

Summary of Surface Transportation Provisions of the  
Bipartisan Infrastructure Law  
November 12, 2021

This writeup provides highlights of the surface transportation aspects of the Infrastructure Investment and Jobs Act—known as the Bipartisan Infrastructure Law (BIL)—with a focus on Bay Area impacts. As shown in the chart below, the bill combines a \$477 billion five-year surface transportation reauthorization—a 56 percent increase above Congress’s last five-year transportation bill, the Fixing America’s Surface Transportation (FAST) Act—with approximately \$157 billion in supplemental one-time stimulus funding to be distributed to more than two dozen grant programs over five years.<sup>1</sup>

**Investment and Jobs Act vs. FAST Act Comparison Chart**

	<b>FAST Act (FY 2016-2020)</b>	<b>BIL (FY 2022-2026)</b>	<b>% Increase</b>
Surface Transportation Authorization	\$ 305 billion	\$ 477 billion	56%
One-time General Fund advance appropriation)	-	\$ 157 billion	N/A
<b>Total Authorized Funding</b>	<b>\$ 305 billion</b>	<b>\$ 634 billion</b>	<b>108%</b>

Chart does not yet reflect the fiscal year (FY) 2018 through FY 2020 Highway Improvement Program and Transit Infrastructure Grants, which supplemented highway and transit funding.

**Bay Area Highway and Transit Formula Funding Increase**

BIL would substantially boost the Bay Area transit formula resources that MTC distributes, and the Bay Area would receive a lesser but not insignificant boost in flexible highway funds. Initial estimates are below and are subject to change.

*Bay Area Transit*

The infrastructure bill would provide the Bay Area \$3.4 billion in transit formula funds over five years vs. the \$2.3 billion in Federal Transit Administration (FTA) formula funds over the FAST Act period, as shown below.

**Bay Area Transit Formula Fund Estimate**

	<b>FAST Act (FY 2016-2020)<sup>1</sup></b>	<b>BIL (FY 2022-2026)<sup>2</sup></b>	<b>5-Year Funding Increase</b>
<b>State of Good Repair</b>	\$1.1 billion	\$1.7 billion	\$0.7 billion
<b>Urbanized Area</b>	\$1.1 billion	\$1.5 billion	\$0.4 billion
<b>Other</b>	\$0.1 billion	\$0.2 billion	\$0.1 billion
<b>Total</b>	<b>\$2.3 billion</b>	<b>\$3.4 billion</b>	<b>\$1.1 billion</b>

<sup>1</sup> Transportation authorization bill funding reflects both Highway Trust Fund (HTF) amounts—which are essentially “guaranteed”—in addition to those funding amounts authorized but subject to the uncertainty of the annual appropriations process. The FAST Act’s \$305 billion price tag reflected \$282 in HTF proceeds and only \$23 billion in general funds while the infrastructure bill would provide \$383 billion in HTF funding, with \$94 billion in general funds subject to annual appropriations. Congress would need to take additional action each year to meet the full authorized levels for Capital Investment Grants (which fund transit capital and modernization projects) and the many other important BIL programs. See pages 3-5 for more on funding certainty for grants of interest.

Sums may not total due to rounding. FAST Act and BIL amounts include funding from supplemental appropriations.

This funding increase would be a result of both a big boost in the federal transit formula funding from the Highway Trust Fund (HTF)—a big win for the long-term as it would be very unusual for HTF-funded federal transit (and highway) program funding levels to fall below this new baseline after five years at this funding level—and because of additional one-time supplemental stimulus funding to the Section 5337 State of Good Repair program, which we advocated for along with our large transit system partners across the country.

***Bay Area Flexible Highway, Climate and Bike/Ped Formula Funding***

BIL would increase five-year funding totals for flexible highway program funding in the Bay Area from approximately \$880 million to \$1.1 billion. Note that much of this increase is due to the new, highly flexible Carbon Reduction formula program, which the Senate funded at the expense of increasing the Congestion Mitigation and Air Quality Improvement (CMAQ) Program. Like CMAQ, the Carbon Reduction Program has broad eligibilities including public transit, high occupancy vehicle projects and congestion pricing. See chart below:

**Bay Area Highway Formula Fund Estimate**

	<b>FAST Act (FY 2016-2020)</b>	<b>BIL (FY 2022-2026)</b>	<b>5-Year Funding Increase</b>
Surface Transportation Program	\$473 million	\$603 million	\$130 million
CMAQ	\$367 million	\$368 million	\$1 million
Transportation Alternatives Program	\$38 million	\$72 million	\$34 million
Carbon Reduction Program ( <i>new</i> )	-	\$71 million	\$71 million
<b>Total</b>	<b>\$878 million</b>	<b>\$1.1 billion</b>	<b>\$234 million</b>

Note: Transportation Alternatives Program amount reflects only those program funds suballocated to the Bay Area for the regional Active Transportation Program (which grew to 59 percent up from 50 percent); does not include the Bay Area’s share of the states “any area” funds.

