

# Coalition for America's Gateways and Trade Corridors

AECOM

Alameda Corridor-East  
Construction Authority

Broward County's  
Port Everglades

California Department  
of Transportation

Cambridge  
Systematics, Inc.

Canaveral Port Authority

Cascadia Center

Chicago Metropolitan  
Agency for Planning

City of Chicago

COMPASS – Community  
Planning Association of  
Southwest Idaho

Dewberry

Economic Development  
Coalition of  
Southwest Indiana

Florida Department  
of Transportation

Florida East  
Coast Railway

Florida Ports Council

Freight Mobility Strategic  
Investment Board  
(Washington State)

Gateway Cities Council of  
Governments

HERZOG

HNTB Corporation

Illinois Soybean  
Association

Intermodal Association  
of North America

Kootenai Metropolitan  
Planning Organization

Los Angeles  
County Metropolitan  
Transportation Authority

Majestic Realty Co.

Maricopa Association of  
Governments

Memphis Chamber of  
Commerce

Metropolitan  
Transportation  
Commission

Moffatt & Nichol

## White House Infrastructure Plan:

### “Legislative Outline for Rebuilding Infrastructure in America”

#### CAGTC Summary

CAGTC Summary as of 02/12/18

#### [White House Infrastructure Plan](#)

**President Trump’s “Legislative Outline for Rebuilding Infrastructure in America”** proposes \$200 billion in Federal funding over 10 years to leverage \$1.5 trillion in non-federal investments. It addresses a variety of infrastructure, including but not limited to: surface transportation, airports, passenger rail, ports, waterways, flood control, rail, water supply, hydropower, water resources, drinking water facilities, wastewater facilities, stormwater facilities, and Brownfield and Superfund sites.

#### Creates New Funding Programs and Funds, Including:

- **Infrastructure Incentives Program:**
  - **Amount of Funding:** 50 percent of available funds (\$100 billion over 10 years); solicitations every six months.
  - **Stated Purpose:** To encourage increased State, local, and private investment in infrastructure.
  - **Eligibility:** Open to surface transportation and airports, passenger rail, ports and waterways, food control, water supply, hydropower, water resources, drinking water facilities, wastewater facilities, stormwater facilities, and Brownfield sites.
  - **Administered By:** The U.S. Department of Transportation (USDOT), the United States Army Corps of Engineers (USACE), and the Environmental Protection Agency (EPA).
  - **Additional Detail:**
    - Grants cannot exceed 20 percent of new revenue.
    - Individual states cannot receive more than 10 percent of total available funding.
    - Evaluation criteria are weighted and include: dollar value of the project or program of projects (10 percent); applicant securing new, non-Federal revenue to create sustainable, long-term funding (50 percent); applicant securing new, non-Federal revenue for operations, maintenance and rehabilitation (20 percent); improving project delivery and operations (10 percent); incorporating new technologies (5 percent); and the project’s ability to spur economic and social returns (5 percent).
    - Calls for the creation of a “look-back period,” equal to three years before the date of application to the program, for applicants to receive credit for actions that occurred prior to the enactment of the program.

