



U.S. Department of Transportation  
**Federal Highway Administration**

# **Fixing America's Surface Transportation Act (FAST Act)**

## **A Summary of Highway Provisions**

Office of Policy and Governmental Affairs  
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## OVERVIEW

On December 4, 2015, President Obama signed into law Public Law 114-94, the Fixing America's Surface Transportation Act (FAST Act). The FAST Act funds surface transportation programs—including, but not limited to, Federal-aid highways—at over \$305 billion for fiscal years (FY) 2016 through 2020. It is the first long-term surface transportation authorization enacted in a decade that provides long-term funding certainty for surface transportation. This summary reviews the policies and programs of the FAST Act administered by the Federal Highway Administration (FHWA).

The Moving Ahead for Progress in the 21st Century Act (MAP-21), enacted in 2012, included provisions to make the Federal surface transportation more streamlined, performance-based, and multimodal, and to address challenges facing the U.S. transportation system, including improving safety, maintaining infrastructure condition, reducing traffic congestion, improving efficiency of the system and freight movement, protecting the environment, and reducing delays in project delivery. The FAST Act builds on the changes made by MAP-21.

Setting the course for transportation investment in highways, the FAST Act—

- *Improves mobility on America's highways*  
The FAST Act establishes and funds new programs to support critical transportation projects to ease congestion and facilitate the movement of freight on the Interstate System and other major roads. Examples include developing a new National Multimodal Freight Policy, apportioning funding through a new National Highway Freight Program, and authorizing a new discretionary grant program for Nationally Significant Freight and Highway Projects (FASTLANE Grants).
- *Creates jobs and supports economic growth*  
The FAST Act authorizes \$226.3 billion in Federal funding for FY 2016 through 2020 for road, bridge, bicycling, and walking improvements. In addition, the FAST Act includes a number of provisions designed to improve freight movement in support of national goals.
- *Accelerates project delivery and promotes innovation*  
Building on the reforms of MAP-21 and FHWA's Every Day Counts initiative, the FAST Act incorporates changes aimed at ensuring the timely delivery of transportation projects. These changes will improve innovation and efficiency in the development of projects, through the planning and environmental review process, to project delivery.

Following are brief descriptions of many of the FAST Act highway provisions. The applicable section of the Act is noted in brackets.

## INVESTMENT

### **Authorizations** [1101]

The FAST Act authorizes \$226.3 billion in budget authority for Federal-aid highway programs over five years (FY 2016 through FY 2020). This includes \$225.2 billion in contract authority, starting at \$43.1 billion for FY 2016 and growing about two percent each year to \$47.1 billion in FY 2020. The Act also authorizes another \$1.1 billion (over the five years) that is subject to appropriation.

### **Administrative Expenses [1104]**

The FAST Act provides a separate authorization of \$453 million for FY 2016, increasing about two percent each year to \$480.8 million for FY 2020, for FHWA administrative expenses associated with the Federal-aid highway program and Appalachian Regional Commission administration of the Appalachian Development Highway System (ADHS). Of this amount, \$24 million is designated for other purposes each year, as follows:

- On-the-job training supportive services (\$10 million annually)
- Disadvantaged Business Enterprise (DBE) supportive services (\$10 million annually)
- Highway use tax evasion projects (\$4 million annually) [1110]

### **Obligation Limitation [1102]**

The FAST Act establishes an obligation limitation of \$42.361 billion for FY 2016, increasing each fiscal year up to \$46.365 billion for FY 2020, for the purpose of limiting annual highway spending. Distribution of the limitation under the FAST Act is similar to under MAP-21. The Act also continues the requirement to annually recover unused obligation limitation and distribute it as formula limitation to States that can use it before the end of the fiscal year. Funding for the following programs is exempt from the limitation:

- Emergency Relief (ER)
- Demonstration projects from the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and earlier authorization acts (specified)
- Minimum Allocation (prior to the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21))
- \$639 million per year of TEA-21 Minimum Guarantee
- \$639 million per year of Equity Bonus under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and its extension acts
- \$639 million per year of National Highway Performance Program funds (MAP-21 and FAST Act)

### **Formulas [1104]**

The FAST Act maintains the majority of MAP-21's process for apportioning Federal-aid highway funds but makes a few modifications. The apportionment process under the FAST Act is as follows:

- *Step one: Authorize lump sum for apportioned programs.*  
As under MAP-21, the FAST Act authorizes a single amount for each year for all the apportioned highway programs combined. This includes the National Highway Performance Program (NHPP), the Surface Transportation Block Grant Program (STBG, formerly Surface Transportation Program), Highway Safety Improvement Program (HSIP) (including Railway-Highway Crossings), Congestion Mitigation and Air Quality Improvement Program (CMAQ), and Metropolitan Planning, plus a new National Highway Freight Program (NHFP).
- *Step two: Reserve funds for supplemental NHPP and STBG.*  
Of the lump sum apportionment, the FAST Act reserves specified "supplemental" amounts for NHPP (only in FY 2019 and FY 2020) and STBG (each of FY 2016-2020). The remainder is referred to as the "base apportionment."
- *Step three: Calculate each State's share of each of these categories.*  
FHWA calculates an initial amount for each State for each of these three categories (base apportionment, plus supplemental NHPP and supplemental STBG, as appropriate). The calculation is based on the State's share of apportionments in FY 2015.

- *Step four: Adjust initial amounts if necessary to ensure “95 cents on the dollar.”* As necessary, FHWA adjusts each State’s initial amounts to ensure that no State receives—cumulatively across the three categories—less than 95 cents of every dollar it contributed to the Highway Account of the Highway Trust Fund (HTF).
- *Step five: For each State, divide these amounts among apportioned programs.* FHWA then divides the State’s base apportionment—plus any supplemental NHPP and/or STBG funds—between the various apportioned programs, based on procedures specified in statute.

To enhance flexibility, a State may transfer up to 50 percent of any apportionment to another formula program. However, no transfers are permitted of Metropolitan Planning funds, funds suballocated to areas based on population (under either STBG or Transportation Alternatives), or funds set aside for the Recreational Trails Program.

#### **TIFIA [2001]**

The Transportation Infrastructure Financing and Innovation Act (TIFIA) program provides Federal credit assistance to eligible surface transportation projects. The FAST Act reduces TIFIA funding as compared to MAP-21 levels, authorizing approximately \$1.44 billion over five years—starting with \$275 million in FY 2016—to pay the subsidy cost (similar to a commercial bank’s loan reserve requirement) of supporting Federal credit. The FAST Act also calls for a number of program reforms, including: new eligibilities for public infrastructure associated with transit-oriented development, a tighter definition of rural projects, the elimination of the MAP-21 requirement to redistribute uncommitted TIFIA funds, and authority for States to use NHPP and STBG funds to support subsidy and administrative costs of TIFIA credit assistance for projects eligible under those programs.

#### **Tolling and High-Occupancy Vehicles [1411]**

The FAST Act supports and follows-up on the larger changes MAP-21 made to the statutory provisions that govern tolling on highways constructed or improved with Federal funds. Changes include provisions requiring the same treatment of over-the-road buses and public transportation vehicles on certain toll facilities. The FAST Act requires a public authority that operates a high-occupancy toll (HOT) or low emission and energy-efficient vehicle toll lane that is located on the Interstate System and within a metropolitan planning area to consult with the metropolitan planning organization (MPO) for the area regarding the placement and amount of tolls on the HOT lane. Finally, the FAST Act allows a waiver of sanctions for degraded high-occupancy vehicle operation under certain conditions.

In addition, the FAST Act modifies some requirements of the *Interstate System Reconstruction and Rehabilitation Pilot Program*, which allows tolling an existing Interstate highway to finance needed reconstruction or rehabilitation. Specifically, it sets new time limits for an applicant to move from a provisionally-approved application to a complete application that fully satisfies the program’s eligibility and selection criteria, complete the environmental review and permitting process under the National Environmental Policy Act, and execute a toll agreement with the Secretary. States for which FHWA had provisionally approved an application prior to enactment of the FAST Act have a one-year time limit, while provisional approvals subsequent to enactment of the FAST Act will have a three-year time limit. The FAST Act also gives FHWA the authority to extend either of these limits by an additional year if certain conditions in the statute are met.

