in consultation with FHVVA, to update the report based on State annual reports required under the program and submit it to Congress |

CHANGES TO CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM (CMAQ)

| Торіс | Changes |
|--------------------------------------|--|
| Eligible Projects | Adds eligibility for: Shared micromobility (i.e. bikeshare, shared e-scooters) Purchase of diesel replacements Purchase of medium/heavy-duty zero emissions 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 (≤10% of CMAQ funds) |
| Rail/Transit Operating Assistance | 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 | Requires, to the maximum extent possible, prioritizing disadvantaged communities or low-income populations when obligating funds to reduce PM2.5 emissions |

CHANGES TO NATIONAL HIGHWAY FREIGHT PROGRAM (NHFP)

| Торіс | Changes |
|--|--|
| Freight intermodal/freight rail projects | States may use ≤30% (vs. 10% under current law) of NHFP funding on freight intermodal or freight rail projects, subject to certain restrictions |
| Locals, dams, marine highways | Adds eligibility for modernization/rehab of a lock and dam or a marine highway corridor, connector, or crossing (including an inland waterway corridor, connector, or crossing) that are: Functionally connected to the National Highway Freight Network; and Likely to reduce on-road mobile source emissions |
| Critical freight corridors | Allows the designation of more miles as critical rural freight corridors and critical urban freight corridors |

OTHER EXISTING PROGRAMS FOR ROADS, BRIDGES, AND MAJOR PROJECTS

| Program Name | Funding Amount (Nationally) | |
|--|--|--|
| Rebuilding American Infrastructure with Sustainability and Equity (RAISE) | \$15 BillionCompetitive Grant | Supports surface transportation projects of local and/or regional significance |
| Infrastructure for Rebuilding America (INFRA) | \$14 BillionCompetitive Grant | Offers needed aid to freight infrastructure by providing funding to state and local government for projects of regional or national significance Raises the cap on multi-modal projects to 30% of program funds |

NEW PROGRAMS FOR ROADS, BRIDGES, AND MAJOR PROJECTS

| Program Name | Funding Amount (Nationally) | Description |
|---------------------------------|---|--|
| Bridge Formula Program | \$26.7 Billion Funds provided to State by Formula then distributed via Grant | Provide funds to States by formula (75% based on costs of replacing State's poor condition bridges; 25% based on costs of rehabilitating State's fair condition bridges) Use for bridge replacement, rehabilitation, preservation, protection, or construction projects on public roads. Three set-asides: 15% will be set-aside for use on off-system bridges (100% federal share if owned by LPA); 3% will be set-aside for use on Tribal Transportation Facility bridges; and, 0.5 % will be set-aside for administrative expenses of the Federal Highway Administration. |
| Bridge Investment Program | \$12.2 BillionCompetitive Grant | Improve bridge (and culvert) condition, safety, efficiency, and reliability Use for projects to replace, rehab, preserve or protect one or more bridges on the National Bridge Inventory Use for projects to replace or rehab culverts to improve flood control and improve habitat connectivity for aquatic species |

NEW PROGRAMS FOR ROADS, BRIDGES, AND MAJOR PROJECTS (CONT.)

| Program Name | Funding Amount (Nationally) | Description |
|---|--|---|
| Carbon Reduction Program | \$126 Million (Indiana-specific amount) Funds provided to State by Formula then distributed via Grant | Provide funding for projects to reduce transportation emissions or the develop of carbon reduction strategies |
| Congestion Relief Program | \$250 MillionCompetitive Grant | Provide funds to advance innovative, integrated, and multimodal solutions to reduce congestion and the related economic and environmental costs in the most congested metro areas w/urbanized pop. > 1 million |
| National Culvert Removal, Replacement, & Restoration Grant | \$1 BillionCompetitive Grant | Use for projects that improve or restore passage for anadromous fish |

NEW PROGRAMS FOR ROADS, BRIDGES, AND MAJOR PROJECTS (CONT.)

