

# Implementing Infrastructure Investments at the County Level: The Bipartisan Infrastructure Law (P.L. 117-58)

On November 15, President Biden signed the bipartisan infrastructure package, the Infrastructure Investment and Jobs Act (IIJA/P.L. 117-58), into law.

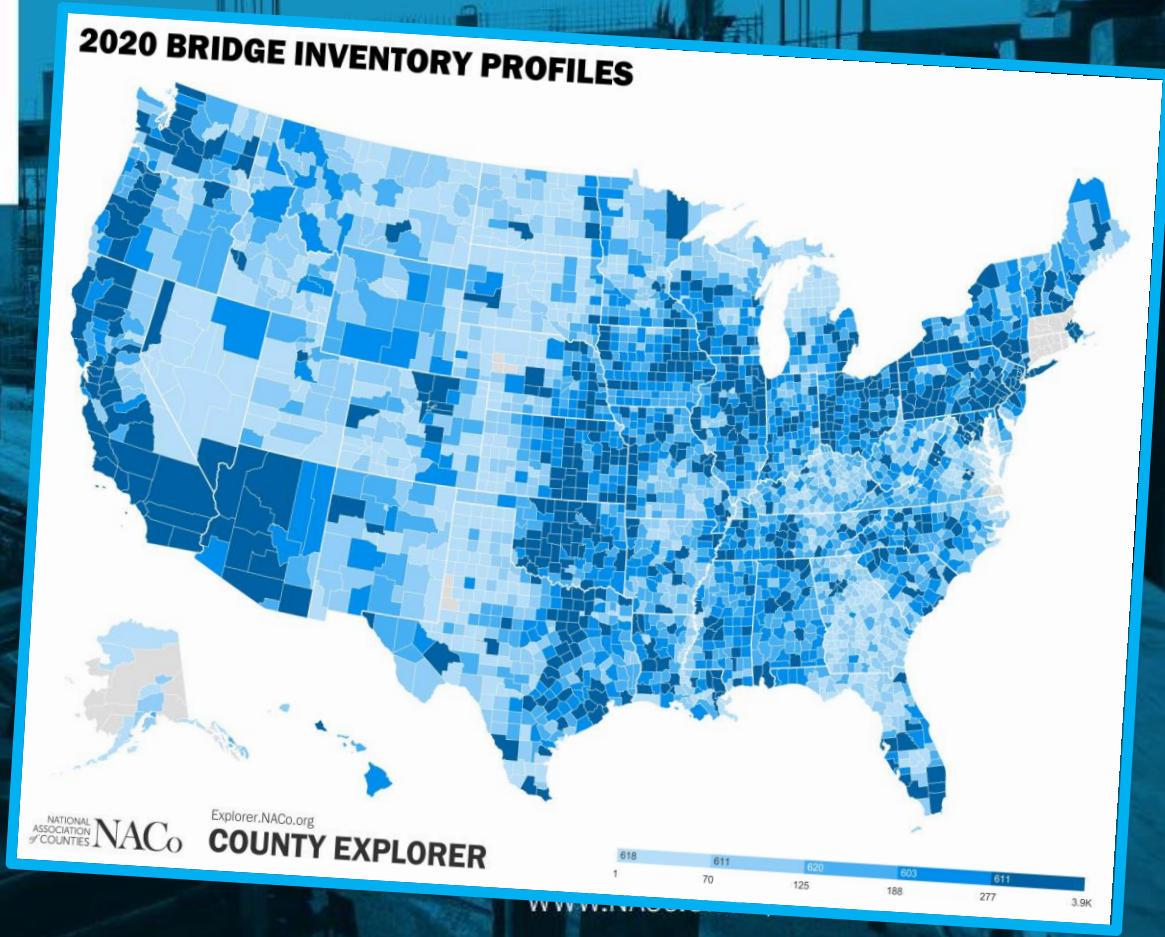
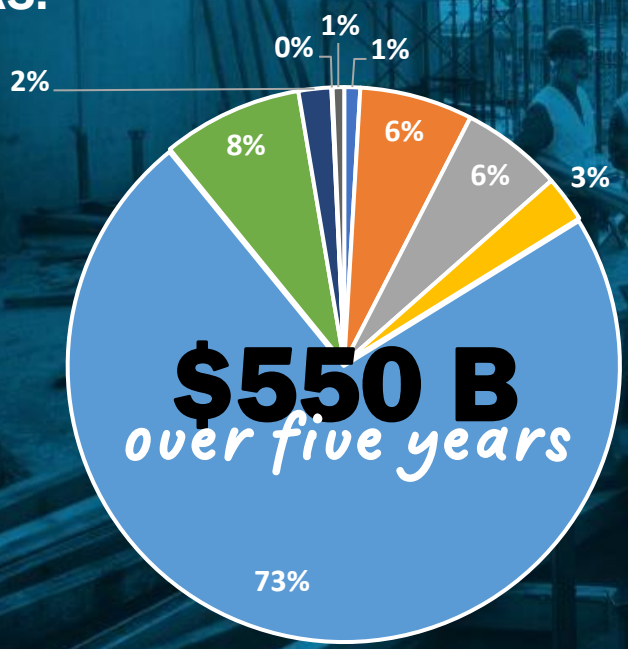




