

TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM

	FAST Act (extension)	Bipartisan Infrastructure Law (BIL)				
Fiscal year (FY)	2021	2022	2023	2024	2025	2026
Puerto Rico Highway Program*	\$158 M	\$173 M	\$177 M	\$180 M	\$184 M	\$187 M
Territorial Highway Program*	\$42 M	\$46 M	\$47 M	\$48 M	\$49 M	\$50 M
Total BIL funding* (FY22-26)	---	\$219 M	\$224 M	\$228 M	\$233 M	\$237 M

*Contract authority from the Highway Account of the Highway Trust Fund

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).

For this program, under the BIL:

- The amount authorized for Puerto Rico will rise approximately 10%, to \$173 million in FY22 from \$158 million in FY21. Over the five years of the BIL, Puerto Rico will receive over 14% more under this program, as compared to the amounts authorized in the FAST Act (FY16-20).
- The amount authorized for territories will rise approximately 10%, to \$46 million in FY22 from \$42 million in FY21. Over the five years of the BIL, territories will receive over 14% more under this program, as compared to the amounts authorized in the FAST Act (FY16-20).

Program Purpose

The BIL continues to allocate funds for a highway program in the Commonwealth of Puerto Rico. It also continues to allocate funds to assist the governments of the U.S. territories (American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands) in constructing and improving a system of arterial and collector highways and necessary inter-island connectors.

Statutory Citation

- § 11126; 23 U.S.C. 165

Funding Features

Contract authority from the Highway Account of the Highway Trust Fund, subject to the overall Federal-aid obligation limitation.

Eligible Activities

The BIL continues all FAST Act eligibilities for the Territorial and Puerto Rico Highway Program. It also modifies the types of territorial highway projects that may be funded on roads functionally classified as local. [§ 11126(3); 23 U.S.C. 165(c)(7)]

Puerto Rico Highway Program

- Of Puerto Rico Highway Program funds:
 - at least 50% are available only for purposes eligible under the National Highway Performance Program (NHPP);
 - at least 25% are available only for purposes eligible under the Highway Safety Improvement Program (HSIP); and
 - any remaining funds may be used on any activity eligible under chapter 1 of title 23, United States Code (U.S.C.) and preventative maintenance on the National Highway System. [§ 11126(2); 23 U.S.C. 165(b)(2)(C)(iii)]

Federal Share

- As provided in 23 U.S.C. 120 for Puerto Rico; 100% for territories. [23 U.S.C. 120(g)]

Program Features

Except as specified above, the BIL continues all requirements that applied to the Territorial and Puerto Rico Highway Program under the FAST Act. This includes, but is not limited to, the requirements indicated below.

Puerto Rico Highway Program

- Puerto Rico is included in the definition of “State” for most purposes under title 23, U.S.C., but is not eligible to receive funds apportioned among States for the Federal-aid highway program. [23 U.S.C. 165(b)(3)] Penalties that apply to States under titles 23 and 49, U.S.C., (e.g., the penalty related to open container requirements under 23 U.S.C. 154) continue to apply to allocations under the Puerto Rico Highway Program. [23 U.S.C. 165(b)(2)(A) and (B)]

Territorial Highway Program

- In general, the program will be administered as under prior law, including authority for FHWA to provide the territories with a wide range of technical assistance. [23 U.S.C. 165(c)]

Additional Information and Assistance

- For more information about the Puerto Rico Highway Program, visit: <https://www.fhwa.dot.gov/specialfunding/prhp/>
- For more information about the Territorial Highway Program, visit: <https://www.fhwa.dot.gov/specialfunding/thp/>
- 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