

## **U.S. Department of Transportation**

### **SUPPORTING STATEMENT**

#### **Bridge Investment Program Grant Applications, Planning Grant Application Template, Large Bridge Project Grant Application Template, and Bridge Project Grant Application Template OMB Control No.**

Introduction: This is to request the Office of Management and Budget (OMB) approve a clearance for the information collection entitled, Bridge Investment Program Grant Applications, Planning Grant Application Template, Large Bridge Project Grant Application Template, and Bridge Project Grant Application Template. The Office of the Secretary of Transportation (OST), in close collaboration with the Federal Highway Administration, provides financial assistance to a State or group of States, a metropolitan planning organization, a local government or group of local governments, a political subdivision of a State or local government, a special purpose district or a public authority with a transportation function, a Federal land management agency, a Tribal government or a group of Tribal governments, or a multistate or multijurisdictional group of entities previously described through the Bridge Investment Program.

- Responding to the collection is voluntary and is required to obtain or retain a benefit.
- Responders are a State or group of States, a metropolitan planning organization, a local government or group of local governments, a political subdivision of a State or local government, a special purpose district or a public authority with a transportation function, a Federal land management agency, a Tribal government or a group of Tribal governments, or a multistate or multijurisdictional group of entities previously described.
- The collection is grant application, grant agreement, a letter of no prejudice, and project management.
- The information is collected as needed.
- Information relevant to the application as detailed in the Notice of Funding Opportunity (NOFO), and any reporting requirements agreed to by Grants recipients.
- The information will be received by the FHWA.
- The purpose of the collection is to receive information relevant to evaluating applications to the Bridge Investment Program Grant program, per the NOFO, and reporting requirements agreed to by recipients of the Grants.

This ICR supports the FY 2022 – 2026 DOT Strategic Plan, including the six strategic goals of:

1. Safety
2. Economic Strength & Global Competitiveness
3. Equity

4. Climate & Sustainability
5. Transformation
6. Organizational Excellence

#### Part A. Justification.

##### 1. Circumstances that make collection of information necessary:

The collection of information is necessary in order to receive applications for grant funds, evaluate the effectiveness of projects that have been awarded grant funds, and monitor project financial conditions and project progress pursuant to the Department's Bridge Investment Program. The program is being implemented pursuant to 23 U.S.C. 124 and Division J of the Infrastructure Investment and Jobs Act (**Public Law** No: 117-58 or also referred to as the Bipartisan Infrastructure Law or BIL). The purpose of this program is to improve safety, efficiency, and reliability of the movement of people and freight over bridges, improve the condition of bridges in the United States, and provide financial assistance that leverages non-Federal contributions. 23 U.S.C. 124 (f)(1)(B) requires development of a template to support applicants to use to summarize project needs and benefits and to use data from the National Bridge Inventory under section 144(b).

DOT requests information from applicants in the form an application. The application will assist in soliciting proposals for funding from eligible applicants for the five-year grant program, to monitor the grant program recipients, project progress, assess project outcomes and permit evaluation.

The relevant sections of the 23 U.S.C. 124 and the Bipartisan Infrastructure Law Division J, are attached hereto as Exhibit A.

The reporting requirements are submitted by recipients and will be completed during the application stage, grant agreement stage, and the project management.

##### Application Stage

To be considered to receive a Bridge Investment Program grant, an eligible applicant must submit an application to DOT containing information as detailed in the Notice of Funding Opportunity. The project narrative should include the information necessary for the Department to determine that the project satisfies eligibility requirements as warranted by law.

##### Grant Agreement Stage

The grant agreement is an agreement between FHWA and the recipient. In the grant agreement, the recipient must describe the project that FHWA agreed to fund, which is typically the project that was described in the Bridge Investment Program application, or a reduced-scope version of that project. The grant agreement must also include a detailed breakdown of the project schedule and a budget listing all major activities that will be

completed as part of the project. The grant agreement stage may also include a “Letter of No Prejudice” under which the Secretary agrees to pay eligible projects costs for an eligible project prior to the date on which a project received funding. Such letters will also include a detailed breakdown of the project schedule and budget listing all major activities that will be completed as part of the project.

### Project Management Stage

The reporting requirements under this stage are necessary to ensure the proper and timely expenditure of federal funds within the scope of the approved project. The requirements comply with the Common Grant Rule and are also included in sections of the grant agreement. During the project management stage, the grantee will complete Quarterly Progress and Monitoring Reports to ensure that the project budget and schedule will be maintained to the maximum extent possible, that the project will be completed with the highest degree of quality, and that compliance with Federal regulations will be met. The substantive requirements of the report include: the project’s overall status; significant project activities and issues; action items/outstanding issues; project scope overview; project schedule; project cost; an SF-425 Federal Financial Report; and certifications. This reporting requirement will greatly reduce the need for on-site visits by staff.

