THE BIPARTISAN INFRASTRUCTURE LAW: Examining Investments in County Infrastructure

Analyzing FY 2022 Federal Competitive Transportation Awards

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About the National Association of Counties

The National Association of Counties (NACo) strengthens America’s counties, serving nearly 40,000 county elected officials and 3.6 million county employees. Founded in 1935, NACo unites county officials to:

- Advocate county priorities in federal policymaking
- Promote exemplary county policies and practices
- Nurture leadership skills and expand knowledge networks
- Optimize county and taxpayer resources and cost savings, and
- Enrich the public understanding of county government.

NACo’s Mission
Strengthen America’s Counties.

NACo’s Vision
Healthy, safe and vibrant counties across America.

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The Bipartisan Infrastructure Law Provides $973 Billion Over Five Years to Support Prosperous Communities

The Bipartisan Infrastructure Law (BIL/P.L. 117-58) provides nearly $1 trillion in funding over five years, including $550 billion in new investments divided between transportation and other core infrastructure sectors like water, broadband, energy and environmental remediation.

As of November 2023, more than $127 billion in transportation funding has been awarded, including $50 billion in discretionary awards; however, only a fraction of these funds are direct investments in counties.

The BIL continues the historical trend of apportioning 90 percent or more of federal transportation funds directly to state departments of transportation (DOTs) via formulas. Since no federal transportation formula program suballocates any funding directly to county governments, counties must compete amongst ourselves and with other local governments and state DOTs for the remaining 10 percent or less reserved for competitive grant programs.

The necessity to compete for funding to maintain our local surface transportation assets used by many more than just our residents has created serious infrastructure inequities nationwide that hinder economic development, network efficiency and – most of all – endanger travelers.

In recent years, other federal laws have sought to alleviate challenges associated with competing by providing direct investments to county governments, such as the allocations authorized under the American Rescue Plan Act (ARPA/P.L. 117-2), which ensured every county, borough and parish received a portion of the funding.

The BIL authorizes over $280 billion in new transportation funding.

Counties do not Receive any Guaranteed, Direct Federal Funding to Operate and Maintain the Nation’s Roads and Bridges

Counties own, operate and maintain 44 percent of public roads and 38 percent of the nation’s bridges – a share greater than any level of government. Each year, we invest $134 billion in the construction of infrastructure and the maintenance and operation of public works, including roads, bridges, public transit and other transportation-related projects. In addition to our vast surface transportation responsibilities, counties also directly support 34 percent of airports that keep our residents connected in every corner of the country.

As previously mentioned, 90 percent or more of federal transportation funds flow directly to state DOTs. Without access to these formula funds, counties and other local governments must compete for the 10 percent or less of funding that remains for competitive programs.

The BIL provides just over $100 billion over five years for discretionary grant programs administered by USDOT where state and local governments are directly eligible. This report examines FY 2022 awards from key competitive programs, including:

- **The Bridge Investment Program (BIP)** provides $12.2 billion over five years to replace, rehabilitate, preserve or protect bridge infrastructure and associated culverts.
- **The Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program** provides $7.5 billion over five years for infrastructure investments, such as roads, rail, transit and port projects, that have a significant local or regional impact.
- **The Infrastructure for Rebuilding America (INFRA) Grant Program** provides $7.25 billion over five years for multimodal freight and highway projects of national or regional significance that improve safety and efficiency.
- **The Safe Streets and Roads for All (SS4A) Grant Program** provides $5 billion over five years to improve local road safety; notably, states are not eligible applicants under SS4A.
- **The Rural Surface Transportation Grant Program (Rural Grants)** provides $2 billion over five years to rural communities, defined as “outside an urbanized area with a population of 200,000,” to support highway and bridge projects.
- **The National Culvert Removal, Replacement & Restoration Grant Program (Culvert Program)** provides $1 billion over five years for the replacement, removal or repair of culverts.
- **The Reconnecting Communities Pilot Program (Reconnecting Communities)** provides $1 billion over five years for capital construction or community planning for future construction that retrofits, removes, or mitigates highways or other transportation facilities that create barriers to community connectivity and economic development.
Discretionary BIL Funding Streams Disproportionately Favor City and State Applicants Despite County Responsibilities

Percentage of funding received by counties, cities and states under selected BIL programs in FY 2022.

