



NACo LEGISLATIVE ANALYSIS:

# THE BIPARTISAN INFRASTRUCTURE LAW (P.L. 117-58)

February 2022





**"Counties applaud the U.S. House and Senate for this much-needed, bipartisan infrastructure bill.**

We appreciate our House and Senate partners who worked with us to develop this comprehensive legislation. It will help rebuild our nation's infrastructure and economy by investing in locally owned infrastructure and preserving local decision-making."

— MATTHEW CHASE, NACo EXECUTIVE DIRECTOR



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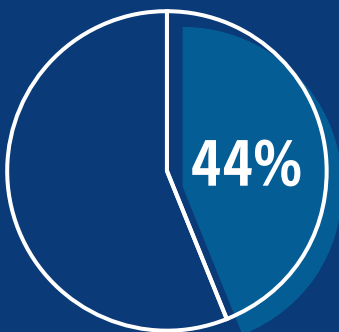
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to access the full report

# OVERVIEW

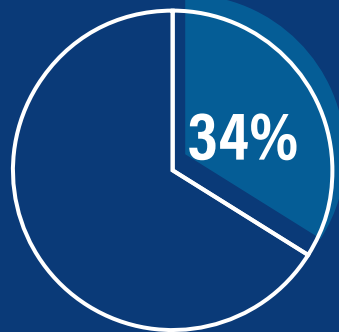
On November 15, 2021, President Biden signed the *Infrastructure Investment and Jobs Act (IIJA/P.L. 117-58)*, enacting the legislation into law following a vote in the U.S. House of Representatives, where the package passed 228-206 on November 5th. These final steps follow the August 10, 2021 U.S. Senate passage of the bill in a strongly bipartisan 69-30 vote.

The bipartisan infrastructure law provides \$973 billion over five years from FY 2022 through FY 2026, including \$550 billion in new investments for all modes of transportation, water, power and energy, environmental remediation, public lands, broadband and resilience. In addition to providing authorizations for a wide variety of programs, the IIJA also makes advanced appropriations over a number of years to several federal agencies. Typically, federal appropriations are made over one fiscal year by an appropriations act or an omnibus.

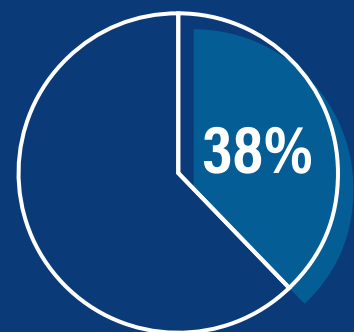
Counties play a major role in America's transportation and infrastructure network, owning and operating 44 percent of public roads and 38 percent of bridges -- more than any other level of government. Simultaneously, counties directly support 78 percent of public transit systems and 34 percent of airports that keep our residents connected in every corner of the country. Each year, counties invest \$134 billion in the construction of infrastructure and the maintenance and operation of public works.



Counties own and maintain  
**44% OF AMERICA'S ROADS**



Counties are involved in the operation of  
**34% OF PUBLIC AIRPORTS.**



Counties own and maintain  
**38% OF BRIDGES**



# IIJA BY THE NUMBERS

## Overall Funding

The IIJA makes funding available to several federal agencies through different mechanisms, including the:

- U.S. Department of Agriculture (USDA)
- U.S. Department of Commerce (DOC)
- U.S. Department of Energy (DOE)
- U.S. Department of Homeland Security (DHS)
- U.S. Department of the Interior (DOI)
- U.S. Department of Transportation (DOT)
- U.S. Environmental Protection Agency (EPA)

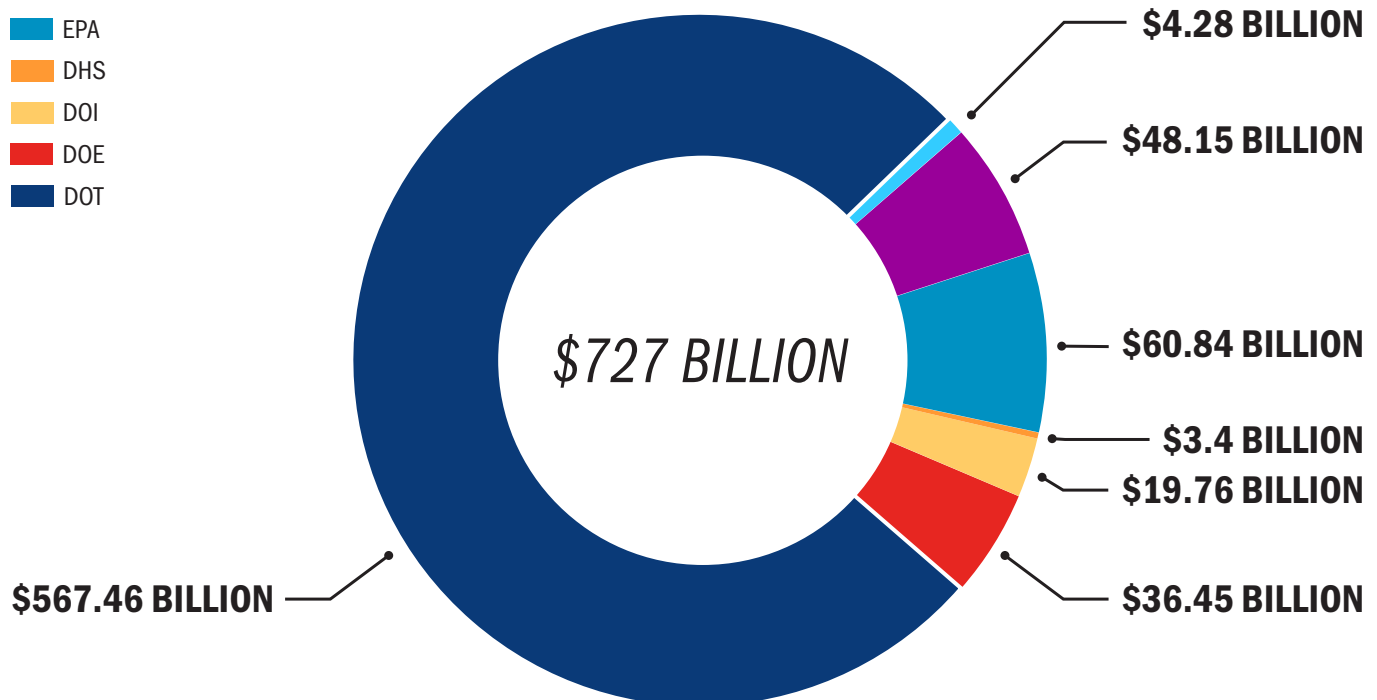
The new law distributes federal funds in following ways:

- **Authorizations from the federal Highway Trust Fund** (highway and transit programs)
- **Authorizations of appropriations** from the General Fund of the U.S. Treasury (subject to annual appropriations process)
- **Advance appropriations** (over five years and independent of the regular appropriations process)

**BY THE NUMBERS:**  
Funding by Federal Agency

*\*Does not include all agencies*

USDA  
DOC  
EPA  
DHS  
DOI  
DOE  
DOT





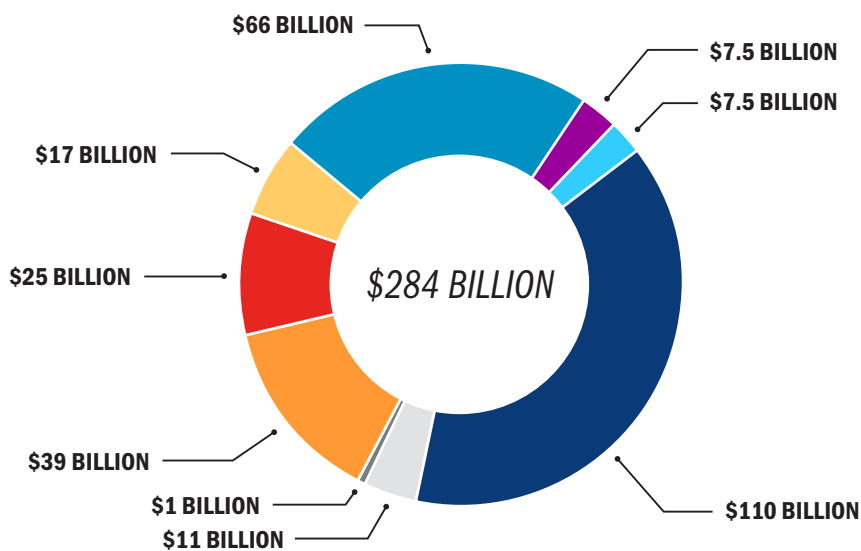
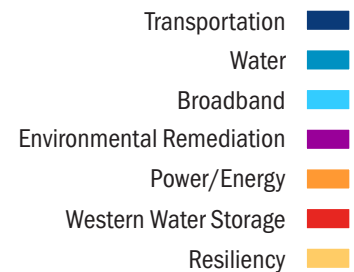
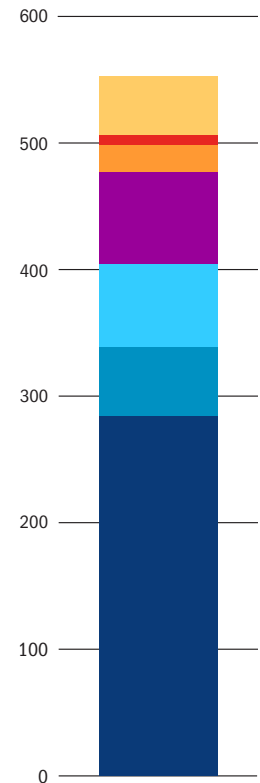
## New Infrastructure Investments

