



Department of
Transportation

Bipartisan Infrastructure Law (BIL) Preliminary Assessment



Bipartisan Infrastructure Law (BIL)

- ➔ BIL is a \$1.2 trillion infrastructure bill
 - ❑ Includes funding for surface transportation programs, airports, broadband, and drinking and wastewater infrastructure
 - ❑ Surface transportation provisions generally mirror FAST Act policies, however, prioritizes
 - Climate
 - Resilience
 - Bridges/culverts
- ➔ FAST Act reauthorization - \$567.5 billion
 - ❑ \$293.5 billion based on straight-line continuation of 2021 funding levels
 - ❑ \$274.0 billion based on new BIL commitments
 - \$89.8 billion directed to increased Highway Trust Fund Contract Authority
 - \$184.2 billion in new direct appropriations for following programs

Bipartisan Infrastructure Law (BIL)

- ➔ Incorporates three types of funding
 - ☐ Highway Trust Fund – No additional action
 - ☐ Advanced Guaranteed Appropriations – No additional action
 - ☐ General Fund Authorizations – Subject to appropriation
- ➔ Includes unprecedented levels of discretionary funding administered by USDOT
 - ☐ \$100.7 billion in guaranteed/authorized competitive discretionary program funding, including
 - \$36.0 billion - Federal State Partnership/Intercity Passenger Rail
 - \$9.5 billion – Discretionary Bridge
 - \$7.5 billion - RAISE

Bipartisan Infrastructure Law (BIL)

- ➔ Five-year fully funded surface transportation reauthorization
 - ❑ Includes \$118 billion in general fund transfers
 - ❑ Does not address the long-term sustainability of the Highway Trust Fund (HTF)
- ➔ Prioritizes formula-based funding
 - ❑ Apportions 90 percent of the total highway program supported by the HTF through “core” formulas
 - ❑ Emphasizes resilience; carbon reduction; and bridge/culvert state-of-good-repair
- ➔ Increases flexibility/improves project development process
 - ❑ One Federal decision/Section 4(f)
- ➔ Amends Buy America to include construction materials
 - ❑ Exempts cement/cementitious materials, aggregates and bonding agents/additives

BIL Funding Programs - \$567.5 Billion

(\$ in billions)

Program	Highway Trust Fund	Guaranteed Appropriation	General Fund Subject to Appropriation
Highway	\$304.0	\$47.3	\$14.6
Transit	\$69.9	\$21.3	\$15.8
Safety	\$9.4	\$2.3	\$2.8
Rail	\$0	\$66.0	\$36.2
FAA	\$0	\$25.0	\$0
Other ⁽¹⁾	\$0	\$22.3	\$24.1
Total	\$383.3	\$184.2	\$93.5

⁽¹⁾ Other includes OST, MARAD, PHMSA, other

= \$567.5 billion

**\$293.5 Billion in Baseline
HTF Contract Authority;
and \$89.8 Billion in
Additional HTF Contract
Authority**

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New York State Wins...

- Guaranteed funding
- Bridge formula/discretionary programs
- Resiliency/greenhouse gas emission reductions
- Ten-year preliminary engineering
- Highway Safety Improvement Program
- Temporary/permanent repairs under Emergency Relief Program
- One Federal Decision/Section 4(f)
- Micro-mobility/bikeshare
- Rail crossing safety/closures
- Multi-modal project eligibly

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Estimated Formula Apportionments to New York

(\$ in billions)

Program	BIL	FAST Act	Change	Percent
Highway/Bridge ⁽¹⁾	\$13.463	\$8.857	\$4.606	52.0%
Transit	\$10.706	\$7.923	\$2.783	35.1%
Total	\$24.169	\$16.780	\$7.389	44.0%

⁽¹⁾ Includes \$1.9 billion in supplemental bridge formula funding

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Estimated Highway Funding to New York State Under BIL

- Authorizes \$13.5 billion in core formula highway and enhanced formula bridge funding for New York State
- Represents an increase of \$4.6 billion (52.0 percent) over the prior five-year authorization period
- Majority of the program growth occurs in the first year of the bill, inflationary increases of two percent/year thereafter

