ASSOCIATION OF METROPOLITAN PLANNING ORGANIZATIONS

INFRASTRUCTURE INVESTMENT AND JOBS ACT (IIJA)

On August 10, 2021, the U.S. Senate overwhelmingly passed the Infrastructure Investment and Jobs Act (IIJA), a $1.2 trillion infrastructure bill negotiated by the Biden Administration and a bipartisan group of senators. Nineteen Republican Senators joined 50 Democrats to pass the bill and send it to the House of Representatives.

On November 5, the House passed the IIJA without amendment and sent the bill to President Biden to be signed into law. Thirteen House Republicans joined 215 Democrats to pass the bill. On November 15, 2021, President Biden signed the IIJA into law – PL 117-58.

The IIJA includes a 5-year surface transportation bill. The highway provisions are based on the 5-year highway bill approved by the Senate Environment and Public Works Committee earlier in 2021. The rail and safety provision are based on the 5-year bill approved by the Senate Commerce Committee earlier in 2021.

Bill text can be found here.	Estimated Highway Formula Apportionments, click here.
Estimated Transit Formula Funding, click here.	Total 5-year Estimated Highway Formula Apportionments (does not include Bridge, EV, Ferry, or Appalachian programs), click here.

The IIJA provides $550 billion in new infrastructure spending above current baseline levels. Of that amount, $274 billion is allocated to transportation programs. When added to baseline spending, the bill provides $567 billion in guaranteed transportation funding over five years. Additional funding also may be provided to several programs through the annual appropriations process.

$274 billion of the $550 was included for USDOT in the bill:

- $89.8 billion was used to allow increased Highway Trust Fund contract authority over the 5-year period 2022-2026
- $184.1 billion is provided in direct appropriations (not just for highways and transit and safety, but for railroads and airports and multimodal grants and ports), to be released in five equal installments on October 1 of each year for the next five years

IIJA Guaranteed Transportation Funding (HTF + Advanced Appropriations) Over 5 Years	Amount
HTF Baseline Funding [Last year of the FAST Act $58.7B x 5 years]	$293.5B
New IIJA spending	$274.0B
Total	**$567.5B**

MPO Funding and Related Programs

MPO Highway PL Funding

2021 (FAST Act)	2022	2023	2024	2025	2026
$358M	$438M	$447M	$456M	$465M	$474M

MPO Transit PL Funding

2021 (FAST Act)	2022	2023	2024	2025	2026
$107M	$184.6M	$188.5M	$193.4M	$197.4M	$202.4M

Surface Transportation Block Grant Program

2021 (FAST Act)	2022	2023	2024	2025	2026
$11.228 B	$13.835B	$14.112B	$14.394B	$14.7B	$15B

Transportation Alternatives Program (set-aside from STBGP)

2021 (FAST Act)	2022	2023	2024	2025	2026
$850M	$1.384B	$1.411B	$1.439B	$1.468B	$1.498B

Total Guaranteed Funding by Agency/Mode (totals rounded)

	2021 (FAST Act)	2022	2023	2024	2025	2026	Total IIJA
FHWA/Highways	$49B	$68B	$69B	$70B	$72B	$73B	$351.3B
NHTSA/Safety	$1B	$1B	$1B	$1B	$1B	$1B	$6.7B
FMCSA/Safety	$676M	$1B	$1B	$1B	$1B	$1B	$5.1B
FTA/Transit	$13B	$18B	$18B	$18.8B	$19B	$19B	$91.1B
Office of the Secretary (Grant Programs)		$4B	$4B	$4B	$4B	$4B	$19.2B
FRA/Rail	$3B	$13B	$13B	$13B	$13B	$13B	$66B

FAA/Airports	NA	$5B	$5B	$5B	$5B	$5B	$25B
MARAD/Ports PHMSA/Pipeline Safety	NA	$675M	$650M	$650M	$650M	$650M	$3B
Total	$67B	$110B	$112B	$115B	$115B	$117B	$567.5B

NEW Highway Formula Programs (amounts are rounded)						
	2022	**2023**	**2024**	**2025**	**2026**	**Total IIJA**
Carbon Reduction Program	$1.2B	$1.3B	$1.3B	$1.3B	$1.3B	$6.4B
PROTECT/Resiliency	$1.4B	$1.4B	$1.5B	$1.5B	$1.5B	$6.4B
Bridge Program	$5.5 B	$5.5B	$5.5B	$5.5B	$5.5B	$27.5B
EV Charging	$1B	$1B	$1B	$1B	$1B	$5B

Highway Grant Programs (HTF + Advanced Appropriations) – Guaranteed Funding ***Reference page 11 details***							
	2021	**2022**	**2023**	**2024**	**2025**	**2026**	**Total IIJA 2022-2026**
NEW Bridge Investment Program	$0.0	$2.447B	$2.487B	$2.497B	$2.522B	$2.547B	$12.5B
NEW Congestion Relief	$0.0	$50M	$50M	$50M	$50M	$50M	$250M
NEW Charging & Refueling	$0.0	$300M	$400M	$500M	$600M	$700M	$2.5B
NEW Rural Surface Transportation Program	$0.0	$300M	$350M	$400M	$450M	$500M	$2B
NEW PROTECT/Resiliency	$0.0	$250M	$250M	$300M	$300M	$300M	$1.4B
NEW Reduce Truck Emissions at Ports	$0.0	$80M	$80M	$80M	$80M	$80M	$400M
Nationally Significant Federal Lands & Tribal Projects	$0.0	$55M	$55M	$55M	$55M	$55M	$275M

