

THINGS NOT INCLUDED IN THE INFRASTRUCTURE PLAN:

MENDING FENCES



BUILDING BRIDGES



SMOOTHING THINGS OVER





National Association of County Engineers

“The Voice of County Road Officials”

Florida Association of County Engineers and
Road Superintendents

NACE & Federal Legislative Update

FUTURE NACE CONFERENCES:



2022: Buffalo/Niagara Falls, NY

2023: Orange Beach, AL

2024: Palm Springs, CA

Influence Through Advocacy

Representing county engineers and professional road managers nationally.

- Legislative Priorities - NACE and NACo
- Influencing Policy makers and key stakeholders
- Testimony before Congress
- Visits on Capitol Hill and legislative fly-ins
- Information and alerts for individual call to action
- Increased Strategic Communications



@EngineersNACE

NACE Legislative Priorities

- Permit and Approval Process Streamlining
- Increased Federal Funding for Locals
- More Opportunities for Direct Funding
- Surface Transportation Reauthorization
- Infrastructure Spending Bill
- Safety



NACE AT THE WHITE HOUSE



NACE WASHINGTON, D.C. FLY-IN



- United States Department of Transportation
- House Transportation & Infrastructure Committee
- White House (EPA, NEC, CEQ, IGA)
- Board Members' Members of Congress



NACE Legislative Victories

Through its advocacy and education of federal agency personnel and elected officials, specific local government friendly text has been inserted into major infrastructure legislation, including:

- At least 12 new discretionary grant programs totaling in the billions of dollars which counties can apply for directly
- Reforms to strengthen the State-local relationship, enhance coordination, improve the flow of funds to communities of all sizes, and increase transparency
- Permit and Process Streamlining for local infrastructure projects, notably the “One Federal Decision” Executive Order as it pertains to environmental reviews





NEW FEDERAL FUNDING OPPORTUNITIES

FY 2021 RAISE (new BUILD) Grants

THE FY 2021 BUILD (now RAISE) **NOFO WAS ANNOUNCED EARLY** **APRIL!**

- \$1 billion available
- Renamed RAISE (Rebuilding American Infrastructure with Sustainability and Equity) Grants
- Applications due by 5:00 PM ET on July 12, 2021.

Changes from the original NOFO include reverting to the criteria associated with the FY 2017 TIGER NOFO:

1. Safety
2. Environmental sustainability (projects should reduce emissions, promote energy efficiency, increase resiliency and recycle or redevelop existing infrastructure assets)
3. Quality of life (projects should incorporate planning & policies promoting racial equity and increased accessibility)
4. Economic competitiveness
5. State of good repair
6. Partnership (secondary)
7. Innovation (secondary)