| Program Name | Funding Amount (Nationally) | Description |
|---|---|---|
| National Infrastructure Project Assistance (Megaprojects) | \$5 BillionCompetitive Grant | Will support large, complex projects that are difficult to fund by other means and likely to generate national or regional economic, mobility, or safety benefits Single-year or multi-year grant agreements for eligible surface transportation projects Specific project eligibility requirements |
| PROTECT Formula Program | \$178 Million (Indiana-specific) Funds provided to State by Formula then distributed via Grant | Funds for planning, resilience improvements, community resilience and evacuation routes, and at-risk coastal infrastructure May only use 40% of the grant for construction of new capacity |

NEW PROGRAMS FOR ROADS, BRIDGES, AND MAJOR PROJECTS (CONT.)

| Program Name | Funding Amount (Nationally) | Description |
|---|---|--|
| Reconnecting Communities Pilot Program | \$I BillionCompetitive Grant | 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 Planning grants (≤\$2 Million) Construction grants (≥\$5 Million) |
| Rural Surface Transportation Grant Program | \$1 BillionCompetitive Grant | • 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 |

SAFETY

Formula Funding = \$38 Million over 5 years

• 29% more than current federal-aid amount

| Status | Program Name | Funding (Nationally) | Description |
|--------|---|---|---|
| New | Strengthening Mobility and Revolutionizing Transportation (SMART) | \$I BillionCompetitive Grant | Use for projects that improve transportation safety and efficiency |
| New | Safe Streets and Roads for All | \$5 BillionCompetitive Grant | Support local initiatives to prevent transportation-related death and serious injury on roads and streets Use for comprehensive safety action plan Use for planning, design, and development activities for infrastructure projects and other strategies identified in a comprehensive safety action plan |

NEW PROGRAMS FOR SAFETY (CONT.)

| Program Name | Funding (Nationally) | Description |
|--|---|---|
| Railroad Crossing Elimination | \$3 BillionCompetitive Grant | To fund highway-rail or pathway-rail grade crossing improvement projects that focus on improving the safety and mobility of people and goods Eligible projects include: (1) a grade separation or closure, including through the use of a bridge, embankment, tunnel, or combination thereof; (2) track relocation; (3) the improvement or installation of protective devices, signals, signs, or other measures to improve safety, provided that such activities are related to a separation or relocation project described previously; (4) other means to improve the safety and mobility of people and goods at highway-rail grade crossings (including technological solutions); and (5) a group of related projects described previously that would collectively improve the mobility of people and goods. |
| Wildlife Crossings Pilot Program | \$350 MillionCompetitive Grant | Use for projects that reduce wildlife-vehicle collisions |

SUMMARY OF ROADS, BRIDGES, & MAJOR PROJECTS / SAFETY PROGRAMS

| Status | Program Name | Grant Agency for LPA's | Availability (estimated) |
|----------|---|------------------------|---|
| Existing | Surface Transportation Block Grant Program (STBG) | INDOT | Incorporated into current program |
| Existing | Highway Safety Improvement Program (HSIP) | INDOT | Incorporated into current program |
| Existing | Railway-Highway Crossings Program (RHCP) | INDOT | Incorporated into current program |
| Existing | Congestion Mitigation and Air Quality Improvement Program (CMAQ) | INDOT/MPO | Incorporated into current program |
| Existing | National Highway Freight Program (NHFP) | INDOT | Incorporated into current program |
| Existing | Rebuilding American Infrastructure with Sustainability and Equity (RAISE) | USDOT | Application Deadline: April 14, 2022 |

SUMMARY OF ROADS, BRIDGES, & MAJOR PROJECTS / SAFETY PROGRAMS (CONT.)

| Status | Program Name | Grant Agency for LPA's | Availability (estimated) |
|----------|--|-------------------------------|------------------------------------|
| Existing | Infrastructure for Rebuilding American (INFRA) | USDOT/Build America Bureau | Information available 2022 – QI |
| New | Bridge Formula Program | INDOT | |
| New | Bridge Investment Program | FHWA | |
| New | Carbon Reduction Program | MPO | |
| New | Congestion Relief Program | FHWA | |

SUMMARY OF ROADS, BRIDGES, & MAJOR PROJECTS / SAFETY PROGRAMS (CONT.)

