# NACo Analysis on U.S. House Surface Transportation Reauthorization

H.R. 7095, the *Investing in a New Vision for the Environment and Surface Transportation (INVEST) in America Act*

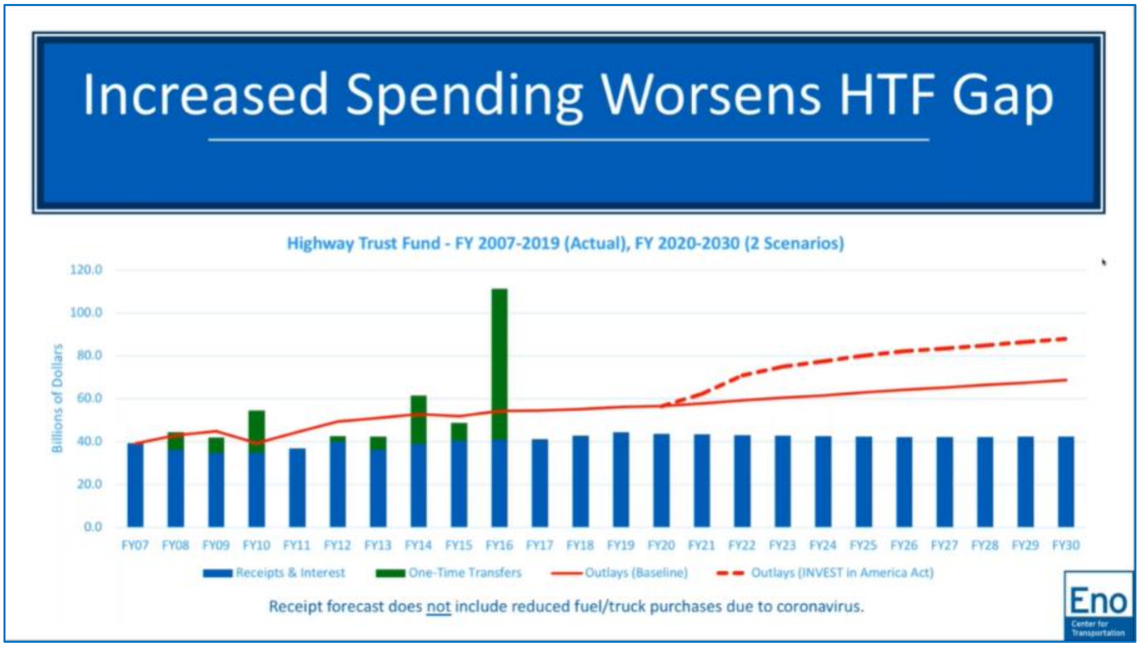
## INTRODUCTION

On June 4, Democrats in the U.S. House of Representatives, led by U.S. House Committee on Transportation and Infrastructure (T&I) Chairman Peter DeFazio (D-Ore.), introduced H.R. 7095, the *Investing in a New Vision for the Environment and Surface Transportation (INVEST) in America Act*. The five-year, $494 billion surface transportation reauthorization would largely extend current law (P.L. 114-94) for highways and transit through FY 2021, followed by new and existing authorizations for programs and funding from FY 2022 through 2025. Rail, pipeline safety and hazardous materials programs would be newly authorized from FY 2021 through FY 2025. The House T&I Committee tentatively plans to hold a markup for the bill on June 17. Top line numbers include:

- **$319 billion** for the Federal Highway Administration (FHWA)
- **$105 billion** for the Federal Transit Administration (FTA)
- **$60 million** for the Federal Railroad Administration (FRA)

The 864-page bill follows the January release of House Democrats' infrastructure framework and is the second time Congress has acted to reauthorize surface transportation programs ahead of the current law's expiration in September, though it is the first complete reauthorization bill released in either chamber. In July 2019, Senate EPW unanimously approved a five-year, bipartisan surface transportation reauthorization measure. EPW's ATIA would authorize $287 billion from the HTF for America's highways from FY 2021 through FY 2025; however, the Senate's reauthorization remains incomplete. ATIA continues to await action from other committees of jurisdiction, including the U.S. Senate Committee on Commerce, Science, and Transportation, who will add rail and safety titles, and the U.S. Senate Committee on Banking, Housing, and Urban Affairs, who has jurisdiction over public mass transit.

To date, neither the House nor the Senate proposals include a "pay for" to account for projected shortfalls in revenue from the HTF – which is predicted to be insolvent as early as 2021 – with that responsibility falling to the U.S. House Committee on Ways and Means and the U.S. Senate Committee on Finance, respectively. At least $140 billion in additional revenue sources would need to be identified to fund the legislation.




*Source: ENO Center for Transportation*

Once both chambers have developed and passed complete legislation, the two versions must be conferenced. The INVEST in America Act does not currently enjoy bipartisan support, though it likely will not need it to pass both the House T&I Committee and the House itself, setting up difficult negotiations in the Senate to work out what appears will be significant differences between the two. Should lawmakers reach an agreement in the form of a conference report, both chambers will need to approve the legislation prior to the deal going to the president's desk to be signed into law.

This timeline – in conjunction with COVID-19 and the 2020 elections – will likely set up one or more short-term extensions of the FAST Act that expires on September 30, 2020, as is partially proposed in the first year of the INVEST in America Act, and as has been the case with most recent reauthorizations.

A strong intergovernmental partnership is key to strengthening our nation's infrastructure and bolstering economic recovery. As owners and operators of 45 percent of public roads and nearly 40 percent of the National Bridge Inventory and direct supporters of 78 percent of the nation's public transit systems, counties play a critical role connecting people, businesses and economies. We invest $134 billion annually in infrastructure and maintaining and operating public works. The significant role that counties play in the national transportation and infrastructure network should be addressed through the following county priorities:

- A strong federal-state-local intergovernmental partnership that maintains local decision-making
- Dedicated funding for locally owned infrastructure
- Preservation of tax-exempt status for municipal bonds
- Streamlining the federal regulatory process while ensuring good environmental stewardship
- Bringing long-term certainty and solvency to the federal Highway Trust Fund

## EXECUTIVE SUMMARY

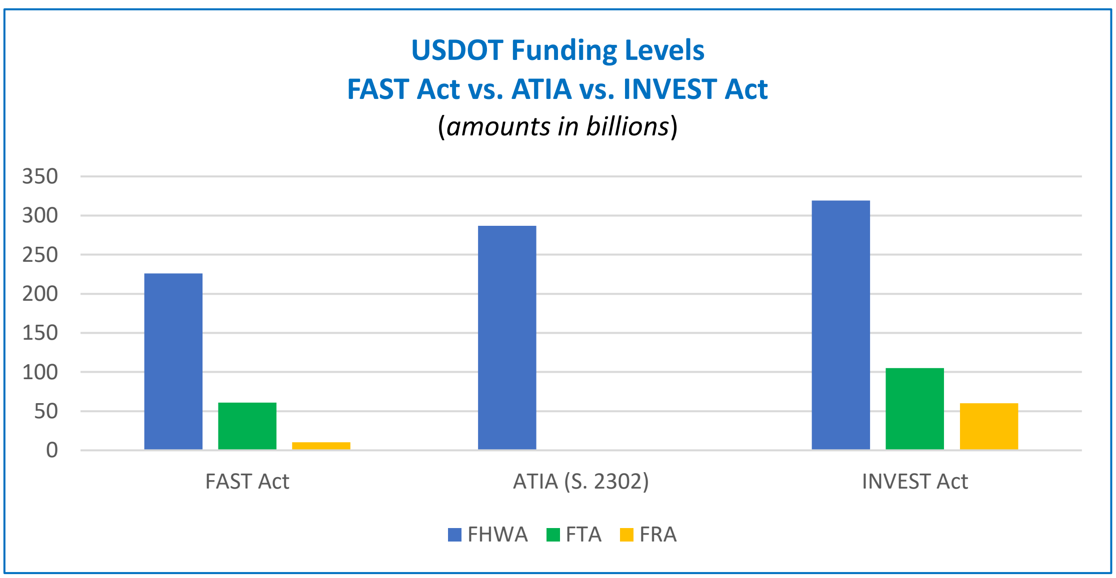
Through its four divisions, the INVEST in America Act – if enacted – would broadly do the following:

- Extend current programs and policies for highways and transit in FY 2021 (Division A)
- Add additional HTF contract authority for the U.S. Department of Transportation's (USDOT) highway, transit and safety administrations for FY 2021 that state and local governments may use for capital projects, salaries and operating expenses (Division A)
- Provide for a 100 percent federal cost share for projects completed using FHWA or FTA formula funds in FY 2021 (Division A)
- Reauthorize highway and transit programs from FY 2022 through FY 2025 (Division B)
- Reauthorize Pipeline and Hazardous Materials Safety Administration programs from FY 2021 through FY 2025 (Division C)
- Reauthorize rail programs from FY 2021 through FY 2025 (Division D)

Major themes of the bill include:

- Returning transportation and infrastructure assets to states of good repair versus adding new capacity
- Improving the resiliency of assets to climate change and implementing policies that reduce carbon emissions
- Addressing bridge needs
- Increasing active transportation opportunities and bike and pedestrian safety
- Significantly increasing transit and rail programs, including through various funding programs for buses, capital investments, Amtrak and high-speed rail

In comparison to current law, the bill would provide $189 billion more than the $305 billion provided for surface transportation in P.L. 114-94, *the Fixing America's Surface Transportation (FAST) Act*, representing an overall increase of 62 percent. In comparison to the spending levels prescribed in the U.S. Senate Committee on Environment and Public Works' (EPW) highway bill, S. 2302, the *America's Transportation Infrastructure Act* (ATIA), the INVEST in America Act would provide $38.2 billion more than the $287 billion dedicated for highways in ATIA, representing an increase of 11 percent.



