

MAP-21
DIVISION A—FEDERAL-AID HIGHWAYS AND HIGHWAY SAFETY CONSTRUCTION PROGRAMS

<i>Section</i>	<i>Program/Topic</i>	<i>Funding</i>	<i>Major Changes from SAFETEA-LU</i>	<i>Implications for Minnesota</i>
Authorizations and Programs				
1101	Authorization of appropriations	Total Appropriations FFY 2013 - \$37.5B FFY2014 - \$37.8 B	Federal Aid Highway Program <ul style="list-style-type: none"> Programs consolidated under a single program 	Obligation authority still unknown. Other implications discussed under the apportionment section.
		FFY 2013 - \$750M FFY2014 - \$1B	Transportation Infrastructure Finance and Innovation Program <ul style="list-style-type: none"> MAP-21 provides additional funding for this program. 	Minnesota has not utilized these funds to a great extent in the past. Therefore, the additional funding may not have an impact.
		\$1B for each FY	Federal Lands and Tribal Transportation Program	
1102	Obligation ceiling	Total Appropriation FFY 2013 - \$39.699B FFY2014 - \$40.256B		Total obligation authority still unknown. Includes provisions for August Redistribution, but this amount may be less since earmarks are not included in the law.
1103	Definitions <i>Transportation Alternatives</i>		<p>Defines eligible activities, programs or projects for a new Transportation Alternatives (TA) funding program created in Section 1122.</p> <p>Previous discrete funding provisions for Scenic Byways, Safe Routes to School, Transit-in-Parks, and Transportation Enhancements are eliminated, although some aspects are eligible to be funded as TAs. For example, construction of overlooks remains eligible despite elimination of the Scenic Byways program. However, the previously acceptable transportation enhancement categories for historic site acquisitions and transportation museums appear no longer eligible for funding, although community improvements for historic preservation and transportation facility restoration are now explicitly eligible.</p> <p>MAP-21 language is clearer that both on-road and off-road bike/pedestrian facilities are eligible. MAP-21 references safe routes for all non-drivers, broadening the concept beyond the “Safe Routes to School” program in SAFETEA-LU. Non-motorized transportation is defined to include traffic calming, lighting, as well as ADA projects.</p> <p>Additional environmental mitigation eligibility is provided for vegetation management within transportation rights-of-way and management of invasive species and erosion control.</p>	The broadened list of eligible activities includes many that have conventionally been undertaken by MnDOT as well as those with other state agencies and other partners in the lead. Not all are eligible users under Section 1122.

1104	National Highway System	N/A	MAP-21 expands the NHS to incorporate all principal arterials, including those not previously included.	The additional apportionment for the NHPP program will fund the additional principal arterials added to the NHS system. Action: Determine if NHS expansion includes identified freight routes
1105	Apportionment	MN Apportionments FFY2013 - \$624.863 M FFY2014 - \$630.218 M	A total apportionment amount is provided to each state and then divided among the individual programs. Programs are consolidated into five main programs (TA program could be considered a sixth program; it receives up to 2% of apportionment under Section 1122). Shifts funding formulas: 63.7% for NHPP; 29.3% for STP; 7% for HSIP; with CMAQ and MPO funded proportional to what was received in 2009. There is no additional apportionment for an equity bonus program (the program is eliminated). Individual state apportionments will be adjusted to ensure total apportionments are at least 95 percent of the estimated taxes paid by the state into the HTF.	Program consolidation provides some additional flexibility for the states. Increases the apportionment for NHPP projects; decreases the apportionment for TA projects. Absence of an equity bonus program decreases flexibility of fund use.
1106	National highway performance program	MN Apportionments FFY2013 - \$365.390 M FFY2014 - \$368.470 M	The NHPP program funds an enhanced National Highway System (NHS), combining functions of the existing NHS (Interstate Maintenance) and Bridge programs. The NHPP provides funding for a wide range of projects to maintain the condition and performance of the NHS and support progress toward state performance targets. Requires risk-based asset management plans. Increases emphasis on performance measurement, with project selection leading to progress towards achieving performance targets. <ul style="list-style-type: none"> • State sets NHS roadway performance targets. • Secretary establishes interstate performance targets. • MAP-21 establishes performance targets for NHS bridge deck with a penalty if greater than 10% of bridges (by deck area) are structurally deficient for prior 3 years. • Provides penalties if performance targets are not met, including transferring apportionment into specific categories and mandatory spending on certain routes not meeting performance targets. 	An asset management plan will need to be developed. It is difficult to determine full impact of the new emphasis on managing assets based on performance measures until the measures are selected. However, additional projects will likely need to be added to the STIP within this funding category in order to meet performance targets and obligate federal funds. Minnesota will likely remain under the 10% structurally deficient bridges on the NHS system through the current STIP years. MnDOT could choose to use this program to fund bridge and tunnel construction, replacement, rehabilitation, preservation, protection, inspection, evaluation and inspector training. MnDOT could choose to use this program to fund enterprise asset management, traffic management operations costs, and ITS system construction. The MNDOT Freight Office is assisting AASHTO in the developing national freight performance measures.
1107	Emergency relief	Limitations provided	A new restriction makes bridge replacements in the STIP not eligible for ER. Removes the stipulation that obligations for a single catastrophic failure cannot exceed \$100 million.	Some bridges that would have previously been funded under the ER program will not be eligible.

1108	Surface transportation program	MN Apportionments FFY2013 - \$168.068 M FFY2014 - \$169.485 M	<p>STP provides flexible funding that may be used by States and localities for projects to preserve and improve the conditions and performance on any Federal-aid highway, bridge and tunnel projects on any public road, pedestrian and bicycle infrastructure, and transit capital projects.</p> <ul style="list-style-type: none"> • Formula change: 50% available for statewide use; 50% available based on population. • Adds funding for projects and strategies designed to support congestion pricing and travel demand management programs. • Now includes the Coordinated Border Infrastructure Program in the same form as under SAFTEA-LU. • Bridges not on Federal-aid highways are eligible for funds. Under SAFTEA-LU this was a separate program. MnDOT is required to use at least 15% of STP funds for these 'off-system bridges'. This amount may be reduced if US DOT determines repair need less than the required minimum investment. • New eligibility for truck parking facilities. 	<p>The formula shift leads to policy questions around funding distribution. Minnesota has typically spent more on STP projects than original apportionment; this has been possible due to transfers, use of equity bonus funds, etc. Less flexibility may result in a need to defer some STP projects currently in the STIP.</p> <p>The off-system bridge funding requirement will obligate 15% of funds without providing a unique funding stream.</p> <p>Funding for eligible bridges can be used for replacement, rehabilitation, preservation, protection, application of de-icing chemicals, inspection, evaluation, and inspector training; as well as construction or reconstruction necessary to accommodate other modes.</p>
1109	Workforce development	Through administrative expenses	No change	None
1110	Highway use tax evasion projects	N/A	None	Potential funding is available for fuel tax enforcement projects/needs (e.g., red-dyed fuel inspection).
1111	National bridge and tunnel inventory and inspection standards	N/A	<p>The bridge inventory is continued under MAP-21, but without dedicated funding. Eligible to fund inventory activities under the NHPP, STP, HSIP, FHWA administrative, Tribal Transportation, and Research programs.</p> <p>Eliminates the discretionary bridge programs utilized under SAFTEA-LU for implementing innovations in bridge technology, such as Highways for Life and Innovative Bridge Research & Development.</p> <p>Also requires states:</p> <ul style="list-style-type: none"> • Use a Performance-based management system; • Establish tunnel inspection standards; • Determine cost to rehabilitate or replace structurally deficient bridges; • Annually update bridge and tunnel inventory; • Perform element-level inspections (within 2 years); • Establish & maintain inspection standards for bridges & tunnels; including compliance reviews; 	<p>MnDOT will need to continue inspections without specific funds from the federal Bridge Program. MnDOT looked to discretionary bridge programs to assist in implementation of initiatives such as accelerated bridge construction. Programs like Every Day Counts and SHRP2 will still be in place and available for assistance.</p> <p>With the Bridge SIMS management system in place, MnDOT is already working toward these requirements.</p>