## HIGHWAY TRUST FUND

### **Operation of the Highway Trust Fund** [31101 and 31102]

The Highway Trust Fund is the source of funding for most of the programs in the Act. The HTF is comprised of the Highway Account, which funds highway and intermodal programs, and the Mass Transit Account. Federal motor fuel taxes are the major source of income into the HTF. However, the FAST Act also transfers into the HTF additional funds to keep the Fund solvent through the end of FY 2020. These include transfers from the General Fund and from the Leaking Underground Storage Tank Trust Fund (a separate trust fund set up for certain environmental cleanup purposes, which is financed with a small portion of motor fuel taxes). The FAST Act includes other provisions and revenue raisers to offset the cost of the transfers made to the HTF. However, reform of the way highway programs are funded remains a challenge for the future.

The FAST Act extends through September 30, 2023, the heavy vehicle use tax. It also extends through September 30, 2022—

- the imposition of the other highway-user taxes (generally at the rates that were in place when the legislation was enacted);
- provisions for full or partial exemption from highway user taxes; and
- provision for deposit of almost all of the highway user taxes into the HTF.

Federal law regulates not only the imposition of the taxes, but also their deposit into and expenditure from the HTF. For the Highway Account, the FAST Act provides authority through September 30, 2020, to expend from the HTF for programs under the Act and previous authorization acts. Beginning on October 1, 2020, expenditures may be made only to liquidate obligations made prior to the September 30, 2020, deadline.

### **Highway Tax Compliance** [1110]

Traditionally, the highway programs of the Federal government and most States depend on highway-user tax receipts as the principal source of funding. The FAST Act continues the Highway Use Tax Evasion program to reduce motor fuel tax evasion, funded at up to \$4 million per year from FHWA administrative funds. Funds may be allocated to the Internal Revenue Service (for efforts including the development, operation, and maintenance of databases to support tax compliance) and the States at the discretion of the Secretary, except that \$2 million per year must be used for intergovernmental enforcement efforts, including research and training. A State may also elect to use 0.25 percent of its STBG funding for fuel tax evasion activities. Finally, the FAST Act modifies annual reporting requirements for States and the Internal Revenue Service, requiring the submission of the reports to Congress (rather than just to FHWA).

## TRANSPORTATION PLANNING

[1201 and 1202]

MAP-21 made a number of reforms to the metropolitan and statewide transportation planning processes, including incorporating performance goals, measures, and targets into the process of identifying needed transportation improvements and project selection. The FAST Act includes provisions to support and enhance these reforms. Public involvement remains a hallmark of the planning process.

The FAST Act continues requirements for a long-range plan and a short-term transportation improvement program (TIP), with the long-range statewide and metropolitan plans now required to include facilities that support intercity transportation, including intercity buses. The statewide and metropolitan long-range plans must describe the performance measures and targets that States and MPOs use in assessing system performance and progress in achieving the performance targets. Additionally, the FAST Act requires the planning process to consider projects/strategies to: improve the resilience and reliability of the transportation system, stormwater mitigation, and enhance travel and tourism.

Finally, in an effort to engage all sectors and users of the transportation network, the FAST Act requires that the planning process include public ports and private transportation providers, and further encourages MPOs to consult during this process with officials of other types of planning activities, including tourism and natural disaster risk reduction. MAP-21 and the FAST Act also change criteria for MPO officials to provide transit provider representatives with equal authority and allow the representative to also serve as the representative of a local municipality.

### **PERFORMANCE MANAGEMENT**

A significant part of the reforms made by MAP-21 included transitioning to a performance-based program, including establishing national performance goals for Federal-aid highway programs. The FAST Act supports and continues this overall performance management approach, within which States invest resources in projects that collectively will make progress toward national goals. The Act also includes two new provisions related to performance management:

- If a State fails to meet (or make significant progress toward meeting) its freight performance targets within two years after establishment of the targets, then the State's next performance report must now include what actions it will take to achieve the targets. [1116]
- The FAST Act shortens the timeframe for States and MPOs to make progress toward meeting performance targets under the NHPP and clarifies the significant progress timeline for the HSIP performance targets. [1406]

### **ACCELERATING PROJECT DELIVERY**

Accelerating project delivery is a major theme of the FAST Act, with 18 separate provisions in the Highway title alone that are designed to increase innovation and improve efficiency, effectiveness, and accountability in the planning, environmental review, design, engineering, construction, and financing of transportation projects.