National Railroad  
Construction and  
Maintenance  
Association

NASCO – North  
American Strategy for  
Competitiveness

The Northwest  
Seaport Alliance

Nossaman LLP

Ohio Kentucky Indiana  
Regional Council of  
Governments

Orange County  
Transportation Authority

Oregon Department of  
Transportation

Parsons

Port Authority of  
New York & New Jersey

Port Houston

Port Newark Container  
Terminal

Port of Hueneme

Port of Long Beach

Port of Los Angeles

Port of Oakland

Port of Portland, OR

Port of San Diego

Port Tampa Bay

Port of Vancouver USA

Prime Focus, LLC

Puget Sound Regional  
Council

RAILCET

SANDAG - San Diego  
Association of  
Governments

Southern California  
Association of  
Governments

Tampa Hillsborough  
Expressway Authority

Tennessee Department  
of Transportation

Washington State  
Department of  
Transportation

Will County Center for  
Economic Development

WSP

- **Rural Infrastructure Program:**
  - Amount of Funding: 25 percent of available funds (\$50 billion over 10 years).
  - Stated Purpose: To facilitate the movement of freight, improve access to reliable transportation, and enhance rural economies, health, and safety.
  - Eligibility: Open to roads, bridges, public transit, rail, airports, maritime and inland waterway ports, broadband, drinking water, wastewater, stormwater, land revitalization, Brownfields, flood risk management, water supply, waterways and various power and electric projects.
  - Additional Detail:
    - 80 percent of available funds provided to the state governor via formula distribution. A rural formula would be created based on rural lane miles and rural population adjusted for policy objectives. Governors should consult with a designated Federal agency and state directors of rural development and have discretion to choose individual investments.
    - 20 percent of available funds reserved for rural performance grants available to states. To qualify, states should publish a comprehensive rural infrastructure investment plan (RIIP) within 180 days of receiving formula funds and demonstrate the quality of any planned investments, among other requirements.
- **Transformative Projects Program:**
  - Amount of Funding: 10 percent of available funds (\$20 billion over 10 years).
  - Stated Purpose: Provide Federal assistance for innovative projects that could dramatically improve infrastructure.
  - Eligibility: Open but not limited to transportation, clean water, drinking water, energy, commercial space, and broadband sectors.
  - Administered by: The Department of Commerce (DOC) would chair program administration, with staff of other Federal agencies serving on a temporary assignment.
  - Additional Detail:
    - Would create three funding tracks, including: demonstration (funding can support up to 30 percent of eligible costs); project planning (funding can support up to 50 percent of eligible costs); and capital construction (funding can support up to 80 percent of project costs).
- **Interior Maintenance Fund:**
  - Would use revenues generated from energy development on public lands to invest in infrastructure in national parks and wildlife refuges.
- **Federal Capital Financing Fund:**
  - Amount of Funding: 5 percent of available funds (\$10 billion over 10 years).
  - Would establish a mandatory revolving fund that would transfer money to agencies to finance real property purchases, which would be repaid through discretionary appropriations.

**Expands and Increases Capacity of Existing Infrastructure Financing Programs, Including:**

- **Expansion of Existing Credit Programs:**
  - Amount of Funding: \$14 billion made available.
  - Transportation Infrastructure Finance and Innovation Act (TIFIA): Would increase budget authority for subsidy costs and expand project eligibility to include waterways, ports, and airports.
  - Railroad Rehabilitation and Improvement Financing (RRIF): Would increase budget authority for subsidy costs and subsidize the RRIF credit risk premium for short-line freight rail projects.
  - Water Infrastructure Finance and Innovation Act (WIFIA): Would increase budget authority for subsidy costs and expand project eligibility to include non-Federal flood mitigation, navigation and water supply, among other changes.
- **Expansion of Private Activity Bonds (PABs):**
  - Amount of Funding: \$6 billion made available.

- Would allow for longer-term private leases and concession arrangements and for broader categories of public-purpose infrastructure, including: roads, bridges, tunnels, and surface freight transfer facilities, among others.
- Would eliminate transportation volume caps and expand eligibility to ports and airports.

