Association of Metropolitan Planning Organizations
MAP-21 Summary
7-18-12

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Program	2012	2013	2014
Federal-aid Highway (*NHPP, STP, HSIP, CMAQ, Metro Planning*)	$35.7B	$37.5B	$37.8B
TIFIA	$112M	$750M	$1B
Federal Lands	$1.019B	$1B	$1B
Federal Highway Admin	$423.7M	$454,180,362	$440,000,000

HIGHWAYS

Highway Limitation on Obligations
$39.7B in 2013
$40.3B in 2014

Calculation of State Apportionments - The distribution operates basically the same as the passed Senate bill. Each state is apportioned its share of the total contract authority for the four core programs and metropolitan transportation planning ($37.5 billion in FY 2013 and $37.8billion in FY 2014) based on the state's share of total formula apportionments in FY 2012.
FY 2014 (not 2013) apportionments are adjusted to ensure each state gets at least a 95% rate of return on its highway account tax payments from the most recent fiscal year in which data is available.

- ***CMAQ*** – Apportionment is based on the percent the program had in 2009 (excluding high-priority projects) ($2.26B in FY13, $2.28B in FY14)
- ***Metropolitan planning*** – Apportionment is based on the percent the program had in 2009 (excluding high-priority projects)
    - *State shall reimburse MPOs within 15 days (current law 30 days) after receipt of a request for reimbursement for eligible expenditures*
- ***Remaining federal-aid highway programs -*** After funds are apportioned for CMAQ and Metropolitan Transportation Planning, the remainder is apportioned using the following percentages:
    - National Highway Performance Program – 63.7% ($22.25B in FY13, $22.4B in FY14)
    - Surface Transportation Program – 29.3% ($10.2B in FY13, $10.3B in 2014)
    - Highway Safety Improvement Program – 7% ($2.44 in FY13, $2.46B in FY14)

Equity Bonus program – Eliminated

National Highway Performance Program (Old NHS, Bridge, and Interstate Maintenance) – Targets funding only to projects on NHS facilities that support progress toward the achievement of national performance goals. Requires states to develop a risk-based asset management plan to improve or preserve condition and performance of the system (within 18-months the Secretary establishes by regulation the process to develop the plan).

Surface Transportation Program – Targets funding to states and local governments to improve the condition and performance of Federal-aid highways and bridges on any public road. STP would continue to provide broad eligibility and would be suballocated within the state to local governments based on population. It would require expenditures on bridges off the Federal-aid system if justified. The distribution of suballocated STP funds by population has changed to 50% by population and 50% to the state (from 62.5% by population and 37.5% to the state).

Highway Safety Improvement Program – Targets funding to projects that improve the safety of road infrastructure. Continues to set-aside $225 million in HSIP funds for highway-railway grade crossings. Eliminates set-aside for high-risk rural roads, but continues eligibility for these activities under HSIP if fatality rate increases. Penalizes states for failure to update strategic highway safety plan.

National Bridge and Tunnel Inventory – Requires the Secretary to establish a national inventory of all highway bridges and tunnels on public roads; classify according to serviceability, safety; assign priority for maintenance, replacement, or rehabilitation; and update inventory.

Congestion Mitigation and Air Quality Program – Targets funds to projects that reduce congestion and improve air quality. Drops MAP-21 provision requiring CMAQ funds be suballocated. Retains current law prohibition on construction of single-occupancy vehicle lanes. CMAQ funds may be used to establish electric vehicle charging stations or natural gas vehicle refueling stations.

Transportation Alternatives – This replaces the Transportation Enhancement set-aside under STP. Requires 2% of amounts apportioned to states to be set-aside for TA, which includes enhancements, bike/ped facilities, safe routes to schools, recreational trails and boulevards. Retains the requirement under MAP-21 to suballocate 50% by population and let MPOs over 200,000 in population operate competitive grant programs and make awards to projects that are eligible. States are allowed to opt out of the recreational trails program.

National Freight Program – The conference report establishes a national freight policy (instead of a funding program), which requires the designation of a primary freight network of up to 30,000 miles. The agreement also requires the development of a national freight strategic plan, and encourages states to develop state freight plans. To incentivize states to invest in freight projects, the conference report increases the Federal share for freight mobility projects identified on state freight plans. The Federal share would increase from 80% to 90% for non-Interstate projects, and from 90 to 95% for projects on the Interstate system.