			<ul style="list-style-type: none"> • Update inspection standards and • Maintain an inspection training program for bridges & tunnels. 	
1112	Highway safety improvement program		<p>Makes a number of changes:</p> <ul style="list-style-type: none"> • Increases MN apportionment by around \$10M. • Requires regular SHSP updates. • Keeps set-a-side for rail-highway crossing (about \$5.5M). • Eliminates separate High Risk Rural Roads set-a-side unless safety statistics worsen. • Requires Older Driver initiatives if safety statistics worsen. • Requires States to set targets for fatalities and injuries (number and per VMT). • Provides new eligibility for truck parking facilities. • Strengthens link between HSIP and NHTSA programs. <p>Advances the capabilities the states for safety data collection, analysis and integration in a manner that complements state highway safety program and commercial vehicle safety plan. Requires consideration which projects maximize opportunities to advance safety.</p>	STIP is approximately under-programmed by \$8.5M annually in HSIP projects for FY 13-FY 16. MnDOT will work with local partners to identify new projects for FY 13 and FY 14 from safety plans. For FY 15 and FY 16 HSIP project selection and ATP Targets will likely be modified to align with new FHWA guidelines developed over the next year.
1113	Congestion mitigation and air quality improvement program	Minnesota apportionment: approximately \$30.5M	<p>Changes in MAP-21:</p> <ul style="list-style-type: none"> • Retains the CMAQ program largely the same as under SAFETEA-LU. • Clarifies additional eligible projects such as incident and emergency response, projects that shift demand. • CMAQ performance plan is now required of large MPOs, with methods to measure and monitor progress of CMAQ-funded projects • States with nonattainment or maintenance status for PM 2.5 (small particulate matter) must give priority to projects that reduce PM 2.5 • It appears that all travel demand management activities carried out by TMOs and funded through CMAQ will now be subject to a 20% local match. Under SAFETEA-LU, there are some categories of travel demand management expenses that require no local match. 	<p>Implications:</p> <ul style="list-style-type: none"> • Funding at similar levels as SAFETEA-LU; Twin Cities will continue to program CMAQ projects. St. Cloud and Duluth have been eligible; but no projects are currently programmed and they will reach attainment status in 2013-14. • CMAQ performance plan now required of Twin Cities MPO. • Focus may shift in project selection with additional requirements to demonstrate emissions and congestion. • Transit operating eligibility important to clarify, as such projects are in the current STIP. • Minnesota does not currently have any PM 2.5 nonattainment areas. • Need for careful monitoring of future attainment status-possible use of CMAQ funds to try to avoid nonattainment status?
1114	Territories and Puerto Rico		N/A	

1115	National freight policy		<p>Requires the Secretary to establish a national freight network to assist states in strategically directing resources toward improved system performance for efficient movement of freight on highways, including the national highway system, freight intermodal connectors and aerotropolis systems. Requires creation of a freight strategic plan.</p> <p>Establishes goals for national freight network infrastructure and operational improvements:</p> <ul style="list-style-type: none"> • Strengthen the contribution to economic competitiveness; • Reduce congestion; • Increase productivity, particularly for domestic and businesses that create high-value jobs; • Improve safety, security and resilience; • Improve the state of good repair; • Improve safety and efficiency through advanced technology; • Incorporate concepts of performance, innovation, competition, and accountability into network operation and maintenance; • Improve the economic efficiency of the network and • Reduce the environmental impact of the freight movement. 	<p>The USDOT will provide guidance through the development of transportation investment and data planning tools to evaluate freight – related and non-freight related projects.</p> <p>MnDOT is currently working with the Mid-America Freight Coalition to assist the US DOT in interpreting the new national freight policy and identifying the national freight network.</p> <p>It is underdetermined at this point how or if the national freight system will impact Minnesota’s highway system.</p>
1116	Prioritization of projects to improve freight movement		<p>Increases the federal share to 95% for projects on the interstate system and 90 % for any other project that meets the following requirements:</p> <ul style="list-style-type: none"> • Improves the efficient movement of freight, including progress toward performance targets for freight movement. • Must be identified in the freight plan. • Eligible Projects <ul style="list-style-type: none"> ○ Construction, reconstruction, rehabilitation, and operational improvements directly relating to improving freight movement; ○ ITS and other technology to improve freight flow; ○ Reduction in the environmental impacts of freight movement on the primary freight network; ○ Railway-highway separation; ○ Geometric improvements to interchanges and ramps; ○ Truck only lanes; ○ Truck parking facilities eligible for funding under section 1401; ○ Real-time traffic, truck parking, roadway condition, and multimodal transportation information systems; ○ Improvements to freight intermodal connectors and ○ Improve freight bottlenecks. 	<p>MnDOT could use federal funds for additional freight activities, but full implications are unknown because it is still unclear what qualifies as a freight project.</p>

1117	State Freight advisory committees		<p>States are encouraged to establish a freight advisory committee consisting of a representative cross-section of public and private sector freight stakeholders, including representatives of ports, shippers, carriers, freight related associations, freight industry workforce, the transportation department of the State, and local government.</p> <p>Role of State Freight Advisory Committee</p> <ul style="list-style-type: none"> • Advise state on freight related priorities, issues, projects, and funding needs; • Serve as a forum for discussion for state transportation decisions affecting freight mobility; • Communicate and coordinate regional priorities with other organizations; • Promote sharing of information between the private and public sectors on freight issues and • Participate in the development of state freight plans. 	<p>Minnesota currently has a Freight Advisory Committee (MFAC). MAP-21 would encourage expanded roles and responsibilities for the group. Discussions are needed to determine if MFAC will address MAP-21 guidelines</p>
1118	State freight plans		<p>States are encouraged to develop a comprehensive freight plan to guide immediate and long-range state freight planning and investment. State Freight Plans may be developed separately or incorporated into the statewide strategic long-range transportation plan.</p> <p>Plan Content</p> <ul style="list-style-type: none"> • Identification of significant freight system trends, needs, and issues for the state; • Description of the freight policies, strategies and performance measures that will guide freight-related investment decisions; • Description of how the plan will help the state meet national freight goals; • Evidence that innovation technologies and operational strategies were considered, including intelligent transportation systems, that improve the safety and efficiency of freight movement; • For routes on which travel by heavy vehicles (including mining, agricultural, energy cargo or equipment, and timber vehicles) is projected to substantially deteriorate the condition of roadway, a description of improvements that may be required to reduce or impede deterioration; • Inventory of facilities within the state with freight mobility issues (such as truck bottlenecks) and strategies to address them. 	<p>Minnesota completed its first statewide freight plan in 2005 independently from the transportation long-range plan. Discussions are needed to determine if the Freight Plan will continue to be developed separately and if freight projects will be identified in the plan.</p> <p>Future plans should specifically address ITS options.</p>