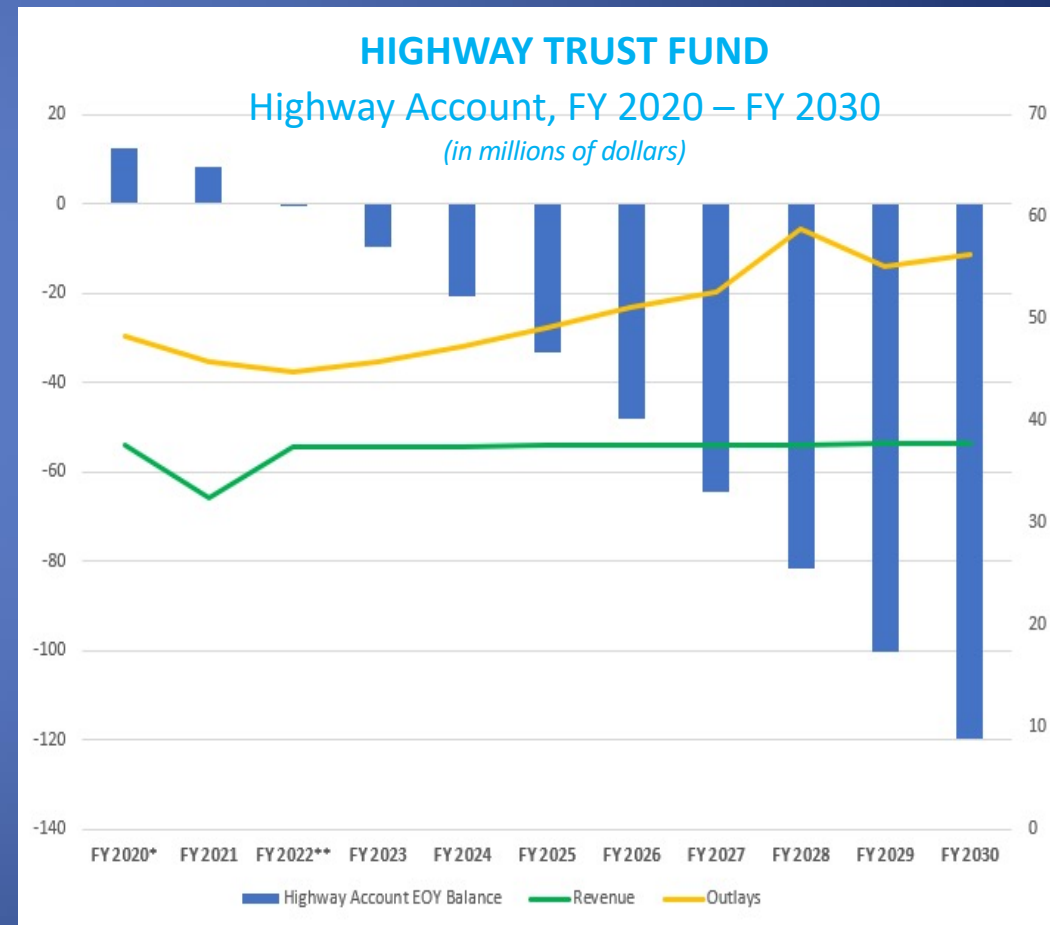
THE FAST ACT REAUTHORIZATION

Outlook for Passage

WHAT'S THE MOST LIKELY OUTCOME AT THIS POINT?

- The Senate attempts to develop a bipartisan reauthorization bill that could receive 60 votes in the Senate
 - This is already in question because Republicans have no incentive to deliver a “win” to Democrats by passing a long-term reauthorization.
- Chairman DeFazio’s reauthorization within H.R. 2 becomes part of a reconciliation package, to the extent that is possible.

Currently, no proposals are being floated to fix the HTF, which faces insolvency in FY22. While both R & D lawmakers appear open to negotiations, the White House has said it won't raise the gas tax, nor will it use a transition to a VMT tax to fund the HTF.





THE FAST ACT REAUTHORIZATION

Outlook for Passage

- The AJP does not address the Sept. 30 expiration of the FAST Act, and mixed messages have come from the White House about what they would like to see in a reauthorization bill.
- The reauthorization CANNOT be passed as part of a reconciliation bill, a tool that Democrats will have to utilize to pass legislation related to the AJP.
 - **WHY NOT RECONCILIATION?**
 - It requires 60 votes; therefore, it must be bipartisan.
 - It contains new policy.
 - It does not affect the federal deficit because of the ways transfers in and out of the Highway Trust Fund are treated.
- Chairman DeFazio remains committed to the \$494 billion, five-year reauthorization the House passed last year as part of H.R. 2, the *Moving Forward Act*.
- The Senate is still working to produce a full reauthorization. But, in late May the Senate Environment and Public Works Committee Introduced.....

Surface Transportation Reauthorization Act (STRA) of 2021

Highlights for Counties:

- Increases the off-system bridge set-aside to 20 percent, resulting in \$1.035 billion annually, and makes low water crossings eligible
- Increases local decision making by creating a new population tranche within the Surface Transportation Block Grant program for communities between 50,000 – 200,000 and adds new eligibilities to the program
- Establishes new direct, competitive grant programs counties could apply for through the U.S. Department of Transportation to enhance resiliency and make other improvements
- Establishes new formula programs to address carbon emissions
- Increases the federal share of Section 130 projects to 100 percent and increases the cap on state incentive payments to local governments from \$7,500 to \$100,000

