

MAP-21

Moving Ahead for Progress in the 21st Century
Passed on June 29, 2012 / Signed on July 6, 2012 (P.L. 112-141)

Overview

Surface transportation reauthorization act covers 27 months - through September 30, 2014

- Extends SAFETEA-LU for the final three months of FY 2012
- Authorizes surface transportation programs with program restructuring for another two years – FY 2013 and FY 2014

Finance and revenue

- Extends expenditure authority from the Highway Trust Fund through September 30, 2014
- Extends Highway-related taxes through September 30, 2016 (extends heavy vehicle use tax through September 30, 2017)
- Beginning on October 1, 2014, expenditures may only be made to liquidate obligations made prior to September 30, 2014
- Provides additional revenue to fund the MAP-21 programs/activities – total \$21.2 billion
 - A one-time transfer from the Leaking Underground Storage Tank (LUST) trust fund to the Highway Account of the Highway Trust Fund (HTF) - \$2.4 billion
 - Pension fund stabilization –\$18.8 billion – over two years
- Total funding authorization is \$52.78 billion in FY 2013 and \$52.98 billion in FY 2014
 - Highway – FY 2013 at \$40.4 billion; FY 2014 at \$41 billion
 - Transit – FY 2013 at \$10.5 billion; FY 2014 at \$10.7 billion
 - Highway Traffic Safety – FY 2013 at \$670 million; FY 2014 at \$680 million
 - Commercial Motor Vehicle Safety – FY 2013 at \$561 million; FY 2014 at \$572 million
- Federal-aid highway programs - maintains current funding levels for FY 2012 and FY 2013 with small inflation factor for FY 2014. Total state FY 2013 and 2014 highway apportionments are based on their percentage share of FY 2012 apportionments, avoiding a discussion of highway formula apportionments for this authorization bill.
- Guarantees that each state shall receive at least 95 percent of their contributions into the Highway Account of the Highway Trust Fund in FY 2014.
- Annual authorized obligation limitation for the highway programs is \$39.699 billion for FY 2013 and \$40.256 billion for FY 2014. Obligation limitation for FY 2012 is \$39.144 billion.

Highway Program Restructuring (FY 2013 and FY 2014)

Reduced the number of major highway programs with the consolidation of the Interstate Maintenance program and the National Highway System program, and the elimination of a specific bridge program and equity bonus program.

Major program categories are:

- National Highway Performance Program
- Surface Transportation Program
- Highway Safety Improvement Program
- Congestion Mitigation and Air Quality Program
- Transportation Alternatives Program
- Metropolitan Planning

Federal-aid Highways	Estimated Iowa FY 2013	Share of National
National Highway Performance Program	\$ 280,409,241	1.29%
Surface Transportation Program	\$ 128,979,447	1.29%
Highway Safety Improvement Program	\$ 30,814,202	1.29%
Congestion Mitigation and Air Quality Program	\$ 10,551,629	0.48%
Transportation Alternatives Program	\$ 10,241,972	0.59%
Metropolitan Planning	\$ 1,834,310	1.27%
TOTAL	\$ 462,830,801	1.23%

Source: Federal Highway Administration (N4510.755)

Transferability of Federal-aid Highway Funds - (Sec. 1509)

- A state may transfer up to 50 percent of the annual apportionments from the National Highway Performance Program, the Surface Transportation Program, the Highway Safety Improvement Program, the Congestion Mitigation and Air Quality Program and the Transportation Alternatives Program to any other program.
- The 50 percent of the STP and TA funds suballocated based on population and the Metropolitan Planning funds shall not be transferred.

National Highway Performance Program (NHPP) – (Sec. 1106)

- Consolidates the Interstate Maintenance Program, the National Highway System (NHS) program and bridges on the NHS into a National Highway Performance Program.
- The NHS is expanded from 159,000 miles to an estimated 220,000 miles and will consist of:
 - Current NHS routes
 - Other urban and rural principal arterials and border crossings on those routes
 - Other connector highways (including toll facilities) that provide motor vehicle access between arterial routes and a major intermodal transportation facility
 - The strategic highway defense network
 - Iowa’s system could expand from 3,209 miles to 5,060 miles
- The construction of new bridges (not the replacement of an existing bridge) is only eligible for funding if on a federal-aid highway
- “Penalties” – condition of Interstate and NHS bridges
 - If for two consecutive reporting periods the state’s Interstate system (not including bridges) fails to meet the standards set by the Secretary, the state shall be required to obligate no less than the funds apportioned for the IM program in 2009 (\$75 million for Iowa).
 - If for the 3 year period prior to the date of the determination more than 10 percent of the total deck area of bridges on the NHS is structurally deficient an amount equal to 50 percent of the 2009 bridge funds (\$31 million) shall be set aside for bridges on the NHS.
 -

