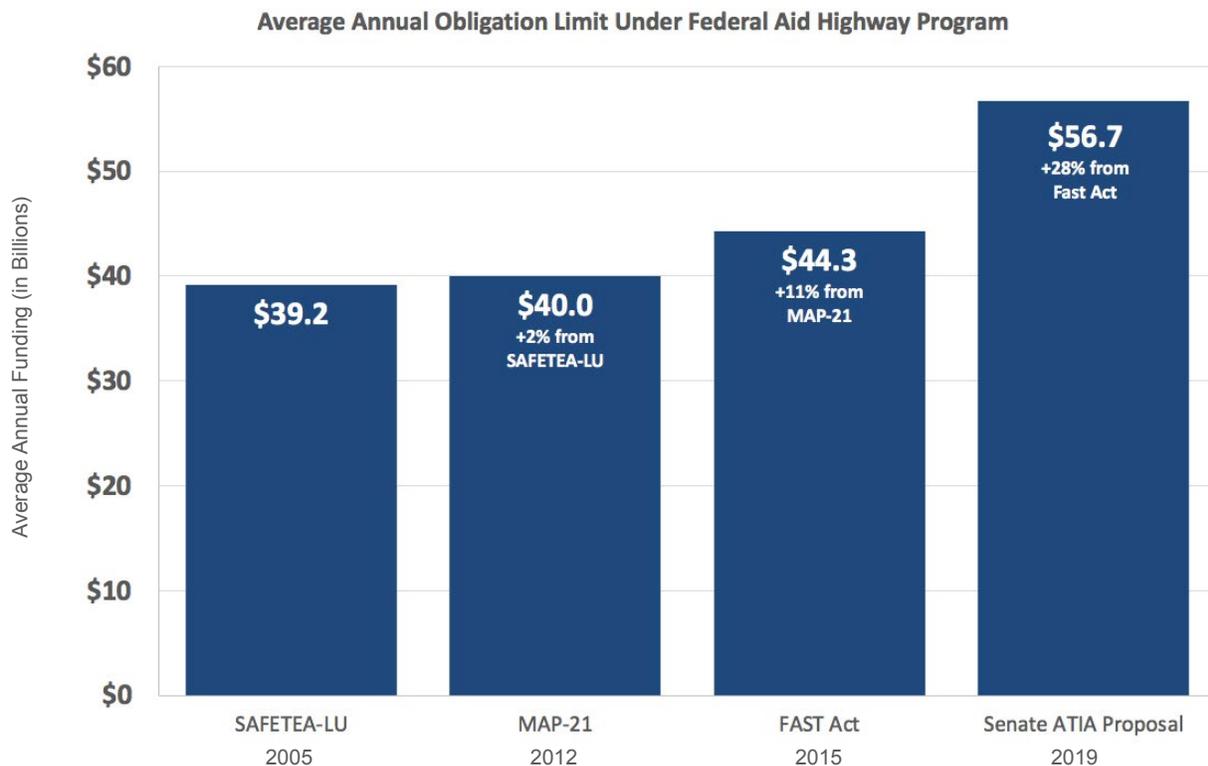


The America’s Transportation Infrastructure Act of 2019 FAST Act Reauthorization – Highway Title ARTBA Summary Analysis

The bipartisan leadership of the Senate Environment & Public Works (EPW) Committee July 29 introduced reauthorization legislation that for the first time in nearly 15 years would significantly increase investment in traditional core highway accounts and create several new initiatives and pilot programs. The nearly 470-page “America’s Transportation Infrastructure Act (ATIA) of 2019” provides funding from FY 2021 through FY 2025.

The \$287.3 billion in spending authority over the life of the bill would yield a \$37.9 billion increase above the existing levels of highway investment, plus inflation. Specifically, the measure would increase highway investment by 17 percent in FY 2021, with modest increases in subsequent years.

To put this into context, the increase in annual average funding would be substantially higher than increases seen in the 2012 MAP 21 and 2015 FAST Act laws, as illustrated in the chart below.



Senate EPW Committee Chairman John Barrasso (R-Wyo.), Ranking Member Tom Carper (D-Del.), Transportation & Infrastructure Subcommittee Chairman Shelley Moore Capito (R-W.Va.) and Subcommittee Ranking Member Ben Cardin (D-Md.), jointly introduced the legislation. The committee's early action on the bill should be lauded as it represents a departure from the series of extensions and years of delay that plagued the last few reauthorization cycles. The current FAST Act surface transportation authorization law expires Sept. 30, 2020.

