



Memorandum

Subject: **INFORMATION:** Fund Transfers to Other Agencies
and Among Title 23 Programs

Date: July 19, 2007

From: A. Thomas Park
Chief Financial Officer

Reply to
Attn. of: HCFM-1

To: Associate Administrators
Chief Counsel
Directors of Field Services
Federal Lands Highway Division Engineers
Resource Center Director
Division Administrators

The provisions contained in sections 1108, 1119(b), 1935 and 1936 of Public Law 109-59, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) expanded the transferability of funds to other agencies and among programs. This memorandum consolidates processes and procedures for the following types of transfers:

- (1) between the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA);
- (2) from a State to FHWA or to another State;
- (3) between programs;
- (4) to other Federal agencies; and
- (5) between designated projects.

To minimize the risk of Federal funds being designated as inactive, transfers should only be made when the funds are ready to be obligated by the receiving agency. As a general rule, obligation authority shall be transferred in the same manner and amount as the funds for projects that are transferred, in accordance with title 23 United States Code (U.S.C.) 104 (k)(4), as amended by section 1108 of SAFETEA-LU. An exception to this treatment occurs when a State chooses to pay the Federal share directly to another Federal agency and claim reimbursement from FHWA. (See "Transfers From a State to a Federal Agency Other Than FHWA or FTA" below.) An approved transfer of funds does not relieve the State's requirement to provide the non-Federal share for the costs of a project.

To facilitate the timely processing of all transfers, the State should use the attached FHWA transfer request form (Attachment 1) to identify appropriate information about fund type and amount, the entity receiving funds, necessary project detail, and other applicable certifications and requirements. Each

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section below outlines the specific requirements for different types of transfer requests. The Division Office should review, concur, and submit the scanned transfer request by e-mail to the Office of Budget to ensure timely processing, appropriate coordination among Headquarters program offices, and subsequent Division Office notification when all actions have been completed.

(1) TRANSFERS BETWEEN FHWA AND FTA.

As amended by section 1108 of SAFETEA-LU, 23 U.S.C. 104(k)(1) provides that title 23 funds made available for transit projects or for transportation planning may be transferred to FTA and administered under the provisions of chapter 53 of title 49, United States Code. Similarly, 23 U.S.C. 104(k)(2) provides that chapter 53, title 49 funds made available for highway projects or transportation planning may be transferred to and administered by FHWA. Comparable, but not identical, transfer provisions enacted with the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 are included in 49 U.S.C. 5334(h):

“(h) Transfer of Amounts and Non-Government Share.--(1) Amounts made available for a mass transportation project under title 23 shall be transferred to and administered by the Secretary of Transportation under this chapter. Amounts made available for a highway project under this chapter shall be transferred to and administered by the Secretary under title 23.”

The transfer between FHWA and FTA is optional under the provisions of 23 U.S.C. 104 but is required under 49 U.S.C. 5334(h). The later enacted legislative provisions in 23 U.S.C. 104 govern transfers of title 23 funds.

Attachment 2 identifies (a) title 23 funds with transit eligibility that may be transferred to FTA, (b) FHWA funds with no transit eligibility that may be transferred to other title 23 programs with such eligibility, and (c) title 49 funds that have highway eligibility. Any unobligated title 23 funds transferred to FTA that are later transferred back to the FHWA will be reviewed on a case-by-case basis to determine the remaining period of funding availability.

(2) FROM A STATE TO FHWA OR FROM A STATE TO ANOTHER STATE.

As amended by section 1108 of SAFETEA-LU, 23 U.S.C. 104(k)(3) provides that a State may transfer funds apportioned or allocated under title 23, to another State or to the FHWA, with their concurrence, to finance a project eligible for assistance with those funds. In addition to facilitating transfers of funds for pool-funded planning or research studies, this provision permits transfers between States and to FHWA for other purposes. Pool-funded transfers will continue to be coordinated with the Office of Financial Services.

Funds apportioned or allocated to a State for the Surface Transportation Program (STP) and attributed to an urbanized area of a State with a population of over 200,000 individuals under 23 U.S.C. 133(d)(3), may be transferred to FHWA only if the metropolitan planning organization designated for the area concurs, in writing, with the transfer request form.