### 2. How, by whom, and for what purpose is the information used:

The information collected will be used by FHWA.

FHWA will continue to use the information collected in the application phase to evaluate proposals and make decisions to award grants to applicants for any future similar appropriations.

FHWA will use the information to monitor the progress of projects that have been awarded Bridge Investment Program funds, and to monitor the proper expenditure of Federal funds.

The project management information will be collected by grant recipients. Much of the information will be produced and collected through the normal process of project management, so the additional burden of Government information collection is small in comparison to the information that grant recipients already collect to manage their projects properly. The purpose of the project management information collection is to ensure that the project budget and schedule will be maintained to the maximum extent possible, that the project will be completed with the highest degree of quality, and that compliance with Federal regulations will be met.

### 3. Extent of automated information collection:

The Department will receive applications reports electronically via email and via websites from grant awardees upon approval from OMB. Certain agencies within the Department have found that delivery of reports electronically is the most reliable way to collect information and will use their existing grant administration systems to collect the information covered under this request. To minimize the burden on applicants, OMB approved standard forms are being used to collect information where possible. Such standard forms include the

Application for Federal Assistance (SF-424), available online at [https://apply07.grants.gov/apply/forms/sample/SF424\\_2\\_1-V2.1.pdf](https://apply07.grants.gov/apply/forms/sample/SF424_2_1-V2.1.pdf), and the post-award Federal Financial Reports form (SF-425), available online at [https://apply07.grants.gov/apply/forms/sample/SF425\\_2\\_0-V2.0.pdf](https://apply07.grants.gov/apply/forms/sample/SF425_2_0-V2.0.pdf).

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public. If the application includes information the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) Note on the front cover that the submission “Contains Confidential Business Information (CBI)”; (2) mark each affected page “CBI”; and (3) highlight or otherwise denote the CBI portions. DOT protects such information from disclosure to the extent allowed under applicable law. In the event DOT receives a Freedom of Information Act (FOIA) request for the information, DOT will follow the procedures described in its FOIA regulations at 49 CFR 7.17. Only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA.

4. Efforts to identify duplication:

The information collected from grantees is project specific and the information is not available other than from the grantees. The information will be used to monitor projects on a quarterly basis, and to ensure on an annual basis that the project’s plan conforms to the project’s real operating environment.

5. Efforts to minimize the burden on small businesses:

Grantees include local and regional governments, tribal governments, MPOs, other political subdivisions of State or local governments such as cities and counties. No grantees are business organizations, small or otherwise.

6. Impact of less frequent collection of information:

If the information requested in the reports is not collected, the Department will not be able to evaluate project progress or financial conditions in accordance with the 23 U.S.C., Bipartisan Infrastructure Law and the Notice of Funding Opportunity for the program published in the *Federal Register*. The quarterly collection of financial data ensures that the use of Federal funds can be appropriately monitored.

7. Special circumstances:

During the negotiation of the grant agreement, FHWA may require the recipient to report information to the agency more often than quarterly. Otherwise, all information collected is consistent with the guidelines in 5 CFR 1320.6.

8. Compliance with 5 CFR 1320.8:

This is an emergency request.

9. Payments or gifts to respondents:

No payment is made to respondents, other than remuneration to successful Bridge Investment Program grantees. The remuneration to grantees are in the form of reimbursements up to the amount of the Bridge Investment Program grant award as negotiated in the signed and executed grant agreement.

10. Assurance of confidentiality:

There is no assurance of confidentiality regarding these submissions.

11. Justification for collection of sensitive information:

None of the information is of a sensitive nature.

12. Estimate of burden hours for information requested:

<u>Requirements</u>	<u># of Annual Submissions</u>	<u>Burden hours per Submission</u>	<u>Total Burden hours</u>
<b><u>Application Stage</u></b>			
Applications	200	40	8,000
<b><u>Grant Agreement Stage</u></b>			
Requests for information related to signing grant agreements or letters of no prejudice	50	4	200
<i>Total</i>	<i>250</i>		<i>8,200</i>
<b><u>Project Management Stage</u></b>			
Quarterly Progress Report	200	2	800
<i>Total</i>	<i>200</i>		<i>800</i>
<b>Grand Total</b>	<b>450</b>		<b>9,000</b>

All burden hour estimates are based on: an estimated review of all the requirements associated with the Bridge Investment Program, discussions with appropriate modal staff, and analysis of other Department programs.

