Implementation Guidance for the Federal Lands Access Program

Date: May 31, 2016

Purpose

The purpose of this document is to provide general guidance for implementing and administering the Federal Lands Access Program (Access Program) under 23 U.S.C. 204, established under section 1119 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) (Pub. L. 112-141) and continued under the Fixing America's Surface Transportation Act (FAST Act) (Pub. L. 114-94).

Framework

The goal of the Access Program is to improve transportation facilities that provide access to, are adjacent to, or are located within Federal lands. The Access Program supplements State and local resources for public roads, transit systems, and other transportation facilities that provide seamless access to high-use Federal recreation sites or Federal economic generators within federally-owned lands, as identified by the Secretaries of the appropriate Federal land management agencies (FLMAs). [1] The Access Program is designed to provide flexibility for a wide range of transportation projects in the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico. A Programming Decisions Committee (PDC) within each State or State equivalent political jurisdiction makes programming decisions and develops a multi-year program of projects [2] in consultation with each applicable Federal agency.

The Access Program complements the Federal Lands Transportation Program (FLTP). It also complements other Federal programs for transportation improvements, such as the Defense Access Roads Program in 23 U.S.C. 210 and the Forest Development Roads and Trails Program in 23 U.S.C. 205. It recognizes the importance of safe access to and within Federal lands.

Receipt of Access Program funding by a State and local facility owners and operators does not affect the overall responsibility for construction, maintenance, and operations of the facilities. That responsibility continues to lie on the owner or operator of the facility.

The Access Program is administered by the Office of Federal Lands Highway (FLH), Federal Highway Administration (FHWA).

Eligibility

Funds made available under the Access Program shall be used on Federal Lands Access Transportation Facilities (FLATFs). An FLATF is defined as "a public highway, road, bridge, trail, or transit system that is located on, is adjacent to, or provides access to Federal lands, for which title or maintenance responsibility is vested in a State, county, town, township, tribal, municipal, or local government" [3]. Eligible activities are:

A. transportation planning, research, engineering, preventive maintenance, rehabilitation, restoration, construction, and reconstruction of FLATFs located on or adjacent to, or that provide access to, Federal lands, and–
    i. adjacent vehicular parking areas;
    ii. acquisition of necessary scenic easements and scenic or historic sites;
    iii. provisions for pedestrians and bicycles;
    iv. environmental mitigation in or adjacent to Federal land to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity;
    v. construction and reconstruction of roadside rest areas, including sanitary and water facilities; and
    vi. other appropriate public road facilities, as determined by the Secretary;
B. operation and maintenance of transit facilities; and
C. any transportation project eligible for assistance under title 23, United States Code, that is within or adjacent to, or that provides access to, Federal land. [4]

In regard to (B) above, "operation and maintenance of transit facilities" includes the operation of all components of a transit system, including the acquisition of public transportation vehicles. This operation and maintenance eligibility applies solely to transit facilities.

The eligibility under (C) above includes transit capital projects eligible under chapter 53 of title 49, United States Code, that are also eligible under title 23 and that are within or adjacent to, or that provides access to, Federal lands open to the public.

Funding

Funding allocations are based on the authorized funding amounts cited in the FAST Act. The Access Program authorized amounts under the FAST Act are as follows:

- $250,000,000 for fiscal year 2016;
- $255,000,000 for fiscal year 2017;
- $260,000,000 for fiscal year 2018;
- $265,000,000 for fiscal year 2019; and
- $270,000,000 for fiscal year 2020. [5]

Period of Availability

The funds made available under the Access Program will be available for obligation in the fiscal year for which the funds are authorized plus three additional fiscal years. [6]

Federal Share

The Federal share payable shall be in accordance with 23 U.S.C. 120. The sliding scale provision may apply for States with higher percentages of Federal lands. [7] (See Sliding Scale Rates in Public Land States) [8]

In accordance with 23 U.S.C.120(c)(1), a list of specific activities, predominantly safety activities, are identified that can be funded at 100 percent Federal share and therefore do not require a non-Federal match. (Please note that 23 U.S.C.120(c)(1) discusses a 10 percent limitation on those safety projects that apply to funds apportioned in accordance with 23 U.S.C.104, but this limitation does not apply under the Access Program.) PDCs may elect to leverage this funding flexibility on the certain safety projects described in 23 U.S.C. 120(c)(1).

