

Infrastructure Investment & Jobs Act

An Implementation Update & Overview of Funding Opportunities

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Ms. Barkovic has extensive experience representing transportation authorities. Since joining Holland & Knight in 2005 after working for former Rep. Mark Foley, Ms. Barkovic has assisted clients in securing federal funding through both the appropriations process and competitive federal grants. She has helped to secure millions for clients through the U.S. Department of Transportation (DOT) TIGER/BUILD grant program (now RAISE), Federal Transit Administration (FTA)'s Capital Investment Grant (CIG) program, FTA Bus & Bus Facilities.



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Ms. Hettinger advocates for local government municipalities' and industry's infrastructure needs, including surface transportation, water resources, economic development and Army Corps of Engineers. Prior to joining Holland & Knight, Ms. Hettinger served as staff director for the Senate Environment and Public Works Committee's Subcommittee on Transportation and Infrastructure Ranking Member, George Voinovich (R-OH). In this role, she served as his primary advisor on transportation, water infrastructure, environment, Army Corps of Engineers and economic development.

Bipartisan Infrastructure Law (H.R. 3684)

- On November 15, 2021, President Biden signed the bipartisan Infrastructure Investment and Jobs Act into law that invests in the nation's infrastructure, including funding for roads and bridges, rail, transit, airports, energy, electric vehicles (EV), water and broadband.
- The legislation provides \$1.2 trillion in total spending over 5 years, including \$550 billion in *new spending*. The legislation includes several authorizing bills, including the Surface Transportation Reauthorization Act of 2021.

Key Points

- Dozens of new programs--both formula & discretionary grants--across several federal agencies
- Focus on safety, bridges, climate change, resiliency, project delivery and equity
- Expands eligibilities for existing DOT programs
- Funding is not one-time. This is a five-year bill with funding for programs available for each of the next five-years, some subject to appropriations, like the FAST Act and SAFETEA-Lu.
- Most matching requirements will be 80-20%.

Existing Formula Programs

Program	Funding level over 5 years
<p>National Highway Performance Program (NHPP)</p> <ul style="list-style-type: none">• <i>Funding through FDOT</i>• Funding for roads and bridges on the National Highway System (NHS)• Adds eligibilities for projects to increase resiliency and mitigate the cost of damages from sea level rise, extreme weather events, flooding and other natural disasters.	<p>\$148B (27% increase over FAST Act)</p> <p>Estimated \$7.38B for FL</p>
<p>Highway Safety Improvement Program (HSIP)</p>	<p>\$15.6B (34% increase over FAST Act)</p> <p>Estimated \$788.58M for FL</p>

Existing Formula Programs

Program	Funding level over 5 years
<p>Surface Transportation Block Grant (STBG) Program</p> <ul style="list-style-type: none">• <u>Directly prioritized by TPA</u> through Local Initiatives program• Funds Federal-aid highways, bridges and transit capital projects.• Adds EV charging infrastructure deployment of intelligent transportation technologies as eligible projects	<p>\$72B (23.6% increase over FAST Act)</p> <p>Estimated \$3.59B for FL</p>

Existing Formula Programs

Program	Funding level over 5 years
<p>Transportation Alternatives Program (TAP)—suballocated from STBG</p> <ul style="list-style-type: none">• <u>Directly prioritized by TPA</u> through Transportation Alternatives program• Funds smaller-scale transportation projects such as pedestrian and bicycle projects, recreational trails and environmental mitigation• Increases the minimum percentage of TAP funding that is sub-allocated on the basis of population from the current 50% to 59%	\$7.2B; suballocated from STBG

Existing Competitive Grant Programs

Program	Funding level over 5 years
<p>Nationally Significant Freight and Highway Projects (INFRA)</p> <ul style="list-style-type: none">• <i>TPA and local govts eligible</i>• Funding for highway, rail, and port projects of regional and national significance	\$8B (78% increase over FAST Act)
<p>Local and Regional Project Assistance (RAISE Grants)</p> <ul style="list-style-type: none">• <i>TPA and local govts eligible</i>	\$7.5B (70% increase over current funding)

New Competitive Grant Programs

Program	Funding over 5 years
<p>Stopping Threats on Pedestrians</p> <ul style="list-style-type: none">• <i>TPA and local govts eligible</i>• Funds bollard installation projects to prevent pedestrian injuries and acts of terrorism in areas used by large numbers of pedestrians	\$25M (subject to appropriations)
<p>Safe Streets and Roads for All Grant Program (“Vision Zero”)</p> <ul style="list-style-type: none">• <i>TPA and local govts eligible</i>• Grant program to develop and implement comprehensive safety plans and projects	\$5B

