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Government Affairs Update

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U.S. Senate Approves the Infrastructure Investment and Jobs Act: A Summary and Analysis for the Toll Industry

After a summer of Congressional legislative activity, political positioning, and intense negotiations, the U.S. Senate passed the Infrastructure Investment and Jobs Act (IIJA) on August 10, 2021. The bill authorizes $944 billion in investment over five years for roads and bridges, rail, transit, ports, airports, the electric grid, water systems, broadband, among other priorities. The legislation provides $550 billion in new spending, representing a significant infusion of federal funding for U.S. infrastructure.

The bipartisan nature of the bill marks a compromise that had both sides meeting in the middle, and no one getting all they might have hoped for in such landmark legislation. The Republicans agreed to more spending than they would have preferred. The Democrats yielded significant financial and policy concessions from the original transformative agenda established in President Biden's American Jobs Plan earlier this year and the more progressive agenda proposed by the House Democrats.

The bill continues a strong highway program with $110 billion in investment, which has come under fire by some climate and transit advocates. The IIJA legislation does not include policy provisions that House Transportation and Infrastructure Chairman DeFazio championed to limit the ability of States to build new highways or widen existing ones. Transit funding is set at a record $39 billion, but far less than the $109 billion proposed in the House legislation.

For the federal highway program, the IIJA legislation is nearly identical to the bill that was passed by the Senate Committee on Environment and Public Works (EPW) unanimously in May 2021. This is overall good news for the IBTTA community because the Senate's legislative language is more favorable to tolling than the alternative that was included in the House's INVEST Act. For instance, the IIJA legislation does not require a tolling agreement with USDOT for new tolling projects, avoiding many burdensome and costly operating and administrative requirements that were proposed in the House legislation.

Many critics of the IIJA legislation have taken aim at its lack of substantive "pay-fors" and new revenues and the fact that it does little to address the shortfalls in the Highway Trust Fund. The federal highway program was created under the premise that users pay for the highways they use, though that notion shifted slightly when the trust fund also began allocating money to public transit systems in 1983. The notion of increases to the federal fuel taxes, or indexing them to inflation, fell away as a concession to the President's tax pledge to American working households. So, the bill would borrow more than $118 billion from general revenue to meet the needs of the nation's highways, bringing the grand total of transfers to the Highway Trust Fund to $271.8 billion since 2008.

One positive step for user payments is that a **National Motor Vehicle Per-Mile User Fee Pilot Program** is established to demonstrate a national VMT user fee in all fifty states, the District of Columbia, and the Commonwealth of Puerto Rico. The pilot will establish per-mile user fees for passenger motor vehicles, light trucks, and medium- and heavy-duty trucks, corresponding to estimated impacts on infrastructure, safety, congestion, and the environment by different vehicle types and weights. The program would establish a Federal System Funding Alternative Advisory Board that includes owners and operators of toll facilities as members. The Board will advise on the structure, scope, and methodology for developing and implementing the pilot program. This will include carrying out a public awareness campaign and developing a report to Congress on whether motor vehicle per-mile user fees can maintain the long-term solvency of the Highway Trust Fund. The Board will assist establishing estimates of administrative costs of collection, privacy provisions to road users , and equity impacts of the pilot program.

The **Strategic Innovation for Revenue Collection Program** will continue to test the feasibility of road-usage charges and other user-based alternative revenues to address the long-term solvency of the Highway Trust Fund, through state, local and regional pilot projects. The federal share is increased from 50% to 80% for entities that have not previously received a grant and to 70% for entities that have received grants previously.

A **Congestion Relief Program** provides competitive grants to large urban areas to advance innovative, integrated, and multimodal congestion solutions. Program goals seek to advance mobility services, integrated congestion management systems, and systems that implement or enforce high-occupancy vehicle toll lanes, cordon pricing, parking pricing, or congestion pricing. The program allows the use of tolls on the Interstate Highway System as part of a project carried out with a program grant in up to 10 urban areas.

