

Rebuilding Stronger Infrastructure Act of 2021

Introduced by Senator Tammy Baldwin (D-WI) and Mike Braun (R-IN)

The Federal Highway Administration's (FHWA) Emergency Relief (ER) program provides federal funding to state departments of transportation to repair and reconstruct highways, roads and bridges that have been damaged by natural disasters, such as a severe storm, flood or hurricane. For states that access this federal funding, incorporating resilience improvements into emergency relief projects has become increasingly important, particularly after sustaining years of repeated damage and rebuilding with limited funds.

In January of 2018, the U.S. Department of Transportation Office of Inspector General (DOT OIG) released a review of FHWA's guidance for state departments of transportation incorporating resilience improvements into emergency relief projects when rebuilding damaged highway infrastructure. The OIG found that FHWA lacks detailed guidance on infrastructure resilience for ER projects and a process to track related improvements.¹ According to the Inspector General, "FHWA's lack of guidance on how to manage resilience improvements makes it difficult for State DOTs to make informed decisions about how they should use [ER] funding for projects." FHWA's manual lacks information on what constitutes a resilience project. It also lacks information on how state departments of transportation should justify resilience improvements and how FHWA evaluates these justifications. Moreover, FHWA lacks a process to identify and share best practices, making it difficult for State DOTs to make informed decisions about what to consider when rebuilding damaged infrastructure.

The Rebuilding Stronger Infrastructure Act ensures that resilience improvements may be eligible for Emergency Relief funding and requires the Federal Highway Administration to address the shortcomings described by the DOT OIG.

The legislation would:

- Require the Federal Highway Administration to update the Emergency Relief Manual to include the definition of resilience and identify procedures state departments of transportation may use to incorporate resilience into emergency relief projects. The manual shall also encourage the use of Complete Streets design principals and consideration of access for moderate and low income families impacted by a declared disaster;
- Require the Federal Highway Administration to develop best practices for improving resilience of projects funded by the Emergency Relief program. Best practices will be shared with division offices of the Federal Highway Administration and state departments of transportation;
- Require the Federal Highway Administration to develop and implement a process to track consideration of resilience projects as part of the Emergency Relief Program and the cost of Emergency Relief projects; and
- Clarifies that cost-justified resilience improvements are eligible for Emergency Relief funding.

¹ U.S. Department of Transportation, Report No. ST20188014, Jan. 2018, <https://www.oig.dot.gov/sites/default/files/FHWA%20ER%20Resilience%20Final%20Report%5E1-10-18.pdf>