

Infrastructure Investments and Jobs Act (IIJA) Overview

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June 8, 2022

Roger Millar, Secretary of Transportation
Amy Scarton, Deputy Secretary of Transportation

Bill Summary

- IIJA signed on November 15, 2022 and became effective immediately
- Reauthorizes for FY2022-FY2026 several surface transportation programs
- \$1.2 trillion total with \$284 billion in new transportation funding
 - Creates new formula, competitive and discretionary grant programs
- \$350 billion for highway programs
 - \$305 billion in contract authority from the Highway Trust Fund; 90% distributed by formula
 - \$47 billion in advance appropriations from the General Fund; 72% distributed by formula
- Estimated \$5.443 billion in federal-aid highway funding to Washington State
- Estimated \$1.79 billion in transit formula funding to Washington State

Core Federal-Aid Highway Formula Programs

Comparison of FAST Act vs. Infrastructure Investment and Jobs Act

	FAST (5 year total)	IJA (5 year total)	Difference	Annual Avg of Difference
NHPP	1,913,146,000	2,390,599,000	477,453,000	95,490,600
STBG	1,049,372,000	1,099,414,000	50,042,000	10,008,400
HSIP	249,607,000	346,384,000	96,777,000	19,355,400
Rail	23,911,000	22,990,000	(921,000)	(184,200)
CMAQ	187,143,000	205,335,000	18,192,000	3,638,400
NHFP	105,335,000	119,904,000	14,569,000	2,913,800
SPR	70,332,000	87,308,000	16,976,000	3,395,200
Met Plan	37,888,000	50,270,000	12,382,000	2,476,400
TA	54,926,000	99,990,000	45,064,000	9,012,800
Rec Trails	9,412,000	9,430,000	18,000	3,600
Ferry Boat	78,381,000	128,250,000	49,869,000	9,973,800
Carbon Reduction Program	-	109,989,000	109,989,000	21,997,800
PROTECT	-	125,064,000	125,064,000	25,012,800
Bridge Replacement - <i>GF</i>		629,756,000	629,756,000	125,951,200
National Vehicle Electric - <i>GF</i>		54,586,000	54,586,000	10,917,200
	3,779,453,000	5,479,269,000	1,699,816,000	339,963,200

Key Definitions

- **Federal Aid Highway:** a public highway eligible for assistance under Title 23 other than a highway functionally classified as a local road or rural minor collector.
 - **On System (non-NHS):** All other functionally classified routes – urban and rural minor arterials, urban and rural major collectors and urban minor collectors
 - **Off System:** Rural minor collectors and local access
- **National Highway System (NHS):** Routes included on the NHS are principal arterials, interstate highways, highways on the Strategic Highway Network (STRAHNET), major STRAHNET connectors and Intermodal Connectors.

