

Exploration of Consolidation and Opportunities: MAP-21 7/11/2012

Key Elements:

- **Historic reforms streamlining the project delivery process**
- **Expands project financing and public-private partnership opportunities**
- **Consolidation**
- **Eliminates Earmarks**
- **Accountability and Performance Measures**
- **Research, Education and Technology**
- **Buy America**

Expanded Transportation Infrastructure Finance and Innovation Act (TIFIA) and Increased Funding

- The TIFIA program provides direct loans, loan guarantees, and lines of credit to surface transportation projects at favorable terms. TIFIA will leverage private and other non-federal investment in transportation improvements.
- Grow TIFIA from a total of \$244 million in SAFETEA-LU to a \$1.75 billion program total for 2 years in MAP-21.
- Enables TIFIA loans to be applied to related groups of projects, rather than a single project.
- Allows TIFIA to pay for a larger share of project costs (increased from 33% to 49%)
- Expands opportunities for rural projects
- New capacity can be tolled on all existing Federal-aid (road, bridge) facilities (this eliminates the cap on slots in the Interstate Tolling and Value Pricing pilot programs). No existing untolled lanes can be tolled, and there have to be as many toll-free lanes as tolled lanes on the facility

Consolidation of highway programs:

- **National Highway Performance Program (New core program)** to improve condition and performance of the National Highway System. Consolidation of NHS and Interstate Maintenance, and aspects of the Bridge program. This program attempts to eliminate the barriers between existing programs that limit states' flexibility to address the most vital needs for highways and bridges and attempts to hold states accountable for improving outcomes and using tax dollars efficiently

Eligibility:

A project or part of a program of projects supporting progress toward the achievement of national performance goals for improving infrastructure condition, **safety**, mobility, or freight movement on the National Highway System; and

- Construction, reconstruction, resurfacing, restoration, rehabilitation, preservation, or operational improvement of segments of the National Highway System.
- Construction, replacement (including replacement with fill material), rehabilitation, preservation, and protection (including scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) of bridges on the National Highway System.
- Construction, replacement (including replacement with fill material), rehabilitation, preservation, and protection (including impact protection measures, security countermeasures, and protection against extreme events) of tunnels on the National Highway System.
- Inspection and evaluation, as described in section 144, of bridges and tunnels on the National Highway System, and inspection and evaluation of other highway infrastructure assets on the National Highway System, **including signs and sign structures**, earth retaining walls, and drainage structures.
- Training of bridge and tunnel inspectors, as described in section 144.
- Construction, rehabilitation, or replacement of existing ferry boats and ferry boat facilities, including approaches that connect road segments of the National Highway System.
- Construction, reconstruction, resurfacing, restoration, rehabilitation, and preservation of, and operational improvements for, a Federal-aid highway not on the National Highway System, and construction of a transit project eligible for assistance under chapter 53 of title 49, if—
 - (i) the highway project or transit project is in the same corridor as, and in proximity to, a fully access-controlled highway designated as a part of the National Highway System;
 - (ii) the construction or improvements will reduce delays or produce travel time savings on the fully access-controlled highway described in clause (i) and improve regional traffic flow; and
 - (iii) the construction or improvements are more cost-effective, as determined by benefit-cost analysis, than an improvement to the fully access-controlled highway described in clause (i).
- **Bicycle transportation and pedestrian walkways in accordance with section 217.**
- **Highway safety improvements for segments of the National Highway System.**
- Capital and operating costs for traffic and traveler information monitoring, management, and control facilities and programs.

- Development and implementation of a State asset management plan for the National Highway System in accordance with this section, including data collection, maintenance, and integration and the cost associated with obtaining, updating, and licensing software and equipment required for risk-based asset management and performance-based management.
- Infrastructure-based intelligent transportation systems capital improvements.
- Environmental restoration and pollution abatement in accordance with section 328.
- Control of noxious weeds and aquatic noxious weeds and establishment of native species in accordance with section 329.
- Environmental mitigation efforts related to projects funded under this section, as described in subsection
- Construction of publicly owned intracity or intercity bus terminals servicing the National Highway System.

Funding: \$42.7 billion total over 2 years

- **Surface Transportation Program (Revamps Current Surface Transportation Program)** with broad eligibility for any public road suballocated to local governments based on population. Can also be used for bridges off of the Federal-aid system. This program replaces the current Surface Transportation Program, but retains the same structure, goals and flexibility to allow states and metropolitan areas to invest in the projects that fit their unique needs and priorities. It also gives a broad eligibility of surface transportation projects that can be constructed. Activities that previously received dedicated funding in SAFETEA-LU, but are being consolidated under MAP-21, will be retained as eligible activities under the program.