New Competitive Grant Programs

Program	Funding over 5 years
<p>Congestion Relief Program</p> <ul style="list-style-type: none">• <i>TPA and local govts eligible</i>• Grants to projects in large urbanized areas (more than 1 million people) to advance innovative, integrated and multimodal solutions to congestion relief	\$250M
<p>Strengthening Mobility and Revolutionizing Transportation (SMART)</p> <ul style="list-style-type: none">• <i>TPA and local govts eligible</i>• Demonstration projects focused on advanced smart city or community technologies/systems (connected vehicles, coordinated automation & ITS) to improve transportation efficiency and safety	\$500M

New Competitive Grant Programs

Program	Funding over 5 years
<p>Culvert Removal, Replacement and Restoration Program</p> <ul style="list-style-type: none">• <i>TPA and local govts eligible</i>• To remove, replace or restore culverts to address the flow of water through roads, bridges, railroad tracks and trails	\$1B
<p>National Infrastructure Project Assistance (“Mega Projects”)</p> <ul style="list-style-type: none">• <i>TPA and local govts eligible</i>• Competitive grant program for multimodal and multijurisdictional projects of national or regional significance with project costs of at least \$100M	\$15B <ul style="list-style-type: none">• \$10B is authorized• \$5B in mandatory appropriations

New Competitive Grant Programs

Program	Funding over 5 years
<p>Reconnecting Communities</p> <ul style="list-style-type: none">• <i>TPA and local govts eligible</i>• Planning (not to exceed \$2M) and construction grants (at least \$5M) program to mitigate existing transportation projects that create barriers to mobility, access or economic development	\$500M
<p>Railroad Crossing Elimination Competitive Grant Program</p> <ul style="list-style-type: none">• <i>TPA and local govts eligible</i>• Competitive grant program for the elimination of hazards at railway-highway crossings	\$3B

New Competitive Grant Programs

Program	Funding over 5 years
<p>National Infrastructure Project Assistance (“Mega-projects”)</p> <ul style="list-style-type: none">• <i>Similar to existing INFRA competitive grant program; TPA and local govts eligible</i>• Competitive grant program for multimodal and multijurisdictional projects of national or regional significance	<p>\$15B</p> <ul style="list-style-type: none">• \$10B is authorized• \$5B in mandatory appropriations
<p>Healthy Streets Program</p> <ul style="list-style-type: none">• <i>TPA/local govts eligible</i>• Grants to deploy cool pavements and porous pavements and to expand tree cover	<p>\$500M (subject to appropriations)</p>

New Competitive Grant Programs

Program	Funding over 5 years
<p>Active Transportation Infrastructure Investment Program</p> <ul style="list-style-type: none">• <i>TPA and local govts eligible</i>• Grants for safe and connected active transportation projects that connect destinations within or between communities -- including schools, workplaces, residences, businesses, recreation areas and other community areas – or to create active transportation spines connecting communities and metropolitan regions.	\$1B (subject to appropriations)

New Bridge Programs

Program	Funding over 5 years
<p>Bridge Grant Program</p> <ul style="list-style-type: none">• <i>New competitive grant program; TPA/local govts eligible</i>• Large grants (at least \$100 million) allocated through a FFGA like process• Minimum grant amount for large projects not less than \$50M• At least 50% of funds over 5 years must be used for large projects	\$16B

New Bridge Programs

Program	Funding over 5 years
<p>Bridge Replacement, Rehabilitation, Preservation, Protection and Construction</p> <ul style="list-style-type: none">• <i>Modeled after existing formula program; TPA/local govts eligible</i>• Federal share is 100%• 75% distributed by number of bridges in poor condition• 25% distributed by number of bridges in fair condition• Funding was distributed in January 2022	<p>\$27.5B formula based on existing FHWA Bridge program</p> <p>FL received \$244,900,130</p>

New Resiliency Programs

Program	Funding over 5 years
<p>Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Grant Program</p> <ul style="list-style-type: none"><i>Formula and competitive grant program; FDOT will allocate formula; TPA and local govts eligible for competitive grants</i>Resiliency program	<p>\$7.3B formula; \$1.4B competitive set-aside grants</p> <p>Estimated \$364M formula funds for FL</p>
<p>Carbon Reduction Program</p> <ul style="list-style-type: none"><i>New formula program; FDOT will allocate</i>	<p>\$6.42B</p> <p>Estimated \$320M for FL</p>

New Electric Vehicle (EV) Programs

Program	Funding over 5 years
<p>EV Charging and Refueling Grant Program</p> <ul style="list-style-type: none">• <i>New formula and competitive grant program; FDOT will allocate formula; TPA and local govts eligible for competitive grants</i>• Formula program to deploy publicly accessible alternative fuel vehicle charging infrastructure• 50% set aside each year for competitive grants -- prioritizing rural areas and low- and moderate income neighborhoods and communities with low ratios of private parking or high ratios of multiunit dwellings	\$2.5B