| Status | Program Name | Grant Agency | Availability (estimated) |
|--------|---|--------------|------------------------------------|
| New | National Culvert Removal, Replacement, & Restoration Grant | USDOT | TBD |
| New | National Infrastructure Project Assistance (Megaprojects) | USDOT | Information available 2022 – QI |
| New | PROTECT Formula Program | INDOT | TBD |
| | PROTECT Discretionary Program | USDOT | TBD |
| New | Reconnecting Communities Pilot Program | FHWA | Applications open 2022 – Q2 |
| New | Rural Surface Transportation Grant Program | FHWA | Applications open 2022 – QI |

SUMMARY OF ROADS, BRIDGES, & MAJOR PROJECTS / SAFETY PROGRAMS (CONT.)

| Status | Program Name | Grant Agency | Availability (estimated) |
|--------|---|------------------------------------|-------------------------------|
| New | Strengthening Mobility and Revolutionizing Transportation (SMART) | | |
| New | Safe Streets and Roads for All | USDOT | Applications open May 2022 |
| New | Railroad Crossing Elimination | Federal Railroad Administration | |
| New | Wildlife Crossings Pilot Program | FHWA | |

OTHER PROVISIONS

| Program | Торіс | Provisions in New Law |
|-------------------|--|---|
| Safety | Increasing Safe and Accessible Transportation Options | Defines Complete Streets standards and policy |
| Safety | Manual on Uniform Traffic Control Devices (MUTCD) | Adds to MUTCD purposes, inclusion and mobility for all users Requires MUTCD update within 18 months, every 4 years thereafter Requires first update must provide protection for vulnerable road users |
| Electric Vehicles | Standards for EV Charging Stations | Requires electric vehicle charging stations to provide for non- proprietary charging connectors that meet industry safety standards and payment methods available to all members of the public |
| Bridges | Accommodation of bicycles and pedestrians on bridges | Modifies an existing requirements for highway bridge deck replacement and rehabilitation to provide for safe accommodation of bicycles to also include pedestrians |
| Bridges | Bridge terminology | Updates bridge terminology, replacing "structurally deficient" with "in poor condition" |

OTHER PROVISIONS (CONT.)

| Program | Торіс | Provisions in New Law |
|------------------|--|--|
| Bridges | Wildlife habitat connectivity | Requires bridge and tunnel inspection training be updated to include techniques to assess passage of aquatic and terrestrial species and habitat restoration potential |
| Project Delivery | Environmental process requirements | Limits environmental impact studies (EIS) documents to ≤200 pages Establishes new environmental process requirements for major projects |
| Project Delivery | Categorical Exclusions | Promotes the use of FHWA categorical exclusions (CEs) by other Federal agencies Increases threshold for CEs for projects receiving limited Federal assistance |
| Project Delivery | State assumption of NEPA/CE responsibility | Updates requirements for State assumption of NEPA/CE responsibility, extending term of memoranda of understanding for States that have participated for ≥10 years |
| Project Delivery | Early utility relocation | Allows for reimbursement with Federal funds for early utility relocation projects that occur before completion of the environmental review process |

OTHER PROVISIONS (CONT.)

| Program | Торіс | Provisions in New Law |
|----------------------------------|--|--|
| Project Delivery | Section 4(f) reviews | Accelerates project delivery by including a deadline for interagency consultation for section 4(f) evaluations |
| Highway | Roadway design guides | Permits local jurisdiction to use roadway design guide (RDG) that is different from State's RDG for non-NHS projects if the RDG is recognized by FHWA and adopted by local jurisdiction |
| Highway | Preliminary engineering (PE) | Repeals requirement for State to repay Federal-aid reimbursements for PE costs if a project hasn't advanced to right-of-way acquisition or on-site construction within 10 years |
| Metropolitan Planning Program | MPO Representation | Requires consideration of equitable and proportional representation of population in MPO planning area when designating officials or representatives |
| Metropolitan Planning Program | Public participation | Encourages MPOs to use social median and web-based tools to foster public participation and to solicit public feedback during the transportation planning process |
| Metropolitan Planning Program | Safe and accessible transportation options | Requires MPOs to use ≥2.5% of funds apportioned for Metropolitan Planning on one or more activities to increase safe & accessible options for multiple travel modes for people of all ages and abilities Requires MPOs to include Complete Street information in planning documents |

APPLICATION CONSIDERATIONS

Prioritize capital needs & develop a project pipeline

Long Range Transportation Plans

• Where is your community looking to grow? Residential? Commercial? Industrial?

