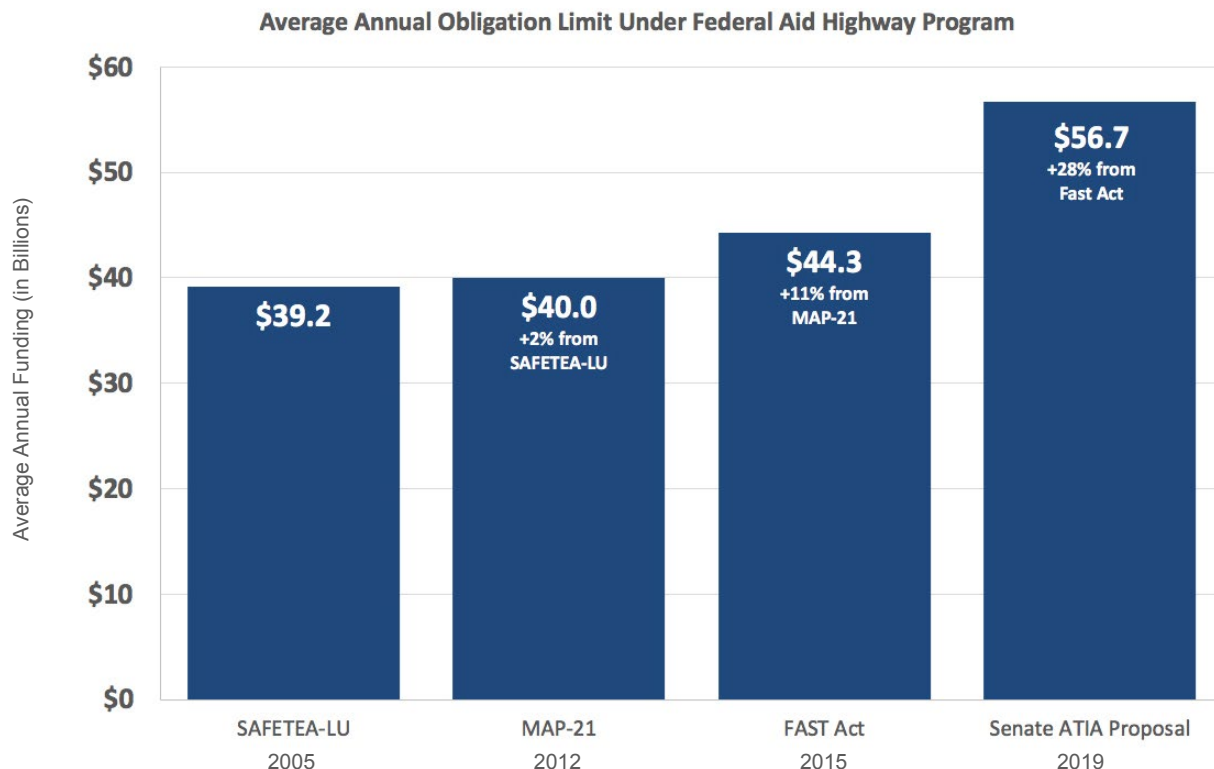


The America's Transportation Infrastructure Act of 2019 FAST Act Reauthorization – Highway Title ARTBA Summary Analysis

The bipartisan leadership of the Senate Environment & Public Works (EPW) Committee July 29 introduced reauthorization legislation that for the first time in nearly 15 years would significantly increase investment in traditional core highway accounts and create several new initiatives and pilot programs. The nearly 470-page "America's Transportation Infrastructure Act (ATIA) of 2019" provides funding from FY 2021 through FY 2025.

The \$287.3 billion in spending authority over the life of the bill would yield a \$37.9 billion increase above the existing levels of highway investment, plus inflation. Specifically, the measure would increase highway investment by 17 percent in FY 2021, with modest increases in subsequent years.

To put this into context, the increase in annual average funding would be substantially higher than increases seen in the 2012 MAP 21 and 2015 FAST Act laws, as illustrated in the chart below.



Senate EPW Committee Chairman John Barrasso (R-Wyo.), Ranking Member Tom Carper (D-Del.), Transportation & Infrastructure Subcommittee Chairman Shelley Moore Capito (R-W.Va.) and Subcommittee Ranking Member Ben Cardin (D-Md.), jointly introduced the legislation. The committee's early action on the bill should be lauded as it represents a departure from the series of extensions and years of delay that plagued the last few reauthorization cycles. The current FAST Act surface transportation authorization law expires Sept. 30, 2020.

The committee's leaders should also be applauded for their dedication to paying for the bill via user fees. Both Senators Barrasso and Carper have called for the users of the system to pay for the legislation and plan to work with Senate Finance Committee Chairman Chuck Grassley (R-Iowa) to achieve that goal.

Before the Finance Committee is likely to act, the Senate Banking & Commerce Committees will need to develop their respective components of the bill – transit programs (Banking) and truck safety and rail initiatives (Commerce).

