

# Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) Summary

## Title I—Federal-Aid Highways and Highway Safety Construction Programs Subtitle A—Authorizations and Programs

### Authorization of Appropriations

#### Section 1101

##### Existing Program

##### Funding Amount:

Funding varies by program. Detailed funding amounts are contained in the Federal Highway Administration (FHWA) funding tables and can be found at

<http://www.fhwa.dot.gov/map21/docs/hamap21.pdf>.

##### Program Features:

This section lists the authorized funding amounts for fiscal years 2012 - 2014 for Federal-Aid Highway programs. Effective dates are July 1, 2012 - September 30, 2014. Current funding levels continued through FY12, while new programs and new funding levels began FY13 and continue through FY14.

### National Highway System

#### Section 1104

**Existing Program** is now consolidated into the new National Highway Performance Program (Sec. 1106)

##### Funding:

See the National Highway Performance Program.

##### Program Features:

The National Highway System (NHS) includes the Interstate System and is defined as the highway routes and connections to transportation facilities that serve major population centers, international border crossings, ports, airports, public transportation facilities and other intermodal transportation facilities and major travel destinations. The system meets national defense requirements and serves interstate and interregional travel and commerce.

The Secretary of Transportation is able to modify the NHS if a state proposes a change. However, the modification must meet the established criteria and enhance the national transportation characteristics of the National Highway System. A state would have to cooperate with local and regional officials if a change is proposed. In an urbanized area, the local officials would act through the metropolitan planning organization designated for the area.

A highway can be designated an Interstate Highway if it meets all standards of a highway on the Interstate System and if the highway is a logical addition or connection to the Interstate System. Upon the recommendation of a state or states in which the highway is located, the Secretary can designate the highway as a route on the Interstate System.

### Apportionment

#### Section 1105

##### Existing Program

##### Funding Amount:

MAP-21 authorizes a total combined amount of \$37.5B for FY13 and \$37.8B for FY14 to fund five formula programs:

- National Highway Performance Program (NHPP)
- Surface Transportation Program (STP)

- Highway Safety Improvement Program (HSIP)
- Congestion Mitigation and Air Quality Improvement Program (CMAQ)
- Metropolitan Planning Program

**Program Features:**

Prior to MAP-21, each apportioned program had its own formula for distribution and the total amount of federal assistance a state received was the sum of the amounts it received for each program. MAP-21 instead provides a total apportionment for each state and then divides that amount among individual apportioned programs. CMAQ and Metropolitan Planning apportionment is based on the percent the program had in 2009 (excluding high-priority projects), while the Transportation Alternatives Program, formerly Transportation Enhancements, will receive two percent instead of the 10 percent set-aside under the Surface Transportation Program. Once those funds are distributed, the remaining funds are sent to the states for distribution based on a state's 2012 share.

In FY13, the state receives the same total apportionment that it received in FY12. In FY14, the state receives a total apportionment share equal to the state's share of FY12 formula funds. The resulting total apportionment is adjusted, if necessary, to ensure that the state receives at least 95 percent of the dollar amount of its contributions to the highway account of the Highway Trust Fund. The remainder of federal aid programs is funded as follows:

- National Highway Performance Program – 63.7 percent (\$22.25 billion for FY13, \$22.4 billion for FY14)
- Surface Transportation Program – 29.3 percent (\$10.2 billion for FY13, \$10.3 billion for FY14)
- Highway Safety Improvement Program – 7 percent (\$2.44 billion for FY13, \$2.46 billion for FY14)

**National Highway Performance Program**

**Section 1106**

**New Program**

**Funding Amount:**

\$21,751,779,050 for FY13 and \$21,935,691,598 for FY14

**Program Features:**

The existing Interstate Maintenance and National Highway System formula programs and the on-system portion of the existing Highway Bridge Program have been consolidated into one formula program called the National Highway Performance Program. This program targets projects on NHS facilities that support progress toward the achievement of national performance goals. States are required to develop risk-based asset management plans to improve or preserve condition and performance of the system. Each asset management plan must contribute to achieving the state's NHS performance targets. US DOT must also review and certify the state's NHS asset management process. If US DOT determines a state has failed to develop and implement such an asset management plan, the federal share for the state that fiscal year will be lowered to 65 percent. If a state fails to achieve or make significant progress toward achieving US DOT established standards for Interstate pavement conditions and NHS bridge conditions, additional funding limitations will be imposed on the state.

**Timeline:**

Within 18 months the Secretary will establish the process to develop the plan. Each state's process must be reviewed and recertified at least every four years. If certification is denied, the state has 90 days to cure deficiencies. If a State has not developed and implemented an asset management plan consistent with requirements by the beginning of the second fiscal year after the establishment of the process, the federal share for NHPP projects in that fiscal year is reduced to 65 percent.

**Rulemaking:**

The Secretary is directed to publish a rulemaking within 18 months of enactment, establishing the process for each state to use in developing a risk-based, performance-based asset management plan for preserving and improving the condition of the NHS. The rulemaking will establish:

- Minimum standards for states to use in developing and operating bridge and pavement management systems
- Performance measures for interstate and NHS pavement condition, NHS bridge condition, and interstate and NHS performance
- Minimum conditions for interstate pavements
- Data elements necessary to collect and maintain standardized data to carry out a performance-based approach

**Surface Transportation Program (STP)****Section 1108****Existing Program****Funding Amount:**

\$10,005,135,419 for FY13 and \$10,089,729,416 for FY14

**Program Features:**

The distribution of sub-allocated STP funds by population has changed to 50 percent by population and 50 percent to the state (from 62.5 percent by population and 37.5 percent to the State). Fifty percent of a state's STP apportionment is to be obligated in the following areas in proportion to their relative shares of the state's population:

- Urbanized areas with population greater than 200,000 – This portion is to be divided among those areas based on their relative share of population, unless the Secretary approves a joint request from the state and relevant MPOs to use other factors.
- Areas with population greater than 5,000 but no more than 200,000 – Projects in these areas are to be identified for funding by the state in consultation with regional planning organizations.
- Areas with population of 5,000 or less – The remaining 50 percent may be used in any area of the state.

This program targets funding to states and local governments to improve the condition and performance of federal-aid highways and bridges on any public road. STP continues to be sub-allocated within the state to local governments based on population and will now require expenditures on bridges off the federal-aid system.

Eligible projects under STP are amended to include:

- Carpool projects
- Fringe and corridor parking facilities and programs, including electric vehicle and natural gas vehicle infrastructure
- Bicycle transportation and pedestrian walkways
- Modifications of public sidewalks to comply with the Americans with Disabilities Act of 1990
- Highway and transit safety infrastructure improvements and programs
- Installation of safety barriers and nets on bridges
- Railway-highway grade crossings
- Environmental mitigation efforts
- Projects and strategies designed to support congestion pricing, such as electric toll collection
- Travel demand management strategies and programs

## **National Bridge and Tunnel Inventory and Inspection Standards**

### **Section 1111**

#### **Existing Program**

##### **Funding:**

The Secretary may use funds authorized for the administrative expenses of the Federal Highway Administration (FHWA) and funds authorized for and the Highway Research and Development, the Technology and Innovation Deployment and the Training and Education programs. The states may use funds apportioned under the National Highway Performance Program, the Surface Transportation Program and the Highway Safety Improvement Program.

##### **Program Features:**

The Secretary is required to establish a national inventory of all highway bridges and tunnels on public roads and classify according to serviceability and safety. Inspection standards for all highway bridges and tunnels will be established. The Secretary is required to establish procedures to conduct reviews of state compliance with the standards established under the program and the calculations or reevaluation of bridge load ratings. Each state and appropriate federal agency must submit an inspection report for all highway bridges on the National Highway System to the Secretary no later than two years after the date of enactment of MAP-21. The Secretary will annually review state compliance with the established standards and if FHWA determines that a state is not in compliance, there will be consequences. First, a report will detail the noncompliance by the state. Next, the state will need to address the issue with a corrective plan within 45 days of the report. Finally, if a state fails to meet the noncompliance requirements, FHWA will be require the state to dedicate apportioned funds under the National Highway Performance Program and the Surface Transportation Program to correct the noncompliance issues.

##### **Timeline:**

The Secretary will provide guidance to states and federal agencies for implementation.

## **Highway Safety Improvement Program**

### **Section 1112**

#### **Existing Program**

##### **Funding Amount:**

\$2,390,305,390 for FY13 and \$2,410,515,560 for FY14

\$220,000,000 for each year, FY13 and FY14, is set-aside for Railway-Highway Crossings

##### **Program Features:**

The purpose of the Highway Safety Improvement Program is to achieve a reduction in traffic fatalities and serious injuries on public roads. It continues to include funds for highway-railroad grade crossings, but eliminates the set-aside for high-risk rural roads unless fatality rates increase. States must update their strategic highway safety plan or be penalized. Each state must submit the updated plans to the Secretary, along with a detailed description of the process used to update the plan. If a state does not have an updated strategic highway safety plan approved by the Secretary by the required date, the state will not be eligible to receive any additional limitation on obligations for federal-aid highway and highway safety construction programs. A limitation on obligations acts as a ceiling on the sum of all obligations that can be made within a specified time period.

##### **Timeline:**

The Secretary will establish requirements for regularly recurring state updates of strategic highway safety plans no later than one year after the enactment of MAP-21.

## **Congestion Mitigation and Air Quality Improvement Program (CMAQ)**

### **Section 1113**

#### **Existing Program**

#### **Funding Amount:**

\$2,209,172,618 for FY13 and \$2,227,860,477 for FY14

#### **Program Features:**

Funds may be used for transportation projects that are likely to contribute to the attainment or maintenance of a national ambient air quality standard, with a high level of effectiveness in reducing air pollution, and be included in the Metropolitan Planning Organization's (MPO) current transportation plan and Transportation Improvement Program (TIP) or the current state transportation improvement program (STIP) in areas without an MPO.

