

Moving Ahead for Progress in the 21st Century (MAP-21) Analysis of Impact on Oregon

MAP-21 reauthorizes federal highway, transit, and transportation safety programs for federal FY 2013 and 2014.

Highway Programs

MAP-21 significantly consolidates the highway program structure. Most setasides, small formula programs and discretionary programs—including High Risk Rural Roads, Recreational Trails and Safe Routes to School—are eliminated as separate programs, though other program funds can generally be used for these activities.

Funding Level

Funding levels for the highway program essentially flat: In FY 2013, \$39.4 billion is authorized from the Highway Trust Fund, and in FY 2014 \$40 billion is authorized. Each state will continue to receive the same share of funding they received in formula apportionments and allocations in FY 2012.

Impact on Oregon: Oregon will receive an estimated \$483.2 million in federal-aid highway apportionments in FY 2013 and \$487.4 million in FY 2014.

Core Programs

MAP-21 reduces the number of core formula programs to just six:

- National Highway Performance Program
- Surface Transportation Program
- Highway Safety Improvement Program
- Congestion mitigation and Air Quality Improvement (CMAQ) Program
- Metropolitan Planning
- Transportation Alternatives

National Highway Performance Program (NHPP): The NHPP combines funding from the Interstate Maintenance, National Highway System, and Bridge programs to create a program focused on preservation and improvement of the National Highway System. States are required to develop a risk-based asset management plan for the NHS to preserve its condition and improve its performance. States that fail to meet minimum condition thresholds for the condition of the Interstate System and condition of bridges on the NHS will face minimum obligation requirements to bring their roads into a better state of repair.

Impact on Oregon: Oregon will receive an estimated \$288 million in NHPP funding in FY 2013.

Surface Transportation Program (STP): Eligibility under STP will be expanded to include some of the activities for which separate programs were eliminated, including recreational trails, safe routes to school, and truck parking facilities. Bridges not on the NHS—both local bridges and those on the state highway— will be funded under STP. The 15 percent setaside for bridges off the

federal-aid highway system on low volume local roads is retained. Half of STP funding will be subject to suballocation to MPOs with a population over 200,000 and other areas of the state.

Impact on Oregon: Oregon will receive an estimated \$132.5 million in STP funding in FY 2013. MPOs will receive amounts of funding similar to their 2011 allocations. Oregon will seek a continued waiver of the off-system bridge setaside, which the state has used to ensure that local governments are not required to overinvest in these bridges on lower volume roads.

Transportation Alternatives: The Transportation Enhancements will become the Transportation Alternatives (TA) program, and 2 percent of total highway funds will be set aside for TA. Eligibility is modified to remove activities like transportation museums and add environmental mitigation. States are required to suballocate funding to metropolitan planning organizations with populations larger than 200,000 and distribute the remainder of funding as a discretionary grant program. TA funding will have to be spent on recreational trails, unless the state opts out, and safe routes to school projects are eligible for funding.

Impact on Oregon: The Portland, Salem/Keizer, and Eugene/Springfield areas will receive direct suballocations of TA funding using the same formula as STP funds; approximately one-quarter of TA funds will go to these three areas of the state.

Highway Safety Improvement Program (HSIP): HSIP funding is significantly increased. The Railway-Highway Crossings Program continues as a setaside. The High Risk Rural Roads Program is eliminated as a setaside, but HSIP funding can be spent on high risk rural road projects; states that see increased crashes on high risk rural roads face a mandatory obligation for these projects.

Congestion Mitigation and Air Quality Improvement Program (CMAQ): The CMAQ program will continue. Eligibility to use funding for electric vehicle charging stations is expanded. Performance measures and targets will be set for traffic congestion and on-road mobile source emissions, and metropolitan planning organizations with a population over 1 million will have to develop a performance plan that shows how they will use CMAQ funding to make progress toward achieving the targets.

Impact on Oregon: Oregon will receive an estimated \$18.7 million in CMAQ funding in FY 2013, down slightly from FY 2011.

Other Highway Programs

Federal Lands Programs: MAP-21 eliminates the Forest Highways Program and the Public Lands Highways Discretionary Program and creates the Federal Lands Access Program (FLAP). FLAP funding would be used for any state and local road that is located on, adjacent to, or provides access to federal lands. The distribution formula is modified significantly. Distribution of funding to projects would be determined by a committee made up of FHWA, the state DOT, and a local government representative. The committee would consult with applicable federal agencies. Funds would be provided to roads owned by the National Park Service, Forest Service, Fish and Wildlife Service, Corps of Engineers and Bureau of Land Management under a separate Federal Lands Transportation Program.

