

# BIPARTISAN INFRASTRUCTURE LAW (BIL)\*

## Overview of Highway Provisions

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January 21, 2023



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.

# 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

# Massachusetts Formula Funding

- Five-year (FFY 2022 – 2026) highway formula funding totals \$5.4 billion
- Increase of \$1.9 billion over previous programmed amount of \$3.5 billion
- Increase of \$449 million for existing formula programs

# New Formula Programs

- Carbon Reduction Program
- Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Program\*
- Bridge Formula Program
- National Electric Vehicle Formula Program\*

*\*Also has discretionary component*

# 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 Program (formula and discretionary)	✓		✓				
Safe Streets and Roads for All program (discretionary)		✓	✓	✓			
PROTECT (formula and discretionary)	✓	✓	✓	✓	✓	✓***	✓***
Charging and Fueling Infrastructure Program	✓	✓	✓	✓	✓	✓	
Congestion Relief Program	✓	✓	✓				
Bridge Investment Program (discretionary)	✓	✓***	✓	✓	✓		✓
Reconnecting Communities Pilot Program (discretionary)	✓	✓	✓	✓			
Rural Surface Transportation Grants (discretionary)	✓		✓	✓			
INFRA (discretionary)	✓	✓***	✓	✓	✓		✓

**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.

\* PR = Puerto Rico, has funding allocated from 23 USC 165(b)(2)(C). Of that funding, least 50% is for purposes eligible under NHPP and 25% under HSIP, and the remainder is for other activities eligible under chapter 1 of title 23.

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

\*\*\* May be eligible if partnered with an eligible entity, or under other specific conditions. For example, territories can apply for PROTECT at-risk coastal infrastructure grants [23 USC 176(d)(4)(C)]. See program information sources for more details.

# How to Determine Discretionary Grant Eligibility

- Visit

<https://www.transportation.gov/bipartisan-infrastructure-law/bipartisan-infrastructure-law-grant-programs> for a complete list of BIL discretionary grant programs.

- Click on any of the discretionary grants to learn more. Ex.:

## Bipartisan Infrastructure Law Grant Programs

The following list is five-year totals for all grant programs authorized under the Bipartisan Infrastructure Law for the Department of Transportation. This does not include programs that were authorized but are subject to appropriation.

To view additional information and quickly sort programs funded under the law by fields like amount, eligible recipient, or program name, visit [Build.gov](#). Applicants for funding should consult program-specific guidance. For additional information and to apply, visit [Grants.gov](#).

Program Name	Category	Five-year Funding Amount
<a href="#">Nationally Significant Freight &amp; Highway Projects (INFRA)</a>	Roads, Bridges and Major Projects	\$7,250,000,000



## INFRA - Grant Implementation

### INFRA Urbanized Area

### Areas of Persistent Poverty and Historically Disadvantaged Communities

## INFRA Summary Details

**New Program?:** No – but INFRA was updated to include new eligibilities, set-asides, and other programming changes in the Bipartisan Infrastructure Law (BIL) passed in 2021 that are substantive changes from the FAST Act of 2015: 23 U.S.C. 117.

**Funding amount:** \$8,000,000,000 (total available FY22-FY26)

**Period of Availability:** 4 years

### Eligible Applicants:

1. A State or a group of States.
2. A metropolitan planning organization that serves an urbanized area (as defined by the Bureau of the Census) with a population of more than 200,000 individuals.
3. A unit of local government or a group of local governments.
4. A political subdivision of a State or local government.
5. A special purpose district or public authority with a transportation function, including a port authority.
6. A Federal land management agency that applies jointly with a State or group of States.
7. A Tribal government or a consortium of Tribal governments.
8. A multistate corridor organization.
9. A multistate or multijurisdictional group of entities described in this paragraph.

**Eligible Uses:** Projects that improve safety, generate economic benefits, reduce congestion, enhance resiliency, and hold the greatest promise to eliminate freight bottlenecks and improve critical freight movements.

