

## **Summary of MAP-21 Matrix**

### **Overview**

On July 6, 2012, President Obama signed into law P.L. 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21). Funding surface transportation programs at over \$105 billion for fiscal years (FY) 2013 and 2014, MAP-21 is the first long-term highway authorization enacted since SAFETEA-LU in 2005.

MAP-21 extends current law (SAFETEA-LU) for the remainder of FY 2012, with new provisions for FY 2013 and beyond taking effect on October 1, 2012. Funding levels are maintained at FY 2012 levels, plus minor adjustments for inflation. It extends the Highway Trust Fund and tax collections through FY 2016, two years beyond the reauthorization period.

- Retains the 80-20 funding split for highways and transit, respectively.
- New approach to formulas: apportions more dollars by formula: nearly 93% vs. 83% under SAFETEA-LU.
- Contains no Congressionally directed projects (earmarks).
- Eliminates the equity bonus program; in its place it ensures that no State receives less than 95 cents of every dollar it contributes to the Highway Trust Fund.

### **National Goals and Performance Measures**

MAP-21 starts the transition to a performance-driven and outcome-based program. This transition is represented in many areas of MAP-21: formula highway programs, new performance management provisions, and planning provisions. It requires States and Metropolitan Planning Organizations (MPOs) to establish and use a performance-based approach as part of the statewide and metropolitan transportation planning process. The performance based approach must be used to support the seven national goal areas established in MAP-21. The seven national goal areas are: Safety, infrastructure Condition, Congestion Reduction, System Reliability, Freight Movement and Economic Vitality, Environmental Sustainability, and Project Delivery.

It further directs the Secretary of Transportation to establish national performance measures and data standards for each of the goals within 18 months of MAP 21's enactment. States and MPOs will set targets for each measure.

Some measures are specified in the legislation:

- (I) Pavement condition on Interstates
- (II) Pavement condition on non-Interstate NHS (new definition that includes all PAs)
- (III) Condition of bridges on the NHS
- (IV) Performance of Interstates system
- (V) Performance of NHS
- (VI)(VII) Serious injuries and fatalities per VMT
- (VIII) (IV) Number of serious injuries and fatalities
- (X) traffic congestion
- (XI) On-road mobile source emissions
- (XII) National Freight Movement
- (XIII) Transit Safety
- (XIV) State of Good Repair (Transit)

With the exception of interstate pavement (to be set nationally) and NHS bridge condition (no more than 10% PA deck in poor condition), states will be required to set their own targets within one year of the Secretary promulgating the national measures. States may establish different targets for urban and rural areas.

The planning provisions contain requirements for both long-range plans and short-term transportation improvement programs (TIP) that use performance-based planning and provisions. The TIP must be developed in a way that makes progress toward established performance targets. The statewide transportation plan must include a description of the performance measures and performance targets used in assessing the performance of the transportation system. The statewide transportation improvement program (STIP) must discuss how the program achieves the performance targets established in the statewide plan, linking investment priorities to those targets.

### **Performance Based Planning.**

Each state must integrate the national performance measures and state targets into its statewide transportation planning process and other plans. Each state must consider these performance measures and targets in state transportation policies, programs, and investment priorities. Each state's transportation plan must discuss the performance measures and targets and must present a system performance report. Each state's STIP must include a discussion of how the STIP will help achieve the state's performance targets.

MAP-21 requires a performance-based planning approach:

- Required for both statewide and metropolitan plans
- Required to support national goals for Safety, Infrastructure Condition, Congestion Reduction, System Reliability, Freight Movement & Economic Vitality, Environmental Sustainability, and Reduced Project Delivery Delays
- States set targets which can be varied for urban and rural settings
- MPOs set targets that are coordinated with the state targets
- Long-range plans (LRPs - both statewide and metropolitan) must include baseline/current performance evaluations
- LRPs must include performance-based goals, objectives, and strategies
- LRPs must evaluate effectiveness of proposed actions/policies/programs/projects
- MPOs encouraged to include scenarios that vary conditions, development patterns, and/or revenues
- Statewide LRPs must draw on other federally required plans:
  - Strategic Highway Safety Plan
  - Asset Management Plan (new)
  - Freight Plan (new)
  - ITS Architecture
- Financial plans required for MPO LRPs; discretionary for states