Notably, the INVEST in America Act would detour from previous authorizations by decreasing the amount of highway funds apportioned to states through formulas, instead making these funds available through grant programs—many of which counties would be able to apply for directly through USDOT. Under current law, the FAST Act directs 92.1 percent of its highway funds to states through formulas; the INVEST in America Act would decrease this to 88.7 percent. Generally, the bill would create or reauthorize over 20 programs not currently in law that would have access to the HTF.

### If the INVEST in America Act was enacted, it would…

- **Increase direct funding opportunities** for counties by creating or reviving over 20 new grant programs
- **Divert funds traditionally apportioned through formulas to states to competitive programs** that counties could apply for directly through USDOT
- **Allow FY 2021 funds to be used at a 100 percent federal cost share** to aid communities recovering from COVID-19
- **Increase authorization levels for USDOT's highway, transit, rail and safety** administrations
- **Maintain and increase the off-system bridge set-aside** to over $1 billion annually (currently roughly $777 million)
- **Expand local decision-making** in projects completed under the surface transportation block grant by adding a new population tranche
- **Create a new, $2.4 billion grant program for locally owned infrastructure** that counties could apply for directly through USDOT
- **Address climate change and resiliency needs of transportation and infrastructure assets** with new grant programs and carbon emission reduction requirements
- **Significantly increase funding for rail and transit** projects and programs
- **Prioritize returning transportation and infrastructure assets to states of good repair** over adding new capacity for motor vehicles
- **Grow the CRISI grant program** by over 320 percent
- **Create a new, $2.5 billion grant program to address at-grade rail-highway crossings** for counties to make improvements or eliminate these crossings all together wherever possible
- **Extend the amount of time a local government has to apply for highway emergency funds** from two years to six years
- **Weaken the High Risk Rural Road special rule** by allowing states to obligate funds over the following two fiscal years after the rule is triggered (states are currently required to obligate all funds to address the HRRR in the year the rule is triggered)
- **Create several new intergovernmental working groups** for USDOT
- **Implement new reporting and planning requirements** for counties and local transportation agencies, with a focus on environmental and employee protections
- **Begin to address the looming insolvency of the Highway Trust Fund** by establishing federal and state vehicle miles traveled pilot programs

## ANALYSIS

### Division A—Covid-19 Response and Recovery

**Extends FY 2020 USDOT funding levels through FY 2021:** Sec. 101 would extend current FY 2020 authorization levels set in the fifth and final year of the FAST Act for USDOT highway ($43.37 billion), transit ($10.25 billion), traffic safety ($778.3 million) and commercial vehicle safety ($675.8 million) administrations through FY 2021 to allow for communities to recover from COVID-19 prior to putting new transportation policies in place.

*Counties are facing a projected $144 billion budget shortfall as a result of our frontline response to the COVID-19 pandemic, including billions in lost transportation revenues alone.*

NACo estimates that **counties lost over $1.2 billion in transportation-related funding this past April and May alone** as a result of COVID-19**.**

This estimate includes **$431 million** in lost county-collected revenue and **$808.6** million in lost intergovernmental revenue from federal government, state and other local governments sources for transportation.

**Authorizes additional $14.74 billion for highways in FY 2021 ($58.11 billion total):** Sec. 102 would authorize an additional $14.74 billion in contract authority from the Highway Trust Fund (HTF) above FY 2020 levels ($43.37 billion) to be distributed to states through the FAST Act's six existing highway formulas and sub-allocation procedures to local governments, bringing the total to $58.11 billion for FY 2021. Project eligibility would be intentionally broad to help communities recover from the effects of COVID-19 on transportation systems. This section would allow FY 2021 highway funds to be obligated at a 100 percent federal share, with the exception of projects completed under the Infrastructure for Rebuilding America (INFRA) grant program or the Transportation Infrastructure Finance and Innovation Act (TIFIA) loan program.

*While counties own more road miles in the United States than any other form of government, we recognize that the nation's transportation system depends on roads and bridges owned by all levels of government and that the role counties play within a state varies greatly state-by-state. Therefore, counties support a federal highway program that supports investments on both state and locally owned roads and bridges.*

**Authorizes additional $5.79 billion for public transit for FY 2021 ($15.94 billion total):** Sec. 103 would authorize an additional $5.79 billion in HTF contract authority above FY 2020 levels ($10.15 billion) for mass transit systems to be distributed through existing formula grants programs, including those to urbanized (5307) and rural (5311) areas and those for growing states and high density (5340), increasing the state of good repair (5337) and enhancing the mobility of seniors and people with disabilities (5310). This would bring the total HTF contract authority for public transit systems to $15.94 billion for FY 2021. Funds would be eligible for both capital and operating expenses, including the purchase of personal protective equipment. Transit agencies, including local and regional transit systems, would be required to use the additional funds – to the maximum extent possible – for payroll and to provide public transit service.

*Counties directly support 78 percent of the nation's public transit systems that connect people and places in every corner of the country.*

**Authorizes additional $958 million for Capital Investment Grants (CIG) for FY 2021 ($3.26 billion total):** Sec. 103 would also increase funding in FY 2021 for the Federal Transit Administration's CIG program by adding an additional $958 million to the program's current authorization level of roughly $2.3 billion annually, as set by the FAST Act (P.L. 114-94). It would also allow sponsors to request an increase in the federal share by up to 30 percent for transit projects to mitigate the impact of lost local revenue associated with COVID-19 incurred since January 20, 2020. Funds obligated in FY 2021 would be eligible for up to a 100 percent federal share. Sponsors could also defer local match requirements under the newly established CIG COVID-19 Emergency Relief Program. Under current law and the INVEST in America Act, counties can apply directly to USDOT for CIG funds that may be used to complete heavy and light rail, commuter rail, streetcar and bus rapid transit projects.

*Counties believe that Congress should provide funds, in partnership with state and local governments, to improve existing public transportation systems and to establish new transit systems where needs and benefits have been determined by local elected officials.*

**Authorizes additional $454.4 million in HTF contract authority for USDOT safety administrations ($1.91 billion total):** Sections 104 and 105 would provide additional HTF contract authority for FY 2021 in the amounts of $244.5 million for the National Highway Safety Administration (NHTSA) and $209.9 million for the Federal Motor Carrier Safety Administration (FMCSA), respectively. FY 2020 funding levels set in the FAST Act for NHTSA are $778.3 million and $675.8 million for FMCSA.

## Division B—Surface Transportation Reauthorization

## TITLE I—FEDERAL-AID HIGHWAYS

### Subtitle A—Authorizations and Program Conditions

**Authorizes $257.5 billion in Highway Trust Fund (HTF) contract authority for federal highways from FY 2022 through FY 2025:** Sec. 1101 would authorize $257.4 billion in HTF contract authority for federal-aid highways over four years from FY 2022 through FY 2025. These funds would be apportioned to states through nine federal-aid highway programs: the Railway-Highway Crossing Program (commonly known as Section 130), the Surface Transportation Program (STP; formerly Surface Transportation Block grant program), the Highway Safety Improvement Program (HSIP), the National Highway Performance Program (NHPP), metropolitan planning activities, the Carbon Pollution Reduction Program, the Pre-disaster Mitigation Program, the Congestion Mitigation and Air Quality Improvement Program (CMAQ) and the National Highway Freight Program (NHFP). The contract authority would be authorized at the following levels over four fiscal years:

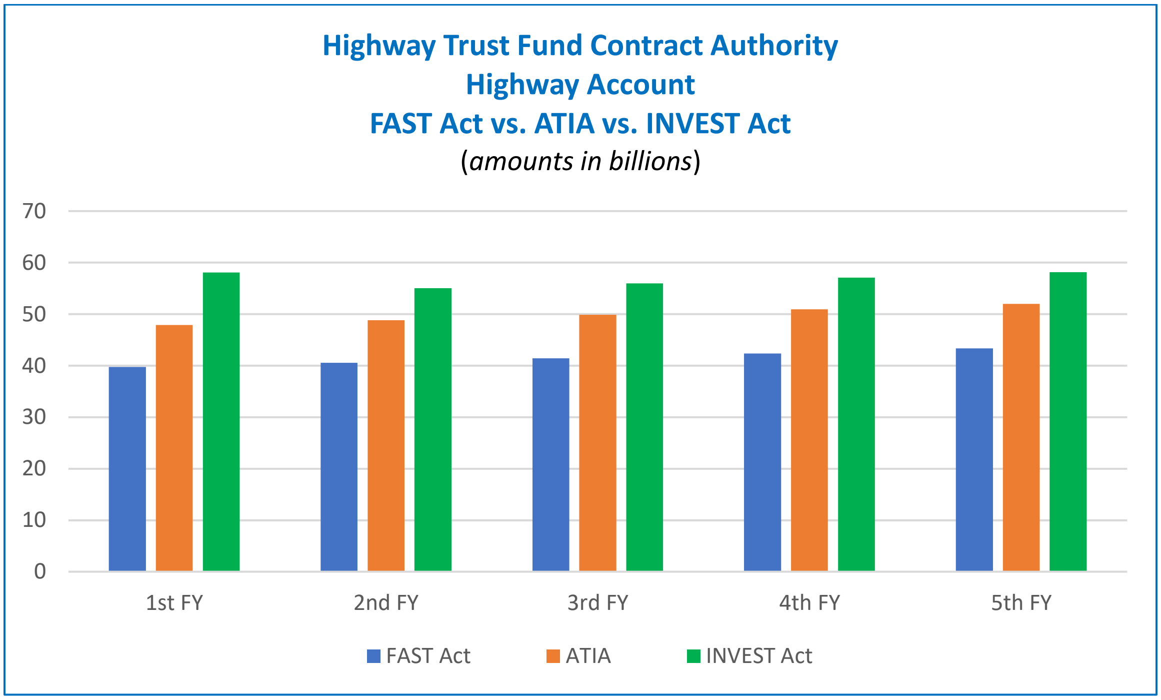
- **$55.02 billion** in FY 2022
- **$55.98 billion** in FY 2023
- **$57.10 billion** in FY 2024
- **$58.12 billion** in FY 2025

This section would also authorize appropriation levels for several other programs that are outlined later in the bill.

## HIGHWAY TRUST FUND FHWA AUTHORIZED CONTRACT AUTHORITY TOTALS OVER FIVE YEARS

| FAST Act (P.L. 114-94) | ATIA (S. 2302) | INVEST Act (H.R. 7095)* |
|---|---|---|
| $207.43 billion | $249.43 billion | $269.60 billion |

**additional FY 2021 Division A funds not included*




**Increases financing opportunities for counties:** Sec. 1101 would provide $300 million annually for USDOT's Transportation Infrastructure Finance and Innovation Act (TIFIA) loan program, equal to the amount authorized for the program in the fifth and final year of the current law, from FY 2022 through FY 2025. This would provide an increase of $65 million for TIFIA over the life of the bill.

*Counties support innovative financing mechanisms, including TIFIA, that would allow local governments and transportation authorities, such as counties, to leverage federal financing for capital projects.*

**Amends specifications for roadway design:** Sec. 1107 would direct USDOT to revise roadway design standards, in conjunction with the American Association of Highway Transportation Officials (AASHTO), to bring into consideration all users of the transportation network, including pedestrians, cyclists and public transit users. It would provide design flexibility to local governments for projects off the National Highway System (NHS) at the approval of USDOT. Counties could use federal and state metropolitan planning funds to carry out any necessary activities.

**Increases federal share for counties using innovative construction materials:** Sec. 1108 would expand projects eligible for an up to 100 percent federal cost share to include those using "prefabricated bridge elements, innovative materials, and other technologies to reduce bridge construction time, extend service life, and reduce preservation costs" and also those utilizing materials that would reduce greenhouse gas emissions.

**Requires states to run competitive grant process for counties:** Sec. 1109 would prevent a state from transferring Transportation Alternatives Program (TAP) funds to other federal highway programs unless it first runs a competitive process to award the funds made available to be sub-allocated to local governments and is subsequently unable to do so. Under current law, a state may transfer up to 50 percent of its TAP funds to the NHPP, NHFP, STBGP, HSIP or CMAQ.

This section would also prevent a state from transferring Section 130 funds unless it can demonstrate that protective devices have been installed at all at-grade rail-highway crossings.

*Due to continued federal and state underinvestment, 80 percent of at-grade rail-highway crossings in rural counties lack proper signage and/or adequate warning devices, leading to a 39 percent higher rate of fatalities at these crossings when compared to their urban counterparts.* (Source: USDOT Rural Transportation Statistics)

## Subtitle B—Programmatic Infrastructure Investments

**Emphasizes transportation infrastructure states of good repair (SOGR):** Sec. 1201 would revise the National Highway Performance Plan (NHPP) to require states to address SOGR needs as identified in a statewide transportation asset management plan before adding new capacity. It would also require a state, prior to installing additional lanes for single occupancy vehicles, to evaluate if an operational improvement or transit project would be more cost efficient. It would also expand NHPP eligibility for projects that enhance resiliency, improve evacuation routes, mitigate wildlife interactions and reduce carbon emissions. Finally, it would require states to consider climate change in the development of transportation plans.

**Creates new, $6.25 billion pre-disaster mitigation program; requires consultation with counties:** Sec. 1202 would mandate that states and Metropolitan Planning Organizations (MPOs) include mitigation strategies for climate change in long-range transportation plans, as well as vulnerability assessments for critical transportation assets and/or those repeatedly damaged by natural disasters. States and MPOs would be required to consult with counties in identifying assets in need.

This section would also establish a new pre-disaster mitigation program, funded through apportionments to states at $6.25 billion over the life of the bill, that could be used to construct natural infrastructure or other protective features, to relocate assets repeatedly damaged by disasters or to address other vulnerabilities.

*Counties believe that our federal partners should work to strengthen efforts to provide funding to state and local governments to protect and make more resilient our national critical infrastructure and, subsequently, our national economy.*

**Extends period for counties to carry out emergency relief (ER) projects:** Sec. 1203 would extend the current two-year period that counties have to execute projects using Federal Highway Administration (FHWA) ER funds to six years.

*Counties support extending the time period from two to six years in order to allow entities using FHWA ER funds adequate time to advance projects to the construction obligation stage.*

**Creates new, standalone program for at-grade rail-highway crossings:** Sec. 1204 would establish a standalone program, based on Section 130, to address at-grade crossings using FHWA funds with a federal cost share of up to 90 percent. It would apportion funds to states to carry out the following projects at at-grade crossings: to eliminate hazards; to construct protective devices; to carry out projects and/or implement strategies that prevent or reduce injuries and fatalities; to carry out projects that mitigate the loss of accessibility due to a crossing closure; to make bike and pedestrian improvements; or to complete other at-grade improvements currently eligible for funding under the Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant program.

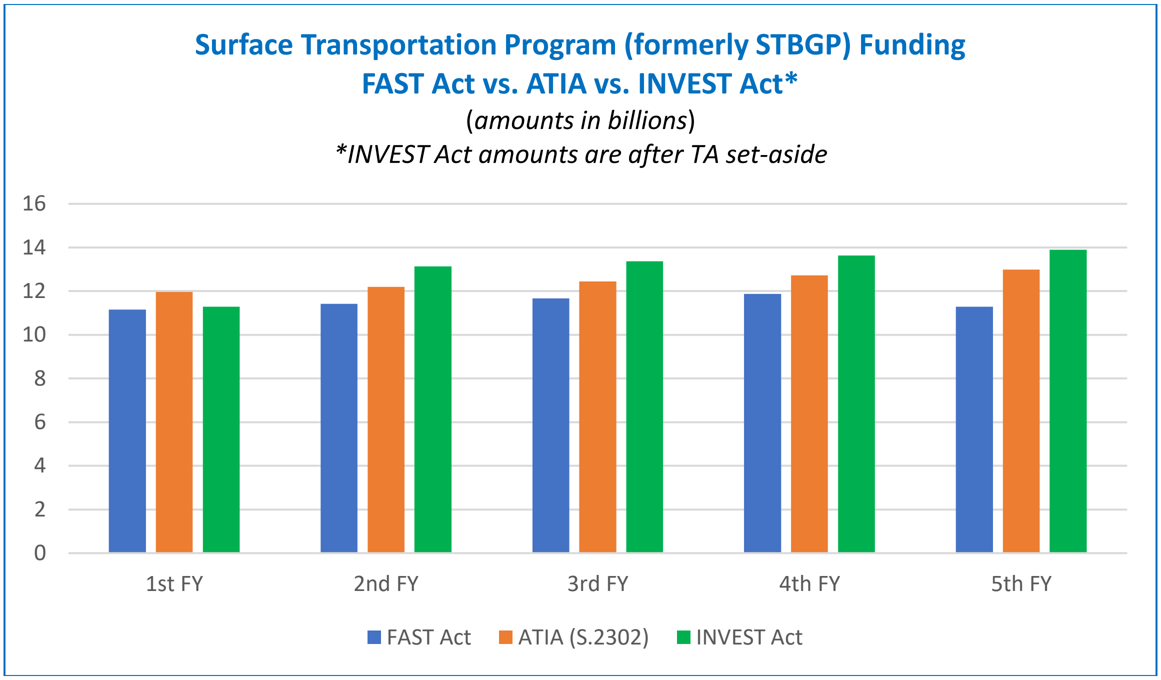
*Counties support Congress providing additional funding to local governments, states and railroads to improve grade crossings and separations to allow for safer interactions between road and rail traffic.*

**Expands local funding opportunities through the Surface Transportation Program (STP**): Sec. 1205 would, first, return the name of the Surface Transportation Block Grant program to the Surface Transportation Program (STP), as it was prior to its change in the 2015 FAST Act. It would also maintain the current 55:45 ratio for STP funds, with states required to sub-allocate 55 percent of the funds it receives for STP to communities based on population. However, it would revise STP sub-allocations to include four population segments, up from three in current law, thereby providing mid-size counties with populations between 50,000 and 200,000 greater funding opportunities and ensuring that STP funds flow to counties of all sizes.

