

AGC of America’s Overview of the House INVEST in America Act *(as passed by committee)*

BILL FEATURES ALIGNED WITH AGC OBJECTIVES

- Increased Overall Funding Levels (Increases over [FAST Act](#))**
\$547 BILLION OVER FIVE YEARS (FY 2022-2026) (\$305 BILLION IN THE FAST ACT)
 -\$334 billion for highways (\$226 billion in the FAST Act)
 -\$109 billion for transit (\$61 billion in the FAST Act)
 -\$95 billion for passenger rail (\$10 billion in the FAST Act)
 -Additional money for highway safety and motor carrier safety
- New National Vehicle Miles Traveled Pilot Program for Vehicle Miles Traveled**
 Creates a nationwide VMT pilot program that has been a priority for AGC to help transition to the VMT to fix the Highway Trust Fund.
- Construction Workforce Development & Training**
 Allows states to use funding for work zone safety training and certification that includes construction workers. Creates a task force to develop recommendations on attracting people to transportation careers. Directs USDOT to carry about PSA campaigns to raise awareness about career opportunities in the transportation sector.
- Reforms to the DBE Program**
 Reauthorizes the Disadvantaged Business Enterprises (DBE) Program and revises the DBE size standard by removing the surface transportation specific business size standards. Opportunity exists in the legislative process to make improvements.
- Codifies “Every Day Counts” (EDC) at FHWA; Creates one at FTA**
 Makes permanent at FHWA and creates at FTA EDC initiative, which identifies and rapidly deploys proven, yet underutilized innovations to shorten the project delivery process, enhance roadway safety, reduce traffic congestion and greenhouse gas emissions.

BILL FEATURES THAT CAUSE AGC CONCERN

- Increased Overall Funding Levels (No Sustainable HTF Fix)**
 \$429 billion comes from the Highway Trust Fund (HTF). The Congressional Budget Office estimates that the HTF would need a \$75 billion infusion of cash just to maintain baseline spending through FY 2026 which means the infusion would have to be even more to maintain these spending increases.
- No Significant Provisions to Streamline the Environmental Review/Permitting Processes**
 Unlike the Senate bill, it does not include significant provisions to streamline the federal environmental review and permitting processes in ways that reduce administrative redundancies without jeopardizing the environment.
- Restricts Expanding Highway Capacity in the Highway Program**
 The bill places restrictions on or excludes eligibilities for expanding highway capacity. AGC is concerned these restrictions would inhibit state DOTs’ flexibility on how to best invest in their roads and bridges. In addition, it would have a negative economic effect on the roadway construction industry – particularly smaller and DBE construction firms who do not have the financial means to adapt their equipment fleets to a new line of work.
- Expands Eligibilities for Non-Highway Projects in Highway Program**
 Significantly expands the scope of the highway program to allow funding eligibilities for public transit and intercity passenger rail capital projects, as well as operating expenses for such projects. AGC is concerned that these new eligibilities could come at the expense of meeting the core mission of the Highway Program.
- New Apprenticeship Goal Requirements**
 Creates a new 15 percent apprenticeship goal for three new programs: projects of national and regional significance, community transportation investment grant program, and reconnecting neighborhoods program.
- Expands Buy America Requirements for Highway Projects**
 The bill adds construction materials to the Buy America requirements for federally funded highway projects.
- Adds New Bridge Certification and Training Requirements**
 The bill requires corrosion prevention work on certain bridges be performed by certified contractors. A certified contractor is a contractor or a subcontractor that has been certified by a third-party organization to carry out work on certain bridges. A certified contractor must also provide training for its employees through a qualified training program.

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☒ Fails to Protect Contractors for Performance Failures of Innovative Materials

The bill incentivizes state DOTs to use “innovative materials” on projects. AGC is concerned that contractors will face unmitigated product performance liability when installing novel and uncertified materials over a project’s lifecycle.

☒ Dig Once Requirement

Creates a new “dig once” policy provision to encourage the coordination and deployment of broadband in infrastructure projects. AGC is concerned that this coordination could further cause delays to the delivery of projects.