

GROW AMERICA ACT



Summary of Federal Highway Administration Provisions

A core mission of the Federal Highway Administration (FHWA) is to enhance the safety, performance, condition, and efficiency of the nation's highway system. Unfortunately, the growth of our economy and population is outpacing our level of investment in the nation's surface transportation infrastructure, creating a situation that if left unresolved could leave us less competitive and failing to meet the needs of the traveling public.

The **GROW AMERICA Act** will invest \$317 billion over six years to provide the certainty necessary for states and local communities to make transportation investments necessary to improve our highway infrastructure and support our economic growth. Additionally the **GROW AMERICA Act** will strengthen transportation investment decision-making, accelerate project delivery, and expands and makes innovative finance options more accessible.

Key Provisions

Prioritize Investment to Highways and Bridges Most in Need of Repair: The **GROW AMERICA Act** will invest \$29.4 billion over six years in support of the President's "Fix-it-First" initiative to focus on the reconstruction, restoration, and preservation or safety improvements of existing highway assets. This program will reduce the number of structurally deficient Interstate Highway System bridges, target safety improvements and support a state of good repair on the National Highway System. (Section 2012)

Incentivize Innovation and Better Planning: The Nation requires seamless, intermodal transportation networks in order to move people and goods efficiently and effectively—and achieving that goal requires improved transportation-related coordination among federal, state, and local entities. The **GROW AMERICA Act** will establish a \$1 billion per year competitive grant program designed to incentivize State, local, and private stakeholders to demonstrate forward-leaning solutions to transportation challenges in areas such as safety, congestion management, environmental performance, or regional collaboration. Modeled after the Department of Education's Race to the Top program—and jointly administered by the Federal Transit Administration and Federal Highway Administration—this program encourages the adoption of bold, innovative strategies and best practices in transportation that would have a long-term impact on all projects across the transportation programs. Within the total funding provided for this program, the Secretary has discretion to set aside funds specifically for high-performing Metropolitan Planning Organizations (MPOs) that effectively coordinate planning and investments in regional surface transportation priorities and projects by bringing federal and state planning organizations, tribes and decision makers together. (Section 1401)

Invest in Needed Multimodal Freight Projects: The **GROW AMERICA Act** includes a new multimodal approach to improving freight movement and creating two grant programs—one to provide incentives for the adoption of enhanced freight planning and analysis and the other awarded competitively—with a total of \$18 billion over six years. The initiative will provide a framework that will give shippers, transportation providers, and freight workers a real seat at the table for making investment decisions. The program will be awarded for projects identified by states, communities, and ports working in collaboration with shippers, truckers, maritime providers, railroads, and other

GROW AMERICA ACT



transportation stakeholders to identify infrastructure projects that serve a public and immediate need to improve the safe and efficient movement of freight.

Workforce Development and Ladders of Opportunity

Deploy Broadband to Underserved Communities: Currently, many communities across the country still lack adequate access to broadband, limiting avenues to new innovations and economic growth. Expanding access and upgrading these vital services often requires new infrastructure deployment. The **GROW AMERICA Act** allows broadband deployment that accompanies and is integrated with road construction projects to be eligible for Federal-aid highway dollars. (Section 2011)

Strengthen Workforce Training: The **GROW AMERICA Act** will support and enhance the size, diversity, and skills of our nation's construction workforce through partnerships with the U.S. Department of Labor, the states, and other key stakeholders. The **Act** will also create an incentive grant program for States that use their on-the-job training funds effectively. (Section 1208)

Allow Local-Hiring Preferences: The **GROW AMERICA Act** allows the use of local-hiring preferences in state construction contracts using FHWA funds for projects over \$10 million when the work is in an area with a low per capita income or higher than average unemployment. The **Act** supports local hiring as an effective tool to help men and women who are ready to work to obtain jobs, and job training, in their communities. The local-hiring preferences must be designed with flexibility and as such may not require the hiring of workers without the necessary skills, and the use of such preferences may not compromise the quality, timeliness, or cost of the project. Currently, federal requirements prohibit the use of local-hiring preferences. (Section 2301)

Strengthen Transportation Decision-making

Empowering Local Control: Under the **GROW AMERICA Act**, high-performing MPOs—those that meet geographic and governance best practices—will receive control of more funding. The **Act** will reserve for high-performing MPOs up to \$1.5 billion over six years from the Fixing and Accelerating Surface Transportation (FAST) grant program. Those MPOs will also receive increased suballocations of funds from the Surface Transportation Program (STP) and Transportation Alternatives Program (TAP) and increased consideration in the distribution of metropolitan planning funds. (Section 1202)