To increase transparency, this section would require states to establish a process to coordinate with MPOs representing urbanized areas and to describe how funds will be allocated to urbanized areas between FY 2022 and FY 2025. It would also require a state, before obligating funds to counties of 50,000 or below, to consult with any regional transportation planning organizations that represent the area. Finally, this section would establish a new technical assistance program for counties over 200,000 to facilitate successful project delivery.

Compared to the $11.29 billion provided for STBGP/STP in FY 2020 in the FAST Act that would also carry over for FY 2021 (plus additional funds from Sec. 102), the INVEST in America Act would grow the program to provide the following funding levels over four years (after the transportation alternatives set-aside):

- **$13.14 billion** in FY 2022
- **$13.37 billion** in FY 2023
- **$13.64 billion** in FY 2024
- **$13.89 billion** in FY 2025




*Investing $134 billion annually in the construction of transportation infrastructure and the operation and maintenance of public works, counties strongly support increased flexible and dedicated federal funding opportunities for locally owned infrastructure.*

**Increases funding for off-system bridges to roughly $1 billion annually:** Sec. 1205 would increase the off-system bridge-set aside to 20 percent of STP funds made available for any area of the state in FY 2020. Under current law, a state must set-aside 15 percent of the amount it received for the no-longer-existent Highway Bridge Program in FY 2009, which comes to about $777 million annually. This change to the set-aside would result in approximately $1 billion annually for bridges located off the National Highway System, the majority of which are both county-owned and in poor condition.

*Counties own 62 percent of the nation's off-system bridges that are generally in eligible for federal-aid highway funds.*

**Provides for up to 100 percent sub-allocation to counties for transportation alternatives projects:** Sec. 1206 would create a 10 percent set-aside within STP to fund the Transportation Alternatives Program (TAP). It would increase the amount of TAP funds a state must allocate to counties from 50 to 66 percent and would allow a state to transfer up to 100 percent of TAP funds to counties and other local governments upon submission and approval by USDOT of a plan outlining how the funds would be used.

This section would also make MPOs serving areas less than 200,000 eligible for the program. Under current law and the INVEST in America Act, counties can use TAP funds for a wide variety of projects that focus on promoting nonmotorized aspects of transportation, including sidewalk projects, bike and pedestrian paths, lighting and safety-related infrastructure, safe routes to schools and historic preservation, among others.

**Facilitates bridge bundling:** Sec. 1207 would remove the prohibition against using multiple federal funding sources to bundle bridge projects. It would require a state to spend no less than 20 percent of its two largest apportioned highway programs on projects that improve the state of good repair, safety, efficiency or reliability of bridges through a variety of eligible projects; however, a state would have over the life of the bill to meet this goal.

*Counties own and maintain nearly 40 percent of the National Bridge Inventory, over half of which are considered structurally deficient and in need of repair.*

**Enhances highway safety, strengthens intergovernmental partnership:** Sec. 1209 would require a state to consult with local and regional partners to develop a vulnerable road user safety assessment as part of its highway safety plan. Vulnerable road users would include bicyclists and pedestrians, with the goal of identifying high risk corridors and installing appropriate safety countermeasures to protect these users.

It would also establish a "safe system approach" for roadway designs, defined as one that minimizes the risk of injury or death to all road users by considering the likelihood of human error, the tolerance of the human body to withstand impacts and vulnerable users of the road.

*Counties support the requirement that states develop and update State Strategic Highway Safety Plans in an effort to reduce accidents and fatalities on our nation's roads and believes states should be required to, at a minimum, cooperate with local government officials in the development these plans.*

**Alters high-risk rural roads special rule:** Sec. 1209 would amend the High-Risk Rural Road (HRRR) special rule to require a state where, following the most recent two-year period for which data is available, the rate of fatalities exceeds the median fatality rate for rural roads among all states, to obligate 7.5 percent of its FY 2020 HSIP apportionment to address the HRRR over the two following fiscal years.

Under current law, a state must obligate 200 percent of its FY 2009 HRRR set-aside to address these often-dangerous rural roads when the rule is triggered after the same two-year period. For some states, this change will decrease the amount required to be obligated to HRRRs should the rule be triggered; for others, it will increase (see example).

**High-Risk Rural Road Funding Scenarios**

Under current law, if the HRRR special rule was triggered in the state of Alabama, the amount to be obligated would be 200% of the state's FY09 HRRR set-aside, which is roughly **$4.12 million**.

Under the INVEST in America Act, if the HRRR special rule was triggered in Alabama, the amount to be obligated would be 7.5% of the state's FY20 HSIP apportionment, which would come to approximately **$3.66 million**.

Conversely, under the same scenarios, the state of Alaska would receive **$900,000** under current law and **$2.46 million** under the INVEST Act.

This section would also delay the required obligation of funds by a state until the following fiscal year and allow the state to obligate the required amount over two fiscal years. Under current law, a state must obligate all HRRR special rule funds in the fiscal year when the rule is triggered. If any funds remain in the following fiscal year, those too must be obligated to the HRRR by the state.

This section would create an additional rule for states to address the needs of vulnerable transportation users, to include pedestrians and cyclists, where following the most recent two-year period for which data is available, the rate of injuries and fatalities exceeds the median injury and fatality rates among all states. If this rule was triggered under the INVEST in America Act, a state would be required to obligate 50 percent of its STP set-aside within STP (currently STBGP, 23 U.S.C. 133) over the following two fiscal years.

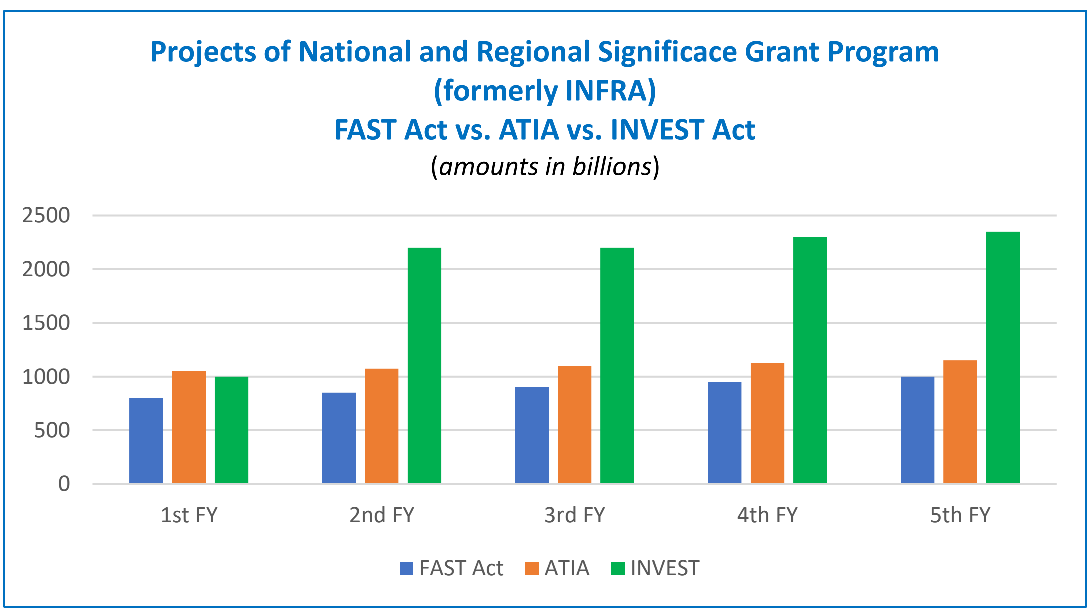
Finally, Sec. 1209 would direct USDOT to update its study and best practices on HRRRs first conducted in P.L. 112-141, *the Moving Ahead for Progress in the 21st Century (MAP-21) Act*, not later than two years after the date of the bill's enactment.

*Counties support programs that target the rehabilitation of critical elements of the transportation system in our aging regions and communities, including high-risk rural roads.*

**Codifies Safe Routes to School program:** Sec. 1215 would codify certain elements of the Safe Routes to School Program originally created by P.L. 109-59, *the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users* (SAFETEA-LU). States could use TAP and HSIP funds to deliver eligible projects that improve the ability of students to walk and bike to school, including sidewalk improvements, speed reductions, pedestrian crossings, bike parking facilities and traffic diversion improvements near schools. Projects under this section could be carried out by a county on any public road, path or trail within roughly two miles of a school, at a 100 percent federal share.

## Subtitle C— Project-Level Investments

**Authorizes over $10.05 billion for Projects of National and Regional Significance program (formerly INFRA):** Sec. 1301 would rename the INFRA grant program and authorize over $10 billion over the life of the INVEST in America Act to complete large highway, transit and rail megaprojects that would reduce congestion on roadways but that cannot typically be funded through traditional sources. In comparison to current law, this would represent an increase of $5.5 billion; in comparison to the Senate's ATIA, a $7.5 billion increase. Counties, groups of counties, MPOs and regional councils could apply directly to USDOT for these funds, which would be delivered over the life of the bill with $1 billion carried over from FY 2021; $2.2 billion provided in FYs 2022 and 2023; $2.3 billion in FY 2024; and $2.35 billion in FY 2025. Project awards would be no less than $25 million for projects with projected costs of over $100 million. This section would also allow USDOT to enter into multi-year agreements. for large projects.