The chart below provides a glimpse of the program structure senators envision under ATIA:



	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	5-YEAR
	Authorization	Authorization	Authorization	Authorization	Authorization	Authorization	TOTAL
	FAST Act	ATIA	ATIA	ATIA	ATIA	ATIA	ATIA
			(Dollars)				
Federal-aid Highway Program (Apportioned):	43,373,284,311	47,855,749,000	48,829,248,000	49,849,443,000	50,914,302,000	51,979,162,000	249,427,904,000
National Highway Freight Program	1,500,000,000	1,825,000,000	1,660,000,000	1,700,000,000	1,740,000,000	1,775,000,000	8,500,000,000
Other Programs (HTF):	3,730,787,689	7,271,713,378	7,393,199,378	7,555,639,378	7,755,015,378	7,863,390,378	37,838,957,890
TIFIA	300,000,000	300,000,000	300,000,000	300,000,000	300,000,000	300,000,000	1,500,000,000
Federal Lands & Tribal Transportation:							
Tribal Transportation	505,000,000	565,000,000	580,000,000	595,000,000	610,000,000	625,000,000	2,975,000,000
Federal Lands Transportation	375,000,000	413,000,000	423,000,000	433,000,000	443,000,000	453,000,000	2,165,000,000
Federal Lands Access	270,000,000	280,000,000	285,000,000	290,000,000	295,000,000	300,000,000	1,450,000,000
Territorial and Puerto Rico Highway	200,000,000	204,500,000	208,000,000	212,000,000	216,000,000	221,500,000	1,062,000,000
Nationally Significant Freight and Highway Projects	1,000,000,000	1,050,000,000	1,075,000,000	1,100,000,000	1,125,000,000	1,150,000,000	5,500,000,000
Emergency Relief	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	500,000,000
Transportation Research:							
Highway Research & Development	125,000,000	153,431,378	153,431,378	153,431,378	153,431,378	153,431,378	767,156,890
Technology & Innovation Deployment	67,500,000	135,000,000	135,000,000	135,000,000	135,000,000	135,000,000	675,000,000
Training and Education	24,000,000	25,000,000	26,000,000	27,000,000	27,000,000	27,000,000	132,000,000
Intelligent Transportation Systems (ITS)	100,000,000	110,000,000	110,000,000	110,000,000	110,000,000	110,000,000	550,000,000
University Transportation Centers	77,500,000	82,500,000	84,000,000	85,500,000	87,000,000	88,500,000	427,500,000
Bureau of Transportation Statistics	26,000,000	26,000,000	26,000,000	26,000,000	26,000,000	26,000,000	130,000,000
Construction of Ferry Boats	80,000,000	86,000,000	87,000,000	88,000,000	89,000,000	90,000,000	440,000,000
FHWA Administration Expenses:	480,797,689	490,282,000	499,768,000	509,708,000	520,084,000	530,459,000	2,550,301,000
New ATIA Programs (HTF):							
Bridge Investment Program		600,000,000	640,000,000	650,000,000	675,000,000	700,000,000	3,265,000,000
Congestion Relief Program		40,000,000	40,000,000	40,000,000	40,000,000	40,000,000	200,000,000
Charging and Fueling Infrastructure Grants		100,000,000	100,000,000	200,000,000	300,000,000	300,000,000	1,000,000,000
Formula Safety Incentive Program		500,000,000	500,000,000	500,000,000	500,000,000	500,000,000	2,500,000,000
Fatality Reduction Performance Program		100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	500,000,000
Formula Carbon Reduction Incentive Program		600,000,000	600,000,000	600,000,000	600,000,000	600,000,000	3,000,000,000
Carbon Reduction Performance Program		100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	500,000,000
PROTECT Grants		986,000,000	986,000,000	986,000,000	986,000,000	986,000,000	4,930,000,000
Reduction of Truck Emissions at Port Facilities		60,000,000	70,000,000	70,000,000	80,000,000	90,000,000	370,000,000
Nationally Significant Federal Lands and Tribal Projects (HTF)		50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	250,000,000
Wildlife Crossings Pilot Program		55,000,000	60,000,000	45,000,000	45,000,000	45,000,000	250,000,000
Prioritization Process Pilot Program		10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	50,000,000
Disaster Relief Mobilization Pilot Program		1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	5,000,000
Community Connectivity Pilot Program							
Planning Grants		20,000,000	15,000,000	10,000,000	2,500,000	2,500,000	50,000,000
Capital Construction Grants		14,000,000	14,000,000	14,000,000	14,000,000	14,000,000	70,000,000
Open Challenge & Research Initiative Pilot Program		15,000,000	15,000,000	15,000,000	15,000,000	15,000,000	75,000,000
Total Contract Authority (HTF)	47,104,092,000	55,127,462,378	56,222,447,378	57,405,082,378	58,669,317,378	59,842,552,378	287,266,861,890
Obligation Limitation	46,365,092,000	54,388,462,378	55,483,447,378	56,666,082,378	57,930,317,378	59,103,552,378	283,571,861,890
Contract Authority Exempt from Obligation Limitation							
Emergency Relief	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	500,000,000
National Highway Performance Program	639,000,000	639,000,000	639,000,000	639,000,000	639,000,000	639,000,000	3,195,000,000
Total Obligation Authority (HTF)	47,104,092,000	55,127,462,378	56,222,447,378	57,405,082,378	58,669,317,378	59,842,552,378	287,266,861,890
Additional Authorizations, General Fund	210,000,000	1,362,500,000	1,319,500,000	1,331,500,000	1,358,500,000	1,385,500,000	6,757,500,000
Nationally Significant Federal Lands & Tribal Projects	100,000,000	300,000,000	300,000,000	300,000,000	300,000,000	300,000,000	1,500,000,000
Appalachian Regional Development	110,000,000	180,000,000	180,000,000	180,000,000	180,000,000	180,000,000	900,000,000
New ATIA Programs (General Fund):							
Bridge Investment Program		600,000,000	640,000,000	650,000,000	675,000,000	700,000,000	3,265,000,000
Tribal High Priority Projects		30,000,000	30,000,000	30,000,000	30,000,000	30,000,000	150,000,000
Direct Air Capture Tech Advisory Board		35,000,000					35,000,000
Carbon Dioxide Utilization Research		50,000,000					50,000,000
Bollard Installation Projects		5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	25,000,000
Forest Service Road/Trail Remediation		50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	250,000,000
Appalachian Regional Commission Energy Hub Initiative		5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	25,000,000
Invasive Plant Elimination Program		50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	250,000,000
Data Integration Pilot Program		2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	12,500,000
Emerging Tech Research Pilot Program		5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	25,000,000
Bureau of Indian Affairs Road Program		50,000,000	52,000,000	54,000,000	56,000,000	58,000,000	270,000,000
Total Authorizations, GF & HTF	47,314,092,000	56,489,962,378	57,541,947,378	58,736,582,378	60,027,817,378	61,228,052,378	294,024,361,890