Estimate of the cost to respondents:

There is a wide variance in the level of effort required by recipients to comply with the Project Management Stage reporting requirements. A majority of reports, however, will be simple and straightforward. The figures below are representative of a straightforward project of average complexity that has completed construction over a five-year period with a five-year period of performance measurement once the project is complete.

#### Application Stage

We estimate that it takes approximately 40 person-hours to read the Notice of Funding Opportunity and compile an application package for a Bridge Investment Program application. Since FHWA expects to receive 200 applications per NOFO announcement, the total hours required are estimated to be 8,000 hours (40\*200 hours) on a one-time basis, per announcement. Although various personnel are involved in the development of an application, the average salary is estimated to be \$55 per hour. This is based on the average loaded wage of a project manager in the local government sector of \$54.96 (Bureau of Labor Statistics). Therefore, the cost to the respondents is computed at \$444,000 (8,000 hours x \$55 = \$444,000).

#### Grant Agreement Stage:

We estimate that it takes approximately 4 person-hour to respond to FHWA requests for more information in negotiating the grant agreements or letters of no prejudice. Based on other grant programs, FHWA estimates that there will likely be 50 grant agreements negotiated per additional announcement. The total hours required are estimated to be 200 (4 hr. x 50 agreements = 200 hours) on a one-time basis, per announcement. Although various personnel are involved in the development of an application, the average salary is estimated to be \$55 per hour. Therefore, the cost to the respondents is computed at \$11,000 (200 hours x \$55 = \$11,000).

#### Project Management Stage:

We estimate that it takes approximately 2 person-hours to develop and submit a quarterly project progress report to FHWA for review. Based on other grant programs and the expected number of awards, FHWA expects to receive 200 quarterly project progress reports per year, i.e., 4 per year for a total of 50 awards. The total hours required are estimated to be 800 (2 hours x 200 reports = 800 hours). Although various personnel are involved in the development of an application, the average salary is estimated to be \$55 per hour. Therefore, the cost to the respondents is computed at \$44,000 (800 hours x \$55 = \$44,000).

**The grand total annual cost to respondents for the application, grant negotiation, program management and evaluation stages is \$495,000.**

#### 13. Estimate of total annual costs to respondents:

There is no additional cost beyond that shown in items 12 and 14.

14. Estimate of cost to the Federal government:

The cost is calculated as follows:

Application Stage:

FHWA will review the applications to assess project eligibility and merit and to provide information for the discretionary decision-making process prior to the award of any future Bridge Investment Program grants.

We estimate that the average grade level of the reviewers is GS-13/step 5, paid at approximately \$58 per hour. Each project will require approximately 20 person-hours of review as an overall average. Since we expect to evaluate 200 applications, the cost to the federal Government is \$232,000 (20 hours x 200 applications = 4,000 hours x \$58 = \$232,000), per appropriation.

Grant Agreement Stage:

Information may be requested from grantees to negotiate the implementation grant agreements under which the Bridge Investment Program funds will be distributed or letters of no prejudice under which eligible activities will be implemented. OST/FHWA does not expect to request much information from grantees, since most of the information required was submitted along with the grant applications.

We estimate that the average grade level of the reviewers is GS-14/step 5, paid at \$69 per hour. Since we expect to negotiate 50 implementation grant agreements and for one employee to spend about eight hours requesting the information and using it to draft the grant agreements, the cost to the federal Government is \$27,600 (8 hours x 50 applications = 400 hours x \$69 = \$27,600), per appropriation.

Project Management Stage:

Individuals managing projects throughout FHWA vary from GS-11 to GS-14; however, in looking at the averages it can take a GS-13/step 5 (average salary, \$58 per hour) about one hour per report to review it. There are approximately 50 projects requiring reports annually, and a total of 4 reports per project, or 200 submissions, annually. The cost to the federal Government is \$11,600 (1 hr. x 200 submissions = 200 hours x \$58 = \$11,600), annually.

**The grand total annual cost to the Federal Government for the application, grant negotiation, program management and evaluation stage is \$271,200 as shown in the table below:**

<b>Project Stages</b>	<b>Cost to the Federal Government</b>
Application Stage	\$232,000
Grant Agreement Stage	\$27,600
Project Management Stage	\$11,600

<b>The grand total</b>	<b>\$271,200</b>
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15. Explanation of program changes or adjustments:

This a new collection.

16. Publication of results of data collection:

FHWA is required to provide a report to Congress annually for a subset of applicants under this program (23 U.S.C. 124 (g)).

