

# Bipartisan Infrastructure Law (BIL) & DBE NPRM Overview



TDOT DBE Conference  
August 2022

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Division Administrator  
FHWA Tennessee Division



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# 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
<b>Total Apportionment</b>	<b>\$1,119,497,252</b>	<b>\$1,141,887,280</b>	<b>\$1,164,727,441</b>	<b>\$1,188,026,787</b>	<b>\$1,211,794,555</b>	<b>\$5,825,933,314</b>

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# Funding Available to a Range of Recipients

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	✓	✓	✓	✓	✓		✓
National Infra. Project Assistance	✓	✓	✓	✓	✓		
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.

\* "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

U.S. Department of Transportation

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DOT Navigator

The DOT Navigator is a new resource to help communities understand the best ways to apply for grants, and to plan for and deliver transformative infrastructure projects and services.

LEARN MORE ABOUT THE DOT NAVIGATOR

WHAT DO YOU WANT TO DO?

**Apply for DOT Grants**  
Resources to help understand the federal grant-making process and key federal requirements

**Find Technical Assistance Resources**  
Resources available to public agencies and other transportation stakeholders

**Learn About the Bipartisan Infrastructure Law**  
Information to help access BIL funding programs

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



# One Stop BIL Shopping

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On November 15, 2021, President Biden signed the [Infrastructure Investment and Jobs Act \(IIJA\) \(Public Law 117-58, also known as the "Bipartisan Infrastructure Law"\)](#) into law. The Bipartisan Infrastructure Law is the largest long-term investment in our infrastructure and economy in our Nation's history. It provides \$550 billion over fiscal years 2022 through 2026 in new Federal investment in infrastructure, including in roads, bridges, and mass transit, water infrastructure, resilience, and broadband.

This website will serve as your one-stop shop for FHWA's implementation of the Bipartisan Infrastructure Law, including everything from fact sheets and funding notices to guidance, regulations, and presentations.

The FHWA will continue to add new information to this page over the weeks and months to come.

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[www.fhwa.dot.gov/bipartisan-infrastructure-law](http://www.fhwa.dot.gov/bipartisan-infrastructure-law)

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[www.fhwa.dot.gov/bipartisan-infrastructure-law](http://www.fhwa.dot.gov/bipartisan-infrastructure-law)



# 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 (On-site 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\\_jD5ISoCkSCiR0Hkk8W6wZg](https://usdot.zoomgov.com/webinar/register/WN_jD5ISoCkSCiR0Hkk8W6wZg)

- **NPRM Public Meeting – ACDBE Regulation**

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

[https://usdot.zoomgov.com/webinar/register/WN\\_cm7slwZLSCCKDEM6NFo0VQQ](https://usdot.zoomgov.com/webinar/register/WN_cm7slwZLSCCKDEM6NFo0VQQ)

- **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\\_ce5jJ5IESwuVe7NdgaJtEQ](https://usdot.zoomgov.com/webinar/register/WN_ce5jJ5IESwuVe7NdgaJtEQ)

- **NPRM Final Public Meeting**

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

[https://usdot.zoomgov.com/webinar/register/WN\\_Vux1erBNSJyELR0\\_ck3a\\_A](https://usdot.zoomgov.com/webinar/register/WN_Vux1erBNSJyELR0_ck3a_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/dbe-rulemaking/webcast#Tribal%20Leaders>

- **NPRM Overview Session**

Friday July 29, 2022 from 1:00 to 3:00 PM EST

<https://www.transportation.gov/dbe-rulemaking/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)

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- DBE/ACDBE Notice of Proposed Rulemaking**
- About DBE
- What is the definition of a DBE?
- DBE Program Overview
- DBE Final Rule and Program Activities
- DBE Program Points of Contact
- Customer Service Feedback
- Customer Service Standards
- History of the DOT DBE Program
- The DOT Disadvantaged Business Enterprise (DBE) Regulation

## DBE/ACDBE Notice of Proposed Rulemaking (NPRM)

Published July 21, 2022

This rulemaking would strengthen implementation of the Department of Transportation's (Department or DOT) Disadvantaged Business Enterprise (DBE) and Airport Concession Disadvantaged Business Enterprise (ACDBE) Program regulations. The NPRM would update personal net worth and program size thresholds for inflation; modernize rules for counting of material suppliers; formalize COVID-19 flexibilities; add new program elements to foster greater usage of DBEs and ACDBEs with concurrent, proactive monitoring and oversight; update certification provisions with less prescriptive rules that give certifiers flexibility when determining eligibility; and make technical corrections that have led to substantive misinterpretations of the rules by recipients, program applicants, and participants.

### NPRM Information

- [Press Release](#)
- [Federal Register Notice](#)
- [Read the NPRM](#)
- [Read the Regulatory Impact Analysis for the NPRM](#)
- [Comment on the NPRM](#)
- [NPRM Summary Table](#)
- [Public Meetings and Information Sessions](#)
- [Learn about the Rulemaking Process at USDOT](#)

### About the DBE Program

DOT's Disadvantaged Business Enterprise Program

Submit Comments: <https://www.regulations.gov/document/DOT-OST-2022-0051-0001>  
by **September 19, 2022**

# Questions?



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