

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

A Summary of Highway Provisions

## Moving Ahead for Progress in the 21<sup>st</sup> Century Act

### Overview

On July 6, 2012, President Obama signed into law P.L. 112-141, the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21). Funding surface transportation programs at over \$105 billion for fiscal years (FY) 2013 and 2014, MAP-21 is the first long-term highway authorization enacted since 2005. MAP-21 represents a milestone for the U.S. economy – it provides needed funds and, more importantly, it transforms the policy and programmatic framework for investments to guide the growth and development of the country's vital transportation infrastructure.

MAP-21 creates a streamlined, performance-based, and multimodal program to address the many challenges facing the U.S. transportation system. These challenges include improving safety, maintaining infrastructure condition, reducing traffic congestion, improving efficiency of the system and freight movement, protecting the environment, and reducing delays in project delivery.

MAP-21 builds on and refines many of the highway, transit, bike, and pedestrian programs and policies established in 1991. This summary reviews the policies and programs administered by the Federal Highway Administration. The Department will continue to make progress on transportation options, which it has focused on in the past three years, working closely with stakeholders to ensure that local communities are able to build multimodal, sustainable projects ranging from passenger rail and transit to bicycle and pedestrian paths.

Setting the course for transportation investment in highways, MAP-21 –

- *Strengthens America's highways*  
MAP-21 expands the National Highway System (NHS) to incorporate principal arterials not previously included. Investment targets the enhanced NHS, with more than half of highway funding going to the new program devoted to preserving and improving the most important highways -- the National Highway Performance Program.
- *Establishes a performance-based program.*  
Under MAP-21, performance management will transform Federal highway programs and provide a means to more efficient investment of Federal transportation funds by focusing on national transportation goals, increasing the accountability and transparency of the Federal highway programs, and improving transportation investment decisionmaking through performance-based planning and programming.
- *Creates jobs and supports economic growth*  
MAP-21 authorizes \$82 billion in Federal funding for FYs 2013 and 2014 for road, bridge, bicycling, and walking improvements. In addition, MAP-21 enhances innovative financing and encourages private sector investment through a substantial increase in funding for the TIFIA program. It also includes a number of provisions designed to improve freight movement in support of national goals.
- *Supports the Department of Transportation's (DOT) aggressive safety agenda*  
MAP-21 continues the successful Highway Safety Improvement Program, doubling funding for infrastructure safety, strengthening the linkage among modal safety programs, and creating a positive agenda to make significant progress in reducing highway fatalities. It also continues to build on other aggressive safety efforts, including the Department's fight against distracted driving and its push to improve transit and motor carrier safety.

- *Streamlines Federal highway transportation programs.*  
The complex array of existing programs is simplified, substantially consolidating the program structure into a smaller number of broader core programs. Many smaller programs are eliminated, including most discretionary programs, with the eligibilities generally continuing under core programs.
- *Accelerates project delivery and promotes innovation.*  
MAP-21 incorporates a host of changes aimed at ensuring the timely delivery of transportation projects. Changes will improve innovation and efficiency in the development of projects, through the planning and environmental review process, to project delivery.

Following are brief descriptions of many of the MAP-21 highway provisions. The appropriate section of the Act is noted in brackets.

### **Program Restructuring**

MAP-21 restructures core highway formula programs. Activities carried out under some existing formula programs – the National Highway System Program, the Interstate Maintenance Program, the Highway Bridge Program, and the Appalachian Development Highway System Program – are incorporated into the following new core formula program structure:

- National Highway Performance Program (NHPP)
- Surface Transportation Program (STP)
- Congestion Mitigation and Air Quality Improvement Program (CMAQ)
- Highway Safety Improvement Program (HSIP)
- Railway-Highway Crossings (set-aside from HSIP)
- Metropolitan Planning

It creates two new formula programs:

- Construction of Ferry Boats and Ferry Terminal Facilities – replaces a similarly purposed discretionary program.
- Transportation Alternatives (TA) – a new program, with funding derived from the NHPP, STP, HSIP, CMAQ and Metropolitan Planning programs, encompassing most activities funded under the Transportation Enhancements, Recreational Trails, and Safe Routes to School programs under SAFETEA-LU.

