



U.S. Department of Transportation  
Federal Highway Administration

# Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21)

August 2012

# After 10 extensions, a 27-month bill

- SAFETEA-LU expired on 9/30/09
- 10 extensions (final one from 7/1/12 - 7/6/12)
- Strong bipartisan vote for 27-month transportation bill
  - Passed 373-52 in the House
  - Passed 74-19 in the Senate
- Also includes major non-transportation provisions, e.g.,
  - Extension of 3.4% interest rates for student loans
  - Reauthorization of flood insurance program

# MAP-21 themes

- Strengthens America's highway and public transportation systems
- Creates jobs and supports economic growth
- Supports the Department's aggressive safety agenda
- Simplifies and focuses the Federal program
- Accelerates project delivery and promotes innovation
- Establishes a performance-based Federal program

# Stable funding

- Program authorized through FY14
  - Current law through end of FY12
  - Most new provisions go into effect on October 1<sup>st</sup>
- Avg. annual funding at FY12 levels (plus minor inflation)
- Extends Highway Trust Fund taxes and ensures 2 years of solvency for Highway Trust Fund (HTF)
- Substantial programmatic consolidation
  - No earmarks
  - Most discretionary programs eliminated



# Apportioned programs

# Program structure

MAP-21	Current Law
National Highway Performance Program (NHPP)	NHS, IM, & Bridge (portion)
Surface Transportation Program (STP)	STP & Bridge (portion)
Congestion Mitigation & Air Quality Improvement Program (CMAQ)	CMAQ
Highway Safety Improvement Program (HSIP)	HSIP (incl. High Risk Rural Roads)
Railway-Highway Grade Crossing <i>(takedown from HSIP)</i>	Railway Highway Grade Crossing
Metropolitan Planning	Metropolitan Planning
Transportation Alternatives <i>(set aside from NHPP, STP, HSIP, CMAQ, and Metro Planning)</i>	TE, Recreational Trails, and Safe Routes to School