Of the \$973 billion total over five years, \$550 billion is for new investments and is broken down in the following ways:

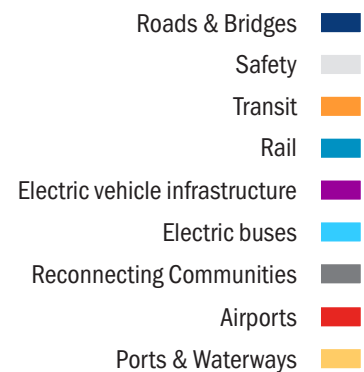
- **Transportation:** \$284 billion (U.S. Department of Transportation)
- **Water:** \$55 billion (U.S. Environmental Protection Agency)
- **Broadband:** \$65 billion (U.S. Department of Commerce)
- **Energy & Power:** \$73 billion (U.S. Department of Energy)
- **Environmental remediation:** \$21 billion (U.S. Environmental Protection Agency)
- **Western water infrastructure:** \$8.3 billion (U.S. Department of the Interior; U.S. Department of Agriculture)
- **Resiliency:** \$46 billion (U.S. Department of Homeland Security)

The IIJA directs \$284 billion (52 percent) of the \$550 billion in new investments toward modernizing and making improvements across all modes of transportation, with the majority of funding reserved for highways, roads and bridges:

- **Roads & Bridges:** \$110 billion
- **Transit:** \$39 billion
- **Rail:** \$66 billion
- **Safety:** \$11 billion
- **Airports:** \$25 billion
- **Ports & Waterways:** \$17 billion
- **Electric vehicle chargers:** \$7.5 billion
- **Electric buses:** \$7.5 billion
- **Reconnecting Communities:** \$1 billion



### BY THE NUMBERS: Transportation Funds





## County Access to Transportation Funds

Counties can access the law's transportation funds, which account for over half of its new investments, through three general ways:

- **Competitively**, through federal grant programs, such as RAISE and INFRA, and competitive processes run by state departments of transportation/Metropolitan Planning Organizations, like Transportation Alternatives funding
- **Suballocations based on population** from state departments of transportation, such as the Surface Transportation Block Grant Program
- **Federal formulas**, like transit formulas and the formula (entitlement) component of the Airport Improvement Program





# MAJOR PROVISIONS FOR COUNTIES

- Establishes a **new, long-term surface transportation reauthorization**
- **Raises the off-system bridge set-aside** by 5 percent, resulting in a \$330 million increase to \$1.035 billion annually
- **Extends the Secure Rural Schools program** for three years
- Significantly **increases the number of competitive grant opportunities** via advanced appropriations to the U.S. Department of Transportation
- **Increases the cap on Private Activity Bonds** from \$15 billion to \$30 billion
- Authorizes **\$14.65 billion** for the Environmental Protection Agency's **Drinking Water State Revolving Fund and the Clean Water State Revolving Fund** over five years
- Provides **\$1 billion** for the Federal Emergency Management Agency (FEMA) **Building Resilient Infrastructure and Communities (BRIC) program**
- **Fully funds the Safeguarding Tomorrow through Ongoing Risk Mitigation (STORM) Act**, which will allow state and local governments to utilize low interest loans for pre-disaster mitigation activities
- Creates a **new population band within the Surface Transportation Block Grant** for communities between 50,000 and 200,000 to allow for a more equitable distribution of funds
- Establishes a **new competitive grant program** for local governments to address and eliminate **at-grade rail crossings**
- Creates a **\$40 billion Bridge Investment Program** to repair, replace and rehabilitate the nation's bridges
- Significantly **expands Buy America requirements** for covered infrastructure materials
- **Codifies elements of the Trump Administration's "One Federal Decision"** that will require one federal agency to be responsible for issuing a decision resulting from a National Environmental Policy Act (NEPA) review, among other reforms, such as limiting the allowable number of pages for a decision
- **Increases project cost thresholds for categorical exclusions**, thereby making more projects eligible for streamlining
- **Fails to address the solvency of the Highway Trust Fund**, requiring a \$118 billion bailout from the general fund of the U.S. Treasury to fund many highway and transit programs
- Authorizes **\$3.5 billion for the Weatherization Assistance Program** in FY 2022
- Includes **\$5 billion** over five years for a new grant program to support activities that reduce the likelihood and consequence of impacts to the electric grid due to extreme weather, wildfire and natural disaster
- Establishes a **new State and Local Cybersecurity grant program**
- Appropriates **\$100 million** annually through FY 2025 in supplemental funding for the **Low Income Home Energy Assistance Program (LIHEAP)**, which helps low-income households pay for heating and cooling costs



# TRANSPORTATION

## Surface Transportation Reauthorization: Highways, Transit & Rail Programs (FY 2022 – FY 2026)

\$476.89 BILLION OVER FIVE YEARS | 56.4% INCREASE OVER FAST ACT

This new, five-year reauthorization replaces the previous surface transportation law, the *Fixing America's Surface Transportation Act* (FAST Act/P.L. 114-94), that governed highway, transit and rail programs through an initial five-year authorization from FY 2016 through FY 2020, in addition to three short-term extensions through the enactment of the IIJA in FY 2022.

### HIGHWAYS, ROADS & BRIDGES

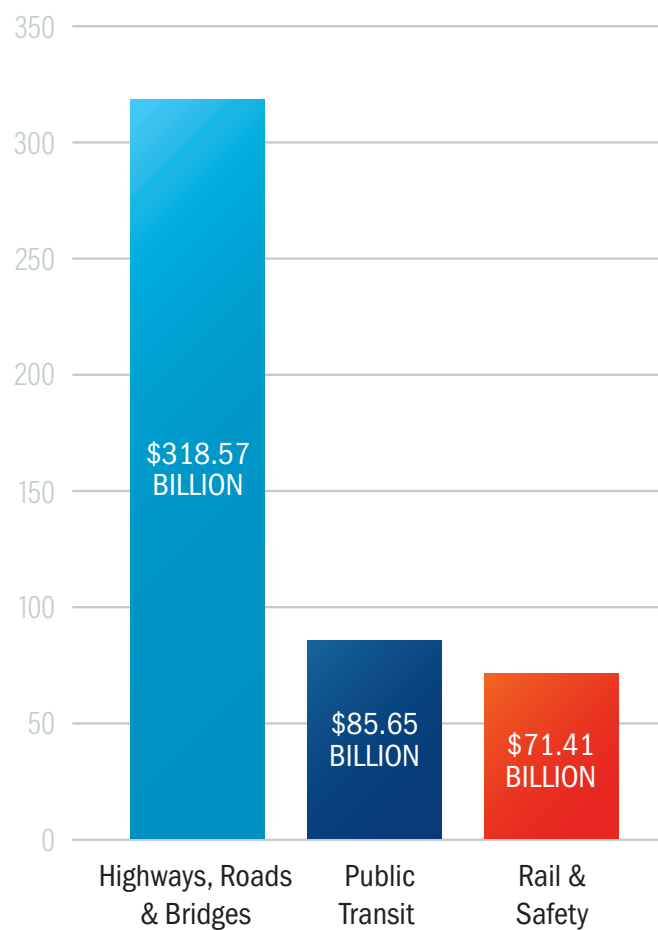
Please note that, in order to compare current and past transportation authorization funding levels, the totals shown below reflect authorization levels only.