# BREAKDOWN OF FEDERAL INFRASTRUCTURE FUNDING AVAILABLE TO COUNTIES

**BIL BY THE NUMBERS:**  
Federal Funding  
by Agency

- DHS
- DOC
- DOE
- DOI
- DOT
- EPA
- FCC
- HHS
- USDA



# BIPARTISAN INFRASTRUCTURE LAW: COUNTY ACCESS TO FUNDING & FINANCING

## COUNTIES CAN ACCESS FUNDS IN FOUR WAYS

1. **Competitively**, through federal grant programs and processes run by state departments of transportation / Metropolitan Planning Organizations
2. **Suballocations based on population** from state departments of transportation
3. **Federal formulas**
4. **Loans and Loan Guarantees**

### DID YOU KNOW?

The USDOT Build America Bureau has **over \$100 billion available now for low-interest loans** to support the construction of local infrastructure projects.

# BIPARTISAN INFRASTRUCTURE LAW: STATE DOT PROGRAMS WITH SUB-ALLOCATIONS

**STBG funds available for sub-allocation in Nebraska in  
FY 2022: \$49.41 million**  
*9.5% increase over FY 2021*

## SURFACE TRANSPORTATION BLOCK GRANT (STBG) SUB-ALLOCATIONS BY POPULATION: COMPARING FY 2021 VS. FY 2022 FUNDING LEVELS FOR LOCAL GOVERNMENTS

STBG POPULATION BANDS	FY2021	FY2022	% CHANGE
<b>Areas of 200,000 and above</b> <i>(metropolitan planning organization [MPO] has obligation authority)</i>	\$3.5B	\$3.8B	+10.4%
<b>Areas between 49,999 and 200,000 -- NEW BAND</b> <i>(states must consult with MPO or regional transportation planning organization [RTPO])</i>	N/A	\$702.8M	Combined below
<b>Areas between 5,000 and 49,999 -- NEW BAND</b> <i>(states must consult with RTPO)</i>	N/A	\$607.5M	Combined below
<b>Areas between 5,000 and 200,000*</b> <i>(for FY 21 comparison)</i>  <i>*No longer a STBGP population band</i> <i>**FY 2022 number represents total of areas between 49,999 and 200,000 and areas between 5,000 and 49,999</i>	\$1.2B	\$1.3B**	+10.1%
<b>Areas less than 5,000</b> <i>(states must consult with RTPO)</i>	\$1.4B	\$1.6B	+10.6%
<b>STBG FY 2022 TOTAL SUB-ALLOCATIONS BASED ON POPULATION</b>	<b>\$6.08B</b>	<b>\$6.70B</b>	<b>+10.2%</b>

Sources: USDOT FAST Act FY 2021 computational tables; USDOT BIL FY 2022 computational tables



