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Summary of Senate Transportation Appropriations Bill for FY 2021

On November 10, 2020, the Senate Appropriations Committee released the text of the fiscal 2021 Transportation-Housing and Urban Development (THUD) appropriations bill. The bill will serve as the starting point for negotiations between House and Senate leadership during the lame duck-session of the 116th Congress in an effort to wrap up all 12 pending appropriation bills.

In comparing the House and Senate funding levels for the Federal-aid Highway program, it is important to note that the House THUD bill was drafted assuming H.R. 2, the INVEST in American Act would become public law. However, Congress enacted a one-year flat-lined extension of surface transportation programs on October 1, 2020. The Senate THUD appropriation bill reflects that reality.

The Senate bill provides an obligation limitation on the Federal-aid Highway program of \$46.36 billion, the same as in fiscal year 2020. The funding level is consistent with the authorization extension. The House bill had a limitation of \$61.1 billion, but since the House infrastructure bill was not enacted into law, that proposed funding level is no longer valid. The Senate bill also provides an additional \$2.4 billion in highway funding above the obligation limitation with \$1.3 billion allocated to fund a bridge replacement and rehabilitation program and \$796 million allocated to each state’s highway formula funding.

Lastly, the Senate THUD bill includes \$3 million for the Airfield Asphalt Pavement Research Program and contains no pavement-type selection or pavement design mandates.

A summary of the THUD bill is [here](#). The text of the bill is [here](#). The bill report is [here](#).

Proposed Highway and Airport Funding Comparisons Under House and Senate Appropriations Bill

| | FY 2020 Enacted | FY 2021 House THUD | FY 2021 Senate THUD |
|---|--------------------|--------------------------|---------------------------|
| Federal-aid Highways - Highway Trust Fund | \$46.4b | \$61.1b | \$46.4b |
| Federal-aid Highways - General Fund | \$2.2b | \$1b | \$2.4b |
| BUILD Grants | \$1b | \$1b | \$1b |
| Airport Improvement Program – Aviation Trust Fund | \$3.35b | \$3.35b | \$3.35b |
| Airport Improvement Program - General Fund | \$400m | \$500m | \$400m |

Pavement Provisions in House DOT Appropriations Bill for FY 2021

Airport Technology

The Committee recommends \$6,000,000 for the airfield pavement technology program authorized under section 744 of Public Law 115–254, of which \$3,000,000 is for concrete pavement research and \$3,000,000 is for asphalt pavement research.

Automated Vehicles [AV] and Pavement Performance

The Committee is aware that researchers have identified a potential problem in which pavement service life is reduced due to AV systems. AVs have the potential to increase stress concentrations on pavements by operating vehicles in specific travel paths within highway lanes, rather than the more random driving paths done by human drivers, which distribute stresses over pavement on a more varied basis. The Committee commends FHWA for studying the impacts of AV's on highway infrastructure, as well as the potential needs to be considered in the design of new infrastructure. The Committee strongly encourages FHWA to complete this study and to report on its results to the House and Senate Committees on Appropriations.

Permeable Pavements

The Committee encourages the Secretary to continue to conduct structural evaluations of flood-damaged pavements, with an emphasis on local roads and highways subject to flooding and extended periods of inundation, in order to better understand the mechanisms of flood damage and how permeable pavements and other technologies might be used to prevent or re-duce damage from future flooding. The Committee also encourages the Secretary to accelerate further the ongoing research, demonstration, and deployment of permeable pavements to achieve other potential benefits, including flood mitigation, pollutant reduction, stormwater runoff reduction, environmental conservation, and resilience for both new road construction and re-reconstruction of existing roads.

Composites

The incorporation of lightweight, high-strength, corrosion-resistant, and durable composites into transportation as-sets can improve their safety and lower lifecycle costs. The Committee directs FHWA to continue funding projects under the technology and innovation deployment program that use innovative materials, including composites, in novel ways. These projects should seek to accelerate adoption of proven technologies, advance less-developed technologies, and better inform State DOTs of their benefits. As such, projects should include ongoing in-service evaluation of the demonstrated technology and dissemination of those results, including cost implications and effects on asset performance stemming from the incorporation of these technologies.

Resilient Infrastructure

In fiscal year 2018, the Committee directed the Department to produce a report which provides recommendations for States, metropolitan planning organizations, and cities to develop contextually-sensitive, resilient, Federal-aid highways and discuss cost-effective solutions for improving shoreline protections for existing highways. The Committee is disappointed that this report remains overdue and directs the Department to complete the report within 30 days of enactment of this act.

Sustainable Materials Research

The Committee is encouraged by FHWA's research on recycled concrete aggregates which absorb carbon dioxide, as well as research on materials with heightened durability, reducing the need for or frequency of reconstruction and rehabilitation, and thereby reducing carbon dioxide generation. The Committee supports this valuable and innovative research and urges the Department to continue investing research funds into these and other projects which develop sustainable materials for our Nation's roadways.

FAST Act v. THUD Appropriation

Question: Since Congress passed a 1-year extension of the FAST Act lasting through September 30, 2021, why is the FY 2021 THUD appropriation bill important?

Answer: The Federal-aid highway program is funded through contract authority paid out of the Highway Trust Fund. Contract authority authorized under the FAST Act and the current 1-year extension provides only the authority to enter into obligations, but not the authority to liquidate those obligations. The authority to liquidate obligations—to actually spend the money committed with contract authority—must be provided separately under the annual THUD appropriations bill. This liquidating authority allows FHWA to follow through on commitments already allowed under current law; it does not provide the authority to enter into new commitments for Federal spending.