Funds authorized for the Tribal Transportation Program (TTP) [9] and the FLTP [10] may be used to pay the non-Federal share of any project funded under title 23 or chapter 53 of title 49, United States Code, that provides access to or within Federal land or tribal land. The decision to use FLTP or TTP funds as a match resides with the FLMAs or Tribes. [11] However, Access Program funds may NOT be used as such a match.

Other Federal funds not authorized under titles 23 or 49 may also be used to pay the non-Federal share of any transportation project funded under title 23 or chapter 53 of title 49 that is within, adjacent to, or provides access to Federal land. [12]

"Soft-matches" or "in-kind matches" (e.g., donations of funds, materials, services, right-of-way acquisition, utility relocation) may be permitted from the project sponsor. [13] A tapered match may be appropriate, where FHWA is doing the preliminary engineering and contract administration. [14] The match requirements and commitments should be documented in the project agreement.

Pertinent resources:

- Federal-Aid Guidance Non-Federal Matching Requirements (HTML / PDF 64 KB) – This memorandum establishes uniform Federal-aid policy guidance for matching Federal-aid Highway Program (FAHP) projects. [15]
- Memorandum: Information: Tapered Match on Federal-aid Projects, December 29, 2009 (HTML / PDF 23 KB)
- 23 U.S.C. 120: Federal share payable
- 23 U.S.C. 132: Payments on Federal-aid projects undertaken by a Federal agency
- 23 U.S.C. 323: Donations and credits

Transfers

Upon agreement, the Secretary may transfer funds authorized under FLTP and the Access Program between recipients of funds within those programs or between the two programs, in order to accumulate funds for packaging larger projects. [16] Such an agreement should not exceed the anticipated future authorized funds of the recipient to ensure it can repay the applicable balance.

An agreement should be developed and signed by the pertinent parties to document any transfer (lending arrangement) authorized by 23 U.S.C 201(e). The terms of such agreement will, among other things, include a repayment term. The recipient of transferred funding must repay the funds to the loaning entity from unobligated balances of funds that have not lapsed that are available to the recipient for the program to which or within which the loan was made, whether current year funds or carryover balances. [17]

As an example, the Fish and Wildlife Service's (FWS) National Elk Refuge in Wyoming may have a FY 2017 project programmed within its national wildlife refuge using FLTP funds. Conversely, the State of Wyoming's PDC is planning to improve a State-owned transportation facility that provides direct public access to the Elk Refuge using Access Program funds; however, it is in need of an additional $125,000 to deliver the Access Program project. Recognizing the operational and cost benefits of working together under a single construction project, the Wyoming PDC enters into a Transfer Agreement with the FWS, where the Wyoming PDC agrees to repay the FWS the $125,000 from its FY 2018 Access Program allocation. In summary, the Transfer Agreement is voluntary by all parties, allows the leveraging of funds across programs, addresses potential match funding challenges under the Access Program, and results in costs savings and reduced construction time when compared to delivering two, separate construction projects within the same proximity.

During the last year of the FAST Act, new loan-reimbursement arrangements will generally cease since the expiration of the FAST Act will be imminent and the length and funding levels of possible extensions are unpredictable. This ensures that the program balances can be appropriately repaid and made whole.

Agreements

Statewide Program Agreement

States, the District of Columbia, and the Commonwealth of Puerto Rico are encouraged to execute Statewide Program Agreements. These agreements should identify the PDC representatives, program roles and responsibilities, legislative and regulatory authorities, and other pertinent policies that address how the Access Program will be coordinated. The agreement should be updated as the PDC determines appropriate, particularly when there is a change in local government representation on the committee.