Federal Fiscal Year	National Highway Performance Program (NHPP)	Surface Transportation Program (STP)	Highway Safety Improvement Program (HSIP)	Railway-Highway Crossings (Section 130)	Congestion Mitigation and Air Quality Improvement Program (CMAQ)	Metropolitan Planning	National Highway Freight Program (NHFP)	Formula Carbon Reduction Program	Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Program	Subtotal Core Formula Apportionments	Supplemental Extraordinary Bridge Formula Program	Total All Formula Funds
FAST Act												
2016-2020	4,660,524,643	2,345,612,619	475,137,751	35,742,535	946,707,606	129,221,070	265,034,485	\$0	\$0	\$8,857,980,709	\$0	\$8,857,980,709
BIL												
2022	\$1,142,038,436	\$555,586,266	\$122,777,289	\$6,718,958	\$199,604,894	\$32,944,536	\$58,212,853	\$49,539,775	\$56,330,274	\$2,223,753,281	\$378,275,117	\$2,602,028,398
2023	\$1,164,879,205	\$566,697,991	\$125,370,024	\$6,718,958	\$203,596,992	\$33,603,427	\$59,377,110	\$50,530,571	\$57,456,880	\$2,268,231,158	\$378,275,117	\$2,646,506,275
2024	\$1,188,176,789	\$578,031,951	\$128,014,615	\$6,718,958	\$207,668,932	\$34,275,495	\$60,564,653	\$51,541,182	\$58,606,017	\$2,313,598,592	\$378,275,117	\$2,691,873,709
2025	\$1,211,940,325	\$589,592,590	\$130,712,097	\$6,718,958	\$211,822,310	\$34,961,005	\$61,775,946	\$52,572,006	\$59,778,138	\$2,359,873,375	\$378,275,117	\$2,738,148,492
2026	\$1,236,179,129	\$601,384,441	\$133,463,529	\$6,718,958	\$216,058,756	\$35,660,225	\$63,011,464	\$53,623,446	\$60,973,700	\$2,407,073,648	\$378,275,117	\$2,785,348,765
Total	\$5,943,213,884	\$2,891,293,239	\$640,337,554	\$33,594,790	\$1,038,751,884	\$171,444,688	\$302,942,026	\$257,806,980	\$293,145,009	\$11,572,530,054	\$1,891,375,585	\$13,463,905,639
Change	\$1,282,689,241	\$545,680,620	\$165,199,803	(\$2,147,745)	\$92,044,278	\$42,223,618	\$37,907,541	\$257,806,980	\$293,145,009	\$2,714,549,345	\$1,891,375,585	\$4,605,924,930
Percent Change	27.5%	23.3%	34.8%	-6.0%	9.7%	32.7%	14.3%	--	--	30.6%	--	52.0%