## Related Links

- [INFRA 2022 Project Fact Sheets](#)
- [INFRA 2021 Project Fact Sheets](#)
- [INFRA - Annual Reports](#)
- [INFRA - Project Applications](#)



# [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 (including Puerto Rico)</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>

# [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>• Developing comprehensive safety action plans (planning grant)</li><li>• Conducting planning, design, and development activities for infrastructure projects and strategies identified in a comprehensive safety action plan</li><li>• Carrying out projects and 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] 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 (including Puerto Rico)</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, to be administered under the tribal transportation program</li> </ul>

# [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 (including Puerto Rico)</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] 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 (including Puerto Rico)</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 \\$2M</math>)</li> <li>• Grants (<math>\geq \\$5M</math>) for capital construction projects, including the removal and replacement of eligible facilities</li> </ul>

# [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"> <li>• \$350 M (FY 22-26) in Contract Authority from the HTF</li> </ul>
Eligible entities	<ul style="list-style-type: none"> <li>• State highway agency (or equivalent), including Puerto Rico Highway and Transportation Authority</li> <li>• MPO</li> <li>• Local government</li> <li>• Regional transportation authority</li> <li>• Special purpose district or public authority with a transportation function</li> <li>• Indian Tribe</li> <li>• Federal land management agency</li> </ul>
Eligible projects	<ul style="list-style-type: none"> <li>• Projects to reduce wildlife-vehicle collisions</li> </ul>
Other key provisions	<ul style="list-style-type: none"> <li>• Sets aside not less than 60% of grant funds for projects in rural areas</li> <li>• Provision related to pilot program requires: <ul style="list-style-type: none"> <li>○ study of methods to reduce wildlife-vehicle collisions;</li> <li>○ workforce development and technical training courses <del>with</del>;</li> <li>○ standardized methodology for collecting and reporting spatially accurate wildlife collision and carcass data for the NHS; and</li> <li>○ guidance on evaluating highways for potential mitigation measures to reduce wildlife-vehicle collisions and increase habitat connectivity.</li> </ul> </li> </ul>

# BIL Discretionary Grants – USDOT & FHWA

## BIPARTISAN INFRASTRUCTURE LAW



## COMPETITIVE GRANT PROGRAMS

### Competitive Grant Funding Matrix

The United States Department of Transportation (USDOT) and FHWA have a variety of competitive grant programs used to fund various types of transportation projects and activities. The matrix illustrates these programs broadly, organized by applicant type. Potential applicants should refer to the applicable column in the matrix. The matrix lists grant programs (rows), which can be matched with the potential applicant (columns) the program can fund. Potential applicants should review program specific guidance to make informed decisions about each program.

The FHWA will continue to add additional programs/information to this page over the weeks, months, and years to come.

Grant Program	Program Description	State Highway agency	Metropolitan Planning Organization (MPO)	Local Government or agency	Federally-recognized Indian Tribe	Federal Lands Management Agency (FLMA)	Puerto Rico	Territories	Other*	Additional Information
<a href="#">Rebuilding American Infrastructure with Sustainability and Equity (RAISE)</a>	Provides grants for surface transportation infrastructure projects that will have a significant local or regional impact (aka Local and Regional Project Assistance).	Yes	Yes	Yes	Yes		Yes	Yes	Yes	
<a href="#">Nationally Significant Multimodal Freight and Highway Projects (INFRA)</a>	Provides grants for multimodal freight and highway projects of national or regional significance.	Yes	Yes (with a population over 200,000)	Yes	Yes	Yes	Yes		Yes	
<a href="#">National Infrastructure Project Assistance Program (MEGA)</a>	Provides grants to surface transportation infrastructure that are too large or complex for traditional funding programs that will have a significant national or regional impact.	Yes	Yes	Yes	Yes		Yes	Yes	Yes	
<a href="#">Rural Surface Transportation Grant Program</a>	Provides grants for projects to 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.	Yes		Yes	Yes		Yes		Yes (Regional transportation planning organizations)	
<a href="#">Safe Streets and Roads for All</a>	Provides grants to 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).		Yes	Yes	Yes				Yes	<a href="#">FY 2022 NOFO</a>
	Provides grants for projects to improve the condition of bridges and									<a href="#">FY 2022 NOFO</a>

