Bipartisan Infrastructure Law (BIL) & DBE NPRM Overview



TDOT DBE Conference August 2022

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Division Administrator
FHWA Tennessee Division



BIL Goes Beyond Transportation

- Once-in-a-generation investment in infrastructure
- Grows the economy, enhances U.S. competitiveness, creates good jobs, and makes the U.S. economy more sustainable, resilient, and equitable
- Around \$550 B in new Federal infrastructure investment, including:
 - Largest federal investment in public transit ever
 - Largest federal investment in passenger rail since the creation of Amtrak
 - Largest dedicated bridge investment since the construction of the Interstate System
 - Largest investment in clean drinking water & wastewater infrastructure in U.S. history
 - Largest investment in clean energy transmission & electric vehicle infrastructure in history
 - Ensuring every American has access to reliable high-speed internet
- On average, around 2 million jobs per year

BIL Formula Funding - Tennessee

Program	FY22	FY23	FY24	FY25	FY26	Total	
National Highway Performance Program (NHPP)	\$616,508,091	\$628,838,253	\$641,415,018	\$654,243,318	\$667,328,184	\$3,208,332,864	
Surface Transportation Block Grant (STBG)	\$299,922,855	\$305,921,312	\$312,039,738	\$318,280,533	\$324,646,144	\$1,560,810,582	
Highway Safety Improvement Program (HSIP)	\$64,528,830	\$65,927,035	\$67,355,537	\$68,814,992	\$70,306,069	\$336,932,464	
Railway-Highway Crossings Program (RHCP)	\$5,377,296	\$5,377,296	\$5,377,296	\$5,377,296	\$5,377,296	\$26,886,480	
Congestion Mitigation & Air Quality (CMAQ)	\$40,360,495	\$41,167,705	\$41,991,059	\$42,830,880	\$43,687,498	\$210,037,637	
Metropolitan Planning	\$6,341,668	\$6,468,501	\$6,597,871	\$6,729,829	\$6,864,425	\$33,002,295	
National Highway Freight Program	\$29,306,051	\$29,892,172	\$30,490,015	\$31,099,816	\$31,721,812	\$152,509,866	
Carbon Reduction Program (new)	\$26,743,121	\$27,277,983	\$27,823,543	\$28,380,014	\$28,947,614	\$139,172,276	
PROTECT Formula Program (new)	\$30,408,845	\$31,017,022	\$31,637,362	\$32,270,110	\$32,915,512	\$158,248,851	
Total Apportionment	\$1,119,497,252	\$1,141,887,280	\$1,164,727,441	\$1,188,026,787	\$1,211,794,555	\$5,825,933,314	

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Funding Available to a Range of Recipients

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

Note: This table does not include all BIL programs or eligible entities, and there are additional nuances not represented in this table. Additional programmatic information is provided in later slides. FHWA will administer most, but not all, programs listed.

^{* &}quot;PA" means a special purpose district or public authority with a transportation function; FLMA means Federal Land Management Agency

