Bipartisan Infrastructure Law (BIL) Preliminary Assessment
Bipartisan Infrastructure Law (BIL)

BIL is a $1.2 trillion infrastructure bill

- Includes funding for surface transportation programs, airports, broadband, and drinking and wastewater infrastructure
- Surface transportation provisions generally mirror FAST Act policies, however, prioritizes
  - Climate
  - Resilience
  - Bridges/culverts

FAST Act reauthorization - $567.5 billion

- $293.5 billion based on straight-line continuation of 2021 funding levels
- $274.0 billion based on new BIL commitments
  - $89.8 billion directed to increased Highway Trust Fund Contract Authority
  - $184.2 billion in new direct appropriations for following programs
Bipartisan Infrastructure Law (BIL)

- Incorporates three types of funding
  - Highway Trust Fund – No additional action
  - Advanced Guaranteed Appropriations – No additional action
  - General Fund Authorizations – Subject to appropriation

- Includes unprecedented levels of discretionary funding administered by USDOT
  - $100.7 billion in guaranteed/authorized competitive discretionary program funding, including
    - $36.0 billion - Federal State Partnership/Intercity Passenger Rail
    - $9.5 billion – Discretionary Bridge
    - $7.5 billion - RAISE
Bipartisan Infrastructure Law (BIL)

- Five-year fully funded surface transportation reauthorization
  - Includes $118 billion in general fund transfers
  - Does not address the long-term sustainability of the Highway Trust Fund (HTF)

- Prioritizes formula-based funding
  - Apportions 90 percent of the total highway program supported by the HTF through “core” formulas
  - Emphasizes resilience; carbon reduction; and bridge/culvert state-of-good-repair

- Increases flexibility/improves project development process
  - One Federal decision/Section 4(f)

- Amends Buy America to include construction materials
  - Exempts cement/cementitious materials, aggregates and bonding agents/additives
<table>
<thead>
<tr>
<th>Program</th>
<th>Highway Trust Fund</th>
<th>Guaranteed Appropriation</th>
<th>General Fund Subject to Appropriation</th>
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<td>Highway</td>
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<td>$47.3</td>
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<tr>
<td>Transit</td>
<td>$69.9</td>
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<td>$2.3</td>
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<td><strong>$93.5</strong></td>
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(1) Other includes OST, MARAD, PHMSA, other

$293.5 Billion in Baseline HTF Contract Authority; and $89.8 Billion in Additional HTF Contract Authority

= $567.5 billion
New York State Wins…

- Guaranteed funding
- Bridge formula/discretionary programs
- Resiliency/greenhouse gas emission reductions
- Ten-year preliminary engineering
- Highway Safety Improvement Program
- Temporary/permanent repairs under Emergency Relief Program
- One Federal Decision/Section 4(f)
- Micro-mobility/bikeshare
- Rail crossing safety/closures
- Multi-modal project eligibly
# Estimated Formula Apportionments to New York

($ in billions)

<table>
<thead>
<tr>
<th>Program</th>
<th>BIL</th>
<th>FAST Act</th>
<th>Change</th>
<th>Percent</th>
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<td>Highway/Bridge&lt;sup&gt;(1)&lt;/sup&gt;</td>
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<td>$8.857</td>
<td>$4.606</td>
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<td>$16.780</td>
<td>$7.389</td>
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<sup>(1)</sup> Includes $1.9 billion in supplemental bridge formula funding
# Estimated Highway Funding to New York State Under BIL

- Authorizes $13.5 billion in core formula highway and enhanced formula bridge funding for New York State
- Represents an increase of $4.6 billion (52.0 percent) over the prior five-year authorization period
- Majority of the program growth occurs in the first year of the bill, inflationary increases of two percent/year thereafter

