



Transportation Partnerships and Implementing the Bipartisan Infrastructure Law (BIL)



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**Federal Highway
Administration**

Florida Association of Counties
Annual Meeting
June 29, 2022

The President has been clear in his charge to me as we build a better America: make sure these programs get implemented without unnecessary bureaucracy and delay to rebuild America's infrastructure – while at the same time being good stewards of taxpayer dollars and working to achieve goals around creating good middle-class union jobs, supporting disadvantaged and underserved communities, advancing climate resilience and sustainability, and investing in American manufacturers.



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Mitch Landrieu

Senior Advisor and Infrastructure Implementation Coordinator,
White House



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Bipartisan Infrastructure Law: FHWA Overview

FHWA Priorities in Implementing BIL



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- Improve the **safety, condition and performance of our roads and bridges** with a focus on climate change mitigation, resilience, equity, and safety for all users, including vulnerable road users such as cyclists and pedestrians
- **Reduce fatalities and serious injuries** in communities for all road users including vulnerable road users such as cyclists and pedestrians
- Build a **National network of 500,000 EV chargers by 2030**, including a National Highway System network that will address EV purchasers' range anxiety and increase EV market penetration and thereby help address the climate crisis
- Make our **infrastructure more resilient** in the face of increasingly severe floods, wildfires, hurricanes, and other risks
- **Reconnect communities** divided by transportation infrastructure
- Enhance mobility and safety on **Tribal lands and Federal lands**
- Prepare the **highway workforce of the future** and ensure that workforce is diverse and inclusive

FHWA's Implementation Approach



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Distribute Formula Funds

The majority of FHWA funding is distributed by formula. **Distributing these funds as quickly as possible** enables our recipients to get to work.

FHWA is providing **guidance to recipients** that encourages aligned use of those funds and emphasizes changes in program eligibility that **support safety, equity, and climate investments**.

New Formula Programs

New formula-based programs will **distribute funding quickly**, without requiring additional time for applications and selection processes.

FHWA is moving quickly to stand up the **Bridge Formula Program** and the **National Electric Vehicle Infrastructure (NEVI) Formula Program** to get those funds flowing to recipients.

Discretionary Grant Programs (Legacy and New)

Strategic management of our discretionary programs—new and legacy alike— will provide **significant opportunities to advance BIL and Biden Administration priorities**.

FHWA is preparing to stand up new priority grant programs such as the **Bridge Investment Program** and **Reconnecting Communities Pilot Program** while supporting OST to establish programs such as the **Safe Streets and Roads for All** program.



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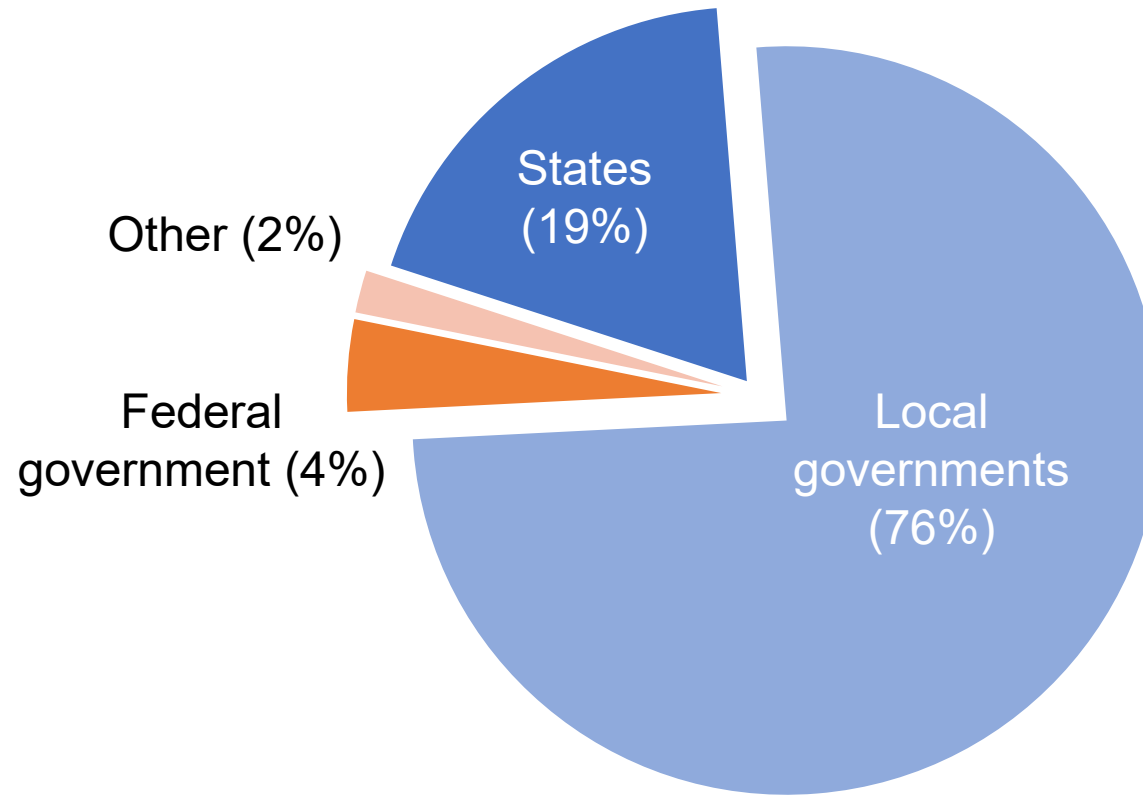