For a transfer under 23 U.S.C. 104(k)(3), the State should submit a completed FHWA transfer request form to the FHWA Division Office for review and concurrence. If the project being undertaken meets the requirements of title 23, the request will be forwarded to the Office of Budget for coordination of action.

For transfers to either FHWA, or to another State, the Office of Budget will coordinate with the FMIS Team to reduce the unobligated balance(s) of the applicable program funds of the State requesting the transfer. The FMIS Team will withdraw an equivalent amount of obligation authority from that State in FMIS.

If the transfer is from a State to FHWA, the Division Office will follow the “lock box” process for transmittal of any State funds submitted to the FHWA for the payment of the non-Federal share. If the transfer is to another State, the Office of Budget will coordinate with the FMIS Team to withdraw the obligation authority from FMIS and allocate the funds and obligation authority to the other State. The affected Division Office(s) will be notified when the transaction is completed.

After completion of the project, the receiving FHWA Division or Headquarters program office will coordinate with the Office of Budget to facilitate the return of any remaining contract authority and obligation authority to the State that transferred the funds following final payment. Any funds that are released shall be credited back to the same category of funds from which the funds were transferred. The Office of Budget will coordinate the return of any obligation authority with the affected Division Office to mitigate the risk of lapsing of the obligation authority.

For non-traditional projects for which the State DOT does not have the expertise to administer, and is either unable or unwilling to remain accountable by making a sub-grant to a sub-recipient; and an appropriate Federal agency does not have the necessary contracting authority with which to directly undertake the project, the State DOT may request a transfer to FHWA under the authority of 23 U.S.C. 104(k)(3). If the Division Office chooses not to administer the project, it will work with an appropriate Federal agency to provide oversight of the grant funding and project and provide the grant assistance to an entity eligible for assistance under the law. The FHWA Division Office will negotiate with the grantor Federal agency to ensure that applicable Federal requirements are carried out, and memorialize the framework under which the project or activity will be carried out. Generally, a transfer allocation will be established with the Federal agency receiving the funds and overseeing the grant activity (please contact the Office of Budget for details to effect such an allocation). For those Federal agencies unable to accept transfer allocations, but willing to administer grant funds on behalf of FHWA, the FHWA will enter into an inter/intra-agency agreement under the provisions of the Economy Act (please contact the Office of Acquisition Management for details).

(3) TRANSFERS BETWEEN TITLE 23 PROGRAMS.

As amended by section 1401(a)(3)(B) of SAFETEA-LU, 23 U.S.C. 126, Uniform Transferability of Federal-aid Highway Funds, provides for the transfers between the following programs:

- National Highway System
- Congestion Mitigation and Air Quality Improvement
- Surface Transportation Program
- Interstate Maintenance
- Highway Safety Improvement Program
- Highway Bridge Program
- Recreational Trails

Additionally, 23 U.S.C. 104(g), outlines a State’s options for transferring apportioned Highway Bridge Program or Rail-Highway Crossing funds. There are several provisions that permit transfers above 50 percent or that limit transfers to less than 50 percent. Attachment 2 includes transfer provisions for specific programs.

To request a transfer under either 23 U.S.C. 104(g) or 23 U.S.C. 126, the State should submit a completed FHWA transfer request form to the FHWA Division Office indicating the type and amount of funds to be transferred. The Division Office must determine if the requested transfer is within the allowable limits as described in attached provisions, indicate concurrence with the State’s request, and submit the request to the Office of Budget for coordination of action. The FMIS Team will process transfers in FMIS.

(4) TRANSFERS FROM A STATE TO A FEDERAL AGENCY OTHER THAN FHWA OR FTA.

Section 132 of title 23, "Payments on Federal-aid projects undertaken by a Federal agency," as amended by section 1119 of SAFETEA-LU, provides that when a proposed Federal-aid project is undertaken by a Federal agency in accordance with an agreement between a State and the Federal agency, the State may direct the Secretary to transfer the funds for the Federal share of the project directly to the Federal agency.

Instead of a direct transfer, the State has the option to pay the Federal share directly to the Federal agency and then claim reimbursement from FHWA. For projects where the State has exercised the option to pay the Federal share directly to the Federal agency and then claim reimbursement from FHWA, any available funds remaining in excess of the Federal share as provided in the final voucher submitted by the State shall be recovered from the Federal agency, reimbursed to the State and credited to the same category of funds from which the Federal payment was made. Implementing Guidance was issued by the Office of Program Administration for High Priority Projects and Transportation Improvements (<http://www.fhwa.dot.gov/specialfunding/congdesign.cfm>) for the transfer of funds made available under SAFETEA-LU.

