

# H.R. 3684 Infrastructure and Jobs Act

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President

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# Surface Transportation Reauthorization Act of 2021

- Current authorization is the FAST Act
  - Signed into law by President Obama December 4, 2015
  - Authorized \$305 billion for FY 2016-2020
    - Average of \$485 million per year for the Tribal Transportation Program (TTP)

# \$550 Billion Spending Over 5 Years

- **Transportation: \$284 billion**
- Roads, bridges, major projects: \$110 billion
- Passenger and freight rail: \$66 billion
- Public transit: \$39 billion
- Airports: \$25 billion
- Port infrastructure: \$17 billion
- Transportation safety programs: \$11 billion
- Electric vehicles: \$7.5 billion
- Zero and low-emission buses and ferries: \$7.5 billion
- Revitalization of communities: \$1 billion
- **Other infrastructure: \$265 billion**
- Broadband: \$65 billion
- Power infrastructure: \$73 billion
- Clean drinking water: \$55 billion
- Resilience and Western water storage: \$50 billion
- Removal of pollution from water and soil: \$21 billion

# IJA Goals

- Improve healthy, sustainable transportation options for millions of Americans by modernizing and expanding transit and rail networks across the country while reducing greenhouse gas emissions.
- Repair and rebuild roads and bridges with a focus on climate change mitigation, resilience, equity and safety for all users, including cyclists and pedestrians.
- Build a national network of electric vehicle chargers along highways and in rural and disadvantaged communities.
- Electrify thousands of school and transit buses across the country to reduce harmful emissions and drive domestic manufacturing of zero emission vehicles and components.
- Eliminate the nation's lead service lines and pipes, delivering clean drinking water to up to 10 million American families and more than 400,000 schools and childcare facilities that currently don't have it, including in tribal nations and disadvantaged communities.
- Connect every American to reliable high-speed internet.
- Upgrade the power infrastructure, including by building thousands of miles of new, resilient transmission lines to facilitate the expansion of renewable energy, including through a new grid authority.
- Make the largest investment in addressing legacy pollution in American history.
- Prepare more infrastructure for the impact of climate change, cyberattacks and extreme weather events.

# Comparison STRA vs FAST

Program	FAST Act 5-Year Funding (billions)	STRA 5 Year Funding
Federal Highway Administration	\$ 226.3	\$ 341.3
Federal Transit Administration	61.1	85
Federal Motor Carrier Safety Administration	3.2	
Pipeline and Hazardous Materials Administration	0.4	1
Ports and Waterways	?	17
Federal Aviation Administration	?	25
National Highway Traffic Safety Administration	4.7	20
Federal Railroad Administration	10.3	80
Total	305.0	569.3

# Highway Safety Improvement Program: \$15.575 billion

- Allows flexibility for Highway Safety Improvement Program (HSIP) to be used for non-infrastructure activities and behavioral safety projects, such as educational campaigns about traffic safety and enforcement activities; and allows a state to spend up to 10 percent of its HSIP funding on such projects and Safe Routes to School non-infrastructure-related activities.
- Adds projects eligible for HSIP funding:
  - Grade separation projects.
  - Construction or installation of features, measures and road designs to calm traffic and reduce vehicle speeds.
  - Installation or upgrades of traffic control devices for pedestrians and bicyclists, including pedestrian hybrid beacons and the addition of bicycle movement phases to traffic signals.
  - Roadway improvements that provide separation between pedestrians and motor vehicles or between bicyclists and motor vehicles, including medians, pedestrian crossing islands, protected bike lanes and protected intersection features.

## ***SEC. NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS PROGRAM***

- \$55 million per year for 5 years from the Highway Trust Fund
- \$300 million per year for 5 years from the General Fund
- Half of the funding dedicated to tribal projects
- Reduced minimum project amount to \$12,500,000, but kept priority projects at \$50 million or more
- Will require state and local coordination to include project in plans and in proposal

# Sec. 11118 Bridge Investment Program

- “(C) FEDERAL LAND MANAGEMENT AGENCIES AND TRIBAL GOVERNMENTS.—*Notwithstanding any other provision of law, Federal funds other than Federal funds made available under this section may be used to pay the remaining share of the cost of a project under the program by a Federal land management agency or a Tribal government or consortium of Tribal governments.*
- (i) *\$600,000,000 for fiscal year 2022;*
- (ii) *\$640,000,000 for fiscal year 2023;*
- (iii) *\$650,000,000 for fiscal year 2024;*
- (iv) *\$675,000,000 for fiscal year 2025; and*
- (v) *\$700,000,000 for fiscal year 2026.*