Project Agreements

Each project receiving Access Program funds is required to have an executed project memorandum of agreement (MOA) among all project partners, with roles and responsibilities that contribute to the successful completion of the project. The project MOA will be executed prior to initiating the environmental review process under the National Environmental Policy Act and other project development activities. To that end, an Access Program project MOA template is available to aid partners in the development of their agreement. Generally, the FLH Division Office will initiate the agreement process, although the State or local government may initiate the agreement for a project it administers. The Access Program project MOA includes, but is not limited to:

- Scope of work
- Schedule
- Budget
- Roles and responsibilities of all agreement signatories
- Maintenance commitment
- Match requirements
- Coordination with pertinent FLMAs
- Other requirements included in the Office of Federal Lands Highway's Stewardship and Oversight (S&O) Guidance and Instructions, if applicable [18]

Program Specific Provisions

Programming Decisions Committee (PDC)

The PDC responsible for the Access Program programming decisions in each State must be comprised of a representative of:

- The FHWA;
- The State Department of Transportation; and
- An appropriate political subdivision of the State. [19]

The representative for an appropriate political subdivision of the State (i.e., the local government) should be from an organization or entity that is suited to represent the local entities responsible for building, operating, or maintaining publicly accessible transportation facilities that are located on, are adjacent to, or provide access to Federal lands. The local representative should work cooperatively with representatives of local public transportation service providers that provide access to, or which operate within Federal recreation areas within the State and represent local interests for access to Federal lands statewide. The local representative may not be affiliated with or work for the Executive Branch of the Federal or State government. The FHWA works with the State DOT to identify an appropriate local representative. The FHWA representative will be from a FLH Division Office.

The PDC in each State should develop Standard Operating Procedures (SOP) that may be part of a Statewide Program Agreement.

Solicitation and Coordination

A general description of the project proposal solicitation process and coordination between PDC, FLH Division Offices, FLMAs, State, local facility owners, operators, and other eligible entities is as follows:

1. The PDC determines the frequency of the calls for projects within a State.
2. The FLH Division Office, with jurisdictional responsibility in that State, will issue the call for projects on the PDC's behalf. The notification of the call for projects will include applicable FLMAs in each State so they are equally informed. The FLH Division Office will post the information at: http://flh.fhwa.dot.gov/programs/flap/.
3. State, local facility owners, operators, and other eligible entities shall cooperatively engage with the respective FLMAs to identify FLMA priorities for accessing high use Federal recreation sites and/or Federal economic generators to and within Federal lands.
4. State, local facility owners, operators and other eligible entities should submit proposed project application documents in the standard form provided by the FLH Division Office. A web-based project application system may be used to facilitate the process. The FLH Division Office may request supplementary information if it deems necessary.
5. The PDC will consult with the FLMAs before final programming decisions occur. [20]
6. The information provided in the project application documents will be utilized for program data analysis and may be shared with the FLMAs as appropriate. No personal information contained in the project applications will be shared.

Project Selection Criteria

Project selection criteria should be based on the following considerations:

- Before any joint discussion or final programming decision, did the PDC cooperate with the applicable FLMA? [21]
- Is the project endorsed by the pertinent FLMA(s) as a high priority? [22]
- Does the project provide access to Federal high-use recreation sites or Federal economic generators? [23]
- Is the project consistent with the owner's long range transportation plan and is it consistent with the FLMA and other planning efforts in the State and/or region? [24]
- Does the project improve safety while improving access to a Federal facility?
- Can the project be realistically completed based on the scope, schedule, and budget proposed?
- Does the project sponsor have the ability to meet the local match requirements? [25]

Project Selection

When the PDC makes programming decisions within a State, preference must be given to the projects and facilities that provide access to, are adjacent to, or are located within high-use

Federal recreation sites or Federal economic generators, as identified by the Secretaries of the appropriate FLMAs. [26] FLMAs are responsible for defining and identifying high-use recreation sites and Federal economic generators.