Specific eligible activities include:

- Establishment or operation of a traffic monitoring, management and control facility, including advanced truck stop electrification systems, if it contributes to attainment of an air quality standard
- Projects that improve traffic flow, including projects to improve signalization, construct HOV lanes, improve intersections and add turning lanes
- Projects that improve transportation systems management and operations, mitigate congestion, improve air quality and implement ITS
- Projects that improve incident and emergency response or improve mobility, such as real-time traffic, transit and multimodal traveler information
- Purchase of integrated, interoperable emergency communications equipment
- Projects that shift traffic demand to nonpeak hours or other transportation modes, increase vehicle occupancy rates or otherwise reduce demand
- Purchase of diesel retrofits or conduct related outreach activities
- Facilities serving electric or natural gas-fueled vehicles (except where this conflicts with prohibition on rest area commercialization)
- Expanded authority to use funds for transit operations
- Workforce development, training and education activities

Existing provisions:

- A state may obligate CMAQ funds for projects for PM (particulate matter) 10 non attainment areas without regard to type of air quality standard it addresses.
- No funds may be used to add capacity except high occupancy vehicle (HOV) facilities that are available to single occupancy vehicles (SOV) only at off-peak times.
- A state without a nonattainment or maintenance area may use its CMAQ funds for any CMAQ- or STP-eligible project.
- States with a nonattainment or maintenance area that received a minimum apportionment in FY09 may use an amount of their current CMAQ funds for any STP-eligible project. The amount is based on the proportion of the state's FY09 CMAQ apportionment that could be obligated in any area of the state for STP projects.
- The amount that may be obligated in any area of the state for STP-eligible projects is to be adjusted if a new nonattainment area is designated or a nonattainment area re-designated as an attainment area.
- A state with PM 2.5 nonattainment or maintenance areas may give priority to using funds for projects proven to reduce PM 2.5 emissions, and eligible projects to mitigate PM 2.5 include diesel retrofits.

**Timeline:**

- Within 18 months of enactment, the Secretary, in consultation with states, MPOs and other stakeholders, is directed to publish rules establishing measures for states to assess traffic congestion and on-road mobile source emissions.
- States are required to establish targets for these measures within one year of the final rule on national performance measures.
- Each MPO with a transportation management area of more than 1 million people representing a nonattainment or maintenance area is required to develop and update biennially a performance plan to achieve air quality and congestion-reduction targets.

**National Freight Policy****Section 1115****New Program****Program Features:**

This section establishes a national freight policy, which requires the designation of a primary freight network of up to 30,000 miles. The Secretary, in consultation with state departments of transportation (DOTs) and other appropriate public and private transportation stakeholders, must develop and post on the DOT website a national freight strategic plan within three years after the date of enactment of MAP-21. The plan will include an assessment of the condition and performance of the national freight network and an identification of highway bottlenecks on the national freight network that create significant freight congestion problems, based on a quantitative methodology developed by the Secretary. States are allowed to designate separate critical rural freight corridors. The plan is to be updated at least every five years. In addition, within one year of enactment, US DOT must begin developing new tools and improve existing tools for an outcome-oriented, performance-based approach to evaluate proposed freight-related and other transportation projects.

**Timeline:**

The Secretary and state DOTs must post a national freight plan on the DOT website within three years and update the plan every five years. Within one year, USDOT must develop tools to evaluate freight projects. This freight network would be reviewed and re-designated every ten years.

**Prioritization of Projects to Improve Freight Mobility****Section 1116****New Program****Program Features:**

This section incentivizes states to invest in freight projects. The federal share for freight mobility projects on freight plans would increase from 80 percent to 90 percent for non-Interstate and 90 percent to 95 percent for projects on the Interstate.

**State Freight Advisory Committee****Section 1117****New Program****Program Features:**

Each state is 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, the freight industry workforce, the state transportation departments and local governments.

**State Freight Plan****Section 1118****New Program****Program Features:**

This section encourages states to develop freight plans that provide comprehensive plans for immediate and long-range freight planning activities. The freight plan may be developed separate from or incorporated into the statewide strategic long-range transportation plan.

**Projects of National and Regional Significance****Section 1120****Existing Program****Funding Amount:**

\$500,000,000 is authorized for FY13 only

**Program Features:**

This existing program authorizes funds from the General Fund in FY13 for high-cost surface transportation projects that provide significant national and regional economic benefits and increase global competitiveness. Eligible applicants include state DOTs, tribal governments, a transit agency or a multi-state/jurisdictional group. The Secretary must submit a report listing the projects of national and regional significance to the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works. Thirty days after the Secretary selects a project for funding under this section, the Secretary will also submit to the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works a report that describes the reasons for selecting the project. A joint resolution by Congress will approve or deny funding for a project.

**Timeline:**

The Secretary must submit a project list within two years of the enactment of MAP-21.

**Transportation Alternatives****Section 1122****New program****Funding Amount:**

Two percent of the total annual amount authorized for highway programs, \$808,706,000 for FY13 and \$819,900,000 for FY14

**Program Features:**

This new program replaces the Transportation Enhancement set aside under STP. It merges with the Safe Routes to School, Recreational Trails and Scenic Byways Programs. The two percent set aside will fund enhancements, bike/ped facilities, the Safe routes to Schools Program, Recreational Trails and Scenic Byways Programs. Fifty percent of the funds reserved for the state will be obligated to urbanized areas with a population of over 200,000. The other 50 percent is obligated to any other area of the state. However, there is greater flexibility with a state's excess reserve funding. Beginning in the second fiscal year after the date of enactment of the MAP-21, if the unobligated balance of available funds reserved by a state exceeds 100 percent, the state can obligate the amount of excess funds for any activity. The program also lets MPOs over 200,000 in population operate competitive grant programs and make awards to projects that are eligible. States are allowed to opt out of the Recreational Trails Program if the Governor requests to do so.

**Timeline:**

In order for a state to opt out of the Recreational Trails Program, the Governor must notify the Secretary not later than 30 days prior to apportionments being made for any fiscal year.

## **Subtitle B—Performance Management**

### **Metropolitan Transportation Planning**

#### **Section 1201**

#### **Existing Program**

#### **Funding Amount:**

\$311,667,197 for FY13 and \$314,302,948 for FY14

#### **Program Features:**

Metropolitan planning programs were generally left intact. The only major change is the new performance measure requirement as part of the planning process. The law establishes performance measures within highway and transit programs and directs states and MPOs to establish targets and track progress.

MAP-21 retains current law for a threshold of 50,000 in population for new MPOs. There is no tiering of MPOs or dissolution of smaller MPOs. The boundaries of a Metropolitan Planning Area are determined by agreement between the Metropolitan Planning Organization and the Governor. Each Metropolitan Planning Area must encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period for the transportation plan. It must also encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census. One structural change included in the new law is a requirement to include representation by public transportation providers on MPO policy boards.

When developing a long-range plan or a statewide transportation improvement program, MPOs must use a performance-driven, outcome based approach that supports the performance measures, which support the seven national goals (safety, infrastructure condition, congestion reduction, system reliability, freight movement and economic vitality, environmental sustainability and reduced project-delivery delays). MPOs must set these targets in coordination with states and public transportation providers within 180 days of the relevant state or public transportation provider setting their performance targets. MPOs must then integrate the performance measures and targets into its transportation planning process. Each MPO's transportation plan must contain a description of the MPO's performance measures and targets, as well as a system performance report that evaluates the condition and performance of the transportation system with respect to the performance targets. MPOs may also voluntarily develop multiple scenarios in the plan. Each MPO's TIP must also include a description of the effect of the TIP on achieving performance targets. The TIP will contain projects consistent with current plan, reflect investment priorities in the plan and be designed to make progress toward achieving targets.

As stated above, each MPO may also voluntarily elect to develop multiple scenarios as part of the development of the metropolitan transportation plan. MPOs that choose to develop multiple scenarios are encouraged to consider the following:

- Potential regional investment strategies for the planning horizon
- Assumed distribution of population and employment
- A scenario that maintains baseline conditions for the performance measures
- A scenario that improves the baseline conditions for as many of the performance measures as possible
- Revenue-constrained scenarios based on the total revenues expected to be available over the forecast period of the plan
- Estimated costs and potential revenues available to support each scenario

MPOs may evaluate scenarios developed using locally developed measures, in addition to performance measures. The Secretary will conduct a study that evaluates the costs and benefits associated with MPOs developing multiple scenarios for consideration as a part of the development of their metropolitan transportation plans. The study will include an analysis of the technical and financial capacity of the metropolitan planning organization needed to develop the multiple optional scenarios created by the MPO.

The Secretary must report to Congress in five years on the effectiveness of the performance-based planning of each MPO, the extent to which MPOs have achieved or are making substantial progress toward achieving goals and whether these performance targets are meaningful. Specifically, the report will evaluate the following:

- The overall effectiveness of performance-based planning as a tool for guiding transportation investments
- The effectiveness of the performance-based planning process of each metropolitan planning organization
- The extent to which metropolitan planning organizations have achieved or are currently making substantial progress toward achieving the performance targets specified under this section and whether metropolitan planning organizations are developing meaningful performance targets
- The technical capacity of metropolitan planning organizations that operate within a metropolitan planning area of less than 200,000 and their ability to carry out the requirements of this section

The US DOT will also develop measures for NHS performance and condition, highway safety, air quality, freight movement, transit safety, and transit state of good repair. Finally, in SAFETEA-LU, states were required to distribute funds to MPOs within 30 days of MPOs requesting reimbursement. This requirement has changed to 15 days in MAP-21.