# A new approach to formulas

Authorize lump sum for all apportioned programs

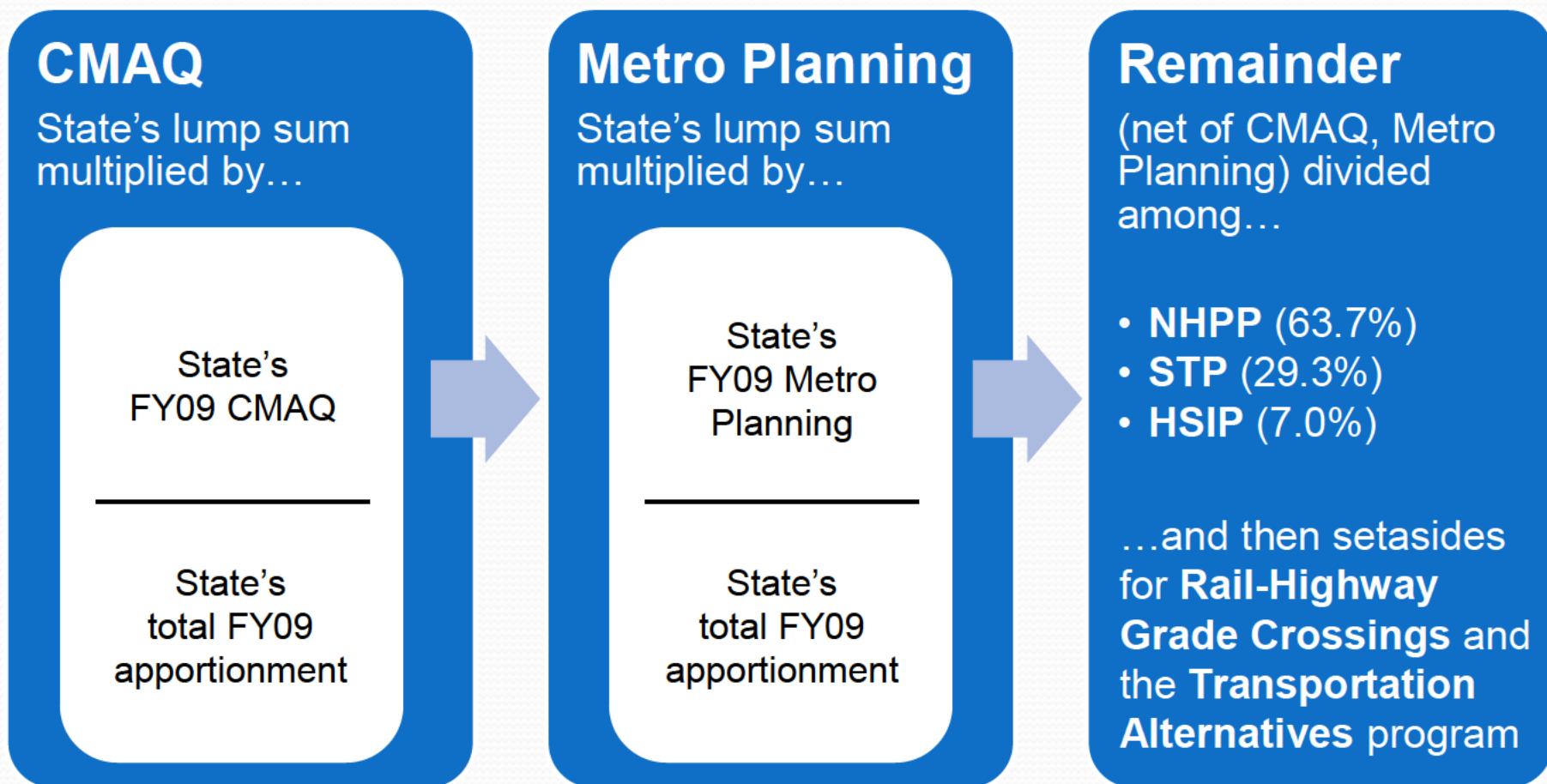


Calculate total amount to apportion to each State

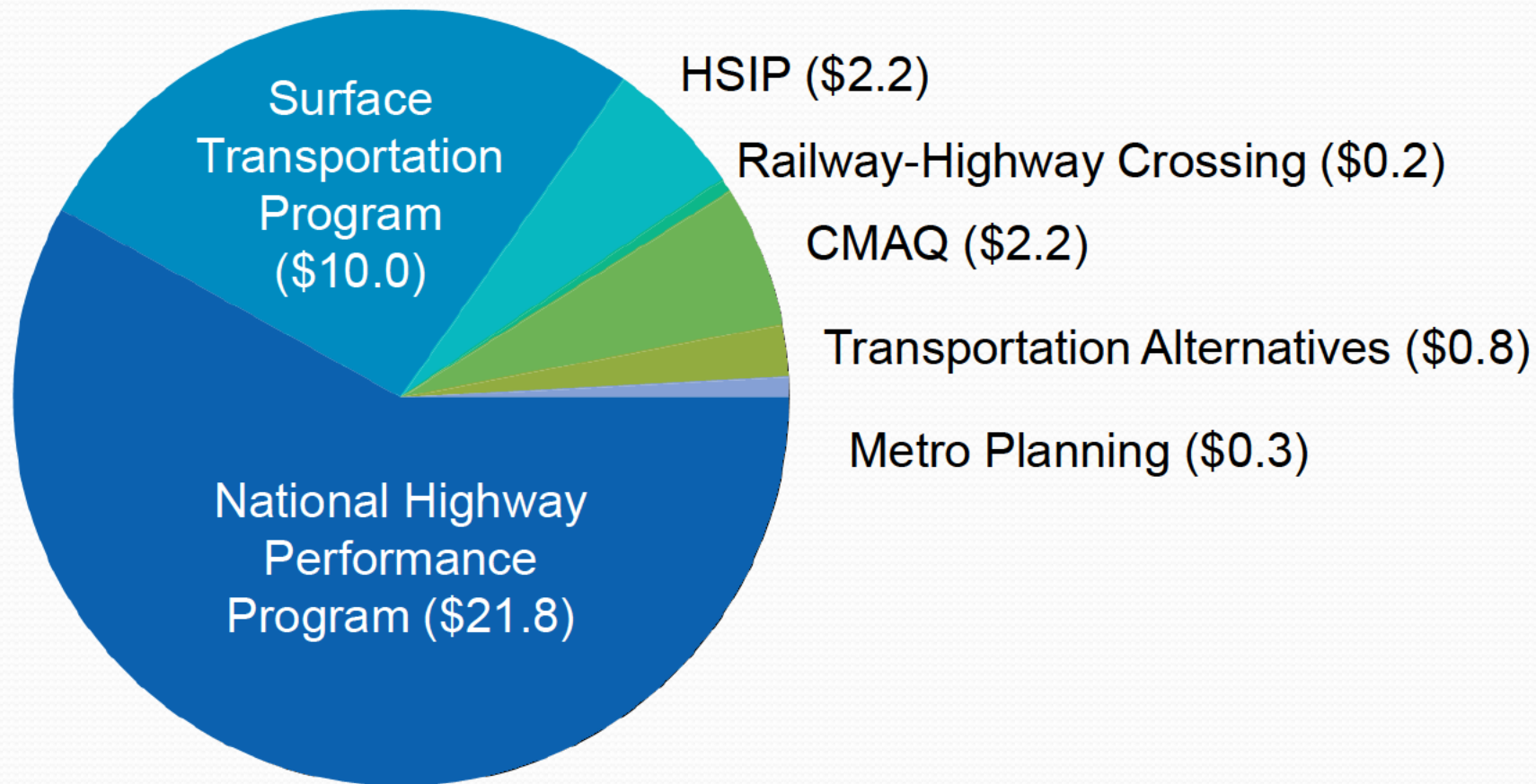


Divide State lump sum among programs

# Division of a State's apportionment among programs



# \$37.7 billion/year in formula funding



Note: Amounts in \$ billions; individual program amounts do not add exactly to total due to rounding



# National Highway Performance Program (\$21.8B)

- Funds an enhanced National Highway System, combining functions of the existing NHS, IM and Bridge Programs
- Enhanced NHS includes existing NHS, all principal arterials, STRAHNET, and intermodal connectors
- Requires an asset management plan
- States set targets for conditions and performance
- Min. standards for Interstate & bridge conditions in a State
  - DOT to set minimum standard for Interstate pavement condition
  - Law sets standard for NHS bridges -- no more than 10% of deck area may be structurally deficient

# Surface Transportation Program (\$10.0B)

- Continued flexible funding for Federal-aid highways, plus safety and bridges on any public road
- Eligibility for transportation enhancements, rec trails, ferry boats, consolidated border infrastructure program, truck parking facilities, and safe routes to schools (no set-aside)
- 50% of funds subject to suballocation based on population
- Rural provisions enhanced
  - Rural planning organizations, if any, must be consulted
  - Up to 15% of rural suballocation may be spent on minor collectors

# Highway Safety Improvement Program (\$2.4B)

- Dramatically increases size of existing program
- Maintains current structure; adds requirement for regular update of the strategic highway safety plan