Surface Transportation Reauthorization Act (STRA) of 2021

Streamlining

- Codification of One Federal Decision – Creates new environmental review procedures and requirements for major projects. Under the bill, DOT is required to develop a schedule consistent with an agency average of two years to complete an EIS and requires accountability to the public when milestones are missed. Environmental documents under this section are limited to 200 pages unless a review is of unusual scope and complexity. The Secretary of DOT is directed to work with relevant Federal agencies to adopt appropriate categorical exclusions to facilitate project delivery.
 - Efficient Implementation of NEPA for Federal Lands Management Projects – Allows for a Federal land management agency to more efficiently satisfy NEPA obligations by relying upon an environmental document previously prepared by FHWA. The bill allows for a Federal Land Management Agency to use the CEs promulgated in the implementing regulations of the FHWA if the use of the CE would not otherwise conflict with the implementing regulations of the project sponsor.
- Surface Transportation Project Delivery Program Written Agreements – Extends the time period for a State to have an agreement to assume the responsibilities under NEPA, from a term of not more than 5 years, to allow for any State that has participated in a program under this section for at least 10 years, to have a term of 10 years.

Surface Transportation Reauthorization Act (STRA) of 2021

Surface Transportation Block Grant (STBG) Program

- Increases the off-system bridge set-aside. Under the bill, not less than 20 percent of a state's STBG allocation would need to be spent on bridges that are located off of the Federal-aid HWY system (up from 15 percent under current law).
- Creates a new set-aside for transportation projects in rural areas.
- Creates a new population tranche for STBG suballocated funds (new category is for areas with a population of 50,000 to 200,000).
- Increases the amount of funding set aside for the Transportation Alternatives Program (TAP) and increases the minimum percentage of TAP funding that is sub-allocated on the basis of population.
- Adds new eligibilities to STBG, including construction of wildlife crossing structures, electric vehicle charging infrastructure and vehicle-to-grid infrastructure, installation and deployment of intelligent transportation technologies, projects that facilitate intermodal connections between emerging transportation technologies, resilience features, cybersecurity protections, etc.

Surface Transportation Reauthorization Act (STRA) of 2021

Bridge Investment Program

Creates a new competitive grant program to assist State, local, and tribal governments in rehabilitating or replacing bridges, including culverts; includes eligibility for large projects and bundling of smaller bridges. Authorized at \$600 million in FY 2022, with the authorization level rising to \$700 million in FY 2026.

Rural Surface Transportation Grant Program

Creates a new rural surface transportation grant program whereby DOT is authorized to provide grants, on a competitive basis, to eligible entities to improve and expand transportation infrastructure in rural areas. The goals of the program include increasing connectivity, improving safety and reliability of the movement of people and freight, and the generation of regional economic growth.

Surface Transportation Reauthorization Act (STRA) of 2021

National Highway Performance Program (NHPP)

Augments the purpose of the NHPP to include a focus on measures that increase resiliency to the impacts of sea level rise, extreme weather events, flooding, and other natural disasters, such as earthquakes and rockslides. Expands eligibility for States to use NHPP funds for resiliency, cybersecurity, and undergrounding utility infrastructure.

The bill also allows a State to use up to 15 percent of its NHPP funding for protective features on a Federal-aid highway or bridge that is off the NHS if the protective feature is designed to mitigate the risk of recurring damage or the cost of future repairs from extreme weather events, flooding, or other natural disasters.

Surface Transportation Reauthorization Act (STRA) of 2021

Carbon Reduction Program (Formula)

- Establishes a Carbon Reduction Program to reduce transportation emissions. Eligible projects include the construction, planning, and design of on-road and off-road trail facilities for pedestrians and bicyclists, advanced transportation and congestion management technologies, the deployment of infrastructure-based intelligent transportation systems capital improvements and the installation of vehicle to infrastructure communications equipment, and the development of a carbon reduction strategy, among others.

Surface Transportation Reauthorization Act (STRA) of 2021

Congestion Relief Program

Establishes a Congestion Relief Program to provide competitive grants to States, local governments, and MPOs for projects in large urbanized areas to advance innovative, integrated, and multimodal solutions to congestion relief in the most congested metropolitan areas.

Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Grant Program

Establishes a formula and competitive grant program to help States improve the resiliency of transportation infrastructure. Grants include resilience improvement projects, community resilience and evacuation route grants, and at-risk coastal infrastructure grants.