INFRA Grants	$1B	$1.640B	$1.640B	$1.640B	$1.540B	$1.540B	$8B
NEW National Infrastructure Project Assistance	$0.0	$1B	$1B	$1B	$1B	$1B	$5B
Local and Regional Project Assistance (RAISE, BUILD, TIGER)	$1B	$1.5B	$1.5B	$1.5B	$1.5B	$1.5B	$7.5B
NEW Safe Streets Program	$0.0	$1B	$1B	$1B	$1B	$1B	$5B
NEW Strengthening Mobility and Revolutionizing Transportation (SMART) Grant Program	$0.0	$100M	$100M	$100M	$100M	$100M	$500M
NEW Wildlife Crossings Pilot Program	$0.0	$10M	$10M	$10M	$10M	$10M	$50M
NEW Reconnecting Communities Pilot Program	$0.0	$195M	$198M	$200M	$202M	$205M	$1B
Appalachian Development Highway System	$0.0	$250M	$250M	$250M	$250M	$250M	$1.250B
NEW Prioritization Pilot Program	$0.0	$10M	$10M	$10M	$10M	$10M	$50M

Program Policy Changes

Subtitle B – Planning and Performance Management

Metro planning (Sec. 11201)

- When designating officials or representatives, for the first time, the MPO shall consider the equitable and proportional representation of the population in the metro planning area
- "Existing metropolitan planning area" is replaced with "existing" or "the area"
- MPOs designated in the same urbanized area shall ensure, to the maximum extent practicable, the consistency of any data used in the planning process, including information used in forecasting travel demand. Nothing in the section requires MPOs to jointly develop planning documents, including a unified long-range transportation plan or unified TIP
- In developing the plan, MPOs may use social media and other web-based tools to drive public participation
- Housing – the bill includes several policy changes to better coordinate transportation planning with housing, including as a planning factor in the scope of planning, as part of optional scenario planning. For TMAs, the transportation planning process **may** address the integration of housing, transportation, and economic development strategies and **may** develop a housing coordination plan that includes projects and strategies that may be considered in the metropolitan transportation plan of the metropolitan planning organization

Fiscal Constraint on Long-Range Plans – (Sec. 11202)

- The Secretary shall update the regulation to ensure that the outer years of the plan are defined as "beyond the first 4 years." This would retain fiscal constraint on the first four years but provide more fiscal flexibility beyond those years

Prioritization Process Pilot Program (Sec. 11204)

- The Secretary shall establish and solicit applications for a prioritization process pilot program. The purpose of the pilot program is to support data-driven approaches to planning that, on completion, can be evaluated for public benefit.
- MPOs and states are eligible to participate in the pilot
- The program would assess and score projects and use those scores to guide project selection in the plan and TIP
- The program would ensure the public had opportunities to participate and offer comment

Travel Demand Data and Modeling (Sec. 11205)

- The Secretary shall carry out a study that gathers travel data and travel demand forecasts from states and MPOs to develop best practices or guidance to use in forecasting travel demand for future investments, to evaluate investments, and other purposes
- The Secretary shall develop a publicly available, multimodal, web-based tool for the purpose of enabling states and MPOs to evaluate the effect of investments in highway and public transportation projects on the use and conditions of all transportation assets within the state or area served by the metropolitan planning organization

Increasing Safe and Accessible Transportation Options (Sec. 11206)

- MPOs are required to use 2.5% of their PL funds to carry out activities to increase safe and accessible options for multiple travel modes for people of all ages and abilities, including adoption of Complete Street Standards or policies, development of a Complete Streets prioritization plan, and other planning documents that achieve these goals
- The Secretary may increase the Federal share above 80%
- States and MPOs may opt out of the requirement if they can demonstrate, not later than 30 days after the Secretary apportions funds, that a State or MPO has Complete Streets standards and policies in place and has developed an up-to-date Complete Streets prioritization plan

Subtitle A – Surface Transportation

Apportionments of Highway Funding (Sec. 11101)

- Provides $351 billion for highways over five years from the Highway Trust Fund, with $307 billion provided as formula apportionments to states
- States continue to receive a 95% return on their contributions to the Highway Account of the HTF as of July 1, 2019
- States are guaranteed a 2% increase in their apportionment over FY 2021 levels, with a 1% increase in each of the subsequent years
- Formulas do not use the most recent census data

Obligation Ceiling (Sec. 11102)

- Sets each fiscal year's Federal highway and safety construction limitation on spending from the HTF

Apportionments (Sec. 11104)