EV Programs

Program	Funding over 5 years
<p>EV Charging Formula Program</p> <ul style="list-style-type: none">• <i>New formula program</i>; funding through FDOT• Establishes a National EV Formula Program to provide funding to states to deploy EV charging infrastructure	<p>\$5B</p> <p>Estimated \$198M for FL</p>

Implementation Actions to Date

- The Department of Transportation (DOT) and Federal Highway Administration (FHWA) have announced \$27B in funding to replace, repair and rehabilitate bridges (formula funding to states). FL received \$48,980,026.
- Vice President Harris has announced an [EV Charging Action Plan](#) to achieve President's goal of building a national network of 500,000 electric vehicle chargers.
- Transportation Secretary Pete Buttigieg and Energy Secretary Jennifer Granholm have formed a [Joint Office of Energy & Transportation](#) focused on building out the national network of EV chargers.
- FHWA has announced [\\$52.5B for Federal Highway Apportionments](#) for FY 2022. FL received \$2.5B.

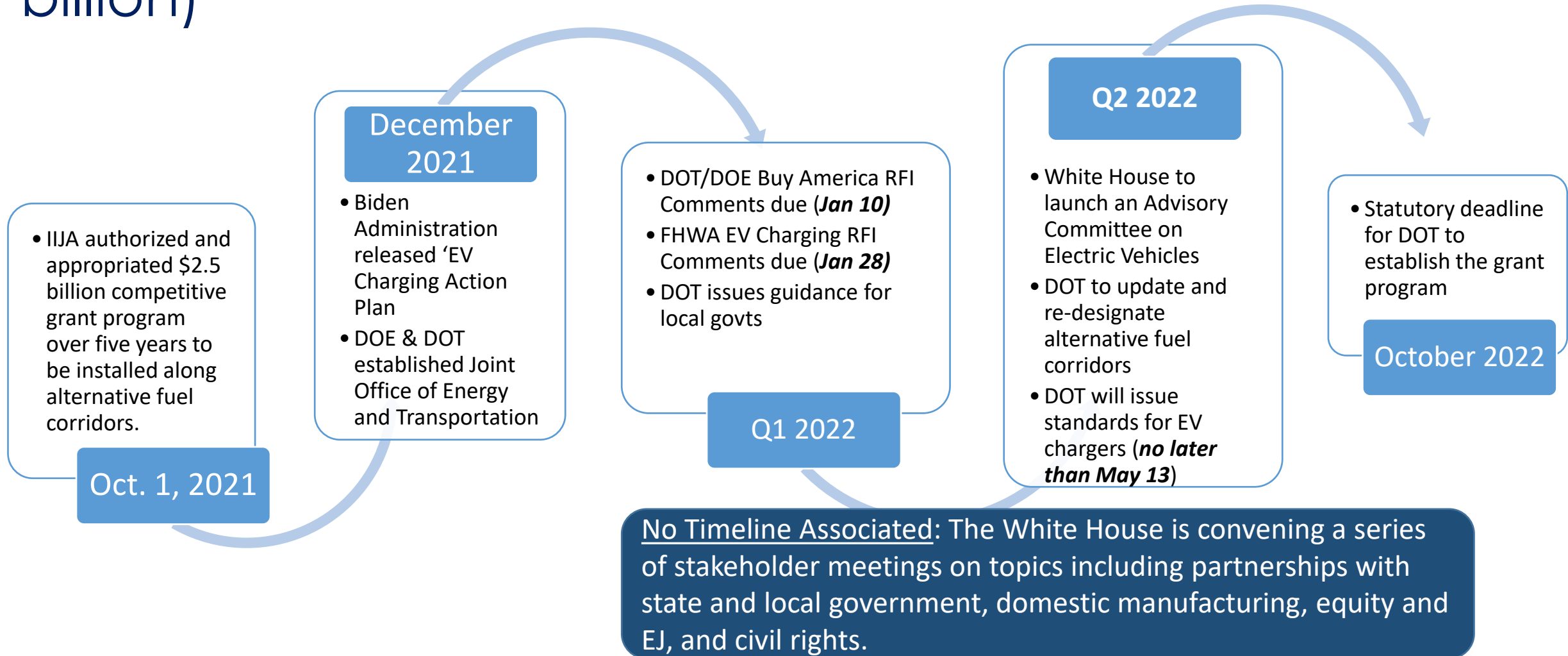
Implementation Actions to Date

Implementation Actions to Date

- The Federal Aviation Administration (FAA) has announced [\\$3B for 3,075 airports](#) across the country for investments to upgrade critical infrastructure.
- The National Highway Traffic Safety Administration (NHTSA) has announced [\\$260M for highway safety programs](#) to reduce traffic crashes.
- DOT has announced its National Roadway Safety Strategy (January 2022).