The Potential of Partnerships

Most roads are owned by State and local governments



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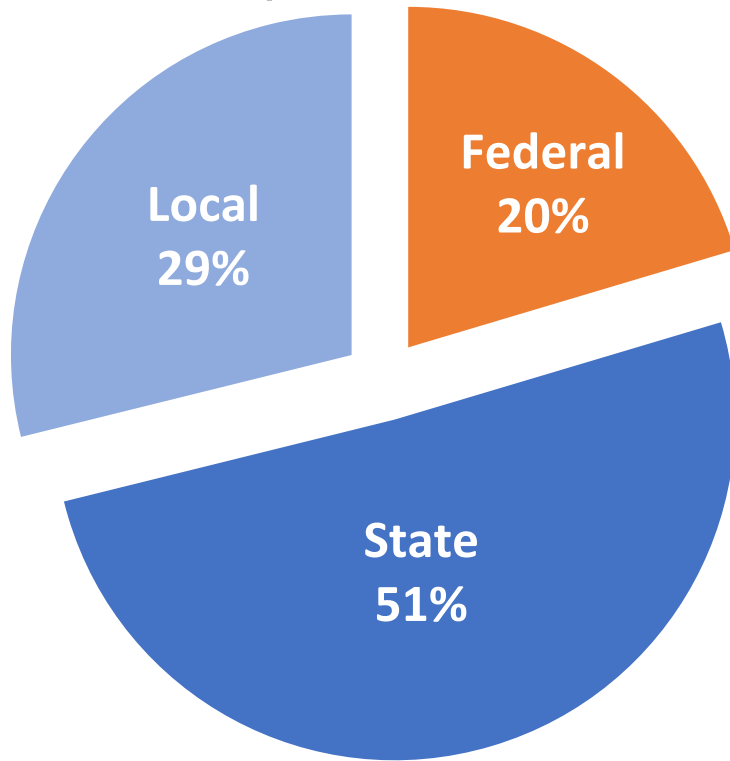
U.S. public road mileage, by ownership, 2018

Most roads are paid for by State and Local governments



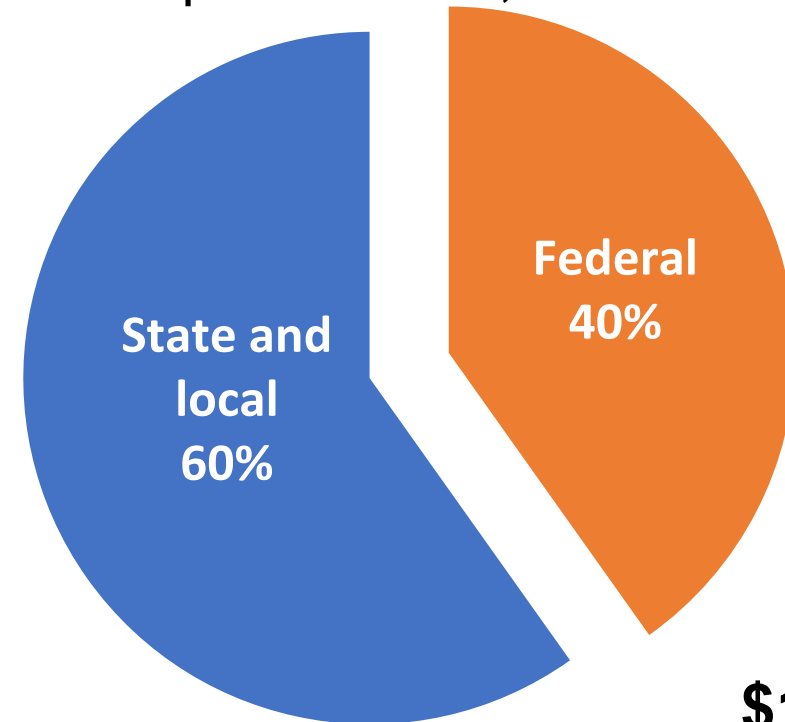
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All government spending
on U.S. public roads, 2018