<table>
<thead>
<tr>
<th>Federal Fiscal Year</th>
<th>National Highway Performance Program (NHPP)</th>
<th>Surface Transportation Program (STP)</th>
<th>Highway Safety Improvement Program (HSIP)</th>
<th>Railway-Highway Crossings (Supplemental)</th>
<th>Congestion Mitigation and Air Quality Improvement Program (CMAQ)</th>
<th>Metropolitan Planning</th>
<th>National Highway Freight Program (NHFP)</th>
<th>Formula Carbon Reduction Program</th>
<th>Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Program</th>
<th>Subtotal Core Apportionments</th>
<th>Supplemental Extraordinary Bridge Formula Program</th>
<th>Total All Formula Funds</th>
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<td>30.6%</td>
<td>52.0%</td>
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</table>
Estimated New York State BIL Highway Funding by Program

$ in millions

- NHPP: $2,891.3
- STP: $2,578
- HSIP: $2,302.9
- Rail Crossings: $1,714
- CMAQ: $1,038.4
- Planning: $336
- NHFP: $640.3
- Carbon: $1,891.4
- PROTECT: $1,038.8
- Bridge: $257.8

Total: $5,943.2

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Estimated New York State Share of BIL Highway Funding by Program

- NHPP: 44.1%
- STP: 21.5%
- HSIP: 14.0%
- Rail Crossings: 7.7%
- CMAQ: 4.8%
- Planning: 2.2%
- NHFP: 2.2%
- Carbon: 1.9%
- PROTECT: 2.3%
- Bridge: 1.3%

Draft - For Discussion Purposes Only
Estimated New York State Highway Program Growth

- Of the $4.6 billion in estimated new net growth - $3.2 billion (68.9 percent) is apportioned through NHPP and the new Bridge Formula program.
BIL Categorical Highway Program Highlights

- **National Highway Performance Program (NHPP)**
  - Adds eligibility for resiliency, including raising/relocating roadways; lengthening/raising bridges; and deepening channels
  - Allows up to 15 percent of funds to be used on any federal eligible facility for protective features that reduce risk of recurring damage

- **Surface Transportation Block Grant Program (STBGP)**
  - Retains 55 percent suballocation threshold by population
  - Expands eligibility to include:
    - Projects that use “natural infrastructure” to enhance resilience
    - Construction of wildlife crossings/strategies designed to reduce wildlife-vehicle collisions
    - Installation of electric vehicle charging and vehicle to grid infrastructure
    - Projects to enhance travel/tourism
  - Increases the off-system bridge set-aside from 15 percent to 20 percent
  - Establishes a 10 percent set-aside for Transportation Alternatives Program in-lieu of a fixed cap
**BIL Categorical Highway Program Highlights**

- **Congestion Mitigation and Air Quality Improvement program (CMAQ)**
  - Expands eligibility to include:
    - Micro-mobility, including (bike share/shared scooter systems)
    - Replacement of diesel engines
    - Medium/heavy duty zero emission vehicles/related charging equipment
  - Provides priority for projects in non-attainment areas for fine particulate matter in/adjacent to minority/low-income populations
  - Clarifies that, in areas less than 200,000 in population, there is no time limit for use of operating assistance for public transportation

- **Bridge Program**
  - Creates a new supplemental formula-based bridge/culvert repair, rehabilitation and replacement program
  - Apportionments based on 75 percent/cost to replace “poor” bridges; 25 percent/cost to rehabilitate “fair” bridges
BIL Categorical Highway Program Highlights

**Carbon Reduction Program (CRP)**
- Creates a new formula-based program for projects that reduce greenhouse gas/other transportation-related emissions
- Funds apportioned to states based on share of overall core program
- Eligible activities include
  - Traffic monitoring/management
  - Public transportation projects
  - Bicycle/pedestrian facilities
  - Active transportation and congestion management
  - Projects that reduce environmental and community impacts of freight movement
  - Congestion pricing, mode shift and transportation demand management
  - Diesel retrofits
  - Truck stop electrification
  - Other STBGP activities that demonstrate a reduction in transportation emissions

