



U.S. Department of Transportation
Federal Highway Administration

Moving Ahead for Progress in the 21st Century Act (MAP-21)

October 18, 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 1st
- 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



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 – Released guidance for all major programs and implementing Qs & As for key provisions.
- For some provisions, interim guidance or placeholder.
- Webinars held for stakeholders on implementation
- Apportionments made 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 issued October 1
 - Funds available in FMIS October 5
 - New program codes
- FY 2013 obligation limitation notice issued 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

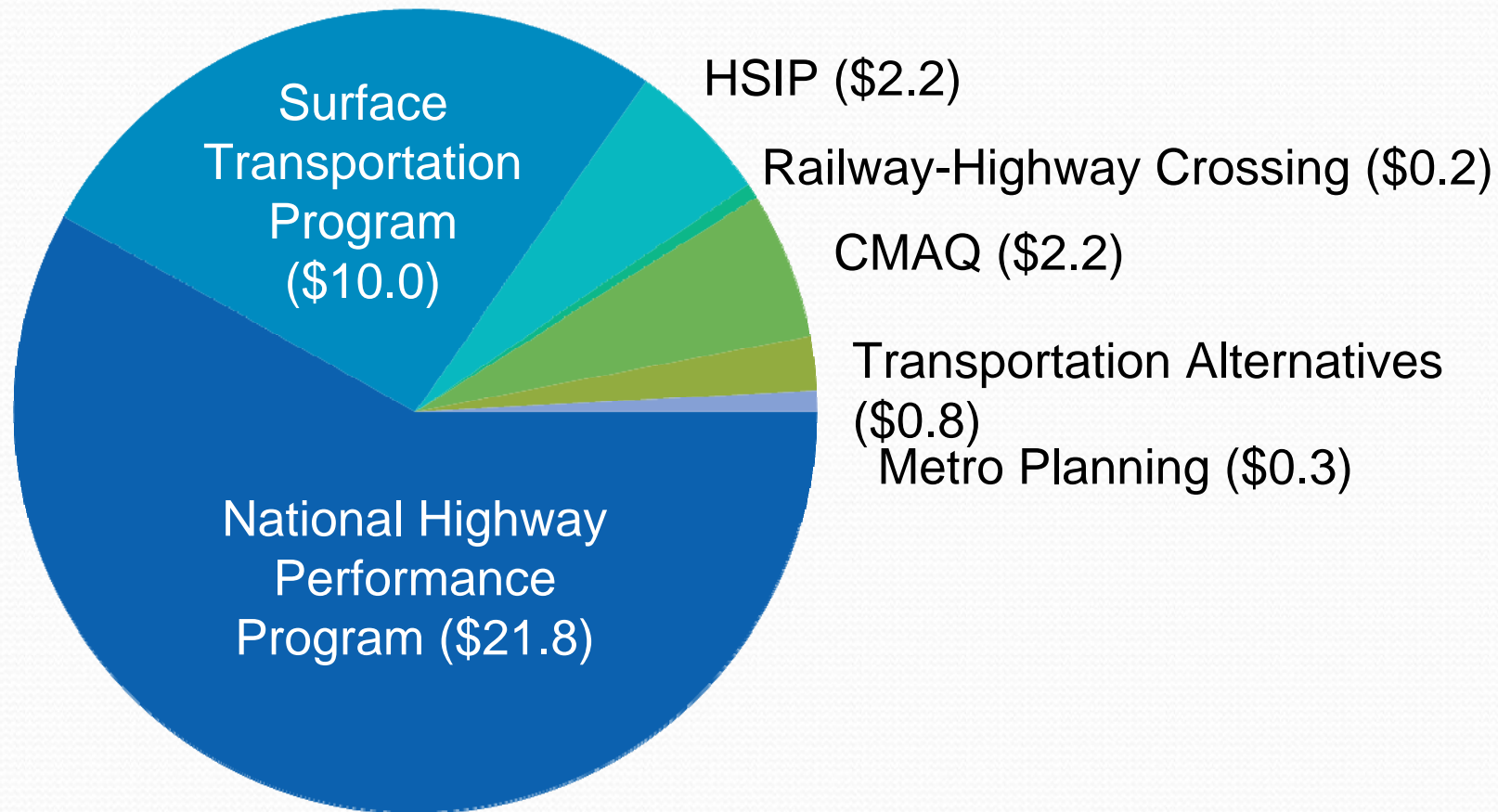


Calculate total amount to apportion to each State



Divide State lump sum among programs

\$37.7 billion/year in formula funding



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

MAP-21 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



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
 - Maps posted online October 1



Surface Transportation Program (STP)

