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Memorandum

RE: Building Unrivaled Infrastructure and Long-term Development for America's 250th (BUILD America 250) Act

Background

The House Committee on Transportation and Infrastructure (T&I) on May 17th, 2026, released the Building Unrivaled Infrastructure and Long-term Development for America's 250th (BUILD America 250) Act (H.R. 8870), long-awaited legislation to reauthorize surface transportation programs. The T&I Committee marked up and approved the bill by a 62 - 2 vote on May 22nd, 2026, during a 15-hour markup.

Current authorization of surface transportation programs under the Infrastructure Investment and Jobs Act (IIJA) expires September 30th, 2026. For the past year, ASCE has advocated for a comprehensive, multi-year reauthorization bill that fully funds transportation programs, promotes safety, streamlines project delivery, and supports research and standards to help make the country's transportation network fit for the future.

The BUILD America 250 Act proposes a total of \$580 billion and focuses on roads, bridges, transit systems, railroads, and safety programs. A five-year bill, the BUILD America 250 Act covers Fiscal Years (FY) 2027 through 2031. As T&I Committee Chairman Sam Graves (R-MO) previously signaled, the bill focuses on traditional infrastructure. Unlike its predecessor, the IIJA, the BUILD America 250 Act does not include investments in broadband, drinking water, and wastewater projects. Some \$474.4 billion of the legislation's total is provided in the form of contract authority. The Committee on Appropriations would be expected to provide the remaining \$106 billion from the General Fund in their annual spending bills over the next five years. For comparison, the IIJA provided \$383.4 billion in contract authority, which, combined with advance

appropriations, totaled \$550 billion in new spending. Unlike the IJA, the BUILD America 250 Act does not include General Fund advance appropriations.

ASCE Position

ASCE supports the BUILD America 250 Act and commends leaders of the House T&I Committee for reaching a bipartisan deal on this legislation. Passage of a surface transportation reauthorization bill before current programs expire September 30th, 2026, is a top priority for ASCE this year. Over the past several months, ASCE has engaged with the House T&I Committee, sharing the Society's priorities for a legislative package, which include sustaining investment, prioritizing resilience, and promoting public safety. ASCE's advocacy included formally submitting ASCE's reauthorization recommendations to the House T&I Committee during the open call for industry perspectives last year. ASCE has also shared these priorities with the Senate Committee on Environment and Public Works, which will play a large role in drafting this legislation in the upper chamber.

ASCE's 2025 *Report Card for America's Infrastructure* reflected an overall "C" grade, an improvement from the 2021 Report Card grade of "C-". Nearly half of the 18 infrastructure categories assessed in the Report Card saw grade increases, including roads improving from a "D" to a "D+" and transit improving from a "D-" to a "D". For the first time since 1998, no category received a "D-", although nine categories, such as roads and transit, remained in the "D" range. Despite increased investment, the nation's bridges held steady at a "C", while the rail grade dropped to a "B-" due to an increase in rail safety incidents in recent years.

Overall, the 2025 Report Card demonstrates that increased investments from federal, state, and local government agencies and the private sector can and are making a difference. However, while recent investments have made a positive impact, the full effects of increased funding will take years to realize. Funding from the IJA was merely a down payment on years of deferred maintenance and underinvestment; sustained investment for the next five years will be critical to ensure recent progress is maintained. Providing infrastructure owners with certainty and allowing projects that are on paper to proceed to development and construction cannot be done under a series of short-term extensions. Reducing or delaying federal and state support will only escalate costs and risks associated with an aging infrastructure system. ASCE is pleased to see the BUILD America 250 Act would meaningfully sustain recent investments and provide infrastructure owners with the certainty required to build, update, and maintain the nation's infrastructure. Even more importantly, the House bill contains provisions to bolster the Highway Trust Fund (HTF) for the first time in decades, enhance project delivery and

National Environmental Policy Act (NEPA) processes, improve safety, and support research – all of which are in line with ASCE’s reauthorization recommendations.

Next steps

While the House T&I Committee has passed the BUILD America 250 Act out of committee, the legislation still requires several other committees of jurisdiction to approve their titles before the bill goes to the House floor for consideration. The House Committee on Science, Space, and Technology is responsible for the research and development title of the legislation, which the committee passed by voice vote on May 20th, 2026. The Surface Transportation and Research Development Act of 2026 (H.R. 8748), reauthorizes the Department of Transportation’s (DOT) research, technology, and data programs through FY 2031. The House Committee on Energy and Commerce approved its motor vehicle safety title, the Motor Vehicle Modernization Act of 2026 (H.R. 7389), on May 21st. Both H.R. 8748 and H.R. 7389 are expected to be wrapped into the BUILD America 250 Act before it would go to the full House for a vote.