**Authorizes Highway Trust Fund (HTF) contract authority for highways, roads and bridges for FY 2022 through FY 2026**

\$273.15 BILLION OVER FIVE YEARS | 31.8% INCREASE OVER FAST ACT

Contract authority is authorized at the following levels over five fiscal years:

- **FY 2022:** \$52.49 billion
- **FY 2023:** \$53.54 billion
- **FY 2024:** \$54.61 billion
- **FY 2025:** \$55.70 billion
- **FY 2026:** \$56.81 billion



Funds are apportioned to states through the following federal-aid highway core formula programs, including two new programs:

| PROGRAM  | 5-YEAR TOTAL    | CHANGE FROM FAST ACT |
|--|-----------------|----------------------|
| Carbon Reduction Program – <b>NEW</b>  | \$6.41 billion  | N/A                  |
| Congestion Mitigation and Air Quality Improvement Program  | \$13.2 billion  | 9.8% increase        |
| Highway Safety Improvement Program   | \$15.56 billion | 34.3% increase       |
| Metropolitan Planning  | \$2.28 billion  | 32.7% increase       |
| National Highway Freight Program   | \$7.15 billion  | 14.5% increase       |
| National Highway Performance Program   | \$148 billion   | 27% increase         |
| Promoting Resilient Operations for Transformative, Efficient and Cost Saving Transportation (PROTECT) Program – <b>NEW</b> | \$7.30 billion  | N/A                  |
| Railway-Highway Crossing Program   | \$1.23 billion  | 4.7% increase        |
| Surface Transportation Block Grant Program   | \$72 billion    | 15.2% increase       |

### Makes changes to the Surface Transportation Block Grant (STBG)

**\$72 BILLION OVER FIVE YEARS | 15.2% INCREASE OVER FAST ACT**

#### Increases the off-system bridge set-aside | **\$5.18 billion over five years | 20.7% increase over FAST Act**

The set-aside has increased from 15 percent to 20 percent of a state's FY 2009 share of the no-longer-existent Highway Bridge Program, resulting in an increase of \$258 million annually from current law. Low-water crossings are now eligible.

*Off-system bridges make up nearly half of the nation's bridges. Due to their location off the National Highway System, they often suffer from federal and state underinvestment. Counties own 62 percent of these structures and depend on our intergovernmental partners to support our efforts to ensure the safety and efficiency of these critical local connections.*

### Establishes a fourth population band for suballocations

A fourth population band for communities between 50,000 and 200,000 is created, ensuring greater equity within the program for communities of different sizes.

#### Creates new project eligibilities

New projects are now eligible for STBG funds, including:

- Installation of electric vehicle (EV) charging infrastructure
- Installation of measures to protect a transportation facility from cyber threats
- Projects to increase tourism
- Wildlife collisions mitigation
- Resiliency improvements



**Increases funding for the Transportation Alternatives Program (TAP) | \$7.2 billion over five years | 70.6% increase over FAST Act**

Funding for TAP is raised to 10 percent of the entire STBG before other set-asides. The percentage states are required to sub-allocate to local governments based on population increases from 50 to 59 percent, and an option is available for states to sub-allocate up to 100 percent.

*Counties can use TAP funds to carry out eligible projects that include planning, design and construction of trails, environmental mitigation activities to address stormwater management, and the construction of overlooks, among others, approved uses.*

**Increases threshold for the STBG Special Rule**

The population threshold for eligibility under the STBG Special Rule has increased from 5,000 to 50,000. Rural minor collectors and critical rural freight corridors are eligible for funding under the rule.

**STBG FUNDING FOR LOCAL GOVERNMENTS OVER FIVE YEARS**

| Sub-allocated to Local Gov'ts | Change from FAST Act | Off-System Bridge Set-Aside | Change from FAST Act | Sub-allocated for TAP | Change from FAST Act | Program Total |
|-------------------------------|----------------------|-----------------------------|----------------------|-----------------------|----------------------|---------------|
| \$31.13 billion               | 28.6% increase       | \$5.18 billion              | 33.4% increase       | \$4.25 billion        | 101.4% increase      | \$72 billion  |

**Significantly increases the cap on state incentive payments to local governments to address at-grade crossings**

The cap established by the Section 130 program has increased from \$7,500 to \$100,000, and the federal cost share for projects eliminating at-grade crossings is raised to 100 percent..

**Increases funding for the Nationally Significant Freight and Highway Projects (INFRA) Grant Program**

**\$10.9 BILLION OVER FIVE YEARS | 142% INCREASE OVER FAST ACT**

Counties can apply directly to USDOT for INFRA grants, which are awarded on a competitive basis, to carry out a variety of eligible projects, including:

- Highway freight project on the National Highway Freight Network
- Highway or bridge project, including to add capacity for improved mobility

- Intermodal or freight projects
- Rail-highway grade crossing separation

Additionally, to be eligible for INFRA grants, a project must reasonably be expected to have costs that equal or exceed:

- \$100 million; or
- For a project located in a single state, 30 percent of the state's federal-aid highway apportionment for the most recently completed FY **OR** for projects located in multiple states, 50 percent of the federal-aid highway apportionment of the state with the largest apportionment for the most recently completed FY.

30 percent of the funds are reserved for small projects in rural areas, and the federal share for those projects has increased from 60 to 80 percent.

### **Creates new Bridge Investment Program (BIP)**

**\$40 BILLION OVER FIVE YEARS (\$12.51 BILLION COMPETITIVE)**

Counties can apply directly to USDOT for the competitive portion of the BIP to carry out small and large bridge projects. Eligible projects are defined as those meeting the following goals, including:

- Reducing the number of bridges already in poor condition or those that are in fair condition but are at risk of falling into poor condition in the next three years
- Reducing the number of bridges and the amount of individual vehicle miles traveled (VMT) over bridges in poor or vulnerable condition, as well the VMT over bridges that do not meet current design standards or that have weight restrictions

The federal share for projects is no more than 50 percent for large projects (defined as those costing more than \$100 million) and no more than 80 percent for any other project. Off-system bridges are eligible.

While states will receive the BIP formula funds, the law will create a 15 percent set-aside within the program to address off-system bridges, much like STBG.

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Counties own 38 percent of the National Bridge Inventory, more than any other level of government.

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### **Creates new Reconnecting Communities Pilot Program**

**\$500 MILLION OVER FIVE YEARS**

#### **Planning Grants | \$150 million over five years**

Counties can apply directly to USDOT for planning funds to carry out feasibility studies on the impact of removing or mitigating physical infrastructure barriers, including within communities, to improve accessibility and facilitate economic development at an 80 percent federal share. Applications will be evaluated on criteria including the age of the facility, its impact on accessibility and its current role in meeting traffic demands.

#### **Capital Construction Grants | \$350 million over five years**

USDOT will make awards to the owner of an eligible facility, including at-grade crossings, limited access highways, viaducts and other principal arterial facilities acting as a barrier. The facility owner could partner with a county to carry out eligible projects, including the removal, retrofit or mitigation of an eligible facility and the replacement of an existing facility with a new facility that restores connectivity.

### **Establishes a New Wildlife Crossings Pilot Program**

**\$350 MILLION OVER FIVE YEARS**

Counties can apply directly to USDOT for this new competitive grant program to carry out eligible projects that reduce collisions and/or improve habitat connectivity.

### **Codifies the Rural Opportunities to Use Transportation for Economic Success (ROUTES) Council**

ROUTES, an initiative of the Trump administration, seeks to address disparities in rural transportation. Under IJIA, USDOT is required to create an internal ROUTES Council tasked with providing technical assistance to rural areas for grant applications, researching and developing strategies to resolve rural transportation issues, and gathering information from stakeholders.



### **Addresses the Manual on Uniform Traffic Control Devices (MUTCD)**

#### **Allows counties to determine local roadway design**

USDOT is required to update the MUTCD to remove the requirement that local roads must be built to state standards, allowing for counties and other local governments to use the FHWA-approved roadway design of their choice. The IIJA also creates new standards to facilitate the rollout of electric vehicle (EV) charging stations.

#### **Requires USDOT to update the MUTCD**

The required update will provide for the protection of vulnerable road users, testing and integrating automated vehicle technology, and the installation of electronic traffic. It also incorporates recommendations issued by the National Committee on Uniform Traffic Control Devices that have not yet been incorporated.

### **Creates a new competitive grant program to address threats to pedestrians**

**\$25 MILLION OVER FIVE YEARS**

Counties can apply directly to USDOT for funds for bollard installation, defined as a "project to install raised concrete or other metal posts on a sidewalk adjacent to a roadway to are designed to slow or stop a vehicle." The federal share is up to 100 percent.

### **Establishes a new Rural Surface Transportation Grant Program**

**\$2 BILLION OVER FIVE YEARS**

Under this new program, a rural area is defined as "an area outside an urbanized area with a population over 200,000." Eligible counties can apply directly to USDOT for these funds to carry out a wide variety of highway and bridge projects that increase connectivity, improve safety, and facilitate the movement of goods and people at a federal cost share of 80 percent. Counties can also bundle projects.

No more than 10 percent of funds can be used toward project with costs less than \$25 million. Finally, USDOT must reserve 15 percent annually of funds made available under this section to provide grants for eligible projects in states with rural roadway fatalities as a result of lane departures that are higher than the national average.