MAP-21 creates a new discretionary program – Tribal High Priority Projects (THPP) – and continues the following current discretionary programs:

- Projects of National and Regional Significance (PNRS)
- On-the-Job Training Supportive Services
- Disadvantaged Business Enterprise (DBE) Supportive Services
- Highway Use Tax Evasion (Intergovernmental enforcement projects)
- Work Zone Safety Grants

It also eliminates most current discretionary programs, but many of the eligibilities are covered in other programs:

- Delta Region Transportation Development
- Ferry Boats Discretionary
- Highways for LIFE Demonstration Program
- Innovative Bridge Research and Deployment

- Interstate Maintenance Discretionary
- National Historic Covered Bridge Preservation
- National Scenic Byways
- Public Lands Highway Discretionary
- Railway-Highway Crossing Hazard Elimination in High Speed Rail Corridors
- Transportation, Community, and System Preservation
- Truck Parking Pilot Program
- Value Pricing Pilot Program (no additional funding, but authority remains)

## **Investment**

### **Authorizations** [1101]

MAP-21 extends current law (SAFETEA-LU) for the remainder of FY 2012, with new provisions for FY 2013 and beyond taking effect on October 1, 2012. Funding levels are maintained at FY 2012 levels, plus minor adjustments for inflation – \$40.4 billion from the Highway Trust Fund (HTF) for FY 2013, and \$41.0 billion for FY 2014.

### **Administrative expenses** [1105]

FHWA administrative expenses associated with the Federal-aid highway program, Appalachian Regional Commission administration of the Appalachian Development Highway System (ADHS), and Office of the Inspector General audit costs are provided as a separate authorization of \$454 million for FY 2013 and \$440 million for FY 2014. However, more than \$30 million of the administrative funds are designated for other purposes each year, as follows:

- On-the-job training supportive services (\$10 million annually) [1109]
- DBE supportive services (\$10 million annually) [1109]
- Highway use tax evasion projects (\$10 million annually) [1110]
- Combined amount for Work Zone Safety Grants, safety clearinghouses, and Operation Lifesaver (\$3 million annually) [1519]
- Air quality and congestion mitigation measures outcomes assessment study (up to \$1 million in FY 2013 only) [1113]

### **Obligation limitation** [1102]

MAP-21 establishes an annual obligation limitation of \$39.699 billion for FY 2013 and \$40.256 billion for FY 2014 for the purpose of limiting highway spending each year. Distribution of the limitation is similar to current law. The current requirement to annually recover unused obligation limitation and distribute it as formula limitation to States that can use it before the end of the fiscal year is also continued. Funding for the following programs is exempt from the limitation:

- Emergency Relief
- Demonstration projects from ISTEA and earlier authorization acts (specified)
- Minimum Allocation (pre TEA-21)
- \$639 million per year of TEA-21 Minimum Guarantee
- \$639 million per year of SAFETEA-LU (and extensions) Equity Bonus
- \$639 million per year of National Highway Performance Program funds (MAP-21)

### **New approach to formulas** [1105]

Prior to MAP-21, each apportioned program had its own formula for distribution, and each State's total was the sum of the amount it received for each program.

MAP-21's new approach to distribution of formula funds is now based on the amount of formula funds each State received under SAFETEA-LU.

- *Step one – authorize lump sum*

A single amount (approximately \$38 billion/year) is authorized to fund the core programs— National Highway Performance Program (NHPP), Surface Transportation Program (STP), Highway Safety Improvement Program, including Rail-Highway Crossings, (HSIP), Congestion Mitigation and Air Quality Improvement Program (CMAQ), and Metropolitan Planning. Note: These new core programs are outlined below.

- *Step two – calculate each State’s share of the total*

For FY 2013, each State receives virtually the same total apportionment as in FY 2012. In FY 2014, the total amount available for distribution will be divided proportionally among the States based on the share of apportionments each State received for FY 2012, adjusted, if necessary, to ensure that no State receives less than 95 cents of every dollar it contributed to the Highway Account of the HTF.

- *Step three – for each State, divide the total amount up among programs*

Once each State’s total Federal-aid apportionment is calculated, amounts are set aside for Metropolitan Planning and CMAQ via a calculation based on the relative size of the State’s FY 2009 apportionment of those programs. The remainder is then divided among the rest of the formula programs as follows: NHPP (63.7%), STP (29.3%), and HSIP (7%). An amount is set aside from HSIP to fund the Rail-Highway Crossings program, and amounts are set aside proportionally from each State’s NHPP, STP, HSIP, CMAQ, and Metropolitan Planning apportionments to fund the State’s Transportation Alternatives program.