>Asset Management Plans

• What do you have now? What condition it is in? What targets do you have?

Capital Improvement Plans

• What projects are needed in your community? Scope? Cost?

Local Matching Funds

• What local funds do you have? What is your cashflow for availability of funds?

PROTIP: Consult all stakeholders when developing plans (i.e. elected officials, economic development professionals, municipalities, public, etc.)

APPLICATION CONSIDERATIONS

USDOT Programs

- Register at Grants.gov
 - Must complete registration before submitting an application
 - Registration takes 2-4 weeks to complete
 - Information required:
 - 1. Register with the System for Award Management (SAM) at <u>www.SAM.gov</u> (if not already in system)
 - 2. Provide Data Universal Numbering System (DUNS) Number / Unique Identifying Number (UEI)
 - NOTE: DUNS Number is changing to Unique Identifying Number (UEI) on April 4, 2022.
 - 3. Create Grants.gov username & password
 - 4. Establish an Authorized Organization Representative (AOR) for agency

PROTIP: Work with your Auditor/Clerk Treasurer/Controller on this process

REFERENCES – WHITE HOUSE GUIDEBOOK

BUILDING A BETTER AMERICA

https://www.whitehouse.gov/wpcontent/uploads/2022/01/BUILDING-A-BETTER-AMERICA_FINAL.pdf

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| Fransportation | |
|---|-----|
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| Ports and Waterways | |
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| Electric Vehicles, Buses and Ferries | |
| | |

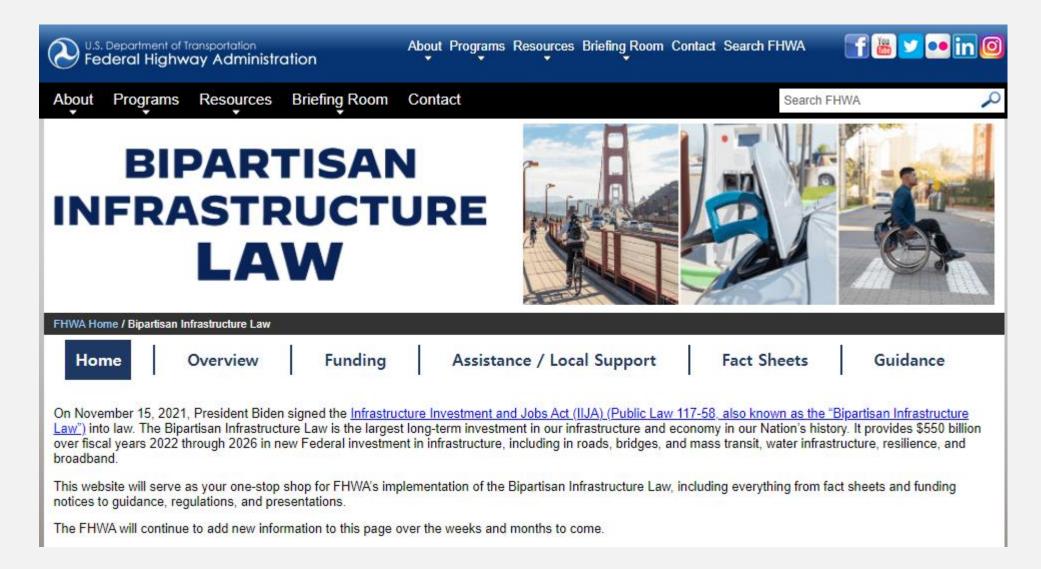
A GUIDEBOOK TO THE BIPARTISAN INFRASTRUCTURE LAW FOR STATE, LOCAL, TRIBAL, AND TERRITORIAL GOVERNMENTS, AND OTHER PARTNERS