# BIPARTISAN INFRASTRUCTURE LAW: STATE DOT PROGRAMS WITH SUB-ALLOCATIONS

## CARBON REDUCTION PROGRAM (CRP): SUB-ALLOCATIONS BY POPULATION

CRP POPULATION BANDS	FY2022
<b>Areas of 200,000 and above</b> <i>(metropolitan planning organization [MPO] has obligation authority)</i>	\$457.7M
<b>Areas between 49,999 and 200,000</b> <i>(metropolitan planning organization [MPO] has obligation authority)</i>	\$84.1M
<b>Areas between 5,000 and 49,999</b> <i>(states must consult with RTPO)</i>	\$72.6M
<b>Areas less than 5,000</b> <i>(states must consult with RTPO)</i>	\$187.5M
<b>CRP FY 2022 TOTAL SUB-ALLOCATION BASED ON POPULATION</b>	<b>\$801.9M</b>

Source: USDOT BIL FY 2022 computational tables

**CRP funds available for  
sub-allocation in Nebraska  
in FY 2022: \$6 MILLION**

*Eligible projects are  
restricted to those that  
reduce transportation  
emissions*

# BIPARTISAN INFRASTRUCTURE LAW:

## BRIDGE FORMULA PROGRAM *in the State of Nebraska*

**FY22 BFP IN NE**

**Bridges**

**\$38.25 MILLION**

**Off-System  
Bridges**

**\$6.75 MILLION**

**Total NE BFP**

**\$45 MILLION**

- **\$5.5 BILLION** in formula funds to state DOTs annually through FY 2026
- **15%** off-system bridge set-aside
- **100%** federal cost share incentive for state DOTs to further invest in OSBs beyond the 15% requirement
- Each state will receive at least **\$45 MILLION** annually, making at least **\$6.75 MILLION** available for **off-system bridges** annually in all 50 states, in addition to existing resources

# BIPARTISAN INFRASTRUCTURE LAW: OFF-SYSTEM BRIDGES IN FY 2022

PROGRAM	FY 2021 FUNDING	FY 2022 FUNDING	TOTALS FOR OSB IN FY22	% CHANGE FROM FY21	IN NEBRASKA
Bridge Formula Program off-system bridge set-aside	N/A	\$796 million	\$1.831 billion	130% increase	212% increase
Surface Transportation Block Grant Program off-system bridge set-aside	\$776.5 million	\$1.035 billion		130% increase	

**\$11.8 million** is available for off-system bridges in Nebraska, compared to **\$3.78 million** in FY 21



# UNITED STATES

## BRIDGE INVENTORY | 2020

NUMBER OF BRIDGES	SHARE OF COUNTY-OWNED BRIDGES	SHARE OF STRUCTURALLY DEFICIENT BRIDGES	SHARE OF OFF-SYSTEM BRIDGES
<b>604,905</b>	<b>37.9%</b>	<b>7.2%</b>	<b>46.3%</b>

### STRUCTURALLY DEFICIENT BRIDGES

A bridge is classified as structurally deficient if the deck, superstructure, substructure or culverts are rated in poor or worse condition.

**43,827**

Share of <b>County Owned</b>	53.2%
Share of <b>City/Town Owned</b>	12.9%
Share of <b>Other Locally Owned</b>	0.3%
<b>Total Locally Owned</b>	<b>66.4%</b>

### OFF-SYSTEM BRIDGES

Off-system bridges are located on a public road that is not part of the federal-aid highway system.

**280,325**

Share of <b>County Owned</b>	61.9%
Share of <b>City/Town Owned</b>	17.1%
Share of <b>Other Locally Owned</b>	0.4%
<b>Total Locally Owned</b>	<b>79.4%</b>

# NEBRASKA

## BRIDGE INVENTORY | 2020

NUMBER OF BRIDGES	SHARE OF COUNTY-OWNED BRIDGES	SHARE OF STRUCTURALLY DEFICIENT BRIDGES	SHARE OF OFF-SYSTEM BRIDGES
<b>15,348</b>	<b>71.4%</b>	<b>8.5%</b>	<b>64.8%</b>

### STRUCTURALLY DEFICIENT BRIDGES

A bridge is classified as structurally deficient if the deck, superstructure, substructure or culverts are rated in poor or worse condition.

**1,302**

Share of <b>County Owned</b>	84.3%
Share of <b>City/Town Owned</b>	3.1%
Share of <b>Other Locally Owned</b>	1.5%
<b>Total Locally Owned</b>	<b>88.9%</b>

### OFF-SYSTEM BRIDGES

Off-system bridges are located on a public road that is not part of the federal-aid highway system.