- Establishes annual apportionments of contract authority

National Highway Performance Program (Sec. 11105)

- Adds new eligibilities for resiliency projects and allows up to 15% for protective features designed to mitigate the risk of recurring damage or the cost of future repairs from extreme weather events such as flooding, or other natural disasters

Railway-Highway Crossings (Sec. 11108)

- Continues the $245 million set-aside from the safety program each year and broadens the use of funds for projects to reduce pedestrian fatalities and injuries from trespassing at grade crossings. The Federal share increases from 90% to 100%

Surface Transportation Block Grant Program (Sec. 11109)

- 55% of the STBGP will be suballocated each year (same as in current law)
- States shall establish a consultation process for non-TMA MPOs to describe how STBGP funds will be allocated equitably among the MPOs over the next five years
- Expands eligibility to include electric charging, vehicle to grid infrastructure, and cybersecurity measures

- Increases the off-system bridge set-aside from 15% to 20%
- The Transportation Alternatives Program is now a 10% set-aside of the STBGP, versus a fixed cap in the past, which will provide roughly $1.4 billion per year. Priority shall be given to project location and impacts in high-need areas such as low-income, transit-dependent, or rural areas

Transportation Alternatives Program (Sec. 11109)
- 10% of a State's STBGP is set aside for TAP
- 59% of the set-aside is suballocated by population. 100% may be suballocated to locals (counties, MPOs, RTPOs) with approval of the Secretary if certain conditions are met
- Expands the list of eligible projects like safe routes to school and vulnerable road user safety
- Makes clear MPOs under 200,000 are eligible entities for TAP grants
- MPOs over 200,000 that run the competition shall select projects to award funding for, in consultation with the state. Priority shall be given to projects located in high-need areas such as low-income, transit-dependent, rural, or other similar locations
- Federal share under TAP may be higher on some projects as long as the annual non-federal share of the total cost of all projects, in a fiscal year, is not less than the average non-federal share that would otherwise apply
- Safety funding under Highway Safety Improvement Program (HSIP) may be used as the non-federal for safety projects eligible under HSIP. Total federal share may be up to 100%
- Limits a state ability to transfer any TAP funds unless the state certifies it held a competition, offered each eligible entity technical assistance in applying, and demonstrates there were not enough applications

Nationally Significant Freight and Highway Projects (Sec. 11110)
- See competitive grant programs below

Highway Safety Improvement Program (Sec. 11111)
- Adds flexibility to fund certain non-infrastructure activities and behavioral safety projects and allows a state to spend up to 10% of its Highway Safety Improvement Program (HSIP) funding on such projects
- Creates a Vulnerable Road User Assessment plan, that is an assessment of the safety performance of the State with respect to vulnerable road users and the plan of the State to improve the safety of vulnerable road users. Must be integrated into the existing State Strategic Highway Safety Plan. MPOs shall be consulted
- Requires states to expend additional HSIP funds when fatalities of vulnerable road users exceed prescribe thresholds – specifically when total annual fatalities of vulnerable road users in a state represents not less than 15% of the total annual crash fatalities in the state

National Highway Freight Program (Sec. 11114)
- Increases the maximum number of highway miles a state may designate as critical rural freight corridors and as critical urban freight corridors (urban designation increase from 75 miles to 150 miles)
- Increases the percent of program funds that may be used for eligible multimodal projects from a 10% cap to a 30% cap, and adds lock, dam, and marine highway projects as eligible if the projects that are functionally connected to the National Highway Freight Network and are likely to reduce on-road mobile source emissions

CMAQ (Sec. 11115)

- Expands eligibility to shared micro mobility, to purchase the replacement of diesel engines, the purchase of medium or heavy duty zero emission vehicles and related charging equipment, modernization or rehabilitation of a lock and dam, and a project on a marine highway corridor, connector, or crossing
- Priority funding is given to projects in non-attainment or maintenance areas for fine particulate matter in minority populations or low-income populations living in, or immediately adjacent to, such area

Bridge Investment Program (Sec. 11118)

- MPOs over 200,000 are eligible for grants
- See competitive grant programs below

Safe Routes to Schools (Sec. 11119)

- Codifies the Safe Routes to School program in law
- The Secretary shall establish and carry out the program - to enable and encourage children to walk and bike to school

Wildlife Crossing Safety Pilot Program (Sec. 11123)

- $350 million over five years
- These are grants for projects that seek to achieve a reduction in the number of wildlife-vehicle collisions and improving habitat. The Secretary shall establish a wildlife crossing pilot program to provide grants for projects designed to reduce wildlife-vehicle collisions and improve habitat connectivity for terrestrial and aquatic species

Rural Surface Transportation Grant Program (Section 11132)

- See competitive grant programs below

Updates To Manual on Uniform Traffic Control Devices (Sec. 11135)

- Allows counties to determine local roadway design. The MUTCD will be updated to remove the requirement that local roads must be built to state standards, allowing for counties and other local governments to use the FHWA-approved roadway design of their choice
- The IIJA also creates new standards to facilitate the rollout of EV charging stations
- Requires USDOT to update the MUTCD. The required update will provide for the protection of vulnerable road users, testing and integrating automated vehicle technology, the installation of electronic traffic. It also incorporates recommendations issued by the National Committee on Uniform Traffic Control Devices that have not yet been incorporated

Subtitle C – Project Delivery

Codification of One Federal Decision – The bill provides new environmental review procedures and requirements for major projects. USDOT is required to develop a schedule consistent with an agency average of two years to complete an environmental impact statement and requires accountability to the public when milestones are missed. Environmental documents are limited to 200 pages unless a review is of unusual scope and complexity. It expands the use of categorical exclusions to facilitate project delivery.