**Authorizes $600 million annually for new local infrastructure grant program; creates rural set-aside:** Sec. 1302 would create the Community Transportation Investment discretionary grant program designed to support local governments with infrastructure projects that improve safety, states of good repair, accessibility and environmental stewardship. Eligible recipients include counties, public transit agencies, MPOs and regional councils. It would also create an award ceiling of $25 million for a single grant and reserve 25 percent of funds for rural areas, which are defined in the bill as all areas of a state outside of urbanized areas. It would also require USDOT to submit a list of potential project candidates for consideration to Congress prior to making awards under this section.

**Authorizes $350 million for new electric vehicle infrastructure grant program:** Sec. 1303 would create a new grant program, funded at $350 million over FY 2022 through 2025, for which counties could directly apply to USDOT for projects that would deploy electric vehicle charging infrastructure along designated alternative fuel corridors, to be funded at an 80 percent federal share.

**Authorizes $250 million for new climate grant program for counties:** Sec 1304 would create the Community Climate Innovation discretionary grant program, funded at $250 million over FY 2022 through 2025, for which counties could apply directly to USDOT to support local projects and community efforts that reduce greenhouse gas emissions.

**Authorizes $750 million directly to MPOs for local projects:** Sec. 1305 would authorize $750 million ($250 annually from FY 2023 through 2025) in direct allocations to MPOs to advance locally selected projects. It would require USDOT to publish a Notice of Funding Opportunity (NOFO) no later than April 1, 2022. Each direct recipient would receive no less than $10 million and no more than $50 million.

*Counties support increased opportunities for participation in local, regional and statewide transportation planning processes and believes local and/or regional transportation planning organizations, such as MPOs, should be made up of a majority of local elected officials.*

**Authorizes $250 million for new congestion reduction grant program for MPOs, large counties:** Sec. 1306 would authorize $250 million in FY 2022 for which counties with populations over one million, groups of counties, MPOs and mixes of both would be eligible to apply for projects that would seek to reduce gridlock in large metropolitan areas. 50 percent of funds would be dedicated to freight projects, including first and last mile solutions. Projects under this section would be awarded at a 60 percent federal match.

*Counties supports increasing, and expanding local control over, funding to urban and suburban counties to address congestion.*

**Authorizes $250 million for new rural infrastructure grant program:** Sec. 1307 would establish the Rebuild Rural grant program funded at $250 million in FY 2022 to support rural infrastructure investments through projects that focus on improving safety, states of good repair and access to employment opportunities and critical services that support rural economies. Counties would be able to apply directly for these grants, which would be capped at $25 million per award with an 80 percent federal share. Other federal funds could be used toward the 20 percent local match.

*Rural roads make up over 70 percent of the national transportation network. 44 percent of traffic on rural roads is actually a trip being taken by an urban citizen.*

**Authorizes $250 million for new truck parking grant program:** Sec. 1308 would authorize a new grant program funded at $250 million in FY 2023 for which counties could apply directly for through USDOT to address the shortage of safe and efficient parking opportunities for commercial vehicles. Funds could be used to construct parking facilities, open existing rest areas and inspection and weigh stations to commercial vehicles, facilitate access to parking through intelligent transportation systems and make capital improvements to commercial vehicle parking facilities, among several other eligible uses.

**Authorizes $250 million for new active transportation grants**: Sec. 1309 would create a new, $250 million grant program for FY 2024 to increase active transportation opportunities, including walking and biking. Counties could apply directly to USDOT for these funds that could be used for projects costing no less than $15 million to improve the connectivity of active transportation networks and to further encourage active transportation by creating an interconnected network of facilities that promote nonmotor transportation opportunities. Projects would be funded with an 80 percent federal share, with the option to use other federal funds to satisfy the 20 percent local match.

## Subtitle D—Planning, Performance Management, and Asset Management

**Revises MPO planning and designation processes:** Sec. 1401 would require MPOs to consider carbon emissions and climate change as part of the transportation planning process. It would revise future processes for MPO designations by requiring consideration to ensure "equitable and proportional representation of the population of the metropolitan planning area" on the MPO, without restructuring any existing bodies, and would ensure consultation between MPOs that represent the same urbanized area.

**Creates intergovernmental transportation working group to evaluate access to transportation systems:** Sec. 1403 would require USDOT to establish a new working group, within 120 days of the bill's enactment, to evaluate progress toward national performance goals and measures. The working group would be comprised of counties and other local governments, state and federal partners and additional public and private stakeholders. The group would be tasked with submitting a report to Congress no later than one year following the establishment of the group with recommendations around establishing measures that states and MPOs could use to assess the level of access to transportation systems for individuals to various modes of travel. The section would then require USDOT to promulgate rulemaking based on these recommendations no later than two years after the submission of the report by the working group, at which time the working group would terminate.

*Counties believe a coordinated and balanced transportation system supports the interrelationship and connectivity of transportation infrastructure and services across all levels of government, including county, municipal, state and federal transportation assets.*

## Subtitle E—Federal Lands, Tribes, and Territories

**Authorizes $800 million annually for the Tribal Transportation Program (TTP):** Sec. 1502 would authorize $800 million per year in contract authority from the Highway Trust Fund (HTF) for the TTP. It would allow funds to be used to construct new bridges, improve safety and public awareness around transportation and to better enforce highway safety laws within tribal nations. States, local governments and tribes would be eligible to enter into contracts with USDOT and the U.S. Department of the Interior (DOI) to carry out eligible projects that would include transportation planning, construction, maintenance, rehabilitation, installing signage, carrying out environmental mitigation and constructing parking areas, among others.

**Authorizes $50 million annually for tribal high priority projects:** Sec. 1503 would authorize the Tribal High Priority Projects program, funded at $50 million annually from the HTF, for grants for to address the most immediate transportation infrastructure needs for tribes whose annual transportation funding is inadequate to meet community needs. States, local governments and tribes would be eligible to enter into contracts with USDOT and DOI to carry out these projects.

**Authorizes $400 million annually for Federal Lands and Tribal Major (FLTM) Projects program:** Sec. 1505 would authorize the FLTM (formerly the Nationally Significant Federal Lands and Tribal Projects program), funded at $400 million annually from the HTF. Counties would have to be sponsored by a tribe or federal land management agency to be eligible for funding under this section. Funds could be used to carry out planning, analyses, environmental reviews, design and other preconstruction activities, as well as construction and rehabilitation projects.

**Creates USDOT Office of Tribal Government Affairs:** Sec. 1506 would establish an Office of Tribal Government Affairs at USDOT and create an Assistant Secretary for Tribal Government Affairs position to oversee the administration of tribal transportation programs and to provide technical assistance to tribes.

## Subtitle F—Additional Provisions

**Allows use of block grant and highway safety funds for Vision Zero planning:** Sec. 1601 would allow states to use Highway Safety Improvement Plan (HSIP) or Surface Transportation Program (STP) funds to support a local government or local planning organization in establishing a towards zero death transportation plan with the goal of significantly reducing or eliminating traffic-related injuries and fatalities.

**Directs USDOT to study and update state and local rules governing speed limits:** Sec. 1602 would direct USDOT to review and update rules for state and local governments to require the use of a "safe system approach" in setting speed limits that are consistent with recommendations from the National Traffic Safety Board. USDOT would have to submit updated requirements within one year of the bill's enactment.

**Deploys broadband infrastructure; requires consultation with counties:** Sec. 1603 would implement requirements for states to create a process for broadband deployment. It would also create a "Dig Once" task force that would be required to consult with counties in developing a report for Congress that would analyze the estimated annual cost for a national dig once requirement and options for funding such a requirement.

*Counties strongly support legislation and administrative policies that help counties rapidly expand public-private partnerships and to attract affordable, abundant, redundant and reliable high-speed broadband services that meet or exceed federal broadband speed definitions regardless of population or technology used.*

**Commissions study on stormwater management best practices:** Sec. 1605 would jointly authorize USDOT and the U.S. Environmental Protection Agency (EPA) to commission a Transportation Research Board study on stormwater runoff best practices to be submitted to Congress no letter than 18 months after the date of the bill's enactment and updated every five years thereafter. It would further require USDOT to update its own management practices regarding runoff pollutants and contaminants.

*Counties support using federal funding of a comprehensive stormwater research program to determine the impact of stormwater on overall water quality.*

**Directs USDOT to consult with counties on highway formula modernization study:** Sec. 1607 would direct USDOT to consult with the American Association of State Transportation Officials (AASHTO) and local governments to conduct a study of how federal-aid highway dollars are currently apportioned through 23 U.S.C. 104 and make subsequent recommendations around improvements in a report to Congress no later two years after the bill's enactment.

**Enhances work zone safety:** Sec. 1608 would increase funding from $3.5 million to $4 million over FY 2022 through 2025 to carry out Operation Lifesaver (rail safety nonprofit), fund work zone safety grants (nonprofits and not-for-profits are eligible who then provide training to local governments, local/regional transit and transportation agencies, etc.) and operate safety-related clearinghouses. It would also clarify that projects completed under this section would be done so at a 100 percent federal share.

