

AGC Overview of The Surface Transportation Reauthorization Act of 2021

The Senate Environment and Public Works (EPW) committee has released a bipartisan surface transportation reauthorization proposal, the *Surface Transportation Reauthorization Act of 2021*, which spans **5 years and sets a new baseline funding level at a historic high of \$311 billion** for Department of Transportation programs for **highways, roads, and bridges**. This marks an increase of more than 34 percent over current funding levels. This legislation does not include funding or policy measures for transit or rail, as they are under the jurisdiction of the Senate Banking and Commerce Committees, respectively, which have not released proposals yet. The EPW released a [summary](#), [bill text](#), [authorization table](#), and [state-by-state formula funding table](#) (these are estimates and subject to change).

| NOTABLE FORMULA FUNDING: | |
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| Over 90 % of funding goes out to states through formula programs: | |
| National Highway Performance Program* | <ul style="list-style-type: none"> • Includes \$148B for funding Interstates and the National Highway System • Adds resiliency eligibilities to mitigate the risks of extreme weather events • Adds eligibilities for underground utility infrastructure |
| Surface Transportation Block Grant Program (STBG) | <ul style="list-style-type: none"> • Continues STBG - funded at \$72B • Adds new eligibilities to program including construction of wildlife crossing structures, electric vehicle charging infrastructure and vehicle-to-grid infrastructure, projects that facilitate intermodal connections between emerging transportation technologies, resilience features, rural barge landings, docks, and waterfront infrastructure projects, etc. |
| Highway Safety Improvement Program (HSIP) | <ul style="list-style-type: none"> • Funded at \$16.6B • Provides flexibility to fund certain non-infrastructure activities and behavioral safety projects, up to 10 percent of total HSIP funding. |
| Congestion Mitigation and Air Quality Program (CMAQ) | <ul style="list-style-type: none"> • Funded at \$13.2B • Allows States to spend up to 10% of CMAQ funds on certain lock and dam modernization or rehabilitation projects and certain marine highway corridor, connector, or crossings projects under certain circumstances. |
| National Highway Freight Program | <ul style="list-style-type: none"> • Funded at \$7.15B • Increases the percent of program funds that may be used for eligible multimodal projects from a 10% cap to a 30 % cap, and adds lock, dam, and marine highway projects as eligible as long as the projects are functionally connected to the National Highway Freight Network and are likely to reduce on-road mobile source emissions |
| PROTECT Grants | <ul style="list-style-type: none"> • Creates a new program funded at \$7.3B • Assists States with improving the resiliency of transportation infrastructure • A state may not use more than 40% of their funds for the addition of new highway capacity. |

*AGC of America included this provision in their reauthorization recommendations



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| Carbon Reduction Program | <ul style="list-style-type: none"> • Creates a new formula program funded at \$6.4B • Includes eligibilities to establish or operate a traffic monitoring, management, and control facility or program, including advanced truck stop electrification systems, certain public transportation projects, the construction, planning, and design of on-road and off-road trail facilities for pedestrians and bicyclists, a project for advanced transportation and congestion management technologies, a project for the deployment of infrastructure-based intelligent transportation systems capital improvements and the installation of vehicle to infrastructure communications equipment, a project to replace street lighting and traffic control devices with energy-efficient alternatives, and the development of a carbon reduction strategy |
| OTHER FUNDING OPPORTUNITIES: | |
| Nationally Significant Freight and Highway Projects (INFRA) | <ul style="list-style-type: none"> • Continues the discretionary grant program intended to fund large highway and freight projects - funded at \$4.8B • Allows up to 30% of the funds to go to eligible multimodal projects, an increase from current law which was 10%. • Increases the set-aside for small projects to 15% |
| Bridge Investment Program | <ul style="list-style-type: none"> • Creates a new competitive grant program funded at \$3.3B • Provides grants for the rehabilitation or replacement of bridges, including culverts, and eligibility for large projects and bundling of smaller bridges |
| Rural Surface Transportation Grant Program | <ul style="list-style-type: none"> • Creates a new grant program funded at \$2B • Provides grants, on a competitive basis, to eligible entities to improve and expand the surface transportation infrastructure in rural areas |
| Grants for Charging and Fuel Infrastructure | <ul style="list-style-type: none"> • Creates a new grant program funded at \$2.5B • Establishes a grant program for Alternative Fuel Corridors, as well as a set-aside grant program for Community grants. These programs are designed to strategically deploy publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure along designated alternative fuel corridors or in certain other locations |
| Congestion Relief Program | <ul style="list-style-type: none"> • Creates a new program funded at \$250M • Establishes a competitive grant program for States, local governments, and metropolitan planning organizations, for projects in large urbanized areas to advance innovative, integrated, and multimodal solutions to congestion relief in the most congested metropolitan areas of the United States. |
| Connecting America's Active Transportation System Grants | <ul style="list-style-type: none"> • Creates new program funded at \$500M/year • Establishes a grant program to help local, regional, and state government entities connect walking and biking infrastructure into active transportation networks |
| ENVIRONMENTAL REVIEW AND PERMITTING | |
| One Federal Decision* | <ul style="list-style-type: none"> • Makes One Federal Decision, the executive order signed by President Trump, permanent law. • Requires the Department of Transportation to develop a schedule consistent with an agency average of two years to complete an environmental |