Surface Transportation Program (STP) – (Sec. 1108)

- Administration of the STP program is generally unchanged, except that the Transportation Enhancement set-aside is being eliminated. Most activities that were eligible under the set-aside remain eligible under the new structure.
- Funding may be used by States and localities to preserve or improve conditions and performance on:
 - any federal-aid highway,
 - bridges on any public road,
 - facilities for nonmotorized transportation,
 - transit capital projects, and
 - public bus terminals and facilities.
- Continues a suballocation of STP funds based on population for:
 - Areas over 200,000
 - Areas greater than 5,000 and no more than 200,000
 - Areas of 5,000 or less
- Eliminates the set-aside for areas under 5,000 population
- With the elimination of the bridge program, all bridges are eligible through the STP program. A set-aside is continued which ensures that an amount equal to 15 percent of the 2009 bridge program apportionments (estimated at \$9.5 million per year) is available for non-NHS bridges.
- Construction of a new bridge at a new location if on a federal-aid highway.

Highway Safety Improvement Program (HSIP) – (Sec. 1112)

- Administration of the HSIP is generally unchanged, except that the High Risk Rural Roads (HRRR) set-aside is eliminated. However, safety projects on HRRR remain eligible, and if the fatality rate increases on rural roads over any two year period, in the next fiscal year the State must obligate 200 percent of the HRRR funds it received in FY 2009 for projects on HRRR.
- The Secretary shall conduct a study of the best practices for implementing safety improvements on high-risk rural roads
- Continues a set-aside for the Section 130 Rail-Highway Grade Crossing Program which has been \$220 million per year or an estimated \$4.7 million for Iowa.

Congestion Mitigation and Air Quality (CMAQ) – (Sec. 1113)

- CMAQ program remains generally intact and attainment states can still use CMAQ for STP eligible uses. No major changes mandated if Iowa's Clean Air Attainment Program (ICAAP) continues.

Grant Programs under SAFETEA-LU

- Categorical funding for is eliminated for Transportation Enhancements, Safe Routes to School, Recreational Trails and the National Scenic Byways program but existing project uses are eligible under a new Transportation Alternatives (TA) program.
- Funding for the Recreational Trails program comes from the TA program.
- Continues requirement to have a bike-pedestrian coordinator and to accommodate all users when replacing a bridge.

Transportation Alternatives (TA) Program – (Sec. 1122)

- Transportation Alternatives Program is funded at a level equal to 2 percent of the FHWA funding. This is equal to an estimated 35 percent reduction in funding compared to past total for Transportation Enhancements, Safe Routes to Schools, Recreational Trails and Scenic Byways.
- 50 percent of TA apportionment shall be suballocated within the state based on population for:
 - Areas over 200,000
 - Areas greater than 5,000 and no more than 200,000
 - Areas of 5,000 or less
- The remaining 50 percent is available for any area of the state.
- The MPOs and State shall develop a competitive process to allow eligible entities (does not include MPOs or the State) to submit applications for funding.
- TA program funds can be used for projects previously funded under Transportation Enhancements, Safe Routes to School, the National Scenic Byways program and Recreational Trails program along with the following:
 - On-road and off-road trail facilities (construction, planning, and design)
 - Safe routes for non-drivers (bike/pedestrian infrastructure)
 - Abandoned railroad corridors for trails (conversion for non-motorized users)
 - Turnouts, overlooks, and viewing areas (roadside facilities previously included by scenic byways)
 - Community improvement activities (ROW improvements: billboards, historic/archaeological preservation, vegetation management, etc.)
 - Environmental mitigation (storm water management, wildlife mortality, etc.)
- Bike/pedestrian projects, transportation alternatives, and recreational trails are generally eligible uses for STP funds also and these projects can be located anywhere (not restricted to Federal aid routes).
- The Recreational Trails program is to receive funding from the TA program at the FY 2009 funding level, unless a state chooses to “opt out”. States that continue the RT program will return to FHWA one percent of those funds for administration.
- Recreational trails activities remain eligible for TA funding.
- In the event of an emergency a state may transfer all of the funds in the TA program to fix damaged infrastructure.