#### **TOTAL FUNDING OVER FIVE YEARS**

|                |               |
|----------------|---------------|
| <b>FY 2022</b> | \$300 million |
| <b>FY 2023</b> | \$350 million |
| <b>FY 2024</b> | \$400 million |
| <b>FY 2025</b> | \$450 million |
| <b>FY 2026</b> | \$500 million |

### **Establishes new criteria for Metropolitan Planning Organizations (MPOs) to consider when designating local representatives**

MPOs are required to consider the equitable and proportional representation of the population of the metropolitan area when designating officials or representatives. This section will also enhance coordination among MPOs designated within the same area.

## CLIMATE

The law creates new competitive grant programs and state sub-allocation requirements for counties to address climate change.

### Charging and Fueling Infrastructure Grants

**\$2.5 BILLION OVER FIVE YEARS**

Counties can apply directly to USDOT for funds to carry out eligible projects that promote the deployment of infrastructure for EVs and hydrogen, propane and natural gas in designated areas. Propane refueling infrastructure is restricted to medium and heavy-duty vehicles.

50 percent of total program funds will be distributed annually through Community Grants for the installation of EV and alternative fueling infrastructure on public roads, schools and in other publicly accessible locations. Rural areas, low- and middle-income neighborhoods,

and communities with either limited parking or a high number of multiunit housing will be prioritized for awards. The federal cost share is 80 percent, with an additional requirement that – as a condition of contracting with an eligible entity to carry out a project under this section – a private entity is responsible for the local match.

### Reduction of Truck Emissions at Port Facilities

**\$250 MILLION OVER FIVE YEARS**

Counties can apply to USDOT to carry out projects that reduce port emissions, including the advancement of port electrification at an 80 percent federal cost share. USDOT is required to issue a Notice of Funding Opportunity to solicit applications by no later than April 1 each year.

*Local governments, including counties, own and operate port authorities throughout the country that act as major generators for the local, regional, state and federal economies.*





## Carbon Reduction Formula Program

**\$6.42 BILLION OVER FIVE YEARS**

A state is required to sub-allocate 65 percent of funds apportioned for this purpose to counties and other local governments in the same way STBGP funds are distributed. Eligible projects include public transit, trails and other non-motorized travel alternatives, replacement of streetlights with energy-efficient alternatives, and the purchase or lease of zero-emissions construction equipment, among several others. For areas of 50,000 or more, a state is required to provide obligation authority (OA).

*When obligation authority is provided alongside contract authority, the entity in receipt of OA is able to obligate – or spend – the funds designated for their area, versus OA remaining with the state and the state retaining control over project selection.*

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

**\$8.7 BILLION OVER FIVE YEARS (\$1.4 BILLION COMPETITIVE)**

In addition to a formula component, the new PROTECT program also provides competitive grants counties can apply for directly through USDOT to enhance the resiliency of infrastructure assets, including projects to improve coastal infrastructure and evacuation routes.

The program creates four subgrants to distribute the funds:

- Planning Grants (\$140 million)
- Resilience Improvement Grants (\$980 million)
- Community Resilience and Evacuation Route Grants (\$140 million)
- At-Risk Coastal Infrastructure Grants (\$140 million)

The federal cost share ranges from 80 to 100 percent for various projects eligible under this section. There are also opportunities to reduce the local match requirements by meeting a voluntary resiliency planning requirement.

## Healthy Streets Program

**\$500 MILLION OVER FIVE YEARS**

Counties with a disproportionate number of communities of color, defined in the law as, in a state, a Census block where the total percentage of residents who identify as nonwhite is more than 50 percent, or USDOT determines it to be eligible for funding under this program.

Eligible projects include the installation of cool and/or porous pavements and the expansion of tree cover with the goal of reducing urban heat centers and improving air quality. The federal cost share for this program is 80 percent, with a waiver of up to 100 percent available.

## Addresses the Appalachian Regional Commission and the Alaska Denali Commission

The number of Appalachian Regional Commission (ARC) counties increases, and the ARC becomes eligible for new funding initiatives to provide technical assistance, make grants and facilitate projects to deploy broadband and improve energy and economic resilience, including the:

- High-Speed Broadband Deployment Initiative (\$100 million over five years)
- Appalachian Regional Energy Hub Initiative (\$25 million over five years)

The law also clarifies that any funds transferred to Alaska's Denali Commission from another federal agency are no longer subject to any requirements previously attached to those funds, including any regulatory actions by the transferring agency.

## PERMIT STREAMLINING

### **Codifies "One Federal Decision" permit streamlining provisions**

USDOT is required to take several steps to implement new streamlining policies, including:

- Developing a two-year timeline for completing environmental reviews on major projects—defined as a project requiring multiple reviews, permits or studies
- Issuing any related authorizations no later than 90 days following a record of decision issuance
- Limiting reviews to 200 pages
- Requiring federal agencies to identify existing categorical exclusions that, if also applied by another agency, will have the potential to expedite project delivery
- Requiring USDOT to annually report to Congress the time it takes to complete reviews required by the National Environmental Protection Act (NEPA)

While many of these provisions are promising, they are also avoided through include simple exemptions. For instance, a federal agency may extend a review timeline beyond two years simply by setting a new target date for completion.

### **Expedites evaluations for projects within an operational right-of-way**

Federal agencies are required to provide, at minimum, a preliminary review of applications for projects within an operational right-of-way within 45 days of submission. Other deadlines have also been established, and federal agencies not meeting a prescribed timeline is subject to reporting requirements.

### **Increases cost thresholds eligible for categorical exclusions**

For small projects, the threshold increases from \$5 million to \$6 million; for large projects, it increases from \$30 million to \$35 million, thereby making more projects eligible.

## PUBLIC TRANSIT

### **New All Stations Accessibility Program Established**

**\$1.75 BILLION OVER 5 YEARS**

Counties with legacy rail stations that are inaccessible can apply directly to USDOT for these competitive grants to carry out capital projects to upgrade access for rail fixed guideway public transit systems for people with disabilities.

### **Authorizes Highway Trust Fund (HTF) contract authority for mass transit for FY 2022 through FY 2026**

**\$69.9 BILLION OVER FIVE YEARS | 43% INCREASE OVER FAST ACT**

Contract authority from the mass transit account of the trust fund is authorized at the following levels over five fiscal years to fund transit formula grant programs:

- **FY 2022:** \$13.36 billion
- **FY 2023:** \$13.63 billion
- **FY 2024:** \$13.99 billion
- **FY 2025:** \$14.28 billion
- **FY 2026:** \$14.64 billion

Counties have strongly advocated for commonsense reforms to the NEPA process that preserve the environment while also facilitating the construction of critical infrastructure projects.





**TRANSIT FORMULA GRANTS:**  
Funding Over Five Years

| Program                                       | FY 2022   | FY 2023   | FY 2024   | FY 2025   | FY 2026   | Total            |
|---|-----------|-----------|-----------|-----------|-----------|------------------|
| Metropolitan Planning Programs                | \$184.6 M | \$188.5 M | \$193.4 M | \$197.4 M | \$202.4 M | <b>\$966.4 M</b> |
| Urbanized Areas                               | \$6.41 B  | \$6.54 B  | \$6.71 B  | \$6.85 B  | \$7.03 B  | <b>\$33.5 B</b>  |
| Enhanced Mobility of Seniors/<br>Disabilities | \$371 M   | \$379 M   | \$388.9 M | \$396.9 M | \$407 M   | <b>\$1.94 M</b>  |
| Rural Areas                                   | \$875.3 M | \$893.6 M | \$916.9 M | \$935.8 M | \$959.6 M | <b>\$4.58 B</b>  |
| Research                                      | \$36.8 M  | \$37.6 M  | \$38.6 M  | \$39.4 M  | \$40.4 M  | <b>\$192.8 M</b> |
| Tech. Assistance & Workforce                  | \$11.8 M  | \$12.1 M  | \$12.4 M  | \$12.7 M  | \$13 M    | <b>\$62 M</b>    |
| Bus Testing                                   | \$5 M     | \$5.1 M   | \$5.2 M   | \$5.3 M   | \$5.5 M   | <b>\$26.2 M</b>  |
| Admin. Expenses                               | \$131 M   | \$134.9 M | \$139 M   | \$143.1 M | \$147.4 M | <b>\$695.5 M</b> |
| National Transit Database                     | \$ 5.3 M  | \$5.4 M   | \$5.5 M   | \$5.6 M   | \$5.8 M   | <b>\$27.5 M</b>  |
| State of Good Repair                          | \$3.5 B   | \$3.6 B   | \$3.7 B   | \$3.75 B  | \$3.8 B   | <b>\$18.4 B</b>  |
| Bus Formula                                   | \$604 M   | \$616.6 M | \$632.7 M | \$645.8 M | \$662.2 M | <b>\$3.16 B</b>  |
| Bus Competitive                               | \$447.3 M | \$456.6 M | \$468.5 M | \$478.2 M | \$490.4 M | <b>\$2.3 B</b>   |
| Low-No Emission Buses                         | \$71.6 M  | \$73.1 M  | \$75 M    | \$76.5 M  | \$78.5 M  | <b>\$374.6 M</b> |
| Growth/Density                                | \$741 M   | \$756.5 M | \$776.3 M | \$792.3 M | \$812.5 M | <b>\$3.88 B</b>  |

Counties directly support 78 percent of public transit systems that keep our residents connected in every corner of the country.