1119	Federal lands and tribal transportation programs	Tribal transportation: total federal appropriation of \$450 million	<p><i>Federal Lands Access Program:</i> Public Lands and Forest Highway programs are eliminated in Map-2 and reformatted into the Federal Lands Access program. Eligible projects will be for lands within Minnesota owed by National Park Service, Forest Service, Fish and Wildlife, Bureau of Land Management or Corps of Engineers.</p> <p><i>Tribal Transportation Program:</i> Main components:</p> <ul style="list-style-type: none"> • IRR becomes the Tribal Transportation Program; • Program consolidation; • New Tribal Safety Program; • New formula for fund distribution, with four year transition (statutory formula) • New approach to High Priority Projects Program (stand alone – funded differently) <p>Set-Asides:</p> <ul style="list-style-type: none"> • Planning – 2% (\$9 million) • Bridge Program – 2% (\$9 million) (was \$14 million as a stand-alone. Program eligibility stays the same) • Tribal Safety Program – 2% (\$9 million) • Program Management & Oversight(BIA & FHWA) – 6% (\$27 million) <p>Definition: Tribal Transportation Facility – a public highway, road, bridge, trail, or transit system that is located on or provides access to tribal land and <u>appears on the national tribal transportation facility (NTTF) inventory.</u></p> <p>Eligible NTTF Inventory includes facilities that:</p> <ul style="list-style-type: none"> • Were included in the BIA system inventory prior to 10/1/04; • Are owned by an Indian tribal government or • Are owned by the BIA. <p>Only the above mileage generates funds via the formula.</p> <p>Changes maintenance: Amount allowed is the greater of 25% of funds received or \$500,000</p> <p>TTP Funding Formula after applying five set-asides:</p> <ul style="list-style-type: none"> • 27% based on the tribe’s share of total <u>eligible mileage</u> ; • 39% based on the tribe’s share of <u>total population</u> (population computed using the most recent data available under NAHASDA) and 	<p><i>Federal Lands:</i> Previously, Minnesota received about \$2.2 million annually in Forest Highway funds, the second highest distribution for the East Regions, behind Michigan. Public Lands funds were received three times in the last 15 years for projects earmarked by congress.</p> <p>Under MAP-21, the allocation will be based on a number of factors, including recreational visits, area of federal land within the state, road miles for these properties related to the state at large and the number of federally owned public bridges. The impact of these changes is still unclear, but East Regions federal lands has said no funds will be released until Minnesota has a new Tri-party agreement in place later in 2013.</p> <p>In summary: This is a smaller pot of funds with more groups eligible for it.</p> <p><i>Tribal Transportation – impacts to be determined</i></p>
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1120	Projects of national and regional significance	Total authorization: \$500 million	<p>Under SAFETEA-LU, grants were provided to states. MAP-21 changes "states" to "eligible applicants," including: state DOTs or a collaboration of state DOTs; tribal governments; transit agencies; or a collaboration of any of these groups. Additional projects will be eligible based on new eligibility requirements.</p> <p>Requires US DOT report to Congress identifying and analyzing State identified projects of national and regional significance.</p>	Impacts are generally unknown. MnDOT Freight Office is working with the Mid-America Freight Coalition to develop regionally significant transportation projects.

1121	Construction of ferry boats and ferry terminal facilities		New formula for distribution	N/A
1122	Transportation Alternatives (TA) program		Establishes a new program to provide funding for a variety of alternative transportation projects. Requires states and MPOs in urbanized areas with more than 200,000 to conduct competitive application process.	
	<i>Funding</i>		For Federal fiscal years 2013 and 2014, apportions Transportation Alternatives (TA) funding to states in the same ratio as they received total transportation enhancements funds in 2009. National total available for funding is 2% of funds appropriated for the National Highway System; other federal-aid highways; research, technology, and education; and infrastructure finance.	Total funds available for all consolidated programs and eligible uses is cut by more than one third
	<i>Eligible projects</i>		The types of projects and activities that can funded with these funds include Transportation Alternatives (as defined in Section 1103); recreational trails (as previously defined); safe routes to school (as previously defined); and the planning, design, or construction of boulevards within the right-of-way of former Interstate segments or other divided highways. Uses include: <ul style="list-style-type: none"> • The conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users. • Projects to reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats. 	
	<i>Allocations of funds</i>		Requires allocation of TA funds: <ul style="list-style-type: none"> • 50% for use in any part of the state • 50% distributed in proportion to population for the following: <ul style="list-style-type: none"> ○ Urbanized areas with a population that exceeds 200,000 (TMAs); ○ Urban areas with populations between 5,000 and 199,999; ○ All other areas of the state. <p>In states with multiple TMAs, more than population can be used as the basis for distribution of funds.</p> <p>A portion of the statewide 50% of funds must be reserved for recreational trails (see below).</p> <p>Both the statewide and proportionally suballocated TA funding is to be</p>	The Twin Cities metropolitan area is Minnesota's sole TMA.

			<p>obligated through competitive processes, to which only listed eligible entities can apply. State agencies and MPOs are <u>not</u> eligible.</p> <p>Project selection for funds allocated to a TMA is to be made by the MPO after consultation with the state.</p>	
	<i>Flexibility of excess reserved</i>		A state can elect to reserve TA funds and, beginning the second year after MAP-21 enactment, can choose to use the funds for any eligible use (as defined above) OR, with USDOT approval, for eligible CMAQ uses.	
	<i>Treatment of projects</i>		Funded TA projects are to be treated (administered) as other Federal-aid highway projects.	Appears to make other state agencies ineligible for use of TA funding, including for recreational trails uses.
	<i>Continuation of certain recreational trails projects</i>		<p>A portion of TA funds are to be reserved and obligated specifically for the already existing recreational trails program. That amount must equal funds apportioned for the program in 2009 minus 1% for US DOT administration costs.</p> <p>By Governor's notification, states can opt out of the recreational trails program.</p>	
1123	Tribal high priority projects program	Total Appropriation of \$30 million per fiscal year from the general fund	<p>This new program provides funds for Indian tribes for their highest priority projects and disaster relief projects. Applications for these funds will go through the Department of the Interior.</p> <ul style="list-style-type: none"> • \$30 million from General Fund (same funding amount, but not from Highway Trust Funds – now annually appropriated by Congress) • Call for project application no sooner than 60 days after funding is made available • Per project maximum is \$1 million • For tribes that receive insufficient funding for their highest priority and emergency fund project. 	

Performance Management				
Section	Program/Topic	Funding	Major Changes from SAFETEA-LU	Implications for Minnesota
1201 1201a	Metropolitan transportation planning		This section addresses the responsibilities and funding for the MPOs. MAP 21 retains much of current law in terms of MPO structure, roles and responsibilities.	
	<i>Definitions</i>		Defines “Regional Transportation Planning Organization” (RTPO) as the policy board of a formally designated (rural) regional planning organization (<i>also applicable to Section 1202</i>). Previous law did not recognize regional transportation planning organizations and relied on consultation with nonmetropolitan officials.	Existing MN RDCs and ATPs achieve many of RTPO functions.
	<i>General Requirements</i>		<i>Development of long-range plans and TIPS:</i> New requirement that that transportation plans and TIPS be developed through a performance-driven, outcome-based approach to planning.	Some of Minnesota’s MPOs have begun exploring performance-based planning. However, none currently have performance-based TIPs or LRTPs. SAFETEA-required MPOs to amend their processes to reflect the new requirements. Some MPOs are currently updating or will soon update their LRTP. Depending on FHWA direction, other MPOs may need to amend their processes to reflect MAP-21 outside of their normal plan update cycle. In anticipation of this change, the Metro Council recently hired a consultant to help determine how best to incorporate performance based planning into the next TPP.
	<i>Designation of MPOs</i>		<i>MPO structure:</i> Requires representation by public transportation providers on policy boards for MPOs in large urban areas (>200,000 urbanized population); requires compliance within 2 years; and allows restructuring to meet this requirement without redesignation. Previous proposed language to increase the population necessary to be designated as an MPO and/or establish a tiered structure was not included in MAP-21.	The Metro Council is the public transit provider for the only large MPO and TAB includes a transit representative, so this change will not impact Minnesota.

