

National Association of County Engineers

“The Voice of County Road Officials”

Transportation & Infrastructure Legislative Update
Minnesota Transportation Alliance Annual Meeting



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Infrastructure Bill?

- President Trump, House Democrats, and Senate Republicans have all expressed interest in an infrastructure bill.
- Senate Minority Leader Schumer has stated that climate change must be addressed in any potential infrastructure bill this Congress. Speaker Pelosi echoed those statements.
- Chairman DeFazio says any bill out of his committee will include provisions on climate resiliency and action to reduce emissions.
- Ranking Member Graves says that if pieces of the controversial (Green New Deal) resolution slip into the infrastructure bill, "that could be a deal-killer."
- The White House and Congressional Leaders have agreed that a package should have a target of \$2 trillion.
- The follow-up meeting disintegrated as President Trump declared his unwillingness to work with Congressional Democrats as long as they continue to investigate him. Additionally, President Trump suggested a new NAFTA agreement pass Congress before addressing infrastructure.

Optics Alert!

Congress

How ‘resilience’ became a politically safe word for ‘climate change’

Both parties increasingly agree on investing in infrastructure upgrades to better withstand extreme weather



Reauthorization Bill

- Aside from a possible infrastructure bill, the current surface transportation bill (Highway Bill) expires in 2021.
- This year, the House and Senate began hearings on what should be revised, reformed and added.
- This is time to educate your state's members of Congress on your priorities.

America's Transportation Infrastructure Act (ATIA)

On Tuesday, July 30, the U.S. Senate Environment and Public Works Committee unanimously approved a five-year surface transportation reauthorization measure spanning FY 2021 through 2025. The America's Transportation Infrastructure Act (ATIA) (S. 2302) authorizes \$287 billion in funding from the Highway Trust Fund for the nation's highway 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.

America's Transportation Infrastructure Act (ATIA)

- **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.

America's Transportation Infrastructure Act (ATIA)

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 new competitive bridge grant 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.

America's Transportation Infrastructure Act (ATIA)

- **NEW funding and focus for resilient infrastructure:** ATIA emphasizes resiliency throughout the bill and expands the eligibility for resilient infrastructure projects to receive federal funding. Resilient measures counties could fund through the bill include relocating roadways to a higher elevation, stabilizing slopes, replacing culverts with bridges or upsizing culverts, tide gates and improving natural features. In addition, the legislation directs specific funding for highway infrastructure that could be affected by flooding, drought, wildfires, rockslides, levee and dam failures and earthquakes. This is particularly important for counties, as 788 counties – or 26 percent – faced at least one major disaster declaration in 2018.
- **The bill also provides significant federal investments for communities to build long-lasting, resilient transportation infrastructure by creating the Promoting Resilient Operations for Transformative, Efficient and Cost-saving Transportation (PROTECT) grant program.** The PROTECT program would provide \$3.9 billion in formula grants and \$1 billion in competitive grants, respectively, over five years and would assist areas in recovering from and/or preparing for natural disasters by directing funds to develop resilient infrastructure in vulnerable communities. The PROTECT Program has two components:

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- **NEW formula grant program, as part of PROTECT:** Funded at \$786 million per year via the Highway Trust Fund, the formula grant portion of PROTECT will be distributed to states in the same share the state receives based on its core formula apportionments. These funds may be used for construction activities that improve the resiliency of assets to current and future weather events and natural disasters, for strategies that allow for a continuity of operations or rapid recovery of surface transportation systems that serve critical needs following a disaster, including evacuation routes, or to protect coastal infrastructure that is at long-term risk to sea level rise. The federal share is 80 percent; however, funding from other federal sources may be used to cover the remaining 20 percent.
- **NEW competitive grant program:** Funded at \$200 million per year from the Highway Trust Fund, this portion of the grant program is intended to enable communities to assess vulnerabilities and plan infrastructure improvements and emergency response strategies to address community needs. Local governments may apply directly to U.S. DOT for funding in this portion of the PROTECT program.

Other Avenues for Federal Resiliency Funding

- National Flood Insurance Program
- Flood Insurance Reform
- Disaster Relief Funding
- Appropriations Legislation
- Harbor Maintenance Trust Fund