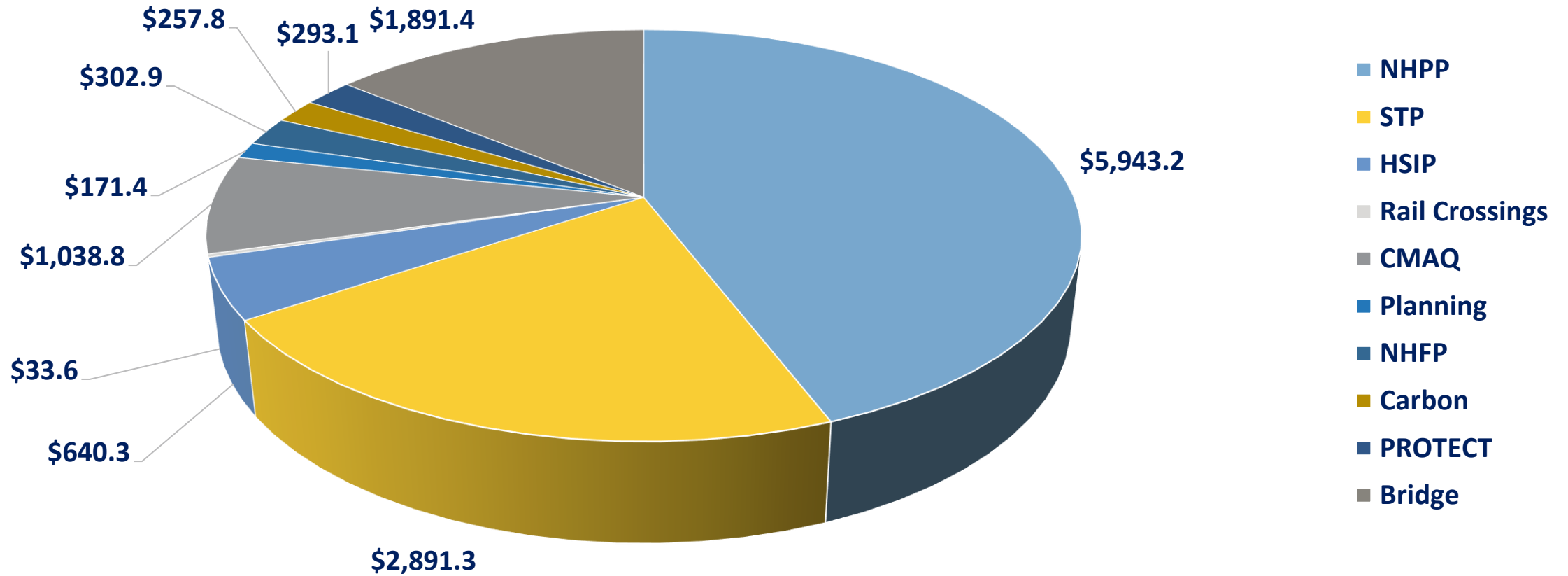
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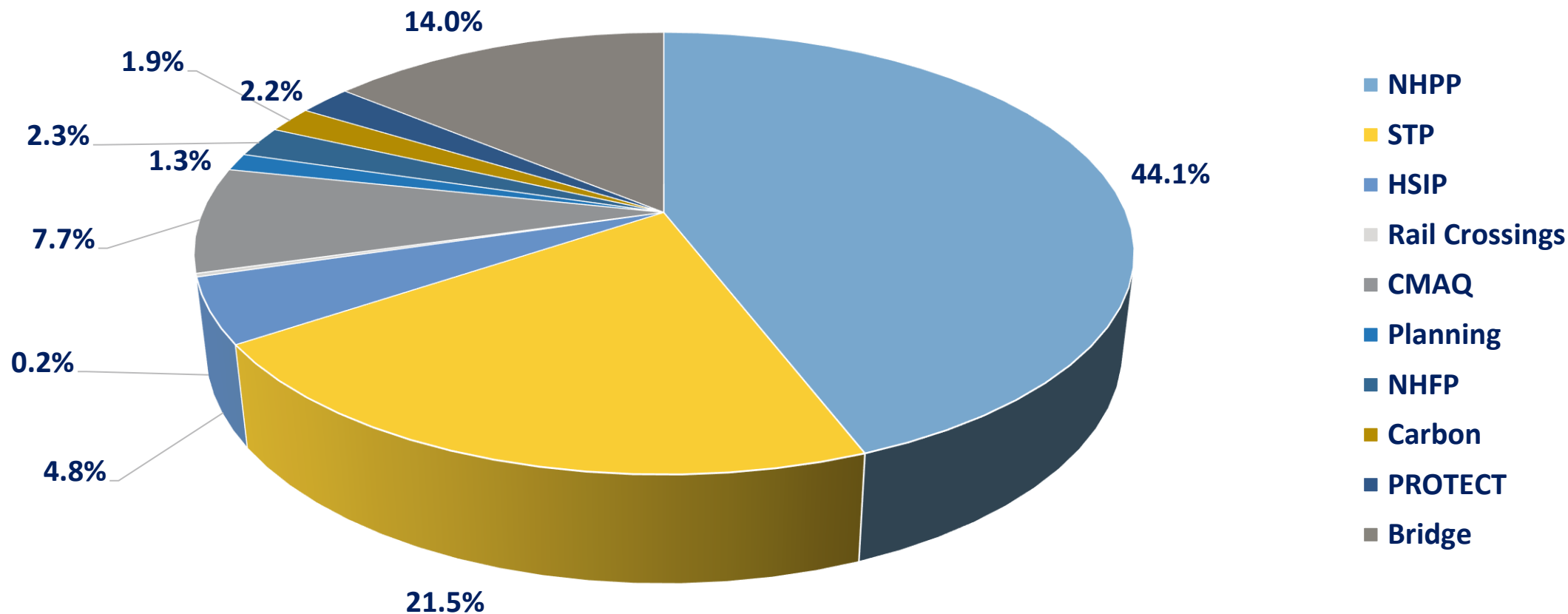
Estimated New York State BIL Highway Funding by Program

