

AASHTO Summary of the Covid Relief and FY 2021 Appropriations Package (HR 133, Consolidated Appropriations Act, 2021)

December 21, 2020

This afternoon, Congress released the text of a massive 5,593 page bill that includes a \$900 billion COVID relief package, a \$1.4 trillion FY2021 omnibus appropriations package (including the FY 2021 Transportation and Housing and Urban Development—or THUD—bill) and various other pieces of pending legislation—including the reauthorization of the Water Resources Development Act—as part of this final year-end legislative vehicle.

For state DOTs, the legislation includes:

- \$46.4 billion in FY 2021 obligation limitation for the Federal-aid Highway Program consistent with the one-year extension of the FAST Act at FY 2020 funding levels
- \$9.8 billion in flexible COVID relief funding with 100 percent federal share
- \$1.7 billion in general funds for a highway bridge rehabilitation program and a STBGP supplemental as part of FY 2021 appropriations

The following resources are available:

- [Full bill text](#)
 - THUD provisions start on 1594, FHWA programs on 1624
 - COVID package provision for highways starts on page 1897
 - WRDA provisions start on page 1260
- [Explanatory report for FY 2021 THUD](#)
- One page summaries
 - [FY 2021 appropriations](#)
 - [COVID relief](#)
 - [Authorizing provisions](#)
- Detailed summaries:
 - [FY 2021 appropriations](#)
 - [COVID relief](#)
 - [Authorizing provisions](#)

FY 2021 Appropriations: Topline Funding Levels

- \$75.4 billion in total discretionary appropriations for DOT and HUD, with \$25.3 billion for DOT
- Federal Aviation Administration
 - \$18 billion total
 - \$3.35 billion for Airport Improvement Program
 - \$400 million general fund supplement for Airport Improvement Program
- Federal Highway Administration
 - \$46.365 billion for Federal-aid Highways obligation limitation
 - \$2 billion in general fund supplement
- Federal Railroad Administration
 - \$2.8 billion total
 - \$1.3 billion for Amtrak National Network
 - \$700 million for Amtrak Northeast Corridor

- \$375 million for CRISI grants
- \$200 million for State of Good Repair grants
- Federal Transit Administration
 - \$13 billion total
 - \$10.15 billion for transit formula programs from Highway Trust Fund
 - \$516 million in general fund supplement
 - \$2 billion for Capital Investment Grants
 - \$516 million for Transit Infrastructure Grants
- Federal Motor Carrier Safety Administration: \$748 million
- National Highway Traffic Safety Administration: \$989 million
- Maritime Administration: \$1.2 billion
- \$1 billion for BUILD grants

FY 2021 Appropriations: General Fund Supplement for Highways (Starts page 1625)

- \$2 billion provided from the general fund
 - \$1,080,000,000 for a bridge replacement and rehabilitation program based on 2018 National Bridge Inventory data for calculation purposes similar to prior fiscal years
 - \$640,650,000 provided for STBGP-eligible programs along with alternative fuel charging infrastructure eligibilities; apportioned to states based on each state's share of FAST Act obligation limitation with no suballocation
 - \$100,000,000 for Nationally Significant Federal Lands and Triable Projects Program
 - \$100,000,000 for Appalachian Development Highway Program at 100 percent federal share
 - \$50,000,000 in discretionary grants for the Railway-Highway Crossings Program (100 percent federal share)
 - \$16,000,000 for the National Scenic Byways Program
 - \$5,000,000 for the Regional Infrastructure Accelerator Demonstration Program (100 percent federal share)
 - \$5,000,000 for National Road Network Pilot Program to fund a national geo-spatial dataset (100 percent federal share)
 - \$2,700,000 for Puerto Rico Highway Program
 - \$650,000 for Territorial Highway Program
- Fund are available for obligation until September 30, 2024

FY 2021 Appropriations: General Highway Provisions

- Allows State DOTs to repurpose old highway earmarks within 25 miles of its original designation
- Requires FHWA to adjudicate Buy America requests based on the criteria used prior to April 17, 2018

Covid Relief: Highway Infrastructure Programs (Starts page 1897)

- \$10 billion provided from the general fund
 - \$9,840,057,332 for STBGP-eligible programs
 - \$114,562,862 for Tribal Transportation Program

- \$35,845,307 for Puerto Rico Highway Program
- \$9,528,499 for Territorial Highway Program
- Apportioned to states based on each state's share of FAST Act obligation limitation
- Apportioned within 30 days of bill enactment
- Beyond STBGP eligibilities, available for preventive maintenance, routine maintenance, operations, personnel, including salaries of employee (including those employees who have been placed on administrative leave) or contractors, debt service payments, availability payments, and coverage for other revenue losses
- Up to 100 percent federal share at the option of the recipient
- About 14 percent of highway funds are suballocated only to localities over 200,000 in population
- Funds are available for obligation until September 30, 2024
- Funds may be transferred to public tolling and ferry agencies for costs related to operations, personnel, salaries, contractors, debt service payments, availability payments, and coverage for other revenue losses, and are not subject to existing federal restrictions on tolling revenues
- Funds spent on maintenance and administrative expenses are not required to be included in metropolitan and statewide long-range plans, TIPs, or STIPs
- FHWA may retain up to \$10 million for administrative oversight
- In general, Title 23 requirements apply unless otherwise noted

Water Resources Development Act of 2020

- Fully authorizes water infrastructure and navigation programs including for dredging needs of emerging harbors, donor and energy transfer ports, commercial strategic ports, and Great Lakes Harbors
- Authorizes 46 water resources projects as well as eight project modifications for previously authorized projects
- Allows for spending down of existing balances (about \$10 billion) in the Harbor Maintenance Trust Fund