To enhance flexibility, a State may transfer up to 50% of any apportionment to another formula program, except no transfers are permitted of Metropolitan Planning funds or funds suballocated to areas based on population (STP and TA). [1509]

### **TIFIA [2002]**

The Transportation Infrastructure Financing and Innovation Act (TIFIA) program provides Federal credit assistance to eligible surface transportation projects. MAP-21 dramatically increases funding available for TIFIA, authorizing \$750 million in FY 2013 and \$1 billion in FY 2014 to pay the subsidy cost (similar to a commercial bank’s loan reserve requirement) of supporting Federal credit. A \$1 billion TIFIA authorization will support about \$10 billion in actual lending capacity. MAP-21 also calls for a number of significant program reforms, to include: a 10 percent set-aside for rural projects; an increase in the share of eligible project costs that TIFIA may support; and a rolling application process.

### **Tolling [1512]**

MAP-21 makes changes to the statutory provisions governing tolling on highways that are constructed or improved with Federal funds (23 USC 129). One significant change is the removal of the requirement for an agreement to be executed with the U.S. DOT prior to tolling under the mainstream tolling programs (though such agreements will continue to be required under the toll pilot programs). Other changes include the mainstreaming of tolling new Interstates and added lanes on existing Interstates, which was previously allowed only under the *Interstate System Construction Toll Pilot Program* and the *Express Lanes Demonstration Program*. The *Value Pricing Pilot Program*, which allows congestion pricing, is continued (but without discretionary grants), as is the *Interstate System Reconstruction and Rehabilitation Pilot Program*, which allows tolling of all lanes on an existing Interstate highway when required for reconstruction or rehabilitation. MAP-21 also requires that all Federal-aid highway toll facilities implement technologies or business practices that provide for the interoperability of electronic toll collection by October 1, 2016 (four years after the enactment of MAP-21’s new tolling requirements).

## **Highway Trust Fund**

### **Operation of the Highway Trust Fund**

The Highway Trust Fund (HTF) is the source of funding for most of the programs in the Act. The HTF is comprised of the Highway Account, which funds highway and intermodal programs, and the Mass Transit Account. Federal motor fuel taxes are the major source of income into the HTF. Although MAP-21 achieves dramatic policy and programmatic changes, reform of the way highway programs are funded remains a challenge for the future. Additional funds are provided to maintain solvency of the HTF – transfers from the General Fund and from the Leaking Underground Storage Tank Trust Fund (a separate trust fund set up for certain environmental cleanup purposes, which is financed with a small portion of motor fuel taxes). Revenue raisers are included that will offset the transfers made to the HTF.

MAP-21 extends the imposition of the highway-user taxes, generally at the rates that were in place when the legislation was enacted, through September 30, 2016. It also extended provisions for full or partial exemption from highway-user taxes. In addition, it extends provision for deposit of almost all of the highway-user taxes into the HTF through September 30, 2016.

Federal law regulates not only the imposition of the taxes, but also their deposit into and expenditure from the HTF. For the Highway Account, authority to expend from the HTF for programs under the Act and previous authorization acts is provided through September 30, 2014. For the Mass Transit Account, expenditures are authorized through September 30, 2014. Beginning on October 1, 2014, expenditures may be made only to liquidate obligations made prior to the September 30, 2014 deadline.

### **Highway tax compliance [1110]**

Traditionally, the highway programs of the Federal government and most States depend on highway-user tax receipts as the principal source of funding. MAP-21 continues the Highway Use Tax Evasion program to reduce motor fuel tax evasion, funded at up to \$10 million per year from FHWA administrative funds. Funds may be allocated to the Internal Revenue Service (for efforts including the development, operation, and maintenance of databases to support tax compliance) and the States at the discretion of the Secretary, except that \$2 million per year must be used for inter-governmental enforcement efforts, including research and training. States may also elect to use 0.25 percent of their STP funding for fuel tax evasion activities.

## **Transportation Planning**

[1201 and 1202]

In MAP-21, the metropolitan and statewide transportation planning processes are continued and enhanced to incorporate performance goals, measures, and targets into the process of identifying needed transportation improvements and project selection. Public involvement remains a hallmark of the planning process.