**9,944**

Share of <b>County Owned</b>	93.4%
Share of <b>City/Town Owned</b>	3.0%
Share of <b>Other Locally Owned</b>	1.0%
<b>Total Locally Owned</b>	<b>97.4%</b>

# BIPARTISAN INFRASTRUCTURE LAW: RURAL PROGRAM SET-ASIDES

Program	Mode	Rural Definition	Set-Aside	Rural Funding
RAISE	OST	Outside UA >200,000	50%	\$7.5 billion
INFRA	OST	Outside UA >200,000	25%	\$3.5 billion
CRISI	FRA	Outside UA >50,000	25%	\$2.5 billion
Rural Surface Transportation Grants (NEW)	OST	Outside UA >200,000	100%	\$2 billion
Ferry Service for Rural Communities (NEW)	FTA	Outside UA >50,000	100%	\$2 billion
Railroad Crossing Elimination Program (NEW)	FRA	Undefined	20%	\$1.1 billion
PROTECT (NEW)	FHWA	Outside UA >200,000	25%	\$350 million
Bus & Bus Facility	FTA	Outside UA >50,000	15%	\$351 million
Wildlife Crossing Pilot Program (NEW)	FHWA	Undefined	60%	\$350 million
SMART (NEW)	OST	Outside UA >50,000	30%	\$300 million
ATTIMD	FHWA	Undefined	20%	\$60 million
Rural & Tribal Infrastructure Advancement (NEW)	OST	Outside UA >150,000	100%	\$10 million
<b>Discretionary Total</b>				<b>\$20 billion</b>



# BIPARTISAN INFRASTRUCTURE LAW:

FY 2022 USDOT APPROPRIATIONS = ***\$102.9 BILLION*** in ***regular appropriations***

**\$27 B** discretionary  
**+ \$76 B** mandatory  
**+ \$37 B** BIL approps  
**\$140 BILLION** in total  
 budgetary resources for  
 USDOT in FY 2022

**60% increase**  
**over FY 2021**

PROGRAM	FY 2021 LEVEL	FY 2022 BIL	FY 2022 OMNIBUS	FY 2022 TOTAL	PERCENT CHANGE
RAISE Grants (OST)	\$1 billion	\$1.5 billion	\$775 million	\$2.3 billion	+ 130%
Airport Improvement Grants (FAA)	\$3.75 billion	\$3 billion	\$3.9 billion	\$6.9 billion	+ 84%
Capital Investment Grants (FTA)	\$2 billion	\$1.6 billion	\$2.25 billion	\$3.85 billion	+ 92.5%
CRISI Grants (FRA)	\$375 million	\$1 billion	\$625 million	\$1.63 billion	+ 335%





# BIPARTISAN INFRASTRUCTURE LAW: OPEN NOTICES OF FUNDING

AGENCY	PROGRAM	FY 2022 FUNDING	DEADLINE TO APPLY
DOI	WaterSMART Drought Resiliency Projects	Not specified (\$400 M/5 yrs)	6/15/22
DOE	Battery Manufacturing and Recycling Grants and Battery Material Processing Grants	\$3.1 billion	7/1/22
EPA	Clean School Bus Program	\$500 million	8/9/22
DOT	Safe Streets for All Program	\$1 billion	9/15/22
DOC	Enabling Middle Mile Broadband Infrastructure Program	\$980 million	9/30/22



# BIPARTISAN INFRASTRUCTURE LAW: SAFE STREETS FOR ALL PROGRAM

## PURPOSE

*Provides local and tribal governments and MPOs with grants to support implementation of local safety initiatives that prevent death and serious injury on roads and streets*

