

NACo

NATIONAL ASSOCIATION OF COUNTIES



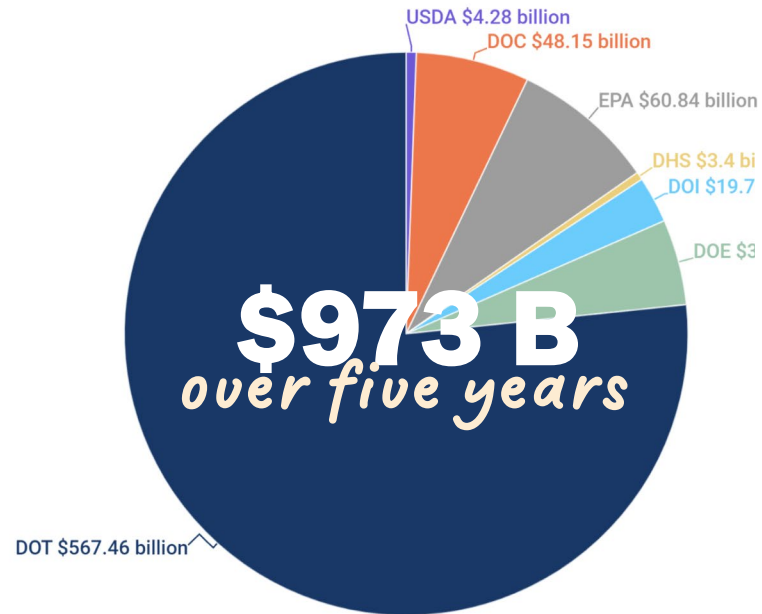
NACo Update: Bipartisan Infrastructure Law and National Updates
Missouri Association of Counties
Osage Beach, Missouri | March 2023

>> The Bipartisan Infrastructure Law <<

NACo SUPPLEMENTAL TO BIPARTISAN INFRASTRUCTURE LAW ANALYSIS:

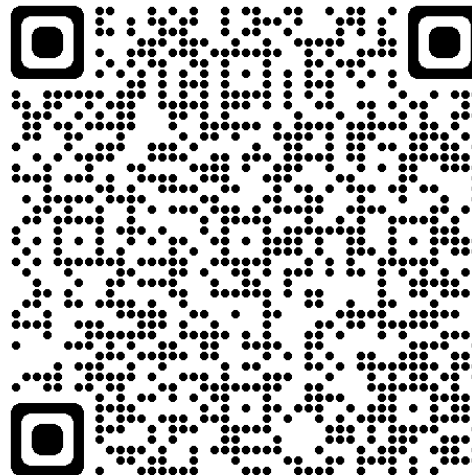
BREAKDOWN OF FEDERAL INFRASTRUCTURE FUNDING AVAILABLE TO COUNTIES

BY THE NUMBERS: FUNDING BY FEDERAL AGENCY



BIPARTISAN INFRASTRUCTURE LAW: FUNDING TABLE FOR COUNTIES

PROGRAM	AGENCY	SUB-AGENCY	FUNDING LEVEL (Funding...)	TYPE OF FUNDING
11 Enabling Middle Mile Broadband Infrastructure ...	U.S. Department of Com...	National Telecommunica...	\$1 billion in FY 2022	Competitive
12 Rural and Municipal Utility Advanced Cybersecurity ...	U.S. Department of Ener...	Office of Cybersecurity, ...	\$250 million	Competitive
13 Clean Hydrogen Manufacturing and Recycli...	U.S. Department of Ener...	Office of Energy Efficien...	\$500 million	Competitive
14 Electric Drive Vehicle Battery Recycling and Second-Life ...	U.S. Department of Ener...	Office of Energy Efficien...	\$200 million	Competitive
15 Energy Efficiency and Conservation Block Grant: ...	U.S. Department of Ener...	Office of Energy Efficien...	\$11 million in FY 2022	Competitive
16 Energy Efficiency and Conservation Block Grant: ...	U.S. Department of Ener...	Office of Energy Efficien...	\$539 million in FY 2022	Formula
	U.S. Department of Ener...	Office of Energy Efficien...	\$50 million	Competitive
	U.S. Department of Ener...	Office of Energy Efficien...	\$3.5 billion in FY 2022	Formula
	U.S. Department of Ener...	Office of Fossil Energy a...	\$2.1 billion in FY 2022	Loans and Loan Guarant...
	U.S. Department of Ener...	Office of Fossil Energy a...	\$310 million	Competitive
	U.S. Department of Ener...	Office of Electricity	\$1 billion	Competitive
	U.S. Department of Ener...	Office of Electricity	\$5 billion	Competitive