As in SAFETEA-LU, multimodal plans are required. Also continued are the extensive consultation requirements: tribes, federal land agencies, natural resource protection agencies (wildlife, habitat, air and water quality, etc.), economic development, land use planning. Cooperation is still required between the state and MPOs. The requirement for consultation with nonmetropolitan transportation officials changes to cooperation for planning purposes.

Map -21 enables states to designate RTPOs (Rural Transportation Planning Organizations), but makes their designation discretionary. No federal funding is provided to support RTPO designation or planning activities.

### **Accelerating Project Delivery**

MAP-21 expands the flexibility to undertake activities prior to completion of NEPA, including acquisition of real property, or right-of-way and design activities at any level of detail. It enables the ability to enter into Construction Manager/General Contractor (CM/GC) contracts.

The U.S. Department of Transportation (USDOT) is required to establish Categorical Exclusions (CEs)for:

- Emergency replacement projects
- Projects located within existing operational right-of-way
- Projects with limited amounts of federal funding
- Certain multi-modal projects

States can assume responsibilities for all CEs. MAP-21 allows states and MPOs to develop programmatic approaches for environmental reviews and mitigation plans.

MAP-21 has an emphasis on agency coordination and scheduling, including a new issue resolution process that allows for elevation.

### **Highway Programs**

MAP-21 expands the National Highway System (NHS) to incorporate principal arterials not previously included. More than half of highway funding goes to the new program (the National Highway Performance Program) devoted to preserving and improving the enhanced NHS.

MAP-21's performance management emphasis provides a means to more efficient investment of Federal transportation funds focusing on national transportation goals, increasing the accountability and transparency of the Federal highway programs, and improving transportation investment decisionmaking through performance-based planning and programming.

MAP-21 restructures core highway formula programs. It creates a new formula program: (Transportation Alternatives). It creates a new discretionary program (Tribal High Priority Projects) and eliminates many discretionary programs under SAFETEA-LU, while continuing their eligibilities in other programs.

### **National Highway Performance Program (NHPP)**

NHPP funds an enhanced National Highway System, combining the functions of the existing National Highway System (NHS), Interstate Maintenance (IM) and Bridge Programs. The enhanced NHS includes existing NHS, all principal arterials, STRAHNET, and intermodal connectors. The NHPP provides support for the condition and performance of the NHS, for the construction of new facilities on the NHS, and to ensure that Federal-aid investments in highway construction are directed to support progress toward achieving performance targets established in a State's asset management plan for the NHS.

Within 18 months of MAP-21's enactment, US DOT is directed to publish a rulemaking establishing the process for States to use in developing a risk-based, performance-based asset management plan for preserving and improving the condition of the NHS.

MAP-21 emphasizes that project selection should make progress towards achieving performance targets:

- US DOT establishes minimum levels of conditions for interstate pavements. MAP-21 establishes a minimum standard for NHS bridge conditions.
- In consultation with States and MPOs, US DOT establishes performance measures for Interstate and NHS pavement condition, NHS bridge condition, and Interstate and NHS performance.
- States set targets for conditions and performance. Penalties are provided if performance targets are not met, including transferring apportionment into specific categories and mandatory spending on certain routes not meeting performance targets.

### **Surface Transportation Program (STP)**

STP provides flexible funding that may be used for projects to preserve and improve conditions and performance on any Federal-aid highway, bridge and tunnel project on any public road, pedestrian or bicycle infrastructure, and on a capital transit project.

Apportionment suballocation change: 50% available for statewide use; 50% available based on population.

It adds funding for projects and strategies designed to support congestion pricing and travel demand management programs. The Coordinated Border infrastructure program is retained and is now a part of STP.