The FAST Act's project delivery provisions fall within four general categories:

- *Adding new flexibilities to increase efficiencies*, such as exempting some common mid-century bridges from some environmental review, allowing at-risk bridges to be replaced without delays due to nesting swallows, and confirming that certain emergency reconstruction projects are eligible for emergency exemptions or expedited procedures under specific environmental laws. [1303, 1439, 1432]
- *Refining existing authorities*. Examples include a pilot program to allow certain States to use equally as stringent environmental laws and regulations instead of the National Environmental Policy Act (NEPA) and other related regulations for environmental review, and reducing requirements to encourage greater use of the collaborative Planning and Environmental Linkages (PEL) process. [1309, 1305]

- *Adding new tools to help accelerate project delivery.* These changes include requirements for a schedule and checklist as part of a project coordination plan and the addition of specific new timeframes for environmental notices and reviews. Transparency and public access are a focus in all of these changes, with additional requirements for online access and status updates of the NEPA process. [1304]
- *Building on FHWA’s existing activities* to accelerate project delivery, including a requirement to continue the successful Every Day Counts at least every two years. The FAST Act also requires DOT to develop a programmatic agreement template—a process already underway at FHWA before the passage of the FAST Act—and establish an online public access website, similar to the existing permitting dashboard, to publish the status of NEPA and permitting for all projects requiring an environmental impact statement or environmental assessment. [1444, 1315, 1304]

## **HIGHWAY FREIGHT-RELATED PROVISIONS**

### **National Highway Freight Program** [1116]

The FAST Act includes an estimated average of \$1.2 billion per year for a new National Highway Freight Program, which is focused on improving the efficient movement of freight on the National Highway Freight Network (NHFN). Funds are distributed to States by formula for eligible activities, such as construction, operational improvements, freight planning, and performance measurement. Although the program is highway-focused, each State may use up to 10 percent of its NHFP funds for each fiscal year for public or private freight rail, water facilities (including ports), and intermodal facilities. Beginning December 4, 2017, a State must have a State Freight Plan (compliant with 49 U.S.C. 70202 and approved by DOT) in order to obligate NHFP funds.

### **National Highway Freight Network** [1116]

The FAST Act requires FHWA to establish a National Highway Freight Network, to include the Primary Highway Freight System (PHFS), critical rural and urban freight corridors (as designated by the States, and in some cases, by MPOs), and the portions of the Interstate System not included in the PHFS. After the initial designation, FHWA must re-designate the PHFS every five years, with up to three percent growth each time.

### **FASTLANE grants (Nationally Significant Freight and Highway Projects)** [1105]

In addition to the new formula freight program, the FAST Act also establishes a discretionary competitive grant program of \$4.5 billion over five years to provide financial assistance to nationally and regionally significant highway, rail, port, and intermodal freight and highway projects. DOT refers to this program as “FASTLANE” grants (Fostering Advancements in Shipping and Transportation for the Long-term Achievement of National Efficiencies).

Under the program, States, large MPOs, Tribes, localities, and Federal land management agencies may apply for grants for projects, which generally must have a total cost of at least \$100 million. Each year, a minimum amount of funds must be used for rural projects (25 percent) and projects under the \$100 million cost threshold (10 percent).

## MULTIMODAL FREIGHT PROVISIONS

[8001]

In addition to its highway-oriented freight provisions, the FAST Act also includes a number of provisions related to multimodal freight policy and planning. Examples include the following:

- *National Multimodal Freight Policy.* The FAST Act establishes a national multimodal freight policy of maintaining and improving the condition and performance of the National Multimodal Freight Network. It also specifies goals associated with this national policy.
- *National Freight Strategic Plan.* The FAST Act requires DOT to develop, in consultation with a range of stakeholders, a national freight strategic plan, and to update this plan every five years thereafter.
- *National Multimodal Freight Network.* The FAST Act directs DOT to establish an interim National Multimodal Freight Network, to include the NHFN, freight rail systems of Class I railroads, the Great Lakes, the St. Lawrence Seaway, inland and intracoastal waterways, ports and airports that meet specified criteria, and other strategic freight assets. Following a public comment period, DOT must designate a National Multimodal Freight Network, and DOT must redesignate this network every five years thereafter, with input from a wide range of stakeholders.
- *State Freight Advisory Committees.* Both MAP-21 and the FAST Act require DOT to encourage each State to establish a State freight advisory committee, to consist of a representative cross-section of public and private freight stakeholders.
- *State Freight Plans.* To receive funding under the NHFP, the FAST Act requires each State to develop a State Freight Plan by December 4, 2017, which must comprehensively address the State's immediate and long-range freight planning activities and investments.