Safe Routes to School

Codifies the Safe Routes to School Program and amends the program to apply it through 12th grade to enable and encourage high school students to walk and bike to school.

Surface Transportation Reauthorization Act (STRA) of 2021

National Motor Vehicle Per-Mile User Fee Pilot

Directs the Secretary of DOT, in coordination with the Secretary of the Treasury, to establish a pilot program to demonstrate a national motor vehicle per-mile user fee. In carrying out the pilot program, the Secretary, in coordination with the Secretary of the Treasury, shall provide different methods that volunteer participants can choose from to track motor vehicle miles traveled, solicit volunteer participants from all 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, ensure an equitable geographic distribution by population among volunteer participants, and include commercial vehicles and passenger motor vehicles. For the purposes of the pilot program, the Secretary of the Treasury shall establish, on an annual basis, per-mile user fees for passenger motor vehicles, light trucks, and medium- and heavy-duty trucks, which amount may vary between vehicle types and weight classes to reflect estimated impacts on infrastructure, safety, congestion, the environment, or other related social impacts.

Now What?

It is important to remember this is only the first step in what will be a long bipartisan and bicameral process. Here's what needs to happen:

1. Senate Passes Bill out of Committee - **DONE**
2. Full Senate Votes in Favor of Bill (60 votes)
3. House Pass Bill out of Committee
4. Full House Votes in favor of Bill (Majority vote needed)
5. Chambers go to Conference (A conference Committee is members from both chambers selected (by leadership) to work together to form one Bill from the House and Senate versions.)
6. Conferees (members of Conference Committee) must sign off on the one bill that will then go to both chambers for a vote.
7. Both Chambers must pass the Conference Committee Bill (Conference Report).
8. President Signs Legislation, thus becoming law.



THE AMERICAN JOBS PLAN

Transportation Funds

Breakdown of Funds

Total: \$579 Billion

Transportation: \$312 Billion

Roads, Bridges, Major Projects: \$109 Billion

Safety: \$11 Billion

Public Transit: \$49 Billion

Passenger/Freight Rail: \$66 Billion

EV Infrastructure: \$7.5 Billion

Electric Buses/Transit: \$7.5 Billion

Reconnecting Communities: \$1 Billion

Airports: \$25 Billion

Ports & Waterways: \$16 Billion

Infrastructure Financing (WIFIA, TIFIA, RIF): \$20 Billion



THE AMERICAN JOBS PLAN

Transportation Funds

Breakdown of Funds

Total: \$579 Billion

Other Infrastructure: \$266 Billion

Water Infrastructure: \$55 Billion

Broadband Infrastructure: \$65 Billion

Environmental Remediation: \$21 Billion

Power Infrastructure (inc Grid Authority): \$73 Billion

Western Water Storage: \$5 Billion

Resilience: \$47 Billion

*New spending + baseline (over 5 years) = \$973B

*New spending + baseline (over 8 years) = \$1,209B



THE AMERICAN JOBS PLAN

Proposed Financing Sources for New Investment:

- Unemployment insurance program integrity
- Reduce the IRS Tax Gap
- Redirect unused unemployment insurance relief funds
- Repurpose unused relief funds from 2020 emergency relief legislation
- State and local investment in broadband infrastructure
- Allow states to sell or purchase unused toll credits for infrastructure
- Extend expiring customs user fees
- Reinstate Superfund fees for chemicals
- 5G spectrum auction proceeds
- Extend mandatory sequester
- Strategic petroleum reserve sale
- Public-private partnerships, private activity bonds, direct pay bonds and asset recycling for infrastructure investment
- Macroeconomic impact of infrastructure investment