A pilot **toll credit marketplace** would be created to assess the benefits of allowing up to ten states to sell, transfer, or purchase toll credits. An originating state may use the proceeds from the sale of a credit for the construction costs of any title 23 eligible project within that state. A recipient state may use a credit toward the non-Federal share requirement for any funds made available under title 23 or chapter 53 of title 49, U.S. code.

The IIJA reflects a focus on climate change and electric vehicles but with a bipartisan balance. To begin to address President Biden's call for a national network of 500,000 charging stations, the legislation makes a modest investment of $7.5 billion over five years to initiate the build out of this network. The bill provides funding for deployment of publicly accessible **alternative fueling and charging infrastructure** for vehicles traveling along designated alternative fuel corridors and within communities, funded at $2.5 billion. This program includes a broad list of eligible entities that would include most toll operators and allows for up to 80% of eligible project costs to be paid for with federal funds. The bill also appropriates another $5.0 billion for a Charging and Refueling Grant program to establish a National Electric Vehicle Formula Program at USDOT to provide additional funding to states to deploy EV charging infrastructure.

The IIJA establishes a **Carbon Reduction Program** targeting reduced transportation emissions through investments in traffic management controls, advanced transportation and congestion management technologies, infrastructure-based intelligent transportation systems improvements, and vehicle-to-infrastructure communications, among others. Project funding will require development of a carbon reduction strategy to reduce greenhouse gas emissions and support attainment of carbon reduction targets for transportation emissions and from the production, transport, and use of materials used in the construction of transportation facilities.

The **Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) program** provides grants for resilience improvements to address vulnerabilities due to current and future weather events, natural disasters, and changing conditions. Resilience improvements include facility restoration, rehabilitation, reconstruction, replacement, improvement, or realignment; floodwater mitigation measures and improvements to rainwater and stormwater management; natural infrastructure; seismic retrofits for bridges; and roadway relocations from floodplains. PROTECT's community resilience grants contain a strong emphasis on projects that strengthen and protect evacuation routes that are essential for providing and supporting evacuations caused by emergency events.

Other selected highlights of the Senate Infrastructure Investment and Jobs Act include:

- A **Bridge Investment Program** with new competitive grants for state, local, and federal entities to rehabilitate or replace bridges allowing eligibility for large projects for grants not less than $50 million and the ability to bundle smaller bridge projects.
- The **TIFIA program** is updated to increase program use, streamline applications, and increase transparency in the vetting process for TIFIA projects. Eligibility is extended for public infrastructure located near transportation facilities to promote transit-oriented development and for airport-related projects.
- A new **Prioritization Process Pilot Program** to support data-driven approaches to transportation planning and project prioritization with grants to states and MPOs to evaluate projects against local objectives and assess completed projects for public benefit.
- A requirement for an update to the **Manual on Uniform Traffic Control Devices** (MUTCD) to protect vulnerable users, support safe testing and integration of automated vehicle technology on public streets, and any additional recommendations made by the National Committee on Uniform Traffic Control.
- An **Asset Concession and Innovative Finance Assistance Program** will provide grants of up to $2 million each for technical assistance and expert services to enhance the capacity of infrastructure operators to evaluate and pursue public-private partnerships. Private partners may assume roles in project planning, development, financing, construction, maintenance, or operations. Eligible entities would be able to apply for up to $2 million for technical assistance or to retain expert services to assist with a concession agreement. There is a requirement for grant recipients ensure that the terms of the asset concession will not result in any increase in costs being shifted to taxpayers with annual household income of less than $400,000, including through taxes, user fees, tolls, or any other measure.

<u>Areas of Concern and Attention</u>:

(1) Section 11404 of the bill establishes the "Congestion Relief Program," which contains the following provisions for tolling the Interstate System:
   - The use of tolls for funded projects limits the maximum toll rate for any vehicle class to not exceed five times the toll rate for any other vehicle class.
   - The toll rates are not to be charged or varied based on state residency.

