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- Intercity Transit
- LOTT Clean Water Alliance
- Port of Olympia
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ASSOCIATE MEMBERS:

- Lacey Fire District #3
- Puget Sound Regional Council
- The Evergreen State College
- Thurston Conservation District
- Thurston Economic Development Council
- Timberland Regional Library

MEMORANDUM

TO: Transportation Policy Board

FROM: Karen M. Parkhurst, Planning & Policy Director

DATE: December 1, 2021

SUBJECT: Federal Legislative Update

PURPOSE

To discuss what we know about the new Federal Infrastructure Act.

Summary:

- As part of the new Federal Infrastructure Investment and Jobs Act, Washington State will directly receive almost \$8.6 billion and access to billions of additional funding through grants.
- The Act includes funding for highways, bridge repair/replacement, culvert replacement, public transportation, improved drinking water, and airport infrastructure.
- Washington State will also receive \$71M to expand its electric vehicle charging network and \$100M for broadband service in rural and underserved communities (see attachment).
- We will provide updates as we know more about the specifics of implementation over the next 6 months.

REQUESTED ACTION

Discussion only.

kp:bl

Attachment: https://www.transportation.gov/sites/dot.gov/files/2021-11/BIL_Washington.pdf



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EQUITY CONSIDERATIONS

In implementing this new federal legislation, federal departments, state departments, and the state legislature, will likely define the parameters, including equity considerations for direct state allocations and for grant opportunities. The TRPC and TPB will weigh in at some point in distributing federal funds.

Staff will continue to look at equity considerations as we learn more about implementation of the Act.



The Bipartisan Infrastructure Law Will Deliver for Washington

President Biden and Vice President Harris's Bipartisan Infrastructure Law is the largest long-term investment in our infrastructure and competitiveness in nearly a century. **The need for action in Washington is clear, and recently released state-level data demonstrates that the Bipartisan Infrastructure Law will deliver for Washington.** For decades, infrastructure in Washington has suffered from a systemic lack of investment. In fact, the American Society of Civil Engineers gave Washington a C on its infrastructure report card. The historic Bipartisan Infrastructure Law will make life better for millions of Washington residents, create a generation of good-paying union jobs and economic growth, and position the United States to win the 21st century.

Specifically, with regard to transportation, the Bipartisan Infrastructure Law will:

Repair and rebuild our roads and bridges with a focus on climate change mitigation, resilience, equity, and safety for all users, including cyclists and pedestrians. In Washington there are 416 bridges and over 5,469 miles of highway in poor condition. Since 2011, commute times have increased by 12.7% in Washington, and on average, each driver pays \$659 per year in costs due to driving on roads in need of repair. The Bipartisan Infrastructure Law is the single largest dedicated bridge investment since the construction of the interstate highway system. **Based on formula funding alone, Washington would expect to receive approximately \$5.3 billion over five years in Federal highway formula funding for highways and bridges.** On an average annual basis, this is about 35.4% more than the State's Federal-aid highway formula funding under current law (1). Washington can also compete for the \$12.5 billion Bridge Investment Program for economically significant bridges and \$15 billion of national funding in the law dedicated to megaprojects that will deliver substantial economic benefits to communities. Washington can also expect to receive approximately \$110 million over five years in formula funding to reduce transportation-related emissions, in addition to about \$125 million over five years to increase the resilience of its transportation system (2). States may also apply federal aid dollars towards climate resilience and safety projects.

Improve the safety of our transportation system. The Bipartisan Infrastructure Law invests \$13 billion over the Fixing America's Surface Transportation (FAST) Act levels directly into improving roadway safety. Over five years, Washington will receive approximately \$40 million in 402 formula funding for highway safety traffic programs, which help states to improve driver behavior and reduce deaths and injuries from motor vehicle-related crashes. On an average annual basis, this represents about a 29% increase over FAST Act levels. Local and tribal governments in Washington will also be eligible to compete for \$6 billion in funding for a new **Safe Streets for All program** which will provide funding directly to these

entities to support their efforts to advance “vision zero” plans and other improvements to reduce crashes and fatalities, especially for cyclists and pedestrians. In addition, Washington can expect to receive approximately \$49.4 million over five years in funding to augment their commercial motor vehicle (CMV) safety efforts to reduce CMV crashes through the Federal Motor Carrier Safety Administration’s Motor Carrier Safety Assistance Program (MCSAP) formula grant (3). This represents about a 50% increase in funding compared to FAST Act levels (4). Washington will be able to apply for funds to modernize data collection systems to collect near real time data on all reported crashes, including fatal ones, to enhance safety and to allow the Department to understand and address trends as they are identified.