However, as of May 21st, 2026, the House Committee on Ways and Means has yet to mark up the tax and revenue title of the legislation, which includes the Highway Trust Fund. Despite the fragmentation of responsibilities across committees, T&I Committee Chairman Graves and Ranking Member Larsen remain positive the House can pass the BUILD America 250 Act by July 4th, 2026.

Meanwhile, in the Senate, leadership is moving slower than in the House. Chairman Shelley Moore Capito (R-WV) and Ranking Member Sheldon Whitehouse (D-RI), the leaders of the Senate Environment and Public Works Committee, still have not released their version of the surface transportation reauthorization bill.

ASCE is urging House lawmakers to pass the BUILD America 250 Act and negotiate with their counterparts in the Senate to approve a final bill before the IIJA expires on September 30th, 2026.

Bill Summary

The BUILD America 250 Act includes \$376 billion in contract authority for the Federal Highway Administration (FHWA). This compares to \$304 billion in contract authority for the FHWA under the IIJA. As Chairman Graves previously indicated, the bill places an emphasis on formula funding rather than discretionary funding. The bill requires the Government Accountability Office (GAO) to conduct studies on the effectiveness of highway-related discretionary and formula grant programs.

Highlights from the BUILD America 250 Act are below.

Core Apportioned Formula Program Funding (FY 2027 – FY 2031)

- **National Highway Performance Program (NHPP)** - \$166 billion, up from \$148 billion under IIJA.
 - The BUILD America 250 Act requires the Secretary to determine compliance of asset management plans every two years, up from every year.
- **Surface Transportation Block Grant Program (STBG)** - \$83 billion, up from \$72 billion under IIJA.
- **Highway Safety Improvement Program (HSIP)** - \$17.5 billion, up \$15.6 billion under IIJA.
 - The BUILD America 250 Act broadens eligibility under the HSIP, including adding bollards, infrastructure that connects two or more existing segments of roadway safety infrastructure improvements, and digital infrastructure technologies.
 - The bill also adds language for the protection of roadway workers.
- **Congestion Mitigation and Air Quality Improvement Program** - \$15 billion, up from \$13.2 billion under IIJA.
 - The bill broadens eligibility to include projects that deploy advanced transportation and congestion management technologies and projects supporting digital infrastructure.
- **National Highway Freight Program** - \$8.3 billion, up from \$7.2 billion under IIJA.
- **Metropolitan Planning Program (MPP)** - \$2.8 billion, up from \$2.3 billion under IIJA.
 - The bill makes changes to the MPP, including allowing for a project on a previously approved Transportation Improvement Plan or State Transportation Improvement Plan to be added, if the project is unchanged.
 - It also requires the Secretary to establish a process to allow metropolitan planning organizations to qualify as direct recipients of MPP funding.
- **Carbon Reduction Program** - The bill repeals the Carbon Reduction Program but adds eligibility for carbon reduction projects to other core formula programs.
- **PROTECT Formula Program** - The bill does not include formula funding for the Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Program, which the IIJA established to fund projects to make infrastructure more resilient to storms and natural disasters. ASCE strongly supports continued funding for this program in any final reauthorization package.

ASCE Position: ASCE appreciates the BUILD America 250 Act's support for core formula programs. Consistent, robust funding is critical for engineers to plan and deliver projects to bring our nation's infrastructure into a state of good repair. ASCE also appreciates the expanded eligibility of certain programs, such as the HSIP and CMAQ Program, to include digital infrastructure projects and technologies. Civil engineers use digital infrastructure tools to improve planning, maintenance, and operation, and ASCE appreciates the bill's inclusion of their eligibility under these programs.