Bridges not on Federal-aid highways (e.g., a highway bridge located on a public road, other than a bridge on a Federal aid highway) are eligible for funds. Under SAFETEA-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 USDOT determines repair need less than the required minimum investment.

### **Highway Safety Improvement Program (HSIP)**

MAP-21 increases the estimated level of funding for Minnesota by about \$10 million from FY2012. It retains the SAFETEA-LU focus on reducing fatal and serious injury crashes on all public roads. It requires that the Strategic Highway Safety Plan be updated one year after the US DOT secretary establishes requirements through data analysis. MAP-21 requires that projects must be prioritized to maximize safety advancements. Performance targets for safety will be set by states one year after the USDOT completes their rulemaking process to establish performance measures and standards with the goal of achieving a significant reduction in traffic fatalities and serious injuries on all public roads.

### **Congestion Mitigation & Air Quality (CMAQ)**

MAP-21 retains the CMAQ program largely as it existed in SAFETEA-LU. The program funds projects that help reduce emissions and traffic congestion in areas designated as nonattainment or maintenance areas for carbon monoxide, ozone or particulate matter. States with areas in nonattainment or maintenance status for PM 2.5 (particulate matter) must give priority to projects that reduce PM 2.5. Minnesota’s CMAQ funding stays at 2009 levels.

In Minnesota, most of the Twin Cities metro area, the city of St. Cloud and the city of Duluth are all designated as maintenance areas for carbon monoxide. St. Cloud and Duluth will be re-designated to attainment in 2013-14.

Eligibility of transit operating service (up to three years under previous transportation acts) under MAP-21 is unclear under current language and clarification is being sought from USDOT.

MPOs with population over one million with nonattainment or maintenance areas are required to develop a CMAQ performance plan with congestion and emission measures and targets and must show how CMAQ projects contribute to meeting those targets.

### **Transportation Alternatives**

MAP-21 consolidated many of the transportation enhancement programs into a new formula highway program, called Transportation Alternatives (TA). For the duration of MAP-21, it will receive about 2% of Minnesota's formula highway apportionment. This funding level is estimated to be about 1/3 lower than SAFETEA-LU levels.

The allocation of these funds is also different than SAFETEA-LU. 50% of Minnesota's TA formula distribution will be suballocated to MPOs and rural communities according to the share of population within the state and projects will be decided through a competitive grant program. The other 50% will be suballocated to the State DOT. The State DOT allocation can also be distributed through competitive grants OR be transferred to other formula highway programs. There are no current plans to transfer this state DOT allocation to other highway programs in Minnesota.

These changes are significant and the state of Minnesota is in the process of identifying and mitigating the impacts of these changes.

### **Tribal Transportation Provisions**

The Tribal Transportation Program provides funding for projects that improve access to and within Tribal lands. It continues the existing Indian Reservation Roads program, while adding new set-asides for tribal bridge projects and tribal safety projects. This program 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.

MAP-21 also authorizes a new discretionary program, the Tribal High Priority Projects Program. This program provides General Fund dollars for tribes that receive insufficient funding to complete their priority projects.

### **Federal Lands Transportation Program**

Public Lands and Forest Highway programs were eliminated in MAP-21. They were reformatted into the Federal Lands Access program. This program funds projects that improve access within the Federal estate (e.g., national forests, national recreation areas) on infrastructure owned by the Federal government. It combines Park Roads & Refuge Roads programs and adds new partners: Forest Service, Bureau of Land Management & Corps of Engineers.

### **Highway Research and ITS**

MAP-21 establishes a flexible, nationally-coordinated research and technology program. All research activities are to include a component of performance measurement and evaluation, should be outcome-based, and must be consistent with the research and technology development strategic plan.