## FUNDING + MATCH

**OVER 5 YEARS**

**\$6 BILLION**

**IN FY 2022**

**\$1 BILLION**

**FED COST SHARE**

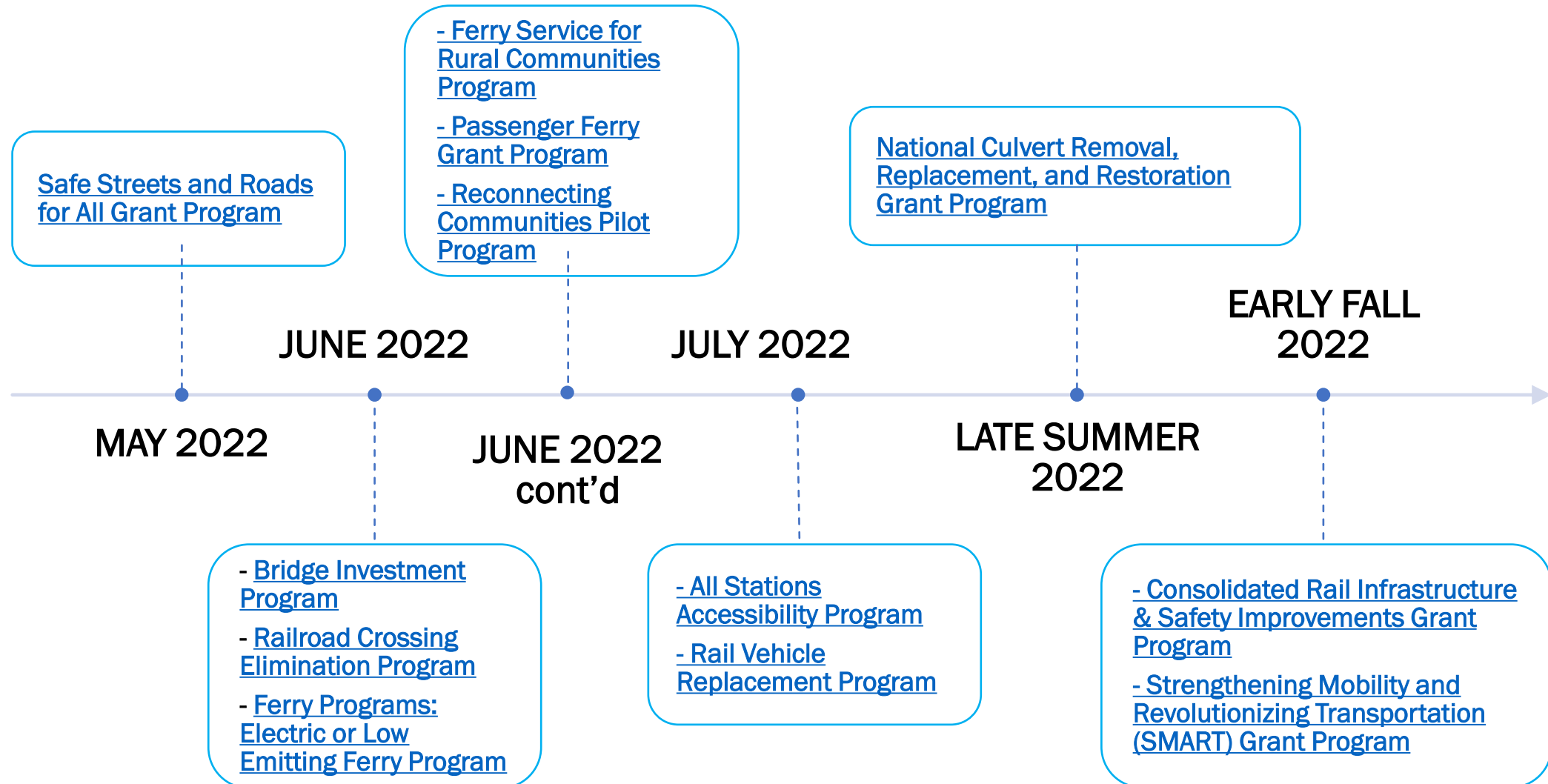
**80 PERCENT**

## ELIGIBLE ACTIVITIES

- *Develop or update a Comprehensive Safety Action Plan*
- *Conduct planning, design, and development activities in support of an Action Plan*
- *Carry out projects and strategies identified in an Action Plan*