Impact on Oregon: Oregon will receive an estimated \$23.1 million under the FLAP in both FY 2013 and FY 2014, slightly more than the state received under the Forest Highways Program in recent years. However, Oregon will receive a smaller share of total funding. Federal land management agencies in Oregon will likely have additional opportunities to receive funding for their roads under the Federal Lands Transportation Program.

Projects of National and Regional Significance: The PNRS program, which funds projects with significant benefits that are too large for a single state or group of states to fund, is authorized at \$500 million in FY 2013, but no funding is actually provided; funding could be provided through the appropriations process.

Impact on Oregon: Continuing the PNRS program could provide an opportunity for a large discretionary grant for the Columbia River Crossing.

Transportation Infrastructure Finance and Innovation Act: The TIFIA program would be modified and funding would be expanded significantly, to \$750 million in 2013 and \$1 billion in 2014 (from \$122 million in FY 12). The amount of a project's cost that TIFIA could cover would increase from one third to 49 percent. The program would no longer be a competitive, merit-based program; instead, credit would be extended to eligible projects on a "first come, first served" basis.

Impact on Oregon: Expansion of TIFIA funding will increase the likelihood that the Columbia River Crossing can secure a significant TIFIA loan that will leverage additional resources from tolling. Few other Oregon projects are likely to benefit from TIFIA.

Public Transportation

MAP-21 significantly modifies the transit program structure.

Funding Level

Transit would receive \$10.6 billion in FY 2013 and \$10.7 billion in FY 2014, which is similar to FY 2012 funding levels.

Impact on Oregon: Oregon will receive \$93.6 million in transit formula funding in FY 2013 and \$94.9 million in FY 2014, an increase in formula funding over FY 2012 levels.

Transit Programs

MAP-21 will provide assistance to transit providers under the following formula grant programs:

- Urbanized Areas
- Rural Areas
- Elderly and Disabled
- Bus and Bus Facilities
- State of Good Repair (formerly Fixed Guideway Modernization)

Transit Operations: MAP-21 will allow transit systems in urban areas of over 200,000 that operate fewer than 100 buses in peak service to use a portion of their Urbanized Area funds for operating expenses.

Human Services Transit: The Elderly and Disabled (Section 5310) and New Freedom (Section 5317) Programs are combined into a single program that will fund activities designed to enhance the mobility of seniors and individuals with disabilities. The Job Access and Reverse Commute program is eliminated as a standalone program, but these activities will be funded under the urban and rural formula programs.

Bus and Bus Facilities Grants: Funding under the Bus and Bus Facilities (Section 5309) program is cut by about half, but funding will be distributed by formula; under SAFETEA-LU this was a discretionary grant program.

Transit Safety: MAP-21 gives authority to US DOT to create a national safety plan for all types of public transportation, to set minimum safety performance standards for rolling stock and to establish a national safety certification training program for Federal and State employees, who conduct safety audits and examinations of public transportation systems and employees of public transportation agencies directly responsible for safety oversight. All recipients of federal transit funding are required to establish a comprehensive safety plan based on set criteria. Those states with rail fixed guideway systems are required to have an approved state safety oversight program that establishes a state safety oversight agency which assumes oversight related responsibilities. MAP-21 includes a formula grant funding program for up to 80 percent in federal match dollars to develop and carry out state safety oversight programs.

Impact on Oregon: ODOT's Rail Division will likely have to increase its rail safety oversight program to meet the new requirements. ODOT's Public Transit Division will work with transit providers in small towns and rural areas to develop safety plans.

Policy

MAP-21 makes important policy changes that will focus the federal transportation program on the national interest in an efficient freight movement system and create a more performance-based program.

Freight Policy: MAP-21 will establish a national freight policy to enhance economic competitiveness. US DOT will designate a national freight network to help states in strategically investing resources in the freight system. The freight network will consist of a primary freight network (PFN), the remainder of the Interstate, and critical rural freight corridors. The PFN will include not more than 27,000 miles that are most critical to the movement of freight. Critical rural freight corridors will be routes designated by the state that have a high percentage of freight traffic and connect to important freight facilities. US DOT will develop a National Freight Strategic Plan that will assess the conditions and performance of the national freight network, identify highway bottlenecks that create significant freight congestion problems, and identify major gateways and freight corridors, among other things. States are encouraged to establish a freight advisory committee representing public and private freight stakeholders and develop a freight plan that identifies freight system trends, needs and issues, lays out policies, strategies and performance measures, and inventories freight bottlenecks and strategies to address them. Freight projects listed in a state's freight plan will be eligible to receive a higher federal share of funding, reducing the need for state matching funds.