Federal-aid Highway Formula Programs: These make up the bulk of the funding at \$249.4 billion. This includes the National Highway Performance Program, Surface Transportation Block Grant Program, Highway Safety Improvement Program, Railway/Highway Grade Crossings, Congestion Mitigation & Air Quality Program, Metropolitan Planning Program, National Highway Freight Program and the Transportation Alternatives Program. As of now, while apportionment formulas remain intact from the FAST Act, neither a programmatic or state-by-state breakdown has been released.

Freight Formula & INFRA Grants: The ATIA continues where the FAST Act left off by including substantial funding dedicated to freight improvements. The \$13.93 billion over five years would include an overall seven percent investment boost for these programs from FY 2020 to FY 2021. It would expand eligibility for freight and intermodal rail projects to as much as 30 percent of the programs and makes lock, dam and marine highway projects eligible if they are connected to the National Highway Freight Network. The INFRA grant program has a set-aside of \$500 million for “Critical Rural Interstate Projects.”

Bridge Investment Program: It would create a new bridge discretionary grant program, administered by the U.S. Secretary of Transportation, to improve the nation’s bridge conditions by leveraging state, local and private funding sources, similar to the public transit New Starts program. Half of the \$6.53 billion over five years comes from the Highway Trust Fund and the other half from the General Fund. One-quarter of the funding must be used on large projects (over \$100 million).

The Transportation Infrastructure Finance & Innovation Act (TIFIA) Program: It provides federal credit assistance in the form of direct loans, loan guarantees, and standby lines of credit to finance surface transportation projects of national and regional significance. ATIA would continue TIFIA investments at \$300 million annually but expand eligibility to certain airport and transit-oriented development projects, as well as acquisition of plant and wildlife habitat relating to other projects.

It would also require the U.S. Department of Transportation (DOT) to provide most TIFIA applicants with “a specific estimate of the timeline for the approval or disapproval” of its application, preferably within 150 days of the submission of the letter of interest. Similarly, it would require the agency to establish an expedited decision timeline for public agency borrowers meeting certain criteria. To improve transparency of the process, ATIA would require U.S. DOT to post reports online recapping the status of applications and approvals. It would also allow the agency to spend up to \$10 million per year to administer the TIFIA program starting in FY2021, compared to \$8.4 million in FY 2020.

Public-Private Partnerships (P3s): To increase transparency relating to P3s undertaken to finance, build, and maintain or operate a surface transportation project, public agency sponsors would need to meet new requirements for each project with an estimated cost of \$100 million or more that includes federal-aid dollars. Within three years of opening, the state or local agency would be required to provide U.S. DOT with the following:

1. A report reviewing the private partner’s compliance with the project’s agreement; and
2. Certification that the partner is meeting the terms of that agreement or notification that the partner failed to meet one or more of the terms.