New policy different from SAFETEA-LU:

- Plans and TIPs developed through a performance-driven, outcome-based approach
- The planning process must now establish and use performance-based approach to support national goals
- MPOs will establish targets to track progress toward attainment of outcomes for the region
- Targets will be established in coordination with the state and providers of public transportation to ensure consistency
- MPOs must integrate goals, objectives, performance measures and targets of state and transit plans into the planning process
- When an MPO submits a request for reimbursement, the state must distribute funds within 15 days
- An MPO may restructure to meet the new structure requirements of including public transportation representation without going through a re-designation

**Timeline:**

- Relating to the establishment of performance measures, no later than 18 months after the date of enactment of MAP-21, the Secretary, in consultation with state departments of transportation, metropolitan planning organizations and other stakeholders, shall promulgate a rulemaking that establishes performance measures and standards.
- The Secretary will provide states, metropolitan planning organizations and other stakeholders 90 days to comment on any regulation proposed.

- Within one year of US DOT issuing a final rule, each state must set targets for the performance measures for the National Highway System, Highway Safety Improvement Program, CMAQ and National Freight Movement.
- MPOs must set targets in coordination with states and public transportation providers within 180 days of the relevant state or public transportation provider setting performance targets.
- The Secretary must report to Congress within five years on the effectiveness of performance-based planning of each MPO.
- Within two years of enactment, each MPO must include representation by providers of public transportation.

## **Statewide and Nonmetropolitan Transportation Planning**

### **Section 1202**

#### **Existing Program**

##### **Program Features:**

Each state must develop a statewide transportation plan and a statewide transportation improvement program (STIP) for all areas of the state. Each state will also carry out a statewide transportation planning process that provides for consideration and implementation of projects, strategies and services that will do the following:

- Support the economic vitality of the United States, the states, nonmetropolitan areas and metropolitan areas, especially by enabling global competitiveness, productivity and efficiency
- Increase the safety of the transportation system for motorized and non-motorized users
- Increase the security of the transportation system for motorized and non-motorized users
- Increase the accessibility and mobility of people and freight
- Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and state and local planned growth and economic development patterns
- Enhance the integration and connectivity of the transportation system, across and between modes throughout the state, for people and freight
- Promote efficient system management and operation
- Emphasize the preservation of the existing transportation system

The statewide transportation planning process must also provide for the establishment and use of a performance-based approach and must establish performance targets that address the performance measures that are coordinated metropolitan planning organizations to ensure consistency.

Each state will develop a long-range statewide transportation plan, with a minimum 20-year forecast period, for all areas of the state that provide for the development and implementation of the intermodal transportation system of the state. The plan must be developed for each metropolitan area in the state in cooperation with the metropolitan planning organization. The statewide transportation plan should include 1) a description of the performance measures and performance targets used in assessing the performance of the transportation system and 2) a performance report and subsequent updates evaluating the condition and performance of the transportation system, including progress achieved by the metropolitan planning organization.

States must also develop a statewide transportation improvement program that covers a period of four years and is updated every four years or more frequently if the Governor of the state

elects to update it more frequently. The program must also be developed in cooperation with the metropolitan planning organization. Every four years, a transportation improvement program developed must be reviewed and approved by the Secretary.

Finally, US DOT must not require a state to deviate from its established planning update cycle to implement changes made by this section, but states must reflect changes to their plan and STIP updates within two years of US DOT issuing guidance on this section.

**Timeline:**

- States must reflect changes to their plan and STIP updates within two years of US DOT issuing guidance.
- The Secretary will submit to Congress a report evaluating the overall effectiveness of performance-based planning process of each state no later than five years after the date of enactment of the MAP-21.

**National Goals and Performance Management Measures**

**Section 1203**

**Existing Program**

**Program Features:**

This section declares that the Federal Aid Highway Program performance measures and performance management should focus on seven national goals: safety, infrastructure condition, congestion reduction, system reliability, freight movement and economic vitality, environmental sustainability and reduced project-delivery delays.

US DOT, in consultation with state departments of transportation, metropolitan planning organizations and other stakeholders, are required to conduct rulemaking within 18 months to establish performance measures and standards that are specified by program/policy area. States, metropolitan planning organizations and other stakeholders will have at least 90 days to comment on the establishment of performance measures. Within one year of US DOT issuing a final rule, each state must set performance targets for the performance measures for the National Highway Performance Program, Highway Safety Improvement Program, CMAQ and National Freight Movement.

- National Highway Performance Program – The Secretary must establish performance measures that establish minimum standards for states to use in developing and operating bridge and pavement management systems, minimum levels for the condition of pavement on the Interstate System, and the data elements necessary to collect and maintain standardized data to carry out a performance-based approach (the Secretary may establish different minimum levels for each region depending on factors that contribute to the condition of pavement.)
- Highway Safety Improvement Program – The Secretary must establish performance measures for states to use to assess serious injuries and fatalities per vehicle mile traveled and the number of serious injuries and fatalities.
- Congestion Mitigation and Air Quality Program – The Secretary must establish performance measures that assess traffic congestion and on-road mobile source emissions.
- National Freight Movement – The Secretary must establish measures for states to use to assess freight movement on the Interstate System.

In establishing performance targets, a state may establish different targets for urbanized and rural areas. Within four years of enactment of MAP-21, and biennially thereafter, each state must submit a report to US DOT that describes the condition and performance of the NHS

within the state, the effectiveness of the state's investment strategies in the state asset management plan for the NHS, progress in achieving the state's performance targets and ways the state is addressing congestion at freight bottlenecks.

**Timeline:**

- Relating to the establishment of performance measures, no later than 18 months after the date of enactment of MAP-21, the Secretary, in consultation with state departments of transportation, metropolitan planning organizations, and other stakeholders, shall promulgate a rulemaking that establishes performance measures and standards.
- The Secretary will provide states, metropolitan planning organizations and other stakeholders 90 days to comment on any regulation proposed.
- Within one year of US DOT issuing a final rule, each state must set performance targets for the performance measures for the National Highway System, Highway Safety Improvement Program, CMAQ and National Freight Movement.
- MPOs must set targets in coordination with states and public transportation providers within 180 days of the relevant state or public transportation provider setting performance targets.
- Within four years of enactment of MAP-21, and biennially thereafter, each state must submit a report to US DOT that describes the condition and performance of the NHS within the state, the effectiveness of the state's investment strategies in the state asset management plan for the NHS, progress in achieving the state's performance targets and the ways the state is addressing congestion at freight bottlenecks.

**Subtitle C—Acceleration of Project Delivery**

**Declaration on Policy and Project Delivery Initiative**

**Section 1301**

**Program Features:**

The policy statement states it is in the national interest to expedite delivery of surface transportation projects by reducing the average length of the environmental review process. Each federal agency is also directed to cooperate with the US DOT to expedite the process.

**Advance Acquisition of Real Property Interests**

**Section 1302**

**Existing Program**

**Program Features:**

States are now allowed use their own funds to acquire real property interests before the NEPA (National Environmental Policy Act) process is complete. However, US DOT must complete the NEPA process, and the state must certify if it wishes to use federal funds. The state must certify in writing that:

- It has authority to acquire the real property interest under state law.
- The acquisition of the real property interest is for a transportation purpose and
  - Will not cause any significant adverse environmental impact
  - Will not limit the choice of reasonable alternatives for the project or otherwise influence the decision of the Secretary on any approval required for the project
  - Does not prevent the lead agency from making an impartial decision as to whether to accept an alternative that is being considered in the environmental review process
  - Is consistent with the state transportation planning process under Section 135 (Statewide Transportation Planning)

- It complies with other applicable federal laws
- Will be acquired through negotiation, without the threat of condemnation
- Will not result in a reduction or elimination of benefits or assistance to a displaced person required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and title VI of the Civil Rights Act of 1964

## **Letting of Contracts**

### **Section 1303**

#### **Existing Program**

##### **Program Features:**

A contracting agency may award a two-phase contract to a construction manager or general contractor for preconstruction and construction services. The contractor must provide the contracting agency with scheduling, cost engineering, constructability, cost estimating and risk identification. Prior to the completion of the environmental review process required under the National Environmental Policy Act of 1969, a contracting agency may issue a request for proposals (RFPs), award a contract for preconstruction services and issue notices to proceed with preliminary design to the extent that those actions do not limit any reasonable range of alternatives. A contracting agency may proceed, at the expense of the contracting agency, with design activities at any level of detail for a project before completion of the review process. States are also allowed to be reimbursed for design activities let before the NEPA analysis has been completed.

##### **Timeline:**

Prior to the completion of the environmental review process, a contracting agency may issue RFPs, award a contract for preconstruction services and issue notices to proceed with preliminary design. The Secretary will announce the regulations as are necessary to carry out the amendment.

## **Innovative Project Delivery Methods**

### **Section 1304**

#### **New Program**

##### **Program Features:**

The federal cost share may be up to 100 percent for projects that use innovative project delivery methods that improve work zone safety, contain innovative technologies in manufacturing processes, financing or contracting methods that improve the quality of highways and bridges, accelerate project delivery and do not cause any significant, adverse environmental impact. The federal share payable on account of a project, program or activity may be increased by up to 5 percent of the total project cost.

## **Efficient Environmental Reviews for Project Decision Making**

### **Section 1305**

#### **Existing Program**

##### **Program Features:**

US DOT is required to conduct a rulemaking to allow programmatic approaches for environmental reviews that eliminate repetitive discussions of the same issues focus on the actual issues ripe for analyses at each level of review and are consistent with NEPA. US DOT is now allowed to designate a single-modal agency to lead environmental review of projects requiring approval of more than one modal administration. SAFETEA-LU is amended to require “concurrence of” participating agencies for environmental review schedules developed by US DOT.