Source: NACo analysis of FY 2022 USDOT discretionary award funding announcements

Notes: Counties received one Rural Grant award, and no counties received a Reconnecting Communities award in FY 2022. Total amounts awarded by U.S. DOT in FY 22 for all local entities.

Key Takeaways

- In total, counties received just 8 percent of funding under the seven programs, while cities and towns received 31 percent; states 48 percent; and “other” 12 percent.

- Although counties own, operate and maintain significantly more of the nation’s roads (44 percent) and bridges (38 percent) than any other level of government, we were outperformed by our state and/or city partners in every program.

- While the BIL significantly increased discretionary grant opportunities, county infrastructure cannot afford to depend on competitive opportunities where we are infrequently successful as the maintenance gap continues to widen.

- As policymakers consider reauthorizing surface transportation programs in FY 2026, an intergovernmental solution that consistently directs federal funds to locally owned infrastructure must be reached so local officials can meet our vast public sector responsibilities.
Bipartisan Infrastructure Law: Examining Investments in County Infrastructure

RAISE Grants

The RAISE grant program funds a wide variety of surface transportation projects and is among USDOT’s most subscribed competitive programs, making the application process even more challenging. While counties own and operate 44 percent of public road miles, more than any other level of government, we were significantly under-awarded in comparison to our city and state partners in FY 2022.

INFRA Grants

County landscapes can range from major metropolitan areas to suburban communities to areas with just hundreds of residents; however, in each of these settings, local officials must meet similar transportation needs, like maintaining system efficiency. In rural counties where revenue and capacity are severely limited, two-thirds of the nation’s rail freight originates. Building and updating multimodal connections in these areas can help support the resilience of the national supply chain.
Safe Streets & Roads for All

Serious safety concerns exist on the national network where counties are responsible for the safety of our residents and others, including a fatality rate that is twice as high on rural vs. urban roads. While most of the national network is made up rural roadways that are in dire need of investment, cities outperformed counties in the SS4A program three to one.

Rural Grants

Nearly 70 percent of counties are rural with populations less than 50,000. These communities are also home to 68 percent of the nation’s transportation network. Rural Grants are a new BIL program that cover a wide range of surface transportation projects; however, eligibility requirements around population size (200,000 and above) excluded the majority of the nation’s counties from applying.

Culvert Program

County culvert responsibilities vary across the country, though many are responsible for their installation and/or maintenance where backlogs are in the hundreds of millions. The Culvert Program is a new BIL program that, while meeting a county need, excludes the majority of counties from applying because of eligibility requirements around restoring fish passage for certain types of fish generally only found along coastlines in the Pacific Northwest, northern California and New England.

Reconnecting Communities

Regionalism is key to successful implementation of the BIL and counties are well-positioned to make the transformative changes intended by the law where historically underfunded communities benefit. Unfortunately, USDOT chose not to award any Reconnecting Communities funds to county applicants in FY 2022 despite receiving over 40 applications.
Inequitable Distribution of Infrastructure Funding Strains County Finances and Hinders Economic Growth

Our nation’s economy relies on county infrastructure such as roads, bridges, water and sewage systems, schools, and hospitals to provide essential services and support our supply chains and tourism. However, when funding is distributed disproportionately, it creates a disparity in infrastructure safety, quality and accessibility.

A primary example of this disproportionate impact can be found in rural communities where over two-thirds of the nation’s roadway systems lies. Roughly 70 percent of all counties are rural and serve as home to 20 percent of the nation’s population, yet roadways in these areas account for nearly half of all fatalities in the nation.

While most of the BIL’s competitive transportation programs are open to all counties, including rural communities, significant barriers exist that habitually prevent small and rural counties from successfully competing for federal infrastructure dollars, including major financial constraints, limits on personnel and staff time, and a lack of expertise.