\$245 B

Capital outlay on U.S.
public roads, 2018

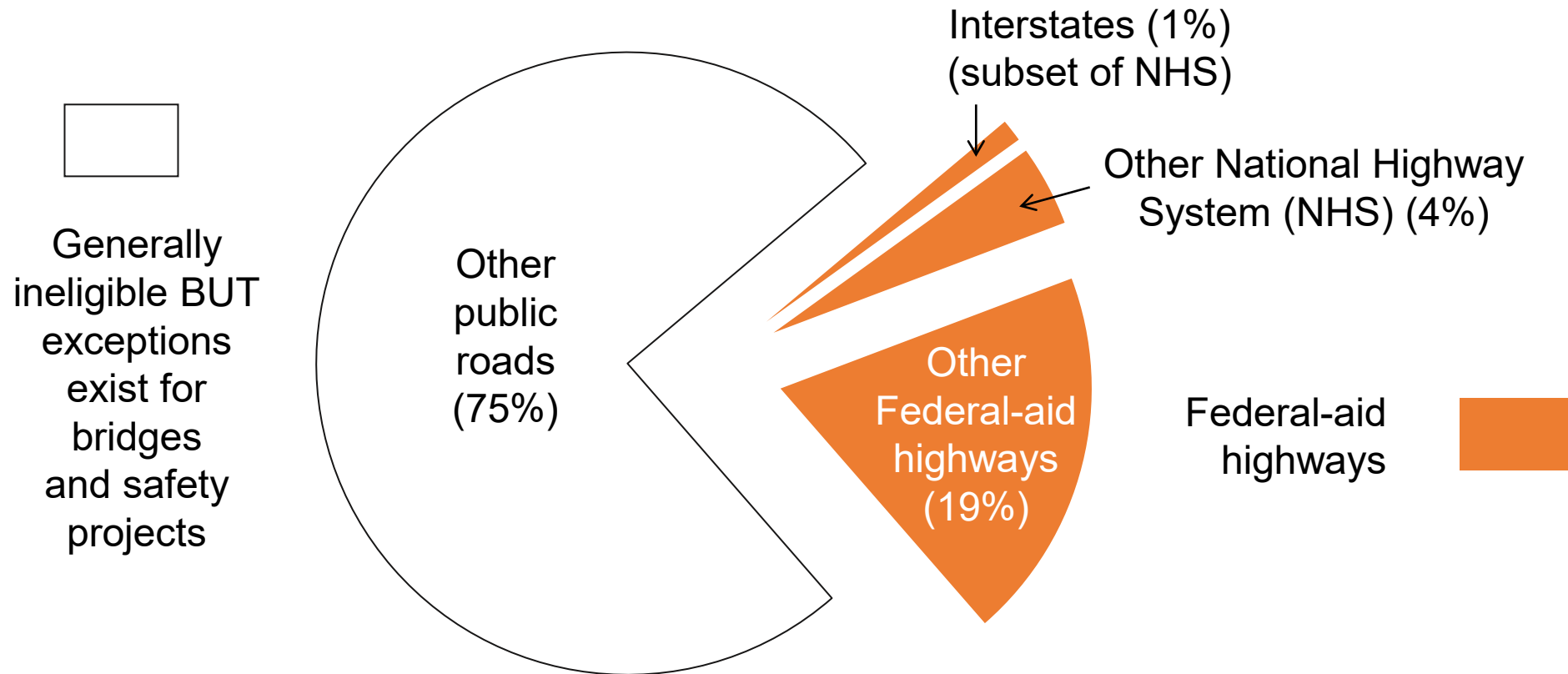


\$117 B

About 24% of public roads (1M miles) are eligible for Federal assistance



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Note: Figures from 2016



Department
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Highway
Programs

Where are the opportunities?

FY 2022 FEDERAL-AID HIGHWAY PROGRAM APPORTIONMENTS UNDER THE
BIPARTISAN INFRASTRUCTURE LAW ¹
(before post-apportionment set-asides; before penalties; before sequestration)

State	National Highway Performance Program	Surface Transportation Block Grant Program	Highway Safety Improvement Program ²	Railway-Highway Crossings Program	Congestion Mitigation & Air Quality Improvement	Metropolitan Planning	National Highway Freight Program	Carbon Reduction Program	PROTECT Formula Program	Apportioned Total
Alabama	568,540,380	276,587,212	59,419,156	5,047,891	12,429,947	4,056,177	26,311,354	24,662,360	28,042,870	1,005,097,347
Alaska	362,707,359	176,452,228	39,902,549	1,225,000	29,984,491	2,991,229	17,389,323	15,733,657	17,890,295	664,276,131
Arizona	519,732,519	252,842,847	55,748,698	3,184,003	56,525,035	7,719,478	25,374,360	22,545,154	25,635,455	969,307,549
Arkansas	385,367,136	187,475,904	39,684,006	4,012,944	13,417,137	2,266,543	17,955,523	16,716,601	19,007,974	685,903,768
California	2,459,858,046	1,196,687,698	262,298,683	16,625,715	505,650,213	66,003,545	127,287,798	106,704,653	121,330,836	4,862,447,187
Colorado	380,892,493	185,299,050	39,515,716	3,673,853	46,085,445	6,977,018	18,756,660	16,522,499	18,787,265	716,509,999
Connecticut	350,759,113	170,639,568	38,395,069	1,377,663	48,204,835	6,088,257	17,418,690	15,215,362	17,300,956	665,399,513
Delaware	120,040,689	58,398,173	12,386,467	1,225,000	12,706,466	2,350,707	5,866,504	5,207,171	5,920,926	224,102,103
Dist. of Col.	113,733,285	55,329,706	11,671,268	1,225,000	11,006,773	2,341,429	5,533,585	4,933,565	5,609,817	211,384,428
Florida	1,419,256,020	690,448,875	151,143,900	9,786,171	14,815,700	27,313,900	65,707,643	61,565,025	70,003,844	2,510,041,078
Georgia	934,385,165	454,565,756	97,096,434	8,853,916	74,035,444	10,249,530	44,779,463	40,532,113	46,087,917	1,710,585,738
Hawaii	120,886,349	58,809,575	12,482,357	1,225,000	11,286,689	2,307,105	5,865,646	5,243,854	5,962,637	224,069,212
Idaho	208,500,652	101,432,750	21,684,888	1,957,093	13,961,721	2,135,894	9,919,341	9,044,420	10,284,154	378,920,913
Illinois	999,514,444	486,250,270	102,028,534	11,306,853	119,957,587	22,509,719	49,306,725	43,357,316	49,300,375	1,883,531,823
Indiana	691,872,473	336,586,609	70,506,306	7,945,421	51,336,381	6,904,797	33,045,246	30,012,306	34,126,142	1,262,335,681

Existing Formula
Funds

New
Formula
Programs

Discretionary
Grant Programs
(Legacy and
New)

Funding is available to States, MPOs, local governments, and Tribes



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Program Examples	State	MPO	Local	Tribe	Public authority*
Apportioned programs	✓				
Bridge Program (formula)	✓			✓	
National Electric Vehicle Formula Program	✓		✓		
Safe Streets and Roads for All program		✓	✓	✓	
PROTECT Program (discretionary)	✓	✓	✓	✓	✓
Charging and Fueling Infrastructure Program	✓	✓	✓	✓	✓
Congestion Relief Program	✓	✓	✓		
Bridge Investment Program (discretionary)	✓	✓	✓	✓	✓
Reconnecting Communities Pilot Program	✓	✓	✓	✓	
Rural Surface Transportation Grants	✓		✓	✓	
INFRA	✓	✓	✓	✓	✓
Nat'l Infra. Project Assistance (Mega-projects)	✓	✓	✓	✓	✓
Local and Regional Project Assistance (RAISE)	✓		✓	✓	✓

One partnership opportunity: Local hire

- Historically has been difficult to apply local or other geographical or economic hiring preferences to projects using Federal-aid highway funds
- The Bipartisan Infrastructure Law authorized implementation of such “local hire” preferences relating to the use of labor for construction of projects funded by Federal formula funds or discretionary grants (subject to any applicable State and local laws, policies and procedures)
- Federal Register notice on local hire published February 12, 2022

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Enhancing Highway Workforce Development Opportunities Contracting Initiative

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).
ACTION: Notice.