**STATES NOT ELIGIBLE FOR THIS PROGRAM; ONLY LOCAL GOVERNMENTS AND MPOs!**

# BIPARTISAN INFRASTRUCTURE LAW: UPCOMING USDOT NOTICES OF FUNDING

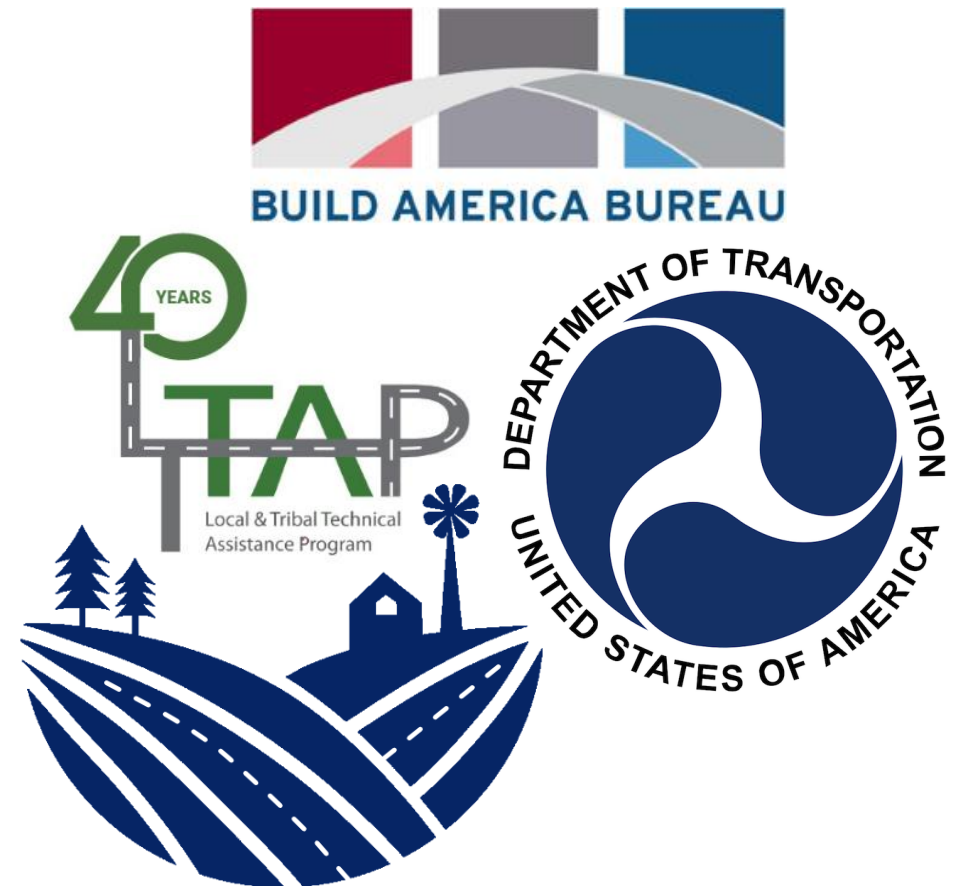




# BIPARTISAN INFRASTRUCTURE LAW: USDOT RESOURCES FOR APPLYING

## TIPS FOR APPLYING

- **Apply in numbers.** Partner with other counties and cities and towns.
- **Address equity and inclusion.** Top priority of the Biden Administration & appears as criteria in several NOFOs.
  - *Additional workforce requirements are coming soon to future NOFOs*