<p><i>Scope of planning process</i></p>		<p>Leaves the existing eight planning factors unchanged.</p> <p><i>Performance-based approach:</i> New requirement that metropolitan planning processes use a performance-based approach for transportation decision making.</p> <ul style="list-style-type: none"> • Requires MPOs to establish performance targets that support the national goals described in section 150(b) of this title and in section 5301(c) of title 49. (MAP-21 Section 1203 below.) • Requires coordination with state and transit providers. • Requires establishment of targets not later than 180 days after a relevant state or transit provider establishes targets. • Requires MPO planning process to integrate goals, objectives, performance measures and targets described in other state transportation plans and processes, as well in plans developed by transit providers. 	<p>Targets should be set based on current conditions and funding availability. States will need to evaluate the performance outcomes associated with alternative fiscally constrained investment strategies in order to set realistic targets.</p> <p>Should there be common performance metrics within each of the bi-state MPO areas?</p> <ul style="list-style-type: none"> • US DOT may set different pavement measures based on geographic region. MN has 4 bi-state MPOs; complications could arise should standards vary between MN, ND and WI. • States also may vary performance targets for urban vs. rural settings. For the 4 MN bi-state MPOs, how are they to respond if some states do/do-not elect to vary standards? <p>Since MPOs must adopt measures within 180 days of state adoption, how should they proceed if neighboring states are on very different adoption schedules?</p>
<p><i>Transportation plan</i></p>		<p><i>Identification of transportation facilities:</i> Adds “nonmotorized transportation facilities” to the list of facilities to be specifically identified and considered in MPO transportation plans.</p> <p><i>Performance measures and targets:</i> New requirement that the MPO plan include a description of measures and targets used to assess transportation system performance.</p> <p><i>System performance report:</i> New requirement that the plan include a system performance report evaluating condition and performance with respect to the targets, including progress in meeting targets.</p> <ul style="list-style-type: none"> • Additional analysis is required if multiple scenarios were used (how the preferred scenario has improved conditions and how changes in local policies and investments have impacted costs). <p><i>Financial plan:</i> Financial plans were required for MPOs under SAFETEA-LU and MAP-21 makes no substantive changes in those requirements.</p> <p><i>Optional scenario development:</i> Allows (but does not require) MPOs to undertake scenario planning in the development of the transportation plan, allows use of locally developed metrics and provides recommended components, including:</p> <ul style="list-style-type: none"> • Potential regional investment strategies; • Distribution of population and employment; 	<p>To some extent, MPOs already use scenario development. They may model different traffic performance levels within their models. Due to fiscal constraint requirements, they may analyze the impacts of different project selection options.</p> <p>MPO TIPs are already required to be consistent with the long-range transportation plan. Under MAP-21 there is added emphasis to connect the TIPs to the MPO’s performance measures.</p>

			<ul style="list-style-type: none"> • A scenario maintaining baseline conditions for required performance measures; • A scenario improving baseline conditions; • Revenue constrained scenarios and • Estimated costs and potential revenues for each scenario. <p>(Scenario planning was neither specifically allowed nor prohibited under SAFETEA-LU.)</p>	
	<i>Metropolitan TIP</i>		<p>Adds requirement that the TIP contain projects consistent with the current transportation plan and its investment priorities. Requires TIP projects, once implemented, make progress toward achieving performance targets.</p> <p>Adds a requirement that that the TIP describes the anticipated effect of implementation on achieving performance targets.</p>	“Consistent” can be problematic if USDOT either requires detailed consistency between plan/program or changes the definition over time.
	<i>Transportation Management Areas</i>		<i>Project selection:</i> Changes the description of projects selected by the state for consistency with the new federal program structure. Under the revised language, only projects within the MPO area that are on the NHS are to be selected by the state. (Formerly the state selected NHS, bridge and interstate maintenance projects.)	MnDOT traditionally does not manage all of the NHS (some elements are local). The language also implies that MPO decisions determine project selection for all non-NHS trunk highways.
	<i>Report on performance-based planning processes</i>		New requirement that, within 5 years of enactment of MAP-21, USDOT publish a report evaluating the overall effectiveness of performance-based planning; the effectiveness of the performance-based planning process of each MPO; whether MPOs are achieving or making progress toward performance targets and whether they are developing meaningful targets; and the technical capacity of non-TMA MPOs to carry out applicable planning requirements.	
1201b	Scenario planning study		New requirement that USDOT evaluate the costs and benefits of developing multiple scenarios as part of the development of the transportation plan. Includes evaluation of the technical and financial capacity of MPOs to develop scenarios.	
1202	Statewide and nonmetropolitan transportation planning		<p>“Nonmetropolitan” added to title.</p> <p><i>Performance-based approach:</i> Requires the statewide transportation planning process to establish and use a performance-based approach to support national and to set targets and track progress related to the list of national performance measures required in section 1203 below.</p> <ul style="list-style-type: none"> • States have authority to select performance targets, but must coordinate with MPOs to ensure consistency. States have latitude to 	<p>MAP-21 requires that state public transportation performance measures and targets be coordinated with “urbanized areas not represented by a metropolitan planning organization...”.</p> <p>However, by definition, all urbanized areas are required to have a designated MPO.</p> <p>Under Section 1201, MPOs must adopt targets consistent with a state’s within 180 days of state adoption.</p>

			<p>vary the performance targets for urban vs. rural settings.</p> <ul style="list-style-type: none"> • Performance measures are also required for public transportation, both for transit system asset management and safety. • The new transportation performance measures and targets must be considered when the state shapes policies, programs, and investment priorities through the statewide plan or statewide transportation improvement program (STIP). <p>Changes the requirement from consideration of concerns of non-metropolitan local officials (transportation) to cooperation with them or with any designated non-metropolitan regional transportation planning organization.</p> <p>As in SAFETEA-LU, specifies that US DOT shall not review or approve the consultation process in each State.</p> <p><i>Participation by interested parties:</i> Explicitly requires opportunities for non-metropolitan local elected officials directly or through designated RTPOs opportunities to participate in review and comment on a draft state plan. Requires a documented consultation process with non-metropolitan officials separate from the state’s broader public involvement process.</p> <p>Development of a financial plan remains discretionary.</p> <p>The statewide transportation plan must describe the performance measures and targets used to evaluate the transportation system and report on system condition and performance, including progress made within MPO areas.</p>	<p>The change from consultation (confer periodically and consider each others’ views) to cooperation (work together to achieve a common goal) is noteworthy. In Minnesota, the Area Transportation Partnership (ATP) process has been used to include nonmetropolitan local officials in decision making. Through the ATP process, MnDOT likely meets the purpose of this requirement.</p> <p>MAO-21 requires consultation with RTPOs or with non-metropolitan local officials regarding STIP development, in contrast to the cooperation requirement with these interests for the statewide plan. With the exception of adding RTPOs, this requirement is the same as in SAFETEA-LU. Likewise, as in SAFETEA-LU, STIP project selection is to be done in cooperation.</p> <p>Although MnDOT generally satisfies the requirement for non-metropolitan consultation on the state plan, MnDOT needs to document this consultative process separate from the public involvement process.</p> <p>The language is unclear as to how frequently performance reports should be produced.</p>
	<p><i>Statewide transportation improvement program</i></p>		<p>Adds requirement for consultation with regional transportation planning organizations (if designated).</p> <p>As in SAFETEA-LU, specifies that US DOT shall not review or approve the consultation process in each state.</p> <p>Requires the STIP to discuss the expected effect of STIP investments on achievement of state performance targets.</p> <p>Adds RTPOs (if applicable) to existing cooperation requirement for project selection within non-metropolitan areas (areas of less than 50,000 population).</p>	<p>Requirements for a discussion of the anticipated effect of the STIP toward achieving the performance targets established in the statewide transportation plan provides a stronger link between the four-year program and the plan.</p>

