

## **CHAPTER 2**

### **FULFILLING FEDERAL REQUIREMENTS AND SUPPORTING LEGISLATION**

#### **1. FULFILLING FEDERAL REQUIREMENTS**

Fulfilling federal regulations for the plan is crucial. About a year after the 2030 Long Range Transportation Plan (LRTP) was approved, Eastgate began the process of preparing for the 2040 Metropolitan Transportation Plan (MTP). All planning assumptions and federal requirements were based, developed, and prepared under the guidelines and mandates of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Even though SAFETEA-LU officially expired on September 30, 2009, for nearly three years the bill continued through a series of legislative resolutions. Eastgate proceeded with the development of the MTP with the assumption that the federal mandates, planning regulations, and programs would continue under the next transportation bill.

On July 6, 2012, a new Transportation Bill – Moving Ahead for Progress in the 21st Century Act (MAP-21) was signed into law; it is the first highway authorization act enacted by Congress since 2005. MAP-21 extended the current SAFETEA-LU funding for the remainder of FY2012, with new provisions for FY2013 and beyond taking effect on October 1, 2012. This \$105 billion, two-year bill does not significantly alter total funding from the previous authorization, but it does include many significant reforms. The Congressional Budget Office estimates that enacting MAP-21 will reduce the federal budget deficit over the period of 2012-2022 by \$16.3 billion.

Under MAP-21, some of the “key” provisions state that the number of funding programs will be consolidated by two-thirds. The environmental review process has been reformed in an effort to speed up project development. More projects will be categorically excluded from review, and there will be a four-year review deadline enforced with financial penalties; in 2011 the average review took 8.1 years. Funding for bicycle and pedestrian transportation was reduced and consolidated into a broader program called "Transportation Alternatives." Half of this funding will go to metropolitan planning organizations and the other half will go to states, which may choose to use the funds for other purposes. A national freight policy will be developed.

A major part of MAP-21's highway program transformation is the transition to a performance and outcome-based program. States now must invest resources in projects to achieve individual targets that collectively will make progress toward national goals. MAP-21 establishes national performance goals for Federal highway programs. Presently the criteria for the goals and national performance measures do not exist, but the target areas have been identified. According to MAP-21, the FHWA is required to establish criteria for the evaluation of the new performance-based planning processes. They will also have the responsibility for determining whether States developed appropriate performance targets and made progress toward achieving the targets. Five years after enactment of MAP-21, the FHWA will provide to Congress, reports evaluating the overall effectiveness of performance-based planning and the effectiveness of the process in each State and each MPO.

It is anticipated that the FHWA, in consultation with States, MPOs, and other stakeholders, will establish performance measures in late 2013 – early 2014. Performance measures will be established for: pavement conditions; performance for the Interstate and NHS; bridge conditions; injuries and fatalities; traffic congestion; on-road mobile source emissions; and freight movement on the Interstate System. States (and MPOs, where applicable) will set performance targets in support of those measures, and State and metropolitan plans will describe how program and project selection will help achieve the targets. States and MPOs will report to DOT on progress in achieving targets. If a State's report shows inadequate progress in some areas – most notably the condition of the NHS or key safety measures – the State must undertake corrective actions. MAP-21 – A Summary of Highway Provisions is presented at the end of this section.

With the exception of MAP-21 mandates regarding performance based planning process, the following narratives will address the Federal Planning and SAFETEA-LU requirements; followed by the Chapter where this information can be referenced in the 2040 MTP.

## **2. FEDERAL PLANNING REQUIREMENTS**

- **Plan Horizon Year – At a minimum, must address a “20 year planning horizon.”**  
The MTP has a 28-year planning horizon out to the year 2040; Chapter 1.
- **Long-range and Short-range Planning Strategies.**  
The 2040 MTP is the long range planning document that addresses a 20 year time frame. The Transportation Improvement Program (TIP) is a four year document and a subset of the MTP. Eastgate’s long-range and short range planning strategies continue to accentuate the transportation system's effects within the area's physical, demographic, social, and economic environment. Eastgate’s planning strategies consider environmental mitigation activities, and consider projects and activities related to highway, non-motorized, transit, freight, and multimodal systems. All activities were developed in consultation with Federal, State and Tribal wildlife, land management, and regulatory agencies, as required; Chapter 1.
- **Operational and Management Strategies.**  
Eastgate continues to expand its transportation plans to include operational and management strategies that improve the performance of the existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods; Chapter 5.
- **Congestion Management Processes (CMP) in Transportation Management Areas.**  
Eastgate utilizes the Travel demand model CMP post-processing routines developed by ODOT’s Division of Modeling and Forecasting. The post-processing routines analyze peak-hour travel conditions within Eastgate’s network. The CMP routines have the ability to assess alternative strategies for mitigating identified congestion locations. The CMP analysis results are a key data source for documenting regional transportation system needs to be addressed in the MTP; Chapter 5.
- **Modal Considerations.**  
For the development of the 2040 MTP, modal considerations were expanded and include new narratives regarding a number of multi-modal facilities. Even though some modal facilities are located outside of Eastgate’s planning area, the following modes are discussed: Transit, Bike and Pedestrian, Airports, Rail, and Lake and River Ports; Chapter 6.
- **Financial Resource Forecast and Fiscal Constraint.**  
Eastgate’s forecast projections demonstrate that the projected dollar amounts of federal financial resources needed to maintain and improve the transportation system, meets the needs of the region over the 28 year span of the plan; Chapter 8.
- **Recommended and Financially Constrained Projects.**  
Eastgate affirms that the federal financial forecast as prepared for the 2040 MTP, is reasonable, comparable to ODOT’s federal projections, and demonstrates financial constraint as mandated by the federal requirements; Chapter 9.
- **Air Quality Conformity Analyses.**  
The 2040 MTP documents the air quality conformity requirements, analyses, and procedures used to demonstrate conformity to the State Implementation Plan (SIP) for achieving and maintaining National

Ambient Air Quality Standards (NAAQS). The air quality conformity assumptions and analyses were performed by the Ohio's Division of Modeling and Forecasting, supplemented with network project information provided by Eastgate. Conformity results determined that the 2040 MTP and the FY 2014-2017 TIP do not exceed the mobile source emissions budgets established in the OEPA SIP. Through an Air Quality Conformity Interagency Consultation conference call held on October 17, 2012, concurrence was reached by US EPA and the group that since the modeling conformity analyses for the MTP and the TIP would take place prior to the MOVES deadline of March 2, 2013, ODOT could run MOBILE emissions and compare those results to the existing MOBILE based budgets establishing conformity on MOBILE to MOBILE comparisons; Chapter 10.

