Moving Ahead for Progress in the 21st Century Act (MAP-21)
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
Apportioned programs
# Program structure

<table>
<thead>
<tr>
<th>MAP-21</th>
<th>Current Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Highway Performance Program (NHPP)</td>
<td>NHS, IM, &amp; Bridge (portion)</td>
</tr>
<tr>
<td>Surface Transportation Program (STP)</td>
<td>STP &amp; Bridge (portion)</td>
</tr>
<tr>
<td>Congestion Mitigation &amp; Air Quality Improvement Program (CMAQ)</td>
<td>CMAQ</td>
</tr>
<tr>
<td>Highway Safety Improvement Program (HSIP)</td>
<td>HSIP (incl. High Risk Rural Roads)</td>
</tr>
<tr>
<td>Railway-Highway Grade Crossing (takedown from HSIP)</td>
<td>Railway Highway Grade Crossing</td>
</tr>
<tr>
<td>Metropolitan Planning</td>
<td>Metropolitan Planning</td>
</tr>
<tr>
<td>Transportation Alternatives (setaside from NHPP, STP, HSIP, CMAQ, and Metro Planning)</td>
<td>TE, Recreational Trails, and Safe Routes to School</td>
</tr>
</tbody>
</table>
$37.7 billion/year in formula funding

- National Highway Performance Program ($21.8)
- Surface Transportation Program ($10.0)
- HSIP ($2.2)
- CMAQ ($2.2)
- Railway-Highway Crossing ($0.2)
- Transportation Alternatives ($0.8)
- Metro Planning ($0.3)

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

CMAQ
State’s lump sum multiplied by...

State’s FY09 CMAQ

State’s total FY09 apportionment

Metro Planning
State’s lump sum multiplied by...

State’s FY09 Metro Planning

State’s total FY09 apportionment

Remainder
(net of CMAQ, Metro Planning) divided among...

• NHPP (63.7%)
• STP (29.3%)
• HSIP (7.0%)

...and then setasides for Rail-Highway Grade Crossings and the Transportation Alternatives program
What does this mean for Kentucky?

<table>
<thead>
<tr>
<th>FY</th>
<th>Estimated Apportionments</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>Estimated Apportionments</td>
<td>$643,590,231</td>
</tr>
<tr>
<td>2013</td>
<td>Estimated Apportionments</td>
<td>$643,590,231</td>
</tr>
<tr>
<td>2014</td>
<td>Estimated Apportionments</td>
<td>$649,105,868</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Highway Performance Program (NHPP)</td>
<td>$391,819,968</td>
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<tr>
<td>Surface Transportation Program (STP)</td>
<td>$180,224,883</td>
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<tr>
<td>Highway Safety Improvement Program (HSIP)</td>
<td>$43,057,139</td>
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<tr>
<td>Congestion Mitigation &amp; Air Quality (CMAQ)</td>
<td>$13,191,338</td>
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<tr>
<td>Metropolitan Planning</td>
<td>$2,414,758</td>
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<tr>
<td>Transportation Alternatives (TA)</td>
<td>$12,882,145</td>
</tr>
<tr>
<td>Totals</td>
<td>$643,590,231</td>
</tr>
</tbody>
</table>
National Highway Performance Program ($392M in 2013)

- Funds an enhanced National Highway System, combining functions of the existing NHS, IM and Bridge Programs
- Enhanced NHS includes existing NHS, all principal arterials, STRAHAHNET, 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
# Enhanced NHS in Kentucky

<table>
<thead>
<tr>
<th></th>
<th>Miles</th>
<th>Lane Miles</th>
<th>Travel (vmt)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009 NHS</td>
<td>2,887</td>
<td>10,804</td>
<td>59,094,881</td>
</tr>
<tr>
<td>Enhanced NHS</td>
<td>4,006</td>
<td>13,932</td>
<td>71,403,405</td>
</tr>
</tbody>
</table>
Surface Transportation Program ($180M in 2013)

- 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 ($43M in 2013)

- 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 ($13.2M in 2013)

- 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) ($12.8M in 2013)

- Incorporates eligibilities from many current programs
  - Most (but not all) formerly Transportation Enhancement activities still eligible
  - 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% sub-allocated 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:

<table>
<thead>
<tr>
<th>Program</th>
<th>Annual $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Lands Transportation Program (with new partners)</td>
<td>$300 million</td>
</tr>
<tr>
<td>Federal Lands Access Program</td>
<td>$250 million</td>
</tr>
<tr>
<td>Tribal Transportation Program (new formula for distribution among tribes)</td>
<td>$450 million</td>
</tr>
</tbody>
</table>
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 ≥ State’s annual apportionments
- Debris removal from Stafford Act disasters funded by FEMA
- Maintenance/operation of additional ferryboats or transit eligible as substitute service
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
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 years) 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 (PEL)
  - 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

- Revised bridge inspection rules (+ tunnel inspections)
- Uniform Relocation Act payment levels updated and may be updated in future through regulation
- 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

• 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](http://www.fhwa.dot.gov/map21)