Impact on Oregon: Both I-5 and I-84 will likely qualify for inclusion in the PFN, based on the designation of Major Freight Corridors by FHWA. US 97 may be eligible for designation as a critical rural freight corridor.

Performance Management

For the first time the federal surface transportation program will include performance measures and targets elements that will move the program to a more performance-based system. MAP-21 lays out seven national goals in the areas of safety, infrastructure condition, congestion reduction, system reliability, freight movement and economic vitality, environmental sustainability, and reduced delays in project delivery. US DOT will establish performance measures and standards generally tied to the major highway programs.

- *National Highway Performance Program:* US DOT will establish performance measures for Interstate and NHS pavement conditions, NHS bridges, the performance of the Interstate

and the performance of the NHS, as well as minimum levels for Interstate pavement conditions.

- *Highway Safety Improvement Program:* US DOT will establish measures in the areas of serious injuries and fatalities per vehicle mile traveled and the absolute number of serious injuries and fatalities.
- *Congestion Mitigation and Air Quality Improvement Program:* US DOT will establish measures for traffic congestion and on-road mobile source emissions.
- *Freight movement:* US DOT will establish measures to assess freight movement on the Interstate.

After US DOT establishes measures, states will set performance targets and will be required to report biennially on the condition and performance of the NHS, the effectiveness of the state's NHS asset management plan, progress in achieving performance targets, and ways in which the state is addressing freight bottlenecks, including those identified in the National Freight Strategic Plan.

Project Delivery: MAP-21 makes significant changes to environmental process requirements under NEPA. Among the most significant:

- States may acquire property before completion of the environmental review process.
- Federal agencies will face deadlines for rendering permit decisions.
- The statute of limitations for filing a lawsuit challenging a federal agency's approval of a project will shrink from 180 days to 150 days.
- More projects—including those with small amounts of federal funding and those within the existing operational highway right of way— will qualify as “categorical exclusions” that require less analysis and documentation of impacts than the more extensive Environmental Assessment or Environmental Impact Statement process.

National Highway System Expansion: In an effort to standardize the National Highway System (NHS) across states, the system will automatically be expanded to include all principal arterials, and U.S. DOT will be empowered to make other additions to the NHS.

Impact on Oregon: About 600 miles of principal arterials—including many local roads—will be added to the NHS. These routes will be subject to federal design standards as the result of this designation and will factor into a number of the performance measures. ODOT will work with FHWA to review additional routes that may need to be added to the NHS to provide connectivity between the pre-MAP-21 NHS and principal arterials newly added to it.

Tolling: Under MAP-21, tolling will be permitted in the following cases:

- Construction of a new road, bridge, or tunnel.
- A toll-free bridge or tunnel can be reconstructed or replaced and converted into a toll facility.
- A toll-free non-Interstate federal-aid highway can be reconstructed and converted into a toll facility.
- New lanes can be tolled on an expanded highway (regardless of whether it's on the Interstate), so long as the number of toll-free lanes is not reduced.
- Tolling can occur on a reconstructed, restored, or rehabilitated Interstate facility if the number of toll-free lanes is not reduced.

Impact on Oregon: As tolling is allowed on bridge replacement projects, the Columbia River Crossing—Oregon's only project with imminent tolling—will not be impacted.

Regional Transportation Planning Organizations: States may establish regional transportation planning organizations (RTPOs) to assist with planning and coordination in nonmetropolitan areas of the state. An RTPO will assist with developing a regional long-range transportation plan, and states will consult with RTPOs on investment of federal funds and statewide and regional planning.

Safety Programs

Most behavioral safety programs run by the National Highway Traffic Safety Administration (NHTSA) will be consolidated into a National Priority Safety Programs account that will provide funding to states that implement specified safety programs, including occupant protection, traffic safety information system improvements, impaired driving, distracted driving, motorcyclist safety, and graduated driver licenses for teens. The majority of funding under the National Priority Safety Programs will go to impaired driving countermeasures; states will be eligible for this funding if they implement effective programs to reduce driving under the influence of alcohol and drugs and adopt ignition interlock laws.