# BIPARTISAN INFRASTRUCTURE LAW: BUY AMERICA GUIDANCE

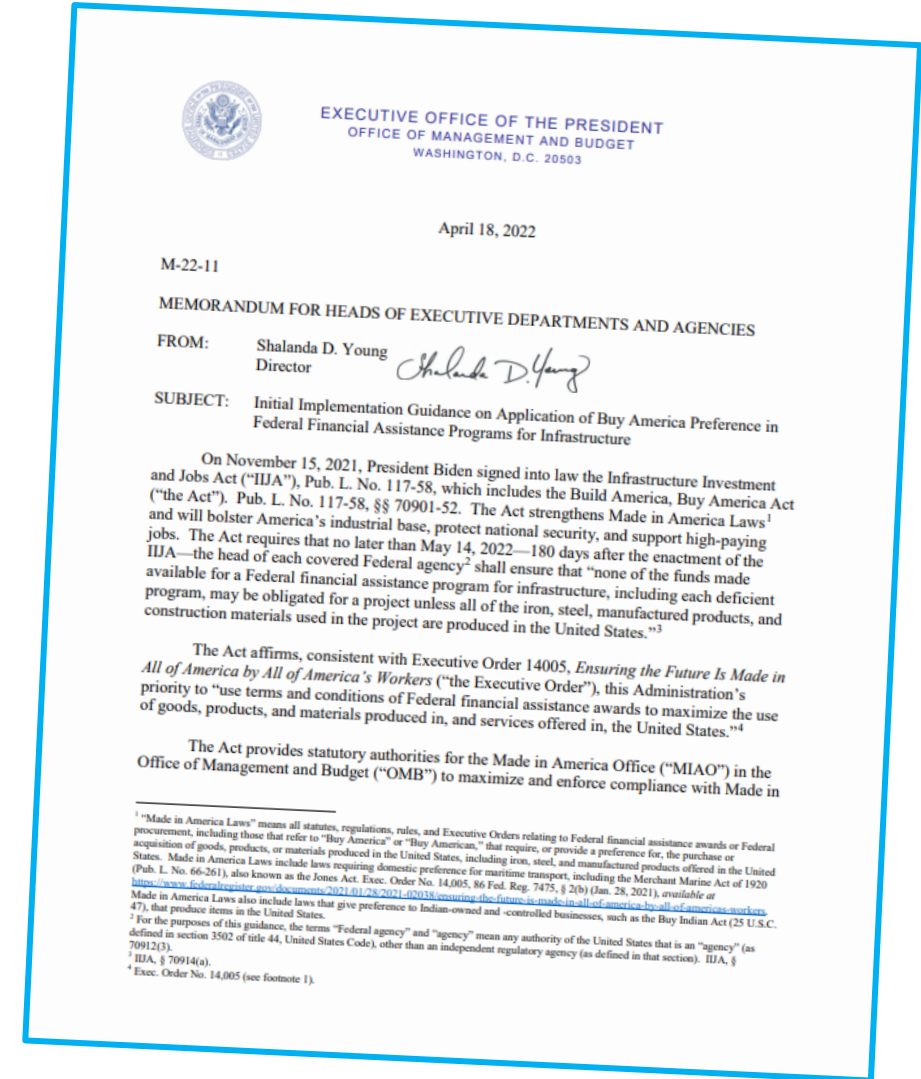
## KEY HIGHLIGHTS

- **Effective May 14**, [OMB's 4/18 Buy America guidance](#) will be applied to all federally supported infrastructure projects, **NOT LIMITED to just BIL/USDOT programs**
- **“Produced in the U.S.”** means the following based on item types:
  - **Iron & steel:** The initial melting stage through the application of coatings must occur in the U.S.
  - **Manufactured products:** Must be manufactured in the U.S. and domestic components must make up at least 55 percent of the total cost of components
  - **Construction materials:** All manufacturing processes must occur in the U.S.

# BIPARTISAN INFRASTRUCTURE LAW: BUY AMERICA GUIDANCE

## KEY HIGHLIGHTS

- Construction materials are defined as:
  - Non-ferrous metals
  - Plastic and polymer-based products
  - Glass
  - Lumber
  - Drywall
- Some items are expressly excluded, including:
  - Cement and cementitious materials
  - Aggregates such as stone, sand, or gravel
  - Aggregate binding agents
  - Items composed primarily of iron or steel