## **Accelerated Decision Making**

### **Section 1306**

#### **New Program**

##### **Program Features:**

No later than 30 days after the close of the public comment period on a draft environmental impact statement, the Secretary will convene a meeting with the project sponsor, lead agency, resource agencies and any relevant state agencies to ensure all parties are on schedule to meet deadlines for decisions to be made regarding the project. Penalties are required for agencies that do not complete reviews by certain deadlines and fines can be up to 7 percent of agency office budget for the fiscal year. Thirty days after a draft environmental impact statement is issued, US DOT may convene a meeting with resource agencies and others to ensure all are on schedule to meet decision deadlines for the project. An issue-resolution and elevation process in case of problems is established and in event of a dispute, elevates first to heads of disputing agencies, then to the Council on Environmental Quality, then to the President. Financial penalties will be imposed on agencies that fail to meet specified deadlines for decisions under NEPA and other laws.

##### **Timeline:**

Thirty days after the close of the public comment period on a draft environmental impact statement, the Secretary will convene the meeting. Thirty days after a draft environmental impact statement is issued, US DOT may convene a meeting to ensure all are on schedule to meet decision deadlines for the project.

## **Assistance to Affected Federal and State Agencies**

### **Section 1307**

#### **New Program**

##### **Program Features:**

A memorandum of understanding (MOU) between the state department of transportation and the federal agency is now required that establishes the projects and priorities to be addressed by the use of funds.

## **Limitations on Claims**

### **Section 1308**

#### **Existing Program**

##### **Program Features:**

The statute of limitations for filing a challenge to a project is shortened from 180 days to 150 days after the record of decision (ROD).

## **Accelerating Completion of Complex Projects within Four Years**

### **Section 1309**

#### **New Program**

##### **Program Features:**

US DOT is required to establish schedules for the completion of all reviews for a project within four years after the notice of intent (NOI) was issued. US DOT must also provide additional technical assistance and must establish a schedule for completing permits and approvals within four years of the NOI.

##### **Timeline:**

The Secretary will establish and meet a schedule for the completion of any permit, approval, review or study, required for the covered project by the date no later than four years after the a NOI for the project is issued.

## **Integration of Planning and Environmental Review**

### **Section 1310**

#### **New Program**

##### **Program Features:**

Allows planning products to be adopted by a federal agency in environmental reviews, with conditions. The federal lead agency may adopt and use planning products in proceedings for any class of action in the environmental review process and the planning products may be used in their entirety or in part. Planning products that may be adopted for environmental reviews include tolling or other special financing determinations, modal choice, description of environmental setting, analytical methodologies to be used, programmatic mitigation, travel demand, regional growth and development, land-use and growth management plans, population and employment, natural and built environmental conditions, environmentally sensitive areas and resources, cumulative effects and other potential environmental effects and mitigation needs.

## **Development of Programmatic Mitigation Plans**

### **Section 1311**

#### **New Program**

##### **Program Features:**

Allows states or MPOs to develop program mitigation plans to address the potential environmental impacts of future transportation projects. A programmatic mitigation plan may include:

- An assessment of the condition of environmental resources in the geographic area
- An assessment of potential opportunities to improve the overall quality of environmental resources
- Standard measures for mitigating certain types of impacts
- Parameters for determining appropriate mitigation for certain types of impacts
- Adaptive management procedures
- Acknowledgment of specific statutory or regulatory requirements that must be satisfied when determining appropriate mitigation for certain types of resources

Before adopting a mitigation plan, a state or MPO must consult with each agency with jurisdiction over the environmental resources considered in the programmatic mitigation plan, make a draft of the plan available for review and comment by applicable environmental resource agencies and the public, consider any comments received from such agencies and the public on the draft plan, and address such comments in the final plan.

## **State Assumption of Responsibility for Categorical Exclusions**

### **Section 1312**

#### **Existing Program**

##### **Program Features:**

US DOT or the state is allowed to terminate the state's assumption of responsibility for categorical exclusions. The Secretary may terminate any assumption of responsibility under a memorandum of understanding on a determination that the state is not adequately carrying out the responsibilities assigned to the state.

##### **Timeline:**

The state may terminate its participation in the program at any time by providing a 90-day notice to the Secretary and subject to terms and conditions as the Secretary may provide.

## **Surface Transportation Project Delivery Program**

### **Section 1313**

#### **Existing Program**

##### **Program Features:**

The existing pilot program is amended by striking the word “pilot” and allowing a limited number of states to assume FHWA’s role in the NEPA process. The Secretary may also assign to the state, and the state may assume this responsibility and allow coverage of one or more railroad, public transportation or multimodal projects. Planning and conformity is excluded. The Secretary or the state can terminate the participation in the program if the state is noncompliant and not adequately carrying out its responsibilities.

##### **Timeline:**

After the fourth year of the participation of a state in the program, the Secretary will monitor compliance. The state may terminate participation in the program at any time by providing a 90-day notice to the Secretary and subject to terms and conditions as the Secretary may provide.

## **Application of Categorical Exclusions for Multimodal Projects**

### **Section 1314**

#### **Existing program**

##### **Program Features:**

One US DOT modal agency will act as lead authority for a multimodal project. A cooperating authority will provide modal expertise to the lead authority if it has expertise. One or more categorical exclusions of a cooperating authority may be applied by the lead authority once the cooperating authority reviews the project on behalf of the lead authority and determines the project satisfies the conditions for a categorical exclusion.

## **Categorical Exclusions in Emergencies**

### **Section 1315**

#### **New Program**

##### **Program Features:**

Any repair or reconstruction activity for a road, bridge or highway damaged by an emergency declared by the Governor or President can be treated as a categorical exclusion as long as the project is in the same location, with the same capacity, dimensions and design as the original road, highway or bridge as before.

##### **Timeline:**

No later than 30 days after enactment, the Secretary will publish a notice of proposed rulemaking.

## **Categorical Exclusions for Projects within the Right-of-way**

### **Section 1316**

#### **New Program**

##### **Program Features:**

The Secretary may designate any project within an existing project operational right-of-way as a categorical exclusion.

##### **Timeline:**

No later than 180 days after the date of enactment, the Secretary will designate a project within an existing operational right-of-way as an action categorically excluded from the requirements relating to environmental assessments or environmental impact statements. No later than 150 days after the date of enactment, the Secretary will announce regulations.

## **Categorical Exclusion for Projects of Limited Federal Assistance**

### **Section 1317**

#### **New Program**

##### **Program Features:**

Categorical exclusions are expanded to include any project that receives less than \$5 million in federal funding and any project that is less than \$30 million in total cost and less than 15 percent of the total estimated project cost.

##### **Timeline:**

The Secretary will designate this action no later than 180 days after enactment and no later than 150 days after the date of enactment; the Secretary will announce regulations.

## **Programmatic Agreements and Additional Categorical Exclusions**

### **Section 1318**

#### **New Program**

##### **Program Features:**

Requires the review of categorical exclusions used since 2005 and solicits new categorical exclusions from state DOTs, MPOs, transit agencies and others. The Secretary must also seek opportunities for programmatic agreements with states that establish efficient administrative procedures for environmental and other project reviews.

##### **Timeline:**

The Secretary must survey the use of categorical exclusions by US DOT and publish a review of the survey within 60 days. The Secretary must also publish rulemaking within 120 days of enactment of MAP-21 to propose new categorical exclusions.

## **Categorical Exclusion for Projects of Limited Federal Assistance**

### **Section 1319**

#### **New Program**

##### **Program Features:**

Rather than rewriting a draft, a lead agency may now use errata sheets when minor changes are needed in a final environmental impact statement (FEIS). The lead agency should also develop a single document that consists of a FEIS and a record of decision, unless there are substantial changes or there are significant new circumstances or information changes.

## **Memoranda of Agency Agreements for Early Coordination**

### **Section 1320**

#### **New Program**

##### **Program Features:**

The Secretary and federal resource agencies must cooperate with one another at the earliest time to avoid delays and duplication. They are also required to provide technical assistance to the extent practicable and appropriate if requested by a state or MPO. A lead agency is allowed to establish MOAs with other agencies if requested by a state or MPO.

## **Environmental Procedures Initiative**

### **Section 1321**

#### **New Program**

##### **Program Features:**

The Secretary will establish an initiative to review and develop consistent procedures for environmental permitting and procurement requirements. A report must be published in an electronically accessible format.

## **Categorical Exclusion for Projects of Limited Federal Assistance**

### **Section 1322**

#### **New Program**

##### **Program Features:**

The US Comptroller is now required to review which states have environmental laws and protections that are comparable to federal requirements and to determine the frequency and cost of duplicative environmental reviews at the state and federal level.

##### **Timeline:**

Within two years of the date of enactment, the Comptroller must submit a report that describes the results to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works.

## **Categorical Exclusion for Projects of Limited Federal Assistance**

### **Section 1323**

#### **New Program**

##### **Program Features:**

The Secretary is required to compare completion times of categorical exclusions, environmental assessments and environmental impact statements in three different periods of time and submit a report to the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works.

##### **Timeline:**

The report to Congress will be submitted within one year of the date of enactment of this Act. Within five years, a report that describes the results and identifies change and reasons for delay must be submitted. Within two years, the Secretary must submit a report on the types and justification for the additional categorical exclusions granted under Sections 1316 and 1317.

## **Subtitle D—Highway Safety**

### **Jason's Law**

#### **Section 1401**

##### **New Program**

##### **Program features:**

This section address projects for the shortage of long-term parking for commercial motor vehicles on the National Highway System and aims to improve the safety of commercial motor vehicle operators. Eligible projects include constructing, improving and promoting safety rest areas, parking facilities, truck stops and travel plazas for commercial motor vehicles. The construction of turnouts and improving the geometric design of interchanges for commercial motor vehicles along the National Highway System is also included. A state may also establish electric vehicle charging stations or natural gas vehicle refueling stations for the use of battery-powered or natural gas-fueled trucks or other motor vehicles at any parking facility funded or authorized under this Act. Charging or refueling stations will be eligible for the same funds available for the parking facilities in which the stations are located.