National Environmental Policy Act Of 1969 Reporting Program - Directs the Secretary to carry out a process to track, and annually submit to the Congress a report containing time to complete the NEPA process for an environmental impact statement and an environmental assessment.

Early Utility Relocation Prior to Transportation Project Environmental Review - Amends the law to allow reimbursement with highway funds for an "early utility relocation project" (defined as those relocation activities identified by the state for performance prior to completion of environmental review for the transportation project). For such reimbursement to occur, the early utility relocation project must subsequently be incorporated into a larger, authorized transportation project. In addition to the requirements for reimbursement, it also outlines requirements for utility relocation prior to completion of environmental review, including that the early utility relocation project did not influence the environmental review process.

Subtitle D – Climate Change

Grants for Charging and Fueling Infrastructure (Sec. 11401)

- See competitive grant programs below

Carbon Reduction Program (Sec. 11403)

- Formula funding to stats for projects that reduce GHG emissions from transportation
- Projects include CMAQ, public transportation, technology improvements, streetlights/traffic control, development of carbon reduction strategies, EV charging, and many other projects aimed at reducing carbon
- Not later than 2 years after the date of enactment a State, in consultation with any MPO designated within the State, shall develop a carbon reduction strategy - updated every 4 years
- 65% percent of the funds are suballocated by population similar to the STBGP. Funds may be obligated in the metro area that encompasses the urbanized area
    - States are required to obligate areas over 50,000 based on the relative population of the areas unless the state and MPOs are granted permission by the Sec use other factors
    - The State is required to coordinate with non-TMA MPOs prior to determining which activities should be carried out under the project
    - States are required to make obligation authority available in urbanized areas over 50,000. Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance

Congestion Relief Program (Sec. 11404)

- See competitive grants program below

Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) program (Sec. 11405)

- The program would provide funding for resilience improvements through formula funding distributed to States and competitive planning grants
    - Planning grants/100% federal share - to enable communities (MPOs eligible for grants for developing a resilience improvement plan) to assess vulnerabilities to current and future weather events and natural disasters and changing conditions, including sea level rise, and plan transportation improvements and emergency response strategies to address those vulnerabilities
        - The non-federal share of projects can be decreased 7% if the State or MPO develop a resiliency improvement plan and prioritize the projects on the plan
        - The non-federal share of projects can be decreased by an additional 3% if the State or MPO incorporate the resiliency improvement plan into the MPO plan or statewide long-range plan.
    - Resiliency improvement grants – construction grants to improve resiliency
    - Community Resilience and Evacuation grants – for projects that strengthen and protect evacuation routes that are essential for providing and supporting evacuations caused by emergency events
    - At-Risk Coastal Infrastructure grants – resiliency grants for coastal infrastructure
- There is no requirement for an MPO or a State to develop a resiliency improvement plan

Healthy Streets Program (Sec. 11406)

- See competitive grants program below.

Subtitle E - Miscellaneous

Reconnecting Communities (Sec. 11509)

- See competitive grants program below

Report on Air Quality Improvements (Sec. 11516)

- Not later than 3 years GAO shall submit a report to Congress that evaluates the congestion mitigation and air quality improvement program

Active Transportation Infrastructure Investment Program (Sec. 11529)

- $1 billion general fund authorization subject to future appropriations
- The Secretary shall make grants to eligible organizations to construct eligible projects to provide safe and connected active transportation facilities in an active transportation network or active transportation spine
- Eligible grantees include a local or regional governmental organization, including a metropolitan planning organization or regional planning organization or council; a multicounty special district; a State; a multistate group of governments; or an Indian tribe
- The Federal share is 80% but can be up to 100% in disadvantaged communities
- Not less than $3 million each year shall be set-aside for planning grants

TITLE II—Transportation Infrastructure Finance and Innovation

Transportation Infrastructure Finance and Innovation (TIFIA) (Sec. 12001)

- Extends the period during which contingent commitments under a master credit agreement must result in a financial close from 3 years to 5 years
- Expands the definition of a project to economic development, including commercial and residential development under certain conditions and subject to a letter of interest prior to September 30, 2026. Up to 15% of TIFIA may be used for Transit Oriented Development projects
- Adds airport-related projects, subject to a letter of interest prior to September 30, 2025. Up to 15% of TIFIA may be used for such airport projects
- Adds the acquisition of plant and wildlife habitat, pursuant to a conservation plan, as an eligible project under TIFIA.
- Applicants must have an “investment-grade rating” to satisfy the creditworthiness test. Current law simply requires a “rating” from two rating agencies
- Raises the dollar threshold for securing multiple credit rating agency opinions from $75 million to $150 million
- Requires the Secretary to provide applicants with an estimate of the timeline of application approval or disapproval and, to the maximum extent practical, such estimate shall be less than 150 days from the submission of a letter of interest
- Provides for a separate loan maturity date for capital assets with an estimated life of more than 50 years
- Extends the authorization of the State Infrastructure Bank program through fiscal year 2026