**Makes local safety training eligible for funding:** Sec. 1612 would make direct educational and training expenses "related to the work zone safety training and certification of employees of state and local transportation agencies" eligible for funding from a state's NHPP or CMAQ apportionment, subject to approval by USDOT.

**Creates intergovernmental working group to examine availability of certain construction materials:** Sec. 1614 would establish a working group to be made up of state, local and tribal officials and other public and private transportation industry stakeholders to assess the use, availability and challenges of covered resources – defined in the legislation as "common variety materials used in transportation infrastructure construction and maintenance, including stone, sand, and gravel" – in federally funded transportation projects. Not later than two years after the group is established, it would be required to submit findings and recommendations on how to reduce costs and environmental impacts on the transportation construction supply chain to USDOT, who would subsequently be required to submit a report with the recommendations to Congress no later than three months after receiving the group's assessments.

## TITLE II—PUBLIC TRANSPORTATION

### Subtitle A—Federal Transit Administration

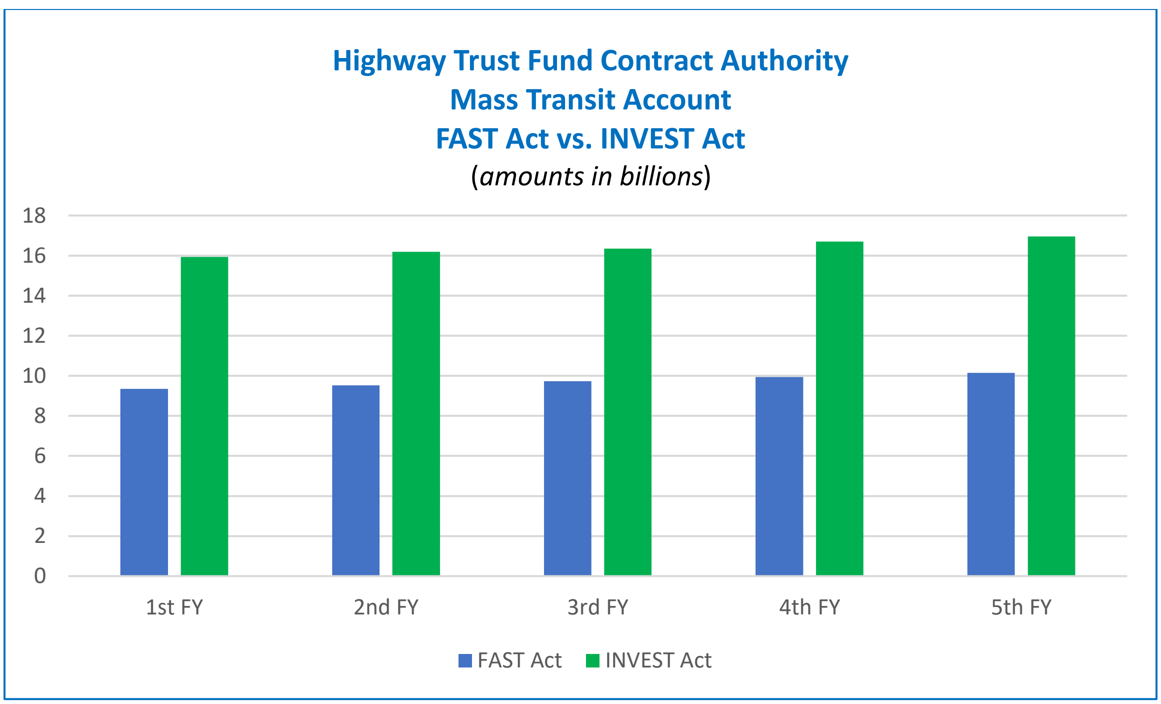
**Authorizes $76.44 billion from the Highway Trust Fund (HTF) for mass transit:** Sec. 2101 would authorize a total of $76.44 billion in contract authority from the HTF's mass transit account over FY 2022 through 2025 for public transit. This would follow a carry-over of $10.15 billion (plus an additional $5.79 billion Division A funds) from FY 2020 for FY 2021. In comparison to current levels set in the FAST Act, this represents an increase of roughly 57 percent. The $76.44 billion would be divided in the following ways:

- **$16.19 billion** for FY 2022
- **$16.34 billion** for FY 2023
- **$16.70 billion** for FY 2024
- **$16.96 billion** for FY 2025

### HIGHWAY TRUST FUND FTA AUTHORIZED CONTRACT AUTHORITY TOTALS OVER FIVE YEARS

| FAST Act (P.L. 114-94) | INVEST Act* (H.R. 7095) |
|---|---|
| $48.71 billion | $76.44 billion |

**additional FY 2021 Division A funds not included*




The amounts would flow through new and existing formula programs to local and regional transit agencies in the following ways:

| **FTA FORMULA GRANT** | **FY 2022** | **FY 2023** | **FY 2024** | **FY 2025** |
|---|---|---|---|---|
| **5305** (planning) | $189.88 million | $192.84 million | $195.93 million | $199 million |
| **5307** (urban) | $7.51 billion | $7.62 billion | $7.74 billion | $7.87 billion |
| **5308** (clean fuels) | $101.51 million | $109.09 million | $104.74 million | $106.39 million |
| **5310*** (mobility for seniors and disabled individuals) | $434.83 million | $441.61 million | $448.68 million | $445.72 million |
| **5311*** (rural) | $1.03 billion | $1.04 billion | $1.06 billion | $1.07 billion |
| **5312*** (innovation) | $33.50 million | $34.02 million | $34.57 million | $35.11 million |
| **5314*** (technical assistance and workforce) | $23.35 million | $23.71 million | $24.09 million | $24.47 million |
| **5318** (bus testing) | $5.08 million | $5.15 million | $5.24 million | $5.32 million |
| **5328*** (intermodal) | $30.45 million | $30.93 million | $31.42 million | $31.91 million |
| **5335** (national transit database) | $4.06 million | $4.12 million | $4.19 million | $4.26 million |
| **5337** (state of good repair) | $4.19 billion | $4.27 billion | $4.34 billion | $4.42 billion |
| **5339(a)*** (bus formula grants) | $1.24 billion | $1.26 billion | $1.28 billion | $1.30 billion |
| **5339(b)** (bus competitive grants) | $437.08 million | $424.75 million | $387.94 million | $351.10 million |
| **5339(c)** (low or no emissions) | $375 million | $400 million | $450 million | $500 million |
| **5340(c)** (growing states) | $309.90 million | $309.90 million | $309.90 million | $309.90 million |
| **5340(d)** (high density) | $277.44 million | $277.44 million | $277.44 million | $277.44 million |
| **funds would be further obligated* | | | | |

**Authorizes funding for Capital Investment Grants (CIG):** Sec. 2101 would also authorize appropriations for CIG at the following levels over the life of the bill: $3.5 billion in FY 2022; $4.25 billion in FY 2023; $5 billion in FY 2024; and $5.5 billion for FY 2025. Under current law and the INVEST in America Act, counties are eligible to apply directly to USDOT for CIG funds.

## Subtitle B—Improving Frequency and Ridership

**Creates new competitive grant program to increase ridership for public transit systems:** Sec. 2201 would create a new competitive grant program, funded at $100 million annually, to increase ridership by redesigning streets in a way that would facilitate more efficient movement of people in major urban areas. Eligible applicants would be counties or other entities who receive 5307 transit formula funds and are located in an urbanized area with a population of greater than 500,000. Projects would be funded at an 80 percent federal share.

*Counties believe Congress should provide funds, in partnership with state and local governments, to improve existing public transportation systems and to establish new transit systems where needs and benefits have been determined by local elected officials.*

**Revises urban transit incentive formula:** Sec. 2202 would, beginning in FY 2023, adjust the base for the current urban transit incentive formula away from low operating costs and instead to the number of vehicles per hour during peak service in the highest 25 percent routes of ridership.

*Counties support full funding of the urbanized area formula grant program at historic levels for both capital and operating assistance.*

**Revises rural transit formula:** Sec. 2204 would revise the rural transit formula's base to the following: 15 percent based on rural land area; 50 percent based on rural population; 25 percent based on vehicle revenue miles; and 10 percent based on the state's share of low-income individuals. It would also allow in-kind contributions to be accepted in lieu of providing local funds to meet matching requirements.

**Creates new competitive grant program for counties with paratransit services:** Sec. 2205 would create the One-Stop Paratransit competitive grant program to examine the costs, benefits and obstacles to allowing flexibility in paratransit trips. This would include making stops to drop off or pick up children and brief trips to pharmacies, grocery stores or banks. Counties with paratransit services could apply to USDOT who would then select 15 participants, made up of five eligible applicants that serve populations between 50,000 and 200,000, ten eligible applications that serve populations over 200,000 and five eligible applicants that serve rural communities. Participants would evaluate their ability to maintain a one-stop paratransit service, in comparison to those with fixed routes. Grants made under this section would cover costs associated with making additional stops.

*Counties support increased funding to the small urban and rural public transportation programs.*

## Subtitle C— Buy America and Other Procurement Reforms

**Prevents the transition to autonomous buses:** Sec. 2302 would prevent USDOT from obligating any funds to be used in support of a transition to autonomous buses or shuttles. Specifically, the legislation would prevent any funds from going toward "any alternative design or manufacture specification of a bus offered by a manufacturer."