Federal Aid Highway System

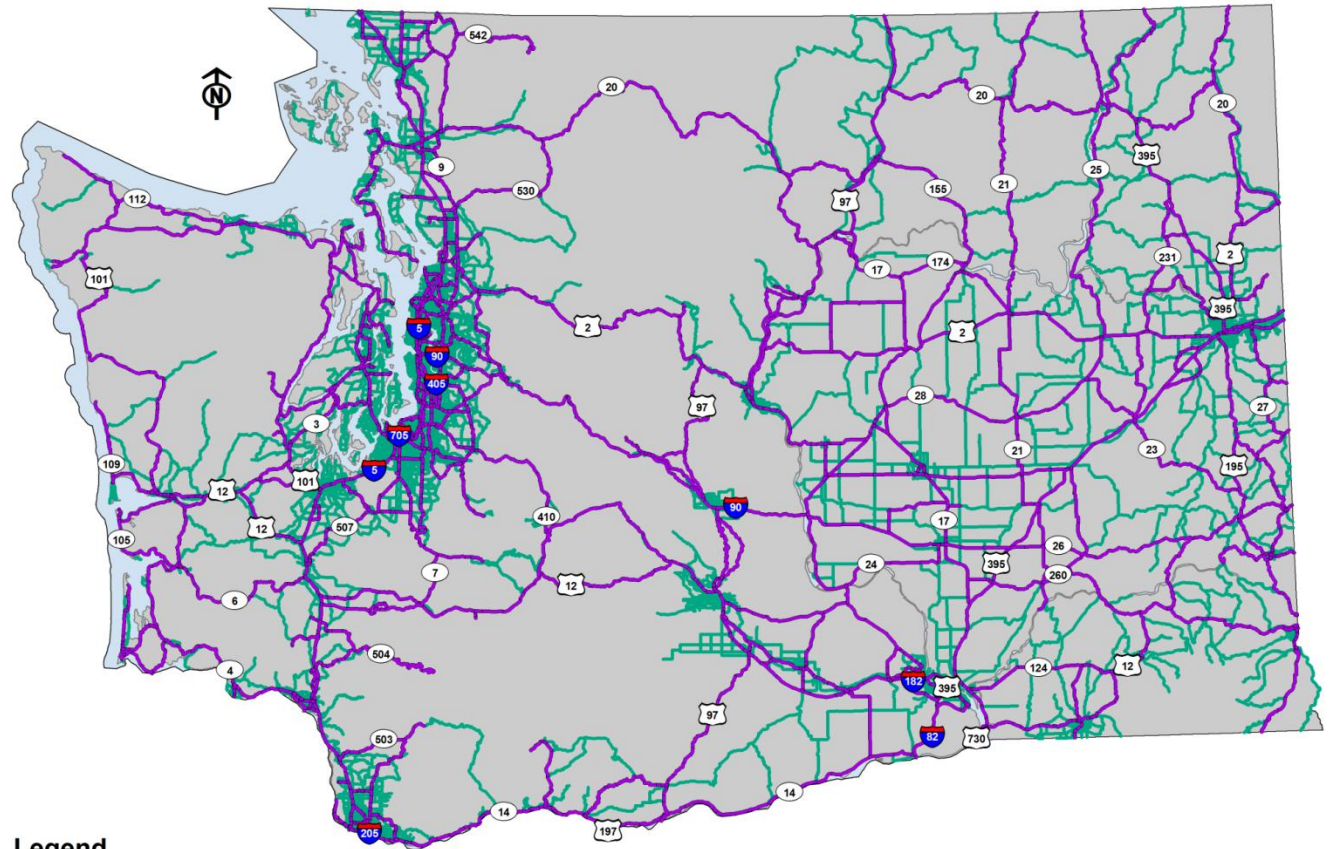
WSDOT's share of the Federal-Aid System

35%



Local's share of the Federal-Aid System

65%



Legend

- State Federal Aid System (2015) ~7053 Miles
- Local Federal Aid (2015) ~13263 Miles

Federal Aid System (2015)

Ish: FedAidSystemWAState
FedAidWAState: P. Whittaker, TDGO 22Jun16

National Highway System (NHS) Ownership

NHS Functional Classification	Lane Miles		Vehicle Miles Traveled (VMT) (million miles)	
	State	Local	State	Local
Interstate	3,795	-	14,379	-
Principal Arterial – Other freeways and expressways	3,011	19	6,721	61
Principal Arterial	4,142	3,177	5,371	5,209
Minor Arterial	25	60	29	65
Major Collector	9	27	8	30
Local	5	5	-	3
NHS Total	10,987	3,288	26,508	5,268
	77%	23%	83%	17%