The committee's leaders should also be applauded for their dedication to paying for the bill via user fees. Both Senators Barrasso and Carper have called for the users of the system to pay for the legislation and plan to work with Senate Finance Committee Chairman Chuck Grassley (R-Iowa) to achieve that goal.

Before the Finance Committee is likely to act, the Senate Banking & Commerce Committees will need to develop their respective components of the bill – transit programs (Banking) and truck safety and rail initiatives (Commerce).

The chart below provides a glimpse of the program structure senators envision under ATIA:



	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	5-YEAR
	Authorization	Authorization	Authorization	Authorization	Authorization	Authorization	TOTAL
	FAST Act	ATIA	ATIA	ATIA	ATIA	ATIA	ATIA
			(Dollars)				
Federal-aid Highway Program (Apportioned):	43,373,284,311	47,855,749,000	48,829,248,000	49,849,443,000	50,914,302,000	51,979,162,000	249,427,904,000
National Highway Freight Program	1,500,000,000	1,625,000,000	1,660,000,000	1,700,000,000	1,740,000,000	1,775,000,000	8,500,000,000
Other Programs (HTF):	3,730,787,689	7,271,713,378	7,393,199,378	7,555,639,378	7,755,015,378	7,863,390,378	37,838,957,890
TIFIA	300,000,000	300,000,000	300,000,000	300,000,000	300,000,000	300,000,000	1,500,000,000
Federal Lands & Tribal Transportation:							
Tribal Transportation	505,000,000	565,000,000	580,000,000	595,000,000	610,000,000	625,000,000	2,975,000,000
Federal Lands Transportation	375,000,000	413,000,000	423,000,000	433,000,000	443,000,000	453,000,000	2,165,000,000
Federal Lands Access	270,000,000	280,000,000	285,000,000	290,000,000	295,000,000	300,000,000	1,450,000,000
Territorial and Puerto Rico Highway	200,000,000	204,500,000	208,000,000	212,000,000	216,000,000	221,500,000	1,062,000,000
Nationally Significant Freight and Highway Projects	1,000,000,000	1,050,000,000	1,075,000,000	1,100,000,000	1,125,000,000	1,150,000,000	5,500,000,000
Emergency Relief	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	500,000,000
Transportation Research:							
Highway Research & Development	125,000,000	153,431,378	153,431,378	153,431,378	153,431,378	153,431,378	767,156,890
Technology & Innovation Deployment	67,500,000	135,000,000	135,000,000	135,000,000	135,000,000	135,000,000	675,000,000
Training and Education	24,000,000	25,000,000	26,000,000	27,000,000	27,000,000	27,000,000	132,000,000
Intelligent Transportation Systems (ITS)	100,000,000	110,000,000	110,000,000	110,000,000	110,000,000	110,000,000	550,000,000
University Transportation Centers	77,500,000	82,500,000	84,000,000	85,500,000	87,000,000	88,500,000	427,500,000
Bureau of Transportation Statistics	26,000,000	26,000,000	26,000,000	26,000,000	26,000,000	26,000,000	130,000,000
Construction of Ferry Boats	80,000,000	86,000,000	87,000,000	88,000,000	89,000,000	90,000,000	440,000,000
FHWA Administration Expenses:	480,797,689	490,282,000	499,768,000	509,708,000	520,084,000	530,459,000	2,550,301,000
New ATIA Programs (HTF):							
Bridge Investment Program		600,000,000	640,000,000	650,000,000	675,000,000	700,000,000	3,265,000,000
Congestion Relief Program		40,000,000	40,000,000	40,000,000	40,000,000	40,000,000	200,000,000
Charging and Fueling Infrastructure Grants		100,000,000	100,000,000	200,000,000	300,000,000	300,000,000	1,000,000,000
Formula Safety Incentive Program		500,000,000	500,000,000	500,000,000	500,000,000	500,000,000	2,500,000,000
Fatality Reduction Performance Program		100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	500,000,000
