



U.S. Department of Transportation
Federal Highway Administration

MAP-21 Implementation

October 1 Implementing Guidance



Implementation philosophy

MAP-21 “goes live” on **October 1st.**

- We have focused first on items needed to make that happen.
- Adhered closely to statute – some policy issues and interpretations are still under discussion.
- Items with timelines beyond Oct. 1 will be addressed in a timely manner.



What's the plan?

- September 25 – Release of guidance for all major programs and implementing Qs & As for key provisions.
- For some provisions, interim guidance or placeholder.
- Scheduled webinars for stakeholders on implementation
- Make apportionments on October 1
- Hit the ground running!



Still to come...

Some of the exciting changes in MAP-21 are going to take more time to fully implement:

- Performance management and performance-based planning
- Freight
- Tolling
- Environmental streamlining

Where's the money?

- FY 2013 apportionment notice will be issued October 1
 - Funds available in FMIS October 5
 - New program codes
- FY 2013 obligation limitation notice will be issued by October 5
 - Continuing resolution (CR) through March 27, 2013
 - CR rate based on FY12 enacted level
- Use of carryover balances

MAP-21's new approach to formulas

Authorize lump sum for all apportioned programs

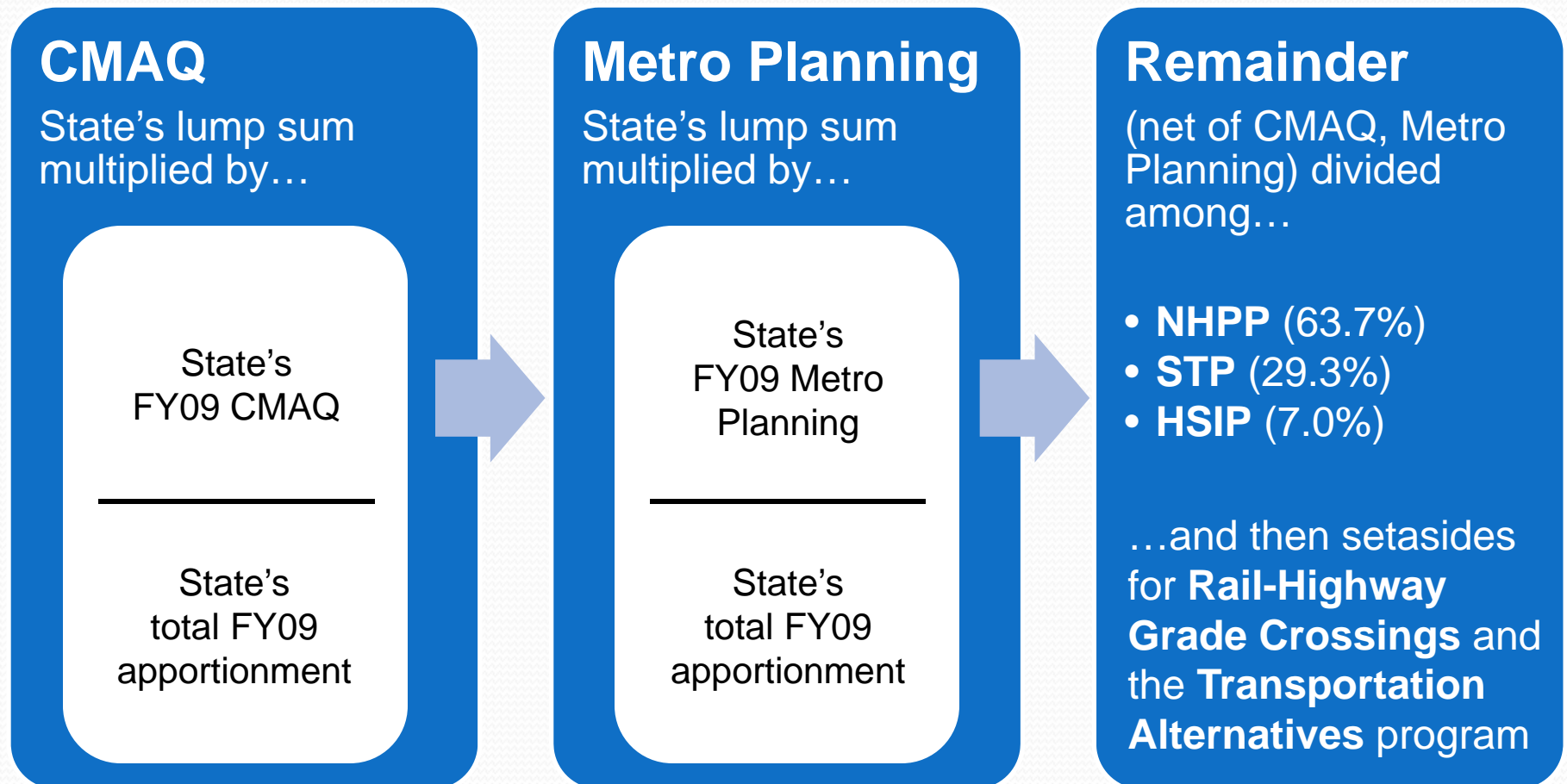


Calculate total amount to apportion to each State



Divide State lump sum among programs

Division of a State's apportionment among programs



MAP-21 Programs



National Highway Performance Program (NHPP)

- New program funded at \$21.8B -- combines functions of the existing NHS, IM and Bridge Programs
- Enhanced NHS will include existing NHS, all principal arterials, STRAHNET, and intermodal connectors
 - States offered the opportunity to “clean up”
 - Eliminates statutory mileage cap
 - For Congressionally Designated Future Interstate routes, allows the addition of a non-connecting Interstate segment, provided that segment will connect to the system within 25 years of enactment of MAP-21.