- Keeps setaside (\$220M/year) for rail-highway grade crossings
- No high risk rural roads setaside unless safety statistics worsen
- Secretary to establish measures and States to set targets for number of injuries and fatalities (and number per VMT)
- Strengthens link between HSIP and NHTSA programs

# Congestion Mitigation & Air Quality Improvement Program (\$2.2B)

- Continues the current program with changes
- Performance plans for large TMAs (to include air quality and congestion measures)
- States with PM 2.5 areas must use a portion of their funds to reduce PM 2.5
- Some expanded authority to use funds for transit operations
- Explicit support for installation of facilities serving electric or natural gas-fueled vehicles
- CMAQ outcomes assessment study required



# Transportation Alternatives (TA) (\$814M)

- Incorporates eligibilities from many current programs
  - Most (but not all) formerly TE-eligible activities
  - Recreational trails program
  - Safe Routes to Schools program
  - Planning, designing, or constructing roadways within the ROW of former Interstate or other divided highways
- Similar funding level to TEs under SAFETEA-LU
  - Total TA \$ equal to 2% of MAP-21 highway funding
  - Funded via takedown from each State's formula funds
  - 50% suballocated for more local control
  - 50% State allocation can be transferred to other formula programs



# Other programs/ key provisions

# Federal Lands & Tribal Transportation

Generally followed Administration's proposed structure:

	Annual \$
Federal Lands Transportation Program (with new partners)	\$300 million
Federal Lands Access Program	\$250 million
Tribal Transportation Program (new formula for distribution among tribes)	\$450 million