Roads and Bridges

New programs authorized under the BUILD America 250 Act (FY 2027 – FY 2031) include:

- **\$46 billion for the Bridge Formula Program**, a new program that would provide \$9.2 billion per year in formula funding. This amount is a significant jump from the \$5.5 billion provided annually by the IIJA's bridge formula program.
 - The program requires that states set aside 20% of annual funding amounts to address off-system bridges and set aside 25% of funds to run a competitive process to fund locally-owned bridge projects.
 - States may count off-system bridge projects funded by the set-aside for locally-owned bridges towards the off-system set-aside.
- **\$10 billion for the Bridge Completion Program**, a new competitive grant program for bridges. For this program, \$2 billion is authorized per year.
 - Grant amounts shall be not less than \$50 million, and the federal share of any project shall not exceed 50%.
 - When issuing grants, the Secretary of Transportation is directed to consider factors such as the average daily person and freight throughput expected to be supported by the project; the project's safety benefits, national or regional economic benefits, and geographic diversity; and the extent to which the project is for a bridge in poor condition or at risk of falling into poor condition.
- **\$12 billion for the Surface Transportation Accelerator Grant (STAG) Program**, a new discretionary program to fund transportation projects in local, regional, rural, and urban communities.
 - The bill makes \$2.4 billion per year available for the STAG Program.
 - Grants may be used for development phase activities, such as feasibility analyses and preliminary engineering, as well as construction, rehabilitation, and environmental mitigation work.
 - Some 50% of funding would be for local and regional grants, 25% for rural grants, and 25% for urban grants.

- **Establishes an interagency bridge strike working group** to provide guidance to bridge owners on evaluating and reducing the risk of bridge collapse from a vessel collision.
 - The manager’s amendment adopted by the House T&I Committee during the May 21st, 2026, markup establishes an interdisciplinary bridge safety team within DOT.

The bill also includes:

- \$1.2 billion for the **Railway-Highway Grade Crossings Program** (equal to amounts provided under IIJA).
- \$400 million for the **Wildlife Crossings Program** (up from \$350 million under the IIJA). The bill:
 - Increases the minimum amount required to be obligated on rural projects to 75% and places a limitation of not more than 5% of funds to be used on non-construction activities.
 - Requires the Secretary to submit an annual report on the program to Congress.
- \$3.4 billion for the **Tribal Transportation Program** (\$3 billion under IIJA).
- Calls for a study on best practices for addressing corrosion on weathering steel bridges, as well as the frequency and method of inspecting corrosion on steel bridges.
- Calls on the Secretary to enter into an agreement with the **Transportation Research Board** to conduct a study on national trends related to commuting. The bill also calls for a study on the establishment of a **Federal Infrastructure Bank**.

ASCE Position: ASCE strongly supports the BUILD America 250 Act’s emphasis on bridges. In addition to proposing a \$46 billion Bridge Formula Program and a \$10 billion Bridge Completion Program, the bill would establish an interagency bridge strike working group and commission a study on best practices for addressing corrosion on weathering steel bridges. Bridges earned a “C” on ASCE’s 2025 Report Card, holding steady with the category’s 2021 Report Card grade. The BUILD America 250 Act’s attention to bridges is a step in the right direction to finally improve this grade.

Funding and Finance

Chairman Graves has long indicated the solvency of the Highway Trust Fund (HTF) is a priority for any surface transportation reauthorization bill. After unsuccessfully trying to

include an electric and hybrid vehicle fee into the House reconciliation package that passed in May 2025, Graves championed including the fees in a reauthorization bill. As a result, in a step that would represent the first new stream of revenue in decades for the ailing HTF, the BUILD America 250 Act proposes annual registration fees of \$130 for electric vehicles (EVs) and \$35 for plug-in hybrid vehicles. Starting in 2029, these fee amounts would increase by \$5 every two years. They would be capped at \$150 per year for EVs and \$50 per year for plug-in hybrid vehicles. The legislation notes the committee recommends these fees be deposited into the HTF. The Eno Center for Transportation estimates these fees could raise \$10 billion over the five-year life of the bill, which. While not enough to fix the balance of the HTF, it is a critical step toward addressing its solvency.

The manager's amendment adopted by the House T&I Committee during the May 21st, 2026, markup requires GAO to study policies to improve the long-term solvency of the HTF. The study would evaluate policies such as indexing the federal fuel tax rate to inflation; implementing a usage formula for alternative fuel vehicles; and eliminating taxes on the sale of heavy trucks and the use of heavy vehicles and replacing them with increased fuel taxes.

Also, during the House T&I Committee's markup May 21st, 2026, Rep. Valerie Foushee (D-NC) offered an amendment that would exempt seniors aged 65 or older who are on a fixed income from the EV and plug-in hybrid vehicle fees. The amendment failed by voice vote.