- **Public Participation Process (PPP).**

Eastgate's PPP provided reasonable opportunities for interested parties to comment on the content of the MTP and was developed in consultation with all interested parties. The consultation requirement affords all parties who participate in the metropolitan planning process, a specific opportunity to comment on the plan prior to its approval. Eastgate reached out to other governmental and nonprofit organizations that provide non-emergency transportation services and assistance, but do not receive federal assistance from the Department of Transportation. In the very near future, Eastgate will be joining Twitter and Facebook to reach a more varied demographic; Chapter 11.

### **3. SAFETEA-LU PLANNING REQUIREMENTS**

- **Metropolitan and Statewide Plans - Environmental Mitigation:** Metropolitan and statewide transportation plans must include a discussion of types of potential environmental mitigation activities, these are to be developed in consultation with Federal, State and Tribal wildlife, land management, and regulatory agencies.

ODOT, Eastgate, and local sponsors, continue to strive to avoid any activity that adversely impacts the environment during any of the milestone activities: design, construction, and/or maintenance of any state and/or a local transportation project or system. Within ODOT's newly revised Project Development Process, additional steps have been identified to minimize impacts. Coordination and early review and analyses of project alternatives by regulatory and resource agencies, are required to develop successful transportation projects. Additional narratives on Threatened and Endangered Species Consultation and Mitigation, Section 4(F) Mitigation, and Cultural Resources Mitigation are included in the Appendix.

- **New Consultations:** MPOs and States must consult "as appropriate" with "State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation" in developing long-range transportation plans. Additionally for the Long-Range Statewide Transportation Plan, States must consult with Federally-recognized Tribal agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation.

Eastgate's Environmental Planning Advisory Committee (EPAC) remains active and meets quarterly. This sub-committee of Eastgate is comprised of member communities, resource agencies and regulators, who offer expertise on environmental topics. Resource and Permit Agencies from various environmental groups responsible for land use management, natural resources, environmental protection, and conservation and historic preservation continue to be engaged in the Eastgate process; this includes local interest groups and citizens. 2040 MTP Projects, Goals and Objectives, and other sections of the plan were open to review and comment by EPAC; Chapter 1.

- **Consistency of Transportation Plan with Planned Growth and Development Plans:** Revises the previous planning factor related to environment to add "promoting consistency between transportation improvements and State and local planned growth and economic development patterns."

In FY2012, Eastgate finalized Generalized Land Use Maps for Existing and Future conditions within Mahoning and Trumbull Counties. Eastgate reviewed all recent [available] Land Use Plans for Mahoning

and Trumbull Counties to ensure the compatibility between Land Use Plans at the local level and MTP were consistent, as required by the SAFETEA-LU provision. The review found no apparent distinctions between plans at the local level and regional transportation plans. Previous work included the collection of land use plans from the Trumbull County Planning Commission for the townships and/or communities of: Warren Township, Beaver Township, Weathersfield Township, Mecca Township, Vienna Township, Liberty Township, Howland Township, Hubbard Township, Hartford Township, city of Hubbard, city of Girard and the city of Niles. Eastgate made electronic copies of these reports and transferred them into digital (pdf) files; Chapter 3.

- **Transportation System Security:** SAFETEA-LU calls for the security of the transportation system to be a stand-alone planning factor, signaling an increase in importance from prior legislation, in which security was coupled with safety in the same planning factor.

A section within the 2040 MTP provides an overview that briefly discusses: Transportation System Security definitions, History, Security Issues (Human-made, Natural Disasters), Mock Exercises, and some of the Security Planning Processes that are ongoing and proposed for the general vicinity within Eastgate's study area. Eastgate continues to coordinate with the principal agencies leading the charge on Homeland Security and Transportation System Security Initiatives, the Mahoning and Trumbull Counties EMA's Communication Centers, and ODOT. Our two county EMAs continue to be prepared for incidents such as: terrorism, floods, hazardous materials spills, urban and open wild fires, tornadoes, aircraft accidents, earthquakes, and nuclear accidents; Chapter 6.

- **Operational and Management Strategies:** Metropolitan transportation plans shall include operational and management strategies to improve the performance of the existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods (see amended 23 U.S.C. 134(i)(2)(D)) and 49 U.S.C. 5303(i)(2)(D)).

Incremental steps have been taken to identify work elements in Eastgate's 2010, 2011, and 2012 Overall Work Programs. Products were dedicated to integrating "SMART" (Specific, Measurable, Agreed, Realistic, Time bound) strategies. Eastgate's Technical Advisory Committee and Citizens Advisory Board provided input and were instrumental in assisting Eastgate with the formulation of a number of Objectives and "quantifiable" Performance Measures that could be utilized for projects. The objectives are: Access management; Improved public transportation; ITS applications; Ride-sharing/carpooling; Traffic signal improvements/synchronization; Intersection geometric evaluations/improvements; Improved pedestrian and bicycle facilities; and Lane additions. Performance Measures are: Average Travel Speed; Average Travel Time; Total Delay; Traffic Volume Counts; Level of Service; Accident Rates; and Intersection Capacity Analyses. Travel Time and Delay studies were performed on selected corridors. Pre-construction: Eastgate performed pre-construction travel time and delay studies on two corridors with upcoming signal projects for the SR 534 corridor project in Newton Falls, and the South Avenue corridor project in Youngstown; Chapter 5.

- **Participation Plan:** MPOs must develop and utilize a "Participation Plan" that provides reasonable opportunities for interested parties to comment on the content of the metropolitan transportation plan and metropolitan TIP.

Eastgate's PPP provided reasonable opportunities for interested parties to comment on the content of the MTP and was developed in consultation with all interested parties. The consultation requirement affords all parties who participate in the metropolitan planning process, a specific opportunity to comment on the plan prior to its approval. Eastgate reached out to other governmental and nonprofit organizations that provide non-emergency transportation services and assistance, but do not receive federal assistance from the Department of Transportation. In the very near future Eastgate will be joining Twitter and Facebook to reach a more varied demographic; Chapter 11.

- Visualization Techniques in MTP and TIP development: As part of the transportation plan and TIP development, MPOs shall employ visualization techniques.

Eastgate utilizes a number of visualization techniques. In addition to using the State's 2005 dialogs, 2010 aerial photography, and Google Earth, Eastgate has software that enables the user to select from a variety of graphic applications. This is a useful application because it can portray an illustrative conceptual improvement of the completed project, as a visual aid prior to the actual construction; current and ongoing.