## OTHER PROGRAMS AND PROVISIONS

### **National Highway Performance Program [1106]**

The FAST Act provides an estimated average of \$23.3 billion per year for the NHPP, which will support the condition and performance of the National Highway System (NHS), enable the construction of new facilities on the NHS, and ensure that investments of Federal-aid funds in highway construction are directed to support progress toward achieving performance targets established in a State's asset management plan for the NHS.

The FAST Act also makes the following changes to NHPP eligibilities:

- At a State's request, the Secretary now may use a State's NHPP apportionment to pay the subsidy and administrative costs for TIFIA credit assistance for an eligible project.
- It provides specific NHPP eligibility for vehicle-to-infrastructure (V2I) communication equipment.
- It allows States to use NHPP funds for reconstruction, resurfacing, restoration, rehabilitation, or preservation of a non-NHS bridge if the bridge is on a Federal-aid highway.

### **Surface Transportation Block Grant Program [1109]**

The FAST Act converts the long-standing Surface Transportation Program into the Surface Transportation Block Grant Program, acknowledging that this program has the most flexible eligibilities among all Federal-aid highway programs and aligning the program's name with how

FHWA has historically administered it. The FAST Act provides an estimated annual average of \$11.7 billion for STBG, which States and localities may use for projects to preserve or improve conditions and performance on any Federal-aid highway, bridge projects on any public road, facilities for nonmotorized transportation, transit capital projects, and public bus terminals and facilities.

The STBG program under the FAST Act continues all prior STP eligibilities and adds a few new ones. A State may now use STBG funds to create and operate a State office to help design, implement, and oversee public-private partnerships (P3) eligible to receive Federal highway or transit funding, and to pay a stipend to unsuccessful P3 bidders in certain circumstances. DOT may also, at a State's request, use the State's STBG funding to pay the subsidy and administrative costs for TIFIA credit assistance for an STBG-eligible project.

Funding for Transportation Alternatives (TA) is set aside from the overall STBG funding amount. After accounting for this set-aside, FHWA distributes a percentage of a State's STBG funds based on population (suballocated), and the remaining funds are available for use anywhere in the State. The suballocated percentage starts at 51 percent in FY 2016, and then grows each year, to 55 percent in FY 2020.

The FAST Act also continues to require FHWA to set aside a portion of a State's STBG funds (equal to 15 percent of the State's FY 2009 Highway Bridge Program apportionment) for bridges not on Federal-aid highways (off-system bridges), unless the Secretary determines that the State's needs are insufficient to justify this amount. Finally, it allows—but does not require—the Governor of a border State to designate up to five percent of the State's STBG funds for border infrastructure projects eligible under the SAFETEA-LU Coordinated Border Infrastructure Program. Funds so designated must be derived from the portion of a State's STBG apportionment available for use in any area of the State.

### **Highway Safety Improvement Program [1113]**

Safety throughout all transportation programs remains DOT's number one priority. Consistent with this, the FAST Act continues the successful HSIP, providing estimated average annual funding of \$2.6 billion and reserving a portion of this funding for the Railway-Highway Crossings Program. The Act also reserves \$3.5 million per year from HSIP for work zone and guardrail safety training, Operation Lifesaver, and safety clearinghouses.

The FAST Act continues to require States to pursue under HSIP a data-driven, strategic, and performance-focused approach to improving highway safety on all public roads. The Act clarifies the range of eligible HSIP projects, limiting eligibility to activities listed in statute (most of which are infrastructure safety-related). It also adds several activities to the list, including V2I communication equipment and certain pedestrian safety improvements. As under MAP-21, States may not use HSIP funds to purchase, operate, or maintain an automated traffic enforcement system that captures an image of a vehicle, except in school zones. [1401]

In order to improve data collection, MAP-21 required DOT to establish a new subset of the model inventory of roadway elements (MIRE) that are useful for the inventory of roadway safety, and to ensure that States adopted and used the subset. The FAST Act allows a State to opt out of collecting MIRE fundamental data elements for gravel or other unpaved roads. States must still collect crash data on these roads. If the State opts out, it may not use HSIP funds on projects on such roads unless or until it collects this data.