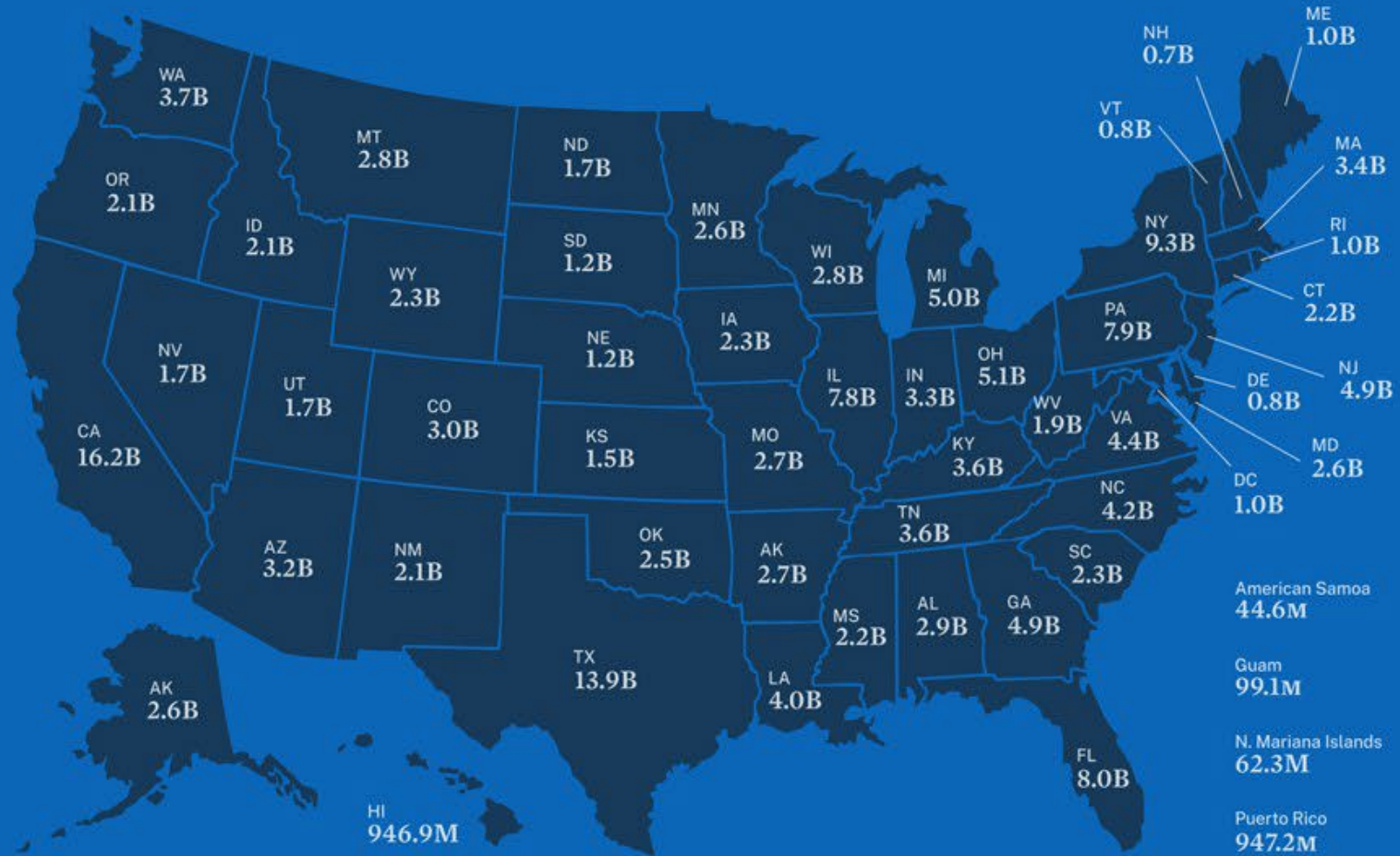
WWW.NACo.ORG | FEBRUARY 2022

BIPARTISAN INFRASTRUCTURE LAW

ONE YEAR OF IMPACT
UNDER THE BIDEN HARRIS ADMINISTRATION

ANNOUNCED
FUNDING TO DATE:

OVER
\$185B



BIPARTISAN INFRASTRUCTURE LAW :

BIL FUNDING ELIGIBILITIES

Program Examples	State	MPO	Local	Tribe	PA*	Territory	FLMA*
Apportioned programs (formula)	✓						
Bridge Program (formula)	✓			✓			
National Electric Vehicle Formula Program	✓		✓				
Safe Streets and Roads for All program		✓	✓	✓			
PROTECT Grants (discretionary)	✓	✓	✓	✓	✓		✓
Charging and Fueling Infrastructure Program	✓	✓	✓	✓	✓	✓	
Congestion Relief Program	✓	✓	✓				
Bridge Investment Program (discretionary)	✓	✓	✓	✓	✓		✓
Reconnecting Communities Pilot Program	✓	✓	✓	✓			
Rural Surface Transportation Grants	✓		✓	✓			
INFRA	✓	✓	✓	✓	✓		✓
Nat'l Infra. Project Assistance	✓	✓	✓	✓	✓		
Local and Regional Project Assistance	✓	✓	✓	✓	✓	✓	

**New in
FY 23!**

**BIP funding
increases in
FY23 (and
annually
thru FY26)**



BIPARTISAN INFRASTRUCTURE LAW: BRIDGE FORMULA PROGRAM IN FY 2023

MO Bridges

**\$88.98
MILLION**

Local Bridges

**\$15.7
MILLION**

FY23 TOTAL

**\$104.7
MILLION**

- **\$5.5 BILLION** in formula funds to state DOTs annually through FY 2026
- 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
- BFP will invest **\$523.5 MILLION** in Missouri bridges over five years
- Creates new, 15% off-system bridge set-aside within state formula funds



Subject: **ACTION:** Bridge Formula Program (BFP) Implementation Guidance Date: January 14, 2022

From: Hari Kalla Associate Administrator, Office of Infrastructure /s/ In Reply Refer To: HIF-1

To: Division Administrators

Purpose

This memorandum provides background, guidance on Administration priorities and use of Federal-aid highway formula funding, eligibilities, fund information, and definitions for the implementation of the Bridge Replacement, Rehabilitation, Preservation, Protection, and Construction Program (hereafter, Bridge Formula Program (BFP)) as established in title VIII of division J of the Bipartisan Infrastructure Law, enacted as the Infrastructure Investment and Jobs Act, Public. Law 117-58 (Nov. 15, 2021).

Background

The Bipartisan Infrastructure Law (BIL) appropriates \$5,500,000,000 for the BFP under the Highway Infrastructure Program for each of Fiscal Years (FY) 2022 through 2026. Funds are distributed to the States¹ by a statutory formula (after set-asides for Federal Highway Administration (FHWA) administration and operations and Tribal transportation facility bridges). The statute requires that the apportionments be adjusted so that each State receives no less than \$45,000,000 each fiscal year. Additionally, 15 percent of each State's distributed funds are set aside for use on off-system bridges.

Funds made available under the BFP, except as otherwise provided, are to be administered as if apportioned under chapter 1 of title 23, United States Code (U.S.C.). Further, since any project funded under the BFP is to be treated as a project on a Federal-aid highway, Davis-Bacon wage requirements apply to all projects funded with BFP funds.

The FHWA Notice N4510.867 (<https://www.fhwa.dot.gov/legisregs/directives/notices/>) provides more information on the distribution of FY 2022 funds and applicable statutory requirements. For FY 2023 through 2026 funds, please revisit FHWA's Notices website at the appropriate future time.

Guidance on Administration Priorities and Use of Federal-aid Highway Formula Funding

On December 16, 2021, FHWA issued guidance ("Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America", hereafter "Policy") that serves as an overarching framework to prioritize the use of BIL resources on projects that will Build A Better America. That Policy is available on FHWA's BIL implementation website at the following URL: https://www.fhwa.dot.gov/bipartisan-infrastructure-law/building_a_better_america-policy_framework.cfm

“...the Federal share for costs reimbursed with BFP funds under this program for an off-system highway bridge owned by a county, town, township, city, municipality or other local agency, or federally-recognized Tribe⁵ shall be 100 percent. The FHWA encourages States to take advantage of this opportunity to use 100 percent Federal funds for off-system highway bridges.