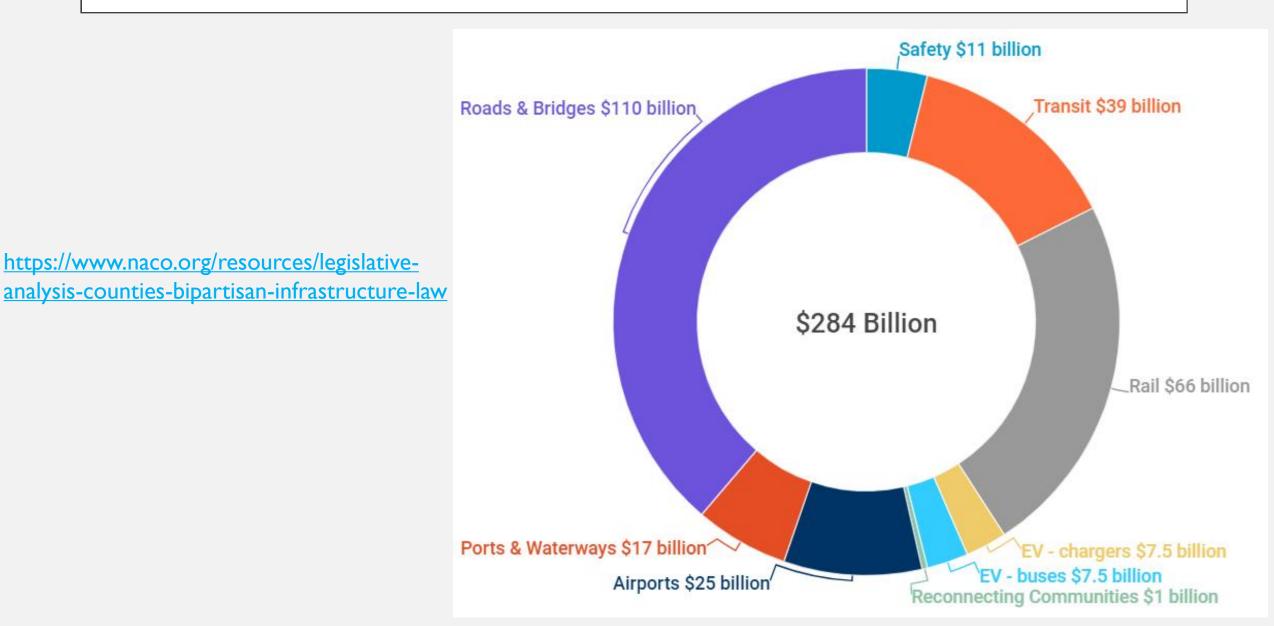
THE WHITE HOUSE WASHINGTON

REFERENCES – USDOT FHWA

https://www.fhwa.dot.gov/bipartisan-infrastructure-law/



REFERENCES – NACO LEGISLATIVE ANALYSIS



REFERENCES – TRANSPORTATION FOR AMERICA

https://t4america.org/iija/?eType=EmailBlastContent&eld=e95adace-4f0e-4813-8cb9-a24b3c0ae2f7

Understanding the 2021 infrastructure law

The \$1.2 trillion **Infrastructure Investment and Jobs Act (IIJA)**, passed in November 2021, now governs all federal transportation policy and funding through 2026. (You'll frequently hear "infrastructure law" or "bipartisan infrastructure deal" as shorthand for the IIJA.) This mammoth bill was the final product of congressional negotiations in 2020 and 2021 over long-term transportation proposals, as well as a standalone infrastructure bill. The final product turned out to be an amalgamation of both.

T4America has produced a wealth of content about the infrastructure law, but we know that federal transportation policy can be intimidating and confusing. So start where you feel most comfortable.

Choose your starting point:

Start me with the basics Toss me in the deep end

Local Projects – Community Crossings

Since 2016, more than \$1.04 billion in state funds have been awarded to local communities through the Community Crossings Matching Grant program.

2022 Call for Projects

2022 first call for projects kicked off Jan. 3 and closes Jan. 28. Projects will be announced in April.

• 2021 Awards

• \$202.1 million in 547 awards to 362 separate communities for 3,333 road and bridge projects

• 2020 Awards

- \$228 million in 638 awards to 400 separate communities for 3,618 road and bridge projects
- 2016-2019 Awards
 - \$612.2 million to 901 separate communities for 8,502 road and bridge projects

