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New Goldrush - Sifting Through the Infrastructure Investment and Jobs Act for Opportunities for West Virginia



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On November 6, 2021, the United States Congress, with the help of its West Virginia representatives, Congressman McKinley and Senators Manchin and Capito, passed the Infrastructure Investment and Jobs Act (“Infrastructure Act” or “Act”). The voluminous Act totals over one thousand (1,039) single-spaced pages and adds, or modifies, hundreds of programs. Because West Virginia greatly assisted in passing this bipartisan deal, the Infrastructure Act affords West Virginia many enhancement opportunities. Specifically, the Act provides West Virginia with over six billion dollars – \$6,000,000,000+ – for projects, including, but not limited to:

- \$3 billion for Federal-aid Highway
- \$506 million for Bridge Replacement
- \$475 million for Water and Wastewater
- \$600 million for Broadband Coverage
- \$700 million for Abandoned Mine Reclamation

These opportunities will provide jobs and improve West Virginia’s prospects of obtaining future business. Below, we highlight only a few of the exciting opportunities presented to our state by the Act.

Broadband

To attract residents, West Virginia needs more broadband access. This access requires installation of broadband cables that at least provide speeds of 100/20 megabits per second. West Virginia currently ranks 49th in the United States in terms of internet speed, coverage, and availability, and only approximately 30 percent of the state has access to broadband. The Infrastructure Act should greatly improve this dire situation and permit West Virginia to attract new

businesses and employees that increasingly rely on broadband access to conduct business and work remotely.

The West Virginia Office of Broadband will administer the grants for the Act. Currently, the Office of Broadband is receiving applications for four grant programs (WIN, GigReady, LEAD, and MPS). Unlike other states, West Virginia is focused on “last-mile” services. The “last-mile” extends the broadband network to unserved businesses and households. On March 10, 2022, the FCC announced West Virginia received \$247,600,000 that seeks to expand broadband to 79,391 new locations throughout the state. With the influx of more Infrastructure Act money on the way this summer, these grant programs will only expand and increase West Virginia’s access to perhaps the most critical 21st century infrastructure.

Bridges

In addition to strengthening West Virginia’s broadband capabilities, the Infrastructure Act also provides West Virginia the opportunity to repair and/or replace its bridges. The Bridge Investment Program allows for grants to repair and replace bridges on the National Bridge Inventory. West Virginia currently has 7,134 bridges listed on the National Bridge Inventory, of which an estimated 2,099 need replacement or significant repairs. These investments will provide good-paying jobs to West Virginians and greatly increase the safety of drivers traversing the Mountain State.

Alternative Fuels / Electric Vehicle Charging Stations

The Infrastructure Act will also drastically increase the availability of alternative fuel stations and electric vehicle (“EV”) charging

stations in West Virginia; currently, the state has very few. The development of the Alternative Fuel Corridor intends to add an additional 95 miles along the interstate highways. The Act provides West Virginia \$45,700,000, solely for the construction and development of EV stations throughout the state. The Act's investment in alternative fuel infrastructure will permit West Virginians, and those traversing the state, to utilize alternative fuel vehicles for business and personal use.

The money for these projects will involve public and private partnerships. The grants allow for up to \$15 million, with the federal government covering 80 percent of the grant. Many West Virginia communities are not only eligible for this opportunity but qualify for priority status, which requires projects in: (1) rural areas; (2) low- and moderate-income neighborhoods; or (3) communities with a low ratio of private parking spaces to households. The application process for these grants is expected to roll out this summer.

Abandoned Mine Land Reclamation

The Infrastructure Act provides a 15-year grant period for reclamation projects, which is expanded to also include hard-rock mines. Further, West Virginia qualifies as a priority recipient for grants under the Act because this reclamation "provides employment for current and former employees of the coal industry." Finally, the grants require a minimum of \$20 million be spent annually on reclamation. The West Virginia Department of Environmental Protection's Office of Abandoned Mine Lands and Reclamation will administer these grants. The Act's investment in reclamation projects will serve as a boon to the state's coalfields by providing high-paying jobs to displaced coal mine employees and securing the health and safety of West Virginians.

National Culvert Removal, Replacement, and Restoration

This program under the Infrastructure Act focuses on projects that "would meaningfully improve or restore fish passage." West Virginia recently received grant money under this program on April 15, 2022, when the Secretary of the Interior for Fish and Wildlife announced \$1 million for the removal of the Albright Dam in Preston County. The dam was erected in 1952 to provide electricity generation, but the power plant closed its operations in 2012. The elimination of the Albright Dam will reconnect 1,200 miles of river and greatly increase brook trout in the Cheat River. These investments will provide high-paying jobs, increase the vitality of West Virginia's aquatic ecosystem, and make West Virginia an even more promising place for tourists to

visit and enjoy all the natural beauty the Mountain State has to offer.

Conclusion

Rules and regulations are still being promulgated to administer the enormous amount of infrastructure monies provided for in the Act. Bowles Rice actively monitors rulemaking under the Act to provide its clients with up-to-date information and advice on this once-in-a-lifetime infrastructure opportunity. The Act presents West Virginia with the ability to build a brighter tomorrow, and our firm will continue to work with its clients, governmental entities, and other stakeholders to navigate the Act and secure exciting opportunities for the state. 