States are required to set aside 15 percent of their BFP funding to address off-system bridge needs. **There is no provision authorizing States to reduce the minimum 15 percent set-aside amount, and the 15 percent set-aside is a minimum, not a maximum.”**

--Jan.2022 FHWA BFP implementation guidance



BIPARTISAN INFRASTRUCTURE LAW: OFF-SYSTEM BRIDGES UNDER THE BIL



PROGRAM	FAST ACT FY 21	FY 23 FUNDING	TOTAL IN FY 23	% CHANGE FROM FY21
Bridge Formula Program off-system bridge set-aside	N/A	\$796 million	\$1.831 billion	130% increase
Surface Transportation Block Grant Program off-system bridge set-aside	\$776.5 million	\$1.035 billion		

IN FY 23, THE STATE OF MISSOURI IS REQUIRED TO INVEST
AT LEAST **\$44 MILLION** IN LOCALLY OWNED BRIDGES

2023 FAA REAUTHORIZATION: PRIORITIES FOR COUNTIES



- **Increase the federal match for Airport Improvement Program (AIP) projects** *(raise the fed. share for airports other than medium and large hub airports from 90% to 95%; allow for an up to 100% fed share in underserved communities)*
- **Increase local flexibility over airport investment decisions**
- **Maintain funding for the Essential Air Service (EAS) Program and the Small Community Air Service Development Program (SCASDP)**
- **Increase the Passenger Facility Charge cap and index future caps to inflation** *(increase the cap from \$4.50 to AT LEAST \$6.00 to account for inflation)*
- **Establish a regulatory framework for the safe integration of Unmanned Aerial Systems into local communities** *(counties should be able to regulate certain aspects)*



BIPARTISAN INFRASTRUCTURE LAW :



OPEN NOTICES OF FUNDING

PROGRAM	AMOUNT AVAILABLE	TYPE OF FUNDING	DESCRIPTION	APPLICATION DEADLINE
USDOT Federal-State Partnership for Intercity Passenger Rail	\$2.3 billion @ 80% fed share	Competitive	Provides funding for capital projects off the Northeast Corridor (NEC) to repair, replace or rehabilitate qualified railroad assets to reduce the state of good repair backlog and improve intercity passenger rail performance	Apply directly to USDOT by 3/7/23
DOE Grid Resilience and Innovation Partnerships (GRIP) Program: Smart Grid Grants	\$1.08 billion @ 50% fed share	Competitive	Provides funding for projects to increase the flexibility, efficiency and reliability of the electric power system, with a focus on increasing system capacity and preventing faults	Apply directly to USDOE by 3/17/23
USDOT Federal-State Partnership for Intercity Passenger Rail	\$9 billion @ 80% fed share	Competitive	Provides funding for capital projects on the NEC to repair, replace or rehabilitate qualified railroad assets to reduce the state of good repair backlog and improve intercity passenger rail performance	Apply directly to USDOT by 3/27/23
DOE GRIP Program: Grid Resilience Grants	\$918 million @ 50% fed share	Competitive	Provides funding for comprehensive transmission and distribution technology solutions that will mitigate multiple hazards regionally or within a community; <i>counties indirectly eligible as grid operators, transmission owners, etc.</i>	Apply directly to USDOE by 4/6/2023