# Federal Lands Transportation Program (\$300M)

- For projects that improve access within the Federal estate (e.g., national forests, national recreation areas) on infrastructure owned by the Federal government
- Combines Park Roads & Refuge Roads programs; adds new partners—Forest Service, BLM & Corps of Engineers
- Some funds reserved for National Park Service & Fish and Wildlife Service roads; remainder awarded competitively

# Federal Lands Access Program (\$250M)

- For projects that improve access to the Federal estate on infrastructure owned by States and local governments
- Distributed by formula based on
  - Recreational visitation
  - Federal land area
  - Federal public road mileage
  - Federal public bridges
- 80% of funds go to States with  $\geq 1.5\%$  of total public land
- Each State's programming decisions made by committee
- Requirement for local match

# Tribal Transportation Program (\$450M)

- For projects improving access to and within Tribal lands
- New statutory formula for distribution among tribes (to be phased in)
- Various set-asides
  - Up to 6% for BIA and FHWA project management & oversight expenses
  - Up to 2% for transportation planning
  - Up to 2% for priority program for improving deficient Tribal program-eligible bridges
  - Up to 2% for safety projects on Tribal lands
  - Tribal supplemental funding



# TIFIA

- Lending capacity expanded – up to \$17 billion in credit assistance over 2 years
- Notice of Funding Availability released July 27, 2012
- Program reforms
  - Letters of Interest / applications accepted throughout the year
  - Allows TIFIA participation for up to 49% of eligible project costs
  - Master credit agreement for programs of projects (secured by a common pledge) or phased single projects
  - Allows up to 10% to be set aside for rural projects; for these projects, increased eligibility and lower interest rates

# Tolling/pricing provisions

- Expands Section 129 (general toll program)
  - Mainstreams tolling/pricing of new capacity, including Interstate (but generally requires current level of free capacity to remain unchanged)
  - Removes requirement for USDOT/State toll agreements
- Extends Section 166 (HOV to HOT conversions)
  - Removes requirement for USDOT/State toll agreements
- Extends Value Pricing Pilot Program (congestion pricing) – but without discretionary grants
- Extends Interstate System Reconstruction and Rehabilitation Pilot Program (allows tolling of all lanes)
- Requires toll interoperability on Fed-aid highways within 4 years

# Emergency Relief Program

- Authorized at \$100 million per year
- State must apply and provide a complete list of project sites and costs within 2 years of event
- May not exceed cost to repair/reconstruct comparable facility
- Emergency repairs—
  - Option for Secretary to extend the 180-day limit on emergency repairs at 100% when access to damaged areas is limited
  - For permanent repairs, up to 90% share if cost  $\geq$  State's annual apportionments
- Debris removal from Stafford Act disasters funded by FEMA
- Maintenance/operation of additional ferryboats or transit eligible as substitute service

# Projects of Natl. & Regional Significance (\$500M in FY13 only)

- Aimed at critical high-cost capital projects
- Maintains most SAFETEA-LU PNRS language
  - Title 23-eligible projects, including freight railroad projects & activities
  - Competitive grants to States, tribes, & transit agencies
  - No designated projects (vs. fully earmarked under SAFETEA-LU)
- \$ from General Fund; must be appropriated
- Report that identifies and analyzes a comprehensive list of PNRS compiled via a survey of States



# Freight provisions

- **National Freight Policy**
  - Establishment of National Freight Network, incl. Primary Freight Network, remainder of Interstate System, and critical rural freight corridors
  - National freight strategic plan
  - Freight transportation conditions and performance reports
  - Development of transportation investment data and planning tools
- **Prioritization of projects to improve freight movement**
  - For these projects, increases Federal share payable to 95% on the Interstate System and 90% elsewhere
  - USDOT must certify project improves efficiency of freight movement
  - Project must be identified in a State freight plan
- **State freight advisory committees & freight plans encouraged; plan required to qualify for increased Federal share**



# Research, Technology Deployment, Training & Education

	Annual \$
Highway Research & Development	\$115.0 million
Technology & Innovation Deployment	\$62.5 million
Training & Education	\$24.0 million
ITS Program	\$100.0 million
University Transportation Centers	\$72.5 million
Bureau of Transportation Statistics	\$26.0 million
SHRP 2 implementation (funded as setaside of State Planning and Research funds)	TBD

