

# FERRY BOAT PROGRAM (FBP)

	FAST Act (extension)	Bipartisan Infrastructure Law (BIL)				
Fiscal year (FY)	2021	2022	2023	2024	2025	2026
Contract authority	\$80 M	\$110 M	\$112 M	\$114 M	\$116 M	\$118 M
Advanced appropriation (General Fund)	---	\$68 M	\$68 M	\$68 M	\$68 M	\$68 M
<b>Total BIL Funding (FY22-26)</b>	---	<b>\$178 M</b>	<b>\$180 M</b>	<b>\$182 M</b>	<b>\$184 M</b>	<b>\$186 M</b>

**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 of funding provided by BIL for the Ferry Boat Program (FBP) will rise approximately 123%, to \$178 M in FY22 from \$80 M in FY21. Over the five years of the BIL, eligible entities will receive approximately 128% more under this program, as compared to the amounts authorized in the FAST Act (FY16-20).

## Program Purpose

The BIL continues the FBP, which funds the construction of ferry boats and ferry terminal facilities by ferry systems in the States, Puerto Rico, and U.S. territories.

## Statutory Citation

- §§ 11121, 11117, 71103(g)(1); 23 U.S.C. 147, 23 U.S.C 129

## Funding Features

### Type 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.
- Advance appropriations from the General Fund; not subject to any limitation on obligations.

### Formula

- The BIL continues to allocate FBP funds to States, Puerto Rico, and U.S. territories, distributed among eligible entities (ferry systems), based on a statutory formula. [23 U.S.C. 147(c) and (d)].
- The BIL continues to allow a State with an eligible entity under the program to receive a minimum of \$100,000 in FBP funding each fiscal year. [23 U.S.C. 147(f)]

### Redistribution of Amounts Unobligated Within Four Fiscal Years

The BIL continues to require DOT to—

- withdraw from an eligible entity any distributed FBP funds that such entity has not obligated by the end of the third fiscal year following the year in which DOT allocated the funds; and
- redistribute those withdrawn funds (in accordance with the FBP formula described above) among other eligible entities for which no funds were withdrawn. [23 U.S.C. 147(e)]

### Federal Share

- In general, 80% [23 U.S.C. 147(b)]
- **[NEW]** up to 85%, as determined by the State, for projects to replace/retrofit diesel fuel ferry vessels that provide substantial emissions reduction (this authority terminates on September 30, 2025) [§ 11117(b)]
- 100% for territories [23 U.S.C. 120(g)]

## Eligible Activities

- The BIL continues the eligibilities for the FBP under the FAST Act and adds the following eligibilities—
  - **[NEW]** allows eligible entities to use amounts made available under this section to pay the operating costs of the eligible entity; [§ 71103(g)(1); 23 U.S.C. 147(k)]
  - under certain conditions, allows for the construction of ferry boats, ferry terminal facilities, and **[NEW] ferry maintenance facilities**; and
  - **[NEW]** under certain conditions, allows procurement of transit vehicles used exclusively as an integral part of an intermodal ferry trip. [§ 11117(a); 23 U.S.C. 129(c)]

#### **Program Features**

- Except as specified above, the BIL continues all requirements that applied to the FBP under the FAST Act.

#### **Additional Information and Assistance**

- For more information about the Ferry Boat Program, visit: <https://www.fhwa.dot.gov/specialfunding/fbp/>
- FHWA can connect you with your local FHWA office and support you with technical assistance for planning, design, construction, preserving, and improving public roads and in the stewardship of Federal funds. For assistance, visit: [https://www.fhwa.dot.gov/bipartisan-infrastructure-law/technical\\_support.cfm](https://www.fhwa.dot.gov/bipartisan-infrastructure-law/technical_support.cfm)