FHWA's Implementation Approach

Distribute Formula Funds

Majority of Funding
Distributed First

Guidance that Emphasizes Safety, Resiliency, Equity

New Formula Programs

Distributed Quickly

New Program
Guidance

Bridge Formula

NEVI

PROTECT

Carbon Reduction

Discretionary Programs – Legacy & New

Strategic Management of Discretionary Programs

Focus on Administration
Priorities

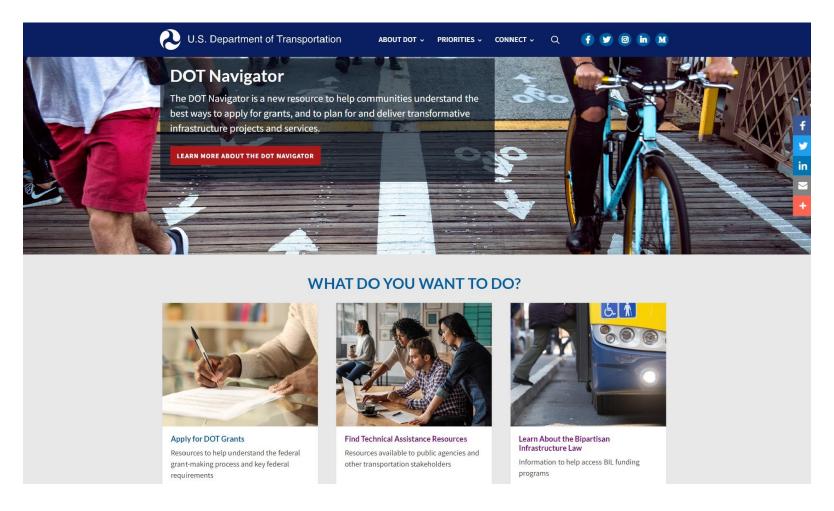
RAISE & INFRA

Bridge Investment Program

Reconnecting Communities

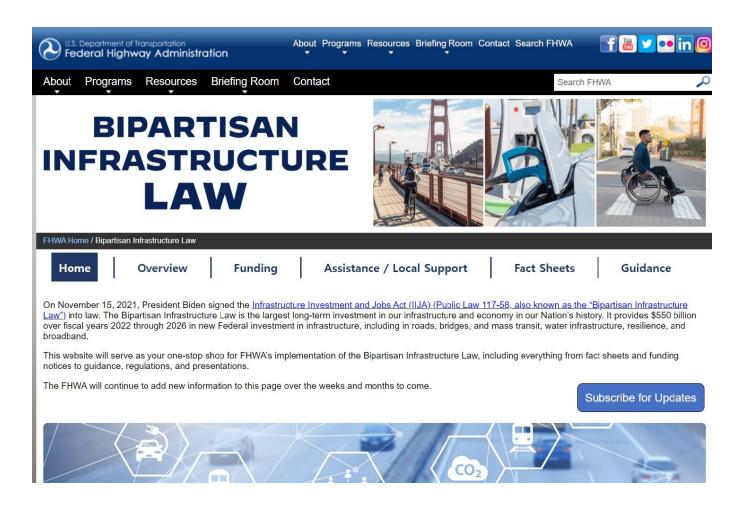
Safe Streets 4 All

USDOT Navigator Site



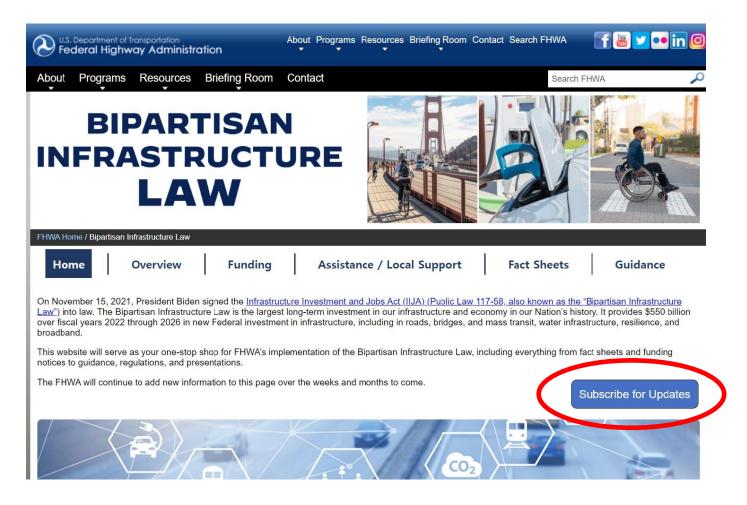
https://www.transportation.gov/dot-navigator

One Stop BIL Shopping



www.fhwa.dot.gov/bipartisan-infrastructure-law

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DBE/ACDBE Notice of Proposed Rulemaking (NPRM)

- Primary DBE Rules Last Updated in 2012 (ACDBE) and 2014 (DBE)
- Current Rule Spans 40 Years
- Some Provisions Outdated for Today's Marketplace
- Will Advance Equity Goals
- Take Full Advantage of BIL Opportunities



DBE/ACDBE NPRM Proposed Changes

- Increase Personal Net Worth Limit from \$1.32 M to \$1.6 M, Excluding Retirement Assets
- Amending Overly Prescriptive
 Ownership And Control Certification
 Eligibility Requirements
- Simplifying the Interstate Certification Process
- Adopting Virtual Flexibilities (Onsite Visits, Hearings, Notary Services, etc.)
- Improve Data Collection to Track Program Impact

- Reducing Reporting Requirements for Some FTA Recipients
- Expanded State Directories for Improved Marketing Opportunities
- Increase Participation in FAA Airport Projects by Removing Obstacles and Adopting Race-Neutral Strategies
- Strengthen Prompt Payment Monitoring and Oversight
- Add DBE Performance Plan
 Requirement on Design/Build Projects
- Clarify DBE Participation After Decertification/Ineligibility

DBE/ACDBE NPRM Outreach

 NPRM Public Meeting – Regular Dealer

Thursday August 11, 2022, from 1:00 to 3:00 PM EST https://usdot.zoomgov.com/webinar/register/WN_jD5ISoCkSCiR0Hkk8W6

 NPRM Public Meeting – ACDBE Regulation

wZg

Tuesday August 16, 2022, from 1:00 to 3:00 PM EST

https://usdot.zoomgov.com/webinar/register/WN cm7slwZLSCKDEM6NF

 NPRM Public Meeting – Design-build and Performance Plans

Friday August 19, 2022, from 1:00 to 3:00 PM EST

https://usdot.zoomgov.com/webinar
/register/WN ce5jJ5IESwuVe7NdgaJt
EQ

NPRM Final Public Meeting

Friday August 26, 2022, from 1:00 to 3:00 PM EST

https://usdot.zoomgov.com/webinar/register/WN Vux1erBNSJyELR0 ck3 a A

You must register separately for each session. After you register, you will receive a confirmation email with a unique link and instructions on how to join. Please do not share your link.



DBE/ACDBE NPRM Outreach Recordings

- NPRM Public Meeting for Tribal Leaders Wednesday July 27, 2022 from 1:00–3:00 PM EST https://www.transportation.gov/dberulemaking/webcast#Tribal%20Leaders
- NPRM Overview Session Friday July 29, 2022 from 1:00 to 3:00 PM EST https://www.transportation.gov/dberulemaking/webcast#Overview%20Session
- NPRM Public Meeting Certification
 Thursday August 4, 2022 from 1:00 to 3:00 PM EST
 https://www.transportation.gov/dbe-rulemaking/webcast#Certification



DBE/ACDBE Notice of Proposed Rulemaking (NPRM)



Submit Comments: https://www.regulations.gov/document/DOT-OST-2022-

0051-0001

by September 19, 2022

Questions?



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