NHPP implementation

- Formal program guidance issued
- Future rulemakings on:
 - Asset management plans (in coordination with Performance Management rule)
 - State targets for conditions and performance
 - Minimum standards for Interstate & bridge conditions
- Expanded NHS effective October 1st
 - Division Offices notify States via memorandum
 - Maps will be posted online by October 1



Surface Transportation Program (STP)

- Continues program, funded at \$10B
- Closely follows current STP, with expanded eligibilities
- 50% of funds to be suballocated based on population; remainder used in any area of State
- Off-system bridge set-aside
- Rural planning organizations, if any, must be consulted

STP implementation

- Formal program guidance issued
- Closely follows STP with some expanded/clarified eligibilities--
 - Recreational Trails
 - Safe Routes to School
 - Transportation Alternatives
 - New setaside for “off-system” bridges



Highway Safety Improvement Program (HSIP)

- Continues program with increased funding -- \$2.4B
- Maintains current structure; adds requirement for regular update of the strategic highway safety plan
- Keeps set-aside (\$220M/year) for rail-highway grade crossings
- No high risk rural roads set-aside unless safety statistics worsen
- Secretary to set measures and States to set targets for number and rate (per VMT) of injuries and fatalities
- Strengthens link between HSIP and NHTSA programs

HSIP implementation

- Guidance-changes to eligible activities
 - ~~10% flex for non-infrastructure projects~~
 - ~~Certify that infrastructure safety needs are met~~
 - **Consistent with the Strategic Highway Safety Plan**
 - **Identified through a data-driven process**
 - **Contributes to a reduction in fatalities and serious injuries**
 - ~~Automated enforcement activities (other FA funds can be used)~~
 - Retroreflectivity improvements regardless of inclusion in SHSP
- Special rules for high risk rural roads and for older drivers (by end of calendar year)