##### **Timeline:**

The Secretary will conduct a survey of each state within 18 months to evaluate the capability of the state to provide adequate parking and rest facilities for commercial motor vehicles, to assess the volume of commercial motor vehicle traffic and to develop a system to measure the adequacy of commercial motor vehicle parking facilities.

## **Highway Worker Safety**

### **Section 1405**

#### **Existing Program**

##### **Program features:**

The Secretary is required to ensure that protective measures are used to separate workers on highway construction projects from motorized traffic in all work zones. This includes work zones in tunnels and bridges and work zones where the project design speed is anticipated to be high.

##### **Timeline:**

Sixty days after the date of enactment of this Act, the Secretary will modify federal regulations to ensure this section is in effect.

## **Subtitle E—Miscellaneous**

### **Real-Time Ridesharing**

#### **Section 1501**

##### **Existing Program**

##### **Program Features:**

United States Code (as redesignated by section 1103(a)(2)), is amended. The phrase, “and designating existing facilities for use for preferential parking for carpools” is stricken. It is replaced with “designating existing facilities for use for preferential parking for carpools, and real-time ridesharing projects, 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.”

### **Idle-Reduction Technology**

#### **Section 1510**

##### **Existing Program**

##### **Program Features:**

The maximum-gross-vehicle-weight limit and the axle-weight limit for any heavy-duty vehicle equipped with an idle-reduction technology was increased to compensate for the additional weight of the idle-reduction system. The weight increase changed from 400 pounds to 550 pounds, but the increase is only to be used for idle-reduction technology.

### **Special Permits during Periods of National Emergency**

#### **Section 1511**

##### **Existing Program**

##### **Program Features:**

A state may now issue special permits during an emergency to overweight vehicles and loads if the President has declared the emergency to be a major disaster, but the permits may only be issued to vehicles and loads that are delivering relief supplies. The permit will expire 120 days after the date of the declaration of emergency.

### **Tolling**

#### **Section 1512**

##### **Existing Program**

##### **Program Features:**

Under SAFETEA-LU, tolling was prohibited on Interstate highways and many other federal-aid highways. MAP-21 creates exceptions to the law. This section allows state authority to toll existing highways, excluding Interstates. However, new lanes on Interstates can be toll lanes and converting an existing facility to a toll facility is now allowed, only if capacity is expanded.

States may now construct new toll lanes on existing highways, bridges and tunnels if the number of toll-free lanes remains the same. The conversion of HOV lanes on a non-Interstate facility to a toll facility is also now authorized. HOV lanes can be converted to toll lanes as part of the reconstruction, restoration or rehabilitation of a highway on the Interstate System.

**Timeline:**

Within four years toll facilities must implement electronic toll collection.

**HOV Facilities**

**Section 1514**

**Existing Program**

**Program Features:**

An HOV lane is now allowed to collect tolls if the agency submits a report to the Secretary that shows that the facility is not already degraded and that the presence of the vehicles will not cause the facility to become degraded. An annual report of vehicle impacts must also be submitted. If a facility is degraded after conversion, then the state must implement speed limits, increase occupancy requirements for HOV lanes, and vary toll prices to reduce demand or discontinue allowing non-HOV vehicles to use HOV lanes.

**Funding Flexibility for Transportation Emergencies**

**Section 1515**

**Existing Program**

**Program features:**

A state is now allowed to use up to 100 percent of any covered funds to repair or replace a transportation facility that has suffered serious damage as a result of a natural disaster or catastrophic failure. Funds may be used only for a disaster or emergency declared by the President.

**Buy America Provisions**

**Section 1518**

**Existing Program**

**Program Features:**

This section strengthens documentation and transparency requirements of current Buy America Provisions for highway, transit and rail projects.

**Consolidation of Programs; Repeal of Obsolete Provisions**

**Section 1519**

**Funding:**

\$3,000,000 for FY13 and \$3,000,000 for FY14

**Program Features:**

This section will carry out safety-related activities, including the Operation Lifesaver program, which provides public information and education programs to help prevent and reduce motor vehicle accidents, injuries and fatalities. The program will also work to improve driver performance at railway-highway crossings and provide work zone safety grants.

**Extension of Public Transit Vehicle Exemption from Axle-Weight Restrictions**

**Section 1522**

**Existing Program**

**Program Features:**

The single-axle weight exemption and the state enforcement ban of single-axle weight limits of less than 24,000 pounds on the Interstate are made permanent by removing the word “temporary.”

## **Consolidation of Grants**

### **Section 1527**

#### **Program Features:**

A recipient that receives multiple grant awards from US DOT to support one multimodal project may now request that the Secretary designate one modal administration to be the lead administering authority for the overall project. Also, any project that includes funds awarded under SAFETEA-LU Section 5309 (New Starts) may be exempt from consolidation unless the grant recipient requests the Federal Transit Administration to be the lead administering authority.

## **Transportation Training and Employment Programs**

### **Section 1530**

#### **New Program**

#### **Program Features:**

The Secretary of Education and the Secretary of Labor encourage the use of funds for training and employment education programs to encourage the development of careers in the transportation field.

## **Prohibition on Use of Funds for Automated Traffic Enforcement**

### **Section 1533**

#### **Existing Program**

#### **Program Features:**

This section prohibits the use of Surface Transportation Program (STP) funds from being used for any program to purchase, operate or maintain an automated traffic enforcement system, unless it is used to improve safety in school zones, for FY13 and FY14. The term automated traffic enforcement system is defined as any camera that captures an image of a vehicle for the purposes of traffic law enforcement.

## **Public-Private Partnerships**

### **Section 1534**

#### **Existing Program**

#### **Program Features:**

Existing law related to public-private partnerships (PPPs) is preserved. The FTA is now directed to identify impediments to undertaking PPPs for transit projects and promote greater transparency and access to PPP agreements. The Secretary is now required to compile best practices for working with the private sector regarding transportation facilities and provide technical assistance upon request. The Secretary must also develop PPP transaction model contracts and provide to state and local governments for the most popular types of PPPs for the development, financing, construction, and operation of transportation facilities. States are encouraged to use those model contracts as a base template.

#### **Timeline:**

Within 18 months, the Secretary must develop PPP transaction model contracts and provide to state and local governments.

## **TITLE II—AMERICA FAST FORWARD FINANCING INNOVATION**

### **Transportation Infrastructure Finance and Innovation Act (TIFIA) of 1998 Amendments Section 2002**

#### **Existing Program**

#### **Funding Amount:**

Increases annual funding available for federal credit assistance under the TIFIA program from \$122 million to \$750 million in FY13 and \$1 billion in FY14.

#### **Program Features:**

The TIFIA program provides funds for eligible projects on a first-come, first-serve basis. A project will be eligible to receive credit assistance under this chapter if the entity proposing to carry out the project submits a letter of interest prior to submission of a formal application for the project and the project meets the criteria described in this subsection. Eligible projects must first submit letter of interest, meet creditworthiness standards, satisfy state and metropolitan planning requirements and meet eligible project costs. In addition to providing project credit assistance, it can be provided for projects through a master credit agreement.

#### **Application process procedures:**

Thirty days after the date of receipt of an application under this section, the Secretary shall provide to the applicant a written notice to inform the applicant whether the application is complete or additional information or materials are needed to complete the application. Sixty days after the date of issuance of the written notice, the Secretary must provide to the applicant a written notice informing the applicant whether the Secretary has approved or disapproved the application.

Projects eligible for assistance are under title 23 or chapter 53 of title 49. Eligible projects include the following:

- International bridges and tunnels
- Intercity passenger bus or rail facilities and vehicles
- Public freight rail projects
- Private freight rail projects that provide public benefit for highway users by way of direct highway-rail freight interchange
- Intermodal freight transfer facilities
- Projects providing access to or improving the service of the freight rail projects and transfer facilities
- Surface transportation infrastructure modifications necessary to facilitate direct intermodal interchange, transfer and access into and out of a port

The TIFIA credit program may provide to states four types of financial assistance:

- Secured loans - direct federal loans to project sponsors offering flexible repayment terms and providing combined construction and permanent financing of capital costs
- Loan guarantees - provide full-faith-and-credit guarantees by the federal government to institutional investors, such as pension funds, that make loans for projects
- Lines of credit - contingent sources of funding in the form of federal loans that may be drawn upon to supplement project revenues, if needed, during the first 10 years of project operations
- Master credit agreements – US DOT may make a contingent commitment of future TIFIA assistance for a program of projects secured by a common revenue pledge

To receive TIFIA assistance, a project must have costs that equal or exceed at least one of the following:

- \$50 million
- \$25 million for a rural infrastructure project
- \$15 million for an intelligent transportation system (ITS) project
- 1/3 of the most recently completed fiscal year's formula apportionments for the state in which the project is located

TIFIA credit assistance may cover the following portions of the total cost of a project:

- TIFIA line of credit - up to 33 percent
- TIFIA loan - up to 49 percent (or, if the loan does not receive an investment grade rating, up to the amount of senior project obligations)
- TIFIA loan and TIFIA line of credit, combined - up to 49 percent
- Total federal assistance (grants and loans) to a project receiving a TIFIA loan - up to 80 percent

## **DIVISION B—PUBLIC TRANSPORTATION**

### **Policies and Purposes**

#### **Section 20003**

##### **Program Features:**

This section focuses on development and revitalization of public transportation systems with cooperation of public and private transportation companies.