Formula Carbon Reduction Incentive Program		600,000,000	600,000,000	600,000,000	600,000,000	600,000,000	3,000,000,000
Carbon Reduction Performance Program		100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	500,000,000
PROTECT Grants		986,000,000	986,000,000	986,000,000	986,000,000	986,000,000	4,930,000,000
Reduction of Truck Emissions at Port Facilities		60,000,000	70,000,000	70,000,000	80,000,000	90,000,000	370,000,000
Nationally Significant Federal Lands and Tribal Projects (HTF)		50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	250,000,000
Wildlife Crossings Pilot Program		55,000,000	60,000,000	45,000,000	45,000,000	45,000,000	250,000,000
Prioritization Process Pilot Program		10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	50,000,000
Disaster Relief Mobilization Pilot Program		1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	5,000,000
Community Connectivity Pilot Program							
Planning Grants		20,000,000	15,000,000	10,000,000	2,500,000	2,500,000	50,000,000
Capital Construction Grants		14,000,000	14,000,000	14,000,000	14,000,000	14,000,000	70,000,000
Open Challenge & Research Initiative Pilot Program		15,000,000	15,000,000	15,000,000	15,000,000	15,000,000	75,000,000
Total Contract Authority (HTF)	47,104,092,000	55,127,462,378	56,222,447,378	57,405,082,378	58,669,317,378	59,842,552,378	287,266,861,890
Obligation Limitation	46,365,092,000	54,388,462,378	55,483,447,378	56,666,082,378	57,930,317,378	59,103,552,378	283,571,861,890
Contract Authority Exempt from Obligation Limitation							
Emergency Relief	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	500,000,000
National Highway Performance Program	639,000,000	639,000,000	639,000,000	639,000,000	639,000,000	639,000,000	3,195,000,000
Total Obligation Authority (HTF)	47,104,092,000	55,127,462,378	56,222,447,378	57,405,082,378	58,669,317,378	59,842,552,378	287,266,861,890
Additional Authorizations, General Fund	210,000,000	1,362,500,000	1,319,500,000	1,331,500,000	1,358,500,000	1,385,500,000	6,757,500,000
Nationally Significant Federal Lands & Tribal Projects	100,000,000	300,000,000	300,000,000	300,000,000	300,000,000	300,000,000	1,500,000,000
Appalachian Regional Development	110,000,000	180,000,000	180,000,000	180,000,000	180,000,000	180,000,000	900,000,000
New ATIA Programs (General Fund):							
Bridge Investment Program		600,000,000	640,000,000	650,000,000	675,000,000	700,000,000	3,265,000,000
Tribal High Priority Projects		30,000,000	30,000,000	30,000,000	30,000,000	30,000,000	150,000,000
Direct Air Capture Tech Advisory Board		35,000,000					35,000,000
Carbon Dioxide Utilization Research		50,000,000					50,000,000
Bollard Installation Projects		5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	25,000,000
Forest Service Road/Trail Remediation		50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	250,000,000
Appalachian Regional Commission Energy Hub Initiative		5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	25,000,000
Invasive Plant Elimination Program		50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	250,000,000
Data Integration Pilot Program		2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	12,500,000
Emerging Tech Research Pilot Program		5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	25,000,000
Bureau of Indian Affairs Road Program		50,000,000	52,000,000	54,000,000	56,000,000	58,000,000	270,000,000
Total Authorizations, GF & HTF	47,314,092,000	56,489,962,378	57,541,947,378	58,736,582,378	60,027,817,378	61,228,052,378	294,024,361,890