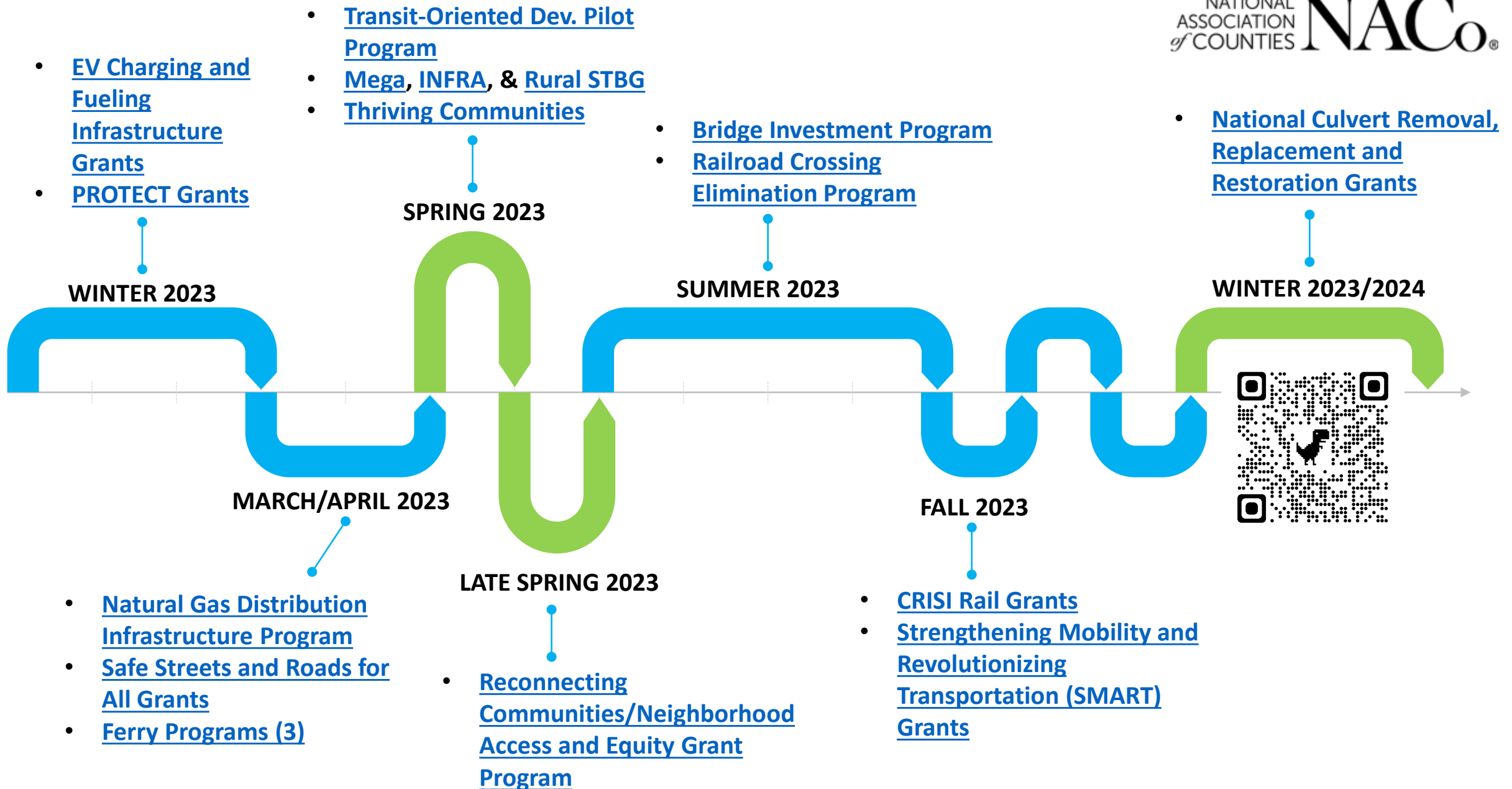


BIPARTISAN INFRASTRUCTURE LAW :



OPEN NOTICES OF FUNDING

PROGRAM	AMOUNT AVAILABLE	TYPE OF FUNDING	DESCRIPTION	APPLICATION DEADLINE
USDOT Buses and Bus Facilities Program	\$469.4 million @ 80% fed share	Competitive	Provides funding 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; includes both formula and competitive funding components	Apply directly to USDOT by 4/13/23
USDOT Low-No Emission Bus Grants	\$1.2 billion @ 80% fed share	Competitive		
USDOT Port Infrastructure Development Program	\$662.2 million @ 80% fed share	Competitive	Provides funding for capital improvements to ports and port facilities	Apply directly to USDOT by 4/28/23
FEMA Safeguarding Tomorrow Revolving Loan Fund	\$50 million @ 90% fed share	Competitive	Provides funding to states to establish resilience revolving loan funds that counties can access for infrastructure projects (state model legislation needed to access funding)	State must apply to FEMA by 4/28/23
DOE GRIP Program: Grid Innovation Program Grants	\$1.8 billion @ 50% fed share	Competitive	Provides funding for projects using innovative approaches to transmission, storage and distribution infrastructure to enhance grid resilience and reliability	Submit final applications to USDOE by 5/19/23 (concept papers by 1/13/22)