- Publication of Plans and TIP/STIP: MPOs shall publish or otherwise make available for public review transportation plans and TIPs "including (to the maximum extent practicable) electronically accessible formats and means, such as the World Wide Web."

All publications are posted to the agency website as they become available. Newer technologies such as Twitter and Facebook are going to be added in the near future. Eastgate continues to enhance the dissemination of information regarding MTPs and TIPs, to the maximum extent practicable.

- Annual Listing of Obligated Projects: SAFETEA-LU specifies that the development of the annual listing "shall be a cooperative effort of the State, transit operator, and MPO" and also shall include two new project types: "investments in pedestrian walkways and bicycle transportation facilities" for which Federal funds have been obligated in the preceding year.

This information is published to Eastgate's website and shows projects for which federal funds have been obligated in the preceding year. This listing acts as a record of project delivery and a progress report for public information and disclosure. Eastgate expanded its Annual Listing of projects according to the federal funding category with the program year corresponding to the federal fiscal year. For projects in the TIP that included bicycle and/or pedestrian facilities as an incidental part of a larger project, a reasonable effort was made to identify the cost and general location of these facilities in the Annual Listing. This listing is portrayed through a visual component, usually a chart(s), to ensure that the information is understandable and more user friendly to the readership. However the annual listing only shows federal funding obligations and does not include local or state funds; current and ongoing.

- Congestion Management Processes (CMP) in Transportation Management Areas (TMAs): Within a metropolitan planning area serving a TMA, there must be "a process that provides for effective management and operation" to address congestion management. Each TMA (with input from the FHWA Division Offices and FTA Regional Offices) should assess the extent that the TMA's existing CMS meets the new statutory requirements for a CMP under amended 23 U.S.C. 134(k)(3) and 49 U.S.C. 5303(k)(3) and defines a plan and schedule to implement this process.

Eastgate prepared the 2010 Congestion Management Process (CMP) to replace the Congestion Management System (CMS) report developed in 1997 and the Congestion Reassessment report from 2005. The CMP was developed as an integral part of Eastgate's Metropolitan Transportation Plan (MTP) and the Transportation Improvement Program (TIP). The CMP was written to help reduce existing congestion and to mitigate future congestion throughout the Mahoning Valley; Chapter 5.

- Coordinated Public Transit-Human Services Transportation Plan (CPT-HSTP) (Sections 3012, 3018, and 3019): As a condition for receiving formula funding under the following three FTA programs, proposed projects must be derived from a locally-developed public transit-human services transportation plan:

Eastgate continues to outreach and disseminate information to all participants identified within the plan. Applicants applying for transit vehicles through the Specialized Transportation Program Grant, typically reference their active participation in this plan to assure that they have met one of the following three programs: FTA Section 5310 Elderly Individuals and Individuals with Disabilities Program – a capital program designed and implemented to meet the special needs of elderly Individuals and Individuals

with disabilities; FTA Section 5316 Job Access and Reverse Commute Program – a program focused on improving access to transportation services to employment and employment-related activities for welfare recipients and eligible low-income Individuals; and FTA Section 5317 New Freedom Program – a program that will provide funding to overcome existing barriers facing Americans with disabilities seeking integration into the work force and full participation in society.

#### **4. OVERVIEW AND HISTORY OF ENABLING HIGHWAY ACTS – PAST THROUGH THE PRESENT**

There have been six enabling Highway Acts that developed the Nation's Highway Transportation Systems, beginning with the Federal Aid Highway Act of 1956, up through the recently signed into law; Moving Ahead for Progress in the 21st Century Act (MAP-21). Highway Acts provided mobility and promoted safe and free travel across America. Highway Acts authorized that Federal money could be used on the "Interstate Highway System." This was accomplished through a formula based "user" tax on gasoline and diesel fuels. Highway Acts became the centerpiece for creating jobs and for encouraging economic development. Each Act spelled out specific federal requirements; delegating authority to the Departments of Transportation and other governmental agencies, to effectively carry out the policies and mandates defined within each Act. Historically, each succeeding Highway Act expanded the previous legislation, which was used as the foundation.

#### **5. FEDERAL AID HIGHWAY ACT OF 1956 (PUBLIC LAW 84-627)**

The Federal-Aid Highway Act of 1956, popularly known as the National Interstate and Defense Highways Act, was enacted on June 29, 1956, when Dwight D. Eisenhower signed the bill into law. With an original authorization of \$25,000,000,000 for the construction of 41,000 miles (66,000 km) of the Interstate Highway System over a 10-year period, it was the largest public works project in American history up to that time.

The money for the Interstate Highway and Defense Highways was handled in a Highway Trust Fund that paid for 90% of highway construction costs, with the states required to pay the remaining 10%. It was expected that the money would be generated through new taxes on fuel, automobiles, trucks, and tires. As a matter of practice, the Federal portion of the cost of the Interstate Highway System has been paid for by taxes on gasoline and diesel fuel.

#### **6. THE HIGHWAY SAFETY ACT OF 1966 (PUBLIC LAW 89-564)**

The Highway Safety Act of 1966, enacted by Congress on September 9, 1966, was the first major effort at the Federal level to reduce the number and severity of highway-related crashes. The primary purpose of this legislation was to provide for a coordinated national highway safety program through financial assistance to the States to accelerate highway traffic safety programs. The 1966 Act required States to develop and maintain a highway safety program in accordance with uniform standards established by the Secretary of Transportation. Initially, thirteen standards were established, and responsibility for implementing these standards was divided among the Federal Highway Administration and the National Highway Traffic Safety Administration. These standards have now been replaced by priority program areas. The 1966 Act established a coordinated national highway safety program to reduce the death toll on the nation's roads. The act authorized states to use federal funds to develop and strengthen their highway traffic safety programs in accordance with uniform standards promulgated by the secretary of transportation.

During its early years, the act required the secretary of transportation to establish uniform performance standards for the state highway safety programs. To be eligible for federal funds, states were required to formulate comprehensive highway safety programs to implement the federal standards. The initial thirteen (later changed to eighteen) standards promulgated by the secretary touched on many aspects of highway traffic safety, including driver education, driver licensing, vehicle registration, vehicle inspection, highway design and

maintenance, and traffic control devices. The National Highway Traffic Safety Administration (NHTSA) and Federal Highway Administration (FHWA) jointly administered the standards, with NHTSA taking responsibility for the "driver and vehicle" standards and FHWA overseeing the "roadway" standards.

Administration during the early years focused primarily on ensuring state compliance with the uniform performance standards. By 1976 however, state highway safety programs had matured considerably, and Congress amended the act to give states more flexibility in implementation. In essence, the standards became more like guidelines, and administration of the act shifted from enforcing standards to using the standards as a framework for problem identification, countermeasure development, and program evaluation.