***Projects of National and Regional Significance* -** Authorizes $500M from the General Fund.

***TIFIA*-** Increases annual funding available for Federal credit assistance under the Transportation Infrastructure Finance and Innovation Act (TIFIA) program from $122 million to $750 million in FY 2013 and $1 billion in FY 2014. Provides funds for eligible projects on a first-come, first-served basis. Eligible projects submit letter of interest, meet creditworthiness standards, satisfy state and metropolitan planning requirements, meets eligible project costs, and other criteria. In addition to providing project-by-project credit assistance, MAP-21 allows credit assistance to be provided for a program of projects through a master credit agreement.

***Tolling and Public-Private Partnerships* -** Expands ability of states to place tolls on any Federal-aid facility (including the Interstate) for any new capacity. In the case of new capacity being added to existing facility, the number of new tolled lanes cannot exceed the number of free lanes. Removes the provision from S. 1813 by Sen. Bingaman (D-NM) that reduced highway formula funds for states that sell or lease toll facilities(IN toll way) to private companies.

Metropolitan Transportation Planning – The conference report retains much of current law including – 50,000 population threshold for new MPOs.

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New policy different from current law:

- Definition of Regional Transportation Planning Organization.
- Plans and TIPs developed through a performance-driven, outcome-based approach
- Structure – within 2-years of enactment each TMA MPO shall include representation by providers of public transportation
- An MPO may restructure to meet the new structure requirements (above bullet) without going through a re-designation
- Lake Tahoe Region language, under Coordination in Multi-State Areas, is stricken
- Scope of the Planning Process – establish and use performance based approach to support national goals
    - MPOs establish targets to track progress towards attainment of outcomes for the region
    - Targets established in coordination with the state and providers of public transportation to ensure consistency
    - Establish target not later than 180-days after the state or the public transportation establish performance targets
    - MPOs integrate into the planning process directly or by reference goals, objectives, performance measures, and targets of state and transit plans
- Plan shall include: a description of performance measures and targets; system performance report (evaluation of condition and performance with respect to targets).
- MPOs may voluntarily develop multiple scenarios in the plan.
- TIP shall contain projects consistent with current plan, reflect investment priorities in the plan, and designed to make progress toward achieving targets.
- TIP shall include, to the maximum extent practicable, anticipated effect of the TIP toward achieving targets linking investments to targets
- Secretary shall report to Congress in 5-years on the effectiveness of performance based planning of each MPO.

PROJECT DEVILERY/ENVIRONMENTAL STREAMLINING

- Allows States, at their expense, to acquire real property interests before the completion of the NEPA review process without affecting required approvals, and removes the EPA from the decision as to whether the acquisition affected the review process.
- State contracting agency may award 2-phase contract for preconstruction and construction services.
- The federal share of a project may be 100% for projects that use innovative project delivery methods – capped at 10% of allowable apportionments.
- Requires the Secretary to promulgate a rulemaking to allow for the use of programmatic approaches to conduct environmental reviews.
- Allows the Secretary to designate a single modal administration to serve as the lead Federal agency in a multimodal project.
- Participation and cooperating agencies shall carry out obligations of the agency concurrently with the NEPA review, unless it impairs the agency's ability to carry out the obligation.
- Establishes an issues resolution process that may be undertaken (by Governors, lead agencies, the Secretary) when deadlines are not met during federal reviews. In some cases, the President has the final say.
- Agencies may incur financial penalties for failure to render a decision unless they provide adequate reasons for the delay.
- Shortens the statute of limitations for filing a challenge to a project from 180-days to 150 after the Record of Decision.
- The Secretary shall establish and meet a four-year deadline for completion of permits, approval, review, or study required for projects that have been in NEPA review without a ROD for at least 2 years.
- Federal lead agencies may adopt and use all or parts of an approved planning product, including those developed under metropolitan planning, in any class of action in the environmental review process.