# Research, Technology Deployment, Training & Education

- Funding is almost earmark free (\$12M for pavement)
- State planning and research (SPR) funded by 2% set-aside from NHPP, STP, CMAQ and HSIP
- SHRP-2 to be funded from SPR funds; 75% of States must agree to a percentage of funds for this use
- Centers of Excellence funded by Training & Education \$
- International “Outreach” Program repealed; international research & collaboration built into core R&D program

# Performance & planning

# Performance management

- MAP-21 identifies national goal areas
- USDOT establishes measures, with input
- States set targets
- State & metro plans describe how the organization will use program and project selection to help achieve targets
- States report to USDOT on progress toward targets (within 4 yr of enactment; biennially thereafter)
- Reports typically lead to corrective actions (not sanctions)
- Consequences if condition of NHS falls below thresholds

# Transportation planning

- Metropolitan planning
  - Population thresholds for MPOs and TMAs unchanged
  - MPOs to establish performance targets
  - Long range plan incorporates other performance plans
  - TIP to be updated at least every 4 yr
  - MPO serving a TMA selects all projects except those on NHS, which are selected by State with MPO cooperation
- Statewide & nonmetropolitan planning
  - Transition to performance-based, outcome-driven planning process, with State setting performance targets
  - Long range plan includes report on conditions & performance of system relative to established performance measures
  - Long range plan incorporates other performance plans



# Project delivery

# Accelerating project delivery

- Any State can choose to assume specific CE designations in FHWA NEPA regulations
- Use of construction manager/general contractor (CMGC) method of contracting
- Accelerated completion of complex projects (4 yr) when State requests technical assistance
- Demonstration project for lump sum payments for purchase of ROW
- Increased Federal share for some innovative techniques

# Accelerating the environmental process

- Environmental review process streamlining
  - FEIS and ROD combined in certain conditions
  - Allows for the use of planning products in the NEPA process
  - Deadlines for issue resolution, with penalties for agencies
  - Programmatic mitigation plans
  - Reduced statute of limitations on claims (150 days, not 180)
- Expanded authority for categorical exclusions
  - Multi-modal projects
  - Projects to repair roads damaged in declared emergency
  - Projects within existing operational right-of-way
  - Projects receiving limited Federal assistance

# Other provisions

# Workforce & DBE

- Continues current law goals for use of small business concerns owned and controlled by socially and economically disadvantaged individuals
- Continues on-the-Job & DBE Supportive Services programs
  - Each authorized at \$10M per year
  - No changes to program administration
- Continues States' ability to use formula funds for surface transportation workforce development, training, & education



# Appalachian development highways

- No dedicated funding, but eligible under STP and NHPP as appropriate
- ADHS routes eligible for 100% federal share –
  - if funded with FY12 or prior year ADHS funds or funds earmarked for an ADHS route; or
  - under all formula programs in FY12 and subsequent years
- State plans for completing designated ADHS corridors
  - Submitted by October 1, 2013
  - Must include annual targets and completion date

# Other provisions

- Continued funding for territorial (\$40 million) and Puerto Rico (\$150 million) highways
- Newly-formularized ferry program
- States may approve overweight permits for divisible loads during major Stafford Act disasters
- Truck size and weight—no changes, but requires a new study and inventory of current state laws
- Electric vehicle charging infrastructure in new or previously funded fringe and corridor parking facilities may be funded on otherwise eligible facilities

# Other provisions

- Revised bridge inspection rules (+ tunnel inspections)
- Uniform Relocation Act payment levels updated and may be updated in future through regulation
- Secretary may delegate approval of Interstate [access] justifications to State
- Under revised Buy America, any federal funds on contract cause application to entire project
- Higher threshold for value engineering requirements; not required off NHS, or for design-build
- State may allow limited commercial activity in Interstate rest areas; commercial activities may be privately operated

**Next steps?**

# Next steps

- Communication
  - Webpage
  - Summary
  - Fact sheets and Q&As
- Implementation
  - October 1 “phase in”
  - Transitional procedures
  - Follow-on guidance and regulation
- <http://www.fhwa.dot.gov/map21>