The act was amended in 1987 to formally change the standards to guidelines. Another amendment stipulated that only projects belonging to one of nine National Priority Program areas (e.g., speed control, alcohol and other drug countermeasures, emergency medical services) were eligible for certain types of funding under the act. In 1998, however, this constraint was relaxed by another amendment requiring only that States 'consider' the National Priority Program areas when developing their highway safety programs.

## **7. INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991 (*PUBLIC LAW 102-240*)**

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) was a United States federal law that posed a major change to transportation planning and policy, as the first U.S. federal legislation on the subject in the post-Interstate Highway System era. It presented an overall intermodal approach to highway and transit funding with collaborative planning requirements, giving significant additional powers to Metropolitan Planning Organizations (MPOs). ISTEA was signed into law on December 18, 1991 by President George H. W. Bush; it expired in 1997.

ISTEA authorized the FHWA to oversee mass transportation for six years, and allocated \$155,000,000,000 for FY1992 to FY1997 to meet these requirements. It addressed the changing needs of the nation with the intent to create jobs, reduce traffic congestion, rebuild the transportation infrastructure, and enable states to address environmental issues related to transportation. ISTEA consisted of eight titles that oversaw national and state transportation.

- Title I: Surface Transportation - oversaw such issues as congestion, air quality, bridge replacement, metropolitan planning, toll roads, and advertising.
- Title II: Highway Safety - dealt with safety research and development, alcohol-impaired driving, and drug recognition.
- Title III: Federal Transit Act - dealt with interstate transportation systems such as national highway systems and rails.
- Title IV: Motor Carrier Act - placed restrictions on the operation of trucks with double or triple trailers, increased enforcement of bus safety, and required states to join the International Registration Plan by September 30, 1996, which forced states to register all trucks and buses.
- Title V: Intermodal Transportation - established a new office within the Department of Transportation called the Office of Intermodalism and required states and the newly established National Commission on Intermodal Transportation to perform studies and collect data of intermodal usage.
- Title VI: Research - oversaw research, development, testing, evaluation, and deployment programs to improve travel on mass transit and highways by using advanced computer, communications, and sensor technologies. Such research included the study of foreign innovations and the promotion of U.S. highway transportation expertise internationally. The Intelligent Vehicle-Highway Systems Act (IVHS) was a section of this title.
- Title VII: Air Transportation - amended the Metropolitan Washington Airport Act of 1986.

- Title VIII: Extension of Highway-Related Taxes and Highway Trust Fund - the source of funding for most of the previous titles; reduces the tax rate on motor fuel to 2.5 cents per gallon after September 30, 1995.

## **8. TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY (*PUBLIC LAW 105-178*)**

The United States federal Transportation Equity Act for the 21st Century (TEA-21) was enacted June 9, 1998. TEA-21 authorized the Federal surface transportation programs for highways, highway safety, and transit for the 6-year period of 1998-2003. Because Congress could not agree on funding levels, the Act, which had continued past 2003 by means of temporary extensions, was allowed to lapse.

The transportation equity act requires that seven planning factors be included in regional transportation plans: the plans must:

- support the economic vitality of the metropolitan planning area, especially by enabling global competitiveness, productivity and efficiency;
- increase the safety and security for the transportation system for motorized and non-motorized users;
- increase the accessibility and mobility options available to people and for freight;
- protect and enhance the environment promote energy conservation and improve the quality of life;
- enhance the integration of connectivity of the transportation system, across and between modes, for people and freight;
- promote efficient system management and operation;
- emphasize the efficient preservation of existing transportation system.

## **9. SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS (*PUBLIC LAW 109-59*)**

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), was a funding and authorization bill that governed United States federal surface transportation spending. It was signed into law by President George W. Bush on August 10, 2005, and expired on September 30, 2009.

The \$286.4 billion measure contained a host of provisions and earmarks intended to improve and maintain the surface transportation infrastructure in the United States, including the interstate highway system, transit systems around the country, bicycling and pedestrian facilities, and freight rail operations. Congress renewed its funding formulas ten times after its expiration date, until replacing the bill with Moving Ahead for Progress in the 21st Century Act in 2012. TEA-21 planning factors were retained in SAFETEA-LU. Factor 4 contained in TEA-21 was expanded by SAFETEA-LU in 2005 and now reads: "protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns". SAFETEA-LU also required that the security of the transportation system to be a stand-alone planning factor, signaling an increase in importance from prior legislation, in which security was coupled with safety in the same planning factor.

- Multi-modal – Though often touted as a "highway bill", SAFETEA-LU was also the primary source of funding for other modes of surface transportation, including transit. Notably, the bill included funding for the New Starts program, which among other things helped to fund most of the new rail transit systems that opened in the United States during this time period, as well as extensions to existing systems.
- New Freedom – The New Freedom program was a new formula grant program authorized in SAFETEA-LU to support new public transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act (ADA) of 1990.

The New Freedom Program grew out of the New Freedom Initiative introduced by the Bush Administration under Executive Order 13217, "Community-Based Alternatives for Individuals with Disabilities," on June 18, 2001. President Bush included funds for the New Freedom Program in the annual budget request to Congress since FY 2003; however, it was not until the enactment of SAFETEA-LU that funding was authorized by Congress. Funding was first appropriated for the transportation provision in Fiscal Year 2006.

## **10. MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT (MAP-21) (PUBLIC LAW 112-141) – A SUMMARY OF HIGHWAY PROVISIONS**

MAP-21, signed into law on July 6, 2012, is the first highway authorization act enacted by Congress since 2005. The program funds surface transportation programs for FY2013 and FY2014. MAP-21 intends to build on and refine many of the highway, transit, bike, and pedestrian programs and policies that were established in 1991, with the goal of creating a streamlined and performance-based multi-modal program to address the following challenges:

- strengthening America's highways
- establishing a performance-based program
- creating jobs and supporting economic growth
- supporting an aggressive safety agenda
- streamlining Federal highway transportation programs
- accelerating project delivery and promoting innovation

MAP-21 will expand the National Highway System (NHS) by incorporating principal arterials not previously included. More than half of highway funding will go to a new program, the National Highway Performance Program, devoted to preserving and improving the most important highways. Under MAP-21, performance management programs will provide a means to more efficient use of Federal transportation funds by focusing on national transportation goals, increasing the accountability and transparency of the Federal highway programs, and improving transportation investment decision making.