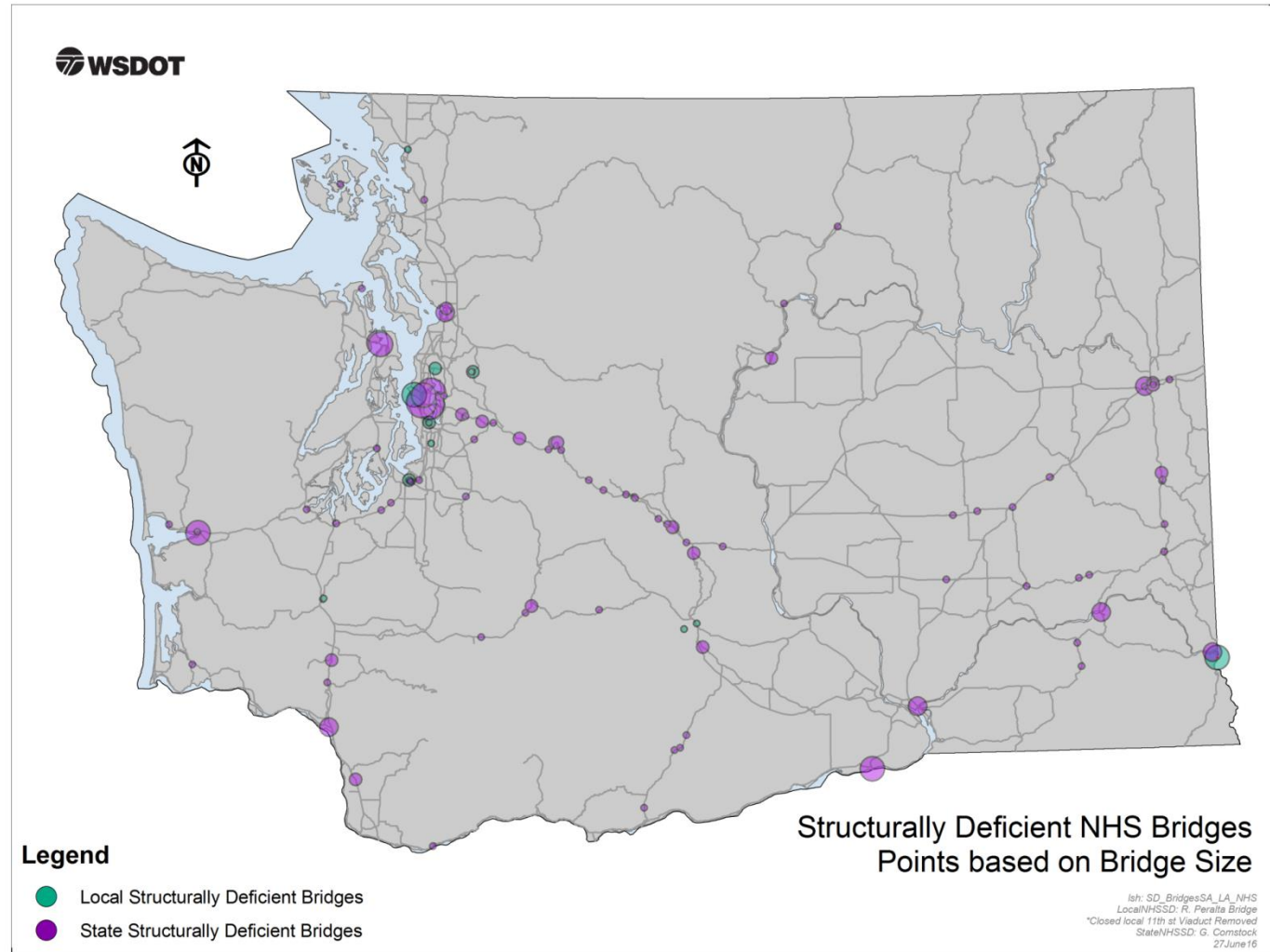
National Highway System (NHS) Bridges

WSDOT's share
bridge deck area in
fair or poor :

89%

Local's share of
bridge deck
area in fair or
poor condition:

11%



Performance Measures

- MAP-21 identified national goal areas (e.g. safety, system reliability, infrastructure condition, congestion reduction).
- USDOT established performance measures (e.g. pavement and bridge conditions, injuries and fatalities, congestion).
- States and MPOs collaborate to set targets to established performance measures in accordance with 23 CFR 490 (National Performance Measures).
- State and MPO plans describe how the organization will use program and project selection to help achieve targets.
- Depending on the measure, failure to make progress leads to corrective actions and penalties.
 - Financial penalties for some infrastructure condition and safety measures.