To request a transfer under 23 U.S.C. 132, the State should prepare and submit a completed FHWA transfer request form to the FHWA Division Office. The request should indicate: the project(s) to be financed with the transferred funds, the type and amount of funds to be transferred, the name of the Federal agency (including a point of contact) receiving the funds, and that the Federal agency has agreed to undertake the project(s). Upon receipt of the FHWA transfer request form, the Division Office must: determine that the project(s) being undertaken meets the requirements of title 23; concur in the State's request; and submit the request to the Office of Budget for coordination of action.

The State should also certify that an agreement is in place between the State and the Federal agency, accepting the transfer, ensuring that title 23 and other applicable Federal requirements will be met. The agreement must indicate that funds transferred to another Federal agency shall be administered in accordance with title 23 U.S.C. and all other applicable Federal requirements. These requirements include, but are not limited to, transportation planning, National Environmental Policy Act, title VI of the Civil Rights Act of 1964, participation of disadvantaged business enterprises, prevailing wage rates, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Other Federal agencies may utilize their own construction contracting requirements in lieu of those imposed on a State under title 23.

The State is responsible for any non-Federal share required on the project. Funds appropriated to a Federal Land Management Agency may be used to pay the non-Federal share as authorized under 23 U.S.C. 120(k). In addition, funds appropriated under 23 U.S.C. 204 to carry out Federal Lands Highway Program projects may be used to pay the non-Federal share of the cost of any project that is funded under title 23 or chapter 53 of title 49 and that provides access to or within Federal or Indian lands.

For non-traditional projects for which the State DOT does not have the expertise to administer, and is either unable or unwilling to remain accountable by making a sub-grant to a sub-recipient, the appropriate Federal agency does not have the necessary contracting authority with which to undertake the project, the State DOT may request a transfer to FHWA under the provisions of 23 U.S.C. 104(k)(3) for appropriate action. Please refer to section 2 of this memorandum for more information.

(5) TRANSFERS BETWEEN PROJECTS.

The flexibility permitted in SAFETEA-LU sections 1935 (Project Flexibility) and 1936 (Advances) will be in accordance with the High Priority Projects and Transportation Improvements Implementing Guidance (<http://www.fhwa.dot.gov/specialfunding/congdesign.cfm>) issued by the Office of Program Administration.

If there are questions concerning these provisions, please contact Dale Gray at (202) 366-0978 or Dave Bruce at (202) 366-0368, or via e-mail at dale.gray@dot.gov or david.bruce@dot.gov. For questions concerning specific transfer requests, please contact the Office of Budget.

Attachments (2)

INSTRUCTIONS FOR FHWA TRANSFER REQUEST

The worksheet is designed to reduce paperwork by allowing multiple transfer requests to be submitted simultaneously. Signatures on the transfer request by authorized officials of both the State transportation department and FHWA Division Office indicating approval of the movement of contract authority and/or obligation authority eliminates the need for separate letters to be submitted to headquarters.

Completion of General Information Section

Type of Transfer Request:

Determine the type of transfer request. Chose either worksheet "*FHWA to FLH or Other Agency*" or "*Within State or to Other State*".

On worksheet *Within State or to Other State*, select type of transfer from the drop down menu:

- Between Programs – Apportioned Fund to Fund
- Between Projects – Demo to Demo Project
- Between Projects – Special Limitation
- State to State – Non-Pooled Funded (including Demos)
- State to State – Pooled Fund Project

No selection is required on *FHWA to FLH or Other Agency* worksheet.

Depending on the type of transfer request selected, data fields automatically may be cross-hatched. Data should not be entered in any cross-hatched field.

Requesting Agency:

Enter the State name.

Transfer to State:

Enter the name of the State which should receive the transfer only if Type of Transfer is:

- State to State - Non-Pooled Fund (including Demos) or
- State to State - Pooled Fund.

Transfer Request Contact:

Each field is **REQUIRED**. Enter name (first and last), position title, telephone number (including area code) and e-mail address of the person who should be contacted concerning the transfer request.

