



# 4<sup>TH</sup> QUARTER U.S. FEDERAL POLICY BRIEFING

NOVEMBER 3, 2021

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# TODAY'S WEBINAR PRESENTER



## Caron Whitaker

- Caron works both as APBP's Policy Specialist and does government relations for the League of American Bicyclists.
- Prior to these positions, she served as the Campaign Director for America Bikes where she coordinated and implemented America Bikes federal policy agenda. Before that, she worked for the National Wildlife Federation on smart growth, international policy, and community engagement.
- In addition, Caron served as a Community Land Use Planner for the State of North Carolina Division of Coastal Management, providing technical assistance to local governments and staffing a stakeholders' council responsible for revising state planning regulations. She has a Masters in Environmental Management from Duke University, Nicolas School of the Environment and a Bachelors of Arts from Williams College.



**So Close...**

**The Build Back Better Reconciliation, and what happens when these bills actually pass.**

**CARON WHITAKER**

**POLICY SPECIALIST**

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# AGENDA

## Build Back Better Reconciliation

- Infrastructure provisions
- Tax provisions

## IIJA and Implementation

- Questions for guidance

(Handout in control panel)



Charleston, SC- NACTO photo gallery

# TERMS

**Infrastructure Investment and Jobs Act (IIJA) = Bipartisan Infrastructure Package (BIF)**

Contains 5 year reauthorization of transportation plus additional funding for transportation and other infrastructure

**Build Back Better-  
Reconciliation**

Bill includes Democratic priorities including climate, and poverty reducing provisions.p

# CURRENT SITUATION

## **Build Back Better is now set at \$1.75 Trillion over 10 years.**

- Congress waiting to hear from Senators Manchin and Sinema regarding their support/ need for changes.
- Manchin still on the fence/ concerned with debt.

## **House Progressive Caucus Chair-**

- Ready to support the IIJA Bipartisan Infrastructure Bill given President Biden's assurance that Manchin and Sinema will support BBB reconciliation.



# BBB Reconciliation- Infrastructure



# NEIGHBORHOOD EQUITY AND ACCESS



Rt 40 in Baltimore.

## **\$4 Billion for discretionary grant program**

- The program builds on Reconnecting Community but is larger than that.
- Requires 40% of funds for low-income communities

## **Eligible projects**

- Remove or mitigate barriers (highways, sound walls, etc.)
- Reconnect communities through bike/ped networks
  - Includes “greenways” “spines”
- Addresses Environmental Justice issues such as urban heat island, tree deserts and flooding.
- Funds local Capacity building

# COMMUNITY CLIMATE INCENTIVE PROGRAM

## \$4 Billion to reduce Greenhouse Gas Emissions

- \$50 Million to US DOT to:
  - Develop GHG performance measure, including carrots and sticks for states
- **Discretionary Grants**
  - \$950 million for States
    - To be eligible states must meet their performance targets AND have incorporated goal into plans
  - \$3 billion for local governments, tribal, territory regional etc.

## Eligibilities

- Reduces GHG
- Provides zero emission transportation options
- Reduces dependence on SOVs

# AFFORDABLE HOUSING ACCESS PROGRAM

## **\$10 Billion program**

- (Final IIJA was \$10b less than original agreement)
- Mostly goes to transit projects

## **Discretionary Grants**

- Run through FTA and Department of Housing
- Focuses on Access for disadvantaged communities, areas of persistent poverty, and low-income individuals

## **Changes in current draft**

- Less discretion to US DOT, now runs through specific programs

# TRAFFIC SAFETY CLEARINGHOUSE

## \$100 Million to address to equity in enforcement

- To operate a national clearinghouse for fair and equitable traffic safety enforcement programs;
  - Research and Develop better data recording systems for states
  - Provide technical assistance to states in collecting data.
  - Develop recommendations and best practices to help States collect and use traffic safety enforcement data to promote equity and reduce traffic-related fatalities and injuries;
  - Develop information and educational programs on implementing equitable traffic safety enforcement best practices



# AUTOMATED VEHICLES AND MOBILITY CLEARINGHOUSE

**\$8,000,000 to operate clearinghouse**

To:

- Collect, conduct, and support research on the secondary and societal impacts of highly automated vehicles and mobility innovation on the built environment; and
- Disseminate and make such research available on a public website to assist communities.

Includes issues of : Land use, municipal budgets, climate, equity, safety.

