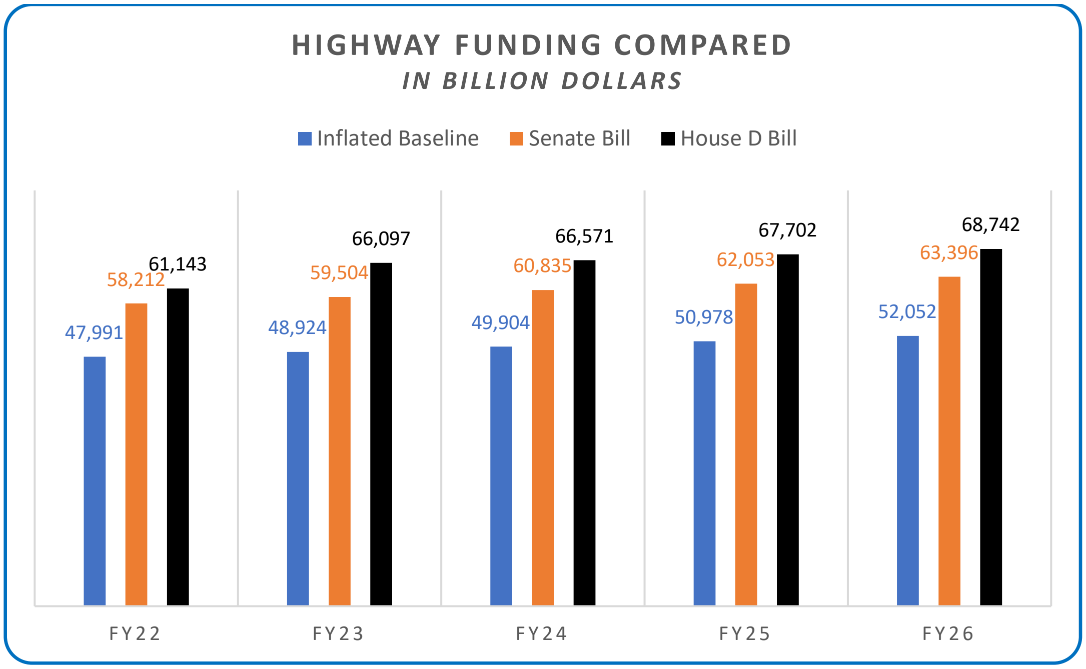
INVEST in America Act
NAPA Summary

House Democrats on June 4 introduced a 5-year, $547 billion surface transportation reauthorization bill entitled the "Investing in a New Vision for the Environment and Surface Transportation in America (INVEST in America) Act." Information on the bill can be found here: legislative text, section-by-section, and fact sheet. Other related information from the Committee is here. The bill includes $5.7 billion in highway and transit earmarks which is equal to 1.35 percent of the total contract authority provided for highways and transit. The bill does not include provisions on how to pay for the $75 billion needed to keep the Highway Trust Fund solvent through the end of FY 2026.

Highway Funding

The bill extends current highway funding investment levels, policies, and programs for one year (through FY 2022) and adds $14.7 billion more in FY 2022 to be allocated to the states and pay for earmarked special projects. Over the life of the bill, the Federal Highway Administration would receive 34% percent more funding above the baseline.



Source: Eno

Policy Provisions

The bill is an updated version of the INVEST in America Act passed by the House of Representatives during the last Congress. The emphasis continues to be the same: improve resiliency, reduce greenhouse gas emissions, focus on fix-it-first as opposed to adding capacity, and promote environmental justice throughout the bill.

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The following are some of the relevant policy proposals related to pavements:

- Adds emphasis on "fix-it-first" and resiliency into the National Highway Performance Program and would require cost-benefit analysis be conducted for any capacity-enhancement project.

- Expands Buy America requirements to include "construction materials" and directs U.S. DOT to issue regulations that will ensure the continued availability of those materials to carry out federal-aid highway projects. Also requires U.S. DOT to research supply chains and domestic availability of items covered by Buy America and establishes time frames and comment periods for reviewing and deciding on waivers. NAPA is working with the Highway Materials Group and other stakeholders to seek an exemption for aggregates, asphalt, and cement.

- Reauthorizes the Accelerated Implementation and Deployment Pavement Technologies Program (AID-PT) at $12 million annually and adds a new focus area: deploying pavement technologies that reduce GHG emissions.

- Allows states to increase the federal share of projects that use contractual provisions that provide safety contingency funds to incorporate safety enhancements to work zones prior to or during roadway construction and maintenance activities.

- Establishes a working group through U.S. DOT to "assess the availability of certain transportation-related construction materials." This provision is drafted to assess aggregate supply in the U.S.

- Establishes a new program to award grants of $2m - $4m to universities to research reducing GHG emissions in highway construction materials during the production and construction process.

- Includes a non-binding provision that "states should utilize life-cycle cost analysis to evaluate the total economic cost of a transportation project over its expected lifetime."

- Directs U.S. DOT to review the procurement processes used by state DOTs to select construction materials for federal-aid highway projects. This language as added by Rep. Rouda (D-CA) and Babin (R-TX) who have introduced legislation on the topic.

- Creates a "carbon pollution reduction apportionment (formula) program," where states are rewarded or penalized based on annual greenhouse gas (GHG) emissions on their public roads. The focus of this program is to reduce "tailpipe emissions." NAPA is working to ensure State DOT's have the flexibility to use the program to fund paving projects using materials that reduce GHG emissions.

- Requires states DOTs and Metropolitan Planning Organizations (MPOs) to consider climate and equity in transportation plans. The bill also establishes new performance measures for evaluating climate and equity impacts of new transportation projects.

- Increases the required amount of insurance for commercial motor vehicles from $750,000 to $2 million.