

Bipartisan Infrastructure Law and the Federal Highway Administration Maryland Division

CEAM

September 2023



U.S. Department of Transportation
Federal Highway Administration

Disclaimer

Except for any statutes or regulations cited, the contents of this presentation do not have the force and effect of law and are not meant to bind the public in any way. This presentation is intended only to provide information to the public regarding existing requirements under the law or agency policies.

FHWA is the source of all images in this presentation unless otherwise indicated.

James Peratino, PE

- 4 Years in Private Sector
 - Geotech and Environmental Firm in Maryland
- 12 Year for PennDOT
 - Construction, Maintenance, Design and Bridge Inspection
- 2.5 Years FHWA
 - Discretionary Grants Program Manager, Transportation (Area) Engineer



Overview

- BIL Funding
- Public Resources
- Discretionary Grant Preparation Checklist
- Organizational Structure of FHWA
- Post Award Process - Role of FHWA Maryland Division Office



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Bipartisan Infrastructure Law (BIL) and the Federal Highway Administration Maryland Division



What is BIL?

BIL is the Bipartisan Infrastructure Law from the IIJA, which is the Infrastructure Investment and Jobs Act

- \$1.2 Trillion for new infrastructure
 - IIJA - PUBLIC LAW 117–58, 135 STAT. 429 Public Law (1039 Pages)
 - passed NOV. 15, 2021 by the 117th Congress
 - [PUBL058.PS \(congress.gov\)](#)
- BIL – USDOT
 - [Bipartisan Infrastructure Law Grant Programs | US Department of Transportation](#)

Breakdown

\$274 Billion (B) New Funding to USDOT

- 25% Formula Grants, 35% Highway Trust Fund, 40% Competitive Grants
 - ~\$125 B Nationwide; ~\$25 B per Year
 - If traditional Formula funds, small fraction (~2% for Maryland)
 - Competitive Grants are competitive
 - SS4A FY22 Round for Maryland
 - 5.4% of \$800M; \$42.9M
 - Implementation – 8.1% (3 of 37)
 - \$2.6B Apps; \$590M Awards (23%)

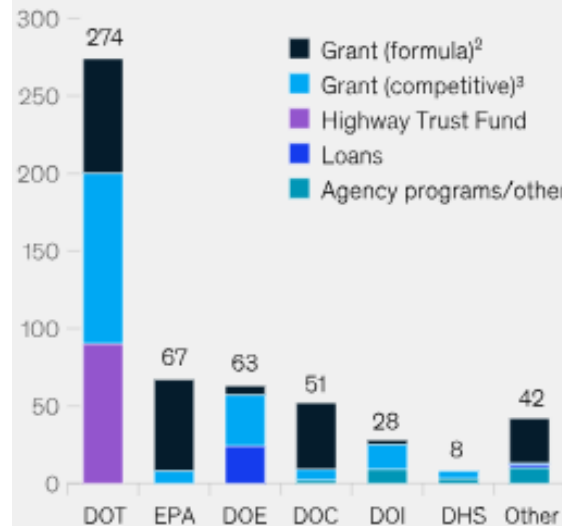


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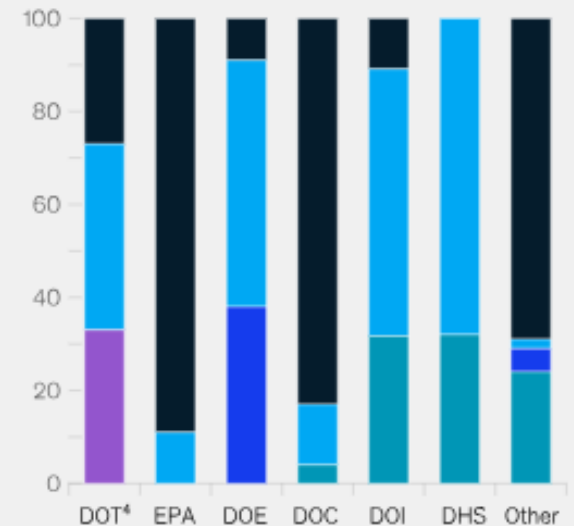
The Department of Transportation will direct more than half of all new funding under the US Bipartisan Infrastructure Law.

Bipartisan Infrastructure Law (BIL) new funding, by federal department¹

Funding type, \$ billion



Funding type, % share



Note: Numbers may not sum to 100%, because of rounding.

¹Agencies: DOT = Department of Transportation; EPA = Environmental Protection Agency; DOE = Department of Energy; DOC = Department of Commerce; DOI = Department of the Interior; DHS = Department of Homeland Security. *Other* includes Department of Agriculture, Federal Communications Commission, and Department of Health & Human Services.

²Grants given to state and local governments based on set formulas and metrics (eg, population size, miles of road).

³Grants awarded to state and local governments based on a competitive application process.

⁴Includes funding for federal-agency procurements and operations (eg, Department of Interior western water projects).

Source: CBO estimates of appropriations and outlays; Infrastructure Investment and Jobs Act of 2021, H.R. 3684, 117th Cong. (2021)



So How to Get a Slice of the Pie?