IBTTA has previously raised these items as concerns in writing to EPW leadership and in conversation with staff.

(2) Subsection (b) of Section 11404 amends section 129(a) of title 23 to require toll facilities on the Interstate System constructed or converted after the date of enactment to allow high-occupancy vehicles, transit, and paratransit vehicles to use the facility at a discounted rate or without charge unless the public authority determines that the number of such discounted vehicles would reduce the travel time reliability of the facility

(3) The FAST Act amended title 23 to require that over-the-road buses that serve the public be provided access to certain toll facilities under the same rates, terms, and conditions as public transportation buses. Section 11523 amends title 23 further to ensure there is accountability for equal access to certain tolled facilities between over-the-road buses and public transportation vehicles by adding a reporting requirement for public authorities and extending an existing audit requirement to include an audit for reporting compliance.

For additional details and reference, please see the following Appendix for a summary of selected sections of interest from the Infrastructure Investment and Jobs Act. Please feel free to direct any questions to Mark Muriello at mmuriello@ibtta.org.

Appendix:
IBTTA Summary of Selected Sections of Interest from the Infrastructure Investment and Jobs Act

Sec. 11110. Nationally significant freight and highway projects.
This section would amend the Nationally Significant Freight and Highway Projects (NSFHP) program (i.e., the INFRA grant program) by raising the cap on eligible multimodal projects to 30% of the amounts made available for grants in each year from 2022-2026. The provision would also allocate up to 2% of total program funds for application review, and grant administration by the National Surface Transportation and Innovative Finance Bureau (i.e., Build America Bureau) and other relevant administrations. Each year $150 million would be set aside for a pilot program to prioritize applications offering the greatest non-federal share of project costs. This section would also increase the minimum amount of total program funds dedicated to small projects to 15% and allow an increase in allowable federal share for small projects from 60% to 80%. The provisions would also add enhanced freight resilience to the natural hazard and disaster considerations in awarding NSFHP grants.

Sec. 11118. Bridge investment program.
The IIJA bill would create a new competitive grant program to assist State, local, federal, and tribal entities with rehabilitation or replacement g of bridges and culverts, including large projects and bundling of smaller projects. The minimum grant for a large project would be $50 million and the minimum grant for other eligible projects is $2.5 million. Grants would be targeted for projects that will proceed through completion with all project funding sources and would prioritize projects that States have applied for, but not yet received grants. For 2022-2026, USDOT would be required to award each State with at least one large project, or two other projects. Half of the programs funding would be dedicated to large projects.

Sec. 11204. Prioritization process pilot program.
This section would establish a prioritization process pilot program to support data-driven approaches to transportation planning. Selected States and MPOs would develop and implement a publicly accessible, transparent prioritization processes to evaluate and score projects according to locally determined priorities. The outcomes would be used in the selection of projects for inclusion on the applicable long-term transportation plan. The pilot program would aim to support data-driven approaches to planning and evaluations of public benefit.

Sec. 11205. Travel demand data and modeling.
This section would require a USDOT study to compare travel demand forecasts with the observed data to develop best practices and more accurate travel demand forecasts. The study would aim to enhance evaluations of the impact of transportation investments, including new roadway capacity, on travel behavior and travel demand, including public transportation ridership, induced highway travel, and congestion.

Sec. 11301. Codification of One Federal Decision.

This section codifies an EO under issued under President Trump. It would require Federal agencies to process environmental reviews and authorization decisions for "major infrastructure projects" as One Federal Decision. That means that all Federal agencies with environmental review, authorization, or consultation responsibilities for major infrastructure projects must develop a single Environmental Impact Statement (EIS) for such projects, sign a single Record of Decision and issue all necessary authorizations within 90 days thereafter, subject to limited exceptions.