The public agency would need to make this information publicly available, omitting any proprietary or confidential business information.

The bill would require a value-for-money analysis as a condition for federal assistance to certain P3 projects, including those considered “major projects” at an estimated cost of \$500 million or more.

Project Delivery & Process Improvement: The measure would codify President Trump’s “One Federal Decision” Executive Order (EO). The EO, originally announced in 2017, was one of the administration’s central reforms to the project review and approval process. Specifically, “One Federal Decision” consolidates all permitting decisions for major infrastructure projects into one single environmental document with a schedule set by the federal “lead” agency. The aim is to reduce delay caused by having multiple agencies with conflicting schedules involved in the permitting process by requiring agency coordination and a single final document, as opposed to multiple decisions. ATIA would also codify “One Federal Decision’s” goal of completing the environmental review process within an average time of two years. Additionally, it would require all authorization decisions for a major project be completed within 90 days of the issuance of a record of decision.

ATIA reforms beyond “One Federal Decision” would include a requirement for U.S. DOT to produce an annual report detailing progress made on improving project delivery, such as savings and identification of problem areas. Further, U.S. DOT would be required to annually submit information to the Executive Director of the Federal Permitting Improvement Steering Council (FPISC) regarding the median time elapsed between the intent to prepare an environmental impact statement (EIS) for a major project and the issuance of a record of decision. This information would be made available on FPISC’s “dashboard,” which tracks the permitting process for major projects.

Planning & Performance Management: ATIA would update the planning process by reducing existing “fiscal constraint” requirements for long-term transportation plans by eliminating the requirements for projects beyond a four-year time frame. Fiscal constraint requirements often complicate long-term planning because funding could not be predicted beyond the scope of the current reauthorization bill. Under ATIA’s reform, projects in a long-term plan beyond the four-year window would not be constrained by a requirement that they be completed with the level of funding currently available.

Climate Change: ATIA would introduce a variety of new programs and grants aimed at addressing climate change. Specifically, it would make funds available to develop charging stations for alternative fuel vehicles and to encourage electrification of port facilities and the reduction of truck idling. Additionally, ATIA would establish grant programs focused on making infrastructure more resilient, congestion management and encouraging carbon capture and sequestration technologies.

The legislative text can be found [here](#), as well as a summary document issued by the committee [here](#) and a section-by-section summary [here](#).

ARTBA staff will distribute further information as it becomes available, along with updates on progress of the reauthorization process in the coming months. Please contact ARTBA Senior Vice President of Congressional Relations, Dean Franks at dfranks@artba.org or 202.683.1006 with questions.



America's Transportation Infrastructure Act

America's Transportation Infrastructure Act of 2019 is the largest amount of funding provided for highway reauthorization legislation in history. The bill authorizes \$287 billion from the Highway Trust Fund over five years in investments to maintain and repair America's roads and bridges and to keep our economy moving. The legislation includes provisions to improve road safety, accelerate project delivery, improve resiliency to disasters, reduce highway emissions, and grow the economy. Below are a few of the highlights of the bill.

Funds Our Highways and Grows Our Economy

The bill provides \$287 billion in highway spending from the Highway Trust Fund over five years, of which \$259 billion, or over 90%, is distributed to states by formula. The five-year funding level is more than a 27% increase above the FAST Act and will be the largest highway bill in history. The legislation maintains each state's share of highway formula funding and expands the flexibility and eligible uses of formula funds provided out of the Highway Trust Fund.

INFRA Funding

The bill increases funding for the Nationally Significant Freight and Highway Projects program, known as "INFRA," by providing \$5.5 billion over five years. The bill increases funding flexibilities, and prioritizes certain critical interstate projects. The bill increases the minimum amount (from 10 percent to 15 percent) of INFRA funds to go towards smaller projects. The bill sets aside \$150 million per year for a pilot program that prioritizes projects offering a higher non-federal match. The bill also creates new grant administration transparency requirements.

Enhances and Improves Road and Bridge Safety

New Competitive Grants for Bridges

The legislation authorizes over \$6 billion over five years, including \$3.3 billion from the Highway Trust Fund, for a competitive bridge program to address the backlog of bridges in poor condition nationwide. Every state with a well-justified proposal will receive funding to improve the condition and safety of its aging bridges. In addition, in order to enable agencies to support the large bridge projects that they often struggle to complete due to lack of adequate funding, no less than 50% of the program will support bridges with a total project cost larger than \$100 million.

Safety Incentive Programs

In addition to increases in the existing Highway Safety Improvement Program, the bill includes a new safety funding supplemental of \$500 million per year distributed to states based on their current formula share to support projects that would lower driver and pedestrian fatalities. States can receive greater project flexibility if they meet certain safety planning requirements. In addition, states can compete for additional funding awards by making progress on reducing fatalities.