# BIPARTISAN INFRASTRUCTURE LAW: BUY AMERICA WAIVER

## WAIVER IN EFFECT THROUGH NOVEMBER 10, 2022

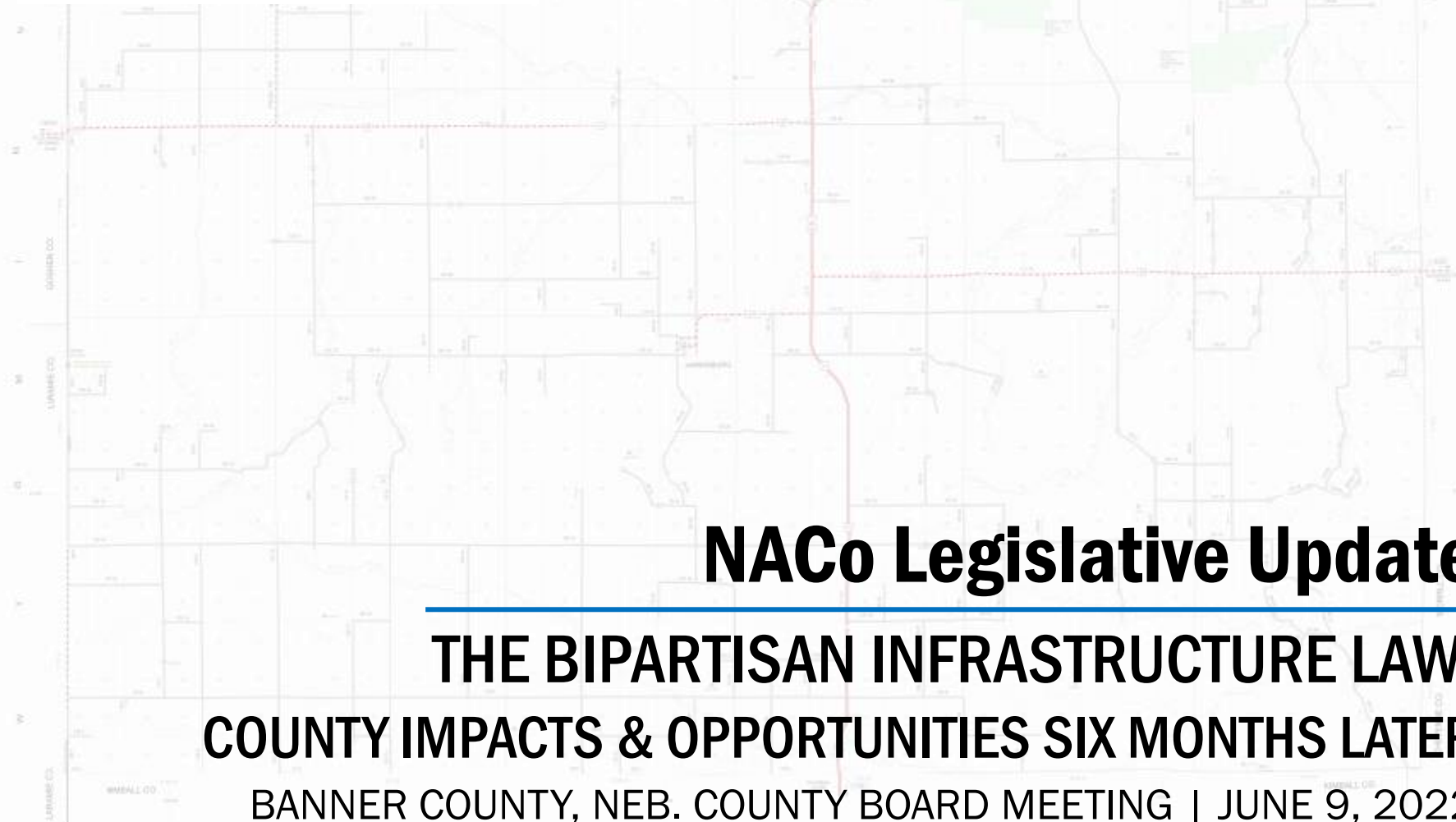
*“DOT is establishing this transitional waiver to prepare for compliance with the new Made in America standards for construction materials. During this time period, DOT expects States, industry, and other partners to begin developing procedures to document compliance.”*

*“None of the funds made available for a Federal financial assistance program for infrastructure ... may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States.”*

*“While the exact impact on highway project construction is unknown, the Department believes that it could be significant.*

According to the current National Bridge Inventory, there are more than 62,588 bridges with wood or timber elements, 2,281 bridges with non-ferrous metal elements, and 19,562 bridges with polymer-based products elements.

*“This waiver is applicable only to awards obligated on or after May 14, 2022, and before November 10, 2022. For awards obligated during that 180-day period, the waiver applies for the duration of the award.”*



# **NACo Legislative Update**

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## **THE BIPARTISAN INFRASTRUCTURE LAW: COUNTY IMPACTS & OPPORTUNITIES SIX MONTHS LATER**

BANNER COUNTY, NEB. COUNTY BOARD MEETING | JUNE 9, 2022

STATE SUMMARY

CULTURAL HISTORY

LOCAL WATER

MAJOR FEATURES

ROADWAY SYSTEMS

STRUCTURAL FEATURES

RAILROADS

WATER BODIES

MEASUREMENT SYSTEMS

SOILS FEATURES