	<i>Performance-based planning processes evaluation</i>		<p>Requires US DOT to establish criteria to evaluate the effectiveness of the performance-based planning processes of states, taking into consideration the extent to which a state is progressing toward achieving performance targets; has made efficient and cost-effective transportation investments; relies on public input so that investment decisions are transparent and accountable and provides accessible reports about State performance.</p> <p>Within five years, requires US DOT report to Congress on the effectiveness of performance-based planning and decision-making, including the effectiveness of each State’s performance-based planning process.</p>	<p>Gives US DOT significant latitude in evaluating each state</p> <p>An investment process that “relies on public input” may not be entirely consistent with investments that achieve performance targets, particularly for measures that are identified by US DOT.</p>
	<i>Schedule for implementation</i>		<p>Requires US DOT to issue guidance reflective of MAP-21 changes; requires states to modify their plans and TIPs to conform within two of issuance of guidance.</p>	<p>May imply the state has two years from guidance (which could come very soon) to:</p> <ul style="list-style-type: none"> • Update statewide plan and revise STIP • Amend current plan and revise STIP • Do something else?
	<i>Designation of regional transportation planning organizations</i>		<p>Authorizes states to designate regional transportation planning organizations (RTPOs) emphasizing needs of non-metropolitan areas. Specifies structure, makeup of governing board and fiscal/administrative agent.</p> <p>If formed, RTPO duties include:</p> <ul style="list-style-type: none"> • Developing and maintaining (in cooperation with the state) a regional long-range multimodal transportation plan; • Developing a regional TIP; • Fostering local planning coordination that includes land use, economic development and transportation; • Providing technical assistance; • Participating in regional, state, and national policy development; • Providing a forum for public participation; • Considering and sharing plans with neighboring jurisdictions and organizations, including tribes and • Supporting the statewide planning process. <p>RTPOs are not required. States that choose to not form RTPOs must consult with nonmetropolitan local officials.</p>	<p>What does “projects that may be of regional significance” mean?</p> <p>Would RTPO planning and programming activities be entirely self funded?</p>

1203	National goals and performance management measures	N/A	<p>New provisions establish national goals and performance management measures.</p> <p>Declares as policy that performance management will transform the Federal-aid highway program and provide a means to the most efficient investment of Federal transportation funds by refocusing on national transportation goals, increasing the accountability and transparency of the Federal-aid highway program, and improving project decision making through performance based planning and programming.</p>	
	<i>National goals</i>		<p>Establishes National Goals for the federal aid highway system for safety; infrastructure condition; congestion reduction; system reliability; freight movement and economic vitality; environmental sustainability and reduced project delivery delays. (The public transportation section sets similar goals for transit.)</p>	
	<i>Performance Measures</i>		<p>Requires US DOT to establish performance measures within 18 months. US DOT may establish different minimums by region if disparate factors contribute to pavement condition.</p> <ul style="list-style-type: none"> • Standards for operating bridge and pavement management systems and data requirements • National Highway Performance Program measures - <ul style="list-style-type: none"> ○ Pavement condition on Interstates <ul style="list-style-type: none"> ○ Once targets are met, states can flex up to 50% out of the NHPP program. ○ Pavement condition on non-Interstate NHS (new definition that includes all Principal Arterials) ○ Condition of bridges on the NHS (no more than 10% of total deck area may be structurally deficient) <ul style="list-style-type: none"> ○ Penalties? ○ Performance of the Interstate system (not defined) ○ Performance of NHS (not defined) • Highway Safety Improvement Program <ul style="list-style-type: none"> ○ Measures for: <ul style="list-style-type: none"> ▪ Serious injuries and fatalities per VMT N ▪ Number of serious injuries and fatalities ○ States and MPOs set performance targets. ○ Penalties if US DOT determines state has not met or made significant progress. • Congestion Mitigation and Air Quality Program 	<p>It is not clear what the minimum condition for Interstate pavements will be (nor what will be used as the measure), but MnDOT anticipates it will require improvement from our current condition. Targets and investment priorities will need to be changed. Until targets are met, less federal money will be available for the non-principal arterial system.</p> <p>Bridges should meet the targets provided.</p> <p>Minnesota should meet the targets provided.</p> <p>Unsure what the congestion measure will be and MnDOT no longer has a target it is managing for system congestion. We are looking to develop new measures that reflect strategies like active traffic management (we already measure incident response time) and priced managed lanes.</p>

			<ul style="list-style-type: none"> ○ Measures: <ul style="list-style-type: none"> ▪ Traffic congestion ▪ On-road mobile source emissions ○ States and MPOs set performance targets. ○ No penalties. ○ Requires a performance plan for MPOs over 1 million in population that are non-attainment or maintenance areas. Plans must show progress toward meeting targets. ● National Freight Movement <ul style="list-style-type: none"> ○ US DOT establishes measures; states and MPOs set targets. 	
	<i>Establishment of targets</i>		States to set performance targets in coordination with MPOs. State targets required within one year of rule-making; MPOs targets due 180 days after state. Different performance targets can be set for urban and rural areas.	Targets should be set based on current conditions and funding availability. States will need to evaluate the performance outcomes associated with alternative fiscally constrained investment strategies in order to set realistic targets.
	<i>Reporting on Performance Targets</i>		Initial report is due four years after the enactment of MAP-21 and biennially thereafter. The report must describe: <ul style="list-style-type: none"> ● Condition and performance of the NHS; ● Effectiveness of the investment strategy in the state asset management plan for the NHS (Section 1106); ● Progress in achieving performance targets and ● Ways the state is addressing congestion at freight bottlenecks, including those identified in the National Freight Strategic Plan. 	MnDOT has experience reporting on performance and should be well positioned to meet these requirements.
1301	Policy and project delivery initiative		MAP-21 intent is similar to SAFETEA-LU: streamline project delivery, while still meeting regulatory requirements.	N/A
1302	Advance acquisition of real property interests	N/A	<p>MAP-21 expands the applicability of advance property acquisition rules from "real property" to "real property interests," thus allowing federal reimbursement for property interests that are not technically real property, such as options to purchase property.</p> <p>Also, before federal reimbursement could occur under SAFETEA-LU, the DOT Secretary and EPA Administrator had to concur that the alternatives analysis process was not influenced by a state's advance acquisition. Now, the DOT Secretary makes this determination alone.</p> <p>Finally, where SAFETEA-LU addressed advanced acquisitions by states only on a reimbursement basis once a project was determined eligible for federal funding, MAP-21 now allows federal payment to occur before a project is determined eligible. In such a case, the state must certify,</p>	This change affects highway AND transit projects. The most important effect of the change is that it can expedite project delivery by allowing property acquisitions to take place before NEPA is complete. Also, the change may help keep project costs down by minimizing land speculation near proposed project features, which can drive up prices.