Projects of National and Regional Significance (PNRS) – (Sec. 1120)

- Makes amendments to this existing program (Section 1301 of SAFETEA-LU)
- Provides \$500 million in FY 2013 only - from the General Fund - subject to being funded through appropriations for grants to support significant projects in a wide variety of modes.
- No new projects have been identified since all current projects were earmarked in SAFETEA-LU.

National Bridge and Tunnel Inventory and Inspection Standards – (Sec. 1111)

- The act continues an emphasis on bridge safety and inspection by declaring that continued improvement of bridge condition is essential and that the systematic preventative maintenance and replacement and rehabilitation of deficient bridges should be taken through an overall asset management approach to investment.
- The Secretary in consultation with the States shall inventory all highway bridges on public roads – 5ton and off the federal-aid highway system.

- The Secretary shall establish and maintain inspection standards. These standards shall:
 - specify, in detail, the method by which the inspections shall be carried out
 - establish the maximum time periods between inspections
 - establish the qualifications of inspectors and procedures for national certification
 - require written reports of inspection results and any action taken, and current inventory data on all bridges and tunnels - reports and data shall be made available to the Secretary upon request
- The Secretary shall annually review State compliance with these inspection standards and the act provides penalties for non-compliance.
- Future guidance will determine the extent of the changes to our current inspection practice.

Accelerated Project Delivery – (Sec. 1301 - Sec. 1323)

- MAP-21 declares that it is in the national interest to accelerate project delivery and reduce costs and ensure that the development and delivery of transportation projects are done in an efficient and effective manner.
- Until we see the federal guidance and interpretation of the legislative language, it is difficult to determine the real impact of the accelerated project delivery provisions.
- The Secretary is directed to designate as a categorical exclusion:
 - the repair or reconstruction of a road, highway, or bridge damaged by a declared emergency or disaster,
 - any project within the existing operational right of way, or
 - any project that receives less than \$5 million in federal funds, or
 - any project with a total estimated cost of not more than \$30 million in which Federal funds comprise less than 15 percent of total cost.
- Allows a State to proceed with numerous project activities including ROW acquisition prior to completion of NEPA
- Allows any state to take over responsibility for NEPA compliance

Research, Technology Deployment, Training and Education – (Sec. 50001 – Sec. 53006)

- Secretary is to provide leadership for the national coordination of research and technology transfer activities and is directed to develop a 5-year research and development strategic plan.
- All research activities should include a component of performance measurement and evaluation, should be outcome based and must be consistent with the research and technology development strategic plan.
- Technology deployment program will fund implementation of F-SHRP, but it can be supplemented from SP&R funds, if 75 percent of the States agree to a percentage for this use.
- University Transportation Centers program and Local Technical Assistance Program (LTAP) are continued.

Miscellaneous Items

Commercial Motor Vehicle (CMV) parking – (Sec. 1401)

- It is the sense of Congress that it is a national priority to address projects for the shortage of long-term parking for CMV on the National Highway System.
- Within 18 months, the Secretary must survey each state to evaluate the adequacy of parking and rest facilities for CMVs, assess the volume of CMV traffic in the state, and develop a system of metrics to measure the adequacy of CMV parking facilities in the state.

Rest area /Commercial activity – (Sec. 1539)

- Allows for limited commercial activity (including by private operators) under certain conditions: advertising, tourism materials and lottery machines
- States must use revenue to pay for rest area costs in the state
- States may permit the installation of sponsorship signs within the rest area or along the interstate as long as they do not affect safety or efficiency. The Secretary must establish criteria for the signage.
- State may permit a private party to operate the commercial activity

Emergency Relief – (Sec. 1508)

- FHWA has the authority to extend the 180-day limit on eligibility for 100 percent federal share of Emergency Relief funds when access to the site is limited.

US DOT Oversight and Responsibility – (Sec 1503 and 1504)

- Act revises 23 USC 106 – Project Approval and Oversight
- Requires that the Secretary review the oversight program to determine if the program is monitoring the effective and efficient use of the highway funds and specifically the identification of project cost and schedule overruns.
- Under transparency and accountability, the Secretary shall make available on the public website, annual expenditure data for highway, highway safety, public transit and motor carrier funding (title 23 and chapter 53 of title 49), organized by project and State and updated, to the extent practicable, to reflect current status of obligation and expenditures.
- FHWA can transfer the decision responsibility for Interchange Justification Requests (IJR) to the State DOT.