Program to Reduce Wildlife-Vehicle Collisions

The bill provides \$250 million over 5 years for a new grant program for projects designed to reduce wildlife-vehicle collisions. In addition, the bill adds new funding eligibilities for the construction of wildlife crossing structures within formula and competitive programs, and prioritizes the research and development of animal detection systems to reduce the number of wildlife-vehicle collisions.

Cuts Red Tape

The bill codifies core elements of the “One Federal Decision” policy for highway projects including establishing: a 2-year goal for completion of environmental reviews; a 90-day timeline for related project authorizations; a single environmental document and record of decision to be signed by all participating agencies; and an accountability and tracking system managed by the Secretary of Transportation (Secretary). In addition, the bill provides project sponsors with the flexibility to apply the core elements of the “One Federal Decision” policy to highway projects that require an environmental assessment.

The bill provides flexibility to the Department of Transportation (DOT) during the environmental review process, allowing the agency to set a schedule for projects, and limiting a possible extension request for other participating agencies to only one year. In addition, the bill requires the Secretary to provide a list of categorical exclusions applicable to highway projects to regulatory agencies and directs those agencies to publish a notice of proposed rulemaking to adopt relevant categorical exclusions within one year.

To accelerate project delivery and to ensure the equitable treatment of states by the Department of Transportation, the bill requires the Secretary to exercise all available flexibilities under current law, as long as they are in the public interest. The bill requires the Secretary to develop a simplified template for federal-state stewardship agreements and to remove non-statutory approval requirements from such agreements. The bill amends DOT regulations to lower paperwork burdens on states associated with traffic management plans for highway projects, work zone process reviews, and intelligent transportation system standards.

Delivers Projects Cheaper and Faster

The bill increases funding for the Technology and Innovation Deployment Program. These funds include \$100 million in new and innovative construction technologies for smarter, accelerated project delivery.

Reinvests in Tribal and Federal Lands

The legislation provides increased funding for tribal and federal lands transportation programs, which includes \$2.9 billion for the Tribal Transportation Program and \$2.1 billion for the Federal Lands Transportation Program over five years. In addition, the bill provides \$250 million over five years in dedicated funding for the Nationally Significant Federal Lands and Tribal Projects program, which will fund the construction and rehabilitation of nationally significant projects on federal and tribal lands.

The bill also requires the Secretary, acting through the Chief of the Forest Service, to develop a national strategy to carry out the Forest Service Legacy Roads and Trails Remediation Program to perform critical maintenance, urgent repairs, and improvements on National Forest System roads, trails, and bridges.

Improves Resiliency, Protects the Environment and Reduces Pollution Emissions

New Formula and Competitive Grants for Resiliency Projects

The bill invests \$4.9 billion over 5 years in a new resiliency program to protect roads and bridges from natural disasters such as wild fires, and extreme weather events such as hurricanes, flooding, and mudslides. The new program will include both formula and grant funding. This program will distribute funding to states based on their current formula share. From the \$4.9 billion it establishes an annual competition (\$1 billion over 5 years) for resiliency projects nationwide, including projects designed to improve resilience in coastal states and funds for emergency evacuation routes.

Carbon Emissions Incentive Programs

The bill includes \$3 billion over 5 years in new funding distributed to states based on their current formula share to support projects that would lower highway-related carbon emissions. States can receive greater project flexibility if they meet certain emissions planning requirements. In addition, states can compete for \$500 million over 5 years in additional funding by making progress on lowering their per capita emissions.

Competitive Grants for Alternative Fuel Infrastructure

In preparation for the expected increase of alternative fuel vehicles, the bill establishes a competitive grant program funded at \$1 billion over 5 years, for states and localities to build hydrogen, natural gas, and electric vehicle fueling infrastructure along designated highway corridors, which lack such infrastructure.

Other Emissions Reduction Provisions

The bill authorizes a new program to help states reduce traffic congestion (\$200 million over 5 years), and a new program to reduce truck idling at ports (\$370 million over 5 years). Other provisions include reauthorization of the Diesel Emissions Reduction Act (DERA) program, which reduces emissions from diesel engines, and the Utilizing Significant Emissions with Innovative Technologies (USE IT) Act, to support carbon capture, utilization, and sequestration research.

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<http://epw.senate.gov>



U.S. SENATE TAKES ACTION ON SURFACE TRANSPORTATION REAUTHORIZATION

NACo Analysis: America's Transportation Infrastructure Act (ATIA) vs. Fixing America's Surface Transportation (FAST) Act of 2015

On Monday, July 29, the U.S. Senate Environment and Public Works (EPW) Committee unveiled a draft surface transportation reauthorization legislation for fiscal years (FY) 2021 through 2025. The America's Transportation Infrastructure Act (ATIA) ([S. 2302](#)) is a five-year reauthorization that authorizes \$287 billion in funding from the Highway Trust Fund for the nation's surface transportation programs over five years, representing a roughly 27 percent increase over the levels authorized in the previous legislation, the Fixing America's Surface Transportation (FAST) Act of 2015, which is set to expire in September 2020.

