

MAP-21 Briefing

Federal Highway Administration Office of Real Estate Services



FHWA Divisions and
State Partners
September 18, 2012

Today's Agenda Topics

- ▶ Effective Dates
- ▶ Early Acquisition Updates
- ▶ Uniform Act Updates
- ▶ Outdoor Advertising Updates
- ▶ Junkyard Control Updates



MAP –21 Updates

▶ SEC.3: EFFECTIVE DATES

- Except as otherwise provided... take effect on October 1, 2012.
- Uniform Act
 - New Benefit Levels October 1, 2014
 - Agency Capacity October 1, 2013
 - Annual Summary Report October 1, 2012



Advance Acquisition of Real Property Interests

- ▶ SEC. 1302(c): Real Property Interests
- ▶ SEC. 1302(b): State Funded Early Acquisitions(at risk)
- ▶ SEC. 1302(c): Federally Funded Early Acquisitions



23 U.S.C. 108(d)(1)

Real Property Interests include:

... Any interest in land; a contractual right to acquire any interest in land; or any other similar action to acquire or preserve right-of-way for a transportation facility



POLL QUESTION #1

Can your State pay for a contractual right to acquire an interest in land?



23 U.S.C. 108(c)
State Funded Early Acquisitions
“At Risk Acquisitions”

*“The Secretary of Transportation
has determined that the real
property interest acquired in
advance of Federal Approval
.....”*



State Funded Early Acquisition

- ▶ 23 U.S.C. 108(c)(3)(C)

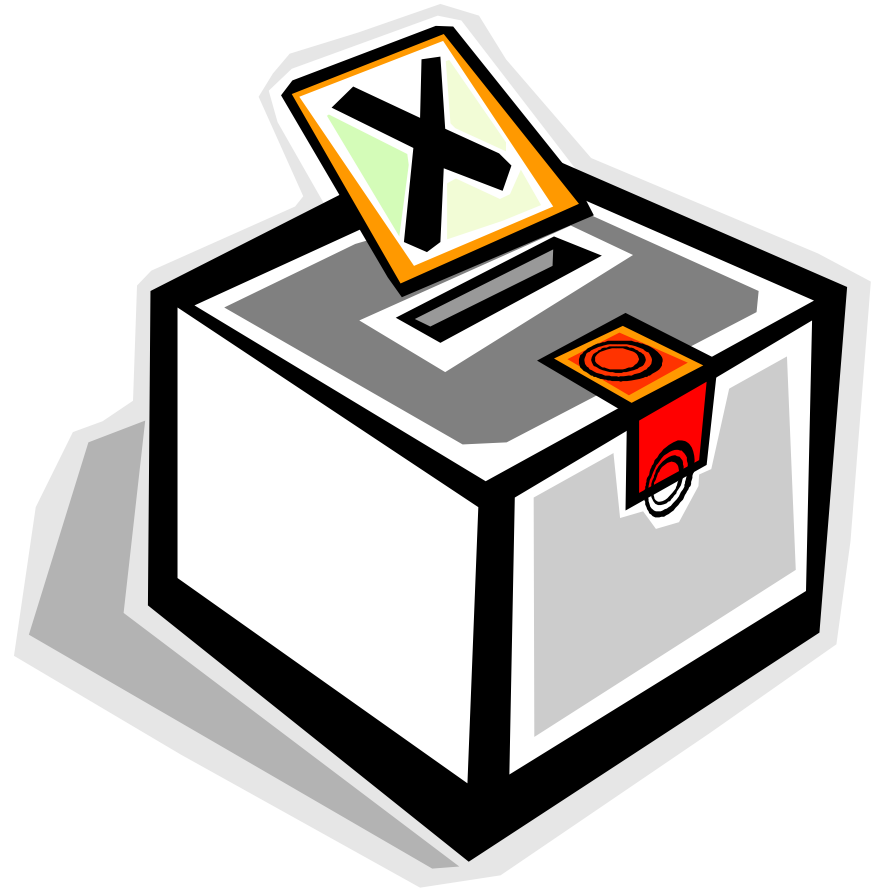


“Comprehensive and Coordinated Land Use, Environment, and Transportation Planning Process”



POLL QUESTION #2

Does your State currently carry out State Funded "At-Risk" acquisitions?