17. Approval for not displaying the expiration date of OMB approval:

There is no reason not to display the expiration date of OMB approval.

18. Exceptions to certification statement:

No exceptions are stated.

## EXHIBIT A

### §124. Bridge investment program

(a) Definitions.-In this section:

(1) Eligible project.-

(A) In general.-The term "eligible project" means a project to replace, rehabilitate, preserve, or protect 1 or more bridges on the National Bridge Inventory under section 144(b).

(B) Inclusions.-The term "eligible project" includes-

(i) a bundle of projects described in subparagraph (A), regardless of whether the bundle of projects meets the requirements of section 144(j)(5); and

(ii) a project to replace or rehabilitate culverts for the purpose of improving flood control and improved habitat connectivity for aquatic species.

(2) Large project.-The term "large project" means an eligible project with total eligible project costs of greater than \$100,000,000.

(3) Program.-The term "program" means the bridge investment program established by subsection (b)(1).

(b) Establishment of Bridge Investment Program.-

(1) In general.-There is established a bridge investment program to provide financial assistance for eligible projects under this section.

(2) Goals.-The goals of the program shall be-

(A) to improve the safety, efficiency, and reliability of the movement of people and freight over bridges;

(B) to improve the condition of bridges in the United States by reducing-

(i) the number of bridges-

(I) in poor condition; or

(II) in fair condition and at risk of falling into poor condition within the next 3 years;

(ii) the total person miles traveled over bridges-

(I) in poor condition; or

(II) in fair condition and at risk of falling into poor condition within the next 3 years;

(iii) the number of bridges that-

(I) do not meet current geometric design standards; or

(II) cannot meet the load and traffic requirements typical of the regional transportation network; and

(iv) the total person miles traveled over bridges that-

(I) do not meet current geometric design standards; or

(II) cannot meet the load and traffic requirements typical of the regional transportation network; and

(C) to provide financial assistance that leverages and encourages non-Federal contributions from sponsors and stakeholders involved in the planning, design, and construction of eligible projects.

(c) Grant Authority.-

(1) In general.-In carrying out the program, the Secretary may award grants, on a competitive basis, in accordance with this section.

(2) Grant amounts.-Except as otherwise provided, a grant under the program shall be-

(A) in the case of a large project, in an amount that is-

(i) adequate to fully fund the project (in combination with other financial resources identified in the application); and

(ii) not less than \$50,000,000; and

(B) in the case of any other eligible project, in an amount that is-

(i) adequate to fully fund the project (in combination with other financial resources identified in the application); and

(ii) not less than \$2,500,000.

(3) Maximum amount.-Except as otherwise provided, for an eligible project receiving assistance under the program, the amount of assistance provided by the Secretary under this section, as a share of eligible project costs, shall be-

(A) in the case of a large project, not more than 50 percent; and

(B) in the case of any other eligible project, not more than 80 percent.

(4) Federal share.-

(A) Maximum federal involvement.-Federal assistance other than a grant under the program may be used to satisfy the non-Federal share of the cost of a project for which a grant is made, except that the total Federal assistance provided for a project receiving a grant under the program may not exceed the Federal share for the project under section 120.

(B) Off-system bridges.-In the case of an eligible project for an off-system bridge (as defined in section 133(f)(1))-

(i) Federal assistance other than a grant under the program may be used to satisfy the non-Federal share of the cost of a project; and

(ii) notwithstanding subparagraph (A), the total Federal assistance provided for the project shall not exceed 90 percent of the total eligible project costs.

(C) Federal land management agencies and tribal governments.-Notwithstanding any other provision of law, Federal funds other than Federal funds made available under this section may be used to pay the remaining share of the cost of a project under the program by a Federal land management agency or a Tribal government or consortium of Tribal governments.

(5) Considerations.-

(A) In general.-In awarding grants under the program, the Secretary shall consider-

(i) in the case of a large project, the ratings assigned under subsection (g)(5)(A);

(ii) in the case of an eligible project other than a large project, the quality rating assigned under subsection (f)(3)(A)(ii);

(iii) the average daily person and freight throughput supported by the eligible project;

(iv) the number and percentage of bridges within the same State as the eligible project that are in poor condition;

(v) the extent to which the eligible project demonstrates cost savings by bundling multiple bridge projects;

(vi) in the case of an eligible project of a Federal land management agency, the extent to which the grant would reduce a Federal liability or Federal infrastructure maintenance backlog;

(vii) geographic diversity among grant recipients, including the need for a balance between the needs of rural and urban communities; and

(viii) the extent to which a bridge that would be assisted with a grant-

(I) is, without that assistance-

(aa) at risk of falling into or remaining in poor condition; or

(bb) in fair condition and at risk of falling into poor condition within the next 3 years;

(II) does not meet current geometric design standards based on-

(aa) the current use of the bridge; or

(bb) load and traffic requirements typical of the regional corridor or local network in which the bridge is located; or

(III) does not meet current seismic design standards.