- Continues program, funded at \$10B
- Closely follows current STP, with expanded eligibilities
- Continues requirement to sub-allocate 50% of funds based on population; remainder used in any area of State
- Includes off-system bridge set-aside



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 performance measures; 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 (NHPP or STP funds can be used)~~
 - Retroreflectivity improvements regardless of inclusion in SHSP, but must address hazardous location or safety problem
- Special rules for high risk rural roads and for older drivers (guidance by end of calendar year 2012)



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 (guidance coming after October 1)
- Explicit states eligibility for installation of facilities serving electric or natural gas-fueled vehicles (as of October 1)
- Study to assess impact of CMAQ program for improving air quality since enacted (post October 1)

Transportation Alternatives Program (TAP)

- New program eligibilities incorporating many current programs, funded at \$814M, take effect October 1:
 - Transportation Enhancement Program
 - 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)

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

- For projects that improve access on infrastructure owned by the Federal government (e.g. national parks, national forests, national recreation areas).
- Manages planning and environmental mitigation caps
- Focus with new partners is for planning, NEPA, and project development in the first two quarters of FY13



Federal Lands Access Program implementation

- Requirement for local match is new for Fed Lands – may influence project selection
- Program Decision Committee composed of local, state and FHWA representative
- Funds distributed by formula based on recreational visitation, Federal land area, Federal public road mileage, and Federal public bridges



Implementation: TTP challenges

- New statutory formula for fund distribution among the tribes
- New Tribal High Priority Program (THPP) appropriation now comes from the general fund and appropriated separately by Congress
- 2% Safety Project Set-aside is new – coordinating with tribes on how to implement



TIFIA – Transportation Infrastructure Finance and Innovation Act

- 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
- TIFIA participation up to 49% of eligible project costs



Tolling/Pricing

- Two mainstream programs (Sections 129 and 166)
 - Allows tolling of new capacity, including Interstate, with current level of free capacity to remain free and not tolled
 - Allows HOV to HOT conversions
 - USDOT/State toll agreements not required
 - Formal audit requirements (details to come later)
- Two pilot programs (VPPP, ISRRPP) continued
 - No change with MAP-21 – no new funds for value pricing pilot program (congestion pricing)
 - Continues Interstate System Reconstruction and Rehabilitation Pilot Program (tolling of all lanes)
 - USDOT/State toll agreements required



Major Project Finance Plans

- Allows phasing (no longer need all the funds upfront)
- Interim guidance and Q & As issued



Emergency Relief

- Authorizes \$100 million/year. Effective October 1, 2012, MAP-21 applies to all events
- 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; \$\$\$ must be appropriated from general fund
- **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 agreed 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 should 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 performance plans
 - TIP updated every 4 years
 - MPO selects project in consultation with the State and public transit operators except those on NHS which are selected by State in cooperation with MPO
- Statewide & non-metropolitan 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 performance plans

Freight provisions

- MAP-21 establishes National Freight Policy, and requires USDOT 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
 - No dedicated funding for freight program
- USDOT must encourage States to establish freight advisory committees and develop State freight plans (guidance to be issued 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 after October 1)



Other provisions

- States may approve overweight permits for divisible loads during major Stafford Act disasters
- Electric vehicle charging infrastructure in new or previously funded fringe and corridor parking facilities may be funded on otherwise eligible facilities
- Revised bridge and tunnel inspection rules
- 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 (\$50 M highway; \$40M bridge) – not required off NHS or for design-build
- State may allow limited commercial activity in Interstate rest areas; commercial activities may be privately operated (vending machines/travel information)
- Restrictions (arsenic and lead) 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 to include Buy America provisions if Federal-aid funds are used



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



Research, Technology Deployment, Training & Education

- Similar to previous programs and funding
- Funding is almost earmark free (\$12M/year earmark for acceleration of deployment and implementation of pavement technology)
- State planning and research (SPR) funded by 2% set-aside from NHPP, STP, CMAQ and HSIP
- SHRP-2 to be funded from SPR funds

Project delivery

Accelerating project delivery

- Any State can assume responsibilities for categorical exclusions if waive sovereign immunity
- Programmatic agreements for processing CEs allow States to determine CEs on FHWA's behalf
- 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
- Increased Federal share for some innovative techniques -- EDC (by up to 5%, with limitations)