# BBB INFRASTRUCTURE - Current Status

Program	Funding	Status
Community Climate Incentive Grant	\$4 billion	In the bill
Neighborhood equity and access	\$4 billion	In the bill
Access to Affordable Housing	\$10 billion	Less discretion/ directed to specific programs
Traffic Safety Clearinghouse	<del>\$100 million</del> \$50 million	Funding cut in half
AV and Mobility Clearinghouse	<del>\$8 million</del>	Eliminated
Local Transportation Priorities (earmarks)	<del>\$6 billion</del>	Eliminated

# OTHER BBB INFRASTRUCTURE

## Still Funded

- \$10 billion for rail
- FHWA territories

## Added

- \$50 million- Environmental Review Implementation
- \$900 million- Low carbon transportation materials

## Removed/ Reduced

- FHWA Tribal Transportation
- Maritime port and shipyard grants,
- Coast Guard resiliency improvements
- FEMA programs
- Economic development,
- Public building sustainability
- Clean Water grants.
- 70% reduction of sustainable aviation fuel



# BBB Reconciliation - Tax Provisions



# BICYCLE COMMUTER BENEFIT

## Reinstated and Improved

- 30% of Parking benefit (\$81/ month)
  - pre-tax dollars
- Can be used for:
  - Purchase, maintenance and improvement of a bike, ebike, scooter or e-scooter.
  - Leasing (including bikeshare)
- Can be combined with transit and/or parking

*Employer can also choose to do post-tax reimbursement (employer can take write-off)*

# E-BIKE Tax Rebate

## House Bill

- 15% rebate on ebike cost up to \$5000 (or \$750)
- Full rebate limited to those with \$75,000 Modified Adjusted Gross Income
  - Or \$112,500 for Head of Household
- Total cost determined to be \$7.4 billion/ 10 years

## Senate

- Arguing for much smaller benefit
- \$1-2 billion

## Bill introduced last week

- 30% rebate
- Dealer Transfer provision
- ~\$5 billion/ 5 years

## Now?

# CHARGING STATIONS FOR MICROMOBILITY

**Bill extends tax credit for businesses that install charging stations.**

- 30% of cost

**Charging stations for 2-3 wheeled vehicles eligible, if:**

- Can charge multiple vehicles at once, and
- Is available for public use
- Takes credit cards
- OR
- Is for a commercial or governmental fleet

# RAIL- BANKING FINANCING

**Bill makes railbanking eligible for Buy America Bonds**

**Railbanking-** an agreement where

- Railroad companies sell/ lease their tracks for use as trails.
- RR doesn't have to pay taxes
- But rail can be returned to use.

**Buy America Bonds**

- Incentivize municipal and local govt bonds
- Federal government agrees to pay 35% of interest for bond



Kickapoo Trail, Urbana

# BBB TAX INCENTIVES- What survives

Program	Funding	Current status
Bicycle Commuter Benefit	\$200 million	Safe
Tax credit for micro-mobility charging stations	Added eligibility / does not have individual score	Safe
Ebike tax rebate	\$5 billion	Not clear
Makes railbanking eligible for Buy America Bonds	Added eligibility / does not have individual score.	Not likely to make it



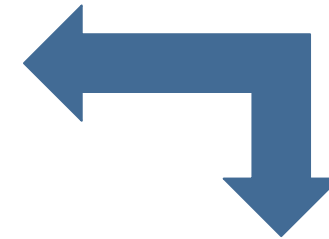
# ONCE THE BILLS ARE PASSED, WHAT NEXT?

# THE LAW GETS INTERPRETED

**Congress writes bill**



**US DOT writes guidance**



**US DOT and State DOTs**

- inundated with new funding, requirement for new rules and regulations
- Limiting factor may be local match

**States follow guidance to ensure reimbursement**



# TYPES OF NEW FUNDS

## Formula funds (States have control)

- Existing programs
  - Minor changes- (TA), CMAQ, STBGP
  - Major changes- Safety
- New programs
  - Carbon reduction program
  - Rural program

## Discretionary Grants (US DOT gives out as grants)

- Existing programs - RAISE grants
- New programs- Safe Streets for All



# IMPLEMENTATION

## As we move into implementation-

- What guidance do APBP members recommend?
  - Definitions
  - Interpretations
  - Questions
  - Concerns

Please add comments to the Chat  
and

email me your thoughts at [caron@clwconsulting.net](mailto:caron@clwconsulting.net)



# TRANSPORTATION ALTERNATIVES

# TA- FUNDING

	Current	IIJA
<b>Funding</b>	\$850 m/yr	10% of STBGP  (\$1.38- \$1.5b)
<b>Funding breakdown</b>	50% State/ 50% by Pop	41% State/ 59% Population
<b>Transfer-ability</b>	State can transfer 50% to any other program	Require states to: <ul style="list-style-type: none"> <li>- Run competitive process</li> <li>- Offer Technical assistance</li> <li>- Certify no worthy application unfunded</li> </ul>