(B) Requirement.-The Secretary shall-

(i) give priority to an application for an eligible project that is located within a State for which-

(I) 2 or more applications for eligible projects within the State were submitted for the current fiscal year and an average of 2 or more applications for eligible projects within the State were submitted in prior fiscal years of the program; and

(II) fewer than 2 grants have been awarded for eligible projects within the State under the program;

(ii) during the period of fiscal years 2022 through 2026, for each State described in clause (i), select-

(I) not fewer than 1 large project that the Secretary determines is justified under the evaluation under subsection (g)(4); or

(II) 2 eligible projects that are not large projects that the Secretary determines are justified under the evaluation under subsection (f)(3); and

(iii) not be required to award a grant for an eligible project that the Secretary does not determine is justified under an evaluation under subsection (f)(3) or (g)(4).

(6) Culvert limitation.-Not more than 5 percent of the amounts made available for each fiscal year for grants under the program may be used for eligible projects that consist solely of culvert replacement or rehabilitation.

(d) Eligible Entity.-The Secretary may make a grant under the program to any of the following:

(1) A State or a group of States.

(2) A metropolitan planning organization that serves an urbanized area (as designated by the Bureau of the Census) with a population of over 200,000.

(3) A unit of local government or a group of local governments.

(4) A political subdivision of a State or local government.

(5) A special purpose district or public authority with a transportation function.

(6) A Federal land management agency.

(7) A Tribal government or a consortium of Tribal governments.

(8) A multistate or multijurisdictional group of entities described in paragraphs (1) through (7).

(e) Eligible Project Requirements.-The Secretary may make a grant under the program only to an eligible entity for an eligible project that-

(1) in the case of a large project, the Secretary recommends for funding in the annual report on funding recommendations under subsection (g)(6), except as provided in subsection (g)(1)(B);

(2) is reasonably expected to begin construction not later than 18 months after the date on which funds are obligated for the project; and

(3) is based on the results of preliminary engineering.

(f) Competitive Process and Evaluation of Eligible Projects Other Than Large Projects.-

(1) Competitive process.-

(A) In general.-The Secretary shall-

(i) for the first fiscal year for which funds are made available for obligation under the program, not later than 60 days after the date on which the template under subparagraph (B)(i) is developed, and in subsequent fiscal years, not later than 60 days after the date on which amounts are made available for obligation under the program, solicit grant applications for eligible projects other than large projects; and

(ii) not later than 120 days after the date on which the solicitation under clause (i) expires, conduct evaluations under paragraph (3).

(B) Requirements.-In carrying out subparagraph (A), the Secretary shall-

(i) develop a template for applicants to use to summarize project needs and benefits, including benefits described in paragraph (3)(B)(i); and

(ii) enable applicants to use data from the National Bridge Inventory under section 144(b) to populate templates described in clause (i), as applicable.

(2) Applications.-An eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) Evaluation.-

(A) In general.-Prior to providing a grant under this subsection, the Secretary shall-

(i) conduct an evaluation of each eligible project for which an application is received under this subsection; and

(ii) assign a quality rating to the eligible project on the basis of the evaluation under clause (i).

(B) Requirements.-In carrying out an evaluation under subparagraph (A), the Secretary shall-

(i) consider information on project benefits submitted by the applicant using the template developed under paragraph (1)(B)(i), including whether the project will generate, as determined by the Secretary-

(I) costs avoided by the prevention of closure or reduced use of the bridge to be improved by the project;

(II) in the case of a bundle of projects, benefits from executing the projects as a bundle compared to as individual projects;

(III) safety benefits, including the reduction of accidents and related costs;

(IV) person and freight mobility benefits, including congestion reduction and reliability improvements;

(V) national or regional economic benefits;

(VI) benefits from long-term resiliency to extreme weather events, flooding, or other natural disasters;

(VII) benefits from protection (as described in section 133(b)(10)), including improving seismic or scour protection;

(VIII) environmental benefits, including wildlife connectivity;

(IX) benefits to nonvehicular and public transportation users;

(X) benefits of using-

(aa) innovative design and construction techniques; or

(bb) innovative technologies; or

(XI) reductions in maintenance costs, including, in the case of a federally-owned bridge, cost savings to the Federal budget; and

(ii) consider whether and the extent to which the benefits, including the benefits described in clause (i), are more likely than not to outweigh the total project costs.