Requirements for a long-range plan and a short-term transportation improvement plan (TIP) continue, with the long-range plan to incorporate performance plans required by the Act for specific programs. The long-range plan must describe the performance measures and targets used in assessing system performance and progress in achieving the performance targets. The TIP must also be developed to make progress toward established performance targets and include a description of the anticipated achievements. In the statewide and nonmetropolitan planning process, selection of projects in nonmetropolitan areas, except projects on the NHS or funded with funds remaining from the discontinued Highway Bridge Program, must be made in cooperation with affected nonmetropolitan officials or any regional transportation planning organization.

The Secretary is required to establish criteria for the evaluation of the new performance-based planning processes. The process will consider whether States developed appropriate performance targets and made progress toward achieving the targets. Five years after enactment of MAP-21, the Secretary is to provide to the Congress reports evaluating the overall effectiveness of performance-based planning and the effectiveness of the process in each State and for each MPO.

## **Performance Management**

[1203]

The cornerstone of MAP-21's highway program transformation is the transition to a performance and outcome-based program. States will invest resources in projects to achieve individual targets that collectively will make progress toward national goals.

MAP-21 establishes national performance goals for Federal highway programs:

- **Safety**—To achieve a significant reduction in traffic fatalities and serious injuries on all public roads.
- **Infrastructure condition**—To maintain the highway infrastructure asset system in a state of good repair.
- **Congestion reduction**—To achieve a significant reduction in congestion on the NHS.
- **System reliability**—To improve the efficiency of the surface transportation system.
- **Freight movement and economic vitality**—To improve the national freight network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development.
- **Environmental sustainability**—To enhance the performance of the transportation system while protecting and enhancing the natural environment.
- **Reduced project delivery delays**—To reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion through eliminating delays in the project development and delivery process, including reducing regulatory burdens and improving agencies' work practices.

The Secretary, in consultation with States, MPOs, and other stakeholders, will establish performance measures for pavement conditions and performance for the Interstate and NHS, bridge conditions, injuries and fatalities, traffic congestion, on-road mobile source emissions, and freight movement on the Interstate System. States (and MPOs, where applicable) will set performance targets in support of those measures, and State and metropolitan plans will describe how program and project selection will help achieve the targets.

States and MPOs will report to DOT on progress in achieving targets. If a State's report shows inadequate progress in some areas – most notably the condition of the NHS or key safety measures – the State must undertake corrective actions, such as the following:

- **NHPP**: If no significant progress is made toward targets for NHS pavement and bridge condition, the State must document in its next report the actions it will take to achieve the targets.
- **HSIP**: If no significant progress is made toward targets for fatalities or serious injuries, the State must dedicate a specified amount of obligation limitation to safety projects and prepare an annual implementation plan.

In addition, due to the critical focus on infrastructure condition, MAP-21 requires that each State maintain minimum standards for Interstate pavement and NHS bridge conditions. If a State falls below either standard, that State must spend a specified portion of its funds for that purpose until the minimum standard is exceeded.

## **Accelerating Project Delivery** [1301-1323]

MAP-21 provides an array of provisions designed to increase innovation and improve efficiency, effectiveness, and accountability in the planning, design, engineering, construction and financing of transportation projects. Building on FHWA's "Every Day Counts" initiative, MAP-21 changes will speed up the project delivery process, saving time and money for individuals and businesses, and yielding broad benefits nationwide.

Some MAP-21 provisions are designed to improve efficiency in project delivery, broadening the ability for States to acquire or preserve right-of-way for a transportation facility prior to completion of the review process required under the National Environmental Policy Act of 1969 (NEPA), providing for a demonstration program to streamline the relocation process by permitting a lump sum payment for the acquisition and relocation if elected by the displaced person, enhancing contracting efficiencies, and encouraging the use of innovative technologies and practices. Other changes target the environmental review process, providing for earlier coordination, greater linkage between the planning and environmental review processes, using a programmatic approach where possible, and consolidating environmental documents. MAP-21 establishes a framework for setting deadlines for decisionmaking in the environmental review process, with a process for issue resolution and referral, and penalties for agencies that fail to make a decision. Projects stalled in the environmental review process can get technical assistance to speed completion within four years.

One area in particular that MAP-21 focuses on to speed up project delivery is expanded authority for use of categorical exclusions (CEs). "Categorical exclusion" describes a category of actions that do not typically result in individual or cumulative significant environmental impacts. CEs, when appropriate, allow Federal agencies to expedite the environmental review process for proposals that typically do not require more resource-intensive Environmental Assessments (EAs) or Environmental Impact Statements (EISs). In addition to those currently allowed, MAP-21 expands the usage of CEs to a variety of other types of projects, including multi-modal projects, projects to repair roads damaged in a declared disaster, projects within existing operational right-of-way, and projects receiving limited Federal assistance. To assess the impact of the above changes, the Secretary will compare completion times of CEs, EAs and EISs before and after implementation.