Congestion Mitigation & Air Quality Improvement Program

- Continues program, funded at \$2.2B
- Performance plans required for large MPOs with a TMA population over 1 million, representing a nonattainment or maintenance area (to include air quality and congestion measures) (post October 1)
- States with PM 2.5 areas must use a portion of their funds to reduce PM 2.5 (as of October 1)
- Some expanded authority to use funds for transit operations (as of October 1)
- Explicit support for installation of facilities serving electric or natural gas-fueled vehicles (as of October 1)
- CMAQ outcomes assessment study required (post October 1)



CMAQ implementation

- Interim Guidance
- PM2.5 area calculation
- Performance plan requirements for larger MPOs (post October 1)
- Support for operating assistance may be expanded or changed, but under review with a final interpretation to come

Transportation Alternatives Program (TAP)

- New program eligibilities incorporating many current programs, funded at \$814M, take effect October 1:
 - Most (but not all) former Transportation Enhancement-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
- TAP suballocation similar to STP (50% by population/50% any area of the State)



TAP Implementation

- Interim Guidance
- Recreational Trails Program (RTP) opt out – complete for FY 2013. [Two states opted out – FL, KS]
- Competitive process
- Eligible entities
- A team is considering additional best practices.

Federal Lands & Tribal Transportation

Program	Annual \$
Federal Lands Transportation Program <i>(3 New Partners – USACE, FS, BLM)</i>	\$300 million
Federal Lands Access Program <i>(Replaces Forest Highway Program)</i>	\$250 million
Tribal Transportation Program <i>(New Formula)</i>	\$450 million
TOTAL	\$1.0 billion



Federal Lands Transportation Program (FLTP) implementation issues

- Establishes competitive program with 3 new partners
- Manages planning and environmental mitigation caps
- Focus with new partners is for planning, NEPA, and project development in the first two quarters of FY13
- Devises a corporate approach for data collection for 5 FLMA's



Federal Lands Access Program implementation issues

- Concern addressing ongoing Forest Highway projects
- Requirement for local match is new for Fed Lands – may influence project selection
- Program Decision Committee composed of local, state and FHWA representative



Implementation: TTP challenges

- New statutory formula
- New Tribal High Priority Program (THPP) appropriation now comes from the general fund
- 2% Safety Set-aside is new



TIFIA

- Lending capacity expanded – up to \$17 billion in credit assistance over 2 years; expanded flexibilities
- Notice of Funding Availability (NOFA) released July 27, 2012 –Open for business now, and throughout the year
- Qs & As



Tolling/Pricing

- Two mainstream programs (Sections 129 and 166)
 - 1st choice for tolling
 - No toll agreements
 - Formal audit requirements (details to come later)
- Two pilot programs (VPPP, ISRRPP)
 - No change with MAP-21 (except, no new funds for VPPP)
 - Toll agreements required
- Interim guidance, Qs & As



Major Project Finance Plans

- Allows phasing (no longer need all the funds upfront)
- Requires consideration of P3 delivery model
- Interim guidance, Qs & As



Emergency Relief

- Effective October 1, 2012, MAP-21 applies to all events, including events for which applications have not yet been received
- Application, including list of projects and repair costs, must be submitted within two years of event
- Guidance for debris removal from Stafford Act disasters coordinated with FEMA
- Emergency Relief Manual will be updated to reflect changes
- Future rulemaking

Other programs

- **Projects of National and Regional Significance** – No action now; funds must be appropriated
- **Ferry Boat program** – Now a formula program. Data verification underway; funds will be allocated sometime after October 1.
- **Appalachian Development Highway System** – No new “ADHS” funding, but eligible under STP and NHPP (principal arterials). New federal share of 100%. Within 1 year, States must submit plan for completion of the system.
- **Territorial and Puerto Rico Highway Program**—PR must dedicate amounts for NHS and safety projects



Strategic Highway Research Program (SHRP 2)

SHRP2 is to be funded from SPR funds if 75% of States agree to a percentage of funds for this use

- 42 States agreed to dedicate 4% of SPR funds for SHRP2 implementation on an AASHTO ballot on September 14.
- States contribution would amount to approximately \$29M each fiscal year.
- FHWA will invest \$8-9M on SHPR2 implementation activities.