(g) Competitive Process, Evaluation, and Annual Report for Large Projects.-

(1) In general.-

(A) Applications.-The Secretary shall establish an annual date by which an eligible entity submitting an application for a large project shall submit to the Secretary such information as the Secretary may require, including information described in paragraph (2), in order for a large project to be considered for a recommendation by the Secretary for funding in the next annual report under paragraph (6).

(B) First fiscal year.-Notwithstanding subparagraph (A), for the first fiscal year for which funds are made available for obligation for grants under the program, the Secretary may establish a date by which an eligible entity submitting an application for a large project shall submit to the Secretary such information as the Secretary may require, including information described in paragraph (2), in order for a large project to be considered for immediate execution of a grant agreement.

(2) Information required.-The information referred to in paragraph (1) includes-

(A) all necessary information required for the Secretary to evaluate the large project; and

(B) information sufficient for the Secretary to determine that-

(i) the large project meets the applicable requirements under this section; and

(ii) there is a reasonable likelihood that the large project will continue to meet the requirements under this section.

(3) Determination; notice.-On making a determination that information submitted to the Secretary under paragraph (1) is sufficient, the Secretary shall provide a written notice of that determination to-

(A) the eligible entity that submitted the application;

(B) the Committee on Environment and Public Works of the Senate; and

(C) the Committee on Transportation and Infrastructure of the House of Representatives.

(4) Evaluation.-The Secretary may recommend a large project for funding in the annual report under paragraph (6), or, in the case of the first fiscal year for which funds are made available for obligation for grants under the program, immediately execute a grant agreement for a large project,

only if the Secretary evaluates the proposed project and determines that the project is justified because the project-

(A) addresses a need to improve the condition of the bridge, as determined by the Secretary, consistent with the goals of the program under subsection (b)(2);

(B) will generate, as determined by the Secretary-

(i) costs avoided by the prevention of closure or reduced use of the bridge to be improved by the project;

(ii) in the case of a bundle of projects, benefits from executing the projects as a bundle compared to as individual projects;

(iii) safety benefits, including the reduction of accidents and related costs;

(iv) person and freight mobility benefits, including congestion reduction and reliability improvements;

(v) national or regional economic benefits;

(vi) benefits from long-term resiliency to extreme weather events, flooding, or other natural disasters;

(vii) benefits from protection (as described in section 133(b)(10)), including improving seismic or scour protection;

(viii) environmental benefits, including wildlife connectivity;

(ix) benefits to nonvehicular and public transportation users;

(x) benefits of using-

(I) innovative design and construction techniques; or

(II) innovative technologies; or

(xi) reductions in maintenance costs, including, in the case of a federally-owned bridge, cost savings to the Federal budget;

(C) is cost effective based on an analysis of whether the benefits and avoided costs described in subparagraph (B) are expected to outweigh the project costs;

(D) is supported by other Federal or non-Federal financial commitments or revenues adequate to fund ongoing maintenance and preservation; and

(E) is consistent with the objectives of an applicable asset management plan of the project sponsor, including a State asset management plan under section 119(e) in the case of a project on the National Highway System that is sponsored by a State.

(5) Ratings.-

(A) In general.-The Secretary shall develop a methodology to evaluate and rate a large project on a 5-point scale (the points of which include "high", "medium-high", "medium", "medium-low", and "low") for each of-

(i) paragraph (4)(B);

(ii) paragraph (4)(C); and

(iii) paragraph (4)(D).

(B) Requirement.-To be considered justified and receive a recommendation for funding in the annual report under paragraph (6), a project shall receive a rating of not less than "medium" for each rating required under subparagraph (A).

(C) Interim methodology.-In the first fiscal year for which funds are made available for obligation for grants under the program, the Secretary may establish an interim methodology to evaluate and rate a large project for each of-

(i) paragraph (4)(B);

(ii) paragraph (4)(C); and

(iii) paragraph (4)(D).