Highway Competitive Grant Programs

Nationally Significant Freight and Highway Projects (INFRA Grants)
$8 billion over five years

- Expands the eligibility to projects for wildlife crossings, projects connected to border crossings that increase throughput at the border, marine highway projects, projects to replace or rehabilitate a culvert, or to reduce stormwater runoff for the purpose of improving habitat for aquatic species
- 30% of the awards may be used for freight intermodal or freight rail projects, or within the boundaries of a public or private freight rail, water (including ports), or intermodal facility necessary to facilitate direct intermodal interchange, transfer, or access into or out of the facility
- Non-federal funds may be obligated early and be credited towards the non-federal share
- Sets aside $150 million per year for a state incentives pilot program. A priority shall be given to applications offering a greater non-federal share of the cost relative to other applications in the program. Applications under the pilot cannot exceed 50% federal share. Applicants may not use other federal resources as non-federal share except that TIFIA loans may be used as non-federal share if the loan is paid with non-federal sources. 10% is reserved for small projects. 25% is reserved for rural projects

***NEW* National Infrastructure Project Assistance**
$5 billion over five years

- The program provides competitive grants agreements for large surface transportation projects in several modes, including passenger rail, via single-year or multi-year grant agreements

Local and Regional Project Assistance (RAISE, BUILD, TIGER)
$7.5 billion over five years

- The bill retains the limits on grant sizes but increases the maximum share of funding that can go to a single state in a year from 10% of the total funding to 15%. The federal cost share would be kept at a maximum of 80%, except that it could increase to 100% for a rural project or a project in a disadvantaged or persistently poor area

***NEW* Bridge Investment Grants**
$12.5 billion over five years

- The program would provide grants to replace, rehabilitate, preserve, or protect one or more bridges on the National Bridge Inventory. Bundled projects are permitted, as well as replacing or rehabilitating culverts to improve flood control and improving habitat connectivity for aquatic species

***NEW* Grants for Charging and Fueling Infrastructure**
$2.5 billion over five years

- The program would provide grants to strategically deploy publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure along designated alternative fuel corridors

***NEW* Rural Surface Transportation**

$2 billion over five years

- This program provides grants, on a competitive basis, to improve and expand the surface transportation infrastructure in rural areas. A grant under the program shall be at least $25 million and the Federal share shall be at least 80% and up to 100% for projects on the Appalachian Development Highway System

***NEW* Congestion Relief**

$250 million over five years

- The programs would provide competitive grants to states, local governments, and metropolitan planning organizations for projects in large, urbanized areas to advance innovative, integrated, and multimodal solutions to congestion relief in the most congested metropolitan areas of the United States. The Secretary may allow the use of tolls on interstate highways in not more than 10 urbanized areas

***NEW* Healthy Streets**

$500 million (subject to future appropriations)

- The Secretary shall establish a discretionary grant program to mitigate urban heat islands, improve air quality, and reduce the extent of impervious surfaces, storm water runoff and flood risks, and heat impacts to infrastructure and road users

***NEW* Safe Streets for all Users**

$5 billion over five years

- Grants support local initiatives to prevent death and serious injury on roads and streets, commonly referred to as ‘‘Vision Zero’’ or ‘‘Toward Zero Deaths’’ initiatives

***NEW* Strengthening Mobility and Revolutionizing Transportation (SMART)**

$500 million over five years

- This grant program funds demonstration projects focused on advanced smart city or community technologies and systems in a variety of communities to improve transportation efficiency and safety

***NEW* Truck Emissions at Ports**

$400 million over five years

- This grant program funds projects that reduce emissions at ports, including through the advancement of port electrification

***NEW* National Culvert Removal, Replacement, and Restoration**

$1 billion over five years

- This program provides grants for projects to replace, remove, and repair culverts or weirs that would meaningfully improve or restore fish passage for anadromous fish; and with respect to weirs, may include infrastructure to facilitate fish passage around or over the weir; and weir improvements

NEW Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT)
$7.3 billion over five years (formula); $1.4 billion (grants)

- Establishes a formula and competitive grant program to help states improve the resiliency of transportation infrastructure. Each state must use 2% of its formula funds for planning
- States may not use more than 40% for construction of new capacity and may not use more than 10% for development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities.
- Highway, transit, and ports projects are eligible
- Grants may be used for planning, resiliency improvements, community resilience and evacuation routes, and at-risk coastal infrastructure projects

NEW Reconnecting Communities Pilot
$1 billion over five years

- Provides funding for projects to restore community connectivity. The Secretary may award construction grants to the owner of a facility to carry out a project to remove, retrofit or mitigate an eligible facility and, if appropriate, to replace it with a new facility.
- MPOs are eligible for both planning and construction grants.