### **Programs**

#### **National Highway Performance Program (NHPP) [1106]**

Under MAP-21, the enhanced National Highway System (NHS) is composed of approximately 220,000 miles of rural and urban roads serving major population centers, international border crossings, intermodal transportation facilities, and major travel destinations. It includes the Interstate System, all principal arterials (including some not previously designated as part of the NHS) and border crossings on those routes, highways that provide motor vehicle access between the NHS and major intermodal transportation facilities, and the network of highways important to U.S. strategic defense (STRAHNET) and its connectors to major military installations.

The NHPP is authorized at an average of \$21.8 billion per year to support the condition and performance of the NHS, for the construction of new facilities on the NHS, and to ensure that investments of Federal-aid funds in highway construction are directed to support progress toward the achievement of performance targets established in an asset management plan of a State for the NHS.



MAP-21 establishes a performance basis for maintaining and improving the NHS.

- States are required to develop a risk- and performance-based asset management plan for the NHS to improve or preserve asset condition and system performance; plan development process must be reviewed and recertified at least every four years. The penalty for failure to implement this requirement is a reduced Federal share for NHPP projects in that year (65 percent instead of the usual 80 percent).
- The Secretary will establish performance measures for Interstate and NHS pavements, NHS bridge conditions, and Interstate and NHS system performance. States will establish targets for these measures, to be periodically updated.
- MAP-21 also requires minimum standards for conditions of Interstate pavements and NHS bridges by requiring a State to devote resources to improve the conditions until the established minimum is exceeded. The Secretary will establish the minimum standard for Interstate pavement conditions, which may vary by geographic region. If Interstate conditions in a State fall below the minimum set by the Secretary, the State must devote resources (a specified portion of NHPP and STP funds) to improve conditions. MAP-21 establishes the minimum standard for NHS bridge conditions – if more than 10 percent of the total deck area of NHS bridges in a State is on structurally deficient bridges, the State must devote a portion of NHPP funds to improve conditions.

### **Surface Transportation Program (STP) [1108]**

MAP-21 continues the STP, providing an annual average of \$10 billion in flexible funding that may be used by States and localities for projects to preserve or improve conditions and performance on any Federal-aid highway, bridge projects on any public road, facilities for nonmotorized transportation, transit capital projects and public bus terminals and facilities.

Most current STP eligibilities are continued, with some additions and clarifications. Activities of some programs that are no longer separately funded are incorporated, including transportation enhancements (replaced by “transportation alternatives” which encompasses many transportation enhancement activities and some new activities), recreational trails, ferry boats, truck parking facilities, and Appalachian Development Highway System projects (including local access roads). Explicit eligibilities are added for electric vehicle charging infrastructure added to existing or included in new fringe and corridor parking facilities, and projects and strategies that support congestion pricing, including electronic toll collection and travel demand management strategies and programs.

Fifty percent of a State’s STP funds are to be distributed to areas based on population (suballocated), with the remainder to be used in any area of the State. Consultation with rural planning organizations, if any, is required. Also, a portion of its STP funds (equal to 15 percent of the State’s FY 2009 Highway Bridge Program apportionment) is to be set aside for bridges not on Federal-aid highways (off-system bridges), unless the Secretary determines the State has insufficient needs to justify this amount. A special rule is provided to allow a portion of funds reserved for rural areas to be spent on rural minor collectors, unless the Secretary determines this authority is being used excessively.

### **Highway Safety Improvement Program (HSIP) [1112]**

Safety throughout all transportation programs remains DOT’s number one priority. MAP-21 continues the successful HSIP, with average annual funding of \$2.4 billion, including \$220 million per year for the Rail-Highway Crossings program.

The HSIP emphasizes a data-driven, strategic approach to improving highway safety on all public roads that focuses on performance. The foundation for this approach is a safety data system, which each State is required to have to identify key safety problems, establish their relative severity, and then adopt strategic and performance-based goals to maximize safety. Every State is required to develop a Strategic

Highway Safety Plan (SHSP) that lays out strategies to address these key safety problems. Every State now has an SHSP in place, and MAP-21 ensures ongoing progress toward achieving safety targets by requiring regular plan updates and defining a clear linkage between behavioral (NHTSA funded) State safety programs and the SHSP. A State that fails to have an approved updated plan will not be eligible to receive additional obligation limitation during the overall redistribution of unused obligation limitation that takes place during the last part of the fiscal year. The SHSP remains a statewide coordinated plan developed in cooperation with a broad range of multidisciplinary stakeholders.