Sec. 11401. Grants for charging and fueling infrastructure.

This section would establish a USDOT grant program for alternative fuel corridors and provide a set-aside community grant program. These programs aim to deploy publicly accessible charging and fueling infrastructure for electric, hydrogen, propane, and natural gas vehicles. Eligible entities include a States or political subdivisions of a State, MPOs, local governments, special purpose district or public authorities with a transportation function, Indian tribes, and U.S. territories. Grant applications must define how public access has been considered, collaboration with stakeholders, proposed project locations, flexibility to address technology advancements, and long-term operation and maintenance. In project selection, USDOT must evaluate how alternative fueling corridor networks would be improved to meet current and anticipated market demands, enable or accelerate the construction of charging or alternative fueling infrastructure that would be unlikely to be completed without Federal assistance, and support a long-term competitive market for alternative fueling and charging infrastructure. Additionally, the Secretary must consider geographic diversity of grant awards, the finances and experience of private contractors, and the adequacy of agreements between eligible entities and their private contractors.

Grants for the alternative fuel corridors would target agreements with a private contractor to acquire and install charging and fueling infrastructure, with permission to use a portion of the grant for operating and maintenance assistance for the first five years. The federal share for a is up to 80% and requires that a private entity must agree to pay the non-federal share of project costs. Half of the program's funds each year would be available for community grants to provide charging and alternative fuel on public roads, schools, parks, and in publicly accessible parking facilities. These grants would prioritize rural areas, low-and moderate-income neighborhoods, and communities with low private parking availability.

Sec. 11403. Carbon reduction program.

This section would establish a carbon reduction program to reduce transportation emissions. Eligible projects would include those that operate a traffic monitoring, management, and control facility or program, advanced transportation and congestion management technology projects, deployments of infrastructure-based intelligent transportation systems capital improvements, installation of vehicle-to-infrastructure communications, street lighting and traffic control device replacements with energy-efficient solutions, and certain public transportation projects, among others for non-motorized modes. This section would also require that States, in consultation with MPOs, develop a comprehensive carbon reduction strategy, and permits the USDOT Secretary to provide technical assistance to address this requirement.

Sec. 11404. Congestion relief program.
This section would establish a congestion relief program to provide competitive grants to States, local governments, and metropolitan planning organizations, for projects in urban areas with population of more than one million to advance innovative, integrated, and multimodal solutions to congestion relief. Program goals are to reduce highway congestion, economic and environmental costs related to congestion, and to optimize existing highway capacity and usage of transit systems that provide alternatives to highways. Grant awards would be at least $10 million for eligible projects that include planning, design, implementation, and construction activities to achieve program goals. Project eligibility would include the deployment and operation of mobility services, integrated congestion management systems, and systems that implement or enforce high-occupancy vehicle (HOV) toll lanes, cordon pricing, parking pricing, or congestion pricing. Incentive programs that encourage travelers to carpool or use non-highway travel modes are also included. The Federal cost share would not exceed 80% of the total cost of a project.

The congestion relief program would also permit the USDOT Secretary to allow the use of tolls on the Interstate Highway System as part of a project carried out with a program grant in up to 10 urban areas, subject to certain requirements.

This section would also amend section 129(a) of title 23 to require toll facilities on the Interstate System constructed or converted after the date of enactment to allow HOVs, transit, and paratransit vehicles to use the facility at a discounted toll rate or without charge unless the public authority determines that the number of such discounted vehicles would reduce the travel time reliability of the facility.

Sec. 11405. Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) program.
A wide-ranging program to provide grants for resilience improvements to address vulnerabilities due to current and future weather events, natural disasters, and changing conditions. The PROTECT program would be funded through State formula funds and competitive grants for planning and resilience improvements to protect surface transportation assets and communities. Resilience improvements are broadly defined and include facility restoration, rehabilitation, reconstruction, replacement, improvement, or realignment; floodwater mitigation measures and improvements to rainwater and stormwater management; natural infrastructure; seismic retrofits for bridges; and roadway relocations from floodplains. PROTECT's community resilience grants contain a strong emphasis on projects that strengthen and protect evacuation routes that are essential for providing and supporting evacuations caused by emergency events.