\$ in millions



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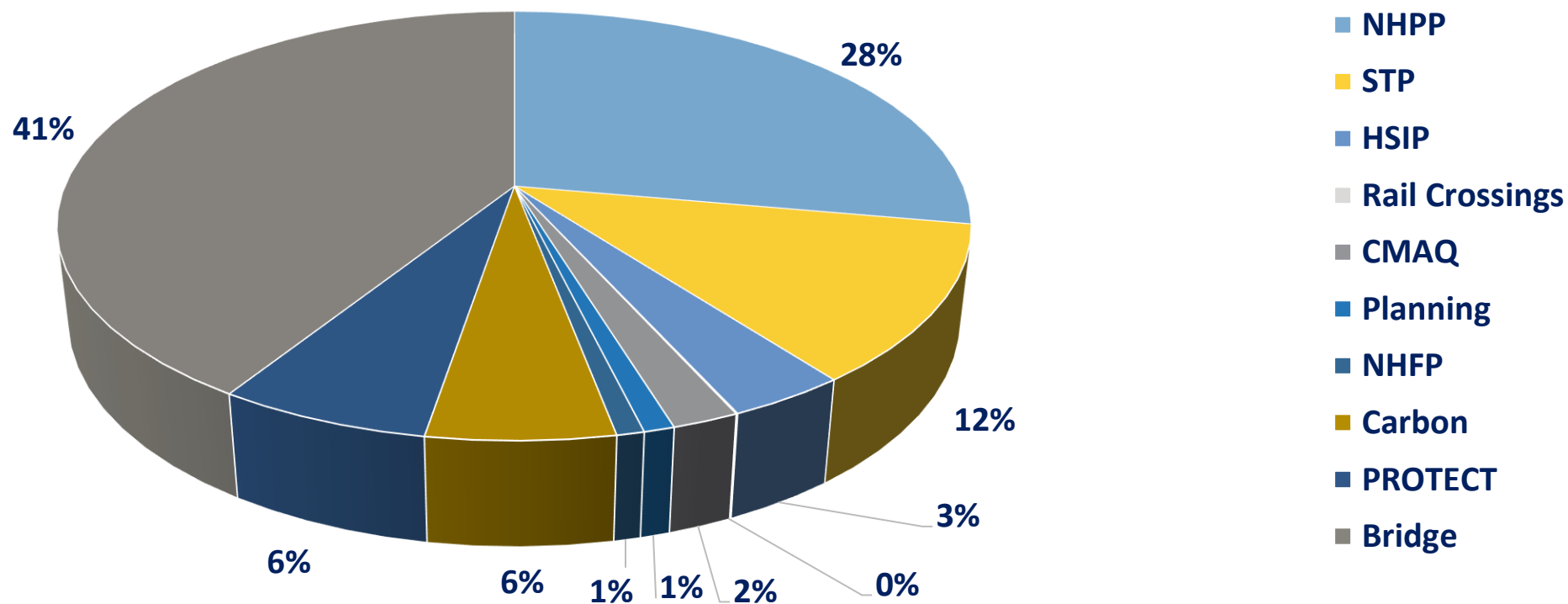
Estimated New York State Share of BIL Highway Funding by Program



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Estimated New York State Highway Program Growth

- Of the \$4.6 billion in estimated new net growth - \$3.2 billion (68.9 percent) is apportioned through NHPP and the new Bridge Formula program



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BIL Categorical Highway Program Highlights

➤ National Highway Performance Program (NHPP)

- ❑ Adds eligibility for resiliency, including raising/relocating roadways; lengthening/raising bridges; and deepening channels
- ❑ Allows up to 15 percent of funds to be used - on any federal eligible facility - for protective features that reduce risk of recurring damage

➤ Surface Transportation Block Grant Program (STBGP)

- ❑ Retains 55 percent suballocation threshold by population
- ❑ Expands eligibility to include:
 - Projects that use “natural infrastructure” to enhance resilience
 - Construction of wildlife crossings/strategies designed to reduce wildlife-vehicle collisions
 - Installation of electric vehicle charging and vehicle to grid infrastructure
 - Projects to enhance travel/tourism
- ❑ Increases the off-system bridge set-aside from 15 percent to 20 percent
- ❑ Establishes a 10 percent set-aside for Transportation Alternatives Program in-lieu of a fixed cap

BIL Categorical Highway Program Highlights

➞ Congestion Mitigation and Air Quality Improvement program (CMAQ)

- ☐ Expands eligibility to include:
 - Micro-mobility, including (bike share/shared scooter systems)
 - Replacement of diesel engines
 - Medium/heavy duty zero emission vehicles/related charging equipment
- ☐ Provides priority for projects in non-attainment areas for fine particulate matter in/adjacent to minority/low-income populations
- ☐ Clarifies that, in areas less than 200,000 in population, there is no time limit for use of operating assistance for public transportation