[https://www.fhwa.dot.gov/bipartisan-infrastructure-law/grant\\_programs.cfm](https://www.fhwa.dot.gov/bipartisan-infrastructure-law/grant_programs.cfm)

# FY2023 Calendar of Upcoming NOFOs

## Key Notices of Funding Opportunity

In order to provide stakeholders with more visibility into upcoming funding opportunities, DOT is publishing a list of anticipated dates for upcoming Notices of Funding Opportunity (NOFOs) for key programs within the Bipartisan Infrastructure Law (BIL) and the Inflation Reduction Act (IRA), as well as adjacent programs that support BIL and IRA objectives. This list is not comprehensive and will be updated periodically with additional programs and revised dates as appropriate.

Opening Date	NOFO	Operating Administration/Office	Closing Date (to be added for each program after the NOFO is issued)
Winter 2023	<a href="#">Charging and Fueling Infrastructure</a>	Federal Highway Administration	
April 2023	<a href="#">Safe Streets and Roads for All Grant Program</a>	Office of the Secretary	
Spring 2023	Multimodal Project Discretionary Grant Opportunity ( <a href="#">Mega</a> , <a href="#">INFRA</a> , and <a href="#">Rural</a> )	Office of the Secretary	
Spring 2023	Multimodal Project Discretionary Grant Opportunity ( <a href="#">Mega</a> , <a href="#">INFRA</a> , and <a href="#">Rural</a> )	Office of the Secretary	
Spring 2023	Thriving Communities	Office of the Secretary	
Late Spring 2023	<a href="#">Reconnecting Communities Program and Neighborhood Access and Equity Grant Program</a>	Office of the Secretary/Federal Highway Administration	

<https://www.transportation.gov/bipartisan-infrastructure-law/key-notices-funding-opportunity>



# BIL Discretionary Project Implementation

- Two alternative reimbursement funding mechanisms for recipients:
  - Grant agreement directly with FHWA
  - Contract through MassDOT

# BIL Discretionary Project Implementation

- Both are reimbursement agreements and require conformance with all applicable Federal laws and regulations:
  - Matching funds
  - Project programmed on TIP/STIP
  - National Environmental Policy Act (NEPA)
  - Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act)
  - Davis-Bacon Act
  - Buy America
  - Disadvantaged Business Enterprise contract goals
  - Title VI of the Civil Rights Act
  - Americans with Disabilities Act
  - Brooks Act

# Resources

- USDOT BIL: <https://www.transportation.gov/bipartisan-infrastructure-law>
- FHWA BIL: [fhwa.dot.gov/bipartisan-infrastructure-law](https://www.fhwa.dot.gov/bipartisan-infrastructure-law)
- Complete List of BIL Discretionary Grant Programs:  
• <https://www.transportation.gov/bipartisan-infrastructure-law/bipartisan-infrastructure-law-grant-programs>
- Matrix of USDOT & FHWA Discretionary Grant Programs:  
[https://www.fhwa.dot.gov/bipartisan-infrastructure-law/grant\\_programs.cfm](https://www.fhwa.dot.gov/bipartisan-infrastructure-law/grant_programs.cfm)
- Key List of Upcoming NOFOs:  
<https://www.transportation.gov/bipartisan-infrastructure-law/key-notices-funding-opportunity>
- USDOT Navigator: <https://www.transportation.gov/dot-navigator>
- USDOT FY23 Preparation Checklist for Prospective Applicants:  
<https://www.transportation.gov/sites/dot.gov/files/2023-01/FY-2023-Discretionary-Grant-Preparation-Checklist-for-Prospective-Applicants.pdf>

# FOR MORE INFORMATION

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- Contact me: [cassandra.ostrander@dot.gov](mailto:cassandra.ostrander@dot.gov)
- Visit: [fhwa.dot.gov/bipartisan-infrastructure-law](https://fhwa.dot.gov/bipartisan-infrastructure-law)



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