			among other things, that the property interest will be acquired by negotiation. Also, such acquisitions are treated as stand-alone projects in the sense that the Secretary will complete NEPA for the property interest itself (with an assumption of independent utility) and the state will add it to its STIP. If the acquired property interest is not subsequently incorporated into a project eligible for federal surface transportation funds, the amount of the federal payment will be offset against other payments to the state.	
1303	Letting of contracts		This allows the two-phase Construction Manager/General Contractor (CM/GC) process prior to the completion of NEPA. It also allows preconstruction activities to be completed prior to completion of NEPA.	This is consistent with Minnesota's new state statute and will not impact MnDOT's CM/GC program.
1304	Innovative project delivery methods		<p>Promotes use of innovative technology, including state-of-the-art intelligent transportation system technologies, elevated performance standards and new highway construction business practices that improve highway safety and quality, accelerate project delivery and reduce congestion related to highway construction. The federal share can be up to 100% for a project that:</p> <ul style="list-style-type: none"> • Contains innovative technologies, manufacturing processes, financing or contracting methods that improve the quality of, extend the service life of or decrease the long-term costs of maintaining highways and bridges and • Reduces congestion related to highway construction. 	MnDOT could use federal funds for ITS, and could use up to 100% federal funds for ITS that reduces congestion during construction.
1305	Efficient environmental reviews for project decision making		Requires <u>rulemaking</u> for programmatic approaches that make environmental review more efficient. Requires participating agencies (as defined in SAFETEA-LU) to comply with the requirements of this section (e.g., completion of environmental review process in a timely, coordinated and environmentally responsible manner). Includes concurrence of each participating agency in establishing the project schedule.	Impacts unknown until rulemaking is complete.
1306	Accelerated decision making		<p>Deletes 'Issue Resolution' from existing regulations (sponsor convenes agencies if there are issues, if no resolution within 30 days, notifies congress and CEQ) and replaces it with new process (30 days after close of DEIS comment period the sponsor assesses the schedule; if problems, the process includes accelerated issue resolution (including 'elevation' of the discussion) and referral to CEQ or the President.</p> <p>The financial penalty provision includes an agency fine for failure to give decision on EA and EIS projects within 180 days, with a 'No Fault' clause.</p>	Possible use for complex/ controversial projects, but has limited application to delivery of most projects.

1307	Assistance to affected Federal and State agencies		Intent from SAFETEA-LU hasn't changed (i.e., use of federal dollars for activities such as dedicated agency staffing). New addition: requires an MOU with FHWA prior to use of funds.	Probably of limited use in Minnesota.
1308	Limitations on claims		Statute of Limitations on claims against environmental review established in SAFETEA-LU changed from 180 day to 150 day limit.	Not applicable to most projects.
1309	Accelerating completion of complex projects within 4 years		New provision, to assist in expediting review for EIS projects that have been underway at least two years but do not yet have a ROD. At state request, the Secretary can provide technical assistance, including: <ul style="list-style-type: none"> • Additional staff, training, and expertise; • Facilitate interagency coordination; • Promoting more efficient collaboration and • Supply specialized on-site assistance. 	Not applicable to most projects.
1310	Integration of planning and environmental review		New provision lists specific planning decisions that may be adopted in environmental review. Conditions for use of this include <ul style="list-style-type: none"> • Specific requirements for study to be applicable in environmental review and • Less than five year old planning document. 	No noticeable change likely. Similar to Planning and Environmental Linkages (PEL) already being promoted by FHWA.
1311	Development of programmatic mitigation plans		New provision: Programmatic mitigation plans to address the potential environmental impacts of future transportation projects, e.g., mitigation for multiple resources within a defined geographic area or specific resources (e.g., aquatic resources, parkland or wildlife habitat).	Likely of limited use – Minnesota already has a wetland mitigation banking program that addresses the greatest mitigation needs.
1312	State assumption of responsibility for categorical exclusions		No substantial changes from previous provisions in SAFETEA-LU.	Not proposed for use in Minnesota. The current Programmatic Cat Ex agreement expedites the approval process.
1313	Surface transportation project delivery program		No longer a pilot program, as established in SAFETEA-LU. (This allows states to assume responsibility for environmental review consultation or other actions.)	Limited application in Minnesota.
1314	Categorical exclusions for multimodal projects		Removes the current provision for "Joint Activities with the Secretary of HUD: and adds "Application of Categorical Exclusions for Multimodal Projects." Identifies lead and cooperating agencies; cat ex applications; not for anything that requires EA or EIS; emphasis on cooperation.	Limited application in Minnesota
1315	categorical exclusions in emergencies		New provision: Conditions for use of cat ex for repair or reconstruction of road or bridge damaged in a declared emergency; replaced in kind; work starts within two years of declaration.	Will likely have limited applicability in Minnesota, as most emergency replacement projects are already programmatic cat ex documents.

1316	Categorical exclusions for projects within the right-of-way		New provision. Designates “any project within existing ROW as a cat ex” (not EA or EIS).	May have limited, potential applicability in Minnesota. However, most actions within existing ROW already use programmatic cat ex documents.
1317	Categorical exclusion for projects of limited Federal assistance		New provision: Categorically excludes projects from EA/EIS if they <ul style="list-style-type: none"> • Receive less than \$5 million in federal funds or • Have total cost of \$30 million and federal funds make up less than 15% of the total estimated project cost. 	May have potential use in Minnesota to expedite environmental review for qualifying projects.
1318	Programmatic agreements and additional categorical exclusions		Requires the Secretary to review the use of cat ex’s in transportation projects since 2005; get input from states, MPOs etc.; and make recommendations for additional proposed cat ex categories and programmatic agreements.	Impact depends on results of study and recommendations.
1319	Accelerated decision making in environmental reviews		Accelerates decision making by allowing a combined FEIS and ROD if certain criteria are met.	Limited applicability in Minnesota. EISs only, plus specific criteria aren’t met very often in EIS projects.
1320	Memoranda of agency agreements for early coordination		Establishes early coordination agreements with agencies regarding environmental review process requirements for a project.	Limited applicability – requires commitment from agencies early in project.
1321	Environmental procedures initiative		Requires Secretary to establish an initiative to review and develop consistent procedures for environmental permitting and procurement requirements and issue a report.	No effect in Minnesota -- reporting requirement only.
1322	Review of state environmental reviews/ approvals		Requires comptroller of the US to review environmental reviews and approvals carried out on projects funded under 23 USC to determine whether there is duplication of state and federal environmental reviews.	No effect in Minnesota – study/reporting requirement only.
1323	Review of Federal project and program delivery		Requires the Secretary to report on completion times for cat ex, EA and EIS projects before 2005 and since 2005. Also, requires a report to congress on the new cat ex categories proposed in sections 1316 and 1317 above.	No effect in Minnesota – study/reporting requirement only.