*Counties support making road congestion mitigation a top priority by exploring, implementing and funding automated shuttles and transit network systems for congestion mitigation.*

## Subtitle D—Bus Grant Reforms

**Revises formula grants for buses:** Sec. 2401 would alter current formula to remove eligibility for low emission vehicles and revise the program so that only no emission vehicles would be eligible for transit formula fund funds under 49 U.S.C. 5339(a).

**Removes eligibility to buy or lease buses under competitive bus program:** Sec. 2402 would modify the competitive bus program by removing eligibility for replacing, rehabilitating, purchasing or leasing buses and related equipment to allow only for projects to complete large, one-time needs for bus garages, stations or fleet expansions. Priority would be given to older facilities, those in need of resiliency improvements and those with existing multimodal connections at stations.

**Creates additional planning requirements for local transit agencies around bus emissions:** Sec. 2403 would set procurement requirements to ensure local transit agencies are investing in zero-emission bus fleets and infrastructure. This section would require a transit agency to plan for both transitioning toward long term zero-emission needs, as well as a study examining the costs and necessities associated with transitioning a fleet.

**Creates new subgrant with bus formula for aging buses:** Sec. 2404 would create a subgrant through 49 U.S.C. 5339 to provide additional rolling formula funding for transit agencies with the oldest buses.

## Subtitle E—Supporting All Riders

**Amends urban transit formula for low-income populations:** Sec. 2501 would revise the formula to base funding on the following: 50 percent for urbanized areas with populations of 200,000 and above (down from 75 percent); 12.5 percent for urbanized areas below 200,000 (down from 25 percent); 30 percent for communities above 200,000 based on their share of the number of individuals residing at a poverty rate of at least 20 percent for the preceding five years; and 7.5 percent for communities below 200,000 based on their share of the number of individuals residing at a poverty rate of at least 20 percent for the preceding five years.

**Requires states to distribute transit funds to persistent poverty counties:** Sec. 2502 would require that $50 million annually be set-aside through rural transit formula grants (5311) to improve transit in rural areas with persistent poverty, which is defined in the bill as a county with a poverty rate above 20 percent since 1990.

**Creates new grant program for low-income riders:** Sec. 2503 would create a new demonstration program to provide low-income riders with reduced fares and subsequently fund a study, in collaboration with a University Transportation Center, on the program's effectiveness at increasing ridership among low-income transit users. A county or local or regional public transit agency would be eligible to apply directly for these funds through USDOT.

## Subtitle F— Supporting Frontline Workers and Passenger Safety

**Requires local transit agencies to form safety committees:** Sec. 2602 would require that local transit agencies expand their plans to increase focus on passenger and personnel injuries, assaults and fatalities. It would also require that a joint labor-management safety committee, made up of equal numbers of representatives from an employer or state and a labor organization, be formed to approve the safety plan.

**Further prohibits public transit agencies' use of automated vehicles:** Sec. 2603 would further clarify that transit agencies are prohibited from deploying automated vehicles in place of any existing transit service. It would require any transit agency considering transitioning toward automation to develop a comprehensive workforce plan on how it will affect employees.

**Establishes performance-based metrics for transit personnel:** Sec. 2604 would establish four performance-based safety metrics for transit agencies: passenger and workforce injuries by total revenue vehicle miles attributed to rail; passenger and workforce fatalities by total revenue vehicle miles attributed to rail; passenger and workforce injuries by total revenue vehicle miles attributed to buses; and passenger and workforce fatalities by total revenue vehicle miles attributed to buses. It would then require transit agencies serving urbanized areas with populations above 200,000 who exceed one of the established metrics to allocate 2.5 percent of urban area transit funds (5307) over the next two fiscal years toward an eligible project that is "reasonably likely to reduce injuries and fatalities identified in a reported exceeded metric, including state of good repair projects, increased safety inspections, modifications to rolling stock, and de-escalation training." It would also require transit agencies serving urbanized areas with populations below 200,000 who exceed the metric regarding passenger and workforce injuries to allocate 2.5 percent of urban area transit funds (5307) over the next two fiscal years.

## Subtitle G—Transit-Supportive Communities

**Establishes new Transit Oriented Development Planning grant program:** Sec. 2701 would create a new competitive grant program for which counties could apply directly to USDOT for financial assistance in planning for projects that have the potential to enhance economic development, facilitate multimodal connectivity, increase access to transit hubs for non-motorists and include private sector participation, among others. Projects under this section would be completed at an 80 percent federal share.

**Authorizes transfer of assets to local governments:** Sec. 2702 would allow a recipient of transit formula funds who has acquired an asset using, at least in part, federal funds under this chapter to transfer an asset to a local government should it deem it no longer needed, granted that the asset would remain in public use for the following five years and that at least 15 percent of housing units would be offered as affordable housing.

**Provides incentives for housing through Capital Investment Grants (CIG):** Sec. 2703 would direct USDOT to weight favorably applications for projects from CIG sponsors that preserve or encourage affordable housing nearby. Counties are eligible to apply directly to USDOT for CIG funds. It would also allow a local government to use funds from the Economic Development Administration Public Works grant program or the U.S. Department of Housing and Urban Development Community Development Block Grant program to satisfy the local match requirement.

### Subtitle J—Streamlining

**Seeks to balance transit and highway project approval processes:** Sec. 2911 would make various changes to the CIG program approval process, including increasing the cap for Small Starts projects to $320 million, making station expansion eligible for core capacity projects, increasing the time projects have to move through the engineering phase to three years and reestablishing that projects performed under this section would be done so at an 80 percent federal share, among several others.

## TITLE III—HIGHWAY TRAFFIC SAFETY

**Authorizes $4.3 billion for highway safety:** Sec. 3001 would authorize $4.3 billion in Highway Trust Fund contract authority for the National Highway Traffic Safety Administration for FY 2022 through FY 2025.

## TITLE IV—MOTOR CARRIER SAFETY

### Subtitle A—Motor Carrier Safety Grants, Operations, and Programs

**Authorizes $2.2 billion funding for truck safety:** Sec. 4101 would authorize $2.2 in Highway Trust Fund contract authority for the Federal Motor Carrier Safety Administration (FMCSA) for FY 2022 through FY 2025.

### Subtitle C—Commercial Motor Vehicle Driver Safety

**Requires FMCSA review of Hours of Service (HOS) rule:** Sec. 4306 would direct FMCSA to conduct a study on the current HOS regulations. It would also prohibit FMCSA from expanding duty time for commercial truck drivers until after a review is conducted by Congress.

*Counties support exempting agricultural trucking activity from FMCSA's electronic logging devices and HOS rules.*

### Subtitle D—Commercial Motor Vehicle and School Bus Safety

**Strengthens underride guard standards for heavy trucks:** Sec. 4405 would direct USDOT to strengthen underride standards for heavy trucks within one year of the bill's enactment and to study the impacts of these protections on underride crashes at high speeds.

*Counties support the continued requirement that all trucks have underride protection devices and believe that the USDOT should periodically review the adequacy of such regulations.*

## TITLE V—INNOVATION

**Authorizes $2.2 billion for highway research programs:** Sec. 5001 would authorize $2.2 billion in Highway Trust Fund contract authority for highway research and development programs from FY 2022 through FY 2025.

## Subtitle A—Research and Development

**Authorizes $144 million annually for highway research and development:** Sec. 5101 would authorize $144 million annually for the Highway Research and Development program, for which counties are eligible to directly apply through USDOT to complete projects including enhancing highway safety and improving the reliability and resiliency of transportation infrastructure assets, among other project eligibilities.

*Counties believe that the federal government, in cooperation with states, local governments and industry, should continue and expand research, development, and deployment programs that focus on new and existing modes of transportation, including but not limited to the development of reasonable, safe and cost effective low volume roads.*

**Creates a new program for local governments to propose research projects:** Sec. 5105 would establish a new program for counties and other eligible entities to propose research projects directly to USDOT at any time, regardless of open solicitations.

## Subtitle C—Emerging Technologies

**Directs USDOT to study automated vehicles (AVs), creates intergovernmental working group:** Sec. 5304 would direct USDOT to study how AVs interact with traditional road users, including bicycles and pedestrians. It would also create an intergovernmental working group made of up of representatives from the National Highway Traffic Safety Administration, state departments of transportation, counties and other local governments, transit agencies, metropolitan planning organizations, labor organizations, commercial vehicle representatives and safety groups representing vulnerable road users, among a variety of other public and private stakeholders outlined in the legislation. The group would be tasked with assisting in USDOT's study described above and forming recommendations, which USDOT would be required to submit to Congress within two years of enactment of the INVEST in America Act.

## Subtitle D—Surface Transportation Funding Pilot Programs

**Establishes vehicle miles traveled (VMT) pilot programs:** Sections 5401 and 5402 would begin to address the pending insolvency of the Highway Trust Fund (HTF) by funding state- and federal-level VMT pilot programs, respectively, and directing any associated revenues to the HTF.