The purpose of program is to:

- Provide funding
- Improve and development and delivery of projects
- Establish standards for state of good repair
- Promote continuing, cooperative and comprehensive planning
- Establish programs of technical assistance
- Continue to provide high quality services to users, including elderly and persons with disabilities
- Support research, development, demonstration and deployment programs
- Promote the development of the workforce

### **Metropolitan Transportation Planning**

#### **Section 20005**

##### **Existing Program**

##### **Funding:**

\$104,971,680 for FY13 and \$106,543,360 for FY14

##### **Program Features:**

MPOs will continue to develop long-range transportation plans and transportation improvement programs (TIP) in cooperation with the state and public transportation operators. However, they will now develop these through a performance-driven, outcome-based approach in support of the national goals. This section introduces the use of this approach called Performance-Based Planning. The long-range plan and the TIP for each metropolitan area will continue to provide for the development and integrated management and operation of transportation systems and facilities that function as an intermodal transportation system for the metropolitan planning area. The process for developing the plans and TIPs will continue to provide for consideration of all modes of transportation.

The metropolitan planning process for a metropolitan planning area under this section will provide for consideration of projects and strategies that will:

- Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity and efficiency
- Increase the safety of the transportation system for motorized and non-motorized users
- Increase the security of the transportation system for motorized and non-motorized users
- Increase the accessibility and mobility of people and freight
- Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and state and local planned-growth and economic-development patterns
- Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight
- Promote efficient system management and operation
- Emphasize the preservation of the existing transportation system

**Development of the transportation plan:**

The MPO will prepare and update the plan every four years or more frequently, if the metropolitan planning organization elects to update it more frequently. MPOs may also elect to develop multiple scenarios for consideration in development of the transportation plan.

**Development of the metropolitan TIP:**

In cooperation with the state and any affected public transportation operator, the metropolitan planning organization designated for a metropolitan area will also continue to develop a TIP. The TIP will be updated at least every four years and approved by the metropolitan planning organization and the Governor.

**Performance-based approach:**

Each MPO will establish performance targets to use in tracking progress toward attainment of critical outcomes for the region. The targets must be coordinated with the state. The selection of performance targets must be coordinated, to the maximum extent possible, with providers of public transportation. MPOs must integrate directly or indirectly the goals, objectives, performance measures and targets described in state transportation plans and processes. Finally, MPOs are required to describe the performance measures and develop a system performance report and subsequent updates evaluating the condition and performance of the transportation regarding the progress achieved by the MPO to meet the performance goals.

In general, there are no major changes to MPOs themselves. MPO designation of urbanized area with a population of more than 50,000 individuals stays the same, but they must now include officials of public transportation agencies.

The Secretary will encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate MPOs to provide coordinated transportation planning for the entire metropolitan area. The consent of Congress is granted to any two or more states to enter into agreements or compacts for cooperative efforts.

**Timeline:**

- MPOs are to include officials of public transit providers no later than two years after enactment.
- MPOs must establish targets within 180 days, after which the state or provider of public transportation establishes targets.

- The Secretary will submit a report to Congress evaluating the overall effectiveness of performance-based planning no later than five years after the date of enactment of this Act.

## **Statewide and Nonmetropolitan Transportation Planning**

### **Section 20006**

#### **Existing Program**

#### **Funding:**

\$21,928,320 for FY13 and \$22,256,640 for FY14 (for Statewide Transportation Planning)

#### **Program Features:**

There are no changes in the Unified Planning Work Program, Public Participation Plan and congestion management process. Each state will continue to develop a Statewide Transportation Plan and a Statewide Transportation Improvement Program (STIP) for all areas of the state, but a performance-based approach in developing a transportation plan and STIP has been introduced. The statewide transportation planning process will now provide for the establishment and use of a performance-based approach to support the national goals. Two or more states may enter into agreements or compacts for cooperative efforts and mutual assistance.

The STIP must be developed for all areas of the state and cover a period of four years and be updated every four years or more frequently if the Governor of the state elects to update it. The statewide transportation plan must now include a description of the performance measures and performance targets used in assessing the performance of the transportation system. A system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets, progress achieved by the MPO in meeting the performance targets in comparison with system performance must also be included in the plan.

#### **Timeline:**

- Every four years, a Transportation Improvement Program developed under this subsection shall be reviewed and approved by the Secretary if based on a current planning finding. The Secretary will establish criteria to evaluate the effectiveness of the performance-based planning processes of states.
- The Secretary shall submit to Congress a report evaluating the overall effectiveness of performance-based planning as a tool for guiding transportation investments and the effectiveness of the performance-based planning process of each state no later than five years after the date of enactment of the Federal Public Transportation Act of 2012.

## **Urbanized Area Formula Grants**

### **Section 20007**

#### **Existing Program**

#### **Funding:**

\$4.398 billion for FY13 and \$4.459 billion for FY14

#### **Program Features:**

This program provides grants to urbanized areas for public transportation capital, planning and Job Access and Reverse Commute projects, as well as operating expenses in certain circumstances. Eligible activities include capital projects, planning, JARC projects that provide transportation to jobs and employment opportunities for welfare recipients and low-income workers, operating costs in areas with fewer than 200,000 in population, and operating costs up to certain limits for grantees in areas with populations greater than 200,000 that operate a maximum of 100 buses in fixed-route service during peak hours (rail fixed guideway excluded).

FTA apportions funds to designated recipients, which then suballocate funds to state and local governmental authorities, including public transportation providers.

Changes to existing law include:

- The Job Access and Reverse Commute (JARC) program activities will now be funded under the Sec. 5307 formula program.
- Areas above 200,000 in population, with systems of 75 or fewer buses operating in fixed route service during peak hour, are allowed to use up to 75 percent of funding for operating assistance. Systems between 76 and 100 buses operating in fixed route service during peak hour are allowed to use up to 50 percent of funding for operating assistance.
- Transit enhancements are removed and replaced by more narrowly defined “associated transportation improvements.” Recipients must expend at least 1 percent of their 5307 apportionment on these improvements.
- Funding provided by other government agencies or departments that are eligible to be spent on transportation may be used as local match.
- Certain expenditures by vanpool operators may be used as local match.

### **Fixed Guideway Capital Investment Grants (New Starts)**

#### **Section 20008**

##### **Existing Program**

##### **Funding:**

\$1.907B for FY13 and \$1.907B for FY14

##### **Program Features:**

Provides grants for new and expanded rail, bus rapid transit and ferry systems. Eligible projects include new or extended fixed-guideways and bus rapid transit projects operating in mixed traffic that improve capacity on an existing fixed-guideway system. The program also includes a pilot program for expedited project delivery. This pilot program sets provisions for streamlining aspects of the New Starts process to increase efficiency and reduce the time required to meet critical milestones. The fixed-guideway modernization and bus facilities projects are no longer funded under this section, but instead funded under the State of Good Repair Program and Bus Facilities Program.

##### **Timeline:**

The Secretary will issue policy guidance regarding the review and evaluation process and criteria no later than 180 days after the date of enactment of the Federal Public Transportation Act of 2012 and each time the Secretary makes significant changes to the process and criteria, but no less than every two years. The Secretary will also issue rules establishing an evaluation and rating process for new fixed-guideway capital projects and core capacity improvement projects no later than one year after the date of enactment of the Federal Public Transportation Act of 2012.

### **Mobility of Seniors and Individuals with Disabilities**

#### **Section 20009**

##### **Existing Program**

##### **Funding:**

\$254,800,000 for FY13 and \$258,300,000 for FY14

##### **Program features:**

This section provides grants for public transportation projects planned, designed and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate or unavailable. Grant eligibility has been expanded to include the following:

- Projects that exceed the requirements of the Americans with Disabilities Act
- Public transportation projects that improve access to fixed route service and decrease reliance on complementary paratransit service
- Alternatives to public transportation that assist seniors and persons with disabilities with transportation

In large urbanized areas, 60 percent of funding is allocated to areas above 200,000 and 20 percent to areas below 200,000. In small urbanized areas, 20 percent is allocated to rural areas based on the proportion of seniors and persons with disabilities within the urbanized area or state as compared to other urbanized areas or states. No less than 55 percent of funding should be spent on projects planned, designed and carried out to meet needs of seniors and persons with disabilities.

The Secretary must also submit a report making recommendations on the establishment of performance measures for making grants. The report should be developed in consultation with nonprofit organizations that provide technical assistance and advocacy related to transportation services for seniors and persons with disabilities. Performance measures require collection of quantitative and qualitative information, quality of transportation service or service times, ridership and accessibility improvements.

## **Formula Grants for Rural Areas**

### **Section 20010**

#### **Existing Program**

##### **Funding:**

\$599,500,000 for FY13 and \$607,800,000 for FY14

##### **Program features:**

This section allows the Secretary to award grants to recipients located in rural areas for planning, public transportation capital projects, operating costs of equipment and facilities for use in public transportation, Job Access and Reverse Commute projects and the acquisition of public transportation services in rural areas with populations less than 50,000. Two changes include the addition of planning as an eligible activity and low-income populations in rural areas now incorporated as a formula factor.

The federal share of funding is 80 percent for capital projects, 50 percent for operating assistance and 80 percent for Americans with Disabilities Act (ADA) non-fixed-route paratransit service, using up to 10 percent of a recipient's apportionment. Rural formulas are 83.15 percent of funds apportioned based on land area and population in rural areas and 16.85 percent of funds apportioned based on land area, revenue-vehicle miles and low-income individuals in rural areas.