Sec. 11501. Additional deposits into the Highway Trust Fund
This section would repeal language in Title 23, United States Code related to subsequent deposits into the Highway Trust Fund after enactment of the FAST Act. Since the IIJA bill authorizes funding for Federal-aid highway and highway safety programs for fiscal years 2022 through 2026, there is no need for additional funding to be automatically authorized.

Sec. 11503. Transfer and Sale of Toll Credits –
This section would create a toll credit pilot program. The stated purpose of the program is to: (1) to identify the extent of the demand to purchase toll credits; (2) to identify the cash price of toll credits

through bilateral transactions between States; (3) to analyze the impact of the purchase or sale of toll credits on transportation expenditures; (4) to test the feasibility of expanding the pilot program to allow all States to participate on a permanent basis; and (5) to identify any other repercussions of the toll credit exchange.

Sec. 11504. Study of impacts on roads from self-driving vehicles.
A study is proposed on the existing and future impacts of self-driving vehicles to transportation infrastructure, mobility, the environment, and safety to assess impacts on interstate highways, urban and rural roads, congested corridors, and transportation systems optimization. USDOT will convene and consult with a panel of national experts including Interstate system operators, States and State DOTs, MPOs, motor carriers, public transportation operators, highway safety and academic groups, nonprofit entities with experience in transportation policy, vehicle manufacturers and technology developers, environmental interests, and National Laboratories.

Sec. 11510. Cybersecurity tool; cyber coordinator.
FHWA would be required to develop a tool to assist transportation authorities in identifying, detecting, protecting against, responding to, and recovering from cyber incidents. The tool would use the cybersecurity framework established by the National Institute of Standards (NIST). FHWA would also establish a role of ‘‘cyber coordinator’’ to centralize monitoring, alerting, and advising transportation authorities of cyber incidents.

Sec. 11511. Report on emerging alternative fuel vehicles and infrastructure.
USDOT would be required to issue a report within one year of enactment that may help guide future adoption and supporting infrastructure investment for alternatively-fueled vehicles using hydrogen, natural gas, or propane. The report would evaluate projections for potential locations of emerging alternative fuel vehicle owners during a 5-year period to understand infrastructure needs, areas that may impede deployment and adoption, and allow States to evaluate different adoption and use scenarios. Some IBTTA operator members with legacy tunnel facilities and ventilation systems have cited certain alternative fuels as concerns for infrastructure protection and traveler safety.

Sec. 11523. Over-the-road bus tolling equity.
The IIJA bill reaffirms provisions of current law that over-the-road bus services must be extended the same toll rates as public transportation vehicles, meaning toll facility operators shall not distinguish tolls between public commuter service provider and private intercity operators. New federal reporting and auditing measures have been added to ensure compliance.

Sec. 11527. Blood transport vehicles.
This section would add the ability for blood transport vehicles that are transporting blood between a collection point and a hospital or storage center to use HOV facilities if the facility operators establish requirements for clearly identifying such vehicles.

Sec. 12001. Transportation Infrastructure Finance and Investment Act (TIFIA)
This section would make several changes to the TIFIA program. The section would: extend the timeframe for financial close and obligation of credit assistance to not later than 5 years after entering into a TIFIA master credit agreement; add TIFIA eligibility for certain economic, commercial and residential development projects, airport-related projects and wildlife/habitat conservation projects;

amend creditworthiness requirements; provide additional flexibility for the use of excess revenue; and provide certain conditions for secured loan application processing and to expedite TIFIA decisions.

Sec. 13001. Strategic innovation for revenue collection.