	Highway Safety			
1401	Jason's law		Addresses the shortage of long-term commercial motor vehicle parking along the National Highway System. Eligible projects: <ul style="list-style-type: none"> • Construction of safety rest areas that include CMV parking. • Construction of CMV parking areas adjacent to commercial truck stops and travel plazas. • Opening existing facilities to CMV parking, including inspection, weigh stations and park-and-ride facilities. • Promoting availability of publicly or privately-provided CMV parking on the NHS using Intelligent Transportation Systems and/or other means. • Construction of turnouts along the NHS for commercial motor vehicles. • Making capital improvements to public CMV parking facilities currently closed on a seasonal basis that allow those facilities to remain open all year. 	Federal funding available to improve and promote truck parking facilities
1402	Open container requirements		N/A	This section does not affect Minnesota because we have an open container law.
1403	Minimum penalties for repeat DWI or DUI offenders		Minnesota will continue to have Section 164 funds transferred to support Alcohol programs (50%) and HSIP projects (50%). The rate is reduced to 2.5% from 3% and equates to approximately \$10 million annually.	The new MAP-21 language allows for this transfer to come directly to MnDOT instead of through DPS. This should streamline our safety program process.
1404	Adjustments to penalty provisions		<i>To be determined.</i>	<i>To be determined.</i>
1405	Highway worker safety		Requires the Secretary to modify provisions to require minimum positive protective measures for highway construction workers in certain situations.	MnDOT will need to review the changes to insure our Work Zone Safety and Mobility policy is modified to incorporate the new provisions. We don't anticipate this changes current practices.
1501	Real-time ridesharing		Extends preferential parking for carpools to include preference for real-time ridesharing projects (such as projects where drivers, using an electronic transfer of funds, recover costs directly associated with the trip provided through the use of location technology to quantify those direct costs, subject to the condition that the cost recovered does not exceed the cost of the trip provided).	May require re-signing some carpool parking areas.

1502	Program efficiencies		Clarification.	<i>To be determined.</i>
1503	Project approval and oversight		Requires Value Engineering Analysis when project exceeds \$50 million (was \$25 million) or a bridge project exceeds \$40 million (was \$20 million), with an exception for Design Build projects. Requires a financial plan with annual updates and allows for the use of Advanced Modeling Technologies.	Minnesota is required to establish and document value engineering program policies and procedures for FHWA. Also, Minnesota must ensure that the required value engineering analysis is conducted before completing the final design of a project and annual tracking evaluations are submitted to FHWA based on the initial value engineering report.
1504	Standards		Prohibits use of glass bead pavement markings that contain more than 200 parts per million of arsenic or lead.	
1505	Justification reports for access points on the Interstate System		The US DOT may permit MnDOT to approve the report.	MnDOT may be able to determine the process and approval requirement for new access to the Interstate System.
1506	Construction		New language requires states to encourage contractors to make a best faith effort in the hiring or referral of veterans who have the requisite skills and abilities to perform construction work. It does not apply to projects subject to Indian Employment Preferences on Indian Reservation Roads or give any preference for veterans over equally qualified racial or ethnic minority, female or former employee applicant.	Language states “encourage contractor” so, along with administering MnDOT’s state veterans contracting program, we will communicate, assist and encourage contractors. MnDOT is committed to assisting veterans and this provides a federal provision supporting those efforts.
1507	Maintenance		Requires federal aid projects for pavement preservation to be maintained after construction.	No impact for Minnesota. If there is a situation where the state DOT doesn’t do maintenance, then there is an agreement with a political subdivision to maintain it.
1508	Federal share payable		Changes pavement marking, emergency relief, and tribal land provisions.	<i>To be determined.</i>
1509	Transferability of Federal-aid highway funds		Allows states to transfer 50% of the NHPP, STP, HSIP, and CMAQ apportionments to another apportionment within this section. <ul style="list-style-type: none"> • Only the 50% available for statewide use under the TA program is available for transfer. • STP-urban guarantee funds may not be transferred. 	Provides additional flexibility in funds. The ability to transfer will be dependent on performance measures and Minnesota's progress towards meeting those goals.
1510	Idle reduction technology		Raises the legal weight for an auxiliary power unit from 400 to 550 pounds.	Minnesota has adopted the previous 400-pound limit for idle reduction technology or emissions reduction technology to allow vehicles with these technologies to exceed maximum gross vehicle weight limits by the weight of the technology, up to that amount. To stay consistent with the federal allowance, Minnesota should consider increasing its limit to 550 pounds through a legislative change.

1511	Special permits during periods of national emergency		Beginning October 1, 2012, gives states authority to issue special permits for overweight vehicles and divisible loads delivering relief supplies during national emergencies. Currently divisible loads may not be given permits to operate at above-legal weights on the interstates. Permits expire no later than 120 days after the emergency declaration. FHWA will provide guidance, particularly on the definition of 'relief supplies.'	
1512	Tolling		<p>Expands state ability to utilize tolling on the Interstate and federal aid system, with the caveat that the number of toll-free non-HOV lanes (excluding auxiliary lanes) may not decrease as a result.</p> <p>Allows states to use tolling for the following:</p> <ul style="list-style-type: none"> • Initial construction or reconstruction of a toll highway, bridge or tunnel or approach to thereto. • Initial construction of one or more lanes or other improvements that increase capacity of a non-Interstate highway, bridge or tunnel and conversion of that highway, bridge or tunnel to a tolled facility. • Initial construction of one or more lanes or other improvements that increase the capacity of an Interstate highway, bridge or tunnel and conversion of that highway, bridge or tunnel to a tolled facility. • Reconstruction of a toll-free bridge or tunnel and conversion of the bridge or tunnel to a toll facility. • Reconstruction of a toll-free federal aid non-Interstate highway and conversion of the highway to a toll facility. (Appears to provide broad tolling authority on non-interstate federal aid highways.) • Reconstruction of an Interstate highway. • Conversion of an HOV lane to a toll facility (prohibits tolling of HOVs on converted lanes on the Interstate). <p>Other changes:</p> <ul style="list-style-type: none"> • No longer requires states to enter into project toll agreements with FHWA. • Makes preliminary studies to determine the feasibility of a toll facility eligible for federal funding. • Allows private ownership of a toll facility if the public authority has entered into a P3 agreement in which it agrees to be responsible for all Title 23 requirements. • Establishes new requirements for converting HOV facilities to toll facilities. 	<p>Most of the new provisions appear to have minimal implications for MN:</p> <ul style="list-style-type: none"> • The elimination of the federal toll agreement requirement will save MnDOT some time and expense on future MnPASS projects. • MnDOT need to examine the current I-94 (Mpls.-St. Paul) managed lane project and determine if anything in MAP 21 limits our ability to convert the inside lanes in this corridor to MnPASS in the future. MnDOT will also have to examine our ability to convert an existing lane on I-35E through Unweave the Weave to MnPASS as we study the feasibility of extending MnPASS on I-35E from Little Canada Rd. to CR 96. • Because the Federal Value Pricing Pilot Program (VPPP) is still intact and MN is one of 15 VPPP states, MnDOT might pursue some future MnPASS projects under VPPP rather than sec. 129. VPPP will likely allow MnDOT to do some things that sec. 129 will not. <p>MnDOT and the Met Council will have to examine the new toll revenue limitations to determine whether revenue can be used for transit operations.</p> <p>New requirements for converting HOV facilities to toll facilities shouldn't impact MN since all of our HOV facilities have been converted.</p> <p>The Oct. 1, 2016 interoperability requirement could have significant operational, administrative and cost implications for MN.</p> <p>MnDOT will have to comply with the new annual audit requirement.</p>