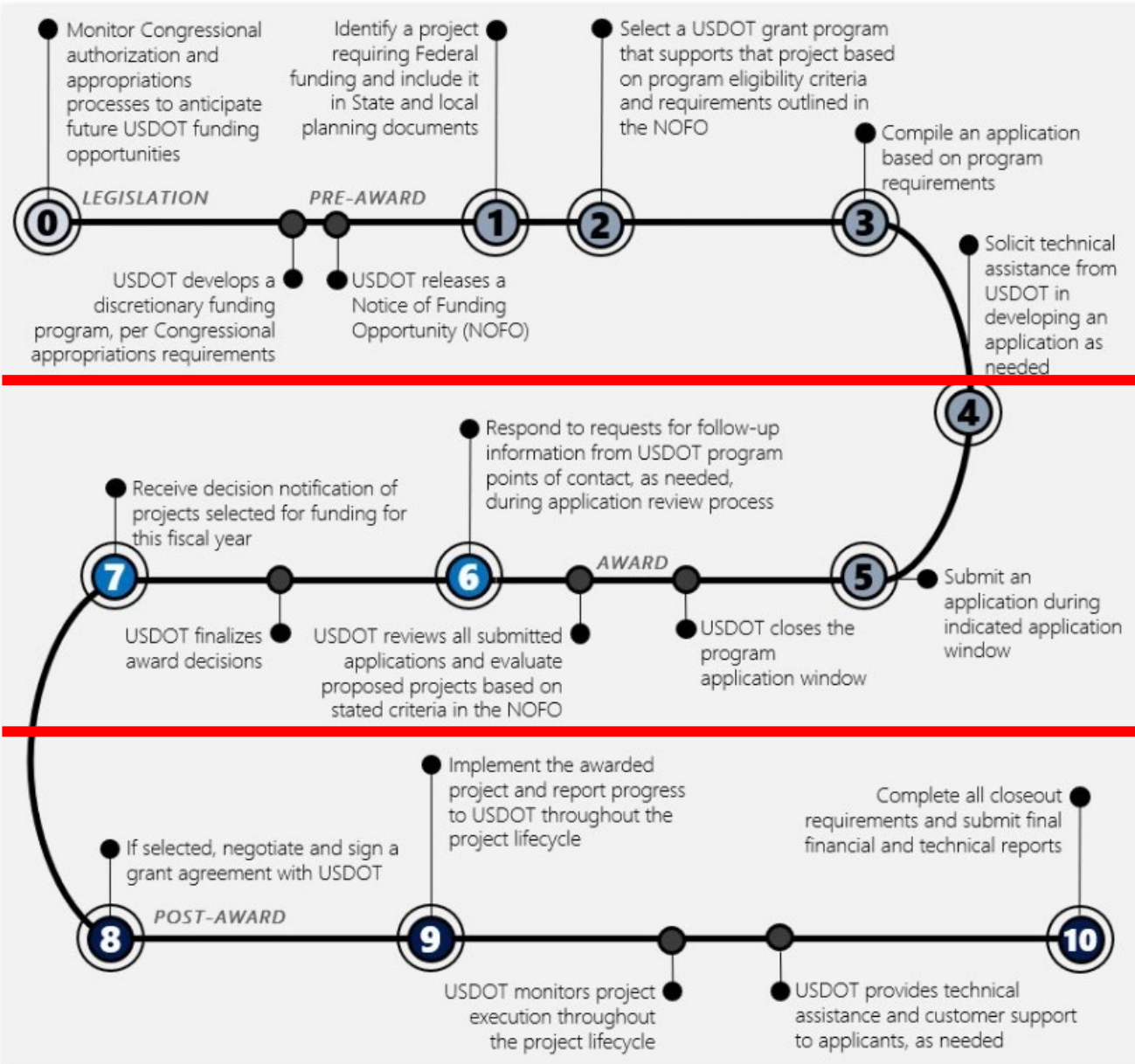
Another Disclaimer

- Due to the competitive nature of discretionary grants, The Maryland Division Office cannot provide any potential recipients with an unfair advantage in the preparation of a grant application.
- Division Office can point you to already public information
- Read the NOFO
- Read the NOFO
- Read the NOFO



APPLICANT ROADMAP KEY

■ Legislation ■ Pre-Award ■ Award ■ Post-Award ① Applicant Activities ● USDOT Activities



Local Applicant & State DOT

FHWA HQ Program and Contract Office

FHWA Division Office



U.S. Department of Transportation
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Grant Programs



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Federal Highway Administration

Non-State DOT recipients Only (2 CFR 200)

These are programs that are governed by 2 CFR and do not have most of the Title 23.

Non-State DOT recipients Only (23 CFR)

These are programs that are governed by an abbreviated Title 23, as some regulations only apply to the State DOT.

Non-State DOT and pass through recipients

These programs give the recipient's the choice. Whenever the State DOT pass through is an option, we recommend it, as this allows recipients to piggyback off the efficiencies of decades of approved standards, policies and procedures already in place.

State DOT pass through recipients only

These programs require the recipient to use the State DOT as a pass through.

Grant Programs



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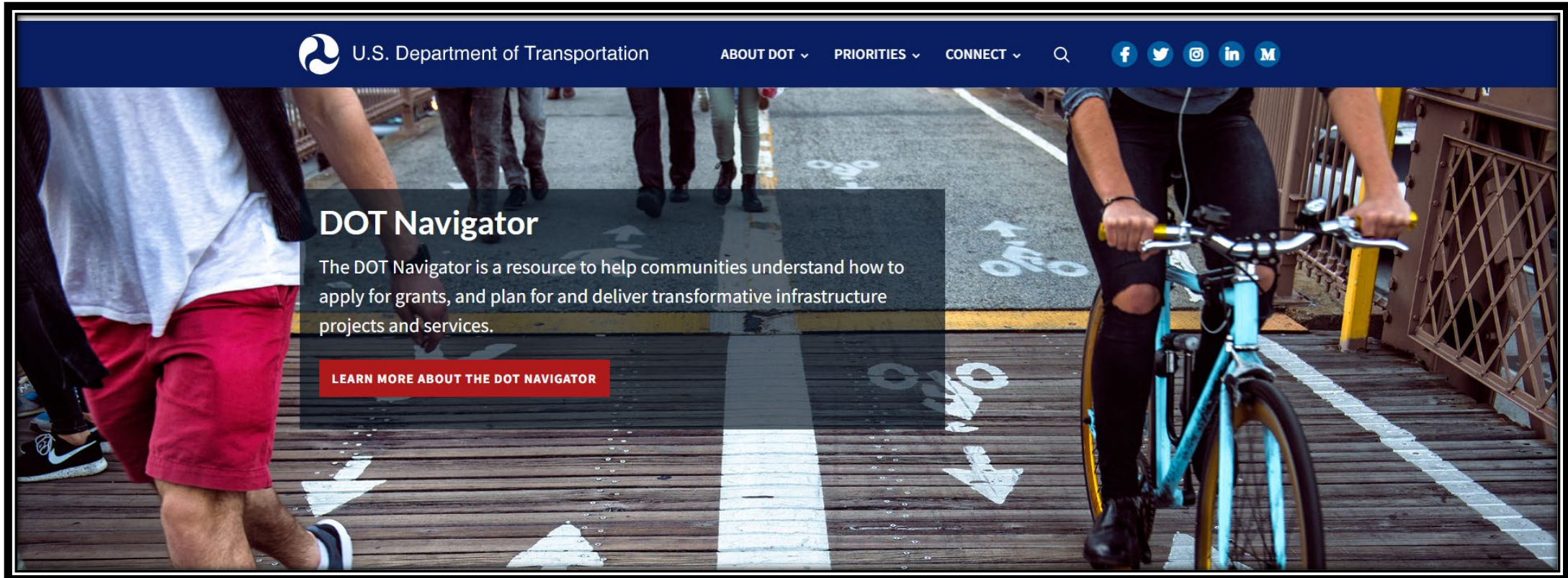
✓ BUDGET FOR AND SECURE YOUR NON-FEDERAL MATCH