ASCE Position: ASCE strongly supports the proposed fees on EVs and plug-in hybrid vehicles to bolster the HTF. ASCE believes those who use and benefit from roadways should help bear the costs associated with them, and we support the bill's proposed registration fees to ensure EV and plug-in hybrid vehicle owners pay for their use of the nation's roads. The BUILD America 250 Act also reauthorizes and makes some changes to the **Transportation Infrastructure Finance and Innovation Act (TIFIA)** credit assistance program .Changes include lowering the threshold for intelligent transportation system projects to qualify to \$10 million and increasing the project cost threshold for rural projects to \$150 million, adjusted annually for inflation. The bill also requires the Secretary to reserve \$3 million to assist small projects under \$75 million and reauthorizes the **State Infrastructure Bank Program**, as well as the allowance of up to 15% of TIFIA funds for airport related projects. ASCE supports opportunities for federal, state, and local governments to expand the use of public-private partnerships for appropriate projects and find opportunities to leverage additional financing tools through programs like TIFIA and state infrastructure banks.

Transit

The BUILD America 250 Act includes \$87.6 billion in contract authority for the Federal Transit Administration (FTA), up from \$69.9 billion under the IIJA.

Among the transit provisions in the five-year BUILD America 250 Act are:

- \$40 billion for **Urbanized Area Formula Grants** (\$33.5 billion under the IIJA).
 - The Urbanized Area Formula Grants would be amended to:
 - Allow transit agencies operating between 101 and 125 buses to use a portion of their urbanized area formula funds for operating expenses;
 - Require all transit agencies receiving urbanized area formula funds to spend at least 1% of that funding on crime prevention and security projects;
 - Require all transit agencies to spend at least 1% of their urbanized area formula funds on projects to improve accessibility for individuals with disabilities;
 - Streamline required audits;
 - Consolidate various passenger ferry programs.
- \$5.2 billion for **Rural Area Formula Grants** (\$4.6 billion under the IIJA).
 - The Rural Area Formula Grants would be amended to:
 - Specify a set-aside of \$25 million for each fiscal year to carry out the rural and insular component of the consolidated competitive ferry program;
 - Allow bus facilities that support intercity bus service to or from rural areas to be eligible for capital assistance.
- \$1.1 billion for **Planning Programs** (\$966.4 million under IIJA).
- \$23.3 billion for **State of Good Repair Grants** (\$18.4 billion under IIJA).
 - \$15 billion for the **Capital Investment Grant (CIG) Program**, a reduction from IIJA, which provided \$23 billion comprised of \$15 billion in formula funding and \$8 billion in advance appropriations.
 - The bill proposes several changes to the CIG Program, including:
 - Expanding the definition of “core capacity” to include projects that substantially increase the capacity of a system as well as projects that reduce passenger travel time;
 - Renaming “small starts” to “streamlined starts”;
 - Requiring applicants for new start, core capacity, and streamlined start projects to have initiated NEPA and have completed 30% of design and engineering prior to entering project development; and

- Codifying the Expedited Project Delivery program, making project elements designed to achieve a state of good repair eligible, and raising the award amount to 40% of the net capital project cost.
 - Directs the GAO to study the efficacy of certain data collection requirements under the CIG Program.
- Eliminates funding for the **Low or No Emission Grant Program**, which received \$5.3 billion under the IIJA.
- Converts the **All Stations Accessibility Program**, which was funded at \$350 million per year under the IIJA, into a competitive set-aside from the urbanized area formula grants at \$400 million per year.
- Establishes the **Transit Workforce Development Center** and allows the Secretary to issue grants to provide technical assistance to transit agencies.
- Creates new required datasets on revenue loss due to fare evasion and violent crimes against passengers that take place on transit vehicles for inclusion in the **National Transit Database (NTD)**.
- Requires the GAO to study the **accuracy and consistency of data** reported by transit agencies to the NTD and the efficacy of the FTA's current data verification protocols.

ASCE Position: ASCE supports the funding provided for transit in the BUILD America 250 Act. Transit's grade improved to a D in ASCE's 2025 Report Card, indicating this sector of infrastructure still has a lot of room for improvement. While ASCE was disappointed to see authorized funding was not included for the Low or No Emission Program, we are grateful for the funding provided to major formula programs and State of Good Repair Grants. One of ASCE's reauthorization recommendations was the development of programs to grow the transportation workforce, and we appreciate the establishment of a Transit Workforce Development Center. Increased recruitment efforts to grow the transportation workforce will be critical to not only ensure the network remains safe, but to facilitate projects on time and on budget.

Rail

The BUILD America 250 Act authorizes \$64.7 billion for railroads and hazardous materials. The IIJA included \$102 billion in total rail funding, composed of \$66 billion in advanced appropriations and \$36 billion in authorized funding.