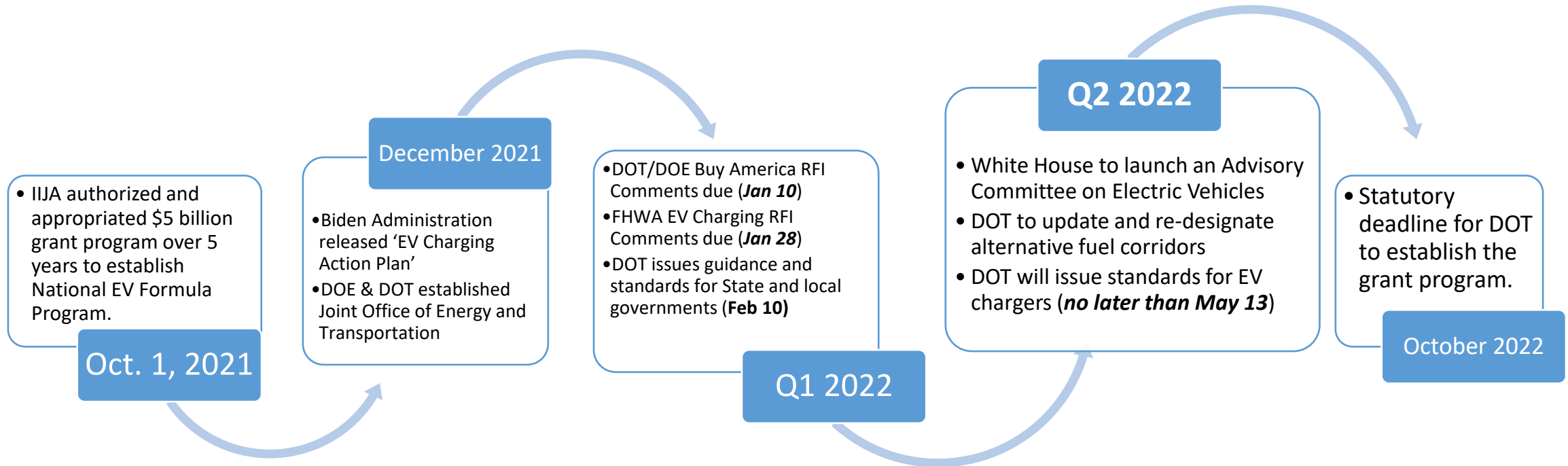
Implementation Timeline

EV Charging and Refueling Grant Program (\$2.5 billion)



Implementation Timeline

National EV Formula Program (\$5 billion)



No Timeline Associated: The White House is convening a series of stakeholder meetings on topics including partnerships with state and local government, domestic manufacturing, equity and EJ, and civil rights.

Timeline unspecified: Requires DOT to establish a deadline for States to submit a plan to DOT describing how States intend to use funds.

Transit Programs

Program	Funding over 5 years
Transit-Oriented Development <ul style="list-style-type: none">• <i>Existing grant program</i>	\$68.9M
Passenger Ferry <ul style="list-style-type: none">• <i>Existing grant program</i>	\$150M
Electric or Low-Emitting Ferry <ul style="list-style-type: none">• <i>New grant program</i>	\$500M
Railcar Replacement Program <ul style="list-style-type: none">• <i>New grant program</i>	\$1.5B
All-Station Accessibility <ul style="list-style-type: none">• <i>New grant program</i>	\$1.275B

Key Transit Provisions

Changes Under Bus/Bus Facilities & Low-No

- Requires applicants for Bus/Bus Facilities formula and competitive programs to use innovative procurement tools.
- Requires that applicants submit a zero-emission fleet transition plan with their applications to both Bus/Bus Facilities and Low-No Emissions for projects related to zero-emission buses. Not less than 25% of Low-No Emissions Grants funding must be used for low-emission vehicles and related facilities (excluding zero emission vehicles and facilities).
- Requires that 5% of all Bus/Bus Facilities or Low-No Emissions competitive grants related to zero emission vehicles or related infrastructure be used for workforce development activities

Transportation – NOFOs Coming Soon

January 2022

- RAISE – Opened January 14; Closes April 14

February 2022

- EV Charging Formula – Opened February 10; States must submit EV plans before August 1
- Port Infrastructure Development – Opened February 14; Closes May 16

March 2022

- INFRA/MEGA (National Infrastructure Assistance) – Expected Early March
- Low-No Emission Buses
- Bus & Bus Facilities
- Clean Buses (EPA)

May – June 2022

- Safe Streets for All
- Reconnecting Communities

Congressional Outlook

- **Current Continuing Resolution (CR) Expires March 11**
 - Expect to see final FY 2022 Omnibus bill any day now
- **President's FY 23 Budget Request expected mid-March**
 - State of the Union on March 1
- **Congressional appropriations process for FY 23 will begin in March**
 - Community Project Funding Requests due to delegation March-early April

Questions?

Thank you!