- A condition of most DOT programs require a **minimum** 10% or 20% non-Federal match
- The Grant Recipient will certify in their Grant Agreement that they have committed funding for the ENTIRE grant project
- DOT Navigator provides additional information on non-Federal match



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DOT Navigator




<https://www.transportation.gov/dot-navigator>



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DOT Discretionary Grants Dashboard

 U.S. Department of Transportation ABOUT DOT ▾ PRIORITIES ▾ CONNECT ▾ 🔍 📘 🐦 📷 🌐 📺

Grant Application Resources >

Funding and Match Requirements >

Webinars

Bipartisan Infrastructure Law Funding

Find Transportation Contacts Near You

ROUTES Home

Related Links

Eligible Activities

Eligible Applicants

Agency/Office

Transportation Type

Match Waiver **Rural Set-Aside** **Tribal Set-Aside** **Status**

Keywords

Apply

<https://www.transportation.gov/grants/dashboard>



Tips for FY 2023 DOT Grant Application success

1. Coordinate Between Agencies and Stakeholders
2. Get Familiar with the DOT Calendar of Funding Opportunities
<https://www.transportation.gov/bipartisan-infrastructure-law/key-notice-funding-opportunity>
3. Budget for and Secure Your Non-Federal Match
<https://www.transportation.gov/grants/dot-navigator/understanding-non-federal-match-requirements>
4. Ensure Your Project Is on the TIP/STIP*
 - Maryland STIP - <https://www.mdot.maryland.gov/tso/pages/Index.aspx?PageId=117>
5. Get Ready to Apply for and Administer Federal Funding
<https://www.transportation.gov/grants/dot-navigator/federal-funding-right-fit-my-organization>

*Most Grant Programs



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Tips for FY 2023 DOT Grant Application success

6. Know Your Justice40 Designated Census Tracts
<https://www.transportation.gov/equity-Justice40>
7. Prepare Your Capital Project's Benefit-Cost Analysis
<https://www.transportation.gov/grants/dot-navigator/what-is-a-benefit-cost-analysis>
8. Budget for Meaningful Public Involvement
<https://www.transportation.gov/priorities/equity/promising-practices-meaningful-public-involvement-transportation-decision-making>
9. Build a Strong Workforce Development and Labor Plan
<https://www.transportation.gov/grants/dot-navigator/grant-application-checklist-for-strong-workforce-and-labor-plan>
10. Understand NEPA and Other Federal Requirements as You Consider Whether to Seek Funding



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Tips for FY 2023 DOT Grant Application success

10. Understand NEPA and Other Federal Requirements as You Consider Whether to Seek Funding

- NEPA https://www.environment.fhwa.dot.gov/nepa/nepa_projDev.aspx
- Title VI https://www.fhwa.dot.gov/civilrights/programs/title_vi/
- ADA <https://www.fhwa.dot.gov/civilrights/programs/ada/>
- Davis Bacon Act <https://www.fhwa.dot.gov/construction/cqit/dbacon.cfm>
- Buy America <https://www.transportation.gov/office-policy/transportation-policy/made-in-america>
- ROW https://www.fhwa.dot.gov/real_estate/local_public_agencies/lpa_guide/



Discretionary Grant Preparation Checklist for Prospective Applicants



Federal Transportation Funding: Fiscal Year 2023 Discretionary Grant Preparation Checklist for Prospective Applicants

Over \$32 billion is available to the U.S. Department of Transportation (DOT) in new fiscal year 2023 Budget Authority to provide competitive grant funding to local governments, metropolitan planning organizations, transit agencies, Tribal governments, U.S. Territories, and state departments of transportation. Some grant programs created in the Bipartisan Infrastructure Law (BIL) are also available to non-profit organizations, academic institutions, and private businesses that are doing work to advance community infrastructure projects, improve safety and economic development, or help to transition to a clean energy and more climate resilient future.

This checklist was created by DOT to help local governments prepare for the year ahead and chart a strategic pathway to take advantage of these historic infrastructure investments to build good projects well. Except for any statutes and regulations cited, the contents of this document do not have the force and effect of law and are not meant to bind prospective applicants or the public in any way. This document is intended only to provide clarity regarding existing requirements under the law or agency policies.