Improve healthy, sustainable transportation options for millions of Americans.

Washingtonians who take public transportation spend an extra 72.9% of their time commuting and non-White households are 1.7 times more likely to commute via public transportation. 16.5% of transit vehicles in the state are past useful life. **Based on formula funding alone, Washington would expect to receive about \$1.9 billion over five years under the Bipartisan Infrastructure Law to improve public transportation options across the state (5). In the first year, this represents about a 36% increase over 2021 FAST Act formula transit funding levels.**

Build a network of EV chargers to facilitate long-distance travel and provide convenient charging options. The U.S. market share of plug-in electric vehicle (EV) sales is only one-third the size of the Chinese EV market – in 2020, plug-in electric vehicles made up only 2.3% of new car sales in the U.S., compared to 6.2% in China. The President believes that must change. The law invests \$7.5 billion to build out the first-ever national network of EV chargers in the United States and is a critical element in the Biden-Harris Administration’s plan to accelerate the adoption of EVs to address the climate crisis and support domestic manufacturing jobs. **Under the Bipartisan Infrastructure Law, Washington would expect to receive about \$71 million over five years to support the expansion of an EV charging network in the state (6). Washington will also have the opportunity to apply for grants out of the \$2.5 billion available for EV charging.**

Modernize and expand passenger rail and improve freight rail efficiency and safety. The Bipartisan Infrastructure Law includes \$66 billion above baseline to eliminate the Amtrak maintenance backlog, modernize the Northeast Corridor, and bring world-class rail service to areas outside the northeast and mid-Atlantic. Within these totals, \$22 billion would be provided as grants to Amtrak, \$24 billion as federal-state partnership grants for Northeast Corridor modernization, and \$12 billion for partnership grants for intercity rail service, including high-speed rail. On top of this, Washington will be eligible to compete for \$5 billion for rail improvement and safety grants and \$3 billion for grade crossing safety improvements.

Improve our nation’s airports. The United States built modern aviation, but our airports lag far behind our competitors. **Under the Bipartisan Infrastructure Law, airports in Washington would receive approximately \$385 million for infrastructure development for airports over five years (7).** This funding will address airside and landside needs at airports, such as improving runways, taxiways and airport-owned towers, terminal development projects, and noise reduction projects. In addition, \$5 billion in discretionary funding is available over five years for airport terminal development projects that address the aging infrastructure of our nation’s airports, including projects that expand accessibility for persons with disabilities, improve access for historically disadvantaged populations, improve energy efficiency, and improve airfield safety.

State and local governments can look forward to these new & expanded competitive grant programs in the Bipartisan Infrastructure Law (BIL) anticipated to launch over the course of the next year:

- **Safe Streets for All (\$6B, new)** – This program will provide funding directly to local and tribal governments to support their efforts to advance “vision zero” plans and other improvements to reduce crashes and fatalities, especially for cyclists and pedestrians.
- **Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grants (\$15B, expanded)** – RAISE grants support surface transportation projects of local and/or regional significance.
- **Infrastructure for Rebuilding America (INFRA) Grants (\$14B, expanded)** – INFRA grants will offer needed aid to freight infrastructure by providing funding to state and local government for projects of regional or national significance. The BIL also raises the cap on multimodal projects to 30% of program funds.
- **Federal Transit Administration (FTA) Low and No Emission Bus Programs (\$5.6B, expanded)** – BIL expands this competitive program which provides funding to state and local governmental authorities for the purchase or lease of zero-emission and low-emission transit buses as well as acquisition, construction, and leasing of required supporting facilities.
- **FTA Buses + Bus Facilities Competitive Program (\$2.0B, expanded)** – This program provides competitive funding to states and direct recipients to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities including technological changes or innovations to modify low or no emission vehicles or facilities.
- **Capital Investment Grants (CIG) Program (\$23B, expanded)** – The BIL guarantees \$8 billion, and authorizes \$15 billion more in future appropriations, to invest in new high-capacity transit projects communities choose to build. The BIL provides funds that may support the 25 projects included in FTA's Annual Report on Funding Recommendations for FY22 as well as additional projects across the country seeking CIG funding over the next five years. Projects must meet CIG program requirements to receive funding. In Washington, such recommended projects include the Federal Way Link Extension and Lynnwood Link Extension under construction in Seattle as well as the proposed Seattle RapidRide I BRT line and Tacoma Pacific Avenue/SR 7 BRT projects.
- **Federal Aviation Administration (FAA) Terminal Program (\$5B, new)** – This discretionary grant program will provide funding for airport terminal development and other landside projects.
- **MEGA Projects (\$15B, new)** – This new National Infrastructure Project Assistance grant program will support multi-modal, multi-jurisdictional projects of national or regional significance.
- **Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Program (\$8.7B, new)** – PROTECT will provide \$7.3 billion in formula funding to states and \$1.4 billion in competitive grants to eligible entities to increase the resilience of our transportation system. This includes funding for evacuation routes, coastal resilience, making existing infrastructure more resilient, or efforts to move infrastructure to nearby locations not continuously impacted by extreme weather and natural disasters.
- **Port Infrastructure Development Program (\$2.25B, expanded)** – BIL will increase investment in America’s coastal ports and inland waterways, helping to improve the supply chain and enhancing the resilience of our shipping industry. BIL overall doubles the level of investment in port infrastructure and waterways, helping strengthen our supply chain and reduce pollution.
- **5307 Ferry Program (\$150M, existing)** – BIL retains the \$30 million per year passenger ferry program for ferries that serve urbanized areas.