#### Safety Performance

- States will set targets for the number of serious injuries and fatalities and the number per vehicle mile of travel. If a State fails to make progress toward its safety targets, it will have to devote a certain portion of its formula obligation limitation to the safety program and submit an annual implementation plan on how the State will make progress to meet performance targets.
- Although MAP-21 eliminates the requirement for every State to set aside funds for High Risk Rural Roads, a State is required to obligate funds for this purpose if the fatality rate on such roads increases.
- The Secretary is required to carry out a study of High Risk Rural Road “best practices.”
- States are required to incorporate strategies focused on older drivers and pedestrians if fatalities and injuries per capita for those groups increase.

#### **Congestion Mitigation and Air Quality Improvement Program (CMAQ) [1113]**

The CMAQ program, continued in MAP-21 at an average annual funding level of \$3.3 billion, provides a flexible funding source to State and local governments for transportation projects and programs to help meet the requirements of the Clean Air Act. Funding is available to reduce congestion and improve air quality for areas that do not meet the National Ambient Air Quality Standards for ozone, carbon monoxide, or particulate matter (nonattainment areas) as well as former nonattainment areas that are now in compliance (maintenance areas). States with no nonattainment or maintenance areas may use their CMAQ funds for any CMAQ- or STP-eligible project.

Under MAP-21, a State with PM 2.5 (fine particulate matter) areas must use a portion of its funds to address PM 2.5 emissions in such areas; eligible projects to mitigate PM 2.5 include diesel retrofits. Highlighted CMAQ eligibilities include transit operating assistance and facilities serving electric or natural gas-fueled vehicles (except where this conflicts with prohibition on rest area commercialization).

The CMAQ program also has new performance-based features. The Secretary will establish measures for States to use to assess traffic congestion and on-road mobile source emissions. Each Metropolitan Planning Organization (MPO) with a transportation management area of more than one million in population representing a nonattainment or maintenance area is required to develop and update biennially a performance plan to achieve air quality and congestion reduction targets. A CMAQ outcomes assessment study for the program is also required.

#### **Transportation Alternatives (TA) [1122]**

MAP-21 establishes a new program to provide for a variety of alternative transportation projects that were previously eligible activities under separately funded programs. This program is funded at a level equal to two percent of the total of all MAP-21 authorized Federal-aid highway and highway research funds, with the amount for each State set aside from the State’s formula apportionments). Unless a State opts out, it must use a specified portion of its TA funds for recreational trails projects. Eligible activities include:

- Transportation alternatives (new definition incorporates many transportation enhancement activities and several new activities)

- Recreational trails program (program remains unchanged)
- Safe routes to schools program
- Planning, designing, or constructing roadways within the right-of way of former Interstate routes or other divided highways.

Fifty percent of TA funds are distributed to areas based on population (suballocated), similar to the STP. States and MPOs for urbanized areas with more than 200,000 people will conduct a competitive application process for use of the suballocated funds; eligible applicants include tribal governments, local governments, transit agencies, and school districts. Options are included to allow States flexibility in use of these funds.

### **Federal Lands and Tribal Transportation Programs [1119]**

MAP-21 continues to acknowledge the importance of access to federal and tribal lands. Recognizing the need for all public Federal and tribal transportation facilities to be treated under uniform policies similar to the policies that apply to Federal-aid highways and other public transportation facilities, MAP-21 creates a unified program for Federal lands transportation facilities, Federal lands access transportation facilities, and tribal transportation facilities.