The BUILD America 250 Act's rail provisions over its five-year authorization include:

- \$10.4 billion for Amtrak’s **Northeast Corridor** (\$6.6 billion under IIJA).
- \$20.7 billion for Amtrak’s **National Network** (\$12.7 billion under IIJA).
- \$1.5 billion for the Federal Railroad Administration’s (FRA) **operations and safety** activities (\$1.3 billion under IIJA).
- \$255 million for the FRA’s railroad **research and development** activities (\$225 million under IIJA).
- \$9.1 billion for the **Consolidated Rail Infrastructure and Safety Improvements** (CRISI) Program, which received \$5 billion under IIJA.
- \$3.7 billion for the **Railroad Crossing Elimination Program** (\$2.5 billion under IIJA).
- \$18.5 billion for the **National Intercity Passenger Railroad Partnership** Program.
 - This program represents a consolidation of the Federal-State Partnership for Intercity Passenger Rail Program, the Restoration and Enhancement Grant Program, and Interstate Rail Compacts.
- \$380 million for the **Pipeline and Hazardous Materials Safety** Administration’s safety efforts (\$345 million under IIJA).

The bill establishes a formal **Rail Bridge Safety Concern Reporting System** for state, local, and Tribal governments to report structural hazards and allows the Secretary to investigate these reports and enforce repairs, while streamlining the process for government officials to request public versions of railroad bridge inspection reports. It also extends the authorization of the **Railroad Rehabilitation and Improvement Financing** (RRIF) Program.

The bill creates the **Rail Technology and Asset Pilot Program** to award grants on a competitive basis for rail technology systems to improve safety, reduce cargo theft, and monitor network fluidity. It also mandates the DOT Inspector General to conduct a formal review of the FRA’s safety culture.

The bill also creates a working group to assess California’s high-speed rail project. The legislation restricts further funding for the project during the working group’s assessment or within two years of enactment of the bill, whichever is earlier.

During the House T&I Committee’s markup May 21st, 2026, an amendment was adopted to add rail safety provisions to the BUILD America 250 Act. The Trump administration expressed support for the rail safety language, which Vice President JD Vance championed during his time in the Senate representing Ohio. The amendment requires two crew members to operate a freight train, creates requirements for trains carrying certain hazardous materials, and increases regulations for defect detection technology.

ASCE Position: While the BUILD America 250 Act does not provide the level of investment in rail infrastructure contained in the IJA, ASCE still appreciates the robust funding authorized for Amtrak, the CRISI Program, and the FRA’s operations, research, and development activities. The identification and correction of safety issues on our nation’s railroad system depends on the people who spot these issues, and we appreciate the establishment of the Rail Bridge Safety Concern Reporting System.

Research

Five-year funding levels for FHWA research programs in the BUILD America 250 Act

Name of Program	BUILD America 250 Act	
	funding	IJA funding
Highway Research and Development Program	\$780.3 billion	\$735 billion
Technology and Innovation Deployment Program	\$583.9 billion	\$550 billion
Intelligent Transportation Systems Program	\$583.9 billion	\$550 billion
University Transportation Centers Program	\$435.3 billion	\$405 billion

The House Committee on Science, Space, and Technology on May 20th, 2026, favorably reported the **Surface Transportation Research and Development Act of 2026 (H.R. 8748)** by voice vote. The bill, which will be incorporated into the BUILD America 250 Act, reauthorizes DOT’s technology, research, and data programs through FY 2031. The bill:

- Establishes a **Transportation Statistics Coordination Council** composed of representatives from each of DOT’s operating administrations that conduct a program related to statistical activities. The council would aim to improve departmental coordination of data collection and use across DOT.
- Directs the Secretary to submit a strategy to encourage the standardization and utilization of reclaimed asphalt pavement on roadways and ensure asphalt mixture quality does not decrease as a result of its use.
- Calls for a study on the effects of emerging vehicle headlamp technologies and expands rail research programs, including a review of safety standards related to the transportation of hazardous materials.

Among the amendments the House Science Committee approved by voice vote May 20th, 2026, were measures commissioning a report on promoting the transit workforce; calling for a strategy on the use of digital infrastructure to support planning, engineering analysis,

and lifecycle management activities; and supporting the research and testing of low-emissions materials.

Ferries

The BUILD America 250 Act reauthorizes the **Construction of Ferry Boats and Ferry Terminal Facilities Formula Program** at \$932 million over five years. This program received \$570 million under the IIJA. It also creates a new competitive ferry program at \$125 million per year.

