P.L. 114-94
Fixing America’s Surface Transportation (FAST) Act
Key Highway Provisions
FAST Act

- Signed by President Obama on December 4, 2015
- First long-term authorization act in a decade
- Result of bipartisan cooperation and compromise
- Provides 5 years of funding certainty for infrastructure planning and investment
- Authorizes $305 B (all modes) over FY 2016-2020
- $70 B in transfers to keep the Highway Trust Fund solvent; fully “paid for” (offset) by unrelated savings
$305 B (all modes) over FY2016-2020

<table>
<thead>
<tr>
<th>Program</th>
<th>5-Year Funding (billions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Highway Administration</td>
<td>$ 226.3</td>
</tr>
<tr>
<td>Federal Transit Administration</td>
<td>61.1</td>
</tr>
<tr>
<td>Federal Motor Carrier Safety Administration</td>
<td>3.2</td>
</tr>
<tr>
<td>Pipeline and Hazardous Materials Administration</td>
<td>0.4</td>
</tr>
<tr>
<td>National Highway Traffic Safety Administration</td>
<td>4.7</td>
</tr>
<tr>
<td>Federal Railroad Administration</td>
<td>10.3</td>
</tr>
<tr>
<td>Total</td>
<td>305.0</td>
</tr>
</tbody>
</table>
Key Highway Facts

- $226.3 B for highways over five years (FY 2016-2020)
  - $225.2 B in contract authority
  - $1.1 B from the General Fund

- Builds on the program structure and reforms of MAP-21

- Continued focus on accelerating project delivery

- Adds a new freight formula and expands freight network

- Adds a new discretionary program for nationally significant freight and highway projects

- Provides a new tribal self-governance option
Highway contract authority grows each year

Highway Authorizations from Trust Fund (billions)

- FY 2015: $41.0
- FY 2016: $43.1
- FY 2017: $44.0
- FY 2018: $45.0
- FY 2019: $46.0
- FY 2020: $47.1
APPORIONED PROGRAMS
## Growth Varies by Program

<table>
<thead>
<tr>
<th>Program</th>
<th>Avg. Annual Funding (millions)</th>
<th>Change from FY 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Highway Performance Program</td>
<td>$ 23,280</td>
<td>+6.3%</td>
</tr>
<tr>
<td>Surface Transportation Block Grant Program</td>
<td>11,654</td>
<td>+15.6</td>
</tr>
<tr>
<td><strong>Transportation Alternatives Set-aside</strong></td>
<td>[760]</td>
<td>+3.3</td>
</tr>
<tr>
<td><strong>Recreational Trails Program Set-aside</strong></td>
<td>[84]</td>
<td>0.0</td>
</tr>
<tr>
<td><strong>Surface Transportation Block Grant Program (net of TA &amp; Rec Trails)</strong></td>
<td>[10,809]</td>
<td>+7.3</td>
</tr>
<tr>
<td>Congestion Mitigation &amp; Air Quality Improvement</td>
<td>2,405</td>
<td>+6.1</td>
</tr>
<tr>
<td>Highway Safety Improvement Program</td>
<td>2,317</td>
<td>+5.7</td>
</tr>
<tr>
<td>Railway-Highway Crossings Program</td>
<td>235</td>
<td>+6.8</td>
</tr>
<tr>
<td>Metropolitan Planning</td>
<td>343</td>
<td>+9.5</td>
</tr>
<tr>
<td>National Highway Freight Program</td>
<td>1,249</td>
<td><strong>NEW</strong> +100.0</td>
</tr>
</tbody>
</table>
92% of Highway Funds Are Apportioned

- National Highway Freight Program
- National Highway Performance Program
- Surface Transportation Block Grant (STBG) Program
- Metro Planning
- Rec Trails
- Transportation Alternatives
- Grade Crossings
- CMAQ
- HSIP

$207.4 B over 5 years
# Changes to NHPP and STP

<table>
<thead>
<tr>
<th>Prgm</th>
<th>Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>NHPP</td>
<td>• TIFIA costs and V2I communication equipment now eligible</td>
</tr>
<tr>
<td></td>
<td>• Bridge resurfacing/preservation/reconstruction on non-NHS Federal-aid highways now eligible</td>
</tr>
<tr>
<td>STP</td>
<td>• Renamed: Surface Transportation Block Grant Program (STBG)</td>
</tr>
<tr>
<td></td>
<td>• Eligibilities restated with none eliminated; new eligibilities for TIFIA costs, State P3 office, V2I communication equipment</td>
</tr>
<tr>
<td></td>
<td>• In border States, up to 5% for infrastructure projects eligible under the SAFETEA-LU border program</td>
</tr>
<tr>
<td></td>
<td>• More suballocation: +1%/year up to 55% (vs. 50% today)</td>
</tr>
<tr>
<td></td>
<td>• Set-asides for Transportation Alternatives and Recreational Trails (see next slide)</td>
</tr>
</tbody>
</table>
## Changes to TAP, CMAQ, and HSIP