MAP-21 authorizes \$82,000,000,000 in Federal funding for FY2013 and FY2014 for road, bridge, bicycling, and walking improvements. MAP-21 will also boost innovative financing and encourage private sector investment through a substantial increase in funding for the Transportation Infrastructure Financing and Innovation Act (TIFIA) program. It also includes a number of provisions designed to improve freight movement in support of national goals. MAP-21 will continue the Highway Safety Improvement Program, doubling funding for infrastructure safety, strengthening the linkage among modal safety programs, and creating a positive agenda to make progress in reducing highway fatalities.

MAP-21 will also continue to build on prior safety efforts, and will push to improve transit and motor carrier safety. The array of existing programs will be simplified by consolidating many programs into a smaller number of broader core programs. MAP-21 will make program changes in order to ensure the timely delivery of transportation projects through the planning and environmental review process, all the way to project delivery.

• **Program Restructuring:** MAP-21 restructures core highway formula programs. Activities carried out under existing formula programs such as the National Highway System Program, Interstate Maintenance Program, Highway Bridge Program, and the Appalachian Development Highway System Program will be incorporated into the following new core programs:

- National Highway Performance Program (NHPP)
- Surface Transportation Program (STP)
- Congestion Mitigation and Air Quality Improvement Program (CMAQ)

- Highway Safety Improvement Program (HSIP)
- Railway-Highway Crossings (set-aside from HSIP)
- Metropolitan Planning

MAP-21 creates a new program called Transportation Alternatives (TA). TA funding was derived from the National Highway Performance Program (NHPP), Surface Transportation Program (STP), Highway Safety Improvement Program (HSIP), Congestion Mitigation Air Quality (CMAQ), and Metropolitan Planning programs. TA's encompasses most activities funded under the Transportation Enhancements, Recreational Trails, and Safe Routes to School programs defined under SAFETEA-LU.

MAP-21 also is continuing the following current discretionary programs: Projects of National and Regional Significance (PNRS), On-the-Job Training Supportive Services, Disadvantaged Business Enterprise (DBE) Supportive Services, Highway Use Tax Evasion (Intergovernmental enforcement projects) and Work Zone Safety Grants. MAP-21 also eliminates these discretionary programs:

- Delta Region Transportation Development
- Ferry Boats Discretionary
- Highways for LIFE Demonstration Program
- Innovative Bridge Research and Deployment
- Interstate Maintenance Discretionary
- National Historic Covered Bridge Preservation
- National Scenic Byways
- Public Lands Highway Discretionary
- Railway-Highway Crossing Hazard Elimination in High Speed Rail Corridors
- Transportation, Community, and System Preservation
- Truck Parking Pilot Program
- Value Pricing Pilot Program (no additional funding, but authority remains)

- Investment Authorizations: MAP-21 extends the current SAFETEA-LU funding for the remainder of FY2012, with new provisions for FY2013 and beyond, taking effect on October 1, 2012. Funding levels are maintained at FY2012 levels (with adjustments for inflation) of \$40,400,000,000 from the Highway Trust Fund for FY2013 and \$41,000,000,000 for FY2014.

- Obligation limitation: MAP-21 will have an annual obligation limitation of \$39,699,000,000 for FY2013 and \$40,256,000,000 for FY2014 so as to limit highway spending each year. The current requirement to annually recover unused obligation limitation and distribute it as formula limitation to States that can use it before the end of the fiscal year is also continued. Funding for these programs are exempt from the limitation:

- Emergency Relief
- Demonstration projects from ISTEA and earlier authorization acts (specified)
- Minimum Allocation (pre TEA-21)
- TEA-21 Minimum Guarantee - \$639,000,000 annually
- SAFETEA-LU (and extensions) Equity Bonus - \$639,000,000 annually
- National Highway Performance Program funds - \$639,000,000 annually

- New Approach to Formulas: Prior to MAP-21, each apportioned program had its own formula for distribution, and each State's total was the sum of the amount it received for each program. MAP-21's new approach to distribution of formula funds is now based on the amount of formula funds each State received under SAFETEA-LU.

Step 1 - authorize lump sum - An amount of roughly \$38,000,000,000 annually is authorized to fund the National Highway Performance Program (NHPP), Surface Transportation Program (STP), Highway Safety Improvement Program, including Rail-Highway Crossings, (HSIP), Congestion Mitigation and Air Quality Improvement Program (CMAQ), and Metropolitan Planning.

Step 2 - calculate each State's share of the total - In FY2013 each State will receive about the same total apportionment they did in FY2012. In FY2014, the total amount available for distribution will be divided proportionally among the States based on the share of apportionments each State received for FY2012, adjusted, if necessary, to ensure that no State receives less than 95% of every dollar it contributed to the Highway Account of the HTF.

Step 3 - for each State, divide the total amount between programs - Once each State's total Federal-aid apportionment is calculated, amounts are set aside for Metropolitan Planning and CMAQ via a calculation based on the relative size of the State's FY2009 apportionment of those programs. The remainder is then divided among the rest of the formula programs as follows:

- NHPP (63.7%)
- STP (29.3%)
- HSIP (7%).

An amount is set aside from HSIP to fund the Rail-Highway Crossings program, and amounts are set aside proportionally from each State's NHPP, STP, HSIP, CMAQ, and Metropolitan Planning apportionments to fund the State's Transportation Alternatives program.

To enhance flexibility, a State may transfer up to 50% of any apportionment to another formula program, except no transfers are permitted of Metropolitan Planning funds or funds suballocated to areas based on population (STP and TA).

•Administrative Expenses: FHWA administrative expenses associated with the Federal-aid highway program, Appalachian Regional Commission administration of the Appalachian Development Highway System (ADHS), and Office of the Inspector General audit costs, are provided as a separate authorization of \$454,000,000 for FY2013 and \$440,000,000 for FY2014. However, more than \$30,000,000 of the administrative funds are designated for other purposes each year, as follows:

- On-the-job training supportive services - \$10,000,000 annually
- DBE supportive services - \$10,000,000 annually
- Highway use tax evasion projects - \$10,000,000 annually
- Work Zone Safety Grants, safety clearinghouses; Operation Lifesaver (combined) \$3,000,000 annually
- Air quality and congestion mitigation measures outcomes assessment study - up to \$1,000,000 (FY2013 only)

• Transportation Infrastructure Financing and Innovation Act (TIFIA): The TIFIA program provides Federal credit assistance to eligible surface transportation projects. MAP-21 increases funding available for TIFIA, authorizing \$750,000,000 in FY2013 and \$1,000,000,000 in FY2014 to pay the subsidy cost (similar to a commercial bank's loan reserve requirement) of supporting Federal credit. A \$1,000,000,000 TIFIA authorization will support about \$10,000,000,000 in actual lending capacity. MAP-21 also calls for a number of significant program reforms, to include: a 10% set-aside for rural projects; an increase in the share of eligible project costs that TIFIA may support; and a rolling application process.

