



Infrastructure Flexibility Act







June 22, 2022

On April 4, 2022, a key group of Senators reached a bipartisan agreement on H.R. 4373, the Bipartisan COVID Supplemental Appropriations Act, 2022. This legislation includes **S. 3011**, the State, Local Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act (Infrastructure Flexibility Act), which **passed the Senate by Unanimous Consent in 2021**. The bill authorizes state and local governments to use Fiscal Recovery Funds provided by the American Rescue Plan Act of 2021 (ARP) for transportation infrastructure investments, including public transportation.

APTA strongly supports S. 3011 and urges Congress to include the Infrastructure Flexibility Act in H.R. 4373, the Bipartisan COVID Supplemental Appropriations Act, or other bipartisan legislation.

The ARP provides \$350 billion of COVID-19 emergency funding to states and local governments. Although the Fiscal Recovery Funds are available for certain types of infrastructure, transportation infrastructure investment is not eligible. **S. 3011 authorizes state and local governments to use up to \$123 billion of Fiscal Recovery Funds for transportation infrastructure investments, including public transportation.**

S. 3011 allows increased flexibility to use ARP Fiscal Recovery Funds for transportation investments, including:

-  Capital Investment Grants (e.g., New Starts and Small Starts)
-  Surface Transportation Block Grants
-  State of Good Repair Grants
-  Mega Grants
-  Grants for Buses and Bus Facilities
-  Transportation Infrastructure Financing and Innovation Act (TIFIA) Credit Assistance

APTA Urges Congress to:

Enact S. 3011, the Infrastructure Flexibility Act, as part of H.R. 4373, the Bipartisan COVID Supplemental Appropriations Act, 2022, or other bipartisan legislation.