<table>
<thead>
<tr>
<th>Prgm</th>
<th>Changes</th>
</tr>
</thead>
</table>
| “TAP”  | • Same program, but no longer called TAP; no name specified  
        • All funds set aside from STBG (vs. from all formula programs today)  
        • Nonprofits responsible for local transportation safety programs may be project sponsors |
| CMAQ   | • Installation of V2I communication equipment eligible  
        • Port-related equipment & vehicles eligible under PM2.5 set-aside  
        • Reduction of PM2.5 set-aside for low population density States (under certain conditions) |
| HSIP   | • Only listed project types eligible—mostly infrastructure-related  
        • Adds eligibility for V2I communication equipment and certain pedestrian safety improvements  
        • State need not collect certain data on unpaved roads (but can’t use HSIP funds on those roads until it collects the data) |
FREIGHT
National Highway Freight Program | NEW

- $1.2 B / year (average), apportioned to States by formula

- Eligible activities include construction, operational improvements, freight planning and performance measures

- Highway focus, but ≤10% for rail/port/intermodal projects

- States required to have freight plans to obligate NHFP funds (beginning December 4, 2017)

- Federal share is determined under 23 USC 120

- Repeals special Federal share for freight projects
FASTLANE Grants | NEW
(Nationally Significant Freight & Hwy. Projects)

- $900 M/year (average) for competitive grants or TIFIA loans for projects >$100 M (reduced for States w/ small programs)

- Eligible activities:
  - Highway freight projects on National Highway Freight Network
  - NHS highway/bridge projects, projects in National Scenic Areas
  - Freight rail/intermodal/port projects ($\leq$500 M over 5-year period)
  - Rail-highway grade crossing or grade separation projects

- States, large MPOs, Tribes, localities, and FLMAs may apply

- OST selects projects; Congress has 60 days to disapprove

- Set-asides for rural areas and projects below cost threshold
Other Freight Provisions

• Freight policy goals and multi-modal national freight strategic plan

• State freight plans (required) & advisory committees (encouraged)

• National multimodal freight network

• National Highway Freight Network, to include:
  • Primary Highway Freight System (PHFS); initially 41K miles
  • Critical rural freight corridors identified by States
  • Critical urban freight corridors with State-MPO consultation
  • Portions of Interstate System not included in the PHFS

• Primary Highway Freight System re-designated every 5 years (with up to 3% growth)
# Federal Lands & Tribal Programs

<table>
<thead>
<tr>
<th>Program</th>
<th>Average Annual Funding (millions)</th>
<th>Change from FY 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Lands Transportation Program</td>
<td>$355 [284] [30] [17] [24]</td>
<td>+18.3%</td>
</tr>
<tr>
<td>National Park Service</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish &amp; Wildlife Service</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest Service</td>
<td><strong>NEW</strong></td>
<td></td>
</tr>
<tr>
<td>Remainder (competitive)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Lands Access Program</td>
<td>260</td>
<td>+4.0</td>
</tr>
<tr>
<td>Tribal Transportation Program</td>
<td>485</td>
<td>+7.8</td>
</tr>
<tr>
<td>Nationally Significant Federal Lands and Tribal Projects (General Fund)</td>
<td>100</td>
<td>+100</td>
</tr>
</tbody>
</table>
Federal/Tribal Lands Program Changes

• Tribal Transportation Program
  • Less funding for BIA/FHWA oversight; more funding for tribal bridges
  • New annual reporting by Tribes

• Federal Lands Transportation Program
  • New partners: Bureau of Reclamation and other independent agencies
  • Dedicated funds for Park Service, Fish & Wildlife, Forest Service | NEW

• Emergency Relief
  • Clarified eligibility for debris removal on ERFO-eligible facilities
  • Access program facilities no longer eligible for 100% Federal share

• Nationally Significant Federal Lands & Tribal Projects | NEW
  • Discretionary grants for large Federal and tribal lands projects
  • All funds subject to appropriation
Tribal Self-Governance Program | NEW

• More responsibility and flexibility for participating Tribes
  • Tribe assumes responsibility for use of highway/transit funding
  • Tribe receives significant flexibility in use of funds
  • Funding must be used for the authorized purpose

• To participate, Tribe must demonstrate three FYs of financial stability and capability in financial and program management

• DOT and Tribal relationship/terms specified in multi-year compact

• Under annual agreement, Tribe plans, consolidates, and receives—
  • Full Tribal share funding
  • Tribal transit formula funding
  • Discretionary/competitive grant funding administered by DOT

• DOT to initiate negotiated rule within 90 days; NPRM in 21 months
RESEARCH, DEVELOPMENT, TECHNOLOGY & EDUCATION
## RDT&E Funding