- The *Federal Lands Transportation Program* provides \$300 million annually for projects that improve access within the Federal estate, such as national forests and national recreation areas, on infrastructure owned by the Federal government. This program combines the former Park Roads and Refuge Roads programs, and adds three new Federal land management agency (FLMA) partners. A portion of the funds will support traditional partner agencies at current funding levels, with new partners competing for a modest portion. All FLMA partners will administer the program using a new performance management model.
- The *Federal Lands Access Program* provides \$250 million annually for projects that improve access to the Federal estate on infrastructure owned by States and local governments. Replacing and expanding the Forest Highways program, projects providing access to any Federal lands are eligible for this new comprehensive program. Funds are distributed by formula based on recreational visitation, Federal land area, Federal public road mileage, and the number of Federal public bridges. Eighty percent of funds go to States with large areas of public land. States are required to provide a non-Federal match for program funds (which has not been the case historically for Federal lands highway funding). Programming decisions will be made locally using a tri-party model in each State comprised of representatives from FHWA, State DOT, and local government, in consultation with applicable FLMAAs.
- The *Tribal Transportation Program* provides \$450 million annually for projects that improve access to and within Tribal lands. This program generally continues the existing Indian Reservation Roads program, while adding new setasides for tribal bridge projects (in lieu of the existing Indian Reservation Road Bridge program) and tribal safety projects. It continues to provide setasides for program management and oversight and tribal transportation planning. A new statutory formula for distributing funds among tribes, based on tribal population, road mileage, and average funding under SAFETEA-LU, plus an equity provision, is to be phased in over a 4 year period.

MAP-21 also authorizes the *Tribal High Priority Projects Program*, a discretionary program modeled on an earlier program that was funded by setaside from the Indian Reservation Roads Program. MAP-21 provides \$30 million per year from the General fund (subject to appropriation) for this new program.

[1123]

**Emergency Relief [1107]**

The Emergency Relief (ER) program assists Federal, State, tribal and local governments with the expense of repairing serious damage to Federal-aid, tribal, and Federal Lands highways resulting from natural disasters or catastrophic failures. Unlike other highway programs, ER is funded by a permanent authorization of \$100 million per year.

MAP-21 continues the ER program, with some changes in requirements:

- State must apply and provide a complete list of project sites and costs within two years of the event; cost may not exceed the cost to repair or reconstruct a comparable facility.
- For emergency repairs, a 100 percent Federal share is allowed during the first 180 days following a disaster. MAP-21 allows the Secretary to extend the time period if access to damaged areas is limited.
- Debris removal for major disasters declared under the Stafford Act will be funded by FEMA.
- Maintenance and operation of additional ferryboats or transit is eligible as a temporary substitute service.

**Workforce Development and DBE [1109]**

MAP-21 continues current law goals for use of small business concerns owned and controlled by socially and economically disadvantaged individuals. On-the-Job Training and DBE Supportive Services programs are continued without change. States may continue to use apportioned funds (except Metropolitan Planning or Ferry Program) for surface transportation workforce development, training, education, and small business capacity building.

**Bridge and Tunnel Inspection [1111]**

To provide for continued improvement to bridge and tunnel conditions essential to protect the safety of the traveling public and allow for the efficient movement of people and goods on which the U.S. economy relies, MAP-21 requires inspection and inventory of highway bridges and tunnels on public roads. No dedicated funds are provided for inspections, but it is an eligible use of NHPP, STP, HSIP, FHWA administrative, Tribal Transportation, and Research funds.

**Territorial and Puerto Rico Highway Program [1114]**

MAP-21 continues funding for the Puerto Rico Highway program (\$150 million annually) and the Territorial Highway program (\$40 million annually).

**Projects of National and Regional Significance [1120]**

MAP-21 authorizes \$500 million from the General Fund (subject to appropriation) in FY 2013 only, to fund critical high-cost surface transportation capital projects that will accomplish national goals, such as generating national/regional economic benefits and improving safety, and that are difficult to complete with existing Federal, State, local, and private funds. States, tribes, transit agencies, and multi-State or multi-jurisdictional groups of these entities are eligible to apply for competitive grant funding.

**Construction of Ferry Boats and Ferry Terminal Facilities [1121]**

It provides \$67 million annually to construct ferry boats and ferry terminal facilities, to be distributed by formula. Unlike the former ferry boat discretionary program, there are no set-asides for specific States.

**Appalachian Development Highway System (ADHS) [1528]**

The ADHS program is continued, but without separate funding. Portions that are on the NHS are eligible for NHPP funding, and ADHS routes, including local access roads, are eligible for STP funding. To encourage the completion of the ADHS, States are required to submit plans for completion of the system and an increased Federal share is provided.