# TRANSFERABILITY

may only be transferred if the Secretary certifies that the State—

- (i) held a competition in compliance with the guidance issued to carry out section 133(h) and provided sufficient time for applicants to apply;
- (ii) offered to each eligible entity, and provided on request of an eligible entity, technical assistance; and
- (iii) *demonstrates that there were not sufficiently suitable applications from eligible entities to use the funds to be transferred.*

# TA- STATE FLEXIBILITY

State Flexibility	Current	IIJA
<b>Technical assistance/ staff</b>	n/a	States can use 5% for staffing and to offer technical assistance
<b>local match- safety projects</b>	20% local match per project	Can use HSIP (highway safety improvement program) \$\$ for local match
<b>Local Match flexibility</b>	20% local match	states can meet 20% local match at project or program level
<b>Suballocate to LG</b>	n/a	Allow states to suballocate up to 100%

# SUB ALLOCATION

**(B)LOCAL CONTROL.—A State may allocate up to 100 percent of the funds referred to in subparagraph (A)(i) if—**

(i) the State submits to the Secretary a plan that describes—

(I)how funds will be allocated to counties, metropolitan planning organizations, regional transportation planning organizations or local governments;

(II) how the entities will carry out a competitive process

(III) the legal, financial, and technical capacity of the entities

(IV)how to ensure those entities will be able to comply with the requirements of this subsection; and

(V) how the State will comply with reporting requirements

# TA- LOCAL CONTROL/ EQUITY

Local Control	Current	IIJA
<b>Small MPOs eligible</b>	No	Makes small MPOs eligible
<b>Large MPO obligation authority</b>	No	Gives large MPOs obligation authority/ allows them to sign contract
<b>State allowed to apply</b>	No	Only when Local government asks for help
Equity		
<b>Prioritization of projects based on equity concerns</b>	No	Prioritize projects whose location or impact helps high need communities

# IMPACT and LOCATION OF HIGH NEED COMMUNITIES

PRIORITIZATION.—The competitive process described in subparagraph (B) shall include prioritization of project location and impact in high-need areas as defined by the State, such as low-income, transit-dependent, rural, or other areas





# SAFETY

# SAFETY

- Safe Systems approach
- Vulnerable Road User Safety Assessments
- Set aside funding for states with high rates of VRU fatalities
- FHWA Research



# SAFE SYSTEMS

## Revises Highway Safety Improvement Program (HSIP)

- to include safe system approach
- to include VRU in Highway Safety plans

## Integrates VRU safety in existing program/definitions

- **Example:** In list of eligible projects intersection projects changed from
- CURRENT LAW: *An intersection safety improvement*

To

- IJA: *An intersection safety improvement that provides for the safety of all road users, as appropriate, including a multimodal roundabout*

# VULNERABLE ROAD USER SAFETY ASSESSMENT

## Contents

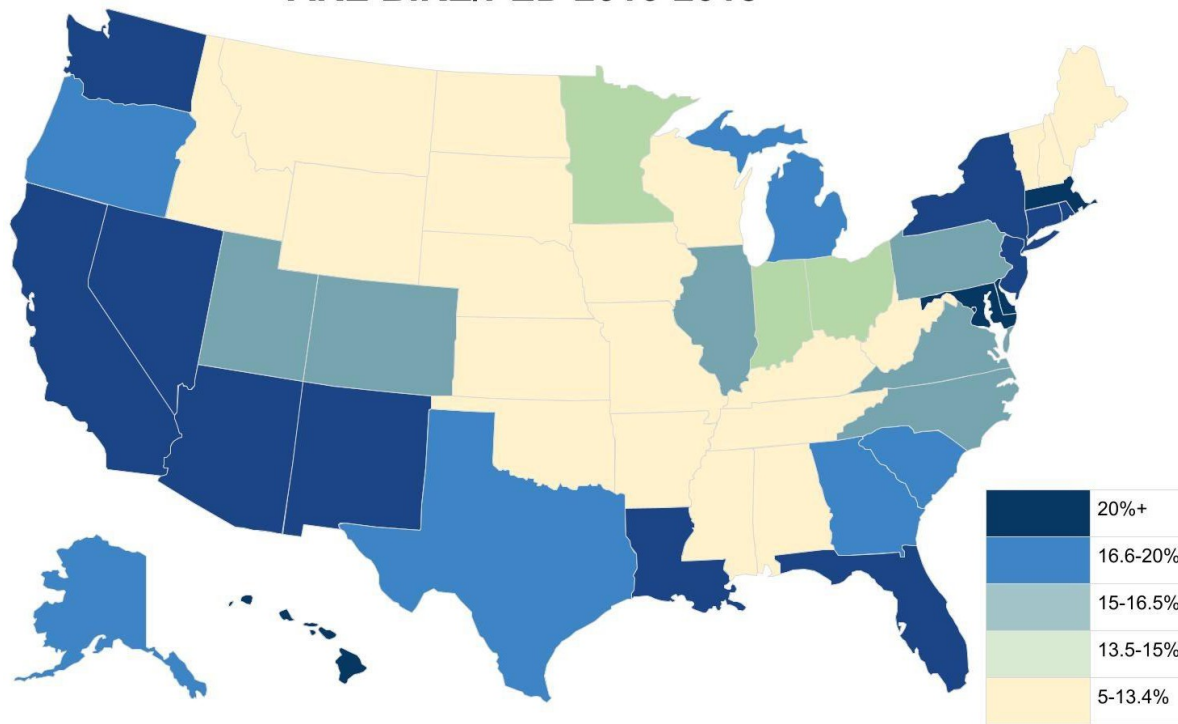
- Analysis of all fatalities and serious injuries (FSI)
  - Including location, design speed
  - Senate - (roadway functional classification, demographics)
- Identification of High risk areas
- List projects and strategies to address