Tracking Numbers:

Enter the State tracking number, if applicable. The FHWA/OCFO field is for use by the OCFO. Do not enter data in this field.

Completion of "Transfer From" Details

Item # and Description of Fund - From:

Enter the program fund(s) to be transferred.

An asterisk (*) beside a program description indicates that more information is **required**. Complete the additional information field (limited to 500 characters) and attach supplementary sheets if more room is needed for explanatory notes.

* For Bridge Program, indicate the percentage indicator of the fund. For example, 85% On System.

* For High Priority Projects, enter the description of the project as itemized in the public law.

* For SPR or PL program funds transferred to another State for administration of a pooled fund project, enter the title of the pooled fund project. (Note that other funds such as NHS, STP, EB can also be transferred for a pooled funded project.)

* For STP program funds, indicate the suballocation. For example, Optional Safety. If the funds are apportioned for obligation in a designated urban area, enter the name of the urban area.

* For Transportation Improvement Projects, enter the description of the project as itemized in the public law.

----- For each Item # with an X, complete the four items on the row as applicable. -----

Fiscal Year

Enter the fiscal year of the fund. Requests may be delayed or rejected if submitted without the fiscal year of the fund to be transferred.

Program Code

Enter the four-character FMIS program code of the program fund to be transferred. Fund codes established for obligation through Delphi cannot be transferred through these means.

Demo ID or Urban Area Code

Demo ID or Urban Area Code is required for certain fund transfers. Enter the 5-character Demo ID or the 3-digit urban area code.

Amount

Enter the dollar amount of funds to be transferred.

An equal amount of limitation, where applicable, will be transferred. For transfer of limitation only of demonstration projects, the Type of Transfer Request selected must be "Demo to Demo Limitation (including Q920 to formula)". Use the Transfer of Funds Worksheet to determine the percentage of total apportionment and determine eligibility for transfer.

Total From:

This field is automatically calculated. It is the total amount of funds to be transferred.

Completion of "Transfer To" Details

From Item # and Description of Fund - To:

Enter the Item # and program fund(s) from left-hand (From) side the right-hand (To) side.

An asterisk (*) beside a fund description indicates that more information is required. Complete the additional information field and attach supplementary sheets if more room is needed for explanatory notes.

* For Bridge Program, indicate the percentage indicator of the fund. For example, 85% On System.

* For High Priority Projects, enter the description of the project as itemized in the public law.

* For SPR or PL program funds transferred to another State for administration of a pooled fund project, enter the title of the pooled fund project. (Note that other funds such as NHS, STP, EB can also be transferred for a pooled funded project.)

* For STP program funds, indicate the suballocation. For example, Optional Safety. If the funds are apportioned for obligation in a designated urban area, enter the name of the urban area.

* For Transportation Improvement Projects, enter the description of the project as itemized in the public law.

Program Code

Enter the four-character FMIS program code of the program fund to receive transferred funds. Fund codes established for obligation through Delphi cannot be transferred through these means.

Demo ID or Urban Area Code

Demo ID or Urban Area Code is required for certain fund transfers. Enter the 5-character Demo ID or the 3-digit urban area code.

Amount

Enter the dollar amount of funds to be received by the program.

Total Transfer:

This field is automatically calculated from entries in the Amount column.

Approvals and Submission

The transfer request must be signed by authorized representatives of both the State transportation department and the FHWA Division Office. Signatures, titles of approving officials and dates of approval are REQUIRED.

Completed transfer requests should be sent electronically to the OCFO - Office of Budget (e-mail HCF-10).

Authority to Collect Information

This collection of information is required to obtain benefits and will be used to process fund transfers to other agencies and among Title 23 programs. Sections 1108, 1119(b), 1935, and 1936 of Public Law 109-59, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) expanded the transferability of funds to other agencies and among programs. This information collection will ensure the States requests are accurately executed and the requests are allowable by law. Public reporting burden is estimated to average one half hour per response, including the time for reviewing instructions searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Please note that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection is 2125-XXXX (*OMB will provide the #*). Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Highway Administration, 1200 New Jersey Ave., SE, Washington, DC 20590. Expiration date: (*OMB will provide the date#*)

TEST: FHWA TRANSFER REQUEST - APPORTIONED FUNDS

Type of Transfer Request: Apportioned Funds to a DOT Agency or Federal Department

In accordance with provisions of title 23 U.S.C., the State transportation department indicated below requests that Federal-aid Highway Program contract authority and obligation authority be transferred as shown.