Legacy Formula Programs

National Highway Performance Program (NHPP)

- \$459.4 million in apportionment for Washington in FFY 2022, \$2.391 billion over 5 years. Represents an increase of \$477 million over 5 years.
- Provides support for the condition and performance of the National Highway System (NHS) and for the construction of new facilities on the NHS.
- Focused on ensuring that investments of federal funds in highway construction support progress toward the achievement of performance targets established in a State's asset management plan for the NHS.
- Bridge preservation on non-NHS federal-aid highways now eligible (“on-system” bridges).

NHPP Performance Measure

- Under MAP-21, USDOT established performance measures for NHS bridge condition and Interstate and NHS pavement condition.
- States set targets for conditions and performance established in an asset management plan. Federal funds must support projects that make progress toward the achievement of targets or risk penalties.
- If Washington's pavement condition falls below the minimum threshold set by USDOT, the State must:
 - Obligate specific levels of NHPP funds and Surface Transportation Block Grant (STBG) Program funds to address the deficiency.
- If more than 10% of the total deck area of NHS bridges in Washington are in fair or poor condition (aka structurally deficient bridges) for three consecutive years:
 - Washington must devote specific levels of NHPP funds to address bridges in fair or poor condition.

Surface Transportation Block Grant Program (STBG)

- \$211.2 million in apportionment for Washington in FFY 2022, \$1.1 billion over 5 years. Represents an increase of \$50 million over 5 years.
- The IIJA continues the off-system bridge set-aside established under MAP-21. Under this set-aside, funds for off-system bridges (a bridge that is not located on a Federal-aid highway) are set-aside from the state's overall STBG funding.
- IIJA requires that 55% is suballocated by population; and 45% available to any area of the state in accordance with a state's discretionary rules of distribution ("state flexible")
- IIJA continues the Transportation Alternative program (TAP) by requiring a set aside of 10% of STBG funds
- IIJA adds some new eligibilities such as wildlife crossings, electric vehicle charging, and intelligent transportation projects.

Highway Safety Improvement Program (HSIP)

- \$67.9 million in apportionment for Washington in FFY 2022, \$346.4 million over 5 years. Represents an increase of \$96 million over 5 years.
- HSIP requires a data-driven, strategic approach to improving highway safety on all public roads and focuses on performance.
- Under MAP-21, USDOT established performance measures for number and rate of serious injuries and fatalities.
 - States and MPOs to set targets. States face penalty for failure to meet or make significant progress toward meeting performance targets.
 - Requires meeting targets or baseline safety in four of five focus areas to be in compliance.
- The IIJA emphasizes the importance of vulnerable road user safety in the HSIP by adding a definition for vulnerable road users, creating a vulnerable road user special rule, and requiring States to develop and update a vulnerable road user safety assessment.

Congestion Mitigation & Air Quality Improvement Program (CMAQ)

- \$39.5 million in apportionment for Washington in FFY 2022, \$205.4 million over 5 years. Represents an increase of \$18 million over 5 years.
- Provides funds to state and local governments for transportation projects to help meet the requirements of the Clean Air Act. Funds are available for areas that do not meet National Air Ambient Quality Standards (non-attainment areas), as well as former non-attainment areas that are now in compliance (maintenance areas).
- Performance measures for states to use to assess traffic congestion and on-road mobile source emissions. States and MPOs must set targets, but no penalty for failing to reach them.
- IIJA expanded project eligibility to include:
 - Shared micromobility (e.g. bike share, shared e-scooters)
 - Purchase of diesel replacements
 - Purchase of med / heavy-duty zero emissions vehicles and related charging equipment
 - Modernization / rehab of lock and dam or marine highway corridor, connecting or crossings, with conditions (<10% of CMAQ funds)
- Requires prioritization of disadvantage communities or low-income populations when obligating funds to reduce PM2.5 emissions.