Tolling – (Sec. 1512)

- Allows the use of federal funds in the reconstruction, rehabilitation or rehabilitation of the Interstate system and conversion of any new capacity to a tolled lane(s), provided the number of toll-free lanes is maintained.
- Allows the use of federal funds in the reconstruction or replacement of a toll-free bridge and conversion to a toll facility.
- Allows the use of federal funds in the reconstruction of a toll-free Federal-aid highway (other than the Interstate) and conversion of the highway to a tolled facility.
- Authorizes States to convert HOV lanes to HOT lanes without restrictions

Truck Size and Weight – (Sec. 32801 and 32802)

- No later than November 15, 2012, the Secretary shall, in consultation with States and applicable federal agencies, commence a comprehensive truck size and weight limits study. The final report, with findings and recommendations, is due within two years and shall be submitted to the House and Senate authorizing committees.
- No later than December 30, 2012, the Secretary shall, in consultation with the States, begin to compile a list for each state that describes the various state laws that allow vehicles to operate in excess of the federal truck size and weight limits.

Planning

Metropolitan and Statewide/Non-metropolitan Planning – (Sec. 1201 and 1202)

- Retains basic planning structure while explicitly acknowledging Regional Transportation Planning Organizations - equivalent to Regional Planning Affiliations (RPAs).
- Metropolitan Planning Organization (MPO) population threshold remains at 50,000
- Retains same eight planning factors, word-for-word

State Planning and Research - (Sec. 52005)

- MAP-21 will continue to allocate two percent of the highway funds apportioned under the four core programs (NHPP, STP, CMAQ and HSIP) for transportation planning and research purposes.
- At least 25 percent of the funds must be used for research purposes.

Freight Planning – (Sec. 1115 – Sec. 1118)

- The major freight components of MAP-21 are a national freight policy, network, and strategic plan.
- The US DOT in consultation with partners and stakeholders will develop a national freight strategic plan no later than October 1, 2014.
- No later than October 1, 2013, the Secretary shall designate a primary freight network. This network will be no more than 27,000 centerline miles of existing roadways. However, the Secretary may increase the number of miles by up to 3,000 miles of existing or planned roadways. The network shall be redesignated every 10 years.
- A state may designate a road as a critical rural freight corridor, if the road
 - Is a rural principal arterial and has a minimum of 25 percent of the annual average daily traffic from trucks
 - Provides access to energy exploration, development, installation, or production areas,
 - Connects the primary freight network or Interstate to facilities that handle for than 50,000 20-foot equivalent units per year or 500,000 tons per year of bulk commodities.
- The national freight network consists of
 - The primary freight network
 - The critical rural freight corridors and
 - The portions of the Interstate system not on the primary freight network
- Every two years the Secretary shall prepare a condition and performance report of the national freight network
- Establishes freight performance measures and requires States and regions to set targets and incorporate measures and targets into the planning and programming process

- With the approval of the Secretary, the federal share for a project that improves the movement of freight and is identified in the State Freight Plan may be increased to 95 percent for projects on the Interstate and 90 percent for other projects
- States are encouraged to develop state freight plans and state freight advisory committees

National Goals and Performance-based planning – (Sec. 1203)

- Act states that “it is in the interest of the United States to focus the Federal-aid highway program on the following national goals”:
 - Safety
 - Infrastructure Condition
 - Congestion Reduction
 - System Reliability
 - Freight Movement and Economic Vitality
 - Environmental Sustainability
 - Reduced Project Delivery Time
- MPOs and States are required to establish a performance-based approach to transportation decision-making to support the national goals
- MPOs and States are required to establish performance targets for the performance measures established by the Secretary
- MPOs and States are required to include a discussion of the anticipated effect of the TIP/STIP toward achieving performance targets established in the LRTP, linking investment priorities to performance targets
- States may have different performance targets for urbanized and rural areas
- The act identifies some of the measures for States to use, including, serious injuries and fatalities per vehicle mile traveled, number of serious injuries and fatalities; traffic congestion, on-road mobile emissions, freight movement on the Interstate System, condition of pavement on the Interstate System, condition of the bridges on the National Highway System
- Timing:
 - Performance measures: The Secretary shall, in consultation with State DOTs, MPOs and other stakeholders, establish performance measures and standards within 18 months of enactment.
 - Targets: States will have 1 year after final rulemaking to set performance targets to reflect the measures established. MPOs will have 180 days after State establishes targets.
 - Performance report: No later than 4 years after enactment, and biennially thereafter, States shall submit a report to the Secretary describing the condition and performance of the NHS, effectiveness of investment strategy, progress in achieving performance targets, and how the state is addressing congestion at freight bottlenecks.