## **Research, Development, Demonstration and Deployment Projects**

### **Section 20011**

#### **Existing Program**

##### **Funding:**

\$70,000,000 for FY13 and \$70,000,000 for FY14

##### **Program Features:**

This program supports research activities that improve the safety, reliability, efficiency, and sustainability of public transportation and supports the demonstration and deployment of low-emission and no-emission vehicles to promote clean energy and improve air quality. It consolidates Research, Development, Demonstration and Deployment Projects (SAFETEA-LU Section 5312) and the National Research Program (SAFETEA-LU Section 5314). The existing

research program makes grants available for the acquisition of low- or no-emission vehicles and related equipment, the construction of facilities and the rehabilitation of existing facilities to accommodate for those vehicles. Low- or no-emission bus projects must comprise 65 percent of the total annual appropriation while low- or no-emission bus facilities projects must make up 10 percent of the annual appropriation.

## **Technical Assistance and Standards Development**

### **Section 20012**

#### **Existing Program**

##### **Funding:**

\$7,000,000 in FY13 and \$7,000,000 in FY14

##### **Program features:**

The purpose of this program is to assist grants recipients to more effectively and efficiently provide public transportation service and help improve public transportation. This section also authorizes the Federal Transit Authority (FTA) to continue making grants for the development of voluntary standards by the public transportation industry related to procurement and safety, as well as authorize the Secretary to fund technical assistance centers to assist grant recipients.

## **Private Sector Participation**

### **Existing Program**

#### **Section 20013**

##### **Program Features:**

The Secretary must provide the best practices and methods to best utilize private providers and educate recipients on law and regulations that impact private providers of public transportation. Guidance to promote greater transparency and public access to public-private partnership agreements will also be provided.

##### **Timeline:**

The Secretary is required to issue rulemaking implementing these procedures and approaches and report to Congress within four years of enactment. The Secretary must also publish guidance within one year of enactment that describes for federal transit recipients the best way to document compliance with the requirements regarding private enterprise participation. The Comptroller must also submit a comprehensive report to Congress within one year of enactment on contracting out public transportation operations and administrative functions on cost, availability and level of service, efficiency and quality of service.

## **Bus Testing Facilities**

### **Section 20014**

#### **New Program**

##### **Funding:**

\$3,000,000 for FY13 and \$3,000,000 for FY14

##### **Program Features:**

Provides for an FTA-funded bus testing facility where all new models purchased using FTA capital assistance must be tested to meet performance standards for safety, structural integrity, reliability, performance, maintainability, emissions, noise and fuel economy. The Secretary must establish regulations for creating a bus test pass/fail standard, as well as work with the bus testing facility, bus manufacturers and transit agencies to develop the bus model scoring system.

##### **Timeline:**

The FTA must issue a rule implementing the standard by September 30, 2014.

## **Human Resources and Training**

### **Section 20015**

#### **New Program**

##### **Funding:**

Human Resources and Training - \$5,000,000 for FY13 and \$5,000,000 for FY14

National Transit Institute - \$5,000,000 for FY13 and \$5,000,000 for FY14

##### **Program Features:**

This is a new program that creates grants or contracts for human resource and workforce development programs as they apply to public transportation activities. These programs can include employment training, outreach to increase women and minorities in public transportation, research on public transportation personnel and training for minority businesses. The Innovative Public Transportation Workforce Development Program is included and will promote and assist the development of innovative workforce development and human resource activities within the public transportation industry. The National Transit Institute is now included in this section and was formerly under Section 5315 in SAFETEA-LU.

## **Public Transportation Emergency Relief Program**

### **Section 20017**

#### **New Program**

##### **Funding:**

The Public Transportation Emergency Relief Program is authorized with an open-ended General Fund authorization for “sums as necessary.”

##### **Program Features:**

This new program is designed to assist states and public transportation systems in paying for, protecting, repairing or replacing equipment and facilities that are in danger of suffering serious damage or have suffered serious damage as a result of an emergency such as a flood, hurricane or tornado.

##### **Timeline:**

No later than 180 days after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security will enter into a memorandum of agreement (MOU) to coordinate the roles and responsibilities of the Department of Transportation and the Department of Homeland Security in providing assistance for public transportation, including the provision of public transportation services and the repair and restoration of public transportation systems in areas for which the President has declared a major disaster or emergency.

## **Transit Asset Management**

### **Section 20019**

#### **New Program**

##### **Funding:**

No grants are established in this section.

##### **Program Features:**

This section establishes new requirements for transit asset management by FTA’s grantees and new reporting requirements to promote accountability. The establishment of a system to monitor and manage public transportation assets to improve safety, reliability and performance is required. Transit agencies will also be required to establish and use an asset management system to develop capital asset inventories and condition assessments.

No later than one year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary will issue a final rule to establish performance measures based on the state of good repair standards. Three months after the date on which the Secretary issues a final rule and each fiscal year thereafter, each recipient of federal financial assistance under this chapter

must establish performance targets in relation to the performance measures established by the Secretary. Each recipient of financial assistance must submit an annual report that describes the progress of the recipient and progress toward meeting the performance targets, along with performance targets for the subsequent fiscal year.

**Timeline:**

No later than one year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary will issue a final rule to implement the Transit Asset Management System.

**Project Management Oversight**

**Section 20020**

**Existing Program:**

**Program Features:**

This section requires all major capital projects to have a project management plan approved by the Secretary. Recipients of federal assistance are required to grant the Secretary, and any contractor the Secretary chooses, with access to the construction sites when reasonably necessary.

**Public Transportation Safety**

**Section 20021**

**Existing Program**

**Program features:**

This program grants authority to the Secretary to create a national safety plan for all modes of public transportation and sets minimum safety performance standards. It also establishes 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 responsible for safety oversight. The state safety oversight agencies are required to review, approve, oversee and enforce implementation of transit agency safety plans, to conduct safety audits and to provide annual safety status reports to the FTA. In the event that a recipient is found to be noncompliant, the Secretary may withhold federal funding or require up to 100 percent of federal funds be used for corrective safety actions. The Secretary must oversee the implementation of each state safety oversight program, audit the operations of each state safety oversight agency at least once triennially and issue rules to carry out this subsection.

**Timeline:**

The Secretary will continually evaluate the implementation of the State Safety Oversight Program by a state safety oversight agency and must submit on or before July 1 of each year on the amount of funds apportioned to each eligible state and the certification status of each state safety oversight program.

**Alcohol and Controlled Substances Testing**

**Section 20022**

**Existing Program**

**Program Features:**

This program maintains authority for the Secretary to establish a program that requires grantees to conduct pre-employment, reasonable suspicion, random and post-accident testing of public transportation employees responsible for safety-sensitive functions. The FTA can bar an entity from receiving federal transit assistance if they are not in compliance with FTA drug and alcohol regulations.

## **National Transit Database**

### **Section 20025**

#### **Existing Program**

##### **Funding:**

\$3,850,000 for FY13 and \$3,850,000 for FY14

##### **Program Features:**

The recipient of a grant under this chapter must report to the Secretary information relating to a transit asset inventory or condition assessment for inclusion in the National Transit Database. The Secretary will develop and implement appropriate internal control activities to ensure that public transportation safety incident data is reported accurately and reliably by public transportation systems and state safety oversight agencies to the State Safety Oversight Rail Accident Database.

##### **Timeline:**

The Secretary will report to the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Transportation and Infrastructure within one year of enactment on the steps taken to improve the accuracy and reliability of public transportation safety incident data reported to the State Safety Oversight Rail Accident Database.

## **State of Good Repair Grants**

### **Section 20027**

#### **New Program**

##### **Funding:**

\$2,136,000,000 in FY13 and \$2,166,000,000 in FY14

##### **Program features:**

Federal share is 80 percent with a required 20 percent match. The program comprises two separate formula programs:

##### High Intensity Fixed Guideway

- Comprises 97.15 percent of FY13 and FY14 apportionments
- 50 percent based on SAFETEA-LU formula under FY11 Fixed Guideway Rail Modernization Program, but buses operating on lanes not for exclusive use of public transportation vehicles are excluded
- 50 percent based on revenue vehicle miles and route miles (with the same bus exclusion as above)

##### High Intensity Motorbus

- Comprises 2.85 percent of FY13 and FY14 apportionments
- 60 percent based on revenue vehicle miles
- 40 percent based on route miles of buses operating on lanes not fully reserved only for public transportation vehicles

This new State of Good Repair grant program replaces the Fixed Guideway Modernization Program. The program will distribute funds to fixed guideway systems that use and occupy a separate right-of-way for exclusive public transportation use, rail systems, fixed catenary systems, passenger ferries and bus rapid transit systems. Funding may be used for a variety of activities such as projects to replace and rehabilitate rolling stock, track, line equipment and structures. Funding may also be used for signals and communications, power equipment and substations, passenger stations and terminals, security equipment and systems, maintenance facilities and equipment and operational support equipment.

## **Authorizations**

### **Section 20028**

#### **Existing Program**

##### **Funding:**

\$8,478,000,000 for FY13 and \$8,595,000,000 for FY14

Detailed funding amounts are contained in the FTA's Fiscal Year 2013 apportionment tables and can be found at [http://www.fta.dot.gov/12308\\_14875.html](http://www.fta.dot.gov/12308_14875.html).

##### **Program Features:**

Formula grants are available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5305, 5307, 5310, 5311, 5318, 5322(d), 5335, 5337, 5339, and 5340, and section 20005(b) of the Federal Public Transportation Act of 2012.

## **Bus and Bus Facilities Formula Grants**

### **Section 20029**

#### **New Program**

##### **Funding:**

\$422,000,000 for FY13 and \$427,800,000 for FY14

##### **Program Features:**

The new program is a formula grant program, as opposed to the discretionary grant program in SAFETEA-LU, which provides capital funding to replace, rehabilitate and purchase buses and related equipment and to construct bus-related facilities. It replaces SAFETEA-LU Section 5309 Bus and Bus Facilities Program. \$65.5 million will be distributed to all states and territories with each state receiving \$1.25 million and each territory \$500,000. The remainder will be allocated according to population, vehicle revenue miles and passenger miles. Funds are available for three years after the year that funding is appropriated.