**Public Transportation**
- Expands eligibility under highway title for construction of bus rapid transit corridors/dedicated bus lanes; signal prioritization; intersection redesign; and integrated fare collection systems
BIL Categorical Highway Program Highlights

Promoting Resilient Opportunities for Transformative, Efficient, and Cost-Saving Transportation (PROTECT)

- Creates a new formula-based program for projects that enhance resilience
- Facilitates strengthening, hardening, elevating, relocating or otherwise enhancing the resilience of highways and non-rail infrastructure
- Funds apportioned to states based on share of overall core program
- Eligible activities include use of natural or construction/modification of infrastructure to:
  - Mitigate storm surge
  - Enhance flood protection
  - Facilitate aquatic ecosystem restoration related to transportation facilities
- Limits the amount of funding used to construct new capacity to no more than 40 percent

Electric vehicle Charging Program

- Provides formula funds for strategically deployed electric vehicle recharging infrastructure
- Includes refueling infrastructure technologies that support electric, hydrogen, propane and natural gas
- Allows funds to be used for contracts with private entities for the acquisition/installation of publicly accessible infrastructure
- Authorizes operating assistance/subsidies for up to five years of operation
- Prioritizes deployment in low-and moderate-income areas
- Apportioned based on existing state share of program
BIL Categorical Highway Program Highlights

**Transportation Alternatives Program**
- Increases the amount suballocated based on population from 50 percent to 59 percent
- Expands eligible activities to include Safe-Routes-to-School and vulnerable road user safety
- Requires that MPOs in areas over 200,000 in population shall give priority to projects that support high-need areas (e.g., low-income, transit-dependent, rural)

**Highway Safety Improvement Program**
- Provides flexibility to utilize up to ten percent of funds for non-infrastructure/behavioral safety projects
- Requires a Vulnerable Road User Assessment Plan/requires states to expend additional funds when fatality exceed thresholds in plan
- Authorizes construction of leading pedestrian intervals; grade separation projects; upgrade of traffic control devices for bicyclists/pedestrians; actions to calm traffic/reduce speeds

**National Highway Freight Program**
- Expands the highway miles a state may designate as critical rural freight (150 to 300) and critical urban freight (75 to 150) miles
- Increases the percent of program that may be used for multi-modal projects from 10 percent to 30 percent
BIL Categorical Highway Program Highlights

- **Railway-Highway Crossings**
  - Broadens use of funds to reduce pedestrian and trespass fatalities/injuries
  - Increases at-grade closure incentive from $7,500 to $100,000
  - Removes requirement that half of program funds be used for installation of protective devices

- **Emergency Relief**
  - Extends period of 100 percent federal share for temporary/permanent repairs under FHWA Emergency Relief Program (180 days to 270 days)
  - Authorizes rebuilding to a higher standard to mitigate future damage
  - Removes restriction for projects that were on a Transportation Improvement Plan at time of damage
BIL Competitive Program Highlights

- **Nationally Significant Freight and Highway Projects (INFRA Grants)**
  - Provides $8.0 billion in competitive funding
  - Expands the eligibility to include wildlife crossings, connections to border crossings, marine highway projects, reduce stormwater, other
  - Up to 30 percent of the awards may be used for freight intermodal/freight rail projects
  - Expands eligibility for enhancement of freight resilience to natural disasters
  - Prioritizes level of non-federal share

- **National Infrastructure Project Assistance**
  - New competitive $10.0 billion grant program
  - Supports for freight-related projects, including roads and bridges, intermodal facilities, intercity passenger rail and public transportation
  - Demonstrates significant national or regional benefits
  - USDOT required to consider benefits to disadvantaged communities, geographic diversity, and connectivity between modes
  - Authorizes agreements for single-year or multi-year projects
  - Maximum project share limited to 60 percent; total federal share 80 percent