SUMMARY: The recently enacted Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act, authorizes a recipient or subrecipient of a grant provided by the DOT Secretary under Title 23 or 49, United States Code, to implement a local or other geographical or economic hiring preference relating to the use of labor for construction of a project funded by the grant subject to any applicable State and local laws, policies, and procedures. Based on this statutory authorization, FHWA is announcing a transition from its initiative announced in May 2021, which permitted, on an experimental basis, recipients and subrecipients of Federal funds for Federal-aid highway projects to utilize geographic, economic, or other hiring preferences or innovative contracting approaches not otherwise authorized by law. The May 2021 initiative was



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Bridges and Culverts: Bridge Formula and Investment Programs



Bridge Condition

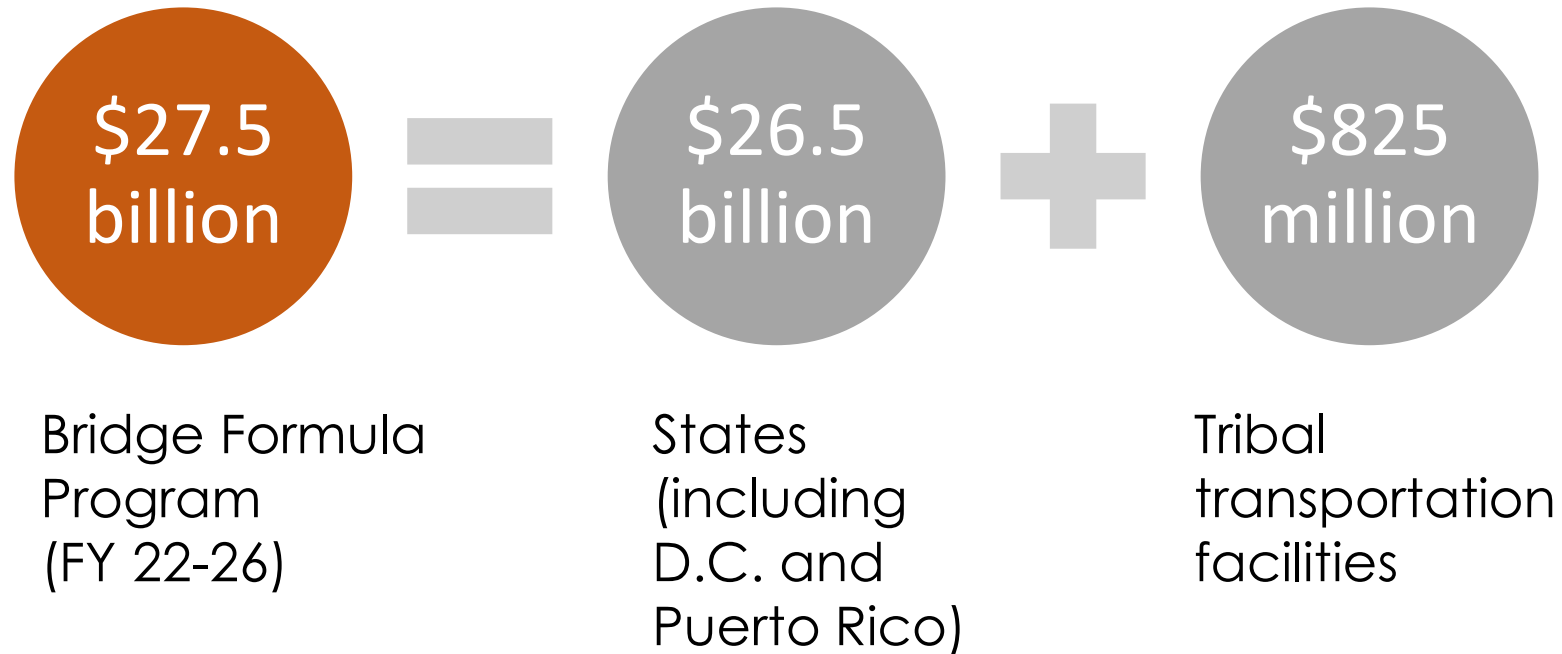
- 43,000 bridges are in poor condition
- 2/3 are off the federal-aid highway system



Bridge Formula Program

Photo credit: FHWA staff

The Bipartisan Infrastructure Law establishes the Bridge Formula Program to **replace, rehabilitate, preserve, protect, or construct highway bridges on public roads.**





Formula

The formula is based on the relative costs of:

- replacing a State's bridges classified in poor condition, and
- rehabilitating a State's bridges classified in fair condition

Each State will receive a minimum of \$45 million per year



States are required to reserve 15% of their formula funds for use on “off system” bridges.

Federal funds can be used for 100 percent of the cost of repairing or rehabilitating locally-or Tribally-owned, off-system bridges.

States can choose to use all the Bridge Formula Program funding on small bridges in local communities to maximize the use of the 100 percent Federal match.