• Tolling: MAP-21 makes changes to the statutory provisions governing tolling on highways that are constructed or improved with Federal funds. One significant change is the removal of the requirement for an agreement to

be executed with the U.S. DOT prior to tolling under the mainstream tolling programs (though such agreements will continue to be required under the toll pilot programs). Other changes include the mainstreaming of tolling new Interstates and added lanes on existing Interstates, which was previously allowed only under the Interstate System Construction Toll Pilot Program and the Express Lanes Demonstration Program. The Value Pricing Pilot Program, which allows congestion pricing, is continued (but without discretionary grants), as is the Interstate System Reconstruction and Rehabilitation Pilot Program, which allows tolling of all lanes on an existing Interstate highway when required for reconstruction or rehabilitation. MAP-21 also requires that all Federal-aid highway toll facilities implement technologies or business practices that provide for the interoperability of electronic toll collection by October 1, 2016 (four years after the enactment of MAP-21's new tolling requirements).

- Highway Trust Fund (HTF): Operation of the HTF is the source of funding for most of the programs in the Act, and is comprised of the Highway Account, which funds highway and intermodal programs, and the Mass Transit Account. Federal motor fuel taxes are the major source of income into the HTF. Although MAP-21 makes significant policy and programming changes, reforming the way that highway programs are funded remains a future challenge. MAP-21 extends the imposition of the highway-user taxes through September 30, 2016. It also extended provisions for full or partial exemption from highway-user taxes. In addition, it extends provision for deposit of almost all of the highway-user taxes into the HTF through September 30, 2016.

Federal law regulates not only the imposition of the taxes, but also their deposit into and expenditure from the HTF. For the Highway Account, authority to expend from the HTF for programs under the Act and previous authorization acts is provided through September 30, 2014. For the Mass Transit Account, expenditures are authorized through September 30, 2014. Beginning on October 1, 2014, expenditures may be made only to liquidate obligations made prior to the September 30, 2014 deadline.

- Transportation Planning: In MAP-21, the metropolitan and statewide transportation planning processes are continued and enhanced to incorporate performance goals, measures, and targets into the process of identifying needed transportation improvements and project selection. Requirements for a MTP and a TIP continue, with the MTP now incorporating performance plans required by the Act for specific programs. The MTP now must describe the performance measures and targets used in assessing system performance and progress in achieving the performance targets. The TIP must also be developed to make progress toward established performance targets and include a description of the anticipated achievements. Public involvement remains a hallmark of the planning process.

The FHWA is required to establish criteria for the evaluation of the new performance-based planning processes, and to consider whether States developed appropriate performance targets and made progress toward achieving the targets. Five years after the enactment of MAP-21, the FHWA will provide to Congress reports evaluating the overall effectiveness of performance-based planning and the effectiveness of the process in each State and each MPO.

- Performance Management: A major part of MAP-21's highway program transformation is the transition to a performance and outcome-based program. States now must invest resources in projects to achieve individual targets that collectively will make progress toward national goals. MAP-21 establishes national performance goals for Federal highway programs:

- 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 NHS.
- 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.
- 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.

The FHWA, in consultation with States, MPOs, and other stakeholders, will establish performance measures for pavement conditions and performance for the Interstate and NHS, bridge conditions, injuries and fatalities, traffic congestion, on-road mobile source emissions, and freight movement on the Interstate System. States (and MPOs, where applicable) will set performance targets in support of those measures, and State and metropolitan plans will describe how program and project selection will help achieve the targets.

States and MPOs will report to DOT on progress in achieving targets. If a State's report shows inadequate progress in some areas – most notably the condition of the NHS or key safety measures – the State must undertake corrective actions, such as the following:

- NHPP: If no significant progress is made toward targets for NHS pavement and bridge condition, the State must document in its next report the actions it will take to achieve the targets.
- HSIP: If no significant progress is made toward targets for fatalities or serious injuries, the State must dedicate a specified amount of obligation limitation to safety projects and prepare an annual implementation plan.

In addition, due to the critical focus on infrastructure condition, MAP-21 requires that each State maintain minimum standards for Interstate pavement and NHS bridge conditions. If a State falls below either standard, that State must spend a specified portion of its funds for that purpose until the minimum standard is exceeded.

- Accelerating Project Delivery: MAP-21 provides an array of provisions designed to increase innovation and improve efficiency, effectiveness, and accountability in the planning, design, engineering, construction and financing of transportation projects. Building on FHWA's "Every Day Counts" initiative, MAP-21 changes will speed up the project delivery process, saving time and money for individuals and businesses, and yielding broad benefits nationwide.

Some MAP-21 provisions are designed to improve efficiency in project delivery. These provisions broaden the ability for States to acquire or preserve right-of-way for a transportation facility prior to completion of the review process required under the National Environmental Policy Act of 1969 (NEPA). This is accomplished by providing a demonstration program to streamline the relocation process by permitting a lump sum payment for the acquisition and relocation, if elected by the displaced person, enhancing contracting efficiencies, and encouraging the use of innovative technologies and practices. Other changes target the environmental review process, providing for earlier coordination, greater linkage between the planning and environmental review processes, using a programmatic approach where possible, and consolidating environmental documents. MAP-21 establishes a framework for setting deadlines for decision-making in the environmental review process, with a process for issue resolution and referral, and penalties for agencies that fail to make a decision. Projects stalled in the environmental review process prior to MAP-21, can now request technical assistance to speed completion within four years.

One area in particular that MAP-21 focuses on to speed up project delivery is expanded authority for use of categorical exclusions (CEs). “Categorical exclusion” describes a category of actions that do not typically result in individual or cumulative significant environmental impacts. CEs, when appropriate, allow Federal agencies to expedite the environmental review process for proposals that typically do not require more resource-intensive Environmental Assessments (EAs) or Environmental Impact Statements (EISs). In addition to those currently allowed, MAP-21 expands the usage of CEs to a variety of other types of projects, including multi-modal projects, projects to repair roads damaged in a declared disaster, projects within existing operational right-of-way, and projects receiving limited Federal assistance. To assess the impact of the above changes, the Secretary will compare completion times of CEs, EAs and EISs before and after implementation.