The Surface Transportation System Funding Alternatives Program is reconstituted as the Strategic Innovation for Revenue Collection Program and would continue to test the feasibility of road-usage charges and other user-based alternative revenues to address the long-term solvency of the Highway Trust Fund, through state, local and regional pilot projects. The federal share is increased from 50% to 80% for entities that have not previously received a grant and to 70% for entities that have received grants previously. Eligible entities for funding would include States or groups pf States, local governments, and MPOs. A total of $15 million in grants would be available each year in fiscal years 2022-2026.

Sec. 13002. National motor vehicle per-mile user fee pilot.

A National Motor Vehicle Per-Mile User Fee Pilot Program is established to demonstrate a national VMT user fee in all fifty states, the District of Columbia, and the Commonwealth of Puerto Rico. The pilot would establish per-mile user fees for passenger motor vehicles, light trucks, and medium- and heavy-duty trucks, corresponding to estimated impacts on infrastructure, safety, congestion, and the environment by different vehicle types and weights. The program would establish a Federal System Funding Alternative Advisory Board that highlights toll operators as potential members. The Board will advise on the structure, scope, and methodology for developing and implementing the pilot program, carrying out the public awareness campaign, and developing a report to Congress on whether motor vehicle per-mile user fees can maintain the long-term solvency of the Highway Trust Fund, estimates of administrative costs of collection, privacy provisions to road users , and equity impacts of the pilot program. A total of $10 million in grants would be available each year in fiscal years 2022-2026.

Sec. 13003. Performance management data support program.

This section would extend authorization and funding for FHWA to develop, use, and maintain data sets and data analysis tools to MPOs and States in carrying out performance management analyses and requirements. A national performance management program would provide information to help Federal, State, and local governments and others in their decision-making as they consider strategic transportation investments and policies.

Sec. 13004. Data integration pilot program.

The IIJA bill would authorize an appropriation of $2.5 million annually from the General Fund in 2022 through 2026 to research and develop models that integrate real-time information, including weather conditions, roadway conditions, and information from emergency responders. This section would authorize USDOT to provide tools to help make decisions affecting safety, resiliency, and vulnerability threats.

Sec. 13005. Emerging technology research pilot program.

This section would create a pilot program for research of emerging technologies (e.g., 3-D printing), and activities to reduce impacts on pavement and infrastructure performance and improve transportation infrastructure design. Funding of $ 5 million per year through appropriation from the General Fund for 2022-2026.

Sec. 13006. Research and technology development and deployment.
This section would support research on non-market ready technologies with public and private entities. It would establish a research proposal pilot program with grants for proposals to research needs or challenges determined important by USDOT. This section supports the Technology and Innovation Deployment Program, adding attention on market readiness, and would increase funding, including $100 million for new construction technologies for smarter, accelerated project delivery. This section also supports the Accelerated Implementation and Deployment of Pavement Technologies program and adds pavement-related considerations to address environmental and sustainability outcomes. The modified Advanced Transportation Technologies and Innovative Mobility Deployment program would include intermodal connectivity and a new Center of Excellence on New Mobility and Automated Vehicles would research the impact of automated vehicles and new mobility solutions.

Sec. 13007. Workforce development, training, and education.
This section would allow States greater flexibility to address surface transportation workforce development, training, and education needs, including activities to address current workforce gaps, such as work on construction projects. The bill adds flexibility for States to obligate funds for apprenticeships, on-the-job training, and vocational school support, and also would expand eligibility of educational institutions beyond institutions of higher education.

Sec. 21104. Improving State Freight Plans
This section would require: additional elements to be included in a state freight plan; various assessments of commercial and rest facilities for commercial vehicles and a USDOT study related to preparing to supply power to applicable electrical freight infrastructure and safely integrating freight into intelligent transportation systems.

Sec. 21105. Implementation of National Intermodal Freight Network
This section would require a USDOT report to Congress related to the designation of a National Intermodal Freight Network.