Name _____ Title _____ Telephone _____ Email _____	Tracking Numbers <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">State</td> <td style="width: 50%; text-align: center;">FHWA</td> </tr> </table>	State	FHWA
State	FHWA		

Requesting Agency: _____ Transfer Request Contact: _____	Name _____ Title _____ Telephone _____ Email _____
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Item #	Description of Fund - From	Fiscal Year	Program Code	Demo ID or Urban Area Code	Amount
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
#REF!				TOTAL FROM	\$0.00

From Item #	Description of Entity - To	Amount
TOTAL TRANSFER		\$0.00

For State-to-State transfer of contract authority and obligation authority

Has the State entered into an agreement with the agency indicated above to receive, obligate, expend and manage these funds for specified project(s)?

Yes No

OCFO Comments

Enter Item # and Project Description, Urban Area or other additional information

STATE DEPARTMENT OF TRANSPORTATION

I certify that the funds requested for transfer are in accordance with the applicable provisions of title 23 U.S.C.; that the funds are unobligated and uncommitted; and that the percentage of funds to be transferred combined with previous transfers does not exceed the permissible amount eligible for transfer under the affected program categories according to applicable State and Federal laws and regulations. Where applicable, concurrence from affected Metropolitan Planning Organizations and other agencies has been obtained and recorded in this office. Further, I certify that I have the authority to approve the transfer of Federal-aid Highway program funds.

Date of Approval

Title of Approving Official

FHWA DIVISION ADMINISTRATOR CONCURRENCE

I certify that I have reviewed the request to transfer funds as itemized above; that this request is in accordance with provisions of title 23 U.S.C. and FHWA policy and procedures; and I have the authority to approve transfer of Federal-aid Highway program funds.

Date of Approval

Title of Approving Official

**FHWA and FTA Funds That May be Used for Either Highway or Transit Purposes
and Title 23 Program Transfer Provisions**

Federal Highway Administration Programs			
Primary Purpose	Eligible Transit Activities	Transfer Among Title 23 Programs [23 U.S.C. 126 & 104(g)]	Interagency Transfer Considerations
National Highway System (NHS) (23 U.S.C. 103) Improvements to rural and urban roads that are part of the NHS or that are NHS Intermodal connectors.	Transit improvements within a NHS corridor, subject to statutory conditions set in 23 U.S.C. 103 (b)(6)(C); transportation planning in accordance with 23 U.S.C. 134 & 135; fringe and corridor parking facilities; carpool and vanpool projects; public transportation management systems under 23 U.S.C. 303; publicly owned intracity and intercity bus terminals.	Up to 50% may be transferred to CMAQ, STP, IM, HSIP, RTP, and/or HBP.	May be administered by FHWA or may be transferred to FTA for transit projects eligible for NHS funds under 23 U.S.C. 103(b)(6).
Equity Bonus (EB) (23 U.S.C. 105) Same as STP.	Same as STP.	None.	Same as STP.
Interstate Maintenance (IM) (23 U.S.C. 119) Resurfacing, restoring, rehabilitating, and reconstructing most routes on the Interstate system.	No direct transit uses.	Up to 50% may be transferred to NHS, CMAQ, STP, HSIP, RTP, and/or HBP. Up to 100% may be transferred to STP or NHS if the State certifies to the Secretary that any part of the sums of IM funds apportioned to the State are in excess of the needs of the State for resurfacing, restoring, or rehabilitating Interstate System routes and the State is adequately maintaining the Interstate System and the Secretary accepts such certification.	Must first be transferred to another 23 U.S.C. program that has transit eligibility before the funds may be transferred to FTA.