## **Research, Technology Deployment, Training and Education**

MAP-21 establishes the principles and practices for a flexible, nationally-coordinated research and technology program that addresses fundamental, long-term highway research needs, significant research gaps, emerging issues with national implications, and research related to policy and planning. The Secretary provides leadership for the national coordination of research and technology transfer activities, conducting and coordinating research projects, and partnering with State highway agencies and other stakeholders. All research activities are to include a component of performance measurement and evaluation, should be outcome-based, and must be consistent with the research and technology development strategic plan. MAP-21 provides new authority for the Secretary to use up to one percent of funds authorized for research and education for a program to competitively award cash prizes to stimulate innovation that has the potential for application to the national transportation system.

MAP-21 authorizes \$400 million per year for the following six programs: Highway Research and Development, Technology and Innovation Deployment, Training and Education, Intelligent Transportation Systems, University Transportation Research, and the Bureau of Transportation Statistics.

Following is a description of the programs that are administered by FHWA.

### Research and Technology Development and Deployment

- MAP-21 provides \$115 million per year for the Highway Research and Development program. Research areas include highway safety, infrastructure integrity, planning and environment, highway operations, exploratory advanced research, and the Turner-Fairbank Highway Research Center. [52003]
- Separate funding is provided for the Technology Innovation and Deployment Program (\$62.5 million per year) to accelerate implementation and delivery of new innovations and technologies that result from highway research and development to benefit all aspects of highway transportation. At least \$12 million per year of these funds must be used to accelerate the deployment and implementation of pavement technology. [52003]
- The technology deployment program would also fund implementation of Future Strategic Highway Research Program (F-SHRP) results, but with an opportunity to supplement from State Planning and Research funds, if 75 percent of States agree to a percentage for this use. [52005]

Three specific programs are repealed: the International Outreach Program [52006], the Surface Transportation Environment Cooperative Research Program [52007], and the National Cooperative Freight Research Program [52008]. However, the authority for international collaboration remains, and environmental and freight research and development activities are incorporated into Highway Research and Development.

### Training and Education [52004]

MAP-21 authorizes \$24 million per year for continuation of training and education programs, including the National Highway Institute, the Local Technical Assistance Program (LTAP), the Tribal Technical Assistance Program (TTAP), the Dwight D. Eisenhower Transportation Fellowships, the Garrett A. Morgan Technology and Transportation Education Program, the Transportation Education Development Program, and the Freight Capacity Building Program. Also funded from the Training and Education funds are the competitively-selected centers for transportation excellence in the areas of the environment, surface transportation safety, rural safety, and project finance. The Federal share for LTAP and TTAP centers remains at 50 percent and 100 percent respectively.

MAP-21 continues the authority for States to use apportioned funds for training and other educational activities; this applies to the NHPP, STP, HSIP, and CMAQ. The Federal share for funds used in this manner is 100 percent, except that when funds are used for the LTAP centers, the Federal share is 50 percent.

#### State Planning and Research (SP&R) [52005]

MAP-21 continues the SP&R, as a two percent takedown of four core programs: National Highway Performance Program, Surface Transportation Program, Congestion Mitigation Air Quality program, and Highway Safety Improvement Program. At least 25 percent of these funds have to be used for research purposes. States are required to agree on what portion of their share of their SP&R funds they make available to the Secretary to implement the results of the F-SHRP program.

#### Transportation Research and Development (R&D) Strategic Planning [52012]

The Secretary is directed to develop a 5-year research and development strategic plan within 1 year of enactment, to be reviewed by the National Research Council, and report to Congress annually on R&D spending. The plan must address the following purposes: promoting safety, reducing congestion and improving mobility, preserving the environment, preserving the existing transportation system, improving the durability and extending the life of transportation infrastructure, and improving goods movement. MAP-21 offers the opportunity to conduct a nationally-coordinated, flexible, and strategically-targeted Research, Technology, and Education program.

### **Other Provisions of Interest**

#### Freight [1115-1118]

MAP-21 includes a number of provisions designed to enhance freight movement in support of national goals. MAP-21 firmly establishes national leadership in improving the condition and performance of a National Freight Network by identifying the components of the network, which will be designated by the Secretary. It includes incentives to prioritize projects that advance freight performance targets. DOT, in consultation with partners and stakeholders, will develop a national freight strategic plan. States are encouraged to develop individual freight plans and establish freight advisory committees.

#### Truck Size and Weight Study [32801]

No changes to current truck size and weight provisions are included in MAP-21, but a new study and inventory of current State laws is required.

### **For More Information**

Additional information related to MAP-21 is available on the Federal Highway Administration website at <http://www.fhwa.dot.gov/map21>.

As implementation of the new law progresses, more material will be added.