➞ Bridge Program

- ☐ Creates a new supplemental formula-based bridge/culvert repair, rehabilitation and replacement program
- ☐ Apportionments based on 75 percent/cost to replace “poor” bridges; 25 percent/cost to rehabilitate “fair” bridges

BIL Categorical Highway Program Highlights

➔ Carbon Reduction Program (CRP)

- ❑ Creates a new formula-based program for projects that reduce greenhouse gas/other transportation-related emissions
- ❑ Funds apportioned to states based on share of overall core program
- ❑ Eligible activities include
 - Traffic monitoring/management
 - Public transportation projects
 - Bicycle/pedestrian facilities
 - Active transportation and congestion management
 - Projects that reduce environmental and community impacts of freight movement
 - Congestion pricing, mode shift and transportation demand management
 - Diesel retrofits
 - Truck stop electrification
 - Other STBGP activities that demonstrate a reduction in transportation emissions

➔ Public Transportation

- ❑ Expands eligibility under highway title for construction of bus rapid transit corridors/dedicated bus lanes; signal prioritization; intersection redesign; and integrated fare collection systems

BIL Categorical Highway Program Highlights

➔ Promoting Resilient Opportunities for Transformative, Efficient, and Cost-Saving Transportation (PROTECT)

- ☐ Creates a new formula-based program for projects that enhance resilience
- ☐ Facilitates strengthening, hardening, elevating, relocating or otherwise enhancing the resilience of highways and non-rail infrastructure
- ☐ Funds apportioned to states based on share of overall core program
- ☐ Eligible activities include use of natural or construction/modification of infrastructure to:
 - Mitigate storm surge
 - Enhance flood protection
 - Facilitate aquatic ecosystem restoration related to transportation facilities
- ☐ Limits the amount of funding used to construct new capacity to no more than 40 percent

➔ Electric vehicle Charging Program

- ☐ Provides formula funds for strategically deployed electric vehicle recharging infrastructure
- ☐ Includes refueling infrastructure technologies that support electric, hydrogen, propane and natural gas
- ☐ Allows funds to be used for contracts with private entities for the acquisition/installation of publicly accessible infrastructure
- ☐ Authorizes operating assistance/subsidies for up to five years of operation
- ☐ Prioritizes deployment in low-and moderate-income areas
- ☐ Apportioned based on existing state share of program

BIL Categorical Highway Program Highlights

➞ Transportation Alternatives Program

- ❑ Increases the amount suballocated based on population from 50 percent to 59 percent
- ❑ Expands eligible activities to include Safe-Routes-to-School and vulnerable road user safety
- ❑ Requires that MPOs in areas over 200,000 in population shall give priority to projects that support high-need areas (e.g., low-income, transit-dependent, rural)

➞ Highway Safety Improvement Program

- ❑ Provides flexibility to utilize up to ten percent of funds for non-infrastructure/behavioral safety projects
- ❑ Requires a Vulnerable Road User Assessment Plan/requires states to expend additional funds when fatality exceed thresholds in plan
- ❑ Authorizes construction of leading pedestrian intervals; grade separation projects; upgrade of traffic control devices for bicyclists/pedestrians; actions to calm traffic/reduce speeds

➞ National Highway Freight Program

- ❑ Expands the highway miles a state may designate as critical rural freight (150 to 300) and critical urban freight (75 to 150) miles
- ❑ Increases the percent of program that may be used for multi-modal projects from 10 percent to 30 percent

BIL Categorical Highway Program Highlights

➔ Railway-Highway Crossings

- ❑ Broadens use of funds to reduce pedestrian and trespass fatalities/injuries
- ❑ Increases at-grade closure incentive from \$7,500 to \$100,000
- ❑ Removes requirement that half of program funds be used for installation of protective devices

➔ Emergency Relief

- ❑ Extends period of 100 percent federal share for temporary/permanent repairs under FHWA Emergency Relief Program (180 days to 270 days)
- ❑ Authorizes rebuilding to a higher standard to mitigate future damage
- ❑ Removes restriction for projects that were on a Transportation Improvement Plan at time of damage

BIL Competitive Program Highlights

➔ Nationally Significant Freight and Highway Projects (INFRA Grants)

- ❑ Provides \$8.0 billion in competitive funding
- ❑ Expands the eligibility to include wildlife crossings, connections to border crossings, marine highway projects, reduce stormwater, other
- ❑ Up to 30 percent of the awards may be used for freight intermodal/freight rail projects
- ❑ Expands eligibility for enhancement of freight resilience to natural disasters
- ❑ Prioritizes level of non-federal share