- **Local and Regional Project Assistance (RAISE, BUILD, TIGER)**
  - Codifies the former RAISE program and provides $7.5 billion for projects of local or regional significance
  - Includes any federal eligible highway or transit, passenger or freight rail, port and airport infrastructure project
  - Increases the maximum share of funding that a single state may receive in a year from 10 percent to 15 percent
  - Requires no less than one percent of funds be directed to historically disadvantaged communities
BIL Competitive Program Highlights

- **Strengthening Mobility and Revolutionizing Transportation (SMART)**
  - Creates a new competitive $500 million program building upon the Smart City Challenge
  - Provides demonstration funds for projects focused on advanced smart city or community technologies and systems in a variety of communities to improve transportation efficiency and safety
  - Priority provided to activities that are scalable, encourage innovation and enhance safety

- **Truck Emissions at Ports**
  - Provides $400 million for projects that reduce emissions at ports
  - Supports grants to reduce truck idling
  - Requires study on how ports may benefit from electrification

- **Culvert Removal, Replacement, and Restoration**
  - Creates a new $5.0 billion discretionary program for projects to replace, remove, and repair culverts/weirs
  - Emphasizes projects that meaningfully improve or restore fish passage for anadromous fish
BIL Competitive Program Highlights

Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT)

- Provides $1.4 billion in competitive grant program to help states improve the resiliency of transportation infrastructure
- Eligible activities include highway, transit, and port projects
- Funds may be used for planning, resiliency improvements, evacuation routes, and at-risk coastal infrastructure projects

Reconnecting Communities Pilot

- Creates a new $1.0 billion pilot program
- Provides funds to study the feasibility/impacts of removing an existing facility that creates barriers to community activity
- Includes consideration for construction grants to remove, retrofit or mitigate an eligible facility
- Supports technical assistance to build organizational/community capacity for solution development
- Gives priority to economically-disadvantaged communities

National Motor Vehicle Per-Mile User Based Fee Pilot

- Establishes a new pilot program to test the design/implementation of a Mileage Based User Fee
- Creates a public awareness campaign to inform individuals about the pilot
- Outlines the parameters, methods, participants and fees associated with the pilot
BIL Competitive Program Highlights

**Bridge Investment Grants**
- Creates a new $12.5 billion competitive bridge investment program
- Provides grants to replace, rehabilitate, preserve, or protect bridges on the National Bridge Inventory
- Candidate projects must have completed preliminary engineering/funds must be obligated within 18 months
- Encourages culvert projects, especially those that mitigate flooding and improving habitat connectivity for aquatic species

**Grants for Charging and Fueling Infrastructure**
- Establishes a new $2.5 billion competitive program to strategically deploy publicly accessible refueling infrastructure
- Includes refueling infrastructure technologies that support electric, hydrogen, propane and natural gas
- Allows funds to be used for contracts with private entities for the acquisition/installation of publicly accessible infrastructure
- Authorizes operating assistance/subsidies for up to five years of operation
- Reserves half of funds for community-based projects and prioritizes deployment in low-and moderate-income areas

**Congestion Relief**
- Creates a new $250 million competitive program to advance innovative, integrated, and multimodal solutions to congestion in the most congested metropolitan areas
- Supports reducing economic and environmental costs associated with highway congestion
- Includes eligibility for congestion pricing, HOV lanes, parking pricing and incentives to encourage rideshare/mobility alternatives
- Requires mitigation for potential adverse impacts on low-income drivers
- Authorizes tolls on interstate highways in up to 10 urbanized areas
BIL Competitive Program Highlights

Healthy Streets
- Establishes a new $500 million discretionary program, subject to future appropriations
- Supports actions to mitigate urban heat islands; improve air quality; reduce impervious surfaces; storm water runoff; and flood risks

Safe Streets for all Users
- Creates a new $5.0 billion competitive program to prevent death and serious injury on roads and streets
- Requires a data driven comprehensive Safety Action Plan to develop innovative strategies/actions to promote safety
- Requires that 40 percent of funds be allocated to planning grants