## **Makes changes to the Capital Investment Grant (CIG) Program**

**\$15 BILLION OVER FIVE YEARS | 30.4% INCREASE OVER FAST ACT**

In addition to providing funding from the Highway Trust Fund and through advanced appropriations over five years, the new law also makes several changes to the program, including:

- Raising the threshold for federal assistance from \$100 million to \$150 million and total project cost from \$300 million to \$400 million for Small Starts projects
- Requiring New Starts, Small Starts and core capacity improvement project applicants to make progress toward meeting the performance targets set in section 5326(c)(2) in order to receive a grant
- Requiring core capacity improvement projects be located in a corridor that is projected to be at or over capacity within the next ten years, rather than the next five years, before moving into the engineering phase
- Allowing applicants to bundle multiple projects that meet certain requirements and restrictions
- Requiring USDOT to establish a CIG Dashboard displaying information on each project seeking a grant agreement

## **Provides advance appropriations for certain transit infrastructure grants**

**\$10.25 BILLION OVER FIVE YEARS**

The IIJA would make supplemental appropriations in equal amounts over the life of the bill to three FTA transit formula grant programs, including:

- **Enhanced Mobility of Seniors and Individuals with Disabilities:** \$250 million
- **Low-No Emission Buses:** \$5.25 billion
- **State of Good Repair:** \$4.75 billion

## **Increases rural set-aside for bus grants**

The law raises the Buses and Bus Facilities competitive grant set-aside for rural projects from 10 percent to 15 percent.

The IIJA also requires that 25 percent of the competitive funding go to projects related to the acquisition of low or no emission buses or bus facilities rather than zero-emission vehicles and facilities.

Finally, it requires that recipients of grants related to zero-emissions vehicles or related infrastructure use at least 5 percent of their award to fund workforce development training to address the impact of the transition to zero-emission vehicles.

## **Creates new requirements for federal transit fund recipients**

### **Urbanized Area Formula Grants (5307)**

The law requires that section 5307 recipients serving an urbanized area with a population of 200,000 or more include in their comprehensive agency safety plan a risk reduction program for transit operations to improve safety by reducing the number and rates of accidents, injuries and assaults on transit workers. It also requires that a joint labor-management safety committee be formed to approve the safety plan.

### **Safety Set Aside**

The law also establishes a new safety set aside. 5307 recipients are required to allocate at least .75 percent of their funds to safety-related projects eligible under section 5307. If the recipient fails to meet the performance targets for risk reduction established by the safety committee, the recipient is required to use the set-aside for projects reasonably likely to help meet those targets.

### **Public Transportation Emergency Relief (PTER)**

The law requires PTER applicants, including counties, to demonstrate proof of all necessary and required insurance coverage prior to receiving a grant.



## Transit Safety

The law requires recipients of federal funding provided by the Federal Transit Administration (FTA) to report additional data for inclusion in the National Transit Database, including data on assaults of transit workers and bus-related fatalities.

## RAIL

### Establishes new competitive grant program for “mega projects”

**\$10 BILLION OVER FIVE YEARS**

Counties can apply directly to USDOT for a new competitive program to provide single or multi-year grants to carry out projects that generate national or regional economic mobility or safety benefits. Other federal assistance can be used to meet local match requirements, not to exceed a maximum of 80 percent federal share. Eligible projects include:

- Highway or bridge projects
- Freight intermodal or freight rail projects with a public benefit, including ports
- Rail-highway grade separation or elimination projects
- Intercity passenger rail projects and public transportation projects

Additionally, to be eligible, project costs must reasonably be projected to:

- Be equal to or greater than \$500 million; or
- Fall between \$100 million and \$500 million (50 percent of project awards are set-aside to fund these projects)

Certain projects can also be bundled. Eligible project costs include:

- Development phase activities
- Construction, reconstruction and rehabilitation
- Real property procurement
- Environmental mitigation

USDOT is required to ensure geographical diversity and a balance between rural and urban areas in project selections, with 50 percent of the funding reserved for projects between \$100 million and \$500 million. Should a project not be selected, the applicant can request technical assistance.

### Creates a new competitive grant program to eliminate at-grade rail-highway crossings

**\$2.5 BILLION OVER FIVE YEARS**

Counties can apply directly to USDOT for these competitive grants, at an 80 percent federal cost share, to meet the following goals:

- Eliminating frequently blocked at-grade crossings
- Improving the health and safety of communities
- Reducing the impacts of rail operations on underserved communities
- Improving mobility and commerce

Eligible projects include:

- Closing or separating at-grade crossings
- Track relocation
- Installing protective devices and other technological solutions that improve safety
- Planning, environmental review and design activities related to an eligible project

### Authorizes RAISE Grant Program for first time

**\$7.5 BILLION OVER FIVE YEARS**

The Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program is an authorized program for the first time. This flexible, competitive grant program – formerly named both BUILD and TIGER by previous administrations – is widely utilized by counties to carry out a variety of eligible infrastructure projects at an 80 percent federal share. The share may be increased for projects in rural, historically disadvantaged or persistent poverty areas.

Surface transportation projects with significant local or regional impacts are eligible, now including projects to replace and rehabilitate culverts or prevent stormwater runoff. Grant award amounts are limited to \$25 million and can be no less than \$5 million for urbanized areas and no less than \$1 million for rural areas. The 50/50 geographical split for urban-rural project selections remain.

*USDOT must publish a Notice of Funding Opportunity (NOFO) for the next round of RAISE awards no later than 270 days following the date that FY 2022 appropriations are made available. USDOT has jurisdiction over the NOFO's award criteria.*

### **Establishes new Culvert Removal, Replacement and Restoration Grant Program**

**\$1 BILLION OVER FIVE YEARS**

Counties can apply directly to USDOT for a new competitive grant program to carry out eligible projects that replace, remove or repair culverts that would improve or restore fish passage for certain fish, with priority given species who are endangered or at risk of becoming endangered, or projects that address fresh-water runoff that impact certain marine life.

USDOT is required to provide technical assistance to underserved communities. The federal cost share is 80 percent.

### **Allows local public authorities to enter into multi-state freight compacts**

**\$25 MILLION OVER FIVE YEARS**

Counties and other local public authorities, including ports, can enter into multi-state compacts to improve the movement of goods, including assembling rights-of-way and performing capital improvements. A compact could subsequently establish a multi-state advisory freight corridor advisory committee with state departments of transportation and other entities, including local governments.

USDOT is required to establish a grant program to facilitate the efforts of these compacts within the first three years of their inception, at a 50 percent federal cost share.

### **Establishes an intergovernmental research group for freight**

USDOT is required to create and jointly administer a new National Cooperative Freight Transportation Research Program with the National Academy of Sciences (NAS). NAS is required to establish an advisory committee with public and private stakeholders, including local governments and local public authorities, which is tasked with recommending national research agenda for the program and developing a multi-year strategic plan.

### **Establishes a new rural assistance program through the Build America Bureau**

Counties located outside of an urbanized area with a population of more than 150,000 are eligible to apply directly to USDOT for a new Rural and Tribal Assistance Pilot Program. The program will provide financial, technical and legal assistance; assistance with development-phase activities; and information on innovative financing practices to rural and Tribal communities. It will sunset after five years.

Funding, which will come from "any amount made available to the Secretary to provide credit assistance under an eligible program that is not otherwise obligated," is authorized at no more than the following levels each year:

- **FY 2022:** \$1.6 million
- **FY 2023:** \$1.8 million
- **FY 2024:** \$2.0 million
- **FY 2025:** \$2.2 million
- **FY 2026:** \$2.4 million

### **Requires consultation with local governments to develop new routes**

Amtrak is required to consult with states, local governments, relevant commuter and regional transportation authorities, host railroads, the FRA and other stakeholders on the development of new state-supported routes.

### **Creates new reporting requirements for some public transit agencies**

A public transit entity that owns infrastructure used for intercity rail passengers in the Northeast Corridor (NEC) is required to develop an asset management system to inform Amtrak's NEC capital investment program.

### **Expands eligibilities under the Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant Program**

**\$5 BILLION OVER FIVE YEARS | 354.5% INCREASE OVER FAST ACT**

CRISI program eligibilities are expanded to include:

- Development and implementation of measures to prevent trespassing
- Research and development to advance innovative rail projects
- Preparation of emergency plans for communities through which hazardous materials are transported by rail

### **Extends Restoration and Enhancement Grant Program project timelines**

**\$250 MILLION OVER FIVE YEARS | 150% INCREASE OVER FAST ACT**

The amount of time the Restoration and Enhancement grant program can provide funds to support a route is extended from three to six years. Counties can utilize these funds to expand or enhance intercity passenger rail.