- Programs

- National Highway Performance Program (NHPP): Under MAP-21, the enhanced National Highway System (NHS) is composed of approximately 220,000 miles of rural and urban roads serving major population centers, international border crossings, inter-modal transportation facilities, and major travel destinations. It includes the Interstate System, all principal arterials (including some not previously designated as part of the NHS) and border crossings on those routes, highways that provide motor vehicle access between the NHS and major intermodal transportation facilities, and the network of highways important to U.S. strategic defense (STRAHNET) and its connectors to major military installations.

The NHPP is authorized at an average of \$21,800,000,000 per year to support the condition and performance of the NHS, for the construction of new facilities on the NHS, and to ensure that investments of Federal-aid funds in highway construction are directed to support progress toward the achievement of performance targets established in an asset management plan of a State for the NHS.

MAP-21 establishes a performance basis for maintaining and improving the NHS.

States are required to develop a risk- and performance-based asset management plan for the NHS to improve or preserve asset condition and system performance; plan development process must be reviewed and recertified at least every four years. The penalty for failure to implement this requirement is a reduced Federal share for NHPP projects in that year (65% instead of the usual 80%).

The Secretary will establish performance measures for Interstate and NHS pavements, NHS bridge conditions, and Interstate and NHS system performance. States will establish targets for these measures, to be periodically updated.

MAP-21 also requires minimum standards for conditions of Interstate pavements and NHS bridges by requiring a State to devote resources to improve the conditions until the established minimum is exceeded. The Secretary will establish the minimum standard for Interstate pavement conditions, which may vary by geographic region. If Interstate conditions in a State fall below the minimum set by the Secretary, the State must devote resources (a specified portion of NHPP and STP funds) to improve conditions. MAP-21 establishes the minimum standard for NHS bridge conditions – if more than 10% of the total deck area of NHS bridges in a State are on structurally deficient bridges, the State must devote a portion of NHPP funds to improve conditions.

- Surface Transportation Program (STP): MAP-21 continues the STP, providing an annual average of \$10,000,000,000 in flexible funding that may be used by States and localities for projects to preserve or improve conditions and performance on any Federal-aid highway, bridge projects on any public road, facilities for non-motorized transportation, transit capital projects and public bus terminals and facilities.

Most current STP eligibilities are continued with some additions and clarifications. Activities of some programs

that are no longer separately funded are incorporated, including transportation enhancements (replaced by “transportation alternatives” which encompasses many transportation enhancement activities and some new activities), recreational trails, ferry boats, truck parking facilities, and Appalachian Development Highway System projects (including local access roads). Explicit eligibilities are added for electric vehicle charging infrastructure added to existing or included in new fringe and corridor parking facilities, and projects and strategies that support congestion pricing, including electronic toll collection and travel demand management strategies and programs.

Fifty percent of a State’s STP funds are to be distributed to areas based on population (sub-allocated), with the remainder to be used in any area of the State. Consultation with rural planning organizations, if applicable, is required. Also, a portion of its STP funds (equal to 15% of the State’s FY 2009 Highway Bridge Program apportionment) is to be set aside for bridges not on Federal-aid highways (off-system bridges), unless the Secretary determines the State has insufficient needs to justify this amount. A special rule is provided to allow a portion of funds reserved for rural areas to be spent on rural minor collectors, unless the Secretary determines this authority is being used excessively.

- Highway Safety Improvement Program (HSIP): Safety throughout all transportation programs remains DOT’s number one priority. MAP-21 continues the successful HSIP, with average annual funding of \$2,400,000,000, including \$220,000,000 per year for the Rail-Highway Crossings program.

The HSIP emphasizes a data-driven, strategic approach to improving highway safety on all public roads that focuses on performance. The foundation for this approach is a safety data system, which each State is required to have to identify key safety problems, establish their relative severity, and then adopt strategic and performance-based goals to maximize safety. Every State is required to develop a Strategic Highway Safety Plan (SHSP) that lays out strategies to address these key safety problems. Every State now has an SHSP in place, and MAP-21 ensures ongoing progress toward achieving safety targets by requiring regular plan updates and defining a clear linkage between behavioral (NHTSA funded) State safety programs and the SHSP. A State that fails to have an approved updated plan will not be eligible to receive additional obligation limitation during the overall redistribution of unused obligation limitation that takes place during the last part of the fiscal year. The SHSP remains a statewide coordinated plan developed in cooperation with a broad range of multidisciplinary stakeholders.

- Safety Performance: States will set targets for the number of serious injuries and fatalities and the number per vehicle mile of travel. If a State fails to make progress toward its safety targets, it will have to devote a certain portion of its formula obligation limitation to the safety program and submit an annual implementation plan on how the State will make progress to meet performance targets.

Although MAP-21 eliminates the requirement for every State to set aside funds for High Risk Rural Roads, a State is required to obligate funds for this purpose if the fatality rate on such roads increases. The Secretary is required to carry out a study of High Risk Rural Road “best practices.” States are required to incorporate strategies focused on older drivers and pedestrians if fatalities and injuries per capita for those groups increase.

- Congestion Mitigation and Air Quality Improvement Program (CMAQ) - \$3,300,000,000 annually: This provides a flexible funding source to State and local governments for transportation projects and programs to help meet the requirements of the Clean Air Act. Funding is available to reduce congestion and improve air quality for areas that do not meet the National Ambient Air Quality Standards for ozone, carbon monoxide, or particulate matter (non-attainment areas), as well as former non-attainment areas that are now in compliance (maintenance areas). States with no non-attainment or maintenance areas may use their CMAQ funds for any CMAQ- or STP-eligible project.

Under MAP-21, a State with PM 2.5 (fine particulate matter) areas must use a portion of its funds to address PM 2.5 emissions in such areas; eligible projects to mitigate PM 2.5 include diesel retrofits. Highlighted CMAQ eligibilities include transit operating assistance and facilities serving electric or natural gas-fueled vehicles (except where this conflicts with prohibition on rest area commercialization).

The CMAQ program also has new performance-based features. The Secretary will establish measures for States to use in assessing traffic congestion and on-road mobile source emissions. Each Metropolitan Planning Organization (MPO) with a transportation management area of more than one million in population and representing a non-attainment or maintenance area, is required to develop and update biennially a performance plan to achieve air quality and congestion reduction targets. A CMAQ outcomes assessment study for the program is also required.

- Transportation Alternatives (TA): MAP-21 establishes a new program to provide for a variety of alternative transportation projects that were previously eligible activities under separately funded programs. This program is funded at a level equal to 2% of the total of all MAP-21 authorized Federal-aid highway and highway research funds, with the amount for each State set aside from the State's formula apportionments. Unless a State opts out, it must use a specified portion of its TA funds for recreational trails projects. Eligible activities include:

- Transportation alternatives (new definition incorporates many transportation enhancement activities and several new activities);
- Recreational trails program (program remains unchanged);
- Safe routes to schools program;
- Planning, designing, or constructing roadways within the right-of way of former Interstate routes or other divided highways.