### Proposes Policy Changes for:

- **States:**
  - Increases flexibility for:
    - Tolling on Interstates: Would continue to mandate that revenues be invested in infrastructure;
    - Commercializing Interstate Rest Areas: Would mandate revenues be reinvested in the corridor in which they're generated; and for
    - Applying Federal Requirements for Transportation Projects with De Minimis Federal Share: When project funding is primarily non-Federal, application of Federal requirements would be more flexible.
  - Expands qualified credit assistance and other capabilities for State Infrastructure Banks and encourages their use by providing incentives, like reducing federalization requirements on funds lent to the banks that are deployed locally.
- **Highways:**
  - Raises the threshold for major project costs from \$500 million to \$1 billion.
  - Authorizes utility relocation to occur prior to NEPA completion.
  - Authorizes Repayment of Federal Investment to Eliminate Perpetual Application of Federal Requirements: Currently, projects that use Federal-aid highway funds for construction of a bridge or highway are constrained to Federal requirements. This would allow States to repay the Federal investment and then have more flexibility in how their bridges and highways are maintained and operated. Repaid funds would be credited to the Highway Trust Fund.
- **Rail:**
  - Applies FAST Act streamlining provisions to rail projects and would reduce the statute of limitations from two years to 150 days.
- **Inland Waterways:**
  - Authorizes the Secretary of the Army to execute agreements with non-Federal public and private entities to use Inland Waterways Trust Fund (IWTF) or General Fund (GF) funds for inland water projects, including construction, repair, and maintenance, among others.
- **Water Infrastructure Resources:**
  - Section 5014 of the Water Resources Reform and Development Act (WRRDA) of 2014 allows for Federal or non-Federal service providers to impose user fees. This would authorize up to ten interested parties to collect such user fees. It would also allow the Army Corps of Engineers to retain the user fees generated at Army Corps-managed sites and use them to invest in the infrastructure at that site.

### Proposes Improvements to Infrastructure Permitting, Such As:

- **Establishing a "One Agency, One Decision" Environmental Review Structure:** Would mandate that the lead agency complete the environmental review within 21 months and that decisions on the necessary permits be made within 3 months of the completion of the review. Calls for "appropriate enforcement mechanisms."
- **Calling for a Reduction in Inefficiencies in Environmental Reviews by:**
  - Requiring a single environmental review document and single Record of Decision;

- Clarifying that alternatives outside of the scope of an agency's authority or applicant's capability are not feasible alternatives;
- Directing the Council on Environmental Quality (CEQ) to issue regulations to streamline the NEPA process;
- Authorizing any Federal agency to use a categorical exclusion that was previously established by another Federal agency;
- Allowing design-build contractors for highway projects to conduct final designation activities before NEPA is complete;
- Allowing for advance acquisition and preservation of rail rights-of-way before NEPA is complete;
- Eliminating the need for concurrence on transportation planning documents from cooperating agencies in the NEPA process;
- Authorizing all lead Federal agencies for infrastructure projects to opt into highway and transit streamlining procedures;
- Expediting environmental or permitting reviews for projects that enhance the environment through mitigation, design, or other means; and
- Allowing Federal agencies to accept funding from non-Federal entities to support environmental and permitting reviews.
- **Reducing Inefficiencies in Protecting Clean Air:**
  - Calls for an Amendment to the Clean Air Act to clarify that only State DOTs and metropolitan planning organizations (MPOs) need only conform to the latest National Ambient Air Quality Standards (NAAQs).
- **Delegating Certain Authorities to States:**
  - Expands USDOT's NEPA assignment program to other agencies. Currently, this is limited to FHWA and FTA.
  - Allows States to assume FHWA responsibilities for approval of right-of-way acquisitions. Would allow USDOT to retain the right to terminate a delegation if the State improperly carries out the process.
  - Broadens the NEPA assignment program to include other determinations. States could assume responsibility for project-level transportation conformity determinations and determinations regarding flood plain projects and noise policies.
- **Creating Pilot Programs to Test New Way to Address Environmental Impacts, Including:**
  - Performance-Based Pilot: Would use environmental performance measures instead of an environmental review process to address the impacts of an infrastructure project. Up to 10 projects could be selected and the plan argues it would focus on good environmental outcomes rather than a lengthy environmental review process.
  - Negotiated Mitigation Pilot: Would authorize USDOT (or other infrastructure agencies) to establish an alternative decision-making process in lieu of NEPA. It would experiment with negotiation of mitigation to address environmental impacts of transportation projects.
- **Reforming Judicial Review Standards for Environmental Reviews:**
  - Revises the statute of limitations for federal infrastructure permits or decisions to 150 days.
  - Directs Federal agencies to establish guidelines on the currentness of data needed in environmental reviews and permits.