Public Transportation

The IIJA provides $106 billion in new transit infrastructure spending over a five-year period. $69.9 billion would be provided over five years from the Mass Transit Account of the Highway Trust Fund (HTF). Included in the NEW funding, the IIJA provides an additional $21.25 billion of funding to the transit program over the five years. The tables below depict comparisons between FAST Act and IIJA funding levels and notable capital program changes.

	2021	2022	2023	2024	2025	2026	2027
Formula Urbanized Area Formula State of Good Repair Competitive Bus Low-No Emission Buses	**$10.8B** [$5B] [$2.7B] [$414M] [$180M]	**$15.4B** [$6.4B] [$4.5B] [$376M] [$1.121B]	**$15.7B** [$6.5B] [$4.5B] [$383M] [$1.123B]	**$16B** [$6.7B] [$4.6B] [$394M] [$1.125B]	**$16.3B** [$6.9B] [$4.7B] [$402M] [$1.127B]	**$16.7B** [$7B] [$4.8B] [$412M] [$1.129B]	**$80B** [$33.5B] [$23.1B] [$2B] [$5.625B]
Capital Investment Grants Account New Starts Core Capacity Small Starts Expedite Project Delivery	**$2B** [$1.2B] [$525M] [$200M] [$100M]	**$1.6B** [$880M] [$320M] [$240M] [$160M]	**$1.6B** [$880M] [$320M] [$240M] [$160M]	**$1.6B** [$880M] [$320M] [$240M] [$160M]	**$1.6B** [$880M] [$320M] [$240M] [$160M]	**$1.6B** [$880M] [$320M] [$240M] [$160M]	**$8B** [$4.4B] [$1.6B] [$1.2B] [$800M]
All Stations Accessibility Program (Upgrades to Legacy Fixed Guideway Assets)	**$0.0**	**$350M**	**$350M**	**$350M**	**$350M**	**$350M**	**$1.750B**
FTA Electric or Low-Emission Ferry Program	**$0.0**	**$50M**	**$50M**	**$50M**	**$50M**	**$50M**	**$250M**
Ferry Service for Rural Communities	**$0.0**	**$200M**	**$200M**	**$200M**	**$200M**	**$200M**	**$1B**

Metropolitan Transportation Planning (Sec. 30002)

- Makes same changes to MPO planning that was done in the highway section

Planning Programs (Sec. 30004)

- Allows for increased federal share for planning funds under FTA if the Secretary determines it is in the interests of the Government or activities carried out in an urbanized or rural area with lower population density or low average income levels

Fixed Guideway Capital Investment Grants (Sec. 30005)

- $8 billion guaranteed over five years, $15 billion is authorized subject to future appropriations
- The bill raised Small Start thresholds to no more than $150 million in CIG funds from $100 million and total net capital cost of less than $400 million from $300 million
- The bill expands the use of warrants for project justification to include projects with more than $100 million in CIG funding
- Requires FTA to determine that the CIG applicant has made progress toward meeting the applicant's Transit Asset Management performance targets
- The bill removes the Program of Interrelated Projects subsection and adds a new subsection on Bundling (future and immediate) of projects
- The bill makes NEPA costs eligible to be included in net capital costs of the project

Formula Grants for Rural Areas (Sec. 30006)

- Rural formula funding has grown by $1.4 billion from $3.2 billion in FAST to $4.6 billion in the IIJA. The rural set-aside requirement in the competitive Bus program has increased from 10% to 15%

State of Good Repair Grants (Sec 30016)

- $23 billion over five years - $21 billion Formula; $1.5 billion Competitive
- The bill provides significant increase to the State of Good Repair Program which is a priority of the Administration and industry
- The bill adds new competitive grant program for Rail Vehicle Replacement

Grants for Buses and Bus Facilities (Sec. 30018)

- $5.16 billion over five years - $3.16 billion Formula; $2 billion Competitive
- The bill requires competitive grant applicants for zero emission vehicles to submit a fleet zero emission transition plan
- The bill requires that five percent of competitive grant funds related to zero emission vehicles or infrastructure be used to address workforce development training or certification that a smaller percentage is needed
- **FTA Low or No Emission (LONO) Competitive Grants $5.6 billion over five years**
- Funds the purchase or lease of low or no emission vehicles as well as related equipment or facilities

New Funding - Appropriations

The IIJA includes a new All Stations Accessibility Program that is funded at $1.75 billion over five years to assist legacy rail fixed guideway public transportation systems with increasing the number of existing rail stations that meet or exceed the construction standards of the Americans with Disabilities Act of 1990.

Rail

Amtrak Northeast Corridor
$6 billion over five years
(Also includes an additional $6.57 billion General Fund authorization subject to future appropriations.)