*New spending + baseline (over 5 years) = \$973B

*New spending + baseline (over 8 years) = \$1,209B



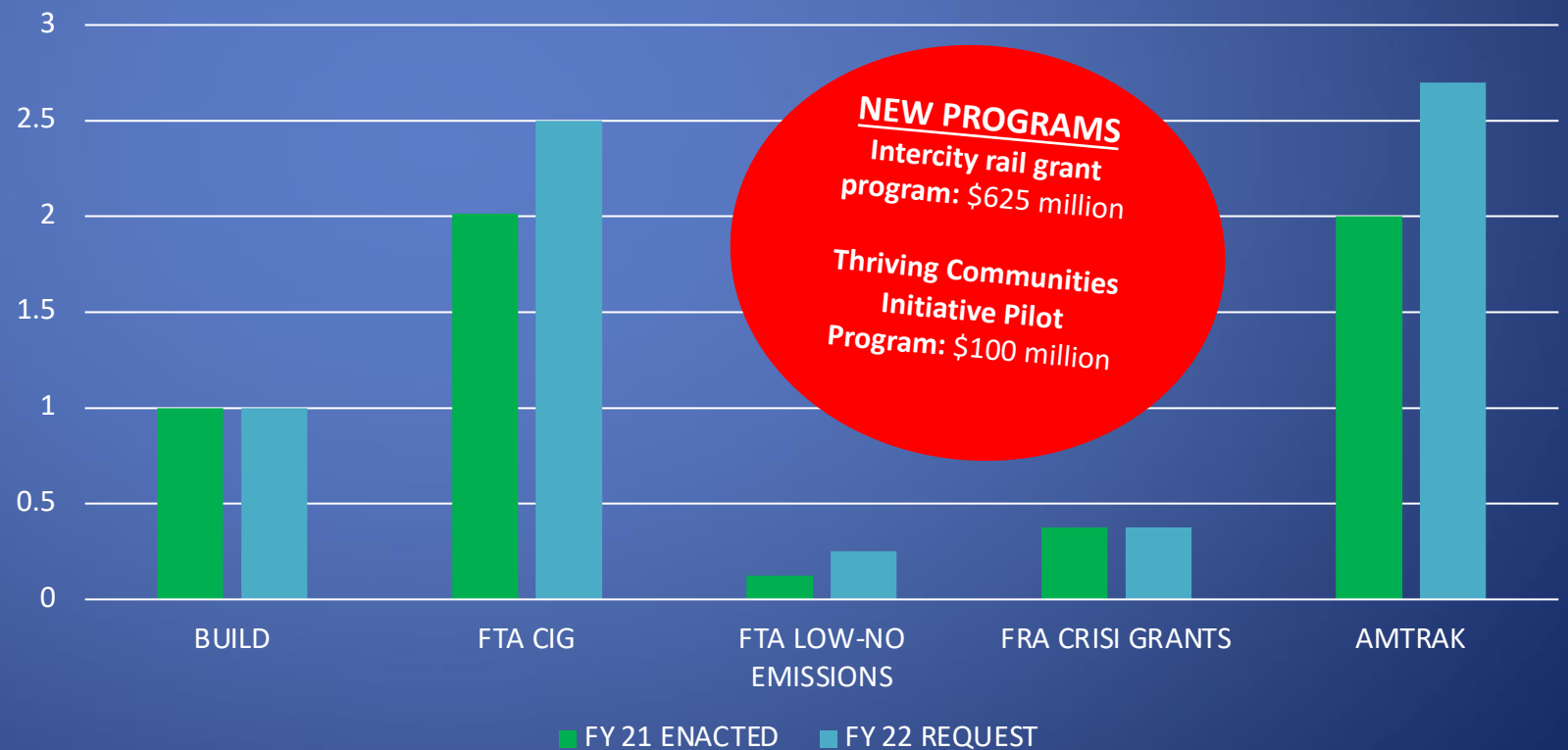
THE WHITE HOUSE “SKINNY” BUDGET

Breakdown for the U.S. Department of Transportation

- On April 9, the White House released their FY22 discretionary budget request.
- These are DISCRETIONARY FUNDS ONLY.**
- The majority of USDOT’s budget is made up of mandatory spending and is not included here.

FY 2021 ENACTED VS. FY 2022 REQUEST

(in billions)



Facebook



Twitter - @EngineersNACE



THANK YOU!

Kevan Stone

CEO/Executive Director

National Association of County Engineers

kstone@countyengineers.org

Office: 202.393.5041

Cell: 321.689.6681



National Association of County Engineers
The Voice of County Road Officials