<table>
<thead>
<tr>
<th>Program</th>
<th>Avg. Annual Funding (millions)</th>
<th>Change from FY 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highway R&amp;D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alternative Funding Demonstration Grants</td>
<td>$ 125.0*</td>
<td>+8.7%</td>
</tr>
<tr>
<td>Future Interstate Study</td>
<td>[19.0]</td>
<td></td>
</tr>
<tr>
<td>Performance Management Data Support</td>
<td>[1.0]</td>
<td></td>
</tr>
<tr>
<td></td>
<td>[up to 10.0]</td>
<td></td>
</tr>
<tr>
<td>Technology &amp; Innovation Deployment Program</td>
<td>67.4*</td>
<td>+7.8</td>
</tr>
<tr>
<td>Accelerated Implementation of Pavement Tech.</td>
<td>[12.0]</td>
<td></td>
</tr>
<tr>
<td>Training &amp; Education</td>
<td>24.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Intelligent Transportation Systems Research</td>
<td>100.0*</td>
<td>0.0</td>
</tr>
<tr>
<td>University Transportation Centers</td>
<td>75.5</td>
<td>+4.1</td>
</tr>
<tr>
<td>Bureau of Transportation Statistics</td>
<td>26.0</td>
<td>0.0</td>
</tr>
<tr>
<td>*Advanced Transportation &amp; Congestion Management Technologies Deployment Grants (to be funded from Highway R&amp;D, TIDP, &amp; ITS Research)</td>
<td>[60.0]*</td>
<td></td>
</tr>
<tr>
<td>Flexible funding in HRD, TIDP, and ITS programs</td>
<td>200.0</td>
<td>-24.7</td>
</tr>
</tbody>
</table>
Planning & Performance

- More consultation and participation
  - Enables participation by public ports, private transportation providers
  - Encourages MPO consultation with other types of planning activities

- Changes to selection criteria for MPO officials

- Other changes to planning and performance
  - TIPs/STIPs/long-range plans must include facilities that support intercity transportation
  - New planning considerations: resiliency/reliability, stormwater mitigation, and enhancement of travel/tourism
  - Long-range State plan must describe perf. measures and targets
  - Consequence (reporting) for State making insufficient progress toward freight targets
Accelerating Project Delivery

A major theme of the FAST Act, with 18 separate provisions in the highway title alone.

The Act—

• Adds New Flexibilities
  • Section 4(f) exemption for some bridges
  • Authorizes taking of nesting swallows in at-risk bridges

• Refines Existing Provisions
  • Narrows concurrence requirement for PEL
  • Pilot for substitution of State law for NEPA
Accelerating Project Delivery, cont’d

• Adds to Procedural Requirements
  • Requires a schedule, a checklist, and response to project initiation
  • Adds some new specific time frames for notices and reviews

• Builds on Existing Activities
  • Requires permitting dashboard (but covers all EISs & EAs)

• DOT to maximize use of authority to delegate project oversight to States on both a project and programmatic basis
OTHER PROGRAMS & PROVISIONS
TIFIA and Ferry Boat Programs

• Changes to TIFIA (beyond 71% funding cut)
  • New eligibilities for transit-oriented development (TOD), capitalizing rural projects fund in a SIB
  • Lower min. cost ($10 M) for local govt. applicants and for TOD
  • TIFIA now eligible under NHPP, STBG, Nationally Significant Freight and Highway Projects
  • No more requirement to redistribute uncommitted TIFIA funds
  • Reserves at least $2 M to be used in lieu of fee payment by applicants for loans for projects costing less than $75 M

• Changes to ferry program
  • Formula now gives more weight to number of ferry passengers
  • After 4 years, FHWA withdraws unobligated Ferry program funds (and distributes them to other eligible recipients)
Tolling/HOV

• Tolling –
  • Technical clean up of statutory language
  • Requires same treatment on certain toll facilities for over-the-road buses and transit buses
  • Must consult MPO on toll placement/amount for HOT lanes on Interstate facilities within metropolitan planning area

• ISRRPP – Expiration timeframe for provisional approvals:
  • Those in place before FAST Act expire 1 year after enactment of FAST Act (with possible 1-year extension)
  • New ones (post-FAST) expire after 3 years (w/possible 1 yr. extension)

• Allows waiver of sanctions for degraded HOV operation under certain conditions
Highway Design

• On NHS, design "shall consider" (previously “may take into account”)—
  • constructed/natural environment
  • environ., scenic, aesthetic, historic, community, & preservation impacts
  • access for other modes
  • cost savings via flexibility in current design guidance/regulations | NEW

• DOT to consider AASHTO Highway Safety Manual, NACTO Urban Street Design Guide

• Encouragement for States/MPOs to adopt standards for Fed. projects that accommodate motorized and non-motorized users

• Locality may use different roadway publication than State (with State approval) in certain circumstances
Other Provisions

• Specifically allows multiple similar bridge projects to be handled (“bundled”) into a single project

• DOT to designate national electric vehicle charging and hydrogen, natural gas, and propane fueling corridors

• Encouragement of vegetation management practices that improve habitat and forage for pollinators

• State may opt for Federal share <100% for Appalachian Development Highway System (ADHS) projects