Preparation Tips for FY 2023 DOT Grant Application Success

- 1. Coordinate Between Agencies and Stakeholders.** Within your local government, ensure that finance, procurement, planning, and public works departments are working in alignment to submit grant applications, successfully execute grant agreements, and deliver projects. This requires early and continuous coordination between local government and community stakeholders and with regional and state or other third-party implementation partners to ensure that projects are set up for success.
- 2. Get Familiar with the [DOT Calendar of Funding Opportunities](#)** to see when different programs will be open and closed for applications.
 - Review NOFOs carefully. Each program's Notice of Funding Opportunity (NOFO) typically provides additional resources, webinars, and frequently asked questions specific to that program to provide information on program eligibility, grant application requirements, and other useful information. The program page may also contain information on past grant recipients to help better understand the types of projects and applications selected for funding in previous years.
 - Prioritize and align projects and applications. It may not serve your community well to submit multiple applications for a single Notice of Funding Opportunity such that you are competing against yourself. Think about which projects may be the readiest for funding, which may be the highest priority based on locally defined needs, or which may be the best fit for Federal funding versus other types of local or state funding.
 - Check out the [ROUTES Applicant Toolkit for Competitive Funding Programs at USDOT](#). Created for rural applicants, this toolkit is useful to any organization unfamiliar with the DOT grant process.

<https://www.transportation.gov/grants/dot-navigator/fy-2023-discretionary-grant-preparation-checklist-pdf>



- Read the NOFO
- Read the NOFO
- Read the NOFO



Maryland State Fact Sheet

INVESTING IN AMERICA

President Biden's Bipartisan Infrastructure Law is Delivering in Maryland

As of August 2023

The Biden-Harris Administration has hit the ground running to implement the Bipartisan Infrastructure Law, and it is already delivering results for the people of Maryland. To date, \$3.3 billion in Bipartisan Infrastructure Law funding has been announced and is headed to Maryland with over 98 specific projects identified for funding. Since the Bipartisan Infrastructure Law passed, approximately \$2.5 billion has been announced for transportation – to invest in roads, bridges, public transit, ports and airports – and roughly \$307 million has been announced for clean water. Maryland received \$267.7 million to connect everyone in the state to reliable high-speed internet and, as of today, more than 247,000 Maryland households are already saving on their monthly internet bill due to the Bipartisan Infrastructure Law. Many more projects will be added in the coming months, as funding opportunities become grant awards and as formula funds become specific projects. By reaching communities all across Maryland – including rural communities and historically underserved populations – the law makes critical investments that will improve lives for Marylanders and position the state for success.

Roads and Bridges: In Maryland, there are 251 bridges and over 2,261 miles of highway in poor condition. The Bipartisan Infrastructure Law will rebuild our roads and includes the single largest dedicated bridge investment since the construction of the interstate highway system. Based on formula funding alone, Maryland is expected to receive approximately \$4.7 billion over five years in federal funding for highways and bridges.

- **Announced funding to date:** To date, \$2 billion has been announced in Maryland for roads, bridges, roadway safety, and major projects. This includes:
 - \$1.7 billion in highway formula funding and \$176.3 million in dedicated formula funding for bridges in 2022 and 2023.
 - \$71.5 million through the RAISE program in 2022 and 2023.

Announced Bipartisan Infrastructure Law funding is as of August 7, 2023

<https://www.whitehouse.gov/wp-content/uploads/2023/08/Maryland-Fact-Sheet-August.pdf>

MY CONTACT INFORMATION IF YOU
NEED HELP IN COMPLETING YOUR
DISCRETIONARY GRANT APPLICATION IS:



U.S. Department of Transportation
Federal Highway Administration





U.S. Department of Transportation
Federal Highway Administration

Sean Winkler

Manager, Federal Infrastructure Strategy

Maryland Department of Transportation – The Secretary’s Office

Email: Swinkler1@mdot.maryland.gov

Phone(s): 410-865-1158

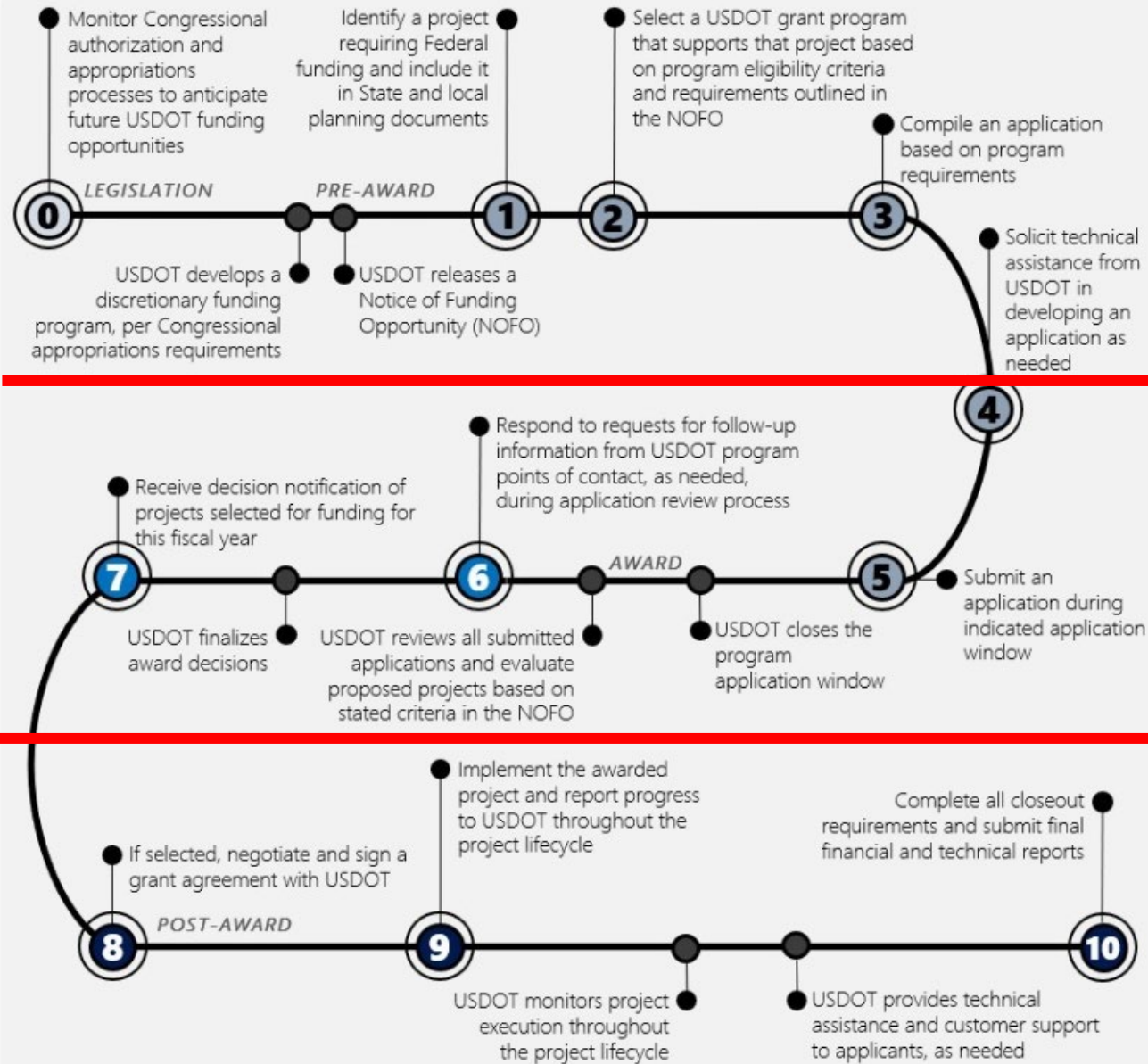
Sean Winkler serves as Manager, Federal Infrastructure Strategy at the Maryland Department of Transportation (MDOT). He works across MDOT’s six modal agencies to develop strategic federal funding pursuits and comprehensively track Infrastructure Investment and Jobs Act (IIJA) and Inflation Reduction Act (IRA) federal discretionary opportunities. In addition, Sean leads outreach efforts to local units of government in Maryland to share information, coordinate local and State federal funding opportunities and provide technical guidance and support.

MDOT grants website (join the mailing list)
[Federal Grant Information - MDOT \(maryland.gov\)](#)

MDOT created a playlist of videos discussing Discretionary Grants and updates it regularly.
[MDOT Grant Resources – YouTube](#)

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Federal Highway Administration

Organizational Structure of FHWA

- Office of the Secretary of Transportation (OST)
- Headquarters (HQ)
- The Division Office



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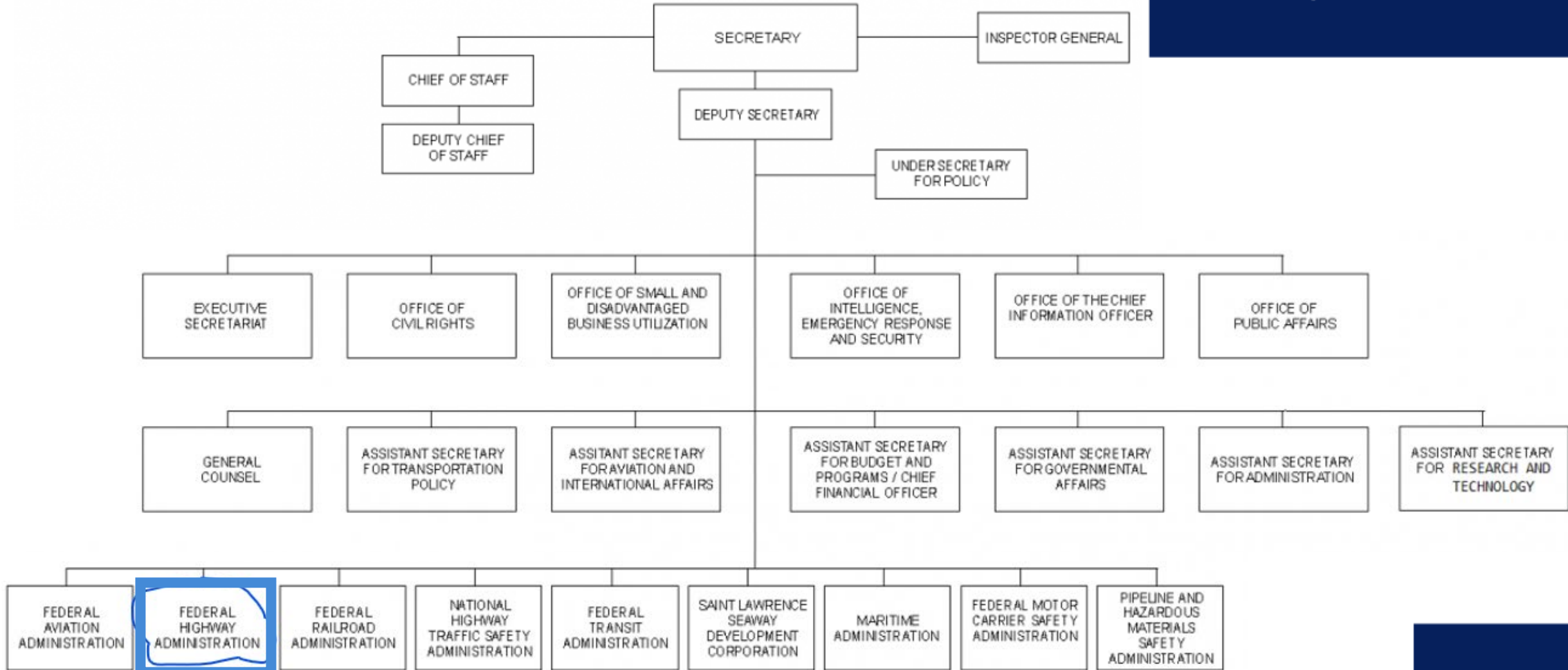