## AASHTO

- States should provide input on the definition of safe systems and vulnerable road user assessments to ensure that, as written, they are implementable.

# VRU SAFETY INVESTMENT- Senate

**% OF HIGHWAY FATALITIES THAT  
ARE BIKE/PED 2016-2018**



States with 15% or more of their overall traffic fatalities are VRU must spend 15% of Highway Safety Funds on VRU Safety

# FHWA RESEARCH

**Requires FHWA to create research plan** to develop

- Roadway designs
- Safety Countermeasures

Which improve safety AND promote bicycling and walking

**Focus on how the following affect safety and rates of bicycling and walking:**

- Roadway safety improvements, including traffic calming and VRU accommodations on suburban arterials
- Traffic speeds
- Access to low stress corridors
- Tools to evaluate the impact of infrastructure on safety and use of bicyclists and pedestrians

# KEY COMBO!

With new \$\$ for all transportation programs, local match will likely be a limiting factor.

## **27 States- Meet VRU safety threshold**

- For most this will result in requirement to increase HSIP spending on VRU.
- TA will now allow HSIP funds as local match

*Using HSIP as TA match should count as VRU spending*



# COMPLETE STREETS AND PLANNING



# INCREASING SAFE AND ACCESSIBLE TRANSPORTATION OPTIONS

**Requires states and MPOs to use 2.5% of planning \$\$ for:**

- Complete Streets standards or policies
- Complete Streets prioritization plan
- Transportation plans, for
  - Building Active transportation Networks
  - Connecting AT to transit
  - Increasing Transit riders
  - Improving safety for pedestrians and bicyclists
  - Alternatives to increasing highway capacity, including rail

To opt out, a state or MPO must have

- CS standards or policies AND
- CS prioritization plan

# AASHTO ON COMPLETE STREETS

## AASHTO Analysis:

1 In general, references to “flexible design practices” that improve safety for all system users is more inclusive compared to “complete streets.”

2 The option for State flexibility to opt out of the requirements should include having flexible standards and policies in place or a flexible design prioritization plan in place, rather than specific policies and plans named “complete streets.”

3 Rather than requiring States to spend 2.5 percent of State Planning and Research dollars, explicitly adding these eligibilities to the existing program is preferred.

# SAFE STREETS FOR ALL

## \$6 Billion!

- Based on Vision Zero philosophy.
- 'May' include goal and timeline for eliminating fatalities

## Discretionary Grants

- Will go through the Office of the Secretary

## Eligibilities

- to develop a comprehensive safety action plan;
- to conduct planning, design, and development activities for projects and strategies identified in a comprehensive safety action plan;
- to carry out projects and strategies identified in the plan



*Spanish-language PSA effort led by organizers now with Multicultural Communities for Mobility*

# SAFE STREETS FOR ALL- concerns

## Funding Breakdown

- 40% planning
- 60% projects

## Equity/ Enforcement section

- Cities often focus early efforts on enforcement
  - (cheaper than infrastructure)
- No safeguard language
  - We would like criteria to require a plan to ensure no racial profiling/ inequity in enforcement

# MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD)

## Good provisions

Changes purpose from-

- *“promote the safe and efficient utilization of the highways”*

To

- *“promote the safety, inclusion, and mobility of all users”*

Requires an update every 3 years

## Concerning provisions

- incorporates safety regulations for AVs into MUTCD
- Directs US DOT to incorporate changes of the NCUTCD

-

# QUESTION & ANSWER



**Caron Whitaker**

THANK YOU FOR ATTENDING

Thank You!