Counties own and operate 45 percent of public roads and almost 40 percent of the National Bridge Inventory, making this legislation and the funding it provides critical for local communities. Below are highlights of key provisions that will benefit counties:

- **Maintains the off-system bridge set-aside:** ATIA maintains the set-aside under the Surface Transportation Block Grant Program (STBGP) that mandates no less than 15 percent of a state's STBGP allocation be directed to the repair and rehabilitation of bridges off the federal-aid highways system. This set-aside is critical as it increases the amount and flexibility of STBGP dollars allocated to counties for the improvement of off-system bridges. Counties own and maintain 64 percent of the nation's 281,184 off-system bridges.
- **Streamlines the federal permitting process:** The bill codifies certain tenants of the "[One Federal Decision](#)" Executive Order, establishing a two-year goal for completion of environmental reviews; a 90-day timeline for related project authorization; a single environmental document and record of decision to be signed by all participating agencies; and an accountability and tracking system to be managed by the U.S. Secretary of Transportation.
- **NEW competitive grants for bridges:** The legislation authorizes more than \$6 billion over five years, including \$3.3 billion from the Highway Trust Fund, for a competitive bridge program to address the growing backlog of bridges in poor conditions nationwide. Under this competitive program, states and counties may apply directly for funding through the U.S. Department of Transportation (DOT). Counties own and operate 38 percent of the National Bridge Inventory, over 50 percent of which are considered "structurally deficient" and in need of repair.
- **NEW grants for resilient infrastructure projects:** The bill establishes the Promoting Resilient Operations for Transformative, Efficient and Cost-saving Transportation (PROTECT) grant program to help states improve the resiliency of transportation infrastructure. The PROTECT program would provide nearly \$1 billion in competitive grants each of FY 2021-2025. This is important for counties who are recovering from and/or preparing for future natural disasters. In 2018, 788 counties, or 26 percent, had at least one disaster declaration.

- **NEW grants for transportation safety projects:** The legislation provides federal funding to states and local governments for transportation safety projects aimed at reducing fatalities for nonmotorized road users, such as bicyclist and pedestrians. The bill authorizes \$600 million per year for formula and competitive grants for FY 2021-2025.
- **Increases sub-allocation amounts for Transportation Alternatives Program (TAP) Projects:** The bill increases the TAP set-aside within the STBGP, as well as its sub-allocation amounts, while also providing smaller communities greater access. TAP was created under the FAST Act and provides funding to projects considered alternative to traditional highway construction. Counties utilize the TAP program for pedestrian and bicycle facilities, trails, safe routes to school projects, community improvements and environmental mitigation, among others.
 - **NEW language added to give counties the opportunity to receive 100 percent of TAP set-aside funds allocated to states:** NACo secured language mandating states disperse funds they receive through the TAP set-aside with an opportunity to “allocate up to 100 percent of the funds referred to counties and other local transportation entities.” This provision will give counties the opportunity to receive more federal funding for specific infrastructure projects.
- **Increases INFRA funding:** The bill increases funding for the Nationally Significant Freight and Highway Projects program, or INFRA, by providing \$5.5 billion over five years, representing a 22 percent increase above FAST Act levels. In general, INFRA provides federal funding for transportation infrastructure projects, which counties use to repair and rehabilitate America's highways and bridges. However, the legislation also sets aside \$150 million for a pilot program that would prioritize projects for which states and local governments are willing and able to contribute greater amounts of funds to the non-federal match.
- **Increases investments in tribal and federal lands transportation programs:** The bill includes \$2.9 billion for the Tribal Transportation Program and \$2.1 billion for the Federal Lands Transportation Program over five years. Additionally, the bill sets aside \$250 million over five years for the construction and rehabilitation of nationally significant projects on federal and tribal lands. This is important for the 62 percent of counties that have federal public lands within our jurisdictions.
- **NEW grant program to reduce wildlife-vehicle collisions:** The bill provides \$250 million over five years for a new grant program for projects designed to reduce the number of wildlife-vehicle collisions that adversely impact road safety in many rural counties.

The timing remains unclear on when the remaining three U.S. Senate committees of jurisdiction over surface transportation will act. The rail and transit titles will need to be added to the legislation by the U.S. Senate Committee on Commerce and the U.S. Senate Committee on Banking, respectively. The Senate Finance Committee will also have to produce a “pay for” to cover the bill's transfers from the general fund, in addition to addressing the impending insolvency of the Highway Trust Fund that is predicted to be bankrupt by 2021. The Senate Finance Committee must find at least \$80 billion over five years in order to fund the gap between current projected dedicated revenues and spending levels prescribed in the EPW bill.