Accelerating the environmental process

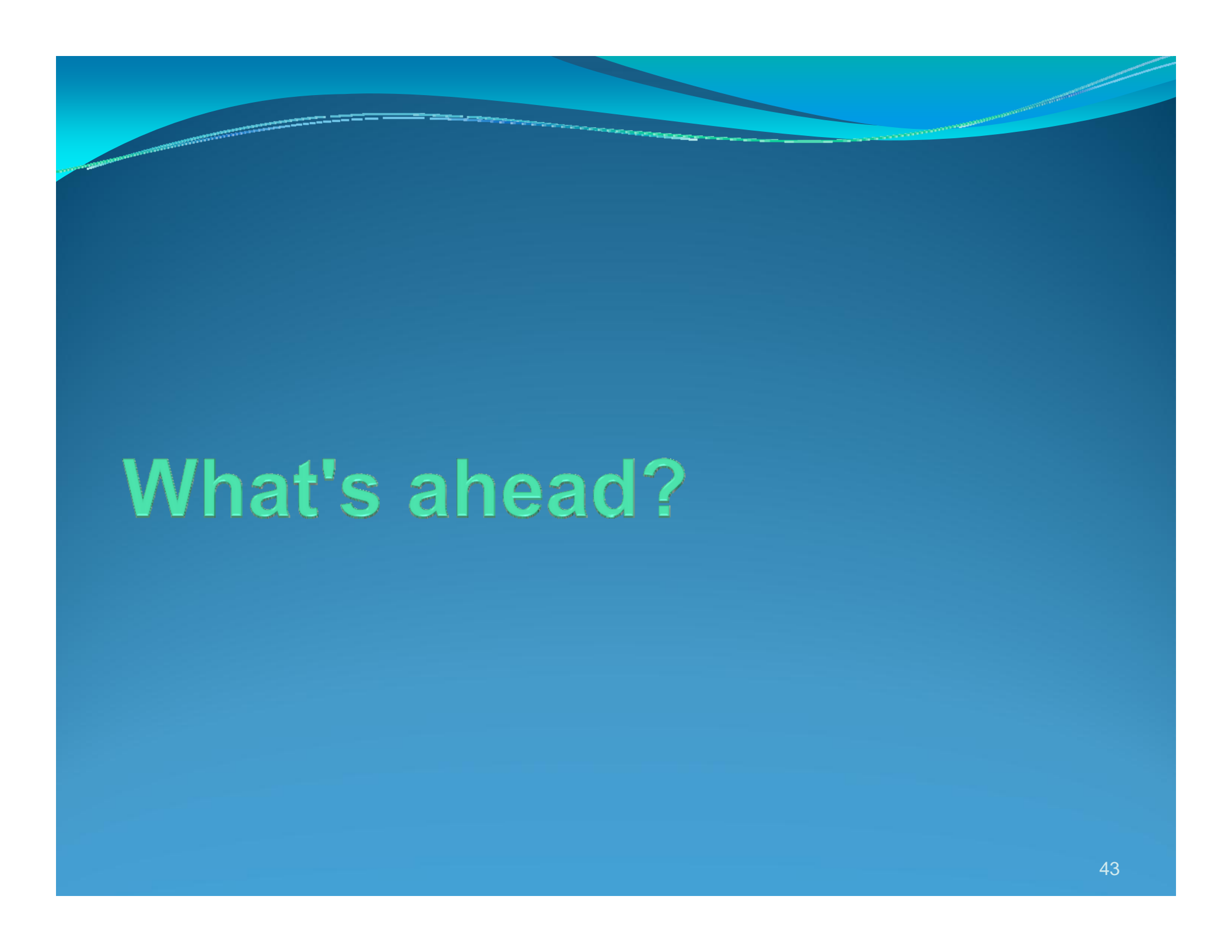
- Environmental review process streamlining
 - FEIS and ROD combined in certain conditions (case-by-case pending post October 1 guidance)
 - Allows for the use of planning products in the NEPA process – EDC (currently available)
 - Deadlines for issue resolution, with penalties for agencies (eff. Oct. 1)
 - Programmatic mitigation plans – EDC (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 ended October 8);
b) move designated types of CEs from “d” list to “c” list.

Performance



Performance management

- MAP-21 identifies national goal areas
- USDOT establishes performance measures (rulemaking)
- 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 years of enactment; biennially thereafter)
- Reports typically lead to corrective actions (not sanctions)
- Consequences if condition of NHS falls below thresholds



What's ahead?

Next steps for implementation

- Post guidance, fact sheets, and Q&A on web site September 25th with more to come later
- Resolution of remaining policy issues
 - Further guidance
 - Rulemaking
- Follow as it happens at <http://www.fhwa.dot.gov/map21>

The background is a solid blue color with a gradient from light blue at the top to a darker blue at the bottom. There are several decorative elements: a solid dark blue wavy line at the top, a dotted white line following a similar path below it, and a dashed light blue line below that. The word "Questions?" is written in a large, bold, light blue font in the center-left area.

Questions?