Railway-Highway Crossing (HRGX) 23 U.S.C. 130

Elimination of hazards at railway-highway crossings.	No direct transit uses.	Under 23 U.S.C. 104(g): up to 40% may be transferred to the HBP if approved by the Secretary as being in the public interest; up to 100% may be transferred to the HBP if approved by the Secretary as being in the public interest & the State provides assurance that the needs of the program are being met.	N/A
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Surface Transportation Program (STP) (23 U.S.C. 133)

Construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements for highways and bridges including construction or reconstruction necessary to accommodate other transportation modes.	Capital costs of transit projects that are eligible under Ch. 53 of 49 U.S.C., including vehicles and facilities, publicly or privately owned, that are used to provide intercity bus service; carpool projects and fringe & corridor parking facilities; transit safety infrastructure improvements and programs; transit research, development and technology transfer; surface transportation planning programs; public transportation management systems under 23 U.S.C. 303.	Up to 50% may be transferred to NHS, CMAQ, HSIP, IM, RTP, and/or HBP, except that funds suballocated under 23 U.S.C. 133(d)(3) for use in areas of a State may not be transferred to other 23 U.S.C. programs.	May be administered by FHWA or may be transferred to FTA for transit projects eligible for STP funds under 23 U.S.C. 133(b).
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Surface Transportation Program Transportation Enhancements Set-aside (TE) (23 U.S.C. 133(d)(2))

12 specific activities included in the definition of Transportation Enhancement Activities in 23 U.S.C. 101(a)(35).	Although transit is not specifically mentioned in the list of 12 eligible TE activities, some of the eligible TE activities benefit transit.	Up to 25% of the increase above the FY97 Transportation Enhancements or Safety amount may be transferred to NHS, CMAQ, IM, HSIP, RTP, and/or HBP.	May be administered by FHWA or may be transferred to FTA for TE projects that benefit transit.
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Highway Bridge Program (HBP) (23 U.S.C. 144)

Replace and rehabilitate deficient highway bridges and to seismically retrofit bridges located on any public road.	No direct transit uses.	Up to 50% may be transferred to NHS, CMAQ, STP, IM, HSIP, and/or RTP. Transfer of any HBP funds after September 30, 1997, will result in deduction of the amount of the transfer from the total cost of deficient bridges in the State and all States in the succeeding fiscal	Must first be transferred to another 23 U.S.C. program that has transit eligibility before the funds may be transferred to FTA.
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		<p>year.</p> <p>Under 23 U.S.C. 104(g): up to 40% may be transferred to the HRG if approved by the Secretary as being in the public interest; up to 100% may be transferred to the HRG if approved by the Secretary as being in the public interest & the State provides assurance that the needs of the program are being met. Funds provided for Off-System bridges may not be transferred to other 23 U.S.C. programs without a needs determination</p>	
<p>Construction of Ferry Boats & Ferry Terminal Facilities (23 U.S.C. 147)</p> <p>Construction of ferry boats and ferry terminal facilities in accordance with section 129(c). Priority in the allocation of funds is to be given to those ferry systems, and public entities responsible for developing ferries, that—(1) provide critical access to areas that are not well-served by other modes of surface transportation; (2) carry the greatest number of passengers and vehicles; or (3) carry the greatest number of passengers in passenger only service.</p>	<p>Passenger ferry boats & terminal facilities.</p>	<p>None</p>	<p>May be administered by FHWA or may be transferred to FTA for transit projects eligible under 23 U.S.C. 147.</p>
<p>Highway Safety Improvement Program (HSIP) (23 U.S.C. 148)</p> <p>To achieve a significant reduction in traffic fatalities and serious injuries on public roads.</p>	<p>No direct transit uses.</p>	<p>Up to 50% may be transferred to NHS, CMAQ, STP, IM, RTP, and/or HBP.</p>	<p>Must first be transferred to another 23 U.S.C. program that has transit eligibility before the funds may be transferred to FTA.</p>

Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. 149)		
Projects in nonattainment and maintenance areas that reduce transportation related emissions.	Transit capital projects and operating expenses for new services. Operating assistance is limited to new or expanded transportation services and to 3 years. Funds may only be used in nonattainment and maintenance areas and projects must demonstrate an air quality benefit. States without nonattainment or maintenance areas may use their minimum apportionment of CMAQ for any project in the State eligible under either CMAQ or STP.	An amount not to exceed 50 percent of the difference between the State's annual apportionment and the amount the State would have received if the CMAQ program was authorized at \$1.35 billion for that year may be transferred to NHS, STP, IM, HSIP, RTP, and/or HBP. Funds transferred to other title 23 programs must still be expended within the State's nonattainment or maintenance areas.
May be administered by FHWA or may be transferred to FTA for transit projects eligible for CMAQ funds under 23 U.S.C. 149(b).		
Federal Lands Highways Program (FLHP) (23 U.S.C. 204)		
Coordinated program of public roads and transit facilities serving Federal and Indian lands. Funding is broken into 4 discrete sources: Indian Reservation Roads (IRR); Public Lands Highway – Discretionary & Forest Highways; Parkways & Park Roads; Refuge Roads	May be used for transit facilities within, adjacent, or providing access to public lands, national parks, national forests, refuge roads, and Indian reservations. Refuge roads category funds may not be used for new construction and transit.	None.
May be administered by FHWA or may be transferred to FTA for transit projects eligible for FLH funds under 23 U.S.C. 204(h).		
Recreational Trails Program (RTP) (23 U.S.C. 206)		
Develop and maintain recreational trails and trail-related facilities for both nonmotorized and motorized recreational trail uses.	No direct transit uses.	Up to 50% may be transferred to NHS, CMAQ, STP, IM, HSIP, and/or HBP, subject to approval of the State agency administering the RTP.
Cannot be transferred to FTA.		
Statewide Planning & Research (SPR) (23 U.S.C. 505)		
Highway and transit planning; statewide transportation planning under 23 U.S.C. 135; metropolitan transportation planning under 23 U.S.C. 134.	49 U.S.C. 5305 statewide transportation planning process; public transportation management systems under 23 U.S.C. 303.	None.
SPR funds for planning may be transferred to FTA at the request of the State DOT to be combined with 49 U.S.C. 5305(e) statewide planning funds as a consolidated planning grant. The 25% of SPR funds that can only be used for RD&T may not be transferred.		

Coordinated Border Infrastructure Program (CBIP) (S-LU Section 1303)		
To improve the safe movement of motor vehicles at or across the border between the United States and Canada and the border between the United States and Mexico.	Improvements to existing transportation and supporting infrastructure that facilitate cross-border vehicle movements (for highway or transit projects).	None.
Nonmotorized Transportation Pilot Program (S-LU Sec. 1807)		
To demonstrate the extent to which bicycling and walking can carry a significant part of the transportation load, and represent a major portion of the transportation solution, within 4 identified communities.	Sidewalks, bicycle lanes, and pedestrian and bicycle paths that connect directly to transit stations.	None.

Federal Transit Administration Programs		
Primary Purpose	Eligible Highway Categories	Transfer Among Title 49 Programs
Metropolitan Planning Program (MPP) (49 U.S.C. 5305(d))		
To carry out the metropolitan transportation planning process under 49 U.S.C. 5303.	23 U.S.C. 134 metropolitan transportation planning process	None.
Statewide Planning & Research (SPR) (49 U.S.C. 5305(e))		
To carry out the provisions of 49 U.S.C. sections 5304, 5306, 5315, and 5322.	23 U.S.C. 135 statewide transportation planning process.	None.
Urbanized Area Formula Grants (Section 5307) Transit capital and planning assistance to urbanized areas with populations over 50,000 and operating assistance to areas with populations of 50,000 - 200,000.	In a Transportation Management Area, the MPO may elect to transfer portions of its FTA Section 5307 (Urbanized Area Formula Grants) funds that cannot be used for operating assistance to FHWA for highway projects subject to the requirements of 49 U.S.C. 5307(b)(2).	Funds apportioned to the Governor under Section 5307 may be transferred to the Nonurbanized Formula Program (Section 5311).
		SPR funds for state planning may be transferred to FHWA at the request of the State DOT to be combined with 23 U.S.C. 505 statewide planning funds as a consolidated planning grant FHWA matching ratio may be used for SPR funds in a consolidated planning grant (CPG). FTA funds must be transferred to FHWA if they are to be used for highway purposes. Only funds in designated TMAs (urbanized areas with population 200,000 and greater) that cannot be used for operating assistance may be made available for highway projects.
		May be transferred to FHWA at the request of the State DOT to be combined with 23 U.S.C. 104(f) metropolitan planning funds as a consolidated planning grant; FHWA matching ratio may be used for MPP funds in a consolidated planning grant (CPG).
		Interagency Transfer Considerations