

Bipartisan Infrastructure Law (BIL) & DBE NPRM Overview



TDOT DBE Conference August 2022

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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
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	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

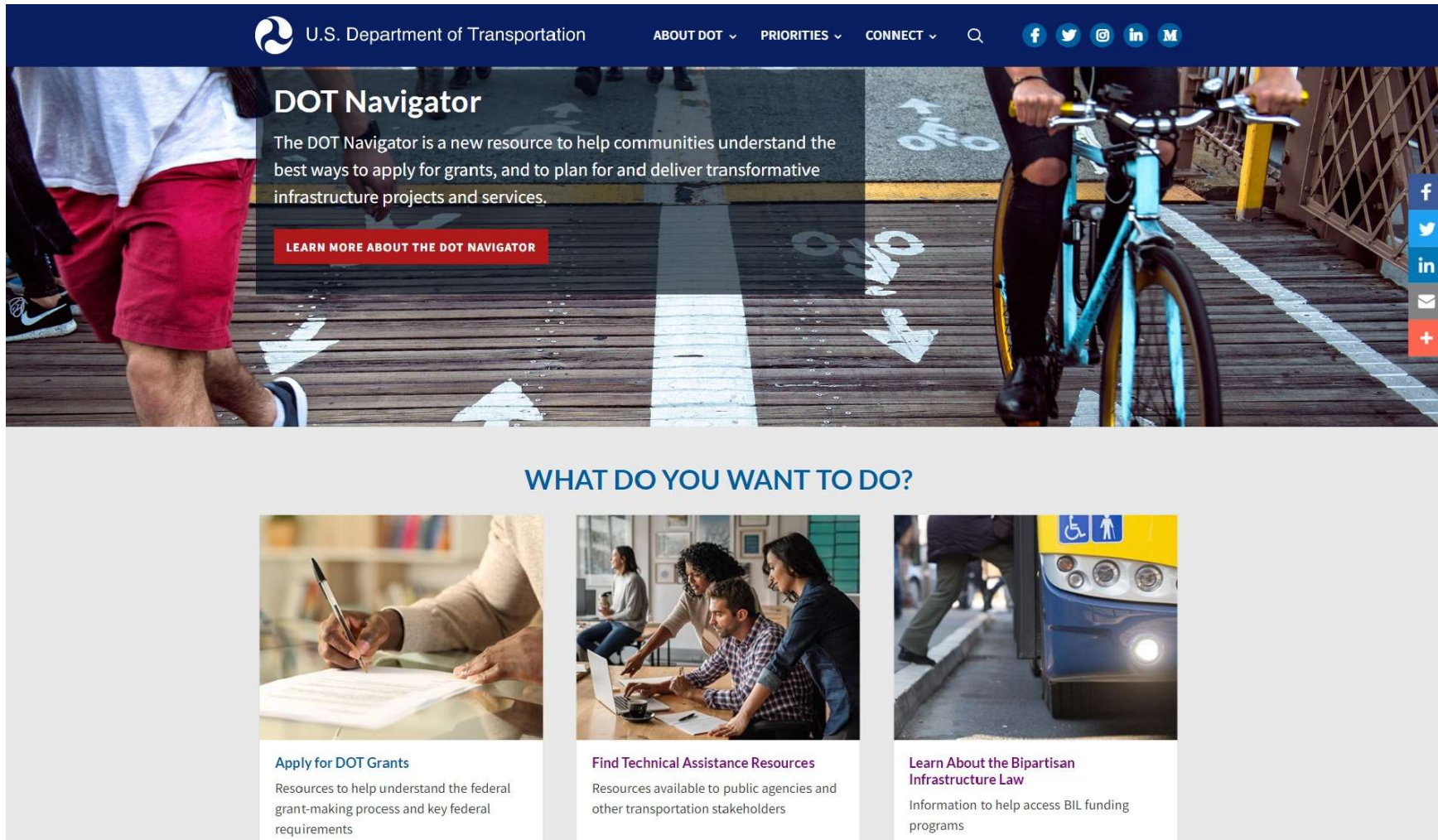
Bridge Formula
NEVI
PROTECT
Carbon Reduction