BIPARTISAN INFRASTRUCTURE LAW: WHAT TO EXPECT IN FY 2023

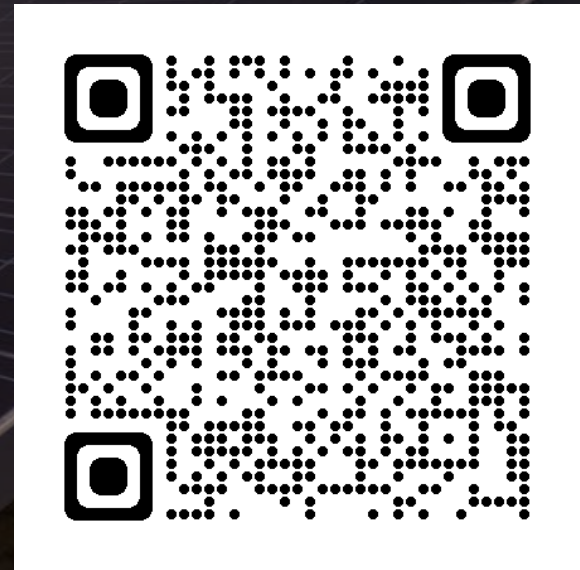
- **Quicker rollouts of notices of funding**
 - *USDOT on expedited timeline since new programs have been est. in FY 2022*
- **New programs in FY 2023**
 - *USDOT PROTECT Program, Charging and Refueling Infrastructure Grants, Congestion Relief Program*
- **With new programs largely in place, a shifting focus to improving regulations and processes**
 - *Especially in the U.S. House*
 - *Some bipartisan appetite around NEPA reforms*





NACo Legislative Analysis: The Inflation Reduction Act (IRA)

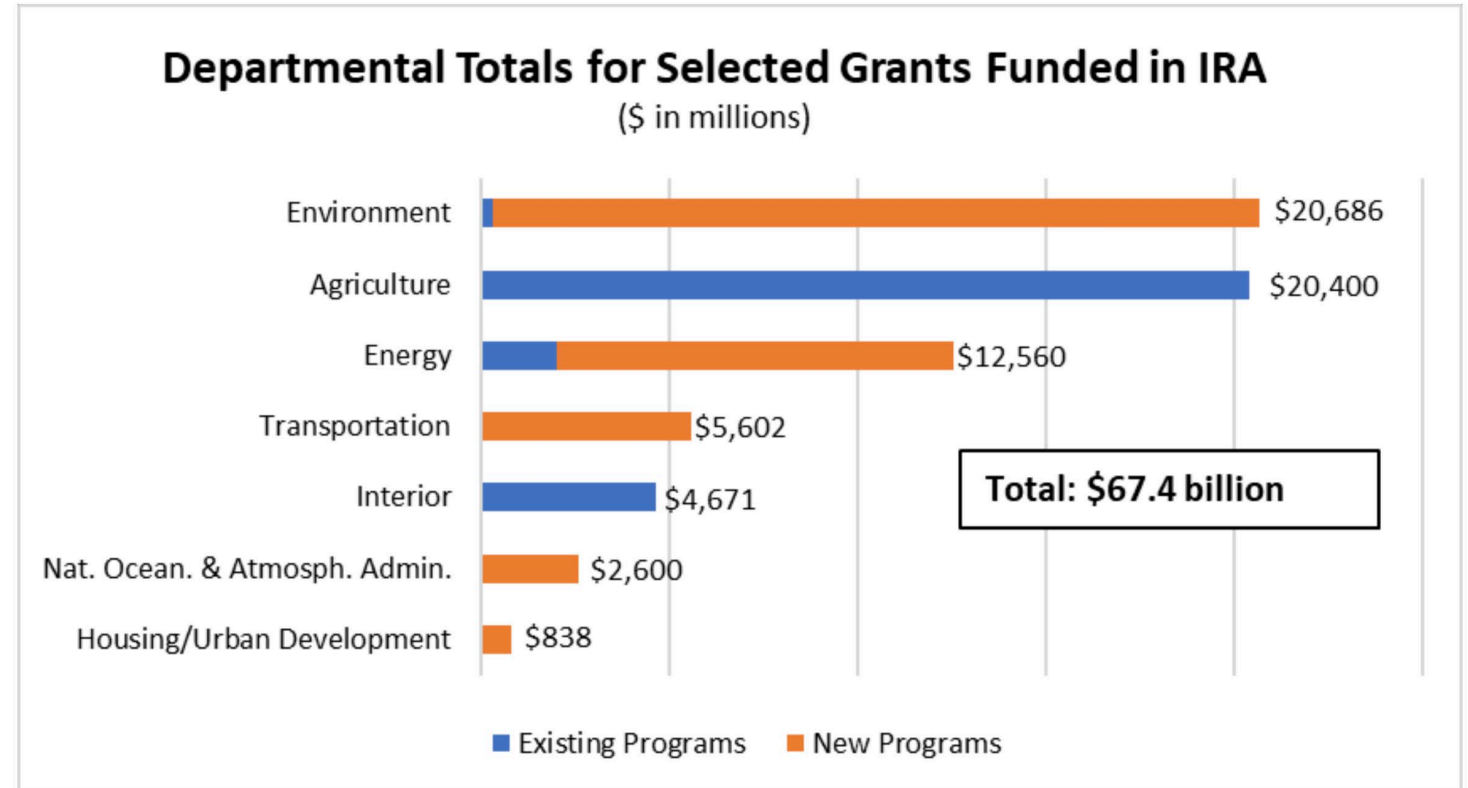
\$793 billion over ten years with important health, energy, tax and transportation provisions for county officials, including new direct, competitive grant programs