## ***SEC. 11132. RURAL SURFACE TRANSPORTATION GRANT PROGRAM***

- Tribes are eligible to apply
- “(2) GOALS.—*The goals of the program shall be—*
  - “(A) *to increase connectivity;*
  - “(B) *to improve the safety and reliability of the movement of people and freight; and*
  - “(C) *to generate regional economic growth and improve quality of life.*
- (i) *\$300,000,000 for fiscal year 2022;*
- (ii) *\$350,000,000 for fiscal year 2023;*
- (iii) *\$400,000,000 for fiscal year 2024;*
- (iv) *\$450,000,000 for fiscal year 2025; and*
- (v) *\$500,000,000 for fiscal year 2026.*

# Title IV Indian Affairs

- In this Title “Secretary” means Secretary of the Interior
- Expedited environmental review of safety projects (45 days for response)
- Programmatic Agreements for tribal determinations of categorical exclusions

# TTP Funding – 16% increase

- (A) TRIBAL TRANSPORTATION PROGRAM.—*For the tribal transportation program under section 202 of title 23, United States Code—*
  - (i) *\$578,460,000 for fiscal year 2022;*
  - (ii) *\$589,960,000 for fiscal year 2023;*
  - (iii) *\$602,460,000 for fiscal year 2024;*
  - (iv) *\$612,960,000 for fiscal year 2025; and*
  - (v) *\$627,960,000 for fiscal year 2026.*

## ***SEC. 11128. TRIBAL HIGH PRIORITY PROJECTS PROGRAM***

- \$9 million each FY 2022 – 2026 from TTP
- \$33 million each FY 2022 – 2026 from General Fund

## ***SEC. 14004. USE OF CERTAIN TRIBAL TRANSPORTATION FUNDS***

- “(2) USE OF FUNDS.—*Funds made available to carry out this subsection shall be used—*
- “(A) *to carry out any planning, design, engineering, preconstruction, construction, and inspection of new or replacement tribal transportation facility **bridges**;*
- “(B) *to replace, rehabilitate, seismically retrofit, paint, apply calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and deicing composition; or*
- “(C) *to implement any countermeasure for tribal transportation facility **bridges** classified as in poor condition, having a low load capacity, or needing geometric improvements, including multiple-pipe culverts.”.*

## ***SEC. 14005. BUREAU OF INDIAN AFFAIRS ROAD MAINTENANCE PROGRAM.***

- *There are authorized to be appropriated to the Director of the Bureau of Indian Affairs to carry out the road maintenance program of the Bureau—*
- *(1) \$50,000,000 for fiscal year 2022;*
- *(2) \$52,000,000 for fiscal year 2023;*
- *(3) \$54,000,000 for fiscal year 2024;*
- *(4) \$56,000,000 for fiscal year 2025; and*
- *(5) \$58,000,000 for fiscal year 2026.*

## ***SEC. 14006. STUDY OF ROAD MAINTENANCE ON INDIAN LAND.***

- (3) ROAD.—*The term “road” means a road managed in whole or in part by the Bureau of Indian Affairs.*
- (b) STUDY.—*Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall carry out a study to evaluate—*
  - (1) *the long-term viability and useful life of existing roads on Indian land;*
  - (2) *any steps necessary to achieve the goal of addressing the deferred maintenance backlog of existing roads on Indian land;*
  - (3) *programmatic reforms and performance enhancements necessary to achieve the goal of restructuring and streamlining road maintenance programs on existing or future roads located on Indian land; and*
  - (4) *recommendations on how to implement efforts to coordinate with States, counties, municipalities, and other units of local government to maintain roads on Indian land.*
- *Report on maintenance issues and progress every 2 years*

## ***SEC. 14008. TRIBAL TRANSPORTATION SAFETY NEEDS.***

- Requires BIA law enforcement to use the state crash reporting system and upload data into IMARS (Incident Management and Reporting System)
- Increases tribal safety set-aside from 2% to 4% of TTP funding



## ***SEC. 14009. OFFICE OF TRIBAL GOVERNMENT AFFAIRS***

- *“(1) ESTABLISHMENT.—There is established in the Department an Office of Tribal Government Affairs, under the Assistant Secretary for Tribal Government Affairs—*
- *“(A) to oversee the tribal self-governance program under section 207 of title 23;*
- *“(B) to plan, coordinate, and implement policies and programs serving Indian Tribes and Tribal organizations;*
- *“(C) to coordinate Tribal transportation programs and activities in all offices and administrations of the Department; and*
- *“(D) to be a participant in any negotiated rulemakings relating to, or having an impact on, projects, programs, or funding associated with the Tribal transportation program under section 202 of title 23.”.*

# Things to watch out for

- New requirements of state DOT's but not imposed on tribes
  - In planning process, like State Human Capital Plans and the inclusion of housing development plans
  - Use of Complete Streets standards and policies
  - Freight mobility
- Major investment in electric vehicle charging infrastructure – getting tribal land and communities included or get left out
- Many of the other infrastructure investments (electric grid, water, fiber, oil and gas gathering lines) could be placed in or near the road ROW, plan for expansion and taking additional land.