23 U.S.C. 108(d)

Federally Funded Early Acquisitions

- ▶ Authorization
- ▶ State Certification
- ▶ Environmental Compliance
- ▶ Programming
- ▶ Development
- ▶ Reimbursement



23 U.S.C. 108(d)(2) Authorization

The Secretary may authorize the use of funds apportioned to a State under this title for the acquisition of a real property interest by a State.



23 U.S.C. 108(d)(3)

State certification

Concurrence by Secretary that State has:

- Authority to acquire the real property interest under State law;
- Certified that acquisition meets eight criteria;



23 U.S.C. 108(d)(3)(B) Criteria

- (i) for transportation purpose;
- (ii) will not cause significant adverse environmental impact;
- (iii) will not limit choice of reasonable alternatives or otherwise influence the decision;
- (iv) does not prevent impartial decision as to whether to accept an alternative



23 U.S.C. 108(d)(3)(B) Criteria.

- (v) consistent with State transportation planning process under 23 USC 135;
- (vi) complies with other applicable Federal laws;
- (vii) will be acquired through negotiation; and
- (viii) Will not result in a reduction or elimination of benefits or assistance required by URA and Title VI.



SEC. 108(d)(4) Environmental Compliance

(A) Shall complete review under National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for Federally Funded early acquisition

(B) Deems early acquisition project to have independent utility



23 U.S.C. 108(d)(5) Programming

(A) Early acquisition project must be in applicable transportation improvement program.

(B) Early acquisition project may be for acquisition of parcel, a portion of a transportation corridor or an entire transportation corridor.



23 U.S.C.108(d)(6) Development

May not be developed in anticipation of a project until all required environmental reviews for the project have been completed.



23 U.S.C.108(d)(7) Reimbursement

Must be incorporated into a project eligible for surface transportation funds within 20 years to avoid offset of funds apportioned to the State.



NEXT STEP – IMPLEMENTATION

The Divisions are encouraged to have approved policies and procedures prior to using MAP-21 flexibilities on Federal-aid projects and programs.



SEC. 1521: Uniform Act Amendments

Moving and Related Expenses

- Business Reestablishment payments up to \$25,000
- Fixed Payments in lieu of actual moving and reestablishment up to \$40,000

Replacement Housing for Homeowners

- 90 day homeowner - \$ 31,000
- Reduces 180 days to 90 Day occupancy requirement

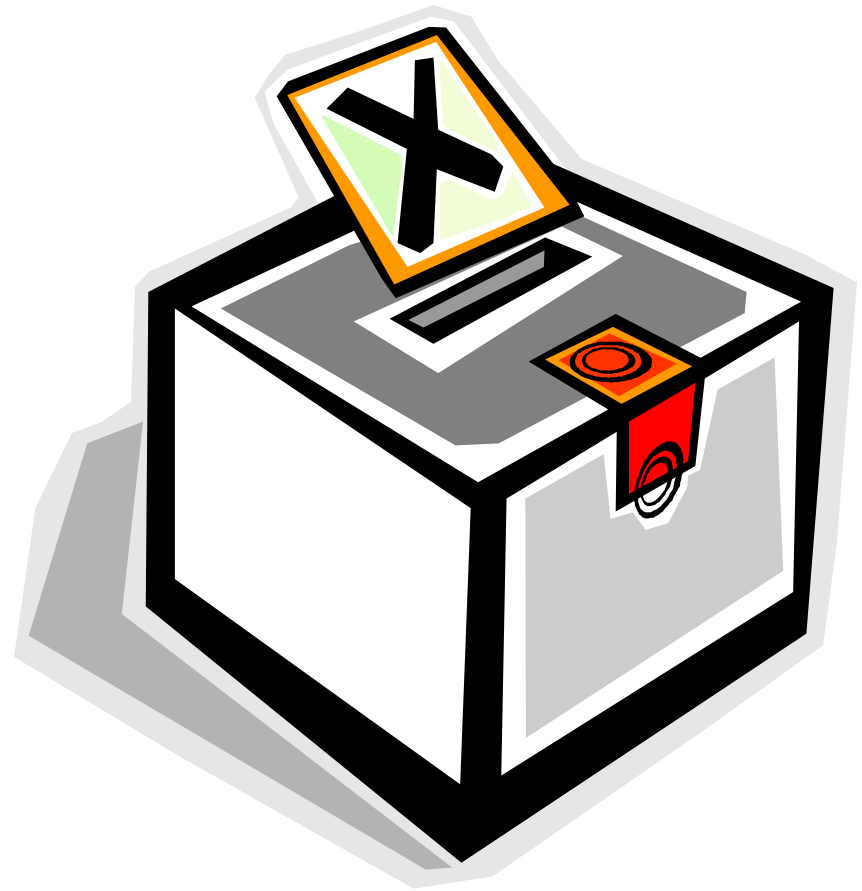
Replacement Housing for Tenants

- 90 day tenants - \$7,200



POLL QUESTION #3

Does your State currently allow in lieu or business reestablishment payments that exceed MAP-21 statutory limits?