Photo credit: FHWA staff

What happens next

- Additional bridge formula funding (using a different formula) in the FY22 budget
- Bridge Investment Program (discretionary grants)
 - In addition to rehabilitation of bridges includes
 - Bundling of bridge projects
 - Projects to replace or rehabilitate culverts to improve flood control and habitat connectivity of aquatic species.
 - Three kinds of grants
 - Large projects (costs greater than \$100M)
 - Other than large projects (costs \$100M or less)
 - Smaller grants for planning, feasibility analysis, and revenue forecasting associated with an application for BIP funding
- Culvert Replacement Program (discretionary grants)



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Safety and Complete Streets



National Roadway Safety Strategy

U.S. DOT's comprehensive approach to significantly reducing serious injuries and deaths on our Nation's highways, roads, and streets.

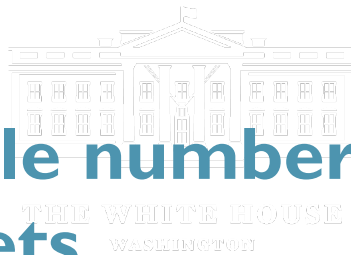
- ❖ Sets a Department-wide vision and goal
- ❖ Adopts the Safe System Approach
- ❖ Identifies new priority actions and notable changes to existing practices
- ❖ Leverages new funding and policies in the Bipartisan Infrastructure Law to bring this strategy to life.
- ❖ Advances equity and climate goals
- ❖ Calls others to action



Image Credit: NHTSA



Our Vision



Zero is the only acceptable number of deaths on our highways, roads, and streets.

The United States Department of Transportation is committed to taking substantial, comprehensive action to significantly reduce serious and fatal injuries on the Nation's roadways.

At USDOT, we support all efforts to achieve **zero.**



National Roadway Safety Strategy



USDOT will leverage the funding and policies in the Bipartisan Infrastructure Law to bring this strategy to life:

- **Nearly \$14 billion in NEW funding** for road safety including:
 - **\$6 billion** for a new **Safe Streets and Roads for All** program to fund local efforts to reduce crashes and fatalities
 - **~ \$4 billion** added to HSIP
 - **~\$4 billion** for improved data collection, vehicle safety programs, and truck safety

In the Senate of the United States,

August 10, 2021.

Resolved, That the bill from the House of Representatives (H.R. 3684) entitled “An Act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—This Act may be cited as the “In-
3 frastructure Investment and Jobs Act”.

4 (b) *TABLE OF CONTENTS.*—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.

DIVISION A—SURFACE TRANSPORTATION

Sec. 10001. Short title.
Sec. 10002. Definitions.
Sec. 10003. Effective date.



National Roadway Safety Strategy



”

The **National Roadway Safety Strategy** represents the bold paradigm shift we need. Swift action by federal regulators, state and local authorities, and all stakeholders must immediately follow if we are to reverse the deadly public health crisis on our roads.

NTSB CHAIR JENNIFER HOMENDY

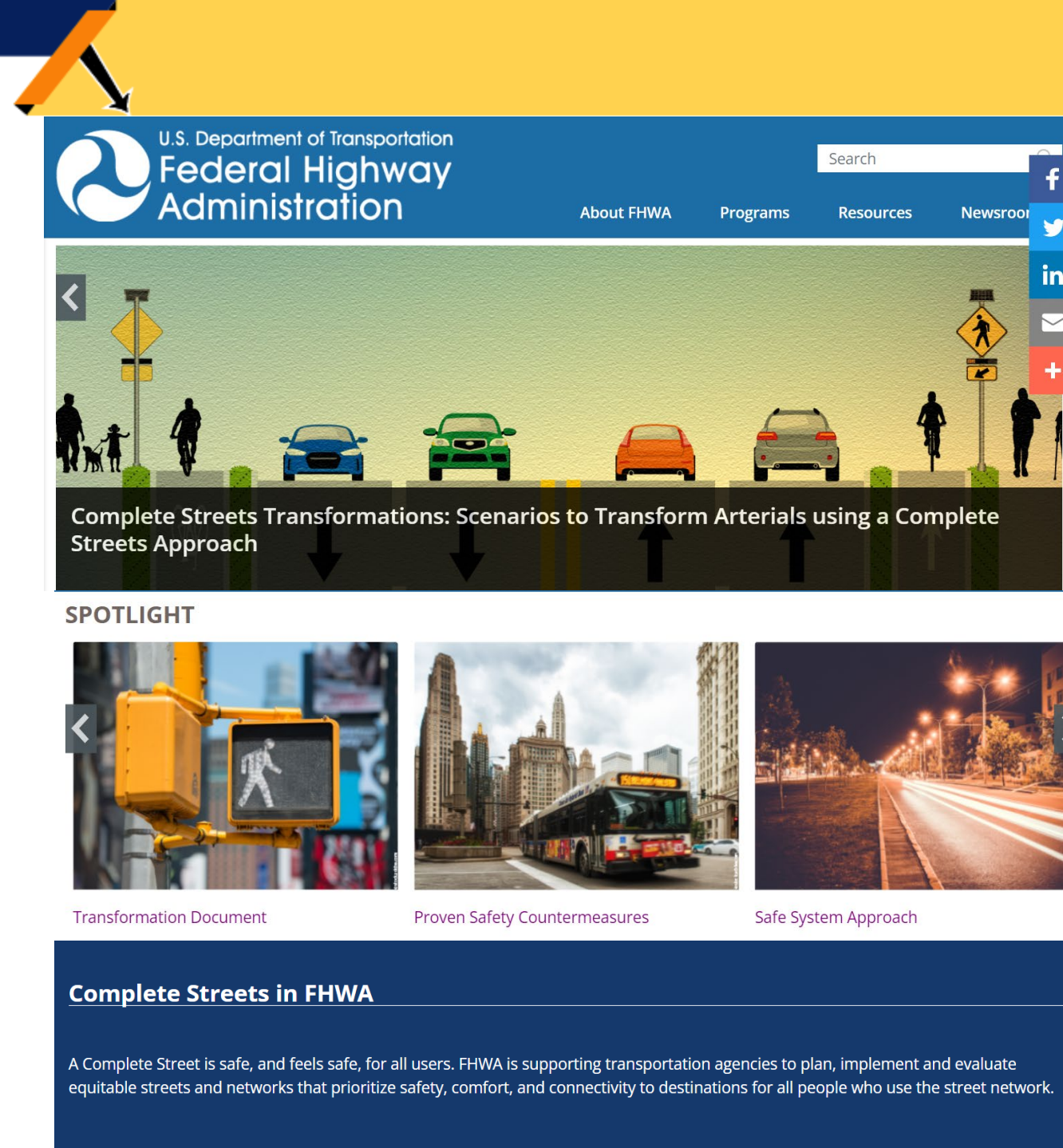
Full Statement: [NTSB.gov](https://www.ntsb.gov)