Highway Traffic Safety

The BUILD America 250 Act authorizes \$5.7 billion over five years for the **National Highway Traffic Safety Administration** (NHTSA) for highway safety programs, research and development efforts, high-visibility enforcement, and vehicle safety activities. This amount is a decrease from the \$7.8 billion authorized in IIJA. The bill also:

- Codifies the **Safe Streets and Roads for All Program** at \$3.8 billion over five years, down from \$5 billion under IIJA. No less than 30% shall be awarded in grants for areas with a population of 50,000 people or fewer.
- Outlines six core national priority programs that states must address in their highway safety plans: occupant protection, impaired driving, distracted driving, motorcyclist safety, non-motorist safety, and speeding.
- Adds driver awareness of work zone safety, educational efforts on the improper use of trailers, interventions that reduce traffic incidents in school zones, micromobility safety, and programs that improve interactions between law enforcement and drivers with autism or a speech disability as eligible expenses to the highway safety grant program.
- Allows states to include work zone safety education in teen traffic safety programs.
- Establishes a **Traffic Safety Enforcement Center of Excellence** to provide technical assistance to state highway safety offices and law enforcement agencies on effective traffic safety enforcement policies.
- Creates a transportation rulemaking committee to analyze the effectiveness of NHTSA's administration of highway safety grants and recommend changes to promote a data-driven approach to reducing traffic fatalities.
- Calls on GAO to conduct a study on the quality of highway safety data used in federal transportation programs.

ASCE Position: Safety is a fundamental principle of civil engineers' work and is a key component of ASCE's reauthorization principles. While ASCE would have appreciated

increased funding for NHTSA in the BUILD America 250 Act, we are glad to see the bill's focus on driver awareness efforts and technical assistance and applaud the committee for codifying the Safe Streets and Road for All Program. ASCE also supports programs to boost work zone safety and appreciates the bill's emphasis on protecting the crews that work on our nation's roads. We look forward to the results of GAO's study on the quality of highway safety data.

Project Delivery and Environmental Review

The BUILD America 250 Act contains provisions meant to ease project delivery and environmental review. On environmental review, the bill requires the Secretary to designate a **single modal administration** as the federal lead agency and biennially evaluate environmental review practices and regulations for improvement. It also clarifies **environmental review timelines and page limits** for NEPA and extends a provision limiting the period in which a highway or transit project permit or approval may be challenged in court.

In coordination with the heads of federal agencies, the Secretary would be required to create and periodically update a **coordinated environmental review and permitting process** for transportation projects and maintain a checklist for project sponsors to identify potential natural, cultural, and historic resources in the area of a proposed project.

The bill also makes changes to the Surface Transportation Project Delivery Program, commonly known as **NEPA assignment**. Through this process, the Secretary can assign, and states can assume, federal environmental review responsibilities for transportation projects. The bill allows states with NEPA assignment to assume environmental review of projects crossing state boundaries and extends the period a state may renew its participation in the program. It also permanently extends the program that allows states that have assumed the responsibility for environmental reviews to make approvals for projects under state environmental laws rather than under NEPA.

The bill requires the National Highway Institute to offer classes relating to **contract management**, competition in contracting, contract scoping, and managing state contract officers and engineers.

Regarding **categorical exclusions**, the BUILD America 250 Act increases the cost thresholds under which projects can qualify for the categorical exclusion for projects of limited federal assistance. Projects that receive less than \$12 million in federal assistance (up from \$6 million) can now qualify, as can projects with a total cost of \$70 million (up from \$35 million). The bill directs the Secretary to establish categorical exclusions FTA may

use, including clarifying the use of categorical exclusions for the construction, repair, or replacement of transit shelters within an existing right-of-way. The bill would allow certain transit agencies in urbanized areas to assume responsibility for determining the applicability of categorical exclusions. Also, the bill calls for the Secretary to update and evaluate its catalog of FHWA categorical exclusions for potential use by other agencies every three years. It requires the Secretary to survey existing transportation-related categorical exclusions and solicit recommendations from stakeholders to identify new actions that should be categorically excluded.

The bill increases the **cost threshold for which value engineering is required** for projects on the National Highway System to \$100 million (from \$50 million). It also **increases the cost threshold for major projects** to \$1 billion (from \$500 million) and indexes the cost threshold to inflation.

The bill exempts certain housing, building, and transportation projects from the DOT's section 4(f) review if those projects have already been exempted from section 106 review under the **National Historic Preservation Act**.