Federal-aid Highway Formula Programs: These make up the bulk of the funding at \$249.4 billion. This includes the National Highway Performance Program, Surface Transportation Block Grant Program, Highway Safety Improvement Program, Railway/Highway Grade Crossings, Congestion Mitigation & Air Quality Program, Metropolitan Planning Program, National Highway Freight Program and the Transportation Alternatives Program. As of now, while apportionment formulas remain intact from the FAST Act, neither a programmatic or state-by-state breakdown has been released.

Freight Formula & INFRA Grants: The ATIA continues where the FAST Act left off by including substantial funding dedicated to freight improvements. The \$13.93 billion over five years would include an overall seven percent investment boost for these programs from FY 2020 to FY 2021. It would expand eligibility for freight and intermodal rail projects to as much as 30 percent of the programs and makes lock, dam and marine highway projects eligible if they are connected to the National Highway Freight Network. The INFRA grant program has a set-aside of \$500 million for “Critical Rural Interstate Projects.”

Bridge Investment Program: It would create a new bridge discretionary grant program, administered by the U.S. Secretary of Transportation, to improve the nation’s bridge conditions by leveraging state, local and private funding sources, similar to the public transit New Starts program. Half of the \$6.53 billion over five years comes from the Highway Trust Fund and the other half from the General Fund. One-quarter of the funding must be used on large projects (over \$100 million).

The Transportation Infrastructure Finance & Innovation Act (TIFIA) Program: It provides federal credit assistance in the form of direct loans, loan guarantees, and standby lines of credit to finance surface transportation projects of national and regional significance. ATIA would continue TIFIA investments at \$300 million annually but expand eligibility to certain airport and transit-oriented development projects, as well as acquisition of plant and wildlife habitat relating to other projects.

It would also require the U.S. Department of Transportation (DOT) to provide most TIFIA applicants with “a specific estimate of the timeline for the approval or disapproval” of its application, preferably within 150 days of the submission of the letter of interest. Similarly, it would require the agency to establish an expedited decision timeline for public agency borrowers meeting certain criteria. To improve transparency of the process, ATIA would require U.S. DOT to post reports online recapping the status of applications and approvals. It would also allow the agency to spend up to \$10 million per year to administer the TIFIA program starting in FY2021, compared to \$8.4 million in FY 2020.

Public-Private Partnerships (P3s): To increase transparency relating to P3s undertaken to finance, build, and maintain or operate a surface transportation project, public agency sponsors would need to meet new requirements for each project with an estimated cost of \$100 million or more that includes federal-aid dollars. Within three years of opening, the state or local agency would be required to provide U.S. DOT with the following:

1. A report reviewing the private partner’s compliance with the project’s agreement; and
2. Certification that the partner is meeting the terms of that agreement or notification that the partner failed to meet one or more of the terms.

The public agency would need to make this information publicly available, omitting any proprietary or confidential business information.

The bill would require a value-for-money analysis as a condition for federal assistance to certain P3 projects, including those considered “major projects” at an estimated cost of \$500 million or more.

Project Delivery & Process Improvement: The measure would codify President Trump’s “One Federal Decision” Executive Order (EO). The EO, originally announced in 2017, was one of the administration’s central reforms to the project review and approval process. Specifically, “One Federal Decision” consolidates all permitting decisions for major infrastructure projects into one single environmental document with a schedule set by the federal “lead” agency. The aim is to reduce delay caused by having multiple agencies with conflicting schedules involved in the permitting process by requiring agency coordination and a single final document, as opposed to multiple decisions. ATIA would also codify “One Federal Decision’s” goal of completing the environmental review process within an average time of two years. Additionally, it would require all authorization decisions for a major project be completed within 90 days of the issuance of a record of decision.

ATIA reforms beyond “One Federal Decision” would include a requirement for U.S. DOT to produce an annual report detailing progress made on improving project delivery, such as savings and identification of problem areas. Further, U.S. DOT would be required to annually submit information to the Executive Director of the Federal Permitting Improvement Steering Council (FPISC) regarding the median time elapsed between the intent to prepare an environmental impact statement (EIS) for a major project and the issuance of a record of decision. This information would be made available on FPISC’s “dashboard,” which tracks the permitting process for major projects.

Planning & Performance Management: ATIA would update the planning process by reducing existing “fiscal constraint” requirements for long-term transportation plans by eliminating the requirements for projects beyond a four-year time frame. Fiscal constraint requirements often complicate long-term planning because funding could not be predicted beyond the scope of the current reauthorization bill. Under ATIA’s reform, projects in a long-term plan beyond the four-year window would not be constrained by a requirement that they be completed with the level of funding currently available.

Climate Change: ATIA would introduce a variety of new programs and grants aimed at addressing climate change. Specifically, it would make funds available to develop charging stations for alternative fuel vehicles and to encourage electrification of port facilities and the reduction of truck idling. Additionally, ATIA would establish grant programs focused on making infrastructure more resilient, congestion management and encouraging carbon capture and sequestration technologies.

The legislative text can be found [here](#), as well as a summary document issued by the committee [here](#) and a section-by-section summary [here](#).

ARTBA staff will distribute further information as it becomes available, along with updates on progress of the reauthorization process in the coming months. Please contact ARTBA Senior Vice President of Congressional Relations, Dean Franks at dfranks@artba.org or 202.683.1006 with questions.