- **Electric or Low Emitting Ferry Program (\$500M, new)** – This competitive grant program will support the transition of passenger ferries to low or zero emission technologies.
- **Rural Ferry Program (\$2B, new)** – This competitive grant program will ensure that basic essential ferry service continues to be provided to rural areas by providing funds to States to support this service.
- **Federal Highway Administration (FHWA) competitive grants for nationally significant bridges and other bridges (\$12.5B, new)** – This new competitive grant program will assist state, local, federal, and tribal entities in rehabilitating or replacing bridges, including culverts. Large projects and bundling of smaller bridge projects will be eligible for funding.
- **FTA All Station Accessibility Program (\$1.75B, new)** – This competitive grant program will provide funding to legacy transit and commuter rail authorities to upgrade existing stations to meet or exceed accessibility standards under the Americans with Disabilities Act.
- **Charging and fueling infrastructure discretionary grants (Up to \$2.5B, new)** – This discretionary grant program will provide up to \$2.5 billion in funding to provide convenient charging where people live, work, and shop.
- **Reconnecting Communities Pilot Program (\$1B, new)** – This new competitive program will provide dedicated funding to state, local, MPO, and tribal governments for planning, design, demolition, and reconstruction of street grids, parks, or other infrastructure.
- **FHWA Nationally Significant Federal Lands and Tribal Projects (\$1.5B, expanded)** – This discretionary program provides funding for the construction, reconstruction, and rehabilitation of nationally-significant projects within, adjacent to, or accessing Federal and tribal lands. BIL amends this program to allow smaller projects to qualify for funding and allows 100% federal share for tribal projects.
- **Strengthening Mobility and Revolutionizing Transportation (SMART) Grant Program (\$1B, new)** – The SMART Grant program will be a programmed competition that will deliver competitive grants to states, local governments, and tribes for projects that improve transportation safety and efficiency.

- (1) *These values are estimates and may change based on updated factor data each fiscal year.*
- (2) *These values are estimates and may change based on updated factor data each fiscal year.*
- (3) *These values are estimates based on the 2020 FHWA public road mileage data for FYs 2022-2026. Formula funding amounts in FYs 2023-2026 are subject to change as a result of the annual public road mile data certified by FHWA. The 402 amounts do not include redistribution of unawarded 405 balances per 23 USC § 405(a)(8) as that information is unknown at this time. The Bipartisan Infrastructure Law specifies NHTSA must distribute the supplemental appropriations for Section 402 in “equal amounts for each fiscal year 2022 through 2026”. This analysis is subject to provisions of FY 2022-FY2026 appropriations acts.*
- (4) *These values are estimates and may change based on updated factor data each fiscal year.*
- (5) *Transit formula funding amounts are subject to changes resulting from the 2020 census or from annual transit service data reported to FTA’s National Transit Database.*
- (6) *These values are estimates and may change based on updated factor data each fiscal year.*
- (7) *Precise allocations would change each year because the formulas use current passenger boarding and cargo data, and this estimate is based on 2019 data.*