ASCE Position: Enhancing project delivery was one of ASCE's reauthorization recommendations, and we appreciate the BUILD America 250 Act's efforts to address this topic. ASCE supports provisions to increase the use of NEPA assignment where appropriate, clarify the use of categorical exclusions (which can trim months from a project's timeline), maintain time limits on reviews, and designate a lead agency during the review process.

Resilience

The BUILD America 250 Act rolls back some programs geared toward infrastructure resilience, equity, and emissions reductions.

The BUILD America 250 Act does not include formula funding for the Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation **(PROTECT) Program**, which the IIJA established to fund projects to make infrastructure more resilient to storms and natural disasters. However, the legislation does provide \$2.5 billion over five years for discretionary PROTECT grants. It also adds eligibility for resilience projects to other programs, such as the Emergency Relief Program, the Surface Transportation Block Grant Program, the Federal Lands Transportation Program, and the Federal Lands Access Program.

Funding for the Reduction of Truck Emissions at Port Facilities Program, the Neighborhood Access and Equity Grant Program, and the National Electric Vehicle Infrastructure Formula Program were also eliminated under the bill. Finally, the bill repeals the **Carbon Reduction Program, but** adds eligibility for carbon reduction projects to other core formula programs. The legislation also repeals the Charging and Fueling Infrastructure Grant Program, but similarly provides a charging and refueling set-aside under CMAQ.

During the House T&I Committee's markup May 21st, 2026:

- A manager's amendment was adopted that would:
 - Require GAO to conduct a review of discretionary grants issued under the PROTECT Program.
 - Based on the review, GAO shall identify projects that demonstrate improvements to flood mitigation and resiliency efforts; best practices for the implementation of resiliency projects; strategies for improving the long-term sustainability of infrastructure; challenges to enhance the integration of environmentally sustainable solutions; and recommendations for administering the program.
 - Make piers and boardwalks eligible for PROTECT grant funding.
- Rep. Laura Friedman (D-CA) offered – and withdrew – an amendment that would have restored formula funding for the PROTECT Program. She also offered amendments to reinstate the Carbon Reduction Program, the Reduction of Truck Emissions at Port Facilities Program, and the Healthy Streets Program. These amendments failed by voice vote.
- Rep. Chuy Garcia (D-IL) offered an amendment to preserve the Neighborhood Access and Equity Grant Program, but it failed by voice vote.
- Rep. Foushee offered an amendment to extend EV charging infrastructure funding programs, which failed by voice vote.
- Rep. Jared Huffman (D-CA) offered an amendment directing the Secretary to establish minimum useful service life standards for projects that cost more than \$50 million. The standards are meant to maximize the long-term durability of infrastructure, account for environmental conditions, and incorporate engineering and resiliency practices. The amendment failed by a vote of 40-24.
- Rep. Pat Ryan (D-NY) offered and withdrew an amendment to add the Restoring Essential Public Access and Improving Resilient (REPAIR) Infrastructure Act, which would reauthorize the Reconnecting Communities Program, to the larger bill.

ASCE Position: ASCE is disappointed in the bill's provisions related to resilience and climate change programs, although we appreciate the eligibilities of these subjects that have been added to other programs. ASCE supported the PROTECT Program, which was established by the IIJA, and advocated for its continued funding in the BUILD America 250 Act. The IIJA provided \$7.3 billion in PROTECT formula grants and \$1.4 billion in PROTECT discretionary grants. Prior to the House T&I Committee's May 2026 markup of the BUILD 250 Act, ASCE submitted requests to Congressional offices asking lawmakers to file an amendment to reinstate formula funding for the PROTECT Program.

Innovation and Technology

The BUILD America 250 Act adds digital infrastructure technologies as an eligible research and development activity under NHTSA's highway safety research and development program.

The bill directs the Secretary to conduct a study on the safety of **micromobility transportation devices** and technology. It also directs the executive director of the Infrastructure Permitting Improvement Center to publish guidance to facilitate the **adoption of digital platforms** by project sponsors that use DOT funds when carrying out environmental reviews under NEPA.

The bill reauthorizes the **Strengthening Mobility and Revolutionizing Transportation (SMART) grant program**, but consolidates funding for the program into a single funding stream (rather than two streams for development and implementation activities). It also reauthorizes technology deployment programs, including the **Accelerated Implementation and Deployment of Pavement Technologies Program** and the **Advanced Digital Construction Management Systems Program**.