Sec. 21106. Multi-state Freight Corridor Planning
This section would create a process for states to enter into or plan to enter into multi-State freight corridor compacts and provides for incentive grant funding to establish such compacts.

Sec. 23003. Combatting human trafficking.
This section would add methods and activities to combat human trafficking to the Motor Carrier Safety Assistance Program and makes such activities eligible for funding.

Sec. 23020. Report on Human Trafficking Violations Involving Commercial Vehicles.
This section would require the USDOT Secretary and Attorney General to report to Congress on human trafficking violations involving commercial vehicles and recommendations for combatting human trafficking.

Sec. 25006. Electric vehicle working group.
This section would establish an Electric Vehicle Working Group under the direction of USDOT and the US Department of Energy composed of twenty-five national experts including federal and non-federal stakeholders. The group would produce three reports within five-and-a half years addressing analysis and recommendations on the barriers and opportunities to scaling up electric vehicle adoption,

examples of successful public and private models, an analysis of current efforts to overcome the barriers, and analysis of the estimated costs and benefits of any recommendations.

Sec. 25007. Risk and system resilience.
In consultation with Federal, State, and local agencies, USDOT would develop a process to quantify annual risk to increase system resilience on the surface transportation system. Objectives would address resilience to threat probabilities by type of hazard and geographic location, resilience to asset vulnerabilities for each applicable threat, and anticipated consequences from each threat to each asset.

Sec. 30005. Fixed guideway capital investment grants.
This section would change the Small Start Projects Program project eligibility thresholds for fixed guideway projects to allow federal assistance of less than $150 million (increased by $50 million) and total project net capital investment of less than $400 million (increased by $100 million. New performance reporting requirements would also be introduced along with new flexibility for bundling projects immediately or in the future in the application process for consideration by USDOT.

Sec. 70701. Value for Money Analysis.
This section would require a public entity intending to seek a TIFIA or RRIF loan to conduct a “value for money analysis” if the project cost exceeds $750 million.

Sec. 70801. Federal Permitting Improvement.
This section would make changes to the Federal Permitting Improvement Council related to the types of projects covered by the Council, membership on the Council, permitting schedules and stakeholder engagement with the Council.

Sec. 70914. Application of Buy America Preference.
This section would establish new federal Buy America requirements for iron, steel, manufactured products, and construction materials.

Sec. 70916. Technical Assistance Partnership and Consultation Supporting the Department of Transportation Buy America Requirements.
This section would establish a technical assistance partnership between USDOT and the Department of Commerce related to the development of a domestic supply base, compliance with Buy America laws and the encouragement of transitioning federally supported technologies into the commercial sector.

Sec. 70921. Regulations related to the Buy American Act.
This section requires rules and/or regulations to be issued within a year of enactment related to enforcing federal Buy American Act.

Sec. 70922. Amendments related to the Buy American Act.
This section would amend the Buy American Act related to the use of iron and steel manufactured in the United States.

Sec. 71001. Asset concessions.
This section would create an asset concession and innovative finance assistance program. The purpose of the program would be “to facilitate access to expert services for, and to provide grants to, eligible entities to enhance the technical capacity of eligible entities to facilitate and evaluate public-private

partnerships in which the private sector partner could assume a greater role in project planning, development, financing, construction, maintenance, and operation, including by assisting eligible entities in entering into asset concessions". Eligible entities would be able to apply for up to $2 million for technical assistance or to retain expert services to assist with a concession agreement. There is a requirement in the section that the Secretary has to ensure that as a condition of receiving a grant under this section, "for any asset concession for which the grant provides direct assistance - the terms of the asset concession shall not result in any increase in costs under the asset concession being shifted to taxpayers the annual household income of whom is less than $400,000 per year, including through taxes, user fees, tolls, or any other measure, for use of an approved infrastructure asset".