Eligibility:

- Construction, reconstruction, rehabilitation, resurfacing, restoration, preservation, or operational improvements for highways, including construction of designated routes of the Appalachian development highway system and local access roads under section 14501 of title 40.
- Replacement (including replacement with fill material), rehabilitation, preservation, protection (including painting, scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) and application of calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and deicing compositions for bridges (and approaches to bridges and other elevated structures) and tunnels on public roads of all functional classifications including any such construction or reconstruction necessary to accommodate other transportation modes.
- Construction of a new bridge or tunnel at a new location on a Federal-aid highway
- Inspection and evaluation of bridges and tunnels and training of bridge and tunnel inspectors (as defined in section 144), **and inspection and evaluation of other highway assets (including signs, retaining walls, and drainage structures).**’;
- Carpool projects, fringe and corridor parking facilities and programs, including electric vehicle and natural gas vehicle infrastructure in accordance with section 137, **bicycle transportation and pedestrian walkways in accordance with section 217, and the modifications of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).**’;

- **Highway and transit safety infrastructure improvements and programs, installation of safety barriers** and nets on bridges, hazard eliminations, projects to mitigate hazards caused by wildlife, and **railway-highway grade crossings**.
- Environmental mitigation efforts relating to projects funded under this title in the same manner and to the same extent as such activities are eligible under section 119(g).
- Projects and strategies designed to support congestion pricing, including electric toll collection and travel demand management strategies and programs.
- Recreational trails projects eligible for funding under section 206.
- Construction of ferry boats and ferry terminal facilities eligible for funding under section 129(c).
- Border infrastructure projects eligible for funding under section 1303 of the SAFETEA-LU (23 U.S.C. 101 note; Public Law 109–59).
- Truck parking facilities eligible for funding under section 1401 of the MAP–21.
- Development and implementation of a State asset management plan for the National Highway System in accordance with section 119, including data collection, maintenance, and integration and the costs associated with obtaining, updating, and licensing software and equipment required for risk based asset management and performance based management, and for similar activities related to the development and implementation of a performance based management program for other public roads.
- A project that, if located within the boundaries of a port terminal, includes only such surface transportation infrastructure modifications as are necessary to facilitate direct intermodal interchange, transfer, and access into and out of the port.
- Construction and operational improvements for any minor collector if—
 - the minor collector, and the project to be carried out with respect to the minor collector, are in the same corridor as, and in proximity to, a Federal-aid highway designated as part of the National Highway System;
 - the construction or improvements will enhance the level of service on the Federal-aid highway described in subparagraph (A) and improve regional traffic flow; and
 - the construction or improvements are more cost effective, as determined by a benefit-cost analysis, than an improvement to the Federal-aid highway described in subparagraph (A).”.

Funding: \$20.1 billion total over 2 years

- **Highway Safety Improvement Program** for road infrastructure safety includes a set-aside for rail grade crossings. MAP-21 builds on the successful Highway Safety Improvement Program (HSIP). MAP-21 substantially increases the amount of funding for this program because of the strong results it has achieved in reducing fatalities. Under HSIP, states must develop and implement a safety plan that identifies highway safety programs and a strategy to address them.

Inclusions: The term ‘highway safety improvement project’ includes, but is not limited to, a project for 1 or more of the following:

- An intersection safety improvement.
- Pavement and shoulder widening (including addition of a passing lane to remedy an unsafe condition).
- Installation of rumble strips or another warning device, if the rumble strips or other warning devices do not adversely affect the safety or mobility of bicyclists and pedestrians, including persons with disabilities.