Inflation Reduction Act of 2022 (IRA P.L. 117-169)

KEY HIGHLIGHTS

- **\$67.4 billion in new grants**, with almost \$40 billion for 18 new grant programs, according to the Federal Funds Information for States (FFIS)
- Section 13801 of the IRA allows certain organizations, including state and local govts., to treat certain tax credit amounts as payments of tax. These payments can be refunded to such organizations as **“direct pay”**.



\$67.4 billion in new grant funding, with almost \$40 billion for 18 new grant programs, according to the Federal Funds Information for States (FFIS).

Inflation Reduction Act of 2022

OPTIONS FOR DIRECT PAY TO COUNTIES

CREDIT TYPE	CREDIT	ELIGIBLE FOR DIRECT PAY
CLEAN ELECTRICITY AND REDUCING CARBON EMISSIONS	Extension and Modification of Credit for Electricity Produced from Certain Renewable Resources	X
	Extension and Modification of Energy Credit	X
	Extension and Modification of Credit for Carbon Oxide Sequestration	X
	Zero-Emission Nuclear Power Production Credit	X
CLEAN FUELS	Clean Hydrogen	X
CLEAN VEHICLES	Qualified Commercial Clean Vehicles	X
	Alternative Fuel Refueling Property Credit	X
INVESTMENT IN CLEAN ENERGY MANUFACTURING AND ENERGY SECURITY	Extension of the Advanced Energy Project Credit	X
	Advanced Manufacturing Production Credit	X
INCENTIVES FOR CLEAN ELECTRICITY AND CLEAN TRANSPORTATION	Clean Electricity Production & Clean Electricity Investment Credits	X
	Clean Fuel Production Credit	X



