



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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<p>Bridge Funding</p> <p><i>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.</i></p>	<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.