Applying for and administering federal funds is both expensive and complex. To receive discretionary funding, counties are required to submit a thorough application convincingly demonstrating need. Should the competitive application – which can cost tens of thousands of dollars to develop with no success guaranteed – be awarded, county staff must next ensure dollars are invested according to complex regulatory guidance set forth under the issuing agency or legislation.

Finally, during and after funding is expended, counties must submit extensive, granular reporting information. Each of these functions require counties to dedicate staff time and resources to apply, oversee and report on federal funds. Many large counties have the appropriate capacity to complete such processes, but that is rarely the case for rural, small and mid-sized communities.

Infrastructure is a critical component for healthy and prosperous communities and, consequently, inequities in federal funding distributions can have rippling consequences, including severely disparate impacts on some communities. Funding imbalances can prevent economic development, result in serious safety risks and generally decrease the quality of life for residents in impacted counties.

Historically, uneven investments in infrastructure have created unserved and underserved populations and will continue to do so unless the federal transportation funding process is seriously reexamined by federal policymakers.

A more equitable distribution of infrastructure funding, such as direct and flexible allocations to all counties, parishes and boroughs, is crucial for ensuring the continued performance of our national transportation network, as well as the well-being and prosperity of all Americans regardless of location, geography or socio-economic status.
Counties are Leveraging Infrastructure Funds to Build Sustainable, Resilient and Prosperous Communities

When counties are successful at accessing competitive funds, we turn investments into real world projects that deliver for our residents.

**Prince George’s County, Md.**

Investing infrastructure funds to reduce greenhouse emissions by an estimated 1,228 metric tons per year, while increasing access to jobs, schools and essential services – particularly in disadvantaged communities. These investments are funded with a $25 million award from the Buses and Bus Facilities Program and will be used to buy zero-emission, battery electric busses and upgrade electrical systems at transit depots.

**Maricopa County, Ariz.**

A bridge project in Maricopa County seeks to provide added capacity on the roadways, as the first component of a planned 39-mile long parkway. As the county grows from an influx of residents, commercial and industrial growth, unincorporated areas of the community need to be better connected with existing infrastructure. The county will plan for the new bridge over the Gila River using a $421,600 award from the Bridge Investment Program.

**Fayette County, Iowa**

To increase safety along a rural roadway corridor, Fayette County is conducting shoulder widening, installing rumble strips and adding other safety measures. These improvements will span a 50-mile stretch of road with hilly grades and edge-line rutting where there is the highest risk and history of crashes. Funding for these improvements comes, in part, from a $10.5 million award from the BIL Safe Streets and Roads for All Program.
McKenzie County, N.D.

Using high-injury network analysis, the county has identified 21 corridors, 30 curve locations and 30 intersections that could benefit from increased safety measures. Measures include enhanced pavement markings, signage improvements, streetlights, and separated pedestrian and bicycle paths. McKenzie County has been awarded $2.9 million in funding to implement these projects under the BIL Safe Streets and Roads for All Program.

Miami-Dade County, Fla.

In a fast-growing community, leaders are looking to increase areas for transit-oriented development to spur economic activity and mobility through mixed-use construction. The county is studying ten sites for new development, including at four stations on the proposed Beach Corridor Trunkline and six stations on the Miami Metromover. These studies will be funded with a $900 thousand award from BIL.

Contra Costa County, Calif.

Pedestrian and bicycle infrastructure equity is a critical component of Contra Costa County’s plan to increase safety for residents. To achieve these goals, county officials plan to close gaps in infrastructure along transit routes, enhance signage, install bicycle lanes and improve sidewalks to have ADA-compliant curb ramps. $29 million in funding for these projects has been awarded to the county through BIL’s Safe Streets and Roads for All Program. Funds will also be used to educate groups and individuals on pedestrian and bicycle safety.

Grays Harbor County, Wash.