(6) Annual report on funding recommendations for large projects.-

(A) In general.-Not later than the first Monday in February of each year, the Secretary shall submit to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Environment and Public Works and Appropriations of the Senate a report that includes-

(i) a list of large projects that have requested a recommendation for funding under a new grant agreement from funds anticipated to be available to carry out this subsection in the next fiscal year;

(ii) the evaluation under paragraph (4) and ratings under paragraph (5) for each project referred to in clause (i);

(iii) the grant amounts that the Secretary recommends providing to large projects in the next fiscal year, including-

(I) scheduled payments under previously signed multiyear grant agreements under subsection (j);

(II) payments for new grant agreements, including single-year grant agreements and multiyear grant agreements; and

(III) a description of how amounts anticipated to be available for the program from the Highway Trust Fund for that fiscal year will be distributed; and

(iv) for each project for which the Secretary recommends a new multiyear grant agreement under subsection (j), the proposed payout schedule for the project.

(B) Limitations.-

(i) In general.-The Secretary shall not recommend in an annual report under this paragraph a new multiyear grant agreement provided from funds from the Highway Trust Fund unless the Secretary determines that the project can be completed using funds that are anticipated to be available from the Highway Trust Fund in future fiscal years.

(ii) General fund projects.-The Secretary-

(I) may recommend for funding in an annual report under this paragraph a large project using funds from the general fund of the Treasury; but

(II) shall not execute a grant agreement for that project unless-

(aa) funds other than from the Highway Trust Fund have been made available for the project; and

(bb) the Secretary determines that the project can be completed using funds other than from the Highway Trust Fund that are anticipated to be available in future fiscal years.

(C) Considerations.-In selecting projects to recommend for funding in the annual report under this paragraph, or, in the case of the first fiscal year for which funds are made available for obligation for grants under the program, projects for immediate execution of a grant agreement, the Secretary shall-

(i) consider the amount of funds available in future fiscal years for multiyear grant agreements as described in subparagraph (B); and

(ii) assume the availability of funds in future fiscal years for multiyear grant agreements that extend beyond the period of authorization based on the amount made available for large projects under the program in the last fiscal year of the period of authorization.

(D) Project diversity.-In selecting projects to recommend for funding in the annual report under this paragraph, the Secretary shall ensure diversity among projects recommended based on-

(i) the amount of the grant requested; and

(ii) grants for an eligible project for 1 bridge compared to an eligible project that is a bundle of projects.

(h) Eligible Project Costs.-A grant received for an eligible project under the program may be used for-

(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities;

(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements directly related to improving system performance; and

(3) expenses related to the protection (as described in section 133(b)(10)) of a bridge, including seismic or scour protection.

(i) TIFIA Program.-On the request of an eligible entity carrying out an eligible project, the Secretary may use amounts awarded to the entity to pay subsidy and administrative costs necessary to provide to the entity Federal credit assistance under chapter 6 with respect to the eligible project for which the grant was awarded.

(j) Multiyear Grant Agreements for Large Projects.-

(1) In general.-A large project that receives a grant under the program in an amount of not less than \$100,000,000 may be carried out through a multiyear grant agreement in accordance with this subsection.

(2) Requirements.-A multiyear grant agreement for a large project described in paragraph (1) shall-

(A) establish the terms of participation by the Federal Government in the project;

(B) establish the maximum amount of Federal financial assistance for the project in accordance with paragraphs (3) and (4) of subsection (c);

(C) establish a payout schedule for the project that provides for disbursement of the full grant amount by not later than 4 fiscal years after the fiscal year in which the initial amount is provided;

(D) determine the period of time for completing the project, even if that period extends beyond the period of an authorization; and

(E) attempt to improve timely and efficient management of the project, consistent with all applicable Federal laws (including regulations).

(3) Special financial rules.-

(A) In general.-A multiyear grant agreement under this subsection-

(i) shall obligate an amount of available budget authority specified in law; and

(ii) may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.

(B) Statement of contingent commitment.-The agreement shall state that the contingent commitment is not an obligation of the Federal Government.

(C) Interest and other financing costs.-

(i) In general.-Interest and other financing costs of carrying out a part of the project within a reasonable time shall be considered a cost of carrying out the project under a multiyear grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing.

(ii) Certification.-The applicant shall certify to the Secretary that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

(4) Advance payment.-Notwithstanding any other provision of law, an eligible entity carrying out a large project under a multiyear grant agreement-

(A) may use funds made available to the eligible entity under this title for eligible project costs of the large project until the amount specified in the multiyear grant agreement for the project for that fiscal year becomes available for obligation; and

(B) if the eligible entity uses funds as described in subparagraph (A), the funds used shall be reimbursed from the amount made available under the multiyear grant agreement for the project.