*Counties directly support 78 percent of the nation's public transit systems, including intercity passenger rail.*

### **Reforms and renames the Federal-State Partnership for State of Good Repair Grant Program**

**\$7.5 BILLION OVER FIVE YEARS | 652% INCREASE OVER FAST ACT**

The Federal-State Partnership for State of Good Repair grant program is renamed the Federal-State Partnership for Intercity Passenger Rail grant program, and project eligibilities are expanded to allow for new capacity, including by:

- Expanding or establishing new intercity passenger rail service
- Improving intercity rail service performance and efficiency
- Carrying out planning and environmental studies associated with an eligible project

### **Establishes a new corridor identification and implementation program**

A new Corridor Identification and Development Program is created to facilitate the development of intercity passenger rail corridors. Counties are eligible to submit corridor proposals.

### **Requires an evaluation of the railway-highway crossings program**

USDOT is required to evaluate the requirements of the railway-highway crossings program and whether the structure of the program provides sufficient incentives and resources to states and local agencies to make changes at highway-rail grade crossings that are most effective at reducing deaths, among other goals.

### **Establishes a blocked crossing portal pilot program**

The FRA is required to establish a blocked crossing portal to collect information about blocked highway-rail grade crossings from the public in order to identify frequent and long-duration blocked highway-rail grade crossings; conduct outreach to communities, emergency responders and railroads; support collaboration in the prevention of incidents at highway-rail grade crossings, and assess the impacts of blocked crossings. The program will last for three years.



### **Establishes new Safe Streets and Roads For All Grant Program**

**\$1 BILLION OVER FIVE YEARS**

Counties can apply directly to USDOT for competitive awards to support and implement local safety initiatives to prevent death and serious injury on roads and streets, known as Vision Zero and Toward Zero Deaths national strategies.

### **Requires evaluation and improvement of local infrastructure data analysis tools**

The Bureau of Transportation Statistics (BTS) is directed to perform outreach to state and local planning and infrastructure decision-making officials to determine the data analysis tools needed to assist local communities in making infrastructure decisions. Based on the outreach, BTS is required to create a plan for reviewing and updating existing data analysis tools and developing any new tools necessary to assist local communities in making infrastructure investments.

### **Establishes a new Strengthening Mobility and Revolutionizing Transportation (SMART) Grant Program**

**\$500 MILLION OVER FIVE YEARS**

Counties can apply directly to USDOT for competitive awards to carry out demonstration projects focused on smart technologies and systems, including:

- Coordinated automation
- Connected vehicles
- Intelligent, sensor-based infrastructure
- Systems integration
- Commerce delivery and logistics
- Drones
- Smart grid technologies

Both development and construction phase activities are eligible costs. Certain restrictions apply, including:

- No more than 40 percent of the funds awarded to primarily benefit large communities
- No more than 30 percent awarded to benefit midsized communities
- No more than 30 percent awarded to benefit rural communities

The legislation does not include any local match requirements; however, USDOT can choose to add these upon issuance of a Notice of Funding Opportunity.

### **Establishes new intergovernmental working group for electric vehicles (EVs)**

USDOT, in conjunction with the U.S. Department of Energy, is required to establish an EV working group tasked with making recommendations regarding the "development, adoption, and integration of light-, medium-, and heavy-duty EVs into the transportation and energy systems of the U.S." An organization representing local governments, such as NACo, is among other required members of the group.

### **Establishes intergovernmental process for risk and system resilience assessments**

USDOT is required to work with federal, state and local agencies to develop a process for quantifying annual risk in order to increase system resilience within the nation's surface transportation system. USDOT is instructed to provide guidance and technical assistance to state and local agencies on the process.

### **Authorizes the use of local hiring preference in federally funded infrastructure projects**

Federal transportation grant recipients, including counties, are authorized to implement a local hiring preference, including through pre-hire agreements. Counties are not mandated to use this preference.

## FUNDING & FINANCING

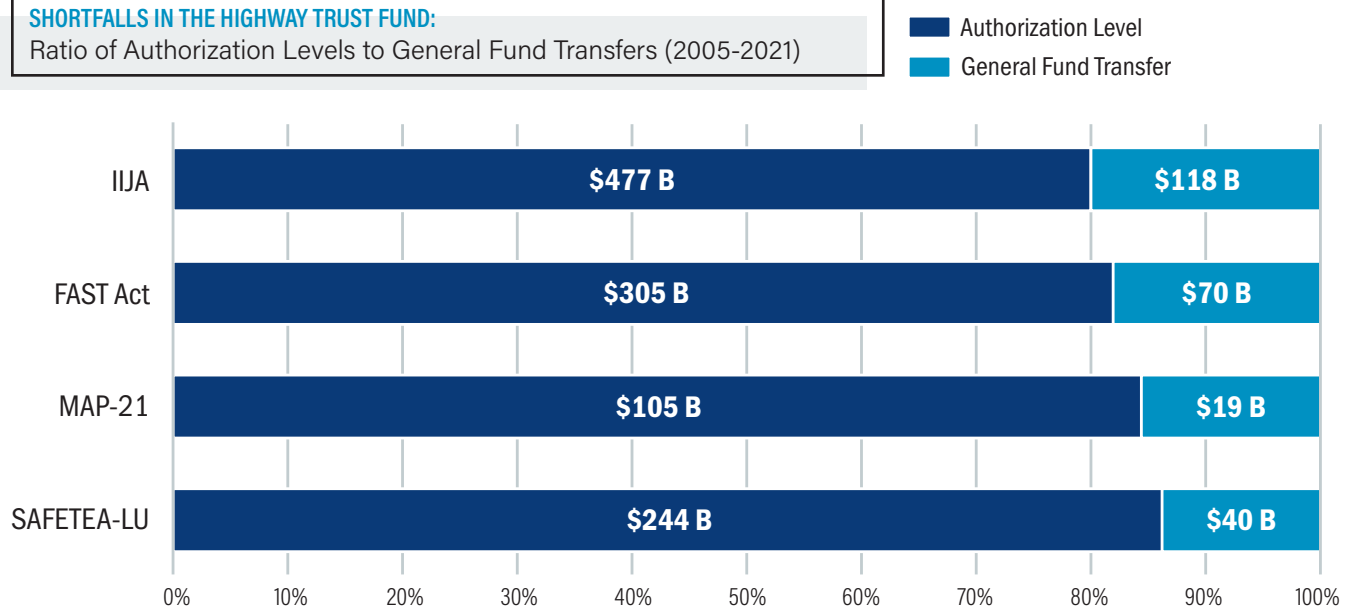
### Authorizes general fund transfer to bail out the Highway Trust Fund (HTF)

HTF, which is facing imminent insolvency, will receive a transfer from the U.S. Treasury's general fund (GF) in the amount of \$118 billion, including \$90 billion for the highway account and \$28 billion for the mass transit account, to make up for the shortfall between authorization levels prescribed in IIJA and the projected revenue of the fund over five years.

*Returning solvency to the federal Highway Trust Fund is a major priority of America's counties due to the funding certainty it provides for critical transportation projects. While this transfer will shore up the fund, counties urge federal policymakers to pursue a permanent fix for the fund that will ensure its long-term solvency.*

#### SHORTFALLS IN THE HIGHWAY TRUST FUND:

Ratio of Authorization Levels to General Fund Transfers (2005-2021)



### Raises the cap on Private Activity Bonds

The cap has increased from \$15 billion to \$30 billion, which will allow counties to enter into additional public-private partnerships to supplement future surface transportation projects with private investments.

### Makes amendments to the TIFIA Program

Several changes include:

- Lifting the requirement that counties and other borrowers prepay their loans with excess revenues, if those revenues are used for surface transportation
- Increasing the threshold for TIFIA projects from \$75 million to \$150 million
- Adding new eligibilities, including infrastructure projects located near transportation facilities, airport-related projects, and the acquisition of plant and wildlife habitats to mitigate environmental impacts

### Makes local governments eligible for the Surface Transportation System Funding Alternatives Program

Counties can apply directly to USDOT for funds to carry out eligible activities, including testing the design and equity of implementing an alternative user fee among income groups and rural and urban drivers and other activities associated with transitioning away from the federal gas tax. The federal cost share is 80 percent for entities who have not received a previous grant under the program and 70 percent for those who have.

## THIS CONCLUDES THE SURFACE TRANSPORTATION REAUTHORIZATION.

## Airports

### **Creates new airport infrastructure grant program**

**\$15 BILLION OVER FIVE YEARS**

Funding, which will remain available for four years following the FY in which it was provided, will be distributed annually in the following ways:

- No more than \$2.4 billion through formulas to primary airports
- No more than \$500 million apportioned for general aviation and commercial service airports
- \$20 million for recipients of contract tower program competitive awards

The bill also clarifies that no funds can go toward debt service.