Other Program Elements

Transportation planning

- Metropolitan planning
 - MPOs to establish performance targets
 - Long range plan incorporates other performance plans
 - Optional scenario planning with plan development
 - MPO serving a TMA selects project in consultation with the State and public transit operator except those on NHS, which are selected by State with in cooperation with MPO.
- 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

Freight provisions

- MAP-21 establishes National Freight Policy, and requires DOT to do the following --
 - Establish national freight network – Federal Register Notice on planned process will be released after October 1
 - Develop a national freight strategic plan
 - Report on freight conditions and performance
 - Several other important, but not time critical provisions
- DOT must encourage States to establish freight advisory committees and develop State freight plans -- guidance planned for shortly after October 1.
- Freight projects identified in a State freight plan may qualify for increased Federal share (up to 95% on the Interstate System and 90% elsewhere) (guidance to be issued shortly after October 1)



Other provisions

- States may approve overweight permits for divisible loads during major Stafford Act disasters (Guidance by Oct. 1)
- Electric vehicle charging infrastructure in new or previously funded fringe and corridor parking facilities may be funded on otherwise eligible facilities (Q&A by Oct. 1)
- Revised bridge inspection rules (+ tunnel inspections)
- Uniform Relocation Act payment levels updated and may be updated in future through regulation

Other provisions (cont.)

- Secretary may delegate approval of Interstate [access] justification reports to State [later this calendar year]
- Higher threshold for value engineering requirements; not required off NHS, or for design-build – Q&A
- State may allow limited commercial activity in Interstate rest areas; commercial activities may be privately operated (Q&A guidance will be issued by October 1)
- Restrictions on glass beads used in pavement markings



Other provisions (cont.)

- Buy America
 - Any federal funds on contract cause application to entire project (as defined by NEPA document)
 - Will apply to all contracts awarded on or after Oct. 1.
 - No “penalty” if non-Federal contract for a project without Buy America provisions was awarded prior to October 1; future contracts on that project still eligible if they include Buy America provisions.

Project delivery

Accelerating project delivery

- Any State can assume responsibilities for categorical exclusions [effective October 1]
- Programmatic agreements for processing CEs allow States to determine CEs on FHWA's behalf" [effective October 1]
- Use of construction manager/general contractor (CMGC) method of contracting [SEP-14 no longer needed as of October 1]
- Accelerated completion of complex projects (4 yr) when State requests technical assistance [effective October 1]
- Increased Federal share for some innovative techniques (by up to 5%, with limitations) [effective October 1]

Accelerating the environmental process

- Environmental review process streamlining
 - FEIS and ROD combined in certain conditions (case-by-case pending post October 1 guidance)
 - Allows for the use of planning products in the NEPA process (currently available)
 - Deadlines for issue resolution, with penalties for agencies (eff. Oct. 1)
 - Programmatic mitigation plans (eff. Oct. 1)
 - Reduced statute of limitations on claims (150 days, not 180) (eff. Oct. 1)
- Expanded authority for categorical exclusions (pending post-October 1 rulemaking)
 - Projects to repair roads damaged in declared emergency
 - Projects within existing operational right-of-way
 - Projects receiving limited Federal assistance
 - New CEs: a) consider results of survey of State DOTs, MPOs and other stakeholders and propose new CEs (survey ends October 8);
b) move designated types of CEs from “d” list to “c” list.

What's ahead?

Next steps for implementation

- Post guidance on web site September 25th
- Stakeholder webinars
 - September 25 – State DOTs.
 - September 26 – All Stakeholders
 - September 27 – All Stakeholders
- Stakeholder engagement
- Resolution of remaining policy issues
 - Further guidance
 - Rulemaking
- Follow as it happens at <http://www.fhwa.dot.gov/map21>

Questions?