The Senate Environment and Public Works Committee marked up its iteration of the bill, outlined here, and it was unanimously approved by the committee. The U.S. House Committee on Transportation and Infrastructure, in conjunction with the U.S. House Committee on Ways and Means (who is also tasked with producing a “pay for”), will develop their own version of the surface transportation reauthorization, likely leading to an eventual conference between the two bills where differences are negotiated.

Key county priorities for any surface transportation reauthorization or comprehensive infrastructure package include:

- **Establish funding certainty through a long-term surface transportation reauthorization**
- **Promote long-term solvency of the Highway Trust Fund**
- **Provide direct funding to counties and increase local decision-making authority**
- **Maintain and increase the set-aside for off-system bridges**
- **Streamline the federal permitting process**

The chart on the following page outlines key county priorities that would be impacted by EPW's legislation, as well as how these priorities compare today under the current surface transportation authorization known as the FAST Act.

COUNTY PRIORITIES	FIXING AMERICA'S SURFACE TRANSPORTATION (FAST) ACT (P.L. 114-94)	AMERICA'S TRANSPORTATION INFRASTRUCTURE ACT (ATIA) (S. 2302)
Long-term Funding Certainty <i>Counties rely on the certainty of federal funding to plan and execute both major and minor transportation projects. For counties to confidently commit to critical transportation projects, a reauthorization must deliver consistent funding over several fiscal years.</i>	<ul style="list-style-type: none"> The FAST Act was signed into law in 2015, representing a fully funded five-year reauthorization for surface transportation programs following the expiration of the previous authorization, MAP-21 (P.L. 112-141). 	<ul style="list-style-type: none"> Like the FAST Act, ATIA also provides a five-year reauthorization for surface transportation programs for fiscal years (FY) 2021 - FY 2025. However, this initial draft version of the legislation does not yet contain a funding stream, other than funds authorized for use from the Highway Trust Fund (HTF).* <p><i>*The U.S. Senate Committee on Finance has jurisdiction over additional revenue. Transit and rail titles are also forthcoming from the U.S. Senate Committee on Banking and U.S. Senate Committee on Commerce, respectively.</i></p>
Increased Investments <i>Increased federal investment is necessary for counties to maintain the significant share of the national transportation network that is owned by local governments.</i>	<ul style="list-style-type: none"> The FAST Act authorizes a total of \$280 billion to be spent from the HTF on surface transportation program for FY 2016 – FY 2020 (average of \$56.2 billion, annually). 	<ul style="list-style-type: none"> ATIA authorizes a total of \$287 billion from the HTF for FY 2021 - FY 2025, an increase of roughly 27 percent over FAST Act levels (average of \$57.5 billion, annually). This is the largest amount of funding provided for a highway reauthorization bill in legislative history.
Permit Streamlining <i>Counties support streamlining the federal permitting process through concurrent reviews and increased thresholds for categorical exclusions, which can help reduce project delays.</i>	<ul style="list-style-type: none"> The FAST Act established the Federal Permitting Improvement Steering Council (FPISC) as means to advance efforts in the federal government to modernize the federal permitting and review processes. 	<ul style="list-style-type: none"> ATIA will codify certain tenants of the Trump Administration's "One Federal Decision" Executive Order and implement several new requirements in order to streamline federal permitting regulations while ensuring we are good stewards of the environment: <ol style="list-style-type: none"> The U.S. Secretary of Transportation is required to issue a report on environmental review best practices;