**Railway-Highway Crossings Program [1108]**

The FAST Act continues the Railway-Highway Crossings Program, providing funds for safety improvements to reduce the number of fatalities, injuries, and crashes at public railway-highway grade crossings. This funding continues as a set-aside from HSIP, which the FAST Act reserves at an average of \$235 million per year.

**Congestion Mitigation and Air Quality Improvement (CMAQ) Program [1114]**

The CMAQ program, continued in the FAST Act at an estimated average annual funding level of \$2.4 billion, provides a funding source to State and local governments for transportation projects and programs to help meet the requirements of the Clean Air Act. Funding is available to reduce congestion and improve air quality for areas that do not meet the National Ambient Air Quality Standards for ozone, carbon monoxide, or particulate matter (nonattainment areas), as well as former nonattainment areas that are now in compliance (maintenance areas). States with no nonattainment or maintenance areas may use their CMAQ funds for any CMAQ- or STBG-eligible project.

Under the FAST Act, a State with PM<sub>2.5</sub> (fine particulate matter) nonattainment or maintenance areas must use a portion of its funds to address PM<sub>2.5</sub> emissions in such areas. The FAST Act highlights diesel retrofits and port related equipment and vehicles as eligible projects to mitigate PM<sub>2.5</sub>. New exemptions from this PM<sub>2.5</sub> priority set-aside are also included for certain circumstances outlined in the FAST Act. Highlighted CMAQ eligibilities include public transit, bicycle and pedestrian facilities, travel demand management strategies, alternative fuel vehicles, facilities serving electric or natural gas-fueled vehicles (except where this conflicts with prohibition on rest area commercialization) and a new explicit eligibility for V2I communication equipment.

**Transportation Alternatives [1109]**

The FAST Act eliminates the MAP-21 Transportation Alternatives Program (TAP) and replaces it with a set-aside of STBG funding for transportation alternatives. These set-aside funds include all projects and activities that were previously eligible under TAP, encompassing a variety of smaller-scale transportation projects such as pedestrian and bicycle facilities, recreational trails, safe routes to school projects, community improvements such as historic preservation and vegetation management, and environmental mitigation related to stormwater and habitat connectivity. The FAST Act sets aside an average of \$844 million per year for TA. Unless a State opts out, it must use a specified portion of its TA funds for recreational trails projects.

Similar to MAP-21, after the set-aside for the Recreational Trails Program, the FAST Act requires FHWA to distribute 50 percent of TA funds to areas based on population (suballocated), with the remainder available for use anywhere in the State.

States and MPOs for urbanized areas with more than 200,000 people will conduct a competitive application process for the use of TA funds; eligible applicants include tribal governments, local governments, transit agencies, school districts, and a new eligibility for nonprofit organizations responsible for local transportation safety programs. The Act also newly allows each urbanized area of this size to use up to half of its suballocated TA funds for any STBG-eligible purpose (but still subject to the TA-wide requirement for competitive selection of projects).

**Federal Lands and Tribal Transportation Programs [1117-1121, 1123]**

The FAST Act continues to acknowledge the importance of access to Federal and tribal lands. Recognizing the need for all public Federal and tribal transportation facilities to be treated under

uniform policies similar to those that apply to Federal-aid highways and other public transportation facilities, the FAST Act continues a unified program for Federal lands transportation facilities, Federal lands access transportation facilities, and tribal transportation facilities.