(k) Undertaking Parts of Projects in Advance Under Letters of No Prejudice.-

(1) In general.-The Secretary may pay to an applicant all eligible project costs under the program, including costs for an activity for an eligible project incurred prior to the date on which the project receives funding under the program if-

(A) before the applicant carries out the activity, the Secretary approves through a letter to the applicant the activity in the same manner as the Secretary approves other activities as eligible under the program;

(B) a record of decision, a finding of no significant impact, or a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued for the eligible project; and

(C) the activity is carried out without Federal assistance and in accordance with all applicable procedures and requirements.

(2) Interest and other financing costs.-

(A) In general.-For purposes of paragraph (1), the cost of carrying out an activity for an eligible project includes the amount of interest and other financing costs, including any interest earned and payable on bonds, to the extent interest and other financing costs are expended in carrying out the activity for the eligible project, except that interest and other financing costs may not be more than the cost of the most favorable financing terms reasonably available for the eligible project at the time of borrowing.

(B) Certification.-The applicant shall certify to the Secretary that the applicant has shown reasonable diligence in seeking the most favorable financing terms under subparagraph (A).

(3) No obligation or influence on recommendations.-An approval by the Secretary under paragraph (1)(A) shall not-

(A) constitute an obligation of the Federal Government; or

(B) alter or influence any evaluation under subsection (f)(3)(A)(i) or (g)(4) or any recommendation by the Secretary for funding under the program.

(l) Federally-owned Bridges.-

(1) Divestiture consideration.-In the case of a bridge owned by a Federal land management agency for which that agency applies for a grant under the program, the agency-

(A) shall consider options to divest the bridge to a State or local entity after completion of the project; and

(B) may apply jointly with the State or local entity to which the bridge may be divested.

(2) Treatment.-Notwithstanding any other provision of law, section 129 shall apply to a bridge that was previously owned by a Federal land management agency and has been transferred to a non-Federal entity under paragraph (1) in the same manner as if the bridge was never federally owned.

(m) Treatment of Projects.-Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under this chapter.

(n) Congressional Notification.-Not later than 30 days before making a grant for an eligible project under the program, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a written notification of the proposed grant that includes-

(1) an evaluation and justification for the eligible project; and

(2) the amount of the proposed grant.

(o) Reports.-

(1) Annual report.-Not later than August 1 of each fiscal year, the Secretary shall make available on the website of the Department of Transportation an annual report that lists each eligible project for which a grant has been provided under the program during the fiscal year.

(2) GAO assessment and report.-Not later than 3 years after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Comptroller General of the United States shall-

(A) conduct an assessment of the administrative establishment, solicitation, selection, and justification process with respect to the funding of grants under the program; and

(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes-

(i) the adequacy and fairness of the process under which each eligible project that received a grant under the program was selected; and

(ii) the justification and criteria used for the selection of each eligible project.

(p) Limitation.-

(1) Large projects.-Of the amounts made available out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section for each of fiscal years 2022 through 2026, not less than 50 percent, in aggregate, shall be used for large projects.

(2) Unutilized amounts.-If, in fiscal year 2026, the Secretary determines that grants under the program will not allow for the requirement under paragraph (1) to be met, the Secretary shall use the unutilized amounts to make other grants under the program during that fiscal year.

(q) Tribal Transportation Facility Bridge Set Aside.-

(1) In general.-Of the amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for a fiscal year to carry out this section, the Secretary shall use, to carry out section 202(d)-

(A) \$16,000,000 for fiscal year 2022;

(B) \$18,000,000 for fiscal year 2023;

(C) \$20,000,000 for fiscal year 2024;

(D) \$22,000,000 for fiscal year 2025; and

(E) \$24,000,000 for fiscal year 2026.

(2) Treatment.-For purposes of section 201, funds made available for section 202(d) under paragraph (1) shall be considered to be part of the tribal transportation program.

#### DIVISION J Bridge Investment Program

(4) \$9,235,000,000 shall be to carry out the Bridge Investment Program under section 124 of title 23, United States Code: *Provided*, That, of the funds made available under this paragraph in this Act for a fiscal year, \$20,000,000 shall be set aside to carry out section 202(d) of title 23, United States Code: *Provided further*, That, of the funds made available under this paragraph in this Act for a fiscal year, \$20,000,000 shall be set aside to provide grants for planning, feasibility analysis, and revenue forecasting associated with the development of a project that would subsequently be eligible to apply for assistance under this paragraph: *Provided further*, That funds set aside under the first proviso of this paragraph in this Act to carry out section 202(d) of such title shall be in addition to funds otherwise made available to carry out such section and shall be administered as if made available under such section: *Provided further*, That for funds set aside under the first proviso of this paragraph in this Act to carry out section 202(d) of title 23, United States Code, the Federal share of the costs shall be 100 percent;