Fifty percent of TA funds are distributed to areas based on population (sub-allocated), similar to the STP. States and MPOs for urbanized areas with more than 200,000 people will conduct a competitive application process for use of the sub-allocated funds; eligible applicants include tribal governments, local governments, transit agencies, and school districts. Options are included to allow States flexibility in use of these funds.

- Federal Lands Transportation Program - \$300,000,000 annually: For projects that improve access within the Federal estate, such as national forests and national recreation areas, on infrastructure owned by the Federal government. This program combines the former Park Roads and Refuge Roads programs, and adds three new Federal land management agency (FLMA) partners. A portion of the funds will support traditional partner agencies at current funding levels, with new partners competing for a modest portion. All FLMA partners will administer the program using a new performance management model.

- Federal Lands Access Program (FLMA) - \$250,000,000 annually: For projects that improve access to the Federal estate on infrastructure owned by States and local governments. Replacing and expanding the Forest Highways program, projects providing access to any Federal lands are eligible for this new comprehensive program. Funds are distributed by a formula based on recreational visitation, Federal land area, Federal public road mileage, and the number of Federal public bridges. Eighty percent of funds go to States with large areas of public land. States are required to provide a non-Federal match for program funds (which has not been the case historically for Federal lands highway funding). Programming decisions will be made locally using a tri-party model in each State comprised of representatives from FHWA, State DOT, and local government, in consultation with applicable FLMAAs.

- Tribal Transportation Program - \$450,000,000 annually: For projects that improve access to and within Tribal lands. This program generally continues the existing Indian Reservation Roads program, while adding new set asides for tribal bridge projects (in lieu of the existing Indian Reservation Road Bridge program) and tribal safety

projects. It continues to provide set asides for program management and oversight and tribal transportation planning. A new statutory formula for distributing funds among tribes, based on tribal population, road mileage, and average funding under SAFETEA-LU, plus an equity provision, is to be phased in over a 4 year period.

Tribal High Priority Projects Program - \$30 million annually from the General fund (subject to appropriation)

- Emergency Relief (ER) - \$100,000,000 annually: MAP-21 continues the ER program with some changes in requirements:
  - State must apply and provide a complete list of project sites and costs within two years of the event; cost may not exceed the cost to repair or reconstruct a comparable facility.
  - For emergency repairs, a 100% Federal share is allowed during the first 180 days following a disaster. MAP-21 allows the Secretary to extend the time period if access to damaged areas is limited.
  - Debris removal for major disasters declared under the Stafford Act will be funded by FEMA.
  - Maintenance and operation of additional ferryboats or transit is eligible as a temporary substitute service.

Workforce Development and Disadvantaged Business Enterprise (DBE): MAP-21 continues current law goals for use of small business concerns owned and controlled by socially and economically disadvantaged individuals. On-the-Job Training and DBE Supportive Services programs are continued without change. States may continue to use apportioned funds (except Metropolitan Planning or Ferry Program) for surface transportation workforce development, training, education, and small business capacity building.

- Bridge and Tunnel Inspection: To provide for continued improvement to bridge and tunnel conditions essential to protect the safety of the traveling public and allow for the efficient movement of people and goods on which the U.S. economy relies, MAP-21 requires inspection and inventory of highway bridges and tunnels on public roads. No dedicated funds are provided for inspections, but it is an eligible use of NHPP, STP, HSIP, FHWA administrative, Tribal Transportation, and Research funds.

Puerto Rico Highway Program - \$150,000,000 annually

Territorial Highway program - \$40,000,000 annually

Projects of National and Regional Significance - \$500,000,000 (FY2013 only)

Construction of Ferry Boats and Ferry Terminal Facilities - \$67,000,000 annually

- Appalachian Development Highway System (ADHS)

The ADHS program is continued, but without separate funding. Portions that are on the NHS are eligible for NHPP funding, and ADHS routes, including local access roads, are eligible for STP funding. To encourage the completion of the ADHS, States are required to submit plans for completion of the system and an increased Federal share is provided.

- Research, Technology Deployment, Training and Education

MAP-21 authorizes \$400,000,000 per year for the following six programs: Highway Research and Development, Technology and Innovation Deployment, Training and Education, Intelligent Transportation Systems, University Transportation Research, and the Bureau of Transportation Statistics.

Highway Research and Development program - \$115,000,000 annually

Technology Innovation and Deployment Program - \$62,500,000 annually

Training and Education - \$24,000,000 annually

Three specific programs are repealed: the International Outreach Program, the Surface Transportation Environment Cooperative Research Program, and the National Cooperative Freight Research Program.

MAP-21 continues the authority for States to use apportioned funds for training and other educational activities; this applies to the NHPP, STP, HSIP, and CMAQ. The Federal share for funds used in this manner is 100%, except that when funds are used for the LTAP centers, the Federal share is 50%.

- State Planning and Research (SP&R)

MAP-21 continues the SP&R as a 2% takedown of four core programs: National Highway Performance Program, Surface Transportation Program, Congestion Mitigation Air Quality program, and Highway Safety Improvement Program. At least 25% of these funds have to be used for research purposes. States are required to agree on what portion of their share of their SP&R funds they make available to the Secretary to implement the results of the F-SHRP program.

- Transportation Research and Development (R&D) Strategic Planning

The Secretary is directed to develop a five-year research and development strategic plan within one year of enactment, to be reviewed by the National Research Council, and report to Congress annually on R&D spending. The plan must address the following purposes: promoting safety, reducing congestion and improving mobility, preserving the environment, preserving the existing transportation system, improving the durability and extending the life of transportation infrastructure, and improving goods movement. MAP-21 offers the opportunity to conduct a nationally-coordinated, flexible, and strategically-targeted Research, Technology, and Education program.

- Other Provisions of Interest

#### Freight

MAP-21 includes a number of provisions designed to enhance freight movement in support of national goals. MAP-21 firmly establishes national leadership in improving the condition and performance of a National Freight Network by identifying the components of the network; components will be designated by the Secretary. It includes incentives to prioritize projects that advance freight performance targets. DOT, in consultation with partners and stakeholders, will develop a national freight strategic plan. States are encouraged to develop individual freight plans and establish freight advisory committees.

#### Truck Size and Weight Study

No changes to current truck size and weight provisions are included in MAP-21, but a new study and inventory of current State laws is required.