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- Expands the modes (to include rail, transit, and multimodal) under which the Secretary can assign and the state may assume responsibilities of the Secretary under NEPA. Expands the opportunity to all states.
- The Secretary, through a rule, shall treat any repair or reconstruction of a road, highway, or bridge damaged in a declared emergency as categorically excluded from environmental assessments or impact statements, if the repair is in the same location with the same capacity, dimensions, and design.
- The Secretary shall designate any project within an existing operational ROW as a categorical exclusion.
- Projects that receive less than $5M of Federal funds, or with a total cost estimate of not more than $30M and federal funds comprising less than 15% of the total estimated costs, are designated a CE.
- The lead agency in an environmental review shall develop a single document that consists of the FEIS and the ROD unless there is significant new information.
- Requires a report on states that have environmental law protections equivalent to the Federal law.

PUBLIC TRANSPORTATION

Program	2012	2013	2014
Formula grants	$4.160B	$4.398B	$4.459M
Elderly and Disabled (includes old New Freedom)	$133.5M	$254.8M	$258.3M
Rural Area formula	$465M	$599.5M	$607.8M
Bus and Bus Facilities grants	$984M	$422M	$427.8M
State of Good Repair grants (former Rail Modernization)	N/A	$2.136B	$2.166B
High Density Formula	$465M	$518.7M	$525.9M
Transit - Planning Set-Aside (PL Funds) *in terms of allocation, 82.72% goes to metro planning and 17.28% goes to state planning	$113.5M	$126.9M	$128.8M
TOD Pilot Program	N/A	$10M	$10
Capital Investment (New Starts)	$1.955B	$1.907B	$1.907B

***Public Transportation – Metropolitan Transportation Planning* -** The planning provisions in the public transportation title essentially mirrors the provision in the highway title. The transit title adds one new provision directing the Secretary to establish a $10M per year pilot program to award planning grants to states or local government authorities for transit oriented development.

Formula grants for the enhanced mobility of seniors and individuals with disabilities (consolidates current ***Elderly and Disabled and New Freedom*** programs). Formula is based on New Freedom.

***Urban Area Formula Grants -Operating Assistance* -** Allows all transit systems to use 5307 grant funds for bus operations based on the number of buses operated during peak service hours. The federal share depends on the number of buses – 75% for systems operating fewer than 75 buses, 50% for systems operating a minimum of 76 and a maximum of 100 buses.

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New Starts Program –Streamlines the process (drops alternative analysis step, limits the number of years a project can remain in the process, narrows the project justification and evaluation criteria). Expands funding to programs of interrelated projects. Defines core capacity projects eligible for funding and deems them entered into project development phase under certain conditions. Retains existing eligibility for Bus Rapid Transit projects. Establishes a 3-project pilot program for expedited project delivery.

Formula Grants for Rural Areas (replaces current Formula Grants for other than urbanized areas) – Adds planning for rural areas as an eligible activity. Establishes a $20M formula grant for public transportation in the Appalachian region that may be used for highway under certain conditions.

- ***Job Access and Reverse Commute*** program (JARC) is eliminate but funding for these activities under the urban and rural formula programs.

State of Good Repair Program - Replaces the existing Rail Modernization program with a program to move all systems towards a state of good repair. Eliminates funding tiers and earmarks (but does target funds to High Intensity Fixed Guideways, uses amounts received in the past as a factors in the apportionment, and limits how much of a decrease a recipient may receive) and replaces these with a new structure that focuses on the age of the system, revenue vehicle miles and directional route miles. Sets aside 2.85% of program funds for a High-Intensity Motorbus program to fund bus systems that operate primarily in HOV lanes.

Bus and Bus Facilities - Converts the existing earmark program to a formula program ($65M will be allocated to all states and territories, with each state receiving $1,250,000 and each territory receiving $500,000; the rest distributed by formula according to population and the bus factors under 5336 formula grants). Provides the Governor transfer authority to other programs.

Safety - Strengthens transit safety; requires public transportation agencies to establish comprehensive safety plans; provides FTA with a regulatory and enforcement role over transit safety but retains the existing State Safety Oversight structure; authorizes FTA to withhold small amount of funds or direct all funds for SSOs that are not meeting established requirements.

Private Sector Participation **-** Requires the Secretary to better utilize the private sector in the development of public transportation, improved coordination, more effective utilization, and promote public understanding of public private partnerships.

Transit Asset Management – The Secretary shall establish a national transit asset management system and require that recipients and sub-recipients develop a transit asset management plan. Secretary shall, by rule, establish performance measures based on state of good repair.

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