Open communication and transparency with FLMAs are key tenets within this guidance. Joint discussions between the PDC members and representatives of FLMAs are required prior to selecting projects. [27] State and local facility owners and operators should only consider projects that are supported and endorsed by the appropriate FLMA(s). If more than one project is identified by an FLMA in a particular state, the FLMA should delegate establishment of priorities to their Headquarters, Regional, or State office as appropriate. The FLH Division Office will coordinate the prioritization with the competing Federal priorities to ensure preference is given to those projects considered most important by the appropriate FLMAs.

The PDC should consider the selection criteria and FLMA input to optimize the use of the statewide Access Program funds.

Building a Multi-Year Program

The basic approach in making programming decisions should be consistent in all States. Details will vary, depending on the specific circumstances, however, programming decisions should be made that will enable the PDC to build a multi-year program that maximizes and strategically makes the best use of Access Program funds. Generally, the PDC should meet as necessary, but no less frequently than once each Federal fiscal year, for overall coordination and for establishing and maintaining the multi-year program. The PDC shall cooperate with FLMA representatives before any joint discussions or finalizing programming decisions. [28] The PDC may invite FLMA representatives to participate in annual meetings, as it deems appropriate. In some States, it may be appropriate for the PDC to establish an FLMA Technical Advisory Committee. This is similar to the process used by many MPOs to solicit feedback from Federal agency stakeholders.

Program Distributions

The Access Program funds are allocated among those States that have Federal land by formula. First the Access Program funds are divided into two groups of States, as defined below [29]:

- 80 percent of the available funding is for the States that contain at least 1.5 percent of the total public land in the United States managed by the National Park Service, the Forest Service, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Corps of Engineers. The States are: Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

- The remaining 20 percent of the available funding is for the other 38 States, the District of Columbia, and the Commonwealth of Puerto Rico.

The Access Program funding is distributed by formula to each State, as defined by the ratios below:

- 55 percent in the ratio that the Federal public road miles within the State bear to the total Federal public road miles in its State group.
- 30 percent in the ratio that recreational visitation within the State bears to the total recreational visitation within its State group.
- 10 percent in the ratio that Federal public bridges within the State bears to the total Federal public bridges in its State group.
- 5 percent in the ratio that Federal land area within the State bears to the total Federal land area in its State group.

Allocations for each State will be provided to the appropriate FLH Division Office at the start of each Federal fiscal year and will be pro-rated during any Continuing Resolutions. Each FLH Division Office will administer the funds as determined by the PDC and in accordance with the FLH's S&O Guidance.

Reporting Requirements

To promote program transparency and accountability, the PDC in each State will develop and make available an annual accomplishment report detailing programming decisions, accomplishments, and budget information (e.g., implementation, construction, preliminary engineering, and construction engineering activities undertaken). This tool will also provide national program managers, FLMA partners, Congressional staff, and other stakeholders with data to ascertain how and where the Access Program funds are being obligated and expended nationally. FHWA will provide guidance on the format of the report.

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[1] 23 U.S.C. 204(c)(3)
[2] 23 U.S.C. 204(c)
[3] 23 U.S.C. 101(a)(7)
[4] 23 U.S.C. 204(a)(1)(A)
[5] Section 1101(a)(3)(C) of the FAST Act
[6] 23 U.S.C. 201(b)(2)
[7] 23 U.S.C. 120(b)
[8] Notice: Sliding Scale Rates In Public Land States - Rates Effective March 17, 1992: https://www.fhwa.dot.gov/legsregs/directives/notices/n4540-12.cfm
[9] 23 U.S.C. 202
[10] 23 U.S.C. 203
[11] 23 U.S.C. 120(k)
[12] 23 U.S.C. 120(j)
[13] 23 U.S.C. 323 and 49 CFR18.24 (c)-(e)
[14] 23 CFR 630.108(c)(2)
[15] Federal-Aid Guidance Non-Federal Matching Requirements: http://www.fhwa.dot.gov/legsregs/directives/policy/fedaid_guidance_nfmr.pdf

