

# NATIONAL HIGHWAY PERFORMANCE PROGRAM (NHPP)

	FAST Act (extension)	Bipartisan Infrastructure Law (BIL)				
Fiscal year (FY)	2021	2022	2023	2024	2025	2026
Contract authority	\$24.239 B	\$28.439 B*	\$29.008 B*	\$29.588 B*	\$30.180 B*	\$30.784 B*

\*Calculated (sum of estimated individual State NHPP apportionments)

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).

## Program Purpose

The BIL continues the National Highway Performance Program (NHPP). The purposes of this program are: to provide support for the condition and performance of the National Highway System (NHS); to provide support for the construction of new facilities on the NHS; to ensure that investments of Federal-aid funds in highway construction are directed to support progress toward the achievement of performance targets established in a State's asset management plan for the NHS; and **[NEW]** to provide support for activities to increase the resiliency of the NHS to mitigate the cost of damages from sea level rise, extreme weather events, flooding, wildfires, or other natural disasters. [§ 11105(1); 23 U.S.C. 119(b)]

## Statutory Citations

- § 11105; 23 U.S.C. 119

## Funding Features

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

### Type of Budget Authority

- Contract authority from the Highway Account of the Highway Trust Fund. Except for \$639 million per fiscal year, NHPP funds are subject to the overall Federal-aid obligation limitation.

### Apportionment of Funds

- As under the FAST Act, the BIL directs FHWA to apportion funding as a lump sum for each State then divide that total among apportioned programs.
- Each State's NHPP apportionment is calculated based on a percentage specified in law. [23 U.S.C. 104(b)(1)] (See "Apportionment" fact sheet for a description of this calculation)

### Set-asides

- 2% for State Planning and Research. [23 U.S.C. 505]

### Protective Features

- The BIL allows States to use up to 15% of NHPP funds each FY for protective features, if the protective feature is designed to mitigate the risk of recurring damage or the cost of future repairs from extreme weather events, flooding, or other natural disasters on a non-NHS Federal-aid highway or bridge. [§ 11105(4); 23 U.S.C. 119(k)]

### Transferability to and from Other Federal-aid Apportioned Programs

- A State may transfer up to 50% of NHPP funds made available each fiscal year to any other apportionment of the State, including the Surface Transportation Block Grant Program, Highway Safety Improvement Program, Congestion Mitigation and Air Quality Improvement Program, National Highway Freight Program, **[NEW]** Carbon Reduction Program, and **[NEW]** Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Formula Program. Conversely, subject to certain limitations, a State may transfer up to 50% of funds made available each fiscal year from each other apportionment of the State to NHPP. [23 U.S.C. 126(a)] (See other program-specific fact sheets for additional details.)

### **Federal Share**

- As a general rule, in accordance with 23 U.S.C. 120. (See the “Federal Share” fact sheet for additional detail.)

### **Eligible Activities**

- The BIL continues all prior NHPP eligibilities and adds three new eligibilities:
  - undergrounding public utility infrastructure carried out in conjunction with an otherwise eligible project;
  - resiliency improvements on the NHS, including protective features; and
  - activities to protect NHS segments from cybersecurity threats.[§ 11105(2); 23 U.S.C. 119(d)(2)(Q) through (S)]

### **Program Features**

Except as specified above and below, BIL continues all requirements that applied to NHPP under the FAST Act.

#### State Asset Management Plan

- The BIL requires consideration of extreme weather and resilience as part of the lifecycle cost and risk management analyses within a State asset management plan. [§ 11105(3); 23 U.S.C. 119(e)(4)(D)]

#### Bridge Terminology

- The BIL modernizes bridge terminology used in title 23. [§ 11524(a); 23 U.S.C. 119(f)(2)]

### **Additional Information and Assistance**

- For more information about this program, visit: <https://www.fhwa.dot.gov/specialfunding/nhpp/>.
- 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).