# ND STATEWIDE FREIGHT & RAIL PLAN

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WELCOME  
August 19, 2021

# What is the Freight & Rail Plan?

Guides advancement of multimodal transportation system

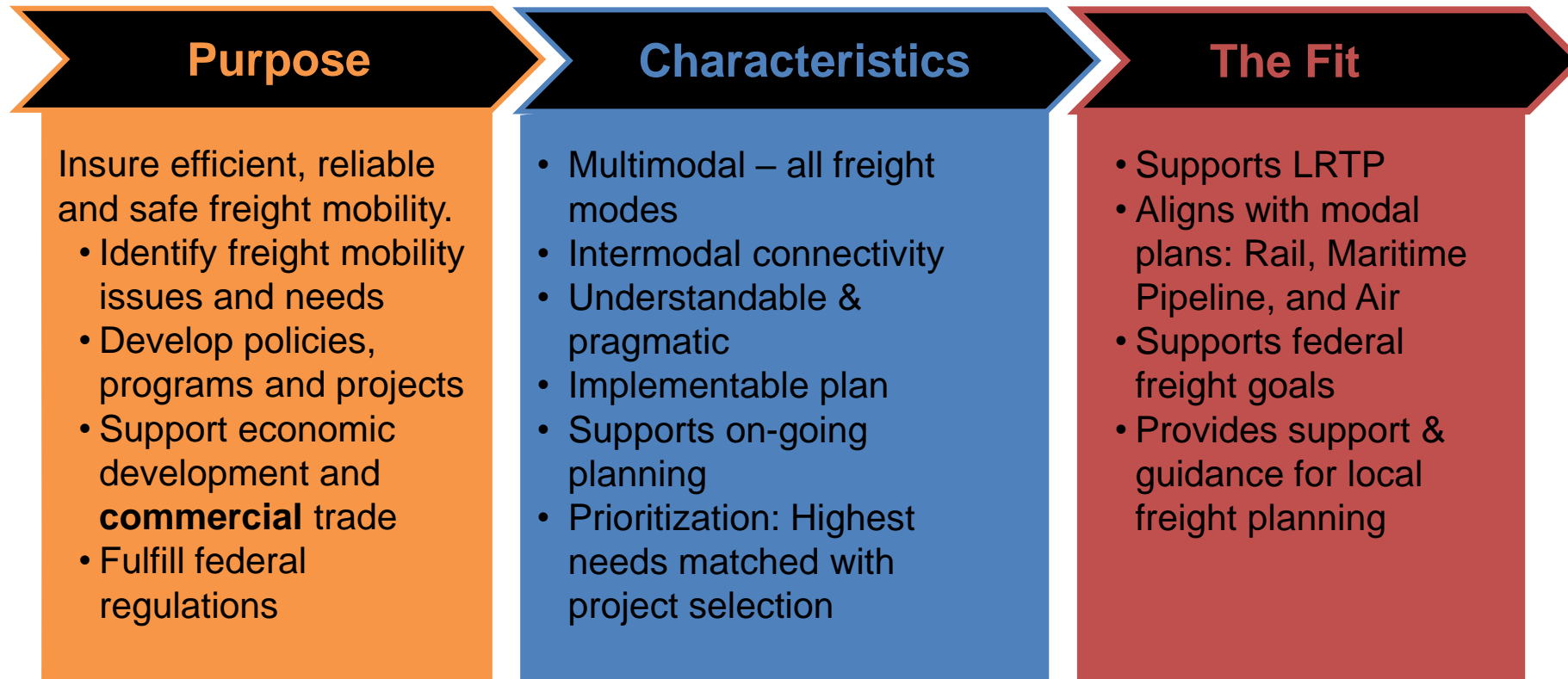
Assesses all freight modes

Identifies needs and issues

Creates recommendations for policies, programs, projects, & processes

Serves as a roadmap for future investment

# What is a Freight & Rail Plan?



# PROJECT SCHEDULE