Image Credit: © deberarr / stock.adobe.com

Learn more about the National Roadway Safety Strategy
www.transportation.gov/NRSS

One Safety Solution: Complete Streets

- Report to Congress issued earlier this month: *Moving to a Complete Streets Design Model: A Report to Congress on Opportunities and Challenges*
- Complete Streets Website available at <https://highways.dot.gov/complete-streets>



A screenshot of the U.S. Department of Transportation Federal Highway Administration (FHWA) website. The header features the FHWA logo, the text "U.S. Department of Transportation Federal Highway Administration", a search bar, and navigation links for "About FHWA", "Programs", "Resources", and "Newsroom". The main content area has a large banner titled "Complete Streets Transformations: Scenarios to Transform Arterials using a Complete Streets Approach" with an illustration of various street users (pedestrians, cyclists, cars) and arrows indicating transformation scenarios. Below the banner is a "SPOTLIGHT" section with three images: a pedestrian crossing signal, a city bus, and a street at night. Each image has a caption: "Transformation Document", "Proven Safety Countermeasures", and "Safe System Approach". At the bottom, a dark blue section titled "Complete Streets in FHWA" contains a paragraph: "A Complete Street is safe, and feels safe, for all users. FHWA is supporting transportation agencies to plan, implement and evaluate equitable streets and networks that prioritize safety, comfort, and connectivity to destinations for all people who use the street network."

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Complete Streets Transformations: Scenarios to Transform Arterials using a Complete Streets Approach

SPOTLIGHT

Transformation Document Proven Safety Countermeasures Safe System Approach

Complete Streets in FHWA

A Complete Street is safe, and feels safe, for all users. FHWA is supporting transportation agencies to plan, implement and evaluate equitable streets and networks that prioritize safety, comfort, and connectivity to destinations for all people who use the street network.



Bipartisan Infrastructure Law

Increasing Safe and Accessible Transportation
Options (§11206)

- ✦ “The term ‘Complete Streets standards or policies’ means **standards or policies that ensure the safe and adequate accommodation of all users of the transportation system**, including pedestrians, bicyclists, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles.” ¹

¹Congress.gov. "H.R.3684 - 117th Congress (2021-2022): Infrastructure Investment and Jobs Act." November 15, 2021.
<https://www.congress.gov/bill/117th-congress/house-bill/3684>.

Complete Streets is...



A Safety Strategy

- Address the national crisis of traffic deaths by implementing the Safe System Approach.



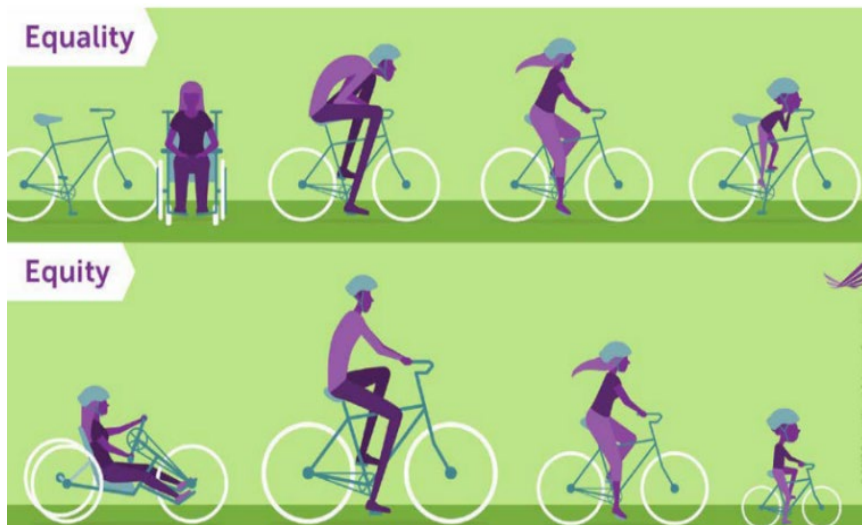
A Connectivity Strategy

- Allows people to travel safely and comfortably by whatever mode they choose or rely on.

Complete Streets is...

An Equity Strategy

- Prioritizes a fair, safe, accessible, and healthy transportation network in underserved communities.



A Climate Strategy

- Reduce carbon pollution through mode shift to zero carbon modes, like walking and biking, and encourage vehicle electrification.