As a rural county in the Pacific Northwest, Grays Harbor County is in the process of replacing and revitalizing several culverts that allow for better passage of fish and aquatic wildlife. The county has been awarded six culvert replacement projects in FY 2022, ranging from $307 thousand to $2.3 million in funding, from the BIL National Culvert Removal, Replacement & Restoration Grants program.
County Leader Resources on Infrastructure Funding Implementation

The BIL makes funding available to several federal agencies through different mechanisms and distributes federal funds in the following ways:

1. Authorizations from the federal Highway Trust Fund (highway and transit programs)
2. Authorizations of appropriations from the General Fund of the U.S. Treasury (subject to annual appropriations process)
3. Advance appropriations (over five years and independent of the regular appropriations process)
4. Loans and loan guarantees

The BIL is a significant victory for counties, who worked closely with our partners in Congress throughout the legislative process to ensure county priorities were included, including a 130 percent increase in funding for local bridges. BIL implementation is well underway at the federal, state and local levels. However, competitive funding opportunities cannot continue to come in lieu of guaranteed, direct funding for locally owned infrastructure.

While counties are doing our part, we must rely on the intergovernmental partnership to meet our many public infrastructure responsibilities and reach our federal, state and local shared goal of improving the nation’s infrastructure. NACo is working closely with USDOT and other federal agencies impacted by the legislation to ensure America’s counties have the information and guidance necessary to execute the policies and programs in the BIL.

Take a Closer Look at the Legislative Analysis and Notices of Funding

Find the comprehensive legislative analysis of the Infrastructure Investment and Jobs Act, including a funding matrix for counties and open notices of funding, at www.naco.org.
**TECHNICAL ASSISTANCE FOR COUNTIES**

The Lifecycle of Federal Competitive Grant Programs for Transportation

**U.S. Department of Transportation (USDOT) announces Notice of Funding Opportunity (NOFO) opening on grants.gov**

1. **Register your county with the System for Award Management (SAM)**
   Applicant will be assigned a Unique Entity Identifier (UEI) upon registering at SAM.gov

2. **Register with grants.gov and create a profile for your county**
   Grants.gov will send a registration email once your profile is created

3. **Develop a thorough and complete grant application addressing all NOFO requirements**
   - Pay particular attention to all merit and statutory criteria, ensuring all are addressed in a way that results in a high rating as outlined in the NOFO
   - Formulate a compelling project narrative using data that outlines why your project should be funded
   - Utilize technical assistance opportunities and consultants wherever possible

4. **Submit your county’s completed application to grants.gov**
   Verify agency receipt using grants.gov tracking number

**MILESTONE**

1. **Begin grant pre-obligation period**
   Successful applicants must work with USDOT to complete the required documentation, including NEPA and Terms and Conditions, before funds can be obligated

2. **Federal grant funds obligated**

3. **Begin reporting requirements submission**
   Financial and programmatic data and compliance information must be regularly reported and may be collected via progress reports, site visits or audits

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   Financial and programmatic data and compliance information must be regularly reported and may be collected via progress reports, site visits or audits

5. **Award completed**

NOTE: These are general steps through which federal competitive grant funds for transportation may be awarded. It is imperative to read NOFOS in full to understand unique criteria and application instructions tied to different grant programs.

1 Some programs require submittal through different platforms; review NOFO for full instructions
2 USDOT reimburses actual eligible expenses on a progress payment basis rather than providing funding up front
3 Unless otherwise specified
MEMOS MADE EASIER: COUNTY EXPLORER DATA RESOURCES

NACo’s County Explorer is a dynamic data-visualization tool designed to help strengthen your staff memos, floor speeches, and district travel. This comprehensive platform contains nearly a thousand datasets that will help contextualize the countless issues you will encounter in Congress.

County Explorer is an accessible and user-friendly tool. Check out the new design, functionality and more at Explorer.NACo.org.
Sources

Notes
All analyses are based on 3,069 counties with active county governments. Thus, Connecticut, Rhode Island and portions of Alaska and Massachusetts are excluded since they do not have active county governments. Independent cities in Virginia are also excluded from the analysis.

New York City is a consolidation of the five boroughs of the city of New York:
- Manhattan (New York County)
- The Bronx (Bronx County)
- Brooklyn (Kings County)
- Queens (Queens County)
- Staten Island (Richmond County)