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Permit Streamlining, cont'd.	<ul style="list-style-type: none">The FAST Act established the Federal Permitting Improvement Steering Council (FPISC) as means to advance efforts in the federal government to modernize the federal permitting and review processes.	<ol style="list-style-type: none">DOT is required to establish a performance accountability system to include, at minimum, the environmental review schedule; and,Federal agencies that have oversight would be required to bundle their decisions.																												
Surface Transportation Block Grant Program (STBGP) <i>Local governments understand the transportation needs, conditions and circumstances of their communities. Increasing the amount and flexibility of STBGP dollars suballocated to counties will allow local decision-makers to prioritize projects that best serve their communities.</i>	<ul style="list-style-type: none">The FAST Act authorizes a total of \$58.3 billion for the STBGP, which includes flexible surface transportation program (STP) funding and a set-aside program that supports off-system bridges (\$776.5 million, annually), recreational trails and other alternative transportation projects.The FAST Act increases the STP set-aside over the life of the bill from 50 percent to 55 percent. <table><tr><th colspan="2">STBGP Authorization Levels</th></tr><tr><td>FY 2016</td><td>\$11.2 billion</td></tr><tr><td>FY 2017</td><td>\$11.4 billion</td></tr><tr><td>FY 2018</td><td>\$11.7 billion</td></tr><tr><td>FY 2019</td><td>\$11.9 billion</td></tr><tr><td>FY 2020</td><td>\$12.1 billion</td></tr><tr><td>TOTAL</td><td>\$58.3 billion</td></tr></table>	STBGP Authorization Levels		FY 2016	\$11.2 billion	FY 2017	\$11.4 billion	FY 2018	\$11.7 billion	FY 2019	\$11.9 billion	FY 2020	\$12.1 billion	TOTAL	\$58.3 billion	<ul style="list-style-type: none">The total STBGP program share will grow under ATIA due to the roughly 28 percent increase in the overall bill.ATIA maintains the 55 percent level authorized in the final year of the FAST Act (FY 2020) for the sub-allocation of STBGP funds to metropolitan areas.Within STBGP, ATIA will increase the amount of the annual set-aside within the Transportation Alternatives Program (TAP) over the life of the bill to \$1.2 billion by FY 2025.The amount of the TAP set-aside that is required to be allocated by population will also rise from 50 percent to 57.5 percent.ATIA will also mandate states disperse the funds they receive through the set-aside with an opportunity to “allocate up to 100 percent of the funds referred to counties and other local transportation entities.” <table><tr><th colspan="2">STBGP Authorization Levels</th></tr><tr><td>FY 2021</td><td>\$11.96 billion</td></tr><tr><td>FY 2022</td><td>\$12.2 billion</td></tr><tr><td>FY 2023</td><td>\$12.45 billion</td></tr><tr><td>FY 2024</td><td>\$12.72 billion</td></tr><tr><td>FY 2025</td><td>\$12.99 billion</td></tr><tr><td>TOTAL</td><td>\$62.32 billion</td></tr></table>	STBGP Authorization Levels		FY 2021	\$11.96 billion	FY 2022	\$12.2 billion	FY 2023	\$12.45 billion	FY 2024	\$12.72 billion	FY 2025	\$12.99 billion	TOTAL	\$62.32 billion
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Bridge Funding Collectively, local governments own over half of the National Bridge Inventory, making federal funding for bridges both on and off the federal-aid highways system critical to ensuring America’s transportation network is functioning at its full potential.	<ul style="list-style-type: none">Under the FAST Act, not less than 15 percent of a state's allocation through STBGP is set-aside for bridges not on the federal aid-highways system.The FAST Act created eligibility within the National Highway Performance Program (NHPP) to support all on-system bridges.	<ul style="list-style-type: none">The FAST Act's off-system bridge set-aside is maintained under ATIA (\$776.5 million, annually).<ul style="list-style-type: none">ATIA would also allow low water crossing replacement projects to be eligible under this set-aside.ATIA contains a new Bridge Investment Program funded by \$3.3 billion from the HTF and \$3.3 billion from the general fund over FY 2021 – FY 2025.<ul style="list-style-type: none">This competitive grant program will fund projects that replace, rehabilitate or increase the resiliency of both federal-aid highway bridges, as well as those off-system (80/20 share). <u>Counties may apply directly for these funds.</u>ATIA makes off-system bridges eligible for up to 15 percent of a state’s NHPP funds for protective features to improve resiliency.																												

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Freight Movement <i>Counties are a critical part of the nation's movement of freight, often representing the first and last mile of these trips that fuel economic growth and keep Americans connected to the global economy.</i>	<ul style="list-style-type: none"> The FAST Act created the National Highway Freight Program that provides dedicated funding for states to be used for planning, engineering and construction projects that contribute to the movement of freight along the National Highway Freight Network. 	<ul style="list-style-type: none"> ATIA amends the limitation on the maximum designation of critical rural freight corridors (CRFC) from 150 miles to 300 miles, with any state having a below average population density in the 2010 census eligible to designate 600 miles, or 25 percent, of its primary highway freight system mileage as a CRFC. Once designated, these corridors receive dedicated federal funding through the National Highway Freight Program.
Resilient Infrastructure <i>Counties play a key role in emergency management and preparedness, which includes building resilient infrastructure for hazard mitigation.</i>	<ul style="list-style-type: none"> The FAST Act did not include resilient infrastructure programs. 	<ul style="list-style-type: none"> ATIA establishes the Promoting Resilient Operations for Transformative, Efficient and Cost-saving Transportation (PROTECT) grant program, which would provide nearly \$1 billion in competitive grants each of FY 2021-2025 to improve the resiliency of transportation infrastructure.
Transportation Safety <i>Counties are responsible for the public safety of those who use the nation's highways, roads and bridges.</i>	<ul style="list-style-type: none"> Certain transportation safety programs were included in the FAST Act, but it did not include the specific programs included ATIA. 	<ul style="list-style-type: none"> ATIA provides federal funding to states and local governments for transportation safety projects aimed at reducing fatalities for nonmotorized road users, such as bicyclist and pedestrians. The bill authorizes \$600 million per year for formula and competitive grants for FY 2021-2025. The bill also provides \$250 million over five years for a new grant program for projects designed to reduce the number of wildlife-vehicle collisions that adversely impact road safety in many rural counties.