- The bill language specifies that the funding is only available "for capital projects for the purpose of eliminating the backlog of obsolete assets and Amtrak's deferred maintenance backlog of rolling stock, facilities, stations, and infrastructure"
- Amounts under the program may be used by Amtrak to fund, in whole or in part, the capital costs of Northeast Corridor capital renewal backlog projects, including the costs of joint public transportation and intercity passenger rail capital projects. The money may be treated as the non-federal share of NEC projects selected for award under the Federal-State Partnership for Intercity Passenger Rail grants program (see below)
- Funds are available until expended

Amtrak National Network
$16 billion over five years
(Also includes an additional $12.65 billion General Fund authorization subject to future appropriations.)

- The general purpose for this appropriation is the same as for the NEC section
- Set-asides from the money include $3 million per year for the State-Supported Route Committee, $3 million per year for interstate rail compact grants, and $50 million per year for the FRA's rail restoration and enhancement grant There is also a requirement that some of the money be used to carry out the daily long-distance service study included in the bill
- Funds are available until expended

Federal-State Partnership for Intercity Passenger Rail
$36 billion over five years
(Also includes an additional $7.5 billion General Fund authorization subject to future appropriations.)

- Not more than $24 billion of the amounts made available over the five years shall be for projects for the Northeast Corridor
- The bill transforms the current Federal-State Partnership for State of Good Repair (SOGR) grant program into this new program that is more open to new capacity, not just SOGR
- The program establishes a "phased funding agreement" process, similar to letters of intent or the current FTA full funding grant agreement, that makes not-legally-binding promises for funding that has not yet been made
- These funds are available until expended
- The types of projects that can be funded by the $36 billion have been drastically expanded to now include:
    - Projects to replace, rehabilitate, or repair infrastructure, equipment, or a facility used for providing intercity passenger rail service to bring such assets into a state of good repair

- Projects to improve intercity passenger rail service performance, including reduced trip times, increased train frequencies, higher operating speeds, improved reliability, expanded capacity, reduced congestion, electrification, and other improvements, as determined by the Secretary
- Projects to expand or establish new intercity passenger rail service
- Groups of related projects described in the above three bullets
- Planning, environmental studies, and final designs for a project or group of projects described in the above four bullets

***NEW* Railroad Crossing Elimination**
$3 billion over five years
This program makes grants for highway-rail or pathway-rail grade crossing improvement projects that focus on improving the safety and mobility of people and goods. Of each fiscal year's funding, at least 20% must go to projects in rural or tribal areas

CRISI (Rail Grants)
$5 billion over five years
The bill expands eligible entities to include an association representing one or more railroads and Tribes. It expands the list of eligible projects – measures to prevent trespassing, research, and development to advance rail projects (including MAGLEV), emergency plans for communities where hazardous materials are transported by rail, and others

Airports

Facilities and Equipment
$5 billion over five years
This program is for the FAA for the following projects: Replacing terminal and enroute air traffic control facilities; Improving air route traffic control center and combined control facility buildings; Improving air traffic control enroute radar facilities; Improving air traffic control tower and terminal radar approach control facilities; National airspace system facilities OSHA and environmental standards compliance; Landing and navigational aids; Fuel storage tank replacement and management; Unstaffed infrastructure sustainment; Real property disposition; Electrical power system sustain and support; Energy maintenance and compliance; Hazardous materials management and environmental cleanup; Facility security risk management; Mobile asset management program, and Administrative expenses, including salaries and expenses, administration, and oversight

Airport Infrastructure Program (AIP)
$15 billion over five years
- Funds are for airport related activities under current law
- Of the $3 billion per year, $2.48 billion will be for primary airports and certain cargo airports
- Reduced apportionments under law shall not apply
- Apportionment to airports follow current law, but there is no maximum apportionment
- Any remaining funds will be distributed to all primary airports based on passenger enplanements
- $500 million of the annual $3 billion shall be for general aviation airports and commercial service airports that are not primary airports
- $20 million of the $3 billion shall be for competitive grants to sponsors of airports in the contract tower program and contract tower cost share program

- None of the funding made available may be used to pay for airport debt service
- Obligation of funds shall not be subject to any limitations on obligations under and previous appropriations bills
- The bill applies the current federal share

***NEW* Airport Terminal**
$5 billion over five years

- Funding for competitive grants shall be divided as follows:
    - 55% for large hubs
    - 15% for medium hubs
    - 20% for small hubs
    - 10% for non-hub and non-primary airports
- In awarding grants for terminal development projects, the Secretary may consider projects that qualify as ''terminal development'' (including multimodal terminal development), projects for on-airport rail access projects, and projects for relocating, reconstructing, repairing, or improving an airport-owned air traffic control tower
- The Secretary shall give consideration to projects that increase capacity and passenger access; projects that replace aging infrastructure; projects that achieve compliance with the Americans with Disabilities Act and expand accessibility for persons with disabilities; projects that improve airport access for historically disadvantaged populations; projects that improve energy efficiency, including upgrading environmental systems, upgrading plant facilities, and achieving Leadership in Energy and Environmental Design (LEED) accreditation standards; projects that improve airfield safety through terminal relocation; and projects that encourage actual and potential competition
- 80% federal share for large and medium hubs. 95% federal share for small and non-hub, and non-primary airports
- The Secretary shall provide a preference to projects that achieve a complete development objective, even if awards for the project must be phased, and the Secretary shall prioritize projects that have received partial awards

Broadband

The bipartisan infrastructure plan invests $65 billion to address broadband infrastructure.