OST



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DEPARTMENT OF TRANSPORTATION



OST: <https://www.transportation.gov/sites/dot.gov/files/DOT-Org-Chart-2017.png>

HQ



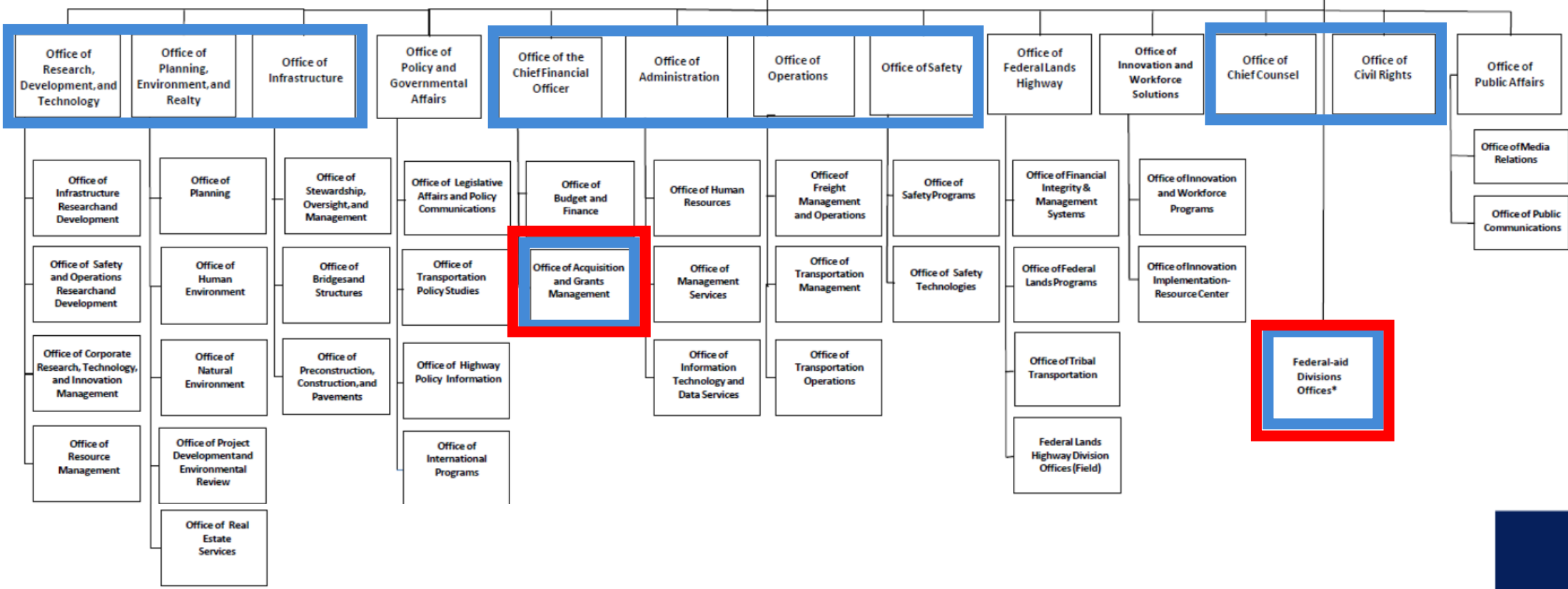
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Directors of Field Services*

Office of the Administrator*

ITS Joint Program Office**

Assistant Secretary for Research and Technology





- Read the NOFO
- Read the NOFO
- Read the NOFO



Maryland Division



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Home

Staff Directory

Visitor Information

Traffic & Road Closure Information

Maryland Department of Transportation

Welcome to the FHWA Maryland Division

The Federal Highway Administration (FHWA) Maryland Division is the Maryland local field office that provides leadership, guidance, and direction to the Maryland Department of Transportation in the project development and delivery of highway transportation projects. Working collaboratively with our State and local partners, the Maryland Division ensures that Maryland's roads, bridges, and tunnels are safe and continue to support economic growth and environmental sustainability. Additionally, to ensure accountability, the Maryland Division works with the State and locals to develop, track, and analyze activities and recommend innovative techniques and strategies to improve the performance and safety of the transportation system. The Maryland Division is also responsible for working with State and local Departments of Transportation to ensure that Maryland's strategic investments preserve and modernize the U.S. highway system and promote citizen safety.

Contact Info

FHWA – Maryland Division
George H. Fallon Federal Building
Federal Highway Administration
31 Hopkins Plaza, Suite 1520
Baltimore, MD 21201
Phone: (410) 962-4440
Main Fax: (410) 962-4054