Active Transportation Infrastructure Investment Program (ATII)
- Authorizes new competitive funding to construct/provide safe and connected bicycle/pedestrian facilities in an active transportation network/spine
- Requires no less than 30 percent support active transportation networks that connect to public transportation; businesses; school
- Requires no less than 30 percent support construction of active transportation spines

Wildlife Crossing Safety Pilot Program
- Creates a new $350 million program to reduce number of wildlife/vehicle collisions and projects to improve habitats
- Requires that no less than 60 percent of program funds be allocated to rural areas
Estimated Transit Funding to New York State Under BIL

- Authorizes $10.7 billion in core transit formula funding for New York State
- Represents an increase of $2.8 billion (35.1 percent) over the prior five-year authorization period
- Majority of the program growth occurs in the first year of the bill, inflationary increases of approximately two percent/year thereafter

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<thead>
<tr>
<th>Federal Fiscal Year</th>
<th>Urbanized Area Formula (5307)</th>
<th>Rural Area Formula (5311)</th>
<th>Seniors/Disabilities (5310)</th>
<th>State of Good Repair (5337)</th>
<th>Bus/Bus Facilities (5339)</th>
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<td>18.8%</td>
<td>40.1%</td>
<td>35.1%</td>
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Estimated New York State Transit Program Growth

- Of the $2.8 billion in estimated new net growth - $2.7 billion (95.1 percent) is apportioned through the Urbanized Area and State of Good Repair formula programs
BIL Intercity Passenger/Freight Rail Categorical Program Highlights

**Guaranteed Funding - $66.0 billion**

- $6.0 billion for Northeast Corridor (NEC) grants
- $16.0 billion for National Network grants
- $36.0 billion for the Federal-State Partnership for Intercity Passenger Rail grant program
  - Up to $24 billion set-aside for projects on the NEC

- $5.0 billion for the Consolidated Rail Infrastructure and Safety Improvement (CRISI) program
- $3.0 billion for the new Railroad Crossing Elimination competitive grants program
BIL Intercity Passenger/Freight Rail Categorical Program Highlights

- **Additional General Fund Authorizations - $32.2 billion**
  - $19.2 billion for Amtrak investment, including
    - $6.6 billion for NEC grants
    - $12.6 billion for National Network grants
  - $13.0 billion for competitive rail grants, including:
    - $5.0 billion for CRISI grants
    - $7.5 billion for the Federal-State Partnership for Intercity Passenger Rail grants
    - $2.5 billion for Railroad Crossing Elimination competitive grants
    - $250 million for the Restoration and Enhancement grants
BIL Intercity Passenger/Freight Rail Discretionary Programs

Railroad Crossing Elimination Program

- Establishes a new $3.0 billion competitive program for improvements to highway or pathway rail crossings
- Supports projects that provide
  - Grade separation or closure, including through the use of a bridge, embankment or tunnel
  - Track relocation
  - Improvement or installation of protective devices, signals or signs provided that they are related to a separation or relocation project
  - Other means to improve safety at crossings (including technology)
- Provides eligibility for commuter rail railroad crossing projects
- Limits the amount to any State to no more than 20 percent of the available funds in any fiscal year
- Complements activities supported through the FHWA Section 130 program
BIL Airport Infrastructure Provisions

- Provides $25.0 billion for Airport Related Infrastructure
  - $5.0 billion for the FAA Facilities/Equipment Program
    - Supports modernization of FAA air traffic control facilities
  - $15.0 billion for the Airport Improvement Program (AIP)
    - Provides formula funds for terminals, runway and taxiways, noise mitigation
    - New York State airports estimated to receive approximately $1.0 billion
  - $5.0 billion for Airside Projects
    - Discretionary funds to address airport needs unmet through the AIP program
Risks

- Longer-Term Continuing Resolution
- Longer-Term Insolvency of the HTF
- Number/Amount of New Competitive Programs
- Inflation/Availability of Materials
- Labor
- Two-Percent Property Tax Cap
- Expectations