### **Creates new "groundside" competitive grant program for airport improvements**

**\$5 BILLION OVER FIVE YEARS**

The new program provides for competitive awards to carry out eligible projects to improve the aging infrastructure of airport terminals, which is confined to:

- On-airport rail access projects
- Relocating, reconstructing, repairing or improving an airport-owned traffic control tower

No more than 55 percent for large hubs; 15 percent for medium hubs; 20 percent for small hubs; and 10 percent for nonprimary airports can be awarded annually. The federal cost share of a project is 80 percent for large and medium-size airports and 95 percent for small and nonprimary airports. Projects that would increase access and capacity are prioritized.

## Ports

### **Increases funding for the Port Infrastructure Development Program**

**\$2.25 BILLION OVER FIVE YEARS | 8.7% INCREASE FROM FY21 APPROPRIATIONS**

These competitive grant funds will remain available for ten years following the FY in which they are awarded. Newly eligible projects include:

- Improvements to address sea-level rise, flooding and/or extreme weather
- Port electrification
- Procuring new equipment
- Installing electric vehicle/alternative refueling infrastructure







## ENERGY AND ENVIRONMENT

### Creates a new competitive grant program to enhance the resilience of the electric grid

**\$5 BILLION OVER FIVE YEARS**

Counties that serve as the local electric grid operator, electric storage operator, electric generator, transmission tower or operator, distribution provider or fuel supplier are eligible to apply for the program. USDOE can make competitive awards to carry out a variety of eligible activities to reduce the likelihood and consequence of impacts to the electric grid due to extreme weather, wildfire and natural disaster.

### Authorizes funding for the Weatherization Assistance Program

**\$3.5 BILLION IN FY 2022**

Funds will remain available until expended for eligible projects that reduce energy costs for low-income households by improving energy efficiency. Counties are eligible to apply directly to the program

### Creates a new Carbon Utilization Grant Program

**\$310.14 MILLION OVER FIVE YEARS**

Counties are eligible for new grants to procure and use products derived from captured carbon oxides through the new USDOE Carbon Utilization Program. Objectives include developing standards and certifications to support the commercialization of carbon oxide products. Funding is authorized at the following levels:

- **FY 2022:** \$41.00 million
- **FY 2023:** \$65.25 million
- **FY 2024:** \$66.56 million
- **FY 2025:** \$67.94 million
- **FY 2026:** \$69.39 million

## Establishes a Carbon Dioxide Transportation Infrastructure Finance and Innovation (CIFIA) Program

**\$2.1 BILLION OVER FIVE YEARS**

\$600 million is authorized annually in FY 2022 and FY 2023 and \$300 million annually between FY 2024 and FY 2026 to establish a CIFIA loan program that will provide flexible, low-interest loans for carbon dioxide transportation infrastructure projects and grants for new infrastructure to facilitate future growth.

Counties utilize transportation alternatives, like low-pollutant emission vehicles, mass transit and carpools to help decrease carbon dioxide emission. CIFIA would expand our ability to implement these local programs.

## Addresses needs of transmissions lines through new revolving loan fund

**\$2.5 BILLION OVER FIVE YEARS**

USDOE can issue loans to or enter into public-private partnerships with counties and other eligible entities to carry out replacement or enhancement projects on eligible transmission lines.

## Creates new Transmission Facilitation Program

**\$50 MILLION OVER FIVE YEARS**

Counties can apply directly to USDOE for these competitive funds to carry out eligible projects, including:

- Constructing or replacing an electric power transmission line
- Increasing transmission capacities
- Connecting an isolated microgrid to an existing infrastructure corridor

## Makes grants to state and local governments for battery processing

**\$3 BILLION OVER FIVE YEARS**

Counties can apply directly to USDOE for these competitive grant funds that will remain available until expended to carry out eligible projects, including:

- Demonstration projects for advanced battery component manufacturing and recycling (no less than \$50 million)
- Construction of one or more new commercial-scale advanced battery component manufacturing or recycling facility (no more than \$100 million)
- Retooling, retrofitting or expanding existing battery processing facilities (no more than \$50 million)

## Enhances energy efficiency in public schools

**\$500 MILLION OVER FIVE YEARS**

Local education agencies and public schools are eligible to apply to USDOE for competitive grants to carry out eligible activities, including:

- Improvements, repairs or renovations to schools that directly decrease energy costs
- Improvements to teacher and student health
- Installation of alternative fueling infrastructure on school grounds for buses or the public
- Procurement of alternative fueled vehicles for bus fleets and other school-related operations

A successful applicant will be required to, upon request of USDOE, submit a report describing how the funds were used, estimated cost-saving, metrics and other requirements.

## Expands Energy Efficiency and Conservation Block Grant Program eligibilities

\$550 MILLION IN FY 2022

Funds will remain available until expended. New eligibilities include:

- Programs for financing energy efficiency, renewable energy and zero-emission transportation
- Capital investments
- Projects and programs that leverage public-private partnerships
- Programs allowing rebates, grants or other incentives for the purchase and installation of renewable energy technologies

*Counties support full funding for the Energy Efficiency and Conservation Block Grant Program. Additionally, we support including city populations in the overall county population numbers and urge the DOE to allow "eligible" counties in all states to apply for the direct formula funding.*

### Provides resources for county-owned or -operated hydroelectric facilities

\$628.6 MILLION IN FY 2022

### Hydroelectric efficiency improvement incentives | \$75 million in FY 2022

Funding is authorized in FY 2022 for hydroelectric efficiency improvement incentives. Counties that own or operate a turbine or other generating device which generates hydroelectric energy for sale that will be added to an existing dam or conduit are eligible for these funds.

### Hydroelectric capital improvement incentives | \$553.6 million in FY 2022

Funding is authorized in FY 2022 for incentive payments to the owners and operators of hydroelectric facilities for capital improvements related to maintaining and enhancing hydroelectricity generation by improving grid resiliency, improving dam safety, and environmental improvements. Counties that are the owners or operators of hydroelectric facilities at existing dams are eligible for these payments to make the capital improvements.

### Funds Brownfields restoration projects

\$1.2 BILLION OVER FIVE YEARS

The funds can be used to carry out Brownfields projects authorized under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This CERCLA funding will be available in grants, interagency agreements and associated program support costs.

*Counties are eligible to apply for multipurpose grants, assessment grants, revolving loan fund grants, cleanup and job training grants, technical assistance, training and research grants under CERCLA.*





**Counties encourage federal support**

for economic revitalization and environmental restoration programs in coordination with local governments.



# WATER

## Amends State Revolving Loan Funds for Water

**\$29.3 BILLION OVER FIVE YEARS**

Counties are eligible for grants under both state revolving funds (SRFs). Investments for both the drinking water and clean water SRFs are authorized at the following levels:

- **FY 2022:** \$2.40 billion
- **FY 2023:** \$2.75 billion
- **FY 2024:** \$3.00 billion
- **FY 2025:** \$3.25 billion
- **FY 2026:** \$3.25 billion

**Drinking Water State Revolving Fund:** The minimum percentage of funds that must go to disadvantaged communities increases from 6 percent to 12 percent. Buy America requirements will apply to any upgrades made with these funds.

**Clean Water State Revolving Fund (CWSRF):** To the extent there are sufficient applications, a state is required to use a minimum of 10 percent of CWSRF for grants, negative interest loans, and loan forgiveness, or to buy, refinance or restructure debt for disadvantaged communities as determined by the state. The amount for additional subsidies cannot exceed 30 percent.

## Addresses water contaminants

Capitalization grants | \$15 billion over five years.

49 percent of funds provided to states for capitalization grants will be made available through grants to counties and other local governments to address lead in drinking water by replacing service lines and carrying out associated activities that are directly connected to identifying, planning designing, and replacing lead service lines.

Emerging contaminants | \$1 billion over five years

Funding to address emerging contaminants will be deposited into the state revolving fund and would be provided to eligible recipients as loans with 100 percent forgiveness or as grants.

PFAS | \$4 billion over five years

Additional funding is provided to further address emerging contaminants in drinking water, with a focus on perfluoroalkyl and polyfluoroalkyl substances (PFAS). This funding will be provided to eligible recipients as loans with 100 percent forgiveness.



# PUBLIC LANDS

## Extends the Secure Rural Schools (SRS) Program for three years

The annual 5 percent funding reduction will end, and funding will increase for the next three years to FY 2017 levels, resulting in an increase of approximately \$60 million per year compared to FY 2020 payments.