➔ National Infrastructure Project Assistance

- ❑ New competitive \$10.0 billion grant program
- ❑ Supports for freight-related projects, including roads and bridges, intermodal facilities, intercity passenger rail and public transportation
- ❑ Demonstrates significant national or regional benefits
- ❑ USDOT required to consider benefits to disadvantaged communities, geographic diversity, and connectivity between modes
- ❑ Authorizes agreements for single-year or multi-year projects
- ❑ Maximum project share limited to 60 percent; total federal share 80 percent

➔ Local and Regional Project Assistance (RAISE, BUILD, TIGER)

- ❑ Codifies the former RAISE program and provides \$7.5 billion for projects of local or regional significance
- ❑ Includes any federal eligible highway or transit, passenger or freight rail, port and airport infrastructure project
- ❑ Increases the maximum share of funding that a single state may receive in a year from 10 percent to 15 percent
- ❑ Requires no less than one percent of funds be directed to historically disadvantaged communities

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BIL Competitive Program Highlights

➔ Strengthening Mobility and Revolutionizing Transportation (SMART)

- ❑ Creates a new competitive \$500 million program building upon the Smart City Challenge
- ❑ Provides demonstration funds for projects focused on advanced smart city or community technologies and systems in a variety of communities to improve transportation efficiency and safety
- ❑ Priority provided to activities that are scalable, encourage innovation and enhance safety

➔ Truck Emissions at Ports

- ❑ Provides \$400 million for projects that reduce emissions at ports
- ❑ Supports grants to reduce truck idling
- ❑ Requires study on how ports may benefit from electrification

➔ Culvert Removal, Replacement, and Restoration

- ❑ Creates a new \$5.0 billion discretionary program for projects to replace, remove, and repair culverts/weirs
- ❑ Emphasizes projects that meaningfully improve or restore fish passage for anadromous fish

BIL Competitive Program Highlights

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

- ❑ Provides \$1.4 billion in competitive grant program to help states improve the resiliency of transportation infrastructure
- ❑ Eligible activities include highway, transit, and port projects
- ❑ Funds may be used for planning, resiliency improvements, evacuation routes, and at-risk coastal infrastructure projects

➔ Reconnecting Communities Pilot

- ❑ Creates a new \$1.0 billion pilot program
- ❑ Provides funds to study the feasibility/impacts of removing an existing facility that creates barriers to community activity
- ❑ Includes consideration for construction grants to remove, retrofit or mitigate an eligible facility
- ❑ Supports technical assistance to build organizational/community capacity for solution development
- ❑ Gives priority to economically-disadvantaged communities

➔ National Motor Vehicle Per-Mile User Based Fee Pilot

- ❑ Establishes a new pilot program to test the design/implementation of a Mileage Based User Fee
- ❑ Creates a public awareness campaign to inform individuals about the pilot
- ❑ Outlines the parameters, methods, participants and fees associated with the pilot

BIL Competitive Program Highlights

➔ Bridge Investment Grants

- ❑ Creates a new \$12.5 billion competitive bridge investment program
- ❑ Provides grants to replace, rehabilitate, preserve, or protect bridges on the National Bridge Inventory
- ❑ Candidate projects must have completed preliminary engineering/funds must be obligated within 18 months
- ❑ Encourages culvert projects, especially those that mitigate flooding and improving habitat connectivity for aquatic species

➔ Grants for Charging and Fueling Infrastructure

- ❑ Establishes a new \$2.5 billion competitive program to strategically deploy publicly accessible refueling infrastructure
- ❑ Includes refueling infrastructure technologies that support electric, hydrogen, propane and natural gas
- ❑ Allows funds to be used for contracts with private entities for the acquisition/installation of publicly accessible infrastructure
- ❑ Authorizes operating assistance/subsidies for up to five years of operation
- ❑ Reserves half of funds for community-based projects and prioritizes deployment in low-and moderate-income areas

➔ Congestion Relief

- ❑ Creates a new \$250 million competitive program to advance innovative, integrated, and multimodal solutions to congestion in the most congested metropolitan areas
- ❑ Supports reducing economic and environmental costs associated with highway congestion
- ❑ Includes eligibility for congestion pricing, HOV lanes, parking pricing and incentives to encourage rideshare/mobility alternatives
- ❑ Requires mitigation for potential adverse impacts on low-income drivers
- ❑ Authorizes tolls on interstate highways in up to 10 urbanized areas