Encouragingly, metropolitan planning resources that come directly to MTC would increase as well, with the Metropolitan Planning program increasing by about 30 percent overall compared to FAST Act levels (FAST Act FY 2016-2020 vs. proposed FY 2022-2026 funding).

***California Funding for Bridges, Resilience and Electric Vehicle Charging Infrastructure***

The State of California would receive a **much larger** increase in formula funds (proportionately and dollar amount) compared to the suballocated formula programs, including five-year totals of approximately \$4.2 billion from a flexible new bridge repair formula program (\$27.5 billion nationwide) and approximately \$380 million for electric vehicle charging infrastructure. Additionally, California would receive over the five-year timeframe roughly \$2.6 billion in funding that could be used for resilience-focused investments, \$630 million from a new resilience-focused formula program for states and up to \$1.9 billion of the state’s anticipated \$12.8 billion in National Highway Performance Program (NHPP) highway funding (highway and bridge resilience would be newly eligible for up to 15 percent of NHPP funding). We expect there will be legislation at the state level to implement these new programs, providing an opportunity to advocate for an approach that maximizes funding for the Bay Area.

Additionally, California's Trade Corridors Enhancements Program and "any area" Active Transportation Program would both be expected grow in accordance with the funding increases proposed for the federal freight formula program and federal Transportation Alternatives Program since state law directs these federal funds to these programs.

### ***Opportunity for Bay Area Projects to Compete for more than \$100 billion in Discretionary Grants***

Bay Area projects (large and small) could also receive substantial direct federal investment via funding for existing and new discretionary grant programs. In addition to huge dollar amounts, the focus of the grant programs reflects many of the Plan Bay Area 2050 priorities and in general the selection criteria are Bay Area/large metro-friendly (ex: points for national and regional economic benefits). Grant programs of interest are listed below.

We have identified approximately \$140 billion in grant funding that could fund Bay Area priority projects. Of this, roughly \$100 billion is "guaranteed" funding—i.e., grants are either funded from the Highway Trust Fund (HTF) or one-time supplemental general fund stimulus (upfront stimulus)—while the approximately \$40 billion in non-stimulus general fund authorizations (GF) are much less certain as they are subject to annual appropriations. Of note, BIL authorizes tens of billions of dollars for additional grants for programs that are either targeted to non-Bay Area geographies or target projects that typically fall outside the scope of Plan Bay Area 2050 investment priorities (such as wildlife crossings).

### **Transit, Bridge, Climate, Rail, Safety, and Priority Project Discretionary Grant Programs**

(Note: National five-year totals. Fund sources listed to provide indication as to level of certainty that the funding will be made available.)

#### ***Highway and Bridge***

- Bridge Investment Program - \$15.8 billion for a new bridge program
  - \$9.2 billion in upfront stimulus funding, plus \$3.3 billion guaranteed from the reauthorization (HTF) and \$3.3 billion in general funds subject to annual appropriations
  - Program would provide multi-year grants for major bridge improvements, like full funding grant agreements for bridges. BATA bridges and Golden Gate Bridge could apply. Smaller projects could be funded too.
- Charging and Fueling Infrastructure Grants (alternative fuel vehicles) - \$2.5 billion (HTF)
- Rural Surface Transportation Grant Program - \$2 billion (HTF)
  - Grants for highway and bridge improvement, freight and safety projects in urbanized areas less than 200,000 in population. Travel demand management projects are also eligible.
  - States, regional transportation planning organizations, local governments, and multijurisdictional groups may apply.