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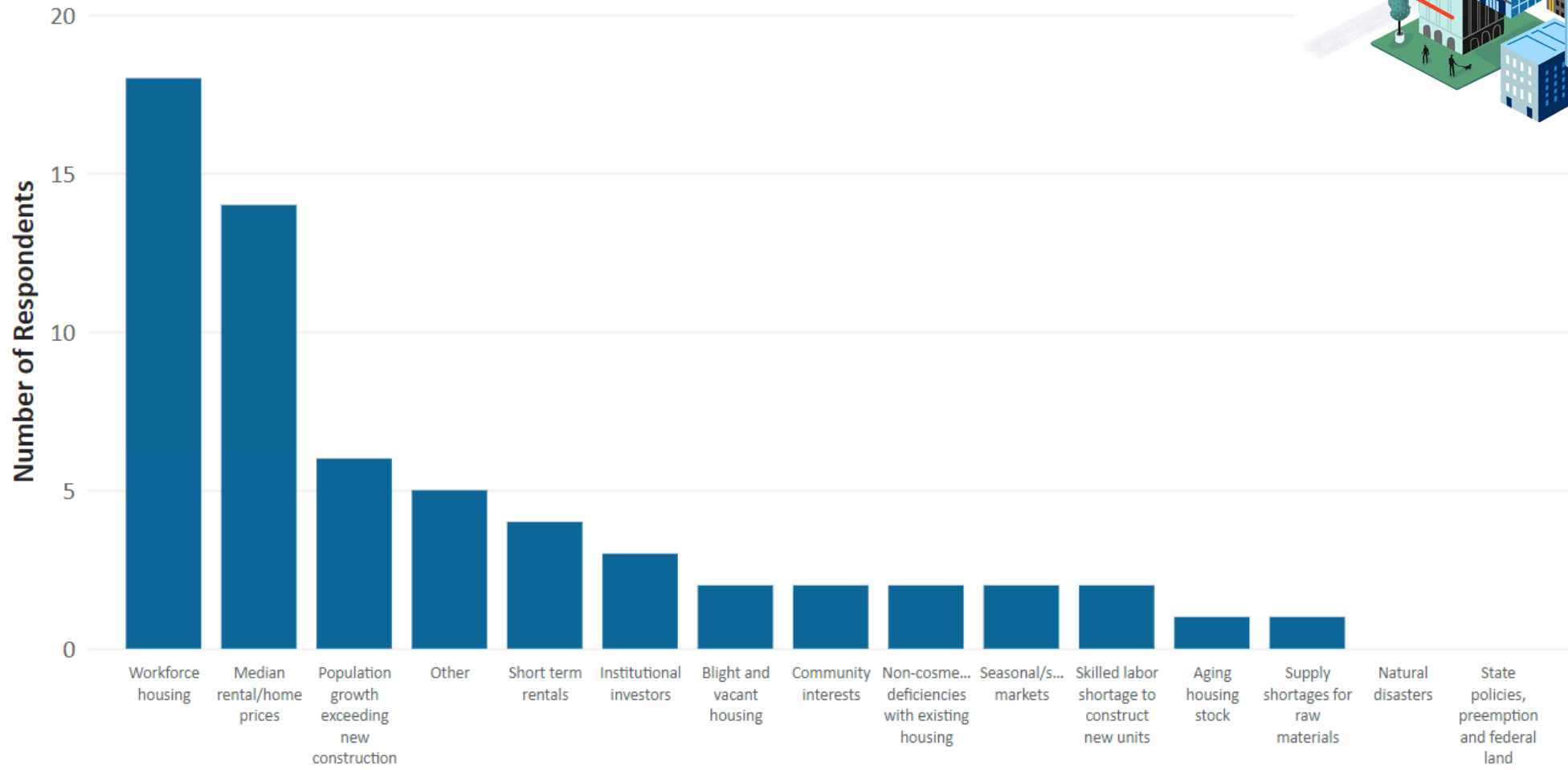
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HOUSING TASK FORCE



TASK FORCE MEMBER TOP CHALLENGES





NATIONAL COMMISSION ON MENTAL HEALTH AND WELLBEING



INTERGOVERNMENTAL FRAMEWORK

FEDERAL POLICIES AND PRACTICES

- **Mental Health Parity** enforcement and incentives
- **Institutes of Mental Disease (IMD)** modernization
- **Medicaid Inmate Exclusion Policy** repeal
- **Workforce Development** incentives and resources
- **Certified Community Behavioral Health Clinic** evaluation & scale

STATE POLICIES AND PRACTICES

- **State innovations**, investments, alignment & empowerment
- **County-informed state models** for state-county collaboration

COUNTY POLICIES AND PRACTICES

- **County policies**, practices & partnerships
- **Regional and local public-private-nonprofit partnerships** and collaboration
- **Scale NACo peer learning** networks including policymaker and public awareness



COMMITTEE INVOLVEMENT

NACo members can serve on 31 committees, caucuses, task forces and advisory boards to inform national policy and help solve problems impacting counties.

Over 1,500 county officials and staff participate

Committees focus on:

Arts and Culture | Broadband | Disaster Mitigation & Recovery |
Economic Development | Elections | Finance | Health | Housing |
Human Service Delivery | Transportation & Infrastructure | Justice |
Natural Resources Management | Public Lands | Public Safety |
Resiliency | Rural Affairs | Technology | Veteran Services

www.naco.org/getinvolved





SAVE THE DATE

2023 ANNUAL CONFERENCE & EXPOSITION

TRAVIS COUNTY, TEXAS 2023 **JULY** 21-24



QUESTIONS?

Brett Mattson

Legislative Director – Justice & Public Safety

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