- The *Federal Lands Transportation Program (FLTP)* provides an average of \$355 million annually for projects that improve access within the Federal estate (such as national parks, forests, and recreation areas), on infrastructure owned by the Federal government. The FAST Act adds the Bureau of Land Management and other independent Federal land management agencies as FLTP partners. The program includes dedicated annual set-asides for the National Park Service (\$284 million), the Fish and Wildlife Service (\$30 million), and the Forest Service (\$17 million), with additional partners competing for the remaining \$24 million.
- The *Federal Lands Access Program* provides an average of \$260 million annually for projects that improve access to Federal lands on infrastructure owned by States and local governments. Projects providing access to any Federal lands are eligible for this comprehensive program and funds are distributed by formula based on recreational visitation, Federal land area, Federal public road mileage, and the number of Federal public bridges. The FAST Act made no substantive changes to this program.
- The *Tribal Transportation Program* provides an average of \$485 million annually for projects that improve access to and within Tribal lands. This program is generally continued in the same manner, but with a lower set-aside for Bureau of Indian Affairs and FHWA administration of program management and oversight (now 5 percent instead of 6 percent), and a higher set-aside for tribal bridges (now 3 percent instead of 2 percent). Additionally, the FAST Act adds new annual reporting requirements for any entity carrying out a project under this program.
- The *Tribal Self-Governance Program* provides a new opportunity (without additional funding) for qualified tribes to take more direct control and have increased flexibility for the highway and transit funds that they receive from DOT. To participate, a tribe must show three fiscal years of demonstrated financial stability and capability in financial and program management. If this is met, the terms of the agreement will be specified in a multi-year compact between DOT and the tribe. Under an annual agreement, the tribe will plan, consolidate, and receive its full tribal share funding, tribal transit formula funding, and any discretionary/competitive grant funding that is administered by DOT. Using a negotiated rulemaking approach, DOT will establish a committee of representatives from various interest groups, including tribal governments, to negotiate the text of a proposed rule with the goal of reaching consensus on the rule.

The FAST Act also authorizes a new *Nationally Significant Federal Lands & Tribal Projects Program*, with all funds subject to appropriation. If Congress appropriates this funding, the program will provide grants to construct, reconstruct, and rehabilitate nationally-significant projects on Federal or tribal lands. To be eligible, a project must have a total cost of at least \$25 million, with priority for projects costing \$50 million or more. [1123]

### **Emergency Relief [1107]**

The ER program assists Federal, State, tribal, and local governments with the expense of repairing serious damage to Federal-aid, tribal, and Federal Lands highways resulting from natural disasters or catastrophic failures. ER is funded by a permanent authorization of \$100 million per year, so it did not require additional funding authorization under the FAST Act.

However, the FAST Act does make two other changes to the program. First, it clarifies the eligibility of debris removal on facilities eligible under the Emergency Relief for Federally Owned Roads program. Second, it eliminates the prior ability of facilities under the Federal Lands Access Program to qualify for 100 percent Federal share under ER.

#### **Territorial and Puerto Rico Highway Program [1115]**

The FAST Act continues funding for the Territorial Highway program (\$42 million annually) and the Puerto Rico Highway program (\$158 million annually).

#### **Construction of Ferry Boats and Ferry Terminal Facilities [1112]**

Distributed by formula, this program provides \$80 million annually to construct ferry boats and ferry terminal facilities. The FAST Act modifies the formula, now giving more weight to the number of ferry passengers. It also requires FHWA to withdraw unobligated program funds after four years and distribute them to other eligible recipients.

#### **Design Guidelines [1404, 1442]**

The FAST Act enhances design flexibility while promoting safety. Specifically, the Act authorizes alternative design guidelines to better accommodate pedestrian and bicyclists (amendments to 23 U.S.C. 109), and also directs DOT to identify best practices to provide safe and adequate accommodation of all users of the surface transportation network in all phases of project planning, development, and operation.

### **RESEARCH, DEVELOPMENT, TECHNOLOGY, AND EDUCATION**

The FAST Act supports the changes implemented in MAP-21 for a nationally-coordinated research and technology program that addresses fundamental, long-term highway research needs, significant research gaps, emerging issues with national implications, and research related to policy and planning. The Secretary provides leadership for the national coordination of research and technology transfer activities, conducting and coordinating research projects, and partnering with State highway agencies and other stakeholders. All research activities are to include a component of performance measurement and evaluation, should be outcome-based, and must be consistent with the research and technology development strategic plan.

The FAST Act authorizes an average of \$418 million per year for the following six programs: Highway Research and Development (HRD), Technology and Innovation Deployment Program (TIDP), Training and Education, Intelligent Transportation Systems (ITS), University Transportation Research (administered by the Office of the Assistant Secretary for Research and Technology (OST-R)), and the Bureau of Transportation Statistics (administered by OST-R). It also establishes two new discretionary programs:

- the Surface Transportation System Funding Alternatives Program (funded by a set-aside from HRD); and
- the Advanced Transportation and Congestion Management Technologies Deployment Program (funded by set-asides from HRD, TIDP, and ITS).

The following is a description of the research, development, technology, and education programs administered by FHWA.