			<ul style="list-style-type: none"> Limits the use of toll revenue to debt service for the toll project financing, reasonable return on private financing for the toll project, operations and maintenance of the toll facility including 4R work, availability payments to a private party under a P3 agreement, and (if the state certifies that the toll facility is being adequately maintained) for any other Title 23 eligible purpose. Requires all electronic toll facilities to be interoperable by Oct. 1, 2016. Requires an annual audit. <p>Participation in both the Value Pricing Pilot Program and the Interstate system Reconstruction and Rehabilitation program will continue to be limited.</p> <p>The bill failed to reauthorize the existing 15-project express lanes demonstration program. (FHWA's authority to approve express lanes projects expired on June 30, 2012.)</p>	
1513	Miscellaneous parking amendments		Makes electric vehicle charging stations and natural gas vehicle refueling stations at new or previously funded parking facilities eligible for funding under this section.	Applicable to Minnesota.
1514	HOV facilities		<p>Extends to 2017 states' ability to allow low emission/energy efficient SOV vehicles to use HOV facilities toll-free.</p> <p>Modifies requirements regarding degradation of HOV facility due to the allowance of tolled SOVs (e.g. if an HOV facility's speed is degraded to specific levels, the state must make operations changes to remedy degradation or face sanctions under Title 23).</p> <p>Requires an annual audit.</p>	<p>No implications anticipated at this time.</p> <ul style="list-style-type: none"> MnDOT does not have plan to offer a low emission/energy efficient SOV exemption. MnDOT does not anticipate operational degradation of any MnPASS lane for many years. <p>MnDOT will have to comply with the new annual audit requirement.</p>
1515	Funding flexibility for transportation emergencies	N/A	Up to 100% of NHPP, STP (some restrictions), HSIP, and CMAQ may be used to repair a transportation facility damaged by a natural disaster or catastrophic failure from an external cause. Funds must be repaid to the program if subsequent appropriations are provided.	Additional flexibility for dealing with an emergency.
1516	Defense access road program		<i>To be determined</i>	<i>To be determined</i>
1517	Mapping		<i>To be determined</i>	<i>To be determined</i>
1518	Buy America provisions		<i>To be determined</i>	<i>To be determined</i>

1519	Consolidation of programs; repeal of obsolete provisions		The rail-highway grade crossing program is combined into the HSIP program, but keeps a separate setaside.	The setaside for rail-highway grade crossings remains approximately \$5.5M annually.
1520	Denali Commission		N/A	
1521	Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 amendments	By project	<p>A number of numerical thresholds were changed in favor of the affected public. Changes include:</p> <ul style="list-style-type: none"> • Federal non-resident reestablishment benefit increased from \$10,000 to \$25,000. • Federal non-resident fixed payment in lieu benefit increased from \$20,000 to \$40,000. • Period needed to qualify as displaced residential owner-occupant decreased from 180 days to 90 days. • Threshold for residential owner-occupants to qualify for “Housing of Last Resort” increased from \$22,500 to \$31,000. • Threshold for residential tenants and certain others to qualify for “Housing of Last Resort” increased from \$5,250 to \$7,200. <p>These changes will not take effect until October 1, 2014.</p> <p>Also, MAP-21 gave the Lead Agency (FHWA) authority to adjust, by regulation, the amounts of relocation payments provided under sections 202(a)(4) [reestablishment], 202(c) [fixed payment ‘in-lieu’], 203(a) [Residential Owner-Occupant HLR], and 204(a) [Residential Tenants HLR].</p>	All of these provisions will affect MnDOT.
1522	Public transit vehicle exemption from axle weight restrictions		Makes permanent the Oct 6, 1992, to Oct 1, 2009, exemption of transit vehicles from axle weight restrictions.	No real impact. This will not change any transit business.
1523	Use of debris from demolished bridges and overpasses		<i>To be determined</i>	<i>To be determined</i>
1524	Use of youth service and conservation corps		<p>Added regional transportation planning agencies (only states were specified in SAFETEA-LU) as being encouraged to enter into contracts/agreements with qualified youth service or conservation corps</p> <p>Under SAFETEA-LU, activities were limited to construction and maintenance of recreational trails under Section 206. Now, under MAP-</p>	Like SAFETEA-LU, this is not a mandatory section. Instead USDOT to “encourage.”

			<p>21, no longer limited to only construction and maintenance, but instead to “appropriate projects.” Also expanded to include projects eligible under Section 162, 206, 213 and 217.</p> <p>For states and regional transportation planning agencies that enter into contracts/agreements, MAP-21 specifies the amount of living allowance or rate of pay that must be provided to each participate (SAFETEA-LU included no such requirements).</p>	
1525	State autonomy for culvert pipe selection		Major changes from SAFETA-LU: States no longer need to consider alternative pipe products on Federal-aid highway projects. States will have the ability to determine their own criteria for pipe material selection.	MnDOT currently has criteria requiring consideration of alternative pipe material products and documentation of the reasons for the selected pipe material(s). Since this change gives States autonomy, MnDOT has the option to keep the current process or to modify it.
1526	Evacuation routes		<i>To be determined</i>	<i>To be determined</i>
1527	Consolidation of grants		This is a new guideline that allows and encourages a single grant administering authority within the US DOT over a multimodal project. Recipients that receive multiple grant awards to support one multimodal project may request one lead administering authority for the overall project. Capital Investment Grants (Section 5309) are exempt unless FTA is requested to be the lead authority.	MnDOT can request US DOT to provide a lead administrative authority on a project. MnDOT will be able to save on operation costs related to approval documentation. Hopefully, MnDOT will be able to streamline its approval requests without compromising the federal government's review.
1528	Appalachian Highways		N/A	
1529	Engineering judgment		The Secretary shall issue guidance to states clarifying that the standards, guidance, and options for design and application of traffic control devices provided in the Manual on Uniform Traffic Control Devices should not be considered a substitute for engineering judgment.	The 2009 version of the MUTCD modified the definition of engineering judgment causing AASHTO and states grave concerns regarding tort liability. The FHWA has reversed this decision, allowing states to revert to the MUTCD 2003 definition for their manuals, so for MN there are no problems.
1530	Transportation training and employment		Encourages the Secretaries of Education and Labor to develop programs for careers in transportation.	N/A
1531	Notice of certain grant awards		Secretary required to provide notice to House and Senate	N/A
1532	Budget justification		Additional reporting requirements by the Secretary	N/A
1533	Prohibition on use of funds for automated traffic enforcement		Prohibits use of surface transportation program funds to purchase, operate or maintain automated traffic enforcement systems, with an exception for programs to improve safety in school zones.	MnDOT cannot use these federal funds for building automated enforcement systems.

1534	Public-private partnerships		No significant change.	MnDOT may be the recipient of coordination efforts. The Secretary is required to identify impediments and address them by developing procedures that potentially waive statutory and regulatory requirements on a case by case basis. Considerable differences in Minnesota law may continue to affect the type, structure, terms and provisions of P3 agreements.
1535	Report on Highway Trust Fund expenditures		Additional reporting requirements by the Secretary.	N/A
1536	Sense of Congress on harbor maintenance		Fully utilize Harbor Maintenance Trust Fund (HMTF) collections for operation and maintenance activities at navigation channels in the United States.	
1537	Estimate of harbor maintenance needs		Requires an estimate of harbor maintenance needs in the President's budget request.	N/A
1538	Asian carp		Requires a study of the physical separation of the Chicago waterway system to disconnect the Mississippi River and Lake Michigan watersheds.	