Highlights include:

- MAP-21 funds research at \$400 Million per year, slightly below SAFETEA-LU levels
- FHWA will administer a new Technology and Deployment Program. \$12 million must be used to deploy and implement pavement technology
- State Planning and Research (SP&R) funded by 2% set-aside from NHPP, STP, CMAQ and HSIP

- MAP-21 authorizes a percentage of SP&R funding to be used as the states' contribution to SHRP2
- Centers of Excellence funded by Training & Education funding
- The International "Outreach" Program is repealed. International research & collaboration is built into the core R&D program

Intelligent Transportation Systems (ITS) is specifically mentioned for eligible activities for the five largest formula highway programs (NHPP, STP, HSIP, CMAQ and projects to improve freight movement). The Transportation Infrastructure Finance and Innovation Act (TIFIA) can be used for ITS Projects that cost at least \$15 million. Planning should include consideration of ITS. Tolling interoperability of electronic toll collection programs on federal aid highways is identified in MAP-21. ITS activities are eligible for the Technology and Innovation Deployment Program, which provides \$62 million in funding.

### **Freight Provisions**

New MAP-21 requirements for performance based goals in planning and programming require each state and metropolitan area to establish minimum performance standard. Performance standards are required in; improving safety, maintaining infrastructure condition, reducing traffic congestion, improving efficiency of the system and freight movement, protecting the environment, and reducing delays in project delivery. Freight has been identified as a component of each standard.

MAP-21 establishes a National Freight Policy. One of the goals of this policy requires the USDOT to design (after consultation with states, transport providers and system users) a national freight network comprised of a primary freight network of up to 30,000 miles to include critical rural corridors. The bill requires USDOT to develop a national freight strategic plan and encourages states to establish state freight plans and freight advisory committees.

### **Alternative Finance**

The TIFIA program's primary goal is to leverage limited federal resources and stimulate private capital investment by providing credit assistance to projects of national or regional significance. MAP-21 authorizes \$750 million in budget authority for FY 2013 and 1 Billion for FY 2014 and increases the maximum share of eligible project costs from 33% to 49%.

MAP 21 significantly expanded the scope of permitting tolling on the interstate system and authorizes federal participation in new capacity tolling on highways, bridges or tunnels that are not on the interstate system, with the caveat that the number of toll-free non-HOV lanes may not decrease as a result of the construction of such new capacity.

### **Transit Programs**

MAP-21 authorizes \$10.6 billion in FY 2013 and \$10.7 billion in FY 2014 for public transportation. It furthers several important goals, including safety, state of good repair, performance, and program efficiency. It establishes performance-based planning requirements that align Federal funding with key goals and tracks progress towards these goals. MAP-21 directs the Secretary of Transportation to establish national performance measures and data standards for transit safety and state of good repair.

MAP-21 grants FTA the authority to establish and enforce a new comprehensive framework to oversee the safety of public transportation throughout the United States. FTA must develop safety performance criteria for all modes of public transportation. MAP-21 includes new requirements for the State Safety

Oversight (SSO) program, through which States with heavy rail, light rail, and streetcar systems must establish safety oversight for these transit systems.

It retains the New Starts transit program and creates a new program for existing fixed guideway systems.

MAP-21 broadens the definition of Bus Rapid Transit (BRT) projects. BRT projects will now be classified and funded as either Corridor-Based or Fixed Guideway.

MAP-21 improves the efficiency of administering grant programs by consolidating several programs:

- The 5307 formula funding program remains substantially the same, with one change. Job Access Reverse Commute (JARC) activities are now eligible for 5307 formula funding and the JARC program itself, previous 5316 funding, has been repealed.
- In the past, only MnDOT has received 5310 Elderly & Disabled formula funding. Now the New Freedom program, former 5317 funding, has been rolled into 5310 formula funding.
- The 5337 State of Good Repair formula funding replaces the former 5309 Fixed Guideway Modernization formula funding. There are two parts to 5337 SGR funding: High-Intensity Fixed Guideway SGR Formula, which covers rail or fixed catenary systems and BRT on exclusive transit only lanes, and High-Intensity Motorbus SGR Formula, which covers buses that run in HOV lanes.
- The 5339 Bus and Bus Facilities Formula Funding replaces the previous 5309 Bus and Bus Facilities discretionary award program.