Asset Management – (Sec. 1106)

- Focus on asset management will help move away from a “fix the worst first” approach that can lead to higher costs in the long term.

Under the National Highway Performance Program:

- States will be required to develop asset management plans and establish performance targets for the NHS
- States shall establish a process to develop a state asset management plan within 18 months of enactment of MAP-21
- State asset management plan shall be developed and implemented within *two fiscal years* of the establishment of the process above

- State asset management plan shall be a *risk-based* asset management plan for the NHS, supporting the national goals and including strategies leading to a program of projects that would make progress toward achieving State condition and performance targets
- Plan shall include:
 - Summary listing of the pavement and bridge assets on the NHS, including condition;
 - asset management objectives and measures;
 - performance gap identification;
 - lifecycle cost and risk management analysis;
 - a financial plan; and
 - investment strategies.

Public Transit - (Sec. 20001 – Sec. 20030)

- Total funding levels will remain fairly constant at \$10.6 billion in FY 2013 and \$10.7 billion in FY 2014; and with 20 percent of the program funded with general funds and 80 percent from Mass Transit Account.
- The number of transit programs was also reduced by consolidating and/or redistributing the funds and activities for some programs such as JARC and New Freedom Program. However, those funds and activities are incorporated into other programs.
- Transit funding is distributed through seven key programs:
 - New Starts
 - State of Good Repair -Fixed Guideway
 - Bus and Bus Facilities
 - Urbanized formula
 - Rural area formula
 - Enhanced Mobility of Seniors and Individuals with Disabilities
 - Metro and Statewide Planning

Public Transit	Estimated Iowa FY 2013	Share of National
New Starts	\$ 0	0%
State of Good Repair (Fixed Guideway)	\$ 0	0%
Bus and Bus Facilities *	\$ 3,195,889	0.76%
Urbanized area Formula *	\$ 19,444,926	0.41%
Rural area Formula	\$ 11,975,594	1.48%
Enhance Mobility for Seniors and Individuals with Disabilities *	\$ 2,271,043	0.90%
Metro and Statewide Planning	\$ 572,968	0.45%
TOTAL	\$ 37,460,439	0.44%

Source: Federal Transit Administration

*Funding for multi-state MPOs is split between states based on share of population

- Iowa has not received any funding under the New Starts and the Fixed Guideway programs.
- The Bus and Bus Facilities program is downsized and turned into a formula program.
 - Reduced from \$984 million to \$422 million
 - \$65,500,000 will be taken off the top so each State receives \$1,250,000
 - Remaining funds will be distributed to MPOs - heavily weighted toward population centers over 200,000
 - Iowa will receive significantly less funding for bus replacement and facilities

Motor Vehicle and Highway Safety – (Sec. 31001 – Sec. 31601)

- Continues existing highway traffic safety grants except safety belt performance and child safety and booster seat grants.
- Added programs for distracted driver incentive grants, graduated driver license laws and research into anti-driving-under-the-influence (DUI) technology.
- Added program to provide grants to states that pass and enforce mandatory all-offender interlock laws.

Commercial Motor Vehicle Safety – (Sec. 32001 – Sec. 32934)

- Retains current programs with stable funding
- Act requires a number of rulemakings and studies for the Federal Motor Carrier Safety Administration (FMCSA), including
 - Regulations requiring electronic logging devices for hours of service
 - Field study on driver fatigue
 - Extends the existing hours-of-service (HOS) exemption for agricultural commodity transportation from 100 miles to 150 miles, and
 - Requires another comprehensive truck size-and-weight study to be submitted to congress within two years.
- Commercial Motor Vehicle operator training – within one year the Secretary must issue regulation for minimum entry-level training standards.
- Drug and alcohol clearinghouse - Before renewing or issuing a CDL, the state must request information from the drug and alcohol clearinghouse.

Rail

- No rail title was included in MAP-21, but this will not have a significant impact on Iowa rail operations.
- Continues set-aside for highway-railway grade crossing improvements (Section 130) based on the SAFETEA-LU formula.
- Preserves Operation Lifesaver, a public-private rail safety program funded by the Federal government and private railroads.
- Passenger Rail Investment and Improvement Act of 2008 (PRIIA), the passenger rail reauthorization act, expires in 2013. It is likely that some rail issues that were unresolved and excluded from MAP-21 will re-emerge in Congressional consideration of PRIIA reauthorization.