National Highway Freight Program

- \$23 million in apportionment for Washington in FFY 2022, \$120 million over 5 years. Represents a \$14 million increase over 5 years.
- The program focuses on improving the efficient movement of freight on the National Highway Freight Network. The National Highway Freight Network consists of:
 - Primary Highway Freight System (816.57 miles in Washington) plus the rest of the Interstate System,
 - Critical Rural Freight Corridors (163.24 miles in Washington under FAST Act)
 - Critical Urban Freight Corridors (81.68 miles in Washington under FAST Act).
- Eligible activities include but not limited to preliminary engineering, ROW acquisition, construction, and certain freight rail/intermodal projects
- IIJA increased cap for freight intermodal or freight rail projects to 30%
- An approved state freight plan is required to receive formula funds. State freight plans must include a freight investment plan with a list of priority projects describing how NHFP funds would be invested and matched.
- In Washington, the NHFP funds are split between state programs and local investment 50/50 based on legislative direction per ESSB 5689 Sec. 306(6), Sec. 310 (7 and 8) and 2022 LEAP transportation document.

NEW PROGRAMS

Bridge Investment Program

- \$121 million in apportionment for Washington for FFY 2022; \$605 million over 5 years;
 - 15% set aside for off-system bridges (non-federal-aid highway bridges)
 - 100% federal share for off-system bridges owned by local agencies and tribes
- The purpose is to replace, rehabilitate, preserve, protect, and construct bridges on the National Bridge Inventory.
- FHWA issued guidance in January 2022.
 - Projects are required to provide safe accommodation of pedestrian and bicyclists with certain conditions

National Electric Vehicle Infrastructure (NEVI)

- \$10 million for Washington in FFY 2022; \$71 million over 5 years;
- Purpose is to strategically deploy EV charging infrastructure along highway corridors.
- Eligible projects including EV charging infrastructure acquisition, installation, operation and maintenance, and data sharing.
- Projects must be located on designated Alternative Fuel Corridors
 - In WA these include I-5, I-82, I-90, US 101, US 195, US 395
 - Requires charging infrastructure every 50 miles along corridors.
- States must submit a 5-year implementation plan to USDOT by August 1st.
- FHWA issued planning guidance in February 2022. They were expected to issue technical standards and requirements in May 2022.

Carbon Reduction Program

- \$21 million in apportionment for Washington for FFY 2022; \$109 million for over 5 years.
- The purpose is to reduce transportation emissions or the development of carbon reduction strategies.
- 65% suballocation based on population
- Eligible projects support the reduction of transportation emissions, including: the construction, planning, and design of trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation; public transportation projects; and congestion management technologies
- FHWA issued guidance in April 2022
- Requires states to develop a carbon reduction strategy, in consultation with MPOs, within 2 years.

PROTECT Program

- Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) program.
- \$121 million for Washington State over 5 years.
 - Of amounts apportioned to a state for a fiscal year, the state may use
 - Not more than 40% for construction of new capacity
 - Not more than 10% for development phase activities
- Purpose is for planning, resilience improvements, community resilience and evacuation routes, and at-risk coastal infrastructure.
- Highway, transit and certain port projects are eligible
- Higher federal share available if a state develops a resilience improvement plan and incorporates it into its long-range plan.
- USDOT has not issued guidance yet.

Formula Programs Not Subject to Discretionary Suballocation

Ferry Boat Formula Program

- \$25 million (average estimate) annually for Washington to improve ferry boats and terminals. \$128 million over 5 years. Represents an increase of \$49 million over 5 years.
- 8 ferry systems in Washington (including WSDOT WSF and Eastern Region) receive ferry formula funds.
- Formula is based on the number of passengers (35 percent), vehicles carried (35 percent), and total route miles (30 percent).