#### **Highway Research and Development Program [6002]**

The FAST Act provides \$125 million per year for the HRD program. Research areas include highway safety, infrastructure integrity, planning and environment, highway operations,

exploratory advanced research, and operation of the Turner-Fairbank Highway Research Center.

In addition to the general activities described above, the FAST Act reserves some HRD funds for specific purposes:

- \$15 million in FY 2016 and \$20 million in each of FYs 2017-2020 for the Surface Transportation System Funding Alternatives Program. [6020]
- An unspecified amount for each of FYs 2016-2020 as one component of \$60 million in annual funding for the Advanced Transportation and Congestion Management Technologies Deployment Program. [6004]
- Up to \$5 million in FY 2016 to engage the Transportation Research Board to study the actions needed to upgrade and restore the Interstate System to meet the demands of the next 50 years. [6021]
- Up to \$10 million per year for data sets and data analysis tools to assist State, MPO, and FHWA performance management activities. [6028]

#### **Surface Transportation System Funding Alternatives Program [6020]**

The FAST Act sets aside from HRD \$15 million for FY 2016 and \$20 million for each of FY 2017-2020 for a new Surface Transportation System Funding Alternatives Program. The program will provide grants to States to demonstrate user based alternative revenue mechanisms that utilize a user fee structure to maintain the long-term solvency of the Highway Trust Fund. Grants have a maximum Federal share of 50 percent.

#### **Technology and Innovation Deployment Program [6002-6004]**

The FAST Act authorizes an average of \$67.4 million per year for TIDP, which accelerates implementation and delivery of new innovations and technologies that result from highway research and development. Of TIDP funds, FHWA must use—

- at least \$12 million per year of these funds to accelerate the deployment and implementation of pavement technology [6003]; and
- an unspecified amount for each of FYs 2016-2020 as one component of \$60 million in annual funding for the Advanced Transportation and Congestion Management Technologies Deployment Program. [6004]

#### **Training and Education [6002]**

The FAST Act authorizes \$24 million per year for continuation of training and education programs, including the National Highway Institute, the Local Technical Assistance Program (LTAP), the Tribal Technical Assistance Program (TTAP), the Dwight D. Eisenhower Transportation Fellowships, the Garrett A. Morgan Technology and Transportation Education Program, the Transportation Education Development Program, the Freight Capacity Building Program, and the Centers for Excellence in the areas of environment, safety, and project finance. The Federal share for LTAP and TTAP centers remains at 50 percent and 100 percent, respectively.

#### **Intelligent Transportation Systems Program [6005-6010]**

The FAST Act authorizes \$100 million per year for the ITS Program, which conducts research to advance transportation safety, mobility, and environmental sustainability through electronic and information technology applications. The FAST Act adds enhancement of the national freight system to the ITS program goals, along with support for national freight policy goals. The FAST Act also requires FHWA to use an unspecified amount of ITS Program funds for each of FYs 2016-2020 as one component of \$60 million in annual funding for the Advanced Transportation

and Congestion Management Technologies Deployment Program [6004]. Finally, the Act specifies that the program be administered by FHWA.

**Advanced Transportation and Congestion Management Technologies Deployment Program [6004]**

The FAST Act establishes this program to fund eligible entities' model deployment sites for large-scale implementation and operation of a diverse set of advanced transportation technologies in various geographic regions. Program purposes are to reduce costs and improve return on investments, deliver environmental benefits through increased mobility, improve transportation system operations, improve safety, improve collection and dissemination of real-time information, monitor transportation assets, deliver economic benefits, and accelerate deployment of connected/autonomous vehicle technologies. FHWA will award five to ten grants each year, with a maximum grant size of \$12 million and a maximum Federal share of 50 percent. States, local governments or other political subdivisions, transit agencies, large MPOs (representing 200,000 or more population), multijurisdictional groups, and consortia of research or academic institutions may apply. Funding for this program (a total of \$60 million for each of FY 2017-2020) is set aside from HRD, TIDP, and ITS.

**FOR MORE INFORMATION**

Additional information related to the FAST Act, including fact sheets and guidance for individual programs and provisions, is available on the Federal Highway Administration's FAST Act website at [www.fhwa.dot.gov/fastact](http://www.fhwa.dot.gov/fastact). FHWA will continue to add material to this website as it implements the new law.