##### **Timeline:**

No later than 30 days after the end of the three-year period, any amount that is not obligated must be added to the amount that may be apportioned under this section in the next fiscal year.

## **DIVISION C—TRANSPORTATION SAFETY AND SURFACE TRANSPORTATION POLICY TITLE I—MOTOR VEHICLE AND HIGHWAY SAFETY IMPROVEMENT ACT OF 2012**

**This title may be cited as the Motor Vehicle and Highway Safety Improvement Act of 2012 or Mariah's Act**

### **Subtitle A—Highway Safety**

#### **Authorization of Appropriations**

##### **Section 31101**

#### **Existing Program**

##### **Funding:**

\$235,000,000 for FY13 and \$235,000,000 for FY14

##### **Program Features:**

- Highway Safety Research and Development - \$110,500,000 for FY13 and \$113,500,000 for FY14
- National Priority Safety Programs - \$265,000,000 for FY13 and \$272,000,000 for FY14
- National Driver Register - \$5,000,000 for FY13 and \$5,000,000 for FY14
- High Visibility Enforcement Program - \$29,000,000 for FY13 and \$29,000,000 for FY14
- For administrative and related operating expenses of the National Highway Traffic Safety Administration - \$25,500,000 for FY13 and \$25,500,000 for FY14

## **Highway Safety Programs**

### **Section 31102**

#### **Existing Program**

##### **Program Features:**

Each state must have a highway safety program that is designed to reduce traffic accidents, the resulting deaths, injuries and property damage. A state may not use funds to carry out a program to purchase, operate or maintain an automated traffic enforcement system (a camera that captures the image of a vehicle for the purposes only of red light and speed enforcement). Performance measures are required for the first highway safety plan submitted. The performance measures in the first safety plan will be developed by the National Highway Traffic Safety Administration and the Governor's Highway Safety Association. For subsequent highway safety plans, the Secretary will coordinate with the Governor's Highway Safety Association in making revisions to the set of required performance measures. The Secretary must approve a state's highway safety plan and submit an evaluation of performance to the appropriate House and Senate committees.

##### **Timeline:**

- Each state shall submit to the Secretary the highway safety plan no later than July 1 of the fiscal year preceding the fiscal year to which the plan applies.
- The Secretary will review and approve or deny the plan 60 days after the date that state's highway safety plan is received.
- No later than October 1, 2015, and biennially thereafter, the Secretary will submit a report to the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation that contains an evaluation of each state's performance with respect to the state's highway safety plan and performance targets set by the states.

## **Highway Safety Research and Development**

### **Section 31103**

#### **Existing Program**

##### **Funding:**

\$2,500,000 of the total amount available for apportionment to the states for highway safety programs in each fiscal year is available by the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, for a cooperative research and evaluation program to research and evaluate priority highway safety countermeasures.

##### **Program Features:**

The Secretary will conduct research and development including the collection and analysis of highway and motor vehicle safety data and related information. The Secretary will collaborate with non-federal entities, including state and local governments, colleges, universities, corporations, partnerships, sole proprietorships, organizations and trade associations that are incorporated or established under the laws of any state or the United States and federal laboratories to encourage innovative solutions to highway safety problems. The Secretary will provide no more than 50 percent of the cost of any research or development project. The Administrator of the National Highway Traffic Safety Administration may carry out a collaborative research effort on in-vehicle technology to prevent alcohol-impaired driving.

## **National Driver Register**

### **Section 31104**

#### **Existing Program**

##### **Program Features:**

The National Driver Register of United States Code is amending with the addition that the Secretary will make continual improvements to modernize the register's data processing system.

## **National Priority Safety Programs**

### **Section 31105**

#### **Existing Program**

##### **Funding:**

The allocation of grant funds to a state for a fiscal year is proportionate to the state's apportionment in FY09.

##### **Program Features:**

The Secretary will award grants to states that adopt and implement safety programs that address national priorities for reducing highway deaths and injuries. Grants to states will be allocated according to the following percentages:

- Occupant protection – 16 percent
- State traffic safety information system improvements - 14.5 percent
- Impaired driving countermeasures – 52.5 percent
- Distracted driving – 8.5 percent
- Motorcyclist safety – 1.5 percent
- State graduated driver licensing laws – 5 percent

## **Emergency Medical Services**

### **Section 31108**

#### **New Program**

##### **Program Features:**

The Secretary of Transportation, in coordination with the Secretary of Health and Human Services and the Secretary of Homeland Security, will establish a National Emergency Medical Services Advisory Council. The council will consist of 25 members, who will be appointed by the Secretary of Transportation and collectively be representative of all sectors of the emergency medical services community. The purpose of the council is to advise and consult with the Federal Interagency Committee on Emergency Medical Services on matters relating to emergency medical services issues and the Secretary of Transportation on matters relating to emergency medical services issues affecting the Department of Transportation. The Advisory Council will meet as frequently as determined necessary and will prepare an annual report to the Secretary of Transportation regarding their actions and recommendations.

## **Repeal of Programs**

### **Section 31109**

#### **Program Features:**

This section repeals the following programs:

- Safety belt performance grants
- Innovative project grants
- State traffic safety information system improvements
- Alcohol-impaired driving countermeasures
- State highway safety data improvements
- Motorcyclist safety
- Child safety and child booster seat incentive grants
- Drug-impaired driving enforcement
- First responder vehicle safety program
- Rural State Emergency Medical Services Optimization Pilot Program

- Older driver safety, law enforcement training

## **TITLE II—COMMERCIAL MOTOR VEHICLE SAFETY ENHANCEMENT ACT OF 2012**

### **Subtitle H—Safe Highways and Infrastructure Preservation**

#### **Comprehensive Truck Size and Weight Limit Study**

##### **Section 32801**

##### **New Program**

##### **Program Features:**

The Secretary, in consultation with each relevant state and other applicable federal agencies will begin a comprehensive truck size and weight limits study. The study must provide data on accident frequency and evaluate factors related to accident risk of vehicles that operate with size and weight limits that are in excess of the federal law and regulations. The study must also evaluate the impacts to the infrastructure in each state that allows a vehicle to operate with size and weight limits that are in excess of the federal law and regulations, in comparison to vehicles that do not operate in excess of federal law and regulations. The Secretary must submit a final report on the study to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure.

##### **Timeline:**

The truck-size-and-weight-limit study will begin no later than 45 days after the date of enactment of this Act. The Secretary must submit the final report on the study no later than two years after the study begins.

#### **Compilation of Existing State Truck Size and Weight Limit Laws**

##### **Section 32802**

##### **New Program**

##### **Program Features:**

The Secretary, in consultation with the states, must begin to compile a list for each state that describes each route of the National Highway System that allows a vehicle to operate in excess of the federal truck size and weight limits. The Secretary must submit a final report of the compilation to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure.

##### **Timeline:**

The Secretary must compile the list for each state no later than 90 days after the date of enactment of this Act. No later than two years after the date of enactment of this Act, the Secretary must submit the final report.

## **TITLE III—INTELLIGENT TRANSPORTATION SYSTEMS RESEARCH**

### **Use of Funds for ITS Activities**

#### **Section 53001**

#### **Existing Program**

#### **Program Features:**

The Secretary will encourage the deployment of Intelligent Transportation System (ITS) technologies that will improve the performance of the National Highway System in such areas as traffic operations, emergency response, incident management, surface transportation network management, freight management, traffic flow information and congestion management. This section allows for accelerating the adoption of innovative technologies

through the use of demonstration programs, grant funding, incentives to eligible entities and other tools, strategies, or methods will result in the deployment of innovative ITS technologies. The Secretary must develop a detailed and comprehensive plan that addresses the manner in which incentives may be adopted, as appropriate, through the existing deployment activities carried out by surface transportation modal administrations.

## **General Authorities and Requirements**

### **Section 53003**

#### **Existing Program**

##### **Program Features:**

The Secretary must continue the ongoing ITS program to research, develop and operationally test the systems and to provide technical assistance in the nationwide application of those systems as a component of the surface transportation systems of the United States. An Advisory Committee must also be established to advise the Secretary. The committee will have no more than 20 members and be balanced between metropolitan and rural interests. The committee must also provide input into the development of the ITS strategic plan and review areas of intelligent transportation systems research being considered for funding by US DOT. Each year, the Secretary must submit a report that includes all recommendations made by the committee during the preceding calendar year, with an explanation of the implementation of the recommendations. For recommendations not implemented, the reasons for rejecting the recommendations must also be included.

##### **Timeline:**

The Secretary shall submit the report to Congress no later than February 1 of each year after the date of enactment of the Transportation Research and Innovative Technology Act of 2012.

## **Research and Development**

### **Section 53004**

#### **Existing Program**

##### **Program Features:**

The Secretary must carry out a comprehensive program of ITS research and development, operational tests of intelligent vehicles, intelligent infrastructure systems and other similar activities. The federal share payable on account of any project or activity carried out must not exceed 80 percent.

## **Vehicle to Vehicle and Vehicle to Infrastructure Communication Systems Deployment**

### **Section 53006**

#### **Existing Program**

##### **Program Features:**

A report must be compiled that assess the status of dedicated short-range communications technology and applications developed through research and development, analyze the known and potential gaps in short-range communications technology and applications and define a recommended implementation path for dedicated short-range communications technology and applications. The report will be submitted to the Senate Committee on Commerce, Science, and Transportation, the Senate Environment and Public Works, the House Committee on Transportation and Infrastructure and the House Committee on Energy and Commerce, and Science, Space, and Technology. The Secretary must enter into agreements with the National Research Council and an independent third party with subject matter expertise for the review of the report.

##### **Timeline:**

The report must be compiled no later than three years of enactment of this section.