#### ***Transit and Intercity Passenger Rail***

- Capital Investment Grants - \$23 billion
  - \$8 billion in one-time upfront stimulus funding plus \$15 billion subject to appropriation (vs. \$12 billion in the FAST Act).
  - Program funds transit modernization and expansion projects

- Federal-State Partnership for Intercity Passenger Rail – \$43.5 billion total; Up to \$19.5 billion eligible to be spent outside of the Northeast Corridor.
  - \$36 billion in upfront funding, of which at least \$12 billion may be spent outside the Northeast Corridor; \$7.5 billion in additional funds subject to annual appropriations, of which not less than \$3.4 billion must be spent outside the Northeast Corridor)
  - Expanded eligibilities to allow program to fund new and expanded intercity rail (e.g., California High Speed Rail), in addition to the program’s historic focus on Amtrak and other intercity rail service’s state of good repair
- Consolidated Rail Infrastructure and Safety Improvements (CRISI) - \$10 billion
  - \$5 billion in upfront stimulus funding and \$5 billion subject to annual appropriations
  - Program funds rail safety, efficiency and reliability improvements. Examples of eligible projects include capital projects to reduce congestion and facilitate ridership growth and highway-rail grade crossing improvements.
- Railroad Crossing Elimination Program - \$5.5 billion
  - New program funded at \$3 billion in upfront stimulus funding and \$2.5 billion subject to annual appropriations
  - Supplements the longstanding Rail-Highway Grade Crossing program funding that is distributed to states via formula, funded through the HTF at \$1.2 billion (FAST Act funded the program at \$1.1 billion).
- Low- and Zero-Emission Bus Program (transit) – \$5.6 billion
  - \$375 million guaranteed from the reauthorization (HTF) and \$5.25 billion in upfront stimulus
- ADA Accessibility Improvements for Legacy Rail Systems - \$1.75 billion (upfront stimulus) (*new program*)
- Competitive Grants for Rail Vehicle Replacement - \$1.5 billion (HTF)
- Electric or Low-Emission Ferry Program - \$500 million
  - \$250 million in upfront stimulus funding, plus \$250 million subject to annual appropriations
- Federal Transit Administration (FTA) Ferry Program - \$150 million (HTF)
  - Extension of existing FTA discretionary ferry program.

#### ***Nationally Significant Mobility and Goods Movement***

- National Infrastructure Project Assistance - \$15 billion
  - \$5 billion in upfront stimulus funding and \$10 billion subject to annual appropriations
  - Program would provide multiyear grant agreements for large projects
  - Multimodal eligibility, including for integrated intercity and commuter rail projects, as advocated by MTC and national partners
- INFRA (multimodal freight program) - \$8 billion
  - \$4.8 billion from the HTF and \$3.2 billion in upfront stimulus appropriations
- Port Infrastructure Development Program - \$2.25 billion in upfront stimulus
  - Existing program to fund projects that improve safety, efficiency, or reliability of goods moving into and out of ports. BIL funds may also be used for port resiliency, greenhouse gas emissions reductions, and air quality improvements.
- Reduce Truck Emissions at Port Facilities - \$400 million
  - \$250 million from the HTF; \$150 million in upfront stimulus
  - New grant program to fund projects that reduce idling and emissions from port facilities, including port electrification projects.

- Congestion Relief Program - \$250 million (HTF)
  - New flexible major metro congestion reduction program. Eligibilities are broad and allow for congestion pricing on existing Interstate highways

***Safety, Equity, Resilience and other Local Priority Projects***

- Local and Regional Project Assistance - \$15 billion
  - \$7.5 billion in upfront stimulus funding plus \$7.5 billion subject to annual appropriations
  - Authorizes RAISE (BUILD/TIGER)
- Safe Streets and Roads for All - \$6 billion
  - \$5 billion in one-time upfront stimulus funding, \$1 billion subject to annual appropriations
  - Grants for local jurisdictions and metropolitan planning organizations to develop and implement Vision Zero safety plans
- PROTECT resilience grants - \$1.4 billion (HTF)
  - States, locals, metropolitan planning organizations, and other transportation authorities may apply.
- Reconnecting Communities - \$1 billion
  - \$500 million from the HTF, \$500 million in upfront stimulus
  - Grants may fund planning and construction to remove or retrofit highways and restore community connectivity
- SMART (Strengthening Mobility and Revolutionizing Transportation Grant Program) - \$1 billion
  - \$500 million in upfront stimulus; \$500 million subject to annual appropriations
  - Eligible projects include automated and connected vehicle infrastructure deployment, transit signal prioritization, and other technology-related transportation system improvements
- Intelligent Transportation Systems Program - \$550 million (HTF)
  - Existing grant program funded at 10 percent more per year than under the FAST Act.

Notes: FTA ferry program could receive an additional \$1.25 billion over five years, subject to inclusion in a technical corrections bill, and Capital Corridor projects could benefit from the infrastructure bill's historic investments in Amtrak. Grant programs and/or amounts of note that are not reflected here include: \$24 billion in Federal State Partnership for Intercity Rail funds earmarked for the Northeast Corridor, up to \$5 billion for a new culvert replacement and repair grant program, and a new \$1 billion rural ferry grants (Alaska-focused).