[16] 23 U.S.C. 201(e)
[17] 23 U.S.C. 201(e)(2)
[18] Federal Lands Highway - Stewardship and Oversight Guidance: http://flh.fhwa.dot.gov/programs/stewardship-oversight/
[19] 23 U.S.C. 204(c)(1)
[20] 23 U.S.C. 201(c)
[21] 23 U.S.C. 204(c)(2)
[22] 23 U.S.C. 204(c)(2)
[23] 23 U.S.C. 204(c)(3)
[24] 23 U.S.C. 201(c)
[25] 23 U.S.C. 201(b)(7)(B)
[26] 23 U.S.C. 204(c)(3)
[27] 23 U.S.C. 204(c)(2)
[28] 23 U.S.C. 204(c)(2)
[29] 23 U.S.C. 204(b)

Federal Lands Access Program Questions & Answers

General

1. Where in the Fixing America's Surface Transportation (FAST) Act is the Federal Lands Access Program (Access Program) authorized?

The Access Program is authorized under section 1101(a)(3)(C) of the FAST Act. [1]

2. Where in title 23 of the United States Code (U.S.C.) is the Access Program cited?

The Access Program is cited in section 204 (23 U.S.C. 204).

3. How much funding does the Access Program receive each fiscal year?

Under section 1101(a)(3)(C) of the FAST Act, the Access Program is authorized at the funding levels shown below. Funding is distributed to each State, the District of Columbia, and the Commonwealth of Puerto Rico according to a formula outlined in 23 U.S.C. 204(b).

Fiscal Year	Authorized Amount
FY 2016	$250 Million
FY 2017	$255 Million
FY 2018	$260 Million
FY 2019	$265 Million
FY 2020	$270 Million

4. How is the amount of Access Program funds for each State determined?

The FAST Act did not change the formula computation for Access Program funds. The funds will be distributed based on the formula in 23 U.S.C. 204(b).

Per the original enabling legislation, 80 percent of the available funding is for the States that contain at least 1.5 percent of the total public land in the United States managed by the National Park Service, the Forest Service, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Corps of Engineers. These States are: Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

The remaining 20 percent of the available funding is for the other 38 States, the District of Columbia, and the Commonwealth of Puerto Rico.

The funding is distributed by formula to each State, as defined by the ratios below:

- 55 percent in the ratio that the Federal public road miles within the State bear to the total Federal public road miles in its State group.

- 30 percent in the ratio that recreational visitation within the State bears to the total recreational visitation within its State group.
- 10 percent in the ratio that Federal public bridges within the State bears to the total number of Federal public bridges in its State group.
- 5 percent in the ratio that the Federal land area within the State bears to the total Federal land area in its State group. [2]

The total authorized amount by State and by fiscal year is located at: http://flh.fhwa.dot.gov/programs/flap/.

5. What reductions will be applied before allocating the Access Program funds to each State?

The Access Program is subject to obligation limitation and lop-off. [3] In previous years, the lop-off has reduced the authorized amount by 5 to 10 percent. In addition, 23 U.S.C. 201(c)(8) authorizes the Secretary to use up to 5 percent of the Access Program's annual allocation for transportation planning activities, including system-wide transportation planning, asset management, and innovation deployment.[4] The remaining available balance will be then distributed by formula and allocated to each State in accordance with 23 U.S.C. 204(b).

6. Federal lands access transportation facilities (FLATFs) are defined as being owned or maintained by a State, tribal, or local government. Is it permissible to fund improvements to an access facility owned by a Federal land management agency (FLMA) if the ultimate intent of the agency is to transfer ownership or maintenance responsibilities for the facility to a State or local government following the completion of the project?