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BIL Competitive Program Highlights

➞ Healthy Streets

- ❑ Establishes a new \$500 million discretionary program, subject to future appropriations
- ❑ Supports actions to mitigate urban heat islands; improve air quality; reduce impervious surfaces; storm water runoff; and flood risks

➞ Safe Streets for all Users

- ❑ Creates a new \$5.0 billion competitive program to prevent death and serious injury on roads and streets
- ❑ Requires a data driven comprehensive Safety Action Plan to develop innovative strategies/actions to promote safety
- ❑ Requires that 40 percent of funds be allocated to planning grants

➞ Active Transportation Infrastructure Investment Program (ATII)

- ❑ Authorizes new competitive funding to construct/provide safe and connected bicycle/pedestrian facilities in an active transportation network/spine
- ❑ Requires no less than 30 percent support active transportation networks that connect to public transportation; businesses; school
- ❑ Requires no less than 30 percent support construction of active transportation spines

➞ Wildlife Crossing Safety Pilot Program

- ❑ Creates a new \$350 million program to reduce number of wildlife/vehicle collisions and projects to improve habitats
- ❑ Requires that no less than 60 percent of program funds be allocated to rural areas

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Estimated Transit Funding to New York State Under BIL

- Authorizes \$10.7 billion in core transit formula funding for New York State
- Represents an increase of \$2.8 billion (35.1 percent) over the prior five-year authorization period
- Majority of the program growth occurs in the first year of the bill, inflationary increases of approximately two percent/year thereafter

Federal Fiscal Year	Urbanized Area Formula (5307)	Rural Area Formula (5311)	Seniors/Disabilities (5310)	State of Good Repair (5337)	Bus/Bus Facilities (5339)	Metro/Statewide Planning	Total
FAST Act							
2016-2020	\$3,684,346,980	\$115,045,189	\$81,150,329	\$3,728,334,157	\$265,129,707	\$49,471,462	\$7,923,477,824
BIL							
2022	\$1,025,214,071	\$28,096,795	\$22,014,953	\$893,595,294	\$60,157,669	\$13,239,214	\$2,042,317,996
2023	\$1,046,631,872	\$28,683,766	\$22,474,868	\$913,673,516	\$61,414,426	\$13,515,796	\$2,086,394,244
2024	\$1,073,960,678	\$29,432,734	\$23,061,714	\$939,561,693	\$63,018,030	\$13,868,709	\$2,142,903,557
2025	\$1,096,146,142	\$30,040,744	\$23,538,114	\$960,332,198	\$64,319,832	\$14,155,204	\$2,188,532,233
2026	\$1,124,012,312	\$30,804,438	\$24,136,498	\$986,683,024	\$65,954,967	\$14,515,056	\$2,246,106,296
Total	\$5,365,965,076	\$147,058,476	\$115,226,147	\$4,693,845,726	\$314,864,922	\$69,293,979	\$10,706,254,326
Change	\$1,681,618,095	\$32,013,287	\$34,075,818	\$965,511,569	\$49,735,215	\$19,822,517	\$2,782,776,502
Percent Change	45.6%	27.8%	42.0%	25.9%	18.8%	40.1%	35.1%

