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What's in a Name?

- Infrastructure and Jobs Act (“IAJA”) OR the Bipartisan Infrastructure Law (“BIL”) – Biden administration’s preference
- NOT “Build Back Better” – legislation stalled on Capitol Hill; potentially more environmental or climate-related provisions; prospects appear dim



What's in the BIL?

- Reauthorization of existing transportation infrastructure programs – extended five years
- NO changes to gasoline tax or structure of Highway Trust Fund generally
- BUT major discussions between state DOTs, transit agencies, MPOs and USDOT about eligibility for funds under these programs



“Show me the money!”

- Approximately \$550 million in “new” investments, with the rest extension of existing surface transportation funds
- Big winners in transportation sector?
 - Transit
 - Amtrak
 - EV infrastructure
 - ...and good old roads and bridges

New Definition of “Infrastructure”



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- Biggest change reflected in the BIL is new investment in “physical” infrastructure beyond transportation
- Major categories of new funding include:
 - Broadband
 - Removal of lead pipes
 - Environmental remediation
 - Transmission lines



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Agency Discretionary Funding

- Constant tension in transportation sector – role of state DOTs v. local jurisdictions/transit agencies, and other entities
- Opportunity for USDOT to target funds to projects that will advance BIL's overarching objectives (from administration's perspective)
- INFRA, RAISE/TIGER (oh my!), and now many others



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Politics Still Matters

- Dec. 16, 2021 FHWA Guidance Memorandum concerning implementation of BIL and state DOT responses
- Congressional oversight – potential for major confrontations if one or both chambers changes hands in January 2023
- But no matter what, Biden agencies will hold the reigns on these programs for three more years



When does this start?

- Now – see announcement concerning bridge repair/rehabilitation funding (total \$27 billion over five years)
- Soon – look for Notices of Funding Availability (“NOFAs”) on a full range of discretionary programs (est. end of 1Q, with applications coming due soon thereafter)
- Later – many major projects still must go through planning, NEPA processes



How does this affect me?

- Planning/permitting activities go beyond NEPA
- Support needed for remediation/pollution abatement projects
- Emphasis on equity/environmental justice issues in project planning and selection
- Emphasis on climate, especially project GHG emissions (or reduction opportunities), resilience and/or adaptation to climate impacts