*Counties support the long-term solvency of the Highway Trust Fund by considering revenue sources that will better capture all users of the nation's highways and account for all vehicles.*

# TITLE VI—MULTIMODAL TRANSPORTATION

**Provides technical assistance for rural communities:** Sec. 6007 would make rural communities outside of metropolitan or micropolitan statistical areas eligible for assistance from the National Surface Transportation and Innovative Finance Bureau, with the goal of providing these communities technical assistance and communicating "best practices and financing and funding opportunities to eligible entities." It would also direct the Bureau to work with the U.S. Department of Agriculture's Office of Rural Development, the U.S. Environmental Protection Agency's Office of Community Revitalization and other similar mission-oriented agencies that provide technical assistance for rural communities in providing the directed outreach.

**Reinstates the Local Labor Hiring pilot program:** Sec. 6008 would authorize a 2015 USDOT pilot program, to begin immediately upon the bill's enactment through its expiration on September 30, 2025, that would allow selected grantees of federal highway or transit funds – including counties – who choose to participate to use requirements in contracting that are based on social and/or economic factors. USDOT would then evaluate the use of these factors on the overall competitive bidding process.

## TITLE VII — TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT (TIFIA)

**Raises threshold for TIFIA projects:** Sec. 7001 would raise the threshold for TIFIA projects from $75 million to $150 million, thereby streamlining the process for more applicants who would no longer be required to secure multiple credit rating agency opinions. It would further clarify that any proceeds from a TIFIA loan be eligible toward local match requirements of a project completed with federal highway or transit funds. This section would also increase the amount made available for USDOT to waive fees associated with small TIFIA projects (projects costs are less than or equal to $75 million) from not less than $2 million to not less than $3 million.

# Division C—Hazardous Materials Transportation

## TITLE I—AUTHORIZATIONS

**Authorizes $347 million for the Pipeline and Hazardous Materials Safety Administration (PHMSA):** Sec. 8101 would authorize $347 million for PHMSA from FY 2021 through FY 2025 to be appropriated in the following ways:

- **$67 million** for FY 2021
- **$68 million** for FY 2022
- **$69 million** for FY 2023
- **$71 million** for FY 2024
- **$72 million** for FY 2025

*Counties support efforts to strengthen federal pipeline safety legislation and regulations that are necessary to improve the safety of natural gas and hazardous liquid pipeline operation, maintenance and public reporting.*

**Authorizes $9 million for local emergency responder training grants:** Sec. 8101 would also authorize $1.8 million annually from FY 2021 through FY 2025 to carry out PHMSA's Assistance with Local Emergency Response Training (ALERT) grant program. Under current law, ALERT grants are funded with any funds that remain after awards are made for other existing hazardous material emergency preparedness grants, creating inconsistencies and inadequacies in the grant program that vary by fiscal year.

*Counties support providing dedicated funding for the ALERT grant program.*

## Division D—Rail

### TITLE I—AUTHORIZATIONS

**Authorizes $29.3 billion for Amtrak:** Sec. 9101 would authorize $29.3 billion in total appropriations for Amtrak's service corridors for FY 2021 through FY 2025. In comparison to current law, the INVEST in America's Amtrak total authorization level is a roughly 264 percent increase over the $8.05 billion provided for in the FAST Act. The $29.3 billion would be broken down in the following ways:

For Amtrak's northeast corridor:

- **$2.9 billion** in FY 2021
- **$2.7 billion** in FY 2022
- **$2.5 billion** in FY 2023
- **$2.5 billion** in FY 2024
- **$2.5 billion** in FY 2025

For Amtrak's national network:

- **$3.6 billion** in FY 2021
- **$3.4 billion** in FY 2022
- **$3.2 billion** in FY 2023
- **$3 billion** in FY 2024
- **$3 billion** in FY 2025

*Counties support the continuation of federal subsidies to Amtrak at a level consistent with maintaining a reasonable level of service and to provide necessary capital improvements with appropriate accountability controls. However, we oppose using any transportation trust fund dollars to address Amtrak's financial problems.*

**Authorizes $7 billion for Consolidated Rail Infrastructure and Safety Improvement (CRISI) grants:** Sec. 9101 would authorize $1.4 billion in annual appropriations for the Federal Railroad Administration's (FRA) CRISI grant program, representing an over 320 percent increase between the FY 2020 levels provided for in the FAST Act and the INVEST in America's Act proposed FY 2021 authorization for the program. Under both current law and the INVEST Act, counties can apply directly to USDOT for these funds that leverage local, state and private investments to boost a wide range of rail projects, including the implementation of positive train control, the elimination of highway-rail grade crossings, congestion mitigation, the repair or replacement of railroad assets and the overall enhancement of intercity passenger rail transportation.

**Authorizes $20 million annually for rail restoration and enhancement:** Sec. 9101 would also authorize $20 million annually to be appropriated from FY 2021 through FY 2025 for FRA's Restoration and Enhancement grant program, which is consistent with the levels provided for in each fiscal year of the FAST Act. Under both current law and the INVEST Act, counties can apply directly to USDOT for these funds that would cover personnel costs; diesel fuel or electric costs associated with powering a locomotive; station costs; and general administrative costs, among a wide variety of other eligible uses.

**Creates new intercity rail grant program:** Sec. 9102 would authorize the Passenger Rail Improvement, Modernization and Expansion (PRIME) grant program, funded at $3.8 billion annually from FY 2021 through FY 2025, for which counties would be able to apply directly for through USDOT. PRIME grants could be used to complete state of good repair and rail improvement and expansion projects with a federal cost share of up to 90 percent.

**Decreases amounts reserved for rural areas within CRISI program:** Sec. 9103 would reauthorize CRISI grants and decrease the amount of funds reserved for rural areas from 25 percent to 15. It also would remove the criteria prioritizing projects that require lesser federal shares.

**Reauthorizes railroad rehabilitation financing program:** Sec. 9104 would reauthorize the Railroad Rehabilitation and Improvement Financing (RRIF) program that provides direct loans and loan guarantees to finance the development of railroad infrastructure. Under both current law and the INVEST Act, counties can apply directly through USDOT for this financing that can be used to acquire, improve or rehabilitate rail components, yards and other facilities; to develop new facilities; to reimburse planning expenses incurred under this section; to refinance debt; or to finance other transit-related projects. This section would provide $30 million annually for USDOT to pay the credit risk premium associated with RRIF loans for local governments. Currently, RRIF loans may be used to finance up to 100 percent of a project with repayment periods of up to 35 years.

## TITLE IV—COMMUTER RAIL POLICY

**Requires rail carriers to act in good faith:** Sections 9401 and 9402 would require that a rail carrier provide good faith consideration to a request from a commuter rail to use tracks and/or rights of way. It would provide for a public transportation authority to seek nonbinding mediation should a dispute with a rail carrier regarding a matter described under this section remain unresolved.

## TITLE V—RAIL SAFETY

### Subtitle A—Passenger and Freight Safety

**Directs USDOT to study rail safety:** Sec. 9507 would direct USDOT to study different elements of rail safety, including how it may be enhanced with appropriate signage.

*Counties believe that rail safety is a critical issue for our communities and urges Congress to support improved rail safety with appropriate measures.*

**Mandates minimum crew size:** Sec. 9509 would mandate a minimum two-person crew requirement for freight trains. It would make crew-size exemptions available for small and short line railroads and clarify that exemptions would not be available for long trains or those carrying hazardous materials.

## Subtitle B—Grade Crossing Safety

**Creates new, $2.5 billion grant program for counties to address at-grade crossings:** Sec. 9551 would create a new grant program, funded at $2.5 billion total over the life of the bill and in the following ways over five fiscal years:

- **$450 million** in FY 2021
- **$475 million** in FY 2022
- **$500 million** in FY 2023
- **$525 million** in FY 2024
- **$550 million** in FY 2025

Counties would be able to apply directly to USDOT for these funds that could be used for the installation, repair or improvement of grade crossing separations; to eliminate at-grade crossings; or to plan, develop or carry out environmental mitigation activities related to a project eligible under this section. For projects costing more than $40 million, the federal share would be 65 percent; for projects costing less than $40 million, the federal share would be 85 percent. Not more than 50 percent of funds could be used for projects costing more than $100 million. Right-of-way owners would be responsible for 10 percent of the project's cost.

*Counties support increasing safety at at-grade rail-highway crossings through the creation of a new, federal discretionary grant program that provides funding opportunities for counties to eliminate at-grade rail-highway crossings.*

**Creates new rail safety public awareness grant program:** Sec. 9552 would establish the Rail Safety Public Awareness grant program, funded at $5 million annually from FY 2021 through FY 2025, that counties could apply for directly through USDOT. Grant funds could be used for public education and media campaigns, school and driver education safety presentations and other related education efforts around rail safety. It would also require coordination between eligible entities and local governments, local law enforcement, first responders and rail carriers, as appropriate.

**Addresses blocked crossings, establishes time limit:** Sec. 9553 would mandate a 10-minute time limit for stopped freight trains blocking a public rail-highway crossing and authorize USDOT to impose penalties on trains not in compliance. USDOT could delegate this enforcement authority to states.

Sec. 9554 would direct USDOT to, no later than 18 months after the bill's enactment, develop and report to Congress a national strategy to address blocked crossings.

Sec. 9555 would make blocked crossings an eligible complaint that the public may make to a railroad under law.