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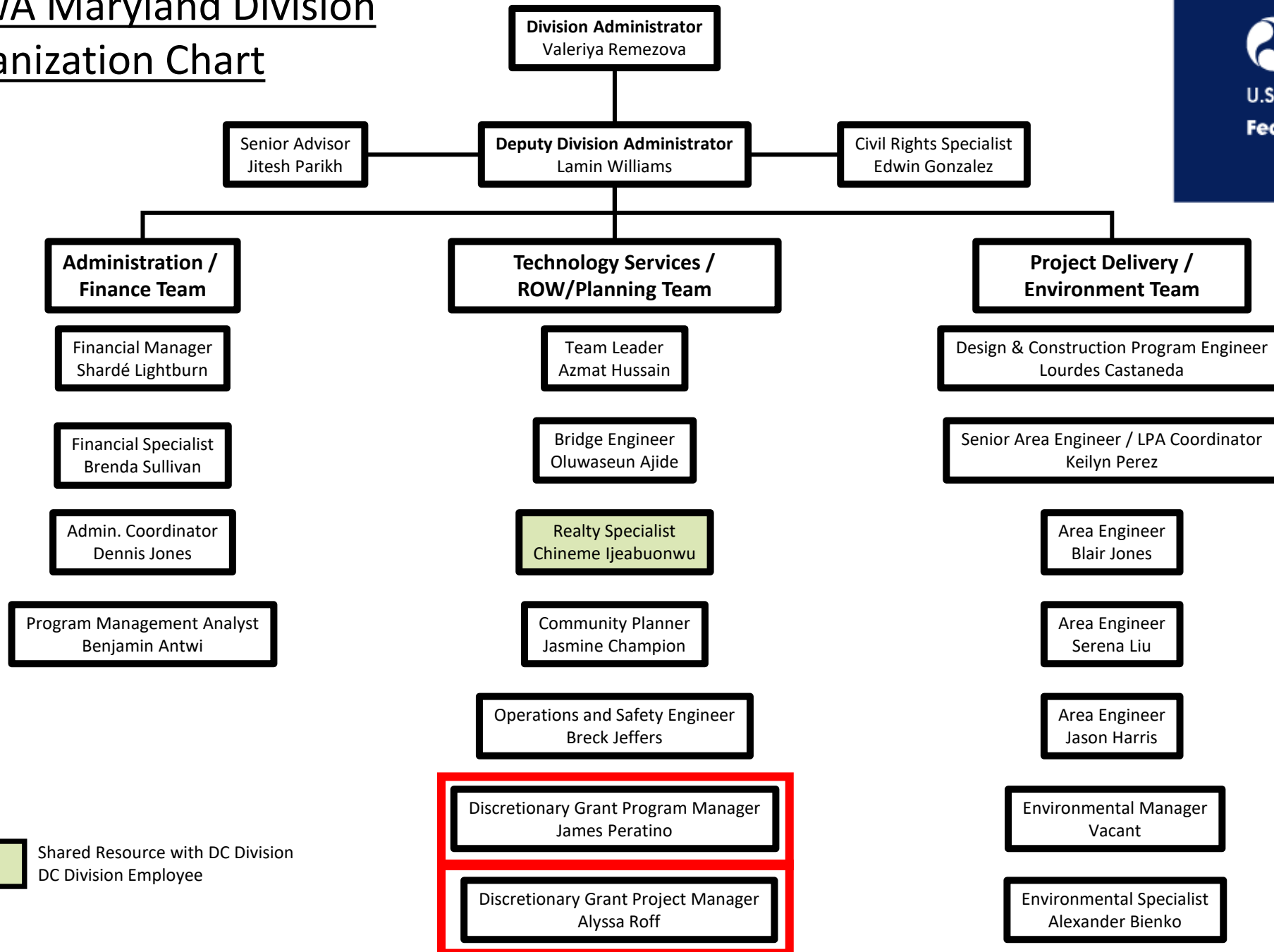
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FHWA Maryland Division Organization Chart



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 Shared Resource with DC Division
DC Division Employee