A new Resource Advisory Committee (RAC) appointment pilot program is created. It allows the U.S. Forest Service Chief or the Bureau of Land Management (BLM) Director to present the Secretaries of Agriculture or Interior with recommended RAC members. The Secretaries will have 30 days to confirm or reject the appointees, who will be automatically appointed if no action is taken within that 30-day period. This is similar to an existing pilot program that allows regional foresters and BLM state directors only in Arizona and Montana to appoint RAC members, which has cut down on waiting periods from two years to a few weeks in most instances.

Title III funds can be used for expanding broadband access in schools, which is key to improving educational quality in rural areas.

## Provides resources for wildfire risk mitigation

**\$5.5 BILLION OVER FIVE YEARS**

\$3.4 billion is directed to the U.S. Forest Service (USFS) and the USDOT to reduce the threat of wildfire on federal lands through mechanical thinning, timber harvests, prescribed burns, community wildfire protection grants and collaborative led projects. Agencies will have to come up with a plan to treat 10 million acres of forestland by 2027 for wildfire risk reduction within the Wildland-Urban Interface and near critical drinking water sources.

A new categorical exclusion is created for forest management activities management activities to establish fuel breaks to protect critical infrastructure from wildfire, including roads, water infrastructure, pipelines and transmission lines.

An additional \$2.1 billion is provided for ecosystem restoration through Good Neighbor Agreements, invasive species eradication, cross-boundary management projects and stewardship contracts.

Finally, the USDA will have the authority to determine when an emergency situation exists on the national forests, which will allow for expanded forest management activities, such as harvesting dead or dying trees and post-fire reforestation, to be conducted on the National Forest System to meet the emergency threat.

Counties believe federal, state and local governments must work together to combat the growing threat of wildfire to communities, livelihoods and the environment. Federal agencies should utilize all available tools, including increased timber harvests, hazardous fuels reduction projects, post-fire recovery and restoration efforts, addressing regulatory burdens, stopping frivolous lawsuits, scientific grazing practices.

## Addresses U.S. Forest Service legacy roads and trails

**\$250 MILLION OVER FIVE YEARS**

A new USFS Legacy Roads and Trails program is established to prioritize maintenance of authorized roads and trails within the National Forest System.

Additionally, USFS may decommission existing and previously closed roads and trails after proposed closures have undergone public comment, and the agency ensures closures do not impede resource, recreational or emergency access. USFS may also be able to close some unauthorized user-created roads and trails not identified on agency maps, which may create conflict with users, local governments and other interested parties.



Counties support retaining and enhancing access to public lands for public safety, forest and ecosystem health, recreation and tourism, resource extraction, research and education, and private property rights. Roads are the primary infrastructure for access to public lands, and public lands road systems must be retained and maintained. Counties oppose road closures, road decommissioning and moratoria against road building without coordination and consistency with county natural resource plans.

## Invests in western water infrastructure

Counties and other entities that can demonstrate a need for a project that is technically and financially feasible, is in compliance with applicable laws and guidelines, and provides a federal benefit are eligible to apply for \$100 million in competitive grant funds for small water storage and groundwater storage projects.

## Expands eligible uses of American Rescue Plan county relief funds

The law allows counties to use aid from the American Rescue Plan (ARP) Act to satisfy the non-federal match requirement for Bureau of Reclamation projects.

Counties have strongly advocated for more flexibility within county ARP funds, including for expanded infrastructure eligibilities.

*Counties rely on SRS payments to provide numerous critical services, including infrastructure maintenance, conservation projects, search and rescue missions and fire prevention programs. If Congress fails to renew its long-standing federal obligation to forest counties and to the lands managed by the federal government by not improving forest management and reauthorizing the SRS program, counties across the United States could face dramatic budgetary shortfalls. The last time authorization for SRS lapsed in FY 2016, federal forest payments to counties decreased by over 80 percent on average.*

Counties have strongly advocated for more flexibility within county ARP funds, including for expanded infrastructure eligibilities.



# BROADBAND

## Makes grants to states for broadband deployment

\$42.45 BILLION IN FY 2022

\$42.45 billion is allocated to the Broadband Equity, Access and Deployment Program, through which DOC's National Telecommunications and Information Administration (NTIA) will make grants to states. If a state fails to apply for funding, a local government could apply on their behalf.

*Eliminating the digital divide is critical for the nation's counties, many of which still lack reliable, high-access to broadband in both urban and rural settings. NACo's Broadband Task Force recently published a new report with policy recommendations that, if enacted, would facilitate the deployment of broadband throughout America's 3,069 counties.*

## Creates new "middle mile" competitive grants to facilitate broadband deployment

\$1 BILLION OVER FIVE YEARS

Counties can apply directly to NTIA for grants to construct, improve or acquire middle-mile infrastructure. Applications that connect middle mile and last mile networks or plan to provide service in unserved areas, among other criteria, will be prioritized.

*Counties own substantial amounts of public rights-of-ways, which are valuable local government real estate assets worth billions of dollars that are held in trust by local governments to benefit the local community. The law does not preempt counties from offering any permitting fees or other requirements in the management of public rights-of-ways.*

## Creates a new competitive grant program for broadband

\$1.25 BILLION OVER FIVE YEARS

A county is an eligible recipient of a subgrant, in addition to being eligible to serve as an "administering entity" for a state seeking funding under the newly established NTIA State Digital Equity Capacity Grant Program. In an administrator role, a county can:

- Act as the recipient and administrator of awarded funds
- Develop and implement a State Digital Equity Plan
- Make subgrants to eligible entities
- Serve as an advocate for digital equity and inclusion and repository of best practices

## Provides funding for the Rural ReConnect Program

\$2 BILLION IN FY 2022

Counties can apply directly to the USDA for these competitive funds to carry out eligible activities, including:

- To fund the construction or improvement of facilities required to provide fixed terrestrial broadband service
- To fund reasonable pre-application expenses
- To fund the acquisition of an existing system that does not currently provide sufficient access to broadband (eligible for 100 percent loan requests only)

## Extends the Emergency Broadband Benefit Program

The Federal Communications Commission program is renamed the "Affordable Connectivity Program" and the monthly benefit is reduced from \$50 to \$30 for consumers.



# CYBERSECURITY

## Creates a new competitive grant program for cybersecurity

**\$250 MILLION OVER FIVE YEARS**

A rural electric cooperative or county-owned utility can apply directly to the USDOE for competitive grants and technical assistance, as well as to enter into cooperative agreements with other eligible entities to meet the program's goal of protecting and responding to cyber threats against electric utility systems.

## Establishes a new State and Local Cybersecurity Grant Program

**\$1.3 BILLION OVER FOUR YEARS**

Counties are eligible for these funds as subgrantees of states following apportionments made to states by DHS based on total population and rural population figures.

No later than 45 days after a state receives its apportionment, it will be required to obligate no less than 80 percent of grant funds to local governments. If a state fails to obligate the funds, a local government can petition DHS for direct funding.

25 percent of the obligated funds are reserved for rural areas. DHS is required to consult with local representatives in carrying out this program, which will sunset in FY 2025.

## Requires USDOT to create a cybersecurity tool for state and local public transportation authorities

USDOT is required to develop a tool and an office to assist public transportation agencies, owners and operators of highways and manufacturers producing transportation-related products to protect against cyber incidents within two years of enactment.



# RESILIENCE

## Amends the Stafford Act

The Robert T. Stafford Disaster Relief and Emergency Assistance Act is amended to expand eligibilities within the Hazard Mitigation Grant Program (HMGP) to include the replacement or installation of wildfire resilient electrical transmissions or utility poles. HMGP provides vital funding to counties following major disaster declarations to make resilience improvements.

## Establishes intergovernmental commission on wildfire mitigation and prevention

The Wildland Fire Mitigation and Management Commission will be made up of representatives from the Bureau of Land Management, FEMA, National Park Service, Fish and Wildlife Service and the Forest Service – to study and make recommendations to improve federal policies relating to the prevention, mitigation, suppression and management of wildland fires across the United States. Counties are one of 18 non-federal stakeholders that will hold a place on the Commission.

## Fully funds the Safeguarding Tomorrow Through Ongoing Risk Mitigation (STORM) Act

**\$500 MILLION OVER FIVE YEARS**

The STORM Act provides state and local governments with the ability to create resilience revolving loan funds for infrastructure projects.

*Counties, along with our resilience coalition partners, have advocated for full funding for the program, as it would provide additional resources for counties to utilize to improve local resilience.*



## Funds the Building Resilient Infrastructure and Communities (BRIC) Program

**\$1 BILLION OVER FIVE YEARS**

BRIC, which replaced the FEMA Pre-Disaster Mitigation Program, provides funding to states and local governments to strengthen the resilience of critical infrastructure, such as transportation, energy, water supply and communications.

## Funds Flood Mitigation Assistance Grants

**\$3.5 BILLION OVER FIVE YEARS**

The competitive grant program provides funding to state and local governments for projects that reduce or eliminate the risk of repetitive flood damage to buildings insured by the National Flood Insurance Program.

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