- Installation of a skid-resistant surface at an intersection or other location with a high frequency of crashes.
- An improvement for pedestrian or bicyclist safety or safety of persons with disabilities.
- Construction and improvement of a railway highway grade crossing safety feature, including installation of protective devices.
- The conduct of a model traffic enforcement activity at a railway-highway crossing.
- Construction of a traffic calming feature.
- Elimination of a roadside hazard.
- Installation, replacement, and other improvement of highway signage and pavement markings, or a project to maintain minimum levels of retroreflectivity, that addresses a highway safety problem consistent with a State strategic highway safety plan.
- Installation of a priority control system for emergency vehicles at signalized intersections.
- Installation of a traffic control or other warning device at a location with high crash potential.
- Transportation safety planning.
- Collection, analysis, and improvement of safety data.
- Planning integrated interoperable emergency communications equipment, operational activities, or traffic enforcement activities (including police assistance) relating to work zone safety.
- Installation of guardrails, barriers (including barriers between construction work zones and traffic lanes for the safety of road users and workers), and crash attenuators.
- The addition or retrofitting of structures or other measures to eliminate or reduce crashes involving vehicles and wildlife.
- Installation of yellow-green signs and signals at pedestrian and bicycle crossings and in school zones.
- Construction and operational improvements on high risk rural roads.
- Geometric improvements to a road for safety purposes that improve safety.
- A road safety audit.
- Roadway safety infrastructure improvements consistent with the recommendations included in the publication of the Federal Highway Administration entitled 'Highway Design Handbook for Older Drivers and Pedestrians' (FHWA-RD-01-103), dated May 2001 or as subsequently revised and updated.
- Truck parking facilities eligible for funding under section 1401 of the MAP-21.
- Systemic safety improvements.

Items of note:

- HRRR definition is broader than current law
- HSIP funded at 7% instead of old formula
- Highway basemap is now included
- New HSIP eligible activities:
 1. Sign retro projects are eligible under HSIP regardless of inclusion in a state's SHSP (Note: ATSSA interprets the language in MAP-21 on this item to include maintenance, data collection, establishment of a sign inventory method, assessment of retroreflectivity levels and installation, basically any project relating to sign retroreflectivity.)
 2. Collection of safety data now an eligible HSIP activity
 3. Geometric improvements to a road for safety purposes
 4. Road Safety Audit

5. Older Driver Safety improvements
6. Truck parking facilities
7. Systemic safety improvements
8. New safety data sections
9. SHSPs must be based on data
10. County officials and nonmotorized users added as SHSP partners. Federal and tribal safety stakeholders added
11. The phrase "non-State owned public roads and roads on tribal lands" is used throughout
12. Systemic safety improvements are new
13. Highway safety problems and opportunities section includes a breakdown of where crashes are occurring with regard to functional classification of roads and ownership
14. One year after enactment of MAP-21, Secretary shall establish requirements for state SHSP updates
15. Lists out what should be included in state SHSP updates
16. SHSPs must be approved by Secretary
17. Penalties for failure to have approved SHSP (starting Aug. 1, 2014)
18. Flexible funding deleted
19. HRRR special rule if deaths and serious injuries increase
20. Older Driver special rule if deaths and serious injuries increase
21. HRRR best practices manual
22. State performance targets are now new.

Funding: \$4.8 billion total over 2 years

- **Congestion Mitigation and Air Quality Program**

The Congestion Mitigation and Air Quality Improvement (CMAQ) Program provides funds to states for transportation projects designed to reduce traffic congestion and improve air quality. MAP-21 improves the existing CMAQ program by including particulate matter as one of the pollutants addressed, and by requiring a performance plan in large metropolitan areas to ensure that CMAQ funds are being used to improve air quality and congestion in those regions.

Eligible projects, amending language to add below:

- turning lanes
- including programs or projects to improve incident and emergency response or improve mobility, such as through real-time traffic, transit, and multimodal traveler information
- if the project or program shifts traffic demand to nonpeak hours or other transportation modes, increases vehicle occupancy rates, or otherwise reduces demand for roads through such means as telecommuting, ridesharing, carsharing, alternative work hours, and pricing

Funding: \$4.4 billion total over 2 years

- **Projects of National and Regional Significance Program** –This bill authorizes a program to fund major projects of national and regional significance which meet rigorous criteria and eligibility requirements.

- **DOT Secretary will issue report on potential projects of regional and national significance taking the following into consideration:**
 - Generate national economic benefits
 - Reduce long-term congestion
 - **Improve transportation safety, including reducing transportation accidents, fatalities and serious injuries**
 - Improve performance of federal aid highway
- Funding: \$500 million total over 2 years**

- **Federal Lands Transportation Program**

Us of Funds:

- program administration, transportation planning, research, preventive maintenance, engineering, rehabilitation, restoration, construction, and reconstruction of Federal lands transportation facilities, and—
- adjacent vehicular parking areas;
- acquisition of necessary scenic easements and scenic or historic sites;
- **provision for pedestrians and bicycles;**
- environmental mitigation in or adjacent to Federal land open to the public—
- to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity; and
- to mitigate the damage to wildlife, aquatic organism passage, habitat, and ecosystem connectivity, including the costs of constructing, maintaining, replacing, or removing culverts and bridges, as appropriate;
- construction and reconstruction of roadside rest areas, including sanitary and water facilities;
- congestion mitigation; and
- other appropriate public road facilities, as determined by the Secretary;
- operation and maintenance of transit facilities;
- any transportation project eligible for assistance under this title that is on a public road within or adjacent to, or that provides access to, Federal lands open to the public; and

Funding: \$600 million total over 2 years

- **Tribal Transportation Program**

Use of Funds:

- transportation planning, research, maintenance, engineering, rehabilitation, restoration, construction, and reconstruction of tribal transportation facilities;
 - adjacent vehicular parking areas;
 - **interpretive signage;**
 - acquisition of necessary scenic easements and scenic or historic sites;
 - **provisions for pedestrians and bicycles;**
 - environmental mitigation in or adjacent to tribal land—
 - to improve public safety and reduce vehicle caused_wildlife mortality while maintaining habitat_connectivity; and
 - to mitigate the damage to wildlife, aquatic_organism passage, habitat, and ecosystem connectivity,_including the costs of constructing, maintaining, replacing, or removing culverts and bridges, as appropriate;
 - construction and reconstruction of roadside rest_areas, including sanitary and water facilities; and

- other appropriate public road facilities as determined by the Secretary;
- operation and maintenance of transit programs and facilities that are located on, or provide access to tribal land, or are administered by a tribal government
- any transportation project eligible for assistance under this title that is located within, or that provides access to, tribal land, or is associated with a tribal government.

Funding: \$900 million total over 2 years

- **Territorial and Puerto Rico Highways Program** – This program provides funds to the U.S. territories and Puerto Rico to construct and maintain highway, bridge, and tunnel projects.

Eligible Projects Puerto Rico Highways Program:

- At least 50% for Interstate maintenance program (Section 119)
- **At least 25% for Highway Safety Improvement Program (Section 148)**
- Any remaining funds may be obligated for activities eligible under Federal Aid-Highways, Chapter 1

Eligible Use of Funds Territorial Highway Program:

- Eligible surface transportation program projects described in Surface Transportation Program, section 133(b).
- Cost-effective, preventive maintenance consistent with Maintenance (section 116(e).
- Ferry boats, terminal facilities, and approaches, in accordance with subsections (b) and (c) of section 129.
- Engineering and economic surveys and investigations for the planning, and the financing, of future highway programs.
- **Studies of the economy, safety,** and convenience of highway use.
- The regulation and equitable taxation of highway use.
- Such research and development as are necessary in connection with the planning, design, and maintenance of the highway system.

Funding: \$300 million total over 2 years

- **Glass Beads in Pavement Markings Provision** - Section 1504 states that the Secretary shall not approve any pavement marking project that includes the use of glass beads containing more than 200 parts per million of arsenic or lead as determined by EPA testing methods 3052, 6010B or 6010C.

- **Administrative Expenses** – Funds the general administrative operations of the Federal Highway Administration.

Funding: \$894 million total over 2 years

- **Metropolitan Planning** –

Funding: \$626 million total over 2 years

- **Emergency Relief** – Provides funds to states to repair highways and bridges damaged by natural disasters.

Funding: \$200 million total over 2 years

- **Transportation Alternatives, old Transportation Enhancements**

- 2% of overall funding

- Eligible projects include **SRTS**, recreation trails, planning/designing/constructing of boulevards and projects within section 101
- 50% of funds for this section is sub-allocated to communities

Funding: \$1.6 billion total over 2 years

More Accountability and Performance Measures:

- Performance-based approach in metropolitan and statewide planning processes
- Makes seven goals in the “national interest,” and requires the Secretary of Transportation in consultation with states and MPOs to establish performance measures and standards.
 - **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 National Highway System;
 - 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; and
 - 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.

Research, education and technology

- Ensures that ITS technologies are eligible for funding within every major formula program
- Creates Technology and Innovation Deployment program to accelerate the adoption of innovative technologies across the transportation system through competitive grants. (Note: replaces Systems Operations and ITS Deployment Grant Program)

Funding: \$125 million total over 2 year period

- Authorizes 35 competitive grants for University Transportation Centers

Buy America

- Expanded Buy America by requiring that all contracts related to a project are covered by Buy America, eliminating the ability to break a project into several pieces and avoid the requirement.