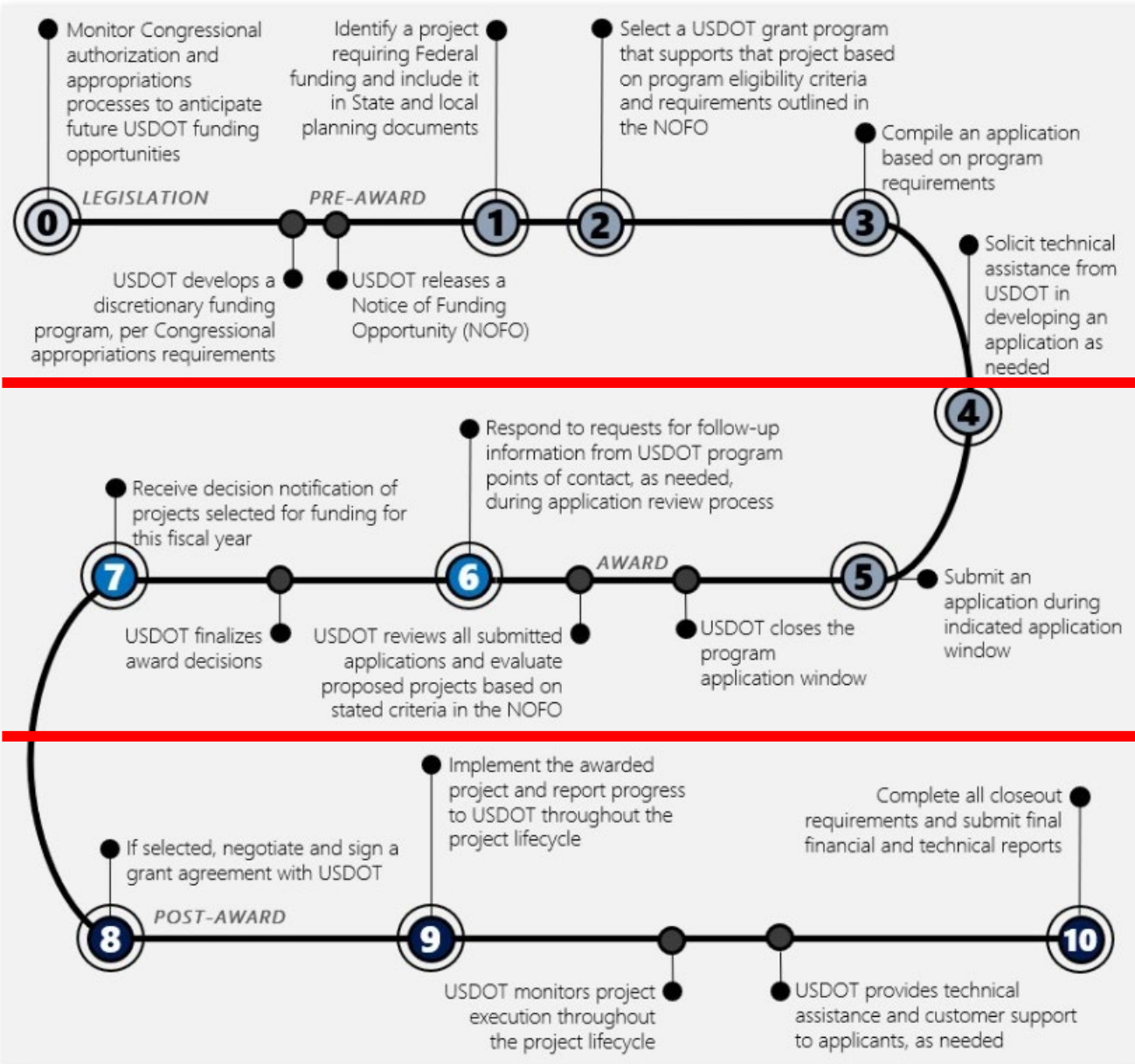


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What happens after grant
Awards are announced?

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Post Award Process

- Agreements
- Risk Assessments
- NEPA
- Contract Documents
- Project Oversight
- Reporting



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**Bipartisan Infrastructure
Law (BIL) and the Federal
Highway Administration
Maryland Division**



Agreements

1. The Agreements Templates, Terms and Conditions, and the Exhibits will be publicly available on the specific program offices websites.
2. The Division Office will work with you to get your agreement templates completed. Once a final draft is completed, that draft will be sent to the program office and the Office of Acquisitions and Grants Management (HCFA). They will review, provide comments and produce the final grant agreement for signature.
3. The Division Office Point of Contact (POC) will be your liaison for communication to HQ.

Agreements



U.S. Department of Transportation
Federal Highway Administration

1. **Award No.**
[REDACTED]
2. **Effective Date**
See No. 17 Below
3. **Assistance Listings No.**
20.939
4. **Award To**
[REDACTED]
5. **Sponsoring Office**
U.S. Department of Transportation
Federal Highway Administration
Office of Safety
1200 New Jersey Avenue, SE
HSSA-1, Mail Drop E71-117
Washington, DC 20590
6. **Period of Performance**
[REDACTED]
7. **Total Amount**
Federal Share: \$ [REDACTED]
Recipient Share: \$ [REDACTED]
Other Federal Funds: \$0
Other Funds: \$0
Total: \$ [REDACTED]
8. **Type of Agreement**
Grant
9. **Authority**
Section 24112 of the Infrastructure Investment and Jobs Act (Pub. L. 117-58, November 15, 2021; also referred to as the "Bipartisan Infrastructure Law" or "BIL")
10. **Procurement Request No.**
[REDACTED]
11. **Federal Funds Obligated**
\$ [REDACTED]
12. **Submit Payment Requests To**
See article 20.
13. **Payment Office**
See article 20.
14. **Accounting and Appropriations Data**
[REDACTED]
15. **Description of Project**
[REDACTED]

RECIPIENT
16. **Signature of Person Authorized to Sign**

Designated by: [REDACTED]
Signature: [REDACTED] Date: [REDACTED]
Name: [REDACTED]
Title: County Executive

FEDERAL HIGHWAY ADMINISTRATION
17. **Signature of Agreement Officer**

Signature: [REDACTED] Date: [REDACTED]
Name: [REDACTED]
Title: Agreement Officer



Risk Assessment (Non-State DOT recipients)

1. The Division Office POC will perform a Risk Assessment using the Measure of Stewardship Tool. (MoST)
2. This will produce a document to see what 23 regulations and approvals will be required for your project and the level of stewardship required from the Division Office. Additional Laws, Executive Orders, regulations and Terms and Conditions of the agreement still apply as well.
3. HCFA performs a Financial Risk assessment for Non-State DOT recipients on grant programs.
4. The Division Office POC will be your liaison for communication. HCFA may reach out directly from time to time for budget documents.
5. This is not required for State DOT pass-through grants as there are approved, and well-established policies and programs in place with the State DOTs for compliance.



NEPA

1. The Division Office Environmental Staff will review Categorical Exclusions (CE) in most cases.
2. In some cases, HQ may be required to review environmental documents for NEPA clearance. Mainly if a complicated Environmental Assessment (EA) or Environmental Impact Statement (EIS) is necessary.
3. Some grant programs will require NEPA clearance prior to execution of the grant agreement. Some programs are obligated in phases. Check with each program, as it can vary depending on the project type.
4. The Division Office POC will be your liaison for communication.



Contract Documents

1. 23 CFR requires various reviews and approvals during the project development phases. One example is that Plans, Specifications and Estimates (PS&E) must be reviewed prior to entering a Federal construction contract.
2. 2 CFR includes construction contract requirements that must be followed. It is highly recommended to get guidance from the Division Office before advertisement.
3. The Consultant Selection process is addressed in 23 CFR 172 and 2 CFR 200.320. The Brooks act is required for all consultant contracts using Federal Funds. The process must be competitive.



Project Oversight

1. The level of project oversight will vary with program.
2. A competent point of contact for project oversight by the recipient is required for every construction project.
3. Material Quality control measures are required. (i.e. Build America, Buy America)
4. Audit worthy record keeping.



Reporting

1. All grants have a reporting requirement. (Scope, Schedule, Budget)
2. Different intervals based on program. (Monthly, Quarterly, Annually)
3. Some for the recipients. And/or some for the Division with information from the recipients



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Additional Resources

23 CFR Applies to most grants.

[eCFR :: Title 23 of the CFR – Highways](#)

2 CFR 200 applies to the execution of all grants.

[eCFR :: 2 CFR Part 200 -- Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards](#)

NHI has produced free training on Understanding the Uniform Guidance Requirements (2 CFR 200) for Federal Awards:

[National Highway Institute : 2 CFR 200](#)

Questions?

FHWA Maryland Division Office Grant Team

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