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



The screenshot shows the homepage of the USDOT Navigator website. At the top, there is a dark blue navigation bar with the U.S. Department of Transportation logo and the text "U.S. Department of Transportation". To the right of the logo are menu items: "ABOUT DOT", "PRIORITIES", and "CONNECT", each with a dropdown arrow. Further right are social media icons for Facebook, Twitter, Instagram, LinkedIn, and YouTube. Below the navigation bar is a large hero image featuring a person in red shorts walking and a person riding a blue bicycle on a wooden boardwalk. Overlaid on the left side of the hero image is the text "DOT Navigator" in a large, bold font. Below this, a paragraph reads: "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." A red button with white text says "LEARN MORE ABOUT THE DOT NAVIGATOR". On the right side of the hero image, there is a vertical stack of social media icons: Facebook, Twitter, LinkedIn, Email, and a plus sign. Below the hero image is a section titled "WHAT DO YOU WANT TO DO?" in blue text. This section contains three cards, each with an image and a title. The first card shows hands writing on a document and is titled "Apply for DOT Grants". The second card shows three people working at a table with a laptop and is titled "Find Technical Assistance Resources". The third card shows the front of a blue vehicle with a wheelchair icon and is titled "Learn About the Bipartisan Infrastructure Law".

U.S. Department of Transportation

ABOUT DOT ▾ PRIORITIES ▾ CONNECT ▾

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>

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BIPARTISAN INFRASTRUCTURE LAW

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- Fact Sheets
- Guidance

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

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BIPARTISAN INFRASTRUCTURE LAW

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[Subscribe for Updates](#)

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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



DBE/ACDBE NPRM Proposed Changes

- Increase Personal Net Worth Limit from \$1.32 M to \$1.6 M
- Simplifying the Interstate Certification Process
- Adopting Virtual Flexibilities (On-site Visits, Hearings, Notary Services, etc.)
- DBE Supplier Credit
- Clarify Ownership and Control
- Expanded State Directories for Improved Marketing Opportunities
- Strengthen Prompt Payment Monitoring and Oversight
- Add DBE Performance Plan Requirement on Design/Build Projects
- Expands, Changes, and Clarifies many FAA and FTA Regulations



DBE/ACDBE NPRM Outreach Recordings and Final Session

- **NPRM Overview Session**

Recorded: 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**

Recorded: Thursday August 4, 2022 from 1:00 to 3:00 PM EST

<https://www.transportation.gov/dbe-rulemaking/webcast#Certification>

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



DBE/ACDBE Notice of Proposed Rulemaking (NPRM)

The screenshot shows the U.S. Department of Transportation website. At the top, there is a navigation bar with the DOT logo, the text "U.S. Department of Transportation", and links for "ABOUT DOT", "PRIORITIES", and "CONNECT". Below this is a breadcrumb trail: "Home \ Mission \ Office of Civil Rights \ Disadvantaged Business Enterprise".

The main content area features a sidebar on the left with a menu for "Departmental Office of Civil Rights" and "Disadvantaged Business Enterprise". The "Disadvantaged Business Enterprise" menu is expanded, showing options like "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", and "The DOT Disadvantaged Business Enterprise (DBE) Regulation".

The main content area displays the title "DBE/ACDBE Notice of Proposed Rulemaking (NPRM)" and the publication date "Published July 21, 2022". Below this is a paragraph of text: "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."

Below the text is a section titled "NPRM Information" with a list of links: "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", and "Learn about the Rulemaking Process at USDOT".

At the bottom of the main content area is a section titled "About the DBE Program" with a video player showing "DOT's Disadvantaged Business Enterprise Program".

On the right side of the page, there is a vertical social media sharing bar with icons for Facebook, Twitter, LinkedIn, Email, and a plus sign for more options.

Submit Comments: <https://www.regulations.gov/document/DOT-OST-2022-0051-0001>

by **September 19, 2022**

Questions?



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