No, the Federal agency would have to transfer ownership or maintenance responsibilities to the State DOT or local government prior to the project being programmed. [5]

7. Are non-profit organizations and foundations eligible to apply for Access Program funding directly?

No. However, such organizations can contribute to the required matching funds associated with a specific project application.

8. The original Access Program enabling legislation presented in MAP-21 required that FLATFs have title or maintenance responsibility vested in a State, Tribe, or local government. The FAST Act did not modify this requirement. Is a Federally-owned road eligible for Access Program funding if a State, Tribe, or local government is providing maintenance under an agreement with the FLMA?

Yes. 23 U.S.C. 204 requires that FLATFs have title or maintenance responsibility vested in a State, Tribe, or local government. A Federally-owned road for which a State, Tribe, or local government has obtained prior to programming an easement, license, permit, agreement, or other written instrument which assumes the majority of the maintenance responsibility is eligible for Access Program funding.

9. Can Access Program funds be used for Federal Lands Transportation Program (FLTP) projects under 23 U.S.C. 203?

Yes. 23 U.S.C. 204(a)(1)(C) provides that Access Program funds are to be used to pay the cost of "any transportation project eligible for assistance under this title that is within or adjacent to, or that provides access to, Federal land." This flexibility allows FLMAs and PDCs to coordinate and leverage program funds between the complementary Access Program and FLTP to reduce project costs and to enhance access to Federal lands. This program flexibility should only be used in extraordinary circumstances by the individual State PDC since other program fund sources support FLTP activities.

10. Are Tribes eligible to apply for Access Program funding?

Yes. Tribes may apply for Access Program funding if the road or facility proposed for funding is owned or operated by the Tribe and provides access to a Federally-owned land. For example, a Tribally-owned road (as opposed to a BIA-owned road) that provides access to a national park or national forest is eligible for the Access Program. Tribal lands are not defined as Federally-owned land and are thus not eligible to be identified as FLMA land parcels potentially benefitting from an Access Program project.

11. Are FLATFs eligible for 100 percent Federal share under the Emergency Relief for Federally Owned Roads (ERFO) Program and/or the Emergency Relief Program?

No. Section 1408(b) of the FAST Act eliminated the 100 percent Federal share for repairs or reconstruction resulting from a qualifying emergency relief (ER) event performed on FLATFs. ER projects on FLATFs are now subject to the same Federal share as ER projects on other eligible Federal-aid roads. (23 U.S.C. 120). State and county owned roads that do not meet Federal-aid classification standards may apply for emergency funding through the Federal Emergency Management Agency (FEMA).

To support a seamless transition between MAP-21 and the FAST Act, the Consolidated Appropriations Act of 2016 made this change effective for ER-eligible disasters that occur on or after October 1, 2015. The 100 percent Federal share continues for repairs on FLATF roads resulting from a qualifying ER event that occurred before October 1, 2015.

Federal Share

12. What is the Federal share of the Access Program?

The Federal share of an Access Program project is determined in accordance with 23 U.S.C. 120. Nominally, this means that the maximum allowable Federal share is 80 percent. This percentage can be higher (sliding scale), depending on the amount of publicly owned Federal land in the State. The FAST Act did not change the Federal share payable requirements under the Access Program.

13. Similar to some Federal-aid programs, does the Access Program fund certain safety activities at 100 percent?

Yes. In accordance with 23 U.S.C. 120(c)(1), a list of activities, predominantly safety activities, are identified that can be funded at 100 percent Federal share and therefore do not require a non-Federal match. (Please note that 23 U.S.C. 120(c)(1) discusses a 10 percent limitation on those safety projects that apply to funds apportioned to Federal-aid programs in accordance with 23 U.S.C. 104. This limitation does not apply under the Access Program and projects may be eligible at 100 percent Federal share without limitation.) PDCs may elect to leverage this funding flexibility on safety projects.

14. Does the guidance issued by the Office of Infrastructure's Director of Program Administration on the subject, "Increased Federal Share under 23 U.S.C. 120(c)(1)" apply to the Access Program cost share requirement?