Transit Programs

- \$370 million to Washington in FFY 2022. This represents a 25 percent increase over FFY 2021 funding levels, with additional increases expected in future years.
- Majority of transit funds for large urban areas go directly to MPOs, which allocate the money to transit agencies, WSF, and non-profit organizations. (5307, 5310, 5337, & 5339 Programs)
- Funding for small urban transits (50,000 to 200,000 pop) goes through WSDOT. By long standing agreement 5307 and 5339 distributed like large urban transit funds.
- 5310 is distributed through a competitive process, primarily to nonprofits.
- Funding for rural areas goes directly to WSDOT for distribution and award to transits, nonprofits and tribal transportation providers. The distribution also includes funding for Bus and Bus Facilities as well as operating, mobility management, and planning projects. (5307, 5310, 5311, & 5339 Programs)

Metropolitan Planning Program

- \$50 million over 5 years. This represents an increase of \$12m over 5 years.
- FHWA and FTA jointly administer this program which provide funds for each MPO to perform transportation planning activities required by IIJA.
- Long-range plans must describe performance measures and targets.
- IIJA changed the selection criteria for MPO officials to:
 - Consider equitable and proportional representation of the population of metro planning area when MPO designates officials or representatives for the first time.
- Each MPO must use >2.5% of funds apportioned for Metropolitan Planning on one or more activities to increase safe and accessible options for multiple travel modes for people of all ages and abilities.

Tribal Transportation Program

- The Tribal Transportation Program funds projects that improve access to and within Tribal lands.
- Funds are allocated among Tribes through a statutory formula. It is administered by FHWA and the Bureau of Indian Affairs (BIA).
- \$28 million for Tribes in Washington State for FFY 2022.
- IIJA Includes set asides for Tribal Transportation Bridge Program and Tribal Transportation Program Safety Fund.
- IIJA creates the Office of Tribal Government Affairs within USDOT.

State / Local Split of Formula Funds

Program	FAST Act (FFY 20)		IIJA (FFY 22-23)	
	State	Local	State	Local
National Highway Performance Program (NHPP)	87%	13%	87%	13%
Surface Transportation Block Grant Program (STBGP)	21%	79%	21%	79%
Local Bridge Program	0%	100%	0%	100%
Population Distribution	0%	100%	0%	100%
Any Area of the State	86%	14%	86%	14%
Transportation Alternatives	0%	100%	0%	100%
Recreational Trails	100%	0%	100%	0%
Highway Safety Component of HSIP	30%	70%	30%	70%
Rail Crossing Safety Component of HSIP	100%	0%	100%	0%
Congestion Mitigation and Air Quality (CMAQ)	0%	100%	0%	100%
Metropolitan Planning (MPO)	0%	100%	0%	100%
Statewide Planning and research (SPR)	100%	0%	100%	0%
National Highway Freight Program (NHFP)	100%	0%	50%	50%
Bridge Replacement Program (new)	-	-	85%	15%
Carbon Reduction Program (new)	-	-	35%	65%
National Electric Vehicle Program (new)	-	-	100%	0%
PROTECT (new)	-	-	100%	0%
Overall	61%	39%	64.7%	35.3%

Questions?