What happens next

- Highway Safety Improvement Program (HSIP)
 - Formula program with \$2.98 billion in FY22
 - Purpose is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads, including non-State-owned public roads
 - FHWA has issued guidance
 - In future all states will be required to conduct Vulnerable User Assessments
- Transportation Alternatives
 - 10% set-aside of the Surface Transportation Block Grant Program (\$1.38 billion in FY22)
 - Encompasses a variety of smaller-scale transportation projects such as pedestrian and bicycle facilities, recreational trails and safe routes to school projects 59%
 - Suballocated to areas of state based on population, remainder either suballocated or distributed to local government through a competitive program
- Safe Streets and Roads for All discretionary grant program
 - \$6 billion in discretionary grants for both planning and construction of safe/complete streets projects



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Reconnecting Communities

Reconnecting Communities



Community Grid Alternative



What happens next

- The Reconnecting Communities Pilot Program (\$198 million in FY2022) will address ongoing inequities created when infrastructure divides communities, creating environmental and community impacts and limiting mobility, access and/or economic development
- This new pilot program will provide both planning and capital construction grants
 - Planning Grants: The Federal share for a planning grant project may not exceed 80 percent, and a planning grant may not exceed \$2 million per recipient.
 - Capital Construction Grants: The minimum award amount for a capital construction grant shall be \$5 million and the Federal share may not exceed 50 percent. The maximum Federal assistance provided for a project award may not exceed 80 percent.



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National Electric Vehicle Infrastructure (NEVI) Program

Joint Office of Energy and Transportation



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Established in the Bipartisan Infrastructure Law to address areas of joint interest to the Departments of Energy and Transportation

\$300M

in FY22 funds to DOT with transfer authority to DOE

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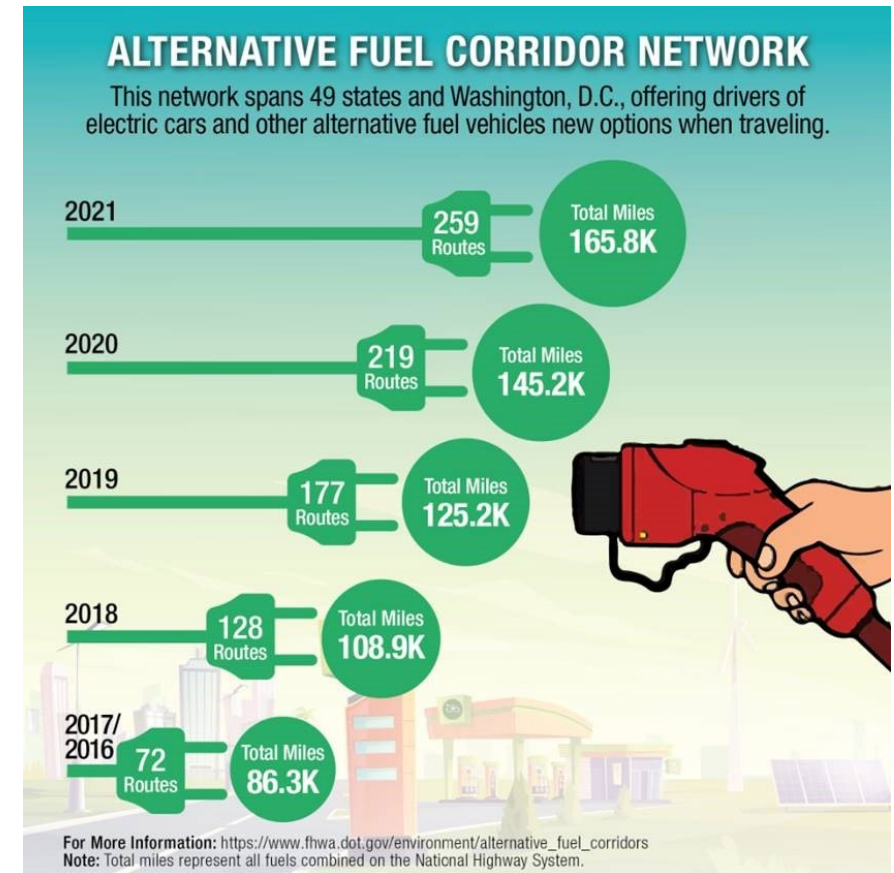
Major areas of emphasis

(1) technical assistance related to the deployment, operation, and maintenance of zero emission vehicle charging and refueling infrastructure, renewable energy generation, vehicle-to-grid integration, including microgrids, and related programs and policies; **(2) data sharing** of installation, maintenance, and utilization in order to continue to inform the network build out of zero emission vehicle charging and refueling infrastructure; **(3) performance of a national and regionalized study** of zero emission vehicle charging and refueling infrastructure needs and deployment factors, to support grants for community resilience and electric vehicle integration; **(4) development and deployment of training and certification programs**; **(5) establishment and implementation of a program to promote renewable energy generation, storage, and grid integration**, including microgrids, in transportation rights-of-way; **(6) studying, planning, and funding for high-voltage distributed current infrastructure in the rights-of-way of the Interstate System and for constructing high voltage and or medium-voltage transmission pilots in the rights-of-way** of the Interstate System; **(7) research, strategies, and actions** under the Departments' statutory authorities to reduce transportation-related emissions and mitigate the effects of climate change; **(8) development of a streamlined utility accommodations policy** for high-voltage and medium-voltage transmission in the transportation right-of-way; and **(9) any other issues** that the Secretary of Transportation and the Secretary of Energy identify as issues of joint interest



Alternative Fuel Corridors Round 6

- Nominations for EV “ready corridors” must meet requirements outlined in the National Electric Vehicle Infrastructure (NEVI) Program Guidance
- Focus of nominations is on Interstates, but does not preclude other state highways/US roads on the NHS through “exception” process
- Criteria for all other alternative fuels remain the same
- Request for Nominations was released on Feb. 10, 2022
- Nominations are due to FHWA on May 13, 2022



National Electric Vehicle Infrastructure (NEVI) Formula Program



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The \$5 billion NEVI Formula Program will provide dedicated funding to States to develop a national network of electric charging stations, particularly along the Interstate Highway System.