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| | <p>impact statement and requires accountability to the public when milestones are missed.</p> <ul style="list-style-type: none"> • Requires that environmental documents be limited to 200 pages unless a review is of unusual scope and complexity. • The Secretary of Transportation is also directed to work with relevant Federal agencies to adopt appropriate categorical exclusions to facilitate project delivery |
| Projects in the Right-of-Way* | <ul style="list-style-type: none"> • Establishes deadlines for Federal agencies carrying out their permit, approval, or other authorization responsibilities over preventative maintenance, preservation, or highway safety projects in the operational right-of-way |
| Utility Relocation* | <ul style="list-style-type: none"> • Allows utility relocation prior to the NEPA review being completed |
| Categorical Exclusions* | <ul style="list-style-type: none"> • Extends the time period for a State to assume the responsibility for determining whether certain designated activities are categorical exclusions, from a term of not more than 3 years, to a term of 5 years |
| OTHER POLICY CHANGES | |
| State Human Capital Plans | <ul style="list-style-type: none"> • Requires the Secretary to encourage States to develop a voluntary human capital plan for the immediate and long-term transportation-related personnel and workforce needs of the State |
| Manual on Uniform Traffic Control Devices | <ul style="list-style-type: none"> • Requires FHWA to update at least every 4 years • Requires updates to protect vulnerable road users, address autonomous vehicles and electric vehicle charging infrastructure. |
| Reconnecting Communities | <ul style="list-style-type: none"> • Establishes a community connectivity pilot program (\$500M) to provide funds to study the feasibility and impacts of removing, retrofitting, or mitigating existing transportation facilities that create barriers to mobility, access, or economic development, and for construction funds to carry out a project to remove, retrofit or mitigate an eligible facility and, if appropriate, to replace it with a new facility |
| TIFIA | <ul style="list-style-type: none"> • Amends the Transportation Infrastructure Finance and Innovation Act (TIFIA) program intended to increase program utilization, streamline the application process for assistance, and increase transparency in the vetting process for projects seeking TIFIA funds. (Funded at \$1.25B)* • Adds eligibility for airport-related projects but caps the amount of funding available for airport projects at 15% |
| National VMT Pilot Program* | <ul style="list-style-type: none"> • Establishes a pilot program to demonstrate a national motor vehicle per-mile user fee. The pilot will provide different methods that volunteer participants can choose from to track motor vehicle miles traveled, solicit volunteer participants from all 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, ensure an equitable geographic distribution by population among volunteer participants, and include commercial vehicles and passenger motor vehicles. For the purposes of the pilot program, the Treasury Department shall establish, on an annual basis, per-mile user fees for passenger motor vehicles, light trucks, and medium- and heavy-duty trucks, which amount may vary between vehicle types and weight classes to reflect |

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| | estimated impacts on infrastructure, safety, congestion, the environment, or other related social impacts |
| Research and technology development and deployment* | <ul style="list-style-type: none"> • Expands the Technology and Innovation Deployment Program by adding a focus on accelerated market readiness efforts, and increases funding for the program, including \$100,000,000 in new and innovative construction technologies for smarter, accelerated project delivery |
| Workforce Development, Training, and Education | <ul style="list-style-type: none"> • Continues training and education programs - funded at \$127M* • Allows States greater flexibility to address surface transportation workforce development, training, and education needs, including activities that address current workforce gaps, such as work on construction projects. This section permits States to obligate funds for purposes such as pre-apprenticeships, apprenticeships, and career opportunities for on-the-job training, and vocational school support. • This section encourages coordination and partnership with stakeholders, including industry, construction, labor organizations, and relevant government agencies |
| Work Zones* | <ul style="list-style-type: none"> • Provides for a Federal share payable of up to 100 percent for vehicle-to-infrastructure communication equipment and contractual provisions that provide safety contingency funds to incorporate safety enhancements to work zones prior to or during roadway construction activities |

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