For more information on the IIJA Act, please contact:

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Key Terms

- **Budget Authority:** empowerment by Congress that allows Federal agencies to incur obligations that will result in the outlay of funds
- **Contract Authority (CA):** form of Budget Authority that permits obligations to be made in advance of appropriations
- **Appropriated Budget Authority (ABA):** form of Budget Authority that establishes or continues both an authorization act and an appropriation act before any funds can be obligated
- **Advance Appropriations:** appropriated funds that become available for obligation one or more fiscal years after the budget year
- **Apportionment:** the distribution of funds to States as prescribed by statutory formula
- **Allocation:** an administrative distribution of funds for programs that are not distributed to States by statutory formula
- **Obligation:** the Federal government's legal commitment to pay or reimburse entities for the Federal share of a project's eligible costs
- **Highway Trust Fund (HTF):** account established by law to hold Federal highway-user taxes that are dedicated for highway and transit related purposes

Freight and CMAQ Program Performance Measures

Highway System Performance, Freight, and Congestion Mitigation & Air Quality (PM3) 23 CFR Part 490 ID No. 2125-AF54				
Highway System Performance (Congestion)				
Percent of person-miles traveled on the Interstate System that are reliable	77%	70%	68%	No
Percent of person-miles traveled on the Non-Interstate NHS System that are reliable	80.8%	N/A	61%	No
National Freight Movement Program				
Truck Travel Time Reliability (TTTR) Index	1.54	1.70	1.75	No
Congestion Mitigation & Air Quality Program				
Non-Single Occupancy Vehicle (SOV) travel in Seattle urbanized area (NHS)	33.1%	32.8%	33.2%	No
Peak hours of Excessive Delay per capita in Seattle urbanized area (NHS)	23.2	N/A	28	No
All Pollutants (kg/day) ²	1,222.870	366.285	658.300	No
Carbon Monoxide (CO) (kg/day) ²	714.710	309.000	309.060	No
Particulate Matter less than 10 microns (PM ₁₀) (kg/day) ²	274.640	0.305	224.000	No
Particulate Matter less than 2.5 microns (PM _{2.5}) (kg/day) ²	56.750	2.100	8.700	No
Nitrogen Oxides (NOX) (kg/day) ²	176.770	54.880	116.540	No

Source: Gray Notebook 84 (December 2021)

NHPP Performance Measure

MAP-21 performance measures by program area		Current data/ 2-year actuals	2-year target ^{1,2}	4-year target ^{1,2}	Penalty ³
Pavement and Bridges (PM2)	23 CFR Part 490 ID No. 2125-AF53				
Pavement					
Percent of Interstate pavement on the NHS in good condition		39.8% ⁴	N/A	30%	No
Percent of Interstate pavement on the NHS in poor condition		1.7% ⁴	N/A	4% ⁵	Yes
Percent of non-Interstate pavement on the NHS in good condition		45.2% ⁴	45%	18%	No
Percent of non-Interstate pavement on the NHS in poor condition		17.4% ⁴	21%	5%	No
Bridges					
Percent of NHS bridges classified in good condition (weighted by deck area)		32.8%	30%	30%	No
Percent of NHS bridges classified in poor condition (weighted by deck area)		7.0%	10%	10% ⁵	Yes

Source: Gray Notebook 84 (December 2021)

Highway Safety Improvement Program (HSIP) Performance Measures

MAP-21 performance measures by program area		2015-2019 baseline	2021 target ¹	Penalty ²
Highway Safety (PM1)	23 CFR Part 490 ID No. 2125-AF49			
Number of traffic fatalities on all public roads ³		≤ 542.8	≤ 444.1	Yes
Rate of traffic fatalities per 100 million vehicle miles traveled (VMT) on all public roads ³		≤ 0.885	≤ 0.724	Yes
Number of serious traffic injuries on all public roads ³		≤ 2,208.6	≤ 1,807.0	Yes
Rate of serious traffic injuries per 100 million VMT on all public roads ³		≤ 3.599	≤ 2.944	Yes
Number of non-motorist traffic fatalities plus serious injuries		≤ 577.0	≤ 472.1	Yes
MAP-21 Special Rules (Safety)				
Rate of per capita traffic fatalities for drivers and pedestrians 65 or older		Show yearly progress		No
Rate of fatalities on high-risk rural roads ³		Show yearly progress		Yes
Highway-railway crossing fatalities ⁴		Show yearly progress		No

Source: Gray Notebook 84 (December 2021)