Grants to states for deployment: $42.45 billion

- This funding supports a formula-based grant program to states, territories and the District of Columbia for the purposes of broadband deployment
- The program does not favor particular technologies or providers
- Projects would have to meet a minimum download/upload build standard of 100/20 megabits per second
- The funding includes 10% set-aside for high-cost areas and each state and territory receives an initial minimum allocation, a portion of which could be used for technical assistance and supporting or establishing a state broadband office
- To increase affordability, all funding recipients must offer a low-cost plan
- States would be required to have plans to address all of their unserved areas before they are able to fund deployment projects in underserved areas. After both unserved and underserved areas are addressed, states may use funds for anchor institution projects

Private Activity Bonds (PABs): $600 million

- Based off the Rural Broadband Financing Flexibility Act (S.1676) this provision allows states to issue PABs to finance broadband deployment, specifically for projects in rural areas where a majority of households do not have access to broadband
- Additional Support for Rural Areas: $2 billion
- The provision includes supports for programs administered by the U.S. Department of Agriculture, including the ReConnect Program, that provide loans and grants (or a combination of loans and grants) to fund the construction, acquisition or improvement of facilities and equipment that provide broadband service in rural areas

"Middle Mile": $1 billion

- This provision would create a grant program for the construction, improvement, or acquisition of middle-mile infrastructure. Eligible entities include telecommunications companies, technology companies, electric utilities, utility cooperative, etc. The "middle mile" refers to the installation of a dedicated line that transmits a signal to and from an internet Point of Presence. Competition of middle-mile routes is necessary to serve areas, reducing capital expenditures, and lowering operating costs

Tribal Grants: $2 billion

- This provision will provide additional funding to the Tribal Broadband Connectivity Program, which was established by the December COVID-19 relief package and is administered by NTIA. Grants from this program will be made available to eligible Native American, Alaska Native and Native Hawaiian entities for broadband deployment as well as for digital inclusion, workforce development, telehealth, and distance learning

Inclusion: $2.75 billion

- Includes the Digital Equity Act. This legislation establishes two NTIA-administered grant programs (formula-based and competitive) to promote digital inclusion and equity for communities that lack the skills, technologies and support needed to take advantage of broadband connections. It also tasks NTIA with evaluating digital inclusion projects and providing policymakers at the local, state, and federal levels with detailed information about which projects are most effective

Affordability: $14.2 billion

- This provision creates a sustainable Affordable Connectivity Benefit to ensure low-income families can access the internet.
- The program provides a $30 per month voucher for low-income families to use toward any internet service plan of their choosing.
- It builds on the Emergency Broadband Benefit, making the benefit permanent and expanding eligibility to help more low-income households, while also making it more sustainable for taxpayers

Water Infrastructure

Drinking Water and Wastewater Infrastructure Act (DWWIA). Includes the bipartisan, Senate passed Drinking Water and Wastewater Infrastructure Act of 2021, which authorized over $35 billion in water infrastructure investments over 5 years. The bipartisan infrastructure bill also authorizes an additional $13.825 billion over 5 years for the Drinking Water and Clean Water State Revolving Funds (SRFs).

- $23.426B split evenly between the Drinking Water and Clean Water SRFs. Federal capitalization grants for state drinking and wastewater infrastructure investments
- $15B to address lead service lines. Funds will be allocated to the Drinking Water State Revolving Fund (DWSRF) to replace lead service lines, with 49% of the funding distributed by the states as forgivable loans or grants
- $10B to address per- and polyfluoroalkyl substances (PFAS). Funding is directed through a grant program for small and disadvantaged communities, as modified by DWWIA, with additional flexibility ($5B); the emerging contaminants program with a focus on PFAS in the Drinking Water SRF ($4B); and the Clean Water SRF to address emerging contaminants ($1B)
- $2.5B to fully fund all currently authorized Indian Water Rights Settlements. Provides $2.5 billion for the Department of Interior to complete all currently authorized Indian water rights settlements. The legislation also allows these funds to meet funding requirements for settlements for grant programs administered by the Bureau of Reclamation or Bureau of Indian Affairs
- $1.8B to Indian Health Service Sanitation Facilities Construction. $1.8 billion from the Water Working Group will be added to $1.7 billion from the Resiliency Working Group, for a combined total of $3.5 billion in IHS sanitation facilities. This will help connect communities and residences to drinking and sewer water systems
- $1.274B on Tax Treatment for Water/Sewer Utilities. Prior tax law treated donations of funds or other resources from governments, civic groups, or developers to facilitate construction or remediation of water or sewer infrastructure as non-taxable to water and sewer utility companies. Current law requires these “contributions to capital” be counted as taxable revenue. This proposal restores the deduction