Increasing Public Participation in State and Local Planning: The **GROW AMERICA Act** will require opportunities for public input in the development and implementation of statewide and metropolitan long-range plans. Also, public port authorities will be added to the list of interested parties that states and MPOs will provide reasonable opportunity to comment on plans. (Sections 1206 and 1203)

Accelerating Project Delivery

Use of Federal Funds to Support Permitting and Review Activities: The **GROW AMERICA Act** allows recipients of a grant from any DOT operating administration to use federal funding to pay for positions at federal, state or local agencies that participate in the environmental review process. This authority was previously limited to recipients of Federal-aid highway funding. (Section 1001)

Aligning and Reforming Environmental Review: The **GROW AMERICA Act** will improve federal coordination of the environmental review for a proposed project by having the DOT coordinate with a steering committee to develop a process for coordinated and concurrent reviews. It also will direct

GROW AMERICA ACT



the development of a checklist to help identify project impacts and inform agency participation, facilitating substantive early coordination. (Section 1002)

Improving Bridge Construction Reviews: Current law requires the U.S. Coast Guard (USCG) to determine whether a bridge unreasonably obstructs the free flow of navigation within the waterway. Under the **GROW AMERICA Act**, the USCG also will consider the necessities of rail, aviation, transit, and highway traffic and the construction, maintenance, and operation costs of the proposed bridge, making the USCG's review consider a greater universe of needs before making a decision. (Section 1004)

Aligning Reviews for Certain Historic Sites: The **GROW AMERICA Act** calls for the aligning of the section 4(f) and section 106 processes for historic preservation, eliminating unnecessary duplication and delay where possible. This effort will provide for a process whereby DOT, the Department of the Interior, and the Advisory Council on Historic Preservation (ACHP) can make an early determination that a streamlined review of a specific historic site will be sufficient to protect the site while allowing the project to move forward more expeditiously. (Section 1005)

Multimodal Categorical Exclusions: Currently, under certain conditions a DOT operating administration may use the categorical exclusion of another operating administration. The **GROW AMERICA Act** makes the authority applicable to *all* Departmental multimodal projects, removing barriers to the use of the authority and providing for technical assistance in its use. (Section 1007)

Improving Infrastructure Permitting Coordination: The **GROW AMERICA Act** establishes an Interagency Infrastructure Permitting Improvement Center to oversee cross-government process improvements. The Center will support actions such as the deployment of innovative mitigation strategies, the alignment of policies and procedures among government agencies facilitating synchronized reviews, and the development and improvement of information technology tools for the environmental review of infrastructure projects. (Section 1009)

Enhancing Innovative Finance Options

Making TIFIA More Accessible: The **GROW AMERICA Act** will reduce the burden on applicants for credit under Transportation Infrastructure Finance and Innovation Act (TIFIA) on small projects—those with an estimated cost of \$75 million or less—by covering some of the costs for financial analysis and outside counsel that would normally be paid by the applicant. (Section 1402)

Private Activity Bonds: The **GROW AMERICA Act** raises the cap on the issuance of exempt facility bonds, more commonly referred to as private activity bonds, on qualified surface transportation projects from \$15 billion to \$19 billion. (Section 1406)

Tolling: The **GROW AMERICA Act** will mainstream two existing pilot tolling programs, giving States additional flexibility to apply for authority to toll existing Interstate highways in order to make improvements or to manage congestion. These requests will be subject to approval by the Secretary based on specific criteria that will be published for comment in the Federal Register. In addition, the **Act** would expand the eligible uses of toll revenues collected on Federally-funded toll facilities to include the costs associated with improving public transit service located within the same transportation corridor as the toll facility or would otherwise help improve the operation of the toll facility or the highway on which the toll facility is located. (Sec. 1405)

GROW AMERICA ACT



Modifications to Existing Programs

Expanding the Grid for Electric and Natural Gas Vehicles: Under current law a State may use Congestion Mitigation and Air Quality (CMAQ) funds to establish electric vehicle charging stations or natural gas vehicle refueling stations anywhere in a State apart from Interstate rest areas. The GROW AMERICA Act authorizes States to place those stations in Interstate rest areas as well. (Section 1305)

Surface Transportation Program: The GROW AMERICA Act improves the STP to provide additional funds and stronger control of those funds to high-performing MPOs. As part of the suballocation of STP funds, each urbanized area with a population over 200,000 represented by a high-performing MPO will receive an allocation that is 50 percent higher than it would otherwise receive. It will also receive obligation authority for these funds on an annual basis and have four years to use the authority. (Section 1202)