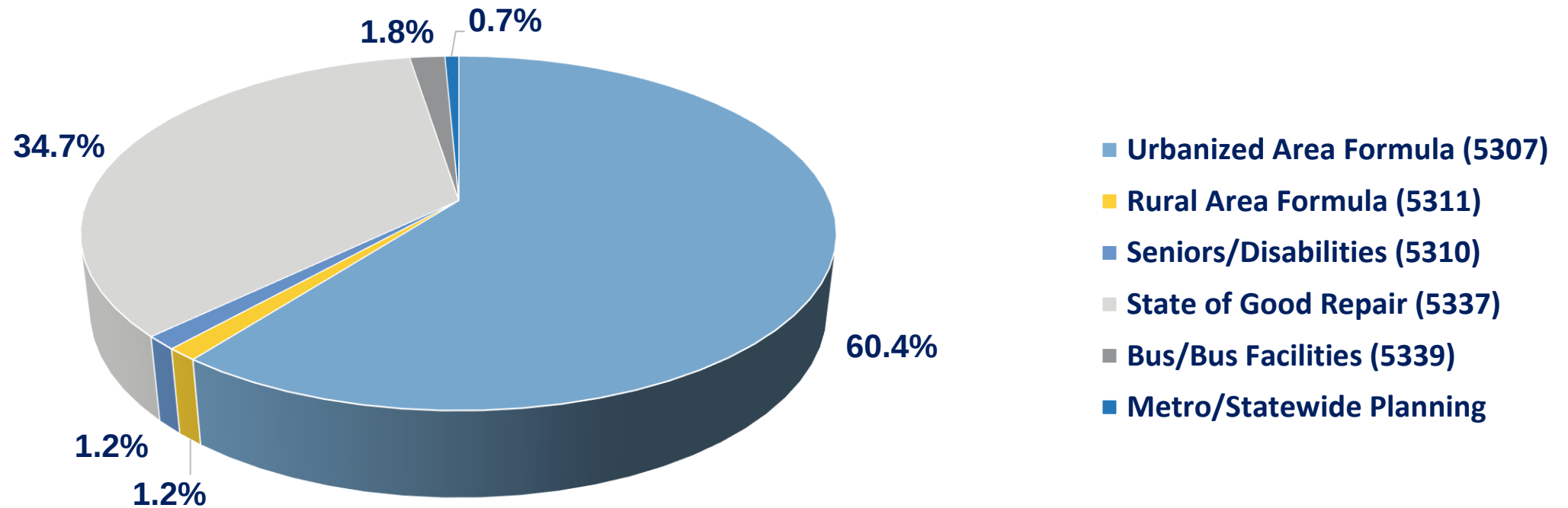
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Estimated New York State Transit Program Growth

- Of the \$2.8 billion in estimated new net growth - \$2.7 billion (95.1 percent) is apportioned through the Urbanized Area and State of Good Repair formula programs



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BIL Intercity Passenger/Freight Rail Categorical Program Highlights

➔ Guaranteed Funding - \$66.0 billion

- ❑ \$6.0 billion for Northeast Corridor (NEC) grants
- ❑ \$16.0 billion for National Network grants
- ❑ \$36.0 billion for the Federal-State Partnership for Intercity Passenger Rail grant program
 - Up to \$24 billion set-aside for projects on the NEC
- ❑ \$5.0 billion for the Consolidated Rail Infrastructure and Safety Improvement (CRISI) program
- ❑ \$3.0 billion for the new Railroad Crossing Elimination competitive grants program

BIL Intercity Passenger/Freight Rail Categorical Program Highlights

➔ Additional General Fund Authorizations - \$32.2 billion

- ❑ \$19.2 billion for Amtrak investment, including
 - \$6.6 billion for NEC grants
 - \$12.6 billion for National Network grants
- ❑ \$13.0 billion for competitive rail grants, including:
 - \$5.0 billion for CRISI grants
 - \$7.5 billion for the Federal-State Partnership for Intercity Passenger Rail grants
 - \$2.5 billion for Railroad Crossing Elimination competitive grants
 - \$250 million for the Restoration and Enhancement grants

BIL Intercity Passenger/Freight Rail Discretionary Programs

➡ Railroad Crossing Elimination Program

- ❑ Establishes a new \$3.0 billion competitive program for improvements to highway or pathway rail crossings
- ❑ Supports projects that provide
 - Grade separation or closure, including through the use of a bridge, embankment or tunnel
 - Track relocation
 - Improvement or installation of protective devices, signals or signs provided that they are related to a separation or relocation project
 - Other means to improve safety at crossings (including technology)
- ❑ Provides eligibility for commuter rail railroad crossing projects
- ❑ Limits the amount to any State to no more than 20 percent of the available funds in any fiscal year
- ❑ Complements activities supported through the FHWA Section 130 program

BIL Airport Infrastructure Provisions

- ➔ **Provides \$25.0 billion for Airport Related Infrastructure**
 - ❑ \$5.0 billion for the FAA Facilities/Equipment Program
 - Supports modernization of FAA air traffic control facilities
 - ❑ \$15.0 billion for the Airport Improvement Program (AIP)
 - Provides formula funds for terminals, runway and taxiways, noise mitigation
 - New York State airports estimated to receive approximately \$1.0 billion
 - ❑ \$5.0 billion for Airside Projects
 - Discretionary funds to address airport needs unmet through the AIP program

Risks

- ➔ Longer-Term Continuing Resolution
- ➔ Longer-Term Insolvency of the HTF
- ➔ Number/Amount of New Competitive Programs
- ➔ Inflation/Availability of Materials
- ➔ Labor
- ➔ Two-Percent Property Tax Cap
- ➔ Expectations