Ten percent of the NEVI Formula Program will be set-aside each fiscal year for the Secretary of Transportation to provide discretionary grants to help fill gaps in the national network (future guidance).



NEVI Formula Program Guidance – Issued February 10



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NEVI Program Requirements

Statutory Requirements Associated with Alternative Fuel Corridors

- EV charging infrastructure acquired or installed with NEVI Formula Program funds shall be located along a **designated Alternative Fuel Corridor**.
 - **Prioritize the Interstate Highway System** (a maximum distance of 50 miles and no greater than 1 mile from Interstate exits or highway intersections).
 - Review designated Alternative Fuel Corridors and consider nominating additional corridors (AFC Round 6).
 - Funds can also be used on designated **corridors along the National Highway System**.
- If FHWA certifies that the designated Alternative Fuel Corridors in the States are fully built out, then the State may use NEVI Formula Program funds for EV charging infrastructure on any public road or in other publicly accessible locations.
- Funding distributed under the NEVI Formula Program shall be only for EV charging infrastructure open to the general public or to authorized commercial motor vehicle operators from more than one company.

State Infrastructure Deployment Plans



- Each State is required to submit an EV Infrastructure Deployment Plan not later than August 1, 2022, to the DOE/DOT Joint Office.
- States should work directly with the **DOE/DOT Joint Program Office** during Plan development to remedy any compliance issues with their Plans.
- FHWA will work with the Joint Office to review Plans and FHWA will notify each State if their Plan is approved for implementation and **obligation** not later than October 1, 2022.
- Plans format and template are discussed in detail in the Guidance.

Other Elements of NEVI Formula Program

- Equity Considerations
 - NEVI Formula Program will emphasize equity considerations at its inception to avoid exacerbating existing disparities in the transportation system and to develop a convenient, reliable, affordable, and equitable charging experience for all users.
- Labor and Equitable Workforce Considerations
 - State Plans should consider the training and experience level of the workforce that is installing and maintaining EV charging infrastructure and consider steps that will grow and diversify their local workforce.

NEVI Program Process

Bipartisan Infrastructure Law - November 15, 2021

Joint Program Office – February 2, 2022*

Alternative Fuel Corridors 6th Nominations – February 9, 2022

NEVI Formula Program Guidance – February 10, 2022

Minimum Standards and Requirements – May 13, 2022

State Implementation Plans – August 1st, 2022

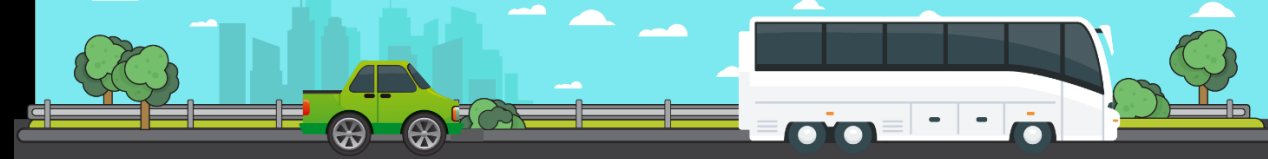
FHWA Approval of State Plans – October 1, 2022

Funds Available for Investment – October 2022**

* State DOTs can start coordinating with JPO as of February 2, 2022

** Funds will be appropriated on February 10, 2022 but no funds can be used until State Plans are approved by FHWA.

National Electric Vehicle Infrastructure (NEVI) Formula Program Process



Bipartisan Infrastructure Law November 15, 2021

Bipartisan Infrastructure Law (BIL) signed into law on November 15, 2021. The National Electric Vehicle Infrastructure (NEVI) Formula Program is established.

90 Day Guidance February 10, 2022

FHWA releases guidance for the NEVI Formula Program within 90 days of enactment of the BIL.

States Coordinate with Joint Office of Transportation and Energy

FHWA Approves State Plans October 1, 2022

FHWA approves Plans or notifies State DOTs if changes are needed not later than October 1, 2022.

Alternative Fuel Corridor (AFC) Nominations February 9, 2022

FHWA Publishes the Request for Nominations for the 6th round of AFC designations. State DOTs review existing AFCs and nominate additional routes, prioritizing the Interstate Highway System, to support a national EV charging network by May 13, 2022.

180 Day Minimum Standards and Requirements May 13, 2022

FHWA publishes proposed regulations for minimum standards and requirements for the NEVI Formula Program by May 13, 2022.

State Plans Due August 1, 2022

State DOTs submit their EV Infrastructure Deployment Plans to the new Joint Office of Transportation and Energy not later than August 1, 2022.

Funds Available for Investment

If approved, State DOTs deploy EV charging infrastructure through the use of NEVI Formula Program funds.

What happens next

- Ten percent of the NEVI Formula Program will be set-aside each fiscal year for the Secretary of Transportation to provide discretionary grants to help fill gaps in the national network
- Carbon Reduction Program (new formula program)
 - \$1.2 billion apportioned to states for FY22
 - Guidance to be issued later this spring
- Charging and Fueling Infrastructure Grants (new discretionary grants program)
- Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT)
 - Formula program
 - Discretionary grants





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Upcoming 2022 NOFO Announcements

Month	NOFO	Operating Administration/Office
May	Transit-Oriented Development Pilot Program	Federal Transit Administration
May	University Transportation Centers Program	Office of the Secretary
May	Natural Gas Distribution Infrastructure Safety and Modernization Program	Pipeline and Hazardous Materials Safety Administration
May	Safe Streets and Roads for All Grant Program	Office of the Secretary
May	Nationally Significant Federal Lands and Tribal Project Program	Federal Highway Administration
May	Bridge Investment Program	Federal Highway Administration
June	Railroad Crossing Elimination Program	Federal Railroad Administration



BIPARTISAN INFRASTRUCTURE LAW



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