Also reauthorized are the **Strategic Innovation for Revenue Collection Program**, which is meant to test the implementation of user-based alternative revenue mechanisms at the state and regional levels, and the **national motor vehicle per-mile user fee pilot program**. The vehicle per-mile user fee pilot program's objectives were expanded to include data collection on the differences between a national per-mile road usage charge and the federal motor fuels tax for rural and urban drivers as well as the interoperability of road usage charge collections between states.

TRB would also be charged with reviewing DOT's strategy to encourage the **adoption of new and emerging technologies**, including digital project delivery tools and intelligent transportation systems. GAO would be directed to review the physical and cybersecurity

risks associated with intelligent transportation systems and advanced transportation technologies.

ASCE Position: Advances in technology provide opportunities to improve safety, facilitate traffic operations, and enhance travel reliability. ASCE supports the bill's focus on researching and reviewing technologies that civil engineers work with, such as digital infrastructure systems and micromobility transportation devices. ASCE is also pleased the bill reauthorizes the Advanced Digital Construction Management Systems Program and the Strategic Innovation for Revenue Collection Program, two small but important programs that ASCE specifically filed appropriations requests in support of.

Infrastructure Standards

The BUILD America 250 Act contains provisions on standards related to infrastructure. Among them are:

- **Bridge and tunnel inventory and inspection standards**
 - The BUILD America 250 Act updates a finding of Congress that the continuous improvement of bridge conditions is essential and updates a requirement that the Secretary review state compliance with standards on a biennial basis.
 - It also adds language to allow bridge projects to be bundled under the Bridge Formula Program established in the BUILD America 250 Act.
- **Updates to the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)**
 - When updating the MUTCD, the Secretary must establish a standard for the minimum level of required retroreflectivity of traffic control devices and pavement markings. The resulting standard shall ensure that a minimum level of retroreflectivity is met in wet conditions and standardize border and lag contrast pavement markings on light-colored pavements and bridges.

Working Groups and Task Forces

In addition to the interagency bridge strike working group, the BUILD America 250 Act establishes the:

- **Emergency relief working group** to provide recommendations for supporting emergency relief efforts following natural disasters and assessing vulnerabilities in surface transportation assets. The working group would be composed of representatives from the FHWA and FTA, the Federal Motor Carrier Safety

Administration, the Federal Emergency Management Agency, state departments of transportation, transit agencies, and other stakeholders the Secretary deems appropriate.

- **Interagency working group to make recommendations for the protection of roadway workers.** The working group is required to submit a report to the Secretary on any limitations with data collection in work zones, the effectiveness of work zone safety contingency funds, local adoption of the Model Minimum Uniform Crash Criteria, and potential updates to educational materials and public awareness campaigns.
- **Interagency working group on roadway management in inclement weather,** which would report best practices to Congress.
- **Task force on developing a 21st century surface transportation workforce** to submit recommendations and strategies for DOT to attract individuals to surface transportation careers and address any barriers.

Freight and Multimodal Transportation

The BUILD America 250 Act requires the Secretary to consider how grant programs geared toward freight transportation would mitigate bottlenecks and improve the movement of goods. It ensures the National Strategic Freight Plan includes consideration of inland maritime port facilities. For their state freight plans, states would have to submit a list of freight bottlenecks and solutions for addressing them.

The BUILD America 250 Act provides \$10.25 billion for freight and multimodal transportation, including:

- \$10 billion over five years in General Fund authorizations for the **National Infrastructure Project Assistance (MEGA) Program Grants**, which is the same amount authorized in the IIJA. The bill also:
 - Expands project eligibility to include lessees of federal surface transportation hubs and public transportation projects eligible for assistance under the CIG program in large, urbanized areas.
 - Updates the evaluation criteria, including adding consideration of the use of innovative construction materials and the impact of population growth.
- \$250 million in grants for **transportation projects relating to international games.**

Autonomous Vehicles

The BUILD America 250 Act provides the first autonomous commercial motor vehicle framework. It creates a performance-based safety standard for commercial motor vehicles equipped with autonomous driving systems (ADS) operating in interstate commerce. The safety standard requires manufacturers of ADS and ADS-equipped commercial motor vehicles to meet all applicable regulations, demonstrate competencies through a safety case, and adhere to reporting requirements.

The bill also requires TRB to study infrastructure changes, such as curb management, sidewalk and roadway design, and pick-up zones, to improve the accessibility of autonomous ride-hail vehicles for people with disabilities, particularly wheelchair users.

For questions, please contact the ASCE Government Relations team:

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