

NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS PROGRAM

	FAST Act (extension)	Bipartisan Infrastructure Law (BIL)				
Fiscal year (FY)	2021	2022	2023	2024	2025	2026
Contract Authority	—	\$55 M	\$55 M	\$55 M	\$55 M	\$55 M
Total BIL funding (FY22-26)	—	\$55 M	\$55 M	\$55 M	\$55 M	\$55 M
Subject to future appropriation	\$100 M*	\$300 M**	\$300 M	\$300 M	\$300 M	\$300 M

* Consolidated Appropriations Act, 2021 appropriated \$100M for fiscal year 2021 for this program.

** Consolidated Appropriations Act, 2022 appropriated \$75M for fiscal year 2022 for this program.

Note: Table does not reflect additional general fund appropriations after FY22.

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 Nationally Significant Federal Lands and Tribal Projects (NSFLTP) program, which provides funding for the construction, reconstruction, and rehabilitation of nationally significant projects on Federal or Tribal lands.

Statutory Citations

- § 11127; FAST Act § 1123

Funding Features

Type of Budget Authority or Authorization of Appropriations

- Contract Authority from the Highway Trust Fund, subject to the overall Federal-aid obligation limitation [§ 11101(b)(1)(G)]
- Authorization, subject to appropriation, from the General Fund. [§ 11101(b)(2)(B)]

Set-asides

For each of FY22-26, of the amounts made available to carry out this program:

- 50% shall be used for eligible projects on Federal lands transportation facilities and Federal lands access transportation facilities; and
- 50% shall be used for eligible projects on tribal transportation facilities. [§ 11127(3); FAST Act § 1123(h)(1)]

Distribution of Funds

- Not less than one eligible project carried out using amounts set aside for eligible projects on Federal lands transportation facilities and Federal lands access transportation activities shall be in a unit of the National Park System with not less than 3,000,000 annual visitors. [§ 11127(3); FAST Act § 1123(h)(2)]

Federal Share

The Federal share of the cost of an NSLFTP project shall be:

- 100% for a project on a tribal transportation facility; and
- Up to 90% for a project not on a tribal transportation facility. [§ 11127(2); FAST Act § 1123(g)(1)]

Any Federal funds, including those made available under Title 23 or Title 49 may be used to pay the non-Federal share of the cost of an NSLFTP project. [§ 11127(2), FAST Act § 1123(g)(2)]

Eligible Projects and Activities

- The BIL decreases, to \$12.5 million (from \$25 million under the FAST Act), the minimum cost threshold for a project to be able to receive funding under NSLFTP. [§ 11127(1); FAST Act § 1123(c)(3)]
- The BIL removes the priority consideration for projects with an estimated cost equal to or exceeding \$50 million. [§ 11127(1); FAST Act § 1123(c)(3)]

Program Features

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

Additional Information and Assistance

- For more information about this program, visit the FHWA Nationally Significant Federal Lands and Tribal Projects Program page at: <https://highways.dot.gov/federal-lands/programs/significant>
- 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