SEC. 1521(d)

Adjustment of Relocation Payments

- *Legislation adds this new section 213(d)*
- *Allows Lead Agency to adjust statutory benefits levels through regulation for RHP, in Lieu and Re-establishment payments*
- *Changes can be due to cost of living, inflation or other factors*



SEC. 1521(e)

Uniform Act Amendments

- ▶ Adds new section 213 to the Uniform Act-
(42 USC 4633)
- ▶ Duties of Lead Agency
- ▶ Agency Coordination



SEC. 1104

National Highway System

- ▶ Amends 23 USC 103 to define an enhanced NHS subject to Outdoor Advertising Control
- ▶ Enhanced NHS: additional Routes – approximately 60K miles
- ▶ Q&A's being developed on enhanced NHS



23 USC 136

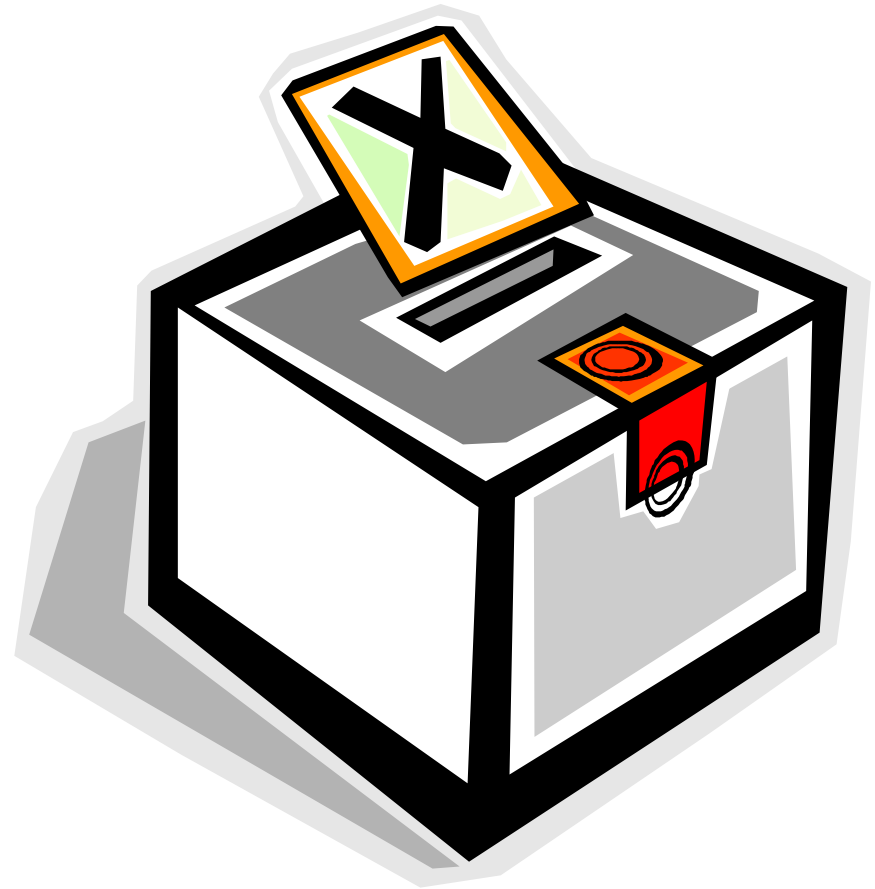
Junkyard Control

- ▶ Junkyard control revisited in MAP-21
- ▶ Junkyard control must now be enforced on the enhanced NHS, not just the Interstate
- ▶ Penalty for not having effective control of junkyards drops from 10% to 7%.



POLL QUESTION #4

Has your State identified any enhanced NHS routes that will require control under the HBA?



Next Steps

- Questions and Answers



Open Discussion

- ▶ Follow-up with Poll Answers
- ▶ Other Questions





Moving Ahead for Progress in the 21st Century
web site at: <http://www.fhwa.dot.gov/MAP21/>

