

FEDERAL LANDS TRANSPORTATION PROGRAM (FLTP)

	FAST Act (extension)	Bipartisan Infrastructure Law (BIL)				
Fiscal year (FY)	2021	2022	2023	2024	2025	2026
Contract authority	\$375 M	\$422 M	\$430 M	\$439 M	\$448 M	\$456 M
Set-aside for National Park Service	\$300 M	\$332 M	\$339 M	\$346 M	\$354 M	\$360 M
Set-aside for Fish and Wildlife Service	\$30 M	\$36 M	\$36 M	\$36 M	\$36 M	\$36 M
Set-aside for Forest Service	\$19 M	\$24 M	\$25 M	\$26 M	\$27 M	\$28 M

Note: Except as indicated, all references in this document are to the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act, Pub. L. 117-58 (Nov. 15, 2021).

The amount authorized for this program will rise approximately 13%, to \$422 M in FY22 from \$375 M in FY21.

Program Purpose

The BIL continues to allocate FLTP funds for projects on Federal lands transportation facilities, which are facilities within or adjacent to, or that provide access to, Federal lands (national forests, national parks, national wildlife refuges, national recreation areas, and other Federal public lands) which are owned and maintained by the Federal government, and which appear in the national Federal Lands transportation inventory.

Statutory Citations

- §§ 11112, division J, title VIII, Highway Infrastructure Program heading, second paragraph; 23 U.S.C. 201, 203

Funding Features

Except as specified above and below, the BIL continues all funding features that applied to FLTP under the FAST Act.

Types of Budget Authority or Authorization of Appropriations

- Contract authority from the Highway Account of the Highway Trust Fund, subject to the overall Federal-aid obligation limitation.

Set-aside

- The BIL reserves the majority of FLTP funding for designated Federal agencies. The specific reserved amounts are detailed in the table above, and include—
 - \$332-360 million per fiscal year for the National Park Service;
 - \$36 million per fiscal year for the U.S. Fish and Wildlife Service; and
 - \$24-28 million per fiscal year for the U.S. Forest Service. [§ 11101(a)(3)(B)(ii)]
- FHWA will allocate the remaining FLTP funds among Federal agencies otherwise eligible to complete for amounts made available under the FLTP, with each Agency receiving **[NEW]** not less than \$7M for each of FYs 22-26: [division J, title VIII, Highway Infrastructure Programs, paragraph 2, thirty-second proviso; 23 U.S.C 203(b)(1)(B)]. These agencies include:
 - the U.S. Army Corps of Engineers;
 - the Bureau of Land Management;
 - the Bureau of Reclamation; and
 - independent Federal agencies with natural resource and land management responsibilities. [23 U.S.C. 203(b)]
- Increases the combined amount of **FLTP** and **FLAP** funds to be set aside each FY (for example transportation planning) from not more than 5% to **[NEW]** not more than 20%. [§ 11113(a)(2); 23 U.S.C.201(c)(8)(A)]

Eligible Activities

- The BIL continues all prior FLTP eligibilities.

Federal Share

- 100% [23 U.S.C. 201(b)(7)]

Program Features

The BIL continues all requirements that applied to FLTP under the FAST Act, with the following changes.

Alternative Contracting Methods

- For FLTP funds and under certain conditions, BIL allows the Secretary to use alternative contracting methods on behalf of Federal land management agencies. [§ 11305(a); 23 U.S.C. 201(f)]

Wildlife Crossings

- Raises the cap on FLTP funds that may be used to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity from \$10M to **[NEW]** \$20M per year. [§ 11112(1); 23 U.S.C. 203(a)(1)(D)]

Native Plant Materials

- Requires entities carrying out FLTP projects to consider, to the maximum extent practicable, the use of locally adapted native plant materials and designs that minimize runoff and heat generation. [§ 11112(2); 23 U.S.C. 203(a)(6)]

Efficient Implementation of the National Environmental Policy Act (NEPA)

- FHWA may prepare an environmental document (an environmental impact statement, environmental assessment, categorical exclusion, or other NEPA document) pursuant to FHWA's NEPA implementing procedures if requested by the project sponsor (the Federal Land Management Agency (FLMA) that seeks or receives funds under title 23, U.S.C., for a project authorized under the FLTP or FLAP program), and if all areas of analysis required by the project sponsor can be addressed. [§ 11311; 23 U.S.C. 203(e)(1) and (2)]
 - A FHWA-prepared environmental document shall address all areas of analysis required by a FLMA to the maximum extent practicable.
 - Notwithstanding any other provision of law, a FLMA shall not be required to conduct an independent evaluation of the adequacy of a FHWA-prepared environmental document.
 - In authorizing or implementing a project, a FLMA may use an environmental document prepared by FHWA for a project addressing the same or substantially the same action to the same extent that the FLMA could adopt or use a document previously prepared by another Federal agency [§ 11311; 23 U.S.C. 203(e)(3)]
- The project sponsor may use a categorical exclusion (CE) from FHWA's implementing regulations if –
 - the project sponsor makes a determination, in consultation with FHWA, that the CE applies to the project;
 - the project satisfies the conditions for a CE under NEPA; and
 - the use of the CE does not conflict with the implementing regulations of the project sponsor, except for any list of the project sponsor that designates CEs. [§ 11311; 23 U.S.C. 203(e)(4)]
- The Secretary shall assist the FLMA with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document prepared by the Secretary in accordance with the law. [§ 11311; 23 U.S.C. 203(e)(5)]

Additional Information and Assistance

- For more information about the Federal Lands Access Program, visit: [Office of Federal Lands | FHWA \(dot.gov\)](https://www.fhwa.dot.gov/office-of-federal-lands/)
- To contact the Federal Lands Highway Division for you State, visit: <https://highways.dot.gov/federal-lands/about/contacts>.
- For general assistance related to BIL, visit: https://www.fhwa.dot.gov/bipartisan-infrastructure-law/technical_support.cfm