

Summary of Highway Provisions H.R. 133, the Consolidated Appropriations Act, 2021

After months of negotiations, Congressional leadership reached agreement on a massive legislative package (H.R. 133, Consolidated Appropriations Act, 2021) that combines an FY 2021 omnibus appropriations bill that funds the federal government through September 2021, and a \$900 billion supplemental coronavirus package that includes crucial assistance in aid for the transportation sector as well as other industries struggling amid the pandemic. The bill text is [here](#).

On December 21, the U.S. House of Representatives, followed by the U.S. Senate, passed the bill by overwhelming margins, just hours after lawmakers got their first look at the bill text. The [House vote was 259-53](#), while the [Senate approved the bill on a 92-6 margin](#). On December 27, 2020, President Trump signed the Consolidated Appropriations Act, 2021 into Public Law.

The bill is divided into 30 divisions. *Division L – Transportation, Housing and Urban Development (THUD) Appropriations Act, 2021*, and *Division M – Additional Coronavirus Response and Relief*, are the two sections that address highway and airport construction markets.

Division L – THUD Appropriations Act, 2021

The final bill contains, in Division L, the funding levels for contract authority programs prescribed by the 2021 FAST Act extension and the 2018 Federal Aviation Administration (FAA) reauthorization law. The explanatory statement for that part of the bill is [here](#). The funding levels for key programs are provided in the table below:

Funding Levels Provided by Division L THUD Appropriations Act FY 2021

	FY 2020 Enacted	FY 2021 Final	Explanation
Federal-aid Highways – Highway Trust Fund	\$46.4b	\$46.4b	Same as FY 2020 and as authorized in the 1-year FAST Act extension.
Federal-aid Highways – General Fund	\$2.2b	\$2b	\$1b for a risk-based bridge rehabilitation and reconstruction program; \$640m to support alternative fuel corridors; \$100m for Appalachian highways; \$100m for Federal Lands; \$50m for grade crossings, \$16m to revitalize the National Scenic Byways program; and \$2.7m for Puerto Rico highways.

National Infrastructure Investments (BUILD) Grants	\$1b	\$1b	Grants awarded by the U.S. DOT for projects that have a significant local or regional impact. The bill ensures parity between urban and rural grants and allows for cost-share waivers for grants in rural and persistent poverty areas. It also includes \$30 million for planning grants.
Airport Improvement Program – Aviation Trust Fund	\$3.35b	\$3.35b	Same as FY 2020 and as authorized in the FAA Reauthorization law. This program has been frozen at this funding level for the last 12 years.
Airport Improvement Program – General Funds	\$400m	\$400m	Additional FAA grants for airport construction projects.

Other Provisions in Division L

Recycled Plastic Materials in Transportation – The bill provides \$800,000 for the US DOT Secretary to conduct a study through the Transportation Research Board on the use of recycled plastic materials in asphalt mixtures.

Airport Technology – The bill provides \$6,000,000 for the airfield pavement technology program, of which \$3,000,000 is for asphalt pavement research and \$3,000,000 is for concrete pavement research.

Materials for Highway Construction

- The agreement directs the FHWA to work with the U.S. Geological Survey to ensure information on, and access to, efficient and environmentally-friendly aggregates are readily available in order to work with stakeholders to further the use of reclaimed asphalt, concrete materials, and virgin aggregates.
- The agreement directs the Department to continue funding projects under the technology and innovation deployment program that uses innovative materials including composites, recycled concrete aggregates, and sustainable materials with heightened durability.
- The agreement continues to encourage the Department to support materials with neutral decisions that do not promote or provide preference for specific building materials.

Resilient Infrastructure – The bill provides \$1 million to support technical assistance, training, and research development for resilient infrastructure, building upon the [Transportation Resilience Metrics Study](#) initiated in 2020.

Automated Vehicles and Pavement Performance – The bill encourages FHWA to complete its study on the impacts of AVs on highway infrastructure, as well as the potential needs to be considered in the design of infrastructure, and to report its results to Congress.

Timber Bridge Initiative – The bill urges the Department of Transportation to collaborate with other Federal agencies for deploying mass timber into highway and bridge systems, as well as inform states and local entities of the advantages of using these materials as they make engineering decisions for Federal-aid projects.

Division M – Coronavirus Response and Relief Supplemental Appropriations Act, 2021

H.R. 133 contains another package of COVID aid totaling around \$900 billion, with the final agreement providing \$45 billion in transportation-specific aid for various sectors including air carriers, airports, Amtrak, mass transit providers, and state DOTs. For highway and airport sectors, the bill distributes the funding as follows:

**Funding Levels Provided by Division M
Coronavirus Response and Relief Supplemental Appropriations Act, 2021**

	FY 2021 Final	Explanation
Highway Infrastructure Programs	\$10 billion	Of the \$10b, \$9.8b is to be allocated to state DOTs through the Surface Transportation Block Grants program, while \$115m is for the Tribal Transportation Program, \$36m is allocated to the Puerto Rico Highway Program, and \$9m for the Territorial Highway Program. The funds are provided to state DOTs in the same distribution formula as the obligation limitation for FY 2021 within 30 days of enactment. Grantees may use funds for costs related to preventative maintenance, operations, personnel, debt service payments and coverage for other revenue losses. The Federal share of the costs shall be up to 100%.
Grants-in-Aid for Airports	\$2 billion	Of the \$2b, \$1.75b is for direct grants to commercial service airports, \$200m is for airports to provide relief to concessionaires from rent and minimum annual guarantee payments, \$45m is for general aviation airports, and \$5m is for small communities to help address air service issues. Funds are targeted specifically to help keep airports open and can only be used for operations, personnel, cleaning, and debt service. The Federal share of the costs is 100%.

An estimate of how the \$9.8 billion in coronavirus funds will be allocated to state transportation departments can be downloaded [here](#).

For more information on H.R. 133, please contact [Ashley Jackson](#), Senior Director of Government Affairs or [Jay Hansen](#), Executive Vice President – Advocacy.