Yes.

15. Can we use Access Program funds to match other Federal-aid programs?

No. [6]

16. If a PDC and FLMA identify an opportunity to leverage both FLAP and FLTP funds to let a single project, can the FLTP funds be applied toward the FLAP match requirement for that project?

Yes.

17. Are in-kind contributions considered to count towards the non-Federal share? When will in-kind contributions begin to count towards the non-Federal share required under the Access Program?

In-kind contributions is a term used for non-monetary donation of property, services, materials, or equipment by the recipient, subrecipient, or FLMA used in the development, construction, or implementation of a Federal project. [8] In-kind contributions used as match must be eligible for the project and allowable per Federal cost principles. [9] Retroactive approval of costs for services incurred prior to execution of the reimbursable or project agreement is prohibited.

The applicant must indicate the intention to utilize in-kind match for the proposed project within the project proposal so that the PDC can coordinate with the FHWA Federal-aid Division Office and the State DOT to verify whether in-kind match is allowable in the State and whether the in-kind contribution proposed in the project application is acceptable. If the in-kind match is allowable for applicable Federal-aid programs, then the same flexibility may be considered by the PDC. Values for donated services and contributions are determined in accordance with 2 CFR 200.306, Cost Sharing or Matching, and 2 CFR 200.434, Contributions and Donations.

Competitive Bidding

18. Is competitive bidding required for Access Program projects?

Yes. Access Program projects shall be performed by contract awarded by competitive bidding unless the Secretary or the Secretary of the appropriate FLMA affirmatively finds that, under the circumstances relating to a project, a different method is in the public interest. [10] If a different method is intended to be used for the proposed project, the applicant must indicate the intention within the project proposal for applicant-delivered projects, so that the PDC can coordinate with the FHWA Federal-aid Division Office and the State DOT during the project evaluation process. For more information on Cost-Effectiveness Determinations and Public-Interest Findings, visit: Federal-aid Essentials for Local Public Agencies at http://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=43.

Programming Decisions Committee

19. How are the PDC members determined?

The PDC in each State must be comprised of a representative of the FHWA, a representative of the State Department of Transportation, and a representative of any appropriate political subdivision of the State. [11]

The FHWA and State DOT each select internally the most appropriate candidate. The representative for an appropriate political subdivision of the State (i.e., a local government) should be from an organization or entity that is suited to represent the local entities responsible for building, operating, or maintaining publicly accessible transportation facilities that are located on, are adjacent to, or provide access to Federal lands. The local representative should work cooperatively with representatives of local public transportation service providers that provide access to, or which operate within Federal recreation areas within the State and represent local interests for access to Federal lands Statewide. The local representative may not be affiliated with or work for the Executive Branch of the Federal or State government. The FHWA works with the State DOT to identify an appropriate local representative.

The PDC members listed by State is located at: http://flh.fhwa.dot.gov/programs/flap/.

Asset Management and Data Collection

20. Are the FLATFs subject to the same asset management and data collection requirements as the Tribal Transportation Program (TTP) and the FLTP?

No, these are not specified requirements for the Access Program. [12] [13] However, these facilities may be subject to some or all of these management and reporting requirements under other Federal-aid programs and procedures.

[1] https://www.gpo.gov/fdsys/pkg/PLAW-114publ94/pdf/PLAW-114publ94.pdf
[2] 23 U.S.C. 204(b)(1)
[3] Section 1002 of FAST Act
[4] 23 U.S.C. 201(c)(8)
[5] 23 U.S.C. 101(a)(7)
[6] 23 U.S.C. 120(j)
[7] http://www.fhwa.dot.gov/map21/qandas/carryover.cfm
[8] 2 CFR 200.306
[9] 2 CFR Subpart E (Cost Principles)
[10] 23 U.S.C. 204(a)(5)
[11] 23 U.S.C. 204(c)
[12] 23 U.S.C. 201(c)(5)
[13] 23 U.S.C. 201(c)(6)